

July 13, 2004

**REGULAR MEETING  
FLOYD COUNTY BOARD OF COMMISSIONERS  
July 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 Chairman Hufstetler.

**SERVICE AWARD PRESENTATIONS**

Chairman Hufstetler asked that the Commissioners join him to present the Service Awards to employees for 20, 25 and 30 years. Chairman Hufstetler stated that the first two are with the Floyd County Police Department and, on behalf of all of the Commission, there had been a tragic week, but they do appreciate the hard work, the long hours of overtime that the Police Department had put in and especially the professional manner that they have conducted themselves in during this time. The following employees were awarded a certificate and pin:

Howard Mitchell, Floyd County Police Department, 30 years  
Bill Shiflett, Floyd County Police Department, 30 years  
Anne Brinkley, Prison, 25 years  
Leola Winslett, Public Works, 25 years  
David Reeps, Floyd County Police Department, 25 years  
Lisa Hawkins, Prison, 25 years  
Betty McCollum, Floyd County Sheriff's Office/Jail, 20 years  
Steve Pruitt, Public Works, 20 years  
Glenda Caldwell, Magistrate Court, 20 years  
Priscilla Caldwell, Magistrate Court, 20 years  
Catherine Fricks, Juvenile Court, 20 years  
John Robinson, Public Works, 20 years  
Judy Emerick, Floyd County Police Department, 20 years  
Gwen Bartlett, Tax Assessor, 20 years  
Glen Easterwood, General Services, 20 years  
William Peace, E911, 20 years

Chairman Hufstetler thanked them for their many years of dedicated service and the job everyone does every day for the citizens of Floyd County.

**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 Bennett made a

MOTION to adopt the minutes of the Regular Meeting of June 22, 2004 as presented. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Fricks  
" Mayes  
" Jennings  
" Bennett  
Chairman Hufstetler

Motion Carried

**FIRST READING  
(SECOND READING/PUBLIC HEARING  
TO BE HELD JULY 27, 2004)**

**FILE #35-2004Z, REQUESTS REZONING  
FROM S-R (SUBURBAN RESIDENTIAL)  
TO M-R (MULTI-FAMILY RESIDENTIAL)  
TO BUILD DUPLEXES ON PROPERTY  
LOCATED AT 1062, 1056, 1058 OLD  
SUMMERVILLE ROAD.  
ZONING MAP J-11X-336.  
(PLANNING COMMISSION RECOMMENDATION:  
APPROVE [VOTE – 8 – 2])**

**FILE #36-2004Z, REQUESTS REZONING  
FROM C-C (COMMUNITY COMMERCIAL)  
TO S-R (SUBURBAN RESIDENTIAL) FOR  
SINGLE-FAMILY RESIDENTIAL USE ON  
PROPERTY LOCATED AT 1650 HUFFAKER  
ROAD. ZONING MAP G-12X-018.  
(PLANNING COMMISSION RECOMMENDATION:  
APPROVE [VOTE – 9 – 0])**

**FILE #39-2004Z, REQUESTS REZONING  
FROM O-I (OFFICE INSTITUTIONAL) TO  
H-TR (HIGH DENSITY TRADITIONAL)  
FOR SINGLE FAMILY RESIDENTIAL  
USE ON PROPERTY LOCATED AT  
3018 MAPLE ROAD. ZONING MAP J15Y-130.  
(PLANNING COMMISSION RECOMMENDATION:  
APPROVE [VOTE – 9 – 0])**

Chairman Hufstetler stated that these items are placed on First Reading and that the Public Hearing for these items will be held on July 27, 2004 at 6:00 p.m.

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

**AMEND §2-4-20 THROUGH §2-4-70 OF THE  
CODE OF ORDINANCES OF FLOYD COUNTY,  
BEING ALL OF CHAPTER 2-4 ENTITLED  
ALCOHOLIC BEVERAGES.**

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

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

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

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

Chairman Hufstetler stated that the Public Hearing was closed and asked if there was any discussion on this and asked that the County Attorney give a brief presentation on this.

County Attorney Tom Manning stated that, at the request of the Commission, this is an effort by his office to do a substantial rewrite of the ordinances in the County concerning alcoholic beverages. It makes a number of changes, many of which were set forth in a recent memo to the Commissioners. It insures a criteria by which the Commission is to make its decision concerning whether licenses are granted and whether renewals are granted. It has increased responsibilities concerning who makes inquiry about a potential licensee with the Police Department, with the Fire Department, with the Building Inspection Department. It also does add the ability of individuals or businesses in the County to sell wine for consumption on premises and there is a separate license for sell wine for consumption off premises. There already had been in existence for some time the ability to do that with regard to malt beverages or beer. It also has in it a much more updated statute concerning adult entertainment prohibitions. County Attorney Manning stated that he thought that it might be good for the record to ask Captain Larry Payne who has been in law enforcement a number of years and currently serves as Assistant Floyd County Jail Administrator questions about adult entertainment and alcohol. He stated that he would be glad to do that before the Commission votes and that is his recommendation.

County Attorney Manning stated that those are the major highlights. In the information he had submitted to them today, there were several minor changes and they are all listed on the cover sheet. None of the changes in his opinion were substantial. He stated that he would be glad to go over any of them. He stated that one thing they also had, he had two versions for them, one is there is a requirement for a distance, in the last draft received at the last meeting, of 1,000 feet that is required for new licensee, there must be 1,000 feet from any church, library, school, college, public park, public housing, public hospital, private residence. He stated that he thought the current code is 300 feet, he had two versions, it could be done either way they wanted. County Attorney Manning stated that people that already have licenses are grandfathered in so it would not affect them, but it would affect new licensees.

Commissioner Fricks asked what the City's distance was. County Attorney Manning replied that the City's distances vary, most of them were 300 feet, there were a couple like 150 feet from a private residence. He had changed the County's to a flat 300 with regard to all or the 1,000 that was in the original draft. He stated that he would leave that to the discretion of the Commission.

Commissioner Jennings asked if this establishes a fee schedule for licenses. County Attorney Manning replied that it does not, that is separate. He stated that he had some information for them on fees that he had obtained. Commissioner Fricks stated that was one thing that he had looked at, that Clerk Fountain had obtained some information, and we are way behind on our fee schedule. He stated they are way behind on the fee schedule, he thought it was \$500 and on the County and the average, by the time they did inspection and application process, they were up to \$1,500 and \$2,000 in some cases on the licensing. Commissioner Fricks stated that one of the things they probably should get in the habit of doing is incremental increases. County Attorney Manning stated that the license fees are supposed to be, according to the law, revenue neutral, but we certainly want to make sure that we are not backing up. Commissioner Fricks stated that if they look at the revenues in the budget line, they have dropped probably pretty substantially County Attorney Manning stated that he had some information which he could find for them and he might suggest that if they do pass this amendment, they might want to do it effective a certain date, possibly September 1, which would give time to establish any new fees that they have. Also they have worked hard on this ordinance, there had been a lot of time put in it, but he thought there is going to have to be a new application, that has not been generated yet in connection with this. That might give a time to work out all of those details as well.

Chairman Hufstetler asked, "The 300 versus the 1,000, he really had not been involved in this, but what is the thinking there or the criteria? Are they trying to match what somebody else is doing?" County Attorney Manning replied, "No, what they are talking about is distance from a school, church, library, college, public park, public housing, public hospital, private residence, and the thought was that you were making some changes and that would just insure that maybe ones who had some opposition, that would require a greater buffer between them. He stated that he thought the current code requires those distances to be 300 feet. He stated that they have both options before them.

Commissioner Jennings asked if the current code is 300 feet. County Attorney Manning stated that he thought it stated 100 yards, but 300 feet, and the City code is 300. Commissioner Fricks added, 300 on most and then 100 on some. Commissioner Fricks stated that was one of the things he had looked at. He stated that 1,000 feet is not an issue with him, but getting some consistency in terms of it, like Building Inspection, who does the evaluations, this one would be 100 feet, this one would 300 feet, he was looking at consistency. He stated that he does not have a problem with 1,000 feet, but he does not know that would make a lot of difference. County Attorney Manning asked that he be allowed to ask Officer Payne a few questions. Commissioner Fricks stated that he had initiated this last year as Chairman, and once they looked at it, their original ordinance was written in 1988 or 1989, so there were a lot of antiquated elements in there. A lot of the additions, which were added, that were talked about were elements from the beverage license ordinances from the City of Rome. County Attorney Manning stated that there is also a provision for a Temporary License for a non-profit corporation, such as the Steeplechase, he knew that at some point in the past they had requested that they might have a license, and there was not a provision in the local code for that. Commissioner Jennings stated that he would like to hear the comments from Officer Payne. County Attorney Manning asked Officer Payne if he minded answering the questions.

There is a section in there, and he thinks it is very important to the County, that is regarding a prohibition of adult entertainment. What he would like to get into the record would be some questions to you (Officer Payne) regarding that. First of all he asked him how long he had been in law enforcement. Officer Larry Payne replied, approximately 14 years. County Attorney Manning asked him if it was his opinion that the sale and consumption of alcoholic beverages in establishments that allow adult entertainment or nudity, that when you have those two things together, alcohol and adult entertainment, that that begets criminal behavior and undesirable community conditions. Officer Payne replied, "Yes, sir." County Attorney Manning asked if that was based upon his training as a law enforcement officer and his understanding of how that works around the State. Officer Payne replied that statistics show that anytime you combine the two together, you have problems. County Attorney Manning asked him, since he mentioned the statistics, had he seen studies that set forth those findings. Officer Payne replied, "Yes, sir." County Attorney Manning asked, "Among the criminal behavior that may occur with regard to adult entertainment and the mix with alcoholic beverage, would that be such things as disorderly conduct, prostitution, drug trafficking and drug use. Officer Payne replied, "Yes, sir." County Attorney Manning asked if those would cause undesirable community conditions such as depression of property values, having to spend more on law enforcement and having an increased burden on the judicial system, is that a fair statement. Officer Payne replied that "in his opinion, yes." County Attorney Manning stated that limiting these kinds of adult entertainment with alcohol, limiting that would be in the best interest of the public welfare as well. Officer Payne replied, "Yes, sir." County Attorney Manning asked if it was a matter of governmental interest and concern in his opinion that the law enforcement officer to prevent the occurrence of criminal behavior and undesirable community conditions, that are normally associated with adult entertainment and the sale of alcohol. Officer Payne replied, "Yes, sir." County Attorney Manning asked Officer Payne would he set forth for the Commission in the strongest terms that there should be an adult entertainment

prohibition statute. Officer Payne replied, "Yes, sir." County Attorney Manning thanked Officer Payne.

Commissioner Fricks stated that in consideration of opinions, they have added the statute in there, eliminating it from. . . Chairman Hufstetler asked what other discussion the Commission wanted to have on this. Commissioner Jennings made a MOTION to approve the New Alcohol Beverage Ordinance for Floyd County and the version that makes them consistent with the City of Rome. County Attorney Manning asked if he was referring to the 300 feet version. Commissioner Jennings replied, "Yes." County Attorney Manning asked if he wanted to do that effective September 1. Commissioner Jennings stated, "Why don't we do that September 1 with the idea that we would revisit our fees and our application process." Commissioner Fricks asked if they look at it September 1, will someone wanting to initiate it this year, will they be required to come in and purchase a new license and would that license . . . Right now our license renewals start, actually they begin in January, but they start coming in to do revised licenses . . . County Attorney Manning stated that this new code calls for the renewals to be in by November 15<sup>th</sup>. Commissioner Fricks asked if, to initiate it will they be required to go ahead and purchase a new license and would that license be good for . . . County Attorney Manning stated that it would be good to the end of the year and there is a provision in there regarding the proration of fees if someone purchases a license during the middle of the year. Commissioner Fricks asked, "If they have an existing license?" County Attorney Manning replied, "Yes, all of the existing licenses will be, they are for and effective through the end of the year and would continue in affect."

Commissioner Bennett asked if this ordinance would not affect those who currently have a license adversely, is that correct? In other words if they came time to renew it at the first of the year, some of these requirements are a lot more stringent than the current law, therefore somebody would be precluded from buying or renewing their license because the new code is more stringent than the old. County Attorney Manning replied, "That is right, he did see this and asked for their instruction, that there is a requirement to be a U.S. citizen and that could potentially come in to play with regard to renewals. He stated that there is language in there regarding grandfathering of any established licensee with regard to the distances and the like, but that would potentially factor in. He stated that most businesses are a corporation; of course Michele's (*Fountain*) office can speak to that more than he can because he does not see them come in, but he would think that. So, if you had a Georgia Corporation, even that was owned by somebody who was, say a resident alien, they may probably be able to go forward, but if you had an individual proprietorship with somebody who was not a U.S. citizen, that could be problematic. He stated that he did not know how much there is now, so he would bring that to their attention. Commissioner Jennings stated that they would deal with that as it comes up.

Chairman Hufstetler stated that there was a Motion on the floor and he was not sure if there was a Second. Commissioner Fricks SECOND the Motion. Chairman Hufstetler asked if there was any further discussion needed. There being no further discussion, Chairman Hufstetler asked that the roll be called. VOTING:

YES

NO

Commissioner Fricks

Commissioner Mayes

" Jennings  
" Bennett

Motion Carried

\* Chairman Hufstetler abstained because, as most of them know, his restaurant does not sell alcohol, but this could affect his competitors and he feels that it is better that he not vote on this issue.

## **VOTE ONLY**

**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, MAY 25, JUNE 8,  
AND JUNE 22, 2004 MEETINGS)**

Chairman Hufstetler stated that this item did not require any action today, but they did want to give notice that this will be coming up at the next meeting. County Manager Poe stated that was correct and notices were being sent to that effect.

## **CHAIRMAN'S REPORT.**

## **APPOINTMENTS.**

Chairman Hufstetler stated that there no appointments to be made.

## **COMMISSIONER'S REPORT**

## **ADMINISTRATIVE/FINANCE COMMITTEE.**

**DISCUSS PURCHASE OF VEHICLES  
FOR FLOYD COUNTY SHERIFF'S  
DEPARTMENT.  
(DEFERRED FROM MAY 11, MAY 25,  
JUNE 8 AND JUNE 22, 2004 MEETINGS.)**

Commissioner Fricks, Committee Chairman, stated that the only item from Administrative Finance is to discuss and see if they wanted to move forward on purchasing the vehicles for the Sheriff's Department. This had been deferred from May 11, May 25, June 8 and June 22. They had discussed a compromise position with the purchase of, and he did not remember the number . . . County Manager Poe stated that the last proposal he had heard was two Chevys and one Ford. Commissioner Bennett stated that the total vehicles were three and that would have been correct.

Chairman Hufstetler stated that he had had some concerns with the way vehicles have been handled in this department. They had approved a 4-wheel drive vehicle for emergencies and snow and things like that in the past and this was turned into a personal vehicle, which he understands has a private tag on it now; had been wrecked out of state and hasn't gone through the bidding process for this wreck to be fixed and additional accidents haven't gone through the Accident Review Board. Commissioner Mayes asked if all accidents have to go through the Accident Review Board. Chairman Hufstetler replied that he would think that they would, but at least a merit employee should and one of these was a merit employee at the time of the accident.

He thought that since then he had been moved to non-merit. Chairman Hufstetler stated that he thought if they had had an accident, then would want to go through the review process. County Manager Poe stated that he thought all merit employees have been through Accident Review Committee. He stated there were two that didn't, but they are not merit employees. Commissioner Fricks stated that on those concerns, he would go ahead and make a Motion and see if they can either take action or not, vote it a "no" and if there are concerns they should follow-up and pursue those concerns. Commissioner Jennings stated that actually purchase of the vehicles is one issue and he thought there certainly are perhaps some other issues. Chairman Hufstetler stated that if they purchase the vehicles are they going to again be used for personal use. Commissioner Bennett asked if there was a policy written or was it at the discretion of the Department Head as to the use of the vehicle. Commissioner Fricks stated that they do have a written policy, it had been revised about a year and a half ago, he thought. County Manager Poe stated that through the Sheriff's Department, they have their own policies and it is at the Sheriff's discretion how ... Like through the Police Department they have a policy that is approved through the County Commission, administered by the Manager. In the Sheriff's Department, he administers his own Vehicle Use Policy. He stated that it is his understanding that he does have a written policy, but that is something he does independent of the Board of Commissioners. Chairman Hufstetler asked if a private tag was typical, he knew that issue had been addressed by some people, lately. County Manager Poe stated that the only vehicles that would have private tags on would be undercover vehicles. Commissioner Mayes stated, "so, no other elected officials or whatever put private tags (on)." County Manager Poe stated that, for instance, his vehicle has a government tag on it. Most of them are supposed to have markings, unless they are exempt, and have a government tag. Commissioner Fricks stated that he thought in our Vehicle Policy is the requirement of identification unless you establish the fact, they have a certain amount of days to put a sticker on the car saying it is a County vehicle unless it is one identified as an exception. County Manager Poe stated that they could be exempted for public safety vehicles.

Commissioner Fricks made a MOTION to purchase two of the Chevy Impalas and one of the Ford Crown Victoria's. SECOND by Commissioner Jennings. Chairman Hufstetler stated there was a Motion and Second and a recommendation on how to address the accidents not being reviewed on the vehicles with private tags. Commissioner Jennings asked what was the normal review process. County Manager Poe stated that typically they go through the Accident Review Committee and the employee is either determined to be at fault or not at fault. If they are determined to be at fault, there are disciplinary procedures. Also when they have accidents, they determine what the value of the accident is to get some input into what kind of disciplinary action to take. They also typically get bids for repair of vehicles that are wrecked as normal purchasing procedures. Commissioner Jennings stated that this is the first he had heard of these discrepancies. He asked the County Manager to check the records of the Accident Review Committee and see if they agree with ... County Manager Poe stated that they do know that these two accidents did not go through Accident Review Committee. Both of the employees are not merit employees and it is at the discretion of the Sheriff whether he wants to send those through Accident Review Committee or not. On these two situations, he chose not to. Chairman Hufstetler stated that he was told that Charles was merit at the time, he may be misinformed on that. County Manager Poe stated that he would have to double check that. He stated that they would prefer all accidents to go through the Accident Review Committee. Commissioner Bennett asked if this was by statute or by policy. County Manager Poe stated that they do not come under the Merit System; they can't take disciplinary action against the Sheriff or his appointed staff. It would just be a procedural type thing. Commissioner Mayes stated that an investigation would at least show whether or not the person was driving while drunk or doing some other things that are not right with County property and which could endanger the lives of citizens and the property of others, so it seems that they have a duty to provide that safety net. County Manager Poe stated that there were accident reports filed by the Police Department in the jurisdiction that the accident happened. Commissioner Fricks asked when these happened, did they know. Chairman Hufstetler stated that he thought one was last year and one was the year before that and another one may have been last year, but it was a minor one. County Manager Poe stated two or three years ago. Commissioner Bennett stated that if it is our vehicle and we are responsible for its operation, and



he is not trying to extend any authority that we don't have, but it would seem like that if it was damage to County property, which is purchased by the County, that we have some avenue or authority, he did not want to say right, but do they have someone to look into that and if, in fact they determine they are, are they precluded from doing that, is that what he hears, because they are a constitutional office they are precluded from asking the question or pursuing. County Manager Poe stated that they could not force anything, they could only encourage cooperation. Commissioner Bennett stated that they are precluded then, from doing that. County Manager Poe stated that they like to know issues like that because the Board of Commissioners are paying all of the premiums to cover the insurance, workers comp claims and such. Commissioner Bennett stated that this is just a new procedural thing that he is discovering, being new on the Commission, he knew there was certain authority that they don't have, but over our property, he would think they would have authority over it and being responsible to the people who actually bought it, and that would be the taxpayers. In this instance, he thought they had gotten report on some vehicles, that they have some pretty high mileage vehicles out there that the Sheriff is using. Commissioner Bennett asked how many vehicles we were going to receive back, just three vehicles, is this a one for one swap or has there been discussion on that. Again, if we are buying vehicles that aren't being used properly in the performance of the duty and there seems to be a question, whether they are being properly used, maybe that is an undercover vehicle, he does not know. He puts a tag and no decal on it, it is not identified then as a County vehicle. There is an exemption for that for undercover so that might be the determination if it is an undercover vehicle. County Manager Poe stated that typically it is one for one, for every vehicle they buy, they have to turn one in. Commissioner Bennett stated that basically they had determined that all vehicles that have been allocated to various County departments are the appropriate number of vehicles, so we have one for one swap. County Manager Poe stated that the intent in that they do not add to the fleet, and just replace vehicles. Chairman Hufstetler stated that he would like a review in this area before the next round of purchases at the least. He stated that they need to review what is going on there.

VOTING:

YES

NO

Commissioner Fricks

"

Mayes

"

Jennings

"

Bennett

Chairman Hufstetler

Motion Carried

## **WATER COMMITTEE.**

Commissioner Jennings, Committee Chairman, reported on a presentation that they had in the last Water Committee Meeting from Bob Moss, who had been contracted to look at the Lindale Mill water source. He stated that this is actually multiple water sources. There are springs, wells, water withdrawal from Silver Creek, there are aging pipe systems from these variety of water sources that go to a 2 million gallon reservoir that is leaking. They are inquiring, but not making a recommendation at this point, whether to pursue this water source or not. They are seeking some information about the Lindale Mill permit from the State and whether that permit could be transferred and whether there would be additional requirements in the permit. But, suffice it to say, there are some pretty serious questions about that as a potential water source. Part of that is that is in the part of the County where we have significant water source. They might be more inclined to think about this really seriously if it were in the northern part of the County. They are in the processing of looking through that. The current owners of Lindale Mill were present at the meeting, saw all of the maps and heard all of the discussions, so they have been kept in the loop as far as information. Eventually they will have a report to the Commission as to whether to pursue that or not.

## **SPECIAL COMMITTEE REPORTS**

### **LOCK AND DAM PROJECTS.**

County Manager Poe stated that new bid documents had been received based on coming up with a new Scope of Work for the Lock at the Lock and Dam. They anticipate that will probably be bid in the next 30 days. This project is using T-21 funds so the DOT has to approve the specifications. He stated that it is a very, very scaled down Scope of Work. Commissioner Jennings stated the work needs to be done in October, November and December when the river levels are down and they can get at the facilitation, for example, on the locks. He stated that should be moving forward some. Commissioner Fricks asked what were the bulk of the changes. County Manager Poe stated that mainly dealing with silt, they are going to take out enough silt to where . . . What they want to do is get to the point where they can do a complete inspection of the structure, including the working component to actually determine the feasibility of going on or not. One option is that they get in there and find out that it is a lot worse than anybody ever thought and be a lot more costly and they will have to reevaluate what they do. They may find out that they don't need as much work and it might be easy to get the components working again. Basically it is just to be able to get in there and do an analysis of existing structure. They even talked about, if they abandoned the project, they might find out there is something they need to do to stabilize the structure. Commissioner Jennings stated that he thought it was prudent that they do this first phase just to find out. It could be that they just decide to leave it alone. Commissioner Mayes interjected, "Weld it shut." Commissioner Jennings stated that they need to know if it is safe to leave it alone.

### **PARKING COMMITTEE.**

Commissioner Bennett stated that they did hold a meeting last week and gathered some statistics on the use of the Forum, the number of events that might put a demand on the parking facilities that they have. There had been a prior meeting with some of the members of the Committee and the developer on the old Battey property. He stated that he thought they had decided to gather more information. At this point, there was some discussion about going ahead and doing a conceptual drawing of a deck, he guessed in anticipation the deck is going to be necessary and required to meet the parking requirement. At this point they have done, in house, a layout of the gravel parking lot and the altering of the entrance into the Forum so that it is not offset from Mitchell Plaza which comes through there to try and carry the theme of Mitchell Plaza on to the river instead of across the asphalt parking lot. That will mean altering some of the parking in front of the Forum now, so they have a drawing of that. In conjunction with that, it would give them the ability, either during Forum events or during non-Forum events, to have a parking lot that would be controlled with a gate which would allow charging for parking. That is one thing being considered because the developers down there will have parking. He stated that it would be our decision as to whether or not they would charge people if they were using the Forum. This device would allow them to use a token that could be issued to somebody who had an event in the Forum so that they could come and go at no charge, that would be a part of their rental of the Forum. But the people shopping on Broad Street or who might live downtown and need off street parking, it would allow them to have some cost recovery of that improvement. Commissioner Mayes asked if they are moving ahead with the planning. Commissioner Bennett stated that they are still, as far as he is concerned, trying to establish that there is, in fact, a need for a deck and there were several concepts proposed for how the deck would be constructed, whether you go down, or up or tie it in second floor of the Forum or the first floor of the Forum. There are some more issues that need to be addressed. No decision was made on that, he thought they were still trying to verify the demand for parking to see if, in fact, it would require a deck at this time. Chairman Hufstetler stated that the one thing that he hoped the Committee would do also is remember they are looking jointly with the City at parking for all of downtown Rome, including with the pedestrian footbridge the parking available on the other side. They need to look at the

whole picture. He asked if Ann Arnold had made a presentation to the Committee. Commissioner Fricks stated that she had provided information. County Manager Poe stated that she had sent a memo with some information with John Bennett. Commissioner Fricks stated that at the first meeting, they had an inventory of all of the spots available and the demands and all that of basically the downtown area. One area, the pedestrian bridge, is going to add some impact to it, he thought. He stated that one of the main elements they are talking about that he thought would also be a necessity, that they, as a County, might want to even start pursuing and start getting some information on is those control gates. He thinks that they are looking at coming on board and he asked the projected dates on opening. Commissioner Bennett replied that it will be very soon. Commissioner Fricks stated that right now, insuring and protecting the parking spaces that are available, he thinks will be a key element, so they can be provided for people that are Forum users. Commissioner Jennings stated that you can go over there at 8 or 9 o'clock in the morning and find people parking there and walking across the street to their job in downtown Rome. Commissioner Fricks stated that they are a monthly parking spot right now, that is what it basically comes down to.

County Manager Poe stated that one question he has, considering that he imagined they would start on their surface parking lot pretty soon because they were talking about opening up some of their retail and restaurants in August. They do have a proposed layout for a surface parking lot. If they need to go ahead and be making plans to, like had been said, once the go ahead and put that in and put up their parking, all that is going to do is run everybody over into our lot. He asked if they need to go ahead and be making plans to look at doing that in-house or contracting it out. Chairman Hufstetler stated that he thought them might need too. As far as the deck, it really won't have too much of an affect either way on it, would it? Commissioner Bennett stated that in the expense, they will have to put in a coat of asphalt. The drainage, he thought is probably already there, so it is just a matter of tying into what is there. The other would be to align the street there on Mitchell Plaza to come in, which he thought would be an enhancement anyway, and anticipating that the City is going to eventually figure out some way to build the pedestrian bridge that ties all the way across that plaza, through our parking lot over to the bridge that gives you access to the other side of the river. He stated that he thought that at a minimum they could go ahead and do that. Commissioner Fricks asked if he was talking about putting in curb and guttering and everything. County Manager Poe stated that was the question. Commissioner Fricks stated that right now, even by doing that, you are not going to gain any more spaces. You already have so many existing spaces; you may gain 10 by organizing the parking a little bit, but right now there is lined off parking there. County Manager Poe stated that was really his question, to what extent they go. He thought they need to do something because they are going to be doing something next door, but to what extent do they, obviously probably take out the existing curb and gutter between the two lots to make one big lot. Commissioner Bennett stated that could be done to provide access between them and then just put up a chain or something along Tribune to where people will go through that gate situation. He stated that the gate they had been looking at would be compatible with the developers so that they could trade out if they had an event were people from their event used our parking space and they gave them a token to use, we could present it to them for payment and vice versa. It would work that way and that is one of the determination they made, that they would have a compatible system so that if it got to be used jointly, that it would be available to do that. County Manager Poe stated that if they are going to try to centralize the entrance, they are going to need to do some curb and gutter work to try to funnel people. Commissioner Fricks stated to at least do the cover work on the outside and to control your entrance. Commissioner Jennings asked if they were saying that the possibility of doing a joint City/County/Private Developer parking deck, just is not going to work? Commissioner Fricks stated that every indication anybody has gotten in terms of the private sector participating, he did not think they had any interest in it at all in participating in a deck. Commissioner Bennett stated that they are not going to. Commissioner Jennings stated that if this is going to happen, it would have to be a City/County and it would have to be primarily on the County property, either including current parking at the Forum, the defunct hotel site and the property next to that. He asked if they had any idea of what that parking, how many spaces, compared to how many spaces surface parking they have had. Commissioner Fricks stated that

County Manager Poe had a drawing of that. County Manager Poe stated that they would end up with about 175 ground parking spaces. Commissioner Jennings asked if that was if they do what they are talking about now. County Manager Poe stated that was including keeping Mitchell Plaza, which is about 36 feet wide, keeping that open all the way through. He stated that was 175 spaces on our lot and 150 on the private developers lot. Commissioner Jennings asked if they put in a parking deck, how many spaces would they have. County Manager Poe replied that it would be roughly 370, on just our property. County Manager Poe stated that it depends on how high you go, if you do two levels, it would be 250, if you go three . . . Commissioner Bennett asked about how many per level of the deck. County Manager Poe stated that it would be a little over 120 per level. Commissioner Bennett asked if that was allowing for the lost spaces down below for the ramp. Commissioner Jennings stated that they are talking about a three layer deck to get 300 and . . . County Manager Poe stated that the previous layout was three levels, 370 spaces, actually it has a portion of a fourth level ramp going up. Commissioner Jennings stated that some of that was potential leased space.

Commissioner Fricks stated that one thing that was alarming a little bit was some of the intentions, like the retail space, the hotel and all of that. He thought their intentions, and he can't say that for fact but this is what they said, that they were not intending on providing any parking spaces for their employees. You are talking about a potential 10 retail spaces, a restaurant and a hotel, that adds a lot of cars to the element right there in itself. He stated that if they don't do any charge or any control gate, you already know where those employees are going to be parking. Chairman Hufstetler stated that when they do that, when you push one area of downtown, it shifts to another area and it is going to stress other areas of downtown. Commissioner Mayes stated that it is already stressed. Chairman Hufstetler stated that it will stress it even more. Commissioner Jennings stated, "When they were pursuing that parking deck the cost of that deck was . . .?" County Manager Poe replied, "\$3.5 million." Commissioner Fricks stated \$3.3 million for a three story deck. Commissioner Bennett stated ground level and two floors. Commissioner Fricks stated that was with a substantial amount of Project Management Fee. Commissioner Jennings asked what they could build that deck for. County Manager Poe stated that it will be \$3 million plus. Commissioner Bennett stated \$15,000 per space for 200 spaces. He asked how much revenue was being received per month for parking. Commissioner Fricks stated that they had been looking at \$25-\$35. Commissioner Bennett stated that at \$1 a day, \$365. Commissioner Fricks stated that when they had pursued it before, they had some commitments. County Manager Poe stated that it had been \$35 a month, lease parking. Commissioner Bennett stated that would be \$400 a year in revenue per space. Commissioner Jennings asked if it was costing \$1,500 per space. Commissioner Bennett stated that it was \$15,000 per space. Commissioner Jennings asked if the City of Rome would participate in the financing of the deck. Commissioner Fricks stated that the other day really nobody was making any commitments, they were just looking at areas of exploration. He stated that he did not think the City . . . They have some desire to support downtown merchants. He thought that was a very key element and the viability of downtown. He stated that is what they continue bringing up because they feel that there are some issues there. Commissioner Fricks stated that our focus is the viability as well as supporting our facility that we have invested in. He stated that nobody said they will participate or they would pay for this or anything like that. He was under the understanding that they were going to pursue, basically some companies to see about getting some conceptals. It kind of gives them concepts of what could be there, how the aesthetics of the concepts would be, what our net gain in numbers of spaces would be, then you could take the conceptals and plug some numbers into it. Commissioner Jennings stated that he would like to see that before they commit to paving that lower level. If we are going to pave that lower level, he thinks that we need to do it right. We need to do good landscaping. We need to have sidewalks that connects into the Riverwalk system and that is going to take some money to do it right. Commissioner Jennings stated that they should not be doing that if there is any possibility that they are going to put in a parking deck. He thinks that they need to rule out or rule in the parking deck before they sink any money into going over there and paving it. Commissioner Fricks stated that he would say that the only urgency that they might want to get is control gates, even if they don't improve the lot because that is going to come into place when . . . Commissioner Jennings stated that he

thought it already was an issue and it is just going to become more with the . . . Commissioner Fricks stated that if they could coordinate that, he thought that would be a key thing. Chairman Hufstetler stated that he thought the only thing on the paving was with a deck, how long will it take and the area doesn't look attractive over there, so at minimal cost put a little bit of paving there in the meantime to make it look decent. Commissioner Fricks agreed that right now it is unattractive, you are getting the accessibility and parking use out of it as you would whether you pave it or not pave it. He thought that if they are going to do a surface parking he would rather see them, he thought that was a very nice plan that was drawn out and the aesthetics issue could be addressed. That was his question. Are they intending on doing all of the curbs and gutters that were on there, and the islands. Commissioner Fricks stated that if they are getting to the conceptual part, he would say stay with what they have right now, because it is serviceable and useable, it is not pretty, but stay with that until they find out if this is even a possibility or not. Chairman Hufstetler stated that the parking, they know, before a deck is going to get built, is going to get worse. As had been said, these businesses are coming and not giving their employees parking. Commissioner Fricks stated that the paving is not going to make any difference in this. Chairman Hufstetler stated that aside from that what do they do in the meantime, if it is the control gate or whatever to address the parking that is going to get worse. Commissioner Fricks stated that he thought most of the focus has been on the parking deck. In every one of their discussions, the early discussions they talked about, well, they did discuss other things. They talked about direction, putting somebody down there to direct somebody to parking decks and making sure that they are doing that. There was a discussion about valet parking, if that would work. He stated that there

were all kinds of discussions in there. The first meeting they had, there was some discussion about directional signage, trying to show people where they are. Those type discussions, and it always gets back down to the number of spots in that area right there.

Commissioner Jennings stated that he says that they put the parking deck decision on the fast track. They have been tossing this thing around for long enough. Let's either decide they are going to do it, let's get the financing together and let's get it going. Or, if they decide that it is not a possibility, then let's do the surface parking right. He stated that he did not see spending a lot of money on the surface parking when the deck is still kind of looming in the background.

Commissioner Bennett stated that the determination for the deck is, number one to determine that you need the parking. They have gone into the records, even though it is not as detailed as they would like to have from the Forum, to determine how many parking events do they have, either through observation or looking at the types of events that are going on in the Forum. They are all aware of the nightmare in the parking down there when they have a large event that attracts things like the schools. That is the worst; they are parking all over town. But, you can't build a deck for one event a year, not realistically, not doing it smart, you can't do it. The other thing is to identify the other events and then we have a deck 200 yards away or less and people are double and triple parking on the street in front of the Forum, which he thought could be alleviated somewhat by having Police down there to direct them to the deck and to keep them moving through there instead of just everybody for himself. Basically what he had been looking at is the feasibility of building the deck. One is the cost, they know right off the bat that it is going to be a significant money loser and it would have to be approached like the Forum itself, you know that you will never recover the cost in the operation, you only try to recover the operating cost thereof. They are addressing that somewhat with a gate so that it doesn't have to be manned, they don't have to have personnel down there. But, the first choice is do you need the deck at all? Commissioner Jennings stated that they had been asking that question. Commissioner Bennett stated that he understood and they are trying to get . . . Some people you ask say "Yes" and others say "Well, I don't know." But nobody really knows. Commissioner Bennett stated to Commissioner Jennings that the other thing is that once you do that, one of the things that would drive the deck is the future developments of the group that is down there now that is putting this

development in place. We hope and think that it will be successful even though others have not been in the past. But, even they themselves are not building the 40 additional rooms and that sort of things on a hotel, that is for the future. If you are going to try and make your determination based on six or seven months, even the developers themselves are not making that determination. They are saying that they are going to see how it goes before they invest this other money. He stated that in fact their plans do call for a deck on their property, assuming certain conditions. It is a matter of where you say, "Well we have just got to have it right now or will can live with a little inconvenience for four or five events or ten events a year or we go ahead and commit the money to a three level deck." Commissioner Bennett stated that he thought they had addressed the case of . . . Commissioner Jennings asked if he was saying that he would make the recommendation today, don't build the deck it is not cost effective, build the surface parking, you are prepared to make that Motion today. Commissioner Bennett stated that what he is prepared to say is that it is never going to be cost effective, so that is out of the equation. They are going to make a decision to fund this as a capital project with no anticipation of recovery of the cost. It will be capital project that they just do out of tax revenues or whatever.

Commissioner Jennings asked Commissioner Bennett if he was willing to do this. Commissioner Bennett replied that he was not right now because he was still not convinced until they get a little more data from, and we don't have it . . . *(Comment by Commissioner Jennings was not audible.)* Commissioner Bennett stated that he was too. They had gone down to get some data, they got some but there are other things involved down there. The deck for the parking that is going to be across the street at the Transit Facility, then what got added into the situation, there is one developer who had bought some property on the corner of Broad and Second Avenue for some apartments, condos above and he understands there are some more down there too. So it is like any other feasibility, he thinks probably a one level deck some day will be required down there, if the development that is being done by the private developers is in fact successful. If not, then he does not think they will need one. Commissioner Jennings stated, "And you would say a one level deck would be needed in three years, five years, ten years, fifty years. Commissioner Bennett stated that he thought they would know within a year or so how they are going to do because they are going to open up in August. So they will know in a year or two whether or not there is going to be additional parking required for their operation. Commissioner Jennings stated that if they are talking about knowing in a year, it is not worth them going in there and doing much to that property until they have the information necessary to make that decision. Commissioner Bennett stated that he did not disagree. Commissioner Jennings asked if they are going to put a chain up or may realign the entrance from Mitchell Plaza and don't do anything else, maybe put some lines on the rock out there. Commissioner Bennett asked the square feet in the parking lot. Commissioner Fricks stated that there actually are lines on the rock.

Chairman Hufstetler asked, back in the Patton Project, there was taxpayer money spent to buy up right of way, which is now inside the fenced in area where this private development is going. He stated that he thought this Commission had to address that at some point. He asked if there had been any discussion on that or do they need to initiate a discussion. County Manager Poe stated that on the layout of the parking plan, they had provided a parking plan of their property, and had it enlarged and placed it over on our property so they have one big plan. He stated that they found where they are encroaching on our property in two areas and also encroaching on the City of Rome property. He stated that he had to sit down and meet with them and make them aware that they are doing that and what their plans are. Commissioner Fricks stated that one of the earlier meetings he had had with them he had told them that they needed to be aware of that and that they needed to look at that. He stated that the current plans don't look like they really . . . Chairman Hufstetler stated that they haven't addressed it and Commissioner Fricks had said that it had been mentioned to them in the past. Commissioner Fricks stated that he had mentioned it to one or two of the partners. Chairman Hufstetler asked the County Attorney if there was anything else that they needed to be doing, are they protected in this matter? County Attorney Manning replied that he thought they had talked about perhaps writing them a letter discussing the issue and then even discussing the fact that they might give them permission temporarily to use that. He stated that they probably needed to talk with Scott Smith in his office, on the real estate side. He stated that he thought a letter giving permission to use the property would stop

any clock that might be running on some kind of adverse possession. County Manager Poe stated that after he shows them what will be revealed on that parking plan, it seems to him that, at the minimum, they need to have some kind of legal document that talks about their use of that property. We can put whatever stipulations are needed in it. Commissioner Mayes mentioned that they would not be able to get building permits without showing the proper plats and plans. It was mentioned putting up a fence. County Manager Poe stated that they have the 22-foot strip from the river that goes into there that was not fenced, the main fence is on the property line. County Manager Poe stated that they would be meeting with the developers again. Chairman Hufstetler stated that to make sure that the County Attorney is involved and he just does not want them to drop the ball on this. County Manager Poe stated that he had mentioned in a meeting that he felt they needed to have some kind parking agreement if they are going to let them . . . He had brought it up to the Committee and he has it highlighted on the Parking Plan where they are encroaching on our property. Commissioner Bennett stated that, basically, if we relocate the fence when they are doing their development, the parking spaces that they have, if we add approximately 20 feet or two spaces to the end of all of the rows we have, there will be a net loss of two parking spaces in the entire parking development, which works in with our plan for the traffic flow and that sort of thing. So, there is some thought being given to that, how to store cars in there, how to work the traffic flow to come through a gate. If his quick calculations are right it will take about 640 tons of asphalt to put a 2-inch topping on that lot down there if that is what they decide to do. If they want to make it nicer or if they want to keep painting lines on gravel, he did not care.

Commissioner Fricks stated that at one time there was a grant application to improve that. He reminded them of the grant application which Ron Sitterding presented. County Manager Poe mentioned that it was for a boat ramp. Commissioner Fricks stated that it was to design surface parking improvement area for the whole area. County Manager Poe stated that the grant was not approved.

Commissioner Bennett stated that, back to the deck, if the parking is determined to be required, and like they say, there are some proponents that say it is and he is not trying to not find that out, he just had not had enough information. They got their first information and had some questions about it. It seemed like it needed checking out further and then the decision is not whether or not we can make this parking lot be profitable, or retire its cost, the decision then is to see whatever grants or other financing from a SPLOST or whatever they want to do to finance it, because he thinks it is pretty well determined that they will not be able to recover the cost through parking fees, not in Floyd County because there is not that kind of demand for it. Commissioner Fricks stated that they don't want to lease out enough spaces that they lose their purpose there. Commissioner Bennett stated that was one of the things that they came up with, if you do the monthly parking, and you have 50, 60 or 100 event days per year, you tell the monthly parking people they can't park there on those days, you don't have much of a commodity to offer to the public. Chairman Hufstetler stated that they may say that the parking ends at 5 o'clock or 6 o'clock. Commissioner Bennett stated that even at that, they have a lot of daytime activities which is what is surprising to them, based on the preliminary data they are getting out the Forum. There are a lot of daytime events that basically would require the parking, that we wouldn't have monthly parking available. Commissioner Fricks stated that even on that, he knew that they had that information, instead of 100 events that required over 100 spaces, but it wasn't broken into daytime events and nighttime events. He stated that he thought that would be a determination. They might find out that if they reserve 100 spaces for during the daytime, you might be able to lease out 50 during the day. County Manager Poe stated that they are all daytime events, they just did not distinguish whether somebody was there just in the morning or just in the afternoon or all day long.

Chairman Hufstetler stated that he could not remember if there was a number on how much parking is available on the other side of the river. Commissioner Fricks asked if he was referring to the new one that was developed over there. Chairman Hufstetler stated that he was talking about the whole area, Barron Stadium, the Recreation Department. County Manager Poe stated that he

thought Ann Arnold had given them that information. Commissioner Fricks stated that they had just talked about the numbers, he did not think it was ever written down. Chairman Hufstetler stated that it had to be hundreds over there. Commissioner Fricks stated that there is over a hundred in the new parking development with the Trail Head. They were also looking at Barron Stadium and there is a pretty substantial amount of parking places over there. Commissioner Fricks stated that he would agree, of anything that they discussed, other than a parking deck, that would have the most significant impact on parking for the Forum itself, probably not for downtown parking, but for the Forum and especially large events of anything. He stated that, living on Second Street, people will drive past the parking deck on Fourth Avenue and come up there and park on Second Street, farther away, when we have a Forum event, his street loads up. And yet the decks aren't full. Commissioner Bennett stated that was the point he was making, if you had a deck right next door, chances are that that would work, but he knows a lot of people who come to events don't get right up close to the venue because, when you leave, it takes longer to leave. He stated that he hasn't made a study of that, you just observe what people do. They have parking 200 yards away in a Police Deck down here that probably if you measured the steps wouldn't be significantly more to walk from there to the Forum than it is to walk in front of Commissioner Frick's house, if as far. How do you encourage them to use the facility that is already there, and if in fact you do, is that sufficient or should they just build another deck because it is closer?

Commissioner Fricks stated that the significance of the foot bridge, you have a destination, you know you are going to pull in, if it is across the street in the Trail Head Parking, you know you can find a parking space. Right now he sees people riding around the blocks looking for Broad Street parking or whatever. If you look at it from a GIS map or satellite map, you are actually closer there than you are even on First Street, in a walking distance. It would be a straight path. Again, can you educate people to do that. Chairman Hufstetler mentioned the traffic dispersement. Commissioner Fricks stated could they educate people to do that, that is the question too. How accepting are people of these new. . . Perceptions wise, they may think that is way off.

Commissioner Jennings mentioned that the argument is that do the minimal that we can to secure parking that we have and see what happens with the Indiana Jones type bridge that is going to be built across the Oostanaula and see how the new development does and defer this for a while. He stated that he is hearing like a year should be pretty telling as far as where to go from there. Commissioner Bennett stated that he thought that it would. Commissioner Fricks stated that he thought that in a year they will know the bridge position. Another thing is if they go and develop that parking right now, and he does not know the construction phase if they were to get the footbridge in there how disruptive that is going to be so you almost need to coordinate that somewhat, too. Commissioner Bennett mentioned the control of the access of the parking lot, they are not in competition with the development down there. That is not necessarily easily done, but it can be done practically he thought. Knowing where they may be going. Getting access to building the bridge, we may not want them coming up a nice pretty drive that they have put in there as an extension to Mitchell Plaza. If they are driving cranes and heavy equipment trucks and that sort of things, we may not want to do that yet. Commissioner Fricks stated that within the next three or four months at least, he would say that they could continue to pursue the conceptual and the possibility of feasibility even if they are looking five years down the road. He would say that the next couple of months they could probably do a conceptual and look at considerations and also probably know the status of the footbridge maybe in the next few months. Put all of the elements together and he thought a lot of answers . . . Those are key things that will have effect on it. Chairman Hufstetler stated that he thought they had discussed that pretty good. He mentioned that the County Manager and County Attorney would follow through on the adverse possession and make sure they take care of that. County Manager Poe replied, "Yes."

## **CLERK'S REPORT**

## **CONSENT AGENDA.**



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

YES

NO

Commissioner Fricks

" Mayes

" Jennings

" Bennett

Chairman Hufstetler

Motion Carried

1. Tax Refunds:

- a. Capitoline Products, Inc., 100 Capitoline Drive, \$722.01
- b. Hubert L. Smith, 2619 Garden Lakes Blvd., NW, \$369.17
- c. Lynn & Catherine Busby, 220 Burnett Ferry Road, \$45.22

2. License Applications:

- a. Self-Service Fuel License – Nazarali Bhamani, Dragon Fuel and Food, 839 Park Avenue, Lindale.

3. Authorize execution of FY2005 Agreement for Transportation of the Elderly with Coosa Valley Regional Development Center.

4. Redemption of Tax Sale Property.

**MANAGER'S REPORT**

**DISCUSS LEASE AGREEMENTS WITH  
OPEN DOOR HOME, INC.  
(DEFERRED FROM JUNE 8 AND JUNE 22,  
2004 MEETINGS.**

County Manager Kevin Poe stated that this item will be deferred again. He stated that Andy (*Garner*) in County Attorney Tom Manning's office and he thought he would be getting with County Attorney Manning on the final details and maybe that will be available for the next meeting.

**DISCUSS TENTATIVE ADOPTION OF  
2004 MILLAGE RATES.  
(DEFERRED FROM JUNE 22, 2004 MEETING.)**

County Manager Kevin Poe stated that this is not anything that they need to take action on. He wanted to remind them that they have Public Hearings scheduled for July 19<sup>th</sup> at 12 noon, July 27<sup>th</sup> at 12 noon and that evening at 6 p.m. at our regular Board meeting. He stated that on the 27<sup>th</sup> they will actually set the millage rate.

**DISCUSS PASSING A RESOLUTION OF**

**ENDORSEMENT FOR RECOMMENDATIONS  
OF THE JOINT GMA/ACCG TASK FORCE  
ON QUALITY GROWTH.  
(DEFERRED FROM JUNE 22, 2004 MEETING.)**

County Manager Kevin Poe stated that he did not know if they had had a chance to review the information that came from the GMA/ACCG Task Force. He was not sure if anybody was ready to act on that or not, it can be deferred. Commissioner Jennings stated that he was a member of that Task Force and if you take a look at it, it is primarily suggesting, demanding, requesting, he did not know which word they would want to use, that the State to get more actively involved in assisting all of us in County government on quality growth kinds of issues. Commissioner Fricks asked about setting more regulations or providing more funding. Commissioner Jennings stated it was providing education. County Manager Poe stated that in the Board Packet was a letter from Benjamin Haywood, President of ACCG and then after that there was a press release, followed by a Resolution. Commissioner Jennings read the following: "The resolution was prompted by the Commissioner's belief that incentives are need for local governments to promote development consistent with quality government principles. That Georgia law should address local governments' ability and, where possible, authorization for managed growth and that key stakeholders should be included in the planning process and that training and technical assistance should be put into place to assist local governments striving for quality growth." He stated that it is not anything that they are asking the State to dictate to us, we are asking the State to provide us with the authorization for local governments to provide quality growth initiatives and that the State pick up the ball as far as training in that regard.

Commissioner Jennings stated that he did not think there was anything particularly controversial in there. If they look at the second page where the stars are, "A need for clearly identified State policy and growth management. A need to establish coordination to insure the State regional entities and local government act consistently with a State Growth Management Policy, which there isn't. A need for development of laws, tools and technical assistance to give local governments' greater choice. A need for growth related training for local officials." He stated that he thought this was a good resolution and he did not think there was anything particularly that might be controversial, from the standpoint of the State of Georgia because they hear them talking quality growth, but they are not providing the kind of assistance to local governments to make that happen.

Chairman Hufstetler stated that he had not reviewed it completely, but he had covered it and he thinks it is not restrictiveness to certain things from what he can tell. Commissioner Jennings stated that it is giving them choice so if they would like to look at it some more, they could defer it. Commissioner Mayes stated, "Or they can endorse it." Commissioner Jennings stated that he is ready to make a Motion to endorse it. Commissioner Bennett stated that he is not heated up one way or the other, he just kind of gets . . . They had the Indigent Defense deal, he hoped when they pass the law that they also pass the regulations so that they don't turn this to somebody else. Chairman Hufstetler stated that this would get changed somewhere. Commissioner Jennings stated that the point of this is not for them to pass regulations, but to provide training, to provide technical assistance and to make sure that the choices for local governments are available within State law. Commissioner Bennett stated that he thought at one time that was what the APDC or the Area Planning Development Commissions were supposed to take on roles like this to coordinate regional type plans and all of this other stuff, which it sounds like that. Commissioner Jennings stated that that may very well be a part of this. Commissioner Bennett stated that was what they were supposed to do was to cross county lines before you got to the states and try to make sure everybody was working together. Chairman Hufstetler asked if they were ready to make the Motion.

Commissioner Jennings made a MOTION that they endorse the GMA/ACCG Task Force's recommendations on quality growth. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Fricks

" Jennings

" Mahanay

" Mayes

Chairman Hufstetler

Motion Carried

**DISCUSS PUBLIC DEFENDERS BUDGET.  
(DEFERRED FROM JUNE 22, 2004.)**

County Manager Kevin Poe stated that this had been discussed during the Caucus Session. Chairman Hufstetler asked which budget they were supposed to approve. County Manager Poe stated that what he would recommend is that if they are going to decide not to pursue the opt-out provision that they at least go ahead and he thought somebody had mentioned that they adopt some kind of resolution that says they are going to, in fact, establish a Public Defender's Budget, he would say that they authorize \$25,000 or something like that to at least get them started where they can be operating. He stated that would give them more time to look at how it all is going to be set up, look at whether they want to go under that State plan as far as employees. He thought they have an overall annual budget that they are looking at and the amount of staffing, but he thinks they need to at least get them going and give them a little bit of money to get started. Commissioner Jennings asked if there wasn't a problem with a contract not getting signed because they were not sure they were going to . . . County Manager Poe stated that if they decide they are going to go ahead a pursue establishing the Public Defender's Office, they have already taken action on those contracts, it is just a matter of getting that individual to sign them and the intent was he was going to become a State employee at the end of the year. He stated that they already have the money budgeted in the Indigent Defense Account to pay for the contractual portion for this year, so that won't take any additional money. Chairman Hufstetler stated that he thought they made it clear that they were going to penalize us any and every way possible to keep us from pursuing this. Commissioner Fricks stated, "Here are your choices, but there are not choices." Commissioner Bennett stated that the one county which seemed to have an exemption and would qualify, is having a hard time meeting that criteria so they are not going to get to opt-out and there is no way that we are going to get to. Chairman Hufstetler agreed and stated that it is a government agency that wants to have control over every county's indigent defense. County Manager Poe stated that if they had like \$25,000, that would help them get some things purchased to get them started. He stated that so far they have two people in the office and the only thing that they have purchased is one desk for their secretary. Commissioner Bennett asked if they weren't planning on using some surplus. County Manager Poe stated that so far they have furnished the two offices with surplus equipment and the State is supposed to provide them computers but they need to get office supplies and things like that. Commissioner Jennings asked about a three part Motion. Commissioner Jennings made a MOTION to endorse Floyd County participating in the State's Public Defender System, second, that they authorize the County Manager, working with the Chief Public Defender to come up with the operations expenditures not to exceed \$25,000, and thirdly, they charge the County Manager with gathering further information on that we contract with the State for County employees in this Public Defender's System. Chairman Hufstetler asked if they could use a different word that "endorse" on the first part of the Motion, more like "accept." Commissioner Jennings accepted as a friendly amendment to change the word "endorse" to "accept" in the first part of his Motion. SECOND by Commissioner Fricks. Chairman Hufstetler asked if there was any further discussion. Commissioner Bennett asked if this guy was going to be paid by the State or is that out of our . . . He stated that the person they are hiring will be a State employee. County Manager Poe stated that initially Lee (*Henley*) and his secretary are being State paid. The man who plans on being

the Chief Assistant Public Defender on January 1 will be paid on a contract basis, just like our other Contract Attorneys they budgeted for. He stated that January 1 he will convert over to a State employee. Commissioner Bennett clarified that he will be a State

employee, so far in the \$25,000 we are only furnishing set up of the office and supplies, we have not yet hired anyone except under the State contract. VOTING:

YES

NO

Commissioner Fricks

" Jennings

" Mahanay

" Mayes

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.  
(DEFERRED FROM APRIL 13 AND MAY 11,  
MAY 25 AND JUNE 8, 2004 MEETINGS.)**

County Manager Poe stated that as they knew, there had been a request from the DOT to donate two parcels of property for the Riverside Parkway Widening Project. They are parcels 13 and 29A. He stated that 29A is the Greenspace property, which he thought they had already dealt with. The other parcel for consideration is Parcel 13. Commissioner Fricks made a MOTION to donate the one parcel that they have the ability to and proceed with that and go ahead and make the donation to the DOT for that right of way. SECOND by Commissioner Jennings. Commissioner Mayes asked if Commissioner Fricks could add anything about the condemnation. Commissioner Fricks asked, "Of the Greenspace?" Commissioner Mayes replied, "That we will ask them to do a friendly condemnation of that property." Chairman Hufstetler asked if they had to do anything, they had told them that they had no choice, we can't don't the Greenspace property. County Attorney Tom Manning stated that he thought that he was told that we would not be able to gift that, they would have to go through the condemnation proceeding. Commissioner Mayes asked if they could say anything about that in this Motion. Commissioner Bennett stated that was not our property anymore. County Attorney Manning replied that it is the County's property subject to the Greenspace requirements, so they could say that we are agreeing to move forward with the . . . He asked County Manager Poe what it was called in the letter. County Attorney Manning stated that he did not have it (*the letter*) before him, but there is the condemnation, it is like an expedited

condemnation procedure. County Manager Poe asked if he was referring to the DNR letter. County Attorney Manning replied, "Not the DNR, the letter from the DOT." County Manning stated that he thought the choices were "I desire the offer of a fair market value just compensation to be based on a formal real estate appraisal. I desire to donate my property. I desire to negotiate with the DOT for the required right of way settlement for an amount of money or services based on a streamlined procedure known as the Estimate of Appraisal Calculation." He stated that he thought they could do one or three with regard to the Greenspace property, but just the County has to be paid for that because those funds have to go back into the Greenspace account. Chairman Hufstetler asked if they really had to do anything at this time on that. County Attorney Manning stated that he thought they needed to send something back to the DOT on that. Either electing, and he asked that they look in the Board Packet, there is a waiver letter donation form. . . Chairman Hufstetler asked if the Greenspace money would be put somewhere else then or how does that . . . . Commissioner Fricks asked how that happens if you get reimbursed if it has already expired. You don't have a fund still there anymore. What do you do? County Manager Poe replied that they could still keep the fund open, we will just not have any new revenue. Commissioner Fricks asked, "Didn't you have to expend all of the funds?" County Manager Poe replied, "Yes, basically that is what they are going to do, but they can keep the fund open or create a different Greenspace Fund. Commissioner Bennett stated that they would probably have to get permission from the State, like on this other, to spend any revenues received as a result of that sale. Chairman Hufstetler asked if he (*County Attorney*) was saying that on the Greenspace land, they need to pick either number one or three. County Attorney Manning stated that he thought so because they had to go ahead and move forward with the DOT, they just can't donate that property. Chairman Hufstetler stated that he is not a real estate expert and did not know of too many of them that were, but is number three going to mean less money since it is not a formal real estate appraisal or is that . . . County Manager Poe stated that to be honest, it is a very small piece of property, .012 acres. Chairman Hufstetler asked if County Manager Poe thought number three would be okay to do this. County Manager Poe replied, "Yes." Chairman Hufstetler asked Commissioner Fricks if he would like to make that part of his Motion. Commissioner Fricks replied, "Okay, number three, yes." Commissioner Fricks stated, "And also adding an amendment to his Motion that they proceed with the Waiver Letter Donation Form under the process of number three with regard to the Greenspace property." Chairman Hufstetler stated that they had a Motion and asked if there was a Second. SECOND by Commissioner Mayes. Chairman Hufstetler stated that under discussion, he knew that there had been some discussion about still looking at this at-grade stoplight. He asked if there was any proposal on how to do that, did they want to as part of that request the Public Hearing? Commissioner Fricks stated that one of those things he had thoughts, this was just his thought process, everybody he had spoken to about this process had the concern about the at-grade intersection and the design of the project. He stated that he thought that was one reason he was promoting to move forward and maybe just that they write a letter stating that they respectfully request the DOT to re-look at the project and look at the effects because they do have some concerns of the local government as to the affects of the traffic pattern with the at-grade intersection. Chairman Hufstetler stated that those that have concerns, if there was some sort of public hearing they could perhaps be given statistics to support or not support it. Commissioner Jennings stated that there is also concern that the four-lane divided highway is overkill for the amount of traffic that uses or is projected to use. A three-lane with center turn lane with nice sidewalks on either side would make more sense for that project. Commissioner Fricks stated that he thought the number one thing that he had heard is that . . . He had heard concerns about a lot of different elements of the design, and he is unfortunately not as familiar with the design as some others are, but he thinks the number one that keeps popping up is the at-grade intersection and the disruption of traffic at that area. Chairman Hufstetler stated that in his opinion, the stoplight there is going to disrupt traffic on Turner McCall, that is the biggest detriment. It is going to increase traffic problems there. The fact that they are making it a four-lane is, it was said overkill, to him that is not going to effect traffic, it is just going to be a waste of money. They have seen that for \$2 million they could three-lane that with turns lane, get it done, keep the overpass there and keep the only uncongested part of Turner McCall still uncongested, relative to the other areas at that point. Versus the \$17 million they are going to spend to four-lane it, so that additional lane is another \$15 million on top of the \$2 million because of all of the utility relocation and work that is going to be

done. He stated that he had been told that in part this is because the Federal government will be giving over \$7 million to this project. They have also been told that this \$7 million could go to the by-pass, could go to other projects and that money would not be lost. He stated that a lot of the DOT officials will privately tell you that this is a poor design. As they had discussed during Caucus, on the Rome News website of the four priorities listed for this county, the Riverside Parkway came in dead last, 94% of the voters in that poll stated that it was not their top priority. It is a concern that the amount of money to be spent, that could be spent somewhere else, to create a traffic problem. Chairman Hufstetler stated that he did not want to get into wasting taxpayers money in a condemnation proceeding that the County would ultimately lose, but he would like to see a public hearing on this. He stated that he thought that many things had changed on this since the 1980's when it was designed and it is going to be a big problem for this community.

Commissioner Bennett stated that he would offer a little bit of information and he would hope that all of it be taken as fact because, in fact, it is fact. Commissioner Bennett asked the County Attorney if he could discuss this. County Attorney Manning asked if he was referring to the question of donation. Commissioner Bennett stated that on this particular parcel he thought it was pretty well known that he does have an economic interest further down the road. County Attorney Manning stated that he did not think he had an economic interest though with regard to the donation of this parcel. Commissioner Bennett stated that he did not want to take advantage of anything. He stated that just to give a little background, and he could spend several hours, and he doesn't really mean this as a statement, but just trying to put some things out there. He stated that he agrees that the road needs to be improved and his only question over the years has been the design of the road and the practicality. Just like every decision they make here tonight. They gave the Sheriff three police cars. Under the theory of how this road is being designed and the money being spent, we ought to just give him 15 police cars, even though he only needed three. Commissioner Bennett stated that he disagreed with the claim that it improves transportation because they will be adding a stoplight on one of the busiest roads in Floyd County, plus there is an overpass there now that allows traffic not to conflict with each other. It is pretty well documented that one of the most unsafe locations on a street is a traffic light. That is where not all, but the majority of the accidents occur. Further with a divided median, it forces people who are leaving the piece of property and wanting to turn left, unless you are at a median cut, you have to turn right and go and make a u-turn back through a median exposing the side of your automobile to oncoming traffic. That is an illegal transaction in any road in our transportation system, except on a divided median road. He said that stopping that traffic on Turner McCall which has about 70,000 to 85,000 cars a day to let 7,000 people pass just doesn't appeal to him as being a transportation project. It puts another impediment on a road of which the impediments now are a railroad track crossing, which you will have to stop at, and also the traffic light at the by-pass. Using two lanes, four lanes, or ten lanes won't get the traffic through that intersection any faster, it may get them there a couple of seconds quicker, but the road is only 1.5 miles long and is a two minute trip at the speed limit so he did not see how they are improving transportation to make it better. He stated that the capacity of a two-lane road is 20,000 a day and that has been documented by the Chief Traffic Planner of Fulton County. The ironic thing and the illogicalness of this road is that the section of road from Broad Street to Turner McCall Boulevard is projected in 2025 by the DOT's own documents to carry 15,000 cars a day. They have designed that road as a three-lane road, which is still less than the capacity of a two lane and that is fine, it is a three-lane road. The section from Turner McCall to the By-Pass is projected to only have 7,700 cars per day. It has less traffic, is one-third of the capacity of a two-lane road, by design standards, but yet it is going to be a divided median four-lane. He asked the logic that you take your heaviest traveled road and make it a three-lane and you take your least traveled road and make it a four-lane besides the logic of the traffic light. The cost of the road is approximately \$7 million per mile. When you take the 1.55 miles with the State budget that they have allocated in this and Federal and State funds, it is \$7 million a mile. That is what it cost to build interstates, not a local road.

Commissioner Bennett stated that he is saying that it can be improved with a two or three lane road, which more than handles the traffic. It further will free up \$7, 300,000 of Federal funds

if they only took the State portion of the money that the State has allocated, convert this to a local improved two-lane project, they could build it as a local project with the state funds allocated and it would free \$7,300,000 of Federal funds to go to our by-pass, which is down the list because of lack of funding. In trying to remove his personal feelings about the road, but only rely on facts, he presented those as facts and said for that reason he can't support it. Just like he couldn't support going ahead and buying 20 Sheriff's cars instead of 3, it doesn't make sense. He stated that once that is done, you won't be able to take it back.

Chairman Hufstetler stated that he would like to request a Public Hearing on this aside from the condemnation, if there is no objection. Commissioner Bennett stated that he does not do this to be obstructionist about the piece of ground. The piece of ground is not the point. The point is that in his opinion if it comes down to it and the project is let, you have to have the piece of ground then he thinks the inevitability of it would be there and that they donate the piece of property. He would be in favor of that, rather than trying to sell it to the DOT. Until such time as that is absolutely required, he feels like their going along with this when, he can't say all of them, but most of them, and he thinks quite a number of the people in this community object to the design of this road. They are defacto endorsing the design because that piece of property is not needed unless it goes with this design, which they are saying they do not think is the best way.

Commissioner Jennings stated that his vote on this particular issue should not be construed by anybody as being an endorsement of this design, but his vote on this will be based upon the reality of the situation and circumstance from the DOT and our relationship with the DOT.

Chairman Hufstetler asked that the roll be called, if there was no further discussion. County Manager Poe asked if they needed clarification of the Motion, and he asked if the Motion was amended or added to. Clerk Fountain stated that it was . . . Commissioner Jennings stated that he thought they should defer this for about three years. Commissioner Fricks stated actually why don't we go ahead and . . . Actually the Motion was just kind of to do that and they talked about why they don't do another action where they take an action if they want to craft a letter. Commissioner Jennings stated that they want to definitely draft a letter outlining their concerns about the project. County Attorney stated that the Motion is to donate the piece of property (Parcel 13) that the County owns coming off of Turner McCall and in accordance with the number three option set forth in the DOT letter move forward with condemnation of the Greenspace property (Parcel 29A). He asked if that was right. County Manager Poe replied that is Parcel 13 and Greenspace property is 29A. Chairman Hufstetler stated, "So you have withdrawn the first Motion or just basically. . ." Commissioner Fricks suggested that they take action on the first Motion and then they can do the other one. Chairman Hufstetler replied, "Okay." Clerk Michele Fountain asked if they wanted her to read back what she had as the Motion. Chairman Hufstetler asked if she was referring to Commissioner Fricks' Motion. Commissioner Fricks stated that he thought he (*County Attorney Manning*) had just said it again. County Attorney Manning was asked to repeat Commissioner Fricks Motion. County Attorney Manning stated that his (*Commissioner Fricks*) MOTION was to donate Parcel 13, adjacent to Turner McCall and to go through the process number three as outlined in the Waiver Letter/Donation Form with regard to the Greenspace property which is 29A. Chairman Hufstetler asked if there was a Second to Commissioner Fricks Motion. SECOND By Commissioner Mayes. Chairman Hufstetler stated there was a Motion and Second and asked that the roll be called if there was no further discussion. VOTING:

YES

NO

Commissioner Fricks

"

Mayes

"

Jennings

Commissioner Bennett  
Chairman Hufstetler

## Motion Carried

Chairman Hufstetler stated that if Commissioner Jennings had voted "No" he would be forced to vote "Yes" because he thought they did not need to go into condemnation, but he voted "No" because he is not in support of this project as stated.

Commissioner Fricks stated that before they went on to the next item, did they need another . . . Chairman Hufstetler stated that they need another Motion on the Public Hearing. Commissioner Fricks stated that one of the elements that they want is to request a Public Hearing. He stated that he thought one of the elements is that they just say that they have some concerns about safety issues and some traffic flow issues about the current design and would like, if there would be an opportunity to allow further input from the public on the project and get some more updated information. Chairman Hufstetler stated that he thought the best way to address this is to have the DOT, the City and the County and any citizens who have concerns to meet on this and let everyone discuss all of the issues. He stated that is what he would like to see. Commissioner Mayes stated that all they could do was request it because you have to get permission from the City and the DOT. Chairman Hufstetler stated that they could request that they participate in that. Commissioner Mayes stated that he agreed with that. Commissioner Fricks stated that when they write the letter, that they write the letter in a perspective of a concerned group of community leaders here that would like to see the process looked at and revisited. He stated that the elements of accusations of waste and . . . Those concern him, but he thinks they all have a genuine concern. He is concerned about traffic flow. He is concerned about safety issues of red lights, yet to be honest, he does not know enough about the project and the waste and the feasibility of doing it is a different thing to really make a judgment on that, he doesn't. Commissioner Mayes stated that they want that in a letter. Chairman Hufstetler asked, "Why not have a letter that is in pending review by the County Commissioners; let everyone review it? County Manager Poe asked who was going to hold the public hearing. Chairman Hufstetler stated that it would be a public hearing from, he did not know if anybody heads it up, but the County and the City and the State. They will be requesting the State DOT to participate in a public hearing. Commissioner Fricks asked if the DOT generally handled them. County Manager Poe stated that somebody is going to kind of take charge of it. Chairman Hufstetler stated that the County could take charge of it if that needs to be done or the DOT can take charge of it if that is their preference, but that they all meet on it. Chairman Hufstetler asked Commissioner Fricks if that was a Motion? Commissioner Fricks stated that it was a MOTION, he did not know what kind of a Motion it was, but it was. Chairman Hufstetler stated that there was a Motion to request a public hearing regarding this issue and that the letter will be written pending approval by the County Commissioners so that everyone can review it before it goes out. SECOND by Chairman Hufstetler. There being no further discussion, Chairman Hufstetler asked that the roll be called. VOTING:

YES

NO

Commissioner Fricks

" Mayes

" Jennings

" Bennett

Chairman Hufstetler

Motion Carried

## **DISCUSS REQUEST FROM JIM FORD TO AMEND EQUIPMENT BUDGET TO PURCHASE NEW COPIER.**

County Manager Kevin Poe stated that Jim Ford had requested amending his equipment budget to purchase a new copier. He is not asking for any additional money to be added to his



budget, he wants to reallocate money from one line item to another to cover the cost of purchasing the copier at an estimated cost of \$6,000. MOTION was made by Commissioner Jennings. SECOND by Commissioner Fricks. There being no discussion, Chairman Hufstetler asked that the roll be called. VOTING:

YES

NO

Commissioner Fricks  
" Mayes  
" Jennings  
" Bennett  
Chairman Hufstetler

Motion Carried

**DISCUSS REQUEST FROM BOY SCOUTS  
FOR DONATION OF SURPLUS COUNTY  
DUMP TRUCK.**

County Manager Kevin Poe stated that the Boys Scouts of America, Northwest Georgia Council had asked if the County would consider donating them a surplus older model dump truck to be used at Camp Sidney Dew. Commissioner Bennett asked if the truck had been identified. Commissioner Mayes asked if we had a working surplus dump truck. County Manager Poe replied, "Yes." Chairman Hufstetler stated that he thought there were actually two. Commissioner Mayes stated that he thought that by the time we surplus something it was ready for the dump. County Manager Poe stated that they might be able to push it from one point to the other if they have to. Commissioner Bennett asked County Manager Poe if he was basically saying that it was not anything road worthy for them to use. County Manager Poe stated that it stays parked all of the time and it will be put in the surplus auction, they are getting it replaced this year. Commissioner Bennett asked if that was a recommendation or just a presentation. He stated that he did not know whether to accept the County Manager's recommendation or make the Motion to do that. County Manager Poe stated that would be his recommendation, but the Attorney might have to . . . Commissioner Bennett made a MOTION to accept the County Manager's recommendation. Chairman Hufstetler stated that there was a Motion from Commissioner Bennett and asked if there was a Second. SECOND by Commissioner Mayes. Commissioner Bennett stated that he would assume they would send title and all the other

information so that it is no longer the County's truck. County Manager Poe stated that it would be taken off the inventory and transferred to them. VOTING:

YES

NO

Commissioner Fricks  
" Mayes  
" Jennings  
" Bennett  
Chairman Hufstetler

Motion Carried

**DISCUSS AWARD OF BID FOR  
CCTV AND COMMUNICATION  
IMPROVEMENTS AT JAIL.**

County Manager Kevin Poe stated that they had taken bids for a new TV camera system at the Jail as well as a intercom system. The low bid for the television system was from RGA Sound and Electrical Systems. The bid that we received from Southwestern Communications for the intercom system was \$88,421. They had budgeted \$75,000 to complete these upgrade and the total amount of these two exceeded that amount. The total was \$133,285. His recommendation was that they award the bid for both of these projects to the low bidder and that they use Jail Surcharge money to fund the additional \$58,285. He stated that basically that is add-on fine money that is dedicated solely for the use of the Prison and the Jail. Commissioner Bennett asked if there were sufficient funds in that account. County Manager Poe replied, "Yes." Commissioner Jennings made a MOTION that they take the Manager's Recommendation for the improvements at the Jail. SECOND by Commissioner Bennett. VOTING:

YES

NO

Commissioner Fricks

" Mayes

" Jennings

" Bennett

Chairman Hufstetler

Motion Carried

#### **DISCUSS REQUEST FROM RECREATION AUTHORITY TO AMEND BUDGET.**

County Manager Kevin Poe stated that he thought they had decided to defer this item until more information is received.

#### **DISCUSS POLICY RELATED TO WATER AND SEWER CONNECTIONS FOR DUPLEXES.**

County Manager Kevin Poe stated that this deals with the action taken related to duplexes and the ULDC. In response to that, the City came up with a policy regarding water and sewer connections. He stated that specifically they need to obviously address water, but it probably would be good to address their policy for both water and sewer just to be consistent. Commissioner Jennings stated that basically they are saying that for those duplexes, they would have two separate connections. County Manager Poe replied, "Yes." Commissioner Jennings made a MOTION to approve this policy on Water and Sewer Connections for Duplexes. SECOND By Commissioner Mayes. Chairman Hufstetler stated that there was a Motion and Second. Commissioner Bennett asked if this was a request of a policy from the City system? County Manager Poe stated that they went ahead and adopted it and then got with them about it. He stated that they probably should have done it at the same time, but they got to thinking that consistency would be better. To have both Water Departments . . . Commissioner Jennings stated that a duplex that was on a septic system would need two water connections so it relates to us too. Commissioner Bennett stated that he was curious as to the background for it. He stated that he did not know, it was just a pretty significant cost increase to the builder of one of these. If it was owned by an owner, an investor, then there wouldn't be the need for this if they were furnishing water, but if the tenant was furnishing it, then by design they would have to. He stated that he did not know the need for it, but he did not particularly have any objection. County Manager Poe asked about in the future if it was sold and they wanted to do the subdivision of two duplexes like the others. Commissioner Bennett stated that if you come out and split the line somehow, he would guess. He stated that if you did that, like with the anticipation of doing that like a condo or something like that, then you do that. If you go back and retrofit then obviously they would have to have that.

Commissioner Bennett stated that he did not have particular . . . Commissioner Mayes asked Commissioner Bennett if he remembered Rob Smith when he came before them. Commissioner Bennett stated that he remembered him coming before them and having some big problems trying to figure out how to make this thing work. He stated that if you are saying for all duplexes, that you were required, is that what they are saying. He stated that they are discussing the policy. County Manager Poe stated that they are talking about new duplexes. Commissioner Fricks stated, "From this point on, every duplex." Commissioner Bennett stated that for every duplex you would require separate water and separate sewer connections. County Manager Poe stated that the next part deals with existing duplexes to be converted, so it is addressing new duplexes and addressing existing duplexes. Chairman Hufstetler stated, "So it is addressing existing ones too?" Commissioner Mayes stated that he had a problem with that. County Manager Poe stated that the second half does. Commissioner Bennett stated that is what he was saying, if the entire proposal is if these are being built in anticipation of sale, that they require separate water and separate sewer connections, then he would not have a problem with it. Commissioner Mayes stated that he would not either. Commissioner Bennett stated that as he had said, it is their water and sewer system so they are the ones that he thought gets to deal with the Homebuilders Association or whoever. He didn't know what the fees were now. He asked what a water meter costs now, \$750 or \$800. Commissioner Jennings replied that he thought it was \$900. Commissioner Bennett stated \$900 for a ¾ inch meter. He stated that he did not know how much the sewer tap is, but it continues to go up. Commissioner Mayes stated that he was thinking that this was for somebody who wants this and they are going to put the separation, firewall between the duplexes. County Manager Poe stated that it says, "for all existing duplexes when the owner desires to utilize the attached housing provisions of the ULDC." If they wanted to keep it the way it currently is, it doesn't mean that they will have to go back and do it. Commissioner Bennett stated that all new ones, regardless of ownership. Commissioner Mayes stated that he didn't think that is what County Manager Poe had just read. He stated that all new ones, he thought he said for owners requiring or wanting to do the separation. County Manager Poe stated that for all new ones, it says no matter what, all new ones would have to have separate connections. Commissioner Mayes stated that did not make sense because, what if you don't put the firewall, you can't sell it separate anyway. Commissioner Bennett replied, "No, I don't think so." Chairman Hufstetler stated that wouldn't matter so it really should be on new ones with the firewall. Commissioner Bennett stated that if they had a firewall in anticipation of selling it, but even at that, if somebody changes their mind, the policy at that time would be that they would have to have a separate water connection at least, then they could argue about the sewer connection of who stopped it up or something like that. He stated that he is saying that you are adding a significant cost to someone who is building a duplex to rent. You are adding several thousand dollars. Commissioner Mayes stated that there is something wrong with either how he is interpreting it or how it was read. Commissioner Bennett stated that you could just say well, it is going to cost \$2,000. Commissioner Mayes asked that it be read again. County Manager Poe replied, "For all new duplexes a separate water service line connection will be required. For all new duplexes a separate sewer connection will be required. For all existing duplexes when the owner desires to utilize the Attached Housing Provisions of the ULDC, that they adopted last month, will be required to put in separate connections." Commissioner Bennett asked if they were being asked to endorse this or ratify this for the ULDC. County Manager Poe replied, "Adopt it as a policy that would be administered through our Water Department, that is where they would come to get the meters." Commissioner Bennett asked, "Our Water Department." County Manager Poe replied, "Yes." Commissioner Bennett stated that basically they are saying that they want to require two meters for all new duplexes. County Manager Poe stated that they want to do a policy that says for separate owners. Commissioner Jennings stated if they wanted to sell them separately, then they would require separate water and sewer taps. Commissioner Fricks asked if they could go back to the amendment which was made that required the firewall and put that back. He stated that he thought in the case, like they said specifically, that if you wanted to sell it separately it required a firewall. Could they not go back to that section and say in addition to a firewall it requires separate meters? County Attorney Manning stated that this is not a change to the ULDC. County Manager Poe stated that this is a policy that when you go get water service and sewer service. Commissioner Mayes stated that he did not think this should be required; he thought that they should offer it for whomever. When somebody is building a duplex and they have a separation wall

in it they should get separate systems, but they don't have to, it is a duplex. County Manager Poe stated that they could build a duplex with a firewall and decide later and they come back and put it in. Commissioner Mayes stated that if they try to sell it, it is their problem if they are trying to sell a unit that doesn't have . . . Commissioner Jennings stated that the only time this kicks in is if they try to sell it as separate. Commissioner Bennett stated that is the only time that it should, but that doesn't sound like the way it is reading and you are adding some costs as he had said. County Manager Poe stated that then they wouldn't deal with new, they would just deal with existing and just say any existing duplex that wants to take advantage of the provisions in the ULDC that lets you split duplexes, at that time they would have to come up with separate connections. Commissioner Bennett stated they would be required to have two water meters. County Manager Poe asked what if they just adopt the policy, eliminate the new part of it and adopt the policy for existing. Commissioner Bennett stated that the new one would be the same thing if they are building them to sell or you could just say that any duplex subdivided for sale would require separate water meters and separate . . . that would be new or old. Commissioner Jennings stated that he would accept that as a friendly amendment to his Motion. Commissioner Mayes asked to hear it again. Commissioner Fricks asked what was the Motion. Commissioner Bennett stated any duplex or they could say multi-tenant structure that is to be subdivided for sale will require an independent water and sewer tap for each unit to be sold. He stated that you might have a triplex, they are saying duplex and you may have a triplex or something that somebody would want to divide and you say fine, but the provision is that you have to have a separate water meter and separate sewer tap for each unit. Commissioner Mayes stated that as it is right now, if you have a fourplex and you wanted to sell separate units, if you don't have a firewall, you can't do it. Commissioner Bennett stated that was right and you could go back and add a firewall, maybe. You could do any number of things, it is just whether or not it is economically feasible to do it. Chairman Hufstetler stated that they have an amended Motion he thought and asked Commissioner Mayes if he still Seconded it. Commissioner Mayes stated that he SECOND the Motion. Chairman Hufstetler asked if there was any further discussion. Assistant County Manager Sammy Rich asked if the Motion includes the actual size of the water and sewer lines, because he thought there was some relevant . . . Commissioner Bennett stated that the Building Code will determine that because for domestic water, you are going to have a ¾ inch meter and a 4 inch tap. County Manager Poe stated that this calls for 5/8. County Attorney Manning stated that there were four things proposed, two under new and two under existing. He asked if they were just wanting the two under existing. County Manager Poe replied, "No, we kind of modified the whole thing and came up with a whole new . . . Commissioner Bennett stated that the 5/8 would be fine, that is smaller than the ¾. County Manager Poe stated that they had to comply with whatever building code requirements are.

Chairman Hufstetler stated that there was a Motion and a Second and asked if there was any further discussion. There being no further discussion he asked that the roll be called. VOTING:

YES

NO

Commissioner Fricks

" Mayes

" Jennings

" Bennett

Chairman Hufstetler

Motion Carried

**APPROVE CONTRACT WITH  
CINGULAR FOR PHASE II  
WIRELESS SERVICE AND  
AMEND E911 BUDGET TO  
REFLECT PAYMENTS.**

County Manager Poe stated that as they know they are going into Phase II Wireless Service in 911 and with this, they would enter into a contract with Cingular Wireless for Phase II, E911 Service. He stated that by State law they are required to set aside 30¢ of every \$1.50 fee to reimburse wireless carriers for cost incurred to put in Phase I and Phase II service. He stated that they had been paying the last couple of years for Phase I service and they had been billing us about 5¢ to 10¢ per subscriber for that. Again that money can only be used for that purpose, it can't go into the General Fund or even subsidize our E911 operations. County Manager Poe stated that basically this amendment allows them to charge up to the maximum 30¢ per customer to recoup their cost to put in Phase II wireless, which is estimated to be about \$260,000, plus they still have to finish paying for Phase I. He stated that this amends the current contract we have with them for Phase II, E911 Services. Chairman Hufstetler stated that it was basically a pass through and they have to do it. County Manager Poe replied, "Yes." Commissioner Bennett stated that we are allowing Cingular to raise the taxes. County Manager Poe stated that they are mainly dealing with Cingular because they have, he thought, 13 towers. They have most all of the towers in Floyd County and so they are the major provider, so they are the ones who are incurring all the cost to upgrade their systems. Chairman Hufstetler asked if there was a Motion to approve this contract. Commissioner Jennings made the MOTION. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Fricks

" Mayes

" Jennings

" Bennett

Chairman Hufstetler

Motion Carried

**AWARD BIDS TO RUN FIBER AND  
COPPER FROM COUNTY COURTHOUSE  
TO 4<sup>TH</sup> AVENUE COURTHOUSE.**

County Manager Kevin Poe stated that recently they took bids for Request for Proposals to run fiber and copper from the New Courthouse over to the 4<sup>th</sup> Avenue Courthouse where we are doing renovation work. He stated that they did it as a design/build concept that the company would do both the design and build. They had received two proposals and what they determined to be the best proposal with the lowest price was from Parker Systems from Summerville, Georgia, at a cost of \$28,800. County Manager Poe recommended awarding the bid to Parker Systems. Chairman Hufstetler asked if this is for the indigent attorneys which they are putting over there so it will be part of that. County Manager Poe stated that was just part of it, they are going to do directional boring and it will be underground the whole way. But as they know, they are moving the MIS operations over there and they have all of the other facilities connected with fiber and copper and it just helps them run all of their computer and phone systems. Commissioner Bennett made a MOTION that they accept the Manager's recommendation. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Fricks

" Mayes

" Jennings

" Bennett

Chairman Hufstetler

Motion Carried

**AUTHORIZE EXECUTION OF RIGHT  
OF WAY AGREEMENT WITH  
DEPARTMENT OF TRANSPORTATION  
FOR BASE AND PAVE ON NATIONAL  
GUARD ARMORY ROAD.  
(4/5 VOTE REQUIRED)**

County Manager Kevin Poe stated that this item requires a 4/5 vote to put on the Agenda. He stated that they had been working with the National Guard Armory off of Wilshire Road to look at doing some base and paving on one of their roads within their complex. Basically they had gotten with the DOT and requested a County contract. The DOT will pay for all of the paving and base material. We will provide the labor and equipment and we have a contract that we would enter into with the DOT for this work. County Manager Poe recommended that it be placed on the Agenda. Commissioner Bennett made a MOTION to place this contract 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 is on the Agenda and asked if there was a Motion to approve this agreement. Commissioner Fricks made a MOTION to approve this agreement with the Department of Transportation for base and paving on the National Guard Armory Road. SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Fricks

" Mayes

" Jennings

" Bennett

Chairman Hufstetler

Motion Carried

**ATTORNEY'S REPORT.**

No report.

County Manager Kevin Poe mentioned that this is County Clerk Michele Fountain's last meeting. Chairman Hufstetler stated that she would be at the Agenda Session next time but will have left before the next meeting. County Manager Poe thanked her for all she had done and wished her the best of luck. Chairman Hufstetler asked her how many years total did she have with the County. She replied that she had five years. Commissioner Mayes wished her the best in all of her endeavors. Commissioner Jennings stated that he absolutely wished her the best. Chairman Hufstetler stated that they knew that she had family to take care of too and he knew that she would do well at that. Commissioner Bennett invited her to attend any Commission Meeting at any time. Commissioner Fricks interjected, as long as you don't speak, as long as she doesn't speak at Public Hearings.

**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

**FLOYD COUNTY BOARD OF COMMISSIONERS  
CHUCK HUFSTETLER, CHAIRMAN**