

April 30, 2009

**REGULAR MEETING  
FLOYD COUNTY BOARD OF COMMISSIONERS  
April 30, 2009                      6:00 P.M.**

**PRESENT:**                      Chairman John Mayes, Commissioners Irwin Bagwell, Garry Fricks, Eddie Lumsden and Chad Whitefield.

**OTHERS**

**PRESENT:**                      County Attorney Tommy Manning, Deputy Clerk Jaime Foster, County Manager Kevin Poe, and Assistant County Manager Blaine Williams.

**ABSENT:**                      County Clerk Kathy Arp.

**CALL TO ORDER:** Chairman Mayes called the meeting to order.

**INVOCATION:**                      Commissioner Whitefield led the Invocation.

**PLEDGE OF**

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

**PUBLIC PARTICIPATION:**

**Pastor Arthur L. Agan, Word and Way Baptist Church, Lindale**, spoke regarding the Sign Ordinance and a citation he received for a sign posted at Word and Way Baptist Church. He feels that the county has no right to take away the freedoms that were granted to us through the Constitution. He stated there is no reason that he should be forced to remove the sign, and he will continue to fight against the Sign Ordinance.

**ADOPTION OF  
MINUTES:**

Chairman Mayes asked County Attorney Tommy Manning if the minutes were in order. Mr. Manning stated the minutes had been reviewed and were in order. Commissioner Whitefield made a MOTION to adopt the minutes of the Regular Meeting of April 14, 2009. SECOND by Commissioner Lumsden. VOTING:

YES                      NO

Commissioner Bagwell  
"                      Fricks  
"                      Lumsden  
"                      Whitefield  
Chairman Mayes

Motion Carried

**RESOLUTIONS:**

**RESOLUTION TO ADOPT AMENDED AND  
RESTATED ACCG DEFINED BENEFIT PLAN:**

County Manager Poe stated they have five separate documents before them that is part of the Restated ACCG Defined Benefit Retirement Plan. He stated he is requesting approval to adopt all the documents and authorize execution by the Chairman.

Commissioner Whitefield made a MOTION to adopt the Amended and Restated ACCG Defined Benefit Plan. SECOND by Commissioner Lumsden. VOTING:

|                      | YES | NO |
|----------------------|-----|----|
| Commissioner Bagwell |     |    |
| " Fricks             |     |    |
| " Lumsden            |     |    |
| " Whitefield         |     |    |
| Chairman Mayes       |     |    |

Motion Carried

**PUBLIC HEARINGS:  
(FIRST READINGS HELD  
APRIL 14, 2009)**

**ULDC TEXT AMENDMENTS**

- 1. REVISE OR DELETE ARTICLE 2.8.2 CONCERNING FEES FOR BUILDING PERMITS. (PLANNING COMMISSION RECOMMENDATION: APPROVE REVISION WITH THE CHANGE OF THE DOLLAR AMOUNT FROM \$500.00 TO \$2,500.00. [VOTE: 6-4]):**

Chairman Mayes asked Ms. Sue Hiller, Planning Department Director, to give a brief overview of this request. Ms. Hiller stated the Planning Commission actually voted on two versions of replacement language for this section of the code. She stated the first would have simply changed the dollar amount from \$500 to \$2,500. There was a second version, which was actually the staff recommendation that the dollar amount be eliminated and that the code simply refer back to the building code language that lists the exemptions from building permit requirements. She stated those are generally things that are not electrical, not plumbing, and not life safety issues such as structural things. The Planning Commission initially voted for the dollar amount change and that was approved. She stated their second vote however, was to approve

the recommended language that would simply refer back to the building code and that was approved on a vote of 9-1. They are both before them for their consideration. She stated they contradict each other so they cannot approve both.

Chairman Mayes declared the Public Hearing open, and asked if there is anyone who wishes to speak in support or opposition. Seeing none, he declared the Public Hearing closed, and called for a motion.

**Discussion:** Commissioner Whitefield stated he believes the staff version more clearly defines the expectation of the building department and should remove some confusion for not only contractors, but also general citizens seeking out permits for improvements in their home. He stated the staff version does not hold a dollar figure but will simply revert to the Floyd County Building Code concerning what does and does not have to be inspected.

Commissioner Whitefield made a MOTION to deny this version of the text amendment concerning fees for building permits. SECOND by Commissioner Lumsden. VOTING:

YES NO

Commissioner Bagwell  
" Fricks  
" Lumsden  
" Whitefield  
Chairman Mayes

Motion Carried

**2. REVISE OR DELETE ARTICLE 2.8.2 CONCERNING FEES FOR BUILDING PERMITS. (REVISE) (PLANNING COMMISSION RECOMMENDATION: APPROVE REVISION TO THE LANGUAGE CONCERNING BUILDING PERMIT REQUIREMENTS AS RECOMMENDED BY STAFF. [VOTE: 9-1]):**

Chairman Mayes declared the Public Hearing open, and asked if there is anyone who wishes to speak in support or opposition. Seeing none, he declared the Public Hearing closed, and called for a motion.

Commissioner Whitefield made a MOTION which would adopt the Ordinance revising the ULDC Article 2.8.2 to add the language “exempted from permitting requirements by the building codes that have been adopted and are enforced by the City of Rome and Floyd County” and delete “cost of” as recommended by the Planning Department Staff. SECOND by Commissioner Lumsden. VOTING:

YES NO

Commissioner Bagwell  
" Fricks  
" Lumsden  
" Whitefield  
Chairman Mayes

Motion Carried

Commissioner Bagwell stated that Building Inspection has published a pamphlet that reviews the requirements for permits. He would like to enter a copy of that pamphlet into the Minutes.

**3. REVISE OR DELETE ARTICLE 2.8.1 REGARDING BUILDING CODES. (PLANNING COMMISSION RECOMMENDATION: APPROVE REVISION TO CAPITALIZE THE WORDS "BUILDING CODE". [VOTE: 10-0]):**

Chairman Mayes asked Ms. Sue Hiller, Planning Department Director, to give a brief overview of this request. Ms. Hiller stated this is simply a housekeeping revision to capitalize the words "building code" in the code. She stated as the attorneys pointed out this is a document that has been adopted by both the city and the county. Therefore, it officially should be capitalized.

Chairman Mayes declared the Public Hearing open, and asked if there is anyone who wishes to speak in support or opposition. Seeing none, he declared the Public Hearing closed, and called for a motion.

Commissioner Whitefield made a MOTION to adopt the Ordinance revising Article 2.8.1 of the ULDC by capitalizing the words "building code" in Article 2.8.1. SECOND by Commissioner Bagwell. VOTING:

YES NO

Commissioner Bagwell  
" Fricks  
" Lumsden  
" Whitefield  
Chairman Mayes

Motion Carried

**4. REVISE OR DELETE ARTICLE 2.11.3 d REGARDING APPEALS OF ADMINISTRATIVE DECISION. (PLANNING**

**COMMISSION RECOMMENDATION: APPROVE REVISION TO ADD THE WORD “REASON” TO THE FIRST SENTENCE. [VOTE: 10-0]:**

Chairman Mayes asked Ms. Sue Hiller, Planning Department Director, to give a brief overview of this request. Ms. Hiller stated this is a housekeeping measure. She stated they realized that the word “reason” had been inadvertently left out of Article 2.11.3 d, thereby changing the meaning, so they are requesting approval to put it back in.

Chairman Mayes declared the Public Hearing open, and asked if there is anyone who wishes to speak in support or opposition. Seeing none, he declared the Public Hearing closed, and called for a motion.

Commissioner Whitefield made a MOTION to approve the revision to Article 2.11.3 d of the ULDC to include the addition of the word “reason” to the first sentence. SECOND by Commissioner Lumsden. VOTING:

YES NO

Commissioner Bagwell  
" Fricks  
" Lumsden  
" Whitefield  
Chairman Mayes

Motion Carried

**5. REVISE OR DELETE ARTICLE 5 CONCERNING SIGNS (REPEAL OF EXISTING ARTICLE 5 CONCERNING SIGN REGULATIONS AND ADOPTION OF REPLACEMENT PROVISIONS UNDER ARTICLE 5 CONCERNING SIGN REGULATIONS. (PLANNING COMMISSION RECOMMENDATION: POSTPONE [VOTE: 10-0]):**

Chairman Mayes declared the Public Hearing open, and asked if there is anyone who wishes to speak in support or opposition. Seeing none, he declared the Public Hearing closed, and called for a motion.

Commissioner Whitefield made a MOTION to postpone (table) this item. SECOND by Commissioner Lumsden. VOTING:

YES NO

Commissioner Bagwell  
" Fricks

" Lumsden  
" Whitefield  
Chairman Mayes

Motion Carried

**6. REVISE OR DELETE ARTICLE 2.11.4 a. (6) REGARDING SPECIAL EXCEPTIONS FOR UNIFORM SIGN PLANS. (DELETE) (PLANNING COMMISSION RECOMMENDATION: POSTPONE 3 MONTHS [VOTE: 10-0]):**

Chairman Mayes declared the Public Hearing open, and asked if there is anyone who wishes to speak in support or opposition. Seeing none, he declared the Public Hearing closed, and called for a motion.

Commissioner Whitefield made a MOTION to postpone (table) this item. SECOND by Commissioner Lumsden. VOTING:

YES NO

Commissioner Bagwell  
" Fricks  
" Lumsden  
" Whitefield  
Chairman Mayes

Motion Carried

**7. REVISE OR DELETE ARTICLE 1.4.3 d (2) REGARDING NON-CONFORMING TEMPORARY SIGNS. (DELETE) (PLANNING COMMISSION RECOMMENDATION: APPROVE TO DELETE DATED, OBSOLETE LANGUAGE REGARDING TEMPORARY SIGNAGE. [VOTE: 10-0]):**

Chairman Mayes asked Ms. Sue Hiller, Planning Department Director, to give a brief overview of this request. Ms. Hiller said that this language stated that all signage should be removed within one year, and that it is obsolete. She stated the courts in Georgia have found that asking for the signs to be removed without compensation could be problematic so we need to take that out of the ULDC.

Chairman Mayes declared the Public Hearing open, and asked if there is anyone who wishes to speak in support or opposition.

**John Dempsey, 5 Bells Ferry Road NE**, stated this is not a part of this particular question, but the newspaper advertised that they would be discussing the

Unified Land Development Code. He stated there are several of us here that would like to be heard but not concerning this particular item.

Hearing no one else desiring to speak in support or opposition, Chairman Mayes declared the Public Hearing closed, and called for a motion.

Commissioner Whitefield made a MOTION to approve the deletion of dated, obsolete language regarding temporary signage from Article 1.4.3 d (2) of the ULDC as recommended by the Planning Commission. SECOND by Commissioner Lumsden. VOTING:

YES NO

Commissioner Bagwell  
" Fricks  
" Lumsden  
" Whitefield  
Chairman Mayes

Motion Carried

### **REZONING/SPECIAL USE PERMIT REQUESTS**

- 1. FILE #43-2009Z, REQUESTS REZONING FROM DUPLEX RESIDENTIAL (D-R) TO SUBURBAN RESIDENTIAL (S-R) WITH SPECIAL USE PERMIT FOR MANUFACTURED HOME ON SUBDIVISION LOT IN SUBURBAN RESIDENTIAL (S-R) ZONING DISTRICT ON PROPERTY LOCATED AT 29 CIRCLE DRIVE, LINDALE. ZONING MAP J16X- 049. (PLANNING COMMISSION RECOMMENDATION: APPROVE WITH CONDITIONS THAT THE MANUFACTURED HOME HAVE VINYL SIDING AND A SHINGLED ROOF. [VOTE: 9-1]):**

Chairman Mayes asked Ms. Sue Hiller, Planning Department Director, to give a brief overview of this rezoning request. Ms. Hiller stated this is a subdivision that centers around Circle Drive and Railroad Street. She stated it is currently zoned D-R (Duplex Residential) so placing a manufactured home would require both a rezoning to S-R (Single-family Residential) and a special use permit. There is H-TR (High-density Traditional Residential) and S-R (Single-family Residential) zoning around it. She stated the lot is currently undeveloped. There are site built single-family dwellings to the north, east and west. To the south, there is undeveloped land, and what appears to be a manufactured home not currently occupied. She stated this is an area where services and utilities are available. It is served by local streets. She stated there really does not appear to be any duplexes there so in terms of the D-R (Duplex Residential) zoning it would not be inconsistent to make it S-R (Single-family Residential) to accommodate a single-family residential structure. However, for staff, our criteria on manufactured homes is whether they would represent a new development pattern and

in this case, it would. She stated the Planning Commission felt that requiring a manufactured home to have a roof with shingles and siding would make it more compatible with the existing development there, and they recommended approval of this request.

Chairman Mayes declared the Public Hearing open, and asked if there is anyone who wishes to speak in support or opposition.

**Oppose: Thomas Killingsworth, 27 Circle Drive**, stated his property is adjacent to that property so he would be directly affected. He stated the width of that road is narrow and he does not see how it is going to be possible to move any trailer down that road. The lots are very narrow and he is concerned if it is even possible for it to be developed that way. He stated there was a stick built house there, but it burned about a year ago. The city did clear the property, which he is grateful for because he asked them a number of times to do so. He stated it is a great help to him that it is actually clear next to his house. He would prefer it to remain undeveloped, but if it cannot remain undeveloped, he would like to see it developed in a similar matter to his house, which is vinyl sided with a brick foundation and a shingled roof. He stated he wants that to be at least the minimum standard.

There are some other houses that are not in good condition and are not occupied in that area that actually should be removed too. He stated primarily his objections are the close quarters and the difficulty of moving in a manufactured home. It would be much more difficult than bringing in materials and building. He stated by building it would be more compatible with what is already there. These are sort of historical mill village homes that were built thirty, forty years ago or more. He thanked the Board.

**Support: Donna Richards, 2611 Shorter Avenue**, stated the city did not clear that lot. She stated she purchased that lot and a week after she purchased it Jerome Poole approached her and told her that the lot was about to be condemned. She spent roughly \$6,500.00 tearing down a structure and taking it off the property. She stated many of the houses around there are very old, and over half of them on the street are abandoned. The mobile home that they are bringing in has vinyl siding and a shingled roof. She stated they have already looked at the roads to judge if they could get the house in there. Also, based on appraisal values it does not support a stick built house anymore because the manufactured housing is so much more affordable. She stated the average lot appraisal that they get there now is only \$4,500.00, and even with a structure, it is rarely over \$50,000.00. They certainly do not want to do anything to bring the neighborhood down. She stated they want to improve the neighborhood and are trying to come up with affordable housing in a way to do that.

**Support: Charles Wood, 5 Circle Drive**, stated his home was destroyed in October by trees. He stated he had contractors come out and just to replace what was there, which was a one bedroom, one bath, house was \$56,000.00. There is not a home on the street that is worth \$56,000.00. He stated as he said at a previous meeting, someone needs to go look at what they are calling a subdivision. There has never been a duplex on this street and he does not know how it got zoned duplex residential. He

stated he has owned a home on that street since he was seventeen years old. One of those homes was 23 Circle Drive, which he did a lot of work to, and then he moved. He stated his mother lives at 9 Circle Drive, and she will not leave regardless of how dilapidated that street gets. He recently purchased the lot at 8 Circle Drive. He has spent \$7,000.00 clearing the lot, getting all of the trash off of it, and he would like to do something with it. He stated he does not want his mother living in this filth.

**Oppose: Shelley Womack, 17 S. Edenfield Ridge Drive,** stated she is a real estate appraiser and has been for fourteen years. There are approximately twenty-four homes on Circle Drive. She stated five of these homes are in need of demolition. One of the homes has been condemned, and the property has been condemned for so long that the sign date has worn off. She understands that they stopped the process of putting the sign on the house three years ago, so that is how long that one has sat there. She stated there are approximately five vacant lots where homes were torn down or burned, and the county is not doing anything in the way of protecting property values in this area. It takes months to have anything torn down or any follow up whatsoever from the county. She stated if a mobile home is allowed in that area it will only lead to lower property values. She owns the property at 31 Circle Drive, which is a rental property, and unfortunately, it is the biggest house and lot on the street. She stated it is 1500 square feet. Anywhere else, this house would be worth \$97,500.00, but on Circle Drive, it is only worth \$57,000.00 before the recession. She stated if a mobile home is allowed it will lower the property values by as much as 25% more. There are homeowners who have taken pride in their property and do not wish to see their values decline any further. She stated since it seems that the county is not following up on any compliance or anything around here, they are afraid that if they allow a mobile home there would be no follow up to make sure the rules and guidelines are followed. There are no guarantees that it will not lead to junk homes being put out there and people doing whatever they want with them. She stated currently, to build a 1,000 square foot home on this lot it would cost about \$50,000.00. That is a \$50 per square foot home, and that would be comparable to what is there. She stated she cannot imagine that the mobile home is going to cost less than that. She is also concerned about setbacks. She said that Mrs. Hiller stated there were seven-foot setbacks on each side. She stated it fronts ninety-four and eighty-six and has side dimensions of one hundred and nine. She thought it was a typical fifteen foot, but Mrs. Hiller said seven foot, but that does not give any room for this mobile home. She stated you are stuck side to side, unless it is put long ways, and that would be messy looking. There is so much here that needs to be corrected on this street so values do not decline any further, and she is afraid if they start putting mobile homes there the values will decline further.

**Oppose: Mary Killingsworth, 27 Circle Drive,** stated she objects to the rezoning because even though the community is run down, they have put a lot of money in to try to fix it up. She stated it is hard to improve it. She said they have worked very hard, and she does not want a trailer next door to her property. It will bring her property value down. She stated she does not know who is going to move into it. She also knows it may be crazy to think this, but it is a historic area because of the mill. There is a

possibility that it could improve considering it is historic, and she feels a trailer would change it entirely. She stated they just absolutely object to it.

**Oppose: Allen Womack, 17 S. Edenfield Ridge Drive,** stated he and his wife are landlords and the only problem they have with this is Ms. Richards is not even going to live at this property. He stated Mr. Wood is, so he may take more pride in it. He said you take landlords so to speak, and move trailers in, maybe not her lot but other lots, and put renters in there if they do not take care of it, it will do more damage down the road. There are several homes there that are in bad shape, but there are several people that live there permanently that are trying to make their place look better. He stated they own a rental house there and take good care of the rental house. Many people will take and abuse the privilege just by sticking any and everything in there. He stated he knows they cannot make people live at these places, but if they were going to live there it would be different because they may take more pride in taking care of it. Whereas, if they let them buy a lot, stick a trailer on it, and rent it, they are not guaranteed anything. He stated that will cause the value to go down more every year so they want the Board to decline the proposal.

**Rebuttal:** Ms. Richards stated as she said before, they are not going to drag in metal on metal singlewide mobile homes. She knows there is a lot of concern about if they say it is a trailer then it can be anything. She stated nothing will fit down that road that is longer than a fifty-six box and no side will go down that road that is wider than 12 foot so that automatically puts you into doublewides. That is all they are going to put there. She stated they have vinyl siding and shingled roofs. They are nice homes, they appraise well, and they will be comparable, if not better, than what is already there. She stated it is not their wish to bring the neighborhood down. As Mr. Wood stated he owns several lots there, his mom lives there, so it is their wish to bring it up. She stated they already have a contract, and are not going to rent out the property. They are going to put a mobile home on the property and sell the home and the land together so it will be a homeowner. She stated she owns two mobile home parks and the last thing she needs is another one to rent. There will be a sales contract and a homeowner living there. She thanked the Board.

Chairman Mayes declared the Public Hearing closed, and called for a motion.

**Discussion:** Commissioner Bagwell asked how the manufactured home will be oriented to the street. Ms. Richards stated it will face the street just as the other houses do. Commissioner Bagwell asked it will not be on the end facing the street. Ms. Richards stated no, it is only 52-feet long and 24-feet wide so it would face the street the same as the others. Commissioner Whitefield stated it looks as though there are some other trailers out there, and asked Ms. Hiller are there trailers on Circle Drive. Ms. Hiller stated Mr. Wood is the applicant for the other request on Circle Drive. She stated his property is further southwest, and adjacent to his property there is a property with a manufactured home on it. However, although it is adjacent, it is not in the

subdivision. She stated there is a manufactured home structure there, but it is not habitable at this point.

Commissioner Bagwell made a MOTION to approve the rezoning request with special use permit with the conditions set by the Planning Commission that the manufactured home have vinyl siding and a shingled roof. SECOND by Commissioner Whitefield. VOTING:

YES NO

Commissioner Bagwell  
" Fricks  
" Lumsden  
" Whitefield  
Chairman Mayes

Motion Carried

2. **FILE #44-2009Z, REQUESTS REZONING FROM DUPLEX RESIDENTIAL (D-R) TO SUBURBAN RESIDENTIAL (S-R) WITH SPECIAL USE PERMIT FOR MANUFACTURED HOME ON SUBDIVISION LOT IN SUBURBAN RESIDENTIAL (S-R) ZONING DISTRICT ON PROPERTY LOCATED AT 5 CIRCLE DRIVE, LINDALE. ZONING MAP J16Y – 049. APPROVE WITH CONDITIONS THAT THE MANUFACTURED HOME HAVE VINYL SIDING AND A SHINGLED ROOF. [VOTE: 9-1]):**

Chairman Mayes asked Ms. Sue Hiller, Planning Department Director, to give a brief overview of this rezoning request. Ms. Hiller stated the subject property is in the same subdivision, same neighborhood, as the previous request zoned D-R (Duplex Residential) so it requires rezoning to S-R (Suburban Residential) plus a special use permit. She stated as Mr. Wood stated the structure that was on the property has been removed. To the south of this property, there is a lot that has a manufactured home on it. She stated it is not listed as the same subdivision, but it is very close. Most of the structures within this area are site-built single-family dwellings with the exception of that one. She stated this received a vote from the Planning Commission that they approve the request with the stipulation that the manufactured home have vinyl siding and a shingled roof.

Chairman Mayes declared the Public Hearing open, and asked if there is anyone who wishes to speak in support or opposition.

**Support:** Charles Wood, 5 Circle Drive, stated he is requesting for this to be rezoned for a manufactured home. He stated it takes a little more money to purchase one, and generally the people that spend that kind of money take care of their property. They would just like to rebuild the neighborhood and they cannot afford to hire

contractors to come in and build houses on these small lots. He stated he spent \$7,000.00 getting that lot cleaned and that is more than the property was worth with the house on it.

Chairman Mayes declared the Public Hearing closed, and called for a motion.

Commissioner Bagwell made a MOTION to approve the rezoning request with special use permit with the conditions set by the Planning Commission that the manufactured home have vinyl siding and a shingled roof. SECOND by Commissioner Lumsden. VOTING:

| YES | NO |
|-----|----|
|-----|----|

|                      |  |
|----------------------|--|
| Commissioner Bagwell |  |
| " Fricks             |  |
| " Lumsden            |  |
| " Whitefield         |  |
| Chairman Mayes       |  |

Motion Carried

**3. FILE #45-2009SUP, REQUESTS SPECIAL USE PERMIT FOR MANUFACTURED HOME ON SUBDIVISION LOT IN SUBURBAN RESIDENTIAL (S-R) ZONING DISTRICT ON PROPERTY LOCATED ON 753 BOOZE MOUNTAIN ROAD. ZONING MAP I17W-227. (PLANNING COMMISSION RECOMMENDATION: APPROVE [VOTE: 9-1]):**

Chairman Mayes asked Ms. Sue Hiller, Planning Department Director, to give a brief overview of this rezoning request. Ms. Hiller stated the subject property is currently zoned S-R (Suburban Residential) but it does require a special use permit for placement of a manufactured home. She stated the lot is part of a complex of single-family dwellings and a junkyard that is all zoned S-R (Suburban Residential). It includes the right-of-way of streets that have not been developed but are platted in a number of platted subdivision lots. She stated there is another subdivision to the west and within that, all of the dwellings are site-built single-family. However, in this particular subdivision there are manufactured homes. She stated there was discussion at the Planning Commission meeting about the fact that this does not front on an opened publicly maintained road. There were notes from Floyd County Water Department and the Health Department indicating there might be problems getting public water here, and that a septic tank permit could not be issued until soil testing was done. She stated the Planning Commission was aware of this, and aware of the fact that the applicant would have the option of doing a septic tank and a well to serve this property. She said the applicant said that they would be able to provide those services, so it does come to the Board with a recommendation to approve.

Chairman Mayes declared the Public Hearing open, and asked if there is anyone who wishes to speak in support or opposition.

**Support: Larry Otting, 753 Booze Mountain Road**, stated he is applying for a 28-foot by 66-foot doublewide mobile home, and there are ten lots there. He stated they already had the septic tank and soil test done, and everything passed. They have plenty of room for the field lines. He stated they need the home to live in since the DOT got two of theirs that was previously there. They have been living on the property for forty-five years, and they do not want to move. He stated their kids and grandkids were raised there. Now they would like to see their great-grandkids raised there too. He stated there is singlewide trailer that sits toward the front of the property. There is a doublewide that his son lives in, and his daughter has a house there.

Chairman Mayes declared the Public Hearing closed, and called for a motion.

Commissioner Whitefield made a MOTION to approve the request for special use permit for manufactured home on subdivision lot in suburban residential on property located at 753 Booze Mountain Road. SECOND by Commissioner Lumsden. VOTING:

YES NO

Commissioner Bagwell  
" Fricks  
" Lumsden  
" Whitefield  
Chairman Mayes

Motion Carried

**CHAIRMAN'S REPORT:**

No Report.

**COMMISSIONER'S REPORT:**

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

Commissioner Whitefield stated that we were thankful to learn that the pro rata sales tax distribution that we did not receive in 2008 has been approved and we should get that check, along with pro rata checks for 2009. He stated we also understand that grant money that the state has been holding on to will be released in May and June.

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

No Report.

**3. Public Works Committee – Commissioner Irwin Bagwell, Chairman**

No Report.

**4. Water Committee – Commissioner Garry Fricks, Chairman**

No Report.

**5. Judicial Services Committee – Commissioner Eddie Lumsden, Chairman**

No Report.

**6. Special Committee Reports**

- a. **SPLOST Committee – (Fricks)**
- b. **Work Release Committee – (Lumsden and Mayes)**
- c. **Fire Overview Committee – (Lumsden and Whitefield)**
- d. **Joint Services Committee – (Mayes and Whitefield)**
- e. **Joint Development Oversight Committee – (Fricks and Whitefield)**
- f. **Special Transportation Committee – (Whitefield)**
- g. **Special Public Safety Committee – (Lumsden)**

There were no Special Committee Reports.

**CLERK’S REPORT:**

**Consent Agenda**

**4/5 Vote Required to add item #3**

Commissioner Whitefield made a MOTION to add item #3 to the agenda.  
SECOND by Commissioner by Commissioner Lumsden. VOTING:

YES                      NO

Commissioner Bagwell

" Fricks  
" Lumsden  
" Whitefield

Chairman Mayes

Motion Carried

Deputy Clerk Jaime Foster stated there are three items on the Clerk's Consent Agenda, which have been reviewed and are submitted for approval.

Commissioner Lumsden made a MOTION to approve the Consent Agenda as presented. SECOND by Commissioner Fricks. VOTING:

YES NO

Commissioner Bagwell  
" Fricks  
" Lumsden  
" Whitefield  
Chairman Mayes

Motion Carried

**1. Tax Refunds:**

- a. Peggy Brownrigg, P.O. Box 987, Clarksville, \$1,667.66
- b. Chulio Road Associates, P.O. Box 161987, Austin, TX, \$554.54
- c. Dennis & Mary Nordeman, 12 Pine Valley Road, \$354.22
- d. Jonathan Matthew McGill, 405 East 3<sup>rd</sup> Avenue, \$149.22
- e. James & Ashley McKnight, 179 Couey Circle, \$186.59
- f. Joseph Wofford, 435 Mary Mac Road, Cave Spring, \$652.86
- g. Glenda Maxine Byrd, 177 Hennon Drive, \$249.81
- h. Jerry King, P.O. Box 976, Shannon, \$119.16

**2. Revised Health Services Agreement with CorrectHealth for Inmate Medical Care.**

**3. Resolution of the Board of Commissioners of Floyd County, Georgia to Ratify the execution and delivery of an Intergovernmental Contract with the Hospital Authority of Floyd County relating to the proposed issuance by the Hospital Authority of Floyd County of its Revenue Anticipation Certificates from time to time in one or more series; and for other purposes.**

**MANAGER'S REPORT:**

**1. REQUEST FROM JUDGE TIM PAPE FOR FULL-TIME ATTORNEY/GUARDIAN AD LITEM POSITION IN JUVENILE COURT,**

**SALARY RANGE \$44,000.00 TO \$60,000.00  
(INCLUDES BENEFITS):**

County Manager Poe stated they have a memo from Juvenile Court Judge Tim Pape requesting authorization for hiring for full-time Attorney/Guardian ad Litem position. He stated based on the Juvenile Court Code, the Judge does have an option to hire a full-time Attorney/Guardian ad Litem position upon the approval of the governing authority of the county. They currently use contract attorneys for that. He stated this would give him the option to either use contract attorneys or have a full-time position. The full-time position could result in some cost savings to the county in the future. He recommended approval of the request submitted by Judge Tim Pape.

Commissioner Lumsden made a MOTION to approve the request from Juvenile Court Judge Tim Pape for a full-time Attorney/Guardian ad Litem position. SECOND by Commissioner Whitefield. VOTING:

YES NO

Commissioner Bagwell  
" Fricks  
" Lumsden  
" Whitefield  
Chairman Mayes

Motion Carried

**2. AUTHORIZE EXECUTION OF EASEMENT  
AGREEMENT BETWEEN GEORGIA POWER  
AND FLOYD COUNTY FOR LINDALE-CAVE  
SPRING TRANSMISSION LINE:**

County Manager Poe stated they have before them an Easement Agreement between Georgia Power and Floyd County related to the Lindale-Cave Spring transmission line. He stated Georgia Power wants to widen their easement to do some improvements to the transmission line. Part of that would encroach on some existing Floyd County property. He recommended approval of the Easement Agreement as presented.

Commissioner Lumsden made a MOTION to authorize execution of the Easement Agreement between Georgia Power and Floyd County for Lindale-Cave Spring transmission Line. SECOND by Chairman Mayes. VOTING:

YES NO

Commissioner Bagwell  
" Fricks  
" Lumsden

" Whitefield  
Chairman Mayes

Motion Carried

**3. APPROVE CHANGE ORDER NO. 1 AND  
CHANGE ORDER NO. 2 WITH LPA GROUP,  
INC. RELATED TO THE ELECTRICAL VAULT  
PROJECT AT RICHARD B. RUSSELL REGIONAL  
AIRPORT:**

County Manager Poe stated they have before them Change Order No. 1 and Change Order No. 2 with the LPA Group, Inc. related to the Electrical Vault Project at the Richard B. Russell Regional Airport. He stated both of these change orders are deductive change orders, and he recommends approval of the change orders as submitted.

Commissioner Whitefield made a MOTION to approve Change Order No. 1 and Change Order No. 2 with LPA Group, Inc. related to the Electrical Vault Project at the Richard B. Russell Regional Airport. SECOND by Commissioner Lumsden.  
VOTING:

YES NO

Commissioner Bagwell  
" Fricks  
" Lumsden  
" Whitefield  
Chairman Mayes

Motion Carried

**4. APPROVE CHANGE ORDER NO. 2 TO  
INCLUDE INCREASE IN GUARANTEED  
MAXIMUM PRICE (GMP) IN CONTRACT  
BETWEEN FLOYD COUNTY AND DUNN  
SOUTHEAST INCORPORATED D/B/A R. J.  
GRIFFIN & COMPANY FOR THE FORUM  
PARKING DECK:**

County Manager Poe stated they have before them Change Order No. 2 between Floyd County and R. J. Griffin Company related to The Forum Parking Deck project. He stated the total amount of the change order to the Guaranteed Maximum Price (GMP) is an increase of \$17,879.00. They reviewed the project in caucus and as a whole, we are under budget, but for the particular contract with R. J. Griffin & Company, we need to increase the GMP by that amount. He stated the project is

complete and we are doing the final closeout documents for the project. He recommended approval of Change Order No. 2 as submitted.

Commissioner Fricks made a MOTION to approve Change Order No. 2 with R. J. Griffin related to The Forum Parking Deck project. SECOND by Commissioner Whitefield. VOTING:

YES NO

Commissioner Bagwell  
" Fricks  
" Lumsden  
" Whitefield  
Chairman Mayes

Motion Carried

**5. REQUEST FROM SHERIFF'S DEPARTMENT  
TO ENTER INTO AGREEMENT WITH L-1  
IDENTITY SOLUTIONS TO UPGRADE JAIL  
MANAGEMENT SOFTWARE PROGRAM:**

No action.

**ATTORNEY'S REPORT:**

No Report.

**ADJOURNMENT:**

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

YES NO

Commissioner Bagwell  
" Fricks  
" Lumsden  
" Whitefield  
Chairman Mayes

Motion Carried

**FLOYD COUNTY BOARD OF  
COMMISSIONERS**

**JOHN MAYES, CHAIRMAN**