

May 27, 2003

REGULAR MEETING
FLOYD COUNTY BOARD OF COMMISSIONERS
May 27, 2003 **6:00 P.M.**

PRESENT: Chairman Garry Fricks, Commissioners Tom Bennett, Chuck Hufstetler, Jerry Jennings, and John Mayes.

OTHERS

PRESENT: County Manager Kevin Poe, County Attorney Tom Manning, Clerk Michele Fountain, and Assistant County Manager Sammy Rich.

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

INVOCATION: Commissioner Mayes led the Invocation.

PLEDGE OF

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

PUBLIC PARTICIPATION

**MARCELLA LANGLOIS,
CERTIFIED TRANSLATOR.**

Marcella Langlois, Certified Translator, stated that she appreciated the time of the Commissioners and she knows that they have a busy agenda. She stated that she came to speak with regard to a rule passed by the Commission of Equality of the Supreme Court in the year 2000. She had been working as a Court Interpreter in the Floyd County area since 1990 and she had been privileged to work with the Superior Court to provide interpreting in first appearances at the Jail. She is honored to work with the Juvenile Court system. Judge Pape had even asked her to translate all of the documents for his court and they are putting them on CD so that some of the minors that cannot read can hear books on tape, the rules of probation and they can send subpoenas and continuances in Spanish so that individuals know when they get a document what it means and they do not have to have their neighbor telling them what the paper means. But, she had noticed that since the change in judgeship in the Probate Court she has never been called again. Judge Aiken retired and she was at her retirement party. She could not remember what year that was, but she knows that they hired a Spanish speaking bilingual lady for the Cashier position. And she was still questioning who was doing the interpreting for the Probate Court. She went to ask her and she told her they did not need interpreters in their courts anymore because she could tell them what was going to happen before it took place. She stated that concerned her. It concerns her because she has been doing this work and she goes to professional association meetings and talks to all of the Commissioners about this and tries to talk to all of the Judges and trying to educate her community on the use of qualified interpreters, so that they can represent and have justice for all, as is in the pledge, for everyone in the community. And, some of you know that she has gone the extra step and put herself in positions

so that her ethics are always the highest. She is not asking for the position of an interpreter in the Probate Court, and she stated that she wanted to make that perfectly clear. If someone else needs to be hired for that position... by the way, she is a licensed interpreter, she did graduate study in Advanced Technical Translation at Georgia State University. She is not certified because the certification program in 1988 did not allow her to bring in her laptop to take the exam and she told them to get with the firm, because in the 21st Century everyone would have a laptop and have that advantage today. She stated that this weekend she was in Nashville and they were telling all of the translators that they needed to get more computer literate. It is important to stay up-to-date with the translations skills. Another problem when we don't have someone who is trained in and knows translation, which is the process of translating written documents, as well as interpreting, which is oral rendition of the proceedings within the court process is that if a person comes in with a document and they want to present it, that person cannot do an accurate translation. Then, for example, a person is stopped with a license from Mexico, they cannot enter it as evidence because there is no one to accept it, so they are still fined and they are not getting due process. She is concerned about the quality of interpretation in the Probate Court ever since the change of judgeship and would like this Commission to address that. She thanked the Commission.

Commissioner Mayes asked Ms. Langlois to sum up the things she is requesting of the Commissioners. Ms. Langlois replied that there is a difference between someone who is bilingual and someone who can interpret and translate. There is a rule set by the Supreme Court Equality Commission and the Commission on Interpreters regarding the use of qualified or licensed interpreters so that they can have qualified individuals who know the difference between, say, subpoena and guilty. She stated that she was very surprised when she spoke to this person, and this is not an attack against the individual, who may be doing a fine job in her position as Cashier. She said, "well, (remainder of statement was not made in English)". In other words, they don't really need an interpreter because when they come (comment not in English), so they don't need an interpreter. It is really, to her, a problem because there are laws in our county to be sued and there is no representation of all of the individuals that come in front of the court. There isn't equal access. That is what she is saying.

Commissioner Jennings asked for clarification, if there was not an interpreter present at Probate Court. Ms. Langlois replied that they are being told what is going to happen before it happens by the Cashier who takes the fine, and by paying the fine they are guilty. Sometimes they are told ... That is really a crime. If somebody gets a ticket and they don't know that they have the right to talk to the attorney and that they have the right to an attorney and that they have the right to a jury trial, nothing is really said to the person, then they are not getting due process. It opens our county for some problems and she would like to... She has brought this up numerous times. She has tried to be assertive and creative. She has talked to individuals on a one-to-one basis, but she feels that maybe if she talks to the Commission as a group, she will get some better results, not for her, for all of the Hispanics in this community. For people like her mother, who do not speak English and have paid taxes for 40 years. And even if they do not vote, they still have equal rights and right to unfettered access to the legal system.

Chairman Fricks stated that, on behalf of the Commissioner, they are all concerned about that. How much they can impose on the operation of the Courts, that is one of the elements that

they... Ms. Langlois stated that she was told that it was a budget issue, that there were no funds. She also stated that maybe they can study that, if that is an issue, if there is an allocated budget for interpreters, is it not being used for interpreting. Because, when she pledges allegiance, and she thinks equality of the law, like she is stepping up to the plate and she is not... She stated that she may not make a lot of “brownie points” in other peoples eyes. It may not be the politically good thing to do, but she is not worried about political issues, she is not running for office, she is worried about the rights of her fellow citizens and residents and her community being fair.

Commissioner Hufstetler stated that they will look into it. He mentioned that he (*Judge Burkhalter*), is an elected and he runs the operation of that court system, the Commission does not run the operations of Constitutional Officers. Ms. Langlois stated that they do have some... they run the operating budget, don't they? Commissioner Hufstetler stated they appropriate funds. Ms. Langlois stated that in essence, you can make sure that if the funds are appropriated, that they are used appropriately. Commissioner Hufstetler replied, “yes.” Ms. Langlois stated that then they do have some say. Commissioner Hufstetler stated that they do have some say, but they do not run the operations of the Court System. Ms. Langlois stated that she thought they could look at the rule that has been sent down from the Equality Commission and see if it is being implemented.

Commissioner Jennings stated that county-wide it really, on a regular basis, behooves us to look at Public Works, Water Department, our Court System, the County Manager's and County Clerk's offices. Do we have people within all of those locations who can help our Hispanic citizens get the service that they help to support. Ms. Langlois asked if there is a Commission on Equality within the Board. Commissioner Jennings stated that it may be in their best interest for community awareness, what are we doing now and is that adequate and what do we need to improve upon. He stated that this is probably something that they need to delegate to Assistant County Manager Sammy Rich to do.

County Attorney Tom Manning stated that Judge Burkhalter had called him today and stated that he did not plan to attend the meeting, but he would glad to address any questions the Board has. He thinks that Judge Burkhalter feels that he has a system in place that is proper, fair and adequate. Commissioner Jennings stated that is what they need to be looking at is, that within each of the offices, that have contact with the public, do we have in place some system to deal with our Hispanic citizens. Ms. Langlois stated, but not just some system, because, in some system, employees are bilingual individual, they do not know the technical terminology to properly address the needs of that office, then that system is not a valid system and it still does not ... Commissioner Jennings asked Ms. Langlois to what would be the adequacy of the system. Ms. Langlois replied that adequacy, she would say, in the case of the Court and the Medical System, where life or liberty could be lost, adequate is not good enough. She thinks proficient, qualified, licensed, Board Certified is the ticket. She stated that if they need any clarification as to how to obtain that, there is a National Association of Judiciary Interpreters, American Translators Association, of which she is a member of both and she would be happy to help in any way.

MONTIE RASURE.

Montie Rasure, 969 Mays Bridge Road, stated that this is his first opportunity to have the chance to work with a County government like this and he is very pleased with everything that has gone on and he wanted to thank the County Commission for making the decision to let EPD make the determination whether closing Mays Bridge Road is proper, whether it is necessary to keep Inland Container open or not. He also thanked Inland Container for the commitment to not close the road, if it becomes necessary to give them the road, until the permit is granted and until Turner Bend has been upgraded.

CHRIS PIPER

Chris Piper, 190 Painter Road, stated that he apologized for bringing this up without it being on the Agenda. He was only notified that this meeting was going to happen about an hour before it started. He asked that he be pardoned for being ill-prepared as well. He stated that joining him are four other residents of the Painter Road. The reason they are there is that they have recently learned of the zoning of a particular piece of property on Painter Road. Being that he just learned that it was given a second address, which is 194 and it was also addressed as 196. He presented a map showing the property in question and noted the location with a star and the letters "DR". He stated that they had received this from the Library and asked if that is being zoned as Duplex Residential. He stated that he recently built a new home on that road. When he purchased the property approximately three years ago, all of it back in there was zoned as Single Residential only. He stated that he had been trying to do his homework and learn as much about this as he can. He stated that what is happening, on that particular piece of property with the star on it, an individual by the name of Jeff Barnett is building duplexes. The first one, which is under construction now, is basically, right in the front yard of his home, which has a value of well over \$200,000. He stated that he is sure that they can all put two and two together and figure out what that is going to do to his property values, as well as everyone else on the Painter Road. There are no residents on the Painter Road who agree with this. They have learned that this property was rezoned approximately two years ago to Duplex Residential. He has lived on that road for seven years and has owned this particular piece of property for three. None of them were ever notified that there was going to be a rezoning or how that this was being zoned. There were never any signs put up, which from what he understands is required a certain amount of time, before a zoning hearing takes place. None of them were aware of this at all until they started construction on a duplex right in front of several of their homes. This has all taken them totally by surprise. Basically what they are there to do tonight, is to find out what they can do. Just today he learned there is such a thing as an injunction that can be obtained to hopefully stop this construction until this issue can be resolved. They feel as though this property was rezoned for duplexes in a, and he did not want to say an illegal manner, but definitely an underhanded manner. In the fact that none of them were notified, none of them were given the opportunity to voice their opinions on it. They are all worried about their property values. They are all worried about their neighborhoods. They all built houses back in there because of the way that it is and the way they want to keep it. He stated that he is sure that the name Jeff Barnett is not unfamiliar to any of them. He is well known for doing this all over the county. They are not quite willing to just lay down and let it happen, not in their neighborhood, not to their property. He stated that he did not come there looking for any of them to put their foot down and say, ok, we are going to do this or that. What they are looking for is information on what they can do as far as getting something done before it goes too far. He stated that he did not know if they *a (the Board)* are the one who grants the injunction. They are totally in the dark about this and as he stated

previously, they are ill prepared, they just learned of the Commissioner's Meeting about an hour before it started. He asked if there were any questions for him or feedback.

Chairman Fricks stated that this was new information and therefore they lack a lot of feedback. He stated that they can put him in touch with Sammy Rich, who handles a lot of the zoning issues and Sue Hiller at the Planning Commission. What will help the Board is to receive a history of when the change was made, why it took place, why notification did not go out and issues like that. Chairman Fricks stated that they really cannot answer a lot of questions until they receive answers themselves. He asked if there were other comments and stated that he felt this was the best method for now and Mr. Rich and Ms. Hiller could probably help them. At some point in time they may have to address it themselves as well unless they can come to a good resolution when they find out the process. Mr. Piper thanked the Commission for their time.

AL HODGE

Al Hodge, Greater Rome Chamber of Commerce, stated that he is there to positively support Inland in their request. They (*the Chamber*) certainly continue to work with existing industry, as he knows that each of the Commissioners do. He is here this evening to support Inland on behalf of the Chamber and the many who are not necessarily here but appreciate this fine employer who creates directly, several hundred jobs and indirectly several thousand jobs, including supporting small businesses and quite a few folks within this region. He just wanted to say thank you for your positive support in advance of the, what apparently it is going to be a positive vote. He thanked the Commission.

ADOPTION OF

MINUTES: Chairman Fricks asked the County Attorney if the minutes were in order. County

Attorney Tom Manning replied that they were in order. Commissioner Mayes made a MOTION to adopt the minutes of the Regular Meeting of May 13, 2003 as presented. SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler

" Mayes

" Jennings

" Bennett

Chairman Fricks

Motion Carried

SECOND READING/PUBLIC HEARING

(FIRST READING HELD MAY 13, 2003 AT 2:00 P.M.)

**FILE #19-2003Z, FLOYD COUNTY
BOARD OF COMMISSIONERS**

**REQUEST ZONING MAP 506B BE
ADOPTED AS ZONED. LOCATIONS:
GLENN DRIVE, BEARD DRIVE AND
GLENVIEW DRIVE AT OLD DALTON
ROAD AND U. S. 27 NORTH (ZONING
MAP 506B-01 & 02-ALL PARCELS).
(PLANNING COMMISSION RECOMMENDATION:
APPROVAL [VOTE – UNANIMOUS])**

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

YES

NO

Commissioner Hufstetler

" Mayes

" Jennings

" Bennett

Chairman Fricks

Motion Carried

Chairman Fricks asked if there was anyone present wishing to address this item in support or opposition. There being no one present wishing to speak, MOTION was made by Commissioner Hufstetler to close the Public Hearing. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Hufstetler

" Mayes

" Jennings

" Bennett

Chairman Fricks

Motion Carried

MOTION was made by Commissioner Hufstetler to accept the Planning Commission's recommendation and approve that the Zoning Map be adopted. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Hufstetler

" Mayes

" Jennings

" Bennett
Chairman Fricks

Motion Carried

**FILE #27-2003Z, REQUEST REZONING
FROM S-R (SUBURBAN RESIDENTIAL)
TO M-R (MULTI-RESIDENTIAL) TO
BUILD FIVE (5) QUAD UNITS ON
PROPERTY LOCATED AT MARTHA
BERRY HIGHWAY AT LINDSEY DRIVE,
(ZONING MAP 506C-02-005 & 006).
(PLANNING COMMISSION RECOMMENDATION:
WITHDRAWAL WITH PREJUDICE [VOTE –
UNANIMOUS])**

Chairman Fricks stated that this item was withdrawn with prejudice.

**FILE #28-2003Z, REQUEST REZONING
FROM S-R (SUBURBAN RESIDENTIAL)
TO C-C (COMMUNITY COMMERCIAL)
FOR MARKETING PURPOSES ON
PROPERTY LOCATED AT WAX ROAD
AT ROCKMART HIGHWAY (ZONING
MAP 230-5-023).
(PLANNING COMMISSION RECOMMENDATION:
APPROVAL [VOTE – UNANIMOUS])**

Chairman Fricks called for a Motion to open the Public Hearing. MOTION was made by Commissioner Hufstetler to open the Public Hearing on File #28-2003Z. SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler

" Mayes

" Jennings

" Bennett

Chairman Fricks

Motion Carried

Chairman Fricks stated that the Public Hearing is open and asked if anyone would like to address this issue in either support or opposition. There being no one present wishing to address this issue, MOTION was made by Commissioner Mayes to close the Public Hearing. SECOND by Commissioner Hufstetler. VOTING:

YES

NO

Commissioner Hufstetler

" Mayes

" Jennings

" Bennett

Chairman Fricks

Motion Carried

Chairman Fricks called for a Motion. MOTION was made by Commissioner Hufstetler to accept the Planning Commission recommendation to approve the request for rezoning from S-R to Community Commercial. SECOND by Commissioner Bennett. VOTING:

YES

NO

Commissioner Hufstetler

" Mayes

" Jennings

" Bennett

Chairman Fricks

Motion Carried

VOTE ONLY

ROAD CLOSING:

MAYS BRIDGE ROAD.

(DEFERRED FROM MAY 13, 2003 MEETING)

Chairman Fricks stated this issue was addressed and deferred from the May 13, 2003 meeting. Commissioner Jennings asked the name of the document related to this item and also if there was a specific number for it. County Attorney Tom Manning stated that the document is an Ordinance and there is no number, but if needed there is a place for it to be added by Clerk Michele Fountain. He noted that previous Ordinances for Road Closing were not numbered. He stated this is the Ordinance regarding Mays Bridge Road between State Route 20 and Turner Bend Road. MOTION was made by Commissioner Jennings to approve the Ordinance regarding the closing of Mays Bridge Road with some amended language that in Section One reads "a County road known as Mays Bridge Road between State Route 20 and Turner Bend Road shall be permanently closed and abandoned by Floyd County and no longer will be used as a public road effective and contingent upon." The language he would like to insert first "on contingent upon" is *(this change was read by County Attorney Manning)* "a traffic signal being installed at the intersection of Turner Bend Road and Georgia Highway 20 and

improvements being made to the Turner Bend Road railroad crossing and further contingent upon receipt of evidence, based upon modeling from the Georgia Environmental Protection Division, in connection with its forthcoming study, that air quality may be improved only upon the closing of said portion of Mays Bridge Road. Upon a traffic signal being installed at Turner Bend Road and Georgia Highway 20, improvements being made to the Turner Bend Road railroad crossing, and upon receipt of said evidence from the Georgia Environmental Protection Division, and only upon said event” and it would pick back up with language in the proposed Ordinance. Commissioner Jennings stated where it continues, it basically says “receipt of evidence based on modeling from the Georgia Environmental Protection Division in connection with its forthcoming study that air quality may be improved only upon the closing of said portion of Mays Bridge Road. Upon receipt of such evidence from the Georgia Environmental Protection Division and only upon said receipt, the County shall execute quit-claim deeds conveying all its right, title and interest in,” and so on. Basically they are saying from a health and safety standpoint, we will close Mays Bridge Road contingent upon the EPD’s finding that it is necessary to close Mays Bridge Road and we are moving forward on improving Turner Bend Road, which is simply saying that that work on Turner Bend Road be completed. County Attorney Manning stated that was correct and he would add part of the Motion if they would like, the last sentence on page 2, beginning with the next to last line, he would add the language also “upon the changes to Mays Bridge Road and receipt of said evidence.” Commissioner Jennings stated that basically they are taking the language that our Attorney has provided us and they are simply adding what the agreement is to improve Turner Bend Road and they have authorized the County Manager to move forward on all of those projects. He stated that he thought the traffic signal is already in process, and the railroad crossing is in process, so we are moving forward on improving Turner Bend Road. County Manager Poe noted that they have a contract to enter into with Norfolk Southern for the railroad crossing. SECOND by Commissioner Hufstetler. VOTING:

YES

NO

Commissioner Hufstetler

" Jennings

" Bennett

Chairman Fricks

Motion Carried

Commissioner Mayes abstained from voting.

CHAIRMAN’S REPORT

APPOINTMENTS.

Chairman Fricks stated that there was one appointment to be made today, Ms. Bonnie Moore to the Highland Rivers Community Service Board. MOTION was made

by Commissioner Hufstetler to reappoint **Bonnie Moore** to the **Highland Rivers Community Service Board** for a term of **2 years, expiring June 30, 2005**. **SECOND** by Commissioner Mayes. **VOTING:**

YES

NO

Commissioner Hufstetler

" Mayes

" Jennings

" Bennett

Chairman Fricks

Motion Carried

COMMISSIONER'S REPORT

ADMINISTRATIVE/FINANCE COMMITTEE.

DISCUSS OBTAINING LINE OF CREDIT IN THE AMOUNT OF \$4M.

Commissioner Hufstetler, Committee Chairman, stated this is for authorization for a line of credit in the amount of \$4M in the event that it would be necessary to get us (*the County*) through until the budget figures

come in from property taxes. Commissioner Hufstetler stated that this was made in the form of a **MOTION**. **SECOND** by Commissioner Bennett. **VOTING:**

YES

NO

Commissioner Hufstetler

" Mayes

" Jennings

" Bennett

Chairman Fricks

Motion Carried

APPROVE FUNDING OF ONE-HALF (1/2) YEAR SALARY FOR JUVENILE COURT PUBLIC DEFENDER POSITION IN THE AMOUNT OF \$28,900.

Commissioner Hufstetler, Committee Chairman, stated that this item is to approve the funding for the second half of the year for the Juvenile Court Public Defender position in the amount of

\$28,900. That has now ended being funded by the State. He stated that was made in the form of a MOTION. SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler

" Mayes

" Jennings

" Bennett

Chairman Fricks

Motion Carried

DISCUSS FLOYD MEDICAL BOND ISSUE.

No action was taken.

CREATING SEPARATE MILLAGE RATE FOR TAX COLLECTION/APPRaiser SERVICES.

Commissioner Hufstetler, Committee Chairman, stated that this item is to create a separate Millage rate for the Tax Collection/Appraiser Services that would be put in on the property tax bills that go out this year. This had been discussed during Caucus and Commissioner Hufstetler stated that this was made in the form of a MOTION. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Hufstetler

" Mayes

" Jennings

" Bennett

Chairman Fricks

Motion Carried

PUBLIC SAFETY COMMITTEE

DISCUSS BOMB SQUAD.

Commissioner Mayes, Committee Chairman, asked County Manager Poe the form of the Motion for this item. County Manager Poe stated they needed approval to formally create the Bomb Squad under the Metro Task Force and to approve the expenditure of \$28,000 for initial equipment purchase. Commissioner Mayes

made the MOTION as stated by County Manager Poe. SECOND by Commissioner Hufstetler. VOTING:

YES

NO

Commissioner Hufstetler

" Mayes

" Jennings

Commissioner Bennett

Chairman Fricks

Motion Carried

**APPROVE PURCHASE OF FOUR (4)
PORTABLE RADIOS FOR POLICE
DEPARTMENT (\$565 EACH).**

Commissioner Mayes made a Motion to approved the purchase of four (4) portable radios for the Floyd County Police Department in the amount of \$565 each. SECOND by Commissioner Hufstetler. VOTING:

YES

NO

Commissioner Hufstetler

" Mayes

" Jennings

" Bennett

Chairman Fricks

Motion Carried

PUBLIC WORKS COMMITTEE

Commissioner Bennett, Committee Chairman, noted that now that the sun is out, possibly they will be able to get some catching up done.

WATER COMMITTEE.

**DISCUSS UPGRADING WATERLINE
ON WARE ROAD.**

Commissioner Jennings, Committee Chairman, stated that as discussed during Caucus, he made a MOTION for approval of the projects for renewal of Ware Road, Hennon Drive, Hasty Road and Lewis Barrett Blvd. to be put out for bid and he noted that then the bids will come back to the Commissioners. County Manager Poe asked if approval of the appropriate engineering work could be added to the Motion, noting that this has to be done first. Commissioner Jennings

amended his MOTION to approve the appropriate engineering work ultimately leading to the replacement of the water lines on those four roads. SECOND by Commissioner Mayes.

VOTING:

YES

NO

Commissioner Hufstetler

" Mayes

" Jennings

" Bennett

Chairman Fricks

Motion Carried

DISCUSS REPLACING 2" WATERLINES.

No action taken.

Commissioner Jennings, Committee Chairman, stated that the Department of Natural Resources, in light of the rain deficit which we had over previous years, is announcing, not asking for, but announcing, a set of year-round conservation based outdoor water use restrictions to become effective on June 1, 2003. What the DNR is requesting is that water utilities throughout the State of Georgia encourage their water customers to voluntarily schedule their outdoor water use in compliance with this schedule. Odd numbered addresses voluntarily would water on Tuesdays, Thursdays and Sundays, with no hourly limit and that even numbered and unnumbered addresses water on Mondays, Wednesdays and Saturdays, again with no hourly limits. He stated that it is his understanding that this will be a voluntary restriction for six months, at which point these restrictions would become mandatory throughout Georgia. So, they are talking about the first of next year, the entire state would be under these outdoor watering restrictions, irrespective of May being a record breaking month for rainfall. Commissioner Hufstetler asked if this would be watering from any source. County Manager Poe noted that you can water any time from a well. Commissioner Hufstetler asked if you could also water at any time from a pond. County Manager Poe stated that he thought this was just from municipal water sources. Commissioner Jennings stated that he was simply informing the community of the DNR's vision for water conservation in Georgia.

SPECIAL COMMITTEE REPORTS

BASEBALL STADIUM (FRICKS/HUFSTETLER)

Chairman Fricks stated that they are coming to the final stages. Commissioner Hufstetler stated that the total project cost on the stadium came in at \$16,317,560. The project funding from other sources, from the Braves, from GE lighting and from the Georgia Department of Transportation, was \$1,381,354. The net project cost, the County share, was \$14,936,206. He stated they did not have to do Value Engineering on this project, They made some improvements both for

aesthetics and also for long term maintenance issues. When they saw they were going to be under budget, they were able to make a few extra improvements. They added additional brick on the stadium façade, which obviously looks a lot better, but will also be a long term maintenance issue that will be better. There is the Plaza with stained concrete, bronze statues, trees and benches which he said looks real good. They upgraded the padding material on the fence. On the back stop netting, they went with a higher grade which not only made it a better long-term net, but it is half the width of the other netting, which improves the ability of the fans to see in those seats. The History of Baseball display was upgraded. The irrigation system lines and controls were originally going to be in the outfield and those have been brought into the building, which will, in times of freezing make it a better system. Plus they will be able to control those valves from inside the building. They upgraded the parking lot paving and made it thicker around the parameter of the main lot. The restrooms have some upgraded material, which made them better. They added a 1" turf thickness to the playing field which wasn't originally that thick and that mainly is due to the fact of the weather and that they needed to have good turf down and to meet their schedule. They also upgraded the carpet material in the Clubhouse. He stated that the Braves have added six additional suites and that is what their money was basically for. The Club Level Restaurant and kitchen were upgraded. They put in an additional elevator, the Corporate Terrace Garden and Pavilion areas, a retail store, which they paid for. They upgraded the seating so that all of the stadium seats were in fixed chairs and not benches. They also upgraded the Dugout Tunnel from there to the Clubhouse and added additional concession areas. Again all of the upgrades were their part of putting in over \$1M in the stadium. That does not include the Scoreboard which was approximately \$900,000. He stated that was the budget for the Rome Braves Baseball Stadium.

Chairman Fricks commented that within the \$14,936,206 budget, are reimbursements to the County cost in terms of road construction and materials, concrete and all of the elements there. Commissioner Jennings stated that, in light of a project of that magnitude to come in under budget, to be that close to \$15M in expenditures that accolades, hoorays and atta-boys from himself, and he speaks for Commissioners Mayes and Bennett are to be extended to the County Manager, Commissioners Hufstetler and Fricks, Carter and Associates, and H + M Construction. He thinks they had the team in place to make all of this happen and that people are very pleased with the Stadium and Braves and just bringing the community together. This proves that you worked really hard at this and it is showing up in the bottom line. He thanked them for all of their help.

SPLOST PROJECTS.

Commissioner Jennings stated that it had been discussed during the Caucus Session to ask County Manager Poe and Assistant County Manager Rich to work with the local media to provide some information about the Health Department, some pictures of the proposed Health Department facility, to provide information, perhaps a walk through for the media in the Fourth Avenue Courthouse, to work with the City of Rome to share what the sewer rates would be without the SPLOST as compared to the sewer rates with the SPLOST. Also, to work with the Recreation Department to have some conceptual drawings and publicity on the park improvements. They have basically three weeks between now and the SPLOST vote and he feels they need to share some of this information with the community and help the community

make a good decision as far as whether to support this SPLOST or not. He stated that in those four particular areas, community education could be done and also work with local media in order to get the word out. Chairman Fricks stated they probably need to target that in a week or ten days, if they can. He suggested having an education meeting to which they invite the media in order to give the information at one time. He stated that they feel like it is necessary that they have the proposed projects so they need to educate everybody on these projects and benefits. Chairman Jennings stated that he did not know that they need a formal motion, other than to empower the Manager and Assistant County Manager and anyone else necessary to work on this. Commissioner Mayes stated that other departments need to be included, such as the Chamber of Commerce. Chairman Fricks stated this is to give everybody the tools, and show them what they have in mind on these projects. He stated that he thought they were defined as pretty much as not being advocated for or against, but for information. Hopefully this will be an information tool for some of these other groups that want to become advocates of the SPLOST, then they can jump on board and use some of this information as a tool to go out and advocate. One of the key elements is for us to provide the information as early as possible so we can let them disburse the information and educate the public on what they are trying to do. He agreed with Commissioner Mayes on inviting the Chamber to come and see the information.

Chairman Fricks stated that they always have a rotation of the Commissioners Luncheon that involves the surrounding communities. They are trying to take advantage of the asset of the Baseball Stadium. They have joined with the Braves to co-host this with the Commission as well to invite the County Commissioners from the surrounding counties. The date will be June 4, 2003 and he noted that the Chamber Directors from the surrounding counties have been invited also.

CLERK'S REPORT

CONSENT AGENDA.

County Clerk Michele Fountain stated there were six items on the Consent Agenda which were submitted to the Board for approval. Chairman Fricks commented that it had been discussed during Caucus that it had been determined a few months back that the applications did not require a 4/5 vote, they could be put on after the Agenda Session and also action had been taken at that time to make the change. MOTION was made by Commissioner Hufstetler to approve the Consent Agenda. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Hufstetler

" Mayes

" Jennings

" Bennett

Chairman Fricks

Motion Carried

1. Tax Refunds:
 - a. John & Marguerite Forrester, 1798 Little Texas Valley Road, NW, \$56.28
 - b. David Lamar Young, 1503 Calhoun Avenue, \$37.20
 - c. Henry Turner Freeman (Estate), 15 Glenrise Terrace, \$5.45
 - d. Jerry & Bill Dempsey/Dempsey Brothers, 241 Dempsey Dairy Road, NE, \$24.82
 - e. Stanley Steed, P.O. Box 538, \$60.26
 - f. Stan B. & Julia C. Brooks, 5 Westridge Place, \$129.57
 - g. Harry E. Donaldson, 8 Pine Valley Road, \$2.11
 - h. Randy & Kathryn Fuller, 304 Greenwood Avenue, \$2.39
 - i. Trixie Green Couch, 5118 Amherst Trail, \$1.91
 - j. Becky Barnes, P.O. Box 459, \$112.68
 - k. Herbert L. & Betty F. Davis, 24 Meadow Lane, \$15.50
 - l. William V. Crumley, 12 Hidden Ridge Drive, SW, \$144.44
 - m. Christine O. Mills, 478 Floyd Highway South, \$369.79
 - n. JEC Investments, Inc., P.O. Box 2664, \$32.99
2. Remove property from tax sales from Tax Commissioner's Roll.
3. License Applications:
 - a. Self-Service Fuel License – Jasim Dewan/Petro USA #1, Inc., 3173 Martha Berry Highway.
 - b. Self-Service Fuel License – D & D Oil Company, Inc., d/b/a Cowboys Fuel Mart #57, 5880 New Calhoun Highway.
(Contingent upon receiving required documents.)
4. Authorize execution of In-School Probation Officer Grant Application.
5. Authorize execution of Indigent Defense Contract (FY 2004 Application for GIDC Funds).

6. Appoint County Attorney Tom Manning to serve on Tripartite Committee. Commissioner Mayes asked what a Tripartite Committee is. County Clerk Fountain stated that it is a Committee which the County Attorney serves on that actually has to do with the function of the Indigent Defense. They do some of the action regarding governing Indigent Defense for our County. She did not have the list of the people on the Tripartite Committee since we don't track that Committee. This action is to appoint the new County Attorney to serve on the committee.

MANAGER'S REPORT

APPROVE CAPACITY AGREEMENT FOR FY 2004 FOR FLOYD COUNTY PRISON.

Assistant County Manager Sammy Rich presented for consideration a request to approve a Capacity Agreement for the Fiscal Year 2004 for the Floyd County Prison. This is basically an agreement with the County and the State Department of Corrections on the number of inmates the County can care for on that term. MOTION for approval of the Assistant Manager's recommendation was made by Commissioner Mayes. SECOND by Commissioner Hufstetler. VOTING:

YES

NO

Commissioner Hufstetler

" Mayes

" Jennings

" Bennett

Chairman Fricks

Motion Carried

OTHER BUSINESS

Commissioner Jennings reported that the Transportation Policy Committee met recently and they have asked the DOT to reverse the order of the construction of the South Rome By-Pass. Apparently the DOT, because of funding sources, came back to us and said they cannot change the order and the construction phase of the Southwest By-Pass, which is Route 20 to Blacks Bluff Road, is scheduled for 2009. The Commission has requested that the Transportation Policy Committee go back to the DOT, that they include David Doss, the representative to the DOT Board, and Paul Smith (Commissioner Bennett mentioned including all of the Legislators.) to figure out how they can reverse the order. In light of what has been done tonight, in terms of Mays Bridge Road, it really does make sense for them to start on that southwest portion of the By-Pass, so they are pressing forward with that. Commissioner Jennings mentioned that Commissioner Bennett is attending a meeting tomorrow to press that case. They have even suggested that the money, some or all of the money, that has been appropriated for Riverside Parkway essentially go there. He stated that he thought they had fallen on deaf ears in terms of that request. The Commission is adamant that this order be changed and the Transportation Policy Committee is working on doing that.

Chairman Fricks stated that he had met with County Manager Kevin Poe regarding working out another quarterly meeting with EPD, EPA and General Electric and he thinks they are in the process of doing that. They have not had an update in a while and there is new information that had been received through press releases recently. They would like to get more information and questions answered.

ADJOURNMENT:

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

YES

NO

Commissioner Hufstetler

" Mayes

" Jennings

" Bennett

Chairman Fricks

Motion Carried

**FLOYD COUNTY BOARD OF COMMISSIONERS
GARRY E. FRICKS, CHAIRMAN**