

**REGULAR MEETING**  
**FLOYD COUNTY BOARD OF COMMISSIONERS**  
**January 24, 2017                      6:00 P.M.**

**PRESENT:**                      Commissioners Wright Bagby, Allison Watters, Scotty Hancock, Larry Maxey, and Rhonda Wallace.

**OTHERS**

**PRESENT:**                      County Manager Jamie McCord, Assistant Manager Gary Burkhalter, County Clerk Erin Elrod, County Attorney Wade Hoyt

**CALL TO**

**ORDER:**                      Chair Wallace called the meeting to order.

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

**PLEDGE OF**

**ALLEGIANCE:**              Commissioner Watters led the Pledge of Allegiance.

**APPROVAL OF AGENDA:**

Chair Wallace called for a motion to approve the January 24, 2017 agenda. MOTION made by Commissioner Hancock. SECOND by Commissioner Maxey. VOTING:

	YES	NO
Commissioner Bagby		
"           Watters		
"           Maxey		
"           Hancock		
Chair Wallace		

Motion Carried

**ADOPTION OF MINUTES:**

**(01/24/17 - Regular Meeting)**

Chair Wallace asked County Attorney Wade Hoyt if the minutes were in order. County Attorney Hoyt stated the minutes have been reviewed and are in order. MOTION made by Commissioner Watters to adopt the executive session minutes and minutes of the Caucus and Regular Meeting of January 10, 2017. SECOND by Commissioner Hancock. VOTING:

YES

NO

Commissioner Bagby

" Watters

" Maxey

" Hancock

Chair Wallace

Motion Carried

**PUBLIC HEARINGS**

**(FIRST READINGS HELD ON JANUARY 10, 2017)**

**Chair Wallace reviewed the rules of the public hearing. She stated that each person recognized to speak shall come to the podium, state his or her name, and home address. No less than 10 minutes shall be provided for those speaking in support and no less than 10 minutes for those speaking in opposition.**

- 1. FILE #114-2016SUP REQUEST FOR SPECIAL USE PERMIT FOR RECREATIONAL VEHICLE PARK ON PROPERTY ON ALABAMA HIGHWAY AT BARKER ROAD IDENTIFIED ON FLOYD COUNTY TAX MAP G13X AS PARCEL 239 COMMUNITY COMMERCIAL (C-C)( MOTION TO RECOMMEND DENIAL CARRIED 7-2)**

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Chair Wallace asked Sue Hiller, Rome-Floyd Planning Commission, her recommendation and considerations. Ms. Hiller stated the subject property was zoned community commercial (C-C) that was surrounded by community commercial (C-C) properties to the north, east and west as well as residential uses zoned suburban residential (S-R) to the south and to the west. She presented an aerial photograph of the property and stated that it was currently undeveloped and partially within a flood hazard area. She presented the site plan that was originally submitted for the January meeting of the Planning Commission, a letter from the applicant that he submitted showing that he had coordinated with Georgia Department of Transportation about access to the property from Alabama Highway. She presented photos looking towards the north along Barker Road, towards the south, the east, and to toward the west. She stated that at its meeting in November of 2016 the Planning Commission voted to recommend denial of the request. Residents spoke in opposition, siting entrance on Barker Road, contributing to traffic and safety issues, perceived increase in crime and an adverse impact on property values. When the request got to the County Commission, it was sent back to the Planning Commission in part because of the applicant's efforts to address the concerns that residents had expressed. She stated that there were a number of factors that need to be looked at when making a decision about a Special Use Permit. One is whether the use is consistent to the stated purpose of the zoning district. This property is zoned community commercial (C-C) where any number of 24/7 uses can be some of them high impact and this would be a use of that type that is consistent with commercial use. She stated that the street providing access was a concern when the accesses were on Barker Road but the accesses have been moved to the Alabama Highway and has be coordinated with Georgia Department of Transportation. Access into and out of the property will be dictated by Georgia Department of Transportation because it is their road and so safety will be provided for. RV parks are for people that are traveling. RVs are not meant to be lived in and the standards they have in Rome, Floyd County, and the state of Georgia do not allow permanent residence so schools are not really an issue. She stated that she checked with the City of Rome Water and Sewer and they determined that water and sewer is available to this site. Of course they had police and fire protection throughout Floyd County. She stated with the service parking and loading areas will be screened and protected. The site plans submitted shows a minimum of 30 feet of buffer and or landscaping on all sides of the property to provide screening which is more than what would typically be required in the community commercial (C-C) district. Where the front landscaping is only required to be 20 feet and buffers on sides are only require to be 15. She stated while the hours and manner of operation have no adverse effects on other properties in the area. She stated she thought this was the one that everyone struggles with because it is a little bit subjective and hard to

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anticipate. She stated that some of the things that were brought up are potential adverse effects such as: traffic, traffic safety which they had talked about, the fact that this would be a RV park with no recreation. The applicant indicated at the last meeting that he would be using the property to the west of this that he also owns and would be providing a recreational trail and walking area. He has indicated that while this is a 24/7 operation it is a 24/7 operation in much the same way that a residential use or manufactured home park is 24/7. There is activity, its open and things will be there at that time but this would be lodging for people. She stated that it was not a K-Mart or a Wal-Mart where there is traffic in and out at all hours of the day and night. Another question was the wetlands. There are wetlands on the additional property to the west, there are no identified wetlands on this property and it should be noted about the ones to the west. The US Fish and Wildlife Service identify those wetlands and they can range from hydric soils to an actual pond and what has to happen in terms of protection and consideration varies a lot depending on what type of wetland is actually there. She stated that there was some flood hazard area however Brian Roberts who is the Floodplain Coordinator for Floyd County has looked at the site plan and believes that the floodplain accommodation is appropriate and that the stream buffers for the waters on this property are appropriate. The final standard they are meant to look at is whether the height size or location of buildings would be compatible. It is a little bit hard to review that because the other commercial properties in the area are not as developed as this would be. The residential uses are a different type of development but the two buildings that are proposed for the property are both within the size, the set back, the parking requirement and the height requirement for the commercial zoning district. With all of those things being said Special Use Permits allow consideration of all of the information submitted and allow approval if they choose to give approval to be conditioned on a number of things. The staff's recommendation in this case is that if approval is granted it should be conditioned on: the number of camping pads shown (81), landscaping, buffers, parking, structures and uses as shown on the site plan that was submitted at the January 05, 2017 meeting, access to the property from the Alabama Highway, and presence of an owner/ caretaker residence on the property.

Chair Wallace thanked Ms. Hiller and declared the Public Hearing open and asked if there was anyone in favor who would like to speak. She stated as a reminder that each group has a total of ten (10) minutes to speak and if they take their whole ten minutes if they want to rebuttal then their 10 minutes would be up. She stated that they could reserve time so if they only wanted to speak for a short period of time they could save the remainder of their time for rebuttal. A citizen asked if ten minutes were all that was granted. Chair Wallace stated that they were going for ten minutes that was their rule and if the Commission feels

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like there needed to be additional time they would add it. At this point she thought they have heard from most of the people in the room and have an understanding of the comments that are going to be made. She stated that if people had additional comments that they may of not heard last time. She stated that they had two additional new commissioners and they have read all the information they have been getting and have received all of the emails that they had received. At this point in time she believed that ten minutes would be adequate.

**FAVOR: Bill Gore, Developer of Rice Springs RV Resort, 3105 Alabama Highway SW, Rome, Georgia.** Mr. Gore stated that he wanted to thank all the people in attendance and he hoped after tonight that they could all move on to more productive activities. At this time a wall of division stands between his family and some residence in the area. From day one all he wanted to do was to beautify a tract of land that was deserted and grown up. He stated it was a commercial development for a property that for 16 plus years was zoned commercial. When concerns came from a few area residents he took each one to heart. The largest complaint and most common was traffic on Barker Road and he removed any chance of any traffic going into or out of his resort away from Barker Road when he agreed to spend an excessive \$100,000.00 of additional money for a decel lane and turn lanes and an entrance off of Georgia Highway 20. He stated that the Georgia Department of Transportation has approved it to be placed approximately 400 feet to the west of Barker Road. He stated that he requested an Special Use Permit for this development as required even though the resort is commercial and again on a commercial piece of property. The ULDC as he began to understand it as of last Wednesday was clear. Ms. Hiller touched on 7 pieces of criteria and after he is done if there are any additional questions he would like to answer those but not necessarily to take his time to do so. He stated that they have met all 7 of those criteria or exceeded all 7 of those criteria. There was in fact a question of the capacity of the sewer being the only thing that he felt like was in doubt. Between yesterday and today Southern Engineering provided him a capacity study, which he had a copy of, to say that the 12 inch sewer line has a capacity of 1,260,000 gallons per day and at this time it is at less than one half capacity. He stated that he would be using approximately with his entire facility he would be adding approximately 12,500 per day. He stated that he thought with a capacity over 600,000 gallons he thinks that they would understand that 12,000 would not be a drop in the bucket. He stated that he was not going to go over any other rebuttal issues at this time as he thinks that they have heard it all before but he would in fact field questions if needed. He stated that he would like to turn it over to Lisa Smith for some impact numbers as far as the economic impact would be.

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**FAVOR: Lisa Smith, 1539 Buttermilk Road SW, Cave Spring, Georgia.** Ms. Smith stated that she was there on behalf of the tourism and travel industry for Floyd County as well as the state of Georgia. She stated that she wanted to give them sources for the numbers that have been provided. The sources for the numbers, expenditures and tourism expenditures in the state of Georgia are not generated from her office. They are studied from the Georgia Department of Economic Development they are also founded by sales tax codes in the state of Georgia. They are researched; they are changed and looked at every single year so the quotation that she gave of a \$500,000.00 economic impact is based on founded numbers of an expenditure and even conservative. She stated that they did use a very conservative route at what the University of Georgia determined as the amount that Mr. Gore could break even with a 27% occupancy rate which is still a 27% based on a \$189 a day per unit not per person as the state of Georgia allows. Per unit, per camper, per space, 81 at 100-day period of travel in a year still ended up being \$500,000.00 in economic tourism expenditures with no multiplier. She stated she had been in the tourism business for 18 years she has been the tourism director and they did not use multipliers even though that money does turn over. She stated that the number could be backed into if they wanted to use there percentage of 27% occupied or if they wanted to use the 100 days at full occupied the numbers are almost equal. She stated that she just wanted to clarify where the numbers evolved from and the sources that have been vetted for those numbers.

**FAVOR: Joe Marion, 531 Broad Street, Rome, Georgia.** Mr. Marion stated that he was a local tax attorney and an RV-er. He stated that they had heard a lot from Mr. Gore and Ms. Hiller, which covered a lot. They heard from Ms. Smith, which covered the economic impact. He stated that one thing he did want to look at was 2-2-4(b) of the ULDC allows Special Use Permits and it specifically states that a special use otherwise permitted shall be considered to be compatible provided that due consideration is given to the criteria. He stated that he was not going to go over all of it but would touch on a few things. The decel lane, the Department of Transportation approval for the entrance to the park. The buffers that Mr. Gore will have. The sewer capacity. There is a fire station a mile and a half from the park. Fire plug right across the street. He stated that he had the park rules where it addresses the light, sound, and all that. Mr. Gore does in fact have rules in place like many other RV campgrounds that a lot of very prominent leaders in Rome, including himself that visit. This design is nothing like he had ever been to. The first one he had ever been to up in Tennessee had a swimming pool and he thought it was cool. Mr. Gore will have a swimming pool, pads, it is a recreational facility, and it is a destination. He stated that many times traveling going to horse shows or cow shows he would of loved to of had a RV park to pull his camper and stay there instead of checking into a hotel. He stated that they just went over what was required.

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Now what is due consideration, what exactly is due consideration. Does that mean that you must find beyond a reasonable doubt that these requirements have been met. Absolutely not, in this setting reasonable consideration it's like preponderance of the evidence. Has Mr. Gore demonstrated by preponderance evidence can he tip the scales 51% in his favor that he has met these requirements under the ULDC and if he has done that there is a clear and legal right to a Special Use Permit for this project. To bring it all together. The big picture. He stated that he was not sure if this has all been out but he thought the law would favor Mr. Gore and what Mr. Gore wants. The law is not emotional. He stated that he attended the last Planning Commission hearing and he didn't say a word but thought there was a lot of emotion going on and he understood that and he certainly differed from the people who lived out there but this was rezoned in 2001, where were those people then. He stated that was the time to object and oppose any development out there. He stated that this would create roughly 15 new jobs and that would be 15 people off of the unemployment roll. He stated that Mr. Gore was investing \$2M into the Coosa Community that is drying up. The latest development was a Dollar General built down the road and that was the latest investment in the Coosa community. There would be a \$500,000.00 economic impact, in 5 years that is \$7M. The important thing to consider is less than 1/10 of 1% of the population of Floyd County is opposing this project. He stated to not let a handful of people kill this or prevent the tax payers from this economic windfall. The humblest way he could ask them to approve this Special Use Permit and make Rome a destination for RV-ers. He thanked the board.

**Chair Wallace asked if there was anyone there to speak in opposition.**

**OPPOSE: Kelli Gonzales, 8 Intervale Drive, Rome, Georgia.** Ms. Gonzales stated that her husband, 3 children and herself lived up the street from Barker Road and on the property located at number 83 Barker Road, the property located directly across the street from the proposed park. She stated that she hated the fact that they once again have to deal with this matter. She stated that if they were like her they would be sick and tired of talking and hearing about this. She stated that they had been told twice from the Planning Commission that the Special Use Permit should not be granted as it is incompatible and there would be adverse effects on other properties in the area. She stated that she was not sure how important their opinion was to the County Commissioners but the Planning Commission is appointed to deal with these sort of issues. Not once, but twice they have found the site not suitable for this business idea. Ricky Beeman stated it was a good idea but a wrong location. This is now back in their lap and it should be easy if they were to follow the adopted ULDC guidelines. She stated that she know that they had heard from her before and know her heart as well as everyone here in opposition. She stated that this was not a joke and they were not there as

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entertainment as it has now been portrayed nor have any of the residents here have been paid to attend these meetings. The truth about this project speaks for its self. It was questioned last time why she said this was viewed as a popularity contest. She stated to let her explain herself; the Barker Road and Rice Springs Residents were there because this directly affected each and every one of them. She stated that it was their neighborhood. At the last Planning Commission Meeting one of the members asked for a show of hands for those there in opposition. She stated that she wanted to ask the same thing. She asked that anyone there in opposition to raise their hand. She stated just as the last meeting if there were people there in support the RV park and if they lived in the Rice Springs and Barker Road area community to raise their hand. She stated that she believed she just proved her point. If they were there but did not live in the community and it would not directly affect them then they were there just for the Gore family. She stated that a lot of them did not even own an RV and they wouldn't even be customers. She stated that the purpose of a special use permit is to not support an idea. It is established to provide guidelines to ensure the location is appropriate for an idea. The Planning Commission had made it obvious- it is not. She stated that Mr. Gore had finical interest and they did not believe he had legitimate interest in anything else than himself. With that being said she wanted the Commission to consider their families, children and their elderly people who have put their work into peacefully living in their community. Some of the residents in the community had been there for over 50 years. One Barker Road Resident that had lived there for 80 years cried when she was told of the proposed RV park. Maybe they are afraid of change but then again maybe they know what is coming. She stated the biggest issue, according to the ULDC of Floyd County and the City of Rome a Special Use Permit will otherwise be permitted with in a district provided that due consideration is given to the objective criteria. One, if the criteria and the most significant states that the hours and manner of operation of the Special Use Permit have no adverse effect on the properties in the area. Logan Boss stated in the last Commission Meeting that he had to vote no because based on that criteria alone the park does not meet the requirements to issue the Special Use Permit. Two other criteria address adequate street and safety traffic. MapQuest and Google Directions today still show that drivers can be brought in from Highway 27, to the SW Bypass, to Burnett Ferry, and then to Barker Road. The final criteria is the compatibility of the purpose; the proposed use of neighboring properties. She stated that it was in no way or means compatible. She sated the men and women sitting in the room prove that none of the criteria can be met. She stated that they had been through two (2) Planning Commission meetings and now two (2) Board of Commission meetings to deal with this. She stated that this was not a new issue. Around the country these RV parks have been told: Reno City, Oregon City, and Broadview, Florida all have turned down land owners stating that they should not have Special Use Permits. She stated the cities along with others have

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recognized that location is key and that adverse effects on neighborhoods are significant, devastating and irreversible. The ULDC standards are their standards that they were using, not ones that they made up. These standards have been set now since 2001- why now 16 years later should they be ignored just to please one man. She stated that they put their trust in them (the Commissioners) when they asked for their votes to put them in the position that they are in now it was time to show them that they care about the community and not just one individuals interest. She stated that they community has concerns for people, safety and road hazards to just name a few. If they did not believe that this would be an issue for their community, they would not be fighting so hard. She stated that Mr. Gore had mentioned what if someone opened a junkyard. She stated that she would rather have something like that, they would know when it opened, when it closed and they would not have to worry about the people coming and going. Many of the other options under the ULDC guidelines that requires a Special Use Permit would not fit on the property because of flood zones and none less desirable than an RV park. The truth is most business people would of investigated the property before they purchased it. The property has so many problems that between flooding and sever issues and the size of the property alone, most businesses would of taken their money elsewhere before they sunk money into that. She stated that they tried to work ways around the issues. They offered to purchase the property for what he paid for it but were told no, he was a business man that wanted to make money. She stated that they wanted to a conservation easement on the property to make sure that this was never an issue before them again. She presented the board with a slide show of various pictures of the property. She stated that it was one thing to see a big white board than to see the real thing. She stated that Mr. Gore had said he had a beautiful lake on his property that he is going build walking trails around it. She that according to public record his lake is really a retired county sewer oxidation pond and untreated sewer oxidation pond will smell real nice. She stated that they took some aerial photographs of the property on Friday. She showed an aerial view of the property with a little over a half of an inch of rain on Thursday and Friday within 24 hours. She stated imagine what this would look like when it really rains and the dangers it will present. She asked that the Board put themselves in their shoes- if it were going to affect their children, their grandchildren, sons, daughters, grandparents, would they allow it. She asked if it was going to be in their backyard would they allow it. She stated that some of them have even fought the same thing they are fighting right now. If they did not want something in their backyard then why was it okay to put it in theirs. She stated they heard the threat of a lawsuit would come into play when they make a decision. The funny thing about lawsuits is sometimes they can come from either side. Don't set a precedence and tell citizens of Floyd County that if they want something that all they have to do is threaten to sue and they would get their way. She stated that they listen to the people that they appointed to guide them in

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situations like this. They have spoken very loudly and have said no twice. She stated that they were asking that they do the same by voting to deny this Special Use Permit by following the adopted ULDC guidelines of Floyd County and Rome. She thanked the board.

**Chair Wallace asked if there was anyone else to speak, they had 2 minutes and 10 seconds left.**

**OPPOSE: Thomas Watkins, 7 Grandview Drive, Rome, Georgia.** Mr. Watkins stated that he bought his house 20 years ago and he can stand on his front porch and look out over the property and have a view of the mountains behind it. He stated that if the park is built he would stand on his porch and look out at the top of 81 motor homes and approximately 300 people filling in those motorhomes. He stated that the people that were there are RV-ers and in favor of having an RV park but they don't want it on their property or in their neighborhoods. He stated that this was not Coosa Valley it was Rice Springs. He stated that if this thing were to be built none of the Commissioners would like to live next to it. They would not like to have it built down on broad street in a place like that. He stated that they just don't want it near them it needed to be built somewhere where there is a buffer on either side of it that keeps it away from homeowners. The only other thing that he can think of to say is that they do not want to face a devaluation of their property values because of this.

**Chair Wallace stated that they had 30 seconds left if anyone else would like to speak.**

**OPPOSE: Jeff Terhune, 198 Barker Road, Rome, Georgia.** Mr. Terhune asked to please keep in mind that this had been voted down twice now by the Planning Commission. Each time they said it was a good idea but a terrible location. He stated that he knew that they had heard it time and time again if they were in their shoes would they really want this in their backyard. He stated that this was a terrible location and they had heard it time and time again. He asked that they please not set a precedence to allow Mr. Gore to build an RV park at the location. He thanked the Board.

**Chair Wallace closed the Public Hearing unless she heard from a Commissioner that wants to allow additional time. Hearing none, she closed the Public Hearing and asked if there was any discussion from the Commission.**

Chair Wallace called for a Motion. MOTION made by Commissioner Hancock to recommend Denial based on the 7-2 vote to by the Planning Commission to deny the

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Special Use Permit for Recreational Vehicle Park File #114-2016SUP on Alabama Highway and Barker Road, Tax Map G13X as Parcel 239. SECOND by Commissioner Maxey . VOTING:

Chair Wallace asked if County Attorney would address as Ms. Gonzales mentioned any pending lawsuits and give the group as well the Commission the information based on what they have learned and based on what they know about the ULDC. What position does that put the County Commission in.

County Attorney Hoyt stated what they were doing in there tonight is considered by the law as a legal hearing and that was the whole purpose of this. He stated that it may not be a courtroom but it is considered a legal hearing. He stated that this was not a zoning change this is an allowed use in a community commercial area. Because of that the legal burden is that they would have to find that there has been provable facts and evidence submitted in the last two public hearings that would convince them that in order to grant this Special Use Permit that it would be detrimental and harmful to surrounding properties that was their legal burden. He stated legally although it may or may not be a good idea they had a burden and they would have to explain that burden to a Superior Court Judge. The law is clear and there are a number of cases on what they would have to decide and consider. He stated if the board believes that sufficient provable facts and evidence have been submitted that this would be harmful then they would have the right to deny it. If they didn't believe that and it doesn't appear provable facts or evidence have been submitted, not just conjecture but provable facts and evidence because that is what they would be required to do if this was appealed and they got sued over this. The board would have to make that decision.

Chair Wallace thanked County Attorney Hoyt. She asked if there was any other discussion from the Planning Commission. Hearing no other discussion she wanted to make sure that the Commissioners understood that they had a motion that was recommended by the Planning Commission to deny the request. If the County Commission votes yes for the motion they would be voting to deny the request. If the County Commission voted no they were voting to not deny the request. "Yes" is deny and "no" is to not deny.

	YES	NO
Commissioner		Bagby
"		Watters
"	Maxey	

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" Hancock

Chair Wallace

**Motion Failed**

Chair Wallace stated at this time the motion has failed which means they would have to have another Motion. Either to approve or whatever the next motion would be. The motion has been denied based on the evidence presented at this time. She asked if there was an additional motion or was there additional discussion.

Commissioner Bagby stated that he had one question but he believed they should make a motion first.

Commissioner Bagby made a MOTION to approve the Special Use Permit with the condition stipulated by access, buffers, the residence requirement. SECOND by Commissioner Watters.

Commissioner Hancock asked about the stipulations. He asked if it had a stipulation that it had access from the Alabama Highway. So if access is not approved, if Mr. Gore cannot meet the standards from here on out then what happens.

Ms. Hiller stated that if they conditioned it on access from the Alabama Highway and for some reason Mr. Gore cannot work out the details with Georgia Department of Transportation then he would either have to not go forward with the project or bring it back and ask you to reconsider that.

Commissioner Hancock asked if they needed to put it in the motion or is that what Commissioner Bagby had said.

County Attorney Hoyt stated that it has to be made as a condition in the motion and if it does not come to pass then the motion would fail and they would have to come back.

Commissioner Bagby stated he should have been more specific when he mentioned access from Highway 20 Alabama Road as proposed by the Georgia Department of Transportation Requirement.

Commissioner Watters asked Ms. Hiller that it would include no access, no entrance at all

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from Barker Road.

Ms. Hiller stated that she was correct, the site plan that is currently submitted shows no access, not even construction access from Barker Road.

Chair Wallace stated that one of the stipulations was that Mr. Gore had to make this his primary residence. He would have to live on the property prior to any RV spending the night at the location.

Ms. Hiller stated the way the conditions were suggested was based on the number of camping pads, landscaping buffers, parking structures and uses as shown on the site plan submitted on January 05, 2017. Access to the property from Alabama Highway and presence of an owner, caretaker residence on the property. Those were her suggestions. She stated they could make them anything they wanted them to be.

Commissioner Bagby stated that his motion was to replicate Ms. Hiller's stipulations.

Chair Wallace stated that they had a motion and a second and asked if there was any other discussion. She stated that she once again wanted to clarify based on the requirements that they have put into place for Special Use Permit was she understanding the only reason they could not approve this and win a lawsuit if they could prove there were harmful requirements.

County Attorney Hoyt stated that if there were harmful effects on the surrounding properties and it would of have to come from the hearings and the evidence that has been presented.

Chair Wallace asked if there were any other questions or discussion. Seeing none, she asked for County Clerk Elrod to call the roll. VOTING:

	YES	NO
Commissioner Bagby		
" Watters		
" Hancock		" Maxey
Chair Wallace		

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Motion Carried.

Chair Wallace stated that the motion has passed and they heard the stipulations. She stated that she wanted to say to the group how much they appreciate each one of them being there and how much their voice does mean to each one of them. She thought that if they would be clear and see what they saw for the past two times they would see that this was a struggle for each one of the Commissioners. She stated that they had to do what they thought was right but based on the rules and requirements that are there. She stated that she hoped with this project Mr. Gore does have to build his home there, he does have to live there. She stated that she hoped that it would work out for all of them. She called for a short recess to allow the people there for just that hearing to leave.

Chair Wallace resumed the meeting.

**2. FILE #11-2017Z REQUESTS REZONING FROM OFFICE INSTITUTIONAL (O-I) TO SUBURBAN RESIDENTIAL (S-R) FOR EXISTING SINGLE-FAMILY DWELLING ON PROPERTY ON CALHOUN ROAD IDENTIFIED ON FLOYD COUNTY TAX MAP K13W AS PARCEL 049 (MOTION TO RECOMMEND DENIAL CARRIED 7-2)**

Chair Wallace asked Sue Hiller, Rome-Floyd Planning Commission, her recommendation and considerations. Ms. Hiller presented photographs of the proposed property. She stated that the subject property was zoned office institutional (O-I) in a sea of suburban residential (S-R) zoning. Aerial photographs indicate that it was pretty much surrounded by single-family dwellings although two (2) lots to the northeast there is a church. She stated as they could see the area was predominantly a rural residential property. She stated that this was truly a case where it is likely that a mistake was made when the zoning was adopted in 2001. Her guess would be that the O-I was meant to land on the church and for some reason it just didn't. The only way that they could really change that was to go through the process. She stated that they recommended that they approve the request which will make the zoning and the use compatible and has very little potential for adverse impacts on the area.

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**Chair Wallace declared the Public Hearing open and asked if there was anyone there to speak in favor or opposition of the request, seeing none she closed the Public Hearing.**

Chair Wallace called for a Motion. MOTION made by Commissioner Hancock to Approve the File #11-2017Z Request for Rezoning from Office Institutional (O-I) to Suburban Residential (S-R) for Existing Single-Family Dwelling on Property on Calhoun Road identified of Floyd Tax Map K13W as Parcel 049 . SECOND by Commissioner Maxey. VOTING:

YES

NO

Commissioner Bagby

" Watters

" Maxey

" Hancock

Chair Wallace

Motion Carried

- 3. FILE #13-2017Z REQUESTS REZONING FROM SUBURBAN RESIDENTIAL (S-R) TO OFFICE INSTITUTIONAL (O-I) TO MARKET FOR CEMETERY USE PROPERTY ON CALLIER SPRINGS ROAD IDENTIFIED ON FLOYD COUNTY TAX MAP J14P AS PARCELS 086, 087, 088, 091, 093, 095, AND 096. (MOTION TO RECOMMEND APPROVAL 8-1)**

Chair Wallace asked Sue Hiller, Rome-Floyd Planning Commission, her recommendation and considerations. Ms. Hiller presented photographs of the proposed property. She stated that the surrounding properties were zoned suburban residential (S-R), there was (O-I) zoning to the east and that was the Antioch Cemetery. To the west the suburban residential (S-R) zoning is the old Eastview Cemetery and they are both historic cemeteries in Rome and Floyd County. In August of 2007 there was a request to rezone all of these properties to community commercial (C-C) and that was withdrawn before a final decision was made. She stated that in this case the predominant land use in the area is either cemetery or

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residential. She stated that this property lies right between the two cemeteries. The office institutional (O-I) zoning request would allow a commercial or non-commercial cemetery to be developed on the property. Other potential office institutional (O-I) uses include churches, schools, or other institutions. She stated the size of the property would limit the size of any other type of development and therefore would limit the potential impact of any such development. She stated this comes to them with an 8-1 vote recommending that they approve.

**Chair Wallace Closed the Public Hearing.**

Chair Wallace called for a Motion. MOTION made by Commissioner Hancock to Approve the File #13-2017Z Request for Rezoning from Suburban Residential (S-R) to Office Institutional (O-I) to Market for Cemetery Use Property in Callier Spring Road Identified on Floyd County Tax Map J14P as Parcels 086, 087, 088, 091, 093, 095, and 096 . SECOND by Commissioner Maxey. VOTING:

	YES	NO
Commissioner Bagby		
" Watters		
" Maxey		
" Hancock		
Chair Wallace		

Motion Carried

**4. FILE #17-2017SUP REQUESTS SPECIAL USE PERMIT FOR MANUFACTURED HOME ON PROPERTY ON TREMONT DRIVE IDENTIFIED ON FLOYD COUNTY TAX MAP J14P AS PARCEL 037 SUBURBAN RESIDENTIAL (S-R) (MOTION TO RECOMMEND DENIAL CARRIED 9-0)**

Chair Wallace asked Sue Hiller, Rome-Floyd Planning Commission, her recommendation and considerations. Ms. Hiller presented photographs of the proposed property was surrounded by other suburban residential (S-R) properties by aerial photograph the other properties are either undeveloped or developed with

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single-family dwellings. Because this is a recorded subdivision according to the County Engineer placement of a manufactured home requires a Special Use Permit. She stated that there were no other manufactured homes in the subdivision although other lots are developed with a variety of size single-family dwellings. All services and utilities are available with the acceptance of sewer. It does not appear to be in a flood hazard area and it is shown as residential on the future land use map. Access to the property is from Tremont Drive however today Floyd County has declined to issue a driveway permit for any type of development on the property. Manufactured homes can be appropriate on subdivision lots particularly if they are designed and oriented similarly to the adjacent structures with things like: horizontal siding, pitched roofs, durable continuous foundations, front porches and front doors that are oriented towards the street. In this case there was no site plan, which is not required, and no picture of the proposed manufactured home so there was discussion of postponing this and allowing the applicants to come back but the vote was 9-0 in opposition to deny.

**Chair Wallace declared the public hearing open and asked if there was anyone there to speak in favor or opposition of the request.**

**OPPOSE: Thomas Cordle, 118 Tremont Drive, Silver Creek, Georgia.** Mr. Cordle stated that he has lived at his property for approximately 12 years. He states that when he bought the property they had no idea that this would even be an issue. It is mind-boggling why it is an issue now. He stated that they paid a lot of money for the property to even dream of a mobile home going on that property. He can walk to his carport and look across there and he was not ready for an eyesore like that. He stated that the kind of taxes that they pay, they deserve better than that. He stated that he was sorry if he sounded strongly about it but he totally opposes it and doesn't want it. He stated that they could take a pig and put all the makeup in the world on it but the end result is it is still a pig. He thanked the Commission

**OPPOSE: William Hunter, 137 Tremont Drive, Silver Creek, Georgia.** Mr. Hunter stated that he lived directly across from the property and one thing that the pictures did not show that he thought was important was the fact that the property went downhill almost immediately after it leaves the road so the trailer would have to be built right up close to the road. He stated that it's not like it would be sitting back up in the woods. He stated that he did not want to get up every morning and look at a mobile home. He thanked the Commission.

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**OPPOSE: Calvin Towe, 75 Tremont Drive, Silver Creek, Georgia.** Mr. Towe stated that his wife and himself have lived there for a little over 40 years. At the time they bought their home the property does have land restrictions and it does specifically state that there are no trailers to be put on any of the properties there. He stated all the homes on the street are brick homes except for maybe one or two that are just regular siding. He stated that they just had no idea that they would ever have to face something like this. They always assumed that land restrictions required no mobile homes, it requires houses to be a certain size if they are built on the land and it also required that the homes that are built have to be back in line with the other homes and like Mr. Hunter just got through saying if they went back that far it would be going downhill because that lot drops off very steep once its 50-60 feet back.

**OPPOSE: Ryan Jacobs, 148 Termont Drive, Silver Creek, Georgia.** Mr. Jacobs stated that he lived right beside the property and he wanted to say that they did not want the mobile home there. He stated that conversations he had with the owner of the lot had said that this would be temporary and he would consider renting it out later. He stated they definantly did not want a mobile home that was rent out and have to deal with that mess. He thanked the Commission.

**Chair Wallace asked if there was anyone else to speak in opposition, seeing none she closed the Public Hearing. She asked if there was any discussion.**

Chair Wallace called for a Motion. MOTION made by Commissioner Hancock to Recommend Denial as Recommended by the Planning Commission for Special Use Permit for File #12-2017SUP for Manufactured Home on Property Located at Tremont Drive Identified on Floyd County Tax Map K17 as Parcel 037 . SECOND by Commissioner Maxey. VOTING:

YES

NO

Commissioner Bagby

" Watters

" Maxey

" Hancock

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Chair Wallace

Motion Carried

**5. RE-ADOPTION FOR THE ROME- FLOYD COUNTY ULDC & ZONING MAPS**

Chair Wallace stated that this was an annual adoption and asked Sue Hiller, Rome-Floyd Planning Commission for her comments. Ms. Hiller stated she did not have anything but if they had any questions she would be more than happy to answer them.

**Chair Wallace declared the Public Hearing open and asked if there was anyone there to speak in favor or opposition of the request. Seeing none she closed the Public Hearing and asked if there was any discussion.**

Chair Wallace called for a Motion. MOTION made by Commissioner Hancock to Re-Adopt the Rome-Floyd County ULDC & Zoning Maps. SECOND by Commissioner Maxey. VOTING:

YES

NO

Commissioner Bagby

" Watters

" Maxey

" Hancock

Chair Wallace

Motion Carried

**CHAIRMANS REPORT:**

1. **Approve changes to agenda setting practices.**

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Chair Wallace stated that one of the things they had discussed at the agenda session was just the different practices that they have and the way they are currently doing their agenda compared to some different options that they had. They actually had three options that were prepared for their review. She asked if there was any discussion from the commission.

Chair Wallace called for a Motion. MOTION made by Commissioner Bagby to Adopt Option 3 Approving Changes to Agenda Setting Practices With the Change of a 4/5 Vote to Add an Agenda Item and with an 8:00pm Cutoff the Night before a Meeting. SECOND by Commissioner Hancock. VOTING:

Commissioner Maxey asked if that option included the 8:00pm cut off the night before the meeting.

Chair Wallace asked County Manager McCord for some clarification on Option 3. County Manager McCord stated that it was not an issue to them to have an 8:00pm deadline. Anything that was not on the agenda at that point would have to be added by 4/5.

YES

NO

Commissioner Bagby

" Watters

" Maxey

" Hancock

Chair Wallace

Motion Carried

**COMMISSIONER'S REPORT:**

- 1. Administrative/Finance Committee- Commissioner Bagby & Commissioner Maxey (Alternate)**

Next meeting, Thursday, February 16, 2017, at 8:00am.

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**2. Public Safety Committee- Chair Wallace & Commissioner Bagby (Alternate)**

Next meeting, Thursday, February 2, 2017, at 8:00am

**3. Public Works Committee- Vice Chair Hancock & Commissioner Watters (Alternate)**

Next meeting, Wednesday, February 15, 2017 at 7:30am

- a. Right of way acquisitions to committee next month.

County Manager wanted to mention that right of way acquisitions would be coming to them at some point for the Oreburg Road rail grade crossing that was part of the agreement to construct the south bypass. He stated that they would be bringing that to Public Works Committee next month and then back to the Board for right of way acquisitions in the future for construction of a cul-de-sac on both sides of the road.

**4. Water Committee- Commissioner Maxey & Vice Chair Hancock (Alternate)**

Next meeting, Monday, January 30, 2016, at 3:30pm.

**5. Judicial Services Committee (CJIS)- Commissioner Bagby**

No report.

**6. Floyd County Library Board- Commissioner Watters**

Next meeting, Thursday, February 16, 2017, at 4:00pm.

**7. Special Committee Reports.**

- a. **Fire Overview Committee- Chair Wallace and Vice Chair Hancock**

Next meeting, Tuesday, April 11, 2017, at 10:30am.

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**b. Joint Services Committee- Chair Wallace, Commissioner Bagby & Commissioner Maxey**

Next Meeting Tuesday, February 07, 2017 at 8:00am.

**c. Joint Development Oversight Committee- Vice Chair Hancock & Commissioner Bagby**

Next meeting, Tuesday, February 7, 2017 at 10:00am

**d. Joint Solid Waste Oversight Committee- Vice Chair Hancock & Commissioner Bagby**

Next meeting, Tuesday, January 31, 2017, at 9:30am.

**e. SPLOST Project Overview Committee- Commissioner Maxey & Commissioner Watters**

No report.

**f. RFPRA Task Force Committee – Vice Chair Hancock**

Next Meeting, Tuesday, February 21, 2017 at 11:30am

**CLERK'S REPORT:**

**Consent Agenda**

County Clerk Erin Elrod stated there were three (3) items placed on the Clerk's Consent Agenda which had been reviewed, and are submitted for approval.

Chair Wallace called for a Motion. MOTION made by Commissioner Maxey to Approve and Authorize Execution of items submitted under the Clerk's Consent Agenda as presented. SECOND by Commissioner Watters VOTING:

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YES

NO

Commissioner Bagby

" Watters

" Maxey

" Hancock

Chair Wallace

Motion Carried

1. Approve temporary off premises permit to sell beer & wine at Georgia Northwest Technical College Hangar on January 26, 2017 for La Scala Mediterranean Bistro, 413 Broad Street, Rome, Georgia 30161. The application is paid in full.
2. Approve Airport Manager Employment Contract.
3. Award maintenance and repair annual contract for e-911 phone system with West Safety Services in the Amount of \$48, 450.00 for the primary and backup center.

**MANAGER'S REPORT:**

- 1. APPROVE FORUM BALLROOM PROJECT BID #17-0112, IN THE AMOUNT OF \$422,399.90 TO TOP SERVICES, INC. THIS IS FOR FORUM IMPROVEMENTS AS PART OF THE MOST RECENT SPLOST VOTE: NEW LIGHTING, DRAPES, CANOPY AND DÉCOR.**

County Manager McCord stated that he had 3 items for consideration. Item one is the approval of the Forum ballroom renovation project bid in the amount of \$422,399.90. He stated that they were recommending approval for Top Services, Inc. and this would include major renovations to the ballroom. He stated that they had 7 bids open on January 12, 2017 and they had been reviewed and approved by purchasing. He recommended approval. He stated that they would be adding new lighting, new drapes, canopy, décor, glass section on the river, raising of the ceiling

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and possibly some minor HVAC renovations as well. He recommended to approve the Forum ballroom renovations to Top Services, Inc. for \$422,399.90.

Chair Wallace called for a Motion. MOTION made by Commissioner Maxey to Approve the Forum Ballroom Project Bid #17-0112 in the Amount of \$422,399.90 to Top Services, Inc. for Forum Improvements SECOND by Commissioner Bagby. VOTING:

YES NO

Commissioner Bagby  
" Watters  
" Maxey  
" Hancock  
Chair Wallace

Motion Carried

**2. APPROVE APPLICATION FOR 2017 HISTORIC PRESERVATION FUND CLG PREDEVELOPMENT GRANT FROM THE GEORGIA DEPARTMENT OF NATURAL RESOURCES FOR THE CREATION OF A MASTER PLAN TO REHABILITATE THE HISTORIC COURTHOUSE ON 5<sup>TH</sup> AVENUE IN ROME, GEORGIA. THE DEADLINE FOR THE APPLICATION IS FEBRUARY 1, 2017. THE GRANT IS A 60%-40% FUNDING SPLIT, WITH FLOYD COUNTY'S PORTION TO BE 40% OF THE PROJECTS COST. ESTIMATED TOTAL PROJECT COST IS \$48,000.00, MAKING FLOYD COUNTY'S POTENTIAL COST UP TO \$19,200.00**

County Manager McCord stated that item 2 was to approve an application for 2017 Historic Preservation Fund CLG Predevelopment grant. He stated that they had some issues at the Historic Courthouse that he was pretty sure they were aware of. Nothing totally significant at this point but they were at the point where they were going to have to do significant changes and improvements to that facility. He stated that they felt like they needed to apply for a grant that would allow them to develop a master plan that will give them an assessment report and allow them to determine what should be done going forward. He stated that it would also line them up for additional brick and mortar grants through the state and historic preservation that could potentially be utilized in varying funding mechanisms. He stated that it could be 50/50 there are some 80/20 and some 60/40. He stated that they would like to do this. They met with a

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consultant a couple of weeks ago, went through the building analyzed it and looking at what they thing a project costs today. Approximately \$48,000.00. This would provide them with multiple things: electronic, drawings and floor plan elevations, proposed rehab plans, proposed life safety plan, accessibility plan, outline hazard material removal. There could be some hazard material in the building that needs to be dealt with and it also describes required structural stabilization plan as far as roofing, code analysis, window analysis so on and so forth. He thought it would be a very good due diligence to be able to plan for this going forward through capital, existing SPLOST or future SPLOST and also get them in line for future brick and mortar Grants that may be available from the state. He recommended to approve the grant application 2017 Historic Preservation Fund CLG Predevelopment Grant. Currently estimated to be a maximum of \$48,000.00 for the grant with the County's contribution being \$19,200.00

Chair Wallace called for a Motion. MOTION made by Commissioner Watters to Approve Application for 2017 Historic Preservation Fund CLG Predevelopment Grant from the Georgia Department of Natural Resources, Estimated Total Project cost \$48,000.00, Making Floyd County's Potential Cost up to \$19,200.00 SECOND by Commissioner Maxey. VOTING:

YES

NO

Commissioner Bagby

" Watters

" Maxey

" Hancock

Chair Wallace

Motion Carried

**3. APPROVE ADDITION OF E-911 FEE SCHEDULE TO FLOYD COUNTY ORDINANCE 2-10-4 IN REFERENCE TO REGISTRATION OF ALARM SYSTEMS.**

County Manager McCord stated that item 3 was to approve addition to the E-911 fee schedule to attach to Floyd County ordinance 2-10-4. He stated that they had discussed this in caucus and they have had the ordinance in place since 2000. Which addressed failure to register an alarm system within the allotted time, resulting in a fine. He stated that they did not have an attached fee schedule that addresses that. He stated that they recommended 3 fees at this point

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and these fees would go in effect in January with the intent that they utilize the rest of 2017 for a grace period to make sure home owners are notified. They would be adding the fee schedule of \$50.00 for failure to register or reregister an alarm system within the allotted time. \$100.00 fee for any response to an alarm that had not been registered or reregistered, and \$100.00 for failure of an alarm installation to notify the customer of the central monitoring center of these requirements. He stated that they would be in a grace period throughout the remainder of 2017 to allow the public the ability to inform and will not go in effect until January 2018.

Chair Wallace called for a Motion. MOTION made by Commissioner Bagby to Approve Addition of E-911 Fee Schedule to Floyd County Ordinance 2-10-4 in Reference to Registration of Alarm System to be Effective Starting January 01, 2018 in the Amounts of: \$50.00 for failure to register or reregister in the allotted time, \$100.00 fee for any response to an alarm that has not been registered or reregistered, and \$100.00 for failure of an alarm installation to notify the customer of the central monitoring center of these requirements. SECOND by Commissioner Hancock. VOTING:

YES NO

Commissioner Bagby  
" Watters  
" Maxey  
" Hancock  
Chair Wallace

Motion Carried

**ADJOURNMENT:**

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

YES NO

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Commissioner Bagby  
" Watters  
" Maxey  
" Hancock  
Chair Wallace

Motion Carried

**ATTEST:**

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**ERIN ELROD, FLOYD COUNTY CLERK**

**(01/24/17 - Regular Meeting)**

**FLOYD COUNTY BOARD OF COMMISSIONERS  
CAUCUS  
January 24, 2017 4:00 PM**

Present: Commissioners Wright Bagby, Scotty Hancock, Larry Maxey, Rhonda Wallace and Allison Watters, County Manager Jamie McCord, Assistant Manager Gary Burkhalter, and County Attorney Wade Hoyt

Commissioners and staff reviewed items on the agenda for the meeting of January 24, 2017 meeting.

**ATTEST:**

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**ERIN ELROD, FLOYD COUNTY CLERK**