

May 11, 2010

**REGULAR MEETING  
FLOYD COUNTY BOARD OF COMMISSIONERS  
May 11, 2010                    2:00 P.M.**

**PRESENT:**                    Vice-Chairman Chad Whitefield, Commissioners Irwin Bagwell, Garry Fricks, and John Mayes.

**OTHERS**

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

**ABSENT:**                    Chairman Eddie Lumsden.

**CALL TO**

**ORDER:**                    Chairman Whitefield called the meeting to order.

**INVOCATION:**            Commissioner Mayes led the Invocation.

**PLEDGE OF**

**ALLEGIANCE:**            The Pledge of Allegiance was led by Commissioner Bagwell.

**PUBLIC PARTICIPATION:**

**George Anderson, 211 Saddle Mountain Road,** stated he would like to say, first and foremost, that he is very proud of what has been accomplished at Floyd Medical Center. He stated he spoke on this subject fifteen years ago. He presented highlights from a report that starts with June 7, 1995. He stated that it reads that Floyd Medical Center's legal tab was topping \$270,000.00 (source – Rome News Tribune). He stated his report to Georgia Watch 2009 talks about the tax exempt, non-profit hospital offering high levels of indigent charity care. He stated especially since looking into Grady Hospital, as he has been the last couple of years, he has had so much trouble obtaining documents and open records request at huge charges, which tells him that they do not want to share that information with him. He stated he would like to compliment Floyd Medical Center today, because they have sent him three large envelopes over the last couple of months providing him with information that he requested.

He stated he wants to bring something to their attention that he has not kept up with, but it is not something new. The Georgia Watch 2009 report reveals that Floyd Medical Center significantly marks up the prices of many of its services, including a 2,459 percent mark up in anesthesiology services. He stated the Georgia Watch 2009 also talks about several other hospitals, so he put that information in there just from the section on the report concerning the Executive Summary. He stated that the next to the last page of his report talks about Albany's high health care costs. He stated \$220,000.00 was the

compensation fifteen years ago for the CEO and President of Floyd Medical Center. It has gone to almost a million dollars with retirement, other incentives, and making every bonus. He stated excluding board members, other executives at Floyd Medical Center enjoyed generous compensation packages that ranged between \$200,000 and \$500,000. Common justification for high executive pay is the ability to recruit top talent in hospital leadership.

He asked are they any better off in 2010 that they were in 1995, concerning billing practices and large compensations including large bonuses with retirement. He asked the Commissioners to please give his topic today some thought. There are furloughs, layoffs, and businesses closing left and right. He stated they are predicting that 2011 might be much worse. He asked is their "public hospital" really public, or non-profit paying large compensations with excessive charges to patients without insurance companies to regulate the fee for a medical procedure?

He stated he would like to compliment the Board on their 2010 Budget. They have citizens that stand up and run for office. He stated they have board members that receive a compensation for coming to a meeting, but they make very little to serve the public. He stated that he is concerned with a lot of the information he received from Floyd Medical Center. He has a meeting set up with the CEO and the attorney, and he hopes to have some questions answered. If their hospital is excessively charging people who do not have any insurance, he feels bad for those people. He stated if some of that non-profit hospital can be going in directions of building another building, then he thinks that some of these funds are excessive for some of the executive team. That might be something for the Board to think about. He thanked the Board for their time and letting him speak to them today. (Copy of Mr. Anderson's report on file in Clerk's Office.)

**ADOPTION OF  
MINUTES:**

Chairman Lumsden asked County Attorney Tommy Manning if the minutes were in order. Mr. 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 April 27, 2010. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Bagwell

" Fricks

" Mayes

Chairman Whitefield

Motion Carried

**RESOLUTIONS:**

**RESOLUTION TO CLOSE A PORTION**

**OF AN UNOPENED ROAD LOCATED  
OFF BERT ROAD:**

County Manager Poe stated this is a procedural step in trying to take care of a small sliver of property that is what they call a “paper-platted” street. He stated right now it has no value to the county, and the adjacent property owner is trying to clear it up to deal with some real estate matters. He stated that a Public Hearing will be held at the May 25, 2010 Board meeting to consider any comments from the public.

Commissioner Fricks made a MOTION to approve the Resolution to close a portion of an unopened road located off Bert Road. SECOND by Commissioner Bagwell. VOTING:

YES

NO

Commissioner Bagwell  
" Fricks  
" Mayes  
Chairman Whitefield

Motion Carried

**RESOLUTION AMENDING THE RESOLUTION  
OF THE BOARD OF COMMISSIONERS OF  
FLOYD COUNTY DATED OCTOBER 22, 1996,  
CONCERNING THE CREATION OF THE  
GORDON COUNTY – FLOYD COUNTY  
JOINT DEVELOPMENT AUTHORITY;  
AND FOR OTHER PURPOSES:**

County Attorney Manning stated this Resolution relates to the Gordon County – Floyd County Joint Development Authority. He stated he expects that this Resolution, if passed, will be followed by some additional matters to come before the Board in the next couple of weeks, as they work on an Intergovernmental Agreement with Gordon County concerning that Joint Development Authority. This Resolution is ready for consideration by the Board today.

Commissioner Mayes made a MOTION to approve the Resolution Amending the Resolution of the Board of Commissioner of Floyd County dated October 22, 1996, concerning the creation of the Gordon County – Floyd County Joint Development Authority. SECOND by Commissioner Bagwell. VOTING:

YES

NO

Commissioner Bagwell  
" Fricks

" Mayes  
Chairman Whitefield

Motion Carried

**FIRST READINGS:  
(PUBLIC HEARING TO BE HELD  
ON MAY 25, 2010 AT 6:00 PM)**

- 1. FILE #53-2010Z, REQUESTS REZONING FROM AGRICULTURE RESIDENTIAL (A-R) TO COMMUNITY COMMERCIAL (C-C) TO CONSTRUCT A DIRT BIKE RIDING PARK AND RECREATION FACILITY ON PROPERTY LOCATED ON HIGHWAY 100. ZONING MAP E16, PARCELS 050, 051. (PLANNING COMMISSION RECOMMENDATION: APPROVE WITH THE CONDITION OF APPROVAL OF THE GEORGIA DEPARTMENT OF TRANSPORTATION CONCERNING THE RIGHT-OF-WAY AND ENTRANCE TO THE PROPERTY. [VOTE: 7-1).**

**ULDC REVISIONS:**

- 1. REVISE OR DELETE ARTICLE 8 DEFINITIONS, REGARDING THE DEFINITION OF LOFT APARTMENTS. (PLANNING COMMISSION RECOMMENDATION: APPROVE. [VOTE: 8-0).**
- 2. REVISE OR DELETE ARTICLE 2.10.2 b.(3), REGARDING PROCEDURES FOR TEXT AMENDMENTS. APPROVE. [VOTE: 8-0).**
- 3. REVISE OR DELETE ARTICLE 2.10.2 c.(4), REGARDING PROCEDURES FOR TEXT AMENDMENTS. APPROVE. [VOTE: 8-0).**
- 4. REVISE OR DELETE ARTICLE 2.2.3 e.(5), REGARDING PROCEDURES FOR ANNEXATIONS. APPROVE. [VOTE: 8-0).**

Chairman Whitefield stated the Public Hearings will be held on May 25, 2010 at 6:00 p.m.

**PUBLIC HEARINGS:  
(FIRST READING HELD**

APRIL 27, 2010)

**1. AMENDMENT TO FLOYD COUNTY CODE §2-18  
RELATED TO WRECKER AND TOWING SERVICE  
(2010-001A):**

Chairman Whitefield asked if there is anyone here that wishes to speak at this Public Hearing.

**Mr. Ricky Gresham, G & R Towing**, stated he is here because the Police Chief had told them that he was going to get back with them on the amended copy. He stated he then saw in the paper that they were having the meeting on it today. He said that he contacted several wrecker services and nobody had heard about it. He stated that they asked him to represent them.

Commissioner Mayes asked the County Attorney did they revise it or change anything. County Attorney Manning stated there was one change concerning the fee schedule that incorporated some items that the members who own wrecker service companies wanted. He stated there was also one addition concerning the fee schedule that was set forth that if someone requested a specific wrecker service, they would not be required to utilize the fee schedule being set by the county. They could utilize whatever agreement that was entered into by the wrecker company and the individual. He stated those were the last two changes that he is aware of.

Commissioner Fricks asked would it be inappropriate for them not to take action today, and just continue with the Public Hearing. He stated they want to make sure everyone has full knowledge of the revisions that were made. Commissioner Mayes stated he was thinking they had all the wrecker service companies present at the last hearing where they proposed the changes that were incorporated into this document. County Attorney Manning stated his recollection is that there was going to be a meeting take place. He stated he thought it did, and that all issues had been ironed out. He stated that if the Board is not comfortable moving forward today, he would recommend to have the Public Hearing, and then defer any action until the May 25, 2010 meeting. He stated they would have fulfilled their requirements for having the Public Hearing, receiving input, and if there is any additional input between now and then, they could consider that as well if they desired. County Manager Poe asked Mr. Gresham is his concern that he did not get a final draft of the proposed ordinance after the meeting. Mr. Gresham stated yes, none of the wrecker companies received a final draft with the changes. He stated he spoke with several of the wrecker service companies, and they asked him to represent them because they never received any information. He stated they would all like to have a copy of it so they can see if they agree on it.

County Manager Poe stated the last time they tried to revise the document that they had distributed a copy of the proposed revisions to all the wrecker services. He stated some people took that the wrong way. He stated until the Board actually votes

to approve the ordinance, it is still subject to change. Mr. Gresham stated he did not know if they would be voting on the changes today, and that was the concern of the wrecker companies. County Manager Poe stated they can delay action, and make sure that they get a copy of the revised proposed amendment out to them. (The same version is on file with the Clerk for the First and Second Reading). He stated pretty much what they have done is incorporate everything that was approved and agreed to in the meeting. He does not think there will be any surprises, but just to make sure they take care of all their concerns, they will distribute the information one more time and consider it at the next meeting. Chairman Whitefield recommended following the County Attorney's recommendation to have the Public Hearing and defer any action until the May 25, 2010 meeting.

Chairman Whitefield reviewed the Public Hearing procedures, and declared the Public Hearing open. He asked if there is anyone who wishes to speak in favor of or in opposition of this item. Seeing none, he declared the Public Hearing closed, and called for a motion.

Commissioner Bagwell made a MOTION to defer action until the May 25, 2010 meeting. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Bagwell

" Fricks

" Mayes

Chairman Whitefield

Motion Carried

## **2. PROPOSED CLOSURE OF A PORTION OF ORCHARD STREET:**

Chairman Whitefield declared the Public Hearing open, and asked if there is anyone who wishes to speak in favor or in opposition of this item. Seeing none, he declared the Public Hearing closed.

County Manager Poe stated that this is a "paper-platted" street that was never developed. He stated it goes through a piece of property where the adjacent property owners are interested in formally getting it abandoned because of a real estate transaction they are taking. There is no value in the county keeping it for future designation of right of way. He stated it is not really under the county's ownership, they are just agreeing that they have no claim to it, or need for it in the future.

Commissioner Bagwell asked do they have a plat that goes along with this. County Manager Poe stated yes. He said the property is off an existing road called Donahoo Road. He stated they built Donahoo Road instead of Orchard Street and it

remained “paper-platted.” They subdivided all that property and never developed it. He stated Donahoo Road is a county maintained road.

Commissioner Bagwell made a MOTION to close a portion of Orchard Street as shown on the plat, and recommended by the County Manager. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Bagwell

" Fricks

" Mayes

Chairman Whitefield

Motion Carried

### **CHAIRMAN’S REPORT:**

Vice-Chairman Whitefield stated that Chairman Lumsden asked that he share with them that he could not be with them today due to his daughter having a baby, making him a grandfather for the third time. He stated Riley Thomas is a healthy redheaded little boy. The Board congratulates the Lumsden Family and the Mitchell Family on their new addition.

### **COMMISSIONER’S REPORT:**

#### **1. Administrative/Finance Committee – Commissioner Whitefield, Chairman**

No Report.

#### **2. Public Safety Committee – Commissioner Mayes, Chairman**

No Report.

#### **3. Public Works Committee – Commissioner Bagwell, Chairman**

No Report.

#### **4. Water Committee – Commissioner Fricks, Chairman**

No Report.

#### **5. Judicial Services Committee (CJIS) – Chairman Lumsden, Chairman**

No Report.

**6. Special Committee Reports**

**a. Fire Overview Committee**

No Report.

**b. Joint Services Committee**

No Report.

**c. Joint Development Oversight Committee**

No Report.

**d. Joint Solid Waste Oversight Committee**

- 1) Adopt Solid Waste Management Plan (October 2008 – 2018).

Chairman Whitefield stated this is a ten-year plan extending from October 2008 to October 2018. County Manager Poe stated this has been a subject that has come up several times through the Joint Solid Waste Committee. He stated they have had the required Public Hearings. He thinks the intentions were to poll all the committee members of the Joint Solid Waste Committee, and with confirmation of them polling to approve it. It comes as a recommendation for approval by the Board of Commissioners. He stated they have worked with a consultant on this. It is an update, and there are really no changes to the document. He stated it still notes that the city/county landfill is the primary disposal site in the county for solid waste. They do have an active recycling program through their Recycling Center. He stated the city and county's recycling program is a critical part of their Solid Waste Management Plan. They also have some new language in there that deals with anybody wanting to come in and site a new landfill. He stated there are certain criteria that they would have to follow.

Commissioner Mayes made a MOTION to Adopt the Solid Waste Management Plan, October 2008-2018 for Floyd County, City of Rome and City of Cave Spring. SECOND by Commissioner Bagwell. VOTING:

YES

NO

Commissioner Bagwell

" Fricks

" Mayes

Chairman Whitefield

Motion Carried

(Note: The Final Updated Plan that will be submitted to DCA was adopted by the Board of Commissioners at their meeting of May 25, 2010)

**CLERK’S REPORT:**

**Consent Agenda**

County Clerk Kathy Arp stated there is one item on the Clerk’s Consent Agenda that has been reviewed, and is submitted for approval. Commissioner Fricks made a MOTION to approve the Clerk’s Consent Agenda as presented. SECOND by Commissioner Bagwell. VOTING:

YES NO

Commissioner Bagwell  
" Fricks  
" Mayes  
Chairman Whitefield

Motion Carried

**1. Tax Refunds:**

- a. James M. McGill, 3960 Old Rockmart Road SE, Silver Creek, \$5.51
- b. Sharlene Mize, 2110 Maple Avenue, \$11.52

**MANAGER’S REPORT:**

**1. AWARD OF BID FOR NINE (9)  
HVAC UNITS FOR JAIL:**

County Manager Poe stated this bid is to replace nine (9) HVAC rooftop units on the Floyd County Jail. He stated they received sealed bids and the recommendation is that they go with the low bidder, McQuay Factory Service, at a total price of \$49,380.00. They originally budgeted \$40,000.00 out of Jail Surcharge funds to cover that, but what they are recommending is that they allocate an additional \$9,380.00 to purchase the units, plus \$9,000.00 to hire the equipment that will be needed to set them. He stated they do have sufficient funds in the Jail Surcharge account to handle that. The total project cost is going to be somewhere around \$60,000.00. He stated as they did their review of the HVAC units that needed replacements, they thought they were going to get by with four or five units, but they are in dire need of these nine being replaced as soon as possible as they get into the warmer time of the year.

Commissioner Fricks made a MOTION to award the bid for nine (9) HVAC units for the Jail to McQuay Factory Service as outlined by the County Manager. SECOND by Commissioner Mayes.

**Further discussion:** Chairman Whitefield stated he would also like to state that this went out to bid before the Grand Jury's recommendations. He stated they had been working on this prior to that, so it will meet some of their concerns. Commissioner Bagwell stated he might add that the county took over maintenance of the Jail in October 2009, and they are addressing many concerns. County Manager Poe stated they have been trying to assess the condition of all of the HVAC units. He stated they have fifty-plus units there, and they are trying to repair and maintain them properly to get some longer life out of them. After analyzing all the units, these nine are in most critical need of replacement. VOTING:

YES

NO

Commissioner Bagwell

" Fricks

" Mayes

Chairman Whitefield

Motion Carried

**2. AWARD OF BID FOR TWO (2)  
TRACTORS WITH MOWERS  
FOR PUBLIC WORKS:**

County Manager Poe stated they accepted sealed bids for the purchase of two tractors with drop deck side mowers. He stated the recommendation is that the bid be awarded to Lashley Tractor for two (2) 2010 New Holland T5050 tractors. He stated these were the low bid, and they do meet specifications. They are well below the budgeted price. He stated they will be getting two of them for roughly \$86,000.00, \$42,919.00 each. The budgeted amount was \$120,000.00. He recommended accepting the low bid from Lashley Tractor.

Commissioner Mayes made a MOTION to award the bid for two (2) mowers to Lashley Tractor in the amount of \$42,919.00 each. SECOND by Commissioner Bagwell. VOTING:

YES

NO

Commissioner Bagwell

" Fricks

" Mayes

Chairman Whitefield

Motion Carried

**3. AWARD OF BID FOR ONE (1)  
15.5-TON FLATBED DUMP  
FOR PUBLIC WORKS:**

County Manager Poe stated they received sealed bids for a 15.5-ton flatbed dump truck for Public Works. He stated they have a memo from the Purchasing Director backed with a memo from Public Works that deals with reviewing the bids. A couple of the low bidders did not meet specifications. The recommendation is to purchase the truck from Yancey Truck Centers. He stated their bid was for a 2011 International 4300. It is slightly above the budgeted amount of \$70,000.00, by about \$4,180.00, but they saved sufficient money on the tractor purchases to cover the overage of this purchase.

Commissioner Bagwell made a MOTION to award the bid for one (1) 15.5-ton flatbed dump truck to Yancey Truck Centers in the amount of \$74,177.27, as recommended by the County Manager. SECOND by Commissioner Fricks. VOTING:

YES NO

Commissioner Bagwell  
" Fricks  
" Mayes  
Chairman Whitefield

Motion Carried

**ATTORNEY’S REPORT:**

**4/5 VOTE REQUIRED**

**1. CONSIDER VOTE TO ENTER INTO CLOSED  
SESSION TO DISCUSS POTENTIAL LITIGATION  
AND POTENTIAL FUTURE ACQUISITION OF  
REAL ESTATE:**

County Attorney Manning stated he would suggest that they add to the agenda a vote to go into Closed Session to discuss potential litigation and potential future acquisition real estate.

Commissioner Fricks made a MOTION to add this item to the Agenda. SECOND by Commissioner Mayes. VOTING:

YES NO

Commissioner Bagwell  
" Fricks  
" Mayes  
Chairman Whitefield

Motion Carried

County Attorney Manning stated with that being on the agenda, the Board may want to consider going into Closed Session for the purpose of consulting with the County Attorney regarding potential litigation, and for the purpose of discussing the potential future acquisition of real estate, both of which are exceptions under the Georgia Code.

Commissioner Mayes made a MOTION to enter into Closed Session to discuss potential litigation and potential future acquisition of real estate. SECOND by Commissioner Fricks. VOTING:

YES NO

Commissioner Bagwell  
" Fricks  
" Mayes  
Chairman Whitefield

Motion Carried

Commissioner Mayes made a MOTION to reconvene from Executive Session. SECOND by Commissioner Fricks. VOTING:

YES NO

Commissioner Bagwell  
" Fricks  
" Mayes  
Chairman Whitefield

Motion Carried

The Board entered into Executive Session at 2:40 p.m. The meeting reconvened at 3:35 p.m. No Action was taken during the Closed Session.

**ADJOURNMENT:**

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

YES NO

Commissioner Bagwell

" Fricks

" Mayes

Chairman Whitefield

Motion Carried

**FLOYD COUNTY BOARD OF  
COMMISSIONERS**

**EDDIE LUMSDEN, CHAIRMAN**