



FLOYD COUNTY BOARD OF COMMISSIONERS

June 28, 2022

County Administration Building

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

PRESENT: Commissioners Wright Bagby, Rhonda Wallace, Larry Maxey, and Scotty Hancock; County Manager Jamie McCord, County Clerk Erin Elrod, County Attorney Andrew Garner, Assistant County Clerk Hollis Barton, Public Utilities and Transportation Division Director and Special Projects Manager Bruce Ivey, Human Resources Director Darryl Bowie, Administrative Services Division and Finance Director Susie Gass, Assistant Planning Director Brice Wood, Avery Smith, Jeremy Salter, Bob Henderson, Spencer Brewer, and Olivia Morley.

PRESENT VIRTUALLY: County Attorney Chris Jackson

NOT PRESENT: Commissioner Allison Watters

CAUCUS

1. Millage Rate Discussion

2. Executive Session to discuss the acquisition of property, litigation, and personnel.

Chair Bagby called the meeting to order. Spencer Brewer spoke to the Commission in regards to the Inventory Tax. Mr. McCord opened discussion on the Millage Rate and discussed its timeline. Chair Bagby and Mr. McCord then reviewed the agenda.

Commissioner Wallace then made a motion to enter into Executive Session to discuss litigation and property acquisition, seconded by Commissioner Maxey. The motion carried 4-0.

I. CALL TO ORDER — Chair Bagby called the meeting to order.

II. INVOCATION AND PLEDGE OF ALLEGIANCE TO FLAG — Chair Bagby led the Commission in the Invocation and the Pledge of Allegiance.

III. APPROVAL OF THE AGENDA — Chair Bagby asked for a motion to approve the agenda. Commissioner Maxey made a motion to approve, seconded by Commissioner Wallace. The motion carried 4-0.

IV. PUBLIC PARTICIPATION

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

1. Adopt minutes of Caucus, Regular Meeting, and Executive Session of June 14, 2022.

VI. SPECIAL RECOGNITION

1. **TRED on behalf of Redmond Trail Project** — Julie Smith and the TRED Board presented shirts to the Commission. Ms. Smith then made a statement on the behalf of TRED regarding the mission, background, and community interest of TRED.
2. **Georgia Association Chiefs of Police Georgia State Certification** — State Certification Program Coordinator Chuck Groover recognized the Floyd County Police Department for their recertification. Mr. Groover then gave an overview of the program and its importance in regards to the required standards that must be met and the significance it upholds for the department.

VII. PROCLAMATION

1. **AdventHealth Redmond 50th Anniversary** — Commissioner Wallace presented the Proclamation to representatives from AdventHealth Redmond.

VIII. FIRST READING

IX. SECOND READING/PUBLIC HEARING

(FIRST READINGS WERE HELD JUNE 14, 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. **File SUP22-06-01 requesting a Special Use Permit to operate a tree service on the property at 0 Chulio Road; Floyd County Tax Parcel K15Y150A. The Planning Staff recommended approval with conditions. The Planning Commission voted 6-2 to deny the request.** — Mr. Wood presented the request to the Commission. Chair Bagby then opened the Public Hearing.

Speaking in Favor:

Jeremy Salter, 501 E 1st Street, Rome: “Good evening Honorable Commission, I am a resident and a business here in Floyd County and in Rome; I’m before you today to advocate for the issuance of this Special Use Permit, my client, Shelby’s Tree Service, LLC, has been an operating business in Northwest Georgia and in Rome and Floyd County for almost fifty (50) years; employs four (4) employees, beyond the business owner, two of which are residents here in Rome and Floyd County; this tree service is seeking to continue to do what it’s doing, and what it is doing is acting as a tree service; my client’s company not only removes trees from peoples’ property, it located and identified very valuable lumber, this lumber could be properly categorized as wholesale, trade; it’s unfortunate that the Code

doesn't contain a definition of wholesale trade, it does talk about wholesale trade regulations, but it doesn't really define what wholesale trade is, the closest definition I could find came from the city of Lake Alfred in Florida, where it defines wholesale trade, essentially, as 'those things that help build industry', these valuable trees that my client are collecting from the properties that would normally be discarded are, indeed, valuable trade implements that are used for building materials; my client seeks to store these very valuable inventories on his property and based on my reading of the code, this would be permissible; now, I feel that the marking of a good code is when you don't have to deviate too far from it; and what I've learned under review of this county's code [ULDC], is under the purpose of L-1, 'L-1 Light-Industrial is intended to provide areas of light manufacturing, use that primarily involves finishing or assembling previously manufactured good. The district is also intended to provide for a location of wholesaling or warehousing uses as well as office uses.' It's my understanding there's been some indication that you know, an office should be on this property, that is simply not what the code states; if we go further into the code, under Section 3, and the chart provided at 3-2, it provides several things that a L-1 property is allowed to do. One is a matter-of-right without any sort of exception, one is a matter-of-right with certain exceptions, and one which would require a Special Use Permit. I point the Commission to page eighty-two of the [ULDC] code at Chart 3.2, as a matter-of-right without limitation a company on L-1 property is allowed to have wholesale trade including the storage of that wholesale trade, now what the company is not allowed to do is provide outdoor storage, that's also on page eighty-two, without meeting certain conditions; and those certain conditions are codified at 4.2.9; and they specifically state that if you're going to store materials outdoors there must be a fence that obstructs the view from any road, at least eight (8) feet; we would ask that this Commission issue a Special Permit, a Special Use Permit, that allows my client to store his valuable wholesale trade outdoors; in return, we will comply with 4.2.9 as well as indicate and promise that we are not refining this lumber; this is merely to store very valuable lumber services, lumber of goods, that would be ultimately used to sell for profit that would benefit this business, allow this business to grow, potentially hire additional employees, and bring new tax revenues for the County; now, there have been some indications that this is a nuisance, I would submit that an eight (8) foot wall would eliminate a lot of those concerns, the indication that we are not going to refine these woods would further ameliorate that the Commission should have about the storage of these woods; in addition to that, there was a violation notice where it defined these lumbers as rubbish but I would advise the Commission that if you turn to the property code, it defines what rubbish is and rubbish for lumber is generally tree trimmings, these are not tree trimmings these are giant logs that my client is accumulating in order to sell to wholesale retailers, wholesale distributor, who would eventually process the money at his location, at this time I am going to yield the rest of my time for rebuttal, and yield the floor."

Speaking in Opposition:

Shirley Roden, 18 Devonshire Drive SE, Rome: “I’m going to apologize right off the bat because I had difficulty understanding a lot of what he was saying so I’m not sure I can address, you know, as I could’ve if I would’ve understood a lot of it; I have some pictures if y’all would like to pass them and see them.”

Commissioner Wallace made a motion to accept the photos into the record, seconded by Commissioner Hancock. The motion carried 4-0.

Ms. Roden: “The smaller ones that are surrounded by white were taken by the Planning and Zoning office, and the others were taken by me; that’s, and the one thing that I want you to know they do not reflect the site as it appears as much as they should because I couldn’t get to the site where it shows all the piles all the huge piles, and I mean huge, massive piles of trees; um, my property is directly behind the tree service, there’s only a few trees and maybe four to five car lengths between me and this, that’s all that separates us; all this started because of loud noises from dump trucks, heavy equipment, Bobcats, mulchers, chippers, and wenchers, back-up alarms on the heavy equipment and trucks and large logs being dropped into metal dump trucks; the tree service has been cited, but it’s not only continued, but has expanded, and [inaudible] dumps massive piles of logs and in the last hearing Mr. Covington stated he still intends to go further on the property with his business and his activities; and he’s already, at least half a city block probably further, um there’s three (3) houses, there’s two (2) next to me, and then there’s one (1) on the corner and he’s going all the way in that direction; in the winter time there’s barely any trees between me and him; I called Mr. Rubin’s office at Code Enforcement I started with them about a year ago, I’ve spoken with them, I’ve spoken with Mr. Newell, Mr. Martin, and Brice Wood, and I moved on from there, I’ve spoken with just about everybody I think; this is a big nuisance, it’s horrible y’all; this property’s not even being used as Light-Industrial, a Special Permit would be like rezoning this property for Heavy-Industrial use even though it’s a residential area, it’s not on five (5) acres, the noise and the vibration it produces exceed even what that would allow; the Special Permit for outdoor storage yard he was referring to as 4.2.9 is not appropriate for what this business is doing it’s transporting in and out at times and storing and processing massive loads of cut and uncut large tree lengths and logs, and storing mulch and solid waste on site; there’s a short video that you may see in a few minutes, the video is only a minute or so, the noise from this business because we wanted to use the time to speak, I hesitate to call it a tree service because it’s operating so much more, I have lots of video, there’s three to four hours of it from just this past Saturday in fact, of the Bobcat going back and forth and moving, loading logs and dump trucks; I asked Mr. Newell’s office when we had a meeting I asked if there was another business like this that I could go and view so I’d have something to compare what was happening behind me to, I wasn’t given any to go and look at so I looked up everything online I’ve ridden by about fifteen to twenty tree services and the addresses listed online, I seen nothing like this, there are, most of

them are home addresses and a couple are paved fence lots where a piece or two of equipment is parked or stored; um Maloney's and Googe I saw a couple of those lots, Maloney's is on John Davenport which is mostly industry, it's not residential, it doesn't compare at all, and it's fenced and it's paved, and Trees Unlimited in Cave Spring, which is Mr. McClain's and had a couple of trucks sitting out front, I've seen nothing like this it looks like a saw mill or a wood yard; I don't believe Mr. Davis, the property owner, who developed the neighborhood I live in, I now live in, that owns this property that he's, is leasing to Mr. Covington, I don't believe that either one of them, Mr. Covington says he's been in this business for years, I don't believe any, either one of them doesn't know about the zoning rules and guidelines and what would be appropriate in this kind of residential area, I stress the fact that the guidelines for even the current zoning have not been followed; this type business is possibly a tree service plus so much more should be located on a piece of property zoned Heavy-Industrial that's not adjacent or near to any residential property and also hopefully located on a major highway not a narrow curvy county road that is primarily used by local residents, school buses, and emergency vehicles; there's two (2) ways usually in and out of this area, that's Chulio Road, from [Highway] 411 which this is on, and Pleasant Valley from [Highway] 27, and that's about it for this area; they're both narrow, they're both curvy, and they're fixing to put in another subdivision, well 1,018 homes in this area, y'all know that's planned, we're looking at, this is the only roads we have to travel, these two (2) roads; the safety issues include large dump trucks, loaded with, these are, this is unsecured, unrestrained logs, whether cut up or whole logs, are dangerous especially on this narrow, curvy road with very little shoulder; they're weighted and slow and difficult to stop or maneuver quickly, this business sits in a bad curve on Chulio Road, I think you saw the arrow in those pictures it shows it, it's, Chulio's off [Highway] 411, but a lot of traffic uses this area, the ULDC, or the Unified Land Development Code, describes Light-Industrial's intended for light manufacturing and also intended for the location or wholesaling or warehousing, this is what he was referring to, as well as office uses; Light-Industrial excludes manufacturing or industrial uses that emit odors, dust, fumes, gas, noise, and vibration; I can feel the vibrations when these logs and these trees hit the ground, I not only hear the noises, I feel the vibrations; this district is designed for industrial and warehousing that do not have a detrimental effect on adjoining residential or commercial developments, this is all stated in the Unified Land Development Code, Heavy-Industrial is intended for the location of primarily heavy manufacturing uses with restrictions on obnoxious odors, dust, fumes, gas, noise, and vibration, this is Heavy-Industrial, we're past the Light-Industrial, and it still considers noise and vibration; because of these things, even Heavy-Industrial requires a five (5) acre minimum lot size, in addition this location is currently being used as a solid waste disposal site, which has some requirements as mining, they're the same as if you were mining.."

Chair Bagby: "I do want to remind you that there are other people that want to speak I believe and you have two and a half minutes left. Thank you."

Ms. Roden: “I’m giving up my time.”

Nino Lobzhanidze, 16 Devonshire Drive, Rome: “I just want to reiterate that unless the expert assessment will be done on transportation through Chulio Road, we are putting the jeopardy, in jeopardy, the lives of kids who are travelling in school buses, the lives of commuters, and it might be that at some point we will recall this meeting with great regret, I’m not talking about our life because of this noise and vibration and possibility of the landslide and erosion, it is getting unbearable, I am talking about the lives here, and whenever I am encountering a problem, then my approach is to get the expert assessment, conclusion, and report, I think it’s absolutely logical, so right now, before you make any decision, I think it is necessary to have it in your hands; otherwise, you can see what is going on in video, which we have presented and the noise which is just a snippet of what is going on in front of our properties. Thank you.”

Rebuttal:

Mr. Salter: “Honorable Board, I would respectfully request that you consider admitting certain pictures of my client’s property and letters that my client has received from other individuals, just as the opposition has presented pictures and other evidence, may I approach and present these?”

Commissioner Wallace made a motion to submit the items into public record, seconded by Commissioner Hancock. The motion carried by common consent.

Mr. Salter: “Honorable Commission, as you can see from the photographs I presented to you, when my client is operating his tree service, he keeps his yard in order; you can see the trucks were orderly, front-facing to the road; the trees, as Ms. Roden indicated are very large, they’re very neatly stacked; point back to a lot of what Ms. Roden said, one time during the six (6) minutes that she used, she discussed the vibration that the trees use when they hit the ground, most of her complaints circled around whether or not this service should operate on L-1 at all; I would submit to the Commission that it’s undisputed that my client is allowed to put his heavy trucks on this property, the 3-2 chart clearly allows that, what we’re here to determine today is whether or not those tree logs are allowed to remain; and I would go back to my original argument, these tree logs are, in essence, wholesale building materials, that my client uses to make profitable monies through inventory sales; 3-2 allows for outdoor storage with a Special Permit being issued, so long as my client obscures the view of those logs, which he has every intention to do; you’ll hear from my client in a second, the owner of my client, who will indicate to you he has every intention to put this wall up; he will further testify that he has never processed these logs, he certainly is going to be moving them around, but he is moving around trash and debris when he’s coming back from a tree job anyway, this Special Use Permit won’t stop that problem, it won’t resolve Ms. Roden’s primary issue, it won’t resolve the second speaker’s primary issue, but this L-1 property, it is located within residential space, but it is

there; I would also submit to the Commission that at the last hearing, you received a letter from the secretary of Davis Construction, and the reason we wanted to present the picture of Davis's offices, it sits adjacent to my client's tree yard, and she testified, the secretary testified, that when she's working they're there, dropping off these logs and they do not bother her, right next door to this yard; Honorable Commission, I would suggest that my client is a tree hugger who is able to farm valuable wholesale logs that he would like to store on his property; he is willing to comply with those other aspects of the code that would allow him to meet this Special Use Permit; it was suggested that he could simply solve his issue by putting a truck where logs could be placed in it; I would submit that Ms. Roden has already complained that the sound of wood hitting metal is disturbing to her, shouldn't we have a large semi-truck trailer that he was depositing logs in to store; one: he wouldn't have an eight (8) foot fence that would hide them, and two: I would imagine the sound of metal would be very grainy?? My client's not seeking to do that; my client is merely seeking to preserve his right to store this wholesale lumber on his property, which are valuable ??? to him, that allow him to make money and increase the size of his business; I yield the remainder of my time to Mr. Covington."

Jeff Covington, 4 Downing Street, Rome: "Thank you Board, for this opportunity, I've lived there [in Twickenham] for twenty-six (26) years, I take care of the Twickenham two entrance signs, landscape it, redid the sign with my own money, I love Twickenham, I don't want nothing to go on with the neighbors, neighbors were calling me saying she was getting this petition up, saying I was doing all this stuff, they didn't even know I was down there; I would do everything that you require during, for the SPU, which if it's required getting a wall, I'll do that; I want to make that as nice as it can be over there; let me just jump on one thing, I wasn't going to bring it up, but she brought it up, about the Highway and the housing coming in, I have nothing to do with that; because I defended the County and knowing that they would get it right with the traffic and stuff on the highway, a lot of people in the neighborhood, or three (3) really, attacked me about it, um she said I was working this past Saturday, I was at home this Saturday, I don't know where she comes up with this stuff, I want her to know that I have nothing to do with the Highway or the subdivision coming in, but she brought that up; I'm just trying to make a living, I'm not operating any different than any other tree business; there's no heavy equipment, there is a Bobcat, every one of my trucks is below CDL, I don't use eighteen-wheelers, we store logs just to haul them because of the fuel; we store them, once we get a load they're going to the yard, that's it. Thank you."

Chair Bagby: "I believe that one thing we may have missed, I believe that some of the people that were opposed to this had a video, you have about a minute and fifteen or twenty seconds left if you want to present that."

A video submitted by Ms. Roden prior to the meeting was then played for the Commission.

With both favor and opposition using their allotted time, Chair Bagby closed the Public Hearing. Commissioner Maxey made a motion to deny the request due to the stated use of the property, seconded by Commissioner Hancock.

Mr. Jackson: “I would note, Mr. Chairman, just that this does not eliminate the about to operate the current business on the property, even if you vote to deny, as it’s been stated, the business can operate; what could not continue would be the storing of the materials on the property; mulching, or any sort of processing, but the equipment could all continue to be there as could the operational center for the business.”

Mrs. Elrod then called the roll. The motion carried 4-0.

2. **File Z22-06-01 requesting rezoning from Community Commercial (C-C) to Suburban Residential (S-R) for property at 3749 Martha Berry Highway; Floyd County Tax Parcel J11X095. The Planning staff recommended approval. The Planning Commission voted 8-0 to approve.** — Mr. Wood presented the request to the Commission. Chair Bagby then opened the Public Hearing.

Speaking in Favor:

Darryl Gilbert, 12 Palmer Drive, Rome: “Appreciate y’all’s consideration on the matter, thank you very much.”

Seeing no one to speak in opposition, nor anyone further in favor, Chair Bagby closed the Public Hearing. Commissioner Maxey made a motion to approve the request, seconded by Commissioner Wallace. The motion carried 4-0.

X. PUBLIC HEARING

XI. RESOLUTIONS

XII. CHAIRMAN’S REPORT

1. **Consider an appointment to the Alcohol Control Commission. This term will expire August 31, 2024.** — Commissioner Wallace made a motion to appoint Paul Carter to the Alcohol Control Commission, seconded by Commissioner Hancock. The motion carried 4-0.

XIII. COMMISSIONER’S REPORT

1. **Administrative Services Committee – Commissioners Watters & Bagby**
 - a. Next Meeting, Thursday, July 28, 2022, 9:00am

2. Public Safety Committee – Commissioners Hancock & Wallace

- a. Next Meeting, Thursday, July 21, 2022, 9:00am

3. Public Utilities & Transportation Committee – Commissioner Maxey & Hancock

- a. Next Meeting, Wednesday, July 20, 2022, 9:00am

4. Elected Officials Committee – Commissioner Wallace & Maxey

- a. Next Meeting, Friday, July 1, 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, August 2, 2022, 8:30am

c. Rome-Floyd Planning Commission — Commissioners Maxey & Watters

- i. Next Meeting, Thursday, July 7, 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, July 19, 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—NO REPORT

XV. ATTORNEY’S REPORT—NO REPORT

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

1. Consider request from E-911 to approve agreement with AT&T for maintenance following the renovation of E-911.
2. Consider request from the Richard B. Russell Regional Airport to approve a lease agreement for the Museum of Flight for a period of three (3) years with one (1) two (2) year extension.
3. Consider request from Purchasing for approval to deem certain vehicles and equipment as surplus items to be listed on GovDeals. These vehicles and equipment have been examined by the Public Works Department and are considered unsalvageable for Floyd County use.
4. Consider request from Finance to approve a grant for the High Intensity Drug Trafficking Areas (HIDTA) Program that will cover all costs related to the North Georgia HIDTA Task Force.
5. Consider request from County Commission to notify City of Rome and Cave Spring Commissions through written correspondence per O.C.G.A. § 48-8-89 regarding LOST negotiations.
6. Ratify proposal for Phase I Environmental Site Assessment of Three Mile Road property from Tri-State Environmental Services, Incorporated.

XVII. OLD BUSINESS

XVIII. NEW BUSINESS

1. **Consider request from the Administrative Services Committee and IT to approve an additional budget increase in the amount of \$50,000.00 for the transition to Office365. This will include an agreement with Mimecast for email filtering and phishing training, as well as Backupify for cloud backup solution.** — Mr. McCord presented the request to the commission for approval.

Commissioner Wallace made a motion to approve, seconded by Commissioner Maxey. The motion carried 4-0.

2. **Consider request from Human Resources to approve a renewal for the ACCG Property and Liability Renewal for 2022-2023.** — Mr. McCord presented the request to the commission for approval. Commissioner Maxey made a motion to approve, seconded by Commissioner Wallace. The motion carried 4-0.
3. **Consider request to approve an employee contract with Director of Purchasing.** — Mr. McCord presented the request to the commission for approval. Commissioner Wallace made a motion to approve, seconded by Commissioner Hancock. The motion carried 4-0.
4. **Consider request from Purchasing to approve request an additional \$6,700.00 for each truck from Peach State Freightliner. This is due to supply chain issues and cost increases.** — Mr. McCord presented the request to the Commission for approval. Commissioner Wallace made a motion to approve, seconded by Commissioner Maxey. Commissioner Maxey expressed our concerns with this item. The motion carried 4-0.
5. **Consider recommendation from Human Resources for employee health insurance.** — Mr. McCord presented the request to the Commission for approval. Stated medical is recommending an approximate two (2) percent increase, with a maximum increase of sixteen dollars (\$16) per month, with a decrease of three dollars (\$3) on the high-deductible employee only plan; increase for employee only including the wellness discount was six dollars (\$6) per month or three dollars (\$3) per pay period; no changes in our other coverages such as Dental, Vision, Long-Term and Short-Term disability, Critical Illness, etc. Commissioner Hancock made a motion to approve, seconded by Commissioner Wallace. The motion carried 4-0.

XIX. OTHER BUSINESS

Chair Bagby stated the Commission entered into Executive Session during Caucus to discuss property acquisition and litigation. No action was taken.

- XX. ADJOURN** — Seeing no other business to come before the Board, the meeting was adjourned by common consent.