

July 22, 2008

Called Meeting

CALLED MEETING
FLOYD COUNTY BOARD OF COMMISSIONERS
July 22, 2008 12:00 P.M.

PRESENT: Chairman Jerry Jennings, Commissioners Garry Fricks, Eddie Lumsden, and John Mayes.

OTHERS

PRESENT: County Attorney Tommy Manning, County Clerk Kathy Arp, County Manager Kevin Poe, and Assistant Manager Blaine Williams.

ABSENT: Commissioner Chad Whitefield.

CALL TO ORDER: Chairman Jennings called the meeting to order.

INVOCATION: Commissioner Mayes led the Invocation.

PLEDGE OF

ALLEGIANCE: The Pledge of Allegiance was led by Commissioner Lumsden.

**PUBLIC HEARING TO RECEIVE COMMENTS
REGARDING 2008 MILLAGE RATE:**

Chairman Jennings called for a motion to open the Public Hearing to receive comments regarding the 2008 Millage Rate. Commissioner Lumsden made a MOTION to open the Public Hearing. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Fricks
" Lumsden
" Mayes
Chairman Jennings

Motion Carried

Chairman Jennings asked if there is anyone wishing to speak in regards to the 2008 proposed Millage Rate. County Manager Poe stated the advertised Millage Rate for the 2008 M&O was 8.950. He stated the current M&O millage rate is at 8.100. The Fire and Solid Waste are proposed to stay at the same levels. He stated based on a sales tax collection summary provided by Gary Burkhalter, Comptroller/Finance Director, comparing July 2008 to July 2007,

we have had a \$73,000, or 9% decrease over the total last year. We are behind projections over \$118,000. He stated one of the reasons why we are looking at a proposed millage rate increase is because of the revenue sources. He stated he has asked all department heads to provide a 1% reduction in their current budget. He stated we are not looking at any kind of reduction in workforce, or any drop in service levels, at this point.

Chairman Jennings stated nobody likes to hear of a tax increase in any economic time or period. He stated we are in difficult economic times now, and that makes it difficult for us to raise any of the tax rates. He asked Mr. Poe, as the County Manager, to sharpen his pencil and go back and see where else that they can make some cuts with this millage rate. He stated he understands more than likely we are going to have to raise millage rates some, but let us make this hit as small as we can possibly make it.

Seeing no citizens that desired to speak, Chairman Jennings called for a motion to close the Public Hearing. Commissioner Mayes made a MOTION to close the Public Hearing. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Fricks

"

Lumsden

"

Mayes

Chairman Jennings

Motion Carried

ADJOURNMENT:

There being no further business to come before the Board, MOTION was made by Commissioner Mayes, SECOND by Commissioner Fricks, that the meeting be adjourned. VOTING:

YES

NO

Commissioner Fricks
" Lumsden
" Mayes
Chairman Jennings

Motion Carried

**FLOYD COUNTY BOARD OF
COMMISSIONERS**

JERRY JENNINGS, CHAIRMAN

Regular Meeting

**REGULAR MEETING
FLOYD COUNTY BOARD OF COMMISSIONERS
July 22, 2008 6:00 P.M.**

PRESENT: Chairman Jerry Jennings, Commissioners Garry Fricks, Eddie Lumsden, and John Mayes.

OTHERS

PRESENT: County Attorney Tommy Manning, County Clerk Kathy Arp, County Manager Kevin Poe, and Assistant County Manager Blaine Williams.

ABSENT: Commissioner Chad Whitefield.

CALL TO ORDER: Chairman Jennings called the meeting to order.

INVOCATION: Commissioner Mayes led the Invocation.

PLEDGE OF

ALLEGIANCE: The Pledge of Allegiance was led by Commissioner Lumsden.

PUBLIC PARTICIPATION:

Laura Payntner, 192F Old Shannon Road, read a prepared statement.

Spencer Brewer, 173 Lavender Road NW, stated on April 22, 2008, he addressed this Commission concerning the ULDC Sign Ordinance. Mr. Brewer was advised that revisions to the Sign Ordinance are being reviewed.

Leigh Patterson, District Attorney, stated she is here on behalf of her investigators. She stated she spoke with Commissioner Lumsden about this earlier today, and she would like to have them included in whatever pay study they do involving all of these other officers that are here. She stated the investigators are POST certified. She presented copies of local legislation, and a letter that was written from the Georgia Peace Officers Standards and Training Council in 1991, that she stated recognizes the DA's Office as a law enforcement agency. She stated that means that anybody that is employed as an investigator has to undergo the same training and same requirements through POST in order to be POST certified. She stated these guys work really hard in her office. She knows they are small department compared to the Floyd County Police Department, the Prison, or any of these other areas, but she does not want the Commissioners to forget them because they help them out everyday, and help out the victims of crime in this county. She thanked the Board.

Ms. Serpentfoot, 324 Forsyth Street, stated she had notified the county that she would sue the county, the city, David Doss, and Tom Hackett on that petition she notified them about, but she decided to drop the county from it. She stated they have made a lot of progress. She sees a lot of difference between Floyd County and the City of Rome. She stated she appreciates they did recognize their first county courthouse recently. She stated the church has invited everyone to attend, and the Commissioners would be special guests. She stated one reason she dropped the county from that suit was that the census report showed that between 2006 and 2007 Floyd County gained 833 citizens. She stated with the City of Rome promoting itself as a model city, Forbes Magazine, and all the others, and with it annexing county residents continuously, the City of Rome still lost more residents than any other city in the eight county Northwest Georgia region. She stated the City of Rome lost 61 citizens. She stated she hopes they will put a stop to the annexing. They ought to have some way of gaining citizens other than just annexing them. She stated people have a choice to go where they have a little bit of liberty. For the fifth time now, the City of Rome has tried to condemn her house and tear it down. She stated previously they singled her out. Maybe they did not like her and were trying to drive her out of town, but now they are getting everybody on the street. She stated it is redevelopment, and they not only want to take public tax money for Mr. Doss and Mr. Hackett, but the City of Rome contracted to destroy the graves on Chief John Ross' home site. They are going to use

public funds to finance him a business there where he used his office for his own private gain to get the bridge here. She stated she can understand why Rome is losing more citizens than any other place in Northwest Georgia. Not only using tax money for the private gain of certain individuals, but also they want to rob the schoolchildren of the money set aside for their education. She stated she hopes they will stop that, that they will oppose that, and not use TAD money for the schools to rob the tots of their education. She has seen a difference between Rome and Floyd County. She appreciates that the county is doing better, and hopes to see more. She thanked the Board.

ADOPTION OF MINUTES:

Chairman Jennings asked if the minutes were in order. County Attorney Tommy Manning stated the minutes had been reviewed and were in order. Commissioner Mayes made a MOTION to adopt the minutes of the Regular Meeting of July 8, 2008. SECOND by Commissioner Lumsden. VOTING:

YES

NO

Commissioner Fricks
" Lumsden
" Mayes
Chairman Jennings

Motion Carried

FIRST READINGS (PUBLIC HEARINGS TO BE HELD AUGUST 12, 2008 AT 2:00 P.M.)

- 1. FILE #74-2008Z, REQUEST REZONING FROM H-TR HIGH DENSITY TRADITIONAL RESIDENTIAL TO C-C (COMMUNITY COMMERCIAL) TO MARKET PROPERTY LOCATED AT 3132 MAPLE STREET. ZONING MAP J16X – PARCEL 280. (PLANNING COMMISSION RECOMMENDATION: APPROVE. [VOTE: 8-0]).**

Chairman Jennings stated the Public Hearing for this item will be held on August 12, 2008 at 2:00 p.m.

PUBLIC HEARINGS:

- 1. PUBLIC HEARING TO RECEIVE COMMENTS REGARDING 2008 MILLAGE RATE:**

Chairman Jennings called for a motion to open the Public Hearing. Commissioner Lumsden made a MOTION to open the Public Hearing to receive comments regarding the 2008 Millage Rate. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Fricks
" Lumsden
" Mayes
Chairman Jennings

Motion Carried

Chairman Jennings asked County Manager Poe to share some information regarding the Millage Rate. County Manager Poe stated the current M& O is 8.10. The proposed 2008 M&O reflects an increase to 8.95. He stated the Fire and Solid Waste Millage Rate is remaining the same. The proposed advertised increase in Millage Rate would raise the total to 11.283.

Chairman Jennings asked if there is anyone who wishes to speak for or against the proposed Millage Rate. He stated they are not particularly happy at these economic times to be increasing the Millage Rate as is proposed here. He stated they are asking the County Manager to go back to the table and figure out some places that they can do some cutting, to at least lessen the burden of a tax increase on all of us as citizens of Floyd County.

Seeing no citizens that desired to speak, Chairman Jennings called for a motion to close the Public Hearing. Commissioner Mayes made a MOTION to close the Public Hearing. SECOND by Commissioner Lumsden. VOTING:

YES

NO

Commissioner Fricks
" Lumsden
" Mayes
Chairman Jennings

Motion Carried

County Manager Poe stated that they will have one more Public Hearing on July 29, 2008 at 12:00 p.m. He stated that will be a Called Board Meeting at which time the Millage Rate will be set.

CHAIRMAN'S REPORT:

No Report.

COMMISSIONER'S REPORT:

1. Administrative/Finance Committee – Commissioner Whitefield, Chairman

No Report.

2. Public Safety Committee – Commissioner Lumsden, Chairman

No Report.

3. Public Works Committee – Commissioner Mayes, Chairman

a. Accept Edenbury Court, SE and Detention Pond for Edenbury Subdivision onto County Maintenance.

Commissioner Mayes made a MOTION to accept Edenbury Court SE and Detention Pond for Edenbury Subdivision onto County Maintenance. SECOND by Commissioner Lumsden. VOTING:

YES

NO

Commissioner Fricks

" Lumsden

" Mayes

Chairman Jennings

Motion Carried

4. Water Committee – Commissioner Fricks, Chairman

No Report.

5. Judicial Services Committee – Commissioner Jennings, Chairman

No Report.

6. Special Committee Reports

a. SPLOST Committee (Lumsden)

No Report.

b. Work Release Committee (Lumsden, Mayes)

No Report.

c. Fire Overview Committee (Lumsden, Whitefield)

No Report.

d. Joint Services Committee (Jennings, Whitefield)

No Report.

e. Joint Development Oversight Committee (Mayes, Whitefield)

No Report.

f. Transportation Committee (Whitefield)

No Report.

g. Special Public Safety Committee (Jennings, Lumsden)

a. Discuss Proposed New Public Safety Pay Plan Adjustments.

County Manager Poe reviewed the proposed pay plan. He stated the proposal came out of the Special Public Safety Committee and the Public Safety Committee. He stated on October 1, 2008 they are proposing to implement a service factor salary adjustment for all of the departments affected. They are also looking to increase all of the salaries that are under minimum, to half way to the new minimum. He stated in July 2009 they are looking to do an across the Board adjustment for all employees. He stated the Commission will have some latitude in what that percentage will be. At this time, 3% is being recommended. He stated then in October 2009, they would complete the increase to the new minimum salary or an additional 2% salary adjustment for all Public Safety positions. He stated the departments that are proposed to be included in this plan are the Police Department, the Prison, the Sheriff's Office, E-911, Animal Control, Emergency Management Agency, and all POST Certified Correctional Officers in the Public Works, Recreation, Recycle Center, Forum, and Facilities Management Departments.

He stated based on working with this committee, these were the goals of what the proposed Public Safety Pay Adjustments were to be. He stated basically it is to help the county retain Public Safety employees. They are hoping that the results of the new Public Safety Plan will be: a reduction in turnover; improve staffing levels leading to safer working conditions; improved morale; and cost savings in training new personnel. He stated the new Public Safety Pay Plan proposes to address the following issues: 1) relieve pay scale compression; 2) remedy most of the pay and equities; 3) and raise pay to make Floyd County more competitive with surrounding agencies. He stated along with implementing this plan, he recommends that the County Commission

support keeping the Special Public Safety Committee active to continue to monitor the performance of the new plan, to discuss additional options to improve and maintain pay and benefits, and to assist with gathering information to keep the pay plan up to date. Additionally he recommended that the county perform a comprehensive pay study at least every three years, and that our goal will be to perform the study in house. He stated they have a list of the minimum salaries and there are three columns showing all of the positions, the existing minimum salaries, what the Floyd County Pay Study recommended, and what the committee proposal was. He stated on several of these minimums the committee has gone along with what the pay study recommended. There are several middle management positions that they are recommending a higher minimum salary, but that would be the new minimum pay for all of those positions as listed.

He stated this would go into effect, if approved, beginning October 1, 2008. They did talk about the financing, and as the Commissioners mentioned, this is a tough budget year. He stated next year is going to be even tougher, but he thinks we are all willing to do what we can to make this program go through. He stated they feel like it is time that they address this issue and go ahead and hit it "head on" to implement it all at once over this one year period of time. Chairman Jennings stated they have been asked by the District Attorney to look at the pay of the investigators in that department. He stated he believes that there are also some investigators in the Public Defenders Office. He stated he would propose that they have some conversation with the District Attorney and the Public Defenders Office in regards to those investigators.

County Manager Poe stated he would like to thank everyone on the committee. Chairman Jennings stated he can speak for the Commission that they appreciate the work of that committee. He stated they did a great job of gathering data and information, and communicating with each of the departments. He stated he was impressed with their levelheadedness, and yet their assertiveness, in regards to all persons working in public safety. They applaud them and appreciate their hard work. He stated the Commission is trying to do their little part to reward that effort. Commissioner Lumsden stated he would like to say how much he appreciates the committee and the give and take that took place. Also, a special word of thanks to County Manager Poe, Human Resources Director Larry Johnson, and Finance Director/Comptroller Gary Burkhalter for taking all of the information that they were given, and the points that were raised, to iron out some things that will hopefully address the problems that have been raised and make it a better environment for them.

Commissioner Lumsden made a MOTION to accept the Manager's recommendation and accept the pay plan. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Fricks
" Lumsden
" Mayes
Chairman Jennings

Motion Carried

CLERK'S REPORT:

Consent Agenda

County Clerk Kathy Arp stated there are three items on the Clerk's Consent Agenda, which have been reviewed and are submitted for approval. Commissioner Mayes made a MOTION to approve the Clerk's Consent Agenda as presented. SECOND by Commissioner Lumsden. VOTING:

YES NO

Commissioner Fricks
" Lumsden
" Mayes
Chairman Jennings

Motion Carried

1. Tax Refunds:

- a. **Miltson Inc., 1675 Alderbrook Road, Atlanta, \$109.45**
- b. **Jay Zandman, 1675 Alderbrook Road, Atlanta, \$6.09**

2. Authorize execution of Revised FY2009 Capacity Agreement Approve between Floyd County and the Georgia Department of Corrections to House State Inmates at the Floyd County Prison.

3. Temporary Malt Beverage License, Kristen Funk/Opi's Grille LLC, 7080 New Calhoun Highway. (Beer)

MANAGER'S REPORT:

- 1. AUTHORIZE EXECUTION OF WORK AUTHORIZATION NO. 15 FROM LPA GROUP FOR PROFESSIONAL SERVICES RELATED TO LAND ACQUISITION SERVICES AT RICHARD B. RUSSELL REGIONAL AIRPORT:**

County Manager Poe stated this is retaining our engineer of record at the airport, to help in securing property adjacent to the airport. He stated we have to follow some pretty stringent federal and state guidelines to be eligible for federal funding for this project, and we want to utilize the engineer to make sure we work through that process correctly. He stated our cost is reimbursable up to 95% through the FAA and the Georgia DOT.

Commissioner Mayes made a MOTION to approve the Manager's recommendation for Work Authorization No. 15 from LPA Group. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Fricks

" Lumsden

" Mayes

Chairman Jennings

Motion Carried

2. AWARD OF BID FOR TRAFFIC PAINT AND SIGN MATERIAL FOR PUBLIC WORKS DEPARTMENT:

County Manager Poe stated bids were recently received for traffic paint and sign material for the Public Works Department. He stated there are a variety of different items that were part of that bid package. They have a memorandum from Nancy Lam, Purchasing Director, dated July 18, 2008 recommending that all the low bidders for each item be awarded the bid. He recommended they accept the Purchasing Director's recommendation.

Commissioner Lumsden made a MOTION to award the bid for traffic paint and sign materials as recommended in the memorandum from Nancy Lam, Purchasing Director, dated July 18, 2008. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Fricks

" Lumsden

" Mayes

Chairman Jennings

Motion Carried

3. AWARD OF BID FOR CARPET FOR THE FORUM:

County Manager Poe stated bids were recently received for new carpet at The Forum. After evaluating all the bids, and negotiating the county doing some of the

work, the recommendation is to award the bid to Pinson General Contractors in the amount of \$36,395.76.

Commissioner Lumsden made a MOTION to accept the recommendation to award the bid to Pinson General Contractors, for the carpet at The Forum. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Fricks
" Lumsden
" Mayes
Chairman Jennings

Motion Carried

**4. AWARD OF BID FOR DEMOLITION OF OLD PRISON
(2006 SPLOST):**

County Manager Poe stated bids were recently accepted for the demolition of the old Floyd County Prison. He stated they had seven bidders. The low bid was from Delmonico Restoration and Development out of Atlanta, Georgia in the amount of \$84,800.00. He stated this is part of their Work Release Center SPLOST project. He recommended awarding the bid to Delmonico Restoration and Development.

Commissioner Lumsden made a MOTION to award the bid to Delmonico Restoration and Development in the amount of \$84,800.00. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Fricks
" Lumsden
" Mayes
Chairman Jennings

Motion Carried

**5. CONSIDER REQUEST FROM MIKE MATHEWS, AIRPORT
MANAGER, TO AMEND EQUIPMENT BUDGET TO PURCHASE
NEW TELEVISION FOR AIRPORT TERMINAL:**

County Manger Poe stated they have a request from Mike Mathews, Airport Manager, to amend his Equipment Budget to allow for the purchase of a replacement television for the terminal building at a cost of \$2,000.00. He stated this would be

purchased through savings that they have experienced in their existing budget. It is not an allocation of any additional money. He recommended approving the request.

Commissioner Mayes made a MOTION to approve the request for a budget amendment in the amount of \$2,000.00. SECOND by Commissioner Lumsden. VOTING:

YES

NO

Commissioner Fricks
" Lumsden
" Mayes
Chairman Jennings

Motion Carried

6. AUTHORIZE EXECUTION OF AGREEMENT BETWEEN FLOYD COUNTY AND ASHBRIITT INC., FOR EMERGENCY DEBRIS REMOVAL AND DISPOSAL:

7. AUTHORIZE EXECUTION OF AGREEMENT BETWEEN FLOYD COUNTY AND DRC EMERGENCY SERVICES, LLC (DRC ES) FOR EMERGENCY DEBRIS REMOVAL AND DISPOSAL:

County Manager Poe stated he will present Item #6 and #7 together. The Board previously accepted RFP's from two companies for emergency debris removal and disposal. He stated those two companies are AshBritt Inc., and DRC Emergency Services, LLC. He recommended Authorizing Execution of the Agreements with AshBritt Inc., and DRC Emergency Services, LLC.

Commissioner Lumsden made a MOTION to Authorize Execution of the Agreements between Floyd County and AshBritt, Inc. and DRC Emergency Services, LLC, for emergency debris removal and disposal. SECOND by Chairman Jennings. VOTING:

YES

NO

Commissioner Fricks
" Lumsden
" Mayes
Chairman Jennings

Motion Carried

8. AUTHORIZE EXECUTION OF WORK AUTHORIZATION NO. 12A FROM LPA GROUP FOR PROFESSIONAL SERVICES

**RELATED TO NORTH TERMINAL AREA EXPANSION
PROJECT AT RICHARD B. RUSSELL AIRPORT:**

County Manager Poe stated this would be for professional construction services related to the North Terminal Expansion project. He recommended authorizing the execution of this document.

Commissioner Mayes made a MOTION to Authorize Execution of work Authorization No. 12A from LPA Group. SECOND by Commissioner Lumsden. VOTING:

YES

NO

Commissioner Fricks

" Lumsden

" Mayes

Chairman Jennings

Motion Carried

ATTORNEY'S REPORT:

**1. AUTHORIZE EXECUTION OF RELEASE IN FAVOR OF
HEWITT COLEMAN AND ITS INSURER IN CONNECTION
WITH SETTLEMENT OF CLAIM AGAINST HEWITT
COLEMAN RELATED TO JOHN CASTEEL WORKER'S
COMPENSATION CLAIM:**

County Attorney Manning stated they have before them a Release concerning a worker's compensation claim involving the county where the county's servicing agent, Hewitt Coleman, failed to notify the Subsequent Injury Trust Fund of a potential claim, which would have been a source of reimbursement for the county for significant worker's compensation proceeds that the county had to pay. He stated the county has asserted a claim against Hewitt Coleman, and they have turned that matter over to their E&O carrier. He stated they have negotiated a settlement, which would result in the reimbursement to the county of \$242,202.45. He recommended that the county approve the Release that is before them. He stated when that is done, and the Release is executed, the money will be paid to the county.

Commissioner Mayes made a MOTION to approve the County Attorney's recommendation to Authorize Execution of the Release as presented. SECOND by Commissioner Lumsden. VOTING:

YES

NO

Commissioner Fricks

" Lumsden
" Mayes
Chairman Jennings

Motion Carried

ADJOURNMENT:

There being no further business to come before the Board, MOTION was made by Commissioner Lumsden, SECOND by Commissioner Mayes, that the meeting be adjourned. VOTING:

YES

NO

Commissioner Fricks
" Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

**FLOYD COUNTY BOARD OF
COMMISSIONERS**

JERRY JENNINGS, CHAIRMAN