

July 25, 2006

**REGULAR MEETING
FLOYD COUNTY BOARD OF COMMISSIONERS
July 25, 2006 6:00 P.M.**

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

OTHERS

PRESENT: County Attorney Tommy Manning, County Clerk Kathy Arp, County Manager Kevin Poe and Assistant County Manager Sammy Rich.

CALL TO ORDER: Chairman Mayes called the meeting to order.

INVOCATION: Commissioner Hufstetler led the Invocation.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was led by Chairman Mayes.

ADOPTION OF MINUTES:

Chairman Mayes asked if the minutes were in order. County Attorney Tommy Manning stated the minutes had been reviewed and were in order. Commissioner Hufstetler made a MOTION to adopt the minutes of the Regular Meeting of July 11, 2006 as presented. SECOND by Commissioner Bennett.

VOTING:

YES NO

Commissioner Fricks
" Hufstetler
" Jennings
" Bennett
Chairman Mayes

Motion Carried

PROCLAMATIONS:

REPRESENTATIVE OF LOCAL GOVERNMENT RISK MANAGEMENT SERVICES (LGRMS) WILL PRESENT CHECK FOR WELLNESS PROGRAM GRANT:

County Manager Kevin Poe stated they have Sherrie Robinson here today with Local Government Risk Management Services (LGMRS) to present a check to the Board of Commissioners for the Wellness Program Grant. He stated he would like

to publicly thank the Floyd County staff as well as Garner & Glover for the great job they have done with the Wellness Program and putting together the grant application submitted to LGRMS.

Sherrie Robinson stated on behalf of the Association County Commissioners of Georgia and the Local Government Risk Management Services, she is pleased to present this grant, in the amount of \$4,500, to Floyd County for participating in their Health and Wellness Grant for 2006.

**PUBLIC HEARING REGARDING 2006
MILLAGE RATE (PUBLIC HEARINGS
HELD JULY 18, 2006 AT 12:00 NOON AND
JULY 25, 2006 AT 12:00 NOON):**

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

YES NO

Commissioner Fricks
" Hufstetler
" Jennings
" Bennett
Chairman Mayes

Motion Carried

Chairman Mayes stated the Public Hearing is now open for setting the millage rate. He asked if there is anyone here to speak regarding the millage rate. Seeing none, he asked County Manager Poe to review the Resolution. County Manager Poe stated the Resolution that is presented shows the Board of Education set their millage rate at 18.996 mills. He stated the County M & O millage rate would remain the same at 7.968 mills, the fire fund millage rate would be reduced from 1.887 to 1.826 mills and the Solid Waste millage rate would be reduced from .66 mills to .639 mills, for a total of 10.433 mills which is .082 mills less than last year for unincorporated tax payers.

Commissioner Hufstetler made a MOTION to close the Public Hearing. SECOND by Commissioner Bennett. VOTING:

YES NO

Commissioner Fricks
" Hufstetler
" Jennings
" Bennett

Chairman Mayes

Motion Carried

**ADOPT RESOLUTION SETTING 2006 MILLAGE
RATE FOR FLOYD COUNTY BOARD OF EDUCATION
M&O AND FLOYD COUNTY GOVERNMENT M&O,
FIRE PROTECTION AND SOLID WASTE:**

Commissioner Hufstetler made a MOTION to approve Millage Rates at the rollback rates of 7.732 for the M & O, 1.826 for the Fire and .639 for the Solid Waste. SECOND by Commissioner Bennett.

Discussion: Commissioner Jennings stated he appreciates the concern for his fellow commissioners. He stated they had a good discussion in their Caucus, and he thinks the Resolution as presented, maintaining the existing millage rate, is a responsible one for Floyd County today and in the future. He stated he thinks they have had a good discussion of both existing obligations and future obligations so he cannot support this motion.

Commissioner Hufstetler stated they have typically had increases in revenue and returned a portion of that to the taxpayers. He stated revenue this year looks like it will be about \$2.5 million. When you take the increase in LOST, the property tax increases (if you take 92% which they have been using in past years) and interest, this millage rate would mean that about a half million of that \$2.5 million would be returned to the tax payers as has been done in the past. He stated knowing that there are increases in expenses, and they do have to accrue for that, but he thinks it is responsible to do that to show them that they will share in the pot as well. Commissioner Bennett stated he agrees with that. He stated he thinks the responsibility the commission has shown in the past, not only since he has been here but before his time, it had been a good concerted effort to manage well the finances of Floyd County. He stated he thinks they have provided at least necessary services, and then some other services that a lot of people would not consider necessary. He stated they have been able to do that and bring in their budgeted expenses under budget. Typically their budgeted revenue has been over budget because of being conservative on the projections. He stated this just means that they do not pile on to those who may have had a increase in their valuations on their property. He thinks if anybody wants to look at it as a challenge, he does not think it is a very hard challenge to meet that and still provide the level, if not increased level, of services they have provided in the past and still be able to live with this rollback.

Commissioner Fricks stated one of the things they were talking about, and he pulled his book (*Financial Report*) out, through June of '06. He stated they were talking about revenues, and granted we have had an increase in the tax revenue on sales tax which has been really good, it has been substantial. But if you look at the total column on the total tax collected we are down about 80 something thousand dollars

from last year. Commissioner Hufstetler stated that includes prior year taxes which... Commissioner Fricks stated he is just talking about what is booked last year and what is booked this year. He stated licenses and permits are down as well about \$10,000 and then looking at intergovernmental... Commissioner Bennett asked Commissioner Fricks if he is comparing '05 to '06. Commissioner Fricks stated '05 to '06 year-to-date actuals off of this report that they have got. Commissioner Bennett stated he is looking at this one. Commissioner Fricks stated this is the one that he just got. He gets a detailed report because he always asks for a detailed report. He stated on current year on these items we are seeing decreases and if that is a downtrend... we know we are going to see expenses increased in gas and oil. He stated we are already seeing a substantial increase in the utilities cost. We are already making some commitments of expenditures that are outside the budget. He stated those things right there concern him. He stated all he wants to do is make sure... years ago, like he said early on, they came in here trying to maintain their fund balance as a healthy enough amount in order to maintain the ability to carry out their operation and operate Floyd County without having to go borrow money on TANS, and he thinks they have prided themselves in that. There is probably room that they could make some adjustments but they still would be taking it to the edge. He stated last year, he thinks they went ahead and did a letter of credit because they were right close to having to go borrow money in order to do their operations come July and August. He stated he is not willing to go that close. He does not want to pull it close, he wants to keep that, that is a bragging right that they have had for a long time. He sure would hate a year after they left, next year, or this year, and have to come into a point and have to start borrowing money again. He stated he wants to continue that tradition.

Commissioner Hufstetler stated to address that, they had to do a letter of credit three years ago because they know it could be close and they make those contingencies there, so that is not anything new. He stated they did budget for gas and oil increases, they knew that they were going to have them. As far as that total taxes, one of the things that happened was that the utilities came in in January instead of December, so it shows up in the prior year tax collections is where that takes it off from it but that has already been taken care of. He stated he knows that the audit is an at the end of the year number, but he knows the Tax Commissioner, Jim Ford, is collecting that money, it was just a little bit late coming in, is that not correct. Jim Ford stated anything that he collects through February 28 is considered being collected in 2005. Commissioner Hufstetler asked Mr. Ford what is his collection rate right now for that. Mr. Ford stated through July 1 it was 97%. Commissioner Hufstetler stated they are using an 88% in this. Commissioner Bennett stated if they bump it up to 92% it generates an extra \$1,000,051 so if they go to 98%, it would be another 6. Mr. Ford stated delinquent years collections is going to go down because of delinquent years are down. Commissioner Bennett stated they are just looking at the revenue collected from the current digest, that percent. He stated this is a conservative projection. It actually would be about another \$1 million if they raised the collection percentage another 6%, which in this projection it is still showing would be \$1 million to the good even using the rollback rate. It is not reflecting an even better collection percentage that Mr. Ford has talked about. He stated that also does not take into account the sales tax revenue.

He likes a cushion as much as anybody he knows and with a little bit of diligence and some capital expenditures and that sort of thing, they manage to not have to use the TANS. The state recognizes that, that is the reason they had to advertise a tax increase, when in fact the millage stayed the same. He stated the state recognizes there is growth in the digest and if we do not account for that we in fact do have a tax increase, and this would just prevent us from having a tax increase. Commissioner Hufstetler stated we are still going to have a tax increase with the rollback, because not all the new growth is considered in that rollback, it is only the increased assessments that are being rolled back, not the new growth. We are still going to have a significant increase with property taxes. Commissioner Bennett stated they will have an increase in revenue. Commissioner Fricks asked are they saying a homeowner would have an increase in property tax, in the County M & O. Commissioner Bennett stated it is in the digest and that is factored back out. Commissioner Hufstetler stated no but that is factored out too, but they are talking about an increase... Commissioner Fricks stated but they have a freeze that is going to set the digest and they do not have any digest, they do not have any value increased on a homesteaded home. Commissioner Bennett asked is that an M & O exemption, is that where that is factored in. Commissioner Hufstetler stated yes. Commissioner Bennett stated that is factored in, it was able to raise it from \$307,000,000 to \$354,000,000 and still using that as coming out as an exemption where they gave a break to the homeowner, if they want to call it a break to the homeowner. That is still factored into this, it is already accounted for. Commissioner Fricks stated what he is saying, they said an increase in taxes for a homeowner, no it is not. Commissioner Bennett stated well for the taxpayer, he maybe misspoke. He stated a lot of homeowners own businesses too. Commissioner Hufstetler stated the increase is also on anything over 5 acres, that is not exempted.

Chairman Mayes asked if there was any further discussion. Being none, he asked for roll call. VOTING:

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

Motion Failed

Commissioner Jennings made a MOTION to adopt the Resolution as presented setting the 2006 Millage Rate for Floyd County and the Floyd County Board of Education, and the Resolution that maintains the existing Millage Rate for the Floyd County M & O and reduces the Millage Rate for Fire Protection and Solid Waste in the unincorporated part of Floyd County. SECOND by Commissioner Fricks. VOTING:

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

**SECOND READINGS/PUBLIC HEARINGS:
(FIRST READINGS HELD JUNE 27, 2006)**

**1. ORDINANCE TO AMEND FLOYD COUNTY
CODE REGARDING JUNKED MOTOR VEHICLES
AND RELATED NUISANCES. (2006-003A):
(TABLED JULY 11, 2006)**

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

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

Chairman Mayes stated the Public Hearing is now open and ask for a brief presentation. Commissioner Jennings stated they have asked County Attorney Tommy Manning and the Environmental Officers to address this issue that has been a concern to them. He stated they presented an Ordinance and basically had it amended to address issues of vehicles that are out of sight from the right-of-way. He stated there is some question about adding a section, and he will recommend that they do that perhaps at a future meeting. He stated he thinks the Environmental Officers were needing to have an ordinance that they felt like could assist them in addressing this issue in the county. Commissioner Bennett stated it also clarifies definition of what is considered to be an abandoned vehicle and also

differentiates classic cars or street rods and removes them from the junk classification, if they are in fact not junk.

Bruce Lovitt, 811 Burnett Ferry Rd, stated he is just trying to find out how it would affect the business that he is trying to start up. He stated he is trying to start customizing and auto repair and body work in the county. Chairman Mayes asked where will his business be located. Mr. Lovitt stated it is going to be located on Burnett Ferry, on commercial property. He stated he knows that some people have said that they are supposed to have privacy fences up. He has heard all kinds of everything that they are supposed to have up. He stated he was needing more information on exactly what he needs to do, and how he needs to do it, so he can have the parts for cars for his business. Commissioner Bennett stated that would be addressed in the ULDC as far as operating that type of business. He stated in fact, Ms. Hiller is here and the Planning Commission is in the Carnegie Building downtown. He thinks if he describes the type business that he wants to engage in, let them know where that property is located, the Planning Department would let him know if it was properly zoned. He stated within the ULDC, even with it being properly zoned, he has certain other requirements that especially if he has a neighbor that is not similarly zoned and that sort of thing but they would be able to help him with that. He stated this does not address particularly what he... his vehicles would be to work on for other people in a commercial enterprise. Mr. Lovitt stated his father also has a racing business, not a business but it is his hobby rather, and he keeps his part cars out behind his house. He stated like he said if they could point him in the direction of getting the information. Commissioner Bennett stated this will address that. He stated basically if they cannot see them from the road then he will be in, he will not say in good shape, there may be some issues come up, but basically if it is not visible from a public road and not a health hazard. Health hazard is actually covered under another ordinance that they have. He stated there is some thought to incorporate it just for reinforcement status or something like that, that is actually covered under another ordinance in the county. Mr. Lovitt stated he appreciates their help.

County Attorney Tommy Manning stated the version of the proposed Amendment that is on the table for consideration today is the July 11, 2006 version that is in their packet. Commissioner Bennett made a MOTION to close the Public Hearing. SECOND by Commissioner Jennings. VOTING:

YES NO

Commissioner Fricks
" Hufstetler
" Jennings
" Bennett
Chairman Mayes

Motion Carried

Commissioner Bennett made a MOTION to adopt the Ordinance to Amend the Floyd County Code regarding Junked Motor Vehicles and Related Nuisances. He stated that document is in their package and is identified as a July 11, 2006 version. SECOND by Commissioner Jennings.

Discussion: Commissioner Jennings stated he would, if the commissioners will agree, like to initiate the process of adding that text amendment, whatever they need to do. He stated he realizes it is redundant but he thinks that it helps to state it in this ordinance. Commissioner Bennett stated just to make sure that is part of the issue. Commissioner Jennings stated if they are all okay with that. Commissioner Bennett stated just as a question on that, does that expand on the ordinance that they already have with the health department. County Attorney Manning stated his understanding is that they are about to get a new ordinance that the health department desires that they pass that contains that language. Commissioner Bennett stated it is the same language, it does not expand on it or take away, it is consistent is what he is trying to say. County Attorney Manning stated he did not draft that but that is his understanding. Commissioner Bennett stated he just did not want to start getting conflicting enforcement. Commissioner Jennings stated they can ask County Attorney Manning to initiate that. VOTING:

YES NO

Commissioner Fricks
" Hufstetler
" Jennings
" Bennett
Chairman Mayes

Motion Carried

2. FILE #66-2006Z, REQUEST REZONING FROM H-TR (HIGH DENSITY-TRANSITIONAL RESIDENTIAL) TO S-R (SUBURBAN RESIDENTIAL) TO CONSTRUCT MANUFACTURED HOMES ON INDIVIDUAL LOTS ON PROPERTY LOCATED AT MAPLE STREET AT ELM STREET. ZONING MAP J15Y – PARCELS 292, 298, 299, 300, 301, 302. (PLANNING COMMISSION RECOMMENDATION: APPROVE WITH CONDITIONS THAT THE CONDEMNATION BE LIFTED FIRST. [VOTE: 7 – 0]). (TABLED JUNE 27, 2006 AND JULY 11, 2006)

Assistant Manager Sammy Rich stated as of today, he spoke with their environmental officer, the applicant has complied with their requests and the property has been cleaned up as had been requested by the Planning Commission. He stated as they recall, the Public Hearing was held on this matter in the last meeting so this would

be up for a vote today and he would recommend that the Board approve it. Commissioner Bennett made a MOTION to re-zone from H-TR (High Density-Transitional Residential) to S-R (Suburban Residential) the property described in File #66-2006Z. SECOND by Commissioner Hufstetler. VOTING:

YES NO

Commissioner Fricks
" Hufstetler
" Jennings
" Bennett
Chairman Mayes

Motion Carried

**3. ORDINANCE TO AMEND FLOYD COUNTY CODE
RELATED TO THE SALE OF COUNTY PROPERTIES
PURSUANT TO O.C.G.A. §36-9-3(h). (2006-2004A)
(FIRST READING HELD JULY 11, 2006)**

Commissioner Jennings made a MOTION to open the Public Hearing. SECOND by Commissioner Bennett. VOTING:

YES NO

Commissioner Fricks
" Hufstetler
" Jennings
" Bennett
Chairman Mayes

Motion Carried

Chairman Mayes stated the Public Hearing is now open. County Manager Poe stated this Amendment would allow the Board to dispose of very small parcels of property or strips of land without having to go through the normal process of having to declare it surplus and either having a public auction or sealed bid. Chairman Mayes asked what is the criteria. What determines how small, because it could be a good size lot that somebody else wants. County Attorney Manning stated the criteria is defined in Section I as being a parcel so small or narrow as to be incapable of being used independently as zoned. It has no real useful function as it is. The commission would have to give notice to all of the surrounding landowners, and at that point they could sell it to one of those adjoining landowners who might have an interest in it. Commissioner Bennett stated does it address the process for negotiation. County Manager Poe stated he thinks what they would do is if they know that there is more than one person interested in the property then they probably would go through and

declare it surplus and take sealed bids or public auction. He stated but in a situation where after they notify the abutting property owners and only one person is interested in that piece of property then they can deal with them directly without spending the time and effort to go through the other process. County Attorney Manning stated this ordinance will allow them to do that on a continuing basis whenever they have a piece of property like that. Commissioner Jennings made a MOTION to close the Public Hearing. SECOND by Commissioner Hufstetler. VOTING:

YES NO

Commissioner Fricks
" Hufstetler
" Jennings
" Bennett
Chairman Mayes

Motion Carried

Chairman Mayes called for a motion. Commissioner Jennings made a MOTION to Amend the Floyd County Code related to the sale of county-owned properties pursuant to O.C.G.A. §36-9-3 (h). SECOND by Commissioner Hufstetler.

Discussion: Commissioner Bennett stated the O.C.G.A., does it give procedures as to how they do that. He stated it says pursuant to the O.C.G.A or does it just give them the rights. County Attorney Manning stated O.C.G.A §36-9-3 (h) gives the county the right to do this, so they are adopting an ordinance pursuant to that authority that would then allow them to do this. Commissioner Bennett stated he just cautions whoever the negotiator is needs to realize that they are opening themselves up to a tremendous amount of discussion of any decision they make and he is sure they will be very prudent if they do. County Manager Poe stated they have one pending and it just deals with two property owners and they have got a signed letter from one of the property owners saying they have absolutely no interest in the property so in that case they have got that to put in the file. VOTING:

YES NO

Commissioner Fricks
" Hufstetler
" Jennings
" Bennett
Chairman Mayes

Motion Carried

ULDC REVISIONS

1. REVISE OR DELETE ARTICLE 2.10.2 a.

**CONCERNING TEXT AMENDMENTS FOR
PUBLIC NOTICE. (FIRST READING HELD
JULY 11, 2006)**

Commissioner Bennett made a MOTION to open the Public Hearing.
SECOND by Commissioner Jennings. VOTING:

YES NO

Commissioner Fricks
" Hufstetler
" Jennings
" Bennett
Chairman Mayes

Motion Carried

Chairman Mayes stated the Public Hearing is now open and asked for a presentation. Assistant Manager Sammy Rich stated this is an amendment that came from the Planning Commission. The idea was anytime an amendment was brought forth that would have an effect or impact on property owners that those property owners would be notified. He stated some of the discussion was centered around the County has close to 50,000 property owners, so they could conceivably have an amendment that means each of these 50,000 get an individual letter stating the potential issues and that did not seem practical. He stated the amendment they have today is if there were an overlay amendment, a text amendment. He gave them an example where if they did a corridor overlay along Highway 411 that they were going to restrict the types of growth that would happen along 411, any property within that corridor that fell under the overlay, those owners would receive a notice similar to what they do when they notify adjacent property owners. County Attorney Manning stated he would just add this. There is, as he understands it, one overlay district that currently exists. He stated it is within the city of Rome. Anytime they have additional notice requirements that is good for the citizens who are affected. He stated it does create however, from a legal standpoint, additional notification requirements and opportunities for problems legally if notices are not conveyed properly. The way this is worded the city would also have to pass on this for it to be effective. He stated one option is to for the Board to see how the city handles this. He stated he talked to Ms. Hiller about it and she is not certain at all as to how the city is going to handle it. He stated he just brings this to their attention from a legal angle. Commissioner Bennett stated he would recommend they go ahead and act if they think that is what they need to do. He stated if for some reason they think it is unconstitutional, or they get into a discussion with the city, then they might reconsider but it seems like they got sent a pretty good message. Not only does zoning impact property but other restrictions can too. He stated if they do have the requirement and in fact the ability while it may be a little burdensome to the government to let people know that they are changing their ability to use their property, it only seems fair and equitable to do that.

Chairman Mayes asked if there is anyone who wishes to be speak in support or opposition of this. Seeing none, Commissioner Hufstetler made a MOTION to close the Public Hearing. SECOND by Commissioner Bennett. VOTING:

YES NO

Commissioner Fricks
" Hufstetler
" Jennings
" Bennett
Chairman Mayes

Motion Carried

Commissioner Jennings made a MOTION to revise Article 2.10.2 a. concerning text amendments for public notice as presented. SECOND by Commissioner Bennett. VOTING:

YES NO

Commissioner Fricks
" Hufstetler
" Jennings
" Bennett
Chairman Mayes

Motion Carried

CHAIRMAN'S REPORT:

No Report.

COMMISSIONER'S REPORT

1. Administrative/Finance Committee – Commissioner Fricks, Chairman

No Report.

2. Public Safety Committee – Commissioner Bennett, Chairman

No Report.

3. Public Works Committee – Commissioner Mayes, Chairman

No Report.

4. Water Committee – Commissioner Jennings, Chairman

No Report.

5. Special Committee Reports

a. Consolidation Task Force (Fricks/Hufstetler)

No Report.

b. Parking Committee (Fricks/Bennett)

No Report.

c. SPLOST Committee (Jennings)

County Manager Poe stated that all the SPLOST presentations that were presented at the Public Hearing are on display on the main floor of the Floyd County Administration Building and the public is invited to stop by and look at them. There might be some revision after the committee is finished with their proposals but it is all the projects that are proposed at this point in time. Chairman Mayes stated he saw the way County Manager Poe had them set up and he thinks it is real informative. Commissioner Jennings stated they did a really good job with those and the Public Hearing was well attended. He stated the SPLOST Committee should be commended on doing as good a job as they have seen by a Citizens Committee. They have been very loyal to the process and have done some good work.

d. Alternative Sentencing Committee (Jennings, Fricks, Mayes)

No Report.

e. Fire Overview Committee (Bennett, Mayes)

No Report.

CLERK’S REPORT:

CONSENT AGENDA

County Clerk Kathy Arp stated there are four 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 Bennett. VOTING:

YES

NO

Commissioner Fricks
" Hufstetler
" Jennings
" Bennett
Chairman Mayes

Motion Carried

1. Tax Refunds:

- a. Rodney Keith Early, 9 Summerstone Apt., \$216.96
- b. Reba Payne, 12 Fox Chase Drive, \$116.04

- 2. Authorize removal of intangible taxes for 1994 and 1995, totaling \$921.65, from tax digest.**
- 3. Authorize execution of Quit Claim Deed between Floyd County and Michael Everett Meadows, Sr., regarding property located at the southeast corner of 2520 Shorter Avenue.**
- 4. Approve form of Written Agreement to be executed by Carol Corbin defining the terms of her compensation as Judicial Secretary for Judge Walter Matthews.**

MANAGER'S REPORT:

1. DISCUSS REVISIONS TO PARKING DECK MANAGEMENT AGREEMENTS BETWEEN DOWNTOWN DEVELOPMENT AUTHORITY FOR THE CITY OF ROME AND FLOYD COUNTY: (DEFERRED JULY 11, 2006)

County Manager Kevin Poe stated there are a couple of proposed minor revisions on the Parking Deck Agreement. For the 4th Avenue Parking Deck, Section 1.8 under Management Fee, the only thing that has been changed in that paragraph is the very last sentence where they added after taking into account all contractual obligations of the Authority. He stated basically, if this agreement is terminated that any funds remaining in the enterprise fund would be distributed equally between the city and the county. He stated the concern was they could terminate the agreement with 60-days notice, and if that happened in the middle of the year DDA might have some contractual obligations that they still are committed to that they would need to complete paying. He stated the only other revision is in Section 2.2, under equipment. Originally in sentence 1, they also added the hand held computer. It was not their intention to have the county assume the responsibility of that, only the equipment that would be necessary to operate the parking decks would be attached to the parking decks so they

removed the hand held computer. He stated those are the only two changes and it is the same thing on the Law Enforcement Center Parking Deck Agreement.

Commissioner Bennett asked is that computer being contributed by the city to the enterprise or, if not, being purchased from this fund. Commissioner Fricks stated actually it is being purchased by the joint fund because they added it back in, they have already purchased it. Commissioner Bennett stated he would think that if it is an expenditure, it is probably a minor item, if it is an asset of the entity whatever that is it ought to be accounted for.

Commissioner Fricks stated one other thing he is concerned about a little bit, and County Manager Poe might look at this, it may be in here he has not looked real thoroughly, but they still advertise free parking with The Forum and we want to make sure that there is an ability to access that property (*deck*) in the event of a Forum event. He stated he read in the newspaper yesterday, there is that little blog in the Roman Record, that tells them where to go park and it is free parking. He asked have they addressed how that is going to be handled. County Manager Poe stated it is not in the contract. He stated he has talked to Ann (*Arnold*) and Brent (*Poplin*) about that, and he thinks they understand that they would have to continue doing that because that is critical to the operation of The Forum. Commissioner Fricks asked should they not put that in the contract. That use of the facility overrides any needs, because that is one thing they advertise is that they have parking available for Forum events. Commissioner Bennett stated he thinks so. County Manager Poe stated he does not think they will have a problem. He stated at night it is not really an issue. They talked about the process they currently go through during the day, working with County Clerk Arp and the parking deck attendants. He stated Brent Poplin has to let them know when the events are and they are okay with doing that. He stated they could add a clause in there that they would continue that policy, so they can come up with some wording in that regard.

Commissioner Jennings made a MOTION to approve the Parking Deck Agreements as amended regarding Forum parking.

Discussion: County Manger Poe stated he could say as amended, including adding a clause regarding Forum parking. County Attorney Manning stated to approve the Parking Deck Agreement with the added language, to be provided by the County Attorney, that would encompass free parking for The Forum. Commissioner Bennett stated he thinks he also should include the distribution of any asset such as the computer or anything else. County Manager Poe stated that is another thing they talked about, and they have the computer out of it. Commissioner Fricks stated another question he might have also is that it states county parking during the entire term of the lease is fifty spaces. He thought in the past they just said the number of spaces needed to accommodate the county employees. County Manager Poe stated when he discussed this with Ann they discussed that at some point in time, if something happened and they had to pretty much use up all of the Law Enforcement parking deck, say they double the amount of jurors, he imagines they are going to be breaking this agreement

anyway because DDA will not be able to generate any revenues. Commissioner Bennett stated they will be exercising their option under the agreement not breaking it. County Manager Poe stated they will be able to get out of it with a 60-day notice. County Manager Poe stated that could be revised to say sufficient spaces to accommodate the needs of the county.

Commissioner Jennings stated so there is a motion to approve the Parking Deck Agreements between Downtown Development Authority for the City of Rome and Floyd County and the Downtown Development Authority for the City of Rome and the City of Rome with the amendment to the Agreement as presented regarding Forum parking and the sufficient spaces, as opposed to 50 spaces, for county parking. County Manger Poe stated and including the hand held computer as an asset. Commissioner Jennings stated and the hand held computer. He stated this motion is allowing the manager and the attorney to address those three issues in the agreement. SECOND by Commissioner Hufstetler. VOTING:

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

Discussion: Commissioner Bennett stated he voted no because he voted no on the original agreement and he thinks these adjustments were very appropriate. County Attorney Manning stated let him ask one thing, they probably need to pass the Law Enforcement Deck Agreement too. He stated they just passed the one. Commissioner Bennett stated are they going to make that motion again to apply to both. County Manager Poe stated for both.... Commissioner Fricks stated is there any revisions on it from the first one. County Manager Poe stated the exact same wording... County Attorney Manning stated will one have the... County Manager Poe stated it had the management fee and the equipment were the only two revisions. County Attorney Manning stated one of them will not have the hand held computer, that will just be added to the 4th Avenue. Commissioner Fricks stated do they use this for Forum parking, do they promote it as Forum parking as well. County Manager Poe stated on the Law Enforcement they need to do the Forum adjustment, the county parking adjustment. Commissioner Bennett stated the computer is actually for downtown, are they going to try and apply that into that too. He stated they are going to be charging with arms for going into the deck. County Manager Poe stated he does not think they will use it for the parking decks. Commissioner Bennett stated he thinks they are just putting it into the pot because they are using it to maintain the downtown parking. He stated it is true the county does not need the computer, but if in fact the fund pays for

it, it should be entitled to be appraised and be reimbursed. Chairman Mayes stated he does not think they will use it to ticket violators.

County Attorney Manning stated just for clarification, both agreements have The Forum parking adjustment. One agreement has the adjustment on the 50 spaces, and one agreement has the adjustment on the hand held computer, is that right. County Manager Poe stated yes because they had the same clause as far as equipment. Commissioner Bennett stated he does not think that needs to be 50 spaces because it could be if they hire additional personnel, there would need to be adequate parking for county personnel to but determined by the County Manager. County Attorney Manning stated he is clear. County Manager Kevin Poe stated the Law Enforcement Deck Agreement says the Authority shall ensure sufficient designated parking exist at no charge for all Floyd County jurors, etc. He stated that is the same kind of wording they need at 4th Avenue. Commissioner Fricks stated when does this start. County Manager Poe stated he thinks it is going to take around a month to get it going, so they would be looking at probably September 1, 2006. Chairman Mayes stated what would happen to their present staff. County Manager Poe stated one of them is going to transfer and then the other two could be retained by the city or may not be. He stated the person at the 4th Avenue Deck is going to transfer to another position and the two at the Law Enforcement Center, it would be up to the city whether they retain them or not. He stated they are part-time employees. Commissioner Fricks stated all Floyd County parking, all they have is going to go up on the third floor, right. County Manager Poe stated no, that should say sufficient in the parking deck. Commissioner Fricks stated but the rest of it is going to go up on the third floor, is he right, on 4th Avenue. County Manager Poe stated they have it written in there, but stated that is why he said they change it to sufficient parking in the deck. Commissioner Fricks stated it says during the entire term of the lease spaces located on the third level of the parking deck, well it says 50 spaces, shall be designated for the county or designees and provided at no charge. County Manager Poe stated they are going to say sufficient parking in the parking deck and not limit it to a certain floor and they will just have to work that out with Ann.

2. AWARD BID FOR PURSUIT VEHICLES FOR SHERIFF'S DEPARTMENT:

Defer.

3. AWARD BID FOR PURCHASE OF PICNIC SHELTER/RESTROOM FACILITY AT MIDWAY PARK (2003 SPLOST):

County Manager Poe stated the Recreation Department accepted bids on a picnic shelter/restroom facility at Midway Park as part of the 2003 SPLOST Improvement Project. He stated the low bid was from Berry Construction in the amount of \$62,175, and recommended that they approve the bid to Berry Construction. Commissioner Hufstetler asked what was the budget on that item. County Manager Poe

stated the bid was a little less than what was budgeted. Commissioner Bennett stated he did talk with John Berry today. He stated he was looking through this and some items looked a little bit expensive, like the doors and hardware. He stated Berry has already given some credits in his original bid, and he is going to be looking for some other areas where he can reduce the cost, not sacrificing quality but seeing if there might be an alternate. Commissioner Bennett made a MOTION to award the bid for the picnic shelter/restroom facility at Midway Park to Berry Construction Company in the amount of \$62,175. SECOND by Commissioner Jennings. VOTING:

YES NO

Commissioner Fricks
" Hufstetler
" Jennings
" Bennett
Chairman Mayes

Motion Carried

4. DISCUSS FILLING PUBLIC INFORMATION OFFICER POSITION:

County Manager Poe stated the Public Information Officer Position was vacated a couple of months ago by Dana Thompson. He stated they went through a process of posting that position and interviewing applicants. He stated he would like to recommend that they fill that position. They think it has been an important position. He stated he thinks they can continue to work with position and make it even more effective. If they are okay with filling that position, they do have somebody that they would like to recommend that they enter into an employment contract with to hire them in the position of Public Information Officer. Commissioner Jennings made a MOTION to fill the Public Information Officer position and authorize execution of a Contract of Employment as recommended by the manager.

Discussion: County Manager Poe stated the person recommended would be available to come to work in two weeks or August 1st. Assistant Manager Sammy Rich stated August 1st is the start date that is outlined in the contract. County Manager Poe stated this is a similar contract as they had with Dana Thompson. He stated he thinks the salary is actually a little under what she was making. Assistant Manager Rich stated to follow up to Commissioner Fricks' comments, he does recall having some discussion about the position. He stated what they are presented with today is an opportunity, if they like what they have been doing with the Public Information Office, this would be a good continuation of that. He stated that is not to say they cannot expand and broaden the duties and he is certainly open to that. He would welcome suggestions of what else can they be doing with this person. He stated he thinks they all know pretty much some of the big things they did right off the bat was the county website. The county has a new website that they are proud of. He stated they have a new Forum website, and they

are now doing on-line ticketing. He stated Dana Thompson certainly did a lot of work with the Wellness Committee and he thinks, coincidentally today, that they saw a lot of that effort. He is glad to hear that their representative had mentioned some of the work she did because she put a lot of time into that. He stated she went above and beyond in a lot of different areas. He stated as a county, she found new and different ways to market them. A lot of that they probably do not see, but he thinks it makes a difference at the end of the day. This job is really what they make of it. He stated he thinks it is certainly open to expanding and taking on some additional duties and he would welcome some recommendations of what the commissioners think they should be doing. Commissioner Fricks stated right now his issue on this, and he was an advocate for this position in the first place, is he told them before that he was not 100% sure if they got their value out of this position the way it was existing and he wanted to review it. He did speak with County Manager Poe about ten minutes before the meeting. He stated he does not feel that he can support filling the position, he is not saying the he will not support filling the position, he just thinks there needs to be some more open discussion about the function of this position.

County Manager Poe stated he thinks they have an opportunity to get a good person to fill the position. This is the first time they have done this position and he thinks they have learned some lessons. He stated he thinks they can utilize the experience they had before and continue to build on it. He thinks there are a lot of things behind the scenes that were being done, that they really do not see on a day-to-day basis, but her role was a tremendous asset to the county. Commissioner Jennings stated he thinks the website is something that needs to be constantly worked on and improved on so having someone who his or her primary responsibility to address that issue. He stated they do not want to get stale. They do not want to have information that is outdated on the website. So that, he thinks, is a primary purpose of this position in regards to his own work with this position. He stated whenever he asked Ms. Thompson to do anything she was most helpful. The brochure that they have for their Crisis Management Team was in large part to her efforts to put that together and it is an excellent brochure. He stated he has seen several others that she has been involved in that have been very helpful for the county. If it takes them spending a little more time and make sure that they have the job description that is perhaps broader in nature, but he encourages them to maintain this position, perhaps enhance it. He stated he thinks it is an important position for the county. Commissioner Bennett asked is this person going to be able to maintain the website design and that sort of thing. County Manager Poe stated yes, and work with other departments. For example, if Recycling needs to revamp their website or somebody else needs to create something special. He stated some of the things that the Public Information Officer has done that have been positive is working with Emergency Management and the Local Emergency Planning Committee, getting the information out to the public is a big part of what they do and of course, the website. There could probably be some improvements on the newsletter and doing an e-mail distribution has not worked out, they are going to have to make hard copies and distribute those to make sure everybody gets them. The progress addition that they did for marketing. The Wellness Committee was a great help. When they did the thing with the Citizens Committee on the Comprehensive Plan, the little

thing they had using the binoculars and trying to get people out to attend those sessions, he thinks was very good working in conjunction with the City of Rome. He stated there has been a lot of brochures for different departments, and they are getting a lot of Public Service Announcements on the library channel and on the various media sources also that they did not in the past.

Commissioner Hufstetler stated one concern that he has, and this has nothing to do with this individual, he does not know who it is or anything, but they had talked about when they were going to hire this person that they had some marketing dollars at the Recycling Center and marketing dollars at The Forum that they were going to reduce to justify this. He stated he never saw those dollars. County Manager Poe stated that did not happen last year, but right off the bat this year both The Forum and the Recycling Center made \$10,000 contributions to the General Fund. Commissioner Hufstetler stated so they will not be spending that this year is what he is saying. County Manager Poe stated part of their Promotions Budget they had to pay for those services. Commissioner Hufstetler stated he knows last year they spent the money and they are still in this year so that is why he did not know if it was going to be reduced or not. Commissioner Fricks stated they did \$10,000 out of Forum. County Manager Poe stated and \$10,000 out of Recycling. Commissioner Fricks stated they only had a \$20,000 budget on recycling for advertising so they took half of their budget. He stated he thinks they are over budget for the year right now, so are they still going to have an expenditure on that. He thinks they spent \$17,000 on that... they spent more money on advertising that... County Manager Poe stated he thinks if they add the \$10,000 contribution... Commissioner Fricks stated add \$10,000 and then take \$10,000 back. County Manager Poe stated he does not think they spent \$20,000 on just promotions. Commissioner Hufstetler stated right now their advertising budget is \$20,000 for 2006 and it says they have spent \$19,836. County Manager Poe stated which includes the \$10,000 contribution to General Fund. County Manager Poe stated when they approved the budget he made sure that they did that up front so they knew what kind of budget they had to work with. Commissioner Hufstetler stated that makes him feel better because he did not see it last year when they said they were going to see it but that is why he is asking those questions and County Manager Poe is saying that \$10,000 has already been transferred. County Manager Poe stated he personally made sure of that.

SECOND by Commissioner Hufstetler. Commissioner Jennings stated it would be helpful if they, as part of the motion, amended it to ask the Administrative & Finance Committee, which is the appropriate committee to review job description and represent them, to find other ways to utilize this position more. Commissioner Fricks stated when he said something before, he was an advocate that wanted this position big time, it was very important to him and he discussed the operation. He stated there are great functions that have taken place but he also wanted to talk about the functions that did not take place. He wanted to review it before they moved forward and he did not. He stated he did talk to County Manager Poe at 3:50 pm today. Commissioner Fricks stated actually she reports to Administrative & Finance Committee, but this was never really brought in front of the committee. He stated they had a meeting last Wednesday and there was no discussion of it at last Wednesday's meeting. He is sure they went and

did the interviews before then, but he did want to talk about it. County Manager Poe stated he guesses part of it was they had an opportunity to get somebody that was available. Commissioner Fricks asked when did they do that, was it prior to the Administrative Finance meeting or was it after. County Manager Poe stated they have not offered them the job yet. He stated they did not feel like they could offer them anything until they got approval from the board. Commissioner Fricks stated he would just like to review it personally. He stated he would just like to talk to them about it and he is not saying that he would not support it.

Commissioner Jennings stated okay so the question is, the choice A is for them to amend the motion or table the motion, choice B would be for them to pass the motion subject to review of Administrative & Finance Committee. Commissioner Fricks stated have they given a time limit on a commitment to this person or any persons. Assistant Manager Rich stated he was hoping they would have a decision tonight so that is the extent of where he is. Chairman Mayes stated it does not have to be the committee, he could get with them anytime. Commissioner Hufstetler stated it could come back to them. Commissioner Fricks stated it is probably fine with him too. Chairman Mayes stated they will make it contingent on him being able to review and discuss it. Commissioner Jennings stated he will amend the MOTION subject to review of the duties and functions of the position by the Administrative & Finance Committee. SECOND by Commissioner Hufstetler. VOTING:

YES NO

Commissioner Fricks
" Hufstetler
" Jennings
" Bennett
Chairman Mayes

Motion Carried

**5. DISCUSS POLICY RELATED TO TICKETING
PARKING VIOLATORS AT COURTHOUSE
PARKING LOT:**

County Manager Poe stated they talked about this some in Caucus about their ability to ticket parking violators at the courthouse parking lot. He stated he guesses they are looking for some direction from the County Commission. He stated he and County Attorney Manning thought that they were going to let it proceed through the judicial system who usually makes those kind of determinations instead of a legislative body. He stated no way were they trying to keep this issue from moving forward because they thought it was moving forward through the judicial process. If they want County Attorney Manning to do some research and come back with an opinion to the Board... Commissioner Jennings stated he thinks he has, he heard that county government has the right and responsibility to police both public streets and...

Commissioner Hufstetler stated he thinks that it ought to go through the judicial process and that is his preference. Commissioner Bennett stated he would ask County Attorney Manning if there is some way that, what did he call it, he knew what it was then a bench ruling or something like that. County Attorney Manning stated they might could file some kind of declaratory judgment action, but he does not think any judge here is going to rule on the constitutionality of the ordinance, absent a specific case before him or her. Chairman Mayes stated he believes the general consensus is to let it go through the judicial process. Commissioner Bennett stated if they are doing something unconstitutional then that was what he was trying to get clarified. If they cannot have parking fines in their parking lots then they need to stop doing it. But if in fact they can then they need to continue on just to try and allocate the parking, for lack of a better word, to those who have business at the courthouse. Chairman Mayes stated that ticket is at the Magistrate Court now. County Attorney Manning stated that is his understanding. Commissioner Bennett stated will that come on through then, is that what it amounts to. County Attorney Manning stated he would presume. He stated he thinks first, in matters dealing with statutes and whether in his opinion there may be issues that need to be addressed, probably the best way to do that would be for him to communicate to the Board in writing if there are problems or if he feels like the statute is proper in all respects. He stated he will say this with regard to this particular Ordinance of the County Code, the best way probably to regulate parking would be to have some kind of parking arm where they have to pay a fee for parking. That is probably not the most popular way at all and it would probably be difficult. Commissioner Bennett stated that would be a disaster trying to come off of 5th Avenue to do that. County Attorney Manning stated also, you would think that it would certainly be reasonable on county property that you would be able to give somebody some type of ticket to prevent somebody from, for a lack of a better word, squatting there in a parking place all day long. It would seem to be a wise policy to be able to have those parking spaces rotate. Commissioner Bennett stated to have it available for people doing business at the county facilities.

County Attorney Manning stated when they look at whether the county has the power to do certain things by ordinance there are several different ways that the county can do that. He stated they can have specific legislative statutes that set out that a county can do that. There is also what is called Home Ruled Provisions under the Georgia Constitution that allow counties to do certain things, one of which pertains to ordinances dealing with their own property. There is a statute that says that a local authority, which under the definition would mean the county, under the chapter regarding Motor Vehicles and Traffic that has been cited to us does not prevent local authorities from making rules with respects to streets and highways, but there is an “and” there that says “and within the reasonable exercise of the police power”. So how a court will rule on that he does not know, but there is certainly an argument that using the reasonable exercise of police power that the county could regulate parking on its own private property as opposed to a public road, but he could not guarantee them how a court would rule. He stated that might be raised in the judicial case, and depending on how that was determined they may want him to take action. Commissioner Bennett stated so that is in process now, is that right. County Attorney Manning stated he does

not know if that issue will be raised, but that is a possibility. He stated so the bottom line is, they were not trying to duck the question but they were trying to say does the Board want them to spend time and effort on a review of the Ordinance. If they do then he certainly will give them a written opinion on that. He stated the safest course would be to change the way we do things, because there is no case law on point that says exactly you can do that, but he is not sure that is the most practical either.

4/5 VOTE REQUIRED

**6. AUTHORIZE EXPENDITURE OF UP TO \$8,400
FOR WASHING MACHINE AT PRISON:**

Chairman Mayes stated this item is going to require a 4/5 vote to be placed on the agenda. Commissioner Hufstetler made a MOTION to place the item on the agenda. SECOND by Commissioner Bennett. VOTING:

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

Motion Carried

County Manager Poe stated they have a request to replace a washing machine at the Floyd County Prison. It is one that is over ten years old, and was moved over from the old prison when they moved into the new prison. Mr. Poe stated it would cost about \$3,500 for repairs and they are recommending instead if spending that money on repairing this old machine that they be allowed to spend up to \$8,400 to purchase another machine. He stated it is a Piller & Milner Corporation type machine. He stated they would like to go back with the same type of equipment and Tri-State Technical Services is the only authorized dealer for that kind of equipment in the State of Georgia. His recommendation is that they be allowed to expend up to \$8,400 with Tri-State Technical Services to replace the washing machine at the prison. Commissioner Bennett stated how are they determining what the fair market value is on the piece of equipment. County Manager Poe stated he had asked Nancy Lam, Purchasing Director and she informed him that this Piller & Milner Equipment was a sole source type thing in the State of Georgia. He stated he thinks they want to stay with the same type of equipment. Commissioner Hufstetler stated what kind of warranty does it come with, that he just worries about if they are a sole source and the thing breaks then they would have to pay whatever they want for repairs. County Manager Poe stated he does not see anything specifically about warranties in the proposal. Commissioner Bennett stated he is not against it if it is a fair price. Chairman Mayes asked County Manager Poe if he knows whether or not that \$3,500 repair is like

a rebuild or is that just a fix. County Manager Poe stated all he knows is it is a repair, he is not sure exactly. County Manager Poe stated even with repairs the washer is severely rusted and cannot be safely secured to the floor. Commissioner Hufstetler stated he just wished they had something from someone else. County Manager Poe requested that they have the authority to spend up to \$8,400 and he will turn it over to Nancy Lam to research and make sure they are getting a fair deal. He stated if they just authorize to spend up to that amount, it does not mean that have to spend that amount. Chairman Mayes stated that is a critical item at a prison. Commissioner Bennett stated he is sure they need a washing machine he just feels uncomfortable spending that kind of money with only one price and the only one in the state. Commissioner Hufstetler stated the only company in town, they have got one price and that is it and the only ones to fix it if it breaks too. Chairman Mayes stated they can authorize an expenditure and still get some more bids. County Manager Poe stated because it is under \$10,000 they get written quotes. He stated he really wants this expedited because they are in need of a replacement.

Commissioner Bennett made a MOTION to authorize the expenditure of up to \$8,400 for a new washing machine at the prison. Commissioner Jennings stated with the stipulation that they work with purchasing to get some alternatives. Commissioner Bennett stated he assumed he was going to do that with their direction but he will go ahead and accept that as part of his motion. SECOND by Commissioner Hufstetler. VOTING:

YES NO

Commissioner Fricks
" Hufstetler
" Jennings
" Bennett
Chairman Mayes

Motion Carried

ATTORNEY'S REPORT:

No Report.

ADJOURNMENT:

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

YES NO

Commissioner Fricks
" Hufstetler
" Jennings
" Bennett

Chairman Mayes

Motion Carried

COMMISSIONERS

FLOYD COUNTY BOARD OF

JOHN MAYES, CHAIRMAN