

August 26, 2008

**REGULAR MEETING
FLOYD COUNTY BOARD OF COMMISSIONERS
August 26, 2008 6:00 P.M.**

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

OTHERS

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

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

INVOCATION: Commissioner Whitefield led the Invocation.

PLEDGE OF

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

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 12, 2008. SECOND by Commissioner Lumsden. VOTING:

YES

NO

Commissioner Fricks
" Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

RESOLUTIONS:

Commissioner Lumsden presented Miss Jennifer Lowry with a Certificate of Appreciation for her fundraising efforts to purchase new beds at the animal shelter for Animal Control.

Miss Lowry thanked the Board of Commissioners for this honor. She stated she is so glad that they care about the animals. She stated she would also like to thank her

family and friends for supporting her, and everyone who contributed. She stated these animals are very important to her and she wants to do everything she can to help them.

Jason Broome, Animal Control Director, stated he would like to begin by saying that this young lady has shown everyone where her compassion lies. He stated with the funds that she raised they were able to buy twelve beds, which actually came in today. He stated they would all be put together and put in the cages tomorrow morning. He thanked the Board and Miss Lowry.

**PUBLIC HEARINGS:
(FIRST READINGS HELD
AUGUST 12, 2008 AT 2:00 P.M.)**

Chairman Jennings reviewed the Public Hearings process.

- 1. FILE #82-2008Z, REQUEST REZONING FROM S-R (SUBURBAN RESIDENTIAL) TO D-R (DUPLEX RESIDENTIAL) TO CONSTRUCT DUPLEX DWELLINGS ON PROPERTY LOCATED ON OLD CEDARTOWN HIGHWAY. ZONING MAP I17Z – PARCEL 024. (PLANNING COMMISSION RECOMMENDATION: DENY. [VOTE: 9-0]). REQUEST TO WITHDRAW DATED AUGUST 11, 2008, SUBMITTED BY APPLICANT.**

Chairman Jennings stated the applicant has submitted a request to withdraw the rezoning request. The request to withdraw is dated August 11, 2008. He stated the Board would hold a Public Hearing on this, at which point they will close the Public Hearing, and make the decision whether to accept the request to withdraw with or without prejudice. He stated with prejudice would mean that the applicant cannot bring a request back to the Commission for twelve months. He stated without prejudice will allow the applicant to bring their request back after a six-month period of time.

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

YES

NO

Commissioner Fricks
" Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

Chairman Jennings asked Ms. 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), and has no frontage on a publicly maintained road. She stated the surrounding properties are zoned S-R (Suburban Residential) and mainly developed with single-family dwellings. On Conns Lake Road, closer to Cedartown Highway and the school, there are some duplexes. Some are zoned D-R (Duplex Residential) and some S-R (Suburban Residential). Ms. Hiller stated in order to build additional duplexes on the property, or to subdivide the property, they would have to build a road that meets county standards in from Conns Lake Road. She stated she thinks that is why they have decided to reconsider.

Chairman Jennings asked if there is anyone who wishes to speak in favor or against this request to withdraw.

Nancy Plebanski, 43 Conns Lake Road, stated the property in question borders the backside of her property. There is one existing duplex there at this time. She stated graciously the Lord helped them, and they actually have decent tenants back there this summer. This is the first time in six years she has not had to call the police out there several times a month just to maintain peace and order. She stated if there were any rezoning done back there that would allow more than a single-family to move in it would extremely hinder, and add to the congestion on the road itself. There are two schools that are accessed by that road, and they are both dead end roads that go there. She stated the new by-pass coming in, is going to add additional traffic situations to the street. Most of us are in that neighborhood because it is a solid neighborhood. It has been well established for a long period of time, and it is very secure. She stated the last thing we want to do is add any opportunity to lower the value of the property, and lower the ability of our children to come and go freely without them having to worry about their safety. The access to that property has been an eyesore, and a problem, for a long time. She stated in addition to having to build a new road to access that two-acre property, the water, the sewer, the power, and everything else would have to be established as well. They have already had a number of issues with water pressure in the neighborhood, where most of them had to have the pressure regulators for the water between the street and the house. She stated most of them have had problems with the pressure being so high at the lower end of the neighborhood, in order to pump water up the hill. At the end of that street, there are several houses up on top of the mountain that have a hard time getting water. She stated if they add more buildings in that neighborhood, they are going to have more problems with the plumbing. The city is going to have to do something to add to the water situation there, as well as the sewer. She stated she thinks she speaks for everybody in the neighborhood, and she has a signed petition by all but six of the neighbors in the entire community. Not one of them are for this rezoning, and everyone of them are trying everything that they can think of to make sure that there is nothing built on that two acres that is going to degrade the neighborhood in any way, shape, or form. She stated they ask that they (*Board*) look out for their interests as long-standing community members. She thanked the Board for their time.

Chairman Jennings asked if there is anyone else who wishes to speak in favor or against. Seeing none, Commissioner Mayes made a MOTION to close the Public Hearing. SECOND by Commissioner Fricks. VOTING:

YES NO

Commissioner Fricks
" Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

Chairman Jennings asked do they have a motion to accept this withdrawal, and the second issue is either with or without prejudice. Commissioner Whitefield made a MOTION to accept the withdrawal request submitted by the applicant with prejudice. SECOND by Commissioner Fricks.

Chairman Jennings stated that basically they are saying that this cannot be brought before them for a 12-month period. VOTING:

YES NO

Commissioner Fricks
" Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

- 2. FILE #84-2008SUP, REQUEST SPECIAL USE PERMIT FOR MANUFACTURED HOME ON SUBDIVISION LOT IN THE S-R (SUBURBAN RESIDENTIAL) DISTRICT ON PROPERTY LOCATED AT LOT #7A EAST 2ND STREET, LINDALE. ZONING MAP J17X – PARCEL 211A. (PLANNING COMMISSION RECOMMENDATION: APPROVE. [VOTE: 9-0]).**

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

YES NO

Commissioner Fricks
" Lumsden

" Mayes
" Whitefield
Chairman Jennings

Motion Carried

Chairman Jennings asked Ms. Sue Hiller, Planning Department Director, to give a brief overview of the request. Ms. Hiller stated the subject property is in an area that is zoned S-R (Suburban Residential) in a subdivision called New South Lindale, and therefore it requires a special use permit for a manufactured home. She stated this is an area where public services are available, except for public sewer. This is an area where everything around it is zoned S-R, there are either manufactured homes or site built homes. She stated typically the standard for approval of a manufactured home in a subdivision is compatibility with the existing development in the area, and in this case there are both single-family site built and single-family manufactured, so approval of the request would not establish a new development pattern. She stated that there is no public sewer in this area, but sewer takes about an acre per dwelling unit. This lot is 1.5 acres, so it seems as if it would be large enough, although she does not think they have a permit yet at this time.

Chairman Jennings asked if there is anyone who wishes to speak in favor or against this special use permit.

Oppose: Dennis Wilson, 33 East 2nd Street, Lindale, stated he lives less than 100 yards from this property. He stated this property is located on a one-way in, one-way out, dead end road that is only 16 or 17 foot wide. He stated they already have around 26 residences on this road, so it is pretty congested as far as the traffic. He stated he has a regular structured home, and he does not want to see the value of his home go down because of more manufactured homes. They do have a few there on some of the property that is up on a hill, and there is a steep grade. He stated there is no county sewage up there, and no gas. There is only electricity and water available. He stated it is just not feasible for that many more homes to go there, and if they are going to build he would rather them build a regular structured home.

Support: Edith Martinez, 7 Conn Street, stated she is speaking for Ms. Laticia Guzman who does not speak the language so she has asked her to speak. She stated Ms. Guzman is just here for the permit.

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

YES

NO

Commissioner Fricks

" Lumsden
" Mayes
" Whitefield

Chairman Jennings

Motion Carried

Discussion: Chairman Jennings stated one of the issues that Ms. Hiller alluded to is a septic permit, and he does not believe the applicant has a septic permit at this point, but that certainly would be an issue in this request. Ms. Hiller stated getting a septic tank permit would be required before building permits would be issued to install the manufactured home on this lot. She stated until the county health department does their testing of the soils there is no guarantee, but just on an average in Floyd County one dwelling unit requires about an acre of land to do a septic field and have room for a stand by in case there is a failure of the first one. This lot is about 1.5 acres, so it appears to be large enough. Chairman Jennings asked Ms. Hiller what was the Planning Staff's recommendation. She stated the Planning Staff's recommendation was to approve.

Chairman Jennings called for a motion. Commissioner Mayes made a MOTION to approve the special use permit. SECOND by Commissioner Whitefield. VOTING:

YES

NO

Commissioner Fricks
" Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

- 3. FILE #85-2008Z, REQUEST REZONING FROM S-R (SUBURBAN RESIDENTIAL) TO H-C (HEAVY COMMERCIAL) FOR EXISTING COMMERCIAL BOARDING AND BREEDING KENNEL ON PROPERTY LOCATED AT 7609 NEW CALHOUN ROAD. ZONING MAP N09 – PARCEL 110A. (PLANNING COMMISSION RECOMMENDATION: APPROVE WITH CONDITION THAT ONLY A KENNEL WILL BE ON THE PROPERTY. [VOTE: 5-4]).**

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

YES

NO

Commissioner Fricks
" Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

Chairman Jennings asked Ms. 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). It is developed with a single-family dwelling, and it is developed with a boarding and breeding kennel, which is allowed in the S-R zoning district as well. She stated because this is a high-speed highway, with four lanes and a wide median, the amount of signage that the applicant would be allowed in the S-R district is fairly small, and not very visible under those circumstances. She stated the applicant is asking to rezone the property to H-C (Heavy Commercial) because it would also accommodate his kennel, but also because it would allow him to have more of a sign in front of his property. Typically, if the existing zoning would allow the proposed use, staff would not recommend that the Board approve it. However, in this particular case the lot is adjacent to heavy industrial property. She stated although this would be a spot zone, it is a spot zone that could serve as a buffer between the heavy industrial uses and the more rural residential and agricultural uses that are located further to the west of this property. This comes with a recommendation to approve, with the condition that the property can only be used as a kennel, not other heavy commercial uses without coming back to them and getting those uses approved. She stated at the Planning Commission meeting they did have some adjacent property owners who spoke in opposition. Their concern was about noise and environmental hazards of the kennel being there. Kennels, besides being regulated by the local zoning and any building code issues, are registered with the agricultural folks, so she thinks that concern is covered partly by permits that they get. She stated the other thing is that the existing zoning would allow this use any way, so by rezoning it and allowing him to move to the higher category there, they would not really be changing the use that he is proposing for this property. Chairman Jennings asked Ms. Hiller if she is saying that this use is permitted under the existing zoning here prior to zoning, or if this is permitted within this district. Ms. Hiller stated it is permitted by the existing zoning. Kennels are allowed in A-R (Agriculture Residential), S-R (Suburban Residential), C-C (Community Commercial), H-C (Heavy Commercial), and L-I (Light Industrial) zoning districts.

Support: David Hanson, 7609 New Calhoun Road, stated the purpose of his rezoning request is simply because of the sign that he would like to have on the four-lane highway, Highway 53. He stated the kennel is already existing, and the permits are fine where it is zoned right now. He stated the sign that is allowed under his current S-R zoning is only 16 square feet, and only 3 feet off the ground. He stated that would be hardly visible on Highway 53, going 65 mph. He stated he would just like to be able to have a large, more visible sign, and as the Planning Commission had

recommended that this would only then be used as a kennel is fine with him. He does have any plans to do anything else.

Chairman Jennings asked is there anyone else who wishes to speak regarding this rezoning request. Seeing none, 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

Chairman Jennings called for a motion regarding this rezoning request. Commissioner Mayes made a MOTION to approve the rezoning request with the condition set forth that the property can only be used as a kennel. SECOND by Commissioner Lumsden. VOTING:

YES NO

Commissioner Fricks
" Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

4. FILE #88-2008SUP, REQUEST SPECIAL USE PERMIT FOR INSTALLATION OF ELECTRIC UTILITY SUBSTATION IN THE A-R (AGRICULTURE RESIDENTIAL) ZONING DISTRICT ON PROPERTY LOCATED ON NEW ROSEDALE ROAD. ZONING MAP J08 – PARCEL 125. (PLANNING COMMISSION RECOMMENDATION: DENY. [VOTE: 6-3]).

Chairman Jennings called for a motion to open the Public Hearing. 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 request. Ms. Hiller stated the subject property is a very large piece of property, but the applicant is asking for approximately 2.59 acres of it to be separated out for this use. She stated what they are proposing is an electric substation. She stated part of the reasons for that location is that there is a transmission line that runs through this property, and the location of the substation next to that transmission line allows them to connect with it without having to also site additional transmission line corridors. She stated the property is zoned A-R (Agriculture Residential). A utility company substation is allowed in essentially all of the residential zoning districts with a special use permit, and in some of the commercial and industrial districts as a use by right. She stated this property has a couple of interesting things about it. It is located on their future land use map in the conservation character area where preservation of natural vegetation is encouraged. She stated it is located along a scenic highway, and a scenic highway does not preclude uses other than billboards, but it does encourage uses to preserve the scenic character, rural character, heritage, and cultural resources, and that those be approved. She stated power substations typically do not generate a lot of traffic, but the concerns about them are more aesthetic. She stated this is a very rural area, although there are a lot of residences located here to. The site plan essentially shows mature vegetation to the north and west sides of this property. To the southeastern portion of the property there is secondary vegetation, which is the area that would be cleared for the fence and substation. She stated in this zoning district the setbacks are 25-feet on the rear, 10-feet on the sides, and 60-feet on the front. The rear property line may be about 200-feet. The west property line would be about 100-feet, and on the east property line there would only be 10-feet. She stated they would barely make that setback, and the reason for that again is that is where that existing transmission line corridor is that they would need to tie into. They are proposing trees along that property line, wherever they can be and not interfere with that connection. She stated they are also proposing that on the front property line they would provide landscaping and trees. They originally proposed that those would be back by the fence surrounding the substation, but she has asked them if that could be moved out by the road so essentially the substation would be screened from view for people driving by there. She stated they have agreed to do that, and have also agreed to enhance that vegetation some, so it does maintain that scenic character.

She stated staff recommended approval of this, and there are a couple of reasons for that. One is that even though our plan calls this a conservation area, we do not really have a zoning district that is a conservation area. She stated the closest that they come is probably A-R, but in A-R this land could be logged, cleared, and used for a residential subdivision. It could be used for any number of agricultural operations, and that would not require any approval, or consideration, by the Board. She stated it

really would not require the kind of buffering and landscaping that this would. The second thing is the scenic character of this area can be preserved, and still allow the substation to be here. She stated the substation is about a quarter of an acre in size on a 2.5 acre parcel, so this ties this parcel up in a way that allows a lot of it to remain in trees, vegetation, and conservation area. It can be buffered and screened, because there is not a lot of activity and traffic in and out of substations. She stated the Planning Commission recommendation coming to them is to deny this on a vote of 6 – 3. If the Planning Commission had approved it, staff had recommended some conditions, and those follow our code. She stated there are some conditions in our code for substations. Those conditions were that the mature vegetation be preserved, and that there be no storage of equipment, construction materials, or vehicles within this substation enclosure, because sometimes that is an aesthetic consideration for the neighborhood. She stated she would add to that rather than the landscaping shown on the site plan that the landscaping be moved out adjacent to the right-of-way, and that it be enhanced to the point that it is a screen rather than just the landscaping that we typically request.

Support: Henry Tharpe, 225 W. King St., Dalton, stated he is general council for the applicant, North Georgia EMC. He stated the property is actually owned by Larry Hansard who is here assisting him. He stated Paul Ruud, North Georgia EMC Director of Engineering, is loading some slides that will hopefully facilitate their consideration of this petition. They are here requesting a special use permit. He stated Mr. M.L. Holsenback, who is also here tonight, is the Floyd County Director of North Georgia EMC. They are a member owned electric cooperative that serves approximately 100,000 consumers in Northwest Georgia, and approximately 1,500 consumers in Floyd County. He shared with the Board a petition that has been signed by 278 residents and consumers of North Georgia EMC in support of this. He stated he would just like to review very briefly what a substation does in our electric distribution system. You have generators, then a transmission line of very high voltage, 100,000 volts and up, and then you have a step down to the transformer. He stated this is the function of this substation. It will reduce the voltage from 115,000 volts to our distribution voltage of 25,000 volts, and from there it is distributed to our consumer's homes. He showed the Board a slide of a 230,000-volt Georgia Power transmission line just south of Walnut Avenue in Dalton, Georgia. He stated the reason they are requesting this change is that many of their consumers in Floyd County are served by the North Georgia EMC substation that is located in Gore, in Chattooga County. That substation is more than 40 years old, and it is served by a low-voltage transmission line that is owned by Georgia Power. He stated they want to do away with it, and because of the distance, the service to our consumers in this area is very unreliable. We would venture to say the consumers in Floyd County have the least reliable service of our 100,000 consumers that they serve in Northwest Georgia. He stated they need more capacity for growth in this area. The Gore substation is essentially maxed out, and has to be replaced because of its age. He stated there is no redundancy, so if there is a mechanical problem, or that substation goes out, the consumers are out longer. There is no way to "back feed it" is the technical term.

He stated the proposal is to build a new substation at this site. He shared a slide showing the North Georgia EMC New Hope substation in Murray County, Georgia, stating it is representative of what would be constructed at this site in Floyd County. The substation would be tied into an existing 115,000 volt Georgia Power transmission line that has been there for approximately 40 years. He stated the connection would provide more reliable service to their consumers in this area. It would better serve them, and also provide excess capacity for future growth of this area of Floyd County. He stated the question is why this particular site. He stated initially they initially looked at eighteen different potential sites. They narrowed that down to 7 potential sites, and actually talked to the property owners that own those sites. He stated the other sites were rejected for various reasons. The property owners refused to sell. The property was tied up and there were title issues. There were right-of-way issues, so that they could not get the transmission that they have to have to the substation. He stated Mr. Hansard was willing to sell. He stated he would like to review this site, which is a very good site in terms of a substation. He stated all they are asking for is the rezoning of approximately 2.5 acres. He stated diagonally to the proposed site is the existing Georgia Power high voltage transmission line that has been there since the mid 60's. The substation would encompass approximately one-half acre of the 2.5-acre site, and the vegetation in the surrounding areas will not be disturbed by this construction. He stated some people have asked why they cannot move it further off the road. He stated the reason is there is a drainage ditch that qualifies as waters of the state. The Georgia EPD will not allow them to move any further. He stated they are within 10-feet of it, which is the minimum required area that they will allow. The other advantage is because it is right next to the Georgia Power transmission line. He stated there is no additional transmission line that would have to be built to serve this substation. If they go to another location then they have to build a transmission line to get to the substation. He stated there is a 100-foot right-of-way so they would have to build a transmission line 100 feet wide. This will not impact more property owners in this substation. They are not impacting any property owner with any additional transmission. He stated they have agreed to all the conditions that the Planning staff has requested. There are no materials stored on this site, and they do not normally park vehicles at the site. He stated they would only be there in the event of an outage, service call, some kind of trouble, or regular maintenance. He stated they are willing to enhance the vegetation in front of the substation so that it is essentially screened from New Rosedale Road, and after the vegetation grew up they would not see the substation. The tallest structure here is roughly the height of a single story house. He stated that completes his presentation, and he will be glad to answer any questions.

Walt Horne, 1863 New Rosedale Road, Armuchee, stated he would like to acknowledge that his house is about 2 miles east of this site, and obviously his concerns are not as serious as those folks who live right next to it, but he does understand their concerns. He stated they moved here about nine or ten months ago from Fairmount. Whenever Pine Hall Brick Company decided to build a huge brick plant there, he vehemently opposed that construction. He stated he called on all his years of training and experience as a chemical engineer to explain how the plant was going to be big, noisy, dusty, a lot of bad chemicals, his roof was going to rust off, and

all of these terrible things. He stated the Commissioners saw fit to build the plant anyway. He stated he never heard it, never saw much of it, and his roof was perfectly intact whenever he left. He stated in short, all the concerns that he had did not come about. He stated people who build these sorts of things have to be a part of the community that they are in, and they are going to take what steps they can to minimize the impact on that community, because they have to get along with the folks that are there. He stated the next point that comes to mind about this, and this again is from his personal experience, is that there are a lot worse neighbors that they can have than a power substation. He stated that one reason they agreed with their neighbor to sell out in Fairmount was because he had pretty well surrounded them with chicken houses, and they did not need that anymore. He stated he would imagine that if they had seen fit to deny the previous zoning request, and they were going to move a commercial kennel into the lot next door to him, he would be pretty upset because he does not think he would want to listen to a bunch of beagles barking 24-hours a day, seven days a week. He stated he also grew up and lived most of his life in Atlanta. He stated all that time was in subdivisions of one type or another, and he can assure them that in Atlanta on that 70 acres there would be easily 200 houses. The noise and the problems that could be generated by that kind of development are far worse than he can envision folks having to endure with this substation. He stated the bottom line is there is not a person in this room who honestly believes that they (*Commissioners*) are not eventually going to approve building some more houses out in that area. He stated when they do, they are going to have televisions, refrigerators, washing machines, dryers, air conditioners, and heat pumps, which are going to require a lot more power. He stated they are in a situation now where they are living on a marginal supply system, and that condition is only going to get worse whenever there are more houses being built.

He is reminded of a conversation that he had with an engineer friend before he retired. He stated somewhere in that conversation he made a comment like 'you only get what you pay for'. My friend said 'no, you do not always get what you pay for, but you never get something you do not pay for'. He stated that eventually this is going to have to be done. It is going to have to be put somewhere, because the county cannot put houses out there if they cannot get power to them. He stated as much as we long for the good ole days, nobody wants to sit around trying to read a book by an oil lamp rather than watching the Super Bowl on a big screen television. Eventually it has to be put somewhere, it is going to be next door to somebody, and they are not going to be happy either. He stated he can understand how these people feel, but he really believes that it probably will not be the problem that they expect it to be. He suspects that the people who are going to build it will do what they can to ensure that.

Steve Graves, 332 Rosedale Road, Armuchee, stated he would like to disclose that he is a local realtor. He stated he has done real estate business with Mr. Hansard in the past. He is not involved in any other way, form, fashion, or getting any kind of compensation on this other than being a citizen. He stated my wife and I have two young children. Since January 1, 2008 they have been without electricity very close to twenty hours, and that is because of the proximity of the transformers. He stated if anything happens to those lines they lose power. He stated as parents, they understand

if they have children, it is very difficult, and even if they do not it is hard. He stated we are very dependent on electricity in our lives. He stated the other thing, he is very thankful in an economic downtime that we have a company that is willing to invest over \$2 million in our tax base when we are getting education cuts from the state, and different ways, that is coming out of our programs that we have in Floyd County. He stated he would encourage the Commissioners to look at this as a positive growth and vote to approve it.

Oppose: Lee Walburn, 418 New Rosedale Road, Armuchee, stated on behalf of his neighbors he would like to thank the Commission for the opportunity to share their point of view in the process. He stated the one thing he thinks they all agree on is that the greatest affront to our unique system of government is indifference. He stated with appreciation for this process, and a belief that our cause is just, several members of our community will ask the Commissioners to consider the viability of alternative locations for the North Georgia EMC substation that has been presented for their judgment. He stated they trust that the Commissioners will weigh their constituent's interest with the same balance they would if it were their neighborhood, their family, and their quality of life.

Linda Evans, 176 New Rosedale Road, Armuchee, stated North Georgia Electric Membership Corporation will deny and downplay the health risks with this substation, because they only want to protect their bottom line. She stated in a pamphlet that North Georgia EMC hands out, they admit there is proof that exposure to electromagnetic fields, or EMS, via a substation or power lines, is a possible human carcinogen, and causes childhood leukemia. She stated studies of workers in the electric industries, which include linemen and power station operators, have reported higher levels of cancer. She stated the Environmental Protection Agency recommended that EMS be classified as a Class B carcinogen joining the ranks of formaldehyde, DDT, dioxins, and PCB's. She stated here in Rome, we are all familiar with PCB's. She stated the EPA warns there is reason for concern with EMS, and advises prudent avoidance. She asked how do you exercise prudent avoidance when this proposed substation would only be several hundred feet from homes. She stated there are many studies on this topic that can be argued for both sides, but if we look at history we see many things that, once thought to be safe, turned out not to be. She stated tobacco companies said sixty years ago cigarettes were safe, and lead manufacturers said lead paint posed no hazard to children, but we know better. She stated this power substation has no business being in close proximity to homes where children live and play.

Mike Reynolds, 267 New Rosedale Road, Armuchee, stated first off, he has no objections whatsoever to a substation being built for those who need the extra electricity, but he does object to one being built beside his home. He stated he owns one house on 2 acres of land facing New Rosedale Road. The substation being proposed would be 43 feet from his property line, and 206 feet from the corner of his house. He stated he has three grandchildren who play in his yard between his house and that property line. They have a swing set, and they ride their go-cart there. He stated they

enjoy spending the night and playing outside. He stated he is greatly concerned for their safety because of the long-term health hazards associated with electric substations. He stated when he and his wife pass away their two sons will inherit their home, and his mother's house, which is 100-feet on the other side of his home. He stated he would like to think that not only his grandchildren, but his great-grandchildren, could enjoy this property and live in those homes safely. He stated he built his home for his retirement, and he does not want to sell it and relocate because of this substation. He stated if he should have to sell he would suffer a significant loss in property value because no one wants to buy a house with a substation next door. There are several other locations that EMC have selected as possible building sites that could be less detrimental to the surrounding homes. He stated there are also 60+ acres on that same tract that are vacant, in addition to the 2.5 acres closest to his home, which is the proposed building site. He stated in closing, he pleads with the Commissioners that they consider one of the other locations, and he would like to ask anyone in this room would they like to have a substation as their next-door neighbor. He stated he did take twelve photos with his camera of his home, his mother's home, Mr. Hubert's home, Mr. Porter's home, and Mr. Walburn's mother's home that were not shown. They show his home, but there were four other houses directly in that area. He stated he would like for them to review these photographs to give them a better perspective of the proximity. He also presented a plat where he placed his house and the other people's houses with the exact measurements from his home to the substation.

Garland Hubbard, 260 New Rosedale Road, Armuchee, stated he lives approximately across the road from this proposed site, and he has lived there 17.5 years. He stated he wants them to know that the substation is not just for the residents of their county. He stated his power only goes off when there is a thunderstorm, and he is on this line that a lot of these people are talking about that runs out of a buffer station in Calhoun. He stated his power goes off very few times, period. He stated all this is, is a company, which is the substation, and the bottom line is they are looking out for themselves. He stated they have thirty substations right now. They have four under construction, and there is no way in the world they cannot tap onto some of these other substations. There is one at Old Dalton Road, which is three miles away. One at Hawkins Road, which is a mile and six-tenths from his house. He stated there is one at Gore, which is eight miles away. The biggest thing is they do not have any concern for the people around us. He stated they have never come to say we are sorry we have to build a substation, and we do not care about your family at all. The biggest reason he is up here is because of his family. He stated he is a foster parent, and has been for sixteen and a half years. They adopted these kids, and he took an oath to the state of Georgia that he would give them a good home, a good life, and that he would protect them from harm. He stated the substation is harm. He also contacted DFACS, and they would want a signed statement from North Georgia EMC on how they would protect these children from hazardous use, dangers with cancer, leukemia, and all that. He stated he does not think they can write a statement saying how they can protect these kids. He stated another reason is his property value. He said a lot of people, even the EMC guy, said it would increase his property value. He stated he told him if they build this substation next door, and he wants to sell his property, and somebody comes to

look at it with that substation setting there, they will see they are going to have plenty of power. He stated he was born at night, but he was not born last night, and that is a stupid statement. He has one more question. He asked is there anyone in this room that lives next door to a substation. He stated he does not see one, and he wants to be just like them. He does not want to live by one either.

Bill O. Burns, 24 Grant Road, Armuchee, stated he lives about 5 miles from where this proposed substation is. He stated it is not going to affect him, but it is going to affect citizens of the county. People that would be potential friends of his, and just plain human beings. He stated he is also right embarrassed to be here tonight because on August 17, 2008, M. L. Holsenback came by his place and talked him into signing a petition in favor of this. He stated he is embarrassed because he did not really find out right then and there where it was. He stated it was described to him as being somewhere between Haywood Valley Road and a bunch of Bradford pear trees. He stated he could tell them that if he wanted to let them know where that substation was he would describe it as being 206 feet east of the residents of Mike and Angie Reynolds. That would be pretty specific, and if anybody had told him that was where it was going to be, of course he would not have signed. He stated when he did find out where it was, and the potential danger to the people in that close vicinity, he went directly to the home of Mr. Holsenback to request that he have his name removed from that petition. He stated it was removed, and he wonders how many of the other 200+ people that signed it had absolutely no idea where it was, or if it was far enough away from them that they would not have cared. He stated he can tell them since he found that out 100% of the people that he has spoke with did care, and a number of them went to remove their names. He would like to ask the question too, who would want to live by a substation. He stated he is also not against building a substation if it is needed, but he is against building it in a location that is potentially dangerous to human life. The dangers are described in well-documented literature readily available via public libraries, and on-line. He stated sadly the danger that he has seen most frequently, and unequivocally sited is the increased incidents of childhood leukemia. Childhood leukemia is not something he would consider minor. He sated astonishingly enough, as was previously pointed out, that danger is clearly stated in the literature actually presented by representatives of North Georgia EMC. He stated in other words, they know it. During the last week he has learned that a large number of others are also opposed to this proposed location. He stated he does not see Jeff Johnson here tonight, but when he spoke with them a young man that lives on Rosedale Road put it about as clearly as he has ever seen. It was stated we have had some problems with our power, but he can tell them he certainly would never endanger the lives of a child because of those problems. He stated he is on the same general line. He stated North Georgia EMC has been there for a long time, and he would commend the workers of North Georgia EMC that have been to his place. Outstanding young people and they have always done a good job. He stated he can also say that he is rarely without power. He stated back in 1993 they were all without power due to that big snowstorm for probably seven or eight days. He stated they made it. They did not have to go out and kill any children.

He stated in his classic work, *Democracy in America*, Alexis de Tocqueville, identified what he labeled the Tyranny of the Majority. He did not recognize that America, a truly inspired nation, would work hard to preserve the inalienable rights of its minorities. He stated in this case they are considering the minority is composed of the hapless people who live in close proximity to the proposed North Georgia EMC electrical substation, to be located 206 feet the east of Mike and Angie Reynolds on Georgia's scenic Highway 156 in Floyd County, Georgia. It is only 43 feet from their adjacent building lot where their young grandchildren play. He stated other residents with small children, as they see here tonight. Children of a man, who was concerned enough to go out and adopt, or work as a foster parent for four children, are only slightly further away. He stated at another time any one of them could be in a similar position with no one to speak for them. In America every person counts no matter who they are, or what they are, they count. He stated thankfully our county mission statement reads "Floyd County Government is committed to creating a climate that promotes economic development, community conscientiousness, and a safe environment. We are dedicated to service excellence that enhances the quality of life." He stated tonight he thanks God that we are privileged to live in Floyd County, Georgia, an enlightened community, and a part of a special nation. He stated since we are privileged to have honest and responsible Commissioners, he is confident that the safety and well being of the besieged citizens will not be sacrificed on the alter of expedience. He stated he would like to conclude by thanking the Commissioners for their dedicated service to our county and asking that, led by our mission statement, they will vote to prohibit the construction of a substation at this proposed area because we know there is plenty of room in Floyd County that another substation location can be found. He stated it may cost a few more dollars, but it certainly will not cost nearly what the value of the lives of our children is. He begs them to vote against it.

John Porter, 284 New Rosedale Road, Armuchee, stated a few things in life are as important as our health, and as precious as the health of our families. He stated if the Commissioners have any doubt whatsoever about the safety of this thing they are asking for their help tonight. The ULDC of Floyd County Section 2.2.4 entitled Standards for Zoning Changes, Item 8, reads does the proposed use reflect a reasonable balance between the promotion of public health, safety, morality, or general welfare, and the rights to unrestricted use of the property. He stated we maintain this application does not comply with ULDC Section 2.2.4, and request denial of this application, which is consistent with the findings of the Planning Commission.

Mary Outlaw, 20 Grant Road, Armuchee, stated she reiterates some points that have already been made. She stated this is a scenic highway that is being discussed, and even with plantings and so forth she thinks that would be compromised. She stated it is clear that it would be compromised from their experience seeing other substations. She stated she would point out that the location of the rezoning sign was clearly misleading suggesting that it would be in a different location than the actual proposed location. She stated she too was one of those who signed the petition supporting the substation construction. She misunderstood the location, understanding it to be somewhere off Haywood Valley Road. She stated when it became clear where

it was intended she quickly set about having her name removed from that petition. She asked the Commissioners to please carefully consider this request. She stated they have heard the concerns about the children in the community, and they ask that they give that careful consideration.

Greg Hyde, 6 Southern Woods Drive, Armuchee, stated Southern Woods Drive is .25 mile down New Rosedale Road, and his father-in-law is Garland Hubbard, whose property is across the street from the proposed location. He stated his daughter is 14 months old and they take care of her while he and his wife are at work, so he proposes the Board deny the proposal.

Gerald Nash, 212 Haywood Valley Road, Armuchee, stated he lives three properties away on the corner of Haywood Valley and Highway 156. He stated a week or so ago he saw some of the Commissioners out in that field talking with these power company officials where this was all going to take place. He stated his daughter lives on Hawkins Road, and they have a Georgia Power substation there at the end of her street. They had nothing but trouble with their television and everything else when that went up, plus a steady humming that annoyed people for half a block away. He stated he has been there since 1974. He does not have much time left, but his property is going to his grandchildren, and he does not look forward to the fact that they are going to have something like this just two properties away from them. He stated he really sympathizes with his neighbors, Mr. Porter, Mr. Hubbard, and the gentleman that they are going to build right next door to, for their feelings on this. This is nothing that is going to be an asset to our community. He stated there are miles of woods going up on the hill on this power line that it could be moved back to, but of course they want to fill the pockets of the man who is going to get \$100,000.00 for a lousy 2 acres. He stated he thinks it is going to really help where they are making all the new roads and all up on the mountain just across Etowah Creek. They are going to make a new subdivision up there. He stated they are going to be the people that will profit from this up in the next county, not in Floyd County where you gentlemen have the say.

Chairman Jennings stated that frequently the Commissioners, in order to gain information about a particular proposal, will go out to the site. He stated sometimes at the request of the applicant, or sometimes at the request of those in opposition. He stated they are willing to do that, and they make it clear when they go out to survey a situation that they are gathering information. He stated they are not making any sort of recommendations, or acceptance. He stated they are impartial until the citizens come here on the evening of a hearing, the Commissioners listen to the evidence, and at that point they attempt to make a decision. He stated it is not surprising that he may have seen a commissioner out at that particular site because they regularly do that.

Chairman Jennings asked if there was anyone else who wished to speak in favor or against the proposed Special Use Permit. Seeing none, he gave Mr. Tharpe an opportunity for rebuttal.

Rebuttal: Mr. Tharpe stated there has been a lot of discussion about electromagnetic field radiation, which is a by-product of all electrical usage. He stated he would like to make a point that this 115,000 volt Georgia Power transmission line has been there at least since 1964, and he does not think that all of these citizens who have opposed this request have lived there the whole time, but many of them have moved there since then. He stated the substation is not going to create any electromagnetic field that is greater than what already exists with that Georgia Power transmission line that has been there for 40 years. He stated unfortunately he is not familiar enough with Rome, but he does not think the property values are that different between Dalton and Rome, as far as the sensibility of the citizens as to where they locate their homes. He showed a photograph of a subdivision in Dalton called Darlington Estates, which is on the west side between Dug Gap Road and I-75 just south of Walnut Avenue. He stated that is their Dug Gap substation, which is approximately two to two and half times bigger than the proposed substation that they would like to build at this site. He stated this is around a \$300,000 a home subdivision. The back lot line of the home shown is immediately adjacent to the Dug Gap substation. He stated he would also note that in the proposal for Floyd County their services that would come from the substation up the road would be underground, so they would not have the same type of structure there. He stated he is sure somewhere in Floyd County there is another site, but if he could and make sure the Commissioners understand the constraints that they operate under. He stated under the Georgia Territorial Act various power companies are assigned territories by the Georgia Public Service Commission. He stated generally speaking, they cannot get outside their territory. He stated Georgia Power serves Rome, and has a large presence here. He stated in fact he thinks they serve some of the folks on the south side of New Rosedale Road. He showed the rough approximation of the territorial line between North Georgia EMC and Georgia Power. He stated they have to be north of that line, and Georgia Power has to be south of that line. Generally speaking if they are going to serve this community they have to be out of the Georgia Power territory. He stated there are other sites he is sure, but they are constrained by the Georgia Public Service Commission, and had no alternative. Again, the Gore substation is old, and needs to be replaced. He stated he is not foolish enough to stand in front of them to say there is not any other site in Floyd County that they could not build this substation, but they tried to pick the best site that impacted the fewest citizens. If they pick another site, they have to get the transmission to it, which may impact more citizens because they have to build a 100-foot wide transmission line. He thanked the Board.

Chairman Jennings stated one of the Commissioners had a question about the EMC brochure that was discussed, referencing the question about the electromagnetic fields. He asked if anyone has a copy of that. (*Ms. Evans provided a copy of the brochure to the Chairman.*) Chairman Jennings stated what he sees underlined is there is no definitive answer in terms of the exposure in childhood leukemia. He read from the brochure “is there an association between measured fields and childhood leukemia? Yes, but the association is weak, and it is not clear whether it represents a cause and effect relationship.” Chairman Jennings stated really you cannot do experimental studies, so they are talking about correlation issues. Mr. Tharpe stated

he would also point out that all electric devices give off electromagnetic fields. He stated the lights in this room, the PA system, their cell phone, anything that uses electricity, gives off an electromagnetic field. Commissioner Jennings stated he is reading from page 20 of the brochure, "at present the available series of studies indicates no association between EMF exposure and childhood cancers other than leukemia." He stated on page 51 it reads, "using criteria developed by the International Agency for Research on Cancer, a majority of the members of the working group concluded that exposure to power frequency EMF is a possible human carcinogen."

Commissioner Whitefield stated going back to that, there are the transmission lines that run, and the substation will be fed from the transmission lines. He stated the substation runs at a lower voltage than the transmission line. Mr. Tharpe stated the transmission line is 115,000 volts, the transformer would step the voltage down to 25,000 volts, which is the distribution voltage used by North Georgia EMC to distribute power to the consumers in that neighborhood. He stated there are transformers on the pole outside the homes, and that steps the voltage down to the 240 or 120 volts that they are use to as household current. Commissioner Whitefield stated so the discharge coming off those lines is actually greater than that from the substation. Mr. Tharpe stated he is not going to say it is going to be any less, but it is certainly not going to be anymore because that electromagnetic field is there. He stated they are not bringing in additional transmission lines. They are taking what is there, stepping it down, and distributing it out. Commissioner Mayes asked what is the possibility that the fencing structure can be climbed over. Mr. Tharpe stated all the substations are surrounded by an 8-foot chain link fence, and he thinks there is barbwire at the top to keep intruders out, and the gate is locked, so it is not a facility that anyone would have easy access to.

Commissioner Jennings stated he mentioned that he explored a total of eighteen sites, ended up with seven potential sites, and he believes he said that none of those other sites were available to them. Mr. Tharpe stated they talked to all seven of the other property owners. He stated three or four of the property owners refused to sell, and they were not willing to condemn the property. One of the pieces of property was tied up in an estate, so there was some title problem. He stated there was a right-of-way problem with one of how was the transmission line going to get to the potential substation site, and that involved, if he understood correctly, an outage at the Georgia Power substation that they would not tolerate because they would be down about three or four weeks. He stated they ended up with Mr. Hansard willing to sell this 2.5 acres. Commissioner Jennings stated so there are problems with other sites, but there are other sites, correct. Mr. Tharpe stated yes, and as he mentioned some of those other property owners were unwilling to sell, and North Georgia EMC does not condemn property. He stated they would rather deal with a willing seller. Commissioner Lumsden asked do any of the other sites have primary residences as close to the power substation as this site does. Mr. Tharpe stated he cannot answer that question. He stated he knows there were some residences up there, but he does not think any of the residences were closer, or as close as Mr. Reynolds, which is a couple of hundred feet away. As he said, because of the proximity to the transmission line they viewed this as a very good site.

Commissioner Fricks asked what about on the opposite side of the transmission lines from where they are proposing. He stated it kind of separates it out, and isolates it away from more residential properties. Mr. Tharpe stated Mr. Hansard was willing to sell. Commissioner Fricks asked what are the criteria that they evaluate by. Mr. Tharpe stated they try to get it close to the transmission line, the closer the better. He stated then they have to be able to tie into the existing distribution system, so it has to be both close to a transmission line and close to the distribution system. Mr. Hansard was willing to sell this particular piece of property. Commissioner Fricks asked so the other site could be a consideration, or would not be. Mr. Tharpe stated he is sure it could be a consideration if Mr. Hansard was willing to sell. Commissioner Fricks asked did they approach him on that. Mr. Tharpe stated he was willing to sell this.

Chairman Jennings called for a motion to close the Public Hearing. Commissioner Lumsden 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 Lumsden made a MOTION to deny the request of the special use permit. SECOND by Commissioner Fricks. VOTING:

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

Motion Carried

- 5. FILE #89-2008SUP, REQUEST SPECIAL USE PERMIT FOR MANUFACTURED HOME ON SUBDIVISION LOT IN THE S-R (SUBURBAN RESIDENTIAL) DISTRICT ON PROPERTY LOCATED ON EAST 2ND STREET, LINDALE. ZONING MAP J17X – PARCEL 211B. (PLANNING COMMISSION RECOMMENDATION: APPROVE. [VOTE: 9-0]).**

Commissioner Lumsden made a MOTION to open the Public Hearing. SECOND by Chairman Jennings. 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 right next to the lot that they considered earlier for a special use permit for a manufactured home. She stated the property is zoned S-R (Suburban Residential). It is in a subdivision that is known as New South Lindale, and for that reason, it does require a special use permit to put a manufactured home on it. She stated it is undeveloped land at this time. This is a residential area where there is a mix of site-built and manufactured homes, single-family dwellings. She stated some of the manufactured homes are singlewide, and some of them are doublewide. This area has all services and utilities available except sewer. She stated septic tanks typically require about an acre per lot, and this is about 1.2 acres in size. She stated criteria for approval of manufactured homes typically has to do with compatibility with the surrounding uses, and in this case there is a mix of site-built and manufactured homes, so approving the request would not establish a new development pattern in this area.

Support: Edith Baldelamar, 7 Conn Street, stated they just want to get the permit for the mobile home.

Oppose: Dennis Wilson, 33 East 2nd Street, Lindale, stated he is opposed because manufactured homes lower the value. He stated he is not opposed to them building a house or anything on that property. It is their property they can do what they will with it, but he opposed to manufactured homes. He stated it is a dead-end road with one way in and one way out. He stated the road is pretty narrow, and there is already a lot of people that live in that area. There are over 26 homes already on almost a single lane road, and he just wishes they would consider that.

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

YES

NO

Commissioner Fricks
" Lumsden

" Mayes
" Whitefield
Chairman Jennings

Motion Carried

Discussion: Chairman Jennings stated the road into this area is apparently an issue. He stated the discussion has been about the road that services this area of approximately 30 homes. He asked County Manager Poe if there are any plans to upgrade the road County Manager Poe stated they do not have any plans for any upgrades in that area. Chairman Jennings requested that Public Works go out and evaluate the road.

Chairman Jennings called for a motion. Commissioner Whitefield made a MOTION to approve the special use permit. SECOND by Commissioner Mayes. VOTING:

YES NO

Commissioner Fricks
" Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

ULDC TEXT AMENDMENTS:

- 1. REVISE OR DELETE ARTICLE 3, 4, 6 AND ARTICLE 8 REGARDING THE DEFINITION OF A RETIREMENT COMMUNITY. (PLANNING COMMISSION RECOMMENDATION: APPROVE 1) TO ALLOW "RETIREMENT COMMUNITY" AS A USE BY SPECIAL USE PERMIT IN THE M-R AND D-R ZONING DISTRICTS (ALTERNATE 1) IN ARTICLE 3; 2) REDEFINING "RETIREMENT COMMUNITY" TO MEET THE HOPA STANDARD IN ARTICLE 8; 3) REQUIRE 1.5 PARKING SPACES PER UNIT (ALTERNATE 2) IN ARTICLE 6. [VOTE: 9-0].**

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

YES NO

Commissioner Fricks
" Lumsden

" Mayes
" Whitefield
Chairman Jennings

Motion Carried

Commissioner Whitefield stated the purpose of this amendment is to bring our ULDC requirements for retirement communities up to HOPA (Housing for Older Persons Act) standards, as well as to address parking, and to allow it to be built in additional zoning districts of M-R and D-R. Ms. Hiller stated the Fair Housing Act says that you cannot discriminate in leasing, renting, or selling houses. She stated the federal government determined that age is not a protective category. Instead, it is a stage that all of us are going to pass through at some time or another, so they wrote an exemption from the Fair Housing Act that says if you are marketing to a population, 80% of your units have to be rented, leased, or sold to people 55 years of age and older. She stated the intention has to be that the other 20% will be occupied by persons 55 years of age and older. If they you do that it is an exemption from the Fair Housing Act.

Chairman Jennings asked if there was anyone who wished to speak in favor or against the proposed amendment. Seeing none, Commissioner Whitefield 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 Mayes made a MOTION to approve the ULDC Amendment with stipulations as recommended by the Planning Commission. SECOND by Commissioner Whitefield. VOTING:

YES NO

Commissioner Fricks
" Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

2. REVISE OR DELETE ARTICLE 3 REGARDING USES PERMITTED

**BY RIGHT IN THE NOC (NEIGHBORHOOD OFFICE COMMERCIAL)
DISTRICT TO ALLOW TITLE PAWN BUSINESSES. (PLANNING
COMMISSION RECOMMENDATION: APPROVE. [VOTE: 8-1]).**

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 stated this is related to Title Pawn Shops. Commissioner Whitefield stated it is to allow by right Title Pawn Businesses in the NOC district. There are some restrictions on that such as no overnight parking, storing of vehicles, etc...

Chairman Jennings asked is there anyone who wishes to speak in favor or against this proposed change. Seeing none, Commissioner Lumsden 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 Whitefield made a MOTION to Table this request until the City of Rome has taken action. SECOND by Commissioner Mayes. VOTING:

YES NO

Commissioner Fricks
" Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

CHAIRMAN’S REPORT:

- 1. Public Hearing for the Solid Waste Management Plan Update will be held in the Sam King Room at 1:30 p.m. on Monday, September 22, 2008.**

Chairman Jennings announced that a Public Hearing for the Solid Waste Management Plan Update will be held in the Sam King Room at city hall at 1:30 p.m. on Monday, September 22, 2008.

- 2. Appointments:**

- a. Rome-Floyd Planning Commission:**

Commissioner Whitefield made a MOTION to reappoint Nathan Roberts to a five-year term expiring August 20, 2013, and to appoint Terry Jones to a five-year term expiring September 11, 2013. Mr. Jones will replace Von Lambert upon expiration of his current term on September 11, 2008. Commissioner Whitefield stated Mr. Lambert has maxed out his opportunity to serve on the board, after 10 years of faithful service. SECOND by Commissioner Mayes. VOTING:

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

Motion Carried

- 3. Consider nominations to fill vacancies on the Hospital Authority of Floyd County:**

Defer.

COMMISSIONER’S REPORT:

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

Commissioner Whitefield stated Floyd County has recently received a CHIP Grant issued by HUD, and coming to them from the DCA.. He stated the grant essentially provides for down payment assistance for home purchases for low-income citizens. We are expecting to benefit seventy-five of our citizens in the moderate to low income level. He stated the City of Rome will continue to administer this grant as they have done in the past, but now it will have a countywide effect.

2. Public Safety Committee – Commissioner Lumsden, Chairman

No Report.

3. Public Works Committee – Commissioner Mayes, Chairman

No Report.

4. Water Committee – Commissioner Fricks, Chairman

Commissioner Fricks stated the county has been accepted in the Water First Community Program, which recognizes the community for excellence in water stewardship. He stated there are only fourteen communities in the class that have been designated since 2003. The program provides opportunities for us on GEFA loans at a lower interest rates, as well as some community development block grants can be applied in that area. Chairman Jennings stated that is a tribute to our water professionals, and their work in our water department so we are pleased to make that announcement.

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)**
- f. **Transportation Committee (Whitefield)**
- g. **Special Public Safety Committee (Jennings, Lumsden)**

No Special Committee Reports.

CLERK’S REPORT:

Consent Agenda

County Clerk Kathy Arp stated there are eight items on the Clerk's Consent Agenda, which have been reviewed and are submitted for approval.

Chairman Jennings called for a motion to approve the Clerk's Consent Agenda. Commissioner Lumsden made a MOTION to approve the Clerk's Consent Agenda as presented. SECOND by Commissioner Whitefield. VOTING:

YES

NO

Commissioner Fricks
" Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

1. Tax Refunds:

a. **Lisa C. Smith, 201 Coker Drive, \$15.00**

2. Temporary Malt Beverage License, Ayet "Eddie" Hasko/Bella Roma Restaurant, 3403 Martha Berry Hwy., Rome (Beer & Wine/Off-Premises).

3. Enter into minutes Contract between Floyd County and Northwest Georgia Paving Inc., for Schedule A - FAA Taxiway Markings (FAA AIP Project No. 3-13-0098-014-2008) at Richard Russell Regional Airport.

4. Enter into minutes Contract between Floyd County and Precision Approach LLC, for Schedule A – Airfield Electrical Vault Replacement (FAA AIP Project No. 3-13-0098-014-2008) at Richard Russell Regional Airport.

5. Enter into minutes Contract between Floyd County and Northwest Georgia Paving Inc., for North Terminal Expansion Project (GDOT Project No. AP080-9000-28(115) Floyd) at Richard Russell Regional Airport.

6. Enter into minutes Contract between Floyd County and Department of Transportation for Electrical Vault Replacement (Project No. AP090-9000-29(115) Floyd) at Richard Russell Regional Airport.

7. Enter into minutes Contract between Delmonico Restoration and Development and Floyd County for Demolition of Old Prison. (2006 SPLOST)

8. Authorize execution of Agreement between Transportation Expo, Inc., Floyd County and the Floyd County Airport Commission.

MANAGER'S REPORT:

1. AWARD OF BID FOR AIRPORT TUG:

County Manager Poe stated bids were recently received for the purchase of an Airport Tug. He stated the low bidder was Averest Inc. in the amount of \$23,600.00. He stated that is \$1,600.00 over the budgeted amount. He stated Mike Matthews, Airport Manager, is requesting that they take the \$1,600.00 from his repair and maintenance cost to cover the difference. County Manager Poe recommended awarding the bid to Averest Inc. in the amount of \$23,600.00.

Commissioner Mayes made a MOTION to accept the bid submitted by Averest, Inc., for the purchase of the Airport Tug at a cost of \$23,600.00. SECOND by Commissioner Lumsden. VOTING:

YES NO

Commissioner Fricks
" Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

2. AUTHORIZE EXECUTION OF BUILDING/OFFICE LEASE AGREEMENT BETWEEN FLOYD COUNTY AND FREEDOM FLIGHT CENTER, LLC, AT RICHARD RUSSELL REGIONAL AIRPORT:

County Manager Poe recommended approval and authorize execution of the Building/Office Lease Agreement between Floyd County and Freedom Flight Center, LLC, at Richard Russell Regional Airport and authorize execution of same.

Commissioner Lumsden made a MOTION to approve and authorize execution of the Building/Office Lease Agreement between Floyd County and Freedom Flight Center, LLC as presented. SECOND by Commissioner Fricks. VOTING:

YES NO

Commissioner Fricks
" Lumsden
" Mayes

" Whitefield
Chairman Jennings

Motion Carried

ATTORNEY'S REPORT:

4/5 VOTE REQUIRED

1. AUTHORIZE EXECUTION OF AGREEMENT BETWEEN THE FLOYD COUNTY BOARD OF EDUCATION, THE ROME CITY SCHOOL DISTRICT AND FLOYD COUNTY, FOR THE CONDUCT OF THE FLOYD COUNTY BOARD OF EDUCATION AND ROME CITY SCHOOL DISTRICT SPECIAL ELECTION:

County Attorney Manning stated they have one item for their consideration if they vote to put it on the agenda concerning an agreement between Floyd County, the Rome City School Board, and the Floyd County Board of Education regarding the upcoming SPLOST election for the schools. He stated the Agreement would authorize the County Board of Elections office to conduct that election, and to be reimbursed for the cost.

Chairman Jennings called for a motion to add the item to the agenda. Commissioner Whitefield made a MOTION to add the item to the agenda. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Fricks
" Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

Chairman Jennings called for a motion. Commissioner Lumsden made a MOTION to authorize the execution of the Agreement between Floyd County, the Rome City School Board, and the Floyd County Board of Education to conduct the Floyd County Board of Education and Rome City School Special Election. SECOND by Commissioner Mayes. 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 Lumsden, 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**

JERRY JENNINGS, CHAIRMAN