

Ms. Callaway stated Hospice is a very important and underutilized benefit, so getting education out there is the key. She thanked the Board.

(Proclamation/Resolution Book, Page 133)

RESOLUTIONS:

ADOPT RESOLUTION APPROVING THE ISSUANCE OF REVENUE BONDS BY THE DEVELOPMENT AUTHORITY OF FLOYD COUNTY, IN AN AMOUNT NOT TO EXCEED \$14,000,000.00, FOR THE BENEFIT OF DARLINGTON SCHOOL FOR THE ACQUISITION, CONSTRUCTION, RENOVATION, INSTALLATION AND EQUIPPING OF A NEW MIDDLE SCHOOL:

Commissioner Lumsden made a MOTION to Adopt the Resolution approving the Issuance of Revenue Bonds by the Development Authority of Floyd County, in an amount not to exceed \$14,000,000, for the benefit of Darlington School for the acquisition, construction, renovation, installation and equipping of a new middle school [the Resolution was adopted to comply with Section 147(f) of the Internal Revenue Code of 1986 as amended does not constitute an endorsement to a prospective purchaser of the Bonds or the creditworthiness of the company or project and will not constitute an indebtedness of the county or a pledge of the taxing power of the county.]. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Fricks
" Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

**FIRST READINGS:
(PUBLIC HEARINGS TO BE HELD
NOVEMBER 11, 2008 AT 2:00 P.M.)**

1. PROPOSED RENAMING OF A PORTION OF BOOZE MOUNTAIN ROAD, SW, (WEST OF HIGHWAY 27) A FLOYD COUNTY MAINTAINED ROAD, TO SAMUEL MOUNTAIN ROAD, SW.

Chairman Jennings stated the Second Reading/Public Hearing will be held Tuesday, November 11, 2008 at 2:00 p.m. He stated that this is the portion of Booze Mountain Road that is west of Highway 27. It is a section (one-quarter of a mile or less)

that is being shut off because of the new by-pass. He stated the section to the east will remain as Booze Mountain Road.

**PUBLIC HEARINGS:
(FIRST READINGS HELD
OCTOBER 14, 2008 AT 2:00 P.M.)**

Chairman Jennings reviewed the procedures for Public Hearings.

- 1. FILE #91-2008SUP, REQUEST SPECIAL USE PERMIT FOR WASTEWATER TREATMENT OPERATION IN LIGHT INDUSTRIAL (L-I) ZONING ON PROPERTY LOCATED AT 32 WEST 1ST STREET, LINDALE. ZONING MAP J16X – PARCEL 003. (PLANNING COMMISSION RECOMMENDATION: APPROVE WITH THE CONDITIONS THAT SEPTIC TANK WASTE CAN BE TREATED, BUT NOT FOG (FATS, OILS AND GREASES), UNLESS THE APPLICANT OBTAINS AN ENGINEERED (AND APPROVED) FOG TREATMENT FACILITY AND RETURNS TO THE PLANNING COMMISSION AND THE COUNTY BOARD OF COMMISSIONERS FOR REZONING TO HEAVY INDUSTRIAL (H-I); AND THE OPERATION SHALL MEET BOTH 4.1.19 a AND 4.1.19 b; AND HAVE A SPECIFIC SITE PLAN FOR THE COUNTY COMMISSION MEETING). [VOTE: 7-3]):**

Chairman Jennings declared the Public Hearing open. He asked Ms. Sue Hiller, Planning Department Director, to give a brief overview of the request. Ms. Hiller stated the subject property is surrounded by Light Industrial (L-I) property on two sides. The east side is a railroad corridor, and beyond that is some residential property. She stated to the south there is L-I property, and property zoned H-TR (High-density Traditional Residential) and D-R (Duplex Residential), and those are both used residentially. To the west and north there are properties zoned S-R (Single-family Residential) and much of that is undeveloped at this time. She stated the property was formerly the industrial wastewater treatment plant for the mill at Lindale. Eventually that process included discharging into the City of Rome's sewer system. However, those permits to discharge lapsed over 12 months ago so there is no "grandfathering" of use on this property. She stated the current applicant started a septic tank contracting business on the property, including pre-treatment of the sanitary waste and discharge into the sewer. Expansion of the business to include an inert landfill and waste, grease and oil collection led to some complaints from nearby property owners about the trucks, odors, and insects. She stated at that point this action was initiated to provide a special use permit because you cannot actually treat wastewater in L-I without that special use permit. She stated there is a trailer building on the property, but there are not a lot of buildings on the property. To the east, there is a residential property. To the west, along the fence line of the property, the property goes toward the undeveloped land. The plant now has a permit from the City of Rome Wastewater Treatment Department to discharge pretreated sewage into the sewer. She stated that was adequate as long as

only sanitary wastewater was treated. However, they have indicated that if the handling of fats, oils, and greases was ever to resume on the property it would have to be engineered. She stated that would require additional zoning action. She stated West 1st Street in Lindale, is classified as a local street, and that provides the only access to the site. Like the other streets in the area, it is a relatively narrow street. She stated Floyd County Public Works Department has recently added some stop signs to that neighborhood. That has slowed down traffic and improved the flow somewhat.

She stated use of the property as a septic tank contractor business with treatment of septic tank waste would be allowed only with a special use permit because of the potential for noxious odors. Typically, the uses that go in L-I (Light Industrial) do not include noxious odors, a lot of noise, a lot of dust, and so on. She stated however, there could be any number of uses that would include a lot of traffic. Because the only access to the property is through that residential area on West 1st Street, it could generate a lot of truck traffic for that area. The ULDC goes on to say that wastewater, or sewage treatment plants, have to comply with Article 4.1.19. She stated those basically say that the director of county health, water and sewer, and the Environmental Protection Division must approve the design and operation of such a facility, and that all activity having to do with wastewater treatment must be located 100-feet from any property line. At the time the Planning Commission met, it appeared that the operation did not meet the 100-foot setback, but they do have a new site plan. She stated the choice of the Planning Commission was to recommend that the Board approve this request, with several conditions. One condition is that it can only be for septic tank waste, and the other condition is that it comply with Article 4.1.19a and 4.1.19b. She stated the ULDC states that it must be the directors of county health, water, and sewer departments that approve that process and that operation. She stated the county does not have a sewer department, but does work closely with the City of Rome Water and Sewer Department, which provides service throughout the city and into the county. She stated the revised site plan indicates that the area on the left is where the treatment operation goes on, and the one to the right is where the trailer that has the office in it is located. She stated the photo of the actual operation site does indicate that all of the active part would be 100-feet from that property line, so they can operate this facility without coming within that 100-foot setback.

Chairman Jennings stated Ms. Hiller mentioned the road coming into the operation goes through a neighborhood and is fairly narrow. He asked Ms. Hiller how wide is that road. Ms. Hiller stated the road ends right at the property line, and the right-of-way at that point is 45-feet wide. He asked how wide is the road itself, does anyone know the answer to that. Assistant Manager Williams stated it varies, but at its narrowest point, he believes it is 18-feet. Ms. Hiller stated they do not have any photos of the road as it passes through the residential area, only of where it comes into the treatment plant site itself. Chairman Jennings asked is this the only place in our community where septic waste can be disposed of. Ms. Hiller stated no, the City of Rome Water and Sewer division has a point near the head of their system where contractors who empty septic tanks can dump the waste for a fee. Chairman Jennings asked at the plant on Blacks Bluff Road. Ms. Hiller stated that is the treatment, but she

does not know exactly where their dumping point is. Commissioner Fricks stated he knows addressing the truck traffic is one of the issues in the discussion, but in actuality there are probably a lot of other allowable uses that would create more truck traffic than this operation itself in a location zoned L-I. Ms. Hiller stated there are a number of uses that are permitted by right that could generate a fair amount of truck traffic, and it could be trucks of various size. Chairman Jennings asked has this site been identified as a Brownsfield area in this community. Ms. Hiller stated not that she is aware of. He asked has anyone ever gone out to determine that, or tested that. She stated not that she is aware of. He stated so basically, when Lindale Manufacturing shut down their operations, they shut down this facility, and no one has really done anything with it since that time. She stated that is correct. It has not had a permit to treat wastewater and discharge into the City of Rome sewer. She stated it was brought up at the Planning Commission meeting that the EPD never completely decommissioned the site, but it was not operational for a period from 2004 until sometime in 2007. Commissioner Mayes asked Ms. Hiller are trucks still entering this property to dispose of debris. Ms. Hiller stated yes. The applicant has started an inert landfill on the property, so there are some trucks coming in and out to dispose of debris. She stated there are two ponds on this property that were part of the former treatment when the mill was operating, and the inert landfill operation is to fill those ponds. She stated you can fill a pond on just about any property, within just about any zoning district, depending on how it is done and whether you have permits to do that. They do have permits to do that, so that is not really a zoning issue before them right now. Commissioner Mayes stated but that is where a lot of traffic will come from. Ms. Hiller stated it is true that there could be a lot of trucks depending on whether someone had a construction project going and was running several loads a day.

Chairman Jennings asked if there is anyone wishing to speak in favor of this rezoning request.

Support: Andrew Hawkins, 6390 Rockmart Road, stated he is the owner of the property, and he is asking for a special use permit. He stated he does have an EPD inspection, a City of Rome discharge permit, and he also has an approved water and sewer authorization for industrial discharge from the City of Rome. He stated they have met all of those stipulations. He asked for the special use permit to continue to dewater sewage only. He stated he is perfectly fine with not dewatering any fats, oils, and grease. Since he has been asked to apply for a special use permit he has outsourced the fats, oils, and grease and has done very well with it, so in his opinion he is not asking for anything other than sewage treatment. He stated the reason for the plant is simply because the City of Rome does take sewage and they have been their customer for thirteen years. He stated the problem with the City of Rome is they do not take just any sewage. He stated his trucks are very powerful. The trucks remove rocks, dirt, oil, grease, or whatever is in a lift station, and the City of Rome does not take that. He stated they only take residential waste, and they sample it. They have to meet that criteria. He stated he dewateres out of necessity, and if he cannot dewater out of this facility he is forced to travel all the way to Resaca to a solidification company. It is extremely expensive. It is more truck traffic for them, and a higher fuel cost. He stated

the special use permit would only benefit him and his employees. He stated he currently has five employees. He had to let three employees go because he has not been able to dewater. He stated if he gets this special use permit, he plans to hire those three back.

Chairman Jennings asked Mr. Hawkins when he separates the solids, what does he do with those solids. Mr. Hawkins stated if the solids are dry, and they have 24 – 36 hours to let them dry, they stay in the red dewatering box. He stated it is a 30-yard roll-off. They let them dry, and then they truck them to the Walker Mountain Landfill. He has a contractor under AAA Environmental. He stated they come in, pick up the roll-off, and they can dump it there. If the solids are not dry, they mix them with wood chips that the county, city, and a lot of local tree haulers grind up. He stated the solids are mixed with the wood chips and they are dried in the box. They are then allowed to dump them in the county landfill.

Rik Roberts, 620 West Avenue, Cartersville, stated he is the owner of Pro Quality Laboratory, 659 Henderson Drive, Cartersville. He stated he has worked with Mr. Hawkins since earlier in the spring to meet compliance for his wastewater permits that he has with the City of Rome. He (*Mr. Hawkins*) has worked diligently to meet those requirements, and in that time, he has been to the site to do sampling every month. He stated upon going there initially he (*Mr. Hawkins*) met with a lot challenges. The tanks that he took over from the previous owner were contaminated with their waste. He stated when they did initial testing the numbers that they were getting were high. They brought in consultants from Texas who had designed the tank system. He stated he cleaned out the entire tanks, took all the sludge that was left from the previous owners and trucked it out. He removed all the lines going out of the system, and cleaned those out. He stated his point is there were a lot of problems on that property when Mr. Hawkins took it over, and he has cleaned it up. The water coming off the property meets compliance with the City of Rome and his permits. He stated in addition, the ponds on the property are what he would call stagnant ponds. He stated he is not saying this scientifically, but he is sure they were probably breeding mosquitoes and such. He stated he is filling in those ponds, which he is doing as part of his business, but also as a service because he thinks it serves the community to fill those in. He stated aesthetically the property has improved. He has watched him spend thousands of dollars improving this property, developing it, and making it better. He stated he has been a good steward of this property. He stated he thinks Mr. Hawkins is acting in good faith to meet all the requirements that he was aware of at the time, and as he becomes aware of them. He would like to say that having him take care of, and dispose of this waste, removes an undue burden from the city as well. He stated he could take his waste to the city. It costs him more to treat it, and he has to pay those fees obviously, but it is also an additional burden on their system. He stated property the chemicals used in the previous indigo plant contained sulfurs, and when they cleaned up that property, as those sulfurs were cleaned out, he is sure some smells probably came out of that pit. He does not believe the smells were necessarily due to his operations, but they were in that pit from the previous owners. He stated as they have removed that over time, from the spring until his most recent trip out there before he stopped working on it, the smell that was on the property had improved.

Ed Spears, 3 Nicholas Drive, stated he sold the property to the new owner approximately fourteen months ago. He stated he has done a wonderful job on clean up. He stated Mr. Hawkins has really made it look great. He has been down there in the summer, in the cool weather, in the hot weather, and he has not seen any problems as far as smells, flies, or anything of that nature. He stated he also still owns a piece of property there where the mill is, and that is zoned heavy industry commercial. He stated it is less than 500-feet away from where this property is located. He stated the road going into it is much narrower than the one getting into Mr. Hawkins' property, and they have trucks come and go to that property there. He thinks he has done a wonderful job, and trying to do the right thing about cleaning it up.

Don Niebregge, 131 Chantilly Lane, Lawrenceville, stated he is a class one wastewater operator and he works for Incon Systems. He stated Mr. Hawkins asked him to come and do the monthly state required walk through at the facility. He stated as a class one operator, he looks at the site, he looks at what is going on, and he makes sure that everything is what it should be. He checks to make sure that when he is discharging, there is nothing seeping out into the creek, and then he has to submit the report to the county. He stated he has never experienced a smell out there, and he has never seen any major insect problems. He stated there is a large potential for odor to come from the ponds because of the sulfide process that is used to prepare cotton for indigo. There is probably a fair amount of sulfide left in those ponds. He stated sulfide has the odor of fecal material. If there is any odor coming out it is coming from the ponds, and he is eliminating that. He stated an inert landfill is basically the rocks, logs, sticks, not construction materials, not any organics or anything other than natural materials, so over the space of several years the ponds will be gone.

Shelly Womack, 17 S. Edenfield Ridge, stated she lives across the creek from the waste treatment plant. She stated they live up on the ridge, where they should experience smell from the wind, and they have never experienced a smell from that property. She can say since Mr. Hawkins purchased the land that it is cleaner. She stated the site has been improved, it does look better, and there is no smell in the ridge.

Steven Turner, 107 Margo Trail, Lindale, stated he has been to this operation over a dozen times as he is a client of his, and he finds his work at the site on the property to be first class. He stated the operation that he has is a very common practice of what he is associated with in environmental chemical processes. He stated it is one of the cleanest processes they will find, that would be associated with this type of work. Mr. Hawkins has him there on occasion if he has any questions, or needs any feed back as far as chemical process, with what he is doing. He stated the property itself, to him, would have no value if this gentleman were not operating it in the manner that it is being operated in now. It would probably fall on the burden of a taxpayer to clean up the property for any other use. He stated, but under Mr. Hawkins' operation, it is providing tax dollars to the community. He stated he thinks it is a service to the community and serves them very well. He thanked the Board.

Oppose: Darold Green, 4 West 1st Avenue, Lindale, stated he lives about 200-yards from this property, and that is probably the furthest point on West 1st and West 2nd Avenue. He stated he has lived there all his life, and he wants to ask them to deny this petition for this permit. Mr. Hawkins has treated septic tank waste on this property in violation of county zoning code. He stated the uses for this property are clearly covered in the permitted principal and accessory sections of the codes. Mr. Hawkins claims this right because the local textile plant treated dye water there beginning in the early 1970's. He stated the entire village of Lindale was once owned by this textile firm, and there were no zoning laws here until 1998. He stated the plant was stopped by Federal laws from dumping dyes into the local creek or else face closing down costing hundreds of jobs. He stated to preserve an existing industry they were allowed to treat the died water on this property. The plant has been closed permanently now for several years. He stated ownership of the mill property has fallen to different people, and the exceptional situation for treating these waters no longer exists there. He stated if there was ever a legal right to treat wastewater here, it expired when the ownership change. He stated a minimum of five years has lapsed since anything was done there, even before Mr. Hawkins bought this property. Mr. Hawkins should have requested a special permit before beginning his operations, and he did not. He stated they were unaware of his plans and intentions until he began his operations. It was then that the odor and insect problems began. He stated because Mr. Hawkins treated these waste there, they can tell them the facts of what happen. During the entire time he operated, they were subjected to the most disgusting and sickening odors they can imagine. He stated these odors attracted flies and mosquitoes. They were swamped by hundreds, and hundreds, and hundreds of flies. He stated they were not only the common houseflies, but also the green type that are attracted by these obnoxious odors. He has never seen the mosquitoes as bad as they were this year even though we are having a severe drought. He stated these insects carry all kinds of diseases including malaria, hepatitis, and west Nile virus.

He stated the small and simple equipment used in filtering these waste does prevent the odors, germs, and bacteria from becoming airborne. The top of it is made from canvas, and the liquids are exposed to the air during treatment. He stated City of Rome sewage charts show as much as 182,000 gallons has flown through their sewage lines from this property in a one-month period, and this does not include the solids in the waste. It is not clear to him how they handle to keep it from being exposed to the environment. He stated at the Planning Commission meeting Mr. Hawkins had some people saying, just like they were here, there were no odors. He stated none of them live in this area, all of them live far away, and at least two of them were Mr. Hawkins' employees. He stated one of them was Mr. Spears. He stated county records show that Mr. Spears bought this property in 2002. He sold it to Mr. Hawkins in 2007. He paid a consideration of \$8,000.00 for it, and he received a consideration of \$80,000.00 for it. He stated Mr. Hawkins was asked at the meeting if he accepted sanitary waste from other sources, and he said no. He also said he only had a small fleet of trucks and none of them was over 10-wheelers. He stated they have video that show 18-wheelers coming in and out of this property. They would like to know who owns these 18-

wheelers and what they are carrying. He stated since he began operating these trucks have run continuously in and out of this plant, and have only stopped after the meeting they had on October 2, 2008 at the Planning Commission. He stated as early as October 2008 county property records show only the land down there. He stated they do not show any structures at all including his office building down there, and he believes Mr. Hawkins has misled county officials, and residents in their area, about his intentions of his operations there. He stated these roads are 18-feet with no sidewalks, no curbs, and they are extremely dangerous for those type trucks. He stated he knows their property values are going to be destroyed because of this, and he does not see any good benefit at all in this for their neighborhood. He only sees bad, so he is asking them to please deny this permit.

Berman Bennett, 14 West 1st Avenue, Lindale, stated his wife and family have lived here seventy years. He stated he worked at Inland Container for forty years as a crew leader. He was over treating all water, sewage waste treatment, and up to fifteen million gallons of water used, treated, and dumped back into the Coosa River. He stated he ran all required EPA and EPD tests, and handled many lethal chemicals such as chlorine and ammonia. On the side at 32 West 1st Avenue, Mr. K. C. Hopkins gave him permission to quote his statement. He stated “he and Roberts & Company Consultants built the dye ponds and treatment system in the late 60’s. Around the 80’s the sewage went to the wrong system. After that the dye ponds were used only to polish dye.” He stated zoning and legal staff stated a special use permit was needed to treat, and store, septic waste on site because of the potential of noxious odors. Mr. Hawkins started this operation without a zoning permit. The neighbors oppose this permit because of the possible health hazards, nuisance, smell, insects, germs, and traffic hazards. He stated Mr. Hawkins stated at the hearing that he had only a small fleet of three trucks, ten wheels or less. Eighteen wheel tanker trucks ran in and out of his gate several times a day up until the zoning hearing. He stated West 1st Avenue is only 18-foot wide in several curves, and there is no room for vehicles, walkers, or bikes to pass. He asked how can a right-of-way of 45-feet with no possibility of being widened be permitted on this street. It cannot sustain such traffic. He stated the video was taken from his front porch and shows trucks going by apartment housing, which is 8-feet from a residents’ front door, and they ran continuously for two months. There was a white truck and a red truck, he does not know who owns the trucks, what they were hauling, or whether they were ever inspected or not, but they ran up until 1:00 in the morning. He stated a tornado passed through this location since he has lived there, and he wonders if Mr. Hawkins has a spill prevention plan in case of an accident. In the Industrial Wastewater Program questionnaire from the City of Rome where it asks is there a spill prevention control and counter measure plan in affect at this plant, he answered no. Where it asks are there any backflow preventions, no. Have the systems cross connections, vents, or controls been checked at this plant, he answered no. He stated this permit will lower their property values, destroy the peace and tranquility, and disrupt their everyday lives. Their water rates are double the water rates the city charges them, and they feel all waste should be dumped at a large facility. He thanked the Board.

Allison Braden, 5 West 2nd Avenue, Lindale, stated all she wants to tell them is she lives there. She has smelled the odors. She has experienced the insects, and it has been bad. She stated when he is not operating it gets better, much better. Think about this, would they like waste treatment going on within 200-yards of your back porch. She stated please do not give him this special use permit. She thanked the Board.

June Bradshaw, 1 West 2nd Street, Lindale, stated she has a special interest in this. She stated several months ago she moved into an apartment complex, and found out that within 10-feet of her door all these waste trucks come in. Certainly, it is a problem for everyone, but she has chronic myeloid leukemia. She stated this type of waste could be deadly. She has spoken to her doctors at Emory, and here in Rome, and apparently she is going to have to move out of this situation, but she does feel for the people who are homeowners and have been here for years and years. She stated the trucks do come by with the sewage spilling out the back. They are not just clean cut trucks. She stated sewage is actually going into the patch of the roads. She also has dogs and cats that she is afraid to let out of the house. She stated they have been to the vet lately and there are problems there. If it is problems for your pets, you know it is problems for yourself. She stated for the people who cannot move out of the area she thinks it is just sad that this should keep reoccurring. She is asking that they please consider denying this for those people, and a lot of them are elderly people who are ill as well. She thanked the Board.

Terrence Ford, 15 West 2nd Street, Lindale, stated this is just a real bad thing. He stated the kids do not have anywhere to play. They do not have room to ride their bicycles or anything, and the truckers did not blow the horn or anything.

Rebuttal: Mr. Hawkins stated he only owns two trucks, and he has the Georgia Commercial Waste Vehicle Inspection Report. He stated if sewage was running out of the back of the trucks he would be in jail. He stated the red tanker is owned by NRT Properties. He stated the other truck is a white Peterbilt with an aluminum tanker owned by TRS. He stated TRS was removing the grease that was causing an issue as far as permitting, so that is what the white truck was doing. The red truck belongs to a friend who lives in Alabama. He stated he was coming by checking up, paying him, and presenting the paperwork, but it is L-I so he is allowed. In regards to the speeding or anything, he just has to say that is absurd as far as endangering children. He stated his daughter is ten years old, and all of his drivers have kids. They all play at the property, ride four-wheelers, go to the creek, and they should not even be an issue. He stated in regards to the insects, he has no control over insects. He stated he is there fourteen hours a day. He stated he lives there a lot of the times because it is just simply cheaper to stay in the office, and as far as the flies, he does not understand what the problem is. He stays there and he does not have flies. He stated he wants everyone to know that he is not trying to do anything that is a detriment to the community or the environment. He is actually trying to clean up the ponds, offer that service, and have a place to store his trucks. He stated he waited for years to by this

piece of property. He fenced it, planted grass, and got every piece of paperwork from every governing authority that he knew of. He stated in regards to the special use permit, he did ask for a special use permit in the beginning. He talked about it and it was his understanding at the meeting that a special use permit was not needed at that time, but when he was asked to obtain one, he complied. He stated he would like to continue to do business. He does not own those trucks, but they are permitted under L-I. He only owns two Peterbilts and he would be more than glad to show anyone the inspections where they meet requirements.

Mr. Roberts stated he would just like to address a few of the facts as far as the waste on the property and things that were brought up. He stated his job was to go out there, sample the pits, the waste and the ethylamine going off the property to the city. Part of that process was to be there when the tanks were running, and the whole process was at its peak. He stated Mr. Hawkins initially had some materials that were being put in there that he did not know were contributing to some of the problems they initially had. He stated they tested it, and said no you cannot bring those here, and he told those clients to go away. He sent them to another source and that was really early on because they were not initially meeting the BOD requirements. He stated the solids, the ph, the oil and grease, and the other requirements that they were to meet were brought into control quickly once they removed that material. The reason he says he was there when it was active and operating, the aerators were going in the tank, which would push the air up out of the tank, and his job was to stand above the water and take samples. He stated when he came on the property he did not notice smells. When he stood over the tanks it smelled some. He stated that over the course of time, as they got those issues under control, it smelled less to the point where there is hardly a discernable odor difference from the property line to the tanks and it does not smell foul. He stated those tanker trucks that they saw on that property are the trucks that came on and took that dye away, so he did not just dump it somewhere inappropriately. The materials that he brought out of there were worse than what is in there now. He stated that the water going off the property is clean, and it meets the permit requirements, so that it can be further treated to drinking water released to the system by the city.

Mr. Hawkins stated he has talked to the neighbors. He has had conversations with Mr. Bennett in his home, and has told him that he would correct any issues that he does not like. He has met with the drivers, every one of the employees, and every one of the neighbors on the property. He will do anything he can to get along with the neighbors. He stated regardless if he gets the special use permit, he is not moving. He only owns two trucks, so the truck traffic is going to stay the same. He stated in regards to the trucks on the video, as Mr. Roberts stated, they were removing some of the sludge that was left to him that he was unaware of. He stated since that time those trucks have not been back. He does not have plans to buy any other trucks, or plans for expansion, and any odor control devices that they may need they get them. He stated no city or county official has ever cited him for any odor problems, although they have been at the property several times. They have been across the property, he has met with them, they have been in the woods adjacent to it, and they have watched them. He stated he

was not supposed to know about it, but he did know about it, so anything that has been done in regards to trying to be, or being in compliance, he has done. The special use permit is only to allow him to dewater sewage and septic tank waste. He stated it is not allowed at any other facility in this area. He thanked the Board for their time.

Chairman Jennings asked Mr. Hawkins if he was interested in the sale of this property. Mr. Hawkins stated initially when he was asked that question he was taken off guard because his plans are to actually build a home on the property up on the hill. He stated in theory he really does not wish to sell the property, although, he guesses he could sell it. He would be forced to move. He stated it is 571-feet to the left to H-I zoning, and if he moved over there he would be more intrusive, in his opinion, to the neighborhood. He has already leased that property, under the presumption that he does not get the special use permit, he will be forced to move to the left. He stated that piece of property is H-I and it does meet all the requirements. He guesses he would sell the property, but he would really rather not. He stated the price would be extremely high due to the fact of all his improvements, and he just simply cannot recover. He does not have an interest in doing that. He stated he would answer that question as he did before, he guesses everything is for sell, but he would rather not sell. He stated one of the improvements he wanted to speak about is when he bought the property there was an extreme amount of vandals. He stated they stole everything from his overhead power lines to his water spigots. They actually hooked their trucks to the power poles and pulled the power poles down to get the transformers and all of the parts off it. He stated since then they have put the fencing up, he is there most of the time, and they have posted some pretty aggressive signs on the property, they have not had any issues with anything. In his opinion, they have actually helped some of that because there were a lot of rough people coming through there, and doing some things on the property that were not acceptable. He stated in regards to that, a lot of that traffic has slowed down.

Commissioner Fricks stated the question he has is the definition that requires them to do the special use permit as a sewer treatment plant. Commissioner Fricks stated the document from the EPD defined that it is not a sewer treatment plant. Commissioner Fricks stated an interpretation of a sewer treatment plant, the process that they do, is basically separating the solids from the liquids, and then it is going into the sewer treatment plant to be treated. He stated the question he would have is does he define himself as a sewer treatment plant. Mr. Hawkins stated absolutely not, he is a dewatering facility. Commissioner Fricks asked what would qualify him as a sewer treatment plant. Mr. Hawkins stated the qualification for a sewer treatment plant, in his opinion, would be several million dollars, not to mention the size. He stated he has one 30-yard roll off, and he classifies himself as a dewatering facility. When he applied through the City of Rome for the industrial pre-treatment discharge permit, they classified him as a dewatering facility. He stated when he contacted EPD it took him about ninety days to obtain that inspection and that report, they classified him as a dewatering facility. On the report, they classified a dewatering facility based on the assumption that the City of Rome did not request a wastewater treatment permit. He stated the class one operator was only imposed by Tony Abercrombie, with the City of Rome. Because of the fact that he was asked who had a class one operator license, at

that time he hired an independent source, which is Incon Systems, and that person only made sure that everything that they were doing was in compliance. He does not classify himself as wastewater treatment plant, and he never wants to own a wastewater treatment plant. He stated it employs several people, and many millions of dollars to operate one. He just purchased the property, which was 107 years old, due to the system already being there. He stated it had some concrete areas that were positive to our company, and it was known in the community. Assistant Manager Williams asked Mr. Hawkins if he adds chemicals in his dewatering process. Mr. Hawkins stated he adds polymer. He stated polymer is a flocculent, which when you pump the waste into the dewatering box, the polymer bonds with it causing a floc, and that allows the water to run out and the solids to stay in the box. Assistant Manager Williams stated so in that way the waste is treated to some extent. Mr. Hawkins stated to some extent they could classify that as some type of treatment.

Commissioner Fricks stated he has a question for Ms. Hiller. He stated he heard her reference in making a water treatment plant. He asked have they gone and observed the operation, and in their interpretation, in terms from the Planning Department, what defines it as a water treatment plant under that case. Ms. Hiller stated she has not observed the plant in operation. She has been out where the plant is. She stated she is not a wastewater engineer, and she is not sure going and watching it operate would be helpful to her. She stated they do have wastewater operators in Rome and Floyd County. They are located at the Rome Water and Sewer Plant. She stated they classify this as a sewage treatment plant. There are different levels of wastewater treatment. She stated there is a very low-level treatment, which is what Mr. Hawkins is doing, all the way through the processes that are being carried out at the Blacks Bluff Road plant, but he is classified as that.

Mr. Hawkins showed a video of a similar operation to demonstrate the process of his operation.

Chairman Jennings asked if there was anyone else who wished to speak in support or opposition of the proposed Special Use Permit. Seeing non, he closed the Public Hearing.

Discussion: Commissioner Whitefield stated this is a matter of clarification. He asked by right in the light industrial zoning district the truck traffic is not specifically prohibited, and the filling of the inert landfill is not prohibited, is that correct. He asked those are allowed by right in that district. Ms. Hiller stated that is correct. She stated truck traffic is not specifically allowed as a right, but that would certainly be accessory to many of the light industrial uses that would be allowed by right. Chairman Jennings stated although he believes in our code they do cite street access as a point of concern. Ms. Hiller stated it certainly is one of the points that they can consider in both a special use permit and a rezoning action. Chairman Jennings stated so for him that residential neighborhood and an 18-foot wide road is, he thinks, a valid point of consideration. Commissioner Fricks stated he understands the concern about that, it is a very small road, but it would not even have to come to the Board for

a special use permit, because it is allowable by right. He stated there were quite a few uses that are allowed usages. He stated it could be a worse scenario, because he would assume any one of those usages that are allowed in that area would create more traffic than what they are looking at. Chairman Jennings stated the road is a concern for him, but another concern is the site itself. He stated there are a number of retention ponds that are not being used, concrete ponds that he saw at the site, an aerator that is not being used, and it just concerns him that they have let this site kind of lay dormant for all of these years. He thinks they have a potential site that eventually the city and the county are going to have to take over and address the issues on this site. He stated that prompted his question of Mr. Hawkins about the potential selling of the site, and it is not like there are not options out there at the City of Rome Wastewater Treatment Plant, which he believes uses land application of its solids so it is not putting the solids into our landfill. He stated certainly another factor would be the adverse impact on the adjacent properties, so he has some real problems with this operation.

Chairman Jennings called for a motion. Commissioner Fricks made a MOTION to approve with the conditions that the that septic tank waste can be treated, but not FOG (fats, oils and greases), unless the applicant obtains an engineered (and approved) FOG treatment facility and returns to the Planning Commission and the County Board of Commissioners for rezoning to Heavy Industrial (H-I); and the operation shall meet both sections 4.1.19a and 4.1.19b of the ULDC; and have a specific site plan for the County Commission meeting per the recommendations of the Planning Commission. SECOND by Commissioner Mayes.

Further discussion: Commissioner Whitefield stated if that is the motion, and the motion is to approve, he would like to bring up a couple of ideas for possible consideration as well. He recommended that all waste storage must be kept in enclosed containers, that no further expansion of the current physical operations (i.e. the roll-off), physical plant capacity be allowed, and that the current site plan be used for a basis and any changes to that site plan have to be approved by the Board of Commissioners.

Commissioner Fricks Amended his MOTION to include the recommendations stated by Commissioner Whitefield. SECOND by Commissioner Mayes.

Chairman Jennings stated he would continue to urge the Commissioners to consider the factors that he mentioned earlier, the safety of the road, the site itself, which he believes sooner or later the city and county are going to be asked to take over this site and remediate its operation. He stated he thinks there are other options for Mr. Hawkins as far as his operation, and certainly, the issue of the adverse impact on adjacent property is troubling to him. VOTING:

YES

NO

Commissioner Fricks
" Lumsden

" Mayes
" Whitefield

Chairman Jennings

Motion Carried

2. FILE #102-2008SUP, REQUEST SPECIAL USE PERMIT FOR MANUFACTURED HOME ON SUBDIVISION LOT IN THE SUBURBAN RESIDENTIAL (S-R) DISTRICT ON PROPERTY LOCATED ON SCOTT DRIVE. ZONING MAP J11W – PARCEL 215. (PLANNING COMMISSION RECOMMENDATION: DENY. [VOTE: 9-0]):

Chairman Jennings declared the Public Hearing open. He asked Ms. Sue Hiller, Planning Department Director, to give a brief overview of the request. Ms. Hiller stated the subject property is located on Scott Drive, which is a platted road, but not an open road to this property. She stated it is within a subdivision in the S-R zoning district and therefore requires a special use permit for placement of a manufactured home. The surrounding properties are zoned S-R (Single-family Residential). She stated many are undeveloped. Some are developed with manufactured homes, others are developed with site built homes, so they are both represented in the area. Water service is provided by Floyd County. She stated initially Floyd County felt that they would not be able to provide water to this property because it does not front on a road. There is no sewer, and generally, a septic tank requires about an acre. She stated this is a 6.5-acre parcel, so there is some room there for options for septic tanks. Although there are properties within the county that get developed, especially with single-family dwellings, without frontage on a publicly maintained road. It does provide some potential difficulties to the community in terms of providing services and utilities such as water, sewer, sometimes electrical, getting emergency vehicles to the site, garbage collection, school buses, etc. Staff recommended denial of the request because it does not front on a road, and the issues with water. She stated there also was an adjacent property owner that said he felt that it was inappropriate to add more manufactured homes to the area that was becoming more and more site-built homes. Following the Planning Commission meeting they were informed by the Floyd County Water Department, that they felt they would be able to provide water to this property. She stated because of that, the applicant has submitted a request that they consider sending this back to the Planning Commission. She stated she thinks the applicant felt that the denial was based only on the water situation. She stated in reality, at the Planning Commission, there were several things considered. One is that there was no frontage on a road for this property. Another was certainly the water situation, but the third was the response of the neighbors in this area, whose property is adjacent, that the development pattern is changing and that manufactured homes may not be as appropriate anymore.

Support: Kenny Johnson, 190 Painter Road, stated he has two other properties on the opposite side of the road from this property that are both mobile homes. He stated the person he bought this land from has a house beside it, and sold it

to him knowing that he would put another mobile home in there for rental property. They do have water to it now. He stated they had the Floyd County Water Department come out and dig right in front of the piece of property. It does not have sewer, but they do have a situation where they can get sewer to it if they work it out with another landowner that has a piece of property with them. He stated they are working on that, and that is why they wanted to bring it before the Planning Commission again. She stated because they feel like they can get everything worked out to get it the way it needs to be to put a mobile home in there.

Oppose: Mark Miller, 15 Boxwood Lane, stated the problem is that Boxwood Lane is in Burchfield Subdivision. These are nice houses, \$130,000 to \$190,000 houses, and this piece of property backs up to a few of these houses, based on this surveyor's tape. He stated it is a big problem to them, property value wise, if all of a sudden they are looking out their windows and looking at the back of mobile homes. They feel like it would impact their property values. He stated that in and of itself becomes a problem and they would like to oppose having the property rezoned. He presented the Clerk with a letter and petition that had been signed by other residents on Boxwood Lane. He thanked the Board.

Jason Sanker, 21 Boxwood Lane, stated he is aware that this is a fairly long parcel. He stated he is not one that is particularly tough to get along with. He stated he would be willing to entertain discussion if he could get some more information about visibility, and what exactly the use of this mobile home would be. He stated but having not received any of that information, he has no choice but to assume the worst-case scenario. He stated they do live in the Burchfield Subdivision. All of these homes, as in any subdivision, are similar as far as the type of lots that they are on, the structure of the homes, and they are fairly nice homes. He stated he has some concerns with how this manufactured home would fit into the overall suburban residential zoning plan there. He found out for the first time tonight that water may not be an issue, but it sounds like there are still some kinks to be worked out. He stated it sounds like sewage, and garbage pick up, has not been resolved. He also has concerns regarding the effect on property value, which especially in today's market, is even more so of a concern. He stated it would not fit in with the overall view and feel of the Burchfield neighborhood. He has some very real concerns about what effect that would have on the value of his property, and his ability to sell that home. He has concerns due to the lack of road frontage for fire and police to have a response time. He stated he has a two year old, and the responsiveness of the county to get to any such structure located out there is definitely a concern. In addition, looking at Section 2.2.4 of the ULDC for some of the factors that are considered when a special use permit is sought, would be if there is no trash pick up, what are the plans for shielding or storage of any sort of refuse on this property, if any. He stated as far as removal goes, would it have an adverse effect on his property or any of the other homeowners. Those are his concerns, and those are also concerns for those whose names appear on the petition. He stated for those reasons, they would asked that the Board deny this request. He thanked the Board.

Rebuttal: Mr. Johnson stated as far as he knows, he does not think it would be visible from Boxwood Lane through the woods to where they were going to put the mobile home. He cannot say that for sure, but it is a big area that they have there, and they were going to put it on Scott Drive toward the back of the lot so they would have a big buffer of woods there that would not be visible to their houses. Ms. Hiller pointed out Boxwood Lane and Scott Drive, stating that Scott Drive does not go all the way down to the property. It is platted, but it does not actually exist. Chairman Jennings asked so how do you get to the property. Mr. Johnson stated there is access there from a driveway standpoint to the end of Scott Drive. He stated they would just have a little longer driveway. Chairman Jennings stated so on a platted road, is that county owned property. County Manager Poe stated he is assuming county maintenance, but he has not been out there. He asked Ms. Hiller is all of Scott Drive all county maintenance. She stated part of it is. She believes it ends with the last house shown on the aerial photograph, and then beyond that it is platted, but it is not built or maintained. County Manager Poe stated he has not talked to John Boyd, but he does not understand how they have water out there. He stated there are things that happened in the past that none of us knew about, but he does not know why they would have the county maintain the road. Chairman Jennings asked who owns the road or the right-of-way. County Manager Poe stated it is dedicated to the public as public use at this time. He stated it is a paper-platted street that is just dedicated to use by the public. Chairman Jennings asked but the county would not maintain that. County Manager Poe stated no, they would have to go through the process of upgrading the road, and asking the county to take it on maintenance in order for it to be county maintained.

Chairman Jennings asked if there was anyone else who wished to speak in support or opposition of the proposed special use permit. Seeing none, he closed the Public Hearing. He asked if there is any further discussion and/or a motion.

Commissioner Whitefield made a MOTION to approve the special use permit with the following conditions: 1) the property cannot be subdivided while the special use permit is in place on that property; and 2) that a minimum of 250' buffer exists between the back property line farthest from Scott Drive and the manufactured home. SECOND by Commissioner Lumsden. VOTING:

YES

NO

Commissioner Fricks

Commissioner Lumsden

" Mayes

" Whitefield

Chairman Jennings

Motion Carried

3. FILE #103-2008Z, REQUEST REZONING FROM AGRICULTURE RESIDENTIAL (A-R) TO COMMUNITY COMMERCIAL (C-C) FOR CONVENIENCE STORE GAS STATION ON PROPERTY

LOCATED ON ROCKMART HIGHWAY AT PLEASANT HOPE ROAD. ZONING MAP K18 – PARCEL 159A. (PLANNING COMMISSION RECOMMENDATION: DENY. [VOTE: 10-0]):

Chairman Jennings declared the Public Hearing open. He asked Ms. Sue Hiller, Planning Department Director, to give a brief overview of the request. Ms. Hiller stated the subject property is located on Rockmart Highway at Pleasant Hope Road. She stated Pleasant Hope Baptist Church is south of the property along Rockmart Highway, and beyond the church there is a cemetery. The property is approximately 2 acres in size, and it has frontage on three sides. She stated frontage is on Craton Road, Rockmart Highway, and Pleasant Hope Road. The property is currently undeveloped, and it was the subject of a rezoning request in July 2002. She stated the request at that time was to rezone from A-R (Agriculture Residential) to H-C (Heavy Commercial) for mini-warehouses. With some opposition from adjacent property owners, the Planning Commission voted to recommend denial. At that point, the applicant withdrew the request, so it never actually made it to the Board for consideration. She stated to the north and west are properties zoned A-R (Agriculture Residential) and developed with rural uses that include single-family dwellings and agricultural uses. The church and cemetery mentioned are zoned O-I. She stated there is a fair amount of undeveloped property that is still used for pasture or agricultural uses. It is located within the rural character area, where intensive development should be limited to nodal locations where services and utilities are available, and where such use will not conflict with other uses particularly agricultural uses. She stated on the future land use map it indicates suburban residential uses. Pleasant Hope Road and Craton Road are both classified as local, although, the Rockmart Highway is an arterial road. They initially had comments from the Floyd County Public Works Department indicating that they would need to see more of a traffic plan. She stated the applicant did coordinate with them, and also coordinate with the Georgia DOT. She stated they ended up with a recommendation from the Floyd County Public Works Department that the access to the property, if this was approved, would only be from the Rockmart Highway. She stated the site plan appears to indicate that the access would be from the Rockmart Highway. Although it is not a very detailed site plan, and it is not specific to that site, it appears to indicate that there is room on there to do the building, the canopy, and so on. She stated it does not show any landscaping, buffers, or even stormwater management. The plat shows the property with those things located on it. She stated at the Planning Commission meeting there were neighbors and adjacent property owners who spoke in opposition to this because of increased traffic, drainage issues, and because it is very close to a church. She stated there is another church a little bit beyond to the north of this property, so there was a petition presented from various church members and surrounding property owners requesting that this request be denied. She stated the Planning Commission recommends denial of the request, and that was a unanimous vote.

Oppose: Jim Mahaffey, 4 Van Tassel Drive, Lindale, stated there are two churches. The Silver Creek Church of God is on one end, and Pleasant Hope Baptist Church is on the other end. He stated they are not against convenience stores, but it

would disrupt both churches and the services. The property, he is sure, would not perk, they could not have a septic tank, and they may also be trying to put gas tanks in there and they cannot do that. He thanked the Board.

H. I. Jones, 355 Pleasant Hope Road, Silver Creek, stated he lives .7 mile from the property. He stated that for several years, during heavy rains, Pleasant Hope Road and a portion of the church parking lot would flood. He stated that the state and/or Floyd County constructed a drainage system relieving the problem. Any construction on this property would reduce the effectiveness of this drainage system. He stated the change to the requested zoning would interfere with church activities, especially parking for funerals, which may occur at times other than normal church services. He stated that obnoxious noises would be created by traffic, parking, and people. He stated there are three existing convenience stores within 2.7 miles of the property, along with two nearby churches and homes on property adjacent to the location. He stated safety is also a concern and requested that the request be denied.

Karen Johnson, 2987 Old Rockmart Road, Silver Creek, stated this piece of property has been flooded several times through the twenty-eight years that she has lived in the area. She stated this farm is what remains of the farm that was part of the old Bradshaw family. Her mother-in-law owns the farm that is directly across the road on Highway 101. She stated her farm is used for cattle, and so is their property, which is on the south side of Old Rockmart Road. The Old Rockmart Road is the go between from Cedartown to Rome so it is a very busy area. She stated it is a narrow, two-lane road that is tremendously busy. She stated her mother-in-law's property on Highway 101 is the lowest point, and it floods up the fence at her house. It is a fairly large field but nearly all of the drainage eventually makes it into that field from all the roads and all the area. She stated her property is a few hundred feet off the road, but it does get under water periodically, the last time being when the tornado came through. They have seen it under water most years. She stated what worries her about a service station being there is the additional oil and gas. She thanked the Board.

Chairman Jennings asked if there was anyone else wishing to speak in favor or opposition of the proposed rezoning. Seeing none he closed the Public Hearing.

Commissioner Fricks made a MOTION to deny the rezoning request. SECOND by Commissioner Lumsden. VOTING:

YES

NO

Commissioner Fricks

" Lumsden

" Mayes

" Whitefield

Chairman Jennings

Motion Carried

4. FILE #104-2008SUP, REQUEST SPECIAL USE PERMIT TO CONSTRUCT SCHOOL IN THE SUBURBAN RESIDENTIAL (S-R) DISTRICT ON PROPERTY LOCATED ON WILBANKS ROAD. ZONING MAP L15 – PARCEL 001; ZONING MAP K15W – PARCELS 014, 015, 017, 018B, 018C, 018E. (PLANNING COMMISSION RECOMMENDATION: APPROVE. [VOTE: 10-0]):

Chairman Jennings declared the Public Hearing open and asked Ms. Sue Hiller, Planning Department Director, to give a brief overview of the request. Ms. Hiller stated the subject property is located on Wilbanks Road. She stated the parcels that are part of this property are on both sides of Wilbanks Road. She stated current aerial photo shows Wilbanks Road comes in off of the East Rome by-pass. She stated that will probably change a little bit when parts of the East Rome by-pass are changed. However, that does provide the only access, and that is classified as a local road. She stated it is also fairly narrow, and largely undeveloped in this area, although there are some homes and some agricultural operations. To the west is the by-pass. To the north is the river, and beyond that there are playing fields and agricultural fields. To the south there is O-I. She stated also to the west there is a C-C tract that is undeveloped, and further south along the Highway 411 corridor there is some commercial development there. She stated a preliminary site plan was provided by the school, but they do not know exactly what their site plan would look like yet. She stated the tract, with all of the lots that goes with it, is about 120 acres, and they have indicated that they would use about 80 or 90 of those acres. She stated while a school of this size does have some potential for impacts on adjoining properties, she thinks the size of this property will mitigate that somewhat because they can provide some separation and some buffers from the nearest residential property. She stated because of the narrowness of the road, and the classification as a local road, the Floyd County Public Works Department asked for further information. Their concern was with traffic control, and that parents who were there to pick children up and drop children off would be flowing out into the road. She stated the school has assured them that they would be able to provide enough space for that traffic flow to actually be on the property and not out into the public road where it would have impacts on other drivers, and other property owners there. She stated this site does have all services and all utilities available. She stated the City of Rome provides both water and sewer to the site.

Support: Glenn Getchell, 1 Wood Valley Drive, stated he is the Headmaster at Unity Christian School. He stated he has been there for seven years, and Unity is in its eleventh year. He would like to speak for approval of this special use permit, and do that by expressing a few points about their school. He stated Unity Christian School has a major impact in Floyd County. He stated Unity Christian is one of two options for private high school education, and the only distinctively Christian high school in Rome. They believe that a wide and varied educational system is attractive in bringing new industry to Rome, and they think Unity is a great asset to the community for that. He stated Unity Christian has a major economic impact in Rome. The families pay taxes in the community. He stated they do not send their children to

public schools, but that money still goes to the public schools. Therefore, more funding is available per student in the public schools because their families choose not to use it. The sell of their existing commercial facilities in the future will add multi million-dollar value to the tax rolls. He stated the development of a new campus will also utilize local subcontractors. As an entity, they spend on local goods and services. He stated they have students that attend Unity Christian School from six counties including Floyd County, and they come to this community and spend on goods and services bringing economic impact. They bring schools in town from an athletic standpoint, and an academic standpoint, which also brings people from outside this community to Floyd County to spend money. He stated they also have just under \$2 million in payroll and benefits for their employees. They employ eighty-six people, have three hundred and sixty-six students, and over seven hundred parents affiliated with this school. They have over twelve hundred grandparents that actively get involved in the school community.

He stated they need room for expansion. They currently have about 52,000 square feet of indoor space that they can use, and they have about maxed it out, so they need to move. They have seven acres total, so they cannot expand an athletic area. He stated right now they have great relationships with other community organizations that have allowed them to use their facilities, but they still feel like in order for them to continue to grow they need to buy another piece of property. He stated this is a large tract of land, and there is no doubt that finding a large tract of land close to the by-pass is difficult at a price that they could afford, and they have been able to find a piece that they feel like would give them a great opportunity for the future. He stated this piece of property also affords them with river frontage, which would give them a chance to expand potential programs there. Their future plans with the property would be to offer an expanded academic and athletic program. He stated they would love to be able to build a facility that fits into the landscape and actually compliments the surrounding community. He stated they respectfully request today approval for this special use permit so that they can continue for generations to come to give the quality education that they have. He thanked the Board.

David Harper, 3 Ridgeview Drive, Silver Creek, stated he is one of the four pastors who began Unity Christian School. He stated they have seen continued growth and development in the school, and they feel like this is the next step for them. He stated Unity Christian School has become a multi-dimensional school that now meets on two campuses. He stated their plan is to continue that positive influence in this community, and he would appreciate it if they would approve this special use permit in their behalf.

Oppose: Nell Carver, 380 Wilbanks Road stated as far as the Unity Christian School goes, she thinks it is marvelous. She stated she thinks it is a wonderful school from everything that she has heard, and seen, and she does agree that it is good for the community. The only problem that they face out there is Wilbanks Road. She stated if they are trying to get 250 cars back and forth on this little road, with an intersection being not two-tenths of a mile connecting the connector and Highway 411, they have problems. There will be such massive back up problems, and she is afraid

some dangerous situations there. She stated they checked the roads out to see exactly what the width was, because she knows just with their little neighborhood when you are passing a car somebody is going to hit the dirt. It is almost impossible for two cars to pass. She stated if there happens to be school busses, and massive traffic there, that is where their problem comes in. She stated the major concern is the danger and congestion of entering and exiting from the by-pass. She stated there is not a light for traffic coming off Wilbanks Road. If you are merging, trying to go from Wilbanks Road to turn left, you have to go through three lanes to get over to where you might want to go, and then there is a turn lane there. She stated the road comes from 20.6', and around the curve it is 17'. She stated that gets past two homes, when you come up by Woods Home Road that goes off to the right it widens briefly to 18', and just beyond that is their driveway, which happens to be 16.2'. Immediately when you are going toward where the proposal for the school is going to be it is 14'. She stated she cannot see in any way, form, or fashion that this is going to work, unless somebody wants to come in and somehow build a big road. Their main concern is trying to get in and out of the intersection. She stated many times when she is trying to come off Wilbanks Road she is sitting there three or four minutes waiting for the traffic coming everyway. She stated the normal traffic on the connector of Highway 411 is heavy. The prime time traffic from 7:30 to 9:00 a.m. and from 3:00 to 6:00 p.m. is many times bumper to bumper. If they put the school traffic out there they are going to have such a back up it is going to be a mess. She stated she does have an alternate proposal. She stated their other concerns is the river frontage of the Etowah River. That just worries her because there are going to be a lot of kids there anyway. She stated the land is a haven for wildlife. It is beautiful back there, it is wonderful property, and she can understand why they would like to be there. She stated their neighborhood suggestion is, if they are going to pass this special use permit, to pass a permit for another road to be built for an entrance and exit below the school. That way there could possibly be a light put there, and it could solve a lot of traffic problems. She stated she is telling them what she foresees on this with just living on this road for fifteen years. It is going to create traffic problems, and that is just basically what they are trying to tell them. She stated they love the peace and quiet, but they are young enough, or old enough to know that things do change. She hopes that they will look at this situation, and see what they are trying to stress.

Don Wilbanks, 255 Wilbanks Road, stated like Ms. Carver said Unity Christian School is fantastic. He stated their main concern is still the road. It is a dead-end road so every car that goes in has to turn around and come back out. During the mornings and the afternoons when school kids are in and out there is going to be a lot of traffic. He stated when they built the by-pass the state built the road past Big Time Products over the hill. It is a striped, wide, two lane road. He stated after that it just turns into the county road that they have had since they built Highway 411. It used to be dirt, now it is paved, but it does get narrow. He stated if you do approve it please consider the traffic and the road conditions for those of them who live out there.

Rebuttal: Joel Holcombe, 209 E. 10th Street, stated as far as the access, they would love to work with the county to improve the access of that road the best feasible way that they know how. He stated as far as the traffic flows, they are going to

design the school in such a manner that the picking up and dropping off of students will not collect traffic on Wilbanks Road. They have enough acreage there, they feel like, to construct a pattern of traffic that will not be a hindrance to the right-of-way problems on Wilbanks Road. He stated he has talked with David Doss with the Georgia Department of Transportation regarding the proposed by-pass as far as the possibilities of when things will be purchased, the way the thing is currently constructed, their proposed alternate route onto the by-pass and when it is going to be in place. He anticipates that to be up to five years before they could purchase right-of-way. He stated as a school, they are looking at this site as its current state, and whatever comes from the by-pass they think at that point would be obviously much better as far as access into their tract for future better routes out. He stated obviously they cannot speak for the DOT as far as what they are going to buy or whether they are going to even go by their proposed plan that they have now. He has talked to Leigh Ross, City of Rome, about water and sewer, and water and sewer are obviously available on the property. He stated they just appreciate the opportunity to be here and help all they can.

Chairman Jennings stated he is a little confused by the by-pass, and he thinks what Mr. Holcombe is speaking about is the southwest by-pass. Mr. Holcombe answered yes. Chairman Jennings stated it is his understanding that it is not going to impact this site. Mr. Holcombe stated Wilbanks Road will change when it gets constructed according to the current plans, but in talking with David Doss, he said they cannot necessarily go by those plans, and he cannot give him an anticipated time as to when that would be constructed. County Manager Poe stated the whole interchange is moving to the south, up to the top of hill. He stated it will be a full-blown interchange so it will cut across Wilbanks Road at some point. He stated he thinks they would probably have obligation if they are going to have that much traffic on that road to work with them to either significantly upgrade Wilbanks Road, or to find some alternative directly onto the by-pass without going onto Wilbanks Road. Chairman Jennings stated he thinks a good point is being made that the Wilbanks Road entrance into the school being so close to the traffic light there at Highway 411 does make that both entrance and exit a concern. County Manager Poe stated that is going to significantly change when they come across with the by-pass. Chairman Jennings stated suffice it to say that should this pass they all need to work together, and confer with the county and the DOT so that they can make this as safe a route wherever that intersection is. He stated they will instruct the County Manager, should this pass, to work with Unity Christian School to see what they can do to address some valid concerns.

Satin Smith, 12 Cordel Drive, stated her daughter is a kindergartener at Unity Christian School. She stated she understands their issue with the traffic, but right now, if they see their current location for the kindergarteners they have worked out a great plan. They have all of the teachers out there every morning before the students ever get there. She stated they have two lines, and they direct the traffic. They are in a small community now and it is very limited with space, but they have worked with that community. She stated they recommend that they come in one way, everybody flows with the traffic, and she thinks if they were to get this property, they would do the same

thing with this community. Even with the space, she thinks it would be a great opportunity to be able to make it work and not cause a hazard to them.

Kelly Hudson, 211 Sherwood, stated he and his wife own the property. He stated after talking with Unity, looking at what they have done in the past and their plans for the future, they are very excited about being part of that and certainly hope that this is approved. They feel like it would be good stewardship for the land. He stated he certainly understands in regard to the traffic situation, but one thing he would like to mention is that it is understanding that presently the land can be developed as a subdivision and there could be several hundred houses put on the same land. Therefore, they could wind up with the same traffic problem. He stated hopefully that traffic situation could be worked out.

Vinson Carver, 380 Wilbanks Road, stated they could build a subdivision, a high-rise, a school, but they are still going to have to address the road.

Chairman Jennings asked if there was anyone wishing to speak in favor or opposition of the request. Seeing none, he closed the Public Hearing.

Commissioner Mayes made a MOTION to approve the special use permit. SECOND by Commissioner Fricks.

Further Discussion: Chairman Jennings stated just to reiterate the point that Mr. Poe as the County Manager, they want him to be the point person to address the options that they have as far as traffic flow and help the neighborhood and the school to come up with a good solution to that issue. He stated they do have some time to do that. The DOT is obviously involved in this, and they have great confidence in the DOT to work with them. VOTING:

YES

NO

Commissioner Fricks

" Lumsden

" Mayes

Chairman Jennings

Motion Carried

Commissioner Whitefield abstained due to the fact that his children attend Unity Christian School.

CHAIRMAN'S REPORT:

Lisa Meltzer stated she is on the board of the Floyd County Humane Society, and she is one of four volunteers that are actively involved in the Floyd County Animal Shelter. She stated she and her husband take animals out once a month with the help of Jason Broome and his staff to the front of the Wal-Mart to help them get

adoptions going. They do that the last Saturday of every month. She stated currently Berry College is involved in helping her make the current shelter a little bit more warming and inviting by painting some murals on the walls. She is very interested in possibly obtaining a SPLOST request to add on to the current size of the Humane Society. She stated she basically wanted to personally lobby for health and increasing the size of the current shelter. She has never met the Board before. She has never been involved in local politics, but she moved here seven years ago from Cobb County and was very much involved in the Humane Society efforts there.

COMMISSIONER'S REPORT:

1. Administrative/Finance Committee – Commissioner Whitefield, Chairman

No Report.

2. Public Safety Committee – Commissioner Lumsden, Chairman

a. Recommendation regarding Chemical Bio-Hazard Nuclear Radiation Response Team.

Commissioner Lumsden stated it has come to their attention that they have an opportunity to apply for a grant through GEMA, in the amount of \$345,875.00, for the express purpose of the creation of a Chemical Bio-Hazard Nuclear Radiation Response Team. He stated the chief of police had provided background information related to the grant. County Manager Poe stated they reviewed the information to make sure they are not putting any additional responsibilities that would require additional staff, or taking additional officers off the road. He stated he thinks they can incorporate it into their existing training, and basically use our existing specialized trained officers that are working on our Bomb Squad, SWAT team, and even some of the people on our Metro Drug Task force who deal with chemicals and meth labs. He stated there will be no up front capital cost to the county because GEMA will be providing that money, and get them started with other equipment and supplies. Any ongoing costs will be minimal, such as what they are experiencing with the Bomb Squad. He stated we provide response when needed for the entire Northwest Georgia area. Chairman Jennings stated he thinks it is a tribute to our Bomb Squad, our Metro Drug Task Force, and to our SWAT team that lead to GEMA coming to us for seventeen counties that we would cover with this grant. County Manager Poe stated we are looking for the Commission to endorse and support our efforts to move forward with this grant program, and authorize the Chairman to sign the required documents to move forward. He stated GEMA has a vehicle that they are ready to send to our jurisdiction as soon as the paperwork is signed.

Commissioner Lumsden made a MOTION to authorize the county to move forward with the grant application and authorize the Chairman to sign any appropriate documents relative to pursuing that. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Fricks
" Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

3. Public Works Committee – Commissioner Mayes, Chairman

- a. Recommendation to accept the following roadways and detention ponds in Burnett Crossing Subdivision onto county maintenance: Willowrun Drive, SW; Woodsong Drive SW; Bayberry Court SW; Ashberry Circle SW; Berrywood Court SW; Birchwood Circle SW; Burnett Crossing Way SW; Arborwood Circle SW; Hedgewood Circle SW; Detention Pond #1 adjacent to lots 100, 101 and 102; and Detention Pond #2 adjacent to lots 4, 5, 14 and 15.**

Commissioner Mayes made a MOTION to accept the following roadways and detention ponds in Burnett Crossing Subdivision onto county maintenance: Willowrun Drive, SW; Woodsong Drive SW; Bayberry Court SW; Ashberry Circle SW; Berrywood Court SW; Birchwood Circle SW; Burnett Crossing Way SW; Arborwood Circle SW; Hedgewood Circle SW; Detention Pond #1 adjacent to lots 100, 101 and 102; and Detention Pond #2 adjacent to lots 4, 5, 14 and 15. SECOND by Commissioner Whitefield. VOTING:

YES

NO

Commissioner Fricks
" Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

4/5 VOTE REQUIRED

- b. Request to purchase a total station instrument with data collector for Engineering Department in lieu of plotter approved in 2008 Capital Budget at a cost of \$6,992.75.**

Commissioner Mayes stated this item requires a 4/5 Vote to be added to the agenda. Chairman Jennings called for a motion to place this item on the agenda.

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

YES NO

Commissioner Fricks
" Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

Commissioner Mayes made a MOTION to approve the request to purchase a total station instrument with data collector for Engineering Department in lieu of plotter approved in 2008 Capital Budget at a cost of \$6,992.75. SECOND by Commissioner Whitefield. VOTING:

YES NO

Commissioner Fricks
" Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

4. Water Committee – Commissioner Fricks, Chairman

No Report.

5. Judicial Services Committee – Commissioner Jennings, Chairman

No Report.

6. Special Committee Reports

- a. **SPLOST Committee (Lumsden)**
- b. **Work Release Committee (Lumsden, Mayes)**
- c. **Fire Overview Committee (Lumsden, Whitefield)**
- d. **Joint Services Committee (Jennings, Whitefield)**
- e. **Joint Development Oversight Committee (Mayes, Whitefield)**

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 two items on the Clerk's Consent Agenda, which have been reviewed and are submitted for approval. Chairman Jennings called for a motion. Commissioner Lumsden made a MOTION to approve the Clerk's Consent Agenda. SECOND by Commissioner Fricks. VOTING:

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

Motion Carried

- 1. Resolution Authorizing Execution of worker's compensation Stipulation and Agreement related to Emma Braziel worker's compensation claim.**
- 2. Malt Beverage Application, Rajesh Agarwal/Diamond Convenience, Inc., 4428 Martha Berry Highway. (Beer) (Manager Change).**

MANAGER'S REPORT:

1. RECOMMENDATION FROM SOLID WASTE COMMISSION REGARDING AWARD OF CONTRACT TO ENVIRONMENTAL GUIDANCE ASSOCIATES (DAVID LAWTON) TO PROVIDE ENVIRONMENTAL COMPLIANCE SERVICES FOR FOX MANUFACTURING PROPERTY (RECYCLING CENTER):

County Manager Poe stated they have received a recommendation from the Solid Waste Commission regarding award of a Contract to Environmental Guidance Associates, Rome, for environmental compliance for the Fox Property, which is the location of our Recycling Center. He stated the EPD is requiring a plan to do additional

environmental testing on that property. He stated the Solid Waste Commission has reviewed the proposal from Environmental Guidance Associates and has voted to recommend to both city and county commissions to award the Contract to Environmental Guidance Associates.

Commissioner Lumsden made a MOTION to approve the recommendation from the Solid Waste Commission to award a contract to Environmental Guidance Associates for Environmental Compliance Services for the Fox Manufacturing Property. SECOND by Chairman Jennings. VOTING:

YES

NO

Commissioner Fricks
" Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

ATTORNEY'S REPORT:

No Report.

ADJOURNMENT:

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

YES

NO

Commissioner Fricks
" Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

**FLOYD COUNTY BOARD OF
COMMISSIONERS**

JERRY JENNINGS, CHAIRMAN

