

Commissioner Hufstetler

" Fricks

" Mayes

" Jennings

Motion Carried

PROCLAMATIONS:

Commissioner Fricks presented a Proclamation to Ms. Kay Dixon, proclaiming November, 1999 as **Home Health Month** and thanked Ms. Dixon for the service provided.

(Resolution/Proclamation Book Page No. 114)

Commissioner Hufstetler presented a Proclamation to Ms. Marta Turner, Director of the Rome/Floyd Recycle Center, proclaiming, November 15, 1999 as **America Recycles Day**.

Ms. Turner stated that the Recycling Center is giving out trees from the Georgia Forestry Commission to everyone who recycles this week to help support America Recycles Day.

(Resolution/Proclamation Book Page No. 115)

Commissioner Jennings presented a Proclamation to Ms. Andrea Moss, proclaiming November 14, 1999 as **Retired Educators Day**.

(Resolution/Proclamation Book Page No. 116)

FIRST READING:

Chairman Canada stated there are three items to be placed on First Reading and they had been discussed in Caucus. Chairman Canada stated that all three items will be read and then one vote taken for all three.

**VARIANCE REQUEST FOR PROPERTY
LOCATED AT 3200 NEW ROSEDALE ROAD,
MORGAN & HUNT OIL CO., APPLICANT.
(SET SECOND READING/PUBLIC HEARING
FOR DECEMBER 14, 1999 AT 2:00 P.M.)**

**VARIANCE REQUEST FOR PROPERTY
LOCATED AT 2342 CEDARTOWN HIGHWAY,**

**MORGAN & HUNT OIL CO., APPLICANT.
(SET SECOND READING/PUBLIC HEARING
FOR DECEMBER 14, 1999 AT 2:00 P.M.)**

**VARIANCE REQUEST FOR PROPERTY
LOCATED AT 3560 ALABAMA HIGHWAY,
MORGAN & HUNT OIL CO., APPLICANT.
(SET SECOND READING/PUBLIC HEARING
FOR DECEMBER 14, 1999 AT 2:00 P.M.).**

Chairman Canada called for a Motion to place the three items on First Reading. MOTION was made by Commissioner Hufstetler, SECOND by Commissioner Fricks. VOTING:

YES NO

Commissioner Hufstetler
" Fricks
" Mayes
" Jennings

Motion Carried

SECOND READING/PUBLIC HEARING:

**VARIANCE REQUEST FOR PROPERTY
LOCATED AT 174 CHATILLION ROAD,
JERRY MCCORMICK, APPLICANT.
(FIRST READING OCTOBER 12, 1999).**

Chairman Canada called for a Motion to open the Public Hearing. MOTION was made by Commissioner Mayes, SECOND by Commissioner Jennings. VOTING:

YES NO

Commissioner Hufstetler
" Fricks
" Mayes
" Jennings

Motion Carried

Chairman Canada asked if there was anyone present to speak for or against the request. There being no one present to speak for or against, Chairman Canada called for a Motion to close the Public Hearing. MOTION was made by Commissioner Hufstetler, SECOND by Commissioner Fricks. VOTING:

YES NO

Commissioner Hufstetler
" Fricks
" Mayes
" Jennings

Motion Carried

Chairman Canada called for a Motion to accept or deny the request. MOTION was made by Commissioner Hufstetler to **approve** the request, SECOND by Commissioner Mayes.

Discussion: Assistant Manager Tom Tully explained that as a variance, the request does not go through the Planning Commission. Mr. Tully stated the request is for a variance for the side set-back, where there is an existing two-bay garage and the applicant wants to add a third bay and would be infringing a little on the side set-back, which is the reason for the request.

Commissioner Hufstetler asked if notification of the variance would be made. Mr. Tully stated that the adjacent property owners would be notified of the approval of the variance, and that there is signage on the property notifying people of the public hearing.

VOTING:

YES NO

Commissioner Hufstetler
" Fricks
" Mayes
" Jennings

Motion Carried

**VARIANCE REQUEST FOR PROPERTY
LOCATED AT 5516 ALABAMA HIGHWAY,
THOMAS RUSSELL/CEDAR BLUFF OIL CO.
APPLICANT. (FIRST READING OCTOBER 26, 1999).**

Chairman Canada called for a Motion to open the public hearing. MOTION was made by Commissioner Hufstetler, SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Mayes

" Jennings

Motion Carried

Chairman Canada asked if there was anyone present to speak for or against the request.

Support

John Gaines, Coosa Valley Signs, 307 Cedar Avenue, stated the application only requests a variance for the size of the sign, explaining that the corporate sign provided by the company franchise is 10' larger than the current sign ordinance allows.

There being no one else present to speak for or against the request, Chairman Canada called for a Motion to close the public hearing. MOTION was made by Commissioner Fricks, SECOND by Commissioner Hufstetler. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Mayes

" Jennings

Motion Carried

Chairman Canada called for a Motion to approve or deny the request. MOTION was made by Commissioner Mayes to **approve** the request, SECOND by Commissioner Hufstetler.

Discussion: Chairman Canada asked Mr. Tully if the request falls within reason for the area. Mr. Tully stated it is, that the maximum square footage for the face of the sign in the district is 32 sq. ft. and the sign which comes from their corporate offices is 42 sq. ft., which is 10 sq. ft. difference rather than 10'.

VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Mayes

" Jennings

Motion Carried

CHAIRMAN'S REPORT:

UPDATE ON H. B. 489:

Chairman Canada stated that Floyd County, the City of Rome and the City of Cave Spring has met the provisions of the Service Delivery Strategy Law and it has been determined that the strategy includes the necessary components and addresses the mandatory criteria identified in the Law and therefore the Department of Community Affairs has verified that the strategy as meeting the requirements of the Law is in place. Chairman Canada stated that verification has been received from DCA and the deadline was met with two days to spare. Chairman Canada expressed his appreciation for the hard work that all the Commissioners and Administrative Staff of Floyd County Government

put into the project, stating it was a difficult task at times, but everyone stayed with it and completed their jobs.

**DISCUSS REQUEST FROM INLAND
CONCERNING CLOSURE OF MAYS
BRIDGE ROAD:**

Chairman Canada stated that he and the County Manager have met with Inland representatives regarding a request to close Mays Bridge Road. Chairman Canada stated that an informal public hearing will be held, conducted through the Public Works Committee. Chairman Canada stated that the public meeting will be held at Coosa High School and Commissioner Fricks, Chairman of the Committee, will coordinate the meeting and the date will be announced at that time.

County Manager Kevin Poe stated that signage will be posted, similar to the signs used by DOT, on each end of the road to let people know who travel the road that there is an upcoming public hearing. Chairman Canada stated that the public hearing will be informative for the commissioners, as well as Inland. Chairman Canada stated that Inland has requested the closure of the road for safety and security reasons because of the amount of traffic on Mays Bridge Road. Chairman Canada stated that it is not the entire length of the road, it is only 1.2 miles, where Mays Bridge enters Alabama Highway (Hwy.20W) down to the intersection of Turners Bend Road.

APPOINTMENTS:

Joint Floyd/Gordon Development Authority - Chairman Canada requested media assistance in requesting that citizens who are interested in serving on the Authority contact Sue Broome, County Clerk.

TIME CHANGE FOR NOVEMBER 23, 1999

MEETING (3:00 p.m. Caucus – 5:00 p.m.

REGULAR MEETING):

Chairman Canada requested that the time for the November 23, 1999 meeting be changed to 3:00 p.m. Caucus and 5:00 p.m. Regular Meeting, due to a conflict with the Town and County Dinner, hosted by the Cooperative Extension Services, and called for a Motion.

MOTION was made by Commissioner Jennings, SECOND by Commissioner Mayes to change the time as outlined by the Chairman. VOTING:

YES

NO

Commissioner Hufstetler
" Fricks
" Mayes
" Jennings

Motion Carried

COMMISSIONER'S REPORT:

ADMINISTRATIVE/FINANCE COMMITTEE:

CHANGE IN MEETING DATE:

Commissioner Hufstetler, Committee Chairman reported the meeting scheduled for next Monday (November 15th) has been changed to Wednesday, November 17th at 9:30 a.m. due to schedule conflicts.

SPLOST 1995 & 1996:

Commissioner Hufstetler requested that revising the 1996 SPLOST, and revising the 1995 SPLOST be added to the agenda. Commissioner Hufstetler stated that the revision to the 1995 SPLOST is basically closing the bond out leaving a fund balance of zero, and the 1996 SPLOST is debt repayment which is the Industrial Park Bond and Georgia Power tax obligation.

4/5 VOTE TO ADD ITEM TO THE AGENDA:

Chairman Canada called for a Motion to place item on the Agenda. MOTION was made by Commissioner Jennings, SECOND by Commissioner Fricks. VOTING:

YES NO

Commissioner Hufstetler
" Fricks
" Mayes
" Jennings

Motion Carried

REVISE 1995 & 1996 SPLOST:

Commissioner Hufstetler requested that a Motion be made to revise the 1995 & 1996 SPLOST.

Chairman Canada called for a Motion concerning the items on SPLOST as outlined by Commissioner Hufstetler. MOTION was made by Commissioner Mayes, SECOND by Commissioner Jennings. VOTING:

YES NO

Commissioner Hufstetler
" Fricks
" Mayes
" Jennings

Motion Carried

PUBLIC SAFETY COMMITTEE:

Commissioner Mayes, Committee Chairman, reported the November 10, 1999 meeting has been cancelled due to a conflict. Commissioner Mayes stated the next committee meeting will be held on December 8th at 2:00 p.m.

PUBLIC WORKS COMMITTEE:

Commissioner Fricks, Committee Chairman, thanked the residents who attended the public hearing regarding the Sproull Road/Reynolds Bend Road improvements. Commissioner Fricks stated he felt it was a successful meeting with approximately 75 – 100 participants. Commissioner Fricks stated the next committee meeting will be held on December 1st at 9:00 a.m.

WATER COMMITTEE:

Commissioner Jennings, Committee Chairman, reported that the Water Committee is investigating exploration of additional water sources in the southern part of the county. Commissioner Jennings stated the Armuchee Creek project is moving forward, and advised that the EPD has requested additional information in the permit application and we are currently getting that information together. Commissioner Jennings stated we are trying to ensure the growth of unincorporated area of Floyd County by identifying additional water sources.

**REQUEST FOR WATERLINE EXTENSION
ALONG LEISURE DRIVE TO SERVE COOSA
HILL SUBDIVISION. (JIM GIVENS AND
DWIGHT WALRAVEN DEVELOPERS):**

Commissioner Jennings reported the developer is planning to develop a tract behind Coosa High School, adjacent to the new Coosa Middle School. Commissioner Jennings stated the current subdivision in the area (Lake Park Subdivision) has a 2" waterline that would not meet the requirements for the new Middle School nor the new subdivision. They have investigated the cost of an 8" waterline along Leisure Drive which would service the new Coosa Hills Subdivision and the new Coosa Middle, with T's being placed at the intersections in the Lake Park Subdivision which would eventually allow improvements within the subdivision. In addition, fire hydrants would also be installed. Commissioner Jennings stated the estimated costs for the project is \$91,763.50, but the developer has agreed to pay \$15,000 toward the project which is within the guidelines in terms of payback, and the developer will begin to pay the minimum water bills when the meters are installed in the new subdivision, and as it develops we will have home owners on the water system. Commissioner Jennings stated he feels this is a 'win-win' situation for the County because we begin the infrastructure improvement in the existing subdivision, plus we supply adequate water to the new Middle School and the new subdivision which helps the development in the area.

Commissioner Jennings made a MOTION that the waterline extension be approved and Sealed Bids be accepted for the project, SECOND by Commissioner Hufstetler. VOTING:

YES NO

Commissioner Hufstetler
" Fricks
" Mayes
" Jennings

Motion Carried

CLERK'S REPORT:

CONSENT AGENDA:

County Clerk Sue Broome advised there are five items on the Consent Agenda with items 4 & 5 requiring a 4/5 vote to be added to the Agenda.

4/5 VOTE TO ADD ITEMS TO THE AGENDA:

Chairman Canada called for a Motion for a 4/5 Vote to add items 4 & 5 to the Consent Agenda. MOTION was made by Commissioner Hufstetler, SECOND by Commissioner Fricks. VOTING:

YES NO

Commissioner Hufstetler
" Fricks
" Mayes
" Jennings

Motion Carried

Chairman Canada called for a Motion to approve the Consent Agenda as presented. MOTION was made by Commissioner Hufstetler, SECOND by Commissioner Fricks. VOTING:

YES NO

Commissioner Hufstetler
" Fricks
" Mayes
" Jennings

Motion Carried

Tax Refunds

Carl Templeton, 2785 Old Summerville Rd., Armuchee, \$43.97
Doris D. Yarbrough, 73 Couey Circle, \$10.15

Authorize execution of Agreement between Floyd County Victim Witness Assistance Program, Floyd County Juvenile Court, Floyd County Board of Commissioners and Edward C. Buckenham for Independent Contractor Services as the Child Victim Advocate Assistant for the Child Victim Advocacy Program, \$8.00 hourly rate. (11/01/99 – 11/30/99).

Authorize execution of Agreement between Floyd County Victim Witness Assistance Program, Floyd County Juvenile Court, Floyd County Board of Commissioners and Misti Kirkland for Independent Contractor Services as the Child Victim Advocate Assistant for the Child Victim Advocacy Program, \$8.00 hourly rate. (11/01/99 – 02/01/00).

Malt Beverage Application: Muhammad Waseem/Southern Pride Food Mart #2, 3520 Martha Berry Highway (Convenience).

Self-Service Fuel Dispensing Application: D&D Oil Company, Inc./Cowboy's Food Mart #25, 2995 Cedartown Highway, SE.

MANAGER'S REPORT:

MEETING WITH LEGISLATIVE DELEGATION:

County Manager Kevin Poe advised that he will try to set up a breakfast meeting with the Legislative Delegation in the month of December.

WORKING AGREEMENT BETWEEN FLOYD COUNTY AND THE NATURAL RESOURCES CONSERVATION SERVICE:

County Manager Kevin Poe advised the cost to continue the working agreement, as presented, is \$10,300, which basically pays one-half the salary of an employee who works in the NRCS office.

Chairman Canada called for a Motion for the Working Agreement between Floyd County and the Natural Resources Conservation Service in the amount of \$10,300. MOTION was made by Commissioner Mayes to keep the contract at \$10,300. MOTION DIED FOR LACK OF SECOND.

**PROPOSAL FROM NATURE
CONSERVANCY OF GEORGIA:**

County Manager Kevin Poe advised that this item would be deferred to the next meeting.

**AUTHORIZE NAME CHANGE FROM
WOODRIDGE WAY TO RUSTIC RIDGE
ROAD IN HIGHPOINT SUBDIVISION:**

County Manager Kevin Poe advised that a request has been received to change the name of Woodridge Way in Highpoint Subdivision to Rustic Ridge Road. Mr. Poe stated that both roads are cul-de-sac roads and the roads will meet to form one loop road in the next phase of developing the subdivision.

Chairman Canada called for a Motion to authorize the name change. MOTION was made by Commissioner Hufstetler, SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Mayes

" Jennings

Motion Carried

**AUTHORIZE EXECUTION OF
EXTENSION AGREEMENT BETWEEN
EXXON CORPORATION AND FLOYD
COUNTY FOR THE PERIOD NOVEMBER 1, 1999
THROUGH DECEMBER 31, 1999:**

County Manager Kevin Poe advised the new contract with BP Oil for aviation fuel at the Richard B. Russell Airport will begin on January 1, 2000, and the existing contract with Exxon expired October 31st. Mr. Poe stated that this extension will complete the calendar year and recommended approval of execution of documents.

Chairman Canada called for a Motion to approve the recommendation as outlined by the Manger. MOTION was made by Commissioner Jennings, SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Mayes

" Jennings

Motion Carried

UPDATE ON SCRAP TIRE PROGRAM:

County Manager Kevin Poe advised that Jerry Sexton, Floyd County Police Department, will be performing the duties of the grant as the Environmental Enforcement Officer. Mr. Poe stated that as a Certified Police Officer who has arrest powers, Mr. Sexton can issue a citation if there is a violation of the ordinance and take the case all the way through to court. Mr. Poe stated that special permission was required and granted from the EPD to use an existing police officer, we will receive reimbursement from the grant for a portion of the salary, so instead of adding the salary of an additional employee we will actually be off-setting an existing salary which will be a cost savings. Mr. Poe stated the grant also includes the purchase of a computer for the officer because there are a number of data bases which have to be developed to maintain the documents which are required to be submitted to the EPD. Mr. Poe stated there are also funds in the grant for the purchase of a new vehicle, and he would like to purchase a vehicle similar to Cooperative Extension or Animal Control which is a basic Jeep Cherokee with 4-wheel drive because the officer will be going off-road quite a bit, looking at situations where scrap tires might be piled. Mr. Poe stated that Mr. Sexton is required to go through a training course at EPD and will be working closely with the Building Inspection and Community Development Departments dealing with environmental issues with Scrap Tires being the emphasis of the program.

County Manager Kevin Poe requested authorization for execution of the preapplication for Year 2 Funding of the Scrap Tire Program, stating that the letter would also require authorization of the City Commission.

Chairman Canada called for a Motion to authorize the Chairman to sign the letter regarding the preapplication for Year 2 Funding of the Scrap Tire Program. MOTION was made by Commissioner Hufstetler, SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Mayes

" Jennings

Motion Carried

**DEVELOPMENT AGREEMENT ON
HOTEL PARKING DECK;
DEVELOPMENT AGREEMENT BETWEEN
FLOYD COUNTY, CITY OF ROME AND
FORUM HOLDINGS, L.L.C.; AND AGREEMENT
BETWEEN FLOYD COUNTY AND PARKWOOD
MANAGEMENT GROUP:**

County Manager Kevin Poe explained that the original agreement between Floyd County and Parkwood Management Group set out the obligations the various parties are making in order to complete the project which includes the construction of a Marriott Courtyard Hotel and a 375 car parking deck.

Mr. Poe stated the Development Agreement between Floyd County, the City of Rome and Forum Holdings, LLC is strictly related to the development and construction of the parking deck. Mr. Poe stated the key points of the document are: 1) the amount of bonds to be issued to finance the project is approximately \$3 million; 2) the Guaranteed Maximum Development Cost is set at \$3.3 million, with the developer (Forum Holdings, LLC, which is a partnership between Parkwood Management Group and Stormont Trice Corporation) being responsible for any costs in excess of the Guaranteed Maximum Cost; 3) the developer will be paid \$129,000 for managing the project and \$164,860 for design management fees. If the project comes under the \$3.3 million budget, 75% of the savings amount will go to the Development Authority to reduce the debt service and 25% to the developer; and 5) project budget.

Mr. Poe stated that the key points of the Contract and Agreement between Floyd County and Parkwood Management Group regarding the property (which is currently owned by Floyd County) on which the hotel will be constructed are: 1) Floyd County will deed the property to the Rome-Floyd County Development Authority and in-turn the Development Authority will lease the property to the hotel; 2) Floyd County and the City of Rome are agreeing to do some improvements between The Forum parking lot and the hotel property – extending the urban foyer on Third Avenue from the intersection of 1st Street and Mitchell Plaza over to the riverbank; 3) Parkwood Management Group will, over a twenty-year period of time, pay Floyd County a total amount of \$260,000 for the hotel property.

Mr. Poe requested authorization for the item to be placed on the Agenda.

4/5 VOTE TO PLACE ITEM ON THE AGENDA:

**EXECUTION OF DEVELOPMENT AGREEMENT
BETWEEN FLOYD COUNTY, THE CITY OF ROME
AND FORUM HOLDINGS, LLC.**

EXECUTION OF CONTRACT AND AGREEMENT

**BETWEEN FLOYD COUNTY AND PARKWOOD
MANAGEMENT GROUP.**

Chairman Canada called for a Motion for a 4/5 Vote to place the items on the Agenda. MOTION was made by Commissioner Fricks, SECOND by Commissioner Hufstetler, to place the items on the Agenda. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Mayes

" Jennings

Motion Carried

Chairman Canada called for a Motion to authorize the Chairman to execute the Development Agreement and the Contract and Agreement relating to the Parking Deck and Hotel Project as outlined by the County Manager. MOTION was made by Commissioner Mayes, SECOND by Commissioner Fricks.

Discussion: Commissioner Hufstetler stated that he feels this is a good project and will be good for the downtown area, however, he does not feel that the County got the best agreement they could have, because the payment for the property is over a period of 20 years interest free which is a subsidy of \$200,000+ in interest savings, and they also got \$100,000 from Downtown Development. Commissioner Hufstetler stated that it was not his understanding that they would be getting a share of the \$500,000 grant Floyd County received, and now it is his understanding that they are getting \$75,000 from this. Commissioner Hufstetler stated that he does not feel that if we were a private business we would have done something like this.

Commissioner Fricks stated that he feels this is our part of infrastructure that we are gaining in terms of a parking deck with our multi-million dollar investment right next to The Forum and this is probably the first \$5 million investment in the middle of Floyd County that has ever been done, and if we were in the private sector we would have probably negotiated a harder contract, but this serving as a catalyst for future development in the area, creating a stronger downtown and creating a stronger tax base is what we get back for Floyd County.

There being no further discussion, Chairman Canada called for a vote. VOTING:

YES NO

Commissioner Hufstetler
 " Fricks
 " Mayes
 " Jennings

Motion Carried

AWARD BID FOR FOOD SERVICES FOR THE JAIL:

County Manager Kevin Poe advised that proposals have been submitted regarding Food Services for the Jail, stating that the vendor has changed and requested an increase in price so it was put out for bid. Mr. Poe recommended the bid be awarded to ABL Management and the Chairman be authorized to execute the Agreement with ABL to provide food service at the jail.

	<u>Vendor</u>	<u>Daily Population</u>				
		<550	551-600	601-650	651-700	701-750
751-800	ABL	1.151	1.098	1.059	1.031	1.008
0.978						

1.157	Aramark	1.372	1.322	1.270	1.218	1.188
1.0152	Valley Food	1.1764	1.1334	1.097	1.0659	1.0388

4/5 VOTE TO ADD ITEM ON THE AGENDA:

Chairman Canada called for a Motion to place the item on the agenda. MOTION was made by Commissioner Jennings, SECOND by Commissioner Hufstetler. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Mayes

" Jennings

Motion Carried

Chairman Canada called for a Motion to accept the recommendation as outlined by the Manger. MOTION was made by Commissioner Jennings, SECOND by Commissioner Mayes. VOTING:

YES NO

Commissioner Hufstetler
" Fricks
" Mayes
" Jennings

Motion Carried

ATTORNEY'S REPORT:

**AUTHORIZATION TO HIRE
EXPERT WITNESS:**

County Attorney Wade Hoyt, III, requested authorization to hire a Use of Force Expert in a pending case. Mr. Hoyt stated they are at the point of filing motions for summary judgement, and expect to prevail in the case, but will have to have the expert. Mr. Hoyt stated this will cost an initial \$1,800 retainer and this will probably prevail up to and including the time of trial and they expect to win before it goes to trial.

Chairman Canada called for a Motion to authorize the retainer fee of \$1,800 for the expert witness as outlined by the attorney. MOTION was made by Commissioner Mayes, SECOND by Commissioner Fricks. VOTING:

YES NO

Commissioner Hufstetler
" Fricks
" Mayes
" Jennings

Motion Carried

OTHER BUSINESS:

**APPOINTMENT TO TEEN PLUS CENTER
ADVISORY BOARD:**

Chairman Canada stated that he has received a request from the Teen Plus Center that a member of the Board, who is supportive of adolescent development, be appointed to their Advisory Board. Chairman Canada asked Commissioner Jennings if he would be willing to serve. Commissioner Jennings accepted the appointment.

ADJOURNMENT:

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

YES

NO

Commissioner Hufstetler

" Fricks

" Mayes

" Jennings

Motion Carried

COMMISSIONERS

FLOYD COUNTY BOARD OF

KIM A. CANADA, CHAIRMAN