

March 26, 2013

**REGULAR MEETING  
FLOYD COUNTY BOARD OF COMMISSIONERS  
March 26, 2013                      6:00 P.M.**

**PRESENT:**                      Chairman Irwin Bagwell, Commissioners Garry Fricks, John Mayes, and Rhonda Wallace.

**OTHERS**

**PRESENT:**                      Interim County Manager Gary Burkhalter, County Attorney Tommy Manning, County Clerk Kathy Arp, and Assistant County Manager Noah Simon.

**ABSENT:**                      Vice-Chairman Larry Maxey.

**CALL TO ORDER:**                      Chairman Bagwell called the meeting to order.

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

**PLEDGE OF ALLEGIANCE:**                      The Pledge of Allegiance was led by members of Boy Scout Pack 113.

**ADOPTION OF MINUTES:**

Chairman Bagwell asked County Attorney Tommy Manning if the minutes were in order. Mr. Manning stated the minutes had been reviewed and were in order. Commissioner Mayes made a MOTION to adopt the minutes of the Regular Meeting of March 12, 2013. SECOND by Commissioner Wallace. VOTING:

YES	NO
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Commissioner Wallace	
"                      Fricks	
"                      Mayes	
Chairman Bagwell	

Motion Carried

**PUBLIC HEARINGS:  
(FIRST READINGS HELD  
MARCH 12, 2013)**

Chairman Bagwell reviewed the procedures for Public Hearings.

## **ULDC Text Amendment**

**1. ADOPT ORDINANCE TO REVISE OR DELETE  
ARTICLE 3.4, ARTICLE 4.2, AND ARTICLE 8  
CONCERNING DISTILLERIES, BREWERIES,  
AND WINERIES. (2013-002ULDC) (PLANNING  
COMMISSION RECOMMENDATION:  
APPROVE. [VOTE: 8-0]).**

Chairman Bagwell asked Ms. Sue Hiller, Planning Department Director to provide an overview of the proposed amendment. Ms. Hiller stated the Planning Department has been approached by a couple of people interested in this kind of use in Rome and Floyd County. She stated one person wanted to do what the state calls a “brewpub” and another wanted to do what is called a “farm distillery.” She stated that currently the ULDC (Unified Land Development Code of Floyd County and the City of Rome, Georgia) does not address wineries, distilleries, or breweries. She stated Planning Commission Chair Ronnie Kilgo appointed a committee to meet with the two interested citizens, and together they came up with a set of rules to add to the ULDC that would allow those uses. One of those uses is a brewpub, which is a restaurant/bar that would be allowed to brew beer on the premises. She stated under state law, they are allowed to sale some of that through the three tiered system that the state has, but mostly it is brewed for consumption on the premises. She stated if the amendment is approved, this use would be allowed in Community Commercial (C-C), Urban Mixed Use (UMU), and Central Business Commercial (C-B-C) zonings, which are the commercial zoning districts. She stated that distillery, winery, or brewery was added as a use by right in the Heavy Industrial (H-I) zoning district, where they have the setbacks and everything in place to handle a large-scale operation. A farm distillery or winery would be allowed in the Agriculture Residential (A-R) zoning district, and would require a special use permit. She stated the group felt that since the Agriculture Residential (A-R) district is actually a residential zoning district, it would be a good idea to look at each one of those on an individual basis, and maybe put some conditions or parameters on it. She stated that special conditions for specific uses have been added in Article 4, which essentially address construction plans, safety plans, and operation plans have to be in accordance with industry standards, and receive input from the Fire Marshall since it would involve distilling a flammable substance in a room where other people could be. She stated they added definitions to Article 8 for a brewpub, and for a farm winery or distillery, using the state’s definition as a guide for that. She pointed out that the farm winery or distillery is the one that the state has been interested in lately where they could have tours, and tasting of half an ounce or less per person per visit. She stated the Rome City Commission did adopt this amendment at their meeting last night. She stated that city Attorney Alix Warren has compared it very closely with what the state has in place to ensure that they are not contradicting, in conflict with, or repeating anything that the state has in place. She stated they feel comfortable with the proposed amendment at this point.

Chairman Bagwell declared the Public Hearing open, and asked if there is anyone to speak in support or opposition. Seeing none, he declared the public hearing closed. Commissioner Fricks made a MOTION to Adopt an Ordinance to Revise Article 3.4, Article 4.2, and Article 8 concerning distilleries, breweries, and wineries. SECOND by Commissioner Wallace. VOTING:

YES

NO

Commissioner Wallace

" Fricks

" Mayes

Chairman Bagwell

Motion Carried

## **COMMISSIONER'S REPORT:**

### **1. Administrative/Finance Committee – Commissioner Fricks, Chairman**

No Report.

### **2. Public Safety Committee – Commissioner Mayes, Chairman**

Commissioner Mayes stated he would like to commend the Sheriff's Office, the Floyd County Police Department, the City of Rome Police Department, and all of the Public Safety agencies that were involved in the alleged illegal gambling bust. He thanked their law enforcement agencies for being so diligent.

### **3. Public Works Committee – Chairman Bagwell, Chairman**

Chairman Bagwell stated they had a Public Works Committee meeting this week. He stated the Public Works Department worked diligently through the storms we had last week. He commended the Public Works Department, Public Safety Personnel, and Fire Departments for all of their help and hard work.

### **4. Water Committee – Commissioner Maxey, Chairman**

No Report.

### **5. Judicial Services Committee (CJIS) – Commissioner Wallace**

No Report.

### **6. Special Committee Reports**

#### **a. Fire Overview Committee – Commissioners Fricks and Mayes**

No Report.

**b. Joint Services Committee – Chairman Bagwell and Commissioner Fricks**

No Report.

**c. Joint Development Oversight Committee – Chairman Bagwell and Commissioner Fricks**

No Report.

**d. Joint Solid Waste Oversight Committee – Chairman Bagwell and Commissioner Fricks**

No Report.

**e. SPLOST Committee – Commissioner Wallace**

Commissioner Wallace stated the first SPLOST Committee meeting was held on March 21, 2013. She stated everyone appointed by the county was present, but one city appointed member was absent. She stated this meeting was more or less an icebreaker for the committee members to get to know one another and go over procedures, and how to proceed in moving forward. They discussed what worked, and what did not work with regard to past SPLOST projects. She stated they summarized some of the current projects and the completion of those. They also reviewed the application process. She stated she feels that the committee is in good shape in moving forward. The next meeting will be the second week in April. She stated an announcement would be made once a definite date has been decided, but as of now, the committee is hard at work in the community to come up with ideas for projects to go on the SPLOST ballot.

**CLERK'S REPORT:**

**Consent Agenda**

County Clerk Kathy Arp stated there are three items on the Clerk's Consent Agenda, which have been reviewed, and are submitted for approval.

Chairman Bagwell called for a motion. Commissioner Wallace made a MOTION to approve the Clerk's Consent Agenda as presented. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Wallace

" Fricks  
" Mayes  
Chairman Bagwell

Motion Carried

**1. Tax Refunds:**

- a. United Community Bank, P.O. Box 398, Blairsville, \$1,947.40
- b. Jennifer Thomas Black, 5 Berckman Lane, \$1,463.55
- c. Bradley Robinson & David Spence, P.O. Box 5115, \$35.92
- d. Boulevard Investments Inc., 2400 Garden Lakes Blvd, \$252.06

**2. Authorize Execution by Chairman of Quit Claim Deed between Floyd County and Ben W. Terry for property located on what is commonly known as Lewis Barrett Boulevard and identified as Tax Parcel L13Y-144.**

**3. Adopt Resolution Approving and Authorizing Execution of Agreement between Floyd County and Melita LLC, d/b/a Jefferson's Restaurant, upon Execution of the Agreement and Payment for Legal Services, for location of a Grease Trap.**

**MANAGER'S REPORT:**

**1. RECOMMENDATION FROM AIRPORT COMMISSION TO AUTHORIZE WORK AUTHORIZATION NO. 27 BETWEEN FLOYD COUNTY AND LPA GROUP, INC., FOR RUNWAY APPROACH OBSTRUCTION EVALUATION FOR RUNWAYS 1 AND 19 AT RICHARD B. RUSSELL REGIONAL AIRPORT:**

Interim Manager Gary Burkhalter stated that during Caucus, Mike Mathews, Airport Manager, reviewed Work Authorization No. 27 as it relates to the Runway Approach Obstruction Evaluation for Runways 1 and 19 at the airport. Mr. Burkhalter recommended approval of Work Authorization No. 27 as submitted.

Chairman Bagwell called for a motion. Commissioner Fricks made a MOTION to Approve Authorization of Work Authorization No. 27 between Floyd County and LPA Group, Inc., for Runway Approach Obstruction Evaluation for Runways 1 and 19 at Richard B. Russell Regional Airport. SECOND by Commissioner Wallace. VOTING:

YES

NO

Commissioner Wallace

" Fricks  
" Mayes

Chairman Bagwell

Motion Carried

**2. RECOMMENDATION FROM  
AIRPORT COMMISSION TO AUTHORIZE  
SUPPLEMENTS TO WORK AUTHORIZATIONS  
FOR ENGINEERING PROJECTS CONCERNING  
THE NORTH TERMINAL AREA LANDSIDE  
IMPROVEMENTS (ARC GRANT PROJECT) AT  
RICHARD B. RUSSELL REGIONAL AIRPORT:**

- a. Supplement to Work Authorization No. 20 – Entrance Road and Parking**
- b. Supplement to Work Authorization No. 21 – Storm Sewer**
- c. Supplement to Work Authorization No. 22 – Water**
- d. Supplement to Work Authorization No. 23 – Sanitary Sewer**

Interim Manager Burkhalter stated this item relates to the North Terminal Area Landside Improvements as part of an ARC Grant. He recommended approval of the supplements to the work authorizations as submitted.

Chairman Bagwell called for a motion. Commissioner Mayes made a MOTION to Approve Authorization of Supplement to Work Authorization No. 20 – Entrance Road and Parking, Supplement to Work Authorization No. 21 – Storm Sewer, Supplement to Work Authorization No. 22 – Water, and Supplement to Work Authorization No. 23 – Sanitary Sewer, for Engineering Projects concerning the North Terminal Area Landside Improvements (ARC Grant Project) at Richard B. Russell Regional Airport. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Wallace

" Fricks

" Mayes

Chairman Bagwell

Motion Carried

**3. AUTHORIZE BUDGET AMENDMENT  
IN THE AMOUNT OF \$16,750.00, FOR  
E-911 DATA PROCESSING LINE ITEM,  
TO COVER COSTS TO TIBURON FOR  
INTERFACE OF INFORMATION TO  
NEW LEDSCAD AND LEDSMAPPING  
SYSTEM:**

Interim Manager Burkhalter stated they received a request for a budget amendment to the E-911 fund in the amount of \$16,750.00. He stated this would cover costs for the conversion of the interface for the new ledsCAD and ledsMapping system through Tiburon. He stated that the costs are to be charged to the E-911 Data Processing line item. He recommended approval of the budget amendment as presented.

Chairman Bagwell called for a motion. Commissioner Wallace made a MOTION to Authorize Budget Amendment in the amount of \$16,750.00, for E-911 Data Processing line item, to cover costs to Tiburon for interface of information to new ledsCAD and ledsMapping system. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Wallace

" Fricks

" Mayes

Chairman Bagwell

Motion Carried

**4. AUTHORIZE BUDGET AMENDMENT  
IN THE AMOUNT OF \$10,000.00 FOR  
HOPE MINISTRIES FUNDING:**

Interim Manager Burkhalter stated they have received a request for a budget amendment in the amount of \$10,000.00 to be added to the General Fund for Hope Ministries funding. Chairman Bagwell stated they discussed this during today's Caucus meeting, as well as before the previous Board meeting.

Chairman Bagwell called for a motion. Commissioner Wallace made a MOTION to Authorize a Budget Amendment in the amount of \$10,000.00, to be added to the General Fund budget, for Hope Ministries funding. SECOND by commissioner Mayes. VOTING:

YES

NO

Commissioner Wallace

" Fricks

" Mayes

Chairman Bagwell

Motion Carried

**4/5 VOTE REQUIRED TO ADD ITEM TO AGENDA**

**5. AUTHORIZE EXECUTION OF**

**MEMORANDUM OF UNDERSTANDING  
BETWEEN FLOYD COUNTY AND THE  
CITY OF ROME FOR LIABILITY AND  
MAINTENANCE OF REDMOND TRAIL  
(TRANSPORTATION ENHANCEMENT  
GRANT):**

Chairman Bagwell called for a motion to add the item to the agenda. Commissioner Fricks made a MOTION to add the Redmond Trail Memorandum of Understanding (Item 5) to the agenda. SECOND by Commissioner Wallace. VOTING:

YES

NO

Commissioner Wallace

" Fricks

" Mayes

Chairman Bagwell

Motion Carried

Interim Manager Burkhalter stated the Memorandum of Understanding actually states the responsibilities for maintaining the proposed Redmond Trail. He stated that the City of Rome would be responsible for any maintenance and major repairs to the portion of the trail that is in the city limits of Rome as they are currently doing with other parts of the trail inside the city limits such as Ridgeferry Park. The general maintenance of the trails, mowing, leaf removal, weed eating, and anything of that nature would be part of the operating costs that would be carried forth by the Rome-Floyd Parks & Recreation Authority, as they do on the other trails. Commissioner Fricks stated that it really just falls under their recreation contract. He stated basically, they are saying that the county is charging daily maintenance, so it would be the same as any of the properties under the recreation contract. Interim Manager Burkhalter stated it follows the same guidelines.

Chairman Bagwell called for a motion. Commissioner Wallace made a MOTION to Authorize Execution of a Memorandum of Understanding between Floyd County and the City of Rome for Liability and Maintenance of Redmond Trail.

**Discussion:** Chairman Bagwell stated they discussed in Caucus that their approval was pending upon approval by the city commission in two weeks. Commissioner Wallace stated the City Manager and Interim Manager Burkhalter signed the Memorandum of Understanding. She stated they would ask that this be approved, and then back to the city for their approval. County Attorney Manning asked, for clarification, if the motion would ratify the signature of the Interim County Manager to bind the county. Commissioner Wallace stated that is correct. SECOND by Commissioner Fricks. VOTING:



YES

NO

Commissioner Wallace

" Fricks

" Mayes

Chairman Bagwell

Motion Carried

**4/5 VOTE REQUIRED TO ADD ITEM TO AGENDA**

**6. DISCUSS USE OF THE FORUM  
FOR 2014 MLK COMMISSION OF  
ROME & FLOYD COUNTY  
CELEBRATION WEEKEND PRAYER  
BREAKFAST AT NO CHARGE:**

Chairman Bagwell called for a motion to add the item to the agenda. Commissioner Mayes made a MOTION to add the request from the MLK Commission for use of The Forum for the 2014 MLK Celebration (item 6) to the agenda. SECOND by Commissioner Wallace. VOTING:

YES

NO

Commissioner Wallace

" Fricks

" Mayes

Chairman Bagwell

Motion Carried

Interim Manager Burkhalter stated this would be a recommendation to provide The Forum at no charge for the Prayer Breakfast for the 2014 MLK Celebration Weekend. Chairman Bagwell stated they discussed that this would be for one year. Interim Manager Burkhalter stated it would be for one year, for the year of 2014.

Chairman Bagwell called for a motion. Commissioner Wallace made a MOTION to Approve the use of The Forum for the MLK Commission of Rome & Floyd County Weekend Prayer Breakfast at no charge for the year 2014. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Wallace

" Fricks

" Mayes

Chairman Bagwell

Motion Carried

Chairman Bagwell made a MOTION to change the order of the agenda to move Other Business before Attorney's Report. SECOND by Commissioner Wallace.  
VOTING:

YES

NO

Commissioner Wallace

" Fricks

" Mayes

Chairman Bagwell

Motion Carried

**OTHER BUSINESS:**

Chairman Bagwell recognized the Leadership Rome participants in attendance.

**ATTORNEY'S REPORT:**

**4/5 VOTE REQUIRED TO ADD ITEM TO THE AGENDA**

- 1. ENTER INTO EXECUTIVE SESSION  
FOR THE PURPOSE OF DISCUSSION OR  
DELIBERATION UPON THE APPOINTMENT,  
EMPLOYMENT, COMPENSATION, HIRING,  
DISCIPLINARY ACTION OR DISMISSAL,  
OR PERIODIC EVALUATION OR RATING  
OF A COUNTY OFFICER OR EMPLOYEE OR  
INTERVIEWING APPLICANTS FOR THE  
POSITION OF THE EXECUTIVE HEAD OF AN  
AGENCY, AS PROVIDED IN O.C.G.A. §50-14-3(b)(2).**

County Attorney Manning stated it is his understanding that the Board may wish to consider going into Executive Session to discuss or deliberate on the appointment, employment, compensation, hiring, disciplinary action or dismissal, or periodic evaluation or rating of a county officer or employee. He stated if they desire to consider that, he would suggest first voting to place the matter on the agenda.

Chairman Bagwell called for a motion. Commissioner Wallace made a MOTION to place on the agenda the item of considering whether to go into Executive Session for the purpose of discussion or deliberation on the appointment, employment,

compensation, hiring, disciplinary action or dismissal, or periodic evaluation or rating of a county officer or employee or interviewing applicants for the position of the executive head of an agency, as provided in O.C.G.A. §50-14-3(b)(2). SECOND by Chairman Bagwell. VOTING:

YES

NO

Commissioner Wallace

" Fricks

" Mayes

Chairman Bagwell

Motion Carried

Chairman Bagwell called for a motion. Commissioner Mayes made a MOTION to enter into Executive Session for the purpose of discussion or deliberation on the appointment, employment, compensation, hiring, disciplinary action or dismissal, or periodic evaluation or rating of a county officer or employee or interviewing applicants for the position of the executive head of an agency, as provided in O.C.G.A. §50-14-3(b)(2). SECOND by Commissioner Wallace. VOTING:

YES

NO

Commissioner Wallace

" Fricks

" Mayes

Chairman Bagwell

Motion Carried

The Board entered into Executive Session at 6:40 p.m.

Chairman Bagwell reconvened the meeting at 7:55 p.m.

Chairman Bagwell asked County Attorney Manning to report on the Executive Session matter. County Attorney Manning stated under Georgia Law, before a final decision can be made for the position of County Manager, documents concerning the three finalists that would contain their names and information that the county has received from them are required to be made public. He stated he believes that the Board may be prepared to designate three finalist at this time. Chairman Bagwell stated that Commissioners John Mayes and Garry Fricks were on the search committee for the new county manager. He asked that they give further details about the status of the search. Commissioner Fricks announced that Mr. Charles Oliver from Pensacola, Florida, Mr. Crandall Jones from Hoschton, Georgia, and Mr. Jamie McCord from Rome are the three finalists for the position of county manager. He stated

the Board would be conducting interviews with these finalists during the next two-week period.

**ADJOURNMENT:**

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

YES

NO

Commissioner Wallace

" Fricks

" Mayes

Chairman Bagwell

Motion Carried

**FLOYD COUNTY BOARD OF  
COMMISSIONERS**

**IRWIN BAGWELL, CHAIRMAN**