

August 28, 2007

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

OTHERS

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

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

INVOCATION: Commissioner Mayes led the Invocation.

PLEDGE OF

ALLEGIANCE: The Pledge of Allegiance was led by Commissioner Whitefield.

PUBLIC PARTICIPATION:

Kurt Robbins, 118 Lull Road, stated the reason he is here tonight is for the left over SPLOST money that he has become aware of that is up for use in the Shannon Park area. He stated he understands they have architect drawings now for the Shannon Park Complex and hopefully, a gym to increase family awareness and family use in the Shannon community. He stated he would like to applaud the Board for what they have done so far for the community with the walkway, the fencing, and the football and baseball fields. He stated it has really brought their community together. He stated he sees all aspects of life using the facilities from elderly people to young people walking on the park everyday, children playing baseball and basketball and bringing a sense of pride back to the community. He stated he asks them for these monies that are out there, that have not yet been appropriated, to look at the Shannon facility to bring awareness that they do want the best that they can get and would like the Board to remember them when they go to vote on where to put that money.

Elaine Robbins, 184 Lull Road, stated she is here as an advocate to the children in their community that so desperately need for the Shannon Park to be completed. She stated they do not need to wait five more years. These children are going to be grown and they do need additional things out there. They have been working real hard and talking to the Recreation Department. She stated they have done wonderful things so far and they want to ask for additional money to support the new facilities at their park.

Starr Moran, 57 Yale Road, stated she would like to echo what the Robbins' have said thus far. She stated she has lived in this area of the community for 35

years. Her parents also live in the Shannon community, as did her grandparents before them. She stated her children are currently the fourth generation of her family to attend the Model schools. She stated that the Shannon community is of great importance to her and her family. She stated further growth and development of the Shannon community is of great importance not only to the residents of Shannon, but to the entire Rome-Floyd County area. She stated Shannon is the first community to be seen by visitors as they enter Floyd County from the north or from the east. She stated what is their first impression of this area. Is this area growing? Is it thriving? Are they building businesses? Are they supporting families? She stated what about potential employers. In many cases they look for interstate access, rail access and a thriving community for their managers and employees to be a part of. She stated what a wonderful introduction it would be to Rome and Floyd County if as visitors, potential employers and residents, made their way south on Highway 53 they saw just off to the right, in the Shannon community, a county recreation facility complete with a full basketball gymnasium, community center, numerous athletic fields, and playgrounds all encompassed by a nice nature trail. She stated such a facility in Shannon will provide a wide range of accessible year round recreational opportunities for the young and the old. It would provide countless opportunities for generational appeal, learning opportunities for the young in the community, and teaching opportunities for the seniors among us.

Chris Wood, 1862 Wayside Road, stated he is also in the Shannon area and grew up there. He stated he would like to express his appreciation to the Board for letting him address them and for the improvements that they are currently making and have made to the park in Shannon. He respectfully asked that they increase the funding and the scope of that project to include at least lighting for the fitness trail and the gymnasium. He stated he believes those two things alone will add to extended use for that park throughout the winter months, and also to the safety of that park throughout that time. He stated he has small children, and he would love the ability to use that in those times. He stated he appreciates the Board considering that.

ADOPTION OF MINUTES:

Chairman Jennings asked if the minutes were in order. County Attorney Tommy Manning stated the minutes had been reviewed and were in order. Commissioner Mayes made a MOTION to adopt the minutes of the Regular Meeting of August 14, 2007. SECOND by Commissioner Whitefield. VOTING:

Commissioner Fricks
" Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

PROCLAMATIONS:

RECOGNIZE RETIREES:

Chairman Jennings and the Commissioners recognized the following employees with a presentation of Plaques and Proclamations for their years of service to Floyd County:

Plaques were presented to:

Horace Roberts, Landfill Caretaker, Public Works
14 years of service, September 30, 192 – April 02, 2006

Billy Rickett, Landfill Caretaker, Public Works,
11 years of service, October 15, 1995 – September 29, 2006
(Chairman Jennings stated Mr. Rickett had passed away in July 2007)

Plaques and Proclamations were presented to:

Leola Winslett, Public Works Warehouse
27 years of service, April 10, 1979 – July 1, 2006

Darrell Wheeler, Community Development Director
27 years of service, August 1, 1979 – December 15, 2006

Stanley Sutton, Floyd County Police Department
34 years of service, September 26, 1972 – November 1, 2006

Mr. Darrell Wheeler stated he is almost speechless and for him that is very rare. He stated he has enjoyed serving the community and all of the citizens of Rome and Floyd County. He stated he has also enjoyed the many projects that they were able to work on and the funding that they were able to secure. He is really going to miss working for Floyd County and all of the people he has worked with through the years. He stated he is very appreciative of these awards.

Major Mike Brock accepted on behalf of Stanley Sutton. Maj. Brock stated Mr. Sutton was unable to attend the meeting due to health issues, but he knows that Mr. Sutton really appreciates this. He stated Mr. Sutton has been totally dedicated to Floyd County for a lot of years.

Chairman Jennings thanked the employees for their years of service, hard work and dedication to Floyd County.

**SECOND READINGS/PUBLIC HEARINGS
(FIRST READINGS HELD AUGUST 14, 2007):**

Chairman Jennings reviewed the procedures for the Public Hearings.

1. ADOPT ORDINANCE TO AMEND THE FLOYD COUNTY CODE (§2-7-80 THROUGH §2-7-91) RELATED TO BACKFLOW PREVENTION (2007-004A):

Commissioner Whitefield made a MOTION to open the Public Hearing. SECOND by Commissioner Lumsden. VOTING:

Commissioner Fricks
" Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

Chairman Jennings asked if there is anyone here to speak for or against this Ordinance. Seeing none, he asked County Manager Poe to give a brief overview. County Manager Poe stated this is an amendment to the county's existing Backflow Prevention Ordinance, to update the ordinance to meet the requirements of the State EPD.

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

Commissioner Fricks
" Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

Commissioner Fricks made a MOTION to adopt the Ordinance to Amend the Floyd County Code related to Backflow Prevention as presented. SECOND by Commissioner Mayes. VOTING:

Commissioner Fricks
" Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

2. ADOPT ORDINANCE TO AMEND THE FLOYD COUNTY CODE RELATED TO THE CREATION OF A BUILDING PERMIT EXEMPTION FOR CERTAIN AGRICULTURAL BUILDINGS (2007-005A):

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

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

Support: **H. I. Jones, 355 Pleasant Hope Road, Silver Creek**, stated is here representing the 123 members of the Floyd County Cattlemen's Association. Mr. Jones read a letter on behalf of the Floyd County Cattlemen's Association. He stated he thinks this letter stands for those, and that they approve what they have in this ordinance. He thanked the Board for allowing them this time.

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

Commissioner Fricks
" Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

Commissioner Whitefield made a MOTION to adopt the Ordinance to Amend the Floyd County Code related to the creation of a building permit exemption for certain agricultural buildings. SECOND by Commissioner Mayes. VOTING:

Commissioner Fricks

" Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

- 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]):**

Commissioner Whitefield made a MOTION to open the Public Hearing. SECOND by Commissioner Lumsden. VOTING:

Commissioner Fricks
" Lumsden
" Mayes
" Whitefield

Chairman Jennings

Motion Carried

Support: **Betty Pilgrim, 618 Denson Lane**, stated she is the one who wants to put the two trailers there, herself and her daughter. She stated they have been hearing, and she does not know how true it is, but that the airport is going to take that property out there. She stated if the airport is going to take that property, she does not see the point of tying up more money and then having to relocate. County Manager Poe stated 227 Hatfield Road is the property adjacent to the airport property. Chairman Jennings stated they do not know the answer to that question. Commissioner Lumsden stated there was some mention a couple of meetings ago that that property had been purchased by an individual or belonged to an individual. He stated it was something that was brought up as discussion but he does not think that there is any planning. Assistant Manager Williams stated they learned of Ms. Pilgrim's acquisition of property through her rezoning application. He stated he approached Ms. Pilgrim and told her that the future expansion plans of the airport may involve that property, and that they would like to discuss an option on the property, that they would not take any action to try to prohibit that on the basis of airport expansion. He stated Ms. Pilgrim agreed to get with

her daughter and let them know when she was ready to talk about an option, long-range perhaps. There was no mention, or at least he never used the term taking. Ms. Pilgrim stated she did not say taking, she just said that she understood that they were eventually going to get that property across from the airport. Assistant Manager Williams stated they look at the future. He stated there may be some expansion plans and he just wanted to alert her to that in that they would come to an agreement that would be fair and equitable. She asked if she is awarded this special use permit, she can sit on it for a while and see what is going down or does she have to use it right away. Assistant Manager Williams stated legally it is her property to do with within the confines of the ULDC. County Attorney Manning stated if she has this special use permit she could wait before she did anything for as long as she wanted. Chairman Jennings stated or she could put the mobile homes on there, live there and decide not to sell the property. Ms. Pilgrim stated so she could sell it if she wanted to or move her trailers in there or whatever she wanted to. Chairman Jennings stated yes, it is her property.

Chairman Jennings asked Ms. Sue Hiller, Planning Department Director, to give a brief overview of the request. Ms. Hiller stated the subject property is currently zoned S-R (Suburban Residential), which means site built single-family dwellings can be put there without a special use permit. She stated to the north and immediately to the east there is another residential property. To the west there is land owned by Floyd County zoned L-I (Light Industrial) which is currently being used for pasture. She stated to the south and further to the east is the airport. She stated back toward the east there is a fair amount of residential development, site built dwellings and some manufactured homes as well. This lot is about 2.5 acres in size and there is already one dwelling on it. She stated because it is in the county, and because it is on a septic system, one additional dwelling could be added whether it be a manufactured home or a site built home. She stated they are asking for two, and that would be accommodated by dividing this one lot into two lots. However, doing that will allow as many as four dwellings to be on this property, and this close to the airfield it is probably not desirable to increase the density too much. She stated that is why it comes to the Board with the unanimous recommendation that they condition approval on subdivision into no more than two lots and construction of no more than two additional single-family dwellings. She stated that is in addition to the single-family dwelling that is on the property now.

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

Commissioner Fricks
" Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

Commissioner Mayes made a MOTION to approve the request for a Special Use Permit 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. SECOND by Commissioner Lumsden. VOTING:

Commissioner Fricks
" Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

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]):

Commissioner Whitefield made a MOTION to open the Public Hearing. SECOND by Commissioner Mayes. VOTING:

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 about 4500' in size. She stated it has a building that was originally built as a depot, and over the years it has been used for various things, including commercial uses. To the south and to the east is H-TR zoning, and to the north and the west is D-R zoning. She stated to south there is a railroad lying between the subject property, the Lindale Mill and the church. To the east and west is residential property. She stated to the north is residential property as well, which might explain why this got zoned residentially.

There is another factor with this. She stated the building was never built to be a residence. It is located next to the railroad track and it was also meant to be something commercial or semi-commercial. She stated however, it was not really built to satisfy the needs of a commercial use either because it does not have any setbacks, buffers, landscaping and the little bit of parking located on the west side of the property is actually partly within the right-of-way and requires backing out in the right-of-way. She stated the code requires that commercial parking spaces not back into the right-of-way. It is not really set up to be a residential property, but because of the lack of parking, buffers and landscaping makes the kind of intense uses that the C-C zoning would allow to be there. She stated though probably not appropriate or even feasible so the recommendation was made that it be zoned N-O-C (Neighborhood Office Commercial). The applicant was requesting the rezoning in order to do either a pawnshop or an office. She stated the N-O-C zoning would certainly accommodate an office, although it would not accommodate a pawnshop at this location. She stated this comes to the Board with a unanimous recommendation from the Planning Commission to rezone it not to C-C but to N-O-C.

Commissioner Mayes asked Ms. Hiller to explain why the recommendation was to rezone it N-O-C instead of C-C. Ms. Hiller stated this was not built to be a residential building. She stated it was built to be more of a public building or a small commercial use. However, because it sits on a very small lot it cannot provide setbacks, buffers from all those residential uses around it, landscaping, but more importantly it does not have any conforming on-site parking. She stated the parking may accommodate four or five cars. The kind of intense uses that might come from C-C, and remember that C-C is the kind of zoning that can have a convenience store, fast food restaurant, any kind of retail or service, may actually cause some issues for this area in terms of safety. She stated N-O-C is meant to be kind of a transitional use, but for a site that is not really meant for residential use, so it is appropriate in that way. She stated those usually have less activity, less noise, a lot less traffic and smaller parking requirements.

Support: Harriet White, 2858 Peeler Road, Atlanta, stated she bought this building a couple of years ago, and she bought it for a commercial use. She stated when she bought it she was under the impression that it was already zoned commercial, but that is over. What she needs to have done is she would like to have parking around the building. She stated there is already an area that is cement and looks like a parking pad anyway. She would like to have parking there, and also in front of the building. She stated she thinks she could have about three parking spaces in front. That is why she is here is just to have some sort of parking so that when she sells it for a commercial venture, whoever buys it if they open up some sort of shop, they can have somewhere to park in order to have their business. County Manager Poe stated so the parking in front of the building would be on the street, is that right? Ms. White stated it would be on First Street, not on Maple Road, which is rarely used. County Manager Poe stated he is not sure if there is room there for on-street parking. She asked if they cannot do that, can they go across the street to where the railroad tracks are and ask the railroad if she could buy a certain amount of their land. Ms. White asked what they suggest she

do. County Manager Poe asked is she okay with taking N-O-C zoning. She stated yes, she is okay with that. County Manager Poe stated that is what is before the Commissioners to approve. Chairman Jennings stated selling it for a pawnshop though would not fit the N-O-C zoning. He stated N-O-C zoning would be an office setting of some sort. County Manager Poe asked if they rezone it to N-O-C would she be in compliance with the parking part of that zoning. Ms. Hiller stated the parking depends a lot on what kind of use goes there and N-O-C allows offices, but does not allow much retail, and that typically has a smaller parking requirement. There is a possibility that depending on what goes in there and how much redevelopment they do it may need variances on the parking regardless of what it is. Chairman Jennings stated so there still would be a requirement for parking and the three spaces that are in that concrete pad on the south side of the building are probably not sufficient, is that fair to say. Ms. Hiller stated again, it would depend on the use. She stated as an office it may work to have only that small amount of parking if it is a one or two person office that does not have a lot of clients that actually come there.

Commissioner Whitefield asked does it have a conforming use. Ms. Hiller stated at the moment, there is no use, she does not believe there is anything in there right now. Ms. White stated at one point it was a beauty shop. She stated according to the deed it has been used a pawnshop, or sort of a flea market, so it has had those uses before. She just needs to have a place to park that is legal. Chairman Jennings stated it looks to him like the best that they can do is N-O-C zoning and asked is she okay with that. Ms. White stated yes she is okay with that. County Manager Poe stated she can attempt to work a deal with the railroad to lease part of their property, but they cannot guarantee the use of the parking until she tells them what she is going to use it for so they can make sure she meets all of the requirements. She stated she has someone that is interested in buying it for a barber shop. She asked would that be okay if he had parking on the parking pad. Ms. Hiller stated currently a beauty shop and barber shop is not a permitted use in N-O-C. However, they do have a ULDC revision before them tonight that would allow beauty and barber shops in the N-O-C zoning districts. County Manager Poe stated so she would have to know details about the barber shop to determine the required parking and things like that. Ms. Hiller stated the proposal to allow it in the N-O-C would be limited to two chairs, so it would have to be a very small barber shop, but may be able to use the parking that is there now.

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

Commissioner Fricks
" Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

Commissioner Fricks made a MOTION to approve the rezoning to N-O-C (Neighborhood Office Commercial). SECOND by Commissioner Lumsden. VOTING:

YES NO

Commissioner Fricks
" Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

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]):

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 asked Ms. Sue Hiller, Planning Department Director, to give a brief overview of the request. Ms. Hiller stated the subject property is approximately an acre in size and developed with a single-family dwelling. She stated the surrounding properties are also zoned S-R and generally developed with single-family dwellings. Some have agricultural uses as well. She stated it is zoned S-R, and according to their code a personal care home does require a special use permit in the S-R zoning district. There are some other requirements for personal care homes, and they are designed generally to maintain the residential character of the neighborhood. She stated also to ensure that such a facility will have all of the proper and appropriate state, federal and local licenses. She stated north on North Avery Road is rural residential property. Across the street from the subject property is another single-family dwelling. She stated that the applicants have indicated that they would not be putting additional

rooms or adding onto this house. She stated they did not say whether they would need to add parking or not. If they do, again, the code requires they maintain the residential character of the neighborhood. She stated the ULDC has a definition for personal care and that includes protective care and watchful oversight. It is a 24-hour responsibility for the well-being of the residents. She stated in other words this is not the same as a group home, It is just a group of people living together who are being supervised and cared for. The applicant indicated that they would meet all of the code requirements for a personal care home. She stated they indicated that although the special use permit is for 2-6 persons they would have no more than four because that is what the state would allow them to have on this property. She stated because this meets the code requirements for a personal care home and because the applicants have indicated that they would have between 2-6, and not exceed that amount, the staff recommendation is that they approve the request. However, this does come to them with a recommendation from the Planning Commission that they deny it and the vote was 5 – 2.

Support: Darrell Creel, 496 North Avery Road, stated he and his wife moved to Rome and bought this house for one purpose and that is to bring mentally retarded adults into their home to care for them. He stated their family that has lived in this area for many years brought this need to their attention. He stated the present preferred nomenclature is developmentally delayed, but in his experience that sort of leaves people with a foggy look in their eye so for clarity he is using the older term of mentally retarded, which is classically defined as a person with an IQ under seventy. He stated there are several basis from which he could address them this evening to present to them the appropriateness of the request. He could recount the many legal precedence's for approving their request. He stated he and his wife, Joy, could tell the Board about themselves. They have been ministers and missionaries all of their adult lives. They have proven themselves responsible, capable, and caring people. He stated or they might establish the precedence established by the fact that for years there was a family home serving the mentally retarded on the other end of North Avery. He stated this is not the first. It was there unnoticed and with no uproar for many years. It is no longer serving in that use. He stated however, with the limited time today he feels compelled to directly address the organized prejudice and the blatant discrimination against these who cannot speak for themselves. He finds himself asking them for something that they all in this room take for granted. He stated they are asking for the basic civil liberty of choice in housing to be granted people. He is asking that they make a judgment in favor of the vital interest of a powerless minority. He is asking them to stand up for those that will never vote for them. He stated he met with their neighbors, he believes they are good people and some of them are here this evening. He stated the prejudice demonstrated by some of their neighbors against these mentally retarded people is based in ignorance, not their meanness or mean spirit in any way. He stated their society's ignorance is for a very good reason because of the way they have kept them in institutions the mentally retarded have been kept separate from them for most their lives. They are often afraid of those from whom they have been kept separate whatever the reason. He stated in America when they decide to choose principal over prejudice there are three ways that they move forward: 1) the person who is

discriminated against speaks for themselves, but that is not possible in this case; 2) the bold and reasonable leaders of the community stand up for those disenfranchised by their customs and traditions; and 3) if the first two fail to gain justice, discrimination is changed by force of law.

He stated when they were serving as missionaries in the Middle East they saw disabled people treated in some very harsh ways. As he traveled in Egypt assisting churches and missions in areas that tourists do not go it was not uncommon to see mentally retarded adults and children tethered to a tree with a coarse rope tied to their ankle throughout the day, in their mind, for their protection. He stated thankfully they are well passed that in America. He stated they built large institutions to house the mentally retarded, keeping them out of their sight. He stated in more recent days they granted permission for them to live in group homes in certain parts of town, but still generally they were kept away from open view. Now they have come to realize those who are not criminals, but who are disabled, have rights endowed by their creator just like the rest of us, no matter if they might score a few points higher on an IQ test than they. He stated they have a right to live in a family setting in any neighborhood that meets the zoning ordinances, which this one does as attested by Ms. Hiller recommending approval. He stated in fact, because of past abuses, the disabled are given protective group status by federal law, which would grant superseding protection beyond that of the average citizen.

He stated the house is surrounded on all four sides by a natural barrier of trees. He stated it is the length of a football field to the nearest two neighbors, and only three other houses are even in seeing distance of the house. He stated, in behalf of those who some might call the least of these, they ask the Board to make a bold decision standing against what seems to be the last bastion of prejudice and discrimination in Floyd County. He stated that last strong hold of discrimination is against the disabled. They have behind their request ruling after ruling of both Federal and State courts. He stated as he and his wife, Joy, have spoken to people of their intention to welcome disabled adults into their home to live safe, peace and quiet lives, almost everyone has said how admirable their choice is and how much they respect their choice. He stated but when it comes to where this admirable respected choice would be performed, they do not want it in their neighborhood. At turn after turn, they have run into obstacles and ordinances while trying to do what most reasonable people consider a worthy and valuable service in Floyd County. He stated it has been said that the long term health of a community is determined by its prosperity and its community character. They judge the prosperity of a community by the good roads, the good schools, well maintained public institutions and buildings. He stated they judge the character of a community by how they treat the helpless among them. They ask the Board to grant this permit for every honorable and enlightened reason. He stated they ask for a decision of principal over prejudice. Mr. Creel thanked the Board.

Oppose: Elaine Montague, 456 North Avery Road, stated her property adjoins the acre that they have purchased. She stated she is totally against this and hopes that they will deny this request. They have a mentally challenged son and have had to

have nursing care around the clock. She stated she does not feel like these two people are able to look after four to six adults by themselves from experience. It took nursing staff, her husband and herself to look after their son. She stated she is just here to say that she opposes it and she can see his home from her house. She stated she would like for Mr. Creel to know that she is not an ignorant person. She stated she does respect them for doing what they want to do, but she just feels like this is the wrong place to do it. She thanked the Board.

Oppose: John Brown, 22 Ware Road, stated he is right around the corner from the Creel's. He stated he has lived in the community for 28 years. He stated they have a lot of investment in their community. He is thankful for one thing, they found out tonight where the last bastion of prejudice is in Floyd County. He stated maybe they can do something about it, and he is taken aback by the words that Mr. Creel used to describe him and his neighbors. He stated they are God-fearing people also. They love the Lord and they have wrestled with this issue over and over again between all of them. They as a majority feel that this is a great thing to do and their heart is in the right place, but the house is in the wrong place. He stated he does not particularly like being called ignorant, prejudice and all of the other adjectives he used to describe those of them that live there just because they do not think like he does and because they have a community made up people who have lived in their homes for over 20 years. He stated they are aware of Ms. Coleman who lives in the first house on the left on North Avery Road. He stated she had a mentally retarded child there that she kept, and as far as he knows she still keeps her. He stated that is a lot different keeping a child, than keeping four grown adults. Even though their IQ may be seventy or below, they still have the body of 50 or 60 year olds. He stated there are a lot of questions that they asked the Creel's that they could answer and a lot that they cannot answer. He knows there is a legal precedence that he mentioned. He stated he does not know if it is proper or not, but he would like to get a ruling from the County Attorney. He asked is this applicable to this situation or not.

County Attorney Manning stated he would just point out and remind the Commission, and those others who are here, that the request for a special use permit in this case is different from a request for special use permit that the Commission often hears. He stated normally the law that would be applied would be the Georgia law and the ULDC when this body would be making a decision about a special use permit. Because of what he understands to be the fact that this particular special use request is for a personal care home where developmentally delayed individuals would live, that makes this special use permit request come under the protection also of the Fair Housing Act. He stated the Fair Housing Act has been there for a long time. It was designed to address issues about where people live, and prevent discrimination related to housing. He stated in 1988 the Fair Housing Act was amended. It is not a state law, it is a federal law. He stated it was amended to afford protection to a new class of individuals, and that was the handicapped. He thinks developmentally delayed individuals would fall within that class. He stated when this body makes a decision about a special use permit concerning a handicapped individual, then it has to consider the law that it normally considers, but also the federal law. He stated, first of all, the

purpose of the amendment of the Fair Housing Act was based upon false or overprotected assumptions about the needs of handicapped people, and there are various kinds of handicapped people. He stated the Fair Housing Act Amendment was also designed to address unfounded fears of difficulties about the problems that these type of handicapped individuals may have with respect to a residence. The case law that actually addresses specific cases that have come before county commissions and cities, where there has been a request for a special use permit. Those cases, most of which have been in Federal Court, have said that if a county commission denies a special use permit based upon generalized concerns or fears of what might happen to the area, like based on safety, that just that generic concern alone is not enough to deny a special use permit. He stated instead if they were going to make a denial they would have to have specific credible instances, objective evidence, of where a particular individual, that was going to be in that home, had a criminal history or something like that. That would be a proper basis to deny a special use permit and that is the state of the law. He stated that is what the county commission needs to consider when they make their decision regarding this special use permit. He is certainly not telling them what to do, but he is advising them of what the state of the law is.

Mr. Brown asked in light of the information County Attorney Manning gave them, would it be out of line for them request to give them the time to address these issues since tonight was first time it was brought up to them. He asked can they put off their vote until at least the next meeting so they have time to also seek legal advice. As they know, any time they fight case history they are going to find case history against it in places also. He stated they may be able to find some things that will support their side of this issue and they ask for that time.

Rebuttal: Mr. Creel stated he apologizes for any harshness, and he is not calling his neighbors ignorant. He stated he is saying the position that they have come to believe in their society regarding the mentally retarded is an ignorant position. He was not calling them ignorant. He stated what he is saying is that in Floyd County matters of discrimination regarding housing have clearly been taken care of long since, but yet regarding this they still have to come here this way. There was something that was mentioned about those who were medically in such a case that they had to have 24-7 care in a medical sense. He stated they cannot have those sorts of people there. He stated these are ambulatory people, and it is limited to four by state law. He stated they too have a child who has mental disabilities because of surgeries. Therefore, they have a certain sensitivity to this and they mean no reproach to anyone who has gone through similar things. He stated the word ignorant just means a lack of knowledge. It is not an insult. The word has a meaning, which is not knowing, so it is just a lack of knowledge that he was addressing. He stated as far as prejudice, that just means having judged before, and he thinks it is being judged before what these people are supposed to be. That is the prejudice that they face here, because there has been a pre-judgment without knowing them. He stated the one thing he will say about the request for an extension and a case history that will be impossible for they have not contracted to have any particular people so there are no cases to study the history of. That would be an impossibility so an extension would be useless in that regard in comparing particular

people. He stated that has not even been established because of the slowness of the process. He stated again, he apologizes if he came across in a harsh manner. That was not his intent. He stated he was trying in a limited time to say what he forcefully believes to be true. He stated Marilyn Hunt has requested a couple of minutes if he still has it.

Marilyn Hunt, Floyd Training Center Director , stated Floyd Training Center is a program that serves adults with developmental disabilities. She stated she probably knows more about adults with developmental disabilities than everyone in this room put together. What she knows about them, in the 35 years that she has worked with them, is that they are all individuals. She stated the first time she was introduced to a group of adults with developmental disabilities she had just gone to work at the center as a social worker. She was ignorant. She stated she was a former teacher and a former social worker when she was offered the job there. They were introducing her and from across the room this man stood up, stared her in the eyes and started walking straight toward her. She thought that was it, her first day there and she was going to be hit. She stated instead, he walked straight up to her, stuck out his hand and introduced himself. At that point, she started learning. She stated so their job, the job of the host providers and the host homes, is to help train people how to live in appropriate situations.

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

Commissioner Fricks
" Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

Discussion: Chairman Jennings asked County Attorney Manning if there is anything in addition that he would like to share with them in regards to his comments. County Attorney Manning stated he would be glad to answer any particular questions that the Board may have. He stated as he set forth earlier, the law is that if they deny a special use permit it needs to be based on objective evidence and criteria that go beyond just a fear of the type of individual that may live there.

Commissioner Mayes made a MOTION to approve the request for a Special Use Permit. SECOND by Commissioner Fricks. VOTING:

Commissioner Fricks
" Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

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]):

Commissioner Whitefield made a MOTION to open the Public Hearing.
SECOND by Commissioner Mayes. VOTING:

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 requested revision. Ms. Hiller stated this is actually a revision that the City of Rome asked the Planning Commission to consider. She stated their thought was that while N-O-C offers a sort of transitional use between residential and more intense uses, it also gives them an opportunity to allow some smaller scale, neighborhood-friendly kinds of retail and service businesses, in close proximity to where people live who are going to use them. Beauty and barber shops traditionally have been neighborhood kinds of services. She stated because the N-O-C does limit the size of buildings, limit the options for parking and so on, they have proposed a revision that would allow beauty and barber shops to be located in the N-O-C district. She stated the hours of operation would be limited from 8 – 8 Monday through Saturday. The size would be limited by the 2500' that N-O-C is limited to, and there could be no more than two operator chairs. She stated the assortment of accessory uses that have started happening in beauty and barber shops like tanning, nails, spas, massage, boutiques and various other things would not be allowed, so they feel that it would keep it small. Commissioner Mayes asked after someone gets their special use permit and they later

on decide they want to put a tanning bed in or something like that, can they get a variance. Ms. Hiller stated no, they do not do use variances.

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

Commissioner Fricks
" Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

Commissioner Mayes made a MOTION to approve the ULDC revision as presented. SECOND by Commissioner Lumsden. VOTING:

Commissioner Fricks
" Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

2. REVISE OR DELETE ARTICLE 2.2.3 b. (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]):

Note: Recommendation from Board of Commissioners to add, "...However, where the governing body has initiated a zoning change, the Planning Commission shall act on the zoning change by the date specified by the governing body."

Chairman Jennings stated he is going to defer to the County Attorney to give them the full wording of this change. County Attorney Manning stated the language that the Commission is considering is as follows: "A motion to postpone that receives an affirmative vote from a majority of the voting members present will result in action on the zoning change being deferred for a period of time as specified by the members of the Planning Commission. However, where the governing body has

initiated a zoning change, the Planning Commission shall act on the zoning change by the date specified by the governing body. At the discretion of the chair a postponed zoning change request may be considered at a specially called meeting.” Chairman Jennings asked at the discretion of the Chair of the Planning Commission, County Commission, or City Commission. County Attorney Manning stated this section is under that portion concerning the Planning Commission so that is speaking to the Chair of the Planning Commission.

Commissioner Lumsden made a MOTION to open the Public Hearing. SECOND by Commissioner Whitefield. VOTING:

Commissioner Fricks
" Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

Chairman Jennings asked if there is anyone here to speak in favor or opposition of this revision of the ULDC. Seeing none, Commissioner Lumsden made a MOTION to close the Public Hearing. SECOND by Commissioner Whitefield. VOTING:

Commissioner Fricks
" Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

Following a brief discussion, the matter was Tabled.

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]):

Note: Recommendation from Board of Commissioners to add, "...However,

where the governing body has initiated a text amendment, the Planning Commission shall act on the text amendment by the date specified by the governing body.”

County Attorney Manning stated the wording before the Board now is: "A motion to postpone that receives an affirmative vote from the majority of the voting members present will result in action on the text amendment being deferred for a period of time as specified by the members of the Planning Commission. However, where the governing body has initiated a text amendment, the Planning Commission shall act on the text amendment by the date specified by the governing body at the discretion of the chair. Postpone text amendment may be considered at a specially called meeting."

Commissioner Fricks made a MOTION to open the Public Hearing. SECOND by Commissioner Mayes. VOTING:

Commissioner Fricks
" Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

Chairman Jennings asked if there is anyone here to speak in favor or opposition of this revision of the ULDC. Seeing none, Commissioner Lumsden made a MOTION to close the Public Hearing. SECOND by Commissioner Mayes. VOTING:

Commissioner Fricks
" Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

This item was Tabled.

CHAIRMAN'S REPORT:

1. Appointments:

a. Alcohol Control Commission.

Commissioner Mayes made a MOTION to appoint the following to the Alcohol Control Commission:

Post 2, Gary Miller, 3-year term, September 1, 2007 - August 31, 2010

Post 3, Stuart Neslin, 3-year term, September 1, 2007 - August 31, 2010

Post 4, Spencer Brewer, 4-year initial term, September 1, 2007 - August 31, 2011

Post 5, Lynwood Belvin, 4-year initial term, September 1, 2007 - August 31, 2011.

Note: Post 4 & Post 5 shall serve a 4-year initial term, which shall be reduced to a 3-year term following completion of the initial term.

SECOND by Commissioner Lumsden. VOTING:

Commissioner Fricks
" Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

b. Animal Control and Welfare Board.

Commissioner Mayes made a MOTION to appoint Dr. Neal Brackett to fill the unexpired term of Dr. Jeff Mauldin who resigned and to serve a 3-year term expiring September 30, 2010. SECOND by Commissioner Whitefield. VOTING:

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

No Report.

3. Public Works Committee – Commissioner Fricks, Chairman

No Report.

4. Water Committee – Commissioner Mayes, Chairman

Commissioner Mayes deferred to the County Manager for an update. County Manager Poe stated he would like to remind everybody that we are still under Level III drought conditions. He stated we are asking water customers to adhere to those restrictions, and to restrict their outdoor watering based on those requirements.

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

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

Commissioner Fricks

" Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

1. Tax Refunds:

- a. Robert V. Wheeler, 406 Garrard Avenue, \$6.15
- b. Fred Paul, 23 Brook Valley Court, \$90.73

2. Malt Beverage Applications:

- a. **Temporary Malt Beverage License, Ayet "Eddie" Hasko/Bella Roma Restaurant, 3403 Martha Berry Hwy., Rome (Beer & Wine/Off-Premises).**
- b. **Jawad Ahmed, Cave Spring Inc./dba Rome Food Mart #8, 2406 Gadsden Highway, Cave Spring (Convenience Store – Ownership Change) (Beer & Wine).**
- 3. **Self-Service Fuel Permit, Jawad Ahmed, Cave Spring Inc./dba Rome Food Mart #8, 2406 Gadsden Highway, Cave Spring. (Ownership Change).**
- 4. **Authorize execution of Agreement between Transportation Expo, Inc., Floyd County and the Floyd County Airport Commission.**

MANAGER'S REPORT:

**1. APPROVE SUPPLEMENTAL AGREEMENT NO. 1 AND
EXTENSION AGREEMENT NO. 1 TO CONTRACT
BETWEEN FLOYD COUNTY AND GEORGIA DOT.
(PROJECT #LAR05-S007-00(901)01).**

County Manager Poe recommended approval of Supplemental Agreement No. 1 and Extension Agreement No. 1 to the contract between the Georgia Department of Transportation and Floyd County, regarding the 2005 LARP projects. He stated the Supplemental Agreement and Extension Agreement, would delete Elliott Drive, which was awarded to both the city and county and add Plymouth Road, Lindsey Drive, Lindsey Terrace, Pinecrest Drive, and Ann Drive.

Commissioner Whitefield made a MOTION to approve the Manager's recommendation authorizing the Chairman to execute the appropriate documents. SECOND by Commissioner Fricks. VOTING:

YES NO

Commissioner Fricks
" Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

2. AMEND AWARD OF BID FOR VAN FOR FACILITIES MANAGEMENT:

County Manager Poe recommended to rescind the bid award to All Pro Chevrolet that was approved at the June 12, 2007 Board meeting for the purchase of a van, and that they approve the purchase of the van off of the State of Georgia contract. He stated All Pro Chevrolet was unable to provide the van per the specifications.

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

3. AWARD OF BID FOR JAIL CONCERTINA "RAZOR" WIRE:

County Manager Poe stated they recently accepted bids for the purchase of razor wire at the jail. He stated this was a budgeted item in the amount of \$22, 000. He stated the low bid was from Cartersville Fence in the amount of \$22,590.00, and although it is slightly above budget, they feel like by the time they finished purchasing all of the items approved for the Sheriff's Department this year that they will come in under budget for the year. He recommended that the bid from to Cartersville Fence be accepted.

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

YES NO

Commissioner Fricks
" Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

**4. AWARD OF BID FOR WATER DEPARTMENT
AUGER BORING MACHINE:**

County Manager Poe stated they recently accepted bids for the purchase of an Auger Boring machine for the Water Department. He stated two bids were received, but the low bid did not meet specifications. He recommended that the bid be awarded to Ditch Witch at a price of \$12,225.00. He stated the budgeted amount was \$16,000.00.

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

**5. AWARD OF BID FOR JANITORIAL PRODUCTS AND
PAPER PRODUCTS:**

County Manager Poe stated they recently accepted sealed bids for the purchase of janitorial and paper products. He stated the recommendation from Nancy Lam, Purchasing Director, in a memo dated August 24, 2007 is to award the various items to the lowest responsive and responsible bid. He recommended that they approve the bid award per the Purchasing Director's recommendation.

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

**6. APPROVE TAX AUDIT PROGRAM SERVICES AGREEMENT
BETWEEN FLOYD COUNTY AND MENDOLA & ASSOCIATES,
LLC:**

County Manager Poe recommended approval of a contract between Mendola & Associates, LLC and Floyd County to provide tax audit program services. He stated they have used this company for several years provide tax audit services primarily for those business that they audit that are outside Floyd County and the State of Georgia.

Commissioner Whitefield made a MOTION to approve the Manager's recommendation authorizing the Chairman to execute the appropriate documents. SECOND by Commissioner Mayes. VOTING:

Commissioner Fricks
" Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

7. DISCUSS AMENDING CONTRACT WITH POPE/PARTNERS ARCHITECTS, INC., TO ADD DESIGN/ENGINEERING WORK FOR FUTURE TENNIS COMPLEX AT NORTH FLOYD PARK (2006 SPLOST):

County Manager Poe stated he has received a proposal from Brent Pope with Pope/Partners Architects, Inc. who are currently under contract to do design work for the North Floyd Recreation Park. He stated this would be an amendment to their existing contract to add design and construction documents to the North Floyd Project in the amount of \$38,000.00. He recommended amending the contract as submitted.

Commissioner Whitefield made a MOTION to approve the Manager's recommendation authorizing the Chairman to execute the appropriate documents. SECOND by Commissioner Lumsden. VOTING:

Commissioner Fricks
" Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

8. AUTHORIZE CHANGE ORDER #2 WITH ATLANTA COMMERCIAL CONTRACTORS IN THE AMOUNT OF \$3,054.00 FOR ADDITIONS TO THE DRIP-O-METER SYSTEM AT SHANNON PARK (2006 SPLOST):

County Manager Poe recommended approval of Change Order #2 with Atlanta Commercial Contractors in the amount \$3,054.00 for additions to the drip-o-meter system at Shannon Park. He stated this is part of the system to put in a proper septic tank system for the restrooms at the park.

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

Commissioner Fricks
" Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

9. RECOMMENDATION TO INCREASE COMPENSATION FOR POLL WORKERS:

County Manager Poe stated they have received a letter from Pete McDonald, Chairman of the Board of Elections and Registration requesting that the County Commission consider an increase in the compensation for poll workers. He stated they are recommending that the poll manager's pay be increased to \$200.00, the assistant manager's pay to \$150.00, clerk to \$125.00, and hourly workers to \$6.75 per hour. He recommended that they accept the increase in compensation as presented by the Chairman of the Board of Elections and Registration.

Commissioner Whitefield made a MOTION to approve the Manager's recommendation regarding increased compensation for poll workers. SECOND by Commissioner Mayes. VOTING:

Commissioner Fricks
" Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

4/5 VOTE REQUIRED

10. AMEND SHERIFF DEPARTMENT EQUIPMENT BUDGET TO ALLOW PURCHASE OF RUOK SOFTWARE:

County Manager Poe requested that the Commission consider adding an item to the agenda by 4/5 vote. He stated the item would be to approve the purchase of an RUOK software program for the Sheriff's Department.

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

Commissioner Fricks
" Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

County Manager Poe stated his recommendation is to amend the Sheriff's Department equipment budget to allow them to purchase the software program for the RUOK program in the amount of \$3,600.00.

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

Commissioner Fricks
" Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

OTHER BUSINESS:

4/5 VOTE REQUIRED

**1. LETTER TO LOCAL LEGISLATIVE DELEGATION
REGARDING THE PROPOSED TAX PLAN:**

County Manager Poe stated they discussed getting together with the City of Rome and putting together a letter to send to the local legislative delegation regarding the proposed tax plan that Speaker Richardson has proposed, stating their opposition to it as it is being currently proposed and presented. He thinks they can just get a consensus to allow the Chairman to work with him and John Bennett to get that letter drafted to send on to the local legislative delegation. Chairman Jennings asked do they need a formal authorization for that review and signature. County Attorney Manning stated he would put it on the agenda, take that vote and then authorize the Chairman to sign the letter on behalf of the commission would be his recommendation.

Commissioner Fricks made a MOTION to add the item on the agenda. SECOND by Commissioner Whitefield. VOTING:

YES NO

Commissioner Fricks
" Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

Commissioner Whitefield made a MOTION to authorize the Chairman to sign a letter to the local legislation delegation on behalf of the Commissioners regarding the proposed tax plan. SECOND by Commissioner Mayes. VOTING:

YES NO

Commissioner Fricks
" Lumsden
" Mayes

" Whitefield
Chairman Jennings

Motion Carried

Chairman Jennings stated he would like to remind the Commissioners and the public that the next Board meeting, on Tuesday, September 11, 2007 at 2:00 p.m., will be held at the Floyd County Senior Adult Center in the Etowah Park on Kingston Road.

ATTORNEY'S REPORT:

No Report.

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