

April 24, 2012

**REGULAR MEETING
FLOYD COUNTY BOARD OF COMMISSIONERS
April 24, 2012 6:00 P.M.**

PRESENT: Commissioners Irwin Bagwell, and Garry Fricks.

OTHERS

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

ABSENT: Commissioner John Mayes.

CALL TO

ORDER: Chairman Bagwell called the meeting to order.

INVOCATION: Chairman Bagwell led the Invocation.

**PLEDGE OF
ALLEGIANCE:** The Pledge of Allegiance was led by members of Boy Scout Troop 34.

PROCLAMATIONS:

RECOGNIZE FIRST QUARTER 2012 RETIREES:

The Board recognized the following employees for their years of service to Floyd County. Plaques were presented to the retirees.

Archie Duvall, Sr., Magistrate Court, 11 years, 4 months

Mary W. Casey, Tax Commissioner, 7 years, 5 months

The Commissioners expressed their appreciation to these employees for their years of combined service to the citizens of Floyd County.

NATIONAL POLICE WEEK:

Chairman Bagwell presented Floyd County Police Chief Bill Shiflett with a Joint Rome and Floyd County Proclamation recognizing May 13 – May 19, 2012 as National Police Week. Chief Shiflett thanked the Board for their support and recognition, especially for those who have lost their lives in serving. He stated they are proud to serve the community and the state.

**PUBLIC
PARTICIPATION:**

Deanne Cook, 16 Cypress Street NE, stated she is here to represent several residents in Riverside. She stated they have a neighbor that has moved in a storage building, which is twenty-five feet by twelve feet wide that straddles the property line between 12 Cypress Street and 14 Cypress Street. She has spoke with several people in the Rome-Floyd Building Inspection Department, and Glenn Ruben came out. Mr. Ruben said that Mr. Casey, the neighbor, was not in compliance. She stated the man is operating a business in a residential area. Many people have asked if he was remodeling and what was going on because there is all kinds of stuff out there. She stated he has several vehicles. He has finally moved some of those out from in front of her front door. She stated for over a month she looked at a trailer right at her front door. She would like to allow her neighbor in attendance with her to speak using the remaining time.

Susan Day, 6 Cypress Street NE, stated she would like to thank all of them for allowing her a few minutes to speak on the matter of the building that Ms. Cook has mentioned at 14 Cypress Street. She stated she is not here to make trouble for anyone, especially a neighbor, and she wants that to be understood. However, as a property owner at 6 Cypress Street for seventeen years she does have some concern about this building. She stated it is about twelve feet by twenty-four feet with a roll up door. The building is connected to his sister's property splitting the property lines, but it is facing Cypress Street. She stated it is not in the back yard, or off to the side, it is directly in front of their home. She felt by Mr. Casey doing this that he may have violated some of the ordinances that the county has in place. She stated it looks terribly out of place. He placed it partially on his sister's property with her permission, but it is placed over a sewage line and it covers some underground utility service. She stated one other reason they are concerned is that this was moved in between three and four a.m. on a Sunday morning while all of the residents there were asleep. They wake up Sunday morning and there it sits. She stated she knows that people have needs for storage buildings, although in her opinion, they should not be placed on the front side of the homes anywhere. She wishes he could have been more responsible and found a better place for the building. She stated he is a painter by trade. She is sure he uses the building for his needs in what he does. She stated she would just like for them to truly look at this to see if there is anything they can do. They are all already affected by property values going down with the economy as it is. She stated they made the statement that it did not matter, that they were not Horseleg, and that really offended her because she felt maybe they would have precedence being in that area. This is her little community; she has been there seventeen years. She stated she cares about the people out there, and the community as a whole. They are just asking the Board to look into this to see if there are violations. She stated hopefully this will be resolved. She thanked the Board for their time.

Chairman Bagwell stated they discussed this matter in caucus, and County Manager Williams is on top of the matter as is the Building Inspection Department. County Manager Williams stated he appreciates them being here today. He is aware that Mr. Ruben

has been out there, and that they have also spoken with Mr. Gibson and Ms. Hiller. He stated they will take a close look at the Unified Land Development Code (ULDC). He understands there are activities that should occur in the neighborhood per the Unified Land Development Code (ULDC), and things that should not.

**PUBLIC HEARINGS:
(FIRST READINGS HELD
ON APRIL 10, 2012)**

Chairman Bagwell stated no action will be taken on these items at this meeting. He stated they will have the Public Hearings with action being taken at the May 8, 2012 meeting at 2:00 p.m. He reviewed the procedures for Public Hearings.

REZONING & SPECIAL USE PERMITS

**1. FILE #41-2012SUP. REQUESTS SPECIAL
USE PERMIT FOR MANUFACTURED
HOME ON LOT WITHIN A SUBDIVISION
IN SUBURBAN RESIDENTIAL (S-R) ZONING
DISTRICT ON PROPERTY LOCATED ON
SHADOWOOD CIRCLE. ZONING MAP K17
PARCEL 203. (PLANNING COMMISSION
RECOMMENDATION: DENY [VOTE: 7-0]).**

Chairman Bagwell asked Ms. Sue Hiller, Planning Department Director to review the request. Ms. Hiller stated the subject property is surrounded by other suburban residential properties. She stated this is in a subdivision known as Raintree Village Section 6, and for that reason a special use permit is required. To the north, south, east, and west properties are developed with site-built single-family dwellings. She stated this is an area where all services and utilities are available except public sewer. The proposed use for the property is a single-family dwelling, which would be similar to the majority of the land uses around it. She stated however, with the existing dwellings being site-built, placing a manufactured home on the property would be a change in development pattern. The applicant was not present at the Planning Commission meeting, but several of the adjacent properties were there. She stated the Planning Commission unanimously recommended denial of this application.

Chairman Bagwell declared the Public Hearing open.

Support: Elaine Lee, 1207 Cedartown Highway, Lindale, stated she has not bought the property yet. She stated she would like to put a doublewide mobile home there, but she was told it has to be a modular home. A modular home costs twice as much as a doublewide mobile home. She stated she does not see that much difference in the area. She did not know before today that there are chicken houses out there. She stated that would not bother her because she has lived on chicken farms. She just wants to be able to put a doublewide home on the property. She stated it would not be junk.

There is not much difference between a modular home and a doublewide mobile home if they are up to date. She stated she still has to have a perc test done before she can even think about buying it, but she wanted to address this first.

Betty Thorpe, 5 Miami Drive, stated she has known Ms. Lee since she was eight years old. She stated she is not trashy, and she would improve that property. No one would even know that there was a modular home, a mobile home, or anything else there. She stated it would be underpinned, fenced in, the grass very well taken care of, and everything. She thanked the Board.

Opposition: Jonathan Fowler, 8 Shadowood Circle, stated he has several issues with this. He stated the first being that, for whatever reason, a manufactured home is looked at as less valuable than a site-built home. For that reason, he does not see how they could be for this if it is going to depreciate their values. He stated they do have chicken houses, he would say around three to four hundred yards down off the road that were zoned in several years ago. He is sure they have depreciated their values. He stated his next issue is that the dwelling that was there before was a duplex that was in bad shape with septic problems that he is sure was not resolved. The duplexes were demolished, and the lot has been vacant since. He stated it ran into the property behind it causing problems with that property owner's septic system. It also drained into the road, which was always wet where the driveway is located on the corner of the property. He stated his last issue is, once this is zoned to allow manufactured homes, it never goes away. He is sure this lady would not do anything for it to be unkempt, but they could not be sure of any resident after her. He stated he is just not willing to make that sacrifice on his property.

Kathy Millholland, 9 Shadowood Circle, stated she has lived at this address for thirty-four years. She stated when they purchased their home they were fully aware that there were apartments on Highway 101. Since that time, at the end of the road by the Word and Way Baptist Church, they have gone through a zoning for more apartments. She stated then they had to go through a rezoning for chicken houses, which smell really terrible. They have taken major losses, and have not yet come back to the original values of their homes. She stated on top of that, the recession hits, which knocks them down further. Why would they as property owners want to invest any money on any type of improvements after thousands of dollars of dilapidation out there. She stated if this is allowed they stand to take another hit. She thanked the Board.

Chairman Bagwell declared the Public Hearing closed. County Manager Williams stated just to clarify he would like to mention that there will not be a Public Hearing at the May 8, 2012 meeting so there is no need for anyone to have to take off work to be present. He stated the items will be taken up by the Board, discussed, and voted on. Commissioner Fricks stated at the Board's discretion if anyone has shown up when this has been done in the past, they try to allow them to speak. He stated anyone can come back to speak with them if they like, but they acknowledge everything said here today. County Attorney Manning stated they can contact the Clerk's Office and the County Clerk will be glad to inform them of the final vote.

2. **FILE #42-2012Z. REQUESTS REZONING FROM COMMUNITY COMMERCIAL (C-C) TO HIGH DENSITY-TRADITIONAL RESIDENTIAL FOR EXISTING SINGLE-FAMILY DWELLING ON PROPERTY LOCATED ON ALFORD STREET. ZONING MAP K13X PARCEL 262. (PLANNING COMMISSION RECOMMENDATION: APPROVE [VOTE: 7-0]).**

Chairman Bagwell asked Ms. Sue Hiller, Planning Department Director to review the request. Ms. Hiller stated to the north is property zoned high density traditional residential that is mostly undeveloped. She stated to the east is property zoned community commercial. To the south is property zoned high density traditional residential that was rezoned from commercial to high density traditional residential in January of 2012. She stated there is a commercial property to the west of the subject property that is also zoned community commercial. The property shown on the future land use map is suburban residential, and according to the tax records the single-family dwelling on it was built in the 1960's. She stated the existing use is compatible with the surrounding uses. As it is a long-standing use, rezoning the property would not have any direct impact on any changes in land use, or on redevelopment. She stated it would simply make the use and the zoning compatible.

Chairman Bagwell declared the Public Hearing open, and asked if there is anyone to speak in support or opposition. Seeing none, he declared the public hearing closed.

ULDC TEXT AMENDMENTS

1. **REVISE OR DELETE ARTICLE 4 CONCERNING THE PRODUCTION OF A LIMITED AMOUNT OF ETHANOL AS AN ACCESSORY USE TO AN AGRICULTURAL OPERATION (FARM) IN THE AGRICULTURAL RESIDENTIAL (A-R) ZONING DISTRICT. (PLANNING COMMISSION RECOMMENDATION: APPROVE [VOTE: 7-0]).**

Chairman Bagwell asked Ms. Sue Hiller, Planning Department Director to review the proposed amendment. Ms. Hiller stated Planning Commission members asked for this amendment to the Unified Land Development Code (ULDC). She stated they recommended approval of this text amendment. The staff proposal for this was that ethanol production be allowed in agricultural residential and suburban residential outside the city limits with some limits on the amount of ethanol that can be produced, but that it be allowed by special use permit. She stated the reason for that is that it would require the ethanol producer to actually have a business plan that would state how much they would make, where on their property, and so on. However, what is

before them is a recommendation that it be allowed as a use by right in the agricultural residential zoning district, and by special use permit in the suburban residential zoning district. She stated again, this would be in the unincorporated area, not within the city.

Chairman Bagwell declared the Public Hearing open, and asked if there is anyone to speak in support or opposition. Seeing none, he declared the public hearing closed.

OTHER BUSINESS:

Chairman Bagwell recognized Leadership Rome participants in attendance.

ADJOURNMENT:

There being no further business to come before the Board, Chairman Bagwell declared the meeting adjourned.

**FLOYD COUNTY BOARD OF
COMMISSIONERS**

IRWIN BAGWELL, CHAIRMAN