

**May 24, 2005**

**REGULAR MEETING**  
**FLOYD COUNTY BOARD OF COMMISSIONERS**  
**May 24, 2005** **6:00 P.M.**

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

## OTHERS

**PRESENT:** County Attorney Tom Manning, County Clerk Kathy Arp, and Assistant County Manager Sammy Rich.

**ABSENT:** County Manager Kevin Poe was out of town.

**CALL TO ORDER:** Chairman Hufstetler called the meeting to order.

**INVOCATION:** Commissioner John Mayes led the Invocation.

## PLEDGE OF

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

## PUBLIC PARTICIPATION:

**George Anderson, 211 Saddle Mountain Road, Rome.** Chairman Hufstetler advised Mr. Anderson that we have a three minute time limit, that normally we do not have that many people speaking but we have four today and will need to stay pretty close to the limit. Mr. Anderson stated that he thought this would be a little over three minutes but he would try to talk backwards. Mr. Anderson stated he would do the last paragraph last and the second paragraph would start right now. Mr. Anderson stated that back on March 25<sup>th</sup> Floyd County's leaders signed a letter of intent for Kronospan on Greater Rome Chamber of Commerce stationery. Mr. Anderson stated Mr. Chairman is your right hand connected to your left hand and vice versa. Mr. Anderson stated the letter was signed two months before the rezoning vote on May 25<sup>th</sup>, and yet the letter of intent states that rezoning will be completed before June 9, 2004, we are very excited about working with you to provide for the future success of our citizens and your company. Mr. Anderson stated, Mr. Chairman why did the citizens in Shannon stand before this County Commission on May 25<sup>th</sup> in their attempt to convince you not to rezone the 100 acre tract of land owned by the Bidy and Coffey family until November 16, 2004, when it was actually purchased, when you had already decided the outcome before the hearing ever started - is that not putting the cart before the horse, so to speak? Mr. Anderson stated, remember, the public is your boss not the folks in any other area or any other department, zoning authority. Mr. Anderson stated over the last three months he has filed open records request with Sue Hiller, Floyd County, the Greater Rome Chamber of Commerce and State Department of Industry and Trade, and he was finally able to inspect and

review documents in Atlanta. Mr. Anderson stated he found that the paperwork signed off on by the Floyd County Chairman, the City of Rome Mayor, the Chairman of the Development Authority of Floyd County, the Chairman of the Greater Rome Chamber of Commerce, also the Chairman of the Rome/Floyd County Development Authority and the President of Coosa Valley Tech, is on the Greater Rome Chamber of Commerce stationary. Mr. Anderson stated, is this so because Floyd County's agent for Economic Development is the Chamber paid with taxpayer funds, or is this done to hide the letter of intent, he doesn't know? Mr. Anderson stated he looked at the ethical aspect of this situation and found that areas such as your oath of office, possible grand jury investigation, O.C.G.A. 45-10-1 and 45-10-3 are all likely avenues to pursue. Mr. Anderson stated the most important question to ask you is this, do you rationalize that, in your opinion, the good of the many outweighs the good of the few. Mr. Anderson stated he is for economic development and he wants to assure this Board tonight that he is, but he has looked at a lot of material and a lot of documents. Mr. Anderson stated he has looked at sample letters of intent, and he has seen several samples in the last two weeks, some have "barring unforeseen emergencies", this one could have said "barring the rezoning not being approved on May 25<sup>th</sup>". Mr. Anderson stated however, the letter of intent does not have such language, the letter says rezoning will be completed before June 9, 2004 and is dated March 25, 2004, two months before the hearing.

Mr. Anderson stated many citizens of Floyd County want to trust their public servants, however, the right to judge your actions is an important power a constituency has over a public servant and you have proven that we the people should continue to be vigilant and monitor your actions. Mr. Anderson stated lastly he believes any records dealing with the public's business should be subject to public inspection under the open records act. Mr. Anderson stated after all, taxpayer funds fund the public's Economic Development through the conduit of the Chamber, the people's agent now. Mr. Anderson stated don't you agree that your signature on any document should be subject to inspection/review by the taxpayers of Floyd County and not hidden from view? Mr. Anderson stated any document you sign as an elected official should be available to you, you should retain a copy of all your signed documents, I believe and I believe the people would believe that. Mr. Anderson stated he sincerely believes this elected body should rescind its May 25, 2004 rezoning vote tonight, after all, the zoning hearing was a foregone conclusion and it was tainted by that letter of intent.

Mr. Anderson stated lastly, let's discuss the real core of this story, the background dealings of Otis Raybon and Sam Freeman to purchase this property at higher than any rational real estate individual would to secure it for Kronospan. Mr. Anderson stated once these gentlemen paid down a non-refundable \$100,000 for the property, the taxpayer's elected officials had to bail them out and place this on the June 21<sup>st</sup> SPLOST. Mr. Anderson stated the taxpayers are bailing, yes, Bryan Shealy signed a letter of intent that came aboard at the Chamber on January 24, 2004. Mr. Anderson stated Otis Raybon former Chairman and Sam Freeman current Development Authority Chairman, are the instigators of the deal and now the people, we the people, have to bail them out through the upcoming SPLOST. Mr. Anderson stated we have \$1 million for water and sewer, \$60,000 - \$70,000 for the interest on the loan to AmSouth Bank, plus

the \$2 million for the property that was overpriced. Mr. Anderson stated this stuff stinks. Thank you.

Chairman Hufstetler thanked Mr. Anderson and stated that he has comments but will wait until the end.

**Kay Whatley, 383 Plainville Road, Rome,** stated some of us have come here tonight to express our disappointment in the whole zoning process. Ms. Whatley stated to have this process compromised by agreements apparently reached before any hearings were even held calls into questions all of the Industrial Development dealings. Ms. Whatley stated we have also been sorely disappointed by the recent announcement that BFI was bringing a waste transfer station into our community. Ms. Whatley stated when we inquired into hearings and so forth, we were hoping there would not be any because this was an acceptable use for land zoned heavy industrial. Ms. Whatley stated this is the same as the statement made in the *Rome News* about this land, once a parcel is zoned heavy industrial there is no more recourse, unlike what we were told in the meeting on May 25<sup>th</sup> last year, almost anything is accepted under heavy industrial zoning. Ms. Whatley stated now you have recently rezoned our mill heavy industrial. Ms. Whatley stated you're giving away our power to stop almost anything from going into that site. Ms. Whatley stated if this rezoning had been done a little earlier, then BFI could have bought the mill for their waste transfer station and there wouldn't have been anything we could have done about it. Ms. Whatley stated gentlemen you may think that giving away your power makes you not responsible for what goes onto that property, but we the citizens are aware that you are responsible for the zoning and for the abdication of your power that has allowed this to happen. Ms. Whatley stated you have put the future of our community into the hands of individuals who do not live here and probably have no interest in whether our community prospers or not, just in making a profit on their investment. Ms. Whatley stated this power should have stayed with you, our elected officials, who should have our interest at heart. Ms. Whatley stated if an industry acceptable in these close quarters in the Shannon Village would want space in that building, the zoning would have been evaluated on that basis at that time, the rezoning could have been done when we knew what was going to go in there. Ms. Whatley stated for these reasons, she asks that you have your employees of the Planning Commission petition this board to rezone the land on Hwy. 53 and 140 and Star Fields, which the County also owns, to light industrial. Ms. Whatley stated she is aware that not all heavy industries are obnoxious, but if a heavy industry wants either of these sites they would have to have proper hearings and evaluations in order to come in. Ms. Whatley stated this gives a check to the system and should attract the kind of industry that they want since they would be assured that no obnoxious industry would come in next door to them. Ms. Whatley stated the county code should also be changed so that no future industrial land can be zoned more than light industrial on speculation, heavy industrial zoning gives the owners too much power as we've seen in this land where BFI is coming in. Ms. Whatley stated if a good heavy industry wants to buy the land then they can go through the process of rezoning the land. Ms. Whatley stated the people of Floyd County aren't against industry, they've never protested one that's come in. Ms. Whatley stated until the BFI Waste Transfer Station the industries have been mostly of the less polluting variety,

but BFI and Kronospan (the industry the Development Authority tried to bring in last spring) are not in that category, and we the people of Floyd County want the chance to make our opinions known on the issues like this one if the Industrial Development Authority or an individual tries to bring in more than this kind of industry. Ms. Whatley stated many of us do not think that using tax money by way of the SPLOST is a proper way for government to take away our right to have a say in how our county is developed. Ms. Whatley stated it is time the developers, whether private or governmental, lost some of their power to make decisions affecting the lives of our citizens without the oversight of our elected representatives. Ms. Whatley stated we ask that you take back some of the power to protect us that you have given away and not give away any more of it. Ms. Whatley stated remember that you are elected officials and we the citizens understand that even though we may not be able to keep you from giving away this power, we still know who is ultimately responsible for everything that is brought into our county. Ms. Whatley stated also, this SPLOST agreement document that contains clauses that state that the jurisdictions are expected to comply with Georgia Open Meetings Act, O.C.G.A., Section 50-14-1, in conducting meetings and taking official action. Ms. Whatley stated what she is curious about is why the language states that if they fail to do so there is no invalidation or affect on the ability of the party to receive funds or to proceed with the capital projects (paragraph 6-F). Ms. Whatley stated this is also the case if the project fails to obtain proper governmental or regulatory approval (paragraph 6-D).

Chairman Hufstetler advised Ms. Whatley that we are passed the time limit. Ms. Whatley stated that she had one more sentence, stating these clauses seem to me to take the teeth out of the requirement that they keep everything above board, but maybe she is misunderstanding it. Ms. Whatley stated we want our government to be responsive and open, please make it so in the future.

Chairman Hufstetler thanked Ms. Whatley for her comments.

**Steve Vasil, 252 Plainville Road, Rome,** stated he would not stand before you today and say he is not against the heavy industrial zoning passed regarding the 100 acre tract of land at the intersection of Hwy. 140 and Hwy. 53, as well as other tracts of land similarly affected under this commissions watch. Mr. Vasil stated he also would not say he approves of the manner in which the Commissioners have been conducting secret meetings without honoring the Freedom of Information Act. Mr. Vasil stated even though that is true, he wants the Commission to know what he is for instead of what he is against. Mr. Vasil stated he is for politicians making an effort to represent their constituents, whether or not their constituent's beliefs are their own. Mr. Vasil stated this might entail these politicians implementing surveys, or at least in some way pretending to know and understand the desire to their constituents. Mr. Vasil stated he is for politicians who set a wonderful example for our children by having open public records of all their proceedings, not only those which lack much in potential for controversy. Mr. Vasil stated our founding fathers who wrote our nation's constitution did a marvelous job of setting limits to power within our three branches of government and insuring each of its citizen's rights. Mr. Vasil stated one thing they could have never imagined was the need to protect the rights of its citizens to breathe clean air and draw clean water on land that

they might own. Mr. Vasil stated the threat of polluting local air and water is a real one to many local land owner's including himself. Mr. Vasil stated while we would all love to reap the financial benefits in jobs for more local industries, there are many of us who would like pure profit tempered by the desire to protect the sanctity and the beauty of the land as it is at the present, any pollutants that fowls the air and water, for even the few of us, hurts us all. Mr. Vasil stated encouraging light industrial development will give all of us a healthy environment in which to thrive and will be attractive and welcoming to the appropriate industries who are considering locating here. Mr. Vasil stated we owe it to our children to be good caretakers of the land. Mr. Vasil stated he is for politicians who conduct themselves in a manner which promotes and encourages trust. Thank you very much.

**Robert Jones, 128 Rush Chapel Road, Adairsville,** stated first he would like to thank the Board for the time that they have given to hear our concerns on this issue, and he does consider it an issue when our elected officials seemingly do something like this behind our backs. Mr. Jones stated it should be an open government and it seems according to the letters and the things that have come to the surface that a lot of this stuff was done and promised before it was even put before anybody or even let us know what's going on. Mr. Jones stated he knows a lot of times you gentlemen feel that's what you're elected to do and probably so, but on something like this it just seems that we citizens, especially in the area, really need to be aware of something that affects us in such a way. Mr. Jones stated we certainly would appreciate it in the future, a little more time to at least get use to it before it is rammed down our throats, and it probably, in the future could be a good thing if we all work together to do this. Mr. Jones stated we just really again would love to be involved a little more and it just seems this just happens more and more and more. Mr. Jones stated it seems like politics create strange bedfellows, it seems more and more that the large developers and large industry just more and more are in cahoots and this concerns a lot of us and it should concern you gentlemen. Mr. Jones stated he thinks this needs to be looked at greatly from your side (*Commissioners*) of the isle to. Mr. Jones stated he appreciates the Commissioners listening to these concerns. Mr. Jones stated we certainly hope you will look at them and try to be a little more dedicated to the electuary from now on. Thank you.

Chairman Hufstetler thanked Mr. Jones for his comments and added that he would like to make a few comments on this. Chairman Hufstetler stated Kronospan is a company out of Germany that did have some contact with our community. Chairman Hufstetler stated he believes they also have plants in France, Turkey and Russia and various places. Chairman Hufstetler stated they make wood flooring. Chairman Hufstetler stated we, and he says we through the Development Authority, showed them the site out there. Chairman Hufstetler said he wants to say we, and that is not the County Commission because he did ask in Caucus had any of the other four Commissioners had any contact, written or verbal, with anybody from Kronospan and he believes the answer was that nobody had any contact with them at all. Chairman Hufstetler stated four out of five have never even talked to anybody or had any written correspondence with them that he has talked with them. Chairman Hufstetler stated that's part of his job, that's part of Ronnie Wallace from the City Commission's job, and the various people on the

Development Authority. Chairman Hufstetler stated as for this letter that the comments were made on, one of the questions that came up at a meeting with us was how long does a rezoning process take in your community. Chairman Hufstetler stated it has to be submitted by a certain time of the month to make the next planning commission meeting, it then has to have a first reading at the County Commission, it has to be advertised for fifteen days and then it has a second reading. Chairman Hufstetler stated we tried to figure it up on a calendar, and we said we'll get back with you on that one because we think we know how it is but we want to give you a good answer on how long it takes to rezone. Chairman Hufstetler stated the letter did tell them the process would be completed by such and such a date, it did not promise heavy industrial, it did not promise light industrial, it made no comments, any references to what the rezoning would be, it didn't say what setbacks would be put in place. Chairman Hufstetler stated we have never promised anybody that we would give them a rezoning to a certain category or that they would be denied a rezoning; we have told people you are going to have a problem in this area or it doesn't look like there is a problem, but we have never promised anybody anything and that letter certainly did not promise them any particular rezoning. Chairman Hufstetler stated he does resent the implications there. Chairman Hufstetler stated there weren't any secret meetings, there were the same meetings that happened with anybody that is recruited. Chairman Hufstetler stated when the Braves came to town one representative from the City and County did meet with different people from them, when Pirelli came here, we met with them. Chairman Hufstetler stated many of these companies will not come to a community and talk to them if everything is going to be in the public eye. Chairman Hufstetler stated he has met with companies before through the Chamber that he did not know who the company was on the initial contact, and so there are certainly no secret meetings or behind door meetings between the Commissioners. Chairman Hufstetler stated there was certainly no agreement for any particular rezoning. Chairman Hufstetler stated he guesses one of the reasons that we did think that it would be a good fit was because we had Florida Tile out there, which is a heavy industrial company, we have Church Chair with their various chemicals - they are heavy industrial. Chairman Hufstetler stated we did have Galey & Lord, which is also heavy industrial and what they did, they were not zoned heavy industrial on the map which he thinks was an error but they were definitely a heavy industrial type company. Chairman Hufstetler stated one thing he did want to add is Kronospan long before this rezoning ever took place was not looking at this community any more. Chairman Hufstetler stated they were not in the picture the day of this rezoning, they had already said what you have to offer is not as competitive as some other places we were looking at so you are out of the picture, so long before this they were not even looked at. Chairman Hufstetler stated he understands that they have made a deal in Alabama now to have a half a billion dollar commitment over there with another community but one of the reasons that we knew there heavy industrial sites out there, we knew that water and sewer were close by and we also knew that the adjoining property owner, the Whatley's, had long listed their property at various times throughout the 90's and on up to recent time and let it be shown for sale as heavy industrial. Chairman Hufstetler stated one of these, even back from 1995, listed their property at that time at \$9,000 per acre, said that any heavy industrial use is permitted, so I guess I find it a little bit strange that what could be listed by a next door neighbor, is then complained about that their next door neighbor wants to sell their

property for the same industrial use. Chairman Hufstetler stated he finds that hypocritical. Chairman Hufstetler stated he has some other information but he believes, he hopes, that will suffice on the initial part. Chairman Hufstetler stated if any of the other Commissioners have any comments that they wish to make they can.

Mr. George Anderson asked Chairman Hufstetler, can I just give this to you and point out one question on it and hand it to you. Mr. Anderson stated he thinks that if the phrasing in this letter had been different, that he was trying to say that in his talk a little a while ago, but if it said the zoning hearing would be completed before June 9, 2004 but the phrasing was done, I don't know who typed this, but it says the rezoning will be completed before June 9<sup>th</sup> - rezoning.

Chairman Hufstetler stated that the rezoning will be completed by that time, but it doesn't say what it will be rezoned to. Chairman Hufstetler stated the neighbors had asked for light industrial, the Chamber wanted heavy industrial, but it doesn't say what it will be rezoned to - it doesn't say what setbacks will be put in place, what buffers. Well, if that's the time frame in the process...

Mr. Anderson interjected stating if the sentence had said that the hearing to be held concerning the question of zoning on this property, but it says rezoning will be completed and there's another page here that says, you know, we've got, I've got two other documents that are pretty much promising because we are trying to get Economic Development in here but it pretty much....

Chairman Hufstetler stated that he disagrees with that, there was no promise made by anybody and the other people on that letter couldn't make that promise because they don't get to vote on the rezoning, they could only promise that it would be completed by this time because that is the process of this community, that's what our laws say, it is the process with Planning Commission, first reading and second reading will be completed by a certain time.

Mr. Anderson stated that one question he had for the Chairman, because he really feels like even though he has never been an elected official, but anything he does he tries to meticulously keep copies of every correspondence or anything that he signs. Mr. Anderson asked the Chairman don't you feel like this is something you should keep in your file if you are going to sign a document, even if it's off the Greater Rome Chamber of Commerce, because that document could have been provided after, and we all know Kronospan has gone to Oxford, Alabama so there is no problem in giving this information. Mr. Anderson stated that Jim Ewing, from Industry and Trade in Atlanta, would not provide it for two months saying that he thought it was still an open file. Mr. Anderson stated when he realized that it was not an open file any longer he allowed him to review the documents. Mr. Anderson stated he feels sincerely, Mr. Chairman, that this is something that you signed and others signed and it should be available to the public upon inspection, especially when the Economic Development of Kronospan is no longer an issue. Mr. Anderson stated don't you feel like you should have a copy of this?

Chairman Hufstetler stated he doesn't know if he should keep a copy of everything that he signs but he will say this, everything that we have is open to the public. Chairman Hufstetler stated he doesn't know about the Chamber, he doesn't speak for them on their position on what's open and what's not, but he will say that if there's anything that he has signed that the Chamber has he will request it on any issue, get it into the county files and then make it available for public record.

Mr. Anderson asked that for the record, does this Commission believe - because we have Commissioner Mayes abstaining last year, we have Commissioner Jennings voting against it, do the three commissioners, Chairman, and Commissioner Bennett and Commissioner Fricks, do you still feel like the price amount on this property was a good deal?

Commissioner Fricks stated that he would like to address that really because one thing he would make you aware of, he doesn't know and he may be wrong on this, we weren't even aware of the purchase of the property at the time we made this vote. Commissioner Fricks stated the understanding, if you remember, we didn't even know that the property had already been under contract. Commissioner Fricks stated we were under the understanding it was under option. Commissioner Fricks stated he always treats zoning decisions like he would if he lived next door, or he took the place of the neighbor that's sitting there doing the opposition. Commissioner Fricks stated he remembers one of the elements that, he made the decision that day, that's the way he is supposed to do, he is supposed to listen to all the details and the arguments for and against and makes his decision after the public hearing and on that basis. Commissioner Fricks stated one of the biggest things that weighed on him in considering is that certain industries that created some kind of emissions would require a special use permit. Commissioner Fricks stated that was a big factor in his decision, and another big factor in his decision was the setback requirements. Commissioner Fricks stated under light industrial, he thinks the setback requirements were only like a minimum amount - like 20 or 30 feet, whereas, compared to heavy industrial, they were like 250 feet and he honestly thought of it as if he lived next door to that, and would he be better protected by going light industrial and having this potential industry being 50 feet from his door, or would he be better off knowing that no matter what industry it was it would have the protection of a 250 foot vegetated buffer which is required in the ULDC. Commissioner Fricks stated what it really comes down to is that we had a predetermined mode and were influenced by somebody, and he doesn't know who that might have been, because he can honestly say he was not. Commissioner Fricks stated he made his decision that day based on the argument that he heard that day for and/or against, looking to see how it does affect people or their neighbors, you know, seeing if he was that person what would he want to happen and he trusted himself in the future enough to look at the special permit issue which is addressed in the ULDC, to know that he would also at that time put himself in that neighbors shoes too and make that decision on that basis and hopes he would be there at that point in time - maybe or maybe not.

Mr. Anderson stated he has learned from speaking before other Commissions and other counties and this one here over the years, he needs to, in fact he



has been corrected just recently in Dekalb, he needs to always say Chairman, but he wanted to address what Commissioner Fricks said because he wants to praise and say to all of this Board, he believes from everything that he has been finding out concerning this, you (*Commissioners*) were given information that he believes was inaccurate. Mr. Anderson stated the amount spent regarding this is exorbitant, we got a loan and he understands the SPLOST, June 21<sup>st</sup> next month, is talking about taking care of \$3 million involving sewer, water and \$60,000 - \$70,000, maybe \$80,000 in interest from AmSouth. Mr. Anderson stated he doesn't have an exact figure, but he believes that the Chairman of the Floyd County Development Authority, the Rome/Floyd County Development Authority, and the Development Authority of Floyd County, influenced this Commission because you based, Chairman and others that he read in the May 25<sup>th</sup> minutes that Kathy Arp was kind enough to direct him to the web site, and most of you said that we believe that they won't steer us wrong on industry and what kind is brought here. Mr. Anderson stated many citizens in Shannon have come to him in the past three months and said we checked into that property, that property was expensive and I don't think the County got a good deal, in fact, whether it's Development Authority taking out a loan, now with the SPLOST it's going to be the taxpayers footing the bill for this ill conceived purchase. Mr. Anderson stated we don't have Kronospan, of course, you're going to be looking for another industry but what you could do is you could go back and reverse your decision on this H-I industrial.

Mr. Anderson stated the other thing he wants to say to this Board is that you have an intent letter here that was done, he's sure, to encourage this industry but it really, dated March 25<sup>th</sup>, two months before you had the hearing, he believes that it could have been done differently and he really would like to say to you, these documents are done, he believes to be shielded when Economic Development is done through the Chamber, and he really feels like the County needs to look into okay, \$134,000 through the City of Rome through the County, that's your economic arm and he believes in the Chamber, he believes in Economic Development, but he believes that you need to look into this a lot further because he thinks we've got, the old saying is "pig in the poke". Mr. Anderson stated he doesn't think we've got a good deal here and we're asking the taxpayers on June 21<sup>st</sup> to bail out the decision to purchase with a \$100 thousand deposit paid down that's non-refundable, he believes that everybody was steered in the direction to say let's go ahead purchase the property. Mr. Anderson stated he does appreciate your time to hit the podium here and he brings this to your attention because he doesn't feel like everything was done really in the best interest because you've got two citizens, Biddy and Coffey, out of the county – they don't live here, they've been trying to sell their property for years.

Chairman Hufstetler advised Mr. Anderson that we need to wrap it up. Mr. Anderson stated yes he knows you do but Mr. Chairman, let me say this, you had citizens with 800 something petitions and 3,000 mailboxes and people down there that came and said look, we live here and that consideration, he thinks, was not given the thought process it really needed because you had to, he has seen letters where each one on April 1<sup>st</sup> were sent Fed-Ex from Shaw and Maddox, letters where they can send those letters back and say we're all for rezoning, but shoot they don't even live here, these people live

here and we live here so this is what our concern is: is Economic Development - yes, but he stood for over three hours in a group of 1,000 people in Cartersville, where he doesn't even live, just to say wait a minute now and it didn't matter. Mr. Anderson stated everybody told him standing there for hours at that meeting that it was already in for ToJo Tire Company to come and he just wanted to say wait a minute, give these folks over in White some consideration, but all they were concerned with is we're bringing industry and we can have Sonny Perdue come over here and announce we've got a new industry. Mr. Anderson stated he is glad we have industry with Pirelli and we have other industry, but he believes that you need to take some other things into consideration that he has mentioned tonight. Thank you.

Chairman Hufstetler thanked Mr. Anderson and asked Commissioner Mayes if he had any comments that he wanted to make.

Commissioner Mayes addressed Mr. Anderson on his mention about the fact that the County doesn't keep a copy of the documents that they signed at the Chamber of Commerce. Commissioner Mayes stated yes, he guesses that is true, he was Chairman a couple of years and of course during our recruiting processes, we, himself particularly, probably signed a lot of documents during the time we got the Braves, Pirelli, whatever, and he doesn't think that anything was done to hide anything. Commissioner Mayes stated these were documents that were done during our early process of getting industry or organizations like the Braves into Rome, Georgia and like Chairman Hufstetler said, it may be smart that we retain these records for future use, when the deal is done and he thinks that that's a good idea that we do that, but during that time a lot of things are going on to bring this industry here that most people don't know about - a lot of times we don't even know who we're talking to when it first starts.

Chairman Hufstetler stated as far as the price of the land, he is certainly not a real estate expert, but he has had people he respects in the business who have told him that the rail alone, having a rail site adds \$5, 000 an acre to the property. Chairman Hufstetler stated this is a corner site with rail, he thinks it's a good site, but again he is not the expert on the price there. Chairman Hufstetler stated we did have a lot of signatures, he has also had people that came back later on after that meeting and told him that they wished they hadn't signed it. Chairman Hufstetler stated that they said they had heard horror stories of 150 foot smoke stacks and things that simply weren't going to happen that got them rawled up in the first place. Chairman Hufstetler stated in regards to having everything done in the open, if we have to publicly announce everything when a company comes to town, Pirelli would not have moved their North American headquarters here, they wouldn't be here today, Suzuki wouldn't be here, F & P wouldn't be here, the Rome Braves wouldn't be here - a lot of things wouldn't be here. Chairman Hufstetler stated these companies will not come if you're going put them on the front page when they make their first visit to town, and he doesn't see that ever working with the competitive community out there. Chairman Hufstetler stated we have problems right now with our issues being a lot more open than bordering states, and we have South Carolina that comes over and sees what kind of proposal the State of Georgia has made to companies and then through the open records get that and get those records, then go back

and make a counter proposal, and yet their laws shield them more and we can't get access to their records - the playing field is not level. Chairman Hufstetler stated he thinks our job is to keep it as open as we possibly can, but full openness from the very beginning, he doesn't think is possible and workable to recruit new industry. Chairman Hufstetler stated he thinks one issue of having this land in public hands is that we can be choosy about which industry comes to town instead of somebody just simply coming up and buying it from that individual and it may not be an industry that is in the best interest in this community. Chairman Hufstetler stated he has faith in our Development Authorities to look after the interest of our community when they bring in industry, he thinks their track record of the quality industries they've brought to town the last five years speaks for itself.

Commissioner Fricks stated he would like to address one thing that's important to him. Commissioner Fricks stated one thing that troubles him a lot is the difficulty of maintaining an integrity as a politician and all of a sudden, you say you that we're not providing information and trying to hide things. Commissioner Fricks stated that bothers him a lot, because one thing when we came in this office six years ago was to become and be an open Commission. Commissioner Fricks stated he thinks anytime and I hope and I've often, I've delivered information to your office myself and I said anything else I can provide you, I've tried to, I hope that this county and I know by law we're required and I've always asked anybody if you don't get the information that you need, please let us know because I want to make sure that we do it - have been provided all the information that the County has control of; has been provided to you in proper time and the proper way and you know, and exactly everything that you wanted. Commissioner Fricks stated, I guess, you know, the insinuations that we're hiding information, we're not hiding information, we didn't develop the structure in order to prevent people from getting access to information. This is what was in place when we took office, you know, now when we see fallacies in an area, if we see problems in an area, we'd work on it, we really do but this is what was taken place when we came into office, this is the structure we continued it, we have taken a very strong position of allowing people to come to us to speak - having very open meetings. Commissioner Fricks stated, we wanted to have all the access and information that everybody that we have, we do document our information precisely and are very comfortable in that. When I was Chairman I felt comfortable in it and I still continue to feel very comfortable in it. We all do put on different hats - for example, in this case, I think Chuck's putting on a hat from the Development Authority. He serves as our representative on that role but he is in a different capacity. Commissioner Fricks stated, they're sanctioned and I think, you probably know more of the structure of how they are sanctioned and how the office is set up by the State of Georgia and we don't have control over that entity, the Development Authority. We have representation on it - we don't have control of it. I think some of the issues that we ran into in the passed with the Recreation is the same function. Commissioner Fricks stated, we don't have control over the Recreation Authority, we fund them, we assist them. We've asked them, I mean my preference along time ago was to put all the information out there. It eliminates any questions you have. Commissioner Fricks stated, we have genuinely have made a true effort and I think you've seen a great comparison from some of the past people who have been in here in office and I hope; It troubles me that I hear

now our integrity being challenged and our oath that is being challenged because when we've made such an effort to be the opposite and you know, and I will challenge anybody to say if you've never seen or received the information that you requested from Floyd County - when I say Floyd County, I mean Floyd County Government. Commissioner Fricks stated, I would challenge anybody to say the last six years that they have not received it and I don't think anybody could ever tell me that they didn't.

Mr. Anderson stated he would like to praise Kevin Poe and Kathy Arp, they furnished documents to me in a very speedy, very quick manner and I very much appreciate it. I just sincerely believe that some documents that ya'll need to keep on file if an elected official like the Chairman is signing off on it, I think you need to, you know, keep it on file and that's a recommendation from me.

Chairman Hufstetler states that we'll certainly review that recommendation.

Commissioner Jennings stated he would like to make one comment. Commissioner Jennings stated he simply wants to say to Shannon residents that he appreciates you coming here, he appreciates your caring enough about this community to take the time to be here tonight, and obviously to take some time to do some research on this particular project. Commissioner Jennings stated he suspects that we as individuals, and a Commission, have learned something from this process and he thinks there are some suggestions that have been made - they are good suggestions that he thinks we will make some changes in that regard. Commissioner Jennings stated he thinks there is a creative tension in the air here tonight that is a good creative tension, because it is citizens who are taking the time to be concerned about their government and that they perceive that there's a problem, calling us to task, and that's the role of our governmental process, so he thinks we've learned some things. Commissioner Jennings stated he thinks that this is a good process, it represents a government that is reasonably open, perhaps could be more open, but is reasonably open in this process, so he is pleased with the discussion that's taken place here and he thinks calling us to task is a good thing.

Chairman Hufstetler stated if there are no other comments, we'll move on.

## **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 Regular Meeting of May 10, 2005 as presented. SECOND by Commissioner Bennett. VOTING:

YES

NO

Commissioner Fricks

" Mayes

" Jennings

" Bennett  
Chairman Hufstetler

Motion Carried

**PROCLAMATIONS:**

**RECOGNIZE EMPLOYEES FOR THEIR  
WORK ON THE TOUR DE GEORGIA:**

Chairman Hufstetler stated we want to recognize some of our employees for their work on the Tour De Georgia and Commissioner Jennings will be making those presentations.

Commissioner Jennings stated we have representatives here from the Floyd County Sheriff's Office, Floyd County Police, Floyd County Public Works and Floyd County Emergency Management. Commissioner Jennings shared statistics that he received at the Convention and Visitors Bureau meeting a month ago: in April 2004 they served 16,428 people, in April 2005 they served 71,520 people; brochures distributed: 4,110 in 2004, 7,957 in 2005; website hits: 2004 – 172,996, that increased in 2005 to 314,328. Commissioner Jennings stated that is showing the Tour De Georgia had, for two years, a tremendous impact on this community. Commissioner Jennings stated obviously in the second year we have done such a great job in this community that people were willing to come here, the estimated economic impact in 2005 was \$2,857,022. Commissioner Jennings stated he is not exactly sure how they come up with that estimate, but it's a sizeable estimate.

Commissioner Jennings stated in order to make that event happen as effectively and efficiently as it was, a lot of people put forth a lot of effort. Commissioner Jennings stated he would name a few of those people and present them a certificate. Commissioner Jennings stated please know that while we are singling out a few people here today, we as a Commission and we as a community really do appreciate the work of our public servants in making this event happen. Commissioner Jennings stated obviously from the numbers, good things happened in this community. Commissioner Jennings presented a Certificate of Appreciation to Scotty Hancock, Tracy Hardy and Tim Herrington, Emergency Management; Michael Skeen, and Marta Turner, Public Works; Rodney Clemones and Richard Robinson, FSCO; and Jim Treglown, FCPD. Commissioner Jennings stated this is just a small token of our appreciation, and asked the recipients to please share with their compatriots that we appreciate all of their work on this project.

**PUBLIC HEARINGS  
(FIRST READING HELD ON  
MAY 10, 2005):**

**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]).**

Chairman Hufstetler called for a Motion to open the Public Hearing.  
Commissioner Bennett made a MOTION to open the Public Hearing on File # 22-2005Z.  
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 opposition of this issue. Seeing none, Chairman Hufstetler asked Assistant County Manager Sammy Rich, to give a brief overview.

Assistant Manager Sammy Rich stated the property is located off of Cave Spring Road. Assistant Manager Rich stated a site plan has been submitted, and pointed out that the property is adjacent to a lot of Light Industrial (L-I), in addition to some Heavy Industrial (H-I). Assistant Manager Rich stated this comes to you with a unanimous recommendation from the Planning Commission to approve with three conditions that were applied to the approval: 1) that a plat be recorded that would indicate the subdivision of the property from the other lot; 2) that the development would comply with all the buffer requirements within the ULDC; and 3) that any lighting on the property would be down lighting.

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

YES

NO

Commissioner Fricks

" Mayes

" Jennings

" Bennett

Chairman Hufstetler

Motion Carried

Chairman Hufstetler called for a motion. Commissioner Bennett made a MOTION we rezone the property represented by file #22-2005Z from Suburban Residential (S-R) to Community Commercial (C-C) with the conditions previously noted. SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Fricks

" Mayes

" Jennings

" Bennett

Chairman Hufstetler

Motion Carried

**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]).**

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 is there anyone who wishes to speak in support or opposition on this issue. Seeing none, Chairman Hufstetler called for a Motion to close the Public Hearing. Commissioner Mayes 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. Commissioner Bennett made a MOTION to refer File # 23-2005Z back to the Planning Commission for further consideration. SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Fricks

" Mayes

" Jennings

" Bennett

Chairman Hufstetler

Motion Carried

### **ULDC REVISIONS:**

**(FIRST READING HELD APRIL 12, 2005**

**NO ACTION TAKEN AT PUBLIC HEARING HELD**

**ON APRIL 26, 2005 AND MAY 10, 2005):**

**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]).**

Defer – No Action Taken

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

#### **1. DISCUSS APPOINTMENTS**

Chairman Hufstetler stated no appointments will be made at this time.



**2. DISCUSS REQUEST FROM HOPE MINISTRY  
PAROLEE AND PROBATIONER COMMUNITY  
RE-ENTRY PROGRAM:**

Chairman Hufstetler stated that this item has been deferred to the next meeting.

**COMMISSIONER'S REPORT:**

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

Commissioner Fricks stated he had nothing to report.

**PUBLIC SAFETY COMMITTEE – COMMISSIONER MAYES, CHAIRMAN**

Commissioner Mayes stated he had no report.

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

**a. Recommendation to add Sunflower Place Road, NE and detention pond, on  
county maintenance.**

Commissioner Bennett made a MOTION to add Sunflower Place Road, NE and its detention pond on county maintenance. SECOND by Commissioner Fricks.  
VOTING:

YES

NO

Commissioner Fricks

" Mayes

" Jennings

" Bennett

Chairman Hufstetler

Motion Carried

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

**CITY OF EMERSON PROPOSAL  
TO CONSTRUCT A PRIVATE SOLID  
WASTE LANDFILL:**

**4/5 VOTE REQUIRED:**

Commissioner Jennings made a MOTION to place the City of Emerson's proposal to construct a private solid waste landfill on the agenda. SECOND by Commissioner Bennett. VOTING:

YES

NO

Commissioner Fricks

" Mayes

" Jennings

" Bennett

Chairman Hufstetler

Motion Carried

Commissioner Jennings made a MOTION to authorize the Chairman to comment on this proposed private solid waste landfill that is proposed to be placed on land that has annexed into the City of Emerson, that we as a Commission express our serious concern on the surface and ground water effects, negative effects, of this proposed landfill and that before this is permitted all due diligence be placed on assessing the water quality effects of such a landfill. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Fricks

" Mayes

" Jennings

" Bennett

Chairman Hufstetler

Motion Carried

**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 were three items on the Clerk's Consent Agenda which have been reviewed and are submitted for approval. Commissioner Bennett made a MOTION to approve the items on the Clerk's Consent Agenda as presented. SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Fricks

" Mayes

" Jennings

" Bennett

Chairman Hufstetler

Motion Carried

**1. Tax Refunds:**

- a. Ernest F. Carvallo, 4 Johnson Street, \$8.82
- b. Walter E. Dundervill, 4 Fox Chase, \$307.11
- c. Michael W. Harris, 1101 Lovell Road, \$15.25
- d. Hamilton Masonry Construction, 1973 Floyd Springs Road, Armuchee, \$1,384.80
- e. Robert and Dominique Styperek, 305 Clark Drive, \$98.42
- f. Rahim Rafiq, 16 Norman Lane, \$19.71
- g. ML and Lois Tuggle, P.O. Box 529, Cave Spring, \$38.20
- h. Ashland Park Partners LP, 2680 Crane Ridge Drive, Jackson, MS, \$759.89
- i. Jack L. Roberson, 26 Silvermont Drive, Silver Creek, \$26.72
- j. Munif Khateeb & Mohammad Jabara, 60 Mango Road, \$1,077.54
- k. Gayle C. Strickland, P.O. Box 57, Coosa, \$25.65
- l. Thomas E. Watkins, 7 Grandview Drive, \$1.47
- m. William L. Vance, 406 East Third Avenue, \$59.95
- n. Melvin L. Tate & Brenda Tate, 5859 Big Texas Valley Road, \$78.15
- o. David Roper & Heather Snodgrass, 8 Westhaven Drive, \$2,021.50
- p. Nancy Smith Hunter, 33 Riverview Road, \$44.10
- q. Jeremy & Audrey Poarch, 929 Turner Road, \$27.06
- r. MAN Patton Jr., 64 Sayle Lane, \$54.86
- s. Southeast Equities, 203 Branham Drive, \$37.21

2. **Remove list of tax bills from Tax Commissioner's roll in the amount of \$924.28.**
3. **Remove list of Errors and Defaulters from Tax Commissioner's roll in the amount of \$182,956.77.**

**MANAGER'S REPORT:**

Chairman Hufstetler stated that Assistant County Manager Sammy Rich is filling in for the vacationing Kevin Poe.

**1. DISCUSS SENIOR TRANSPORTATION PROGRAM  
(DEFERRED FROM MAY 10, 2005):**

There was discussion regarding the Tallatoona EOA Senior Transportation Program budget. Following the discussion it was the consensus of the Board that the program and budget will be reviewed at mid-year budget meetings.

**AWARD BID FOR CHAIN LINK FENCE MATERIAL  
FOR POLICE DEPARTMENT (SWAT):**

Assistant Manager Sammy Rich stated the recommendation is to award the bid for chain link fence for the old fire station on Shorter Industrial Boulevard, to the low bidder Circle A Fence in the amount of \$6,512.08. Assistant Manager Rich stated the funds will come out of the Police Department Capital Improvement budget.

Commissioner Mayes made a MOTION to approve the recommendation.  
SECOND by Commissioner Bennett. VOTING:

YES

NO

Commissioner Fricks

" Mayes

" Jennings

" Bennett

Chairman Hufstetler

Motion Carried

**3. AWARD BID FOR CARGO TRAILER FOR EMERGENCY  
MANAGEMENT CERT PROGRAM:**

Assistant Manager Sammy Rich stated bids were accepted for a 7' x 16' cargo trailer to be used by our CERT team. Assistant Manager Rich stated bids were sent out to seven vendors and only one bid was received from Truck Styles in the amount \$5,560 and that is submitted for your approval.

Commissioner Bennett made a MOTION to approve the bid from Truck Styles for purchase of the cargo trailer. SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Fricks

" Mayes

" Jennings

" Bennett

Chairman Hufstetler

Motion Carried

**4. DISCUSS ACCEPTANCE OF GRANT FROM THE OFFICE OF DOMESTIC PREPAREDNESS IN THE AMOUNT OF \$299,400:**

Assistant Manager Sammy Rich stated this is a grant from the Office of Domestic Preparedness in the amount of \$299,400. Assistant Manager Rich stated this will go toward our interoperability upgrades, new console upgrades for the 911 center, and will help us in case of any kind of event where we would need to communicate with folks on other radio systems. Assistant Manager Rich stated the recommendation is to authorize the Chairman to execute the grant.

Commissioner Bennett made a MOTION to authorize the Chairman to sign the grant application for the \$299,400 grant from the Office of Domestic Preparedness. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Fricks

" Mayes

" Jennings

" Bennett

Chairman Hufstetler

Motion Carried

**5. APPROVE JOINT CONTRACT BETWEEN THE CITY OF ROME, FLOYD COUNTY AND PLANNING WORKS TO PROVIDE CONSULTATION SERVICE RELATED TO THE PREPARATION OF THE UPDATED COMPREHENSIVE PLAN:**

Assistant Manager Sammy Rich stated this is a joint contract between the City of Rome, Floyd County and Planning Works, LLC to provide consultation service in preparation of our updated Comprehensive Plan, which is due in 2008. Assistant Manager Rich stated in utilizing Planning Works, which is out of Leewood, Kansas, we would also

utilize our existing staff and some work that those folks have already done to go toward this project. Assistant Manager Rich stated the contract is not to exceed \$110,000; \$80,000 of which would be funded for this fiscal year and the funds would come from the Planning Commission fund balance.

County Attorney Tom Manning recommended that if this body approves the contract, they do accept it subject to Attorney's review, because a couple of changes have been made dealing with insurance and a list of proposed changes to the ULDC that are consistent with the Comprehensive Plan.

Commissioner Bennett made a MOTION to approve subject to Attorney's review. SECOND by Commissioner Fricks. VOTING:  
YES NO

Commissioner Fricks  
" Mayes  
" Jennings  
" Bennett  
Chairman Hufstetler

Motion Carried

#### **ATTORNEY'S REPORT:**

County Attorney Tom Manning stated he had nothing to report.

#### **ADJOURNMENT:**

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

YES NO

Commissioner Fricks  
" Mayes  
" Jennings  
" Bennett  
Chairman Hufstetler

Motion Carried

**COMMISSIONERS**

**FLOYD COUNTY BOARD OF**

**CHUCK HUFSTETLER,  
CHAIRMAN**