

Commissioner Fricks
" Mayes
" Jennings
" Bennett
Chairman Hufstetler

Motion Carried

PUBLIC PARTICIPATION

DELL SUTTON, REGARDING SITUATION WITH HER PROPERTY - THE REZONING.

County Attorney Manning stated that some issues go to where the landline is between Ms. Sutton and Stan Brooks. She contends and believes it is in one place and he thought Mr. Brooks' position was that it is in another. He stated that in fact he thought there were two surveys by surveyors here that have placed that line in different places. He thought that the land line issue was between Mr. Brooks and Ms. Sutton and that issue is to be resolved between them however they resolve it, through the courts or through some kind of working out that arrangement. He stated that there are also some other issues regarding Ms. Sutton's contention that the ULDC has not been enforced properly. They have talked about those and have been told that they have been enforced like they have elsewhere. One thing that he had not mentioned to Ms. Sutton, that may be an option for her to consider, is that the ULDC speaks of appeals where someone feels like there hasn't been an enforcement of the ULDC as they think there should be. There is an appeal right to go before the Zoning Board of Appeals, the same group that handles variances. So, that may be a way for her to take these issues, because really the enforcement of the ULDC is not what this body does. Of course she certainly has a right to present her issues to the commission, but the Zoning Board of Appeals is the mechanism by which citizens... The Code Section of the ULDC is 2.11.1, and it says that "Persons may appeal to the Board of Appeals and Adjustments for relief in the following circumstances," one of which is, "When aggrieved by an action or an interpretation of an administrative official made under this Development Code." Ms. Sutton stated that she had read that, but thought that meant by the builder and she thanked the County Attorney for clarifying that.

Ms. Sutton stated that she had given Tommy the code, which she had not brought with her because last time she had so much that she did not want to bring everything. She presented a copy where Stan (*Brooks*) got his rezoning last year, of the meeting, and it clearly states it requires buffering if it is adjacent to single-family residential. She got no buffer whatsoever. The other homeowners that were notified and were at the meeting and heard, they got a 225 foot buffer. She did not get the required buffer. This has caused a lot more damage to her home and her property. If the setback requirement had been met and the buffer had been met, that lot was not even 80 feet wide, it was 73.83

feet, the Tax Map said 76 feet wide. It is not even 80 feet wide. That building should have been never been put there and, if the plat was correct and if the ULDC had met requirements, that building would not be there. Her home would not be destroyed; her property would not be destroyed; her children would not be displaced and she would not have been without a septic system for 10 months. It is not just the septic system; her property is destroyed. Her home is destroyed, she has no enjoyment whatsoever in the place anymore. It was a home, she had a fish pond, they had a large yard, they had privacy, she had a beautiful yard with flowers, azaleas, things that she loved and things that she and her children enjoyed. They don't have that any more. Her property is destroyed. She stated that she feels that if anyone or all of these things ... And Mr. Mayes asked earlier. He said that Stan (*Brooks*) really wants to get this resolved. She feels that Stan (*Brooks*) and Floyd County, together, could make a good faith offer to replace the property, buying it at a price that would enable her to relocate and have the same payments and the same three bedroom, one bath with the same acreage and whatever. She stated that she asked Stan (*Brooks*) in the beginning just to restore her septic system. She stated that she thought it was Commissioner Bennett that came out and looked at her property and she said "Tom, all I want is her property restored." Commissioner Mayes mentioned to Ms. Sutton that they have sewage in the area now, and Stan (*Brooks*) had told him that he would willingly extend sewage to her property and she would not even need a septic system. She stated that Stan (*Brooks*) offered to tie her into his system and her attorney told her that it was illegal. And, she had gone down and talked with David Monteith at the Water Department and he told her that that was against City Code. She stated that Mr. Monteith told her, and that is what she had thought was going to happen, is that she could pay, if Stan Brooks would give her a recorded easement across his property, that she could pay \$1,200 for a tap and be tied on. But, when she agreed to that, she was told that Stan Brooks would not give her the recorded easement and that she had to have the septic system and that septic system was put in her front yard and the day that it was installed, she was told by the Floyd County Health Department, Chris Collier, that it was not going to perk or probably would not perk due to the soil conditions from all of the flooding and the broken field lines and everything else. Her permit said to put it in the back, in the rear, towards the back of the house, but it was placed in the front. Now she has paid \$3,500 through her homeowners insurance for a new system, \$1,100 of that was to fix her front yard and, they saw what her property looks like, it was not done. Commissioner Fricks stated that regarding the sewer system, that is one of the earlier phases that they did. He thought Floyd County wanted to take an active role and that was for the things that she had actually said that she did not want. He stated that another role that they have taken, actually one of the elements over the process of this thing, new issues have been brought up and they have tried to address them as they come and he thought, that at last meeting she attended, he had asked her to list that on paper and she did that and he thought that they had reviewed that. He asked if this is one of the ... They reviewed all of the issues that she had brought up. He thinks that their responsibility to her is to make sure that their staff is carrying out the codes and regulations as they are and he thought they sat down with the staff person, the attorney and the Assistant Manager and spent a number of time going over every one of the issues. Ms. Sutton stated that they had not finished the issues, but they did go over them for about three hours. Commissioner Fricks stated that, as for them making a commitment to

relocate her house, what he wants to know is if they did carry out their ordinances properly, and he does want to know that because that is the job of the staff people that they have and they want to, they are not trying to . . . Ms. Sutton stated that like she says, Tommy and she have spent, she does not know how long. She felt like, and that is where the misunderstanding was, at first she said no, she wanted her own septic system for her own personal reasons, but when she had been told that there may be a problem, then she agreed wholeheartedly and at that point, with raw sewage floating in your house and outside your house for three months, she was willing to accept, of course she wanted to be tied in, of course she wanted public sewage. She just wanted the problem fixed, she was so thankful that she was getting a septic system. And, then before you know it, it is not working and the guy is not coming back and he is not going to finish the job and he is not going to make good on his work and he left her property and she and her mother . . . Ms. Sutton was asked if she was talking about the septic tank installer. She stated that here she is 10 months down the road with all of the time and expense and effort and everything else and she is still living in the same mess. She stated that, yes, she wants it resolved. She appreciates that the Commission has listened to her over and over and like Commissioner Bennett came out on his own time. And Tommy Manning, she really appreciates it and she is not trying to be . . . She really wants to get it resolved and she thinks that Stan (*Brooks*) does and she asked him in court the other day to please get a meeting together with a few of the Commissioners and Tommy, or get a mediator or whatever, just stop working until it is settled, to do something in good faith to show her that he really means what he says. That is all that she is asking.

Commissioner Fricks stated that it is not that they don't resolve this, they have to be good stewards of the taxpayers' money. They have to make sure there is a violation on their part or a problem on their part before they make any commitment to her. Ms. Sutton stated that she knew that and understood that. He stated that as an issue, he thought that the offer of the sewer was a commitment, to assist her to tie in on the sewer there. Ms. Sutton stated that she had commented that if it was just in good faith, around Thanksgiving, to please just go ahead and fix it and then they would resolve the other things. She stated that she had told Stan (*Brooks*) in the beginning, "just fix my property, fix the septic system and put up a privacy fence", but that was before that she knew that he had moved her property line before she could prove it. Chairman Hufstetler stated that the boundary dispute is something that is going to be a civil matter, he is not say that she is wrong, but . . . Ms. Sutton stated that they have to have some idea of . . . He has to have a plat and you have to have some idea of where his property begins and ends. Chairman Hufstetler stated that he understands that they have two surveyors that have given different boundaries. Ms. Sutton stated that the lot, according to the Tax Map, was only 76 feet wide and when you take 200 feet and you divide it up and 124 feet of it is hers, that only leaves 76 feet. That does not meet the 80-foot requirement. It doesn't meet it. Commissioner Fricks asked if she was saying with the survey that she . . . Ms. Sutton replied, not with the survey, with the Tax Map. With the deed that Stan Brooks has, she had given his attorney a copy of the deed that he has. The beginning point was 800 feet, the property was 200 feet wide, that put it up 600 feet. Her deed says that their property line is 673 feet. That gave him 73 feet. Commissioner Bennett asked if that was the discrepancy. He asked County Attorney Manning if that was on point of beginning,

the point of beginning was a problem. It was mentioned the distance to the Land Lot Line to the Point of Beginning. Ms. Sutton stated that if you took Stan's own measurements, at two points she noted, and you added them, that gives you 673 feet and she pointed out the line. She stated that there has never been a dispute of that. What happened is that on the back of the plat, he made it instead of 181 feet, he made it 197 feet, he just . . . And she has pictures of the stake, he just brought her stakes over 15.74 feet and drew an inaccurate line through her fish pond and through her septic system. Chairman Hufstetler stated that may be true, but they can't resolve that today here. Ms. Sutton stated that what she is saying is the Tax Map, Stan's own deed and everything shows that his property is only 76 feet, that does not meet the 80-foot requirement by the ULDC. County Attorney Manning asked which requirement she is talking about. Ms. Sutton stated that when they were in that meeting, the lot that he (*do not know who she was referring to*) showed her that Stan's property would go under, when you read on over there, it shows that the width of that lot has to be 80 feet. Commissioner Jennings asked Ms. Sue Hiller about this. Ms. Sutton asked if Stan could prove that he did "Best Management Practices." If he didn't, he is in violation of the Code and if he is in violation of the Code in one point, he is in violation and if he is in violation, he is not supposed to have a Permit of Occupancy. Chairman Hufstetler stated that before, when Garry Fricks was Chairman, she had talked about having all of this in writing and working on it, if that is what they need to do. But they are not going to resolve that in this body today. They had given her 20 minutes and they are sympathetic to their situation, it is just not in their jurisdiction to do it with this body. It has to be done with other means and they will continue to have the County Attorney and anybody else that can be helpful to assist her on that. Ms. Sutton stated that she appreciated that.

Chairman Hufstetler stated that there were other names on the Agenda for Public Participation. He stated that Linda Leachman had already spoken during Caucus, Katrina Estes had spoken earlier and Pattie Neal with Carter & Associates also had spoken earlier. The other two names on the list were visitors and did not wish to speak.

PROCLAMATIONS

NATIONAL MENTORING MONTH - NANCY GRIFFIN, ROME/FLOYD SCHOOLS WILL BE PRESENT TO ACCEPT.

Chairman Hufstetler stated that Commissioner Mayes would present the Proclamation for National Mentoring Month to Nancy Griffin. Ms. Griffin stated that most of the Mentoring Groups were represented there also and they were asked to join her for the presentation of the Proclamation. Commissioner Mayes read the Proclamation and stated that the Proclamation is from the City of Rome and Floyd County. Commissioner Mayes asked Ms. Griffin to introduce her group. Ms. Griffin thanked the Commission and gave each Commissioner a copy of the Proclamation from President George Bush for National Mentoring Month, which had been issued on Friday. She stated that just so he would know that Rome City and Floyd County are in keeping with our President's declaration of National Mentoring Month. She then introduced the

members of the Mentoring Groups in Rome and Floyd County. Attending were: Rod Johnson from Rome Rotary, who stated that their program mentors kids starting in 5th grade and takes them all the way through 12th grade and gives them scholarships upon graduation; Sheryl Shippey, who is the new Executive Director of Big Brothers Big Sisters of Coosa Valley, serving a four-county area, Floyd, Gordon, Bartow and Chattooga, and here in Floyd County they do a great job; Larry Morrow, Alvin Jackson and Curtis Adams of 100 Black Men of Rome, the outgoing President, incoming President. They mentor some 30 kids and, like the Rotary program, follow them through to graduation and award scholarships. The 100 Black Men is a National organization and they are proud of the Floyd County group. She stated that the other group that was mentioned was not there to be recognized.

Ms. Griffin invited the Commissioners to a Mentor Institute and Reception at Berry College on January 27th from 5:00 p.m. to 7:30 p.m. at the Krannert Center Ballroom to honor all the mentors in Rome and Floyd County and to receive some training from the college professors from Berry, Shorter and Floyd College. She invited the Commission and stated that they welcome all volunteers, educators and anybody.

Chairman Hufstetler mentioned that Rebecca Moore, who was on the Agenda under Public Participation, was not in attendance.

RESOLUTIONS

ADOPT RESOLUTION TO AMEND BUILDING INSPECTION FEE SCHEDULE.

Chairman Hufstetler stated that the first Resolution is to amend the Building Inspection Fee Schedule that the County Manager had stated was a 3% increase. He stated that the Resolution is under the Proclamation/Resolution tab. He asked if there was any discussion or a Motion. Commissioner Bennett made a MOTION to adopt the Resolution to Amend the Building Inspection Fee Schedule that is included. SECOND by Commissioner Mayes. Chairman Hufstetler stated that there was a Motion and Second and asked that the roll be called. VOTING:

YES

NO

Commissioner Fricks

" Mayes

" Jennings

" Bennett

Chairman Hufstetler

Motion Carried

MATTERS RELATED TO COLLECTION OF TAXES.

Chairman Hufstetler stated that this would authorize the Tax Commissioner to collect taxes and also, on tax bills less than a dollar, he does not have to worry about collecting them. Commissioner Fricks made a MOTION to approve the Resolution of the Matters Related to the Collection of Taxes. SECOND by Commissioner Jennings. Chairman Hufstetler stated that there was a Motion and Second and asked that the roll be called. VOTING:

	YES	NO
Commissioner Fricks		
" Mayes		
" Jennings		
" Bennett		
Chairman Hufstetler		

Motion Carried

**HIRING RESOLUTIONS – COUNTY
MANAGER, COUNTY ATTORNEY
AND AUDITORS.**

Chairman Hufstetler stated that these Resolutions pertain to the hiring of the County Manager, County Attorney and Auditors, which are Read, Martin and Slickman. He stated that these are the standard resolutions that have been approved in the past and he called for a Motion. Commissioner Bennett made a MOTION to adopt the Resolutions hiring the County Manager, County Attorney and Auditors. SECOND by Commissioner Jennings. Chairman Hufstetler stated that there was a Motion and Second and asked that the roll be called. VOTING:

	YES	NO
Commissioner Fricks		
" Mayes		
" Jennings		
" Bennett		
Chairman Hufstetler		

Motion Carried

DESIGNATION OF DEPOSITORIES.

Chairman Hufstetler stated that this Resolution is basically saying that any bank in Floyd County is where they can deposit the County monies at, depending on the rates of return and what is best for the interest of the taxpayers. Chairman Hufstetler called for a Motion for the Resolution. Commissioner Bennett made a MOTION that they designate the Federally Insured Depositories in Floyd County as designated depositories

for the County's funds. SECOND by Commissioner Jennings. Chairman Hufstetler stated that there was a Motion and Second and asked that the roll be called. VOTING:

YES

NO

Commissioner Fricks

" Jennings

" Bennett

Chairman Hufstetler

Motion Carried

*** Commissioner Mayes abstained from voting since he serves on a Bank Board.**

**ADOPT RESOLUTION TO AMEND
HEALTH DEPARTMENT FEE
SCHEDULE.**

Chairman Hufstetler stated that this item is to adopt the Resolution to amend the Health Department Fee Schedule. He stated that this was discussed during Caucus and the Fee Schedule was distributed and he thought there was a feeling that everyone wanted to move forward on this. Chairman Hufstetler called for a Motion. Commissioner Mayes made a MOTION to adopt the Resolution to increase the fees for the Health Department. SECOND by Commissioner Fricks. Chairman Hufstetler stated that they have a Motion and Second and asked that the roll be called. VOTING:

YES

NO

Commissioner Fricks

" Mayes

" Jennings

" Bennett

Chairman Hufstetler

Motion Carried

**ADOPTION OF
MINUTES:**

Chairman Hufstetler asked County Attorney Tom Manning if the minutes were in order or were there any corrections needed. County Attorney Manning replied that there was one correction to the December 22, 2003 minutes, after the parenthesis where it stated "the Commissioners," add the word "part" and where it said "MOTION was made by Commissioner Hufstetler", strike everything there until the word "SECOND" and add "paid Harbor House an additional \$7,000." These corrections were on page 3. County Attorney Manning stated that after these two changes, the minutes are in order. Commissioner Jennings made a MOTION to adopt the minutes of the Called Meetings of December 16 and 22, 2003 with the stated corrections. SECOND by

Commissioner Mayes. Chairman Hufstetler stated there was a Motion and Second and asked that the roll be called. VOTING:

YES

NO

Commissioner Fricks
" Mayes
" Jennings
" Bennett
Chairman Hufstetler

Motion Carried

FIRST READING
(SECOND READING/PUBLIC HEARING
TO BE HELD JANUARY 27, 2004 AT 6:00 P.M.)

**FILE #01-2004SUP, REQUEST A SPECIAL
USE PERMIT TO ESTABLISH AND
MAINTAIN A HUNTING RESERVE IN
AN A-R (AGRICULTURAL-RESIDENTIAL)
DISTRICT ON PROPERTY LOCATED
ON ROCKMART HWY/101 SOUTH
(TAX MAP K 19 042 & 024)
(PLANNING COMMISSION RECOMMENDATION:
WITHDRAWN PRIOR TO THE PLANNING
COMMISSION MEETING)**

**FILE #01-2004Z, REQUEST REZONING
FROM S-R (SUBURBAN RESIDENTIAL)
TO C-C (COMMUNITY COMMERCIAL)
FOR OFFICE USE OR COMMERCIAL USE
ON PROPERTY LOCATED AT 4451 ALABAMA
HIGHWAY (TAX MAP F13Y – 224).
(PLANNING COMMISSION RECOMMENDATION:
APPROVE [VOTE – 7-1])**

**FILE #03-2004Z, REQUEST REZONING FROM
L-I (LIGHT INDUSTRIAL) TO S-R (SUBURBAN
RESIDENTIAL) FOR CONTINUED RESIDENTIAL
USE ON PROPERTY LOCATED AT 30, 33 & 34
LOCUST STREET (TAX MAP 113W - -003).
(PLANNING COMMISSION RECOMMENDATION:
APPROVE [VOTE – UNANIMOUS])**

SECOND READING/PUBLIC HEARING

**(FIRST READING HELD DECEMBER 9, 2003
AT 2:00 P.M.)**

**FILE #72-2003Z, REQUEST REZONING FROM
C-C (COMMUNITY COMMERCIAL) TO H-C
(HEAVY COMMERCIAL) TO CONSTRUCT
MINI-WAREHOUSES ON PROPERTY LOCATED
ON HIGHWAY 27 NORTH (TAX MAP J11X 094).
(PLANNING COMMISSION RECOMMENDATION:
DENY [VOTE – UNANIMOUS])**

Chairman Hufstetler called for a Motion to open the Public Hearing.
Commissioner Bennett made a MOTION to open the Public Hearing for File #72-2003Z.
SECOND by Commissioner Jennings. Chairman Hufstetler stated there was a Motion
and Second and requested that the roll be called. VOTING:

	YES	NO
Commissioner Fricks		
" Mayes		
" Jennings		
" Bennett		
Chairman Hufstetler		

Motion Carried

Chairman Hufstetler asked if they wanted a presentation by Sue Hiller before they
have the Public Hearing. He stated that they had a little of one before and were probably
okay and could ask questions. Chairman Hufstetler asked if there was anyone there who
would like to speak in support of this rezoning request. There being no one present
wishing to speak in support or opposition, Commissioner Bennett made a MOTION to
close the Public Hearing for File #73-2003Z. County Attorney Manning suggested that,
for the record, they do have Ms. Hiller make a presentation, which can be after the Public
Hearing. SECOND by Commissioner Fricks. Chairman Hufstetler stated that there was
a Motion and Second and asked that the roll be called. VOTING:

	YES	NO
Commissioner Fricks		
" Mayes		
" Jennings		
" Bennett		
Chairman Hufstetler		

Motion Carried

Chairman Hufstetler asked Ms. Hiller to make a presentation on this request. Ms. Hiller noted the location of the subject property on the map and stated that it is currently C-C (Community Commercial) and is developed with a portion of a former motel, which she stated she thought the applicant said is currently being used as apartments. She stated that to the west is S-R (Suburban Residential) zoning. That property is wooded. To the north is Community Commercial and is developed as Single Family Residential. To the south is zoned Community Commercial and had a retail sales business on that property. To the east are three single-family residences, but they are also zoned Community Commercial so they are non-conforming uses. She presented pictures showing the surrounding areas and noted the portion of the former motel and that the remainder of the lot is currently undeveloped. Commissioner Fricks asked if there were photos on the adjacent residential property. Ms. Hiller stated that they are across the street and asked that they returned to the picture showing the residences. Commissioner Fricks asked about the residence adjoining the property. Ms. Hiller stated that it is an illegal non-conforming use, that it is zoned Commercial. There was not a picture available of that particular property. Chairman Hufstetler asked if there were any questions. (*Question from audience was not audible.*) Commissioner Bennett asked the use of the Heavy Commercial property showing on the Zoning Map. Ms. Hiller stated that it was not an adjacent property and therefore she did not know what was at the location. It was mentioned that information on this item is the last item under the First Reading tab in their binders, instead of under the Second Reading tab. Ms. Hiller presented a slide of a site plan, which had been drawn by Phil Helton, showing the required set-back on all three sides of the property (*in parenthesis*) and then showing the set-back which was proposed in the site plan they received and also shows the existing building. She stated that with the setbacks that are required, there could still be proposed structures for mini-warehouses and adjoining existing structure on the property. Commissioner Jennings asked if she was saying that the site plan submitted doesn't follow the ULDC guidelines. Commissioner Bennett stated that it does follow the ULDC guidelines. Assistant County Manager Sammy Rich noted the plan submitted and stated that he thought Mr. Helton had taken it and enhanced it a little for demonstration purposes. Ms. Hiller stated that there were two site plans submitted. She stated that she is not sure at what point this one was submitted. The original site plan she thought was in the Commissioners packet. Commissioner Bennett stated that regarding Commissioner Jennings question, he thinks that typically to avoid someone having to hire an engineer and this sort of thing, if you can draw a map at least giving dimensions and that sort of thing where you can make calculations. They do that to try and accommodate the public, especially in zoning. He stated you have to be more formal than that to do the final construction. But, to prevent them from having to go to that expense in a zoning process, the staff is able to . . . If it is not adequate, they ask additional questions. Ms. Hiller stated that at this stage they do not expect a professionally drawn site plan, although certainly when they come in for a permit, that would be required. They do ask them to understand and they explain to them what the ULDC requires and what the ULDC requires in terms of setbacks. In terms of landscaping, they ask them for at least a minimal parking plan. They ask them to acknowledge their plan that they know that do have to do a drainage plan, stormwater management plan. They do require that it meet certain requirements because if it doesn't, then it might indicate that that project isn't going to fit on that lot and they like to know

the things going in. Commissioner Fricks asked if they are aware that they do have a variance process that they can . . . Ms. Hiller replied that they did. Commissioner Bennett stated, as a further comment to this, they have had discussions before with mini-warehouses, as he had mentioned, and they have a copy of where they have requested the Planning Commission to consider allowing mini-warehouses in a C-C zone with a Special Use Permit. Primarily this is to keep them from having to consider heavy commercial zoning in an area where otherwise it might not be appropriate. That and Light Industrial being the only two classifications right now that allow mini-warehouses, that has been submitted to the Planning Commission and he is hopeful that that will be considered timely so that it can be included with some other amendments with the Code and corrections and corrections and clarifications in the Code are being presented. He stated, and further to express that this would require changing the zoning where it is surrounded by other uses. Commissioner Bennett stated that personally he does not think that it is appropriate to change this zoning to Heavy Commercial. He stated that he does not necessarily disagree that a mini-warehouse would be appropriate there, but he does think that it would be inappropriate for them to rezone this Heavy Commercial and all of the things that that would allow in this Suburban Residential and Community Commercial zoning that currently exists. Commissioner Fricks asked if rezoning increased the setback requirements on Heavy Commercial compared to . . . Ms. Hiller stated that it would increase it about 10 feet on this. Commissioner Fricks asked if this reflects the Heavy Commercial setback requirements. Ms. Hiller replied that they were the Heavy Commercial setback requirements on that sheet. Commissioner Mayes asked if it is rezoned, would this site plan work. Ms. Hiller replied, “No, and parts of it probably would not work even in the C-C zone.” Commissioner Bennett stated that he would have an opportunity, if that were allowed in C-C, to adjust that by making a building smaller and even if he couldn’t do that, he still would have the variance process that he could pursue. Chairman Fricks stated that if there was no other discussion, he guess that the C-C could be an issue for the future and asked if anyone was prepared to make a Motion on this item. Commissioner Bennett made a MOTION that they **deny** the request to rezone this property from C-C to H-C, which is File #72-2003Z. **SECOND** by Commissioner Jennings. Chairman Hufstetler stated that there was a Motion and Second and if there is no other discussion. County Manager Poe asked if that would prohibit him from bring this back if the ULDC is changed to allow mini-warehouses in C-C districts. Ms. Hiller stated that if their intent is to try to make that change and allow Mr. Kight to come back in a timely fashion and reapply for Special Use Permit instead of a rezoning, their action would need to be to deny it without prejudice, because if they are denying it there will be a period of time before they can apply again. Commissioner Bennett **amended is MOTION to deny without prejudice**. Commissioner Jennings stated that they still have a **SECOND**. There being no other discussion Chairman Hufstetler asked that the roll be called. **VOTING:**

YES

NO

Commissioner Fricks

" Mayes

" Jennings

" Bennett
Chairman Hufstetler

Motion Carried

CHAIRMAN'S REPORT

APPOINTMENTS.

Chairman Hufstetler stated that there was only one item under Appointments that they were going to look at and that was appointment to the Planning Commission. He asked if someone was prepared to make a Motion on that item. County Attorney Manning stated that before a Motion is made regarding the Planning Commission, as had been discussed during the Caucus Session, he recommended that the letter received from Mrs. Terry Jennings be placed in the minutes to show that she had declined the appointment due to the nepotism ordinance that he had failed to see the first go around. Chairman Hufstetler asked that the minutes reflect that. Commissioner Fricks made a MOTION to appoint Nathan Roberts to the position on the Planning Commission. SECOND by Commissioner Bennett. Chairman Hufstetler stated that there was a Motion and Second and if there was no other discussion he asked that the roll be called. VOTING:

YES

NO

Commissioner Fricks

" Mayes

" Jennings

" Bennett

Chairman Hufstetler

Motion Carried

WATER CONTRACT NEGOTIATIONS WITH THE CITY OF ROME.

Chairman Hufstetler stated that he would defer to the County Manager on this item. County Manager Poe stated that he would refer to the handout he had distributed during Caucus. He stated that there were three main points to point out on the proposed draft and contract that had been submitted to them. The first is the actual Rate Table that they would be adopting and it would be based on 1.5 million gallons per day minimum monthly average. During the term of the contract, which would be ten years, if they officially agree to go to 2 million gallons per day minimum monthly average, there is a different rate schedule that would go into place at that point in time. Secondly, it does include in the contract with that Rate Table that the rates would be guaranteed for the year 2004-2005, there would be no increases during that time. Then in the future for the next eight years the increase would be based on the increase in the in-city rate as adopted by the City of Rome, but cannot go up by more than 5% in any one year. Next it includes a language in there that basically says that the City will assure that all of the water that

they sell us meets all of the standards for safe drinking water as established by the Georgia EPD. Then, one of the other features put into the contract is that they agreed to lower the water rate that the Floyd County Prison pays to the in-city water rate. County Manager Poe stated that if this meets their satisfaction, then it would be sent on to the City for their adoption. Chairman Hufstetler asked if a Motion was need on this. County Manager Poe replied that a Motion was needed. County Manager Poe stated that this would also be pending Attorney's review. Commissioner Jennings made a MOTION to authorize the Chairman to execute the contract on water rates with the City of Rome pending the County Attorney's review. SECOND by Commissioner Bennett. Chairman Hufstetler stated that they had a Motion and Second and if there is no other discussion he as that the roll be called. VOTING:

YES

NO

Commissioner Fricks

" Mayes

" Jennings

" Bennett

Chairman Hufstetler

Motion Carried

FIRE CONTRACT NEGOTIATIONS WITH CITY OF ROME.

Chairman Hufstetler deferred this item to the County Manager. County Manager Poe referred to the draft of the proposed contract that he had submitted during the Caucus Session. He stated that this would also be a ten year contact. The key features in this are that the Funding Formula would go to 50% City/50% County for the term of the contract. The City would agree to do a study to look at the current operations of the Fire Department, including the use of manpower and equipment, and to look at doing a study on the location of existing stations and possible additional stations in the County. Thirdly, it would include a clause that would allow the giving of 12-month notice that either City or County could withdraw from the contract. He stated that, in that regard, on Page 14 under Section 19, Section A in determination needs to be reworded to reflect the one-year out clause and that Item D in that same section be struck entirely. County Manager Poe recommended approving the document with those changes and pending County Attorney review be submitted to the City. Commissioner Jennings referred to the clarification of County Manager Poe, where he stated that the City would complete the study and the way he reads this is that the Fire Committee, which has both City and County representation, would be overseeing, and the selection of whoever does the study would be done by the Fire Committee. County Manager Poe replied that was correct. Chairman Hufstetler asked if anyone was prepared to make a Motion. Commissioner Jennings made a MOTION to authorize the Chairman to sign the Fire Contract pending review by the County Attorney. SECOND by Commissioner Mayes. Chairman Hufstetler stated that there was a Motion and Second and asked that the roll be called. VOTING:

YES

NO

Commissioner Fricks
" Mayes
" Jennings
" Bennett
Chairman Hufstetler

Motion Carried

**DISCUSS PROPOSED PARKING
DECK PROJECT BETWEEN RIVER'S
PLACE AND THE FORUM.**

Chairman Hufstetler stated that this item did not need further discussion at this time and during Caucus, under Commissioner Report, on Items 1 – 3 there was no action.

COMMISSIONER'S REPORT

WATER COMMITTEE

**AWARD CONTRACT FOR WATER
SYSTEM RENOVATIONS TO SERVE
HASTY ROAD, LEWIS BARRETT
BLVD., HENNON DRIVE, HIGHWAY 27
AND WARE ROAD.**

Commissioner Jennings, Committee Chairman, stated that in the packet of materials there were the bids on the Water Systems Renovations. The low bidder was Carver & Carver, which actually came in a bit below the projected price and he made a MOTION to award this contract for Water System Renovations on Hasty Road, Lewis Barrett Blvd., Hennon Drive, Highway 27 and Ware Road to Carver & Carver. SECOND by Commissioner Fricks. Chairman Hufstetler stated there was a Motion and Second and asked if there was any discussion, if not he asked that the roll be called.
VOTING:

YES

NO

Commissioner Fricks
" Mayes
" Jennings
" Bennett
Chairman Hufstetler

Motion Carried

SPECIAL COMMITTEE REPORTS

NEW HEALTH DEPARTMENT FACILITY.

**SELECT CONSTRUCTION MANAGER
FOR HEALTH DEPARTMENT PROJECT.**

Commissioner Jennings stated that as per the recommendation of our Program Manager, he made a MOTION that they select H & M Construction as the Construction Manager for the Health Department Project.

SECOND by Commissioner Fricks. Chairman Hufstetler stated that there was a Motion and Second and he noted that this had been discussed during Caucus and, if there is no other discussion needed, he requested that the roll be called. VOTING:

	YES	NO
Commissioner Fricks		
" Mayes		
" Jennings		
" Bennett		
Chairman Hufstetler		

Motion Carried

CLERK'S REPORT

CONSENT AGENDA.

County Clerk Michele Fountain stated there were four items which she submitted for approval. Chairman Hufstetler called for a Motion. Commissioner Bennett made a MOTION to approve the Consent Agenda of the Clerk's Report. SECOND by Commissioner Mayes. Chairman Hufstetler stated there was a Motion and Second and asked that the roll be called. VOTING:

	YES	NO
Commissioner Fricks		
" Mayes		
" Jennings		
" Bennett		
Chairman Hufstetler		

Motion Carried

1. Tax Refunds:
 - a. Grover F. Keith, P.O. Box 5002, \$103.11

- b. Paul H. Blakenburn & Linda M. Bogiages, 4178 Eastview Place, Gulf Breeze, FL, \$293.48
 - c. Herman L. Dillard, 25 Benjamin Street, NE, \$159.21
 - d. William J. & Edna Robbins, 857 Turner Chapel Road, \$36.76
2. License Applications:
 - a. Bryan Smith, Schroeder's New Deli, 3170 Martha Berry – Consume on Premises (Malt Beverage License).
3. Request from Tax Commissioner to remove two tax bills from the digest.
4. Request from Tax Commissioner for Refund of Penalties.

MANAGER'S REPORT.

DISCUSS PENDING RETIREMENT OF POLICE CHIEF JIM FREE.

County Manager Kevin Poe stated that, as they knew, Chief Jim Free, the current Chief of the Police Department, is retiring. It was determined that a committee will be appointed within the next week to work on this item.

DISCUSS REQUEST FROM TALLATOONA FOR FUNDING TO OPERATE SENIOR TRANSPORTATION PROGRAM.

County Manager Kevin Poe stated that as he had mentioned earlier, they had received a notice from Tallatoona stating that basically due to their recent budget cuts, they were no longer able to match the money that we were allocating to the Senior Transportation Program. Therefore, unless we came up with the whole \$25,000 to operate the program, that Transportation for the Elderly would cease beginning the first of this year. He stated that before them is the funding of that program. During the Caucus Session they had discussed the possibility of going ahead and running that project on a month-to-month basis, which will cost about \$2,000 per month, and setting up a committee to look at their other options on how to handle these transportation services in the future. Commissioner Jennings stated that he is prepared to make a Motion that they do fund this program, and he does not know whether they want to do it on a month-to-month or whether they would like to say for the next six months. They have in the past appropriated \$15,000. If they agreed to fund it for six months, that would be approximately \$12,000 and in the interim period that they study the potential of DOT money and any other options that they might have and he would volunteer to work on that over the next six months. Commissioner Jennings stated that he did not make a Motion but he is saying that if that makes sense to them he is now making that in the form of a MOTION. Commissioner Fricks asked if that is in addition to the original or is

it \$12,000 of the original \$15,000 that they were going to budget. Commissioner Jennings stated that this is \$12,000 of the original \$15,000 that they have budgeted in the past and he had not heard that they wouldn't continue to do that. It seems to him that it makes sense to do that. Commissioner Fricks asked if it was already in the Budget. County Manager Poe stated that Tallatoona was in the Draft Budget at the same level of funding as last year. SECOND by Commissioner Mayes. Chairman Hufstetler stated that the follow-up on this item since they have a Motion and Second so he guessed that they are in discussion now. How do they handle this and he asked the County Manager who would be appropriate to investigate what their options are there. County Manager Poe stated that he could just assign staff to handle that. Commissioner Jennings stated that he thought that they could consult with both Tallatoona and the Area Agency on Aging, they know about as much about potential funding as anybody so he thought Debbie Studdard, Linda Leachman and Nick Muskogee could help. Chairman Hufstetler stated that they would leave that for the County Manager to investigate. Chairman Hufstetler stated that they still have a Motion and Second and asked if there was any other discussion. He then asked that the roll be called. VOTING:

YES

NO

Commissioner Fricks

" Mayes

" Jennings

" Bennett

Chairman Hufstetler

Motion Carried

Commissioner Jennings stated that he thought there were three particular people in the audience who were interested in this and asked if they had any questions about this. A lady stated that she did not have a question but she hoped that they would extend the service. It means so much to her and a lot of other people and if they did, she appreciated it so much. Chairman Hufstetler stated that they did extend it through the month of June while they continue to study all of the funding sources on it. She thanked the Commissioners. Another lady stated that she was not trying to be funny about this, but she is still driving some, but a lot of them don't and they don't have to send any policemen for their wrecks because they are being taken places. It sounds strange, but it is really great that they do take them to the drugstore, grocery store and doctor if they need to. Commissioner Jennings stated that they have heard from a number of them about the value of this service and he thought that they were aware that the funding has come from the federal government to a large extent although the County has supplemented that. Tallatoona has diverted that money because they have received a cut to other programs and so the Commission wants to look at what their alternatives are. They hear that there are some other sources of money that they might use, so they will continue funding it themselves for the next six months while they look at other alternatives. The lady stated that since they are older, they have been paying taxes longer. Chairman Hufstetler thanked them for coming to the meeting.

**DISCUSS POLICY REGARDING
EMPLOYEES RUNNING FOR
PUBLIC OFFICE.**

County Manager Kevin Poe stated that one issue that had come to their attention is that they currently have a Personnel Policy that requires any employee who is seeking election to public office to take a mandatory leave of absence without pay. This issue has come up a couple of times over the past couple of years and the previous County Attorney advised them that this policy was unconstitutional and advised them not to enforce the policy but it is still on the books. The issue is back up again and it looks like they will be facing the same issue of some employees wanting to run for public office and the question has come up of how they handle the situation. They have new County Attorneys and they were, in their opinion, unconstitutional. They have two choices: they just totally eliminate that requirement from our policy or they go back and try to reword it and make it where it is legal and addresses, maybe, something more specific, such as an employee who is running for office, who is employed in that office. In other words if you have somebody in that department that is running for the constitutional office that heads that department, that they work within, maybe there should be some type of requirement, if they can find it to be constitutional, to require them to take a leave of absence. County Attorney Manning stated that the ordinance that they currently have is arguably overbroad and subject to being challenged as unconstitutional. The main problem with the current ordinance is that it reads that "any non-elected employee who qualifies as a candidate for any public office shall be placed on a leave without pay in the provisions of these policies." That would mean that if someone decided to run for the County Commission down in Cedartown who was an employee of the County or for the City Commission, then they would have to take a leave of absence, so there is an argument that it is overbroad. He stated that he thought there is some language that can be crafted that would allow, if it is the Commission's desire, [the County] to restrict people or require them to take a leave of absence when certain employees run for certain positions in the County. This issue is not ripe yet because we have not reached the qualifying date so there is time to craft some language that would work if that is the desire of the Commission. He stated that other counties had done that and he thought that some counties, the way their language is written, are probably subject to litigation exposure as well but he thought they could craft language in a way that would, hopefully, withstand any challenge if that is what they desire. Chairman Hufstetler asked if the County Attorney would bring them something that would say, here are similar things in other counties and here is what he thinks they should impose. He stated that he did not know if all the language would have to be perfected. County Attorney Manning stated that he had something he could give them, but he was not ready for this to be the final draft, but this is just tweaking what they have. The main part is the addition at the end. He stated the gray area on the document is additional language. He said you could see that would still require the County... That language is somewhat general so there would still have to be a call made in each particular circumstance regarding whether the individual seeking to run for public office, whether that would affect performance of the duties which would conflict with the efficient prosecution of the interest and objectives of the County. He said he still thought they may want general language that leaves the

Kevin the ability to make that, in consultation with the County Attorney, to make that call. Commissioner Jennings asked if that is what exists right now or if that is what he is recommending. Mr. Manning stated what currently exists right now is the white portion. What has been added is the gray portion. He stated they could see that they struck the *inaudible*) too about halfway down as well. Commissioner Bennett asked if he was striking that and then adding the other. County Attorney Manning stated what they were really doing is defining what public office means. It just doesn't mean anything. It doesn't mean I'm going to run for the... There was a case in Atlanta where someone who worked for Fulton County decided to run for a position in an adjoining county and, in that case, language very similar to what Floyd County has currently on the books was contested and the plaintiff in that lawsuit, who was the individual seeking to run for public office in a different county prevailed. There is also an argument that even if it were a situation where you had someone running here for a position within the county who was currently a county employee, the policy as written is overly broad. They could make an argument that even though it might be effective then, the whole thing should still be thrown out because the policy as currently written is overly broad. Chairman Hufstetler stated that, on this one here, his opinion would be that when it is gray enough that you have to start making some judgment calls, he has some concerns there. He said he guessed he would like to see it not there or else be real cut-and-dried because then he thinks there can be the feeling that maybe there are some politics involved in those decisions when there are people making decisions. He said the second question he would have, he knew Mr. Manning said the qualifying period wasn't here, is if there are people that have already announced, and looking at the fact that the County Attorney has ruled that the policy is unconstitutional and doesn't count, and then we go back and change the rules on them, are we retroactively changing the rules on people, you know at least in the upcoming election? County Attorney Manning stated his answer to that is, "I think you have the ability to choose to go ahead and make a change that would give this some teeth that would be enforceable because no has yet qualified as a candidate for anything coming up. They may have made an announcement but nobody has been able to formally qualify so he thinks that's the magic time that this thing has to be... Commissioner Fricks stated that one of the first processes that you do is you establish a committee and you register with the Secretary of State's office and send in the forms of your intention to do fundraising. He asked if anyone would challenge that, being another person. County Attorney Manning responded that they might, and he had not looked at that in detail, but he thought that it probably would warrant a little more checking on his part. He stated he thought that there is no doubt that the qualifying date is the... You know it is written that you have to take a leave of absence when you qualify so nobody under, if the current ordinance we have on the books now was in force nobody would be required right now to take a leave of absence because they haven't qualified. There is a date certain. He asked for the date from the County Clerk, who stated it was in his folder. (The date is April 30, 2004 by 12:00 Noon) Commissioner Bennett stated further this right here [the amended document] makes this less broad therefore if the challenge came we would more easily be able to defend this than what we currently have. Mr. Manning stated there was no doubt about that, this was much better. Commissioner Bennett continued that the County Attorney's opinion was that, as long as we get an ordinance in place before qualifying, then that gives the commissioners another basis to defend an action that they might take.

County Attorney Manning agreed. Commissioner Jennings stated that he (Mr. Manning) did say, in his opinion, "One legally acceptable solution for Floyd County would be a decision to refuse to adopt a legislative leave policy and adopt or reaffirm a policy requiring all employees to fulfill their own employment obligations, including the absenteeism and leave expectations." Commissioner Jennings said, "So you're saying one alternative is to not even address leave of absences, other than to say you cannot engage in political activity on Floyd County time and to reaffirm that whatever the personnel policies for that position are, they are applicable as far as vacations and leaves of absence and that sort of thing are concerned." Mr. Manning stated that was correct. He said you could certainly go that route. That would probably eliminate the ability for someone to, say for instance, be in the State legislature because they'll have to be gone and can't be working for a period. Then it would leave some other people in some gray areas as to whether they can conduct a campaign on their off time and still do their County job. Commissioner Jennings stated that is the way he would interpret it, that in their off time they can do whatever they choose to do. Mr. Manning stated that was right and that he was seeking direction from the Board if they want to eliminate it? He stated he did not think they needed to leave what the County has as an interim ordinance. Commissioner Jennings asked what was in our policy in regard to National Guard service. He said he was wondering if there might be a caveat to that statement that the county attorney made about county employees not being able to serve as State Legislators. Mr. Manning stated that there is military leave that is in the Civil Service Rules, he thought it was on page 26. He quoted, "...any permanent employee joins the military forces of the U.S. or is inducted by the selective service shall, upon request, be placed on military leave." He stated there is court leave, there is funeral leave, there is leave without pay, and there is non-disciplinary administrative leave. There are a number of different types of leave. Chairman Hufstetler stated he was not sure of the specifics but he guessed the two points, in his opinion, would be he would like something that is really cut-and-dried so that there are no allegations of politicalness involved in making decisions. He said the second point would be that he is a little hesitant, as Commissioner Fricks had pointed out, if people form committees based on their understanding that what we've got is unconstitutional, that we then go in and, in effect, after they have begun a process, retroactively change the rules on them. He said, if anything, he would almost like it to, perhaps, start at a certain date forward that wouldn't affect... Commissioner Fricks stated one thing he thought, that because of the looseness of it, that they had actually interpreted in both directions. He thought that there had been different scenarios that we've... I've heard arguments on both sides that I did this and I did that, you know, so I do think that you have to get it cut- and-dried. You've got to do one or the other. You've got to say, "These people need to take a leave of absence or not" but how do you go about doing that? He said the Commission's original intent was to do this in January of last year, out of the political season, before we even had a gray area like that but we got delayed on it and he is sorry. They were making some shifts and changes in the attorneys so they did not bring it up at that point in time, but that was his intention, to bring it up January of last year. County Attorney Manning asked Commissioner Fricks if he was saying that he thinks that the language that we've added that would be a, perhaps, a constitutional option, that that is not specific enough for him. Commissioner Fricks responded that Mr. Manning said that it was subject to interpretation and he feels that the

County needs to get it as defined as possible. He likes to take that “subject to interpretation,” completely out. He stated that they either had the intent for them to do it or not do it and they ought to adopt the wording that says what they intend. He said the inconsistencies were what bothered him about this one. He said they had had, he assumed, different opinions on this one and he would like to eliminate that.

Commissioner Bennett asked if they would then have to specify a specific office and a specific position within that office. Mr. Manning said that he thought they would. He said two things: It is hard to anticipate all the options. The County has so many employees and what are they going to run for? Secondly, you may have someone who is with some department where perhaps you could make the argument, he doesn't know this to be true, but the argument might be made that he is a non-supervisory, lower level employee that has chosen to run for office and, even though if he were running for probate court judge, for a hypothetical example, then the performance of those duties might not conflict with the efficient prosecution of the interest and objectives of the County. There is a balancing test that you've got to do that's hard to articulate. It is hard to articulate a hard and fast rule. Mr. Manning stated he said that because they don't want someone to come in and say, “Well this rule, if I had run... And they're saying nobody within a department can run and they come up and can make the case, “Well, I wouldn't have interfered at all with the efficient prosecution of the interests of the County because, “ if it's true and I don't know it to be the case, “I was in some type of clerical position that it didn't have any effect” and then somebody could get the whole thing kicked out for being overly broad again. So it's danged if you do, danged if you don't.

Commissioner Bennett stated that this language didn't state that, it basically just prohibits it. That's the problem. Mr. Manning stated It's anything that would conflict with the efficient prosecution of the interest and objectives of the County, which is what we'd have to prove, what we'd have to show if we're defending a case. That's what we'd have to come in and show. If we made a decision that somebody couldn't run, then we'd have to show that in order to prevail. County Manager Poe asked whom he anticipated would make the decision, whether it does affect the performance of duties or could conflict with the efficient prosecution. County Attorney Manning responded that he would envision that it would probably be the County Attorney and the County Manager, in consultation with the Department Head of the department for which the employee worked and the Department Head of the department where the position he was running for was located - those four people. Commissioner Fricks stated he remembered a case where the Commission looked at it and the big question mark was, this is a county policy and, generally for the employees of the county to administer or carry out the policies, and they were looking referring back to the books and it was kind of like, “Hey what do we do?” You hated to draw a policy up to the point where they have to go back and go to the attorney and make sure that that policy fits that scenario and that was kind of the case here. Commissioner Jennings commented that the way he saw it, it looked to him like the first seven lines of this (the amended policy) with a period after “personnel regulations” and just deleting the “provided” and anything beyond that. It just says, “On county time” and he thinks if he interprets that correctly, “On county time you cannot interfere with or affect the result of political election”, etc. and then it says that you can express your political opinion, vote, or seek elective office outside of county time, following personnel applicable law and/or personnel regulations. Just put a period there. Commissioner

Bennett commented that he thought a policy like this affects other things than just worrying about somebody politicking on the County's dollar. He said he also thought it had to do with employee relations and relations between departments and any number of things and that's a pretty well recognized trait of employment, not just in government but also in private industry. He said he didn't know of any particularly but there are sometimes rules for employment and not just to be concerned about somebody's not giving you a full day's work. There are other things that could enter into that in addition to that. He said he would think that this policy would try to address that more so actually than being concerned about getting a day's work for a day's pay, so to speak.

Commissioner Jennings commented that you still had the problem... Let's say you had an employee in the probate judge's office running for probate judge. What this says is that person would have to take a leave of absence from the point of where they qualified till the election time. He said, "At that point they could come back to that position, is that correct?" County Attorney Manning responded that that is correct. Commissioner Jennings further asked, "And the position would not be filled?" He stated you still had the potential that there would be hard feelings about that individual running against that person so whether it be during the election or after the election, the person has the right to come back to their position, right? Mr. Manning stated that is right but he did not think you can deny somebody their free speech rights, which would include the right to run for a public office by refusing to allow them to come back even if it is a... Commissioner Jennings interjected that he thought that... Commissioner Bennett stated the point that Jerry made is that you could still do that and he thinks that what you're trying to make so that this policy wouldn't affect that or have not effect on it, except during the course of an election. Commissioner Jennings agreed. He said he thought Commissioner Bennett's point was that during the course of the election there could be some bad blood between those persons who are working together in that particular office and so requiring them to take a leave of absence would reduce that potential. Commissioner Bennett stated, "Hopefully." Chairman Hufstetler stated there really didn't seem to be a clear direction on this. He said he thought Commissioner Jennings was fine with just the first seven lines and he knew Commissioner Bennett had some concerns about activities, and he does too, but he also has concerns about people making judgement calls. He stated he did not know if they could get away from that but that is of concern to him. Commissioner Bennett commented, "You always open yourself up, is what you're saying." County Attorney Manning asked the Commissioners to tell him if they would like him to do nothing. He said he would like to do what they desire. He said he could try to present them some options. Commissioner Jennings stated that, obviously, they need to do something with the existing policy and, if Mr. Manning could give them what he would guess would be a minimalist, libertarian position of letting folks do whatever they want, however they want... He said the first seven lines are what he would say is a kind of minimalist position. He further requested that the County Attorney give them some options that would, hopefully, close down some of the interpretation that you might have in the existing one that he was seeing right there. Chairman Hufstetler said that he did not know if there can be several options but it would be nice to look at it to see if there were several ways to approach it and still be constitutional, then the commissioners can look and see what... He said that they were interested in the operation of the county running. Mr. Manning said that he thought Fulton County did something very similar to

this, after that lawsuit. He said he would try to present some other options as well. Commissioner Jennings stated that this was an impressive opinion and that he was not used to seeing opinions that thorough. He thanked County Attorney Manning for the opinion. Chairman Hufstetler stated they (the Board) appreciated the work on that.

**DISCUSS NEW CONTRACT
WITH MENDOLA & ASSOCIATES
– PERSONAL PROPERTY AUDITORS.**

County Manager Poe stated what the commissioners had before them was that the Board of Assessors would like for them (the Commission) to enter into a new contract with them related to our personal property auditors, Mendola and Associates. Basically, they have come back to the County with a fixed fee charge instead of an hourly rate and, based on how they compare the existing contract to the new contract, it would be cheaper for them to do the work under the fixed fee rate. This would be a joint contract entered into with the Board of Assessors and the Board of Commissioners. They are asking for the Board's approval in approving this new contract. Commissioner Hufstetler stated that, in the past, this item has ranged from \$7,000 or \$8,000 to \$50,000. He said he knew he and Commissioner Bennett were there at the budget meetings and talked to them about it and didn't really feel like they needed to appear before the Board, but the tax appraisers are taking on more responsibilities and feel like they can get more auditing done with less money. He said he knew the budget is for \$20,000 this year, on that, for this Mendola and Associates. He said they seem to feel like this is the way they need to go to get us the best amount of service and not pay the higher rate increase. MOTION made by Commissioner Bennett to authorize the Chairman to sign the contract as submitted. SECOND by Commissioner Fricks. Chairman Hufstetler asked if there was any discussion. He asked for the roll to be called. VOTING:

YES

NO

Commissioner Fricks

" Mayes

" Jennings

" Bennett

Chairman Hufstetler

Motion Carried

**DISCUSS COUNTY PARTICIPATION
IN MARTIN LUTHER KING CELEBRATION.**

County Manager Poe stated that the commissioners had before them a letter from Sam Burrell, Sr., Acting Chairperson for the King Commission of Rome, asking for your financial support in the upcoming King celebration and it also came to his attention, through Commissioner Jennings, that maybe they were seeking some use of the FORUM,

maybe free of charge for some event. He said he was not sure if that was still the case or not but before the Commissioners, as far as providing them some financial support... He asked two gentlemen, representing the King Commission, if they might want to speak. One of the gentlemen said that they had met with Mr. Poplin, and Mr. Rich was there. He said they were not going to use the entire FORUM. One of the problems that came about was that the City normally, they normally use the Civic Center for the fellowship luncheon, but this year the Civic Center is being repaired so, on such short notice, they had to find an option to that. The option was the FORUM. He stated, as they knew, every event that they sponsor is free to the public, except for the prayer breakfast. They feed some 1,500 to 2,000 people at that dinner every year so they are asking that the fee be waived because they are not going to be using the entire FORUM, only the part that serves people. They will be in and out and it shouldn't take them very long at all. That was the only other option that they had and they did look over the facilities with Mr. Poplin and told him what they needed and how long they would be there. They wouldn't inconvenience him because there are going to be some other events going on and things of that nature. So that is the most serious problem that they face at this point. He had talked with Commissioner Fricks about it on several occasions, while he was Chairman, because they intended on using the Civic Center but after they went back to the City, it wouldn't be ready in time, but they don't want to take that chance so that's where they are now. Like he says, everything is always free to the public at their expense and they are always out trying to seek donations to sponsor this four-day event. He said he also wanted to mention that one thing we all should be proud of is that Rome and Floyd County has the second largest celebration in the entire state of Georgia. He said that this year he received some special contacts like Congressman Gingrey wanted to participate in the Freedom March this year, Johnny Isaakson and several other individuals. Attorney-General Thurbert Baker will be their keynote speaker and quite possibly will participate in some of these activities. He said he hoped all of the commissioners could attend some, if not all, of the activities that they have planned. He stated they sure appreciated their financial assistance and they would surely hope that they would accommodate them with the use of the FORUM at this time. Commissioner Bennett asked if he heard them say that they talked with Brent [Poplin] and that they could accommodate that without interrupting the other things already there, in other words, it won't be a problem. The gentleman replied that the Reverend and he as Mr. Rich had already gone down and saw what was needed and for how long. They reiterated that it was not the entire FORUM, it was just the ballroom area and just service people and, hopefully, they would be in and out of there in a couple hours, however long it takes to feed 1,500 to 2,000 people. Chairman Hufstetler asked if they needed a motion on this or just general consensus. County Manager Poe stated they needed a motion plus whatever dollar amount they want to contribute. Commissioner Bennett asked what the County did last year. The gentleman in the audience stated the County contributed \$500. Commissioner Bennett stated they took it out of the donations account, he thought. No one knew what account it was taken out of. Commissioner Bennett stated he thought they had taken it out of a community fund. He stated he though they recognized that it was an important, good function in the community, but that the County is not a charitable organization, even though some think that they might be, and he thinks that that is how we [the County] did that. MOTION by Commissioner Bennett that the County

contributes \$500 and take it from the Community fund and include the use of the FORUM without charge for the function that Mr. Jackson requested. SECOND by Commissioner Jennings. Chairman Hufstetler asked if there was any other discussion and stated, if not, the roll would be called. VOTING:

YES

NO

Commissioner Fricks

" Mayes

" Jennings

" Bennett

Chairman Hufstetler

Motion Carried

County Manager Poe stated he wanted to bring two things to their attention on the meeting schedule, a budget hearing Thursday [January 15th] from 9:00 until noon and also a Public Hearing on Budget Adoption next Tuesday, at 2:00 p.m., January 20th, in the Commissioner's Meeting Room. We are required to have that Public Hearing one week prior to actually voting on the budget, which will be on January 27th. He stated that that ended his report.

ATTORNEY'S REPORT

County Attorney Manning stated that he had no report.

ADJOURNMENT:

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

YES

NO

Commissioner Fricks

" Mayes

" Jennings

" Bennett

Chairman Hufstetler

Motion Carried

COMMISSIONERS

CHAIRMAN

FLOYD COUNTY BOARD OF

CHUCK HUFSTETLER,

