



" Whitefield  
Chairman Jennings

Motion Carried

**PROCLAMATIONS:**

**SHEREA ROBINSON, ACCG LOCAL GOVERNMENT RISK  
MANAGEMENT SERVICES, TO PRESENT 2007 WELLNESS  
PROGRAM GRANT CHECK:**

Sherea Robinson presented the Floyd County Health and Wellness Program with a health initiative program grant check in the amount of \$4,500, on behalf of the Association County Commissioners of Georgia and Local Government Risk Management Services.

Tracy Hardy, co-chairman of the Floyd County Wellness Committee, stated he would just like to say that they have had a great year so far in the Wellness Program. He stated the county just held their annual Employee Health Fair and had great participation. It comes with a lot of team effort and they appreciate all of the people that make the wellness in Floyd County possible. He stated they all come together to make the Wellness Program a success. To not only make the employees well, but also to make them more conscious of the things that they can do for better health. He stated they would also like to thank Linda Harris, co-chairman of the Wellness Committee, as well as the members of the Wellness Committee. They are the employees that come together and work in each department promoting wellness. With their participation, and the participation of Garner & Glover and Floyd Medical Center, they all come together as a team to make Floyd County well.

**RECOGNIZE BRAD WALKER, MASTER MECHANIC –  
PUBLIC WORKS, FOR BEING SELECTED AS THE 2007  
EMPLOYEE OF THE YEAR FOR THE GEORGIA CHAPTER  
OF THE AMERICAN PUBLIC WORKS ASSOCIATION:**

The Board and Michael Skeen, Public Works Director, recognized Brad Walker, Master Mechanic for being selected as the 2007 Employee of the Year for the Georgia Chapter of the American Public Works Association. The Board thanked Mr. Walker for all of his hard work and dedication.

**RECOGNIZE SCOTTY HANCOCK ON COMPLETING  
REQUIREMENTS TO BECOME A MASTER CERTIFIED  
EMERGENCY MANAGER:**

Blaine Williams, Assistant County Manager, recognized Scotty Hancock, Emergency Management Director, on behalf of the Board on completing requirements to become a Master Certified Emergency Manager. He stated it required 150 hours of training,

plus five contributions outside of his everyday employment, in order to achieve this certification. He stated less than ten percent of the Emergency Manager's in Georgia hold this certification. The Board thanked Mr. Hancock for obtaining the certification not only to increase the professional effectiveness but also for the betterment of the community.

**FIRST READINGS:  
(SECOND READINGS/PUBLIC HEARINGS  
TO BE HELD AUGUST 28, 2007 AT 6:00 PM)**

- 1. ADOPT ORDINANCE TO AMEND THE FLOYD COUNTY CODE (§2-7-80 THROUGH §2-7-91) RELATED TO BACKFLOW PREVENTION (2007-004A).**
- 2. ADOPT ORDINANCE TO AMEND THE FLOYD COUNTY CODE RELATED TO THE CREATION OF A BUILDING PERMIT EXEMPTION FOR CERTAIN AGRICULTURAL BUILDINGS (2007-005A).**
- 3. FILE #79-2007SUP, REQUEST SPECIAL USE PERMIT FOR TWO (2) MANUFACTURED HOMES ON SUBDIVISION LOT IN S-R (SUBURBAN RESIDENTIAL) ZONING DISTRICT ON PROPERTY LOCATED AT 227 HATFIELD ROAD. ZONING MAP J10W – PARCEL 008. (PLANNING COMMISSION RECOMMENDATION: APPROVE WITH THE CONDITION THAT PROPERTY NOT BE SUBDIVIDED INTO MORE THAN TWO BUILDING LOTS, AND THAT THERE BE CONSTRUCTION OF NO MORE THAN TWO DWELLING UNITS IN ADDITION TO THE EXISTING SITE BUILT DWELLING. [VOTE: 7-0]).**
- 4. FILE #83-2007Z, REQUEST REZONING FROM D-R (DUPLEX RESIDENTIAL) TO C-C (COMMUNITY COMMERCIAL) FOR OFFICE AND PAWNSHOP BUSINESS ON PROPERTY LOCATED AT 3424 MAPLE ROAD. ZONING MAP J16X – PARCEL 352. (PLANNING COMMISSION RECOMMENDATION: APPROVE REZONING TO N-O-C (NEIGHBORHOOD OFFICE COMMERCIAL). [VOTE: 7-0]).**
- 5. FILE #85-2007SUP, REQUEST SPECIAL USE PERMIT FOR A PERSONAL CARE HOME FOR 2-6 PERSONS IN S-R (SUBURBAN RESIDENTIAL) ZONING DISTRICT ON PROPERTY LOCATED AT 496 NORTH AVERY ROAD. ZONING MAP F13W – PARCEL 145. (PLANNING COMMISSION RECOMMENDATION: DENY [VOTE: 5-2]).**

**ULDC REVISIONS:**

- 1. REVISE OR DELETE ARTICLE 3.3.2 g. CONCERNING BEAUTY/BARBER SHOP BUSINESSES IN THE NOC (NEIGHBORHOOD OFFICE COMMERCIAL) ZONING DISTRICT. (PLANNING COMMISSION RECOMMENDATION: APPROVE [VOTE: 8-0]).**
- 2. REVISE OR DELETE ARTICLE 2.2.3. (6) (e) CONCERNING POSTPONING OF REQUEST FOR ZONING MAP REVISIONS. (PLANNING COMMISSION RECOMMENDATION: APPROVE THE REVISION WITH THE CHANGE TO THE EXISTING LANGUAGE THAT "...ZONING CHANGE BE DEFERRED FOR A PERIOD OF TIME AS STIPULATED BY THE VOTING MEMBERS OF THE PLANNING COMMISSION." [VOTE: 7-0]).**
- 3. REVISE OR DELETE ARTICLE 2.10.2 b. (4) (e) CONCERNING POSTPONING OF REQUEST FOR ZONING TEXT AMENDMENTS. (PLANNING COMMISSION RECOMMENDATION: APPROVE THE REVISION WITH THE CHANGE TO THE EXISTING LANGUAGE THAT "...ZONING CHANGE BE DEFERRED FOR A PERIOD OF TIME AS STIPULATED BY THE VOTING MEMBERS OF THE PLANNING COMMISSION." [VOTE: 7-0]).**

Chairman Jennings stated they are also considering the addition of a sentence to items #2 and #3 under the ULDC Revisions. Assistant County Manager Williams read, "However, where the governing body has initiated a revision, the Planning Commission shall act on the revision by the date specified by the governing body." Chairman Jennings stated Public Hearings for these items would be held Tuesday, August 28, 2007 at 6::00 p.m.

**SECOND READINGS/PUBLIC HEARINGS:  
(FIRST READINGS HELD JULY 24, 2007)**

Chairman Jennings reviewed the procedure for Public Hearings.

- 1. FILE #52-2007Z, REQUEST REZONING FROM S-R (SUBURBAN RESIDENTIAL) TO C-C (COMMUNITY COMMERCIAL) FOR NEIGHBORHOOD GROCERY STORE ON PROPERTY LOCATED ON ROCKMART HIGHWAY. ZONING MAP K17 – PARCELS 082, 090. (PLANNING COMMISSION RECOMMENDATION: APPROVE CONDITIONED ON ACCESS FROM ROCKMART HIGHWAY ONLY, AND PROVISION OF BUFFERS EQUAL TO THE SETBACK REQUIREMENTS. [VOTE: 5-4]):**

Commissioner Fricks 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 asked Ms. Sue Hiller, Planning Department Director, to give a brief overview of the zoning request. Ms. Hiller stated the subject property is surrounded by S-R (Suburban Residential) and much of that is developed with single-family dwellings. She stated however, to the north there is a commercial use. Across the street is some suburban residential and there is also an agricultural operation. She stated to the north, along Rockmart Highway, there is a church. To the east, there is a church and duplexes. She stated the subject property is currently pretty much undeveloped, although there were buildings on this property in the past. To the rear of that, there is residential property that fronts on Old Rockmart Road. She stated this request came to the Planning Commission three times. Initially there was some concern that there may be environmental issues with the property, and they determined that the EPD/EPA were not interested in the property as a contaminated sight. She stated they also determined that there is state water that passes through this sight and has to be buffered by 25' on either side. The request was tabled twice by the Planning Commission. Once to clear up the environmental concerns, and secondly to get a sight plan that would reflect the fact that there was state water running through it that required buffering. She stated the initial site plan showed entrances off both Rockmart Road and Old Rockmart Road. The second site plan that was presented at the last Planning Commission meeting indicated that the state water runs through the little leg of the property that comes out on Old Rockmart Road. She stated by the time they provide 25' of buffer on either side having an access point on Old Rockmart Road would not be possible. It would take up that entire area for the buffers along that state line. She stated the applicant did indicate that he could provide for stormwater management, buffers, parking, and landscaping that comply with the ULDC to allow a convenience or neighborhood type grocery store in this location. She stated it comes to the Board with a 5 – 4 vote to approve with the conditions that access be only from Rockmart Road and the buffers be provided along the sides that adjoin residential according to the ULDC. She stated the reason that condition is important is that people can get a variance on the buffers and reduce them down to very little or even nothing. However, if provision of buffers in accordance to the setback is part of their approval, then the remedy of getting a variance is not available to them and they do have to provide the full buffers.

Chairman Jennings stated he is looking at the site plan and asked would the DOT require an entrance lane. Ms. Hiller stated she asked that question too and she has an e-mail from the DOT indicating that there would have to be at least a decel lane probably accel or decel. She stated at one point they thought that it would require a left turn lane as well. She believes that they have since written a letter to this applicant saying that may not be required but he will have to comply with all DOT requirements to get that entry point. Ms. Hiller stated the staff recommendation was if they approved it that it be with those two conditions: (1) that they could only access it from Rockmart Highway, not Old Rockmart Road, and (2) that all buffers be provided to protect that residential area. Commissioner Mayes stated the main reason for their recommendation for no access from Old Rockmart Road is because of the residents who live on that street. Ms. Hiller stated initially that was discussed at two meetings before they actually voted on this and several members were not comfortable with the idea of putting that kind of commercial traffic out onto Old Rockmart Road since it is a fairly narrow county road and that is a residential area back there. She stated it is different from the corridor along Rockmart Highway.

**Oppose: Clifton Robinson, Jr., 1709 Old Rockmart Road, Silver Creek,** stated his property adjoins this site on two sides, one to the south and the other to the east. He stated he was originally the one that raised the concerns about the contamination of the site and that it had not been cleaned up. He stated one of the other big concerns that he had on the original site plan that was presented, was the holding pond that was going to be on the lot next to his. He stated having children, and the contaminants and mosquitoes that these things usually draw, he was against that. He stated in his contact with the EPA and EPD they discovered that the dry stream that runs through that adjacent lot is a state waterway and that is one thing that is going to have to be protected. He stated he is really not opposed to the back section being commercialized. His biggest concern is how that is going to affect the lot next to him. He stated he wanted to go to the Planning Commission meeting to see Mr. Stohls site proposal and how that was going to affect the lot next to him. He stated that was his main concern. He stated he believes the buffering is going to have to try and protect any type of runoff or anything from the parking lot that is going to be built up there from running down to the stream. He stated the elevation from the proposed site of the grocery store down to his house is considerably steep, he would say 40' to 50' or more. There is going to have to be a lot of dirt hauled in and his concern was what is going to happen to the runoff. He asked is the runoff going to have to be diverted toward Rockmart Road and not to the backside, his side. He stated as far as him developing a grocery store he really has no opposition to that unless he sees something on the lot adjacent to him that affects him.

Chairman Jennings asked Ms. Hiller how that would be addressed. Ms. Hiller stated because this is a commercial property the entire development has to be engineered, specifically the stormwater management plan. She stated they typically have someone who is familiar with topography, drainage, and so on to design their stormwater collection system. Chairman Jennings stated for clarification that Ms. Hiller is saying this issue will have to be addressed by the applicant, then it will have to pass through

the Building Inspection Department and the Building Inspection Department will come assess whether this is an adequate plan. Ms. Hiller stated that is correct. The engineered plan does have to be approved by building inspection.

Mr. Robinson thanked the Board and stated he appreciates them allowing access only from Rockmart Highway.

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

YES NO

Commissioner Fricks  
" Lumsden  
" Mayes  
" Whitefield  
Chairman Jennings

Motion Carried

Commissioner Whitefield made a MOTION to approve the rezoning request as recommended by the Planning Commission, which is on the condition that access occur from the Rockmart Highway only and that buffers be equal to the setback requirements. SECOND by Commissioner Mayes. VOTING:

YES NO

Commissioner Fricks  
" Lumsden  
" Mayes  
" Whitefield  
Chairman Jennings

Motion Carried

**2. FILE #73-2007Z, REQUEST REZONING FROM H-I (HEAVY INDUSTRIAL) TO S-R (SUBURBAN RESIDENTIAL) FOR EXISTING SINGLE-FAMILY RESIDENCE ON PROPERTY LOCATED AT 1682 HUFFAKER ROAD. ZONING MAP F12 – PARCEL 008A. (PLANNING COMMISSION RECOMMENDATION: APPROVE [VOTE: 9-0]):**

Commissioner Mayes 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 has undeveloped industrial land to the north. To the south, the property is owned by the applicant and is developed residentially. She stated further south along Huffaker Road is residential zoning with residential use.

**Support: Jeff Rogers, 1682 Huffaker Road,** stated he is the property owner. He stated he owns approximately five acres and he bought the two acres adjoining it. The five acres he has had for years is residential and the other was industrial. He stated all he is wanting to do is get the two acres that he bought changed to residential where all of his property will be zoned the same.

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 Whitefield made a MOTION to approve the rezoning request. SECOND by Commissioner Mayes. VOTING:

YES NO

Commissioner Fricks  
" Lumsden  
" Mayes  
" Whitefield  
Chairman Jennings

Motion Carried

### **3. FILE #74-2007SUP, REQUEST SPECIAL USE PERMIT FOR**

**MANUFACTURED HOME ON SUBDIVISION LOT IN S-R  
(SUBURBAN RESIDENTIAL) ZONING DISTRICT ON PROPERTY  
LOCATED AT 227 ADAMS CIRCLE. ZONING MAP J16Z –  
PARCEL 041. (PLANNING COMMISSION RECOMMENDATION:  
APPROVE [VOTE: 9-0]):**

Commissioner Fricks 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 asked Ms. Sue Hiller, Planning Department Director, to give a brief overview of the zoning request. Ms. Hiller stated the subject property is within a subdivision, therefore it requires a special use permit to place a manufactured home on this property. She stated it is surrounded on the east, west and north by other residential lots developed with single-family dwellings. Some of those are site built and some are manufactured. She stated to the south the H-I (Heavy Industrial) zoning across Adams Drive is developed with a junk yard, but there is single-family residential as well. She stated staff's recommendation was to approve. However, they did get a notice from the Floyd County Water Department that pointed out that the line serving this area is barely adequate for the residential development that is there now and indicated that they had denied a water tap permit for an additional dwelling in this area. She stated the applicant indicated that he would dig a well and was willing to do that in order to be able to put the manufactured home there.

**Support:** Mark Pegg, 225 Adams Circle, stated he purchased a manufactured home, and the Water Department could not provide him a water meter because there is a 2" main going up to it. As far as the water issue, his only concern about drilling a well is the junkyard being on the other side. He stated he can drill the well, but what if that water is contaminated. Chairman Jennings stated the Health Department will check the water quality of the well once the well is drilled. Assistant Manager Williams stated he thinks Mr. Pegg's question is if he can not get water through means of a well what would he do next, and the water pressure is such in that area that the county could not tie them onto the county system. He stated he thinks that it is safe to say that he would be at some risk, and if there is any testing that he could beforehand he would suggest he do it because he is going to be depending on that well for water.

Mr. Pegg stated another question that he has was when the water department counted the meters saying that they could not put a meter there, are they counting the meters that are not being used there. County Manager Poe stated he thinks they are just taking into consideration the fact that they cannot provide adequate water pressure at that point. He stated if they put in a water meter in they have to be able to provide a certain water pressure at that meter. If they cannot, then they are not in compliance with the EPD. Chairman Jennings stated there is a plan in place to replace all 2" PVC pipe waterlines, and he does not know where Adams Circle falls in that plan. County Manager Poe stated he remembers that it was not going to be done in the next couple of years. He stated they have a priority list in which different factors were used, and they are going to be replacing so many miles of line per year. He stated eventually they will change that area out, but he thinks at that time they will have to look at re-doing a pump station. He stated he does not know if the size of the line is going to improve their overall situation in that area, but maybe by the time they build the bypass, and they have to do some other water line improvements, it will get better in that area.

Mr. Pegg stated so his best bet is to drill a well. Commissioner Fricks asked is he going to leave all of the existing structures that are on there now. Mr. Pegg stated currently his grandparents still live there, but when they pass away then it will be gone. Commissioner Fricks asked if they are on county water. Mr. Pegg stated they are on county water, and the lot next to that, his mother's lot, has a meter there but he is not sure if could run pipe all the way up that hill. He stated they might could do that if they would let him, it would be cheaper than drilling a well. County Manager Poe asked is there anyone else who has a well in that area. Mr. Pegg stated he does not know of anyone else that has a well in the area. Chairman Jennings stated that would be a way to check about the water quality and quantity. He stated in Floyd County they are living with the results of the county getting into the water business years ago and putting in these 2" PVC pipe waterlines throughout the county to get water out to the county. Now they have forty-three miles of these 2" waterlines that they are in the process of replacing. He stated it is going to take them probably five years to replace all of those waterlines, and they have established a priority for the ones that are most problematic.

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

Commissioner Mayes made a MOTION to approve the rezoning request.  
SECOND by Commissioner Lumsden. VOTING:

YES NO

Commissioner Fricks  
" Lumsden  
" Mayes  
" Whitefield  
Chairman Jennings

Motion Carried

- 4. FILE #75-2007Z, REQUEST REZONING FROM H-C (HEAVY COMMERCIAL) TO H-TR (HEAVY TRANSITIONAL RESIDENTIAL) AND S-R (SUBURBAN RESIDENTIAL) TO ALLOW CONTINUED SINGLE-FAMILY RESIDENTIAL USE ON PROPERTY LOCATED ON STRAWBERRY LANE AND BOOZE MOUNTAIN ROAD AND WHITE AVENUE, LINDALE. ZONING MAP J17X – PARCELS 344, 344A, 345, 346, 347, 348, 349, 351, 352, 353, 354, 355, 356 AND ZONING MAP J16Y – PARCELS 232, 233, 234, 236, 237. (PLANNING COMMISSION RECOMMENDATION: APPROVE [VOTE: 9-0]):**

Commissioner Whitefield 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 asked Ms. Sue Hiller, Planning Department Director, to give a brief overview of the zoning request. Ms. Hiller stated some months ago they were asked to consider rezoning this property from Heavy Commercial to H-TR (High Density Traditional Residential) and they approve that. She stated at that time the Planning Commission asked them if they would consider doing a mass rezoning of that entire block that lies between White Avenue and Strawberry Lane, because facing Strawberry Lane they have a number of properties that are all developed with single-family dwellings. She stated the ones to the east of them that would actually front on White Avenue, are either undeveloped or are developed with residential uses. She stated along Strawberry Lane it is actually a residential subdivision. This is essentially

an area that is suburban residential and some of it is fairly rural residential. She stated there is another interesting point about this and that is that at that rear property line that runs between White Avenue and Strawberry Lane is a stream so much of this area is within a floodplain. Those homeowners there have two issues to deal with if they ever try to re-mortgage their property, or buy or sell a property. They are in a floodplain, but more importantly than that, they were zoned for heavy commercial uses rather than for high density traditional residential. She stated so at their request the Planning Commission sent a letter to every property owner in that area informing them of what they were going to try to do. They did not get very many responses, so they sent a second round of letters to everybody. She stated they got a few calls from people but most of them were just curious and they were not opposed to having this rezoned. They were in favor of it. County Manager Poe stated they are trying to do is to keep each individual person from having to request rezoning, because it was zoned in error initially.

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

Commissioner Whitefield made a MOTION to approve the rezoning request. SECOND by Commissioner Mayes. VOTING:

YES NO

Commissioner Fricks  
" Lumsden  
" Mayes  
" Whitefield  
Chairman Jennings

Motion Carried

- 5. FILE #77-2007SUP, REQUEST SPECIAL USE PERMIT FOR PERSONAL CARE HOME FOR 3-6 PERSONS IN S-R (SUBURBAN RESIDENTIAL) ZONING DISTRICT ON PROPERTY LOCATED AT 23 ZONA KAY CIRCLE. ZONING MAP K17 – PARCEL 238. (PLANNING COMMISSION RECOMMENDATION: APPROVE [VOTE: 8-1]):**

Commissioner Lumsden 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. Sue Hiller, Planning Department Director, to give a brief overview of the zoning request. Ms. Hiller stated the subject property actually consists of two platted lots. It is surrounded by S-R (Suburban Residential) zoning and it is the corridor along Rockmart Road, but it also fronts along Zona Kay Drive. She stated it is mainly residential in this area although there is some commercial to the south. To the east along Zona Kay and to the west across the Rockmart Highway is residential. She stated basically this is a single-family residential neighborhood. Operation of a personal care home for 3 – 6 people does require a special use permit and it also has some standards, which include that it shall be a minimum of 1500' from any other personal care home; it shall not be enlarged by more than twenty-five percent; new construction shall maintain the residential character of the neighborhood; and that the home obtain and maintain required Federal, State or local licenses to operate that type of business. She stated in this particular area the application indicates that all of those requirements would be met. This is in an area where services and utilities are available for the use of the property. She stated they did have some phone calls from some residents of this area and they indicated that they property had been expanded in the past. She thinks it served as maybe a foster care home in the past. She stated the applicant will be held by their requirements not to expand at more than twenty-five percent in the future if this is granted, and the applicant indicated that they had no intention at this point of doing that. She stated because this is a single-family residential use they are not required to get a site plan for this, but there is adequate parking on the site and it does maintain that residential character.

**Support:** **Wanda Stamey, 23 Zona Kay Circle**, stated they bought the property in 1989 and in 1995 they started taking in therapeutic foster children. She stated they had a therapeutic foster home there for twelve years, until July of this year. She stated they are asking permission to convert their foster home into a personal care home for adults. She stated they have adequate space. They have eight bedrooms and four bathrooms.

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 Fricks made a MOTION to approve the special use permit request. SECOND by Commissioner Whitefield. VOTING:

YES NO

Commissioner Fricks  
" Lumsden  
" Mayes  
" Whitefield  
Chairman Jennings

Motion Carried

- 6. FILE #78-2007SUP, REQUEST SPECIAL USE PERMIT TO CONSTRUCT SINGLE-FAMILY ATTACHED DWELLINGS IN S-R (SUBURBAN RESIDENTIAL) ZONING DISTRICT ON PROPERTY LOCATED ON OLD SUMMERVILLE ROAD. ZONING MAP J10Y – PART OF PARCEL 121, TRACT “A”. (PLANNING COMMISSION RECOMMENDATION: APPROVE WITH THE CONDITIONS THAT THERE BE A 10-FOOT BUFFER; 10-FOOT OF MATURE HARDWOOD TREES TO BE LEFT INTACT; AND ONLY 12 UNITS BE BUILT. [VOTE: 9-0]):**

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. Sue Hiller, Planning Department Director, to give a brief overview of the zoning request. Ms. Hiller stated the subject property

consists of approximately five acres of land. She stated there is S-R (Single-family Residential) to the north, south, east and west, although there is a school. There is some commercial property and the D-R (Duplex Residential) zoning further north is duplexes on Hummingbird Place. The ones on Crabapple Lane that are zoned D-R she believes are actually attached single-family. They have a special use permit for that. There is a small area of M-R zoning that is apartment dwelling rental property in that location. To the east, across the highway, there is a single-family residential site built and manufactured home. The subject property is currently undeveloped. She stated initial staff reports were insubstantial about this because they did not have a site plan. She stated because they are single-family dwellings they are not required to have a site plan however, she thinks it is kind of difficult to envision what this would be like; how many entrances it might add, how many dwellings it might add, and so on. The applicant did bring a site plan to the Planning Commission, but it was after the Planning Commission meeting so they did not get it in time to include it in their information. She stated at the Planning Commission meeting neighbors located to the south of this property who have a single-family dwelling expressed some concerns about having a buffer, maintaining some mature trees that are on the property line between them and this proposed development. She stated there was also discussion about how many units would be proposed on this lot. The applicant at that point said that he thought twelve units. She stated this was recommended for approval by the Planning Commission conditioned on two things, and those two things were that the 10' buffer of hardwood trees be left along the southern property line and that the development be limited to twelve units, which would be six structures. She pointed out that duplexes and attached single-family might look about the same. The difference is there is a parting or separating wall between the two units. She stated a property line can actually run right down that wall so these two units can be sold separately as owner occupied or rental property single-family dwellings. She stated that is what is being proposed for this. A special use permit is specific. She stated someone can not get a special use permit for attached single-family and then build something else that is not covered by that special use permit unless its use is permitted by right in that zoning district. She stated the use that is permitted by right in that zoning district is single-family residential. If they did just plan freestanding single-family residential they could put about six per acre taking out room for detention, stormwater detention and the roads. She stated they could probably get about twenty-four units on the property. A fair number of dwelling units could go in there if it were just simply developed as is with S-R zoning.

**Support: Jay Lumpkin, 5 Bellemeade Drive,** stated the present zoning of this property is single-family residential. He stated the proposed zoning of this property would be single-family residential so nothing would change as far as restrictions go and the setbacks are totally the same. He stated in fact they will be able to see from the site plan that the setbacks, that type of thing, and the other restrictions that apply are well over and above what the ULDC requires. He stated specifically the side setbacks are required to be 7' and 7', which would be 14' total. The setbacks on the sides would be approximately 29', more than double what the restrictions require. He stated as Ms. Hiller pointed out a maximum of thirty single-family homes could

be placed on the property and after they take out for retention and things like, twenty-four would be possible for single-detached homes. He stated single-family attached, with the site plan that he has is a maximum of twenty on the property, six on the adjoining property to the neighbor to the south. He stated realistically that is not an engineered plan. The engineered plan is very expensive and very timely, but that is a survey of the property. He stated once some of those other things are taken out it may be more like eighteen or so, but a maximum of twenty on the property and again six to the south of the neighbor. He stated luckily the county has put together a ULDC, a set of rules that are very concrete in nature, almost mathematical and that is what he would really like to try and stick to here. Unfortunately, the only subjective part of the process has to be someone or a group of people, the staff, the Planning Commission, the County Commissioners, have to be able to look at the overall area and make a reasonable determination on whether or not a certain development would fit in, and it would have to be something that would fit into the area as well. He stated Old Summerville Road between the mall entrance and where it connects back onto Highway 27 consists of single-family detached homes, single-family attached homes, duplexes, apartments and things like that. He stated on up the same side is single-family attached. He stated on the other side of the street, duplex apartments and that type of thing. Even with all this being true he has tried to do several things to alleviate any perceived risks by the neighbor. He stated he has tried to insulate them as much as he can.

Mr. Lumpkin stated the perception is that the subdivision will be set up as apartments, but the developments that he has done in the past are really geared more towards an older crowd. Someone who is looking to downsize. Someone who is looking to come in and have a payment that is less than what they rent for, or someone that could have something new that is cute. He stated many people buy these for say their mother-in-law where they have no maintenance and no upkeep. It does not really lend itself to rental. Although theoretically it could be a rental. He stated the price points are the big things that restrict them. The covenants and deed restrictions that he usually puts with the developments he has done in the past, and that he proposes to do with this, restricts that if someone does decide to rent it out they have to go through a professional management company. He stated they cannot decide to rent it out themselves and just take the first person that shows up with a check. He stated they would have to go through the management company and that person would still be liable for the covenants and deed restrictions. He stated he has also offered to donate some land to them to give them easement to build a fence, or whatever he can do to alleviate any concerns. The Planning Commission decided and thought it might be best instead of doing all that just to give a buffer. He stated the neighbor had expressed some concerns about the existing trees there. He stated that would certainly be no problem they could leave that and he would supplement that with some mature evergreens that would give them a year round vegetation buffer, something like some Leyland cypresses that would grow very quickly. He stated the deed restrictions, covenants and restrictions, are very restrictive. They keep them from having a broken down car in the drive. They cannot park cars in the grass. They have to have their garbage set out within a day of it being collected and bring their cans back in within a

day. They cannot have basketball goals in the community. They cannot have an RV. He stated they know that going in, so if it is something they do not want to sign up for then they can look elsewhere. He stated the people buying there would want those restrictions, they crave that because it protects them. The Homeowner's Association ties in with these restrictions and covenants. He stated they take care of cutting the lawns for everyone. All of the owners chip in a little bit each year into a non-profit Georgia Corporation, H & H Lawn Care comes through and sprays ten times a year for any weeds and crab grass and another company, Aaron's Cleaning Service, takes care of doing edging and cutting grass. He stated that way everyone's yard will look exactly the same. He stated he has limited it to six on the immediate area adjacent to them. With the buffer that he is providing, plus the Berry College land that is behind them, he thinks would very much insulate them from any perceived problems they may have. He stated the incentives for himself and the neighbors are very well aligned in that it is not going to make him anymore money to go out and let the neighborhood get run down, get a bunch of rentals, get people parking in the grass, people throwing parties, and so on. He stated that does not help him sell any more units. He stated their interests are very well aligned in that regard.

He stated to wrap it up, he would just ask that the Board approve the request number one most desirably and restrict it to whatever the ULDC says. He stated if it would help things then the buffer and adding the trees that are existing, supplement with some evergreen trees and that type of thing. Second desirably would be to the ULDC and restrict to the six on the immediate area adjoining them, and lastly to restrict it as closely to the site plan as is possible. He stated any one of those is what he would ask to be approved.

Commissioner Fricks stated the site plan that he presented represents twenty units. He asked are those all twenty single units. Mr. Lumpkin stated no, they would be double units. Commissioner Fricks stated so it would be forty units. Mr. Lumpkin stated that is correct. He stated that is an engineered plan, and there might be thirty-six, but it would be somewhere in that neighborhood. He stated even though they are three bedroom homes, the price points, restrictions, and the type of look, is really geared toward people who are living there by themselves, have a computer room set up and have a room for grandkids when they come over, people who are divorced and so on is really what it is geared toward. Commissioner Fricks stated so each one of the building structures represents two, three bedroom units.

**Oppose: Meg Robertson, 1537 Old Summerville Road,** stated she lives just two doors down from the property that Mr. Lumpkin is wanting to develop. She stated they have lived there since 1999. She and her husband have grown children so they are not at home. She stated Mr. Lumpkin did talk about that there are duplexes and apartments to the north, but he failed to mention that to the south, which is where they live, it is all single-family dwellings. They are brick homes, the value of at least \$150,000 so they are very nice homes of single-family dwellings. She stated it is her understanding that the land that he wants to develop is for these attached homes, which would be like a duplex situation. She realizes that they are a three-bedroom home, but

that is really concerning to them for the main reason that Old Summerville Road is a rural road. It has high traffic from Armuchee High School, from several other duplex and apartment complexes, as well as all of the new homes on Battle Farms. She stated it is their concern that the increased traffic and the noise level will be very detrimental to the neighborhood, as well as lowering property values. It is their understanding that Mr. Lumpkin has developed property on Huffaker Road that was similarly proposed and that property has primarily turned into rental property. She stated this is one of their other concerns. She stated while she understands the denial of such a motion is probably not likely, she would like to ask that the Board approve only six buildings, which would be twelve units, on the 5.3 acres so that they do not have overbuilding and increased problems with noise and traffic. She stated they appreciate Mr. Lumpkin's efforts to build a buffer, but they also realize that if they are trying to put eighteen to twenty-four families on five acres of land that inevitable problems will occur. She thanked the Board for their time.

**Oppose:** Carl Alexander, 1565 Old Summerville Road, stated he can agree with much that Mrs. Robertson has said. He stated he would like to remind them that the motion presented is for six buildings, twelve units. They already have apartments to the north and east of this proposed development. He stated adding more apartments, if approved, will increase traffic, noise, and trash on an already heavily traveled, noisy, trashy road, which is the Old Summerville Road. He stated just to the southeast of this property is Armuchee High School. He does not know if it is just because it is the summer, the dryness or their watering an area right in front of their house, but at certain times of the day their water quality and quantity is very poor. He stated as soon as the Planning Commission approved this request on July 27, 2007, the person seeking to develop this property immediately asked what he had to do to increase the number of apartments on that land. Their property values declined when the Armuchee High School was built. He stated it is his feeling that more apartments in an already busy area will cause their property values to decline further. He thanked the Board.

**Rebuttal:** Mr. Lumpkin stated the first thing he would like to point out is, and this is not a subjective thought, this is just according to the state and to the local government, Old Summerville Road is unfortunately not considered a rural road anymore. He stated it is considered a collector road, which would have a minimum of 150' of right-of-way. That means a lot of traffic going down it. He stated he understands that there is a lot of other single-family attached apartments, duplexes, things like that on Old Summerville Road already. He thinks that speaks to what he was saying earlier in that the ULDC, if the requirements are met, then he thinks he should be afforded the same freedoms that the other people were afforded as well. He understands their concerns, but again that is not true to the south to say that there is not any other developments like this to the south of the property. He stated there is and just to name two or three off the top of his head, there is Summerstone, Sarah Street and there are others on the west of Old Summerville Road heading north. He stated to say that previous developments that he has done are rentals is not true. The last two developments he has done have come down to be roughly 60% owners, 40%

renters in one and 39% renters in the most recent. He stated the things that he does to help that out are in the deed restriction covenants, he cannot really say that they cannot rent it, but what he has done is put in that they have to get permission from the board of directors before they rent it themselves. In the previous two subdivisions that he has done, long after he had left, the covenants and restrictions have stayed in place. He stated they have to have a professional management company to lease it, if someone does decide to lease it. The prices do not really lend themselves to that, but if someone did, the rents would be on the higher end between \$850 - \$1,000 a month, which would again focus in on a certain type of person. He stated it is true that there are six buildings that are directly adjacent to the neighbor to the south, but for six on five acres when there is a possibility of thirty is just not very realistic. He really can sympathize with them, as he is sure all of them in the room can, that they would rather have the neighbors around them for acres and acres to either have empty land to never build anything to not develop it, that type of thing and just have their lot. He stated in this area of town he just does not think it is being very realistic. What he is asking for is not a change in zoning. He stated he would just like to stick to what is currently in the ULDC. He would also be willing to bend over backwards to alleviate any concerns or fears that they may have. He stated he thinks he has done that through the Homeowner's Association, the deed restrictions and that type of thing. He stated with regular single-family homes, if fifteen people decide to move in, if people want to park in the front yard, have parties, as long as they are meeting the county ordinances that are in place there is not a whole lot they can do, but here they can. He stated speaking from the heart, he truly does feel like it is something that would be cute. That they would be proud of. That people would have pride in. He really thinks this would add to the community. He stated most people that talk about the value of their homes, most people who have bought for price appreciation and have been rewarded with that. He stated he might point out that property values are not a legitimate reason for restricting something. The bottom line is he is not asking for a zoning change. He stated he would just like to stick to the ULDC. Other than that he will do whatever he can to bend over backwards to make the neighbors happy.

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

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

Motion Carried

Commissioner Whitefield made a MOTION to approve the rezoning request with conditions that were approved by the Planning Commission and a limit of fourteen structures, twenty-eight units. SECOND by Commissioner Fricks.

Further discussion was had regarding the number of structures/units. Following the discussion Commissioner Whitefield WITHDREW his MOTION and Commissioner Fricks WITHDREW his SECOND.

Commissioner Whitefield made a MOTION to refer the matter back to the Planning Commission for further consideration. SECOND by Commissioner Fricks. VOTING:

YES NO

Commissioner Fricks  
" Lumsden  
" Mayes  
" Whitefield  
Chairman Jennings

Motion Carried

**7. FILE #711-2007Z, REQUEST REZONING FROM C-C (COMMUNITY COMMERCIAL) TO L-I (LIGHT INDUSTRIAL) FOR COMMERCIAL ROOFING CONTRACTOR ON PROPERTY LOCATED AT 3945 ALABAMA HIGHWAY. ZONING MAP F13Z – PARCEL 216. (PLANNING COMMISSION RECOMMENDATION: APPROVE [VOTE: 9-0]):**

Commissioner Mayes 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 surrounded by commercially zoned properties to the east and west. She stated to the north is the Alabama Highway, and to the south is a railroad line. Beyond that there is

single-family residential. She stated to the north there is also some single-family residential zoning. To the north, across the Alabama Highway, is a manufactured home sales lot. The subject property is developed with a metal commercial, or industrial type building. It is fenced; however, for a contractor yard this outdoor storage yard has to be screened. She stated that is one thing that would have to be corrected about the property. She stated along Alabama Highway at this point is mostly residential, though much of it is already zoned for C-C uses. She stated this building was built with a permit and with a zoning verification. The zoning verification says that it will be a metal commercial building. She stated when the applicant came in to get a permit to put up a sign the Planning Department realized that this was an L-I use, not a C-C use, so they asked him to get the zoning corrected and make that appropriate for the use that is going to be there. Although this would be something of a spot zone it is a contractor's business again. She stated a lot of the L-I uses, though they sound a lot more intense because they have industrial in their name, are actually 8 – 5 or 7 – 6 businesses, five days a week. They are not like a C-C use that might be a convenience store that operates 24 – 7, with a lot more noise, lights and traffic. She stated in terms of impact on the residential area, or on any of the surrounding uses, the L-I use in this case may actually be of a lower impact.

**Support:** **T. J. Hamilton, 3945 Alabama Highway**, stated he would like to thank the Board for opening prayer in the name of Jesus Christ and challenge them to always call on Jesus before making their decisions. He stated he would also like to let the people know that are here and the ones that may be watching by television that if they would like to make a change in this world and obtain joy, peace and happiness in their lives to call on and accept Jesus Christ in their hearts.

Commissioner Fricks 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 rezoning request.  
SECOND by Commissioner Fricks. VOTING:

YES NO

Commissioner Fricks  
" Lumsden  
" Mayes  
" Whitefield

Chairman Jennings

Motion Carried

**ULDC REVISIONS:**

- 1. REVISE OR DELETE ARTICLE 9.3.5 b. (2) AND (8) CONCERNING REVIEW OF PROJECTS IN THE SOUTH ROME OVERLAY DISTRICT. (PLANNING COMMISSION RECOMMENDATION: APPROVE WITH REVISIONS AS ATTACHED. [VOTE: 9-0]):**

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 to speak in for or against this ULDC Revision. Seeing none, Commissioner Whitefield 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 Whitefield made a MOTION to approve the ULDC Revision. SECOND by Commissioner Mayes. VOTING:

YES NO

Commissioner Fricks  
 " Lumsden

" Mayes  
" Whitefield  
Chairman Jennings

Motion Carried

**CHAIRMAN'S REPORT:**

**1. Appointments:**

**a. Tallatoona Community Action Partnership (4-year term expires December 31, 2010).**

Commissioner Lumsden made a MOTION to re-appoint William Underwood to serve on the Tallatoona Community Action Partnership Board for a 4-year term expiring December 31, 2010. SECOND by Commissioner Whitefield. VOTING:

YES NO

Commissioner Fricks  
" Lumsden  
" Mayes  
" Whitefield  
Chairman Jennings

Motion Carried

**COMMISSIONER'S REPORT:**

**1. Administrative/Finance Committee – Commissioner Whitefield, Chairman**

No Report.

**2. Public Safety Committee – Commissioner Lumsden, Chairman**

Commissioner Lumsden stated the mock school shooting exercise, which was conducted August 5, 2007, was one of the largest exercises of this type that they have had here in Floyd County. It involved all of the various departments of their Public Safety Community, as well as some State, Federal, hospitals, schools, and a number of other entities within the community. He stated it was an overall massive undertaking. They learned a great deal from the exercise, and he would just like to say how much they appreciate everyone who participated and all they were able to learn and put into their planning as they look toward the future.

**3. Public Works Committee – Commissioner Fricks, Chairman**

- a. **Accept recommendation to add Saratoga Drive, SW, and Detention Pond (behind lot 45) located within Old Polo Fields Subdivision Phase V onto county maintenance.**
- b. **Accept recommendation to add the western end of Lynn Avenue and the southern end of Lee Street onto the county paving list for 2007.**
- c. **Approve request from Engineering Department to transfer \$500 from Data Processing line item to Equipment line item for purchase of laptop computer.**
- d. **Accept proposed 2008 LARP list to be submitted to the Georgia Department of Transportation.**

Commissioner Fricks made a MOTION to approve the four items as submitted by the Public Works Committee. SECOND by Commissioner Mayes. VOTING:

YES NO

Commissioner Fricks  
 " Lumsden  
 " Mayes  
 " Whitefield  
 Chairman Jennings

Motion Carried

**4. Water Committee – Commissioner Mayes, Chairman**

No Report.

**5. Judicial Services Committee – Commissioner Jennings, Chairman**

No Report.

**6. 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)**

**e. Joint Development Oversight Committee (Mayes, Whitefield)**

There were no Special Committee Reports.

**CLERK'S REPORT:**

**Consent Agenda**

**4/5 Vote required to add Item #6**

Chairman Jennings called for a motion to add item #6 and delete item #4 by a 4/5 vote.

Commissioner Mayes made a MOTION make those changes in the Consent Agenda. SECOND by Commissioner Whitefield. VOTING:

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

Motion Carried

Commissioner Fricks made a MOTION to approve the Clerk's Consent Agenda as presented with the addition of #6 and deletion of #4. SECOND by Commissioner Lumsden. VOTING:

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

Motion Carried

**1. Tax Refunds:**

- a. Jerry Minge, P.O. Box 1261, \$13.20
- b. Robert L. Moss, 12 Horseshoe Bend Road, \$19.89
- c. Marion N. Merritt, 405 Crackerneck Road, Armuchee, \$1,224.71
- d. Marion N. McBritt, 405 Crackerneck Road, Armuchee, \$1,837.08

- e. M. Merritt Construction, 405 Crackerneck Road, Armuchee, \$1,837.08
- f. Fred & Barbara Paul, 23 Brook Valley Court, \$.81
- g. Stewart & Fleisher, Inc., 20 Harbour Road, \$4.76
- h. Stewart & Fleisher, Inc., 20 Harbour Road, \$12.65
- i. Stewart & Fleisher, Inc., 20 Harbour Road, \$34.31
- j. Stewart & Fleisher, Inc., 20 Harbour Road, \$41.65
- k. Stewart & Fleisher, Inc., 20 Harbour Road, \$90.56
- l. Stewart & Fleisher, Inc., 20 Harbour Road, \$10.50
- m. Stewart & Fleisher, Inc., 20 Harbour Road, \$7.54
- n. Stewart & Fleisher, Inc., 20 Harbour Road, \$22.60
- o. Stewart & Fleisher, Inc., 20 Harbour Road, \$15.38
- p. Stewart & Fleisher, Inc., 20 Harbour Road, \$2.46
- q. Stewart & Fleisher, Inc., 20 Harbour Road, \$48.32
- r. Stewart & Fleisher, Inc., 20 Harbour Road, \$13.67
- s. Stephen B. McMorrow, 151 Everett Springs Road, Calhoun, \$15.00

2. **Authorize submittal of Purchase of Services for Juvenile Offenders Grant Application.**
3. **Authorize Chairman to execute affidavit regarding the County's refusal to accept delivery of quit claim deed for property located at 628 Cartersville Highway, Map J14K – Parcel 274.**
4. **Ratify Chairman's execution of Transfer of Corp of Engineers Permit No. 990004420 related to property at State Mutual Stadium.**
5. **Enter into Minutes DOT Contract for Plant Mix Resurfacing of Chatillon Road / North Avenue (PR00-S010-00(645)).**
6. **Malt Beverage Application, Kristen Funk/Opi's Grille, LLC, 7080 New Calhoun Highway, Rome (Restaurant-New) (Beer).**

**MANAGER'S REPORT:**

1. **REQUEST TO AMEND WATER DEPARTMENT EQUIPMENT LINE ITEM IN THE AMOUNT OF \$2,447.14 FOR THE PURCHASE OF TWO (2) CABINETS AND APPURTENANCES FOR SHANNON WATER TREATMENT PLANT:**

County Manager Poe recommended approval of a request from the Water Department to amend their Equipment line item in the amount of \$2,447.14 for the purchase of two (2) cabinets and appurtenances at the Shannon Water Treatment Plant.

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

YES NO

Commissioner Fricks  
" Lumsden  
" Mayes  
" Whitefield  
Chairman Jennings

Motion Carried

**2. CONSIDER RECOMMENDATION FROM AIRPORT COMMISSION TO ADD J. H. TOWERS FIELD TO THE RICHARD B. RUSSELL REGIONAL AIRPORT (RICHARD B. RUSSELL REGIONAL AIRPORT/J. H. TOWERS FIELD):**

County Manager Poe stated a recommendation has been received from the Airport Commission to add J. H. Towers Field to the Richard B. Russell Regional Airport (Richard B. Russell Regional Airport/J. H. Towers Field) name.

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

YES NO

Commissioner Fricks  
" Lumsden  
" Mayes  
" Whitefield  
Chairman Jennings

Motion Carried

**3. APPROVE SUPPLEMENTAL AGREEMENT NO. 1 BETWEEN FLOYD COUNTY AND WILBUR SMITH ASSOCIATES TO COMPLETE A PHASE I ARCHAEOLOGY AND HISTORY SURVEY FOR THE ARMUCHEE CONNECTOR PROJECT: (2006 SPLOST)**

County Manager Poe recommended approval of Supplemental Agreement No. 1 between Floyd County and Wilbur Smith Associates to complete a Phase I Archeology and History Survey for the Armuchee Connector Project in the amount of \$27,997.00. He stated this is a 2006 SPLOST project.

Commissioner Whitefield 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

**4/5 VOTE REQUIRED**

**4. REQUEST FROM NORFOLK SOUTHERN TO ACQUIRE  
AN OPTION TO PURCHASE 0.4 ACRES OF PROPERTY:**

Commissioner Fricks made a MOTION to add this item to the agenda.  
SECOND by Commissioner Lumsden. VOTING:

YES NO

Commissioner Fricks  
" Lumsden  
" Mayes  
" Whitefield  
Chairman Jennings

Motion Carried

County Manager Poe stated recommended approval of a request from  
Norfolk Southern for an option to obtain 0.4 acres of property at a price of \$640.00.

Commissioner Mayes made a MOTION to approve the Manager's  
recommendation, which will authorize execution of the appropriate document.  
SECOND by Commissioner Lumsden. VOTING:

YES NO

Commissioner Fricks  
" Lumsden  
" Mayes  
" Whitefield  
Chairman Jennings

Motion Carried

**ATTORNEY'S REPORT:**

**1. LETTER REGARDING TRANSFER OF THE CORP OF ENGINEERS PERMIT ON PROPERTY AT STATE MUTUAL STADIUM:**

County Attorney Manning recommended that the Board authorize the Chairman to execute a Letter of Agreement before the Board concerning the transfer of a Corp of Engineers permit on property located near State Mutual Stadium.

Commissioner Whitefield made a MOTION to authorize the Chairman to sign the updated Agreement. 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 Mayes, that the meeting be adjourned. VOTING:

YES NO

Commissioner Fricks  
" Lumsden  
" Mayes  
" Whitefield  
Chairman Jennings

Motion Carried

**FLOYD COUNTY BOARD OF COMMISSIONERS**

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**JERRY JENNINGS, CHAIRMAN**