

**REGULAR MEETING
FLOYD COUNTY BOARD OF COMMISSIONERS
NOVEMBER 25, 2014 6:00 P.M.**

PRESENT: Chairman Irwin Bagwell, Vice-Chairman Larry Maxey, Commissioners Garry Fricks, John Mayes, and Rhonda Wallace.

OTHERS

PRESENT: County Manager Jamie McCord, County Attorney Tommy Manning, and County Clerk Kathy Arp.

CALL TO

ORDER: Chairman Bagwell called the meeting to order.

INVOCATION: Commissioner Mayes led the Invocation.

PLEDGE OF

ALLEGIANCE: Commissioner Wallace led the Pledge of Allegiance.

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 Maxey made a MOTION to adopt the minutes of the Caucus and Regular Meeting of November 11, 2014. SECOND by Commissioner Wallace. VOTING:

Commissioner Wallace
" Fricks
" Mayes
" Maxey
Chairman Bagwell

Motion Carried

**PUBLIC HEARINGS:
(FIRST READINGS HELD
NOVEMBER 11, 2014)**

Chairman Bagwell reviewed the procedures for Public Hearings.

REQUESTS FOR REZONING

1. FILE #101-2014Z. REQUESTS REZONING FROM COMMUNITY COMMERCIAL (C-C) TO AGRICULTURAL RESIDENTIAL (A-R) FOR SINGLE-FAMILY DWELLING ON PROPERTY ON MARTHA BERRY HIGHWAY. TAX MAP J09X, PARCEL 060. (PLANNING COMMISSION RECOMMENDATION: APPROVE [VOTE: 8-0]).

Chairman Bagwell asked Ms. Sue Hiller, Rome-Floyd County Planning Director to review the rezoning request. Ms. Hiller stated that the subject property is currently zoned community commercial with agriculture residential zoned property surrounding it. She stated to the north, there is community commercial property that is undeveloped and light industrial property across the highway that is also undeveloped, making rural single-family residential the predominant land use in the area. She stated the subject property was developed with a single-family dwelling in 1963, according to tax records. She stated there is a second dwelling on the property, which may have been used for some commercial purpose at some time in the past. She stated the property was zoned agriculture residential when the ULDC was adopted, and was rezoned to community commercial in 2001 because it was going to be marketed for commercial purposes. She stated the single-family dwelling has been there all of that time, and used as a single-family dwelling. She stated that the owners would like to take it down in order to put another single-family dwelling there, and the rezoning would allow them to do that. She stated the future land use map shows the property as commercial, which is probably more a reflection of its location near an intersection and the rezoning to community commercial, and does not really reflect the long-standing residential use.

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She stated granting this rezoning request would allow that long-standing residential use to continue with a new house and a very low probability of any adverse impacts.

Chairman Bagwell 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 Community Commercial (C-C) to Agricultural Residential (A-R) for single-family dwelling on property located on Martha Berry Highway, Tax Map J09X, Parcel 060. SECOND by Commissioner Maxey. VOTING:

Commissioner Wallace
" Fricks
" Mayes
" Maxey
Chairman Bagwell

Motion Carried

- 2. FILE #113-2014Z. REQUESTS REZONING FROM LIGHT INDUSTRIAL (L-I) TO AGRICULTURAL RESIDENTIAL (A-R) FOR AGRICULTURAL PRODUCTION (CROPS) ON PROPERTY ON ROCKMART HIGHWAY. TAX MAP K19, PARCEL 042. (PLANNING COMMISSION RECOMMENDATION: DENY [VOTE: 8-0])**

Chairman Bagwell stated the applicant has requested that the rezoning request be withdrawn.

Chairman Bagwell called for a Motion. Commissioner Fricks made a MOTION to Approve the Request to Withdraw without Prejudice. SECOND by Commissioner Wallace. VOTING:

Commissioner Wallace
" Fricks
" Mayes
" Maxey
Chairman Bagwell

Motion Carried

ULDC TEXT AMENDMENTS

1. REVISE OR DELETE ARTICLE 4, SECTION 4.1.15 QUARRYING AND MINING. (2014-006ULDC) (PLANNING COMMISSION RECOMMENDATION: APPROVE [VOTE: 8-0]).

Chairman Bagwell asked Ms. Sue Hiller, Rome-Floyd County Planning Director to review the text amendment. Ms. Hiller asked County Attorney Manning to review the request. County Attorney Manning stated this amendment would add a new Section 4.1.15 that would have application only in the unincorporated area of the county. He stated the existing Section 4.1.15 would continue to operate within the City of Rome. He stated there are several changes that have been inserted into that portion of the code that would apply to the unincorporated area. He stated that one change is that it specifically states that borrow pits, as they are defined within this section, are not subject to regulation by this code section in the ULDC, and farm ponds are not subject to regulation. He stated there was a question in the past about whether borrow pits, as they are defined, would have to come within the requirements of the mining section of the ULDC. It has been clearly delineated that they do not. He stated in addition to that, there is a distinction that is being made in this new code section between mining and soft material extraction. Soft material extraction is defined in the amended code section and involves the process of removing certain materials from the earth where groundwater aquifers are not encountered, items are not removed from the earth below the water table, and where blasting and the use of explosives would not occur. He stated that a change is being made where they do not have to comply with the more stringent requirements for mining. He stated there would be some additional zoning districts where soft material extraction could occur, but a special use permit would still have to be granted before it could occur. He stated if someone wanted to apply

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for that zoning designation with a special use permit, there would be a public hearing. The county would obtain a tremendous amount of information to determine whether the designation being sought along with the manner of extraction that would be taking place complied with the code.

Chairman Bagwell declared the Public Hearing open, and asked if there is anyone to speak in support or opposition of the request.

Opposition: **Susan Carlson, 117 Woodcrest Drive**, stated she is concerned about where the material is going to go. She stated they talk about removing material to get to other material and historically that has left horrible environmental problems in other areas such as West Virginia and Kentucky. She realizes that is a large-scale thing, but you are opening the door here and rolling back an environmental thing that was good. She stated it was good to have that in place, and she feels that they are going in the wrong direction by opening the door for who knows what down the line. She stated there are many companies that are now interested in hydraulic fracturing, Georgia fracking, and those are things that need to be studied much further before allowing something like that. Impoverished counties normally welcome that sort of thing because they will take anything. She stated they are poor, they are desperate, and then they regret it later. She feels that they should think long and hard about this while doing more research on it. She stated she thinks they would vote against it if they would just get online, look at some of the disastrous things that have been done with mining, and see what this could open the door to. She thinks it is in the best interest of the majority of the people in Floyd County, their constituents, to vote in a way that would benefit them and not the mining industry. She stated the mining companies say that they will take the dirt and do something with it, they always claim that, but if they would do their research on it, they would find that they never do. They declare bankruptcy, move on, and leave an incredible mess and environmental disaster. She stated Floyd County is much too beautiful to have that happen to it. It is not all about a few jobs. She stated they do not even know if it would create any good paying permanent jobs in Floyd County. It is about keeping their county beautiful without pollution. She stated she thinks that they need to protect what is left of Floyd County. It is too beautiful to allow a foot in the door because the crack will just get wider and wider, and before they know it, there is no telling what would be going on here. She thanked the Board for their time.

Support: **Jerry Rucker, 19 Stonebrook Drive**, stated he would like to say that he is for the change that is before the Board today. He stated a few jobs right now to them are a few jobs. Not only that, but Shorter Avenue is still here, Broad Street is still here, and all these other places are still here after many years with things like that going on. He stated it affects a lot of people, the way he does business, and the way a lot of other people have to do business in this community. He hopes that the Board will go ahead and vote to make the change. He thanked the Board for their time.

Bill Burk, 24 Palmer Drive, stated he agrees with Mr. Rucker's comments, and is support of the change.

Chairman Bagwell declared the Public Hearing closed, and called for a Motion. Commissioner Fricks made a MOTION to Adopt the Resolution before the Board to amend the text of the ULDC and particularly Article 4, Section 4.1.15 Quarrying and Mining, of the ULDC. SECOND by Commissioner Wallace.

Discussion: Commissioner Mayes asked if there is a large scale operation, is there a provision in the ordinance requiring a bond, or need for a bond. County Attorney Manning stated there is. He stated that it may be in the county ordinance that they are taking up next, not in the ULDC, but there is a provision for a bond. Commissioner Fricks stated he worked on the mining ordinance years ago, and they were addressing extraction of rock, blasting operations, groundwater issues, and things like that. He stated it captured too many people in that ordinance, so they are attempting to fix what they did a number of years ago. He stated we know that there is a need for borrow pits as well as a need for soft material extraction. He stated what they are trying to do is to not include those under the same strict regulations as those in the mining ordinance, such as fracturing and subsurface work. He stated this was not a quick reaction. They have done a lot of studying on it to find out the affects in order to be calculated in making it work for everybody. VOTING:

YES

NO

Commissioner Wallace

" Fricks

" Mayes

" Maxey

Chairman Bagwell

Motion Carried

AMENDMENT TO THE CODE OF FLOYD COUNTY, GEORGIA

(11/25/14 - Regular Meeting)

1. AMEND CHAPTER 2-15, SECTION 2-15-6, REGARDING SURFACE MINING ORDINANCE. (2014-004A)

Chairman Bagwell asked County Attorney Manning for a review of the proposed code amendment. County Attorney Manning stated this amendment deals with the same subject matter as the ULDC revision that was just approved by the Board. However, it is the mining ordinance that is contained in the Floyd County Code. He stated one change addresses a section in the old mining ordinance that established some additional criteria to be considered for a special use permit. He stated instead of having that in the mining ordinance section, it was moved into the ULDC portion that was just amended by the Board. The other change is to carve out a separate designation for soft material extraction that is no longer defined as mining. He stated even with efforts to remove from the earth soft materials defined as soft material extraction, there would have to be a special use permit, and the applicant seeking to remove such material would have to come before the Board and lay out a plan regarding that.

Chairman Bagwell 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 Maxey made a MOTION to Adopt the Ordinance before them to Amend Chapter 2-15, Section 2-15-6, of the Code of Floyd County, regarding Surface Mining. SECOND by Commissioner Wallace. VOTING:

Commissioner Wallace
" Fricks
" Mayes
" Maxey
Chairman Bagwell

Motion Carried

CHAIRMAN'S REPORT:

1. Citizen Appointments.

a. Animal Control Welfare Board.

Chairman Bagwell called for a Motion. Commissioner Maxey made a MOTION to Appoint Dr. Daniel Todd to the Animal Control Welfare Board to fill the hold-over slot of Dr. Neal Brackett, Post 4, for a 3-year term to expire September 30, 2016. SECOND by Commissioner Fricks. VOTING:

Commissioner Wallace
" Fricks
" Mayes
" Maxey
Chairman Bagwell

Motion Carried

b. Board of Elections & Registration.

Chairman Bagwell called for a Motion. Commissioner Wallace made a MOTION to Reappoint Steve Miller to the Board of Elections & Registration for a 4-year term to expire on December 31, 2018. SECOND by Commissioner Mayes. VOTING:

Commissioner Wallace
" Fricks
" Mayes
" Maxey
Chairman Bagwell

Motion Carried

c. Floyd County Library – Sara Hightower Regional Library Board of Trustees.

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Chairman Bagwell called for a Motion. Commissioner Maxey made a MOTION to reappoint Chip Hood to the Floyd County Library – Sara Hightower Regional Library Board of Trustees for a 3-year term to expire on December 31, 2017, and to reappoint Ansley Saville to the Floyd County Library – Sara Hightower Regional Library Board of Trustees for a 3-year term to expire on December 31, 2017. SECOND by Commissioner Wallace. VOTING:

YES	NO
Commissioner Wallace	
" Fricks	
" Mayes	
" Maxey	
Chairman Bagwell	

Motion Carried

d. Floyd County Board of Tax Assessors.

Chairman Bagwell called for a Motion. Commissioner Wallace made a MOTION to reappoint Ladell Jacobs to the Floyd County Board of Tax Assessors for a 3-year term to expire on December 31, 2017. SECOND by Commissioner Fricks. VOTING:

YES	NO
Commissioner Wallace	
" Fricks	
" Mayes	
" Maxey	
Chairman Bagwell	

Motion Carried

2. Statements Regarding Recreation.

Chairman Bagwell stated that the Commissioners had a good discussion during Caucus with City of Rome Mayor Jamie Doss, Commissioner Kim Canada and City Manager Sammy Rich. He commended Commissioner Canada and Mayor Doss for reaching out to the Commissioners, and being willing to work with us. He stated that he feels confident that the city and county can come to an agreement that will benefit all the citizens of Floyd County. He urged all members of the city and county commissions to continue to work diligently to reach an agreement concerning recreation. He stated he is hopeful that an agreement can be reached that will be mutually beneficial to the City of Rome, Floyd County and the citizens of our community. He also stated he would like to thank the dedicated employees who work in Parks & Recreation. He stated that he would like to reassure them today that they will continue to have work in recreation even if an agreement cannot be reached. He stated that he does feel confident that the city and county commissions will come to an agreement by years end.

COMMISSIONER'S REPORT:

1. Administrative/Finance Committee – Commissioner Fricks, Chairman

No Report.

2. Public Safety Committee – Commissioner Bagwell, Chairman

Chairman Bagwell thanked everyone for a grand job of carrying out their jobs to the best of their ability in handling the situation with the recent fire at Bekaert. County Manager McCord stated the entire staff, from Emergency Management, Fire Department, Public Works, and Public Safety did a great job. He stated he appreciates all of their efforts in swiftly getting the roads open to get everyone home safely. He stated as bad as the situation was, the best part was having everyone safe with no injuries. Chairman Bagwell stated we never know when emergencies are going to happen. He stated it is always best to be prepared, and he believes that we were. He would like to commend everyone involved for their diligent work and dedication.

3. Public Works Committee – Commissioner Wallace, Chairman

No Report.

4. Water Committee – Commissioner Maxey, Chairman

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Commissioner Maxey announced that the Water Committee would be meeting December 01, 2014 at 1:00 p.m.

5. Judicial Services Committee (CJIS) – Commissioner Wallace

No Report.

6. Floyd County Library Board – Commissioner Maxey

Commissioner Maxey stated that the Floyd County Library Board was very happy to have the chiller in place at the Library, and excited to get that going. County Manager McCord stated the chiller actually went online yesterday. He stated that is part of their SPLOST improvements to the infrastructure of county facilities.

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

- 1) Consider recommendation from the Joint Solid Waste Oversight Committee to increase Landfill Fees.

Commissioner Wallace stated that the Joint Solid Waste Oversight Committee met this morning. She stated they continued the discussion of the increase of the landfill fees. They have requested additional information, which they should have within the next week. She stated the Joint Solid Waste Oversight Committee would meet again sometime the beginning of December before the next Board meeting. County Manager McCord stated they should have some good information to review. He stated they were concerned about the fees in surrounding areas and are getting details on that. He stated they would provide the Board with more information by their next meeting in order to make a decision on that.

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

No Report.

f. RFPRA Task Force Committee – Commissioners Fricks & Maxey

No Report.

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 are currently three items on the Clerk's Consent Agenda. Ms. Arp requested that Item #1 be deferred. She stated the remaining two items have been reviewed, and are submitted for approval.

Chairman Bagwell called for a motion. Commissioner Mayes made a MOTION to Adopt a Resolution to Approve and Authorize Execution of the items submitted under the Clerk's Consent Agenda, with item #1 being deferred. SECOND by Commissioner Wallace. VOTING:

YES

NO

Commissioner Wallace

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" Fricks
" Mayes
" Maxey

Motion Carried

1. ~~Approve and Authorize Sale of Certain Real Property by Floyd County and to Authorize Execution of Quit Claim Deed between Floyd County, Georgia and Greater Community Bank related to property being a part of Lots 73 and 74, being shown as .038 acres, "Tract 2" of Rice Springs Estates, on that certain survey for Vincie F. Early, Jr. (Kenora Drive). (DEFERRED)~~
2. Declare Interoperability System PSAP Equipment CPU, Serial Number 2FSH691, as Surplus Property and Authorize removal of same from County Inventory.
3. Approve and Authorize Execution of Contract for Employment for Emergency Management Director

MANAGER'S REPORT:

1. **ADOPT RESOLUTION TO APPROVE AND AUTHORIZE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE ROME-FLOYD COUNTY DEVELOPMENT AUTHORITY, THE DEVELOPMENT AUTHORITY OF FLOYD COUNTY, AND FLOYD COUNTY, GEORGIA RELATED TO THE PAYMENT IN LIEU OF TAXES (PILOT) PROGRAM.**

County Manager McCord stated this item relates the split in Payment in Lieu of Taxes (PILOT) Program for economic development incentives. He stated all parties involved have agreed to a fifty-fifty split beginning with the International Paper PILOT. He stated he believes that this has been a good process, and it will keep us heading in a direction of promoting positive economic development in a joint and unified way to keep both authorities solvent for their respective duties.

Chairman Bagwell called for a Motion. Commissioner Maxey made a MOTION to Adopt a Resolution to Approve and Authorize Execution of an Intergovernmental Agreement between the Rome-Floyd County Development Authority, the Development Authority of Floyd County, and Floyd County, Georgia related to the Payment in Lieu of Taxes (PILOT) Program. SECOND by Commissioner Fricks. VOTING:

YES NO

Commissioner Wallace
" Fricks
" Mayes
" Maxey
Chairman Bagwell

Motion Carried

OTHER BUSINESS:

County Manager McCord recognized Tim Herrington as the new Emergency Management Director. He stated Mr. Herrington did a great job as Interim Emergency Management Director. He stated we all look forward to Tim's future service with Floyd County. Chairman Bagwell stated he would like to reiterate County Manager McCord's comments stating that the Commissioners appreciate his service to the county, and look forward to having him on board as the new Emergency Management Director.

ADJOURNMENT:

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

Commissioner Wallace

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" Fricks
" Mayes
" Maxey
Chairman Bagwell

Motion Carried

ATTEST:

KATHY M. ARP, COUNTY CLERK

FLOYD COUNTY BOARD OF COMMISSIONERS

IRWIN BAGWELL, CHAIRMAN

**FLOYD COUNTY BOARD OF COMMISSIONERS
CAUCUS
November 25, 2014 6:00 PM**

Present: Chairman Irwin Bagwell, Vice-Chairman Larry Maxey, Commissioners Garry Fricks, John Mayes, and Rhonda Wallace, County Manager Jamie McCord, County Attorney Tommy Manning, County Clerk Kathy Arp, Comptroller/Finance Director Gary Burkhalter and Commissioner-elect Scotty Hancock.

Commissioners and staff reviewed items on the agenda for the meeting of November 25, 2014.

Rome Mayor Jamie Doss, City Commissioner (Mr.) Kim Canada, and City Manager Sammy Rich, discussed the city-county recreation agreement with Commissioners.

ATTEST:

KATHY M. ARP, COUNTY CLERK

FLOYD COUNTY BOARD OF COMMISSIONERS

IRWIN BAGWELL, CHAIRMAN