

September 27, 2011

**REGULAR MEETING
FLOYD COUNTY BOARD OF COMMISSIONERS
September 27, 2011 6:00 P.M.**

PRESENT: Commissioners Irwin Bagwell, Garry Fricks, John Mayes, and Chad Whitefield.

OTHERS

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

ABSENT: Commissioner Eddie Lumsden.

CALL TO

ORDER: Chairman Whitefield called the meeting to order.

INVOCATION: Commissioner Mayes led the Invocation.

PLEDGE OF ALLEGIANCE:

Chairman Whitefield asked County Attorney Andy Garner if the minutes were in order. Mr. Garner stated the minutes had been reviewed and were in order. Commissioner Mayes made a MOTION to adopt the minutes of the Regular Meeting of September 13, 2011. SECOND by Commissioner Fricks. VOTING:

Commissioner Bagwell
" Fricks
" Mayes
Chairman Whitefield

Motion Carried

**PUBLIC HEARINGS:
(FIRST READINGS HELD
SEPTEMBER 13, 2011)**

Chairman Whitefield reviewed the Public Hearing procedures.

Rezoning and Special Use Permits

1. FILE #91-2011Z. REQUESTS REZONING FROM HIGH DENSITY TRADITIONAL RESIDENTIAL (H-TR) TO SUBURBAN RESIDENTIAL (S-R) WITH SPECIAL USE PERMIT FOR A MANUFACTURED HOME IN SUBURBAN RESIDENTIAL (S-R) ZONING DISTRICT ON PROPERTY LOCATED ON LANDERS DRIVE IN LINDALE. ZONING MAP J16Y, PARCEL 263. (PLANNING COMMISSION RECOMMENDATION: DENY [VOTE: 9-0]):

Chairman Whitefield declared the Public Hearing open, and asked Phil Helton, Rome-Floyd Planning Department, to give a brief overview of this request. Mr. Helton stated the applicant is Mr. Larry Lemming. Mr. Helton reviewed photos of the property showing the existing structure, and photos of manufactured home locations in the surrounding area. He stated there is Neighborhood Office Commercial (N-O-C) use along Park Avenue and Landers Drive.

Chairman Whitefield asked if there was anyone to speak in support of the request. There was no one present to speak in support.

Oppose: **Jerry Hilliard, 22 Landers Drive**, stated he lives next door to where they want to put the mobile home. He stated they brought the mobile home in without a permit, and did not own the land when they put it there. The mobile home is nowhere near livable. He stated it needs a new roof, floors, walls, and ceilings. It is an eyesore. He stated he bought the property next door, which was condemned, and completely remodeled it inside and out. Dan Roberson owns land there, and had discussions with Mr. Lemming about trading some property. He stated they brought the mobile home in without Mr. Roberson knowing about it. He does not feel the mobile home should be allowed there because there are only houses in that area. He stated that the lot is not big enough for a mobile home. He stated a spring on the corner of his property runs over to Landers Lake, which is right behind that property making it a flood zone.

Max Huff, 1733 Davis Street, stated he owns the two mobile homes on Davis Street, and he has lived there since 1966. He stated his son bought property and a new mobile home ten years ago. He was not allowed to place the mobile home on the property after spending the money. He stated one of the mobile homes at Otting's Junk Yard burned, and they were not allowed to replace it with another one. He stated the bank told him his property was in a flood zone when he was trying to buy it. He said that Davis Street is not in a flood zone that Strawberry Lane is. He stated they asked him how many times it had been under water. It has never been under water. He stated they are having some problems now, but that is from ditches not being kept up. An engineer came through in the 1970's to straighten out the flooding problems on

Strawberry Lane. He stated they have not had flooding problems since except for the ditches stopping up. He would argue that fact with anyone who calls it a flood zone. He stated he does live in a trailer, but he owns his place. He stated Davis Street and Landers Drive is as good a place to live as any for working people in Rome, but they cannot control who buys the property around them. People with money buy the property, and then they do not keep it up.

Chairman Whitefield asked if there is anyone else wishing to speak in support or opposition of this proposed change. Seeing none, he declared the Public Hearing closed and called for a motion.

Discussion: Commissioner Mayes asked Mr. Helton what was the Planning Commission's reason for denying this request. Mr. Helton stated the applicant was not present at the meeting. He stated the applicant was not available to provide any further information at the meeting, and the Planning Commission denied the application after hearing the opposition. County Manager Poe stated one other consideration was that even though the neighborhood is modest, that as one of the gentlemen mentioned there are efforts being made to improve the area.

Commissioner Mayes made a MOTION to Deny the rezoning request from High Density Traditional Residential (H-TR) to Suburban Residential (S-R) with Special Use Permit on File #91-2011Z. SECOND by Commissioner Bagwell. VOTING:

Commissioner Bagwell
" Fricks
" Mayes
Chairman Whitefield

Motion Carried

2. FILE #92-2011Z. REQUESTS REZONING FROM SUBURBAN RESIDENTIAL (S-R) TO OFFICE INSTITUTIONAL (O-I) FOR CHURCH BUILDINGS AND PARKING LOTS ON PROPERTY LOCATED ON ALABAMA HIGHWAY AT SALEM DRIVE. ZONING MAP G13X, PARCEL 134 AND PART OF PARCEL 202. (PLANNING COMMISSION RECOMMENDATION: APPROVE [VOTE: 9-0]):

Chairman Whitefield declared the Public Hearing open, and asked Phil Helton, Rome-Floyd Planning Department, to give a brief overview of this request. Mr. Helton stated the applicant is Lakeview Baptist Church. He stated the property is located on Salem Drive off Alabama Highway in the Coosa area. He reviewed photos

looking north along Alabama Highway toward the church. South toward Alabama Highway, across Salem Drive. West along Alabama Highway on the left with Salem Drive on the right, and east showing the intersection of Salem Drive. He stated the applicant provided a site plan showing the proposed building and parking area.

Support: **Raymond Page, 21 Donley Drive**, stated their church has outgrown its facilities. He stated they have plans approved subject to getting some parking space. He stated they plan to build an 80 foot by 100 foot additional Sunday school building on the north side, but there is insufficient space to provide the necessary parking. They own ten plus acres across Salem Drive facing Alabama Highway that is accessible by a strip of property they own directly in front of the church. He stated they plan to put the parking lot on that side in order to meet the necessary parking space requirement.

Chairman Whitefield asked if there is anyone else wishing to speak in support or opposition of this proposed change. Seeing none, he declared the Public Hearing closed and called for a motion. Commissioner Bagwell made a MOTION to Adopt the Ordinance to Approve the rezoning from Suburban Residential (S-R) to Office Institutional (O-I) for church buildings and parking lots on property located on Alabama Highway at Salem Drive. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Bagwell
" Fricks
" Mayes
Chairman Whitefield

Motion Carried

**3. FILE #94-2011Z. REQUESTS REZONING FROM
SUBURBAN RESIDENTIAL (S-R) TO OFFICE
INSTITUTIONAL (O-I) WITH SPECIAL USE
PERMIT FOR A FUNERAL HOME AND
CREMATORY ON PROPERTY LOCATED ON
MARTHA BERRY HIGHWAY. ZONING MAP
J10X, PARCEL 079A. (PLANNING COMMISSION
RECOMMENDATION: APPROVE WITH THE
CONDITION THAT A BUFFER ALONG OLD
SUMMERTIME ROAD THAT COULD BE A
BERM OR PLANTINGS THAT WOULD
PROVIDE A VISUAL SCREEN. [VOTE: 8-1]):**

Chairman Whitefield declared the Public Hearing open, and asked Phil Helton, Rome-Floyd Planning Department, to give a brief overview of this request. Mr. Helton stated the applicant is Barry R. Henderson. He stated the property is located

between Martha Berry Highway to the west and Old Summerville Road to the east. He reviewed photos looking north along Martha Berry Highway, south along Old Summerville Road, east across Old Summerville Road, west across Martha Berry Highway, and from Old Summerville Road looking at the property. He stated the applicant provided a site plan detailing the proposed plans.

Support: **Barry Henderson, 2011 Bailey Road, Aragon,** stated his business address is 3002 Maple Road, Henderson & Sons Funeral Home. He stated they think this is a very good opportunity for them. He stated that it has been a great opportunity for them to be able to look into the possible purchase of this property. He stated they are currently located in the south Floyd area, and are the only funeral home in Rome that is not centrally located. He stated they in turn want to move north to expand their boundaries to cover the north side of Floyd County, as well as the south side, and to extend their market area up into Chattooga and Gordon County. He believes this is not only a great opportunity for their family, but for the county as well, because it will take a non-taxable property and put it back on the tax books. He stated the property, presently owned by a 501(c) (3) corporation, which is the tax-exempt designation for the church, would now become a taxable property. He was very concerned when they started the public hearing process that the opposition would be the crematory because of the debacle that happened in Noble. He stated he found out respectfully from the Parkers that most opposition would be because of the funeral home being there. They agreed at the Planning Commission meeting to put a buffer to shield the view from their property. He stated they want to be good neighbors. They want the community to accept them.

He stated the site plan shows possible additions, and renovations needed to the existing structure. However, the area in the upper corner shows where they had thought about putting the addition to house the crematory when they went forward with that project. He stated they do not know when they will move forward with it. They just want the zoning designation to be allowed to do that. However, they found that they will not be able to put it there. He stated they will probably have to extend the building to the power box that is approximately 50 feet out back. That is one revision that would need to be made to the site plan. He stated they feel that the crematory operation is viable to their business. He does not know if they follow statistics, the Rome News Tribune covered a little about it, but the National Funeral Directors put out a survey. Based on their facts, in 2009 the United States cremation rate was 36.86%. He stated their cremation rate with their funeral home has been steadily increasing over the year. They need to look at this situation now because it will be viable for their existence in the future. He stated in 2009 they were at about 19% cremation rate. That means that 19% of the families that call on them to handle services for them opted for cremation as a form of disposition. He stated in 2010 it went up to nearly 20%. At the time of the Planning Commission meeting, he had figured the statistics and they were at nearly 23% for the year this year.

He stated one of the current concerns of most people is cremation causing odor and emissions. He spoke with Dr. Steve Looker, President of B&L Cremation

Systems. They plan to purchase their machine from them at some point. Dr. Looker told him that odor is a byproduct of incomplete combustion. In cremation, there is the first chamber where the body is cremated. He stated from there, the gas is moved to another chamber where it is re-burned prior to release. The EPA uses carbon monoxide levels as an indicator of complete combustion. He stated the EPA allowable limit is 100 parts per million of carbon monoxide. According to Dr. Looker, the B&L Cremation Systems machines run at approximately four parts per million. He stated it is an odorless and emission free machine. He stated they want to be good neighbors. If they are granted this zoning designation, they are going to continue to reach out to the families and to be good neighbors.

Opposition: Elizabeth Simonds, 2282 Old Summerville Road, stated when she looks out the front window, or the front door of her home she can see the church that is in existence there. She stated she came to the first public hearing to express concern about there being a funeral home/crematorium in her front door. She also expressed concern for her fifteen-year-old daughter who is petrified about the whole thing. She stated she knows that Mr. Henderson has offered to talk with her, but just the thought of bodies being burnt across the street frightens her. They approved it at the Planning Commission meeting, but they are a residential neighborhood. She stated another big concern is the amount of traffic in and out of there if it is approved. She had asked at the last meeting if the entrance/exit that comes out on Old Summerville could be closed to the public. She stated Mr. Henderson objected saying that he planned to use that as a service entrance. She stated that she works at Floyd Medical Center, so she knows there are electric arms that can be accessed with key cards to let his people in and out, but they should not allow the public to use their road to go in and out of there.

James Parker, 2306 Old Summerville Road, stated he lives across from the church. He stated it is not a good feeling to look over and think about a funeral going there. He knows the Commissioners would not want a funeral home in their front yard. He stated he has nothing against Mr. Henderson, he is a good man, but he does oppose the idea of a funeral home and a crematory being right across the road. Even though he said he would put up a barrier there to keep them from seeing it, the disturbing thoughts are still there. He stated he moved here from Atlanta. He looked at several different counties before choosing Floyd County. He stated he found the place that he loves on Old Summerville Road. He would hate to see it ruined, especially by a crematory. He stated it is true that Floyd County needs a crematory, but it should not be in an established residential area.

Rebuttal: Mr. Henderson stated he would like to say to the families again that they want to be good neighbors. He stated that they would not advertise Old Summerville Road as an entrance or exit to their funeral home. He stated they would want people to come in from the front. Their signs will be in the front. He stated however, they would not want to deny anyone that lives in the neighborhood there the ability to leave the funeral that way after paying their respects. That is the only reason that they do not want to close it off. He stated they would do a good job creating a

buffer. They will do everything they can to be good neighbors. He stated public opinion is the most important part of their profession. He thanked the Board.

Chairman Whitefield asked if there is anyone else wishing to speak in support or opposition of this proposed change. Seeing none, he declared the Public Hearing closed and called for a motion. Commissioner Bagwell made a MOTION to Adopt the Ordinance to Approve the rezoning from Suburban Residential (S-R) to Office Institutional (O-I) with Special Use Permit for a funeral home and crematory on property located on Martha Berry Highway with the condition that a buffer along Old Summerville Road that could be a berm or plantings that would provide a visual screen. SECOND by Commissioner Mayes. VOTING:

Commissioner Bagwell
" Fricks
" Mayes
Chairman Whitefield

Motion Carried

CHAIRMAN'S REPORT:

No Report.

COMMISSIONER'S REPORT:

1. Administrative/Finance Committee

a. Consider Revision to Purchasing Thresholds.

Defer.

2. Public Safety Committee

No Report.

3. Public Works Committee

No Report.

4. Water Committee

a. Discuss Awarding Change Order No. 2 to Carver & Carver Plumbing, Inc., for North Floyd Industrial Park Waterline Construction Project. (2009 SPLOST)

Commissioner Fricks referred to County Manager Poe for a review of the proposed change order. County Manager Poe stated they have before them a request to issue a change order to Carver & Carver Plumbing, Inc., for North Floyd Industrial Park Waterline Construction Project. He stated the county is currently under contract with Carver & Carver to install a new waterline along the new Armuchee Connector Three Mile Road corridor. He stated that Carver & Carver has agreed to keep their pricing for the North Floyd project the same as what they bid earlier this year for the Three Mile Road project. He stated they did take sealed bids for the Armuchee Connector project. They are recommending that the Board approve the change order for several reasons. He stated they are a local contractor, and they are willing to keep the same pricing, which would help expedite the work. If they had to go through the sealed bid process, there would be a time delay and more than likely a higher price. He stated they have found that Carver & Carver Plumbing has worked well with other contractors in similar situations. The work they are doing at Armuchee Connector is exactly what they would be doing at North Floyd Industrial Park. He recommended approval of Change Order No. 2 to Carver & Carver Plumbing, Inc., in the amount of \$284,686.30.

Commissioner Fricks made a MOTION to Approve Change Order No. 2 to Carver & Carver Plumbing, Inc., for North Floyd Industrial Park Waterline Construction Project (2009 SPLOST) in the amount of \$284,686.30. SECOND by Commissioner Bagwell. VOTING:

Commissioner Bagwell
" Fricks
" Mayes
Chairman Whitefield

Motion Carried

5. Judicial Services Committee (CJIS)

No Report.

6. Special Committee Reports

a. Fire Overview Committee

b. Joint Services Committee

c. Joint Development Oversight Committee

d. Joint Solid Waste Oversight Committee

There were no Special Committee Reports.

CLERK'S REPORT:

Consent Agenda

County Clerk Kathy Arp stated there is one item on the Clerk's Consent Agenda that has been reviewed, and submitted for approval. Commissioner Bagwell made a MOTION to approve the Clerk's Consent Agenda as presented. SECOND by Commissioner Fricks. VOTING:

Commissioner Bagwell
" Fricks
" Mayes
Chairman Whitefield

Motion Carried

1. Approve request from Tax Commissioner, dated September 09, 2011, for removal of bills from Tax Commissioner's Roll and that the taxes be relieved from the books, in the amount of \$18,023.93.

MANAGER'S REPORT:

1. ADOPT RESOLUTION TO APPROVE THE EXECUTION OF AN AGREEMENT FOR CERTAIN SOFTWARE SERVICES BETWEEN FLOYD COUNTY AND COTT SYSTEMS, INC., IN RELATION TO CERTAIN ECOMMERCE SERVICES FOR THE FLOYD COUNTY CLERK OF SUPERIOR COURT (DEFERRED SEPTEMBER 13, 2011):

Defer.

2. DISCUSS AND ADOPT FY2011 BUDGET REVISION:

County Manager Poe stated they reviewed the FY2011 Budget Revision at their Work Session on September 12, 2011, and during Caucus. He recommended adopting the resolution to approve the FY2011 Budget Revision.

Chairman Whitefield called for a motion. Commissioner Mayes made a MOTION to Adopt the Resolution to Approve the FY2011 Budget Revision as presented. SECOND by Commissioner Fricks. VOTING:

Commissioner Bagwell
" Fricks
" Mayes
Chairman Whitefield

Motion Carried

ATTORNEY'S REPORT:

No Report.

OTHER BUSINESS:

Chairman Whitefield recognized Leadership Rome participants in attendance.

ADJOURNMENT:

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

Commissioner Bagwell
" Fricks
" Mayes
Chairman Whitefield

Motion Carried

FLOYD COUNTY BOARD OF COMMISSIONERS

EDDIE LUMSDEN, CHAIRMAN