

Month and asked that the Proclamation be entered into the Minutes.

(Resolution/Proclamation Book page no.)

Commissioner Jennings read a Proclamation proclaiming the week of September 17-23, 2004 as Constitution Week. Marc Anthony, representing the Rome Chapter of the Sons of the American Revolution, accepted the Proclamation. Mr. Anthony thanked everyone on behalf of the Sons of the American Revolution.

(Resolution/Proclamation Book page no.)

RESOLUTIONS:

**AMEND FEE SCHEDULE BOOK
MALT BEVERAGE & WINE LICENSES:**

Chairman Hufstetler stated this had been discussed during the Caucus. Commissioner Bennett made a MOTION that Resolution for Malt Beverage & Wine Fee Schedule be amended as follows:

Malt Beverage - Retail Package - \$500/year; Consume on Premises - \$1,000/year; Wholesale - \$500/year; Manufacturing - \$500/year

Wine – Retail Package - \$500/year; Consume on Premises - \$1,000/year; Wholesale - \$500/year; Manufacturing - \$500/year

Special Events – for non-profit and profit organizations for one-time events - \$100/each

Investigation Fees – remain as they currently are: Retail - \$150; Consume on Premises - \$375; Wholesale - \$50

County Manager Poe added that the license fees will be pro-rated by the month if you apply after the first of the year. SECOND by Commissioner Fricks.

Discussion: Commissioner Fricks stated that the Fee Schedule has not been increased since 1989 and the effects of the way the law is written, is that the fees are not supposed to exceed the collection costs, and the collection costs have increased since 1989 and we are just trying to catch up with where we should be, adding that we are still substantially less than our surrounding counties. VOTING:

YES

NO

Commissioner Fricks

" Mayes

" Jennings

" Bennett

Chairman Hufstetler

Motion Carried

FIRST READING

There were no First Readings.

**SECOND READING/PUBLIC HEARING
(FIRST READING HELD AUGUST 10, 2004):**

FILE #41-2004Z, REQUESTS REZONING FROM S-R (SUBURBAN RESIDENTIAL) TO D-R (DUPLEX RESIDENTIAL) FOR CONSTRUCTION OF DUPLEXES ON PROPERTY LOCATED ON OLD SUMMERSVILLE ROAD AT WALENDA DRIVE. ZONING MAP J10Y – 294, 295, 256. (PLANNING COMMISSION RECOMMENDATION: APPROVE [VOTE: 8 – 0]).

Chairman Hufstetler called for a Motion to Open the Public Hearing. MOTION was made by Commissioner Bennett. SECOND by Commissioner Jennings. VOTING:

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

Motion Carried

Chairman Hufstetler stated that the Public Hearing is now open and explained the Rules of Procedure for Public Hearing, stating that each side is given 10 minutes, if there is an opposition to present, those in support speak first and those in opposition after, then those in support have an additional 10 minutes to rebut only the specific items that were brought up during the opposition. Chairman Hufstetler asked if there was anyone who wishes to speak in support or in opposition of this File.

Sue Hiller, Rome-Floyd County Planning Department presented the staff report stating that the subject property consists of three lots, with Duplex Residential zoning to the north and east, and it is actually developed with duplexes; the property to the South it says Community Commercial, but it is developed with duplexes; across the road there are duplexes but immediately across the road there is one single family residential building. Utilities and services are available to this property and each of the three lots has frontage on a public road, so each could be developed with a single duplex.

Kevin Bolt, 814 Texas Valley Road, pointed out that the property is currently surrounded by duplex apartments already.

Chairman Hufstetler called for a Motion to Close the Public Hearing. Commissioner Jennings made a MOTION to close the Public Hearing, SECOND by Commissioner Bennett. VOTING:

YES NO

Commissioner Fricks
" Mayes
" Jennings
" Bennett
Chairman Hufstetler

Motion Carried

Chairman Hufstetler called for a Motion to approve or deny. MOTION was made by Commissioner Fricks to **approve** rezoning from Suburban Residential to Duplex Residential. SECOND by Commissioner Mayes. VOTING:

YES NO

Commissioner Fricks
" Mayes
" Jennings
" Bennett
Chairman Hufstetler

Motion Carried

FILE #42-2004Z, REQUESTS REZONING FROM S-R (SUBURBAN RESIDENTIAL) TO C-C (COMMUNITY COMMERCIAL) FOR RETAIL AND SERVICE BUSINESS USE ON PROPERTY LOCATED AT 2093 MORRISON CAMPGROUND ROAD. ZONING MAP M14-040.
(PLANNING COMMISSION RECOMMENDATION: APPROVE [VOTE: 7-1]):

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

YES NO

Commissioner Fricks
" Mayes
" Jennings
" Bennett

Chairman Hufstetler

Motion Carried

Sue Hiller, Planning Director, stated the subject property is zoned S-R, with C-C zoning to the west and to the south, and the surrounding zoning on the other side is S-R; there is a house to the north of the property and a concrete yard to the west, and to the south is a convenience store (formerly known as the Rock Store). Ms. Hiller stated the property is currently developed with a single-family residence. Ms. Hiller stated the surrounding land uses are a mix of commercial, heavy commercial and residential, however, this does represent a further intrusion or encroachment of commercial use into what is basically a rural residential neighborhood, and for that reason the Planning Commission's recommendation of approval was conditioned on providing buffers adjacent residentially owned property that would be at a minimum the standards provided by the ULDC. Ms. Hiller stated the reason for this recommendation is that when we go into areas where there is currently residential and we see commercial starting to encroach into that there is a need to be sensitive to the residential uses, and if the condition is imposed by the Planning Commission it is not something that can be varied at a later date.

Commissioner Jennings asked Ms. Hiller to describe the buffer that the Planning Commission conditioned their approval on. Ms. Hiller stated that the Planning Commission approved with the condition that "buffers on sides adjacent residential land shall meet all requirements of the ULDC to protect the existing dwellings." Commissioner Jennings asked how that would differ from the buffer for a Community Commercial piece of property. Ms. Hiller replied that it would not, it would actually impose the same buffer that the ULDC puts on any other Community Commercial property, however, in this case the site plan wasn't clear on whether they would be able to do it without asking for a variance to reduce those buffers, adding that if the buffers are a requirement placed on as a condition of a rezoning they can't get a variance for them, and this protects the adjacent residential properties.

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

YES

NO

Commissioner Fricks

" Mayes

" Jennings

" Bennett

Chairman Hufstetler

Motion Carried

Chairman Hufstetler called for a Motion to approve or deny. MOTION was made by Commissioner Bennett to **approve** the request to rezone from S-R (Suburban Residential) to C-C (Community Commercial) for File #42-2004Z, with the condition, as recommended by the Planning Commission, that the buffers required will stay in place and not be subject to variance. SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Fricks
" Mayes
" Jennings
" Bennett
Chairman Hufstetler

Motion Carried

FILE #43-2004Z, REQUESTS REZONING FROM M-R (MULTI-FAMILY RESIDENTIAL TO C-C (COMMUNITY COMMERCIAL) FOR MARKETING PURPOSES ON PROPERTY LOCATED AT MARTHA BERRY HIGHWAY/US HWY 27 NORTH. ZONING MAY J10Y-322. (PLANNING COMMISSION RECOMMENDATION: NO RECOMMENDATION [VOTE: 4 – 4]):

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

YES

NO

Commissioner Fricks
" Mayes
" Jennings
" Bennett
Chairman Hufstetler

Motion Carried

Sue Hiller, Planning Director, reported that the subject property fronts on Martha Berry Highway to the East with commercial uses across the street; to the north and south it is also zoned M-R, however, there are single-family residences; and to the west it is zoned D-R with duplex residential. Ms. Hiller stated that the subject property is

undeveloped and when we look at something like this we think that because it is along the highway it is not likely that someone would put a residential use there, at least not a single-family residential use, but in this particular case there are already single family uses to the north and to the south. Ms. Hiller stated that there was not a site plan submitted with the request so there is no way to really evaluate what the impact on those single-family residences may be. In addition, the owner of one of the properties attended the Planning Commission meeting and expressed concerns about what kind of use could go there – could it be something that would sell alcohol, and they had some concerns about that. Ms. Hiller stated that the Planning Commission voted 4-4; it was a tie so it comes to the Board with no recommendation

Chairman Fricks asked if the current zoning is M-R. Ms. Hiller stated that the current zoning of the residences is M-R, and the M-R doesn't really accommodate those single-family uses. Ms. Hiller stated that this property does not show on the 1998 Future Land Use Map, however, on the 2003 Future Land Use Map this area is designated for residential uses.

Chairman Fricks asked if there was anyone present to speak in support or opposition of the File.

SUPPORT: Bill Byington, 13 Mitchell Circle, Rome, Georgia. Mr. Byington stated that he is executor of the estate, the property is owned by the Bill Hunt estate and they are trying to sell the property. The property has been for sale for a couple of years and they have had no luck, that everybody has said they are not interested in it because of the nature of the zoning. Mr. Byington stated that they understand that there are people next door who have their homes there, and it is currently zoned Multi-Residential; however, due to the nature of what Martha Berry Highway has become on 27 north, maybe this is suited to something along these lines.

Commissioner Mayes asked what is the size of the lot. Mr. Byington stated that it is 150' across the front and about 600' in depth, and with the 150' frontage you will have some limitation as to what you can put there anyway.

No one asked to speak in opposition. Chairman Hufstetler called for a Motion to close the Public Hearing. Commissioner Bennett made a MOTION to close the Public Hearing on File #43-2004Z. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Fricks

" Mayes

" Jennings

" Bennett

Chairman Hufstetler

Motion Carried

Chairman Hufstetler called for a Motion to approve or deny.
Commissioner Mayes made a MOTION to **approve**. SECOND by Commissioner Bennett.

Discussion: Commissioner Jennings stated that he is not adverse to rezoning this property, and he thinks it is troubling that we don't have an idea of what is going in there, and you do have duplexes in the back part of that lot and more than likely a commercial entity would go in in the front part of the lot, but without knowing what that is he is reluctant to support this, but he thinks that certainly the Commission would be open knowing exactly what was going in and possibly approving it, adding that he knows that is not known and they are attempting to sell the property. Commissioner Jennings stated that he just wants to put the caution in our minds as far as Community Commercial – that it's pretty much a minimum buffer on the back part of the lot with a commercial designation. Commissioner Mayes stated that there are limitations to what you can put in with only 150' of frontage. Commissioner Bennett stated that this also violates what he has been aiming for, in trying to put some semblance of reason in some of the rezoning requests that we have, primarily it would be a spot zone that we are putting a Community Commercial in the middle of Multi-Family Residential, however on the south side we do have Heavy Commercial and the market has determined that it is not Multi-Family Residential because it has been offered for sale that way and has not sold, and probably with the Heavy Commercial on the corner the transition would be for those three lots to probably become Community Commercial as those houses are sold, because as has been stated there is not much opportunity to put anything of significance on a 150' frontage and for that reason he will vote in favor of this with a concern that he does not like spot zoning but Community Commercial is a natural transition from Heavy Commercial so he does not think it will be completely out of place. Commissioner Jennings stated that this would not preclude the applicant from coming back, and potentially someone coming in and buying all those lots, and having something that they could perhaps use, that he thinks the 15' buffer on the side and 150' wide now you are talking about 120' and not a whole lot can be done with that – they may not be any more successful in selling it with that restriction. Commissioner Bennett stated that it may encourage whoever does buy it to try and buy the other two lots to make a lot large enough – that would lead to some logic to this decision. VOTING:

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

**FILE #47-2004 Z, REQUESTS REZONING
 FROM A-R (AGRICULTURE RESIDENTIAL)
 TO C-C (COMMUNITY COMMERCIAL) TO
 OPERATE PEST CONTROL SERVICE ON
 PROPERTY LOCATED AT 2767 OLD SUMMERVILLE
 ROAD. ZONING MAY J09Y-033. (PLANNING
 COMMISSION RECOMMENDATION: APPROVE [VOTE: 8 – 0]):**

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

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

Motion Carried

Sue Hiller, Planning Director, stated that uses of surrounding property are to the north, Single-Family Residential; to the south Commercial and Residential; to the east Single-Family Residential; and to the west is undeveloped property. Ms. Hiller stated that this would be spot zoning, putting a patch of C-C in the middle of the A-R, however, when you go out and look at the property it doesn't seem quite as clear cut as that, that it is a rural residential crossroads type area with a number of houses clustered and many of them have out buildings or buildings adjacent to them that either are or were at one time used commercially. Ms. Hiller stated that as far as a commercial use going in to utilize the building, it is less incompatible with the neighborhood than it sounds and looks when you look at the zoning map. All services and utilities are available to the site, with the exception of sewer, and granting the request would make a long-standing existing use a legal use, rather than illegal non-conforming use.

Commissioner Jennings asked if pest control operations could be done in community commercial. Ms. Hiller stated that this is not something that is specifically listed in our code, so they have to determine where it goes according to the code and typically what they entail is an office, some inside storage, their fleet is usually a very small number of vehicles and in Rome the existing ones are typically zoned C-C. Commissioner Jennings asked Ms. Hiller when she says inside storage, it is inside storage of what? Ms. Hiller responded that it is typically their applying materials and equipment.

SUPPORT: Carl Templeton, 95 County Road 504, Centre, Alabama.

Mr. Templeton stated that the building is for sale, that he has not sold it to a pest control company, or anybody else at the present time. He stated that he has had people ask him about a storage building, antique automobile place, furniture warehouse, but at the present time he has not received any money from anybody so it is still for sale but it is not for a pest control.

There being no one present to Oppose the request, Chairman Hufstetler called for a Motion to Close the Public Hearing. MOTION was made by Commissioner Bennett to Close the Public Hearing on File #47-2004Z, SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Fricks

" Mayes

" Jennings

" Bennett

Chairman Hufstetler

Motion Carried

Chairman Hufstetler asked Commissioner Bennett if he had anything to add on this File since he was at the Planning Commission meeting. Commissioner Bennett stated that this is similar to the one discussed earlier as far as being a spot zone, obviously this one does have an existing structure that has been used as a Community Commercial type enterprise for a number of years, so there was not a lot of discussion on this one and it passed 8-4. Commissioner Jennings asked what was the commercial use. Commissioner Bennett stated that he thought Mr. Templeton operated a gutter business. Mr. Templeton stated that he had an awning, gutter and storm window business ever since the building was built. Commissioner Bennett stated that there was no one who voiced opposition at the Planning meeting.

Chairman Hufstetler called for a Motion to Approve or Deny. Commissioner Bennett made a MOTION to **approve** the request to rezone from Agriculture Residential to Community Commercial for the piece of property located at 2767 Old Summerville Road, SECOND by Commissioner Fricks.

Commissioner Bennett reiterated that he does not like spot zoning, but this has been long in the community, it has obviously developed as community commercial, the lot by itself is relatively small and some day in the future someone may come back to request that it be zoned when this building loses its utility that it go back residential, but because the building is already there he will support the request. VOTING:

YES

NO

Jennings
Commissioner Fricks
" Mayes
Commissioner
" Bennett
Chairman Hufstetler
Motion Carried

CHAIRMAN'S REPORT

APPOINTMENTS.

Chairman Hufstetler stated that there were no appointments to make today.

DISCUSS MEETING CONFLICT FOR SEPTEMBER 28, 2004:

Chairman Hufstetler stated that there will not be a meeting on September 28, 2004, however, a meeting will be called in that general time frame if a meeting is needed.

ADMINISTRATIVE/FINANCE COMMITTEE:

DISTRICT ATTORNEY POSITION UPGRADES (POSITION #430-002; 430-003; 430-004; 430-015; 430-017 AND 430-021) FROM PAYGRADE 106 TO PAYGRADE 107:

Commissioner Fricks, Administrative/Finance Committee Chairman stated that a report has been received from MAXIMUS and they recommended that the positions be upgraded from paygrade 106 to paygrade 107.

FACILITIES MANAGEMENT POSITION UPGRADE (POSITION #455-307) FROM PAYGRADE 114 TO PAYGRADE 115:

Commissioner Fricks reported that the employee has received a state license, and it is our normal practice to upgrade a position when a state license is obtained.

Commissioner Fricks made the recommendations for upgrades in the form of a MOTION. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Fricks
" Mayes
" Jennings
" Bennett
Chairman Hufstetler

Motion Carried

CLERK'S REPORT.

CONSENT AGENDA.

Clerk Kathy Arp stated that there were three items on the Consent Agenda that had been reviewed and are submitted for consideration. Commissioner Mayes made a MOTION to approve the Consent Agenda as presented. SECOND by Commissioner Jennings. VOTING:

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

Motion Carried

1. Tax Refunds:
 - a. Mark Cody Mathis, 1332 Old River Rd., \$224.38
 - b. Barbara Vann Mathis, 1332 Old River Rd., \$249.19
 - c. James H. Birdsong IV, 345 Booze Mountain Rd, Lindale, \$908.25
 - d. Emma Den Butler, 2221 Peachtree Rd, Suite D-642, Atlanta, \$14.87
 - e. Ray J Tate Jr, PO Box 521, Cave Spring, \$111.67
 - f. Jimmy and Wife Carroll, 347 Terhune Rd, \$5.22
 - g. Joanne B Davis, 538 Big Texas Valley Rd, \$115.03
 - h. A E Davis, 5348 Big Texas Valley Rd, \$16.49
 - i. Lee and Tammy Coleman, 110 Wildflower Rd, \$146.95
 - j. Winthrop Development Services Inc., 5 East 6th Ave, \$1,284.13
 - k. Doyal L Momon, 704 Old Holland Rd, Lyerly, \$65.64
 - l. Sherry Lyle, 419 Elliott Dr, \$14.43
 - m. Mark and Carole Raspotnik, 20 Twickenham Rd, \$17.02
 - n. James S and Tommie H Kelly, 314 Alford Ave, \$13.77

- o. The Drummond Assoc Inc, 186 Reynolds Bend Rd, \$241.35
- p. Matthew and Melissa Hickman, 8 Pond Mill Court, Silver Creek, \$174.20
- q. M&E Construction, PO Box 2441, \$268.70
- r. Jennifer Brooks, 1399 New Rosedale Rd, Armuchee, \$1.61
- s. Larry and Mary Landers, 4041 Old Dalton Rd, \$76.06
- t. James and Barbara Eller, 2 Kenwood Dr, \$24.55
- u. Edmund and Robert Cescutti, PO Box 2125, \$.029
- v. Robert and Kristen Williams, 8 Oak Hill Lane, \$4.59
- w. New Hop Overcoming Church, 200 Nixon Ave, \$4.23
- x. Century Properties Inc, PO Box 1273, \$86.73
- y. Robert and Earnestine Kirby, 465 Kirby Rd, Adairsville, \$114.92
- z. Syble and James C Gay Jr, 555 Flat Rock Rd, \$417.83
- aa. Horseleg Creek Country Club, 5 East 6th Ave, \$160.69
- bb. Mike and Peggy Deaton, 45 Shorty Rd, Cave Spring, \$235.63
- cc. Sara Evelyn and Donald W Terry Sr, 534 Buttermilk Rd, Cave Spring, \$142.24
- dd. Gregory J Jones, 1108 Mays Bridge Rd, \$603.16
- ee. Glenn L Rosser, 2053 Buttermilk Rd, \$263.83
- ff. Ronnie and Natalie Wagner, 153 Gaines Rd, \$48.11
- gg. Gary L Smith, 1013 North 5th Ave, \$2,137.69
- hh. W D and Mille Starnes, 415 E 11th St, \$38.53
- ii. Charles S Williams Jr, PO Box 1273, \$8.68
- jj. Aimee Lea and Anthony Jeff Hays, 146 Riverside Dr, \$5.77
- kk. Ned and Iris Hughes, PO Box 302, DeArmanville, AL, \$76.71
- ll. Mary l Dobson, 301 Lavender Dr, \$12.82
- mm. Robert and Peggy Sims, 314 Bells Ferry Rd, \$21.11
- nn. Dennis and Carol Sutton, 1171-A Melson Rd, Cave Spring, \$119.53
- oo. Claude E Cramer, 290 Featherston Rd, \$48.73
- pp. Kenneth W Keith, 16 Lake Park Dr, \$264.69
- qq. Robert Moss, 12 Horseshoe Bend, \$362.87
- rr. Larry Bryant, 3 Dougherty St, \$75.20
- ss. Sherold Salmon, 3025 Calhoun Rd, \$32.53
- tt. Steven and April Casey, 1482 Wayside Rd, \$69.43
- uu. Denny and Jeanne Maxwell, 1381 Mt Alto Rd, \$112.57
- vv. William Joe Marion, 700 Doyle Rd, Cedartown, \$798.49
- ww. Samuel Trent Vincent, 335 Wedgewood Dr, Silver Creek, \$7.37
- xx. Tracy and Misty Wood, 645 Chateau Dr, Silver Creek, \$58.74

- yy. Bob and Annette Bowling, 555 Billy Pyle Rd, \$76.83
- zz. Roger and Carole Daniels, 380 Dogwood Trail, Marietta, \$24.09
- aaa. Brian and Lisa Selman, 110 E Valley Rd, \$24.09
- bbb. James and Martha Kirkland, 8 Coral Ave, \$4.52
- ccc. Ricky Minshew, 615 Little Texas Valley Rd, \$71.11
- ddd. Carol G Momon, 72 Oreburg Rd SW, \$192.32
- eee. John L & Betty C Thacker, 185 Canard Rd SE, \$8.19
- fff. Myrna Sloan Caudill, PO Box 1371, \$57.22

59. License Applications:

- a. Self-Service Fuel License – Lawrence Stocks, Jr., Tag Marts, Inc., d/b/a MarMac Oil Company, 4662 Martha Berry Highway.
- a. Authorize Execution of Supplemental Agreement #001 for LARP Contract (LAROR-S006-00 (169)C1).

MANAGER’S REPORT

1. DISCUSS REQUEST FROM RECREATION

AUTHORITY TO AMEND BUDGET.

(DEFERRED FROM JULY 13, JULY 27, AND AUGUST 10, 2004 MEETINGS):

County Manager Kevin Poe reported that this item was discussed in Caucus and there is not action necessary at this time.

2. REQUEST TO ACCEPT A PORTION OF OAKMONT DRIVE IN THE OLD POLO FIELDS SUBDIVISION ON COUNTY MAINTENANCE:

County Manager Kevin Poe reported that a request has been received from J. P. Jones, President of O.P.C.O. Inc., to accept a portion of Oakmont Drive, in the Old Polo Fields Subdivision on county maintenance. Mr. Poe reported that the County Engineer has completed an inspection report and recommends that the portion of road that is being requested to be taken on maintenance be accepted. *(Phase 3 and 4).*

Chairman Hufstetler called for a Motion to accept the recommendation. MOTION was made by Commissioner Bennett, SECOND by Commissioner Fricks. VOTING:

YES NO

Commissioner Fricks
" Mayes

" Jennings
" Bennett
Chairman Hufstetler

Motion Carried

**3. AWARD BID FOR INMATE CLOTHING
AND SUPPLIES:**

County Manager Kevin Poe reported that bids had been received for the annual contract for Inmate Clothing and Supplies for the County Jail and Prison. Mr. Poe stated that this is a one year contract with the option of two (2) one year renewals. Bid packages were sent to 19 vendors, with 13 responses. Mr. Poe stated the recommendation from Purchasing Agent Judy Bales, in a memo dated August 17, 2004 is to award the bid to the eleven vendors that were low bidders and met specifications in the particular categories. County Manager Poe recommended acceptance of the recommendations of the Purchasing Agent per her memo.

Chairman Hufstetler called for a Motion to accept the bid awards based on the Purchasing Director's recommendation. MOTION was made by Commissioner Fricks, SECOND by Commissioner Bennett. VOTING:

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

Motion Carried

**4. DISCUSS REQUEST FROM ROME
AREA HISTORY MUSEUM FOR \$20,819.**

County Manager Poe reported that a letter has been received from the Rome Area History Museum asking for \$20,819 in funding. Mr. Poe stated that the money is used to pay for membership for students in the County school system, grades 1-7, and teachers. Mr. Poe stated that this membership allows them to come to the History Museum at any time during the year, and from an historical perspective we have given them the last four years the amount of \$15,288. Mr. Poe reported that we have \$30,000 in our Community Fund and a couple of meetings ago we obligated \$2,000 of that to the Harbor House.

Chairman Hufstetler stated that this was discussed in Caucus and there was some concern that with this being General Fund monies, limiting it to the Floyd County School System. County Attorney Tommy Manning stated that it is the legal opinion that there is a provision under law that in certain circumstances, that will allow a

governmental entity, like a County Commission, to give money to a private non-governmental entity under a public welfare exception. Unfortunately, they do not think this qualifies because in order to do that the organization receiving the benefit, or stipend, would have to be carrying on a governmental function that this Commission would otherwise be responsible for – similar to Harbor House. Mr. Manning stated that the County Commission is not charged with the responsibility of funding education, as you know, so therefore, it is the legal opinion that if this were challenged they have concerns that they would have difficulty supporting it.

Commissioner Jennings stated that they had funded this in the past because of the issue of membership, and based on the advise of the previous attorney in that regard, and they had proceeded under his advice to the Board. Commissioner Jennings asked Mr. Manning if he was saying that this really is not the case. Mr. Manning stated that he thinks this probably happens around the state, in different counties, because it is certainly a noble cause, but he thinks legally there is a potential problem because the County Commission is not charged with the responsibility for education and it can't come under that public welfare exception for something that the County would not otherwise normally do.

Chairman Hufstetler asked if it was the pleasure of the Board to defer this item. Mr. Manning stated that the school board would have a lot better ground to stand on in appropriating money for this cause because their task is education. Commissioner Jennings stated that in the information received from the Rome Area History Museum it states - providing membership for students and faculty in the History Museum for school related trips and activities. Chairman Hufstetler added that another thing that concerns him is that the information states it is for county schools and this is the General Fund and people in the city and the county both pay into the General Fund. Chairman Hufstetler recommended deferral and discuss further with that board, if that was okay. It was agreed to defer.

**5. DISCUSS REQUEST FROM BILL MCWHORTER
CHIEF TAX ASSESSOR, FOR BUDGET AMENDMENT
RELATED TO HIS SEMINAR AND CONFERENCE LINE ITEM:**

County Manager Kevin Poe reported that a memo has been received from Bill McWhorter requesting an amendment of the budget to both the Tax Appraiser as well as the Tax Assessor's, particularly his Seminars and Conferences Budget. Mr. Poe stated that this line item is being treated similarly to Salaries and Equipment this year, and if a budget amendment is requested in this line item a request has to be brought before the Commissioners. Mr. Poe stated the request shows how much money Mr. McWhorter feels he needs to cover training for the employees in the Appraisers office as well as the Tax Assessors who are on the Tax Assessors Board, and provided a breakdown of the location and costs for the various trainings, which are State Mandated Training according to Mr. McWhorter. Commissioner Jennings noted that Mr. McWhorter has money in other accounts that could be transferred. Mr. Poe stated this is correct and there would not be any net increase to his budget – in the Tax Appraisers office money would be transferred from the Postage account, and in the Tax Assessors

budget money would be transferred from the Board of Equalization account. Mr. Poe recommended approval of the request to amend the Seminar and Conference line item.

Commissioner Jennings made a MOTION to accept the Manager's recommendation of amending the Chief Tax Assessors budget without any net increase. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Fricks

" Mayes

" Jennings

" Bennett

Chairman Hufstetler

Motion Carried

**6. DISCUSS REQUEST FROM CONVENTION &
VISITORS BUREAU FOR FINANCIAL SUPPORT
OF TOUR DE GEORGIA 2005:**

County Manager Kevin Poe reported that he has received a request from Lisa Smith, Convention & Visitors Bureau requesting financial support for the Tour de Georgia 2005. Mr. Poe stated that in the past we have supported the event with in-kind support, particularly in our Police Department and Public Works Department working the closure of the streets during the events. Mr. Poe stated that according to Ms. Smith the 2005 event will be bigger, with more people involved and some of the things the State paid for this year will be the responsibility of the host community, i.e. additional dinners for personnel, extra rooms for extra personnel traveling with the event, additional fencing and barricade and office equipment rental and serving breakfast for 300 the morning after the event. The total anticipated additional cost to be absorbed is \$16,000. Mr. Poe stated they will be going back to their regular sponsors to cover a lot of the costs, but they are asking for a commitment this year not only for in-kind support but also any kind of financial support the County might feel they can contribute. Mr. Poe stated that he has discussed with Ms. Smith that the County is not really in the 'sponsorship business' for events, and we have made the commitment for in-kind support to help with the other bicycle race that is coming in August. Commissioner Fricks asked if they have an amount that they are requested and Mr. Poe stated that they had just roughly detailed what the additional expenses they are going to be incurring. Commissioner Jennings stated that it seems the State of Georgia is getting some benefit from the event, and he feels they should step up to the plate and provide the money for this event. Commissioner Fricks suggested that a more detailed budget of the event be submitted, that he feels it is a phenomenal event, in terms of community exposure, but we need more details. Chairman Hufstetler stated that he was just not sure that this is the organization to do it, there might be something else they could go through. County Attorney Virginia Harman stated that the same kind of public welfare exception to the prohibition on direct monetary

contributions would apply. As long as there is a relationship with safety, security, welfare, maintenance, those are perfectly legitimate county functions and there is no prohibition, but direct monetary contributions from the county – directly to that entity for that purpose – without some structure behind that to legitimize it would be a potential problem. Commissioner Jennings stated that county employees work a considerable amount of time for that project. Commissioner Fricks, stated that not trying to legitify, but with Tourism the number two industry in the state of Georgia, he would assume you could probably do it under Economic Development.

Chairman Hufstetler asked what is the pleasure of the Board. It was the consensus that more information be obtained, i.e., detailed budget, are there any other sources. Commissioner Fricks stated that it would be the hopes that the event brings enough to the community that private sources come in and do the support, and if there is an element that we can help to bring it here we should support it, because it does have an economic impact.

**7. APPROVE GRANT OFFER OF \$214,633
FROM THE FAA FOR PLANNING AND
CONSTRUCTION PROJECT AT AIRPORT:**

County Manager Kevin Poe reported that a grant offer has been received from the FAA in the amount of \$214,633 to provide an updated Airport layout plan including Runway 1/19 Marking and Pavement Grooving; Installation of Runway 1/19 Signage; as well as upgrading Guidance Signage. Mr. Poe stated the FAA will provide \$214,633, the State DOT will provide \$1,850, and the county will provide the balance of local funds for the total project in the amount of \$9,446. Mr. Poe recommended approval of the Grant offer and authorize the Chairman to sign the Grant Documents.

Chairman Hufstetler called for a Motion. MOTION was made by Commissioner Bennett to approve the Grant offer from the FAA, and Authorize the Chairman to sign the documents. SECOND by Commissioner Jennings. VOTING:

YES	NO
-----	----

Commissioner Fricks	
" Mayes	
" Jennings	
" Bennett	
Chairman Hufstetler	

Motion Carried

**8. AWARD BID FOR CONSTRUCTION OF
TWO (2) TENNIS COURTS AT MIDWAY
PARK (2003 SPLOST):**

County Manager Poe reported that bids had been received by the Recreation Department for construction of two (2) Tennis Courts at Midway Park as part of the 2003 SPLOST project. Mr. Poe stated two bids were received, and the low bid was from North Georgia Paving in the amount of \$14,490, and recommended that the bid be awarded to North Georgia Paving.

Commissioner Bennett made a MOTION to approve the Manager's recommendation, SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Fricks

" Mayes

" Jennings

" Bennett

Chairman Hufstetler

Motion Carried

REMINDER OF UPCOMING MEETINGS:

County Manager Poe reminded the Commissioners of a meeting scheduled for Thursday, August 26, 2004 at 2:00 p.m. in the Sam King Room to discuss Air Quality issues. Mr. Poe stated that representatives from the EPD will be attending the meeting to discuss the different issues about us being put on a non-attainment list and talk about Air Quality monitoring in Floyd County. Mr. Poe also reminded the Board about the Board Retreat on Monday and Tuesday of next week (August 30-31, 2004) at Red Top Mountain Lodge.

ATTORNEY'S REPORT:

DISCUSS PARKING AGREEMENT BETWEEN FLOYD COUNTY AND BATTEY PARTNERS, LLC:

County Attorney Virginia Harmon, reported that Mr. Manning had distributed a draft of a License Agreement between Floyd County and the Battey Partners, LLC, regarding the downtown parking. Ms. Harmon suggested that this document be reviewed by the Commissioners and the Battey group. Chairman Hufstetler stated that they would review the document and the County Manager would meet with the Attorney's and the Battey Group to finalize the Agreement, before bringing it to the Board for adoption.

ADJOURNMENT:

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

YES

NO

Commissioner Fricks

" Mayes

" Jennings

" Bennett

Chairman Hufstetler

Motion Carried

COMMISSIONERS

FLOYD COUNTY BOARD OF

CHAIRMAN

CHUCK HUFSTETLER,