

July 28, 2009

**REGULAR MEETING  
FLOYD COUNTY BOARD OF COMMISSIONERS  
July 28, 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, County Clerk Kathy Arp, County Manager Kevin Poe and Assistant County Manager Blaine Williams.

**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 Fricks.

**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 Fricks made a MOTION to adopt the minutes of the Regular Meeting of July 14, 2009. SECOND by Commissioner Whitefield. VOTING:

YES

NO

Commissioner Bagwell

" Fricks

" Lumsden

" Whitefield

Chairman Mayes

Motion Carried

**RESOLUTIONS:**

**ADOPT RESOLUTION SETTING 2009 MILLAGE RATE  
FOR**

**FLOYD**

**COUNTY**

**BOARD OF EDUCATION M&O  
AND**

**FLOYD**

**COUNTY**

**GOVERNMENT M&O, FIRE  
PROTECTION AND SOLID WASTE:**

County Manager Poe stated the Resolution calls for keeping the 2009 Millage Rate at the same level as 2008. He stated the proposed millage rate to be set for Fire Protection is 1.669 mills, Solid Waste is .664 mills, and M&O is 8.767 mills.

Commissioner Whitefield made a MOTION to adopt the Resolution setting the 2009 Millage Rate for Floyd County Board of Education M&O and Floyd County Government M&O, Fire Protection and Solid Waste, as outlined by the County Manager. SECOND by Commissioner Lumsden. VOTING:

YES

NO

Commissioner Bagwell

" Fricks

" Lumsden

" Whitefield

Chairman Mayes

Motion Carried

**ADOPT RESOLUTION SETTING STREET LIGHTING  
ASSESSMENT FOR 2009 TAX YEAR:**

County Manager Poe stated the Street Lighting Assessment is set on an annual basis, based on cost per frontage foot of any properties that are located in the street lighting district. He stated last year the cost per foot was set at \$.42. The recommendation this year is an increase to \$.45 (forty-five cents) per foot. He stated our total footage has declined slightly through some annexations, and our electric rates

continue to increase. Therefore, imposing the necessity of recommending an increase in the assessment by \$.03 (three cents) per frontage foot.

Commissioner Lumsden made a MOTION to adopt the Resolution setting the Street Lighting Assessment for the 2009 Tax Year at \$.45 (forty-five cents) per frontage foot, as outlined by the County Manager. SECOND by Commissioner Bagwell. VOTING:

YES

NO

Commissioner Bagwell

" Fricks

" Lumsden

" Whitefield

Chairman Mayes

Motion Carried

**PUBLIC HEARINGS:  
(FIRST**

**READINGS**

**HELD  
JULY 14, 2009 AT 2:00 PM)**

**REZONING/SPECIAL USE PERMIT REQUESTS**

- 1. FILE #72-2009SUP, REQUESTS SPECIAL USE PERMIT FOR MANUFACTURED HOME ON SUBDIVISION LOT IN SUBURBAN RESIDENTIAL (S-R) ZONING DISTRICT ON PROPERTY LOCATED AT 479 MINSHEW ROAD. ZONING MAP L10Z-014. (PLANNING COMMISSION RECOMMENDATION: MOTION TO DENY FAILED BY VOTE OF 3-5. RECOMMENDATION MOVED FORWARD AS APPROVAL):**

Chairman Mayes asked Ms. Sue Hiller, Planning Department Director, to give a brief overview of this request. Ms. Hiller stated the subject property is in a subdivision called Minshew Mountain Estates. Therefore, a special use permit is required to place a manufactured home on the property. She stated the surrounding lots are also zoned S-R and developed mainly with site built single-family dwellings, although some lots are undeveloped. The property is shown on the future land use map as Suburban Residential. She stated it is within the rural character area where

development may be dependent on the availability of utilities. Services and utilities are available with the exception of sewer. She stated a permit for a septic tank would be dependent on soil testing. She said the applicant indicates that there was a septic tank on the property for a manufactured home that was there before. She stated the aerial photo shows the existing manufactured home that pre-dates the rules about subdivisions, and there is also a photo of the manufactured home that the applicant is seeking a permit for.

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

**Support: Fred Lucas, 479 Minshew Road,** stated the reason they want to put a mobile home in is for his mother, because his dad recently died. He stated he just went through a bout with cancer and his mom helps with his kids. He would like to keep her some dignity by giving her a house in a safer area than she is currently in. He stated the house is there, the septic tank is there, and the water is there. He was unaware of some of the things that were going on. He stated they just want to get his mom out there to be with them. He said she is eighty years old. She is crippled. She has neuropathy, and has to walk with a cane. He stated he would like her to have a house of her own, but still have her close enough so that he can be there to take care of her.

**Oppose: Jack Busbin, 611 Turner McCall Blvd.,** stated he represents Fred Taylor who owns the property across the road from Mr. Lucas. He stated Mr. Taylor is opposed to using that lot for a manufactured home. He stated he knows hardships figure into this too, but they would like to see that the request not be granted. He thanked the Board.

**Rebuttal:** Mr. Lucas stated the Planning Commission was worried that he was going to put more mobile homes on the property. He said that is not the case. He just wants one mobile home for his mom, with the one he already lives in and he has been there for ten years. He ran his own waterline, which was 3,800 feet of waterline, to be on county water. He stated he has a 3,000-gallon septic tank system already in place. It has already been inspected and passed by the Health Department. He stated he paid \$30,000 to have the land graded a few years ago, and there was a mobile home put on the property then. His daughter lived there about two years, moved and took the mobile home with them. He stated he is not really rebutting anything, but the thing was they were questioning how many mobile homes he would put on that property. He said he will not put anymore on there, and after his mom is gone, that one will probably be gone too. He thanked the Board.

Chairman Mayes declared the Public Hearing closed.

Chairman Mayes asked Ms. Hiller what was the staff recommendation. Ms. Hiller stated on manufactured homes the typical standard is whether it would introduce a new development pattern into the area and whether it would be compatible with the

type of development that is already going on. She stated in this particular subdivision, and in the immediate area around it, the homes are site built. They pointed out that while it would not introduce a new pattern, because there is a manufactured home on this property, it would be a different trend than the prevailing development pattern in this area.

Commissioner Fricks asked Ms. Hiller about the requirements. Is it two residents allowed on one individual tract, and is that the maximum. Ms. Hiller stated it is a maximum of two, and only on tracts that are served by septic tank, and where you can get two septic tank permits. She stated if sewer serves it, it is just one.

Commissioner Bagwell asked Ms. Hiller to show the aerials again and asked her to point out where the site built homes are presently on the map. Ms. Hiller showed the manufactured home on the property and stated there are site built homes on other properties around it. She said there is also some undeveloped land in this area, so it is very sparsely developed.

Chairman Mayes called for a motion. Commissioner Fricks made a MOTION to deny the request for special use permit. SECOND by Commissioner Bagwell. VOTING:

YES

NO

Commissioner Bagwell

" Fricks

" Lumsden

Commissioner

Whitefield

Chairman Mayes

Motion Carried

**2. FILE #73-2009SUP, REQUESTS SPECIAL USE PERMIT  
FOR MANUFACTURED HOME ON SUBDIVISION LOT  
IN SUBURBAN RESIDENTIAL (S-R) ZONING DISTRICT  
ON PROPERTY LOCATED ON 20 OVERLOOK ESTATES  
DRIVE. ZONING MAP H16-040. (PLANNING COMMISSION  
RECOMMENDATION: DENY [VOTE: 8-0]):**

Chairman Mayes asked Ms. Sue Hiller, Planning Department Director, to give a brief overview of this request. Ms. Hiller stated the subject property is in a fairly small subdivision called Overlook Estates. Therefore, it requires a special use permit. She stated the properties surrounding this are zoned S-R (Suburban Residential) with the exception of the property to the east, which is zoned H-I (Heavy Industrial), and it is part of the Walker Mountain Landfill. The property is currently undeveloped, although there was a manufactured home on the property until a few years ago. She stated on the lot next to it, she believes, is a doublewide manufactured home. Aerial

photos show the doublewide manufactured home, site built homes within the subdivision, and some undeveloped lots surrounding the subject property. She stated this is an area that is indicated as Suburban Residential on the future land use map. It is a rural character area where the presence or absence of utilities may have an impact on development. She stated in this particular location there is no water meter at the private drive, but there is a water meter for this lot down along Blacks Bluff Road. This would require a septic tank as well, and of course, that depends on the soil testing and so on. She stated the applicant indicated that there had been a manufactured home on the property in the past, and that he would like to replace it and possibly sell the property. There were neighbors at the Planning Commission meeting who indicated that they did not know about this far enough ahead to organize their presentation and asking that it be postponed until they had an opportunity to do that. However, the motion was to recommend denial of the request by a unanimous vote.

Commissioner Fricks asked is

Overlook Drive

a public or private road.

County

Manager

Poe stated private.

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

**Support: Kirk Spears, 103 S. Cloudview Road,** stated he and his brother Brian own the property. He said they have owned the property since 2003, and when they purchased the property, there was an existing mobile home on the property. He stated there was a fire in 2006 that completely destroyed the existing home and the land has stayed vacant for three years. They are currently in negotiations to sell the land to someone who would like to move from the Atlanta/Marietta area to the Rome area. He stated they want to take advantage of our school system. They are home schooling their kids and they want to get out of the Atlanta lifestyle. He stated they would like to purchase the land and move the doublewide mobile home that they own onto this site. He said according to their research, going back at least as early as 2000, the property has always had a mobile home on site. He stated it is on a private road and there is already a septic tank in place that serviced the previous home there. There is water and

utilities already run to the site, so that is not an issue. He presented photos that that shows the visibility of this location from the Walker Mountain/Blacks Bluff Road area. (*Photos on file in Clerk's office.*) He stated, obviously, they cannot see the road from there, nor can they see the property from the road. He stated in other words the only way anyone is going to know that there is a manufactured home there is if they do an aerial flyover, or have some reason to drive up that private road because it is not a through traffic road. He said from a visibility standpoint, or having any kind of impact on the neighborhood, it really has none. He stated one of the issues that was raised at the Planning Commission meeting was increased traffic. But there is no reason to think that a single-family structure, or residence there, is going to increase the traffic in any significant way. The adjoining lot to this property already has a mobile home on it. He stated the property also adjoins the Floyd County Landfill, so from a use standpoint he does not know that this property is ever going to be attractive to anyone to build a single-family site built type residence on it. Given these factors, the site is ready and they have someone who wants to move to Floyd County. He stated they just do not see, based on the history of the property, with no visibility to anybody and the properties adjoining and how they are being used, it not being approved. Respectfully they would suggest that if this property is not suitable for a manufactured home, he is not sure what property in Floyd County would be, given those sets of factors. He thanked the Board for their time.

**Oppose: Michael Cooley, 154 Chaucer Place,** stated he has a series of photos to present to the Board and while they are looking at those photos, he would like to tell them the recent history of the Blacks Bluff and Walker Mountain Road Neighborhood Association. He stated he is the president of that association, and they have come together with approximately seventeen families who live in the area and formed an association that they hope will be permanent. Whatever the case of that may be, they certainly formed that association to address this issue. He stated they have three arguments. Their main argument is that as Ms. Hiller indicated earlier, the Planning Commission uses the criteria of most recent pattern of development as a basis on which to make its judgment about variance. He stated there are approximately thirty houses within eight tenths of a mile of the variance request, and they are traditional homes. There are approximately four manufactured homes in that area. He stated the manufactured homes, as far as they are able to tell, for the most part pre-date the site built homes. The site built homes over the last ten to twelve years is the dominate building pattern. He stated most of the homes are substantial homes in and of themselves with fairly large acreage attached to the dwelling. It is their contention that an introduction of a manufactured home in this area would break the precedent, and the dominate pattern, and would undermine the integrity of the neighborhood as they see it. He stated their second contention is that in aggregate the neighborhood association represents a substantial tax base for the county, and that if the manufactured home were to be introduced this would undermine the property value, and they would have to request that a reconsideration of their taxes be done. He thanked the Board.

**Ed Watters, 1524 Blacks Bluff Road,** stated his mother-in-law lives at 1640 Blacks Bluff Road directly across from Overlook Estates. He said he owns that

residence also. He stated one of the main issues is the few trailers that are there. There is another lot within a quarter of a mile of them that has about six to eight abandoned on it, but they do not want to continue adding to that. He stated another issue is that this road, Overlook Estates Drive, is nothing but a gravel and concrete, single-lane, busted up road. He stated this road does not meet any county standards. It comes down at a very steep angle to the road, and there seems to be issues as people are coming over Blacks Bluff toward the Walker Mountain area. He stated as mentioned, the trend, he purchased land and built out there six years ago as well as many of his neighbors have in the last ten years. The county has benefited from some higher valued property taxes and the homeowners have invested highly in that area. He stated they want to continue to see the value of their neighborhood, and that area to improve. He said the site built homes would be a better trend for the future. He stated even being neighbors with the landfill, they are appreciative of what a great job the county does in maintaining and protecting the landfill. They never have any trouble, complaints, odors or anything, so it is a great place to live. He stated they are proud neighbors of the landfill. He thanked the Board.

**Rebuttal:** Mr. Spears stated to address the points that were brought up, specifically the most recent pattern of development may be the site built homes, but by their admission most of those homes, or a large number of them, were built after the previous use was for a mobile home at that point. He stated he does not understand. They built their homes when there were mobile homes there then, but now they do not want them to come back in. He stated he cannot speak to the suggestion that it would undermine property values and therefore, damage the tax base, because he does not set millage rates or determine home values. He is not a home appraiser, but he does know, that it is not visible from the road. He stated it is only visible to the people who would drive up to the cul-de-sac, to the end of that private road. It is not visible so he does not see how it would damage property values in that regard. He stated they have attempted in prior years to sell the property to someone for a site built home and when they found out that it was adjoining the landfill the deal fell through. So again, from a usage standpoint, he would suggest that a manufactured home is going to be the best usage at this point. He said they raised the issue of some abandoned trailers, mobile homes, in the area. He stated he does not feel that has anything to do with this issue, because they are talking about someone who is going to buy the property and move their home there. They are going to put in a permanent foundation and live there going forward, so he does not understand what some other unsightly things in the area would have to do with this particular issue. He stated admittedly the condition of the road is not great, but they do not own that road. It is in use now for people who live along that road. He stated if the county chose to do something, to pave the road or whatever, that would be great as far as they are concerned as property owners in that area. Again, that is not an issue in his mind of what is going on here. He stated based on prior usage, along with the mobile on one side and the landfill on the other, the lack of visibility to anyone in the area, they just feel that this should be allowed to be used in this way.

Commissioner Fricks asked Mr. Spears chronologically, he purchased the land, how long has he owned it. Mr. Spears stated they purchased the land January 30,



2003, and they purchased it with the mobile home existing on it. Commissioner Fricks asked was it inhabited at that time. Mr. Spears stated it was vacant at that time. Commissioner Fricks asked did they rent it or lease it. Mr. Spears stated they had tenants following that until they had the fire in 2006. At that point, they just allowed the land to remain vacant. He stated they have tried to sell it for some time. They had one deal fall through when someone was looking at it for a traditional built home. He stated they decided they did not want to do the deal when they found out it adjoined the landfill. They have found another potential buyer who would like to move a doublewide there and build a permanent foundation. Commissioner Lumsden asked who owns the road. Mr. Spears stated personally, they do not know who owns the road. Ms. Hiller stated as nearly as she can tell this was developed as a private subdivision on a private road. She stated it does not meet the standards that they would currently have for a subdivision, but it was developed prior to adoption of the ULDC, and as far as who actually owns it right now, she cannot tell them because she does not know. Chairman Mayes asked does that mean that the part of the road in front of each house that they are probably paying taxes on it. County Manager Poe stated it is under private ownership so somebody owns it.

Mr. Watters stated as mentioned, this was prior to the ULDC adoption in 2003, which it is zoned single-family residential mainly to be site built, framed homes. He stated the goal over time is to go in that direction with that trend and that is what they have been doing out there. The concern is what happened there before, whether it is fire, emergency or whatever, this unknown to who owns the road, but the access and visibility coming over Blacks Bluff Road is very difficult with the amount of traffic coming in and out of there for the number of residents that could be there. He stated again they hope the Board will take that into consideration and deny this request.

Mr. Spears stated he would just say to the issue of the fire protection and the roads traveled there, that is going to be an issue regardless of what type of residence is there whether it is a site built home or a mobile home. He stated it is three miles from the Cave Spring Street Fire Station to that residence and that is pretty good by the terms of Floyd County in proximity to fire stations.

Chairman Mayes called for a motion. Commissioner Fricks made a MOTION to deny the request for special use permit. SECOND by Commissioner Bagwell. VOTING:

YES

NO

Commissioner Bagwell

" Fricks

" Lumsden

Commissioner

Whitefield

Chairman Mayes

Motion Carried

**3. FILE #75-2009SUP, REQUESTS REZONING FROM LIGHT INDUSTRIAL (L-I) TO COMMUNITY COMMERCIAL (C-C) FOR RESIDENTIAL AND COMMERCIAL USE, AND SPECIAL USE PERMIT FOR LOFT APARTMENTS IN COMMUNITY COMMERCIAL (C-C) ZONING DISTRICT ON PROPERTY LOCATED AT 363 BURLINGTON ROAD, SHANNON. ZONING MAP M10Y-138. (PLANNING COMMISSION RECOMMENDATION: APPROVE [VOTE: 8-0]):**

Chairman Mayes asked Ms. Sue Hiller, Planning Department Director, to give a brief overview of this request. Ms. Hiller stated across the street is property zoned O-I (Office Institutional), and surrounding this property on three sides is property zoned H-I (Heavy Industrial), and the former Galey & Lord plant. There is an assortment of industrial uses on that property now. She stated across the road, is a slab that used to be mini-warehouses, and beyond that, there is a park. The building on the property, although surrounded by industrial and is currently zoned industrial, has a history of being used commercially and is more suited for commercial uses. She stated it would be used as is, so they do not have a site plan, but it does appear that there is adequate parking for the mix of uses there. She said the building was built in 1930 according to tax records. The lower floor is used for retail sales. She stated sometime after 2001 the storage structures behind the retail space were developed for a mix of uses, and the upper floor was developed for offices and residential units, even though it was zoned L-I. She said in the C-C (Community Commercial) district they can have that mix of commercial uses that is there now by right, and with a special use permit they can also have the loft apartments that exist on the property now. She stated the future land use map shows heavy industrial use for this property, and that is probably because it is surrounded on three sides by property that is zoned H-I. The property and building have been used commercially, and the building is really designed to be a commercial building. She stated this is located in the urban character area where all services and utilities are available to support uses. The applicant and owner was at the Planning Commission meeting and indicated that he had purchased the property believing that it was in conformance with the zoning and building codes, then found out after that time that it was not. She stated the building inspector has informed her that at this time it is in compliance with building codes, so the applicant is seeking compliance with the zoning codes here as well.

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

The applicant/owner was present at the meeting, but did not wish to speak. Chairman Mayes declared the Public Hearing closed and called for a motion. Commissioner Whitefield made a MOTION to approve the request for rezoning from L-I (Light Industrial) to C-C (Community Commercial) for residential and commercial

use, and Special Use Permit for loft apartments. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Bagwell

" Fricks

" Lumsden

" Whitefield

Chairman Mayes

Motion Carried

## **CHAIRMAN'S REPORT:**

### **1. Appointments:**

#### **a. North Georgia Region One Mental Health/Developmental Disabilities/Addictive Diseases (MH/DD/AD) Board:**

Commissioner Lumsden made a MOTION to appoint Sheila May to the MH/DD/AD Board to succeed Jim Burton, for a 3-year term expiring July 31, 2012. SECOND by Commissioner Whitefield. VOTING:

YES

NO

Commissioner Bagwell

" Fricks

" Lumsden

" Whitefield

Chairman Mayes

Motion Carried

## **COMMISSIONER'S REPORT:**

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

No Report.

### **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**

County Clerk Kathy Arp stated there are four items on the Clerk’s Consent Agenda that have been reviewed and are submitted for approval.

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

YES

NO

Commissioner Bagwell

" Fricks

" Lumsden

" Whitefield

Chairman Mayes

Motion Carried

**1. Tax Refunds:**

- a. Donald Alton Worley, 197 Wayside Road NE, \$117.66
- b. Dana Jeanette Edgens, 8 Horseshoe Bend SW, \$631.55

**2. Malt Beverage Application, Umair Sultan, Handy Store, 17 Smith Road, Consumption Off Premises: Beer & Wine (Ownership Change).**

**3. Self-Service Fuel Application, Umair Sultan, Handy Store, 17 Smith Road, (Ownership Change).**

**4. Precious Metals Dealer License, Joseph C. Summerfield, Gold N Guns Pawn, 4376 Martha Berry Hwy. (New)**

**MANAGER'S REPORT:**

**1. AUTHORIZE EXECUTION OF CONTRACT BETWEEN FLOYD COUNTY AND NORTHWEST GEORGIA PAVING, INC., FOR THE CONSTRUCTION OF AN AIRCRAFT PARKING AND RAMP AREA AT RICHARD B. RUSSELL REGIONAL AIRPORT. [NORTH TERMINAL AREA DEVELOPMENT – PHASE 2 - GDOT PROJECT NO. AP090-9000-31(115) FLOYD]: (DEFERRED JULY 14, 2009)**

Table.

**2. AWARD OF BID FOR TRAFFIC PAINT AND SIGN MATERIAL FOR PUBLIC WORKS DEPARTMENT:**

County

Manager

Poe stated sealed bids were received and opened for traffic paint and sign materials for the Public Works Department. He stated this is done on an annual basis. He recommended accepting the Public Works Department and Purchasing Directors recommendation for awarding the bids for the traffic paint and sign material.

Commissioner Lumsden made a MOTION to award the bids for the traffic paint and sign materials per the Manager's recommendation. SECOND by Commissioner Bagwell. VOTING:

YES

NO

Commissioner Bagwell

" Fricks

" Lumsden

" Whitefield

Chairman Mayes

Motion Carried

**3. REQUEST FOR TRANSFER OF FUNDS FROM  
JAIL SURCHARGE FUND TO EQUIPMENT  
LINE ITEM (100441-52000) TO COVER COSTS  
OF ADDITIONAL HVAC UNIT FOR JAIL:**

County

Manager

Poe stated they have received a request to transfer funds from the Jail Surcharge Fund to the Jail Equipment line item to cover the cost of an additional HVAC unit at the jail. He stated we are replacing two of the units that were approved in the original budget, and there is an additional unit that needs to be taken care of at the same time. He recommended allowing the use of funds from the Jail Surcharge account to cover this cost of the additional unit.

Commissioner Whitefield made a MOTION to approve the request to transfer funds from the Jail Surcharge Fund to the Jail Equipment line item (100441-52000) to cover costs of an additional HVAC unit for the jail. SECOND by Commissioner Lumsden. VOTING:

YES

NO

Commissioner Bagwell

" Fricks

" Lumsden

" Whitefield

Chairman Mayes

Motion Carried

**4. AUTHORIZE EXECUTION OF CONTRACT FOR  
THE CONDUCT OF THE CITY OF ROME AND**

**ROME**

**CITY SCHOOL ELECTIONS:**

County

Manager

Poe stated for a number of years they have had an informal agreement with the City of Rome and the city Board of Education to handle the elections for them. He stated they need to put that into contract form, to elaborate on the different terms and conditions related to the county handling the elections for those two jurisdictions.

He stated County Attorney Manning has drafted a contract and the City of Rome took action on that at their last meeting. However, there are some recommended revisions and if accepted by the Board tonight, the contract will have to go back to be ratified by the City of Rome. He asked County Attorney Manning to elaborate on the revisions to the original contract that was submitted to the city.

County Attorney Manning recommended that the Board consider authorizing the Chairman to execute the contract concerning the City of Rome and Rome City Schools Elections with two additions. He stated one would be that the term of the agreement would be for five (5) years to expire on December 31, 2014, and that it have a severability clause so that if there was a problem with any part of the agreement the remaining agreement would be in affect.

Commissioner Whitefield made a MOTION to authorize execution of Contract for the Conduct of the City of Rome and Rome City Schools Elections with revisions as outlined by the County Attorney. SECOND by Commissioner Lumsden. VOTING:

YES

NO

Commissioner Bagwell

" Fricks

" Lumsden

" Whitefield

Chairman Mayes

Motion Carried

**4/5 VOTE REQUIRED**

**5. RECOMMENDATION FROM ROME-FLOYD PARKS  
AND RECREATION AUTHORITY TO TRANSFER  
FUNDS FROM RFPRA CAPITAL ACCOUNT FOR  
REPLACEMENT OF ROOF AND FLOORING AT THE**

**SENIOR**

**ADULT**

**RECREATION**

**CENTER**

**LOCATED  
IN**

**ETOWAH**

**PARK**

**:**

County Manager Poe recommended adding an item by 4/5 vote to consider the replacement of the roof and flooring at the Senior Adult Recreation Center.

Chairman Mayes made a MOTION to place the item on the agenda. SECOND by Commissioner Lumsden. VOTING:

YES

NO

Commissioner Bagwell

" Fricks

" Lumsden

" Whitefield

Chairman Mayes

Motion Carried

County Manager Poe stated they have a recommendation from the Parks & Recreation Authority to allocate a maximum of \$40,000 from the county Capital Reserve Account that is held by the Parks & Recreation Authority, to replace the roof and flooring at the Senior Adult Recreation Center. He stated the current roof at the center is twenty-four years old and recently suffered some fairly severe hail damage. He said there is also a need to replace some of the flooring, and they are requesting the allocation of funds from the Capital Reserve Account to proceed with this work.

Commissioner Bagwell made a MOTION to approve the recommendation from Rome-Floyd Parks & Recreation Authority to transfer funds from RFPRA Capital Account for replacement of roof and flooring at the Senior Adult Recreation Center located in Etowah Park. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Bagwell



" Fricks  
" Lumsden  
" Whitefield  
Chairman Mayes

Motion Carried

**ATTORNEY'S REPORT:**

No Report.

**ADJOURNMENT:**

There being no further business to come before the Board, MOTION was made by Chairman Mayes, SECOND by Commissioner Fricks, 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**