

## EXTRAORDINARY SESSION

The Spalding County Board of Commissioners held their Extraordinary Session in Room 108 in the Courthouse Annex, Monday, August 16, 2010, beginning at 6:03 p.m. with Commissioner Eddie Goss presiding and Commissioners Eddie Freeman, Gwen Flowers-Taylor, and Bob Gilreath present. David Phillips was not present. Also present were Interim Assistant County Manager Virginia Martin, Attorney Jim Fortune and Executive Secretary Glinda Robertson.

### **I. OPENING (CALL TO ORDER) – Chairman Eddie Goss**

### **II. INVOCATION – Led by Rev. Clay Padgett, Pastor of Crown Center Church**

### **III. PLEDGE TO FLAG – Jim Fortune**

*Motion/second by Commissioners Flowers-Taylor/Freeman to remove item #3 under “new business” and replace with new item which was a request for amplification permit for Faith Christian Academy fundraising event and carried by a vote of 4-0.*

### **IV. PRESENTATIONS/PROCLAMATIONS/RECOGNITION**

There was a presentation by Clint Mueller of ACCG of a Legislative Service Award to Representative David Knight. Rep. Knight received this award for his help with two pieces of legislation; HB 1093 and HB169.

### **V. PRESENTATION OF FINANCIAL STATEMENTS – None**

### **VI. CITIZENS COMMENT**

### **VII. PUBLIC COMMENT**

Speakers must state their names and addresses and direct all comments to the Board only. Speakers will be allotted 5 minutes to speak on topics pertinent to the Board’s jurisdiction. No speaker will be allowed to re-address the Board without express consent from a Board member. Outbursts from the audience will not be tolerated. Common courtesy and civility are expected at all times during the meeting.

Chipper Gardner – 234 Tomachichi Rd., Griffin

Mr. Gardner wanted the opportunity as commissioner-elect to give his input and to work with the current board on issues that will be coming up. He stated he appreciates what the board does.

Marcia Norris – 88 Teamon Circle, Griffin

Ms. Norris asked for an amplification permit for a fundraising event for Faith Christian Academy’s building fund. The event will be held on Saturday, September 18, 2010, 10:00 a.m. to 8:00 p.m. There will be a car, truck, and motorcycle show, as well as food vendors, children’s activities, arts and crafts, and Christian music.

Raymond Ray – 1000 Springer Dr., Griffin

Mr. Ray wanted to echo the comments of Chipper Gardner. He looks forward to working with the commissioners. He has had a good welcome from the majority of the Board. He asked if there is something he needs to know about that he please be contacted. He would like to begin preparing for his position as a new commissioner.

### **VIII. MINUTES**

1. Consider approval of Minutes of the following: Regular Meeting of August 2, 2010.

*Motion/second to approve minutes by Commissioners Flowers-Taylor/Gilreath. Motion rescinded by Flowers-Taylor until Mr. Freeman could verify his comments were in the minutes. Toward the end of the meeting Mr. Freeman located his comments and there was a motion/second by Commissioners Freeman/Flowers-Taylor to approve with one format change and carried with a vote of 4-0.*

### **IX. CONSENT AGENDA**

1. Consider on second reading a revision to Personnel Ordinance regarding county manager's discretion with steps in promoting employees.

Ms. Flowers-Taylor stated she does not like the ordinance. Mr. Freeman asked if they had enough information to actually take a vote. He asked Ms. Martin to elaborate further on the item.

Ms. Martin stated as she was going through information in the personnel ordinance she came across what she thought was a discrepancy in that if two people have applied for a position and one is already a county employee, the county manager has no discretion with what salary to offer that person if it's a promotion. If the person is not already a county employee, the county manager has discretion within the number of steps and can offer that person a higher salary than someone who is transferring into the position from within the county.

Mr. Freeman asked if in promoting the county goes by the grade and step. Ms. Martin stated that is true. Mr. Freeman stated he doesn't understand why the county needs to change it. Ms. Martin stated the positions are rated and assigned a grade within the county pay scale. There are steps within each grade. She further stated that what seems like a conflict to her is that if someone is coming in from outside they can be offered a higher salary than someone who is already a county employee doing the same job. There are criteria within the change that would have to be met or looked at and assessed in order to make that higher step award.

Mr. Freeman stated he is very much concerned about the county's people that come in and apply for jobs as people move on or retire. He believes they should have preference. Ms. Martin stated there is currently no discretion if someone is already a county employee. She believes the county would be better served to have to discretion if they wanted to be able to promote that person and give them a salary bump.

Ms. Flowers-Taylor questioned if the step increase is based on longevity. Bill Gay from Human Resources stated that a step increase is based on service with the county which means longevity. She believes if someone comes in from the outside and you want to put them in a job that's a grade 26, they don't need to come in as a step 6, because they haven't been here. She further stated the problem is that the county is going to pay someone to come in from the outside and then they are going to get paid as if they have been here longer than they have been here. She did not want to vote on the item nor did she want to table the item. She believes it should be dropped. She believes the personnel ordinance should be kept as it is.

***Motion/second to table until next meeting by Commissioners Freeman/Gilreath and carried by a vote of 3-1. Ms. Flowers-Taylor voted against.***

## **X. OLD BUSINESS**

## **XI. NEW BUSINESS**

1. Consider approval of contract between the GDOT and Spalding County for acquisition of right of way on project BRSLB-2083-00(002). This is CR 508/Jordan Hill Rd. N of Griffin @ Troublesome Creek. Anthony Dukes is present to address.

Ms. Martin stated she has spoken with Anthony Dukes and she believes it is his recommendation as well as hers that this item is tabled. There are some questions regarding where the funding would come from. There is also an indemnity clause in the contract that should not be in any contracts the county signs.

***Motion/second to table by Commissioners Flowers-Taylor/Freeman and carried by a vote of 4-0.***

2. Consider approval of contract amendment for the Community Services Block Grant Program (CSBG). This includes carryover funds of \$58,581.51 from the FY'08 and FY'09 CSBG Allocation for Spalding County. Aronda Smith is present to address.

Aronda Smith with Three Rivers stated this is an amended contract to the CSBG FY 2010 to increase the county's current allocation to \$58,581.51. She presented the

proposal a month ago. This is the actual contract to approve. This is for a prescription program.

Ms. Taylor asked how the prescription program is working out. Ms. Smith stated it's moving very slow right now. In the past month approximately \$10,000 has been spent. There is about \$20,000 left until September 30<sup>th</sup>. She stated that applications can be made through the Department of Family and Children's Services. Three Rivers has its own case managers that are screening for applicants.

Ms. Taylor asked if enough people know about the program. Ms. Smith stated they are serving a lot of people who are currently receiving minimum assistance through Medicaid. The maximum per person is \$200.00. The majority of the people are only spending about half of that \$200.00. The number of clients they have had so far is approximately 200.

Ms. Taylor asked what percentile of the people they serve come out of the Spalding Medical Clinic which sees about 200 or more people a month. Ms. Smith stated she has in fact put the word out to the clinic and they have had a few of the people coming in.

Ms. Taylor suggested that Ms. Smith have a conversation with the two nurse practitioners that run the clinic. She also suggested Ms. Smith talk with the new director at Hope Health Clinic. In addition Ms. Flowers-Taylor suggested Ms. Smith put her organization's name on the referral list at the local hospital to let them know there is a number for prescription assistance.

***Motion/second to approve contract amendment by Commissioners Flowers-Taylor/Freeman and carried by a vote of 4-0.***

3. Consider approval of amplification permit for Faith Christian Academy located at 123 Spalding St., Griffin. They would like to host a fundraiser for the building of a permanent school. The event is to be held on September 18, 2010 from 10:00 a.m. until 8:00 p.m. This event will be held at the Pavilion on Aerodrome Way in Griffin. They will host car, truck and motorcycle shows, have food vendors and children's activities, and Christian music.

***Motion/second to approve amplification permit by Commissioners Flowers-Taylor/Freeman and carried by a vote of 4-0.***

4. Gwen Flowers-Taylor is requesting a discussion of the Ethics Ordinance draft.

Ms. Flowers-Taylor stated the issue of past discussions was how to have a board who would review any ethics complaints. She stated that the county attorney should be able to answer any legal questions for whatever board is selected. The question is how to choose the board.

Mr. Freeman stated the county has a personnel appeals board that adjudicates personnel issues. He wanted to know if the commissioners would like to ask them to serve on this board.

Mr. Fortune stated that in a previous discussion it was suggested that each commissioner at the beginning of their term could pick three people that would go into a general pool. That would be a total of 15 people. For a commissioner who is charged, his three people would be pulled out of the pool. Then three people's names would be pulled out of the pool and they would be the board. When the commissioners term is up the new commissioner can appoint the same three people the previous commissioner had or he can get three more.

Mr. Gilreath stated he does not see anywhere in the draft where a person can appeal the ruling of the board. Mr. Fortune stated he doesn't know where you would appeal to. Mr. Gilreath stated the commissioner should have the right to appeal.

Mr. Freeman again stated the personnel appeals board could rule on anything of that nature.

Ms. Martin stated that possibly you could appeal to the Superior Court by a writ of certiorari. Mr. Fortune stated this means you are basically asking the court to hear your

appeal. He further stated they don't have to, they can deny your request. Mr. Gilreath stated he doesn't believe the Superior Court should even be brought into this.

Ms. Flowers-Taylor stated that the people selected for this board should be honest, just, and fair-minded. She asked why you would ask someone to serve on a board and then not trust the decision they make.

They once again went back to the topic of how to pick the review board. The commissioners all agreed with Mr. Fortune's previous suggestion of everyone having three picks and if a certain commissioner is charged, his three picks are taken out of the pool.

They then went on to a review panel. Ms. Flowers-Taylor stated she did not want to just keep creating boards. She stated there has to be a way to do this. Mr. Gilreath stated you are dealing with someone's character and their standing in the community. He believes the process should follow a complete course before it is finalized. Mr. Gilreath stated he has a problem with someone filing a complaint against a commissioner and there being nothing to it, however it gets filed and the word is out. Ms. Flowers-Taylor stated you can't stop that. People make comments every day in "My Two Cents." You can't stop people from talking about you. She stated it's called "freedom of speech."

Mr. Gilreath believes it will be left wide open for someone to be vindictive against one of the commissioners. Mr. Fortune stated there is a provision where it takes three members of the Board of Commissioners to agree that sufficient basis has been given to warrant a public hearing. He suggested the Board could have a similar provision where at least three commissioners would have to look at it and say whether or not it warrants a review panel. He further stated if its lunacy, it will be kicked out. All of the commissioners agreed to this.

Ms. Flowers-Taylor asked what else needs to be done to have this ordinance in place. Mr. Fortune stated he would amend the current draft with the changes from tonight's meeting.

***Motion/second to table until next meeting with understanding that the items discussed will be brought back before the Board by Commissioners Freeman/Flowers-Taylor and carried by a vote of 4-0.***

5. Consider approval of Intergovernmental Agreement between Spalding County and the Secretary of State of the State of Georgia. This is for acquisition and use of bar code scanners to be used in conjunction with elections.

Ms. Martin stated this is a program from the Secretary of State's office. The bar code readers would not cost the county anything. They can scan the code on the back of your driver's license. It's a quicker and easier way to process people as they come to the polls.

***Motion/second to approve Intergovernmental Agreement by Commissioners Flowers-Taylor/Freeman and carried by a vote of 4-0.***

6. Gwen Flowers-Taylor is requesting a discussion of personnel policy draft regarding return from medical leave.

Ms. Taylor stated that several months ago the Board had discussed the fact that the county had an employee who had gone out on medical leave after having elective surgery which means it was a non-emergency surgical procedure. The person was allowed to come back to work to light duty. Her concern is that she did not think this was fair because if an individual could not perform the essential requirements of their job, they should not be just given something to do so they don't have to use their sick leave.

Ms. Taylor believes a person in this position should not be able to come back to work until they can fulfill the essential requirements of their job. She had asked Ms. Martin to look into this.

Ms. Martin stated she has concerns with the ADA and FMLA laws. She provided the board a list of concerns that she and Bill Gay from Human Resources have discussed. She is concerned with the county becoming involved with what is elective surgery and what is not. Her biggest concern is with the Family Medical Leave Act. The county cannot deny intermittent or reduced leave schedule if there is a serious health condition and the leave is medically necessary.

Ms. Taylor stated they will get their leave and if they have sick time they will get paid. However, they do not have to be allowed to come back to work if they cannot perform the essential duties of their job. Ms. Martin stated if they can work on a part time basis, the county is required to let them work on a part time basis.

Ms. Taylor would like to see where the FMLA defines “intermittent or reduced leave schedule.” She does not want Ms. Martin or Mr. Gay’s version of what this means. She wants the official meaning. She further stated it is not up to the county to micro-manage an employee’s leave time. She would like for the county to be fair to everyone.

Ms. Martin pointed out that her concern is not whether the county gets sued. Her concern is that the county can defend its position in the lawsuit.

Ms. Taylor stated that when someone comes to work for the county they are paid a full day’s pay for a full day’s work. She asked why the county would pay someone a full day’s pay for a half of day’s work.

Ms. Martin asked the Board to consider that if someone is out for surgery for two weeks, there is still work that person has not been able to do so other people in the department end up picking up some of the slack. The county is short-handed in some of the departments to begin with. Ms. Martin believes if someone can come back and do part of their job, that’s helping out the other employees who have been doing that person’s job while they were out. Ms. Taylor stated this is very convoluted. She further stated all she is hearing is excuses for how to allow this kind of behavior to continue unchecked.

Ms. Taylor went on to say it’s not for the county to manage how an employee manages their time. It’s for them to manage their time. Mr. Freeman stated there is no simple solution. Ms. Taylor stated there is a “fair” solution.

Ms. Taylor stated that what was brought before them at this meeting is unfavorable toward what she has suggested the county look at. Most of the information is telling them why they can’t do this. Nothing is documented or explains definitions of the terms in the document. Ms. Taylor would like to see a draft of an ordinance for which the commissioners can work from. She appreciates knowing all the things the county could be sued for however, she believes the county will be covered. She asked that the item be tabled and that a new draft be brought before them at the next meeting.

Mr. Goss stated the commissioners need to let Ms. Martin know what they want to see and what they don’t want to see in the draft so she knows which way to go. Mr. Freeman would like to see a clarification on a person with sick leave who wants to come back. Ms. Taylor asked for a definition of “on the job” illness as well as, “on the job injury”, and “elective surgery unrelated.”

***Motion/second to table until next meeting by Commissioners Flowers-Taylor/Gilreath and carried by a vote of 4-0.***

7. Gwen Flowers-Taylor is requesting a discussion of questions related to FY’11 Budget and possible areas for revisions.

***Motion/second to table by Commissioners Flowers-Taylor/Gilreath and carried by a vote of 4-0. They would like to wait until the ergonomic study comes back from ACCG.***

8. Gwen Flowers-Taylor is requesting a discussion of the county management structure, the position of Assistant County Manager and the manner of hiring.

Ms. Taylor stated that some of the commissioners have a concern with parts of the Assistant County Manager job description. She stated that in the past when one of the commissioners would ask the former Assistant to the County Manager to do things they were told he did not work for the commissioners. This caused a problem with several of the commissioners. They have been told that in order to make a contract change, you have to renegotiate the entire contract. She stated that so far nothing has been done to take care of this.

She believes that having a position of Assistant to the County Manager really did not have any teeth in it. After looking at what other counties are doing, there are some basic requirements for what an Assistant County Manager or what a Deputy County Manager does in terms of being able to help the County Manager. Having an Assistant County Manager or a Deputy County Manager actually frees the county manager up to handle more pressing problems that commissioners bring to them.

Ms. Taylor asked Ms. Martin to submit copies of job descriptions for the board to look at and see what the general requirements are for an Assistant County Manager and a Deputy County Manager. In the absence of the county manager, the Assistant County Manager is going to be expected to know everything the County Manager knows.

She is not asking for any action right now, she would like for the other commissioners to look over the provided job descriptions. She would like to see the county no longer have the Assistant to the County Manager position and post new job descriptions for Assistant County Manager and Deputy County Manager. She asked the other board members to please give their input. In addition, she requested to have one commissioner sit in on job interviews for major department heads or for the Assistant County Manager so that the Assistant County Manager would also work for the board.

Mr. Gilreath stated there has been some talk that maybe the county should go to a "County Administrator" rather than a "County Manager" type government. Ms. Taylor stated she is not for that. She trusts that when someone is hired they are of the highest caliber. She is happy with the County Manager form the county currently has.

Mr. Freeman stated if you go to a county administrator, he is going to come back to the Chairman every time about everything. He would like to see them make their own decisions. He also added he is adamantly opposed to changing the way the system is. He believes the Assistant should work under the County Manager.

Ms. Taylor thinks that a commissioner should be able to be privy to the interviewing process of whoever is going to be the second in command. She explained there are actually three positions that are under the County Manager. They are: 1) Deputy County Manager; 2) Assistant County Manager; and 3) Assistant to the County Manager.

Ms. Taylor is not trying to tell the County Manager what to do. She would like the person that is hired as Assistant or Deputy Manager to be able to do whatever the County Manager puts on them to do. They should not come in with a big learning curve. She went on to say that getting rid of the Assistant to the County Manager gives the county the opportunity to hire people of a higher caliber. She asked the item be tabled and looked at again at a future meeting.

***Motion/second to table by Commissioners Flowers-Taylor/Gilreath and carried by a vote of 4-0.***

9. Gwen Flowers-Taylor is requesting a discussion of setting a date for next joint meeting between city and county commissioners.

Ms. Flowers-Taylor would like to table this item. She spoke with the City Manager and the city still has some questions. They have not completely prepared what it is exactly they are to bring back to the county. The city is going to conduct a workshop on the items in question.

***Motion/second to table as the city is not yet ready to meet by Commissioners Flowers-Taylor/Gilreath and carried by a vote of 4-0.***

10. Consider request to declare Spalding County property at 238 Leach Rd. as surplus. This is the old Zetella Courthouse.

Mr. Fortune stated there is a gentleman who is interested in buying this property. Larry Lillard from the county tax assessor's office valued the property at \$10,607.00. Mr. Fortune advised the board if they are interested in selling they would need to declare it surplus if the county no longer has a use for it. If it is declared surplus, it would be auctioned off on the courthouse steps. Mr. Fortune stated he would have it put in the papers it should not sell for less than \$10,607.00 or it will be a no sale.

Mr. Fortune also stated they might need to add to that figure the expense of advertising it four times in the Griffin Daily News. The person purchasing the property will receive a Quit Claim Deed. This property is about half an acre.

Mr. Freeman stated Mr. Dawson contacted him stating he was interested in purchasing this property as it is next to his property. He has been telling Mr. Freeman for about a year that he was interested.

Mr. Fortune stated the building was built in 1900. Ms. Flowers-Taylor and Mr. Gilreath asked if it was on the state historical registry. Mr. Lillard from the tax assessor's office stated he could not find any records indicating it was.

Mr. Freeman stated the building itself is in bad disrepair. He asked if the county was going to be willing to go out and do the repairs. Mr. Gilreath stated he would go out and look at the building. It was decided someone needed to look further into this to determine if this should be on the historical registry.

***Motion/second to table by Commissioners Flowers-Taylor/Gilreath and carried by a vote of 3-1. Mr. Freeman opposed tabling the item.***

11. Consider approving letter of support to City of Macon for the Rail Corridor Planning under the TIGER II program.

Mr. Freeman stated this is the TIGER grant that comes out on transit. They are requesting a letter of support. He stated it's an improvement grant that's going to help the whole line on the commuter rail from Atlanta to Macon.

Ms. Taylor wanted to know if it was anything Spalding County could apply for. Mr. Freeman stated Anthony Dukes has applied for this for the county.

Mr. William Wilson was present to address this issue. He stated that Georgians for Passenger Rail has been working with all the communities up and down the rail line. The City of Macon has agreed to administer and to apply for this grant. They need letters of support from all the communities along the way. This is a planning and implementation grant for the commuter rail.

***Motion/second to approve letter of support by Commissioners Flowers-Taylor/Freeman and carried by a vote of 4-0.***

***The board went back and approved the minutes at this point.***

## **XII. REPORT OF COUNTY MANAGER**

Virginia Martin gave the county manager report. She wanted to correct previous information that was given out regarding how much more the county paid by staying with Cigna as opposed to going with Blue Cross/Blue Shield. She commented the accurate amount is \$157,455.00 more a year. When asked by Mr. Goss, Bill Gay stated his figures match those of Ms. Martin.

The line dance team won first place in the state championship.

Mr. Gil Lovell won gold in the Alabama State Olympics swimming competition. He will now compete in the Nationals in 2011.

The county is implementing a process to confirm house numbers are being placed where emergency personnel can see them. This will involve building inspectors and code enforcement.

There will be a Special Called Meeting at 6:00 p.m. on August 30<sup>th</sup> for the Board to see various presentations regarding plans to build a senior center.

## **XIII. REPORT OF COMMISSIONERS**

### **Eddie Freeman**

Mr. Freeman asked to see the figures Ms. Martin gave regarding insurance as he did not believe they were accurate. He was to get with Bill Gay after the meeting.

### **Gwen Flowers-Taylor**

Ms. Flowers-Taylor would like to see a nuisance ordinance regarding tall grass and trash in yards. There are several places in the community that have this issue. She stated there is nothing in the substandard ordinance to cover these items and people should not have to live with this going on next to them. Mr. Freeman stated he had requested Chuck Taylor with the Community Development department give him a list of burned out and abandoned properties. Ms. Taylor stated the city has really taken the lead in this area as they have budgeted to demo places like these burned out houses each year. Mr. Fortune stated the county does have an unsafe building abatement act that would cover any of these things. Ms. Taylor stated at this point the county has not budgeted to take these houses down. She would like for this to be looked at.

Ms. Taylor stated the Board has not made a decision on the senior center as they have been getting different opinions from the citizens of Spalding County. She has requested the Special Called Meeting on August 30<sup>th</sup> and would like everyone who is interested in the senior center to attend. She hopes shortly after this meeting the Board can make a decision and move forward.

She commended Rep. David Knight on the ACCG award he received at the meeting.

### **Bob Gilreath**

Mr. Gilreath has spoken with Frederick Gardiner regarding how the city handles abandoned homes that have overgrown grass and trash in the yard. He hopes to have Mr. Gardiner share this with the board shortly.

Mr. Gilreath stated Spalding County should encourage the Sheriff to discontinue housing prisoners that have been picked up by the City of Griffin unless the city wants to pay the bill. He stated that just this week the Sheriff's department dispatched a deputy to Maryland to pick up a person that had been passing bad checks and transport him back to Griffin. The officer got up there and found out the prisoner weighed 450 pounds and would not fit in the Crown Vic he drove up. The deputy had to leave him in Maryland. The gentleman was also on oxygen. Mr. Gilreath stated this will cost the county a lot of money to house this individual should he come to Spalding County.

Mr. Gilreath is concerned with the cost of paper used for the Board meetings. He would like to see the Commissioners have monitors at their seats for viewing the agenda.

Mr. Gilreath believes all commissioners should take advantage of attending ACCG classes however, he believes there should be a limit of dollars used per commissioner. At present the county designates a total amount of dollars to be spent for training/travel in one lump sum. Mr. Gilreath stated newly elected commissioners need this training. He asked if any commissioner on the board need to duplicate training courses when it costs the county extra money. In his opinion the answer is "no."

Mr. Gilreath is looking for ways to save money on the amount the county pays out in gasoline. He stated it took him three months to get a gasoline report. He believes someone should be able to press a button and instantly get the information as to which cars, which department, how much they spent per month, etc. At present the information is in several different reports. He stated the county has to find a way to save dollars even if they have to go into the gasoline business for themselves.

**Eddie Goss** – No comments

**XIV. CLOSED SESSION - None**

**XV. ADJOURNMENT**

*Motion/second to adjourn at 8:10 p.m. by Commissioners Freeman/Gilreath and carried by a vote of 4-0.*

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Chairman

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Interim County Clerk