

**June 8, 2004**

**REGULAR MEETING  
FLOYD COUNTY BOARD OF COMMISSIONERS  
June 8, 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.

Chairman Hufstetler asked that they stand for a moment of silence for former President Ronald Reagan.

**INVOCATION:** Chairman Hufstetler led the Invocation.

**PLEDGE OF**

**ALLEGIANCE:** The Pledge of Allegiance was led by Commissioner Mayes.

**PUBLIC PARTICIPATION**

**LYNN MCGUIRE – REGARDING  
PROBLEMS WITH WATER  
DEPARTMENT.**

Lynn McGuire stated that she manages property here in Rome. She had a lady stealing water from Floyd County in April of, she thought, last year. The girl's name was Sherry Yother. She was stealing water from Floyd County. She was charged, convicted and ordered by Judge Durham, on April 30, to pay this back in restitution. Ms. McGuire had called and talked with Steve Hulsey several different times trying to get this problem resolved. Judge Durham ordered Ms. Yother to pay Floyd County Water Department, he did not order her or the company that she works for. She stated that she wanted to know if she could have the water turned back on since she making restitution to Floyd County.

Commissioner Jennings stated that he thought they had had some discussion during Caucus over this issue and he thought the resolution, he would check with the County Manager, they agreed to was that they would, in fact, put the meter back in and that they would seek restitution for the cost of the meter from the individual who was stealing water from the County. He stated that they are asking the County Manager to pass that along to the Water Department and hopefully soon you will have a meter at the location. Ms. McGuire asked, "How soon?" County Manager Poe stated that he thought they had to give two days notice and they get it done within two days. Ms. McGuire asked who she needed to call. County Manager Poe stated that he will take care of that.

**AL HODGE, CHAMBER  
OF COMMERCE.**

Al Hodge, addressed the Commissioners and professional staff. He stated that he wanted to do two things. One is to thank them for their leadership the other evening in voting for the rezoning request at Highway 140 and Highway 53 and as it pertained to the 100 acres on rail. He stated that they appreciated the favorable vote. He did want them to know that they have communicated that the 100 acres is in the process of being acquired by the Floyd County Development Authority and that the appropriate zoning is in place to take full advantage of the four-lane divided highway, the two lanes that eventually will go to four and being on rail, therefore the heavy industrial designation. They have communicated that to their statewide developers that are very encouraged about that. The point is, marketing has begun related to that.

Secondly, unfortunately, Chambers of Commerce and County Commissioners like to talk about good news and what he is about to talk about is bad news. There is no sugar coating the news that Galey & Lord had announced their decision to close their plant within today's official notice of 60-days left in the plant. This, of course, is in the Shannon community and affects 450 jobs, 450 families. He knows that in times past when they have gone through these difficult times, that they (*the Commissioners*) have wanted to make certain that everything is being done on behalf of the employees and to market the community for future job opportunities and so forth. He was there to communicate that they have talked with the management of Galey & Lord. Offered support related to outplacement of their employees and so forth. They (*Galey & Lord*) are already working with the Georgia Department of Labor, Coosa Valley Technical College, the Chamber of Commerce and others within the team of outplacement related to issues of placement, training, retraining, and so forth. Secondly, they have communicated this news to our statewide, national and international consultants and contacts so they are aware that 450 people who have been working very hard at Galey & Lord are now in the

process of looking for new employment. Please know that those messages have been communicated. Naturally, this new site is within the Shannon area and he is confident that the families there also appreciate the seriously positive decision that was made the other evening.

Additionally, Brian Dill is in California now and this was previously scheduled. This is an ongoing effort to recruit the Life Sciences business to our community for bio-tech, bio-med, medical devices, pharmaceuticals and so forth. They have talked daily, Mr. Dill had arrived on Sunday night, which was that first official function. The State of Georgia sponsored a bio-dinner and invited folks to attend so he made some good contacts there. Additionally, of course, their presence is duly noted. The community's presence there by the statewide development community in terms of keeping Rome and Floyd County in front of their mind and their awareness of our interest in the Life Sciences. They had talked about Berry Corporate Center in the past of being a location. He asked that they remember that Berry Corporate Center is not in the public domain,

therefore it is not like they can just go singularly market that as they would if it was Floyd County or Rome/Floyd Development type property. They have marketed the Berry Corporate Center; he is doing that now as well as well as the Business Expansion Center at Coosa Valley Technical College, this new tract of land as well as, of course, the Industrial Parks that are under public ownership, Floyd County Industrial Park and the Northwest Georgia Regional Park.

From time to time, and this happened recently, they had a company that did not fit the criteria in terms of those types of companies that they look for so they have said thank you but not thank you related to that particular company. He added that this is not the first time that they have explained that to either a prospect or to a consultant. He thought there was agreement between the County, City, Chamber and Development Authorities in terms of the types of companies that they look for.

The final note is that they are continuing to work on their new Economic and Community Development Strategic Plan for the next five years. They will keep the Commissioners posted. They (*the Commission*) had given them some input related to Rome/Floyd 20/20 and to some of those kinds of ideas. He stated that they had provided input, whether they realized it or not, the other night as they were providing guidance related to development of this particular tract of land. The final note is that as they go forward in marketing either sites or making certain that folks are aware of things like this news, a friendly reminder that in the past when they have gone through these situations, when there were rumors of closing at GE and Lindale Manufacturing and rumors of cutbacks at Galey & Lord, the community came together and they marketed just as it is in place. Most fortunately, they have had some good momentum of everyone working together in order to create the jobs that they have enjoyed to date and that they will continue to do so. Happily, General Shale Brick recently opened within Floyd County. Neaton Rome just expanded and opened. The Suzuki plant is now under expansion and they are continuing to work with and market for other potential companies, expansions and retentions. Mr. Hodge thanked the Commission.

**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 Fricks made a MOTION to approve the minutes of the Regular Meeting of May 25, 2004 as presented. SECOND by Commissioner Bennett. VOTING:

YES

NO

Commissioner Fricks

" Mayes

" Jennings

" Bennett

Chairman Hufstetler

Motion Carried

**\* Motion later rescinded at end of meeting.**

**FIRST READING  
(SECOND READING/PUBLIC HEARING  
TO BE HELD JUNE 22, 2004 AT 6:00 P.M.)**

**FILE #27-2004Z, REQUESTS REZONING  
FROM S-R SUBURBAN RESIDENTIAL  
TO C-C COMMUNITY COMMERCIAL  
TO OPERATE A DAY CARE FACILITY  
(19 OR MORE PERSONS) ON PROPERTY  
LOCATED AT 3890 ROCKMART HIGHWAY/  
HIGHWAY 101 SOUTH. ZONING MAP  
J16Z – 056.  
(PLANNING COMMISSION RECOMMENDATION:  
APPROVE [VOTE – 8 – 0])**

**AMEND SEDIMENTATION AND  
EROSION CONTROL ORDINANCE.**

Chairman Hufstetler noted that this will be to put it in compliance with State guidelines.

**SECOND READING/PUBLIC HEARING**

**VOTE ONLY**

**REVISE ARTICLE 3 CONCERNING  
DUPLEXES ON INDIVIDUAL LOTS.  
(PLANNING COMMISSION RECOMMENDATION:  
APPROVE [VOTE – 9 – 0])  
(DEFERRED FROM MAY 25, 2004 MEETING.)**

Commissioner Bennett made a MOTION to revise Article 8, Article 3.3.2.d.e, Article 3, Table 3-1, Article 3, Table 3-4, Article 6.5.5c and to add Article 4, Section 4.1.28, all as set forth in the document in the Agenda Packet which is to be a part of the record, except that Article 3.3.2.d.e appears to be incorrectly named in the attachment as Article 3.3.2.e and there may be a numerical or letter error in the ULDC and with the additional exception with regard to Article 4.1.28 under Section A where there should be added the word “current” immediately before the word requirements. County Attorney Tom Manning stated that the Motion is to revise the ULDC consistent with the language that is included in the Commissioner’s Packet entitled ULDC Revisions, June, 2004 which is to be a part of the record, again noting the possible error concerning the numbering of Article 3.3.2.d.e and the exception that in Section 4.1.28 under “a” you are adding the word “current” in the first sentence before “requirements”, so it reads “each housing unit must comply with all current requirements of the building codes” and

continues on thereafter. He stated that that is the only change to the language in their packet. Commissioner Bennett asked if that complied with what the City Commission passed last night. Commissioner Bennett stated that was a MOTION. SECOND by Commissioner Mayes. Chairman Hufstetler stated that there was a Motion and Second and asked if there was any discussion.

Commissioner Jennings stated that the question is if you have a duplex that has been built and either lived in by the owner or rented out by the owner and they want to sell off both of the units. What we are saying by inserting the word “current” is that not only the firewall would have to meet the current code, but everything else in the duplex would have to meet the current code. He asked if this was correct. If the wiring did not meet the current code, if the sewer stub out didn’t meet the current code, everything would have to be redone to meet the current code. County Attorney Manning replied that was the way he reads it. Commissioner Jennings stated that was the issue last night at the City Commission meeting. Did they intend for, like if he purchased a house that was built in 1980 and the plumbing fixtures didn’t meet the current code, he doesn’t have to replace the plumbing fixtures, but in this case, the duplex would have to meet all features of the current code. County Attorney Manning replied, “Yes, that is what . . .” Commissioner Bennett stated that is what they understand. Commissioner Jennings stated that their intent was to be sure that there would be adequate firewall and sound barriers between the two units. He stated that he did not know if their intent was that they would have to replace all of the plumbing fixtures and that they have to redo the electrical systems and what have you to meet the current code.

Commissioner Bennett stated that basically that firewall is not only a firewall, but it is what is known as a parapet wall, which means that it penetrates the structure above the roof and the front and rear wall of the unit. Commissioner Jennings stated that they would have to make that modification. Commissioner Bennett stated that that answers or speaks to the question of what they were talking about, the roof and the fascia, as far as common maintenance. Now they are down to cutting grass he guessed and that is easier to handle. It also would provide for, as he understood it, a separate water meter and connection to the house for each individual unit as well as a sewer line connection, an individual sewer line which would be different than that required for a duplex. This basically would be a duplex for sale, which would have to meet a separate or a different code than just an ordinary duplex. Commissioner Bennett stated that this would apply to someone trying to convert an existing duplex. Any duplex constructed with this in mind would then meet those requirements.

There being no further discussion, Chairman Hufstetler asked that the roll be called. VOTING:

YES

NO

Commissioner Fricks  
" Mayes

Commissioner Jennings stated that they are saying, by doing this that with an old duplex is going to have to basically be redone, everything in the duplex. Commissioner Mayes stated that just putting that wall was a big deal. If anybody goes to the expense of

putting that wall up, they may as well go all of the way. Commissioner Fricks stated that they don't have to do that unless they want to sell it to two different people. Commissioner Jennings asked if this would be only if they want to sell it to two different people. Commissioner Fricks replied, "Yes." Commissioner Bennett stated that if they want to subdivide the duplex. Commissioner Fricks stated that they don't have to do the retrofit unless they want to divide it up. Commissioner Jennings stated that if they were selling the whole duplex. Commissioner Fricks replied, "Yes." Commissioner Jennings stated that he would vote "Yes" to that.

Commissioner Jennings  
" Bennett  
Chairman Hufstetler

Motion Carried

**FILE #18-2004Z, REQUEST REZONING  
FROM HR-T 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])  
(DEFERRED ACTION ON REMAINING PORTION  
OF PARCEL 28D FROM MAY 11, 2004 AND  
MAY 25, 2004 MEETINGS)**

This item was deferred.

#### **CHAIRMAN'S REPORT**

#### **APPOINTMENTS.**

There were no appointments.

#### **COMMISSIONER'S REPORT**

#### **ADMINISTRATIVE/FINANCE COMMITTEE**

**DISCUSS PURCHASE OF VEHICLES FOR  
FLOYD COUNTY SHERIFF'S DEPARTMENT.  
(DEFERRED FROM MAY 11 AND MAY 25, 2004  
MEETINGS.)**

Chairman Hufstetler stated that he had missed the Caucus today, but stated that Administrative/Finance Committee had requested that they come to a resolution on this item at the next meeting.

## **WATER COMMITTEE**

Commissioner Jennings, Committee Chairman, reminded everyone that this Thursday the Northwest Georgia Regional Water Resource Partnership will have their Annual Meeting down at Allatoona Lake. EPD Director Dr. Carol Couch is speaking and they have arranged for a tour of the Allatoona Dam if anybody is interested in coming down and seeing the inner workings of the dam. He stated that you have to verify that you are a born U.S. citizen in order to pass the security requirements to get in there. They are going to have an inside look at the dam and talk about the operations and talk about the operation of the lake. He stated that will be 11 o'clock Thursday at the Park at the base of Allatoona Dam. Commissioner Fricks asked about the statewide water ban. Commissioner Jennings stated that he thought the statewide water ban is scheduled to take place on August 1<sup>st</sup>. County Manager Poe stated that he did not think he had heard an exact date, but he knows that it is coming down the pike according to . . . . Commissioner Fricks stated that he was just curious, the press called him one night inquiring about . . . . Do we police that, do we have to . . . . He stated that he had never known in the past, he thought that they actually requested that they come up with an enforcement method. Do we normally enforce statewide water bans ourselves? County Manager Poe replied, "Yes, and it is up to each Water Department to enforce it." He stated a couple of years ago when they were in a major drought, it was handled on a complaint basis, but they have never actually been out and patrolled like some Metro Atlanta counties who were actually patrolling neighborhoods and things like that. Commissioner Fricks asked if they set up a fine fee or did the state or who. County Manager Poe stated that he thought they had adopted some enforcement mechanisms based on what the State required. Commissioner Jennings stated that to his knowledge, they have not been officially notified. He stated that he thought City Manager John Bennett had talked about it last night in the City Commission Meeting, but to his knowledge the County has not heard anything. County Manager Poe stated that when David Word came to the Chamber and spoke about a month or so ago or whatever it was, he mentioned that they are preparing to pass some new regulations that basically puts these restrictions on full time and there are different levels based on the drought conditions as far as odd/even, no Friday watering to the point where there will be no outdoor watering if necessary. Commissioner Fricks stated that it is his understanding that these are permanent. County Manager Poe stated that it will be like a Water Conservation Plan that will be permanent. He stated that they are taking it to the DNR Board. He thought the DNR Board is supposed to make the final approval, That is what the DNR staff has recommended. County Manager Poe stated that it made it sound like it was a done deal.

## **SPECIAL COMMITTEE REPORTS**

### **NEW HEALTH DEPARTMENT FACILITY.**

Commissioner Bennett stated that the earth work had started and the clearing and preparing of the site. At the last meeting he thought they would be looking for some foundations and things like that eminent in the next week or so. County Manager Poe stated that the building pad will probably be completed this week. Commissioner Bennett stated that the earth work as far as getting the earthen pad built to start receding footings and that sort of thing should be done this week, so they are moving on pretty good.

**EXISTING PRISON USE.**

Commissioner Mayes stated that as he had mentioned in Caucus, the Georgia Department of Corrections, someone from the Governor's Office and Barbara Massey Reece visited our old Prison a couple of weeks ago and they are trying to determine a use for it. They possibly have some State funding to rehab the Prison and possibly come up with a reuse. They are going to send their engineers down to look at the Prison so they can evaluate it. He stated that they will be looking forward to getting a report from Georgia Department of Corrections on what they think the Prison can be used for.

**CLERK'S REPORT**

**CONSENT AGENDA.**

Clerk Michele Fountain stated that there were four items on the Consent Agenda which were submitted for approval. Chairman Hufstetler called for a Motion. Commissioner Fricks made a MOTION to approve the Consent Agenda. SECOND by Commissioner Jennings. VOTING:

YES NO

Commissioner Fricks  
" Mayes  
" Jennings  
" Bennett  
Chairman Hufstetler

Motion Carried

1. Tax Refunds:
  - a. Larry & Patricia Maxey, 358 Haywood Valley Road, \$220.76
  - b. Paul Adam Mitchell, 16 Lee Street, \$16.51
  - c. Jeff C. Mathis, III, P.O. Box 3404, \$217.01
  - d. Ray Whaley, 141 Booze Mountain Road, SW, Lindale \$75.84
  - e. Melissa Lavon Bowerman, 43 Featherston Court, SW, \$250.34
  - f. Terry L. Culberson, 284 Thomas Bluff Road, NE, \$106.01
  - g. Ellen H. Garrard, 3 Heights Drive, \$226.78
  - h. Morgan & Pauline Ayers, 224 Lavender Trail, \$28.39

Request from Tax Commissioner to release taxes from digest for property purchased by Floyd County at the May 4, 2004 Tax Sale.

3. Request from Tax Commissioner to release taxes from digest for property purchased by Floyd County at the June 1, 2004 Tax Sale.
4. License Applications:
  - a. Malt Beverage License for Ramesh Jain, Cats Game Room, 3404 Martha Berry Highway, Consume on Premises.

#### **MANAGER'S REPORT**

#### **DISCUSS REQUEST FROM DEPARTMENT OF TRANSPORTATION FOR COUNTY TO DONATE TWO PARCELS OF PROPERTY TO THE STATE FOR RIVERSIDE PARKWAY WIDENING PROJECT. (DEFERRED FROM APRIL 13, MAY 11, AND MAY 25, 2004 MEETINGS)**

County Manager Kevin Poe stated that this item was deferred from the last meeting and still at issue is Parcel 13. They had determined that Parcel 29A, because of Greenspace requirements, could not be donated. They still have outstanding the donation of Parcel 13 if they are prepared to take any action on that. Commissioner Jennings asked him to repeat that, that they still don't know . . . County Manager Poe stated that they do know. On Parcel 29A, they will have to go ahead and go through condemnation proceedings because it had been ruled that they (*the County*) could not voluntarily donate Greenspace property. Commissioner Mayes asked if that wasn't a relatively short procedure that it doesn't take but a very short time to go through condemnation. A couple of months. County Manager Poe replied that once they file condemnation, as far as proceeding on with construction, they pay "X" amount of money into the court system, they could move on. It will be during construction when sometimes they finalize condemnation. Commissioner Mayes asked if they could go ahead and take control of it and do what they want to do. County Manager Poe replied, "Yes."

No action was taken.

#### **DISCUSS PROPOSAL FROM AIRPORT COMMISSION TO PURCHASE HANGAR.**

County Manager Kevin Poe stated that that proposal was presented to the Commission at the last Caucus Session and they are familiar with what is being requested. He stated that he did not know if there is any action to be taken today or not. He stated that they really did not get around to discussing that during Caucus. Chairman Hufstetler stated that he was going to say that he missed Caucus but he guessed that he

did not miss that item. County Manager Poe stated that they had gone through the Manager's Report pretty quick right at the end. Chairman Hufstetler asked Assistant County Manager Sammy Rich if he had been involved in that. Assistant County Manager replied that he had. He stated to relay back to the previous Caucus there had been a discussion about working with Dobbins and having the Air Force as a tenant. To date they do not have a Lease Agreement with Dobbins in place. What they do have is a commitment from the Air Force that they do want to be at our Airport. They do want to lease the hangar. So, with that being said, one option would be to make an amendment and today they approve the purchase of the hangar with the assumption being that they are still working forward to get a Lease Agreement. He stated that part of the purchase would be termination of the 30-acre lease on the eastern portion of the Airport. In addition to that, the property owner, Mr. Tebo, has a lease on the west side of the Airport that we will restructure and come back with a new Lease Agreement. This is kind of a multi-tiered project, but one issue is the hangar, cancellation of that lease and then they would come to an agreement on his existing facility on the west side of the Airport. He and County Manager Poe had talked earlier about some funding that was allocated for T-Hangars in the Capital Improvement Project of \$220,000. If, as a Commission, they chose today to approve this, they would request a budget amendment. He would speculate they could purchase that today and then move forward. They would bring back the revised lease where the tenant will stay at the Airport, but just on the western side in his current business, and they could do that by the next meeting. Of course, again, they don't have a lease in hand yet, but they feel very comfortable that they will get a lease with the Air Force.

Commissioner Fricks asked if they knew an amount yet. Assistant County Manager Rich stated that was another point. Originally the number \$3,000 was thrown out, but that is not going to come to fruition. What the Air Force had told them was that they would do a Market Analysis if they come to our Airport. That being the case . . . The comp they have is \$1,700 a month. Commissioner Fricks asked what he was referring to. Assistant County Manager Rich stated that comparing it to the Big Hangar, if they were going to kind of do an apples to apples. Commissioner Fricks asked how that deals with cash flow for money expended. He thought that was one of the conditions on T-Hangars. They wanted to show a ten-year payback and he asked if that was correct. County Manager Poe replied, "Yes, that was all based on a ten-year payback." Assistant County Manager Rich stated that based on the assumption of \$1,700 a month, in addition to what they could purchase the hangar for today, they are talking about a seven-year or less payback, at \$1,700. Commissioner Fricks asked if that was on \$1,500 a month. Assistant County Manager Rich replied that was on \$1,700. Commissioner Fricks stated, "So we are losing \$1,500." Assistant County Manager Rich replied, "Right, the 30 he got . . ." Chairman Hufstetler stated that they only had \$200 per month and he was not sure how that comes up with a seven-year payback on that. He asked if the hangar purchase price was still the same. Assistant County Manager Rich stated that they could purchase the hangar for \$118,000. Commissioner Mayes asked if that is close to what the price to build this. Assistant County Manager Rich stated that his understanding, and he is not a developer or contractor, but he thinks it is a pretty competitive price for the cost of the structure. He thought that \$118,000 would be a good price. Commissioner Mayes stated, "Plus the improvements." Assistant County Manager Rich stated that the other issue he did mention was them reacquiring the 30 acres. They would gain control of that. Although it is a revenue immediately, in looking at the long term, he thought it was in their best interest to have control of that for economic development. Commissioner Fricks asked if they had done a Market Research on that, they (*Air Force*) are saying that they are going to do a Market Comparison. We are looking at purchasing, would we

not do a Market Research and do a kind of what our revenue potential is out of that facility. Assistant County Manager Rich replied, "Yes, he would agree with that."

Commissioner Mayes asked Assistant County Manager Rich if he is saying that the most important thing is that they need to get the 30-acres back. Assistant County Manager Rich replied that, "In his opinion, yes." Commissioner Mayes also stated that they need to get on that and get this back. Assistant County Manager Rich stated that he would say that is very important, but again, not doing a thorough in-depth Market Analysis, but just on construction cost, if they bought it at \$118,000, he would think that is probably a good price. Commissioner Bennett mentioned that it was a \$123,000 when they had previously talked about it. Assistant County Manager Rich replied, "Correct." Commissioner Fricks commented that if they wait one more meeting, it might go down another \$10,000. Assistant County Manager Rich stated that he thought \$118,000 is pushing it and that is as of today. Chairman Hufstetler stated that there had been some discussions since that meeting and he thought that is why the price is a little lower. Commissioner Bennett stated that was \$14 a square foot for the building, he does not know what all is in it, but that is a reasonable price for construction. He mentioned that it does have a concrete floor. Assistant County Manager Richard replied, "Correct, it does have doors on either end, both ends of the hangar, so it is a pretty large building."

Commissioner Fricks stated that where he stands is that he does not disagree with that, but he thinks the criteria that they have always put about investment is get a return, ten-year payback. He knew that when they looked at the hangars, they looked at the criteria for a ten-year payback. Right now what is motivating them to purchase is to get back a lease that he did not feel good about in the first place. That frustrates him that they are kind of forced into exceeding their ten-year payback policy that they have been trying to go by, in order to get a lease back. Assistant County Manager Rich stated that he did not disagree. Commissioner Fricks stated that he probably voted for it, but it was not one he felt good about. Assistant County Manager Rich stated that he thought it was the practice that they want to see similar leases coming from the Airport Commission for that amount of land. As they have become more aware of how important land is in the economic development process, it really highlights the need for them to make very smart decisions on what kind of leases they do approve.

Chairman Hufstetler stated that he is trying to separate the issues out and understand it all and not look at just the straight dollar payback. On the \$118,000, if they get \$1,700 a month, which Assistant County Manager Rich was saying was comparable to what they have. They are currently getting \$1,500 a month off of that property. Assistant County Manager Rich stated that was his understanding. Chairman Hufstetler stated, "So they are going to get \$200 a month, but they are taking \$118,000, so that is going to be like a 50-year payback almost." Assistant County Manager Rich stated that what he is looking at, and again, he did not really take the land revenue into consideration. Just looking at if you simply purchase the building at \$118,000 and assuming a 4% at a seven-year, that is \$1,612 a month that would be the debt service. Assuming they rented it out for \$1,700, which they feel would be a reasonable number, and that number was actually given to the Air Force and no one objected, but again, they have to go through the motions and have approval from their bureaucratic process, if you will. Chairman Hufstetler asked if the hangar itself was \$1,700 per month and then there is the 30-acres? Assistant County Manager Rich replied, "Correct, we would be acquiring the 30-acres with the potential to . . . Chairman Hufstetler stated that maybe someday somebody would need that. Assistant County Manager Rich replied, "Yes, and it would be great when they do have Economic Developers and/or Consultants calling them, if they can say, yes, we have 30 available at our Airport and we will be glad to show it to you and of course, they can't do that right now."

Commissioner Bennett stated that this is two separate issues. One is, is it an economic purchase to purchase the building, do we need it and is there a potential to lease it under the 10-year payback. That easily meets that criteria on the building. That they have a building that they could purchase at a reasonable price and have a reasonable expectation at getting a good return. In

fact, he would think that it would be more than 10-year. Ten-year, if his math is right, that is a little less than \$1,000 a month that it would have to rent the building for. The other is, that, if in fact, that was not such a good deal for the County to lease that much land for \$1,500 a month, we are able to reverse that and get it back without paying for it. What we are actually paying for is this hangar. Assistant County Manager Rich stated that was correct, and that is his analysis.

Commissioner Fricks stated that he knew they were separating the issues, but if they were sitting in this position right now, would the most strategic thing for them to do is to go build a \$117,000 building if it didn't exist. Is the demand there? Commissioner Bennett replied that he did not know. Assistant County Manager Rich stated that historically they do have the Air Force coming here and they do their training at the Airport. He stated that a couple of years ago, they basically had a license to fly into Rome. One of the things that occurred was that the hangar was built and basically it impedes their drop zone for their training. What they are doing is flying down near Augusta. So, they are spending a lot of time in route to, whereas if they were flying out of Dobbins to Rome, they would get a lot more training done. There is a desire for that group to get back to Rome to train, with us, so that is our current need. Commissioner Fricks ask if they are saying future revenues in that land too, on the land that is leased. Assistant County Manager Rich replied that was correct. The land to him is kind of extra gravy that they would get it back and would have it. Commissioner Fricks stated that his question is, if this impeded their use, will their lease require us to tie up that much land as well. Would any other development impede their use out there just as this did? Assistant County Manager Rich stated that his answer would be, no, for the drop zone, just the particular area. Commissioner Mayes stated that it is for storage. Commissioner Fricks stated that they are saying that the hangar, they moved their operation because of the hangar being built. Assistant County Manager Rich stated that was a component of it. Commissioner Fricks stated that if you are looking at revenue for land lease, potential future, is their lease to that hangar going to be tied to the surrounding land too. Are they going to try to include the \$1,500 ground lease as well. Assistant County Manager Rich replied, "No, and what they would do is a have a lease with them just to lease the hangar." For example, we are not leasing them a drop zone area. He stated that we actually thought that would be the case initially, but that is not the case. It would be just be a Hangar Lease, and Improvements Lease. Commissioner Bennett stated that that land probably doesn't need to be obstructed anyway, he would not imagine. That that they have leased is available. Assistant County Manager Rich stated that they are talking about 30-acres so it is a pretty good piece of land. Commissioner Fricks asked if this is an abandoned runway. Assistant County Manager Rich replied, "Yes." Commissioner Fricks asked if this is the runway they shut down. Assistant County Manager Rich replied, "Right, the eastern side of the Airport."

Chairman Hufstetler stated that the other question he had was that they were talking about restructuring his other lease. Assistant County Manager Rich replied, "Correct." Chairman Hufstetler asked if that was going to happen or is this leverage to make that happen. Assistant County Manager Rich stated that his way of thinking of this is they are very close. The Airport Commission actually approved the lease at their last, they had a Called Meeting for that purpose. There are a couple of details that would need to be ironed out between both parties and they are very close to that and he would say that by the next meeting that would certainly be worked out. It is really no leverage; he thought it was kind of two separate issues. This could be done with the understanding that that is coming as well. It could be as simple as an amendment to the west side lease. Chairman Hufstetler stated that he had forgotten which includes gas sales. Assistant County Manager Rich stated that is actually something they have not talked about, but both leases do include a fuel sales provision for the tenant and just to be very honest, it is not in our best interest that he be allowed to do that. It would be in our best interest to change that lease. Chairman Hufstetler stated that he is concerned about if they do this here, does that give him the open door to continue on with that at the other site. Assistant County Manager Rich replied, "Possibly, he did not think, with his discussion, that would be the case. Obviously you can't predict human behavior entirely, but it could be the case."

Commissioner Fricks stated that was one thing, you were here then, but he had a tremendous amount of discussion about giving somebody else the ability to have gasoline sales in your own airport and giving them all of this land for a pretty fine lease too. He thinks, and asked them to tell him if he was wrong, they will remember this from discussion he had. One of them and he asked about it and the primary purpose of that was, and he thought he was limited to the aircraft that he serviced. The primary purpose was when he had to do, he remembered asking the question, when he has to do work on an aircraft he has to empty all of the fuel out over there and he needed somewhere to store that initially and that he could only sell the fuel to the aircraft that he was either servicing or storing or something like that. He remembered that there were some limitations on it. He asked if it exists in the lease or did it get deleted from the lease or was that the way that it was. Assistant County Manager Rich stated that is the issue of our FBO, we don't want competitors on the Airport and having a provision where you could have your own fuel farm and then sell. He stated that the restriction one is . . . Commissioner Fricks stated that what he was saying is in the existing lease there are restrictions on who he can sell to. Assistant County Manager Rich stated that he did not believe that. Commissioner Fricks stated that he remembered asking the question, "Why do you put a competitor business across the street from you?" Assistant County Manager Rich stated that the lease currently isn't structured as they would prefer it to be in regard to fuel sales. It would be in our best interest to do a more current, which, for example, if they allow someone to do a fuel farm, they can charge flowage fees. Again, you don't compete with aircraft that are based at the Airport, but like you sited, your customers, only the planes you would be working on for example. That would be the desired language and we don't have that. He stated that in summary, it would be a good opportunity for us to revise the weigh side. Commissioner Fricks stated, to fix an old mistake. Assistant County Manager Rich replied, "Correct, just to be honest."

Chairman Hufstetler stated that his only concern is that, he knows that he is wanting the sale of this and all that, but he does not want to give him what he wants over here and then turn around and that lease not be revised over there. Assistant County Manager Rich replied, "Correct." Commissioner Jennings asked if they could not just take both of those as a package deal. If it had gone from the Airport Commission, maybe the answer is to bring them both to us, let us have County Attorney Manning take a look at it and we will handle them both at the same time. Assistant County Manager Rich stated that was certainly an option. Commissioner Jennings stated that maybe by that point we will have a more definitive agreement with the Air Force. He hears him saying they have a verbal agreement, it sure would be nice to have something more concrete in hand. County Manager Poe stated that dealing with the Air Force that is not potentially going to be any time soon, if they have to go through Washington approvals, it could be months away. Assistant County Manager Rich stated that it is a big government, he guessed, in summary. Commissioner Fricks asked if it was slower than them. Assistant County Manager Rich replied, that he was afraid so.

Chairman Hufstetler stated that he would feel more comfortable at least having all of the leases revised. He stated that he knew that Assistant County Manager Rich is closer to this than he had been. If that is a problem, he would like to hear why. If it is something that they even need to have a Called Meeting to act on this one item, before the next meeting. He stated that he knew there was some urgency on certain parties. Assistant County Manager Rich stated that personally he thought that the understanding is that they go back and work this out and basically have it on our next meeting. He stated that he feels pretty sure that they can get everybody in agreement and have a lease that both parties are comfortable with and ask that it be approved at the next meeting on the 22<sup>nd</sup>.

#### **AWARD FOLLOWING BIDS:**

#### **ONE (1) SPEED ADVISORY TRAILER**

**TWO (2) HANDHELD STATIONARY  
TRAFFIC RADAR**

**ONE (1) CHEMICAL SPRAYER**

**ANNUAL CONTRACT FOR TRAFFIC  
PAINT AND SIGN MATERIAL**

**ONE (1) TRUCK WITH SIX-YARD  
DUMP BODY**

**ONE (1) 1-TON CREW CAB TRUCK  
WITH DUMP BODY**

**ONE (1) TRUCK WITH GRAPPLE  
KNUCKLE BOOM AND BED**

**TWO (2) TANDEM DUMP TRUCKS**

County Manager Kevin Poe stated that he was going to pass out a little package where he tried to condense all of the Bid Awards. He stated that there was a lot of backup documentation in the Agenda Package that deals with them, but what it boils down to is that they are recommending that the lowest bid that met specifications be awarded. In each of the memos from Nancy Lam to County Manager Poe, dated June 4, 2004, they recommend that the lowest bid that met specifications be awarded. To expedite this, he requested that they approve the awarding of the bids "a" through "i" based on the recommendations of the Purchasing Director as presented in the package of information he just submitted, if they can do it in that manner. He stated that one thing that he had noted in the Caucus Session was that in the third memo, all of the equipment for Public Works, it notes what the budgeted amount was and that total was \$372,000 and actual bids, some were within budget and some were under budget, but the total comes out to \$362,759, which is roughly \$9,000 under the total budgeted amounts. The main item that they dealt with on the specifications was the Grapple Truck and they did a very thorough review of that to make sure that we were getting a piece of equipment that met all of the requirements that had been set forth in the bid specifications. Commissioner Jennings asked what a Grapple Truck was. County Manager Poe stated that it is a truck that has a knuckle boom on it and it comes down and can pick up debris and put it in a container in the back. It helps with the brush collection which has kind of overwhelmed us here. Chairman Hufstetler asked if the Handheld Radar had anything to do with the Radar Trailer. County Manager Poe replied, "No, the Speed Advisory Trailer is just another stationary trailer that they can set up in subdivisions or other roads where they are getting complaints about speed and you go by and it advises you what your speed is. The Handheld Radar is what they use to catch speeders." Chairman Hufstetler asked if he was talking about for a motorcycle. County Manager Poe stated that it works for vehicles too, what you do is you stop the car and use the gun, you see it on the interstate all of the time. They can get a more accurate, if there are a lot of cars going by they can pinpoint the car that they are trying to focus in on. It is more flexible than the car mounted rig. He stated that all of these items were approved in their original budget.

Commissioner Bennett made a MOTION to award bids as recommended by the Purchasing Manager based on the information presented in their package, item 3, items "a" through "i".  
SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Fricks  
" Mayes  
" Jennings  
" Bennett  
Chairman Hufstetler

Motion Carried

**AWARD CONTRACT FOR A FIRE  
DELIVERY SERVICE STUDY TO  
TRIDATA CORPORATION.**

County Manager Kevin Poe stated that the Fire Overview Committee interviewed a couple of companies that they had sent a Request for Proposals to complete a Fire Delivery Service Study. After interviewing the two companies, the recommendation is that they hire a company called TriData Corporation in the amount of \$67,900 to complete the study. He stated that in their Agenda Package, as he noted in Caucus, the Scope of Work that is included in their Proposal is a pretty in depth Scope of Work and they stated that they can complete the study in 120 days. The recommendation is to contract with TriData Corporation. He stated that this will be paid for through the Fire Fund. He also stated that the City of Rome did approve this last night. Commissioner Fricks made a MOTION to approve the Fire Delivery Study with TriData Corporation. SECOND by Commissioner Bennett. VOTING:

YES

NO

Commissioner Fricks  
" Mayes  
" Jennings  
" Bennett  
Chairman Hufstetler

Motion Carried

Commissioner Fricks stated that he had sat in on the proposals on that and this company showed an outstanding presentation and it looked like it will be a very professional, very thorough study. He stated that one thing that he thought impressed them tremendously was that they are a company that kind of looks outside the box about being able to look at innovative mechanisms of expansion on the Fire System here. County Manager Poe added, staffing and things like that. Commissioner Fricks stated that they bring in, he thought, probably a worldwide study. He thinks they do this in other countries so they bring some innovativeness and ideas that come from even other countries. It was very impressive.

Chairman Hufstetler stated that he had lobbied for this long in the past and he thinks it is long overdue to have this done. There are many people that don't have fire coverage in this county within the five mile zone.

**AWARD BID FOR PURCHASING OF  
PRIMARY SWITCHING GEAR, PANELS  
AND SPORTS LIGHTING FIXTURES FOR  
NORTH FLOYD PARK.**

County Manager Kevin Poe stated that bids were taken for the purchase of Primary Switching Gear, Panels and Sports Lighting Fixtures for North Floyd Park. The recommendation is to award it to the low bidder, Caesar Electric Company in the amount of \$40,607.83. He noted that this is

a SPLOST Project. Chairman Hufstetler called for a Motion. Commissioner Mayes made a MOTION to approve the bid from Caesar Electric for \$40,607.83. SECOND by Commissioner Bennett. VOTING:

YES

NO

Commissioner Fricks  
" Mayes  
" Jennings  
" Bennett  
Chairman Hufstetler

Motion Carried

**DISCUSS LEASE AGREEMENTS WITH  
OPEN DOOR HOME, INC.**

This item was deferred.

**UPDATE ON GREENSPACE PROJECTS.**

County Manager Kevin Poe stated that this item was discussed during Caucus and he did not know if any action will be taken at this time, unless they have come up with some priorities. He asked if there was a consensus on it. Chairman Hufstetler stated that he, of course, had missed that session and there is really no consensus and there is not even anybody that votes for Number 1, even two votes so if he voted it wouldn't matter anyway. He thought it would have to wait. He stated that there are a couple of these that he is not up to speed on since he missed Caucus and would have to get more information. Commissioner Jennings stated that he thought that they are seeking some additional information on the Silver Creek property. As that information becomes available that will help them to define the choices. He did not know if they needed additional information on the Old Dalton Road property as far as its price. Chairman Hufstetler stated that he was not familiar with that one. County Manager Poe stated that they had looked at that property before, Godfrey Road, Jeff Barnett property. Chairman Hufstetler asked if it was on their last meeting. Commissioner Bennett replied, "No, that was the one they first voted down, he thought that was one of the first pieces of property presented to Floyd County as a bargain that they did not purchase." County Manager Poe stated that they need to make contact with the property owner to make sure. Chairman Hufstetler asked how many acres it was. Assistant County Manager Rich replied that it is roughly 18 to 20 acres. Commissioner Bennett stated that he thought it was more than that. He thought they were trying to get in the range of \$5,000 a acre or \$5,500 an acre or something. County Manager Poe stated that they have the file on that and they will have to get that back out. Commissioner Bennett stated that they will have to look at it. Commissioner Jennings stated that he thought they had heard from the Attorney that if they have a agreement in place, we can get the necessary documentation for contract pretty quickly. County Attorney Tom Manning stated that as long as they have an agreement on the terms. County Manager Poe stated that they might need to make sure that they have contact with the different property owners and have an understanding that whatever they would agree to, if they (*the County*) decide to move forward, they could move quickly with whatever legal documents to get it under option or under contract. County Attorney Manning stated that he did not know whether the various organizations or individuals that they may be dealing with on the other side, if they are a corporation or whatever, if they have done the necessary things with regards to meetings themselves to be able to contract by the 30<sup>th</sup>. That could potentially be a problem. County Manager Poe stated that he thought they were dealing with some individual property owners, but the one he might be talking about is YMCA and they are supposed to be discussing that at their upcoming meeting so we will just have to try to have

as much in line as possible so when we make a final decision, we can move quickly because we have to have this done by the end of the month. Commissioner Fricks mentioned getting a contract with all of them. Commissioner Bennett stated that it would also be nice to have this information passed out to them in a little more formal form than Commissioner Jennings was able to prepare during Caucus, so that they might have the opportunity, rather than trying to find out information on the fly, that they have an opportunity to review it before they get into the meeting and any questions they have, that could be raised when they have more than three or four minutes to find out.

Chairman Hufstetler asked about having something like that done at the next Agenda Session, the Thursday before the meeting and then that will give them a chance to distribute it to everybody. County Manager Poe stated that they would make sure that it goes out with the Agenda.

**AWARD BID FOR TWO (2)  
20-TON HEAVY DUTY TANDEM  
EQUIPMENT TRAILERS FOR  
WATER DEPARTMENT.  
(4/5 VOTE REQUIRED)**

County Manager Kevin Poe stated that there was one other Bid Award that they failed to get on the Agenda that they would like to go ahead, if it is okay, to take care of. It is the purchase of two (2) Equipment Trailers for the Water Department. He asked that they do a 4/5 vote to add this item to the Agenda.

Chairman Hufstetler called for a Motion to place this item on the Agenda. Commissioner Jennings made a MOTION to place this item, bid for the two (2) 20-Ton Heavy Duty Tandem Equipment Trailers on the Agenda. SECOND by Commissioner Bennett. VOTING:

YES

NO

Commissioner Fricks

" Mayes

" Jennings

" Bennett

Chairman Hufstetler

Motion Carried

Commissioner Jennings made a MOTION to award the bid for two (2) 20-Ton Heavy Duty Tandem Equipment Trailers to purchase them for the Water Department from Hooper Trailer Sales, Inc. for a total price of \$22,490. SECOND by Commissioner Mayes. County Manager Poe noted that the low bidder was Hooper Trailer Sales. VOTING:

YES

NO

Commissioner Fricks

" Mayes

" Jennings

" Bennett

Chairman Hufstetler

Motion Carried

**HIRING OF WILLIAMS, SWEITZER  
& BARNUM TO DO A CONCEPTUAL  
DESIGN ON IMPROVEMENTS TO THE  
HUFFACRE ROAD.  
(4/5 VOTE REQUIRED)**

County Manager Poe stated that the only other item, and they had talked some in Caucus about looking to hire Williams, Sweitzer & Barnum to do a Conceptual Design on improvements to the Huffacre Road. They have been talking about possible improvements to that road all the way back to when they rezoned the property off of Huffacre Road for use by Georgia Power as a landfill for their ash. So they can kind of get a little better handle on the scope and size of the project, he had received a proposal from Williams, Sweitzer & Barnum that they would do this on an hourly rate not to exceed \$12,000. County Manager Poe recommended that they hire Williams, Sweitzer & Barnum to complete this Conceptual Design Study for the County. He stated that they would approach Georgia Power in splitting that cost with them. Commissioner Bennett made a MOTION to place hiring of Williams, Sweitzer & Barnum for Conceptual Design for Huffacre Road on the Agenda. SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Fricks

" Mayes

" Jennings

" Bennett

Chairman Hufstetler

Motion Carried

Commissioner Bennett made a MOTION to hire Williams, Sweitzer & Barnum for Conceptual Design for the Huffacre Road Extension to be on a cost plus basis not to exceed \$12,000. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Fricks

" Mayes

" Jennings

" Bennett

Chairman Hufstetler

Motion Carried

**ATTORNEY'S REPORT**

**AUTHORIZE CHAIRMAN TO  
EXECUTE QUIT CLAIM DEED**

**FROM COUNTY TO FORMER  
OWNER, MR. SUMMER.  
(4/5 VOTE REQUIRED)**

County Attorney Tom Manning stated that he had passed out to all of the Commissioners a proposed Quit Claim Deed in connection with a piece of property that was sold at a Tax Sale, but was later redeemed, as allowed by law by the property owner. County Attorney Manning recommended that this be placed on the Agenda and then that they authorize the Chairman to execute the Quit Claim Deed from the County to the former owner, Mr. Summer.

Commissioner Mayes made a MOTION to place this item on the Agenda for 4/5 Vote. SECOND by Commissioner Jennings. VOTING:

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

Motion Carried

Commissioner Mayes stated that he does not quite understand the system of selling at a Tax Sale. Once Mr. Ford puts something up for sale and it gets sold at a Tax Sale to an owner, you have up to a year to redeem it. County Attorney Manning stated that he thought it was up to three year in which to redeem. County Manager Poe stated that it is his understanding that it is three years. Commissioner Mayes asked if within those three years they could actually go back to Mr. Ford, pay those taxes plus 20%, of whatever it is. County Manager Poe replied, whatever the penalty is on top of it. Commissioner Mayes asked if although the property has been taken under control by the (*new*) owner, he has to give it back. Whatever improvements he may have made or a new roof on it or whatever, he loses that. County Attorney Manning stated that he has to know when he purchases that property that there is the potential for that property to be redeemed within that time period. Commissioner Mayes asked, if in three years, not one. County Attorney Manning stated that he thought that was right, but in his office he does not do the real estate work or work related to tax sales. County Manager Poe stated that they had gotten into that when they did their Surplus Sale. Any properties that they did not have for over three years, they did not put in the sale because they did not want potentially have to go through a problem of selling it to somebody and then somebody coming back and redeeming the property. Commissioner Mayes asked if Mr. Ford normally sells properties that he has not had under his control for at least three years. Or are they not under his control until he is selling them. County Attorney Manning stated that until he goes forward with the process of acquiring those properties for delinquent failure to pay taxes. He stated that some property sits out there for a while before he

moves forward with the process to acquire that property. County Manager Poe stated that maybe some properties don't get bought on the Courthouse steps and so it becomes County property. Commissioner Mayes stated that it becomes County property, that is how it happens. County Manager Poe stated, "Yes, because nobody is willing to buy it under those conditions." Commissioner Mayes stated like some of the ditches they sold. Commissioner Fricks mentioned that they got good money for those ditches.

Chairman Hufstetler called for a Motion to approve the Quit Claim Deed. Commissioner Jennings made a MOTION. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Fricks

" Mayes

" Jennings

" Bennett

Chairman Hufstetler

Motion Carried

Chairman Hufstetler stated that one item he wanted to bring to everybody's attention on the minutes. He did not know if they noticed it or not, the minutes have been verbatim. These 18 pages of minutes are actually summary. He stated that they have the recording of the verbatim that would be kept on file. He stated that he wanted to see if there is any discussion on whether this would be acceptable to everybody or if they want to continue the verbatim.

Commissioner Jennings asked if he was saying that the minutes are a summary and the verbatim review is actually tape recorded and that is saved in perpetuity. Clerk Michele Fountain replied only for around two to three years.

Commissioner Fricks stated that they had discussed this a lot and he always had an opposition of summarizing because, and he had used as reference, getting to a summary, it is always personal preference. Somebody could realize something and they may delete something that he may think be important in the future. A lot of times, he knows that they make statements purposely and you (*the County Attorney*) nudge me quite often to make statements in order to cover themselves on a legal basis and in order to set precedent or at least being said during a meeting. That was the only precaution or concern that he used to have about doing that. He stated that as a matter of fact, it is funny and he did notice it last night and he happened to be reading his packet last night and it was on TV at the same time and he was looking and he was like, it is quite different, you know. Clerk Fountain stated that the Motions are verbatim. Commissioner Fricks stated that he thought a lot of these things are in discussion. It is usually not in your Motion. They rarely ever make a Motion, but they like to make references to items in order to say, he thought he remembered discussing that, and you tell him if he is

wrong, if a case were to get taken to court, only the information entered into discussion or the minutes is actually the one that they have to say that they use for consideration in their decision. Clerk Fountain asked if that would affect it, if you, say like if you save . . . it would really help because it is only on rare occasions that you hope you would have to go back and do that. She stated that they could save the tapes for as long as they (*the Commission*) wanted them to. There would only be like 24 tapes a year in addition to whatever the Called Meetings were. Commissioner Fricks stated that he did not know. Clerk Fountain continued . . . and then they could transcribe those portions that they needed verbatim transcription on, but there may be, and she did not know what the legal position would be on that as far as going back and getting those verbatim things and they are not part of the actual approved minutes . . . Commissioner Fricks asked how much work load would it save by doing this. Clerk Fountain asked what the question was. Commissioner Fricks asked how much time wise workload does she think they will conserve by doing this and it is a reaction right now because he knows that they are understaffed right now. Clerk Fountain stated that they would have . . . She had polled other counties and the majority of the counties use summary minutes, and it probably would save, she would say, like probably these last minutes would have been 28 pages and . . . Commissioner Fricks stated that he knew the last minutes probably are . . . County Manager Poe stated that the last two meetings . . . it was mentioned that the last three. The Clerk stated that it would probably have cut those, she was not sure what the number of pages were, but it cut them down significantly. Commissioner Bennett stated both an aberration and an abomination. Commissioner Mayes asked Clerk Fountain if they don't summarize the Sub-Committee meetings. She replied, "Yes, those are summarized." County Manager Poe stated that he guessed from addressing the legal standpoint, as Clerk Fountain had mentioned, most governments don't do verbatim. He stated that the City does even, and he was not saying that we need to do what they do, but it is even a more of a summary. In fact, we need to consider, like the Planning Commission, he had received some complaints about they do too much, there is no, the people he talked to do not want verbatim, but they want more than what they have now, so there has to be some . . . He stated that most governments have zoning and go through potential lawsuits with zoning.

Commissioner Fricks stated that his past precedent, he would say, probably Recreation Authority. If you look at the summarized minutes on there, you sometimes don't even realize you went to the same meeting. County Manager Poe stated that it can be taken to the extreme. Commissioner Fricks stated that it is up to the interpretation, you can get it too far, so how do you draw the line of going this far or that far, how do you define that? To him, it was simple enough, and he did not know, always the question that he was, what are they looking at saving, three hours, four hours of a person every two weeks, or it is ten hours. Clerk Fountain stated that no, they are sitting through those meetings. It was the duration of the meeting and then if there is any transmission that is garbled or you go back and replay that line and replay that line and replay that line, so it usually is quite a bit more than ever how long the usual meeting is. Commissioner Fricks asked how long. Clerk Fountain stated that she did not transcribe them, Monnie (*Toole*) does, but it probably be, she would estimate probably, you cut the number of pages on this by at least half and using this last meeting as an example . . . Commissioner Fricks

stated don't use last meeting, last meeting is a terrible example. He stated that it is the worse case scenario. What he is saying, on an average meeting on an average year, what do you think the effects of summarizing would do. He stated that what he wanted to do was weigh the benefits in timesaving on personnel to the benefits of having a verbatim minutes. That was always his point when he was Chairman, they had talked two or three times he knew about summarizing the minutes. Clerk Fountain asked about the possibility of having say, like when it is reviewed, if there is something that you feel is a situation that is not being covered adequately, have been summarized to too great an amount, that maybe you call in and say "I want this . . . Commissioner Fricks stated that he guesses he goes back to, he does not know two weeks ago what he said at a meeting, sometimes that is the reason he watches Channel 4. Sometimes he watches it to see what was discussion. Like he says, how do they know, when he (*the County Attorney*) prompts them over there sometimes to say that they need to add this in there and say this, whose discretion is it to decide whether that needs to . . . and you have told me that numerous times and there's reasons why he will say things, will you review this? It would be interesting to see if last week if it was deleted out. There were two items in there and he will go back through and he would go back through if she wanted him to that he (*the County Attorney*) told him to say in those minutes and have her say them so they would be placed in record. He stated that he would be willing to bet that they were probably deleted because they were pretty lengthy. Clerk Fountain replied that she did not know. County Manager Poe stated that he thought when you look at time, you look at Monnie's time, you are looking Tommy's time, and he is not sure out of all of this, how many of them actually read the whole meeting. Commissioner Fricks stated that he did not think anybody really reads, he doesn't. But he is saying . . .

Commissioner Jennings stated on the occasions when he had looked at them and he was just looking at some comments that he made in the last meeting. It is very close to what he said, now it wasn't in quotations, but the comments that he made on the 53/140 stuck really close to what he said. Commissioner Fricks stated that he is not saying that they probably didn't but . . . Commissioner Jennings stated that it is not a direct quotation, but his words are in that summary in the minutes, the statement in the minutes. He stated that he looked at it and it stuck very close to what he remembered saying. He stated that he did not know that he had been displeased with . . .

Commissioner Fricks stated that this is the first time they have done it. Commissioner Mayes asked if this is a trial. Commissioner Fricks stated that this is the very first time it has ever been done. Commissioner Mayes commented that this was a trial period. Chairman Hufstetler stated that he took a little liberty, he knew that this was a bad one and Michele was not here and rather than contact everybody, he told Monnie to do it this one time and if they needed to go back and redo it, she would do it. Obviously, her preference is to do summary, but that is only one of the many issues. He stated that he understood his (*Commissioner Fricks*) point very well, and he has some concerns in that same area. Commissioner Mayes asked what they thought would be a good trial period, how long, if they did it for three months. Commissioner Fricks stated that he did not think they were going to see the problem, you don't until it . . . (*Comment by Chairman Hufstetler and Clerk Fountain were not audible.*) Commissioner Bennett

stated until you have a problem. Commissioner Fricks stated that it is not, it may not, more than likely you may not have a problem, but all of a sudden you go in, say this last zoning change comes up and he thinks for the purpose he was asked to state the . . . give her the what was that, there were two items on both zoning issues that you asked him the conditions, he was asked to state the conditions so it could be placed into records and he purposely said, "Sue would you state the conditions or recommendations from the Planning Commission," and just briefly looking, he does not see them, do you? Clerk Fountain stated that they could specify what they wanted to have stated. They could say they want summary minutes, but we want the summarization from the Planning Commission statements from Sue Hiller verbatim. You could do that if you wanted to. She stated that it is up to them what they want to do, totally. County Manager Poe asked County Attorney Manning if verbatim, from a legal standpoint, he stated that he could tell them that we are the exception, rather than the rule. Does verbatim actually help you from a legal standpoint. County Attorney Manning stated that he thought that it just depends, you know. Commissioner Jennings stated that from a legal standpoint, if somebody wants the verbatim, they are going to get the tapes and they are going to go listen to the tapes, he would think. County Manager Poe stated that he was wondering if there is some legal reason why most governments don't do verbatim. County Attorney Manning stated that a lot of people like . . . County Manager Poe asked if it was from what they are trying to, a workload standpoint. County Attorney Manning replied, "No, he thought an edited version of minutes because, you know you have to give the flavor of what occurred, but there is . . . You are not saying word for word and so there is involved in that some discretion of how detailed you are and sometimes that can be a positive and sometimes it can be a negative, it just depends on what the issue is. He stated that he guessed what he is saying is that it is hard for him to answer that.

Commissioner Fricks stated "Let's, I guess use and I know in last reference to and you can look on Page 8 and Page 5 and on Sue Hiller's it doesn't review those things that he asked him to get her to restate twice in order to enter it on both zoning issues. He did not know the importance of it, but you felt it was important enough to ask her the question twice to get her to say it in our open meeting on two occasions and I did it and I did it not because I felt better about it or anything I wanted to hear her say it twice, you know, we felt like it improved our legal position." He stated that and too, tapes, how do they remember that she said it twice, two years from now. Are they going to go back through and listen to all of the tapes? On this, you could go reference back to, you can pull it once it gets on microfilm, not microfilm but on website, you can use cross references on key words and different factions like that and pull up statements and references and different things like that, but on tapes, you won't be able to do that. Clerk Fountain stated that was a valid point. Commissioner Fricks stated that he is subject, all he wants to do is make sure they are covered and he knows many times, both with Tom and with Wade there prior, there are many things that he would nudge them and prod them to say or make it a statement. They may have been sitting there looking at it and he prods them and he did not know that it had an effect on the legality of the issue or made their case stronger or better. But many times you will hear them say it just to add it into records and that could be eliminated. He wouldn't know what to delete or add in minutes himself.

Chairman Hufstetler stated what if they go ahead back to verbatim for this one and then maybe get everybody's thoughts on, he knows the Attorney probably needs to maybe think it through and think of issues. He stated that he knows that one thing he certainly wouldn't be comfortable with is only keeping tapes two years. He thinks that is way, way to short a period of time because they may get a lawsuit years down the line on a zoning issue. Clerk Fountain stated it could be any amount of time. Chairman Hufstetler stated that Records Retention would have to . . . and he is not ever sure that is the case, but why don't they study it and maybe everybody can come back to the next meeting and let's see their thoughts on it. He stated that he did think that Commissioner Fricks had some real valid concerns.

County Attorney Manning stated that while they were on that and he should have caught this and to be honest, he didn't, and he does read all of the minutes, even when they are verbatim and long and there are some . . . and he and Monnie have to talk about that every week. But, he knows they approved those minutes, but why don't you, before we adjourn, readdress the minutes question with regard to that page 5 and 8 and allow and insertion for reapproval at the next meeting with those discussions. He stated that Commissioner Fricks is exactly right, that he had prompted him to ask the questions because there were concerns there and he would like to have those in the minutes. County Attorney Manning stated that he guessed what he would say is why don't you again take up the issue of the approval of the minutes and say that . . . Commissioner Fricks stated, "with the revisions." County Attorney Manning stated, "That you are going to approve the minutes at the next meeting, once those revisions have been made and rescind the action that you have taken approving them today." Chairman Hufstetler stated that they would go back to Item 4 on the Agenda, which was the approval of minutes and he asked if there was another Motion that would like to be made on that. Commissioner Fricks stated that they are looking at him. Chairman Hufstetler stated that the Attorney needs to know (*remainder of statement was not audible*). Commissioner Bennett stated that he was the one that brought it up. Commissioner Fricks made a MOTION that they rescind the previous adoption of the minutes and that they now approve the minutes of the last meeting, but with the amendment of the addition of the conditions of Staff Recommendations on items on page 5 and page 8 on Sue Hiller's recommendation. He asked if that was sufficient on that. County Attorney Manning replied, "Yes." SECOND by Commissioner Bennett. VOTING:

YES

NO

Commissioner Fricks

" Mayes

" Jennings

" Bennett

Chairman Hufstetler

Motion Carried

Commissioner Bennett stated that just in a little further discussion of that, if there is some way doing this digitally or something like that, instead of tape, he is not really trying to get real scientific with it. He stated that he knows himself, in the Planning Commission, and they passed that amendment the other day to the ULDC without really reviewing specifically what that said and maybe some of the flavor of the discussion around it, there could be a discussion as to what actually happened. Further in the Planning Commission, they are now reviewing the ULDC because it is not complete, but knowing the parts that they are being asked to pass is also not complete and, in fact, did not include the change to the ULDC that they just passed, so it could have been passed again without including that which took two years to get passed. And it would be the New ULDC without that in there once again, came up before about what would be the official documents on the zoning maps and this was supposed to be some computer generated map and he asked the question, "What if somebody made a wrong key stroke, got a wrong coloring, well that would still be the official map. Well, it may be the official picture, but not necessarily the official map." He asked how do they make these revisions that they are doing without really the verbatim, and he is not trying to increase work at all, but he sees some things there that they are affecting some laws or ordinances out there and unless you have that down word for word and actually with the tape backup to be able to go and support it in the event there is a typo. He stated that he scans through there and he finds a typo, it is not necessarily just grammar, it has some meaningful implications in some of the things that they do. Not that what they do is so important, but he means that people rely on what they do in order to make decisions and he thinks it needs to be a pretty pristine document personally to kind of see where they really were.

Chairman Hufstetler stated that he is not familiar with the technology out there, but he thinks that is something they ought to look at.

#### **ADJOURNMENT:**

Chairman Hufstetler asked if there was any other discussion and if not could he have a Motion to Adjourn.

Commissioner Mayes made the MOTION. SECOND by Commissioner Bennett. Commissioner Fricks stated that he had some discussion. He asked if they could not use, like video tapes from the Library. Well, they don't cover it all, like last time they were here. Commissioner Bennett commented that they ran out of tape, and that is one thing, like say, if you are going to rely on this media, we need to make sure that the things from the Podium and, there again, not to get real technical, but to make sure that that is a part of the record if that is what you are going to rely. He stated that it is kind of interesting that they sit here and said, "Well, some of this was garbled and that takes a long time to do, the fact that it is garbled, if you didn't discover it was garbled for three years later, so to speak, if it were summary rather than verbatim, at least the garbling is addressed at the time they are trying to get verbatim minutes, which it may not be the case. Commissioner Mayes stated that he believed that the TV transmissions are clearer than it is for the people out in the audience. Commissioner Bennett replied, "Definitely." He stated that there is new storage technology; he was sure, to where you can keep this for a long, long time for people to access it. Chairman Hufstetler asked if there was any other

discussion, if not, he stated that there was a Motion on the floor and asked that the roll be called. VOTING:

YES

NO

Commissioner Fricks  
" Mayes  
" Jennings  
" Bennett  
Chairman Hufstetler

Motion Carried

**COMMISSIONERS**

**FLOYD COUNTY BOARD OF**

**CHUCK HUFSTETLER, CHAIRMAN**