

March 23, 2004

REGULAR MEETING
FLOYD COUNTY BOARD OF COMMISSIONERS
March 23, 2004 **6:00 P.M.**

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

OTHERS

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

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

INVOCATION: Commissioner Bennett led the Invocation.

PLEDGE OF

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

ADOPTION OF

MINUTES: Chairman Hufstetler asked County Attorney Tom Manning if the minutes were in order. County Attorney Manning replied that they were in order except some minor changes which he had related to the Clerk, on Pages 3, 5 and 8 and subject to those revisions, they were in order. Chairman Hufstetler asked if there there a Motion to approve the minutes with the Attorney's revisions. Commissioner Bennett made a MOTION to adopt the minutes of the Regular Meeting of March 9, 2004 with the changes made by the County Attorney. SECOND by Commissioner Jennings.

VOTING:

YES

NO

Commissioner Hufstetler

" Mayes

" Jennings

" Bennett

Chairman Fricks

Motion Carried

PROCLAMATIONS

**RECOGNIZE LT. RENEE BALDWIN,
E-911, AS EMPLOYEE OF THE
QUARTER AND TO ALSO RECOGNIZE
HER SPECIAL EFFORTS IN HELPING**

**GORDON COUNTY ISSUE A LEVI'S CALL
FOR THREE CHILDREN WHO WERE
ABDUCTED IN JANUARY.**

Chairman Hufstetler stated that Public Safety Committee Chairman, Commissioner Mayes, would make the presentation. Commissioner Mayes stated to Lt. Baldwin that they wanted to recognize her and thank her for her effort and hard work. He presented to Lt. Baldwin the Floyd County Employee of the Quarter Award for the First Quarter 2004 and thanked her for her service. Chairman Hufstetler thanked her for her persistence in helping with locating the three children who were abducted.

RESOLUTIONS

**AMEND FEE SCHEDULE BOOK TO
INCLUDE CHARGE FOR INSTALLING
DRIVEWAY PIPE.**

Chairman Hufstetler stated that the Resolution was a part of the packet and a Motion was needed to approve the Resolution. Commissioner Bennett made a MOTION to approve the Resolution showing the cost per driveway for Floyd County to install the pipe up to 36 inches in diameter. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Fricks

" Mayes

" Jennings

" Bennett

Chairman Hufstetler

Motion Carried

**SECOND READING/PUBLIC HEARING
(FIRST READING HELD MARCH 9, 2004
AT 2:00 P.M.)**

**FILE #12-2004Z, REQUESTS REZONING
FROM S-R (SUBURBAN RESIDENTIAL)
TO L-I (LIGHT INDUSTRIAL) TO
CONSTRUCT A MOTOR FREIGHT
TRUCK TERMINAL ON PROPERTY
LOCATED ON U.S. HIGHWAY 27
SOUTH/CEDARTOWN HIGHWAY.
ZONING MAP 116Y – 090A
(PLANNING COMMISSION RECOMMENDATION:
APPROVE CONDITIONED ON ENTRANCE FROM
HIGHWAY 27 ONLY [VOTE – UNANIMOUS])**

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

YES

NO

Commissioner Fricks

" Mayes

" Jennings

" Bennett

Chairman Hufstetler

Motion Carried

Chairman Hufstetler stated that the Public Hearing was open. He stated that the party wanting to make the change will have 10 minutes to give their reasoning, explanation and facts that they think are pertinent to this case. Anyone in opposition would have up to 10 minutes to argue against it and then the first party will then have up to 10 minutes afterward to rebut anything that was said in opposition. He then asked who was there in support and opposition of this issue. He asked that the gentleman wishing to speak give his name and address when he comes to the microphone.

SUPPORT

James W. Lloyd, 222 Rustic Ridge Road, stated that he and his wife, Sherry, formed this company, Jim Lloyd Transport Company, in August, 1997. From that time on, they have gone from one truck and one trailer to 22 trucks and 44 trailers. They have outgrown their current location and the reason for this request before the Commission is asking for rezoning so they can build a newer, larger terminal so hopefully they can continue their growth and increase.

Chairman Hufstetler asked if Mr. Lloyd was fine with the conditioned on entrance from Highway 27 only. Mr. Lloyd replied that he was. Chairman Hufstetler thanked Mr. Lloyd for being there and then asked Sue Hiller to make a presentation.

No one spoke in opposition to the proposed zoning change.

Sue Hiller, Rome/Floyd Planning Commission, stated that the cross-patched property on the map were the subject property. She stated that to the north is C-C zoning, the VFW Club. She noted that the circles on the map were single-family residences and the ones to the south are zoned S-R. They are not non-conforming uses. There is S-R zoning to the west. Across the highway is vacant land. There is a camper supply place zoned L-I. She stated that the subject property is currently vacant. She stated that the condition was placed on this because, as they could see, there is a back road which kind of comes into the back of this property and there was some concern that if that was ever opened up in some way to be a gate onto the property, that would divert truck traffic

through the residential area and that was the reason for this condition being place on there. She stated that, as was reported, the recommendation was unanimously to approve. Ms. Hiller presented pictures of the surrounding area. She also showed the site plan, which she said was a little bit unclear. It is not complete but it does seems to indicate that there is room for parking and detention basins on the property and still meet the landscaping, buffering and setback requirements.

There being no further questions for Ms. Hiller, Chairman Hufstetler called for a Motion to close the Public Hearing. Commissioner Bennett made a MOTION to close the Public Hearing. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Fricks

" Mayes

" Jennings

" Bennett

Chairman Hufstetler

Motion Carried

Chairman stated that the floor was open for any Motions regarding approval or disapproval of this request. Commissioner Fricks made a MOTION to **approve with the conditions that the entrance be placed on Highway 27 only.** SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Fricks

" Mayes

" Jennings

" Bennett

Chairman Hufstetler

Motion Carried

**FILE #14-2004Z, REQUESTS REZONING FROM
S-R (SUBURBAN RESIDENTIAL) TO L-I (LIGHT
INDUSTRIAL) TO EXPAND WAREHOUSE OF
EXISTING MANUFACTURING PLANT ON
PROPERTY LOCATED AT 1140 DAVIS ROAD,
CAVE SPRING, GEORGIA. ZONING MAP F19
– PART OF PARCEL 002.
(PLANNING COMMISSION RECOMMENDATION:
APPROVE [VOTE - 7 – 2])**

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

YES

NO

Commissioner Fricks

" Mayes

" Jennings

" Bennett

Chairman Hufstetler

Motion Carried

Chairman Hufstetler asked Sue Hiller to give her presentation and then they would see who wants to speak in opposition or support.

Sue Hiller, Rome/Floyd Planning Commission, stated that subject property was the cross-hatched area on the map. She noted the current site of this industrial operation, which is zoned L-I. She stated that the cross-hatched lot does not exist yet and that is the reason for the condition that the Planning Commission attached to this that the rezoning would be effective only when that plat is recorded so that that lot does exist at that point. She stated that there is Suburban-Residential to the north and A-R, Agricultural-Residential to the south. She noted that the round circles on the map were single-family residences. She stated that the Planning Staff recommendation was for denial and that was based on two things: one, the fact that this is basically a rural residential area. It does have houses around it. This plant is the only use there that isn't that compatible with the others. The other reason is, if they had been out and taken a look at that road, it is a very narrow road and is a fairly winding road and truck traffic on that road could be an issue for the people who live there. She presented pictures of the surrounding area and the current plant and an aerial photo. The site plan, which was submitted, was also shown. It indicated that there are some buildings which are to be removed and she noted the location of the proposed building. She stated that she had not had a chance to examine the setbacks and buffering and so on. In fact there was no buffering or landscaping shown. However, the plan does seem to indicate that there is enough room to put those things on the property and those are issues that could be dealt with at a later time.

Chairman Hufstetler asked how many people wished to speak in support of this. He stated that were four people wishing to speak and they would have a total of 10 minutes. He then asked who was there wishing to speak in opposition. There were two people wishing to speak in opposition.

SUPPORT

Joel Davis, 1226 Davis Road, Cave Spring, stated that he is the Plant Manager of Davis Core and Pad, which is located at 1140 Davis Road, Cave Spring. He stated that Davis Core and Pad is the only manufacturing plant in the Cave Spring area. They employ

about 55 people who inject about \$1.5 million into the local economy through payroll. They work three shifts a day. Last year they were blessed with about \$4 million in sales. Over the past ten years they have averaged a growth of 5%. He stated that prior to starting Davis Core and Pad, some 36 years ago, his family was in the commercial egg business. When he was a senior in high school, they had approximately 50,000 laying hens and his father delivered eggs to stores and individual people all over Floyd County. As the poultry business began to die out in the late 1960's, his father and older brother converted one of their five chicken houses into a fabrication area for EPS packaging material, also known as Styrofoam. However, they soon discovered that they needed to mold their own rather than ship it in by railcar from Elkhart, Indiana. They built the first building which served as the production area and warehouse. He joined the company as a partner in 1971. The majority of their finished molded product weighs less than one pound per cubic foot. It is very light in a truck, but it takes up a lot of space in a warehouse. As their business has grown over the years, they have expanded their warehouse space four times. Each time they have annexed some of the poultry farm area that is close to Davis Road. The last time was seven years ago when they removed one of the chicken houses and replaced it with a warehouse. He stated that he understands that the following year in 1998 the Floyd County property maps were zoned according to land use. If they had been consulted, by the Floyd County Planning Commission in 1998, they would have requested that the remaining chicken house area be included as Light-Industrial along with Davis Core and Pad Company. They were not asked then, but they do stand before them tonight asking that they allow them to continue their expansion plan and annex the chicken house area for growth, just as they have been doing for the past 36 years. He stated that most of the proposed land shown is not suited for residential dwellings anyway, it is very steep. It really isn't suited for agriculture since the area for those was actually bulldozed out of the hillside. The hillside is some 40 to 50 feet above the surface of the road, down the side. The chicken houses have not been used since mid-1970's. Approximately one-half of the roof area of these chicken houses has collapsed from weight of snow. However, parts of the chicken houses are still being used for storing baled hay, by his uncle, Bob Davis. They regret the inconvenience that this warehouse expansion may cause his uncle. However, the continued success of their business is dependent upon their ability to supply their customer needs. "Just in time" has become a buzz word in their industry. Their largest customers use this to reduce their warehouse space and their inventories, thus their overhead. Now they expect them to supply them "just in time" and in some cases this is daily and in some cases it is twice a week, but in all cases it takes additional warehouse space than it used to. With several customers they are subjected to substantial fines if they enter into this agreement and they can't meet the "just in time" orders when they are placed. One such customer that they have has a total of about 20% of their current business and they receive about three truckloads per day. This same customer is now asking them to consider essentially doubling their current business. This would require more warehouse space than they currently have available. However, if they cannot supply their packaging needs, then they will go to their competition. If the competition gets the new business, they may lose even the old business since it is a normal thing now for customers to reduce their supplier base. The loss would cause great financial stress to their company. Clearly failure to meet their customers needs will reduce their growth and will have a negative economic impact on them and thus on Floyd County in lost jobs. In light of this, he encouraged them, the

Floyd County Board of Commissioners, to follow the recommendations of the Rome/Floyd County Planning Commission and rezone this tract of land from Suburban-Residential to Light-Industrial.

Jim Couch, 696 Billy Pyle Road, Rome, Production Manager at Davis Core and Pad, stated that it is his job to schedule production of their machines and schedule deliveries of their products to their customers. They have about a dozen or so trucks per day, both their trucks and supplier trucks that bring products in and take products away from their facility. When their warehouse becomes too full, it becomes a real challenge to balance what they produce with the product that gets delivered to their customers. If they over produce on the machines, then the warehouse becomes very disorganized. In their busy season, they can save a lot of labor cost and tool change time if they have adequate warehouse space and make longer product runs. If they don't have enough warehouse space they have to make lots of short runs which waste time and money. When they are tight on warehouse space they have to scatter products over several locations and even in front of other products. Both of these situations cause them to waste time looking for their products when loading trucks for shipment to their customers. He stated that their warehouse space is barely adequate today, but there is not much room for new products or large runs on items that they produce in large quantities for their customers.

Brady Drummond, 6 West Eighth Avenue, Rome, Sales Manager at Davis Core and Pad, stated that he has been Sales Manager since 1982. The large account that Joel Davis referred to earlier is Hon Industries. He has worked with this company for the past seven years to help them reduce their damage on filing cabinets. For quite some time they have provided them with packaging for their lateral files, bookcases and bookshelves. However, for the past couple of years they have been working on a packaging for their vertical files. They are now in the final stages of getting the new package approved by their head office in Iowa. They want them, or some supplier if not them, to only supply them with EPS packages on a "just in time" basis, but also to supply them with corrugated trays, v-boards and clear view film for about 30 different size filing cabinets on a "just in time" basis. The new business will add maybe four additional trucks, shipped over a 24-hour period. However, the great variety in sizes will require a substantial warehouse space. They are the closest EPS molder to their Cedartown plant. They have the know-how. They have the expertise. They have the ability. But they do not have the warehouse space to add this potentially very profitable item to their product line. The future direction and health of their company is in the Commission's hands.

Jeff Casey, 41 Evergreen Drive, Cedartown, stated that he is the Product Design Engineer at Davis Core and Pad Company. He stated that it is his job to work with the sales staff in getting new business for the company. Over the past five years he has seen business come and business go. He finds that they have to continue working hard to get new accounts to make up for the accounts that have moved away or get discontinued by the customer. He stated that he is there on behalf of the employees of Davis Core and Pad to ask them to allow their company to grow in a normal manner so that they can survive the hard times that may come in the future. Also, because as they grow, they have more opportunity to move up in job responsibility and pay. Davis Core and Pad is a good

company to work for. The company has not laid off an employee in over ten years. They, as employees, appreciate the steady environment that the company has provided even during slow times. They are a good company.

OPPOSITION

Bob Davis, 1073 Davis Road, Cave Spring, stated that he regrets to have to stand up there and oppose his nephew's expansion of his plant, but he has a residence about 550 feet south of the proposed expansion. He has a rental house about 250 feet from the property line of where the expansion will be. He therefore, is compelled to oppose it since the loading docks and traffic in and out and the 24-hour operation interferes with the environment for himself and his renters, if he is fortunate enough to get a renter to rent the house. He stated that his twin brother Bill and he jointly own the land that is bordering Davis Road, south of Davis Core and Pad, extending to Big Cedar Creek. They own 700-acres jointly. He stated that he objects to rezoning and the proposed development for the following reasons: The proposed development is not consistent with the standard purpose for the rezoning district. This is a residential, not an industrial area. The proposed use is not suitable in view of the zoning and development in relation to his property. Davis Road is not designed for heavy truck traffic, it is too narrow. Public use would adversely affect usability of land adjacent or near his property. If approved, the additional truck traffic will have an adverse amount of affect on the inhabitants of nearby residences. The property values of the land, residences and the air will be adversely affected. The proposed use is not compatible with the purpose of intent of the Comprehensive Plan of the Zoning Code. The Comprehensive Plan says that they should avoid conflicted land use, like factories next to neighborhoods. Rezoning would make an existing problem worse. Minimum requirements for erosion and sedimentation control would be extremely difficult or impossible to meet in the area where they plan the expansion. The hours, 24-hour a day, five days a week presently, and manner of operation would have adverse affects on other properties and residences in the area. He stated that he also has hay stored in the poultry houses which had been mentioned and he had an oral agreement with his brother. He had been working his land for years. That is one of the fields which can be seen on the overhead picture. If he builds the expansion as he proposes, he does not know how he could get up to and back from it conveniently. And it would be difficult to build a road through the field.

Chairman Hufstetler asked Mr. Davis if he was saying that he had an oral agreement to store hay in those chicken houses. Mr. Davis stated yes, with his brother, and he has hay in all three of them now. Chairman Hufstetler asked if approved, the chicken houses would go away. Mr. Davis replied, "according to his plans." Chairman Hufstetler asked if his question was where would he store it or how he would get to where you cut it or what. Mr. Davis replied, "All three. He already has it fertilized and is going to cut hay off of it and the two top chicken houses are like was stated, they are deteriorated. He has no objection to removing them. One of them, three-fourths of it collapsed in a snow storm and you can't put but about 50 bales of hay in it anyway. The middle one is also old and built out of oak poles so it really would be no hardship on him if they did away with it. But the lower one, he has over 80 bales of hay in it now and it is the main one that he needs. He does not see where that would interfere, if the plans were approved, to leave it.

Bill Davis 1430 Davis Road, SW, Cave Spring, stated that he lives about one mile from the proposed warehouse expansion. He stated that his son and his wife have a home across the road from them. They have three children and the youngest son is eight years old. Two school buses travel this road when school is in session. He is opposed to the rezoning since it would make an existing problem worse and does not meet the standards for zoning changes in Article 2.2.4 of the Zoning Code and would devalue their property. Also his brother had failed to mention that they have an oral agreement renting the 32-acres that they own in exchange for the parking lot across the road from the plant.

Chairman Hufstetler asked Mr. Joel Davis if he wanted to rebut any of the issues.

REBUTTAL

Joel Davis, 1226 Davis Road, Cave Spring, stated that the property value he thought had actually been enhanced by Davis Core and Pad presence on Davis Road. First, because Davis Road was widened in 1970. At that point, Floyd County came in and deemed it was necessary in order to make it wide enough for the road to pass tractor trailers and a bus. They made it from a 40-foot road to a 60-foot road. He stated that past Davis Core and Pad, the road was not widened, it is 40-feet he thought and it is very difficult to travel that road now. The main road that they use would be just like that, probably, if Davis Core and Pad had not existed there and actually enhanced the road which enhanced the property values. Second, because of Davis Core and Pad, Atlanta Gas ran a natural gas line up the road and that is a substantial benefit for folks who are heating with economical heat. That also enhances the value of the land. Georgia Power has taken steps to reduce the brown-outs and power failures because of the equipment they run, they run three-phase electricity. So, there is three-phase electricity up there which, in most folks minds increases the value of the land. When the water line was run up Davis Road there was not enough houses on the road to justify it and so the City of Cave Spring allowed several houses, because of Davis Core and Pad, to have water to be brought up to them, so that too enhanced the value of the land. The issue of the noise that was brought up, 90%+ of their truck traffic takes place between 6 a.m. and 6 p.m. Occasionally they will have a truck to come in at night that is holding over for morning unloading. It seems to him that many people live on major highways and become accustomed to truck traffic and that should not be a deterrent to their ability to expand.

He stated that he does agree that there is a problem with truck traffic, but not so much on the road itself. The most dangerous place is where trucks turn into Davis Road. It is narrow there and trucks have to swing wide, but he believes with this group's help they can go before the State DOT and get that widened and relieve that hazard. As he previously stated, the road itself, back in the 1970's, was widened by the County for the express purpose of trucks meeting buses.

As far as the oral agreement goes, that Bob and Bill Davis referred to, that was used on land that they were really not benefiting from and his father allowed that. Supposed from them, they let them use one-half acre across from the office of Davis Core and Pad to park their trailers and in exchange for that, they have sort of thought that it was fair to have

all of the chicken houses and all of the land, not only there, but an equal amount back further away and across the road there is 20 acres that they cut hay from. They had paid taxes on it for a while, but haven't done that since 1990. Essentially for one-half acre, they are getting all of that. He stated that he is not even sure that it is the issue.

Chairman Hufstetler asked to see the slide which shows the proposed building. He stated that Bob Davis had said that one of the chicken houses was better than the other. Mr. Joel Davis replied that it was the lower house that still has life to it. Chairman Hufstetler asked if all three would be torn down. Mr. Davis stated that he did not know, it depends on what the civil engineers say when they come in. Probably the proposed building will be built back to where it says the north side, Bob's property, where it says End 5300, . . . He stated that most likely it would be on the location he noted on the map. To begin with, and he noted an area that would be removed, because of the banks, the ditch behind the building has to have a certain width, there is a certain amount of offset that has to be allowed. He stated that there is probably 10 to 15 feet of dirt that has to be dug down to get to the warehouse level. He stated that the whole point is that they can use a forklift to carry the product from the production area out into the new area so they need to have one level. He stated that the choice they have is what they do with that dirt. They can take that dirt upon the hill and spread it out and deposit it there or into a low area, which would be considerably more economical and that was their original thinking. It will all depend on what the civil engineers say. He noted the area where he expects the pond to be located. The size of the building, they do not know what their contract with Hon is going to be yet, but they do know that over the years they will need to continue expanding if they are going to be a healthy company.

Chairman Jennings asked to again see the picture of the existing plant. He asked Mr. Davis if the plant pays attention to the suburban rural nature of the property and the plant itself doesn't detract from the surrounding areas. Mr. Davis stated that he thought the photographer of this particular item picked the absolute worse place that they possibly could look at. He stated that this structure was built some years ago when Bob (*Davis*), whose house is 550 feet away, had a problem with an air compressor that they had and they put up a barrier to sort of deflect that away. They no longer have that air-compressor in use and they have, since the picture was taken, taken that down. The building itself is a sheet metal on the outside with a sheet metal roof. He stated that he is not sure what all could be done to make it pretty. When they went to the hearing of the Floyd County folks (*Planning Commission*) it really hit home to Commissioner Jennings' concern and hopefully someday they can plant shrubs around it and make it be pretty. But, right now there is not much of that happening. Commissioner Jennings asked how they could be assured that the warehouse goes in there and they don't have just a red clay dirt pit around the warehouse. How can they be assured that there will be appropriate landscaping so that it is not an eyesore for the neighbors and potentially could distract from property values. Mr. Davis stated that he could not see any reason why they would not follow the current laws in Floyd County to provide whatever is necessary to do that, if that is in the law, then that is something they need to do.

Commissioner Fricks stated that in regard to that, and he knew that this was getting into pretty much their business, going back to the first site plan. Regarding the issued of moving the dirt to the low area, just as a thought, could some of the dirt be utilized to create a berm that would give a noise separation and somewhat isolation. He stated that they had done that for a remote site. It gives a little buffer, if they are looking for somewhere to place the dirt. He stated that he knew that it cost a lot to bring the dirt in, but if you are looking for that, it might be a consideration. Mr. Davis stated that he could tell that to the civil engineers. He noted an area behind one of the chicken houses and stated that it is probably 60 feet off of the road, so it is fairly steep and the more he moves the building back into the bank, it will substantially change the amount of dirt that they have to move, so he is trying to keep it as close to the lower area as possible which is the same level as the floor on his existing warehouse. Commissioner Fricks asked if the load in would come from that side. Mr. Davis stated that this is strictly warehouse, all of the loading is done in other areas on the facility, and that will continue.

Commissioner Mayes asked how many feet he was proposing building back from his property line. Mr. Davis stated that he thought the law said that it was either 20 or 25 feet, whatever the civil engineers lay out on the plan and thus far he has not paid anyone to do that. He stated that they will follow the laws of Floyd County and do it appropriately.

Commissioner Fricks mentioned that the proposed new building is not for additional manufacturing, mainly for just storage. Mr. Davis replied that storage is the primary function. Commissioner Mayes asked if since he is going to a higher and more intense use right beside a residence, are there any buffer requirements between the building he is putting up and the residence. *(Ms. Hiller's comments were not audible.)* Commissioner Jennings asked if there were other alternatives for this warehouse space, for example somewhere down on Highway 411. Mr. Davis stated that it would not substantially change the amount of truck traffic up and down the road because they would be producing it in this production area and then taking it to the customer or taking it to another warehouse area. It wouldn't accomplish anything. Commissioner Fricks asked if Mr. Davis had previously stated that the net gain on trucks will only be about four. Mr. Davis stated that over the years, they had been growing about 5% per year and they are up to \$4 million. Commissioner Fricks stated that he always looks back to the initial zoning, Agricultural-Residential, the allowed usages, some of them would create more than four trucks per day from agricultural production to livestock to animal feed operations and different things like that. They would probably see a substantial more than four trucks per day if used for that purpose. Mr. Davis stated that the truck traffic was not a problem when they cut their timber, there were lots of tractor trailers much heavier than his trucks moving in and out on that road.

Commissioner Jennings talked about the road itself that comes from, as he understands it, the curve of the road would not come into play because they would be hauling out of the . . . Mr. Davis stated that is a very narrow road and they are not even suggesting that they bring tractor trailers around in an area he noted on the map. He noted the area that the tractor trailer traffic stops. He stated that he would like to have signs put up by the County at a specific location stating no tractor trailers allowed, and also where

the road goes back into Highway 411, the same type sign should be put up, in case someone sees Davis Road and thinks it is the right way to come in. It has happened once or twice over a 30 year period. It is possible for them to get through, but if they met a school bus, it would not be desirable.

Commissioner Bennett asked the location of the loading docks for the new facility. Mr. Davis stated that currently they have five loading bays, which he noted on the plans. Since he has to run a specific distance from the property line, he had planned to run the 40 foot wide area, extend it on out for five more loading bays. It is not that they need ten loading bays, it is just much easier for their drivers to come in and back it up to a dock and just leave it there until they reload it, even if it is several days, than it is to park it over in the parking area and then have somebody come out and get that trailer and move it over to a dock. If they only have few docks then they have to do that a lot more. He noted areas where there currently are loading docks. He noted that original factory and warehouse and the areas of expansion seven years ago. They moved a lot of dirt in order to do that. It is very steep, the bank is probably 20 or 25 feet high so it is a very difficult area to build into, it is an expensive area. He stated that it is his only choice. He noted that if he went another area, there is a big drop off and a power line and drive ways into houses.

Commissioner Jennings stated that it seems to him there are two spots on that road, and Mr. Davis is right that the intersection with 411 is problematic and there is, coming down off the hill, is a pretty dramatic curve as you come in the residential area on the lower part of that road. He asked Assistant County Manager Rich, as far as County work crew, would the DOT help them as far as straightening out the road in the section where the curve is and also would the DOT help them as far as an entrance on the Davis Road or would that be County responsibility to fix that road. Assistant County Manager Rich asked if the question was the curve on 411 and not on Davis Road. Commissioner Bennett stated that the radius coming out of 411 onto Davis Road is pretty narrow. Commissioner Jennings stated, number one, the radius coming off of 411 and number two, about a half mile up the road, as you are going up the hill, there is a pretty dramatic curve there, he thought there was a mobile home or something on the left, but it is a pretty dramatic curve. He asked if that would be the County's responsibility to make those changes. Assistant County Manager Rich replied that he would say "most likely." He stated that what Commissioner Bennett was addressing, the radius, they have had similar issues out off of 293 where it had been County projects where they have gone in and tried to make some improvements. He stated that it would be unlikely that the DOT would willingly come in and repair those, it is possible that they could have some intergovernmental agreement or local government agreement, but most likely it would be County funds. Commissioner Bennett asked if they would have to get their (DOT) approval because it is a State highway, but probably they would look to the County to make that a bigger radius, by adding some pipe on either side. Commissioner Jennings asked Mr. Davis if he would be willing financially to participate in those road projects. Mr. Davis stated that he would have to know some numbers, roads are very, very expensive and, like he said previously, the County came in in the 1970's and widened the road and made it a 60-foot wide road. He doesn't not know, they could be talking about thousands or hundreds of thousands of dollars. He stated that he could not commit to that tonight. Commissioner Jennings stated that he thought the road was a safety

issue and even if they added more trucks, it is a safety issue today. He stated that they, as the County, need to figure out how they can address that issue. Mr. Davis stated that, as far as he knows, they are the only manufacturing, light industrial area in southern end of Floyd County. He stated that the County could support their industry in Cave Spring.

There being no further questions for Mr. Davis, Chairman Hufstetler called for a Motion to close the Public Hearing. Commissioner Bennett made a MOTION to close the Public Hearing. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Fricks

" Mayes

" Jennings

" Bennett

Chairman Hufstetler

Motion Carried

Chairman Hufstetler stated that the floor was now open for any Motions or if they needed any further discussions or clarifications from Ms. Hiller, they could do that also. Commissioner Fricks made a MOTION that they **approve** the rezoning request. SECOND by Commissioner Bennett. Chairman Hufstetler stated that there was a Motion and Second and asked if there was any discussion.

Commissioner Jennings stated that he suspects that this zoning change will pass and he would like to encourage Mr. Davis to work on the aesthetics of the plant, recognizing the rural nature of that community out there, both in terms of the existing plant and the warehouse that is placed there. He stated that he thought the second issue is something that they, as a Commission, have to address is the safety issue of that road and he thought it would be appropriate to seek some financial support, as far as making those road improvements, he is not suggesting that the whole amount be funded, but certainly that some commitment be made to assist them to make those safety changes both on 411 and on the road as it comes up the mountain. He stated that those are the two concerns that he has in terms of this proposal.

Chairman Hufstetler stated that he thought that if that business wasn't there, wasn't grandfathered in, it would be hard to put it in there. This is a rural community. The reality of it is that it is in there and he thinks that this warehouse is important for this business and needs to be there, but he did encourage Mr. Joel Davis to consider the aesthetics, to consider the dirt barrier mentioned by Commissioner Fricks, and this comes again into the category of none of his business, but his (*Mr. Davis*'s) uncle has been using the chicken building for hay storage for a long time and if it is possible, he thought that he would probably try to keep that if he could.

VOTING:

YES

NO

Commissioner Fricks

" Mayes

" Jennings

" Bennett

Chairman Hufstetler

Motion Carried

ULDC REVISIONS

**REVISE 2.2.3b(6) CONCERNING ACTIONS OF
THE PLANNING COMMISSION IN REFERENCE
TO THE PROCESS FOR REZONING.
(PLANNING COMMISSION RECOMMENDATION:
APPROVE [VOTE – UNANIMOUS])**

Chairman Hufstetler called for a Motion to open the Public Hearing. Commissioner Mayes made a MOTION to open the Public Hearing. SECOND by Commissioner Bennett. VOTING:

YES

NO

Commissioner Fricks

" Mayes

" Jennings

" Bennett

Chairman Hufstetler

Motion Carried

Chairman Hufstetler stated that the Public Hearing was now open and asked that Ms. Hiller give a presentation on this item.

Sue Hiller, Rome/Floyd Planning Commission, stated that she will talk about both of the revisions at once because they are related to each other. She stated that right now the Code requires that the Planning Commission have a six member vote in favor or against a motion in order for a recommendation to be forwarded to the City and County. This would eliminate that and would allow a simple majority of the Planning Commission to make a recommendation to the City and County Commissions. She stated that the second change that has been proposed is that, before she had said that if there was a vote to approve and they didn't get a majority of votes, it would go forward as a vote to deny and vice versa. They have changed that to say that it will go forward as a vote to recommend or deny unless a second motion gets enough votes to form another recommendation. That is essentially what it changes. The first change has to do with the

process for rezoning. The second change that they are being asked to look at tonight has to do with the process for text amendment.

County Attorney Tom Manning asked Ms. Hiller if the City had taken this up yet or not. She replied, "Yes." He then asked if they had approved them. Ms. Hiller replied, "Yes."

Commissioner Bennett asked if number three was to allow the simple majority and also to . . . Is that the one that was having the trouble of how to word it? If you vote down something to deny then you basically have recommended approval, is that how he was trying to do that? Ms. Hiller stated that is how it stood before, now it says that that would happen unless there is a second motion that receives a majority vote. Commissioner Bennett asked if that was all under number three. He asked what the text amendment was, that is what he is confused on. Ms. Hiller replied that on their Agenda, it is on page two under ULDC Revisions, number three has to do with the process for rezoning, number four would make the same change to the process for text amendment. She stated that the other two were postponed by the Planning Commission.

Commissioner Jennings stated that Ms. Hiller was saying that if there was a motion to deny and the motion fails. . . Ms. Hiller injected, "Does not receive a majority." Commissioner Jennings continued, that there would have to be another motion to accept. Ms. Hiller stated, "not necessarily, if it is a motion to deny and it does not get a majority of votes, one of two things could happen. One is that it would go forward as a recommendation to approve because obviously the majority of the Planning Commission didn't want to recommend denial, they wanted to recommend approval. On the other hand, if they make another motion that may be worded a little different or have conditions attached to it, they can still make a recommendation to deny. They can have a second motion." Commissioner Bennett stated, "Or to approve, so it would come as a positive recommendation." She stated there would be three options that they would have. Commissioner Jennings stated that to him what would be in your best interest if a motion to deny fails is that it should be in the by-laws then that you would have to come back with an affirmative motion for the votes in that way. Commissioner Bennett stated that he thought Roberts Rules of Order or something like that entered into the discussion.

Chairman Hufstetler stated that it is his understanding that it is currently that way, the only difference is that now it won't be six votes, it will just be a majority. So if there are nine people there, then five votes will do the same thing it is doing right now with six. He asked if he was right. Commissioner Bennett stated that it is the majority of the Commission, not the majority of those attending, was the way that would read, even if a majority were not . . . Ms. Hiller stated, "voting members present." Chairman Hufstetler stated that if the majority of people there vote to deny something or they don't vote to approve it, for instance, it will come to the Commission as a denial. Commissioner Bennett stated that they still have to have a quorum. Ms. Hiller stated that is how it is right now. This would clarify that they can make a second motion if they choose to do so, they do that in practice anyway sometimes.

(Comments made by Commissioner Jennings were not audible.) County Attorney Manning stated that it might be the way for it to be most clear as to what the intention of the Planning Commission was, to outline these rules that they have made and so they know that if they fail to pass a motion to recommend a denial, that is going to be approval. Everybody knows that is what it is, but he agrees and sees Commissioner Jennings' point. Commissioner Jennings stated that he thought they did that there *(at the Commission Meetings)*. He thought it had happened to him on several occasions. Chairman Hufstetler stated that they have all lost one or two. Commissioner Bennett stated that basically if you know you are going to get beat, you still want to get your point across so you make the Motion opposite to the way you think it is going to go and then it either fails or not. County Attorney Manning stated that what they are saying in the case of the Commission itself, when you make a Motion that fails, then there is a new Motion. Commissioner Jennings stated that then somebody comes back with another Motion in the other direction and it is clear from that what the intention of the Commission is. Commissioner Bennett stated that it is not required was one of the things they got into. You don't have to do that and they have gotten, by the same token, if somebody votes or makes the Motion to approve and that fails, then do you make a Motion to deny because it is pretty easy to understand that if a Motion to approve failed because it says that they didn't do it. But when you go the other direction, it makes it a little confusing. Commissioner Jennings stated that it might come back that a Motion was made to table it. Chairman Hufstetler stated that it had actually been that way all along, the only difference here is the six to five. He stated that he did not look at it real close when Brian Hampton made a Motion and Mr. Cagle Seconded it. Commissioner Bennett stated that he had forgotten about the simple majority of those present. County Attorney Manning stated that if there was a Motion to deny but for some reason someone didn't make a Motion to approve, then it is just sitting there and this forces it out of the Planning Commission. Chairman Hufstetler stated that he guessed that issue was not a change, but maybe they want to address that. Chairman Hufstetler stated that the change is that it goes down from six affirmative votes to a majority of the members present assuming there is a quorum. He asked if they were okay with doing that and then maybe looking at that other issue. Commissioner Jennings stated that he had no problem with *(remainder of comment was not audible)* Commissioner Bennett stated that that at least allows them to transact business and make a recommendation and they would still have the opportunity to either affirm or disagree with their decision, which they have done before. Chairman Hufstetler stated that he would agree with Commissioner Bennett's point, he would rather they have a vote that says this is what they do because that is how they do it here.

Commissioner Bennett made a MOTION to close the Public Hearing. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Fricks

"

Mayes

"

Jennings

"

Bennett

Chairman Hufstetler

Motion Carried

Chairman Hufstetler asked the County Attorney, if it was alright that he did not ask for anyone who wanted to speak in support or opposition. County Attorney Manning replied that since there was no one present to speak in opposition, he thought it was okay to proceed. Chairman Hufstetler called for a Motion to approve. Commissioner Bennett made a MOTION to **revise Article 2.2.3b(6) of the ULDC revisions concerning actions of the Planning Commission in reference to the process of rezoning consistent with the recommendation of the Planning Commission.** County Attorney Manning asked that Commissioner Bennett if he said 2.10.2b(4)? Commissioner Bennett replied that he had said 2.2.3b(6) because that is the one they are working on. County Attorney Manning stated that was correct. SECOND by Commissioner Fricks. Chairman Hufstetler stated that there was a Motion and Second and asked if there was any discussion.

Commissioner Jennings stated that he is confused. Commissioner Bennett stated that they only opened the Public Hearing on number three, they should have opened it on three and four since they are talking about the same thing. Commissioner Jennings stated that number four is the one they have been talking about. Commissioner Fricks stated that was right. Commissioner Bennett stated that they had talked about both of them because the change was made to both of them. County Attorney Manning stated that she (*Ms. Hiller*) had talked about both of them, they are exactly the same, one is for text amendment and 2.2.3b(6) is for recommendations regarding zoning changes. Commissioner Bennett stated that the other one is for the text change. Chairman Hufstetler stated that was the one going down from six votes to . . . Commissioner Bennett stated that from what he understands, it is the same thing on both of them. Commissioner Jennings asked where was the last discussion contained in this. It was asked what he was referring to. Commissioner Jennings stated, “a vote to deny fails to pass.” County Attorney Manning stated that discussion was relevant to both number three and number four. Chairman Hufstetler stated that one is about rezoning and the other one is about text amendments. County Attorney Manning stated that the Planning Commission makes recommendations regarding zoning changes and in a different section of the ULDC they make recommendations regarding text amendments. So, number three addresses the zoning changes and number four addresses the text amendments but both amendments deal with only requiring a majority of those present at the meeting, if you have a quorum. Commissioner Jennings stated if that is all they are voting on, they are not talking about the issue of a vote to deny doesn’t pass and then they don’t have to go back and have an affirmative vote. Chairman Hufstetler stated that there was no change on that, but he agreed with him that they might should look at a change on that. Commissioner Fricks stated that is what exists right now. County Attorney Manning stated that is currently what exists and they are not changing that. So, a recommendation to deny that fails will come to this body as a recommendation for approval. Commissioner Jennings asked if they pass on this could they then say to them, we want you to look at this. Commissioner Bennett stated that before he votes, he wanted to tell them that they are looking at it and Bryan

Hampton is going around in circles trying to clarify that language and probably would invite you to consult with him on that language.

VOTING:

YES

NO

Commissioner Fricks

" Mayes

" Jennings

" Bennett

Chairman Hufstetler

Motion Carried

**REVISE ARTICLE 2.10.2b(4) CONCERNING
ACTIONS OF THE PLANNING COMMISSION
IN REFERENCE TO THE PROCESS FOR TEXT
AMENDMENT.**

**(PLANNING COMMISSION RECOMMENDATION:
APPROVE [VOTE – UNANIMOUS])**

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

YES

NO

Commissioner Fricks

" Mayes

" Jennings

" Bennett

Chairman Hufstetler

Motion Carried

Chairman Hufstetler stated that the Public Hearing was open and asked if there was anyone wishing to speak in support or opposition this item. There being no one present wishing to speak, Commissioner Mayes made a MOTION to close the Public Hearing. SECOND by Commissioner Bennett.

YES

NO

Commissioner Fricks

" Mayes

" Jennings

" Bennett

Chairman Hufstetler

Motion Carried

Chairman Hufstetler called for a Motion to approve or deny. Commissioner Bennett made a MOTION to **revise** Article 2.10.2b(4) of the ULDC concerning action of the Planning Commission in reference to the process for text amendments consistent with the Planning Commission's recommendation. SECOND by Commissioner Fricks. Chairman Hufstetler stated that there was a Motion and Second and asked if there was any discussion.

Commissioner Bennett stated that they can still have the motion to deny to fail and it doesn't necessarily come to them as a motion to approve. In fact, it doesn't come to them that way, it comes saying the motion to deny failed unless they make a motion to approve. They just have to infer that the motion to deny failed . . . Commissioner Jennings stated that it shouldn't be inferred, it should be that was their recommendation. Commissioner Bennett stated that they are trying to figure out have to require the Chairman to in fact entertain that motion, but nothing requires that that motion be made. That is what they are struggling with. Chairman Hufstetler stated that was a change they need to make.

VOTING:

YES

NO

Commissioner Fricks

" Mayes

" Jennings

" Bennett

Chairman Hufstetler

Motion Carried

**REVISE ARTICLE 3 CONCERNING MINIMUM
LOT SIZE.**

**(PLANNING COMMISSION RECOMMENDATION:
POSTPONED)**

No action required.

**REVISE ARTICLE 3 TABLE 3.2 USES PERMITTED
IN COMMUNITY COMMERCIAL DISTRICT.
(PLANNING COMMISSION RECOMMENDATION:
POSTPONED)**

No action required.

REVISE MALT BEVERAGE ORDINANCE.

No action taken.

CHAIRMAN'S REPORT

APPOINTMENTS.

Chairman Hufstetler stated that the County Attorney had advised that they need to have a Public Hearing on the change in the County Code regarding the Cave Spring appointment to the Joint City/County Recreation Authority. County Attorney Manning stated that he had presented a Resolution to them during Caucus. Under the Rules of Procedure that the Commission had adopted, an ordinance as determined by the County Attorney that only has minor changes can be approved in the same meeting they are first brought without having a First Reading and Second Reading and an advertisement. He stated that he thought the intent of the Code was probably that a Public Hearing was not needed, but since that was not stated explicitly he recommended that they have a Public Hearing and then the Commission can pass on the Ordinance if they so choose.

AMENDMENT TO FLOYD COUNTY CODE, SECTION 2-13-2. (4/5 VOTE REQUIRED)

Commissioner Mayes made a MOTION to place the item on the Agenda. SECOND by Commissioner Bennett. VOTING:

YES

NO

Commissioner Fricks

" Mayes

" Jennings

" Bennett

Chairman Hufstetler

Motion Carried

Chairman Hufstetler stated that the item is on the Agenda and he called for a Motion to open the Public Hearing. Commissioner Bennett made a MOTION to open the Public Hearing to consider an Ordinance to amend Section 2-13-2 of the Code of Ordinances of Floyd County. SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Fricks

" Mayes

" Jennings

" Bennett

Chairman Hufstetler

Motion Carried

Chairman Hufstetler stated that the Public Hearing was open and asked if there was anyone wishing to speak in support or opposition of this. There being no one present wishing to speak, Commissioner Mayes made a MOTION to close the Public Hearing. SECOND by Commissioner Bennett. VOTING:

YES

NO

Commissioner Fricks

" Mayes

" Jennings

" Bennett

Chairman Hufstetler

Motion Carried

Chairman Hufstetler stated that the Public Hearing was now closed and called for a Motion to approve this amendment to Ordinance 2-13-2. Commissioner Fricks made a MOTION to approve the Ordinance before the Commission to amend Section 2-13-2 of the County Code. SECOND by Commissioner Bennett. VOTING:

YES

NO

Commissioner Fricks

" Mayes

" Jennings

" Bennett

Chairman Hufstetler

Motion Carried

Chairman Hufstetler stated that they could now take up the item of an appointment and asked County Clerk Fountain to present the Cave Spring City Council's recommendation. County Clerk Fountain stated that Cave Spring had recommended Larry Hestley. Chairman Hufstetler stated that he believed that they (*the Commission*) were asked to approve or deny their (*Cave Spring City Council*) recommendation. Chairman Hufstetler asked the County Attorney if this was the way it is to be done. County Attorney Manning stated that they are approving or denying their nomination of Mr. Hestley. Chairman Hufstetler called for a Motion to approve to deny their nomination. Commissioner Bennett made a MOTION to approve the recommendation of the Cave Spring City Council to appoint **Larry Hestley** to the **Recreation Authority Board**. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Fricks
" Mayes
" Jennings
" Bennett
Chairman Hufstetler

Motion Carried

Chairman Hufstetler asked the County Clerk to give the name of the Board on the appointment for Jim Burton. County Clerk Fountain stated that the Board is Northwest Georgia Region 1 Mental Health/Mental Retardation and Substance Abuse Board. Chairman Hufstetler stated that there was one profile on this appointment and that was Jim Burton and asked if there was a Motion to appoint him to this Board. Commissioner Mayes made a MOTION to appoint **Jim Burton** to the **Northwest Georgia Region 1 Mental Health/Mental Retardation and Substance Abuse Board**. SECOND by Commissioner Bennett. VOTING:

YES

NO

Commissioner Fricks
" Mayes
" Jennings
" Bennett
Chairman Hufstetler

Motion Carried

COMMISSIONER'S REPORT

ADMINISTRATIVE/FINANCE COMMITTEE.

**DISCUSS INCENTIVES TO ENCOURAGE
EMPLOYEES TO ATTEND HEALTH FAIR.**

DISCUSS HEALTH INSURANCE RENEWAL.

**DISCUSS PROPERTY AND LIABILITY
INSURANCE RENEWAL.**

Chairman Hufstetler stated that these items will be discussed at a special meeting next week and asked if there was anything which needed further discussion. Commissioner Fricks, Committee Chairman, stated that there had been a discussion during Caucus and the special Called Meeting will be announced.

PUBLIC SAFETY COMMITTEE.

No report.

PUBLIC WORKS COMMITTEE.

No report.

WATER COMMITTEE.

**APPROVE CHANGE ORDER #1 WITH
CARVER AND CARVER PLUMBING
IN THE AMOUNT OF \$39,633.80. WORK
TO INCLUDE RELOCATION OF
WATERLINE FOR CONSTRUCTION
WORK TO BE COMPLETED BY THE
GEORGIA DEPARTMENT OF
TRANSPORTATION AT THE
INTERSECTION OF CALHOUN
ROAD/SR 1 LOOP.**

Commissioner Jennings, Committee Chairman, stated that they have a proposal on relocation of the water line and he asked Assistant County Manager Rich if he would update them on this. Assistant County Manager Rich stated that there would be a savings by using Carver and Carver and that is why they have this Change Order in the amount of \$39,633.80. Commissioner Jennings stated that they currently have the contract to do the Armuchee area. There being no questions, Commissioner Jennings made a MOTION that they approve Change Order #1 with Carver and Carver Plumbing in the amount of \$39,633.80 to relocate the waterlines at the Intersection of Calhoun Road and State Route 1 Loop. SECOND by Commissioner Bennett. VOTING:

YES

NO

Commissioner Fricks

" Mayes

" Jennings

" Bennett

Chairman Hufstetler

Motion Carried

SPECIAL COMMITTEE REPORTS

NEW HEALTH DEPARTMENT FACILITY.

**APPROVE CONTRACT WITH CARTER &
ASSOCIATES SERVICES, LLC FOR
PROGRAM MANAGEMENT SERVICES.
(DEFERRED FROM JANUARY 27,
FEBRUARY 10, FEBRUARY 24 AND
MARCH 9, 2004 MEETINGS)**

No action taken.

CLERK'S REPORT

CONSENT AGENDA.

County Clerk Michele Fountain stated that there were two items on the Consent Agenda which were submitted for approval. Chairman Hufstetler asked if the contingent upon taxes needed to be part of a Motion. County Clerk Fountain stated that it did not. Chairman Hufstetler called for a Motion to approve the Consent Agenda. Commissioner Fricks made a MOTION to approve the Consent Agenda. SECOND by Commissioner Bennett. VOTING:

YES

NO

Commissioner Fricks

" Mayes

" Jennings

" Bennett

Chairman Hufstetler

Motion Carried

1. Tax Refunds:

- a. Michael R. & Kathleen Doettl, 275 Hiram Road, \$76.00
- b. W. Frank Barron, Jr., 101 East Second Avenue, Suite 100, \$1.18
- c. Willie A & Connie M. Billups, 68 Ramblewood Drive, SE, Silver Creek, \$362.47
- d. Charles Marion Blasengame, 707 N. Fourth Avenue, \$55.55
- e. K. C. & Joyce Burns, 630 Chicapoo Drive, NE, Marietta, \$124.13
- f. Barbanel Boarh, 1790 Parks Mill Road, Greensboro, \$82.27
- g. Frankie & Eileen Bing, 2757 Fosters Mill Road, SW, \$276.74
- h. Mary Elizabeth Cauthen, 9 N. Coventry Drive, \$14.57
- i. Susan Borkland, 205 New Hermitage Road, NE, \$40.02
- j. JEC Investments, Inc./Sandra Broome, P.O. Box 2664, \$50.70
- k. David & Kelli Boswell, 5023 Calhoun Road, Adairsville, \$97.58
- l. William Blackstock, #6 Clubview Drive, \$283.46
- m. Jim Ford, 102 Sequoia Drive, SE, \$76.00

2. License Applications:

- a. Malt Beverage License, Sammy E. Looney/Rhonda's #9, 9522 Georgia 20, Coosa, Georgia – Convenience Store.
- b. Malt Beverage License, Ray Tate/Coyote's #2, 581 Chulio Road – Convenience Store (Contingent upon taxes being paid).

MANAGER'S REPORT

AWARD BIDS FOR FOLLOWING:

TRUCK WITH WILDLAND FIREFIGHTING BODY.

THREE (3) TRACTORS WITH BOOM MOWERS.

SEVEN (7) POLICE VEHICLES.

UNIFORMS FOR COUNTY EMPLOYEES.

Chairman Hufstetler asked if they could approve all of these at one time. Assistant County Manager Rich stated that they may want to have some discussion on Item C. He stated that on Item A they recommended the purchase and award to Fouts Brothers for the Wildland Fire Truck. They had received a grant from the National Fire Academy for \$75,000. The low bid came in at \$69,800 and they had budgeted \$75,000.

Assistant County Manager Rich stated that Item B is for the purchase of three mowers. They are getting upon mowing season so this will help them keep the right of ways clean. The low bid was Yancey's for \$46,045 per unit at a total of \$138,135. Again, they had budgeted \$55,000 per unit to do a lease/purchase with those.

Assistant County Manager Rich stated that on Item D, they had received bids for uniforms for multiple departments, Water Department, County Police, Sheriff's Office, Public Works, Animal Control and he submitted those within sections of Sections 1 through Section 7 as presented under the Manager's tab in their Agenda Packet, for their approval.

Chairman Hufstetler called for a Motion to award the bids for Items A, B and D under Number 1. Commissioner Mayes made a MOTION to award the bids for Items A, B and D. SECOND by Commissioner Bennett. VOTING:

YES

NO

Commissioner Fricks

" Mayes

" Jennings

" Bennett

Chairman Hufstetler

Motion Carried

Assistant County Manager Sammy Rich stated that on Item C, the purchase of seven (7) Police vehicles, they had received bids on January 22, 2004 for Ford Crown Victoria pursuit vehicles and the bids will be found under the Manager's Tab in their Agenda Packet. He stated that they had a couple of different options, being a base vehicle, a vehicle with Option A and a vehicle with Option B and then Option A and B combined. In addition to that, on March 18, 2004, they received bids for a Chevrolet Impala pursuit vehicle. Again a base vehicle, Option A, Option B and Options A and B combined. The basic differences, for a base vehicle for a Crown Victoria, Rome Ford was the low bid of \$19,796 per vehicle. The low bid for a Chevy Impala was Hardy Chevrolet of \$16,251.37. He stated that a couple of issues, as they know, most of the fleet is Crown Victoria's. Some of the issues to discuss is the issue of the current training that Officers are required, and as he understands, in Crown Victoria's. He guessed that there was a certain level of comfort in using these as pursuit vehicles. Assistant County Manager Rich stated that some other pros and cons, the Chevrolet vehicle will be a 6-cylinder and front-wheel drive, so that would primarily be the majority difference and of course it is a less expensive vehicle. He stated that from their perspective, if they are going to go with the low bid, it would be the Chevrolet and perhaps the Option B, which would include a cage and a light bar, and that amount would be \$17,751.37. Otherwise, to stay under what they budgeted for at \$20,000, it would be the base Crown Victoria at \$19,796. If the Commission chooses to approve the Crown Victoria, it would be the base vehicle and as he understands, within the Police Department, they would take the internal cage and light bars off of older vehicles that are no longer pursuit vehicles and install those. Otherwise, if you go with the lower bid of \$17,751 unit, the Impala, that would include a new Impala with a new light bar and a new internal cage. (*Comment made by Commissioner Jennings was not audible.*) Assistant County Manager Rich stated that those were the issues and those were the prices. He stated that the way he sees it, it would either be the base Crown Victoria or the Impala Option B at roughly a \$2,045 difference.

Commissioner Mayes asked the power of the engine and information such as that. Assistant County Manager Rich stated that the primary difference is that the Crown Victoria is a V-8 versus the Impala is a 6-cylinder engine. He stated that there are definitely pros and cons. Other police forces are using them, he doesn't know how much research they have done and what effects they have had pro and con. He stated that you do see these on the road in the greater Atlanta area. Other folks are obviously using them and there is always pro and con anytime you change into a different format, whether it is

from a safety factor or maintenance. Commissioner Jennings asked the recommendation from Chief Free. Assistant County Manager Rich stated that they don't have an official recommendation in the packet, but as he understands, from a safety concern, if you are going to put these in pursuit, guys are comfortable with and train in that vehicle. If we do otherwise, he guessed that they would have to train those. One option if they go with an Impala, it may be that they are placing those with detectives where they know that they won't be chasing people.

Chairman Hufstetler asked the definition of pursuit vehicles. Assistant County Manager Rich stated that the way he would look at a pursuit, it would be equipped to run a high speed chase and those guys train to do high speed maneuvers, etc. Chairman Hufstetler asked who these seven vehicles will be going to. Assistant County Manager Rich replied that to his knowledge, within the County Police Department, specifically to whom, he is not sure. Commissioner Bennett asked if they were going for pursuit vehicles specifically or they going for other uses. Assistant County Manager Rich stated that they did spec the bids for pursuit vehicles, Crown Victoria pursuit and Impala pursuit. Chairman Hufstetler stated that they do not know whom they are going to, if they are just going to detectives or who. Assistant County Manager Rich stated that they just budgeted to replace seven at \$20,000. Commissioner Bennett stated that was a specification of the vehicle as far as alternators to run light bars, as far as suspension packages and things like this, basically it is a heavy duty vehicle with an engine that may or may not have a little more horsepower than the standard V-6. Commissioner Mayes asked if they were ready for a Motion. Chairman Hufstetler stated that they could, he was just trying to understand who these vehicles are going to because in his mind it could make a difference whether they are pursuit vehicles or not. Commissioner Fricks stated to him, not only the utilization, plus the guys that maintain these vehicles, one thing that came up in a discussion the other day was, they don't have collision insurance coverage so they will take one of the old vehicles, Crown Victoria's or whatever, and will put it out there in the yard and will salvage it for parts. Some of those elements and how much that comes into play may have a affect. Assistant County Manager Rich stated that there are other issues, such as, they do stock some Crown Victoria parts. The County mechanics work on Crown Victoria's. Those affects, they don't really know and this would be a test to implement if they could do a less expensive vehicle, how would it work. There may be some costs that they do not know at this point. Commissioner Mayes stated that staff does drive Crown Victoria's and staff could drive a lesser vehicle because they don't necessary need the power and all of that because their job is not pursuit. So they are probably thinking of the level that they have a lot of people who drive a lot of cars and they don't necessarily need these powerful gas guzzling pursuit vehicles. Commissioner Bennett stated that another point to consider, while the Impala was \$17,000, fully loaded with a cage and light bar, we are saying that we can salvage light bars and cages off of the Crown Victoria, but the next time we replace a vehicle, assuming that the Impalas work out okay, then actually the savings is about \$5,000 a vehicle rather than \$2,000 and there is labor and expense of getting light bars changed. Commissioner Jennings asked if there was a deadline by which they had to make this decision. Assistant County Manager Rich stated that basically April 13th, and significance of the 13th is that if they wait and

order past that, then they may be looking at 2005 vehicles and they wouldn't be able to get a better deal on a 2004 model.

Commissioner Jennings stated that they have a Called Meeting next Tuesday, could they get some information from Chief Free between now and next Tuesday and take this up on Tuesday. Chairman Hufstetler stated that they may not be able to get it from Chief Free because tomorrow is his last day. Assistant County Manager Rich stated that he would be glad to ask for their recommendation. Chairman Hufstetler stated that he would like to know who that these vehicles are going to. Assistant County Manager Rich stated that he understands their point, if they slated to replace seven patrol vehicles and not seven detective vehicles, then they need to know that. Commissioner Bennett asked if it was possible to take seven detective cars and let the patrolmen use them and put these in detective service and maybe do a little test. If somebody needs to be trained, they might consider that, if they do it in a pursuit mode, that if in fact they have to be instructed as to how to drive front-wheel vehicle in a pursuit situation, they might consider getting someone on staff or a couple on staff to go down for that training and see if that works.

Commissioner Jennings stated that he is uncomfortable making the decision for them, they are the ones that are the experts on this and out driving these vehicles and know who will be using them. He thinks they need to get their input. Chairman Hufstetler stated that they will move on to Item 2 and leave this for the meeting next week.

**AUTHORIZE ENGINEERING WORK
TO BE PERFORMED BY LPA GROUP, INC.
FOR RE-MARKING RUNWAYS #119 AND
#725 AT AIRPORT.**

Assistant County Manager Sammy Rich stated that he has a recommendation to authorize the engineering work to be performed by our engineer at the Airport, and that is the LPA Group. The project is the re-marking and re-grooving of Runways 119 and 725 at our Airport. He stated that these are some issues that have been on the Capital Improvement Plan, and most recently the FAA Inspection brought up the need and kind of re-emphasized that they need to get the ball rolling on this. He stated that he is asking that they approve the Work Authorization in the amount of \$18,410. The way that the process works, later on when they do receive federal funds for the overall project, it is on a 95% federal, 2½% state and 2½% local match, so that would be the County contribution to the engineering and to the project also. Chairman Hufstetler called for a Motion to authorize this engineering work. Commissioner Fricks made a MOTION to authorize this engineering work. SECOND by Commissioner Bennett. VOTING:

YES

NO

Commissioner Fricks

" Mayes

" Jennings

" Bennett
Chairman Hufstetler

Motion Carried

ATTORNEY'S REPORT.

No report.

OTHER BUSINESS.

Commissioner Jennings stated that he would like to know, and he is sorry that he is kind of late in bringing this up, who put together the Floyd County section in the Progress Addition. County Clerk Fountain stated that she did not know, but probably the County Manager's Office. He stated that whoever did, did a great job. He stated that it was very clear, big print, concise and yet it follows the whole puzzle idea of the section. He also referred them to another government in this community section that wasn't clear, it was just too much stuff in it. He stated that accolades from him to whoever did this and he thought from the Commissioners. Commissioner Fricks stated that he thought it came from the County Manager's Office. Commissioner Jennings stated that they did a good job and they do not often enough give credit for the good jobs done.

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

FLOYD COUNTY BOARD OF

CHUCK HUFSTETLER, CHAIRMAN