



FLOYD COUNTY BOARD OF COMMISSIONERS

May 24, 2022

County Administration Building

Caucus — Suite 204 4:00 pm
Regular Meeting — Suite 206 6:00 pm

PRESENT: COMMISSIONERS: Wright Bagby, Allison Watters, Rhonda Wallace, Larry Maxey, and Scotty Hancock; County Manager Jamie McCord, County Clerk Erin Elrod, County Attorneys Virginia Harman and Chris Jackson, Assistant County Clerk Hollis Barton, Chief Tax Appraiser Danny Womack, Planning Director Art Newell, Assistant Planning Director Brice Wood; Olivia Morley, and Larry Dolan.

CAUCUS

1. **Update on Tax Assessments**
2. **Executive Session to Discuss Personnel, Litigation, and the Acquisition of Property**

Chair Bagby called the meeting to order. Mr. McCord introduced Chief Appraiser Mr. Womack. Mr. Womack explained the Tax Assessment to the Commission and demonstrated how exemptions affect the bill. Chair Bagby and Mr. McCord began the review of the Agenda. Mr. Newell and Mr. Wood reviewed the requests from the Planning Commission.

I. **CALL TO ORDER**

II. **INVOCATION AND PLEDGE OF ALLEGIANCE TO FLAG** — Commissioner Wallace

III. **APPROVAL OF THE AGENDA** — The agenda was approved by common consent.

IV. **PUBLIC PARTICIPATION**

Spencer Brewer, 173 Lavender Road, Rome, 30165: Addressed the Commission regarding Freeport taxes.

V. **APPROVAL OF MINUTES** — The minutes were approved as submitted by common consent.

1. Adopt minutes of Caucus, Regular Meeting, and Executive Session of May 10, 2022.

VI. **SPECIAL RECOGNITION**

1. **Floyd County Finance Department Achievement for Excellence in Financial Reporting award from the Government Finance Officers Association of the United States and Canada for the fiscal year that ended December 31, 2020.**
— Mr. McCord read a statement from the Government Finance Officers

Association of the United States and Canada and stated how proud he was of our Finance Department and its difficulty to obtain. Mrs. Gass thanked the Commission for their recognition and attributed the award to her staff.

2. **Deputy Chris Hall Service Weapon Presentation for 23 years of service at his retirement.** — Sheriff Dave Roberson gave an overview of Deputy Hall’s career and their time together at the Sheriff’s Office. Deputy Hall thanked everyone for the opportunity and stated it has been a pleasure and an honor to serve Floyd County.

VII. PROCLAMATION

VIII. FIRST READING

IX. SECOND READING/PUBLIC HEARING (FIRST HEARINGS WERE HELD MAY 10, 2022 AT 6PM.)

Chair Bagby explained the procedure of the public hearing: each person recognized shall come to the podium and state their name and home address. There is no less than ten minutes provided for all speaking in favor, and no less than ten minutes provided by those speaking in opposition.

1. **Files Z22-04-04 and SUP22-05-03 requesting rezoning from Duplex-Residential (D-R) to Suburban Residential (S-R) for property at 8 Circle Drive; Floyd County Tax Parcel J16Y023, as well as a Special Use Permit for a manufactured home. The Planning staff recommended approval on both requests. The Planning Commission voted 7-0 to approve both requests.** — Mr. Newell presented the requests to the Commission. Chair Bagby opened the Public Hearing. Seeing no one to speak in favor or opposition, Chair Bagby closed the Public Hearing and asked for a motion. Commissioner Wallace made a motion to deny the requests, seconded by Commissioner Hancock. The motion to deny carried 4-0.
2. **Files Z22-04-03 and SUP22-04-01 requesting rezoning from Suburban Residential (S-R) to Agricultural Residential (A-R) for property at 125 Davis Road; Floyd County Tax Parcel F18027, F18026 and F18025, as well as a Special Use Permit for an event venue. The Planning staff recommended approval with conditions of going to Board of Adjustments for setback variances. The Planning Commission voted 7-0 to approve with conditions, as well as 7-0 approval for the SUP.** — Mr. Newell presented the requests to the Commission. Chair Bagby opened the Public Hearing.

Speaking in Favor:

Alan Reeves, Co-Manager of Big Cedar Festival Grounds: “This property was developed in 1982, 83, as a YMCA day camp; it’s been used since then variously as a Boy Scout Jamboree site, Trinity United Methodist Church has used it for bonfires and so forth, Big Cedar Arts and Crafts Festival was held here for seventeen years continuously, Cave Spring Downtown Development Authority has been using it for the motorcycle rally for the past seven to eight years, we have to exclude 2020 Covid year, we acquired the property in 1919 [*sic*] from the previous owner because he wanted to assure that the Downtown Development Authority was able to continuously use the property for the motorcycle rally because of its importance to the DDA for their budget; we are asking that you consider this request, this was a consolidation of several parcels; four (4) parcels that were variously zoned A-R, S-R, so we’re trying to get that under one zoning designation, it’s a hay field, and anything that we do is done in conjunction with the hay harvest, so that severely limits any activities on the property, but its adjacent to Big Cedar Creek, and the conservation and preservation of Big Cedar Creek is our primary concern because that’s the goose that makes this entire venue work; so I would ask you to approve the rezoning and the Special Use Permit to continue its present use as an event venue and I’ll reserve the rest of the time, I think there are others that want to speak.”

Larry Dolan, 1 Rome Road, Cave Spring: “My name is Larry Dolan, I’m the Executive Director of the Cave Spring Downtown Development Authority and I’m supportive of the initiative, but what I’d also like to mention is that, if whatever you decide to do with that, I would ask that it not interfere with the upcoming motorcycle rally. We just got finished doing a mushroom festival, which was very successful, and the motorcycle rally is scheduled for July 29th and 30th; contracts have been signed, it has a huge economic impact, and we hope that nothing can interfere with at least this year’s motorcycle rally and hopefully future ones; just to give you an idea where we’re at with that, right now we have fifteen sponsors, thirty vendors, forty-five RV campsites, 50 tent sites, on average we have about 1500 participants that come to the event; they come from Florida, TN, AL, GA; and so we bring in a lot of business for the Cave Spring community, and for Big Cedar RV, and the downtown merchants; this year we are partnering with Marriott Courtyard in Rome as well, so there’s a lot of people’s livelihoods that are affected by this, so we ask you to consider that when you deliberate on this, and I just wanted to give you a sense of what that was about, thank you.”

Seeing no one further to speak in favor, or anyone to speak in opposition, the Public Hearing was closed. Commissioner Hancock made a motion to deny both requests without prejudice based off of the Board of Adjustments denial due to the setback variances, seconded by Commissioner Wallace. Vice Chair Watters asked Ms. Harman if this motion would still allow for the two (2) events that they currently host per year. Ms. Harman responded that was correct due to it being a legal non-conforming use for the two (2) events per year. The motion to deny the requests carried 4-0.

3. **File Z22-05-01 requesting rezoning from Heavy Industrial (H-I) to Light Industrial (L-I) at O Calhoun Hwy/W. Hermitage Road; Floyd County Tax Parcel L11Z003. The Planning staff recommended approval. The Planning Commission voted 7-0 to approve.** — Mr. Newell presented the request before the Commission. Chair Bagby opened the Public Hearing.

Speaking in Favor:

Darren Hardin, 230 Old Highway 41, Adairsville: “Yes sir we brought this property, I believe it was back in February, looking to develop this property as a mixed-use residential project; it’s a unique piece in the sense that it has a creek that basically divides the property into two pieces; it has a lot of utilities already in place, existing infrastructure, it has water and sewer, as well as power, which is great for an industrial site here; it was not looked at favorably for it to be residential, so we are looking to develop this into warehousing space between twenty thousand and two-hundred thousand square foot buildings on the site; it’s in a unique area that’s got excellent access to [Highway] 53 for truck traffic as well as near the widening of [Highway] 140 which allows the trucks then to travel into Interstate-75; this property is currently zoned H-I, which actually under H-I zoning, the usable acreage that’s lost is twenty-six acres out of a fifty-two acre tract; obviously it’s hindered it it’s been on the market for thirteen years and this property hasn’t been bought or even been tried to be bought during that time, so we are taking this to Light-Industrial, greatly increases the usable acres of the property as well as the existing infrastructure that’s on site, and of course Light-Industrial fits inside of what the Land-Use Map already has for the property; during the Planning meeting I spoke, and I told Mr. Rush at the time, and I’ll say it in front of you guys as well, I’m happy to meet with him, I believe that they will not want fencing or anything that will change the natural state of the property and I’m in agreement with that, I actually believe that we should use landscaping, which I just spoke with the gentleman when I came in today, I’m happy to meet with Mr. Rush at the time; we will be doing grading, which is going to reduce the site which lowers the buildings from any kind of view to begin with from Mr. Rush, but again, I’m happy to meet with him on-site and increase landscaping which gives us a natural buffer between us, any questions, I’m happy to answer.”

Speaking in Opposition:

Lucy Burnes, 1646 Martin Luther King Jr. Blvd., Rome: “I’m here on behalf of the Rush family, my father is Thad Rush, the owner of the adjacent property to the property that’s being considered for rezoning, and I think we’ve been over this before, but we do feel like Light-Industrial is more appropriate than the prior proposal, but I just want to share a few things; we are requesting that if you are so inclined to rezone this to L-I that you consider some additional setback footage, as well as maintaining the buffer undisturbed, whereas now it is a pine forest and the trees are of considerable height that will help impede any visual impact on the property; what I’d like to share for just a few minutes is a study that was done by the National Parks Service, along with Chieftains Museum, just to kind of give

you a little sense of the home along with the adjacent property; so this was a study that was completed by William Bishop who was, at the time, the President of the Trail of Tears association, the Georgia Chapter, and it was done in 2008, and this is just a little bit of their findings; this property is usually referred to as ‘The Rush Farm’ or ‘The Rush House’ but actually it should be referred to as ‘Running Waters’ which was the name that it was given by John Ridge, the son of Chief Major Ridge, who was the original owner of this property; and this is just a little bit from this study that I’d just like to share,

‘Running Waters, located in what is now Floyd County, Georgia, played a pivotal role in the Cherokee removal story. Running Waters is where the group that would later be called The Treaty Party was formed, where it conducted its business, and where terms of what would become known as the Treaty of New Echota were discussed in open council. Running Waters was also the location of a Ridge sponsored Cherokee Mission School, headed by Sophia Sawyer, who taught a number of Cherokee students between 1835-1836, after her school was forced out of New Echota, Running Waters is where Trudy Party leader John Ridge lived, wrote his correspondence, and conducted his business. It is often said these days, that the Trail of Tears began right here, but in this case, such a statement wouldn’t be simply empty hyperbole.’

That’s the opening remarks of this study, and there’s a lot of interesting information here but I’m going to skip over, Sophia Sawyer’s letters, who was the teacher at the Mission School that was on this property, as well as the property that’s being considered for rezoning, which it was all one property at one time, she operated the Mission School, and it is through her letters that they actually were able to attribute this property right back to John Ridge; this is the final comments, a portion, of the recommendations that were made from this study by the National Parks Service,

‘Running Waters should assume its rightful place alongside Red Clay and New Echota as a significant historic site. One of the three major places where Cherokee Councils were held during the waning days of the Cherokee nation in the Southeast. Running Waters was the place where John Ridge lived and worked. It is possible, perhaps even likely, that a portion of the Rush house is in fact, the same house in which Ridge lived. The 1832 Land Lottery Map certainly shows the Ridge house sitting at the same spot now taken by the Rush house. At least three councils were held on this property in November 1834, May 1835, and July 1835, and these were no ordinary council sessions, these were the council sessions that led directly to the 1838 removal. The site certainly should be interpreted as part of the expanded Trail of Tears National Historic Trail.’

I share that just to ask, as I know, you have a very difficult task as a Commission, of making decisions about development, about future growth of Floyd County; we also have an important job to do preserving and telling the story of the history, I

just happen to notice tonight ‘The Enchanted Land’ is part of our Floyd County logo; I just think it’s important to preserve and just be able to cherish these special places that there’s not many of them left, so we are requesting, for those reasons, as well as the actual use of my father’s farm, where he farms, that if you are so inclined to approve the rezoning of this property, that we request it be done with conditions with the minimum, the setback, for Light-Industrial is thirty (30) feet, we’re requesting a minimum of 50-100 feet setback in addition to the, instead of the thirty (30), as well as that the buffer be left undisturbed in the natural state that it’s in now. Thank you.”

Rebuttal:

Mr. Hardin: “Currently, the property line from Mr. Rush’s house to this property is 350 feet, I mean it’s over a football field away, we are looking to add additional landscaping and stuff, but to reduce the setbacks down, puts you right back in the unusable space again, which of course then can render a property unusable; so I would just caution you again, we are going to be grading the site, but we will allow natural buffers to be there, as well as additional planted, between these properties, but again we are developing a site that is not this farm, we are not touching them in any way.”

Commissioner Wallace: “Can that property line be undisturbed where the pine trees and items that are there now, they could remain there?”

Mr. Hardin: “Absolutely, yes ma’am, as a matter of fact, I mean I’m open to an undisturbed buffer, I would request if you decided to look for an undisturbed buffer of twenty (20) feet where we could do the additional landscaping between us and the Rush farms, but anything more than that starts to render the property unusable again.”

Commissioner Hancock: “How big of a warehouse did you say this was going to be? You said 20,000 – 200,000?”

Mr. Hardin: “The property closer to Mr. Rush’s would be much smaller; the 20,000 square feet, the one that is near the railroad track, has the ability, because of the depth of the property, to be bigger.”

Commissioner Hancock: “Okay so you’re talking about several different warehouses?”

Mr. Hardin: “Yes sir, correct, not one.”

Vice Chair Watters: “Lucy, I’m glad you’ve got your voice back, I’m going to make the motion – and I do genuinely care about this piece of property, because it has strong historical roots, with our family as well, I’m going to make a motion that we approve the request, but with the understanding and the condition that the thirty (30) foot buffer be left undisturbed.”

Seeing no one to further speak in favor or opposition, Chair Bagby closed the Public Hearing. Vice Chair Watters made a motion to approve the request with the understanding and condition that the 30' buffer be left undisturbed, seconded by Commissioner Wallace. The motion carried 4-0.

4. **File Z22-05-02 requesting rezoning request from Community Commercial (C-C) to Suburban Residential (S-R) at 23 Melody Lane NW; Floyd County Tax Parcel H13X207. The Planning staff recommended approval. The Planning Commission voted 7-0 to approve.** — Mr. Newell presented the request before the Commission. Chair Bagby opened the Public Hearing. Seeing no one to speak in favor or against, Chair Bagby closed the Public Hearing. Commissioner Hancock made a motion to approve, seconded by Vice Chair Watters. The motion carried 4-0.
5. **File SUP22-05-02 requesting a Special Use Permit for the development of miniature warehouses for property at 3142 Maple Road, S.E.; Floyd County Tax Parcel J16X283. The Planning staff recommended approval. The Planning Commission voted 7-0 to approve.** — Mr. Newell presented the item before the Commission. Chair Bagby opened the Public Hearing.

Speaking in Favor:

Randy Gentry, 1065 Five Points Road, Waco: “I’m here with my attorney, Mr. Husser, we agree to all the recommendations that the Zoning Commission has made, and we’ve worked with the neighbors to try to work out everything, any issues they had, and basically if there’s any questions I’d be glad to answer.”

John Husser, 401 Broad Street, Rome: “Mr. Gentry has worked very hard with the neighbors, surrounding neighbors, building this fence, agreeing to maintain the current tree, the landscaping that he intends to put in place; what’s really significant is he also owns the Piggly Wiggly property, this would be a rather passive use of commercial property, would not create high traffic volume, people would be coming in, it would be totally secured, whatever opposition existed three years ago, on the part of the residential community we’ve addressed, I would respectfully ask the Commission to approve this application for the Special Use Permit, thank you.”

Commissioner Wallace: “Before I make a motion, I would like to say to the applicant, thank you for listening to the concerns of the community and all the people surrounding the area and doing what they felt like was a compromise to help the property, so thank you for that, I make a motion that we approve the request.”

Commissioner Hancock: “I agree with her motion, there was some previous discussion that we had in Caucus about security, security cameras at the gate and a key code, is that part of your -?”

Mr. Gentry: “Yes sir, we plan on putting security cameras up, and also having electronic gate that closes at nine at night and opens at eight in the morning with a key code and that’s just for the security of the property.”

Commissioner Hancock: “Okay, thank you, I’ll second that motion.”

Seeing no one further to speak in favor or opposition, Chair Bagby closed the Public Hearing. Commissioner Wallace made a motion to approve, seconded by Commissioner Hancock. The motion carried 4-0.

6. **File Z22-05-06 requesting rezoning from Community Commercial (C-C) to Suburban Residential (S-R) at 1806 C Pleasant Valley Road, Silver Creek, GA 30173; Floyd County Tax Parcel L17140. The Planning staff recommended approval. The Planning Commission voted 7-0 to approve.** — Mr. Newell presented the item before the Commission. Mr. McCord stated there was an error in the tax map and the house was in fact on the parcel. Chair Bagby opened the Public Hearing. Seeing no one to speak in favor or opposition, Chair Bagby asked for a motion. Commissioner Wallace made a motion to approve, seconded by Commissioner Hancock. The motion carried 4-0.

X. PUBLIC HEARING

XI. RESOLUTIONS

XII. CHAIRMAN’S REPORT

XIII. COMMISSIONER’S REPORT

Vice Chair Watters stated the groundbreaking for the Chuck Sennett III amphitheater was today made possible by a generous donation from Dr. and Mrs. Charles “Soc” Sennett, and had been in the works for almost four years and that it will be a nice addition to the Library.

Commissioner Hancock stated on behalf of the Public Safety Committee he had the honor to attend the School Resource Officer Banquet and recognized Chief Wallace and the Floyd County Police for doing a tremendous job with Community Outreach and that he appreciated them for this great program for our county.

1. Administrative Services Committee – Commissioners Watters & Bagby

- a. Next Meeting, Thursday, May 26, 2022, 9:00am

2. Public Safety Committee – Commissioners Hancock & Wallace

- a. Next Meeting, Thursday, June 16, 2022, 9:00am

- 3. Public Utilities & Transportation Committee – Commissioner Maxey & Hancock**
 - a. Next Meeting, Wednesday, June 15, 2022, 9:00am
- 4. Elected Officials Committee – Commissioner Wallace & Maxey**
 - a. Next Meeting, Friday, June 3, 2022, 2:30pm
- 5. Special Committee Reports**
 - a. Fire Overview Committee — Commissioners Bagby & Hancock**
 - i. Next Meeting, Tuesday, August 9, 2022, 10:30am
 - b. Joint Services Committee — Commissioners Watters & Maxey**
 - i. Next Meeting, Tuesday, June 7, 2022, 8:30am
 - c. Rome-Floyd Planning Commission — Commissioners Maxey & Watters**
 - i. Next Meeting, Thursday, June 2, 2022, 2:30pm
 - d. Joint Development Oversight Committee — Commissioners Bagby & Watters**
 - i. Next Meeting, Tuesday, August 2, 2022, 10:00am
 - e. Joint Solid Waste Commission — Commissioner Watters & Maxey**
 - i. Next Meeting, Tuesday, July 26, 2022, 8:30am
 - f. Transportation Policy Committee — Commissioner Maxey**
 - i. Next Meeting, Wednesday, July 20, 2022, 10:00am
 - g. Airport Commission — Commissioners Hancock & Wallace**
 - i. Next meeting, Tuesday, June 21, 2022, 4:00pm
 - h. SPLOST Project Overview Committee — Commissioners Wallace & Hancock**
 - i. Next meeting, TBD

i. RFPR Advisory Committee — Commissioner Wallace

i. Next Meeting, Tuesday, July 19, 2022, 12:00pm

j. Floyd County Library Board — Commissioner Watters

i. Next Meeting, Thursday, August 18, 2022, 4:00pm

XIV. MANAGER’S REPORT

Mr. McCord stated he had been invited by Carey Harris and Amelia Jackson to speak at the Young Farmers meeting last night at the Selman store and thanked them for the opportunity and a lot of good conversations and updates on the Ag Center. Stated this was a very important project to us and are working hard behind the scenes on that to move forward with property and looking forward to moving ahead with architectural design.

XV. ATTORNEY’S REPORT — No report.

XVI. CONSENT AGENDA — Chair Bagby asked Mrs. Barton if the Consent Agenda was in order. Mrs. Barton stated that it was. Vice Chair Watters made a motion to approve the agenda, seconded by Commissioner Wallace. The motion carried 4-0.

1. Consider approval of the five (5) following T-Hangar leases for Russell Regional Airport:

- a.** Todd Stephens
- b.** James Perry
- c.** Joseph Ryan Acree
- d.** Jordan Grieff
- e.** Robert Battin

XVII. OLD BUSINESS

XVIII. NEW BUSINESS

1. Consider recommendation from Purchasing to approve the purchase of a TR-NOX Tiltrotator by Kinshofer from Tractor & Equipment Company in the amount of \$39,740.00 for Public Works. This was budgeted at \$75,000.00 in 2017 SPLOST. — Mr. McCord presented the request to the Commission. Commissioner Wallace made a motion to approve, seconded by Vice Chair Watters. The motion carried 4-0.

2. **Consider recommendation from Purchasing to award the roof replacement to Midian Roofing in the amount of \$215,650.00 (using inmate labor) for the Floyd County Prison. This was budgeted in the 2017 SPLOST at \$400,000.00.** — Mr. McCord presented the request to the Commission. Vice Chair Watters made a motion to approve, seconded by Commissioner Hancock. The motion carried 4-0.

3. **Consider recommendation from Purchasing to approve the purchase of one (1) Mower Max Boom Gen 3 with accessories from Atmax Equipment Company in the amount of \$205,565.00 for Floyd County Public Works. This was budgeted in the 2017 SPLOST at \$150,000.00. The remaining funds will come from savings on other items in the same GL account, specifically the Hydraulic Excavator #174 which represented a savings of \$113,000.00.** — Mr. McCord presented the request to the Commission. Commissioner Wallace made a motion to approve, seconded by Vice Chair Watters. The motion carried 4-0.

XIX. OTHER BUSINESS

- XX. ADJOURN** — Seeing no further business, Chair Bagby adjourned the meeting.