



letter was fairly noncommittal she (*Ms. Watson*) decided to call her back. Ms. Watson stated that she discovered that the Attorney General's office was indeed very interested in this whole matter and while she had thoroughly read the report and was quite familiar with each of the players, she admitted that the Attorney General's office had found only one very narrow avenue of jurisdiction into this whole investigation. Ms. Watson stated that she (*Ms. Swartz*) detailed what it was and asked her (*Ms. Watson*) to pursue gathering several other pieces of evidence and information for her, which she has done. Ms. Watson stated that while she would not give the specifics of what she (*Ms. Swartz*) was asking for she would tell the Board that it was in regards to the non-profit entity, Citizens for Better Parks, Inc., which on August 26<sup>th</sup> of last year Chairman Hufstetler discovered a \$10,000 transfer of funds leaving the Parks Authority accounts going to Citizens for Better Parks. Ms. Watson stated that even more enlightening in that conversation with Ms. Swartz she learned that because Citizens for Better Parks, Inc. had received significant funding from a government entity it made them subject to the Georgia Open Records Act. Ms. Watson stated, Mr. Bennett since August 26<sup>th</sup> you have promised over and over to get to the bottom of this and actually until I presented that evening the Secretary of State print out showing that you were the Chief Financial Officer of Citizens for Better Parks, Inc. you seemed unsure about exactly what that entity was. Ms. Watson stated that now that she has copies of Citizens for Better Parks, Inc. minutes showing you (*Commissioner Bennett*) in attendance at quarterly meetings for the last two years she thinks there is a digression, and he has told some folks that if he was in attendance at these meetings you were not aware for most of the time that he was in attendance, and she is sure he can explain that later, how that works, it is a confusing issue. Ms. Watson stated that while he (*Commissioner Bennett*) still maintains that he was trying to get to the bottom of Citizens for Better Parks, Inc. it was not until last month when she discovered, that she had the legal right to get financial records from them, that it came to light about several outrageous dealings over the last six years. Six years is the legal limit for which the Georgia Open Records Act applies to entities. Ms. Watson stated that all of this info was readily available to you as Chief Financial Officer of this entity, Mr. Bennett, and yet you never secured it, and she has recently had to pay over one-hundred dollars to Bob Saylor to get this information that you could readily have gotten over the last nine months. Ms. Watson stated for instance, one of the many real estate transactions which she discovered after Mr. Gladden's February appearance here was a tract of land donated by Norfolk Southern Railway in 1995. Ms. Watson stated that with her recent Georgia open records request she discovered that in the year 2000 when Norfolk Southern Railroad realized that they needed an easement for existing rail line on that property Citizens for Better Parks Inc. demanded \$50,000 for that easement. Ms. Watson stated that those funds still sit 5 years later, now, in a Certificate of Deposit never having been used for the purpose which Citizens for Better Parks, Inc. justified needing the funds for, something called the Simms Mountain Project. Ms. Watson stated, of course before their final resting place in the current CD those funds were co-mingled with another \$60,000 which came directly from the Parks Authority accounts in the fall of 2000 into a single CD of \$110,000. Ms. Watson stated it is infuriating to her as a taxpayer that \$60,000 from the Parks Authority which is funded primarily by Floyd County tax dollars could leave official government entity control and go outside for others to do with as they saw fit. Ms. Watson stated the \$50,000 twisted out of Norfolk Southern Railroad

also came back to bite the butts of Floyd County tax payers later. Ms. Watson stated this commission tried to purchase a 21' easement on the parking lot next to The Forum. What did Norfolk Southern demand from the Floyd County taxpayers for this 21 feet of unusable rail line - \$50,000. Ms. Watson stated that you commissioners somehow negotiated down a little bit, but still we paid over \$40,000 for it because Norfolk Southern Railroad was still furious at what they considered extortion on the part of Citizens for Better Parks, Inc. and because they had been convinced that this entity represented Floyd County. Ms. Watson stated as a Floyd County taxpayer she wants that \$50,000 to be secured and brought back over into Floyd County control immediately. Don't let it stay in Citizens for Better Parks, Inc. accounts and get the land back too, if they were representing that they represented Floyd County then the lands that they now hold should belong to Floyd County. Ms. Watson stated, Mr. Bennett if you really want to give the appearance that you were trying to get to the bottom of all of this with regards to Citizens for Better Parks, Inc. then you will not stop with just the six year limit that the Georgia Open Records requires entities to provide, but you will actually demand that all of the records be made public – the last 10 years, the last 15, the last 20 years, bank account statements, minutes of meetings, etc. Ms. Watson stated, finally with regards to your (*Commissioner Bennett*) changing position on what you knew and when you knew it, I do want to remind you of Georgia Code 16-10-20 with regards to officials – a person who knowingly and willfully falsifies, conceals or covers up by any tricks, scheme or device a material fact, makes false, fictitious, or fraudulent statements or representations or makes or uses any false writings or document knowing the same to contain any false, fictitious or fraudulent statement or entry in any manner within the jurisdiction of any department or agency of state government or the government of any county, city or political subdivision of this state shall upon conviction thereof be punished by a fine of not more than \$1,000 or by imprisonment for not less than one but not more than five years or both the fine and the imprisonment. Ms. Watson stated she regrets that she has turned over all of her tapes to federal authorities of meetings and discussions that we have had and she doesn't have them to refer to any more but she just wanted to give that as an encouraging caution for anything that occurs in the future. Ms. Watson stated thank you again Floyd County Commission for being so diligent about watching over our tax dollars, we appreciate it.

Chairman Hufstetler asked if there were any comments anyone wanted to make.

County Attorney Manning stated he would like to make a comment, and he had discussed this with Ms. Watson in a telephone conversation that he had with her yesterday. County Attorney Manning stated that he just wanted to make it clear that referencing a code section that speaks to a felony in a conversation directed at a commission concerns him. County Attorney Manning stated that he had expressed that because he thinks that Ms. Watson was speaking to the issue of Mr. Bennett becoming aware that he was listed as a CFO for Citizens for Better Parks, Inc. which is something that can take place merely by a clerical individual filling out a form with the Secretary of State's office, without any knowledge whatsoever that an individual is listed as an officer of a corporation. County Attorney Manning stated that he was present in that meeting

where that was brought up, and he thinks a number of you were in that meeting when that was brought up, and it certainly was clear to him that that caught Mr. Bennett by complete surprise. County Attorney Manning stated that he thinks there is work to be done with regard to the Recreation Authority, we've talked about that before here and you've heard him say that he thinks it would be wise for the Commissioners of the county to account for all of the money that has gone into and out of Citizens for Better Parks, Inc. County Attorney Manning stated that he hopes, and he expects that all of that money can be accounted for, and there may have been technical violations with money going from the Recreation Authority to Citizens for Better Parks, Inc. that should not have occurred, but he hopes and expects that all of that money would be accounted for and he thinks it would be wise of this body to do that. County Attorney Manning stated that it concerns him, particularly when you have a commission and then a particular commissioner, who has been committed to getting to the bottom of what is going on with the Recreation Department, that they are thrown and cast with a net that references a code section regarding a felony. County Attorney Manning stated that he was there, he saw the surprise on Commissioner Bennett's face, and it was clear to him, he believes that it was because Commissioner Bennett had no idea he was listed in that position. County Attorney Manning stated for him to get a telephone call and to be cast that that is some kind of felony violation, he just doesn't think that is accurate. County Attorney Manning stated that he certainly respects Ms. Watson's right to ask of the Recreation Authority and of this body to get to the bottom of accounting, but he does not think that she is correct, in his view, that there has been any kind of intentional misrepresentation by Mr. Bennett. County Attorney Manning stated that he wanted to make that clear, he was there and that is what he saw and that is what he believes.

Ms. Watson stated she wanted to make one correction, that Mr. Manning and she talked quite a while yesterday and she thought she had made it clear to him it was not the whole issue of Mr. Bennett being listed as CFO that she had the problem with, because she had given him the benefit of doubt for these last nine months, what she had the issue was for ten minutes before she ever produced that, before she even walked down to her car maybe it was twenty minutes, Mr. Bennett was saying all these things – I don't know what they are, I'm not sure what they are, I think they are a defunct organization, I'm unclear, I'll check into it, dadada...and of course her initial response was he's got to know he's the CFO and she produced that. Ms. Watson stated since then, and Mr. Bennett and I have had this discussion, and she thought she made it clear to you Mr. Manning yesterday, that was not the issue, the issue was that he said he did not know what it was, he called her the next morning told her he had never been to a Citizens for Better Parks meeting, he didn't know what it was but he would get to the bottom and then as late as this February Mr. Bennett has pulled her aside, kept her late after this meeting, and they discussed a lot of things including that, and continued to say I just don't think I have ever been to a Citizens for Better Parks meeting you know they just put my name on that without my knowledge, which she accepts, she finds it very plausible. Ms. Watson stated she struggles with the plausibility of whether he could possibly have known through two years worth of meetings, quarterly meetings that he was in attendance at, it is recorded on the roll call, that he could for two years not have know he was at a Citizens for Better Parks Inc. meeting and to tell that and maintain that all this time. Ms. Watson

stated that she does know from talking with several people, including Mr. Fricks, Wright Bagby, some other folks who asked not to be mentioned that the Citizens for Better Parks board meetings occur immediately following Rome-Floyd Parks and Recreation Authority meetings. Ms. Watson stated the Citizens for Better Parks meetings are very brief, very little is discussed, in fact if you read the minutes very little is discussed, and she could understand if you attended one or two that you might not realize that there was a transition.

Commissioner Fricks asked Ms. Watson how many did he attend, before her August meeting with everybody. Ms. Watson stated that she thought it was six, but she would have to go back and look. Commissioner Fricks stated it was always a real quick process. County Attorney Manning stated for the education of anyone who is watching, that he has never been to one, but it is his understanding there is a brief Citizen for Better Parks meeting, a lot of times the minutes reflect the same thing month after month after month before there is a Rec Authority meeting where possibly, if you are new to the process, you may not even know they are two different entities.

Ms. Watson stated she could understand that once or twice, maybe three times, she finds it difficult that for a year and a half it could happen. Ms. Watson stated that they are not monthly meetings, in Mr. Bennett's defense, they are only quarterly meetings. County Attorney Manning stated that Ms. Watson said she could understand a couple, and he has done this research himself, but his understanding from Mr. Bennett was he checked and he had been, prior to this August meeting where Ms. Watson produced this document regarding listing him as CFO, that he had been to a total of two meetings.

Commissioner Jennings stated to Chairman Hufstetler that he was concerned that we are turning this into a debate. Chairman Hufstetler stated that he knows what Commissioner Jennings is coming at and he was right, and told Ms. Watson that she had had her time and he needed to stop, that he tried to give her leeway because we don't try to cut anybody off, but he does need to have her end her comments and let County Attorney Manning continue with what he wanted to say.

County Attorney Manning stated in conclusion that the integrity of each of the Commissioners is the most valuable thing they have and when someone, well-intentioned or not, attempts to link you with something that reflects adversely on your integrity that is a serious, serious matter and he knows that this body has been diligent in trying to acquire accountability of the Recreation Authority and he thinks they should ensure – from a legal perspective his advice to the Board is that they should attempt to document all monies that have gone in and out of Citizens for Better Parks he thinks that is the prudent thing to do, but he just wanted to again reiterate that he was there and he certainly did not see any intentional misrepresentation, and he thinks that is important to point out to others who may not have been there.

Chairman Hufstetler stated that he needed to make a couple of comments to, one regarding the Norfolk Southern – this Commission was aware of it. They were

Commissioners before Commissioner Bennett was. They were aware of it. They criticized it. They were not happy with it, but the Rec Authority supervises that situation. We don't own the Rec Authority. We don't have direct control over them. We do have an appointment that we've put on there. The current appointment is Commissioner Bennett. Chairman Hufstetler stated there have been other issues that they have been critical of over the years, and he will say that he is in his seventh year as a Commissioner and his dealing with them, none of any of the Commissioners he believes either on the City or the County have done as good a job as Commissioner Bennett in getting to the bottom of some of this stuff. Chairman Hufstetler stated that while we attempted in the past to get the finances under the control of the county and were not successful because of problems we had, he did make it happen over there. He got that board to approve it and on January 1<sup>st</sup> the finances are now under the county. Chairman Hufstetler stated there is still a lot of work to do on those finances in bringing them up to speed on issues, but he doesn't know of any commissioner that has worked harder on straightening out the finances of the Rec Authority than Commissioner Bennett, he gave him that task when he first came on, and several others did too, and he has really done a great job on that and he is real proud of the work he has done over there. Chairman Hufstetler stated are there still problems over there – yes, there were problems before he (*Commissioner Bennett*) came and there will probably be problems afterwards, but nobody has made such an impact as he has and the hard work he has done on it is certainly appreciated by him and he thinks probably all the commissioners.

Commissioner Fricks stated he was actually serving on that board in ninety when that Norfolk Southern transaction took place, and a lot of it is how the presentation is made to you as a board member. Commissioner Fricks stated that Ms. Watson had said they were aware of it, but they didn't become aware of the issues until farther along when we tried to make some future transactions with Norfolk Southern and they learned of the issues of the past. Commissioner Fricks, stated place yourself as a board member and looking out for the good of Floyd County and the citizens of Floyd County and all of a sudden they come in and make a presentation to you that we have worked out a deal with Norfolk Southern and it will pay us \$50,000 to go to the maintaining the trails – no discussion of how that took place or how the negotiations went, all of a sudden you see an opportunity for \$50,000 for the citizens of Floyd County so you are elated and excited about supporting it. Commissioner Fricks stated that he, and he thinks Chairman Hufstetler as well, when they were talking about it, it wasn't until a number of years later that they found out there were issues and bad blood between Norfolk Southern and Floyd County because of that transaction and none of them were ever made aware of it, the deal was done when they got there. Commissioner Fricks stated a lot of times things like that happen. It is with good intent, and yes it did turn into a bad scenario he would say. He would have preferred to know the entire story, but even as you reflect the minutes for Citizens for Better Parks a lot of times you are given a very summarized version of what the transactions are taking place. Chairman Hufstetler stated that he had heard from several people at those meetings, they may start off the meeting and talk about a couple of issues, and then talk about other issues, you think they are all recreation related, which they are, and then you get the minutes and there are a couple of sentences to Citizens for Better Parks and the rest of it the Rec Authority and he doesn't

see negligence on his (*Commissioner Bennett*) part and again he appreciates the job he has done out there.

County Attorney Manning stated that he thinks there is intent, but he doesn't know if there is a specific plan in place about just ensuring accountability of funding going in and out of that organization, and he thinks it would be wise of this body to develop a plan to ensure that that did take place, because he thinks it is important that there be accountability for all government funds. If there are technical violations let's look at that and deal with that but accounting for that money he thinks would be a proper course of action. Chairman Hufstetler stated that he thinks in the interim instructions have been given that no Rec Authority money is to go into Citizens for Better Parks, and in fact he knows that it has been stopped from happening. County Attorney Manning stated that he does not know if the plan for that is to occur through the audit procedure or how, but that is his recommendation.

Commissioner Bennett stated if he could say something, and he has been advised not to and he thinks that is probably the political way to do is to not have a comment to let this go on, but he has been advised to just listen and thank Ms. Watson for her comments and then proceed with other business, basically just ignore what she has to say. Commissioner Bennett stated he could not do that for a couple of reasons. One is because in the past he has also appeared before government officials requesting something be done and basically felt like he was treated that same way. Commissioner Bennett stated in fact, when Ms. Watson first appeared before the Board he invited her to the Recreation Authority meetings, that is where the business of the Recreation Authority is conducted, over there. It is also where possibly some answers could be given rather than here at this body, because we don't have the records and that sort of thing available to us, nor do we have the access immediately to the people who may have taken place there. Commissioner Bennett stated this may sound a little modling, but another reason that he feels he has to respond to these allegations is because someone is making untrue allegations against his grandchildren's grandfather, and his wife's husband and his mother's son. Commissioner Bennett stated that while this may seem like a silly statement to many, it is very important to him and he hereby states that he has never knowingly or willingly made false statements about, nor has he ever attempted to conceal or cover up any matters connected with Recreation Department or Citizens for Better Parks. Commissioner Bennett stated to the contrary he has taken very seriously the different allegations that have been presented to him, many by Ms. Watson, another one at another meeting by someone who came with her, and he has attempted to investigate each one responsibly and thoroughly. Commissioner Bennett stated that in fact maybe his recollection is pretty bad, such as at that August meeting when he was supposed to be able to recount all these Citizens for Better Parks meetings. Commissioner Bennett stated that he does not recall having discussed the Citizens for Better Parks, except in a general issue with Ms. Watson since that August meeting, and as it has been brought to his attention, actually at that August meeting we were in a budget discussion about funding the Rec Authority and several questions were coming back and forth about Citizens for Better Parks. Commissioner Bennett stated he apologizes for any bad memory he may have but he didn't know specifics, and he thinks that question came up several times, in

fact this transfer of \$10,000 was a news story or something – that is just his recollection, but as he has said, he never knowingly or willingly made any false statement.

Commissioner Bennett stated additionally he has sought and received support from the Recreation Authority to transfer the financial function of the Recreation Department to Floyd County. He has called for an indepth analysis and independent audit of the Rec Authority's finances, as well as an accurate accounting of any and all monies that have been received and distributed by Citizens for Better Parks, Inc. Commissioner Bennett stated that he went back and got the minutes since he has been a Board member. He understands that the transaction took place before he became a member, but he did try to at least see where he was and on 1-22-03 it shows he was present, the business there was a motion by one of the board members that \$15,000 from the funds trail be made available for the foot bridge that was supposed to go across the river, that was seconded by another member and then the next motion was to adjourn. Commissioner Bennett stated that on April 21, 2003 he was absent, on July 21, 2003 he was absent, on 10-20-03 it shows that he was there but the only business, at the best he can determine, was the \$15,000 that was earmarked for trails would be allocated to the foot bridge and other senior center improvements and then we adjourned – that was the entire business.

Commissioner Bennett stated that on 1-26-04 it shows he was present, the financial report was referred to as included in the packet. Commissioner Bennett stated it was interesting to note that the budget finance comments were almost verbatim on the 1-26-04 meeting as they were on the 10-20-03 meeting, just a change of date. Commissioner Bennett stated on 4-19-04 meeting he was absent, on 7-19-04 he was absent – he had not attended a meeting at this Citizens for Better Parks since January, when the general discussion was occurring in August and he was still trying to get information – that is when we still had the other financial system in place over there and he would ask had it been audited, was told it had been audited but did not see the books. Commissioner Bennett stated he missed 4 meetings of the 7 prior to that and the best he can tell from the minutes there were hardly any financial transactions taking place. Commissioner Bennett stated as he had said, he sought and received support to get the financial function transferred to the county and because Citizens for Better Parks has been portrayed as a clandestant, shadowy, slush fund, preliminary to the above (*Citizens for Better Parks*) audit that he said they have asked for, he requested and has received from the Recreation Accounting Department, data concerning receipts and disbursements of Citizens for Better Parks for the period of 1-1-03 through 3-31-05, stating again that that is what he has served over there. Commissioner Bennett stated that he has summarized and viewed the data and found the following – there are three bank accounts that he knows of that were presented to him, one is non-profit checking account with balances of \$2,689.89 at 1-1-03 and \$6,489.89 at 3-31-05; there is a commercial money market account with balances of \$4,386.15 at 1-1-03 and \$4,394.66 at 3-31-05; a certificate of deposit with balances of \$51,493.27 at 1-1-03 and \$52,950.21 at 3-31-05. Commissioner Bennett stated since he has been on the board there have been only two deposits and no check disbursements from the non-profit checking account, there were deductions for service charges of \$35 in 2004 and \$15 in 2005. Commissioner Bennett stated the deposits consisted of a donation from the Atlanta Braves Foundation in the amount of \$750 on April 10, 2003 for the Senior Citizens Center and a \$3,100 deposit on April 30, 2003 for bridge lights made up of four checks from a local attorney, a local retired individual, a local business man and a

local business. Commissioner Bennett stated that on April 21, 2005, which is subsequent to the March 31<sup>st</sup>, there was a check written to the Secretary of State in the amount of \$60 for the corporate registration fee. Prior to that there had not been any disbursements out of that checking account before – the last one was 7-12-02 - the last check before this last \$60 check. Commissioner Bennett stated in the commercial market account there were no withdrawals and total deposits of \$8.51 for interest in 2003, 2004, and 2005; as to the certificate of deposit there were no withdrawals and total deposits in the amount of \$1,456.94 for interest in 2003, 2004 and 2005. Commissioner Bennett stated that it has been alleged that he lied about being, and/or covered up the fact that he was CFO of Citizens for Better Parks. Commissioner Bennett stated that on March 27, 2003 David Nix, the former accountant for the Recreation Department filed an on-line corporate registration report with the Secretary of State’s office substituting his (*Commissioner Bennett’s*) name for Tim Banks a former Recreation Department employee for the position as CFO of Citizens for Better Parks. Commissioner Bennett stated while he has no problem with being designated as CFO of Citizens for Better Parks, this filing was done without his knowledge. Commissioner Bennett stated that it is interesting to note that he is no longer designated as CFO of Citizens for Better Parks, in April 2005 another annual corporate registration report was submitted to the Secretary of State designating another person to replace him as CFO and designated the current Assistant Director as the new Agent to replace David Nix who retired in 2004. Commissioner Bennett stated that neither he, nor the new CFO or the new Agent were aware that this was done. Commissioner Bennett stated he is sorry for any misunderstanding that may have occurred in his comments about Citizens for Better Parks, but that is the best he has been able to find.

Chairman Hufstetler stated he appreciates everyone’s comments.

**ADOPTION OF**

**MINUTES:**

Chairman Hufstetler asked County Attorney Tom Manning if the minutes were in order. County Attorney Manning stated the minutes had been reviewed and were in order. Commissioner Fricks made a MOTION to adopt the minutes of the Called Meeting of April 21, 2005 and the Regular Meeting of April 26, 2005 as presented. SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Fricks

" Jennings

" Bennett

Chairman Hufstetler

Motion Carried

**PROCLAMATIONS:**

**RECOGNIZE SERGEANT LOMAS YOUNGBLOOD,**

**UNITED STATES ARMY NATIONAL GUARD, FOR  
SERVICE IN KUWAIT:**

Commissioner Hufstetler presented the Proclamation and Plaque to Sgt. Lomas Youngblood for recognition and to express appreciation for his service to his country and to Floyd County.

(Resolution/Proclamation Book, page 47)

**NATIONAL HISTORIC PRESERVATION  
MONTH:**

Commissioner Fricks presented the Proclamation recognizing May as National Historic Preservation Month. Jeff Brown accepted the Proclamation on behalf of the Rome Area History Foundation.

(Resolution/Proclamation Book, page 48)

**NATIONAL PUBLIC WORKS WEEK:**

Commissioner Bennett presented the Proclamation to Michael Skeen, Public Works Director, recognizing the week of May 16-20, 2005 as National Public Works Week.

(Resolution/Proclamation Book, page 49)

**ROME/FLOYD COUNTY  
BLUE STAR SALUTE DAY:**

Commissioner Jennings presented the Proclamation to Mark Anthony recognizing May 21, 2005 as Rome/Floyd County blue Star Salute Day.

(Resolution/Proclamation Book, page 50)

**ENTER INTO MINUTES  
FROG DAY AT ARMUCHEE  
ELEMENTARY SCHOOL:**

Chairman Hufstetler stated that this Proclamation had been presented to Armuchee Elementary School on May 6, 2005.

(Resolution/Proclamation Book, page 51)

**FIRST READINGS  
(PUBLIC HEARING TO BE HELD  
ON MAY 24, 2005 AT 6:00 P.M.):**

Chairman Hufstetler stated there are two files on the agenda for First Reading which Chairman Hufstetler listed, adding there are no public hearings to be held today, that no action will be taken on the two items on the agenda because the Board is awaiting new language for the proposed changes and they will go back through the Planning Commission.

- 1. FILE #22-2005Z, REQUEST REZONING FROM S-R (SUBURBAN RESIDENTIAL) TO C-C (COMMUNITY COMMERCIAL) TO ALLOW COMMERCIAL LANDSCAPE COMPANY USE ON PROPERTY LOCATED ON CAVE SPRING ROAD. ZONING MAP I16X-PART OF PARCELS 041, 041A, 041B. (PLANNING COMMISSION RECOMMENDATION: APPROVE [VOTE: 10 – 0]):**
  
- 2. FILE #23-2005Z, REQUEST REZONING FROM S-R (SUBURBAN RESIDENTIAL) TO D-R DUPLEX RESIDENTIAL) TO MARKET PROPERTY FOR DUPLEX RESIDENTIAL USE ON PROPERTY LOCATED AT 667 AND 669 MAYS BRIDGE ROAD. ZONING MAP E14-084. (PLANNING COMMISSION RECOMMENDATION: TABLE [VOTE: 9 – 1]):**

**PUBLIC HEARINGS  
(FIRST READING HELD ON APRIL 12, 2005  
NO ACTION TAKEN AT PUBLIC HEARING  
HELD ON APRIL 26, 2005):**

**ULDC REVISIONS:**

**REVISE OR DELETE ARTICLE 2.2.3c(1) CONCERNING PUBLIC HEARINGS HELD BY THE GOVERNING BODY. (PLANNING COMMISSION RECOMMENDATION: APPROVE [VOTE: 10 – 0]).**

**REVISE OR DELETE ARTICLE 2.10.2c(1) CONCERNING PUBLIC HEARINGS HELD BY THE GOVERNING BODY. (PLANNING COMMISSION RECOMMENDATION: APPROVE [VOTE: 10 – 0]).**

No action was taken with respect to the proposed ULDC revisions and these items were deferred until the next meeting.

**CHAIRMAN'S REPORT:**

**REQUEST FROM HOPE MINISTRY  
PAROLEE AND PROBATIONER**

## **COMMUNITY RE-ENTRY PROGRAM:**

### **4/4 VOTE REQUIRED:**

Chairman Hufstetler stated the Hope Ministry organization made a presentation during caucus and has requested \$10,000 for administrative support. Chairman Hufstetler stated they have a lot of voluntary mentors and different programs for assisting rehabilitate prisoners. Chairman Hufstetler stated they had reviewed the request and the cost of one prisoner per year is approximately \$18,000. Chairman Hufstetler stated the Board had heard from the County Attorney in caucus, that while this has not been specifically addressed in court cases, a strong argument could be made to support this program because of the help they do in helping crime prevention, and unlike the problem we have with the History Museum and the Chieftains Museum they do perform a service that could be considered done by this body.

Chairman Hufstetler called for a motion to place the item on the agenda. Commissioner Fricks asked if there was an urgency to put the item on today's agenda. Commissioner Bennett stated he thinks it is a tremendous organization, and they had pointed out in caucus that a majority of their funding comes from private contributions, and the program seems to be very beneficial to the community. Commissioner Bennett stated he would like to defer until the next meeting to give time to get additional information to see if there is a way we can support them if it is possible. Chairman Hufstetler stated the item will be placed on the next agenda.

## **COMMISSIONER'S REPORT:**

### **1. ADMINISTRATIVE/FINANCE COMMITTEE – COMMISSIONER FRICKS, CHAIRMAN**

Commissioner Fricks stated he had nothing to report.

### **2. PUBLIC SAFETY COMMITTEE – COMMISSIONER MAYES, CHAIRMAN**

Commissioner Mayes was out of the country and there was no report.

### **3. PUBLIC WORKS COMMITTEE – COMMISSIONER BENNETT, CHAIRMAN**

Commissioner Bennett stated he had nothing to report.

### **4. WATER COMMITTEE – COMMISSIONER JENNINGS, CHAIRMAN**

#### **a. Discuss EPA Water Partnership Grant**

Commissioner Jennings stated the Northwest Georgia Regional Water Resources Partnership is submitting a grant entitled Targeted Watershed Grant Program of the Environmental Protection Agency. Commissioner Jennings stated the

Partnership is seeking local government support of the grant proposal that will benefit local governments. Commissioner Jennings made a MOTION to authorize the Chairman to sign two letters in support of this Watershed Grant Program. One is a general letter of support for the grant program, and secondly a letter that would commit Floyd County, along with the City of Rome to \$96,000, half of which would come from in-kind work and half of it would be cash money to support not only the analysis of our watershed, but also to put in place stormwater management practices. SECOND by Commissioner Fricks.

**Discussion:** Chairman Hufstetler stated there had been some discussion in caucus on this item and asked if there was any further discussion. Being none Chairman Hufstetler called for a vote. VOTING:

YES

NO

Commissioner Fricks

" Jennings

" Bennett

Chairman Hufstetler

Motion Carried

**b. Discuss Memorandum of Understanding regarding Regional Water Authority.**

Commissioner Jennings stated the development of a Regional Water Authority that is oriented towards the development of Regal Springs water resource in Chattooga County had been discussed in caucus, and the recommendation is to defer an official vote on the Memorandum of Understanding until a meeting is held with Walker County Commissioner Heiskell to get additional information on what she has in mind and what the proposal is.

**5. SPECIAL COMMITTEE REPORTS:**

**a. Existing Prison Use (Hufstetler/Mayes)**

No report.

**b. Consolidation Task Force (Fricks/Hufstetler)**

No report.

**c. SPLOST Projects**

No report.

**d. Parking Committee (Fricks/Bennett)**

No report.

## CLERK'S REPORT

## CONSENT AGENDA

County Clerk Kathy Arp stated there are two items on the Consent Agenda which have been reviewed and are submitted for approval. Commissioner Bennett made a MOTION to approve the Consent Agenda as presented. SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Fricks

" Jennings

" Bennett

Chairman Hufstetler

Motion Carried

### 1. Tax Refunds:

- a. Earl Terry, 108 Malone Drive, \$6.91
- b. Jessie H. Hurst, 374 Youngs Mill Road, Kingston, \$93.73
- c. Jackson D. Morgan, 436 Broad Street, \$16.19
- d. William Cromer, 205 E 11<sup>th</sup> Street, \$30.39
- e. Arvin and Idelle Holsomback, 1112 Old Dalton Road, \$61.25
- f. James and Janice Hopkins, 24 Forrest Meadow, \$103.23
- g. Virgil and Sara Grissom, 1 N. Kenora Drive, \$17.25
- h. Fidelity Bank (Tax Dept), PO Box 1007, Wichita, KS, \$635.48
- i. Marion and Jennifer Merritt, 405 Crackerneck Road, Armuchee, \$1,681.47
- j. Jimmy Thomas Harris, 6 East 10<sup>th</sup> St., \$4.42
- k. Linda P. Morris, 51 Shoals Ferry Road, \$47.61
- l. Deborah Lyons Thompson, 213 East 12<sup>th</sup> St., \$14.28
- m. Linda Gail Peek, 100 Woodsong Trail, \$21.96
- n. Cheri Wade, 7 Westbrook Dr., \$37.26
- o. Nancy J. and Danny M. Rogers, 105 Trentwood Place, \$34.19
- p. Dwight Kinzer, 5002 Berry College, Mount Berry, \$393.25
- q. Robert V. Wheeler, 406 Garrard Avenue, \$32.44
- r. Dean C. Newton, 13 Pine Ridge Drive, Silver Creek, \$76.03
- s. Donna Noy, 11440 SW 47<sup>th</sup> Terrace, Miami, FL, \$249.61
- t. James & Barbara Tumblin, 319 Cooper Drive, \$184.76
- u. Howard & Lori Ritchie, 330 Leafmore Road, \$6.27
- v. Michael D. & Patrice N. White, 572 Heward Circle, Marietta, \$80.02

- w. Kenyon T. Smith, Jr., 2555 Shorter Avenue, \$22.18
- 2. Approve Malt Beverage Application for Katherine L. Poole, Gadus Inc., d/b/a Food Mart, 2382 US Hwy 411, Cave Spring, Georgia, 30124.

**MANAGER’S REPORT:**

**1. AWARD BID FOR COURTHOUSE (JUDICIAL CENTER) RENOVATIONS (2003 SPLOST):**

County Manager Kevin Poe stated bids had been received for renovations for the first floor of the Judicial Center. County Manager Poe stated two bids had been received and the recommendation is to award the bid to the low bidder, CDB Construction in the amount of \$188,200. County Manager Poe stated this bid is to renovation on the first floor that will convert the former Administrative Offices to the District Attorney Offices and Grand Jury meeting rooms. Commissioner Bennett made a MOTION to approve the recommendation as presented by the County Manager.

**Discussion:** Chairman Fricks asked how this falls within the budget. County Manager Poe stated to date on the 4<sup>th</sup> Avenue Courthouse/New Courthouse project \$1,353,566 has been spent, which leaves a remaining balance of the \$2 million budget of \$646,440. County Manager Poe stated after taking out the amount for these renovations we will have approximately \$446,000 to complete the third floor renovation, which shouldn’t be as expensive, adding that we are renovating less square footage but there will be a lot of woodwork because we are putting in a courtroom. County Manager Poe stated this would leave \$200,000 to renovate the courtroom at the 4<sup>th</sup> Avenue Administration Building and do some minor renovations in the Historic Courthouse.

VOTING:

YES NO

Commissioner Fricks  
 " Jennings  
 " Bennett  
 Chairman Hufstetler

Motion Carried

**2. DISCUSS SENIOR TRANSPORTATION PROGRAM:**

County Manager Kevin Poe stated at the first of the year we only funded the Senior Transportation Program for three months, and then we would reevaluate where we are with that program and it is up to the Commissioners as far as if we continue to fund it or do something different. Commissioner Bennett asked what they did for April. Chairman Hufstetler stated he thinks they cut their trip time down from four hours to two hours. Commissioner Bennett asked if they are still able to serve the people who need the

service. Chairman Hufstetler stated he thinks they are – they are just doing it on a shorter trip basis. Commissioner Fricks asked if the Board did not challenge them to come back to the Board with some additional information. County Manager Poe stated that the Board had challenged them to look for grants, or other funding and Ms. Estes came to the last meeting (*in December*) and stated at that time they had looked for funding and to see if grants were available and they have been unable to tap into any at this time. Commissioner Jennings stated that he had asked Assistant County Manager Sammy Rich to look into the DOT's Senior Transportation Program. Assistant County Manager Sammy Rich stated that there are a couple of grants, and he has talked with the people in Polk County who are trying to get a system up and running to service unincorporated Polk County, but just looking at dollars part of the grant will pay for half of that, so out of \$175,000 the county portion for operations is still \$87,500. Assistant Manager Rich stated even if we were a similarly situation as Polk, and obviously they are a smaller geographically size county than Floyd, and in talking with DOT one of their recommendations was have we considered partnering with Rome Transit Department to serve the unincorporated areas. Assistant Manager Rich stated it is his opinion that Tallatoona is our cheapest option if we are interested as a county in funding something at this time. Assistant Manager Rich also stated if we had a similar grant as the Rural Transit Grant which Polk is a part of, we would be paying more but maybe we would be getting more service. Assistant Manager Rich suggested if we are going to get into this business, we might invite the people from DOT to speak to the Board and see what is the most efficient way to handle it if we are going to provide the service. Commissioner Jennings stated that one thought he has had, and he realizes the financial situation will certainly be involved, but he thinks it would be worth our while to have some discussions with the City of Rome in regards to providing some service in the county, and suggested we initiate conversation with the City to find out where they stand as far as providing some transit in the county as opposed to the county purchasing equipment and operating a system on our on, and asked the County Manager to follow up with the City Manager. Chairman Hufstetler stated there was no action to take at this time.

**3. APPROVE GRANT AWARD FROM  
GEORGIA OFFICE OF HOMELAND  
SECURITY – GEORGIA EMERGENCY  
MANAGEMENT AGENCY (OHS-GEMA)  
FOR HAZARDOUS MATERIALS  
EMERGENCY PREPAREDNESS TRAINING:**

County Manager Kevin Poe stated that a letter has been received stating the County has received a Hazardous Materials Emergency Preparedness Grant, and the money would be used to increase the local effectiveness to prevent chemical accidents to safely and efficiently handle hazardous materials accidents and incidents and to enhance implementation of Emergency Planning and Community Right-to-Know Act. County Manager Poe stated a portion of the money would also be used to conduct a tabletop exercise where we would deal with a hazardous type incident to get us better prepared, and made a recommendation that the award of grant, in the amount of \$3,893 - adding there is no local match involved, be approved. Commissioner Bennett made a MOTION

to accept the Manager's recommendation. SECOND by Commissioner Jennings.  
VOTING:

YES

NO

Commissioner Fricks

" Jennings

" Bennett

Chairman Hufstetler

Motion Carried

**4. DISCUSS HIRING COMPANY TO  
DESIGN AND PLAN A SIGNAGE AND  
WAYFINDING PROGRAM:**

County Manager Kevin Poe stated proposals have been received for the development of a wayfinding and signage plan for the downtown area, as a joint project with the City of Rome. Mr. Poe stated that some of the issues that have come up to prompt looking into this is that some of the signage on the buildings needs to be changed because of the change in use of the buildings. Some of the signage is in bad condition and needs to be replaced, and in discussions in the Parking Committee meetings they have discussed the need for signage in directing traffic to the various public parking decks. County Manager Poe stated that the basic scope of work involves building identification signage for both City and County buildings in the downtown area, identification of public parking lots, vehicular and pedestrian directional signage and pedestrian directories. County Manager Poe stated they would look at signage that would be consistent with the architecture in the downtown area. County Manager Poe stated four proposals were received and following review, the recommendation is to award the proposal to APCO, which is the company that provided the lowest proposed cost of \$13,125, adding that the cost will be shared equally by the City and County. County Manager Poe stated the beginning of the project will be at Turner-McCall and Broad Street and at Second Avenue and Shorter Avenue. County Manager Poe stated the proposal includes obtaining input from the City and County, the design work, putting together the bid package for the signage, evaluating the bids, inspecting and approving the installation of the signage. County Manager Poe stated they would address the main points, and one of the issues that came up in the Parking Committee is good signage directing people to public parking areas to help deal with the parking situation in the downtown buildings. County Manager Poe also pointed out that the signage will indicate which offices are located within each building. Commissioner Jennings made a MOTION to approve the recommendation of the County Manager. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Fricks

" Jennings

" Bennett  
Chairman Hufstetler

Motion Carried

**5. AUTHORIZE EXECUTION OF ACCG-IRMA  
RESOLUTION AUTHORIZING MEMBERSHIP:**

County Manager Kevin Poe recommended that the Resolution Authorizing Membership be approved. Commissioner Jennings made a MOTION to approve the Resolution Authorizing Membership in the ACCG-IRMA Risk Management Program. County Attorney Manning stated that the Resolution also authorizes the execution of the Intergovernmental Agreement. SECOND by Commissioner Fricks. VOTING:

YES NO

Commissioner Fricks  
" Jennings  
" Bennett  
Chairman Hufstetler

Motion Carried

**6. AUTHORIZE EXECUTION OF MENTAL  
HEALTH SERVICES GRANT APPLICATION:**

County Manager Kevin Poe stated this is a Federal Grant Application that will be submitted with regards to the services that would be provided by the Murphy-Harpst Children's Center, and the request is to have the County approve being the local government that would be the fiscal agent for this grant application, and this would authorize Murphy-Harpst to submit the Grant Application listing Floyd County Government as the fiscal agent. Chairman Hufstetler stated this is a pass-through grant, with no cost to the county, but there will be some staff time involved. Commissioner Bennett made a MOTION to authorize the Chairman to execute documentation for the Mental Health Services Grant Application requested by Murphy-Harpst. SECOND by Commissioner Jennings. VOTING:

YES NO

Commissioner Fricks  
" Jennings  
" Bennett  
Chairman Hufstetler

Motion Carried

**7. REPLACEMENT OF CULVERTS**

**ON GEORGE ROAD  
4/4 VOTE REQUIRED:**

County Manager Kevin Poe requested that this item be placed on the agenda. Commissioner Jennings made a MOTION that the item be placed on the agenda. SECOND by Commissioner Bennett. VOTING:

YES NO

Commissioner Fricks  
" Jennings  
" Bennett  
Chairman Hufstetler

Motion Carried

County Manager Poe stated that late in 2004 two sections of 12 foot diameter pipe washed out on George Road and the road has been closed since that time. County Manager Poe stated in an effort to save money, they had pursued a county contract with the DOT to help pay the cost in replacing the pipe. County Manager Poe stated the state had recommended replacing the pipe with a cast-in-place culvert, which would take a lot more time to install, and this would also require obtaining additional right of way, it is the recommendation to hire Spriggs Paving Company to install the pipe, that would be provided by the County, at a cost of \$27,869. County Manager Poe stated the project comes under two criteria, one is that we do not have to bid Public Works project that are under \$100,000 and two this could also be considered an emergency contract. County Manager Poe requested that the Board authorize Spriggs Paving to perform the work on George Road per their proposal. Commissioner Bennett made a MOTION to approve the County Manager's recommendation to authorize Spriggs Paving, the low bidder, to replace the pipe on George Road. SECOND by Commissioner Jennings. VOTING:

YES NO

Commissioner Fricks  
" Jennings  
" Bennett  
Chairman Hufstetler

Motion Carried

County Manager Poe stated for clarification that money is set aside in the Capital Improvements fund for road improvements and the money will come from that line item.

**ATTORNEY'S REPORT:**

**RESOLUTION APPROVING THE**

**ISSUANCE OF BONDS BY THE  
HOSPITAL AUTHORITY OF FLOYD  
COUNTY FOR THE BENEFIT OF  
FLOYD HEALTHCARE MANAGEMENT,  
INC. D/B/A FLOYD MEDICAL CENTER:  
4/4 VOTE REQUIRED**

County Attorney Tom Manning requested that this item be placed on the agenda. Commissioner Jennings made a MOTION that the item be placed on the agenda. SECOND by Commissioner Bennett. VOTING:

YES NO

Commissioner Fricks  
" Jennings  
" Bennett  
Chairman Hufstetler

Motion Carried

County Attorney Manning stated the Resolution is solely for the purpose of the Hospital Authority issuing bonds, and complying with the IRS Section 147(f). County Attorney Manning stated that by passing this Resolution the County would not be endorsing the bonds, nor would the County in any way be responsible for the payment of these bonds – they are not County backed as some in the past have been and the County would not use its taxing power to pay these bonds were there to be a default in the future. Commissioner Fricks made a MOTION to approve the Resolution. SECOND by Commissioner Bennett. VOTING:

YES NO

Commissioner Fricks  
" Jennings  
" Bennett  
Chairman Hufstetler

Motion Carried

Chairman Hufstetler recognized Leadership Rome attendees.

**ADJOURNMENT:**

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

YES NO

Commissioner Fricks  
" Jennings  
" Bennett  
Chairman Hufstetler

Motion Carried

**COMMISSIONERS**

**FLOYD COUNTY BOARD OF**

**CHUCK HUFSTETLER,  
CHAIRMAN**