

April 13, 2004

REGULAR MEETING
FLOYD COUNTY BOARD OF COMMISSIONERS
April 13, 2004 **2:00 P.M.**

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

OTHERS

PRESENT: County Manager Kevin Poe, 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 Mayes led the Invocation.

PLEDGE OF

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

**PRESENTATION OF PLAQUE TO
RETIRED CHIEF JIM FREE.**

Chairman Hufstetler asked that the Commissioners join him in the presentation to Retired Chief Jim Free. He presented Chief Free a plaque in appreciation for his years of dedicated service to the citizens of Floyd County, who has served the citizens from July 14, 1968 to April 6, 2004. Chairman Hufstetler thanked Chief Free for his dedication to the community and for the job he had done for this Commission and many others as well. Chief Free stated that he appreciated the opportunity he was given. It was probably the easiest job anybody could have and he was really finding that out now, he had to go to work for his wife, and that is tough. He stated that the proudest he is that he hadn't worried about it a bit because it was left in good hands and the guys and girls there will do a great job and will take care of things. He then thanked the Commission.

PUBLIC PARTICIPATION

Chairman Hufstetler noted that Kay Dixon, Eric Lindberg and Hans Rogers had spoken during Caucus.

**SHERIFF'S EMPLOYEES TO SPEAK
REGARDING WORK CONDITIONS
IN SHERIFF'S DEPARTMENT.**

Chairman Hufstetler asked if there were individuals present who wished to speak to that.

Joseph House thanked the Commission for the opportunity to speak. He also introduced Richard Argo. He stated that he had 14 years with the Sheriff's Department

and Mr. Argo has 10 years. Over the past few months there have been some issues come up about their affiliation with a particular candidate running for Sheriff. Because of that, they have been reassigned to the Jail, on the third shift he added. He stated that they had filed two complaints. The first being that they felt like they were reassigned because they were not supporting the Sheriff, who is currently in office. And the intimidation factors. There were others who would want to be there, but they are also intimidated for fear of the same thing happening to them. The Sheriff has used vehicles and County property (*for campaign purposes*). He presented copies where two campaign meetings were posted in the Jail, requesting people to attend. The Sheriff has had campaign footballs in the trunks of patrol cars that were thrown out during half-time of Friday night football games. As a matter of fact, some of the footballs landed in his yard. For the last 12 years, he was assigned to the Courthouse, where he was proud to work. He enjoyed his job. He thought the County benefited from the job that he did there. He stated that there are a lot of men and women who are dying right now so that he can have the right to vote for a particular candidate, support a particular candidate, and not have the fear and intimidation of being punished. The Sheriff can say that he reassigned him to increase the work load in the Jail, but he thought that they all knew better than that. Again, he enjoyed the job that he had and he was proud of it. He does not think it was right that he (*Sheriff*) punished him like he is doing by having him in the Jail, because he won't support him.

Richard Argo stated that ever since he (*Sheriff*) found out that he supported another candidate, he had been moved five times. He was moved into the Jail. He was moved back to the First Shift Warrants. He was moved to Second Shift Warrants. He was moved to D Shift in the Jail and he was moved to C Shift in the Jail. Before that, two years prior, he was never moved. He stayed in the First Shift Warrant Division. He noticed that in the newspaper, he (*Sheriff*) said that he did it to increase productivity in the Jail. How does taking three employees who has been in the Jail and know how to work the Jail real good and taking three off the road, who have worked on the road for 14 years and he was there for seven or eight years on the road. How does that increase productivity in the Jail, he does not understand that. He has had threats made against him. He had one officer come back there and said that himself and Deputy House would be working at the Sewage Plant and the Landfill. The Sheriff had approached him in the hallway, after he had put him in the Jail, and asked him how he liked it. He (*Sheriff*) had told other officers, that officers with the good jobs better come tell him that they support him or they won't have these good jobs anymore. They have other people who can come out and talk about this but they are afraid. They have lost a lot of good people, Rodney Clements had to leave, Jeff Jones had to leave. Ask them why they left. Mr. Argo stated that was about all he had to say.

Chairman Hufstetler asked if there were any questions while they were there. Commissioner Mayes asked if they had been directed as to the proper procedures for this type of complaint, being this is an elected official. County Manager Kevin Poe replied, "Yes." County Manager Poe stated that the Attorney could talk with them more. He stated that they tried to address the situation with the work the best they could with the situations with reassignments of the work. The other complaints, as far as using property

or campaigning at the Jail, he had expressed through a memo to the Sheriff the concerns that have come to him. But, one issue that they do have is the Sheriff doesn't work for the County Manager, so he has very limited action he can take. He stated that he really did not want to get in the middle of some of this, for him to try to validate it could be tough. He is not doubting what they are saying. When it gets into his hands, he is very limited to what he can do. He stated that he is concerned when they have employees talk about poor working conditions and intimidation and things such as that. He has forwarded those complaints to the Sheriff for whatever that is worth. That is about all he is capable of doing in the position he is in.

Commissioner Mayes asked if there were any legal ramifications about use of equipment. County Manager Poe replied that as far as the Sheriff using the County equipment to campaign, that is something he had spoken to the Attorney about. For any other employees that come under the Merit System, they have Personnel Policies and Rules that prohibit that. If it was a Merit System employee, they could take disciplinary action against them, but the Sheriff does not come under our Merit System or Personnel Policy, so there is no direct action they can take in that regard. From what they have looked at, as far as looking in the State law, they really haven't found anything that says definitely what kind of action you take if in fact he is doing that. They haven't investigated; they haven't tried to validate it. Chairmen Hufstetler asked if there had been any discussion with the State Ethics on this to see what, without judging either side on this, has it been discussed with them to see . . . County Manager Poe stated that nothing had gone beyond conversation with the County Attorney.

Chairman Hufstetler stated that they certainly do not want an atmosphere of intimidation for any of the County employees. As the County Manager stated, he (*the Sheriff*) is an elected official and doesn't report to the County Commission. He stated that it was either DeKalb or Fulton County that has a situation going on there with Jackie Barrett and that County Commission. With her it was finances, but they can't do anything. He stated that they certainly will direct the County Attorney to investigate and to check with the State officials to see what actions can or should be taken in this matter.

Chairman Hufstetler asked if there were any other questions. He stated that he knew that Chief Tommy McGuire was there on behalf of the Sheriff's Department and asked if he had anything he would like to speak to at this point.

Chief McGuire stated that he thought the Sheriff's position had been, and has all along, that he wants to protect the integrity of the Sheriff's Office as well as the rights of the employees. However, you know that there are three candidates that are either working for him at this time or have worked for him in the past. Chief McGuire stated that at this point, he (*Sheriff*) could come up here with 100+ employees as to his side of the story. They anticipated some of this occurring and anticipate more of it as it heats up in the next two or three months. Who they support is irrelevant to their position at the Sheriff's Office. There have been some reassignments; there have been some transfers over to the County Police. Whether that is through attrition or just through general practice, he does not know at this point. He thinks that as this heats up, and battle lines

are drawn . . . What has happened is that the candidates have promised positions within the Sheriff's Department to some of these officers as well as some other officers within the Department. It is creating one big riff in the Department. He thinks that overall, operationally, they have stayed within the guidelines. They are continuing to operate, maintain, serve the warrants, do the Jail and where this thing is going within the next few months is anybody's guess. He thinks it will get worse before it gets better.

Commissioner Mayes stated that not that it is any of their business, but who actually makes assignments and reassignments. Is it made by Mrs. Rickman or by the Sheriff. Chief McGuire replied, "No." He stated that all of the Division Commanders make the assignments. He does not make them. The Sheriff doesn't make them. They are currently six positions short right now and are in the process of recruiting through the assessment process. He stated that he expects most of them there today, they were either hired or promoted while they have been there. They have never denied them anything that they were entitled to under Personnel, to his knowledge and do not anticipate doing it in the future.

Chairman Hufstetler stated that there have been allegations made that campaign literature is being posted in the County taxpayer facility, that County vehicles are being used for campaigning. He asked Chief McGuire to respond to these allegations. Chief McGuire stated that there was a memo posted, who it was posted by he does not know, regarding a supper. They have billboards for other candidates sitting in the parking lot, probably today, if they want to go look. Some of those there today are parking them out there. He stated that it is just a big political time at the Jail. He stated that he would not think that anybody would be using County vehicles. The Sheriff had issued a memo saying, "Do not post any flyers, don't pass out any shirts, don't do anything politically on duty and he thinks that he (*the Sheriff*) intends to enforce that." He thinks some of the other candidates want to create a hostile environment. He thinks they will see a lot of this in the next three months. It is unfortunate, but that is the nature of the politics he guessed. Chief McGuire stated that he will address any questions they have.

Commissioner Mayes stated, "So there is actually a directive not to post literature on the government facilities?" Chief McGuire replied that a memo was posted directly after the letter County Manager Poe had sent requesting that it not be done. Just to ensure that guidelines are trying to be followed. The Sheriff even refrained from putting any of his election signs onto personal vehicles that employees drive. He refrained from it until they posted billboards in the parking lot, and then he said that if they could do it then his people could put their signs on. That is when he let them start putting theirs on. He refrained them from doing it for several months.

Chairman Hufstetler asked if the reassignments that had been done, and stated that he is not that familiar with them, but does he (*Chief McGuire*) feel like these were done for productivity. Somebody had talked about getting moved about five different times. Chief McGuire stated that they have a lot of young officers in the Jail who need role experience. The whole of thing that has been from the start is to cross train Deputy Sheriff's. They (*the Commission*) had approved the officers be promoted to Deputy

Sheriff's and where that process, there is a training process where they go through Warrants, Civil Division, Courts and that has been a continuous process since they were allowed to begin to bring those people out into the Warrant Division to make an overall better Department if you have a better trained officer with a mandated officer. Chairman Hufstetler stated that he certainly believes in cross training, but when somebody has been in a spot for years and they say that they have then been moved five times, on the surface he would say there was a question. Chief McGuire replied, "Sure, and he understands your (*Chairman Hufstetler*) position." He stated that he really did not think they were being moved politically, but that is a question they may want to address to the Sheriff.

Chairman Hufstetler asked if there were any other questions. (*Do not know whether Mr. House or Mr. Argo made the following statements.*) If he could respond just briefly. The Sheriff's signature is on the memorandum that he signed so he would have to say that he is the one that posted it. As far as job assignments, Commissioner Mayes, you had a question of who is in charge of job assignments. When he was reassigned, the Sheriff's signature is on that. Chief McGuire stated that the actual posting of the schedule would be done by the Division Commander.

Chairman Hufstetler stated that they will instruct the County Attorney to look into anything that they need to do to help out on this matter. He thanked them for attending the meeting.

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. Commissioner Mayes made a MOTION to adopt the minutes of the Regular Meeting of March 23, 2004 as presented. SECOND by Commissioner Jennings. VOTING:

YES NO

Commissioner Fricks
" Mayes
" Jennings
" Bennett
Chairman Hufstetler

Motion Carried

PROCLAMATION

CHILD ABUSE PREVENTION MONTH.

Chairman Hufstetler stated that there was one Proclamation which is for Child Abuse Prevention Month. April Worthington from the Exchange Club Family Resource Center and Tracy Meyer Chesser from the Sexual Assault Center of Rome were present to accept. Commissioner Jennings asked that they introduce themselves and tell where they work and he stated that they were happy to have them at the meeting today. He then

read the Proclamation. Commissioner Hufstetler asked if they had any comments. Ms. Chesser thanked the Commission for the Proclamation for Child Abuse Awareness Month. She also urged everyone in the Floyd County area, when they drive by the Law Enforcement Complex to notice the pinwheels which are set into the ground. Each pinwheel signifies one confirmed case of child abuse in Floyd County during the year 2003. It is a problem that is horrendous. However, there are many people in this County who care a great deal and work together and try to combat this insidious crime. Commissioner Jennings stated that both of these agencies really do serve our community and one of those pinwheels in front of the Law Enforcement is too many.

Chairman Hufstetler thanked them for attending the meeting and for all the work that they do and the many other agencies that all work together to fight this terrible problem that we have in this community and many others.

**FIRST READING
(SECOND READING/PUBLIC HEARING
TO BE HELD MAY 11, 2004.)**

Chairman Hufstetler stated that they will be placing Items one through five (Files #16-2004Z, #17-2004Z, #18-2004Z, #20-2004Z and #03-2004SUP) and Item seven (Revise Article 3 Table 3.2) and Item ten (Amendments to Scrap Tire Ordinance) on the Agenda for First Reading. The Second Reading/Public Hearing will be held May 11, 2004 at 2 p.m. County Manager Poe asked if Item ten needed a brief explanation for anyone. He stated that they are making some minor amendments to the Scrap Tire Ordinance and the City of Rome will adopt something similar. It has gone through the Solid Waste Commission. It had been recommended that minor amendments be made to make that a uniform code between the City and County. He stated that Assistant County Manager Rich had made some minor amendment to that Code and it will be put on Second Reading at the next meeting. Assistant County Manager Rich stated that the amendments were being distributed by County Attorney Tom Manning. He stated that it had been adopted last year and in light of the Environmental Protection Division encouraging them to do so and further recommendation was for the City to do the same. This is basically making this a Code that they can both live with and enforce locally. Commissioner Bennett asked if this reflects the changes that were made by Kirk (*Milam*). Assistant County Manager Rich replied that was correct. Commissioner Bennett stated that when they do vote, if they vote for this, what the City votes for will be voting for exactly the same thing. Assistant County Manager Rich replied that was correct, exactly one Code. Commissioner Jennings stated that he is assuming that they are also looking more generally at our Environmental Codes. He stated that he knew that environmental persons have been concerned about our overall Code. He thinks this ordinance helps, but there are some other holes in our Code that makes their job more difficult. Commissioner Jennings asked if that was in process. Assistant County Manager Rich replied that was correct and this is probably the first step. As they knew, he has worked pretty closely with the environmental people. This is probably the biggest item, some other items, as had been mentioned, one big thing is junk motor vehicles, which there is a problem with in the County. That is one of the projects he is working on. He is making some more

amendments and at some point he will get with County Attorney Manning to review them and then bring those forward. He can report that they are in the works.

FILE #16-2004Z, REQUEST REZONING FROM O-I OFFICE INSTITUTIONAL TO C-C COMMUNITY COMMERCIAL TO INSTALL A BILLBOARD ON PROPERTY LOCATED AT 1818 KINGSTON HIGHWAY AT EAST ROME BYPASS. ZONING MAP K14W – 005. (PLANNING COMMISSION RECOMMENDATION: APPROVE [VOTE – UNANIMOUS])

FILE #17-2004Z, REQUESTS REZONING FROM C-C COMMUNITY COMMERCIAL TO S-R SUBURBAN RESIDENTIAL TO CONTINUE USE AS SINGLE FAMILY RESIDENTIAL ON PROPERTY LOCATED AT 3940 MARTHA BERRY HIGHWAY/ U.S. HIGHWAY 27 NORTH. ZONING MAP J11X – 010. (PLANNING COMMISSION RECOMMENDATION: TABLED [VOTE – UNANIMOUS])

FILE #18-2004Z, REQUESTS REZONING FROM H-TR HIGH DENSITY TRADITIONAL RESIDENTIAL & S-R SUBURBAN RESIDENTIAL TO C-C COMMUNITY COMMERCIAL FOR MARKETING AND DEVELOPMENT PURPOSES FOR PROPERTY LOCATED AT TUCKAWANA DRIVE AND U.S. HIGHWAY 411 EAST/ CARTERSVILLE HIGHWAY. ZONING MAP K15X – 295, 273. (PLANNING COMMISSION RECOMMENDATION: APPROVE [VOTE – UNANIMOUS])

FILE #20-2004Z, REQUESTS REZONING FROM S-R SUBURBAN RESIDENTIAL TO C-C COMMUNITY COMMERCIAL TO OPERATE A COMMERCIAL DAY CARE CENTER (19 OR MORE PERSONS) AND USED CAR SALES ON PROPERTY LOCATED AT 3000 ALABAMA HIGHWAY/STATE ROUTE #20. ZONING MAP G13W – 311. (PLANNING COMMISSION RECOMMENDATION: DENY [VOTE – 2 – 5 ON A MOTION TO APPROVE])

FILE #03-2004SUP, REQUESTS A SPECIAL USE

**PERMIT TO CONSTRUCT MINI-WAREHOUSES
IN A C-C COMMUNITY COMMERCIAL DISTRICT
ON PROPERTY LOCATED AT 3645 MARTHA BERRY
HIGHWAY/U.S. HIGHWAY 27N.
ZONING MAP J11X – 094.
(PLANNING COMMISSION RECOMMENDATION:
APPROVE [VOTE – UNANIMOUS])**

**REVISE ARTICLE 3 TABLE 3.2
CONCERNING USES PERMITTED
BY RIGHT IN THE C-C ZONING DISTRICT.
PROPOSED: ADD A CLOSED CIRCLE TO
THE COLUMN FOR THE C-C DISTRICT,
IN THE ROW FOR LOFT APARTMENTS,
INDICATING THAT LOFT (ABOVE FIRST
STORY) APARTMENTS WOULD BE
PERMITTED IN THE C-C DISTRICT
AS A USE BY RIGHT. (OR ADD AN OPEN
CIRCLE INDICATING A USE PERMITTED
BY SPECIAL USE PERMIT.)
(PLANNING COMMISSION RECOMMENDATION:
APPROVE [VOTE – UANIMOUS])**

AMENDMENTS TO SCRAP TIRE ORDINANCE.

Chairman Hufstetler noted that they usually review the Agenda during the Caucus Session and this is as far as they had gotten today.

CHAIRMAN'S REPORT

There were no appointments to be made.

COMMISSIONER'S REPORT

ADMINISTRATIVE/FINANCE COMMITTEE

**DISCUSS REQUEST FROM JUVENILE
COURT FOR IN-SCHOOL PROBATION
OFFICER POSITION.**

Commissioner Fricks, Committee Chairman, stated one of the questions was that any support letters that they had, that they would include them in the packet from the schools. There was a commitment from the Board of Education, which he noted, that would assist in funding this position. They will fund 50% of the position. He stated that this was something that had been considered during Budget Hearings and at that time he did not think they had this commitment from the Floyd County School System. It was noted that Catherine Fricks from Juvenile Court had presented this to the Administrative/Finance Committee. He asked if there were any questions.

Chairman Hufstetler stated that the question he would have is that they are looking at two schools here and of course there are City and County schools that all deal with this. Are they looking at all of them or is this just because it was a pass-through grant from the Federal government to the State? Commissioner Fricks asked if he was looking at all the positions or all of the schools. Chairman Hufstetler asked why they would do this in certain schools and not others. Commissioner Bennett asked why it was not a School Board expenditure entirely. County Manager Poe stated that they established the program, for whatever the reason, in the Armuchee and Model School Districts. As had been mentioned previously, a lot of times when they get these grants, they eventually go away. He stated that he thought all that they wanted to do was to continue the program they started in those districts. He did not know why they particularly selected those areas, but the bottom line is the grant funding dried up and they just want to continue on and obviously it would take 50% funding from the County. The School Board had committed to 50%. County Manager Poe stated that the only other concern was that, if you read Kelly Henson's letter, he would only commit to basically this current school year, which is 2003-2004, he couldn't commit for anything beyond that. He was sure that he (*Kelly Henson*) would try to go to bat to get it, but as you know, with school funding he could not make any commitments beyond this school year. Commissioner Bennett stated that they are looking to the County to replace the grant money that dried up. County Manager Poe stated that is basically what it amounts to. Chairman Hufstetler stated that they have had this with Tallatoona and other areas where the funding has gone away for various reasons and the question is how much they can do. County Manager Poe stated that they are trying to show, in their opinion they felt it was a successful program that they wished could continue.

Commissioner Fricks stated that this was presented two Administrative/Finance meetings ago and one thing he did say was that she had implied that there was a commitment from the school system for the funding and he had told her to make sure that she got all of that ready for the packet. He stated that if they would like, if they have any questions, she (*Catherine Fricks*) wasn't requested to come today, but in fairness, she could probably better answer the questions than he could.

Commissioner Jennings stated that he would like her to address how do they know that having the officers in school is helping. Certainly they could hear from the officers themselves and the school personnel and also the court personnel. Secondly, he thought that the question, if this is working in those schools, then they should have them in all of our schools. We should figure out a way to fund that and make that happen. If it is having an impact on Juvenile Court, juvenile delinquency, what have you, then it may very well be worth doing. If it is worth doing in a couple of schools, then it would be worth doing in all of them.

County Manager Poe stated that in the letter she submitted for justification, she does give some statistics to try to show before and after affects. County Manager Poe asked if they would like for her to come to the next Caucus Session. Chairman Hufstetler stated that he thought the next Caucus would be good.

PUBLIC WORKS COMMITTEE

**ACCEPT NORTHSIDE LANE, LYNN AVENUE AND ALLEN STREET ON COUNTY MAINTENANCE.
(4/5 VOTE REQUIRED)**

County Manager Poe stated that the Public Works Committee did not meet until after the Agenda was set and there are roads in the Coosa area that need to be taken on maintenance. He stated that normally they could do it at a different time, but they are not having another meeting this month and they had kind of made a commitment to those people when they came to the meeting that they would promptly process this. He stated that he did not pick up on this until today and noted that there is a shortage of staff and therefore the minutes have not been prepared. Basically they had residents from three streets in the Coosa area, off of the Alabama Highway, petition the Commission to take their roads on maintenance. He stated that as the memo states, they do meet the requirements for consideration. They will be required to provide the material needed to put in the cross drains. Actually they have already bought the concrete pipe and it is on site. Commissioner Bennett stated that they have also provided a lot of gravel in the past to try and bring these roads up to standard. County Manager Poe stated that this had gone through the Public Works Committee and the recommendation is that they take those three streets, 600 feet of Lynn Avenue, 150 feet of Northside Lane and 770 feet of Allen Street on maintenance. He stated that what they will do is only make a commitment to maintain the road as is, which now they are dirt roads. They will go in and do drainage improvements, put a sufficient surface on the road to where they won't have to go out there every day after a rain. Eventually they will try to upgrade the road because it will save them on maintenance. Their goal is any roads that services houses, they try to minimize as many dirt road as they have. Commissioner Mayes asked how many houses does this road serve approximately. County Manager Poe stated that it meets the criteria, which is five lots and three houses, and both of them do that. He stated that there were a number of petitioners. Commissioner Bennett stated that had he remembered this would be brought up and he would have brought his report from the Public Works Committee. He stated that basically this is an old subdivision that was platted a long time ago. There are several of those in the County. It is his understanding that the policy is that the County will agree to maintain the roads at the standard that they are in when they are accepted, except that he is sure there are minimum requirements such as cross-drainage and gravel and that sort of thing, which the people in this community have provided in the past. They have spent a significant amount of money buying gravel and as County Manager Poe had mentioned, the cross drains are already in hand, they had been bought several years ago in anticipation of the Public Works Department following through and installing this, but that didn't happen. They are now asking us again to do that and the Public Works Committee recommended that they accept these on maintenance in a Class 5 Category which basically is a gravel road with suitable drainage. County Manager Poe stated that there appeared to be some miscommunication with the previous Public Works Director and it made the situation worse. He apologized for having to add it to the Agenda, but he knew that he would get a call this afternoon because they basically told them that they would come before the Board at this meeting. He stated that they had been waiting an extra long period because of miscommunication.

Chairman Hufstetler called for a Motion to place this item on the Agenda. Commissioner Bennett made a MOTION to place the Petition regarding the roads in General Acres Subdivision on the Agenda. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Fricks
" Mayes

" Jennings
" Bennett
Chairman Hufstetler

Motion Carried

Chairman Hufstetler stated that the item in on the Agenda and he called for a Motion. Commissioner Bennett made a MOTION to accept 600 feet of Lynn Avenue, 150 feet of Northside Lane and 770 feet of Allen Street in the General Acres Subdivision for inclusion in County Maintenance in a Class 5 Category SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Fricks
" Mayes
" Jennings
" Bennett
Chairman Hufstetler

Motion Carried

WATER COMMITTEE

Commissioner Jennings, Committee Chairman, stated that the Armuchee area waterline improvement project is in process. If they have been out that way, they have seen them working. They continue to be pump testing the Fulton Well and he thought they were close to a couple of water explorations process. He thought that they were finalizing an agreement with a second property owner so that they can be drilling at two sites when they do the exploration.

SPECIAL COMMITTEE REPORTS

BASEBALL STADIUM.

Commissioner Jennings stated that they should comment to the County Public Works on their work around the stadium. It was pretty well complete for the first game and hats off to the crews for getting the work done.

Commissioner Jennings stated that he had talked with Assistant County Manager Rich regarding the trail around the Stadium. Perhaps when they get the landscaping finished they could have an Official Trail Opening Ceremony, perhaps before a game. It is a very attractive trail out there along the river and through the woods out there.

Commissioner Fricks stated that he would like to add that constantly they get questions about it and everybody asks if they are spending Floyd County money. One thing he reiterated is these are still leftover funds from the original SPLOST that went towards that project. They delayed the development of the additional parking primarily to

make sure that they were within their budget constraints and they fell well within their budget constraints and so they are still actually working off of the SPLOST funding in order to do these projects. Some of the proposed budgets for this expansion was out there, he had received some phone calls and he thought that a lot of people did not quite understand that they were still doing it with SPLOST funds. Commissioner Jennings stated that he thought the bridge out there also is utilizing SPLOST funds. He stated that he did not know where that stood. County Manager Poe stated that they are pursuing alternatives and they have found one alternative that is about one-fourth of the price of the steel bridge alternative.

NEW HEALTH DEPARTMENT FACILITY.

Commissioner Jennings stated that the groundbreaking for the new Health Department would be next Monday at noon. He stated that Commissioner Bennett had been working hard with the Architects and getting the foundation plans organized and he thinks they are to a point that they are ready to officially begin this project.

CONSOLIDATION TASK FORCE.

Chairman Hufstetler stated that the Educational Sub-Committee is meeting at 4 p.m. today. Last week they heard a report from the City School System on all of their curriculum, and the different programs that they offered. He stated that it was a really good presentation. It enlightened him on a lot of the things that they have going on and a lot of the things they have to be proud of. At 4 p.m. today they will be hearing from the County Schools on their programs. It is an educational meeting and he invited anyone that can make it. He thought it would be a short presentation, about 40 or 45 minutes. He thought it might give them a good overview of what is going on in the County Schools.

CLERK'S REPORT

CONSENT AGENDA

County Clerk Michele Fountain stated that there were three items on the Consent Agenda which were submitted for approval. Commissioner Jennings made a MOTION to approve the Consent Agenda. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Fricks

" Mayes

" Jennings

" Bennett

Chairman Hufstetler

Motion Carried

1. Tax Refunds:

- a. Eunice J. McKinney, 19 Holland Drive, \$29.23
- b. John D. Pena, 113 Simpson Drive, \$56.30
- c. Charles D. Keown, 316 Broad Street, \$142.31
- d. Georgia State Investments, Inc., 9 Bridgeview Drive, SE, \$12.20
- e. Georgia State Investments, Inc., 3 Bridgeview Drive, SE, 64.39
- f. Wayman M. & Jerry A. Holder, 119 Shoreline Drive, \$4.75
- g. Gary G. Ingram, P. O. Box 89, Shannon, \$19.64
- h. Ira John & Temple L. Espy, 4720 Ridge Crest Road, NW, Hixson, TN, \$73.90
- i. Ashley B. & Tami M. Farmer, P. O. Box 3441, \$180.23
- j. Stephen T. Bailey, 479 Scoggins Road, \$48.21
- k. Stacy Geisler, 13 Butternut Lane, \$105.90
- l. Stanley Van & Myra B. Dean, 36 Montre Circle, Silver Creek, \$32.78
- m. Laura George & William Bagley, P800 Co. Road 1286, Vinemont, AL, \$307.74
- n. Gaile Green Davis, P.O. Box 572, Cave Spring, \$102.62
- o. US Bank Corp./Oliver Allen, 801 Larkspur Landing Circle, Larkspur, CA, \$302.88
- p. Michael Shane Cowan, 36 Mountain Chase Drive, \$3.14
- q. Frank J. & Floy G. Mallinak, 1010 Wesley Park Drive, SW, Marietta, \$9.25
- r. Haskell H. Perry, 115 Sequoia Drive, NE, \$9.25
- s. Lyb Phuoc & Chau G. Le, 105 Shoreline Drive, NW, \$78.57
- t. Katherine S. & Billy Hicks, 653 Billy Pyle Road, SW, \$14.68
- u. John D. & Doris Ayer, 13 Chulio Road, \$787.91
- v. Iris Kinnebrew, 216 Kingston Avenue, \$9.25
- w. Isbell Mildred Howard, 2190 Bethesda Church Road, Carrollton, \$233.96
- x. Habitat for Humanity of Rome, P.O. Box 127, \$85.55
- y. Charles F. Hardin, 190 North Avery Road, NW, \$902.65
- z. Dan Roberson, P. O. Box 67, Lindale, \$42.27
- aa. Jerry Griffin, 121 E. Boundary Street, \$46.96
- bb. Doyal L. Momon, 704 Old Holland Road, Lyerly, \$182.62

2. License Applications

- a. Malt Beverage License – Marza B. Virani, Sunny Food, Inc., d/b/a B.P. Food Mart, 4428 Martha Berry Highway – Convenience Store.

3. Authorize execution of Indigent Defense Grant (Application for GPDSC Funds).

MANAGER'S REPORT

**AWARD BID FOR HOUSEHOLD
HAZARDOUS WASTE COLLECTION.**

County Manager Kevin Poe stated that bids were taken for Disposal of Hazardous Waste to be collected on the Hazardous Household Waste Day. He stated that the bids were not in the packet, but they had received two bids, one from Clean Harbors and one from Environmental Enterprises of Florida. Environmental Enterprises of Florida had the low bid of \$25,195.75 which is based on quantities that they anticipate to be similar to last year. It is pretty much a similar amount as what was paid last year. The money had been budgeted. The recommendation is that they hire Environmental Enterprises of Florida to dispose of the household hazardous waste on the upcoming event. Chairman Hufstetler asked if there were any questions, there being none, he called for a Motion. Commissioner Bennett made a MOTION to accept the Manager's recommendation. SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Fricks

" Mayes

" Jennings

" Bennett

Chairman Hufstetler

Motion Carried

**DISCUSS REQUEST FROM
DEPARTMENT OF TRANSPORTATION
FOR COUNTY TO DONATE TWO
PARCELS OF PROPERTY TO THE
STATE FOR RIVERSIDE PARKWAY
WIDENING PROJECT.**

County Manager Kevin Poe stated that they had received a request from the Department of Transportation for the County to donate two parcels of property to the State for the Riverside Parkway Widening Project. They are described in the Agenda Packet. They are described as Parcels #13 and #29A. He stated that Parcel #13 is basically at the intersection of Turner McCall and Riverside Parkway on the Library side of the off-ramp, if you are going from West to East and you are going down off Turner McCall down to the Riverside Parkway, it is off on the right. There used to be a little building over there, which he thought was used for some type of drivers education classes. They have a strip of property that goes all of the way from Riverside Parkway down to the river and they are looking to acquire .115 acres of property of that parcel. The other one is located down and around Fuddrucker's and basically is property they recently purchased. They will be adding a turn lane on the Veterans Memorial and they are wanting to get a construction easement on a little piece of property that the County owns between Fuddrucker's and the river and if you get on the Riverside Parkway right past Fuddrucker's, they are wanting to get .012 acres there. He stated that they are looking into that because that was purchased as Greenspace and normally you make commitments that you won't sell that property to be developed. County Attorney Tom Manning stated that he had called the Department of Natural Resources. He had not heard back from them. He stated that he is sure that it can be condemned but he is not sure that they have the authority to "gift" that to the DOT. County Manager Poe stated that his recommendation at this time would be that they do not do anything with Parcel 29A, but if they desire, they can take action on Parcel 13.

Chairman Hufstetler stated, just as a comment on the Riverside Parkway Project, personal opinion, he thinks widening it is a great thing to do. Putting a red light at grade on Turner McCall, he thinks is a big mistake. It is just going to create a big traffic problem that is worse. He stated that he is a little torn, does he vote to donate land to something that he thinks is going to be a traffic disaster. Commissioner Jennings stated that he thought Chairman Hufstetler was absolutely right. He stated that he and Commissioner Bennett have done their best, they have discussed this particular issue with the Transportation Policy Committee and the DOT has been there. Our local representative, David Doss, to the DOT expressed extreme reservations about the traffic light on Turner McCall, coming off that hill. Mr. Doss had talked about trucks just cresting the hill from Broad Street and starting to pick up speed and then all of a sudden there is traffic light there. We are just asking for another huge bottleneck in this community. Chairman Hufstetler stated that right now, there is just about no traffic when you go to that intersection. He asked if anybody doubted that there would be traffic backed up always. He doesn't know what the percentage would be, but traffic is going to have to be stopped both ways for anything coming from Riverside to Downtown and vice versa for Turner McCall. It just really seems like a poor option considering the problems we already have on that road. He stated that he did not know what could be done. He guessed that he had heard that staying under it would put it a few inches or foot or something in the 100-year Flood Plain and the Federal funding wouldn't be there to do it. But then, if the Federal funding is gone do they go ahead and create a traffic problem to get the Federal funding? That is a real concern.

Commissioner Bennett stated that it had been 12 years for him and he could spend three hours on it, but it seems like an awful lot of overkill and he will take this moment to say that. The length of that road, and it already has a traffic light at one end, at the Stadium. He would think that there will probably wind up being another traffic light on Broad Street someday, if in fact, this little connector generates the traffic that is projected. The most heavily traveled portion is going to be three-lanes and the less heavily traveled portion is going to be four-lane divided median, which is going to create quite a bit of havoc down Riverside Parkway only to get down there and be stopped by a traffic light. He thought that they had discussed that instead of spending \$17 to \$18 million of money to design this road to a federal standard when a couple of million to straighten the curve and widening some shoulders and putting in left turn lane. They could certainly use that money on our bypasses, which are tremendously needed. And this would eliminate, actually, the travel time on Riverside Parkway if you get caught at the light at Turner McCall, you will sit about as long at the light waiting for it to change, as it takes you to travel from one end of Riverside to the other. So it doesn't seem to be much of a transportation project. He stated that he had been talking for 12 or 13 years on this and could talk for hours and hours on it.

Commissioner Jennings stated that at the stadium, a significant number of people park at the School Board parking lot and even on the sidewalk down towards Chieftains. They park in Commissioner Bennett's construction office parking lot that he so graciously donates to the fans and walk down there. He asked County Manager Poe if they had seen a plan as to whether there is sufficient sidewalk, walkway, or crossing.

County Manager Poe stated that the only thing he had seen was the right-of-way documents. Commissioner Jennings stated that is another thing that they really need to be concerned about. Something he had been meaning to talk to County Manager Poe about. Right now it is dangerous. There is no sidewalk, basically from where Riverside Parkway comes out to the By-Pass. It is pretty dangerous for people to be walking along there and he was wondering if there was something they could do short-term to make that safer. He stated that he thought that is another question mark that they really need to have to make sure that they protect pedestrian access to the Stadium. County Manager Poe stated that they had brought that to the City's attention, as far as a crosswalk. People tend to want to cross on the Fuddrucker's side because that is where the sidewalks are, they don't have sidewalks on the other side of Braves Boulevard yet and you have to crossover and then make another crossover where it would be better if they cross over at Braves Boulevard and then go over. Commissioner Jennings stated that when people do cross, they are cutting across that field to get to the Stadium instead of taking the sidewalk, which is on the other side of the entrance road. With that, you have all of the people coming into the Stadium; it is a recipe for disaster. They really need to look at that, short-term.

Chairman Hufstetler asked if there was any discussion on either one of these items or are there any Motions anyone would like to make. Commissioner Jennings stated that for his part, he appreciated the County Manager bringing this to their attention. Commissioner Fricks stated that on one parcel they could not take any action anyway. County Manager Poe stated that right now he is not even recommending they even consider 29A until they get more information. He stated that based on what was said he is not sure they need to pursue it if they do not want to . . . County Attorney Manning asked if they wanted to direct him to find out the answer whether they can donate or not on Greenspace. Commissioner Fricks stated that in support of a project for a sidewalk, probably the right of way needs to be on that sector of it because he would like to see an improvement there. Commissioner Jennings stated that there is a sidewalk along there, but it is in pretty tough shape. You have to pay attention walking on it right now. Commissioner Bennett stated that the parking that is available on that side is going to be either at Fuddrucker's or the School. As he had said, you are either going to have to cross on the School Parking Lot side to get across or you are going to try and cross at North Avenue, which is going to be one nightmare. It would really be bad for people using Riverside to go to the Stadium, which is not the case. He thinks those who have been to the Stadium when it is a sellout, there may be two or three cars sitting there at Riverside to negotiate that intersection and of course the By-Pass is backed up in every direction. There is hardly anybody using Riverside. Chairman Hufstetler stated that he uses Riverside and now he is giving the secret away, he had been able to get to the Stadium. Commissioner Bennett stated that the problem that they have is that they are going to park over there in the School, where the really available parking is. When you try to cross the By-Pass with the right turn lane that they have and then get on the other side and you have to cross back over on that traffic at some place or another, that is going to get real interesting. Commissioner Fricks stated that that they had looked the other day and they have kind of lessened the dependence on the parking there. Last year, it stayed full almost every ballgame. He and County Manager Poe and noticed that on the

Opening Day Game that there probably wasn't 75 cars over there at that time. County Manager Poe stated that there was available parking on the Stadium side but people who didn't pay, parked over there. Commissioner Fricks stated that he thought they would have less of that than they normally do. Commissioner Bennett stated that opening night they were all backed in the woods opposite the School Board, down Riverside Parkway. Commissioner Jennings stated that when he got to the Stadium there was sign out at the highway saying "Parking Lot Full," and yet they were still taking cars in so he thought some people may have seen that sign and decided they would park on Riverside.

Chairman Hufstetler asked if there was any other discussion. He stated that he thought it would be good to hear back from them their answer on that.

**DISCUSS BUDGET REVISION IN
E-911 FUND FOR IMPLEMENTATION
OF PHASE II WIRELESS SERVICE.**

County Manager Kevin Poe stated that they are now ready to put into operation Phase II Wireless which includes what they call ALI Service which is automatic location identification. Basically what it will do is if you call in on a cell phone it will locate your call within a meter or something like that. He stated that they have been inputting data as far as all of their road names and mapping with our GIS and are ready to take the next step. To do that they have to spend some money with BellSouth to get what they call a database snapshot and the total fee for that to get all of those database records will be about \$2,028 and then they have to get an Extended ALI Service from BellSouth, the cost associated with that is \$2,200, a one-time charge. County Manager Poe recommended that they revise the 911 budget to allow them to pay these fees so that they can implement Phase II Wireless. He stated that he did look at the Year-To-Date Budget Report as far as revenues coming in. Of course, they are only three months coming into the year, but revenues are ahead of what they anticipated. With as many cell phones as are being sold now a days, he anticipates the revenues to continue to increase so even if they make this revision, it might not be a net cost to overall budget. Commissioner Bennett mentioned that it was included in the revenues. Chairman Hufstetler stated that during the Agenda Session, there was some discussion that Assistant County Manager Rich had talked about auditing this and he asked who would check on how to do that. Assistant County Manager Rich stated that they had looked at this a little bit and he is dealing with one of the attorneys for Cingular. The problem he ran into was that they are pretty tight lipped about what they were telling them. It was kind of, I am giving you this check, but I am not really going to tell you how many users or what fee per person. The assumption is they were doing he thought \$1.50 per customer, but they really were not going to show them or give them any records. It was basically a game of phone tag and it was who was going to outlast the other party is what he determined. He thought that some other parties in the County found the same thing. County Manager Poe stated that one thing they might able to do is, through ACCG or GMA or somebody, find out if anybody had been successful in auditing. He stated that he had sent letters to everybody asking them to give us a customer count and some of them did, but they only had like 300 customers in Floyd County. He stated that he thought one large vendor gave them some numbers. Those are just numbers, they could not validate them. He stated that he thought that would be interesting if they could find a mechanism to audit them because that potentially could be a lot of money. Commissioner Fricks asked how it applied to the pre-paid phones. County Manager Poe stated that the only way they could collect on it is include it in the bills to those people they send bills to. He stated that they can research that. Chairman Hufstetler asked that they report back at the next meeting on that. He stated that they have seen with the phone companies in other areas it had been pointed out that they have had some problems and they have gone back and gotten revenue back where they were not correct. County Manager Poe stated that it had been mentioned that there may be some counties and while they are down in Savannah, maybe they can ask around.

Commissioner Bennett stated that if there is some kind of security or privacy reasons that they could not provide that data. He is sure that there is still a way in the background that they could get that information, he would think, as far as total count. He stated that he could not anticipate that would be the case, but who knows what is going on now. Chairman Hufstetler stated that a Motion was needed to make the Budget Revision. Commissioner Bennett made a MOTION that they revise the E911 Fund Budget to implement Phase II Wireless Service. SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Fricks

" Mayes

" Jennings

" Bennett

Chairman Hufstetler

Motion Carried

**AMEND CONTRACT WITH CARL
VINSON INSTITUTE OF GOVERNMENT
RELATED TO SERVICES PROVIDED
TO THE CONSOLIDATED COMMITTEE.**

County Manager Kevin Poe stated that they are under contract with Carl Vinson Institute of Government to work with the Government Sub-Committee of the Consolidation Task Force. Their charge is to work with the Committee to develop a charter. Originally they had given us a contract that would provide their services through last year or maybe through January. It had taken several additional meetings and they have come back to us with a proposal to finish up the work for \$5,000. Based on the agreement with the City of Cave Spring and City of Rome, we pay based on our percent split of Local Option Sales Tax. The charge is now 56%, that is how they are splitting the cost on the other billings they had from Carl Vinson so in this situation we would be responsible for approximately 56% of the \$5,000 additional fee to finish up the services they are providing. Chairman Hufstetler called for a Motion. Commissioner Mayes made a MOTION to accept the Manager's recommendation. SECOND by Commissioner Bennett. VOTING:

YES

NO

Commissioner Fricks

" Mayes

" Jennings

" Bennett

Chairman Hufstetler

Motion Carried

**RECLASSIFY POSITION AT AIRPORT
FROM AIRCRAFT SERVICE WORKER
TO MAINTENANCE AND OPERATIONS
SUPERVISOR.**

County Manager Kevin Poe stated that this had been discussed at the Caucus Session and it is his understanding that they will take the Job Description and run it through the normal review process to get a reclassification of that job and report back to the Administrative & Finance Committee.

AUTHORIZE INSTALLATION OF NEW CONTROL SYSTEM FOR HISTORIC COURTHOUSE ELEVATOR AT A COST OF \$27,965.

County Manager Kevin Poe stated that as they know there are problems with the elevator in this building. They went back to the company that maintains all of the elevators, which is Thyssen Krupp Elevator, and had them look at the elevator to determine what needs to be done to make that where it will be a reliable elevator again. He stated that their proposal is a part of the Agenda Packet, which discusses everything that they do. Basically they would keep the cab and the oil tank and everything else would be new. It was initially installed in, he understood, 1969. The price is \$27,965. He thought a new elevator for a three story building like this would run at least \$75,000. Commissioner Jennings asked if they were confident that this is going to do the job and make it reliable. County Manager Poe replied, "Yes." Chairman Hufstetler asked if it would be faster. County Manager Poe stated that as they see in the proposal the amount is \$27,965 and basically they would amend the Capital Projects Fund to include this project. He stated that it would be done in four to six weeks. Commissioner Jennings made a MOTION to approve the Manager's recommendation to repair the Historic Courthouse elevator. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Fricks

" Mayes

" Jennings

" Bennett

Chairman Hufstetler

Motion Carried

County Manager Kevin Poe stated that the only other thing he had was if they could look at their calendars. He was talking to John Bennett about scheduling a Joint City/County Commission Meeting. They have not had one in almost a year now. He stated that they were looking at May 18th at 6 p.m. He stated that at this time there is a Consolidation Task Force meeting scheduled for 4 p.m. He stated that at this time they are going month to month on how they meet, but that would be scheduled at 4 p.m., but if things look good for May 18th at 6 p.m., they can start pursuing making those arrangements. Commissioner Fricks asked if it was the City or County's time to host it. County Manager Poe stated that the last time it was at the Forum. The last time was when they were trying to finalize SPLOST Projects, which was about a year ago. He stated that they can do it either way. What they were thinking was that some of them would already be at the Forum, go ahead and have it over there and they would have sandwiches for dinner and eat and meet. Chairman Hufstetler stated to County Manager Poe to go ahead and set that date up and if anybody has any questions or a conflict they

can get with County Manager Poe. County Manager Poe stated that they would have a Joint Services Meeting before that and they can talk about Agenda items.

Chairman Hufstetler welcomed the guests attending the meeting. He asked that they stand up and introduce themselves. Joey Beard, who works for Rome Paper Company and stated that he was there with Leadership Rome. Also in attendance was Allison Land who works for Floyd Medical Center.

ADJOURNMENT:

There being no further business to come before the Board, MOTION was made by Commissioner Bennett, SECOND by Commissioner Fricks, 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