

(08/26/14 - Regular Meeting)

(FIRST READINGS HELD
ON AUGUST 12, 2014)

Vice-Chairman Maxey stated the procedures for Public Hearings.

**AMENDMENT TO CODE OF ORDINANCES
OF FLOYD COUNTY, GEORGIA**

**1. AMEND CHAPTER 2-6, ARTICLE VI,
SECTIONS 2-6-120 THROUGH 2-6-136,
OF THE CODE OF FLOYD COUNTY,
GEORGIA INVOLVING PERSONAL
WIRELESS COMMUNICATION
FACILITIES. (2014-003A)**

Vice-Chairman Maxey asked County Attorney Manning to review the proposed amendment. Assistant Manager Simon stated that a separate permitting process for those seeking wireless communications facilities was adopted by Floyd County some years ago. He stated the amendment before the Board, if adopted, would rescind the ordinance formerly adopted requiring a separate permitting process. He stated permits for wireless communications facilities would follow the requirements of the ULDC.

Vice-Chairman Maxey declared the Public Hearing open, and asked if there is anyone to speak in support or opposition of the request. Seeing none, he declared the Public Hearing closed, and called for a Motion. MOTION was made by Commissioner Wallace to Adopt an Ordinance to Amend Chapter 2-6, Article VI, Sections 2-6-120 through 2-6-136 of the Code of Floyd County, Georgia. SECOND by Commissioner Mayes. VOTING:

YES NO

Commissioner Wallace
" Fricks
" Mayes
Vice-Chairman Maxey

Motion Carried

REZONING AND SPECIAL USE PERMIT

**1. FILE #81-2014Z. REQUEST REZONING
FROM SUBURBAN RESIDENTIAL (S-R)
TO OFFICE INSTITUTIONAL (O-I) WITH
A SPECIAL USE PERMIT TO CONSTRUCT
A SCHOOL BUILDING ON PROPERTY ON
ALABAMA HIGHWAY. TAX MAP F13Y,
PARCELS 067, 074 AND 075. (PLANNING
COMMISSION RECOMMENDATION:
APPROVE [VOTE: 6-0]).**

Vice-Chairman Maxey asked Ms. Sue Hiller, Rome-Floyd County Planning Director to review the rezoning request. Ms. Hiller stated the property to the south of the subject property is zoned office institutional. She stated all of the office institutional property, including the subject property, is used for school purposes. She stated there is some community commercial zoning to the south. She stated most of the surrounding property is suburban residential that is either undeveloped, or developed with single-family dwellings. She stated there is a parcel zoned heavy commercial with a body shop to the west, and a multi-family residential zoned parcel. The properties are shown on the future land use map as public institutional, which is the category that schools fall. She stated they discovered this when the school came in for a building permit. They have been treating the property as all one parcel since it was acquired. She stated there have been school buildings on the property since, she believes, the 1960's. She stated the Board of Education has treated it as if the interior property lines were not there because they own all the property. However, they could not consolidate all of the property without it all being zoned the same. She stated that the Planning Department suggested that they zone it all office institutional, which is what the Board of Education has applied for. She stated the recommendation from the Planning Commission was to approve the rezoning request.

Vice-Chairman Maxey declared the Public Hearing open, and asked if there is anyone to speak in support or opposition of the request. Seeing none, he declared the Public Hearing closed, and called for a Motion. Commissioner Wallace made a MOTION to Adopt an Ordinance to Approve the Rezoning from Suburban Residential (S-R) to Office Institutional (O-I) with a Special Use Permit to construct a school building on property on Alabama Highway. SECOND by Commissioner Mayes. VOTING:

(08/26/14 - Regular Meeting)

YES NO

Commissioner Wallace
" Fricks
" Mayes
Vice-Chairman Maxey

Motion Carried

2. FILE #83-2014SUP. REQUEST SPECIAL USE PERMIT FOR CONSTRUCTION OF A 260' TELECOMMUNICATIONS FACILITY ON PROPERTY ON ANTIOCH ROAD. TAX MAP G09, PARCEL 065A. AGRICULTURAL RESIDENTIAL (A-R). (PLANNING COMMISSION RECOMMENDATION: APPROVE [VOTE: 6-0]).

Vice-Chairman Maxey asked Ms. Sue Hiller, Rome-Floyd County Planning Director to review the request. Ms. Hiller stated the property fronts on two roads, and is surrounded by agricultural residential zoning. The uses are rural residential, single-family dwelling, and some agricultural use. She stated it is shown on the future land use map as agricultural use. She stated that the property is near the water reservoirs of the Rocky Mountain project. She stated the tower would be within a 100 square foot enclosure that would include all of the equipment cabinets. The site plan shows the distance to the property lines exceeds 260'. She stated the nearest property is under the same ownership as the subject property, which makes the distance even further to properties owned by others. It is very difficult to screen a 260' tower. She stated the staff recommendation on this is that approval be conditioned on maintaining the mature vegetation on the rest of the site that would provide some screening from the other properties from the roadways along there. The recommendation from the Planning Commission was unanimous that the Board approve the rezoning request. She stated she would also like to point out that they ran this request by Airport Manager Mike Matthews, and he did not report any issues.

Vice-Chairman Maxey declared the Public Hearing open, and asked if there is anyone to speak in support or opposition of the request. Seeing none, he declared the Public Hearing closed, and called for a Motion. Commissioner Mayes made a MOTION to Adopt an Ordinance to Approve the Special Use Permit for construction of a 260' telecommunications facility on property located on Antioch Road. SECOND by Commissioner Wallace. VOTING:

YES NO

Commissioner Wallace
" Fricks
" Mayes
Vice-Chairman Maxey

Motion Carried

CHAIRMAN'S REPORT:

1. Citizen Appointments:

a. The Forum Civic Center Advisory Committee.

Vice-Chairman Maxey made a MOTION to Appoint Linda Wrisley to The Forum Civic Center Advisory Committee to succeed Warren Jones, Post 8, for a 3-year term to expire August 30, 2017. SECOND by Commissioner Wallace. VOTING:

YES NO

Commissioner Wallace
" Fricks
" Mayes
Vice-Chairman Maxey

Motion Carried

COMMISSIONER'S REPORT:

(08/26/14 - Regular Meeting)

1. Administrative/Finance Committee – Commissioner Fricks, Chairman

No Report.

2. Public Safety Committee – Commissioner Bagwell, Chairman

No Report.

3. Public Works Committee – Commissioner Wallace, Chairman

No Report.

4. Water Committee – Commissioner Maxey, Chairman

No Report.

5. Judicial Services Committee (CJIS) – Commissioner Wallace

No Report.

6. Floyd County Library Board – Commissioner Maxey

No Report.

7. Special Committee Reports

a. Fire Overview Committee – Chairman Bagwell & Commissioner Fricks

No Report.

b. Joint Services Committee – Chairman Bagwell & Commissioner Fricks

No Report.

c. Joint Development Oversight Committee – Commissioners Fricks & Wallace

No Report.

d. Joint Solid Waste Oversight Committee – Commissioners Fricks & Wallace

No Report.

e. SPLOST Project Overview Committee – Chairman Bagwell & Commissioner Fricks

No Report.

f. RFPRA Task Force Committee – Commissioners Fricks & Maxey

Vice-Chairman Maxey asked Assistant Manager Simon to provide information related to the RFPRA Task Force Committee. Assistant Manager Simon stated the RFPRA Task Force Committee would be visiting Carrollton, Carroll County, and Troup County on September 02, 2014. He stated the purpose of these visits is to observe how other jurisdictions manage their parks and recreation facilities.

CLERK’S REPORT:

Consent Agenda

**Adopt Resolution to Approve and Authorize Execution Of
Items Submitted under the Clerk’s Consent Agenda:**

County Clerk Kathy Arp stated there is one item on the Clerk’s Consent Agenda, which has been reviewed, and is submitted for approval.

Vice-Chairman Maxey called for a motion. Commissioner Wallace made a MOTION to Adopt the Resolution to Approve and Authorize Execution of the item submitted under the Clerk’s Consent Agenda. SECOND by Commissioner Mayes. VOTING:

YES

NO

(08/26/14 - Regular Meeting)

Commissioner Wallace
" Fricks
" Mayes
Vice-Chairman Maxey

Motion Carried

1. **Amendment IV to Agreement between Floyd County and Valley Services, Inc., for Inmate Food Services at Floyd County Jail.**

MANAGER'S REPORT:

1. **ADOPT RESOLUTION TO APPROVE AND AUTHORIZE EXECUTION OF AN EXTINGUISHMENT OF AN EXISTING HANGAR LEASE AND TO APPROVE THE EXECUTION OF AN AVIATION BUSINESS HANGAR LEASE BETWEEN FLOYD COUNTY AND ROME AVIATION COMPANY, LLC.**

Assistant Manager Simon stated this lease is what they refer to as the Earl Tillman lease. He stated the lease currently has fourteen years remaining on a general aviation lease, a private hangar. Extinguishment of the current lease would allow the Board to add ten years to the remaining fourteen years under a new option in the lease so that Mr. Tillman would be compliant with an aviation related business type lease. He stated the Airport Commission approved the lease, and recommended Board approval.

Commissioner Fricks stated there are two things that they discussed earlier during their review of this lease. He stated the first thing was if the conditions would change if it reverts to a non-business. He stated the conditions are set differently for private leases and business leases. He stated he looked for the wording to address the hangar reverting to a private lease, which has already changed one time during the process, but was unable to find it. Secondly, in the third paragraph of page three it talks about one of the reasons they get the benefit is by having an aircraft based there. He stated they made that a requirement, and he sees that it is in the lease, but it states "failure to house an aircraft based in Floyd County in said hangar for two consecutive months without the permission of the Airport Manager shall allow lessor to unilaterally terminate this lease." He asked does that mean that if they (*the lessee*) do not have one, that they (*the lessor*) cannot demand that it is released, or that they are allowing the tenant to get out of the lease. County Attorney Manning stated that means that the county can terminate the lease if the lessee does not follow that requirement. Commissioner Fricks stated so that means that the county can enforce that. County Attorney Manning stated that means that the County, as lessor, can terminate the lease without having to have the permission of the lessee. Commissioner Fricks stated he also read something about storage of other materials, like if they used it for other storage, that they would provide them another facility with pavement at the airport. County Attorney Manning stated that there is a section in the lease that says that if the County needed the property, and had to get it back for airport purposes other than storing airplanes, then everybody agrees that the lessee would vacate the property when a similar type of hangar in a different location is made available to them by the County. Commissioner Fricks stated so if the lessee wanted to just store furniture they could. County Attorney Manning stated the particular section referred to by Commissioner Fricks is not addressing what the lessee can and cannot store. He stated the section referenced means if the county needed that space for a purpose other than a hangar. For example, say the County had a business coming and they needed to use that place, the County could have the lessee move to a comparable location. County Attorney Manning stated that elsewhere in the lease, there is a requirement that the lessee cannot store personal items unrelated to the airport. Commissioner Fricks stated okay, so they do have a requirement for the lessee to store a plane, and not use it for additional storage. Commissioner Fricks stated he wanted to make sure, because FAA regulations require it, and they would be in violation of FAA regulations if it were not in there. Assistant Manager Simon stated there is a provision in the lease that states that they have to store a given number of planes with a specified total gross weight.

Commissioner Fricks stated the other thing he asked was how business was defined in the lease. He stated if they are going to put that as one of the requirements then they need to define it. If it is just by corporation, the customer probably incorporated for legal purposes. County Attorney Manning stated at the bottom of page one it reads "for purposes of this lease, the term 'aviation business shall mean a commercial enterprise related to aviation carried on for profit.'" Commissioner Fricks stated that answers all of his questions.

Vice-Chairman Maxey called for a motion. Commissioner Fricks made a MOTION to Adopt a Resolution to Approve and Authorize Execution of an Extinguishment of an Existing Hangar Lease and to Approve the Execution of an Aviation Business Hangar Lease between Floyd County and Rome Aviation Company, LLC. SECOND by Commissioner Wallace. VOTING:

(08/26/14 - Regular Meeting)

YES NO

Commissioner Wallace
" Fricks
" Mayes
Vice-Chairman Maxey

Motion Carried

**2. ADOPT RESOLUTION TO APPROVE
FUTURE DEVELOPMENT CONCEPT
PLAN FOR RICHARD B. RUSSELL
REGIONAL AIRPORT.**

Assistant Manager Simon stated they have put together this land use plan for a variety of reasons. He stated one of those reasons is to guide and direct future aviation related business and industry at the airport, as well as small and large hangars, t-hangars, and corporate hangars. This would also include a requirement that the county would have as they construct the SPLOST project for the runway extension, due to the FAA requirement of a land use plan. He stated the land use plan has been discussed with folks at the state to get their input because the county is actively working with state officials to attract aviation related business. He stated that County Commissioners and Airport Commissioners were included in those discussions. He stated the land use plan as presented is before the Board for consideration.

Vice-Chairman Maxey called for a motion. Commissioner Wallace made a MOTION to Adopt a Resolution to Approve the Future Development Concept Plan for Richard B. Russell Regional Airport. SECOND by Commissioner Mayes. VOTING:

YES NO

Commissioner Wallace
" Fricks
" Mayes
Vice-Chairman Maxey

Motion Carried

**3. ADOPT RESOLUTION TO APPROVE
AND AUTHORIZE EXECUTION BY
CHAIRMAN OF GEORGIA PUBLIC
LIBRARY SERVICE MAJOR REPAIR
AND RENOVATION GRANT
APPLICATION.**

Assistant Manager Simon stated the grant application before the Commission would provide funding for the replacement of the alarm system at the library. He stated the alarm system is badly outdated, and is not working properly. He stated they are in the process of refining the estimates. He stated they have had some conversations with the library director as recently as yesterday on how that funding would work, and they have a funding concept that would not come directly from the Floyd County General Fund. He stated the grant application would require approval by the Library Board, which will occur Thursday, August 26, 2014. He stated they are seeking Board approval for submittal of the grant application as a partner with the library.

Vice-Chairman Maxey called for a motion. Commissioner Wallace made a MOTION to Authorize the Library to apply for the Georgia Public Library Service Major Repair and Renovation Grant. SECOND by Commissioner Fricks. VOTING:

YES NO

Commissioner Wallace
" Fricks
" Mayes
Vice-Chairman Maxey

Motion Carried

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

**4. ADOPT RESOLUTION TO APPROVE
AND AUTHORIZE SUBMITTAL OF**

(08/26/14 - Regular Meeting)

**PRE-APPLICATION FOR AN
APPALACHIAN REGIONAL COMMISSION
(ARC) GRANT FOR FUNDS FOR UTILITY
IMPROVEMENTS AT THE RICHARD
B. RUSSELL REGIONAL AIRPORT.**

Vice-Chairman Maxey called for a Motion to Add Item #4 to the Agenda. Commissioner Mayes made a MOTION to add Item #4 to the Agenda. SECOND by Commissioner Wallace. VOTING:

YES NO

Commissioner Wallace
" Fricks
" Mayes
Vice-Chairman Maxey

Motion Carried

Assistant Manager Simon stated this is a pre-application to the Appalachian Regional Commission (ARC) for additional funds to be used at the airport to provide utility infrastructure to some of the areas included on the future land use plan. Assistant Manager Simon stated Floyd County currently has an Appalachian Regional Commission (ARC) Grant, referred to as ARC I, which they are using to put in water, sewer, and a road network at the airport for aviation related business. He stated the project that they are referring to as ARC II, would bring some of those utilities across, or underneath a taxiway that is near the aviation school, and be able to provide utilities for future corporate hangars and aviation related business. He stated the grant application involves multiple steps. He stated the first step is to submit a pre-application. If approved for the pre-application, they would come back before the Board seeking approval of a formal application. He stated the formal application would be in the amount of approximately \$255,000.00, of which there would be a required fifty-percent match from the County.

Vice-Chairman Maxey called for a motion. Commissioner Wallace made a MOTION to Adopt a Resolution to Approve and Authorize Submittal of a Pre-application for an Appalachian Regional Commission (ARC) Grant for funds for Utility Improvements at the Richard B. Russell Regional Airport. SECOND by Commissioner Mayes. VOTING:

YES NO

Commissioner Wallace
" Fricks
" Mayes
Vice-Chairman Maxey

Motion Carried

ATTORNEY'S REPORT:

**1. ADOPT RESOLUTION TO INITIATE
A PROPOSED CHANGE TO THE UNIFIED
LAND DEVELOPMENT CODE OF FLOYD
COUNTY AND THE CITY OF ROME,
GEORGIA (THE "ULDC") REGARDING
CHAPTER 4.1.15 QUARRYING AND MINING.**

County Attorney Manning stated the Commissioners have before them a proposed resolution to initiate a change to the ULDC text regarding Article 4, Section 4.1.15, which involves quarrying and mining. He stated attached to the resolution is the proposed change, or amendment to the ULDC. He stated if the resolution is adopted by the Board, the proposed change would proceed to the Planning Commission for consideration, in which they would then make a recommendation to the Board. He stated the proposed amendment would go through a public hearing at the Planning Commission level followed by a first reading and public hearing at the County Commission level for the Board to decide whether to approve the ordinance to change the ULDC.

Vice-Chairman Maxey called for a motion. Commissioner Wallace made a MOTION to Adopt a Resolution to Initiate a Proposed Change to the Unified Land Development Code of Floyd County and the City of Rome, Georgia (the "ULDC") regarding Article 4, Section 4.1.15 Quarrying and Mining. SECOND by Commissioner Mayes. VOTING:

YES NO

(08/26/14 - Regular Meeting)

Commissioner Wallace
" Fricks
" Mayes
Vice-Chairman Maxey

Motion Carried

ADJOURNMENT:

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

YES NO

Commissioner Wallace
" Fricks
" Mayes
Vice-Chairman Maxey

Motion Carried

ATTEST:

FLOYD COUNTY BOARD OF COMMISSIONERS

KATHY M. ARP, COUNTY CLERK

IRWIN BAGWELL, CHAIRMAN

**FLOYD COUNTY BOARD OF COMMISSIONERS
CAUCUS**

August 26, 2014 5:00 PM

Present: Vice-Chairman Larry Maxey, Commissioners Garry Fricks, John Mayes, and Rhonda Wallace, County Attorney Tommy Manning, County Clerk Kathy Arp, Assistant County Manager Noah Simon, and Comptroller/Finance Director Gary Burkhalter.

Absent: Chairman Irwin Bagwell.

Commissioners and staff reviewed items on the agenda for the meeting of August 26, 2014.

ATTEST:

FLOYD COUNTY BOARD OF COMMISSIONERS

KATHY M. ARP, COUNTY CLERK

IRWIN BAGWELL, CHAIRMAN