

true history of this area and to preserve it and make it a fun place, not just a stadium there but also they can have it as an amphitheatre for theatricals. She stated they can have poor folks here. If they want to do some economic development, give jobs to these homeless. She stated get them a little cell about as big as a jail cell. They have got a key to it, have it there, they can work on the grounds. They can keep a garden. They can pick up around the rivers. They can live there and have a place to stay overnight that is safe. She stated they can have yard sales. People with a bass boat can have water taxis like in Venice, Italy. They can take people fishing. People can have yard sales, whatever they want. She stated that should be public property. All these properties that she has mentioned should be condemned. They (*Commissioners*) should condemn them and take them under their power of eminent domain, and they (*Commissioners*) should observe and preserve their history, and do that for the people of this county not just the ones that should be honored. John Ross, they sent him without a home, sent him west but the homeless that they are putting on the streets now with their Planning Commission, the building codes, tearing peoples homes down, they are homeless give them a job picking up stuff off of the river. Give them a little cell there, it does not have to be fancy. They let people survive in the jail, just a little small cell for these homeless where they are protected. She stated let people that have the bass boats go down there and have fun, make it a fun place. They may even make money being honest and having tourism here, recognize and preserve their places.

Harry Pierce, 508 Riverside Parkway, stated he sent an e-mail out to the paper in response to the meeting today, and he copied most of the Commissioners but a couple of them came back. He stated in speaking from the heart to start with, he has been confused about the whole thing and he is no attorney. His wife is but he is not. He is no politician but he has run some businesses, and he was just confused of this whole West Third project. The whole way this thing has gone down has been really confusing to him as a citizen of Floyd County. He stated let me understand this, this is part of the SPLOST and everybody says it was not but because the Rec was, the Barron Stadium was and so he understands all that part, which was voted down. However, our City Commissioners have already decided what to do with our money anyway. He stated now he lives in the city because he is annexed in Burnett Ferry so he got to vote on that. He stated he did a little homework and found out what Ronnie (*Wallace*) put on the vote, or the City Commissioners he should say, another little line saying they give them the right to do a TAD Bond, or whatever it is called, and now he is trying to read up and get educated on that. He stated he can guarantee that probably 80% in the City of Rome did not understand that line and he thinks they should have put it on there 'You are voting to give us the right to move the Barron Stadium whether the SPLOST is passed or not' that would have been a lot more simple, and he thinks that everybody in the city would have understood that. He stated he is not so sure it would have passed because probably 99% of the people he has talked to in Floyd County really do not want to see this happen. He is not saying he does or does not, he is just saying he is representing a lot of people he has talked to that think they have done a bad job explaining what is going on to everybody, and when you do not understand what is happening people get uneasy about what is happening and think that maybe something could be hidden. That is why everybody does not want to explain exactly what is happening. He stated he is not saying that either. He is just saying he does not think they have done a good job, city or county, on explaining exactly what is going on over here. He stated now the County Commissioners are going to vote on how to spend our money on a project 99% of the people that he has spoken to in Floyd County do not want. He stated why do they not do a special vote with all the county residents. He knows that it is city property but it is all used by the people in the county, and let them decide. He stated is it not their money and their property. Why do they even ask their opinion if they do not listen to it and why should they waste their time going to the polls if they are going to do what they want with their money anyway. He stated he is just blown away around the whole way the whole process of how this thing has gone down from the city and now it is in your (*Commissioners*) seats. He stated that was the emotional part. He knows that a lot of the answers are going to be they have county commission meetings and city meetings, a lot of people have to work for a living too and they can not come to every one of the meetings to make sure. Unfortunately with the Renegades, he is going to have to start making some because of some other things that have happened that do affect another part of his business and so he needs to be at some of them. He is going to have to have his assistant check what is going to be on the agenda every time just to make sure if there is something that affects his business because they (*Commissioners*) do not have time to pick up the phone and call everybody either that it is going to affect their business. He stated he has a copy of the Binding Memorandum of Understanding, which probably should say Binding Memorandum of Misunderstanding, because he is going to have to hire a real estate attorney as a citizen to figure out what is going on with West Third.

Because if they read this thing, and he knows that they are busy right now trying to figure it all out, but just from a numbers stand point, because he is more of a numbers guy in his past, if they look at things, parking decks for example, if they are going to pay and he thinks they as taxpayers are going to pay to have them built and they resale them back to them they give them an option and one of the options is 25 years interest free. Now if they pay over \$3.5 million to build something and they are giving it to them interest free and they are going to make payments back over 25 years it comes out to over \$12 million that they actually paid and sold to them for \$3.5 million. He stated he would have to go through this, and he will, but it will probably be too late, and he is sure everything will be voted. Everybody will be moving the stadium, and they will be playing ball across the thing and again. That might be the right thing to do but he just thinks that they need to do a better job of being honest with the citizens of any county, of any state, of any where starting with the White House on what really goes on and in layman's terms where they can make conscious decisions on what they are voting for, yes or no. Then if they vote no then do what the people want and not just do what they (*Commissioners*) want because they think it is the best thing to do. He stated he did do a lot of developing, he did a lot of trading properties and building buildings, and he has yet to see one person do a land swap and lose money on it. So that statement in the beginning was to him the red flag that came up when he read that they were not going to make any money on this deal. Do not do it because he has not ever seen anyone develop a property yet that does not make money on it. He stated he appreciates their time and it is probably better for him to vent and represent a lot of other people, he thinks, that feel the same way in Floyd County.

ADOPTION OF MINUTES:

Chairman Hufstetler asked if the minutes were in order. County Attorney Tommy Manning stated the minutes had been reviewed and are in order. Commissioner Fricks made a MOTION to adopt the minutes of the Regular Meeting of September 27, 2005 as presented. SECOND by Commissioner Mayes. VOTING:

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

Motion Carried

**FIRST READINGS
(PUBLIC HEARINGS TO BE HELD ON
OCTOBER 25 2005, AT 6:00 PM)**

1. **FILE #71-2005Z, REQUESTS REZONING FROM S-R (SUBURBAN RESIDENTIAL) TO C-C (COMMUNITY COMMERCIAL) TO CONTINUE EXISTING COMMERCIAL USE OF PROPERTY LOCATED AT 581 CHULIO ROAD. ZONING MAP K15Y – 129. (PLANNING COMMISSION RECOMMENDATION: APPROVE [VOTE: 7 – 0]).**

2. **FILE #72-2005Z, REQUESTS REZONING FROM A-R (AGRICULTURE RESIDENTIAL) TO C-C (COMMUNITY COMMERCIAL) TO CONTINUE EXISTING COMMERCIAL USE OF PROPERTY**

**LOCATED AT 3264 FOSTERS MILL ROAD.
ZONING MAP E17 – PARCELS 027 AND
PART OF PARCEL 25. (PLANNING COMMISSION
RECOMMENDATION: TABLE [VOTE: 5 – 2]).**

**3. AMENDMENT TO FLOYD COUNTY CODE
REGARDING HEALTH AND SANITATION.**

ULDC REVISION:

**1. REVISE ARTICLE 2.11.3 (e) CONCERNING DECISIONS
OF THE ZONING BOARD OF APPEALS AND ADJUSTMENTS.
(PLANNING COMMISSION RECOMMENDATION:
TABLE [VOTE: 7 – 0]).**

Chairman Hufstetler read the files into the minutes and stated the Public Hearings will be held on October 25, 2005 at 6:00 P.M.

Discussion: Commissioner Jennings asked if File #72-2005Z was not removed from the Planning Commission agenda because of incorrect advertising. County Clerk Kathy Arp stated she believes there was a typo in the advertising, it was advertised as request rezoning from S-R, and it should have been A-R. Commissioner Jennings stated so it is going back in front of the Planning Commission again, so should it even be here on a First Reading. County Manager Kevin Poe asked Phil Helton, Rome-Floyd County Planning Department, if File #72-2005Z was withdrawn. Mr. Helton replied no that it was tabled. Commissioner Bennett added no, it was tabled over there, this is down at Fosters Mill, it shows that they have addressed this one time before and as he recalls sent the parties back to see if they could reach an accommodation. He stated it came back to the Planning Commission again for some clarification. He thinks that was one of the things that they actually asked for that was not part of the application. Assistant Manager Sammy Rich stated there was some miscommunication as far as what was stated on the application at the Planning Commission, and they felt to be on the safe side it would be best to re-advertise it for an actual go cart track. Mr. Rich stated the decision and the vote was to table the application, but the discussion was that the last time this was at the county it was mentioned that they should go work this out and then come back. At least one of the Planning Commissioners felt that they had not done that although they were there and the applicant made a commitment to do that but that is yet to be seen.

Chairman Hufstetler stated this question has come up before and they have tabled things indefinitely and then they never get to us and so they go ahead and put it on there and say they do not want to act on it either. Commissioner Jennings stated with this scenario, they would have a Public Hearing on this matter before the Planning Commission took action on it. County Manager Poe stated which procedurally that is not going to work out. Commissioner Jennings stated typically what County Attorney Tommy Manning has them to do is hold the Public Hearing and then table it, and he is wondering whether that should be the case. County Attorney Manning stated that is what they had been doing with these that come up. They hold a Public Hearing on the second reading, usually get no input and then refer it back to the Planning Commission, because of the language in there that says they will conduct a Public Hearing within a certain time. Commissioner Jennings stated it puts them in the uncomfortable position of, since they have already held a Public Hearing and no one has spoken at the Public Hearing, when they do actually vote on it they do not have a formal Public Hearing although their procedure has been to allow persons to speak. County Attorney Manning stated he thinks that they could hold another Public Hearing. They are required to hold at least one, and he does not think anything would prevent them from having two. Commissioner Bennett stated they also do not have to follow the Planning Commissions recommendation. He stated they could go ahead and approve it or deny it, nothing says that they have to follow the Planning Commissions recommendation. Commissioner Bennett stated they are having a First Reading here, so they are going to have a Public Hearing on it because that is the process. County Attorney Manning asked if it had been advertised.

County Clerk Arp stated the advertisement for the Planning Commissions hearing is sent at the same time as the County Commissioners First Reading and Public Hearing, so at the time that the advertisement is made they do not really know if the Planning Commission is going to approve, deny or table. Chairman Hufstetler stated they will go ahead with it as it stands.

CHAIRMAN'S REPORT:

APPOINTMENTS TO COMPREHENSIVE PLAN STEERING COMMITTEE:

Chairman Hufstetler stated they had been to a meeting with the Consultant and members of the committee that had been appointed by the Planning Department and there were no land owners represented on the committee. Chairman Hufstetler recommended Jerrell Cagle and Irwin Bagwell be appointed to give some farmland representation.

Commissioner Bennett made a MOTION to make those appointments. SECOND by Commissioner Mayes.

Discussion: Commissioner Jennings asked if what they were saying is they want to add some persons to this committee. County Manager Poe stated based on the advice of the consultant he (the consultant) would like to keep the committee to a manageable number of sixteen. Commissioner Bennett stated that there were twelve appointed, and these two appointments by the county, along with two from the city would make that committee be sixteen. He stated this seems to have a little better representation of people in the community. He stated there were some issues raised by the city appointee on the Planning Commission about some things that should be addressed. Commissioner Bennett stated he told him that he thinks he had some valid points that he needed to address and that he should bring those to the attention of city personnel and also the Director of the Planning Commission which he said he would.

Commissioner Jennings stated it seems to him that the whole scope of this Steering Committee needs to be assessed. Chairman Hufstetler stated they are meeting as of today, and the county wants to have representation until it gets reformulated or whatever. Commissioner Bennett stated that there have been no votes taken at this point, but the meetings are proceeding because the consultant is in town. Chairman Hufstetler stated he thinks they need to look at this again, but he would like to go ahead and have some representation there so they do not meet without us.

Commissioner Jennings stated he thinks what they are proposing is that they appoint two Planning Commission members to this committee. He stated that he thinks it would be very appropriate to have one person on the Planning Commission who represents the county on this committee, and one representative of the agricultural community in the county. He stated also that we might also want to look at someone who lives in the suburban-residential area of the county to represent those who live outside of the incorporated city limits but are not a representative of the agricultural community is very appropriate. He stated he is wondering about two representatives from agricultural and two representatives from the Planning Commission.

Commissioner Bennett stated he would say that in addition to being in the agricultural community and having their own land, they also are very knowledgeable about other issues and vote on them at every Planning Commission meeting. He stated they have a lot to offer as far as their knowledge, not only of agricultural interest but also of urban interest and make some very timely, well thought out comments about those issues. He stated as it turned out on that Steering Committee as appointed, he thinks there was one person or so out of sixteen who lived outside the city limits. He stated they had some who actually do not have a Floyd County address. They live on the very periphery. He stated he is not saying that the people they had are not qualified, but these were two very highly qualified people that bring not only an agricultural insight but also a varied insight because

they have been participating for many years in the planning process through serving on these types of committees.

Commissioner Jennings stated it seems to him that it is in the best interest of everybody to take a look at this committee and ask some questions about the overall make up of the committee. He stated as they encountered today, City Commissioners were saying where did this committee come from they did not know anything about it. Commissioner Bennett stated it is like another meeting or two he has attended, it was mentioned in a meeting, there were appointments made from the Planning Commission, one of which was a county appointee however, lived in the city. He stated he does not have a problem with that because that is the county too. He stated there are other representatives there to represent industry and development is the community, the Director of the Chamber of Commerce, a representative from Georgia Power Company, an engineer, an architect, the City School Board Superintendent, and the County School Board Superintendent, so it has a pretty wide representation. Chairman Hufstetler stated they are going to look at it again. Chairman Hufstetler stated this is to have some members there while they are meeting today, that we do have representatives. VOTING:

YES NO

Commissioner Fricks
" Mayes

Commissioner Jennings

Commissioner Bennett
Chairman Hufstetler

Motion Carried

During roll call, Commissioner Jennings asked if he was voting to add two representatives from the county on this steering committee, and are we naming those two representatives. Commissioner Jennings stated that he is hearing that we are recommending that this body be looked at totally as far as reconstituting the body and that this would be viewed as temporary appointments to this particular body. Commissioner Bennett stated that would not be his vote, that we are appointing these two. If that body in fact is reconstituted then he does not know that we would oppose that. Chairman Hufstetler stated that he did not know the whole makeup of the committee, and we may look at it to see if there is more representation needed. Commissioner Bennett stated it has been expressed by a city representative that some should be. Commissioner Jennings stated he would vote no because he thinks the whole committee needs to be reconstituted and some greater thought needs to be given to the committee. He thinks this is a committee that does not represent this community to begin with, so he will vote no.

COMMISSIONER'S REPORT:

1. ADMINISTRATIVE/FINANCE COMMITTEE – COMMISSIONER FRICKS, CHAIRMAN

- a. Discuss proposed changes to Injury Leave Policy. (Deferred August 23, September 13, and September 27, 2005)

Defer

2. PUBLIC SAFETY COMMITTEE – COMMISSIONER MAYES, CHAIRMAN

Commissioner Mayes stated he has no report.

3. PUBLIC WORKS COMMITTEE – COMMISSIONER BENNETT, CHAIRMAN

Commissioner Bennett stated he has no report.

4. WATER COMMITTEE – COMMISSIONER JENNINGS, CHAIRMAN

Commissioner Jennings stated he has no report.

5. SPECIAL COMMITTEE REPORTS

a. Consolidation Task Force (Fricks/Hufstetler)

No report.

b. Parking Committee (Fricks/Bennett)

No report.

c. SPLOST Committee

1) Recommendation regarding committee structure.

Commissioner Jennings stated at the recent Joint Services Committee meeting they discussed establishing a SPLOST Committee. He stated they agreed to bring structure of the proposed SPLOST Committee to each of the respective Commissions. He stated they would appoint a SPLOST Committee that would have six representatives from the county, four from the City of Rome and one from the City of Cave Spring. Each of these would be appointed by the respective governing authority. He stated the committee would have a city commissioner from the City of Rome, a councilman from the City of Cave Spring and a county commissioner, as well as staff. County Manager Kevin Poe, and City Manager John Bennett would serve as staff and he is not sure who from Cave Spring would serve. He stated that the committee would be appointed by December and that they would begin meeting in January. They would anticipate that their work would be done by June so that, assuming that they all agree to have a SPLOST vote, the anticipated election for a SPLOST would be in November of 2006. He stated there is some question about whether this committee would continue in existence beyond helping them to select potential SPLOST projects. They agreed to suggest that the committee at least stay in place while SPLOST projects, assuming that it passed, were in process so that they could follow up on the expenditure of the money. They would seek the input of the committee itself as far as whether they would continue in existence beyond that point.

County Manager Kevin Poe stated they also talked about giving some kind of direction to the committee, that when they look at projects they do them in a priority order so that consideration can be given to different length of term for the SPLOST, that they try to prioritize so that they can fit into different time frames. Commissioner Jennings stated that there would be an agreed upon charge to the committee, and certainly one of those charges would be the issue of prioritizing projects as opposed to the committee establishing the length of the SPLOST. County Manager Poe stated they also mentioned that the City and County Commissioners would agree upon and appoint the Chairman of the committee. Chairman Hufstetler stated when they discussed before about a representative group of the entire community, if there are four from the city limits and all six of those came from the unincorporated area, they would almost still be running the ratio for population lines, but they would not quite be there, and so to him that is the question, are they going to take six people that represent these areas that are not represented by the city's appointments so geographically they have equal representation. Commissioner Jennings stated that their thought was to not necessarily put a restriction on whether a person had to live within the incorporated cities or not. He stated that would probably happen some in terms of the selections that were made, but not necessarily be a requirement. Chairman Hufstetler stated when they first started talking about this, Serpentfoot talked about that they need to do a better job of geographically representing all the areas, and his point is if they do not do that then they are not going to geographically

represent all the areas. Chairman Hufstetler stated that may be something that is not a natural requirement, but he thinks that it needs to be a strong consideration.

Commissioner Jennings made a MOTION to approve the formation of a SPLOST Committee that includes six members appointed by the County Commission, four members appointed by the City of Rome City Commission, and one member appointed by the Cave Spring City Council. That would also include a City Commissioner, County Commissioner and a Cave Spring City Councilman, as well as staff. That this committee be established no later than December 2005 with their planned first meeting to be January 2006, that the Joint Services Committee be empowered to create the charge for the SPLOST Committee and that the Chairperson of this committee be selected by joint agreement of members of the SPLOST Committee. SECOND by Commissioner Bennett.

Discussion: Chairman Hufstetler stated he does want to make the point that this is an advisory committee. He stated he knows in the past there has been criticism that they did not take every proposal 100% when it was set up as an advisory committee, and he thinks they need to make the point that there ought to be an advisory committee but the Commissioners themselves have to ultimately make that decision. Commissioner Fricks asked whether the intention to appoint the Chairman is going to be selected within the group of the six and four and one or is it going to be an addition. Commissioner Jennings answered that this would be from the six, four and one, eleven persons so it would be an eleven-member citizens committee. VOTING:

YES NO

Commissioner Fricks
" Mayes
" Jennings
" Bennett
Chairman Hufstetler

Motion Carried

d. Alternative Jail Committee (Jennings/Fricks/Mayes)

e. West Third Street Committee (Fricks)

1) Discuss Intergovernmental Agreement and Shared Parking Agreement in reference to the West Third Street Development.

Commissioner Fricks stated they have a proposed Resolution that would potentially move the project forward and take it to the next step of proceeding with this. He stated he knows that they have some details to work out, but in general, they are ready to move forward on the support of this TAD district. He stated that he sat in on most of the elements of the discussion of the Memorandum of Understanding that the city entered into with Northwest Georgia. He stated one of the perspectives that he had to bring to the table was how it affected Floyd County government and how their involvement was going to be affected out of the issues. He stated instead of resolving himself to look at the document in detail as they went through it, he kept trying to just focus on the elements that brought their involvement or any required action that they took out of the document. He stated there are elements that he does not agree with in that document. There are some frustrations and he is sure there are a lot of elements in there that the Commissioners do not like, but he separated himself and brought himself to the task of what he was supposed to do as a Floyd County Commissioner. He pulled as many of the elements as he could out and made a lot of considerations and one of the considerations is the factor of what kind of risks were involved in their participation and somewhat identified these areas in this Resolution or basically Intergovernmental Agreement. He stated he was concerned in a lot of areas about risks, and involvement and commitment of Floyd County. He stated basically what they have done, in his opinion, is take every bit of the risk of any

commitments of Floyd County either financially or by any other means other than the incremental tax increase amounts that are going to be generated out of new tax dollars, and he did present them with a schedule of just what Floyd County's tax revenues increase are going to be, or could be, in this area. He stated just the tax revenues would be over \$18 million for just the portion of Floyd County's taxes in that district. That is only representing the \$118 million development of Northwest Georgia.

He stated he did some research. He spoke with County Manager Kevin Poe, and they got to see what the projected growths were in that area. He stated it is probably about a 3% growth over the past ten years. Right now they are looking at, just with the investment of Northwest Georgia, tripling the value of that particular base property. The TAD district is valued at \$50 million and they are adding additional \$118 million of investment in that TAD district. He stated he rode through the district and looked at it. He tried to think about what has happened in this area in the past ten years or the past fifteen years. He could pick and choose one or two little places that maybe have added on or remodeled. There is some new growth in there around the medical facilities and stuff and he also considered what may be brought on, what type of catalyst of growth that this may generate. He stated he knows that that is intangible, but he did want to share that with them because looking at it there has not been a substantial growth in that TAD district in the past ten, or probably fifteen years. So considering everything, looking at risk, looking at the potential \$18 million more tax revenue generated out of that TAD district for Floyd County alone and \$72 million generated out of that TAD district for Rome and Floyd County, in considering they have addressed most all the risk or any risk that he could envision and he thinks that their attorney has reviewed it pretty intensely with him as well and in caucus they have reviewed it and talked about the potential risk and he hopes they have addressed everything and if not they still want to have some more of a review period to look and see if there is anything else. Considering all those factors and looking at the potential growth and the potential risks, the tax base, the affects, the lack of growth in the last ten years compared to what can happen, they know would happen if this happens, catalyst of growth, the new job creations that the new industries would bring to the table here, the ability – what it would bring to us in terms of industrial recruitment, it kind of puts us on the map. He stated it is quality of life issues that it would bring to the table, the strength and the support of their health care industries that they have that will kind of be brought into a package that is much more presentable and everything. He stated additionally, he would challenge anybody to find out, he was trying to figure out what is the largest private investment that has taken place in the downtown area and SunTrust Bank was probably the last large capital investment that was in the downtown area other than the governmental buildings. There has not been that large influx of dollars. In wanting to be real cautious he did check with their Bond Council to find out if there is any potential exposure, or County Manager Kevin Poe did, he was familiarized with a little bit of the TAD and felt like they are not responsible for the debt service payment on these TAD's if the revenues are not generated. He knows that that is a hard thing to anticipate and believe but it is, and he kept reiterating that we are not responsible other than the new revenues. He stated just adding all of the elements together, and he did struggle with it because there are elements that he does not like and there are passions about the old facilities here, he played in a state championship game over there, but it is time to move along and hoping to see us grow and hoping to see the future of Floyd County and Rome looking bright he would recommend moving forward and support this document and at least give an indication that they are ready to move forward to the next step and proceed with support of the TAD district. He stated that was not a motion but he will make it in a form of a motion, or if anybody would like to make a comment before he makes a motion he would be glad to. Chairman Hufstetler stated he could make a motion and then they could have discussion from the attorney and all the commissioners.

Commissioner Fricks made a MOTION to authorize the Chairman to execute this Resolution after further review and supplemental changes with what they discussed in Caucus by the attorney. SECOND by Commissioner Mayes.

Discussion: Commissioner Jennings stated he for one looks at what the history of this community has been, and he hates to use a term that is used a lot these days of being proactive but he thinks this is an opportunity for them to be proactive for their community and their future. He stated they are not waiting for someone outside this community to provide for their growth, and he thinks Commissioner Fricks' description of riding through the particular area in question and how much that area has changed or

not changed really in the last probably twenty years if not more, is important. He thinks this Resolution is an example of a community being proactive, being willing to take reasonable risk, and he thinks that one of the points in all of their discussions had been what is the risk that is involved in this project and what can they do to minimize the risk in terms of the county taxpayers. He stated he thinks Commissioner Fricks has done a yeoman's job in working on this, he has kept him informed all along the way and he appreciates that. Commissioner Jennings stated he thinks this is an opportunity for them and the community to move forward and take the reins as far as their own destiny and it is part of the historical fabric to do so, so he is an enthusiastic supporter of this motion.

Commissioner Bennett stated he regrets the urgency of this vote and he thinks his fellow commissioners do to. He stated he is not trying to put off the inevitable but he would rather defer this vote for additional information to the community for one thing. He stated he learned some things today in his first meeting with the proponents of this project and this appears it is going to pass tonight but even with it passing there are a lot of holes in this agreement to filled up and he is not sure exactly what is going to happen in the give and take of when this does not match with the Memorandum of Understanding as has happened with most other agreements they enter into with the City and County and he guesses that will play itself out. However, he would like to say government should not compete with private enterprise. It should not use tax subsidies to give to another in the community being asked to construct about \$24 million of youth facilities of which all of those are not public facilities, and additionally to give up about \$50 million during the next 28 years to support this project. He stated it is being said that the community will not lose any taxes, that you can't lose what you don't have. In order to support that argument you have to make the assumption that for the next 28 years there will be no new business expansion in the TAD district. He stated in fact, several of the proposed buildings are likely to be built in this or some other area of this community whether this proposition is accepted or not. He stated government should be equitable. It should also be accommodating, not a hindrance, and let free enterprise work. He stated upgrading public utilities and considering zoning impediments are legitimate issues and should be considered for all. He stated we are elected to conduct the business of Floyd County. Many factors impact the decisions we make. While emotion is one of the factors, it is a personal factor and should not obscure our obligation to apply logic to all issues in order to arrive at equitable decisions on behalf of the entire county population. He stated government has the awesome power to take labor from its citizens in the form of taxes. Springing from this power to take, and under the guise of the public good has evolved the power to redistribute resources, taking from one to give to another. With rare exception, the citizens do not get to vote directly on how much taxes are taken nor how the taxes are spent. They elect representatives to make that decision for them. He stated he has made the decision trying to use his logic and experience while applying a dose of equitableness. The comments he has received from the community have been overwhelming in opposition to the terms of this development. He stated he supports the redevelopment of the city's downtown property with an economically viable project, but he must vote against committing county funds to this venture because of the terms contained in the Memorandum of Understanding.

Chairman Hufstetler stated this Barron Stadium and West Third Street proposal is certainly an important issue before the commission. He stated it has changed a lot over the past year. It started out as a land swap from the developers and the city. The developers were going to pay to have Barron Stadium relocated. The city hired an appraiser who valued their assets at over \$11 million. Then the TAD funding was approved by the City of Rome voters, who voted for it to be used as a tool for redevelopment in plotted areas such as South Rome. He stated this funding is now to be used to help pay for the proposal however, even with all of the City of Rome taxes in this district it would not pay for the project, and so the district was expanded all the way to Riverside Parkway and beyond. He stated when the district still would not provide the necessary funding it was also decided to use the school taxes in this district for the next 28 years to pay for it. He stated this still was not enough and so the county taxes were needed and they were invited to participate by having a commissioner sit in on their meetings. He stated they were told the bonds would stand on their own and would have no government backing. He stated this is the year that he is the Chairman. They rotate this around so it was his appointment to make, and he appointed Commissioner Garry Fricks. He believes and he thinks that he has done an admirable job of looking after the county's interest in it, but the proposal will cost a minimum of \$51,575,058 in property taxes over the next 28 years. He stated for this and their \$11 million in assets, the taxpayers are getting a

new Barron Stadium for the cost of \$4.6 million, and relocated tennis courts. The recreation offices are not being rebuilt. The gymnasiums are not being rebuilt. For \$62 million they are getting about \$6 million, 12 acres on the bypass, and for that reason he cannot vote for this proposal. He also thinks that the parking decks are a legal problem. He stated more parking decks are going to be built for the cost of \$12,580, 836 will then be sold with interest free payments for 25 years to an exclusive buyer. With a reduction in price from the actual cost and the interest free payments the buyer will pay about \$3.8 million for what cost the government \$12.5 million plus interest cost over 28 years. He stated he believes the government should bid out or auction property in a case like this. Floyd County did not vote on TAD funding and was not asked to vote on TAD funding. He stated he does not believe that they should commit county taxes without the approval of the taxpayers and he also believes that taxpayers are overwhelmingly against this proposal. If the City of Rome wants to make decisions with their taxes then it is not his place to stand in their way but he believes that he is going against good business sense and the will of the people if he votes for this proposal and for that reason this proposal in good conscience cannot get his vote. He stated he certainly hopes it is successful if it goes forward and he will do everything that he can to help make it successful.

Commissioner Mayes stated in the past in a situation like this where they knew something was probably going to pass but they had commissioners who strongly opposed or had other questions or problems with an issue they sometimes agree to give it some more time. He stated he is in agreement, if they want to, give them some more time. Chairman Hufstetler stated his concern is that the County Attorney perhaps needed law counsel because there are some changes made on this, he has got some problems with other areas in the agreement but with that part he knows they struggled in caucus with some new information trying to set it forward. Commissioner Mayes stated as a County Commissioner he does not necessarily see his job as finding a way to basically pick this contract apart, he certainly could pick quite a few items in this contract that he does not agree with or he does not like, especially as a business person but his job is to protect the interest of the county. He feels like they have talked to their attorney and they came up with a pretty good-sized document which at least some of them can agree to that protects their interest. He believes the County Attorney has put time in it and prepared it and he believes it protects their interests. He is in agreement that with that document with those objections or those items that they came up with to go along with this Memorandum of Understanding they can move forward.

Commissioner Bennett stated the problem that he has, and he thinks that they have all struggled with, is that he has heard good positive points and he has been swayed in a direction, he came back to some basic tenancies here that he feels like are deserving of consideration on their own behalf. Some of these issues which are not afforded to them, he feels they are changing some major policy as to how government works and has to work. He stated he is a business man, and his problem is in doing this agreement what changes they make they do not know if they are going to be acceptable on the other side, they may wind up with a document that does not pass muster with bond counsel or whatever. Like the Chairman, even if he loses this vote that does not remove him from the responsibility of trying to put the rest of the agreement together to make sure the best interests of the entire community are protected. He stated he thinks the people who are putting it together have that same concern for themselves and the community too and he gives them credit for doing that. He does know that what they come up with will solve all those problems either, but he hates to send an incomplete agreement out of here that might need additional conversation and comments. He stated Commissioner Fricks and County Attorney Manning have been working for some time, he has been issuing the things that he thinks need to be addressed and he has made every good effort to do that and then in their brief meeting today they had additional comments and he is not so sure that others would not come up. He also still has some concern that they have informed the community adequately about this. He stated again, he is not trying to receive support for his side, he thinks he has already indicated where he will be and he does not see a way to change that on whether or not the project will proceed, but he does think they have a duty on this document that they are modifying the Memorandum of Understanding, to put some more time.

Commissioner Fricks stated from his perspective, it is a very complicated issue. He probably has 100 or more hours if not in meetings or studying this thing and trying to understand and rereading everything from day one and how to educate the public on that, he will be honest, it is a very difficult task because of all the components. He stated they have to issue a trust level in there and he can

honestly say that he feels good. He thinks today even, he brought some things to the table, he thinks a number that interests to Commissioner Bennett that he is only out of \$18,851 thousand that he is only put at risk out of that \$1.4 million. Commissioner Bennett stated exactly and they have mentioned that \$1.4 million and they are not able to get that included in the document and he is saying that to eliminate the risk. Commissioner Fricks stated they are not going to get definitive numbers on anything and all they can do is projections and that is it and they can only do them as a solid of numbers and he thinks a couple of the elements that they have drawn in here, they drew caps on the amount of borrowing that the city can do, they have done caps on the annual debt service, they tried to put as many stop gaps of any changing of this document that could have a negative effect on this number right here. He stated one thing he hopes the public does know, and one of the biggest mysteries of this thing, is out of the projected dollars, he thinks sometimes a deception is made about this, that the public does not realize that their base value of their tax plus a 3% increase of the amount of tax collected in there is safe. He stated none of that is ever affected by any of this debt service or any expenditures or anything, the only thing that is going to risk is the new taxes that are going to be generated through new development in this area and only a portion of that projected right here. If someone told him tomorrow that he does not have to have any risk he is going to go out and borrow \$118 million to invest in someone's business and as soon as he starts making a profit he is going to start sharing the profits with that person, but they do not have to sign the note, if he defaults on the note then it is him defaulting the note but he will share the profits with them as soon as they get it into the profit making scenario. He stated the first thing they would think is it is too good to be true and he thinks that is the case here. He thinks that is one reason they are having such a hard time accepting this. It astounds him today that a TAD has no responsibility of debt service to the local governments. The guarantee of these notes, or the TAD's, is all in the future development and only on the taxes generated in the future development. The developer has to prove a substantial amount of investment to even apply for the TAD's, so it amazes him and he had to go reiterate that numerous times before he would have ever believe it and it is just like somebody coming to say they will share the profits with them of a new venture but will not put them at any risk and they will not be responsible for any of the debt. Commissioner Fricks stated he is saying for Floyd County he sees great potential benefit, he sees no risk and he has searched it out. He stated he wanted to research so they had no expenditures, he did not want them to have to spend a nickel or dime on this thing because it is not right to spend taxpayers money to make this thing happen. Commissioner Bennett stated this project, the projection right here is \$1.4 million that they would have at risk. Commissioner Fricks stated but if they say tomorrow they are putting at risk something that probably is not going to happen even the \$1.4 million that they are putting at risk is something that would not happen if you do not do it. Commissioner Bennett stated no, this is only \$1.4 million at risk, the actual forgiveness of the taxes at that investment rate is right at \$400,000 a year. He stated that is what they have agreed to give up but instead of it being \$12 million of Floyd County's money, if they take \$116, he has heard a lot of things but \$118 million was the latest they heard here, 40% of that \$47,000,200. He stated that is \$400,000 a year in forgiven taxes. Commissioner Fricks asked if that is county portion. Commissioner Bennett answered that is county portion, that is 8 mills times \$47,000,200 taxable, and these are the kind of issues that need to be tied down before they sign this document. He stated they may still sign the document, there still may be support for that, but at least there will be an understanding of what is out there. Commissioner Fricks stated he does not really understand where he is getting that number. Commissioner Bennett stated if they take \$118 million at 40%, which is the taxable amount. Commissioner Fricks stated that is right if the development takes place. Commissioner Bennett stated exactly, but all of this is assuming that the development takes place. Commissioner Fricks asked Commissioner Bennett if he is looking at the \$17,444,000. Commissioner Bennett stated yes, that is the county's share of the new, but he (*Commissioner Fricks*) is saying that further projection is that the excess anticipated county new portion and they were going to talk about this at lunch but they did not have time so that speaks further to what he is saying, he does not know that it will change his vote but it might have some impact on the way that this document is written because his vote is predicated upon as he says some philosophical items of what is the county's duty, what has it evolved to, what are they supposed to do. He stated it is pretty obvious without the investment of \$21 million or \$24 million, that number keeps changing around too a little, that this project cannot go forward. He stated all of that is not public facilities like a new football stadium or tennis courts or something like that that they do not have to reinvest in because they have facilities usable for that. He stated it could be argued that they would be nicer and therefore they should pay for them and that is more progressive and they will last a lot longer because they are starting from this year instead of when they were actually built, all of those arguments can be made but once they put all of that aside there is still

several, several millions of dollars that are direct investment that are not afforded to other people whether they come from out of town or across the street seeking to do business in this community. They are told no they will not do that, they will not repave their street, they will not run a water line down the road a quarter of a mile, they will have to pay for that. He stated they tell those people on a daily basis they cannot do that and he is in support of their accommodating that in the future for other people. The same thing applies with their zoning. They have asked for zoning variances and he does not disagree with a single variance that they have asked, because he has had clients before and people before the Planning Commission who have asked for those same type things and have been told no. He stated he is not trying to do everything on a fairness doctrine but he is saying that they are making concession. He realizes that it is new investment in the community, and it is progressive, and it certainly would change the character of that area down there. He is supportive of that to a certain extent, but he is saying that they are trying to answer some of these questions on the fly and it is regrettable, he is sure these people have got a deadline to issue bonds.

Commissioner Fricks stated he knows himself when they proceed on something like this as an investor they are spending more, and like he says not at their urgency, just out of respect for them, whoever it might be, he feels like either they should proceed, either say no or yes at this stage in time to either stop the further investment or the procedure going forward. He stated he looked at the next step, and the next step is the development plan. The City of Rome has got to invest a number of thousands of dollars as well. He stated he would hate to see them go to that stage if their intentions are not to be let it move forward and it is halted by their direction he would hate to see the City of Rome spend \$40,000 on a development plan so he guesses when he says the urgency of it, it is time to either say halt or move forward. He knows there are elements in here, and maybe he is more comfortable with it because he is more familiar with it, and he has read over it and he has tried to be as informative as he can when it got down to the point in time to each and every one of them and reviewed everything to every extent that he possibly could because he despises being surprised by documents when they are brought in here, but he is comfortable with it. He stated he knows that they may need to revise a couple of issues but he is comfortable with the attorney or Chairman Hufstetler or whomever making those revisions because he does not think that there is much more exposure out there.

Chairman Hufstetler asked if there was any more discussion. Commissioner Jennings stated he would like to comment on a phrase that Commissioner Bennett used on the decision on the fly. He stated he does not want the members of the audience and anybody who chooses to watch their Commission meeting to think that this just arrived on their desks this afternoon and has not been undergoing thorough review by the County Attorney. As Commissioner Fricks has said he has put in numerous hours, he has been willing to sit down and talk with him (*Commissioner Jennings*), he has had opportunities to talk with the developers, and he does not consider his vote today to be a decision on the fly. He considers his vote to be one that is reasonably informed about this process and reasonably sure that the risks for the county is minimal, if any risks, and the potential for the community is great so he for one is not making a decision on the fly. Commissioner Bennett stated the decision on the fly involves a pretty significant change that they made today in trying to cap the debt service. The document that County Attorney Manning has put together, which he can tell is well written and obviously commanded a great bit of his time, is a very good document as far as protecting the county's interest. However, they modified that in at least two to three significant places today and they do not have that final document nor any additional discussion that further reflection might cause to be made to that agreement, so that is his reference to the decision on the fly. He stated all of them have had this document on the Memorandum of Understanding since about September 27th. He is sure a lot of weekends and nights, he knows at least on his part and he would assume on theirs, have been spent on that. As far as the document itself that is not the issue that that has not been thoroughly reviewed, but the latest document has not and they have only had it for about an hour and a half. He said about three or four ideas came out of the caucus that they are trying to incorporate into it, so that is where the decision on the fly come from.

Chairman Hufstetler asked if there are any other comments. County Attorney Manning stated they do have before them the changes that were made after the discussion in their caucus. He stated that Commissioner Bennett is correct that after receiving the final Binding Memorandum of Understanding that was entered into between the City and the developer, the Board has not had that document long. From

there, once they knew the final terms, there has been a lot of time spent in an effort to do everything that they can in the creation of this document to protect the county's interest if indeed this development goes forth. He stated he will be glad also, if they have any specific questions, to try to address any of those.

Commissioner Fricks stated that a majority of the protective components in here basically are structured and incorporated into the document and he wrote them in laymen's terms here and he thinks basically what this was, was what he calls the legal mumbo jumbo that was required to put in there and then basically these were applied to here so when he reviewed it with everybody he did not really review the final document because it was not going to be in existence until now. They were trying to get this wording that he thinks County Attorney Manning contacted other communities that had been in a TAD district, or had issued TAD's and that is kind of the late issuance of this or the purpose of that but hopefully these are the components and that is why when he was trying to review with everybody and talk to them about the components and he knows that this is a little scribbled up piece of paper but he thinks there was some important elements on here and when they were in review he was trying to find that to show them where the components were that would protect them. He stated what he was concerned about is that they reviewed and went through the meetings with the city and stuff. Commissioner Bennett stated he followed Commissioner Fricks' advice and did not try to read every Memorandum of Understanding which they were into three or four different ones at that time, Commissioner Fricks reviewed it on their behalf, he prepared a list, they reviewed and they made a list. He stated the items that he and the attorney have gone through are here. He has no objection to any of them. There were additional ones added today, and there are additional ones that have been raised that have not been addressed and may not have any affect on that document. That is his only regret that their expediency here might preclude some further discussion of other items. He thinks what they have prepared is perfectly good document. Chairman Hufstetler asked if there is any other discussion, if not he thinks they can go ahead and vote on this. Commissioner Fricks stated one other item is the transfer and he does not know if they need to take that separately. Chairman Hufstetler stated they would do it separately, and called for a vote. VOTING:

YES

NO

Commissioner Fricks

" Mayes

" Jennings

Commissioner Bennett

Chairman Hufstetler

Motion Carried

**LETTER OF INTENT BETWEEN
NORTHWEST LLC AND FLOYD COUNTY:**

4/5 VOTE REQUIRED

Chairman Hufstetler asked Commissioner Fricks to go ahead with the next item. Commissioner Fricks stated this is an agreement basically, if they remember when they purchased the land for the stadium from Donald Evans, Kevin Evans and Robert Evans they entered into agreement to have a covenant that would be reviewed by an architectural review committee to keep the quality of the construction there. He stated this document is to transfer the Architectural Review Committee to Northwest Georgia LLC once they purchased the property. County Attorney Manning stated this item needs to be added to the agenda because it is not on the agenda.

Commissioner Fricks made a MOTION to add the Letter of Intent to the agenda.
SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Fricks
" Mayes
" Jennings
" Bennett
Chairman Hufstetler

Motion Carried

Commissioner Fricks made a MOTION to authorize the Chairman to sign the Letter of Intent transferring or restating the involvement of Northwest Georgia on the Architectural Review Committee for the stadium property, subject to attorney's review. SECOND by Commissioner Jennings. VOTING:

YES NO

Commissioner Fricks
" Mayes
" Jennings
" Bennett
Chairman Hufstetler

Motion Carried

CLERK'S REPORT

CONSENT AGENDA:

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

YES NO

Commissioner Fricks
" Mayes
" Jennings
" Bennett
Chairman Hufstetler

Motion Carried

1. Tax Refunds:

- a. Larry D. and Cathy Watkins, 340 Powell Road, Rome, \$263.22
- b. Weight Watchers North America, 175 Crossways Park West, Woodbury, NY, \$30.90
- c. Evans Grading, Inc., P.O. Box 400, Silver Creek, \$1,978.79

2. Malt Beverage Application, Amin Punjani, Market Place Food Mart, dba Rome Food Mart #8, 2406 Gadsden Road, Cave Spring, GA, (Convenience Store – Ownership Change).

3. **Self-Service Fuel Dispensing Application, Amin Punjani, Market Place Food Mart, dba Rome Food Mart #8, 2406 Gadsden Road, Cave Spring, GA, (Convenience Store – Ownership Change).**

MANAGER’S REPORT:

1. **APPROVE FIRST AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE SECRETARY OF THE STATE OF GEORGIA AND FLOYD COUNTY REGARDING EXPRESS POLL (ELECTIONS AND REGISTRATION).**

County Manager Kevin Poe stated that the State of Georgia has acquired a new encoder device known as the Express Poll for use at each of their precincts in the county. He stated the Express Poll will allow each polling place to search a voter’s status electronically at the polling place on election day and program a voter access card in a matter of seconds. County Manager Poe stated what they have before them is a First Amendment to the Intergovernmental Agreement with the Secretary of State’s Office that addresses the terms of the agreement related to the use of these Express Poll devices that will be provided by the State of Georgia.

Chairman Hufstetler called for a motion. Commissioner Fricks made a MOTION to approve the Amendment. SECOND by Commissioner Mayes. VOTING:

YES NO

Commissioner Fricks
" Mayes
" Jennings
" Bennett
Chairman Hufstetler

Motion Carried

2. **RECOMMENDATION FROM AIRPORT COMMISSION TO APPROVE LIMITED MANEUVER LICENSE BETWEEN UNITED STATES AIR FORCE AND FLOYD COUNTY FOR RECURRING USE AS A DROP ZONE (LICENSE NO. AFRC 01-09-05).**

Assistant Manager Sammy Rich stated item 2 is a license agreement, the term is for five years and it will be between Floyd County and Dobbins Air Force Base. He stated historically they have utilized the airport for doing training, and what they specifically do is fly in and they drop cargo attached to palettes or skids and this allows them to come in and use the airport up to five times a week, and they basically tell them within the agreement that if they damage anything they will rectify that.

Chairman Hufstetler called for a motion. Commissioner Mayes made a MOTION to approve the Assistant Managers recommendation subject to attorney’s review. SECOND by Commissioner Bennett. VOTING:

YES NO

Commissioner Fricks
" Mayes
" Jennings
" Bennett
Chairman Hufstetler

Motion Carried

**3. DISCUSS CONSTRUCTION OF A NEW MAIL ROOM
IN COURTHOUSE (JUDICIAL BUILDING). (2003 SPLOST)**

County Manager Kevin Poe requested approval to add a small project to their ongoing renovation work at the new courthouse (Judicial Building). He stated it would be the construction of a new mailroom at a cost not to exceed \$5,600, and it would be part of their SPLOST project to renovate the courthouse.

Commissioner Bennett made a MOTION to accept the County Manager's recommendation for construction of a new mailroom at the courthouse not to exceed \$5,600. SECOND by Commissioner Fricks. VOTING:

YES NO

Commissioner Fricks
" Mayes
" Jennings
" Bennett
Chairman Hufstetler

Motion Carried

**4. REQUEST FROM LISA HORTON, PROBATE COURT
CHIEF CLERK TO AMEND EQUIPMENT BUDGET.**

County Manager Kevin Poe stated they have a request from the Probate Office to make an amendment to their budget to shift \$750 from their Supply line item to their Equipment line item to purchase a new lateral filing cabinet. He stated they have a need to purchase an additional cabinet based on some new laws that came about this year related to guardianship files.

Commissioner Bennett made a MOTION to accept the County Manager's recommendation for the purchase of the lateral file in the amount of \$750 for the Probate Court Chief Clerk's Office. SECOND by Commissioner Jennings. VOTING:

YES NO

Commissioner Fricks
" Mayes
" Jennings
" Bennett
Chairman Hufstetler

Motion Carried

ATTORNEY'S REPORT:

County Attorney Tommy 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

COMMISSIONERS

FLOYD COUNTY BOARD OF

CHUCK HUFSTETLER, CHAIRMAN