

Former Commissioner Bennett and his granddaughter, Hannah, accepted the items. He stated that serving on the Board had been a pleasure and an experience. He stated he enjoyed it, and he wishes the current Board and staff well.

PROCLAMATIONS:

**PROCLAMATION RECOGNIZING TINA REYNOLDS
FOR HER COURAGEOUS EFFORTS TO SAVE HER
SISTER-IN-LAW FROM A BURNING HOME**

Commissioner Whitefield presented a Proclamation recognizing Tina Reynolds for her courageous efforts in saving her pregnant sister-in-law from a burning home. Ms. Reynolds thanked the Board, the Fire Department and all those involved with the rescue.

(Proclamation/Resolution Book, Page 93)

**ENTER INTO MINUTES PROCLAMATION RECOGNIZING
DR. CARMEN BUTCHER, SHORTER COLLEGE UPON BEING
NAMED THE 2006 GEORGIA PROFESSOR OF THE YEAR**

Chairman Jennings stated the Proclamation honoring Dr. Carmen Butcher from Shorter College will be entered into the Minutes.

(Proclamation/Resolution Book, Page 94)

**FIRST READINGS:
(SECOND READINGS/PUBLIC HEARINGS
TO BE HELD FEBRUARY 13, 2007 AT 2:00 PM)**

- 1. ADOPT ORDINANCE TO AMEND FLOYD
COUNTY CODE TO ESTABLISH AN ALCOHOL
CONTROL COMMISSION (2007-002A).**

Defer.

**SECOND READINGS/PUBLIC HEARINGS:
(FIRST READINGS HELD JANUARY 9, 2007)**

Chairman Jennings reviewed the process for Public Hearings.

- 1. FILE #01-2007Z, REQUEST REZONING FROM S-R
(SUBURBAN RESIDENTIAL) TO D-R (DUPLEX
RESIDENTIAL) TO CONSTRUCT THREE DUPLEX
DWELLINGS ON PROPERTY LOCATED AT 677 WARREN
ROAD. ZONING MAP J10-Y – PARCEL 029. (PLANNING
COMMISSION RECOMMENDATION: DENY [VOTE: 10 – 0]):**

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

YES NO

Commissioner Fricks

" Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

Chairman Jennings asked Ms. Sue Hiller, Planning Department Director, to give a brief overview of the zoning request. Ms. Hiller stated the subject property is on the corner of Warren Road and Dixie Park Road. She stated Martha Berry Highway is to the west. Beyond Russell Field Road is the L-I (Light Industrial) zoning that is typical of the Russell Field Airport area. She stated this is a neighborhood of fairly large lots predominantly with single-family dwellings on them. To the south of Dixie Park Road there is an apartment complex, but other than that in the Airport and the commercial corridor along Martha Berry Highway, this is a single-family residential area. She stated north along Warren Road is single-family dwellings. To the south, the apartment complex that she mentioned is not zoned for apartments but some of them are still being used for that. She stated some of them appear to be vacant. To the east across Warren Road are more single-family dwellings. The property, which is to the west, does have a single-family dwelling on it, and along Dixie Park Road there are more single-family dwellings. Services and utilities are available here and both of these roads are classified as local roads. At the Planning Commission, the discussion centered around the fact that duplex residential can be appropriate adjacent single-family residential or as infill in single-family residential neighborhoods. It provides some opportunity for a different type of housing, but the duplexes should be compatible with the single-family structures. They should fit into that neighborhood in terms of their orientation toward the street, their parking arrangement, their size and height, and so on. It was pointed out, in this particular case, that in order to put three duplexes on this property the lot would have to be subdivided and that in and of itself would be kind of a change for this neighborhood. It would be much smaller lots. She stated the other point that was raised by the Planning Commission is that in this close proximity to Russell Field, they felt that perhaps the density should not be increased in this neighborhood. She also pointed out that there was an adjacent property owner present at the Planning Commission meeting who spoke in opposition to this.

Chairman Jennings asked if there is anyone here to speak for or against this zoning change.

SUPPORT:

Aaron Waters, 26 Walking Horse Drive, stated he owns the property. He stated it is not his idea to make the property values decrease out there, only to enhance. He stated he would like to build three duplexes. There is 320-feet that is all wooded and it is across the street from a commercial piece of property, which is a trucking company. He stated the house that is there would stay. They will use that as a residence.

OPPOSE:

Steve LeClair, 680 Warren Road, stated they really have no absolute objection to the rezoning. They would like to have some sort of planning and some sort of idea of what is actually going to go on here. He stated according to this gentleman they are going to have four houses on this property. Three duplexes and the original one that is already there. He has a feeling that they are not talking anything that is sensible for this particular neighborhood. They all bought their lots and their homes as homes. They are not looking to

make it into driveways and everybody else running in and out. They are very skeptical and would like to have a little more planning and a little more ideas as to what is going on.

REBUTTAL:

Mr. Waters stated they are talking about brick houses here with single garages. It will be a nicer upscale type development not a slum. Chairman Jennings stated a petition has been presented in objection to this rezoning request.

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

YES NO

Commissioner Fricks
" Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

Discussion: Commissioner Mayes stated to Ms. Hiller that her staff recommended denial and asked if she could go through the thought process of that. Ms. Hiller stated the ULDC describes the D-R (Duplex Residential) as being one that can fit into a residential area as long as the proposed development is consistent and compatible with what is already there. She stated this is predominantly suburban residential type development zoned Suburban Residential where these are large lots with single-family dwellings on them. Even the elderly apartments in this neighborhood that are located south of Dixie Park Drive are actually zoned S-R and this is less than a mile from the Russell Field Airport as well. Staff's concern was even though they are not necessarily required to provide a site plan or elevations, it would have been good to have those things in order to establish that they are going to be appropriate in a single-family residential area. She stated the applicant was not at the Planning Commission meeting so there were no questions that could be asked of him.

Commissioner Whitefield made a MOTION to deny without prejudice to give the applicant the opportunity in a quicker fashion to present new plans, with possibly some renderings for the Board to review. SECOND by Commissioner Mayes.

Further Discussion: Commissioner Mayes asked County Attorney Manning the applicant can come back within what time frame. County Attorney Manning stated it would be a six month time period by law, but it would be less than the normal time period under the ULDC when there was a denial by the commission. Commissioner Mayes stated the only other way would be for the applicant to just simply withdraw. County Attorney Manning stated yes, they could allow him to withdraw at this point in time without prejudice if he desired to do that. Commissioner Mayes asked Mr. Waters what is his pleasure. He stated to Mr. Waters that there is a motion on the table to deny without prejudice. He stated what that means is if it goes to through the vote and he gets denied without prejudice, he has to wait six months before he can try again. The alternative option is that he could possibly withdraw without prejudice with the Board's permission. He stated that would give him the opportunity to study this, talk to more of his neighbors that are affected and have a problem with this, and work with Ms. Hiller a little more to get whatever information she needs. Mr. Waters stated if he could withdraw the request that would be great.

County Attorney Manning stated that if this is a formal withdrawal of the request, and the Board voted to allow him to withdraw the application without prejudice, that would free him up to bring this back when he is prepared to do so. Mr. Waters stated just so they will know, when he applied for this he asked if he needed a site plan and was told no. He stated that is why he did not have one but he would be glad to do that. Commissioner Mayes stated that may not be the only issue. Mr. Waters stated that is fine if he can withdraw. Chairman Jennings asked if they have a substitute motion. County Attorney Manning stated he thinks someone should withdraw the pending motion and then there would be a motion to authorize his withdrawal of his application without prejudice.

Commissioner Whitefield withdrew the pending MOTION, and Commissioner Mayes withdrew his SECOND.

Commissioner Mayes then made a MOTION to allow the applicant to withdraw his application without prejudice. SECOND by Commissioner Whitefield. VOTING:

	YES	NO
Commissioner Fricks		
" Lumsden		
" Mayes		
" Whitefield		
Chairman Jennings		

Motion Carried

2. **FILE #04-2007Z, REQUEST REZONING FROM S-R (SUBURBAN RESIDENTIAL) TO N-0-C (NEIGHBORHOOD OFFICE) FOR BUSINESS REAL ESTATE SALES OFFICE USE ON PROPERTY LOCATED AT 1 KINGS COURT. ZONING MAP K13Z – PARCEL 074. (PLANNING COMMISSION RECOMMENDATION: NO RECOMMENDATION [VOTE: 5 – 5]):**

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

	YES	NO
Commissioner Fricks		
" Lumsden		
" Mayes		
" Whitefield		
Chairman Jennings		

Motion Carried

Chairman Jennings asked Ms. Hiller, Planning Department Director, for a brief overview. Ms. Hiller stated there is some O-I (Office Institutional) to the west of the subject property and that represents a church and a church parking lot. To the south it is zoned S-R (Single-family Residential). Across Akins Court there is also a church parking lot, and beyond that is Kingston Highway. To the north is a single-family residential suburban

neighborhood. The property is a single-family dwelling that most recently was owned by the church, and used for church functions. To the north, east and west there are single-family dwellings. To the south and southwest is where the church property comes into play. The N-O-C zoning district is designed to serve as sort of a buffer between single-family residential areas and more intense land uses or transportation corridors. She stated initially it is really tempting to say that this is an appropriate area for N-O-C zoning. It sort of shields the single-family residential area from the church activity, and beyond that the corridor but this property is not actually on the transportation corridor. While church use can be fairly intense at certain times of the week that is generally not the level of intensity that they see with commercial use. It may be N-O-C and N-O-C may also allow single-family residential uses but this does represent a further encroachment of that non-residential zoning and non-residential potential into a single-family residential neighborhood. The Planning Commission made a motion to approve the request with two conditions. One would be that access would be only from Akins Road so that the traffic would not come in on Kings Court Drive. The second condition was that the upper lot remain undeveloped and in a vegetated buffer state. That motion got a 5 – 5 vote from the Planning Commission, so this comes to the Board with no recommendation. She also pointed out that there were some neighbors of this area present at the Planning Commission meeting in opposition to this request. Chairman Jennings asked Ms. Hiller the staff recommendation on this. Ms. Hiller stated the staff recommendation was to deny.

SUPPORT:

Sid Wright, 309 East Second Avenue, stated he is an attorney in town and he is here on behalf of Bruce Stephens, the applicant for the rezoning. He stated Mr. Stephens is a builder of residential homes. He stated he builds green homes, which are essentially environmentally friendly homes and adhere to higher standards for efficiency ratings and other things so as to make a better and more environmentally friendly home. Mr. Stephens bought this home from the Sherwood Forest Baptist Church. The lower lot of these two properties has an older home on it. The home is in sad disrepair and has been used essentially for church functions, according to the trustees and the pastor of the church, for the past twelve to fifteen years. It has not been used as a single-family residence in that time. He stated this may be one of those cases that when the original zoning map was drawn up, the real use of the property was not really known so it has always been, at least for the past twelve or fifteen years, a non-residential use which is coexistent with the property. He stated Ms. Hiller is correct that in the Planning Commission stage the applicant did agree to revise the application, and would do so here, to condition zoning approval to the N-O-C district that the upper lot remains as S-R. The area beyond the upper lot is a heavily wooded area, which presents a buffer between the use of the south and the property to the north. He stated there was one person who came to the Planning Commission meeting in opposition, and once they discussed with her the fact that they were going to leave that as S-R, she essentially withdrew her objection. This is, he thinks, a consistent use not withstanding Ms. Hiller's assertion.

Mr. Wright stated this is a very strangely carved piece of property. Akins Road runs south of the property and there is a little "V" of property, which essentially is a non-buildable piece of property. It is not really buildable there or anything for commercial application on those lots down south, so the property really is the buffer property between Kingston Road and that subdivision, for all practical purposes. N-O-C is consistent use. He stated what they envision doing is revising the existing structure. Mr. Stephens does not anticipate expanding the house. He anticipates using it in his business. He would use the property as a place where he could bring customers in, they could look over the homes, discuss different sites and plans. It is a business application where he can show customers the types of homes and they can design a home that will meet their needs. He stated they ask the Board to look favorable on their application for rezoning. He stated they are willing to amend and stipulate that the lots to the north, which on the application and the attached

survey is Tract C (.298 acres), would remain S-R to provide an inseparable buffer and that they would simply rezone the southerly tract, which is Tract B (.514 acres).

Commissioner Lumsden made a MOTION to close the Public Hearing. SECOND by Commissioner Fricks. VOTING:

	YES	NO
Commissioner Fricks		
" Lumsden		
" Mayes		
" Whitefield		
Chairman Jennings		

Motion Carried

Commissioner Fricks made a MOTION to approve the request to rezone Tract B (.514 acres) to N-O-C as illustrated in the plat that was submitted and with the conditions that the access be relocated from Kings Court to Akins Court, with Tract C (0.298 acres) rezoning S-R. SECOND by Commissioner Lumsden.

Discussion: County Attorney Manning stated for clarification, the portion of the property that is being rezoned with conditions is shown as Tract B on the plat that has been submitted, and that Sherwood Forest Missionary Baptist Church and Tract C would not be rezoned. VOTING:

	YES	NO
Commissioner Fricks		
" Lumsden		
" Mayes		
" Whitefield		
Chairman Jennings		

Motion Carried

- 3. FILE #123-2006Z, REQUEST REZONING FROM O-I (OFFICE INSTITUTIONAL) TO C-C (COMMUNITY COMMERCIAL) TO CONSTRUCT MINI-WAREHOUSES ON PROPERTY LOCATED AT WAX ROAD AND ROCKMART HIGHWAY. ZONING MAP K17 – PARCEL 267. (PLANNING COMMISSION RECOMMENDATION: APPROVE WITH THE CONDITIONS THAT A 50' SETBACK BE PLACED ON THE ROCKMART HIGHWAY AND THE ENTRANCE BE ONLY ON WAX ROAD. [VOTE: 7 – 3]):**

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

	YES	NO
Commissioner Fricks		
" Lumsden		
" Mayes		

" Whitefield
Chairman Jennings

Motion Carried

Chairman Jennings asked Ms. Hiller, Planning Department Director, for a brief overview. Ms. Hiller stated the subject property is zoned O-I (Office Institutional) and it is currently undeveloped. There is residential property to the south, east, and to the west across Rockmart Highway. To the north, there is a vacant medical building. On the northeast corner there is some undeveloped land, a new commercial restaurant, and some relatively new quadraplexes where it is zoned M-R (Multi-family Residential). A little patch zoned H-I (Heavy Industrial) is a small junk yard. To the east and the west are single-family residential structures. She stated this was initially tabled at the December Planning Commission meeting because there was some concern that not enough information had been provided. Some of the adjacent property owners felt that they had invested in this particular area and if there were going to be mini-warehouses they wanted to ensure that they were going to be attractive. That they would be an asset to this commercial node, which is developing as a commercial node, and not be something that would be a threat to their property values in this area. She stated it was also pointed out that it would not require L-I (Light Industrial) to do mini-warehouses that they could be done in C-C (Community Commercial) with a Special Use Permit. She knows their agenda reads L-I (Light Industrial) but their agenda at the Planning Commission reads C-C (Community Commercial) accommodated by a Special Use Permit so that is what is coming before them. Chairman Jennings asked Ms. Hiller so she is saying this to C-C with a Special Use Permit. Ms. Hiller stated yes, rather than the L-I (Light Industrial) that was initially requested. She stated they did a lot of requests before the Planning Commission for mini-warehouses. They are sometimes difficult because they need to be convenient to residential and commercial areas so that people can access them to store their belongings. By the same token, when they are too close to residential sometimes there are concerns about security, safety, what they are going to look like, how they are going to operate and whether they are going to be an asset to that community or not. This applicant did come back with a site plan that indicated that they could provide landscaping. They could provide buffering. They stated that they did not intend to fence, but they were going to do security cameras and lighting to increase the safety. She stated the Planning Commission's motion was to approve with a couple of stipulations. The two conditions would be that a 50-foot setback be placed on the Rockmart Highway, with the mini-warehouses behind that 50-foot setback, and that the entrance to the mini-warehouses would be only from Wax Road and not from the highway.

SUPPORT:

Mark Miller, 870 New Rosedale Road, Armuchee, stated he presented this request to the Planning Commission back originally in November and there was an issue with the L-I (Light Industrial) and it was changed to the C-C (Community Commercial) with a Special Use Permit. He stated he did provide all drawings, buffers, everything that was requested for every building inspection requirement. He is fully willing to comply and meet with all those codes. He has similar properties of this type and he wants a good investment there. Purchase of this property is pending this zoning change so that is the reason for this application. He will comply and build a nice looking building. He stated this is a good location and the service is needed in that area.

OPPOSE:

Lamar Ashley, 81 Midway Park Road, stated he has several reasons for objection. He stated he owns the restaurant across the road and his objection is mini-warehouses is just not what they are wanting in that area. They are trying to develop that

corner. As far as the values to zoning codes, he thinks it would be a slap in the face for him to go down there and purchase that piece of property with a zoning of O-I (Office Institutional) with a nice office building like he has got and then allow somebody to wreck it up with mini-warehouses. He stated that is just the way he sees that part of it. Mr. Bobby and Opal Moore, the residence that is directly to the east of the piece of property that is in question, they are older people and are not here tonight. He knows that if he tells them what they have to say about it that it would be hearsay and does not know if the Board could even allow him to do that but there was a good point brought up. He went by there today to see if Mr. Moore wanted to come to the meeting and let him know what was going on. When Mr. Moore got his letter he just assumed that with all the developing that he (*Mr. Ashley*) has been doing there that he had purchased that property and that he was going to do something else so he had not planned to attend. He stated his (*Mr. Moore*) only concern is that he is going to have a 50-foot cut there, a 50-foot cliff when Mr. Miller gets through grading this piece of property down to put mini-warehouses on. He is concerned with his grandkids playing out in the yard. Mr. Moore is already using a piece of this property for his yard. He is keeping it mowed and has kept it mowed for years, because he did not want the weeds to encroach on his property but that is how close it is going to be to his house. He is afraid of one of his grandkids getting too close and falling off the cliff. He stated he does not personally have anything against mini-warehouses. He stated they are trying to develop that corner. They have the restaurant built there. Mr. Miller has his office already there, and they are trying to do other things there, but mini-warehouses would be a step down. He stated if Mr. Miller wants to come in and do something that is nice or above that is different but they just think it is going backwards.

Mohammad Abbasi, 3115 Pleasant Valley Road, stated he came to live here in early 1997. They purchased the site at 216 Wax Road, about a year and a half ago, which is the corner. They purchased it for an investment property. He stated if Mr. Miller wanted to go behind them 50-foot, they would not mind that but they have too many warehouses already in their neighborhood and some of them are still vacant. He stated his main concerns are the litter and security. They do not know who is going to come in and rent in those warehouses or what type clients he is going to have.

Sandy Bassett, 3115 Pleasant Valley Road, stated right now they are in a residential neighborhood, and the applicant said at the last meeting he is bringing it in for the residents to put stuff. She stated in residential neighborhoods most everyone has a garage, storage shed, they have their home to where they do not really need it, in her opinion. That is more for people in transit or apartments that need storage. She thinks that a lot of their residents have what they need. Also, they are talking a 50-foot buffer on Highway 101. 50-foot is not far. That means he can take his parking lot to that 50-foot buffer so it is going to be clear. They will have nothing but visualization of these storage sheds as they come down Highway 101 if she is correct about where the driveway will be. She does not like the idea of coming into Rome and seeing storage sheds. They have a homey neighborhood there. They have the convenience store, they have the pharmacy and they have a restaurant. They have been there 16 months or better in their office. They have kept it clean and residential. There is not going to be someone on this property during the day hours when people are moving out. When people move out they are going to leave their trash. If they move in and something does not fit, they will just leave it there. She stated there is not going to be anyone there to constantly keep it clean. He is not going to put up a fence. There is not going to be any security except for cameras, she believes he said. She just does not feel secure out there with something like this going in.

REBUTTAL:

Mr. Miller responded to some of the first points that Mr. Ashley made regarding the 50-foot bank. He stated there is a slight bank, but as he stated earlier this purchase is

pending this zoning change and there has been no engineering plan done, and quite honestly, he does not want a 50-foot bank either. He stated Mr. Ashley made a comment about the neighbor in the residential area maintaining and using part of the property. He was not aware of that and he does not think the current owner of the property is aware of that because he thinks there is a woods line where the property line is so he does not know about that. It is wooded all the way down the property line so he does not know what the current owner is using it for. There was dirt removed from this location a number of years ago which has created the bank and there is plenty of dirt that will be moved to change that. There was a comment about coming into the area and that he lives somewhere else. He cannot address that. If he could find property in Armuchee to build them, he probably would. There is the pharmacy, a convenience store, a restaurant, and multi-family dwellings. They have already addressed the need for the mini-warehouses and he does not think that it is going to devalue anything. There were some concerns about trash and keeping it up. He has other investment properties in Floyd County and he would be glad to take them and show them. He keeps them up. He has other storage buildings. The concerns over a fence versus a security camera, he uses both security cameras and fences. He has had much better luck with the security cameras. The unit that he has security cameras on, he has not had an incident in the four years they have been there. The concerns about the ditch and things those type things would be addressed in the engineering plan.

Commissioner Fricks asked Ms. Hiller in her interpretation of that piece of property, what are they going to consider the front of the property. He asked how are they going to determine which setbacks are required and on which sides. Ms. Hiller stated this property actually has two fronts, but the Planning Commission recommended a little bit more of a buffer on the front facing Rockmart Highway to preserve more of a rural look in this corridor with the entrance coming in off Wax Road. They did not say that he could not put uses on this lot within 50-feet, they said no mini-warehouses within 50-feet. She stated besides the normal setbacks on the frontages, he is required to put 20-feet of landscaping. On all side lot lines, he has to put 5-feet of landscaping. On the lines where he is adjacent residential, he has to buffer the setback. In other words, the entire setback area is meant to be fences, vegetation and so on that provides a vegetated screen there. He has three things that will limit what he can do on that side. Those are the buffers, the landscaping and the required setbacks for the property. She thinks part of the reason for C-C is that it is more compatible with the C-C zoning that is already in the area. There is a fair amount of C-C around that intersection now. The other thing is if the mini-warehouses were not going to occupy all of this lot the uses that they could do with C-C zoning would be a better mix with what is there and with the residential that surrounds that than more L-I uses would be in this area. Commissioner Fricks asked Ms. Hiller if she is saying there is more buffer recommended on the Rockmart Highway than there would be on the Wax Road area. She stated that was the Planning Commission's call on that. She thinks they felt that with the clearing and the commercial development that has happened along that section of Wax Road, and the potential for more commercial development in this area, following just the typical called for 20-feet of landscaping would be appropriate for there.

Chairman Jennings stated he also heard some discussion about the topography, the lay of the land there and he does not get a feel for the potential problem with grading and unsafe conditions out there. Ms. Hiller stated, as anyone who has driven through that area is aware, this is an area of rolling topography. She stated any development that has happened including that across the way has required some cutting and filling. This likely would require some too. In order to get land disturbing permits though they have to have engineered drawings, they have to show that they are going to handle their construction storm water run-off, and they have to have a plan for pre-construction storm water run-off as well, so all of that is taken up when the engineered drawings are prepared. Chairman Jennings asked is there enough room there to provide for all of that and mini-warehouses. Ms. Hiller stated the site plan that they received is not showing all of the engineered

structures that would be required. The site plan shows that the mini-warehouses would be in the portion of the lot that fronts on Wax Road. They are showing borders and setbacks along the two sides. They are showing driveway isles of 15-feet that is going to have to be revised because that is not wide enough according to the code. It shows where the lights and security cameras would be. It does not show all of the landscaping and the storm water management but it does seem to indicate that there is room on this lot to do all of those things. Chairman Jennings stated he does not think they have asked about lighting. He stated in the past they have had some down lighting. Commissioner Fricks stated if it is adjacent to residential. Commissioner Mayes stated as far as lighting is concerned, it is going to backing up to property that is facing Highway 101, which is probably eventually going to be zoned some type of commercial also. He stated the property directly behind it on Wax Road is residential and will probably stay residential for a while. If they are going to have any requirements on lighting, it should be in that area.

Chairman Jennings asked if there were any other questions or comments before closing the Public Hearing. Seeing none, Commissioner Mayes made a MOTION to close the Public Hearing. SECOND by Commissioner Whitefield. VOTING:

YES NO

Commissioner Fricks
" Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

Commissioner Mayes made a MOTION to approve the request for C-C (Community Commercial) with Special Use Permit for mini-warehouses. He stated he would like to ask Ms. Hiller a question before finishing his motion. He asked if Ms. Hiller recommends any restriction on lighting as it faces the residential property on Wax Road. Ms. Hiller stated on other mini-warehouse complexes in areas of mixed use like this, the Planning Commission has placed a condition on them that the lighting on the property be downward directed and be placed in such a way that it not transfer light pollution onto adjacent properties. Commissioner Mayes added that condition to his MOTION. SECOND by Commissioner Whitefield.

Discussion: Commissioner Fricks stated he has a question, in the case of they have not purchased the property, does this right continue on with the property if this transaction is not carried out. He asked are they placing these conditions on the property itself or do they go with the applicant. Ms. Hiller stated they would be placing the rezoning on the property itself regardless of who owned it and any conditions that they placed would also go with the property regardless of who owned it. Chairman Jennings asked will there be a requirement to have an acceptable plan when they go for land disturbing permits and so on. Ms. Hiller stated all of that is required by the ULDC. She stated the requirement to have a land disturbing permit is not something that can be varied. Everyone would have to go through that, but any of the other specific conditions that they place on it cannot then be varied by the Zoning Board such as setbacks landscaping and so on.

County Manager Poe asked Commissioner Mayes what about the Planning Commission recommendation about the 50-foot setback on Rockmart Highway and the entrance only be on Wax Road. Commissioner Mayes stated his motion is to include the recommendations of the Planning Commission along with lighting requirement. Chairman

Jennings asked Commissioner Whitefield if he is okay with that. Commissioner Whitefield stated yes. VOTING:

YES NO

Commissioner Fricks
Commissioner Mayes
" Whitefield
Chairman Jennings

Commissioner Lumsden abstained due to potential business conflict concerning this piece of property.

County Clerk Arp stated to Chairman Jennings they have a tie vote. County Attorney Manning stated a tie vote on a motion for approval is deeming to deny the application under the ULDC.

Motion Denied

4. ORDINANCE TO AMEND FLOYD COUNTY CODE RELATED TO DISTANCE REQUIREMENTS FOR MALT BEVERAGE AND WINE LICENSE (2007-001A):

Chairman Jennings called for a motion. County Attorney Manning stated just so it is clear and on the record before they open the Public Hearing, this is a proposed Amendment to the Floyd County Code concerning changes in the way distance is measured to certain protected uses. He stated where one is applying for an application for a Malt Beverage License, Wine License, or a Wholesale Distributing License the proposed change that the Board has seen and discussed, is to change the method of measuring distance to a method similar to the one used by the City of Rome. In addition, to change the distance itself to 250-feet from the front door of an applicant to the property line of a residence in a residential zoning district. He stated the other distances pertaining to other protected uses like churches, alcohol and drug treatment centers, daycare facilities, schools or college campus', libraries, public parks, public housing, and public hospitals. He stated the distance would be 300-feet so if anyone desires to speak on that at the Public Hearing he wanted them to be aware of what the proposed change is. Commissioner Mayes made a MOTION to open the Public Hearing. SECOND by Commissioner Lumsden. VOTING:

YES NO

Commissioner Fricks
" Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

Chairman Jennings stated the Public Hearing is now open and asked if there is anyone who wishes to speak for or against this Amended Ordinance. Seeing none, Commissioner Mayes made a MOTION to close the Public Hearing. SECOND by Commissioner Fricks. VOTING:

YES NO

Commissioner Fricks
" Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

Chairman Jennings called for a motion regarding the Ordinance Amendment. Commissioner Fricks made a MOTION to approve the recommended changes to Amend the Floyd County Code related to distance requirements, as presented. SECOND by Commissioner Lumsden. VOTING:

YES NO

Commissioner Fricks
" Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

**5. PUBLIC HEARING TO RECEIVE COMMENTS ON
THE FY2007 BUDGET ADOPTION:**

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

YES NO

Commissioner Fricks
" Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

Chairman Jennings asked if there is anyone who wished to speak for or against the FY2007 Budget. Seeing none, Commissioner Whitefield made a MOTION to close the Public Hearing. SECOND by Commissioner Mayes. VOTING:

YES NO

Commissioner Fricks
" Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

Chairman Jennings stated they will take up the formal adoption of the Budget at a continuation of this meeting on Tuesday, January 30, 2007 at noon.

CHAIRMAN’S REPORT:

1. Appointment of Commissioners to various Committees:

211 Committee	Commissioner Mayes
Administrative & Finance Committee	Commissioner Whitefield
Airport Commission/Avionics Program	Commissioner Lumsden
Board of Elections & Registration	Commissioner
Jennings (as contact person)	
CVRDC Board of Directors & Work Task Force	Commissioner Jennings
CVRDC Council of Chief Elected Officials	Commissioner
Jennings	
Department of Family & Children Services Board	Commissioner Whitefield
Fire Overview Committee	Commissioners
Lumsden & Whitefield	
Floyd County Board of Health	Commissioner Mayes
Floyd County Library/ Sara Hightower Regional Library Board of Trustees	Commissioner Whitefield
Floyd-Rome Urban Area Transportation Study	Commissioners Fricks &
Lumsden	
Policy Committee (FRUTS)	
Forum Civic Center Advisory Board	Commissioner
Lumsden	
Greater Rome Convention & Visitors Bureau	Commissioner Fricks
Highland Rivers Community Service Board	Commissioner
Fricks	
Joint Development Oversight Committee	Commissioners Mayes &
Whitefield	
Joint Services Committee	Commissioners
Jennings & Whitefield	Keep Rome-Floyd County Beautiful
Commissioner Fricks	
Public Safety Committee	Commissioner
Lumsden	
Public Works Committee	Commissioner
Fricks	
Rolling Hills RC&D Council	Commissioner
Lumsden	
Rome-Floyd Commission on Children & Youth	Commissioner Mayes
Rome-Floyd County Development Authority	Commissioner Jennings
Rome-Floyd Parks & Recreation Authority	Commissioner
Jennings	
Rome-Floyd Planning Commission	Commissioner
Whitefield	
Rome-Floyd Solid Waste Commission	Commissioner Fricks &
Whitefield	
SPLOST Committee	Commissioner
Lumsden	
Water Committee	Commissioner
Mayes	
Work Release Committee	Commissioners
Lumsden & Mayes	

2. Appointments:

- a. Board of Elections and Registration, 4-year term expires December 31, 2006 (currently held by Donna Bojo, Esther Vaughn, John Ware).**

Chairman Jennings called for a recommendation and a motion. Commissioner Lumsden made a MOTION to appoint Ed McIntyre as Chairman, and Donna Bojo and Mardi Haynes Jackson as members of the Board of Elections and Registration to a 4-year term expiring December 31, 2010. SECOND by Commissioner Whitefield. VOTING:

YES NO

Commissioner Fricks

Commissioner Lumsden
 " Mayes
 " Whitefield
 Chairman Jennings

Motion Carried

- b. Northwest Georgia Region I Emergency Medical Services Coordinating Council, 2-year term expires January 15, 2007 (currently held by Tony Cooper).**

Defer.

- c. Forum Civic Center Advisory Committee, 3-year term expires August 31, 2009 (to fill slot previously held by Carol Willis).**

Commissioner Lumsden made a MOTION to appoint Terri Waters to fill the slot previously held by Carol Willis. SECOND by Commissioner Whitefield. VOTING:

YES NO

Commissioner Fricks

" Lumsden
 " Mayes
 " Whitefield
 Chairman Jennings

Motion Carried

- d. Zoning Board of Appeals, 4-year term, expires September 30, 2007 (to fill slot vacated by resignation of Graham Dixon).**

Defer.

- e. Board of Tax Assessors, 3-year term, expired December 31, 2006 (currently held by Bobby Payne).**

4/5 VOTE REQUIRED

Chairman Jennings called for a motion to add the Appointment to the Board of Tax Assessors to the Agenda. Commissioner Lumsden made a MOTION to add the item to the Agenda. SECOND by Commissioner Mayes. VOTING:

	YES	NO
Commissioner Fricks		
" Lumsden		
" Mayes		
" Whitefield		
Chairman Jennings		

Motion Carried

Commissioner Lumsden made a MOTION to reappoint Bobby Payne to another 3-year term to the Board of Tax Assessors (expires 12-31-09). SECOND by Commissioner Mayes. VOTING:

	YES	NO
Commissioner Fricks		
" Lumsden		
" Mayes		
" Whitefield		
Chairman Jennings		

Motion Carried

COMMISSIONER'S REPORT:

- 1. Administrative/Finance Committee – Commissioner Whitefield, Chairman**
- Public Safety Committee – Commissioner Lumsden, Chairman**
- 3. Public Works Committee – Commissioner Fricks, Chairman**
- 4. Water Committee – Commissioner Mayes, Chairman**
- 5. Special Committee Reports**
 - a. SPLOST Committee (Lumsden)**
 - b. Work Release Committee (Lumsden, Mayes)**
 - c. Fire Overview Committee (Lumsden, Whitefield)**
 - d. Joint Services Committee (Jennings, Whitefield)**

No Committee Reports.

CLERK’S REPORT:

CONSENT AGENDA

County Clerk Kathy Arp stated there is one item on the Clerk’s Consent Agenda, which has been reviewed and is submitted for approval. Commissioner Mayes made a MOTION to approve the Clerk’s Consent Agenda as presented. SECOND by Commissioner Whitefield. VOTING:

	YES	NO
Commissioner Fricks		
" Lumsden		
" Mayes		
" Whitefield		
Chairman Jennings		

Motion Carried

1. Tax Refunds:

- a. Richard and Rhonda Argo, 42 Pond Mill Court, \$213.82
- b. Ruth L. Terry, 1471 Gadsden Road, Cave Spring, \$187.62
- c. Don West, 4 Villamar Street, \$595.72
- d. Logan Howard and Linda Atkins, 926 Everett Springs Road, \$653.62
- e. C. Whitley Vick III, 24 River Pine Drive, \$595.72
- f. Antares Custom Leathers, Inc., 13 East 3rd Avenue, \$81.20
- g. Scott Logistics Corp., P.O. Box 391, \$96.65
- h. Steven B. Taylor, 313 Redmond Road, \$382.19
- i. Charles Nicholson, 2787 Horseleg Creek Road, \$524.43
- j. Charles and Ruby Nicholson, 2787 Horseleg Creek Road, \$676.80
- k. Alice M. Brown, 302 North Elm Street, \$37.19
- l. Zion Farms, Inc., P.O. Box 860, Armuchee 30105, \$337.10
- m. Paul and Sue Bowden, 52 Wiseman Road, \$13.18
- n. William Steven Brooks, 975 Turner Road, \$28.67
- o. Davis Brooks, 674 New Rosedale Road, Armuchee, \$10.30

MANAGER’S REPORT:

- 1. APPROVE BUILDING LEASE AGREEMENT BETWEEN FLOYD COUNTY AND REDMOND PARK HOSPITAL, LLC D/B/A REDMOND REGIONAL MEDICAL CENTER, EMERGENCY MEDICAL SERVICES DEPARTMENT, AS RECOMMENDED BY THE AIRPORT COMMISSION. (DEFERRED JANUARY 9, 2007):**

County Manager Kevin Poe stated a Building Lease Agreement between Floyd County and Redmond Park Hospital for an Emergency Medical Services Department to be located in a facility at the Airport, has been submitted by the Airport Commission with a recommendation to approve.

Commissioner Whitefield made a MOTION to approve the Lease Agreement between Floyd County and Redmond Park Hospital as submitted. SECOND by Commissioner Mayes. VOTING:

YES NO

Commissioner Fricks
Commissioner Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

ACCEPT PROPOSAL SUBMITTED BY RDS (REVENUE DISCOVERY SYSTEMS) TO PERFORM COMPLIANCE AUDITING OF HOTEL/MOTEL TAX REPORTING:

County Manager Kevin Poe stated a proposal has been received from Revenue Discovery Systems to perform a compliance auditing of hotel/motel tax reporting. He recommended the Board accept the proposal as submitted.

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

YES NO

Commissioner Fricks
" Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

3. APPROVE PLAN FOR HANDLING ANIMALS IN DISASTER AND MASS CASUALTY PLAN PREPARED BY FLOYD COUNTY EMERGENCY MANAGEMENT AGENCY:

County Manager Kevin Poe stated these have been prepared by the Floyd County Emergency Management Agency and require Board approval before they are submitted to the state.

Scotty Hancock, Emergency Management Director, reviewed the main functions of the plans. The plans were put in place as part of the directive through FEMA. He stated the plans will be sent to the City of Rome and the City of Cave Spring for acceptance.

Commissioner Lumsden made a MOTION to accept the Animal Preparedness Plan and the Mass Casualty Plan as submitted. SECOND by Commissioner Mayes. VOTING:

YES NO

Commissioner Fricks
" Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

4. ADOPT FY2007 BUDGET.

County Manager Kevin Poe stated adopting the FY2007 Budget will be taken up when they reconvene on January 30, 2007.

4/5 VOTE REQUIRED

County Manager Poe requested that discussion of the Coosa Valley Technical College Aviation Program be added to the agenda so it could possibly be discussed when they reconvene on January 30, 2007.

Commissioner Mayes made a MOTION to add Discussion of the Coosa Valley Technical College Avionics Program to the agenda. SECOND by Commissioner Lumsden. VOTING:

YES NO

Commissioner Fricks
" Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

ATTORNEY'S REPORT:

No Report.

RECESS:

There being no further business to come before the Board, MOTION was made by Commissioner Whitefield, SECOND by Commissioner Mayes, that the meeting be Recessed until January 30, 2007 at 12 o'clock noon. VOTING:

YES NO

Commissioner Fricks
" Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

**FLOYD COUNTY BOARD OF
COMMISSIONERS**

JERRY

JENNINGS, CHAIRMAN

January 30 reconvening of January 23 meeting

**RECONVENED MEETING OF JANUARY 23, 2007
FLOYD COUNTY BOARD OF COMMISSIONERS
January 30, 2007 12:00 P.M.**

PRESENT: Chairman Jerry Jennings, Commissioners Garry Fricks, Eddie Lumsden, John Mayes, and Chad Whitefield.

OTHERS

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

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

INVOCATION: Commissioner Mayes led the invocation.

**ADOPT FY 2007 BUDGET AND AUTHORIZE
EXECUTION OF BUDGET RESOLUTION:**

County Manager Kevin Poe reviewed the proposed FY2007 budget. He stated the budget is presented department by department, not a line item budget. It is based on a departmental expenditure budget so any time they make revisions they are made to the overall departmental budget. He stated with that he will turn the table to their pleasure.

Chairman Jennings called for a motion to approve the FY2007 Floyd County. Commissioner Mayes made a MOTION to approve the Budget recommendations presented by the County Manager. SECOND by Commissioner Lumsden. VOTING:

YES NO

Commissioner Fricks	
"	Lumsden
"	Mayes
"	Whitefield
Chairman Jennings	

OTHER BUSINESS

1. Discuss Coosa Valley Technical College Avionics Program

County Manager Poe stated there is a request that the county consider entering into a Building Lease Agreement with Coosa Valley Tech for the Tebo building that was purchased for this program. He stated it is a 6-month lease for one dollar (\$1.00) per month. This would allow Coosa Valley Tech to take over the responsibility of renovating that facility for the Aviation Program. He stated legally they (*Coosa Valley Tech*) needs to either own the building or lease the building in order for them to make improvements to the building. He stated the building will continue to be in Floyd County's name, but Coosa Valley Tech will be making improvements to the building to meet their needs for uses in their Aviation Program. He stated the intentions are for the county to lease the building to Coosa Valley Tech and the county to retain ownership of the building. Even though it is a \$1 rent, the county is getting all the improvements that Coosa Valley Tech is putting into that building in return.

Chairman Jennings asked if there were any questions or comments. Commissioner Fricks stated he thinks they do have some loose ends on the other portions of it. He stated his question on this is does this mean moving forward with the whole process. He asked do they need to revise their motion from last time, because they approved up to \$1 million commitment and he thinks it is a substantial change. Do they need to indicate that they are willing to move forward with the entire project before they enter this lease and they start the renovations of this portion of the project? County Manager Poe stated they did have a meeting with Coosa Valley Tech yesterday trying to get this project finalized. They discussed how they want to move forward. What kind of facilities, reviewing the budget that the county originally had, and the commitment that they had. He stated they also discussed a lot about the fact that they want to try to get into this program in the fall of 2007, and what the county can try to do to expedite that to meet their time frame. He stated he mentioned to some of them last time that he thinks from a dollar standpoint, to make the project work, at this point in time, at a minimum it looks like they are going to have to make their \$1 million commitment plus a commitment of some in-kind labor and equipment through the Public Works Department, in-kind labor, and possibly some facilities management assistance to get this project within budget to where they will not have to make any additional monetary commitment to it. He stated they are going to be out of this thing for just \$1 million, it looks like they are going to have to step up their commitment potentially a little more than that. He stated they might have to actually borrow a little bit of extra money to get the project completed. Coosa Valley Tech is making some commitments to pay them back for some additional costs that it might take to get them into a facility, that is going to be a minimal type facility, that they need to properly run this program. He stated they have got to work through some of those details.

Commissioner Fricks stated one thing they do need to add, and he is not saying that this is a bad thing, but the \$150,000 original proposed was inclusive within the \$1 million. He stated he talked to them yesterday about that to. Originally, they were allotting \$500,000 for the purchase of this and then they ended up being able to purchase it for \$370,000 and that included two buildings. He stated so really the original allotted \$1 million included the \$150,000 that they were spending on this. The program will grow. He stated the point he was getting to at that meeting was that they need realistic numbers to work with so they know what target they are shooting at. That one got twisted and changed a little bit during the process because that building got broken off and leased to another party during that time. He stated that is probably why they could not have justified that purchase for \$150,000 to do what they did with it. They are pulling that back out, and then they are adding the \$150,000 that they allotted toward that purchase back into the budget. So even if they purchased the land in commitment of the original \$1 million, it would be a purchase of \$1.15 million already. He stated this was originally proposed as part of

that purchase. County Manager Poe stated he thinks it is safe to say it looks like the county's commitment is going to be a little more than what was originally contemplated. He stated they are trying to do their best, based on \$1 million, to try to get as close to what their original commitment was. He thinks, at this point in time from what they know, it is going to take some additional commitment to make this thing work. He stated it is going to be a combination of how to finance it, and the in-kind labor to help with the construction. Commissioner Fricks stated he guesses the brief summary of that is purchase of the original property with the amount, assisting with the renovations with inmate labor on this facility, providing limitations and grading support for the new pad or building, and then at that time the Development Authority will handle the additional monies. He asked is that right. County Manager Poe agreed. Commissioner Fricks asked do they have to guarantee debt on that or anything. County Manager Poe stated they will finance it through the Development Authority and they are going to be responsible for that. He stated the Development Authority is going to go out and incur the debt because they are going to issue the bonds, but the county is responsible for paying them. Commissioner Fricks asked are they putting any limitations on the amount or is that just open-ended.

County Manager Poe stated say if they take the other Tebo building, and say they have \$750,000 left, it looks like they would probably have to issue bonds for probably a million dollars to make the thing work at this point in time. He stated once they get all the plans done and actually come up with the final cost, it could be more or it could be less, but that is kind of the target point at this time. Commissioner Fricks asked does that include the labor costs. County Manager Poe stated in-kind labor on top of that. Commissioner Fricks stated so probably about \$2.25 million on this project including the \$1 million. He stated they were going to issue bonds for a million. County Manager Poe stated that is the hangar facility, and they are saying \$250 (*thousand*) into it so they are at \$1.25 million. He stated if they are going to put a value on the in-kind labor and equipment that could be as much as \$200,000, so they are probably up around a total of close to \$1.5 million to actually do the hangar facility. He stated then they have the commitment of Coosa Valley Tech, so now the commitment is up to \$348,000 over a 5-7 year period of time. He stated they would be willing to make lease payments so that cuts it back down a little bit. The original, just cutting it off at \$1 million as their only commitment, it is going to take a little more than that. Commissioner Lumsden stated they might also note the increase to cost of what is driving so they have to increase the cost in materials and so forth. Commissioner Fricks stated if they are pulling this out of this and making it a separate transaction, and purchasing it under that action of that first transaction, where is the support for that transaction of \$150,000 coming from. He stated their motion included purchasing that out of the funding that they were creating for Coosa Valley Tech with the \$1 million. He stated if they are pulling it back out and separating it, and then adding that back on there, does there have to be action to support the additional funding that is required to purchase this one. County Manager Poe stated in the budget under Capital Projects fund, they show making a \$100,000 payment. He stated they are looking at financing it, and on annual basis it would be around \$100,000. Commissioner Fricks stated he is talking about just what they have purchased so far for \$370,000. He stated the action taken was to support purchasing that property for Coosa Valley Tech. If they are taking that, pulling it back out, and adding that \$150,000 back into the budget, the actual budget for these two purchases, there was no action taken to support that. County Manager Poe stated they voted to buy those buildings for \$375,000 and that is what they did. Commissioner Fricks stated and that was part of that \$1 million. He stated so they have allotted \$1 million to include that, is what he is saying. Now they are pulling it back out saying that was a separate purchase, but they want to add \$150,000 back on that budget, then they need to revise that budget to support an additional \$150,000. Chairman Jennings stated correct and he thinks that is what they are working on. Commissioner Mayes asked so what Commissioner Fricks is saying is that they need to vote again up to whatever. Commissioner Fricks asked Gary (*Burkhalter*) if he is right.

Mr. Burkhalter stated what he is saying is if they are going to use the full \$1 million less of \$250,000, that leaves \$125,000 that would have been used for another building. He stated what Commissioner Fricks is saying is that if they spent the \$1 million on Coosa Valley

Tech, this is a separate building, and they are not going to fund it in that \$1 million purchase over all then there needs to be a separate motion to approve the \$125,000 as a stand-alone expenditure. He stated that is the way he understands what Commissioner Fricks is trying to say. Commissioner Fricks stated yes, because there is no allotted funding for it. They only allotted up to \$1 million and their understanding was that was included within that \$1 million. He stated then there is nothing that supports this half of the purchase. County Manager Poe stated to show that this other facility is going to have nothing to do with the Aviation Program. He stated it would just be one of the Airport purchases. Commissioner Fricks stated so it would be a separate capital purchase basically. County Manager Poe stated where they motion had it all as one, and Commissioner Fricks is saying they need to have it separate. Commissioner Fricks stated if they are going to add the value back in for it, they probably need to add the value. He stated they can leave it the same and let it be that. But say they have to up their budget, they have it not to exceed \$1 million for both purchases and the renovations is what the original motion said. He stated so it allotted \$1 million to spend toward this project. They have decided now that after they allotted and spent that this does not need to be included so it is being pulled away, and the additional \$150,000 added into that. He stated if they were going to say that was included and then they pulled it off that would have been a different story. They supported it under the original \$1 million, but right now, he does not know that there is anything that supports the \$1.15 million. Chairman Jennings asked should that take place when the overall financing of the project is complete. He stated he thinks it should be part of that Resolution at that point, because right now they have some unanswered questions. County Manager Poe stated they could make a motion authorizing to spend \$150,000 for that other building, and then just disclose it to the Board that they are working on the project. He stated the commitment is going to end up, more than likely, being more than what they had originally contemplated. He stated Craig (*McDaniel, Coosa Valley Tech President*) tried to explain that to them in the meeting. He stated they were looking at the project when they got the program manager on board and the realism of what they actually needed to have, inflation of the construction costs, and things like that. County Manager Poe stated they could make a motion to authorize spending \$150,000 for the smaller of the two Tebo buildings. Chairman Jennings stated the question is do they want to do that now, or do they want to just make that clear that when the whole package comes it will be part of the motions with the entire package where they see everything.

County Manager Poe stated they do have a motion on the table to deal with the building lease and they can deal with that first. Commissioner Fricks stated the reason he brought up discussion on that was they should probably state their intent at that point in time as to whether or not they are willing to accept. He stated the only support, and the only action taken to this point is up to that \$1 million, and if they make that lease it is almost like they are saying go right ahead. Commissioner Fricks stated he knows there are no specifics on the table, but in general how far they are willing to go with this project if they proceed with the lease. He stated he read his motion the other day. He does not like arbitrary decisions when they are looking at spending a million dollars. He stated the problem was he asked for more specifics on that, and now it has ended up being probably about a \$2 million project. That was why he did not want to make a decision on it at that time, not because he does not support the project. Commissioner Mayes asked Commissioner Fricks if he is suggesting that they come up with another one to say \$1.5 million. Commissioner Fricks stated they just need to say up to what level and that they are willing to move forward. County Manager Poe stated they talked about an approach they were looking at taking for proceeding with the construction, and that would be to do a construction manager at-risk type process. He stated basically what they do is go out with a request for proposals and they select a team for architectural services. They can select a team, and they know that they are working within a certain budget, but it is not until they get about one-third of the way into the project and have pretty much completed the plans and addressed everything, but it could still be a period of time before they actually know what their top dollar is going to be to do this project. He stated they have already got to work on trying to do a little bit more architectural work, just on an hourly basis, to try to pin down the budget a little bit more. He stated if they go to the Development Authority and they borrow money they need to make sure they are going to borrow enough to pretty much cover the project. If they come up \$50,000 short they can handle

that on their own, but they are trying to get a better budget now that they know exactly what they need. He stated when they negotiate with a contractor to do the project they can tell them what their expectations are. They expect them to build this project within this budget amount, and they need it ready by a certain date, say September 1, 2007. If they feel like they cannot do it under those constraints, then they are probably not going to select them as their contractor. Commissioner Whitefield asked do they know the scope of the project. County Manager Poe stated they do now, at this point in time. He stated it has kind of evolved through several different changes, but he thinks they all have a better understanding of what their limitations are. There are certain minimum things that have to be done for them to get FAA certification for the project, and if they cannot get FAA certification they might as well not go forward, because the people that go through the program cannot get a job. He stated they have to go through an FAA certified program.

Commissioner Fricks asked when in the process does this certification take place. How far into the project can they go before they can have the ability to veto the project. Commissioner Whitefield asked do they have to graduate a class. County Manager Poe stated it has to be certified before they can even start with the first classes. Commissioner Fricks asked do they start renovating these buildings, and then they come back to say they have to build a 30,000 square foot building or how does that work. County Manager Poe stated he thinks they would have to rely on the program manager to prove confidently that he knows what it is going to take, and he has done this before to certify other programs. Commissioner Fricks stated he knows the desire was a 30,000 square foot building. They are down to a 15,000 square foot building now. Does that 30,000 fit the needs of what the FCC is going to require, or was that just what he (*Mr. McDaniel*) wanted. County Manager Poe stated they can do it with a 15,000 square foot building. He stated Mr. McDaniel was just hoping he could get as big a building, only build it once, and never have to do anything to it again, but realistically they cannot do that. They have to give him enough of a building where he can get FAA certified. As with anything, they can build or renovate a water treatment plant, and in the last month of construction somebody from the EPD can walk up and say, as they did them, that they have to have this meter over here that meters chlorine in the water, and they show them where it has to be. He stated then all of a sudden they are having to spend \$10,000 to buy this meter, and they will not let them turn on the spicket until they have it. Commissioner Fricks stated his point was at what phase is that review. County Manager Poe stated they do not want them to show up and all of a sudden they have to spend another few hundred thousand dollars to meet their criteria. Commissioner Fricks stated hopefully it would early in the design phase, and even in the preliminaries and during the cost estimation they would review that and find out if it fits the criteria. Commissioner Fricks stated he knows there are a lot of details, but he is just talking about in general.

Chairman Jennings stated the question in front of them is do they move to authorize this lease. It is a 6-month lease at \$1 month, do they move ahead with that. He stated simultaneously with that, do they continue to pursue with Coosa Valley Tech as far as with the ultimate cost of this project. The county's participation in that, and where that is going to go. Commissioner Whitefield asked if the county signs this lease, they start renovations because they need this lease to do that, and three months down the road they find out it is going to cost \$7 million, then they back out is this all sitting on Coosa Valley Tech. He stated they are obviously sitting on the land they just bought. County Manager Poe stated any improvements they do are going to be to the county's advantage. Commissioner Whitefield stated he is not looking for the person who gets hurt the least, but the risk is within. Commissioner Fricks stated that is kind of what he was getting at. He stated he would like to give them a good will indication they are willing to go up to a certain level and move forward with it up to a certain level, but what if it gets ridiculous. Commissioner Whitefield asked will they know within this 6-month window what the cost will be. County Manager Poe stated they should have, probably within the next couple of weeks, a better budget idea. He stated then if they can get a request for proposal out, and take proposals, they could have somebody hired toward the first of March. At that point in time, if the contractor has concerns about the type of building being requested with everything they need in it

for the amount of money on the request, if they do not think they can do it then they will not bid on it. He stated so they will know within the next 45 days kind of what their situation is. Commissioner Whitefield asked within that 45-day period the only financial obligation they will have made is the purchase of the land and the buildings, and the signing of this lease, and that is the total extent of the obligation on the county at that point.

Commissioner Mayes stated he is kind of hoping they can wait to get some hard figures and vote again to spend up to an "X" number of dollars when they have hard figures to know what they are getting into. He stated if they throw out a number today, they would probably redo it again. Chairman Jennings stated he thinks it is clear with Coosa Valley Tech that the 30,000 square foot hangar that was going to cost \$2.5 million was not going to get it so they realize that the county has some limits in what they are willing to participate. He stated so the project has been scaled back recognizing that this was not one check. He agrees with Commissioner Mayes, at this point move on the lease and ask County Manager Poe, and Commissioners Fricks and Lumsden who are working with them if they will continue to do that to pull that together for them so they can see exactly what it is as the county's obligation. He asked do they have a motion to authorize the execution.

Commissioner Whitefield made a MOTION with the understanding here at this table that the Board execute the Agreement presented by the County Manger. SECOND by Commissioner Fricks. VOTING:

YES NO

Commissioner Fricks
" Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

ADJOURNMENT:

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

YES NO

Commissioner Fricks
" Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

FLOYD COUNTY BOARD OF COMMISSIONERS

JERRY JENNINGS, CHAIRMAN