

July 5, 2007

**CALLED MEETING
FLOYD COUNTY BOARD OF COMMISSIONERS**

July 05, 2007

12:00 P.M.

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

OTHERS

PRESENT: County Attorney Virginia Harman, County Clerk Kathy Arp, and County Manager Kevin Poe

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

INVOCATION: Commissioner Lumsden led the Invocation.

**DISCUSS PROPERTY ADJACENT
TO STATE MUTUAL STADIUM:**

Chairman Jennings stated the purpose of the meeting is to discuss a proposed Agreement between Floyd County and Donald Evans, Bob Evans, Kevin Evans and Evans Construction Company (Evans), regarding the property at State Mutual Stadium. He asked County Manager Poe to give an update. County Manager Poe stated he met with the Corps of Engineers on Tuesday to review the file and ask additional questions in order to try to get a better comfort level that what they are looking at is in the best interest for the county as they move forward with this project. County Manager Poe presented the latest version of the proposed Agreement for review. He stated the proposed obligations of the county would be to make a payment to Evans in the amount of \$50,000.00, within thirty (30) days of the effective date of the Agreement. He stated the county would be responsible for purchasing the planting materials, which is basically a lot of seedlings, planting all of the seedlings and doing the annual monitoring for a five (5) year period. He stated he talked with the Corps about what is involved with that and there could be some expense. He stated originally they were going to agree to pay the Evans \$60,000.00 and they would provide the planting material. In reducing that amount to \$50,000.00, they would be obligated to buy the planting material, which is estimated to cost about \$6,000 to \$7,000. He stated there is a contingency in there, in case some of the plants do not survive and they need to be replaced or they could use some of that money to pay for some of the other expenses they will have in completing this project.

He stated in the first year they would probably need some assistance in doing the monitoring report. He stated in asking the Corps what would happen if the county does not comply after 5-years. The Corps assured him that they would work with the county, so there would not be a big fine being handed down. He stated as long as we are

making a good faith effort to establish the planting materials in that area, the Corps will be okay with that. He stated the permit would be transferred to the county's name and the county will be required to record a Declaration of Restrictive Covenant on a certain portion of the property. That would involve some legal fees with their attorneys who would have to do a modification to the survey because there are seventeen acres they are looking to put in the restricted covenants. He stated we are looking at carving out approximately an acre in working with the Braves for the Miracle Field, and we will want to keep that out of the restricted covenants.

County Attorney Virginia Harman reviewed proposed changes to the draft Agreement presented to the Commissioners. County Attorney Harman stated the first being to delete the last sentence on page two, paragraph 2c, because as County Manager Poe was explaining, everyone had become much more comfortable that that was at the final expenses. The second change would be to the indemnification paragraph. That paragraph would be changed to reflect that the county would indemnify Evans for the very limited duties which the county had agreed to assume under the Mitigation plan.

Commissioner Whitefield made a MOTION to accept the Manager's recommendation on accepting the Agreement with the modifications suggested by the County Attorney. SECOND by Commissioner Lumsden. VOTING:

YES NO

Commissioner Fricks
" Lumsden
" 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
" Whitefield
Chairman Jennings

Motion Carried

**FLOYD COUNTY BOARD OF
COMMISSIONERS**

ARP, CLERK

KATHY