

CITY OF LAGRANGE, GEORGIA
REGULAR MEETING OF THE MAYOR AND COUNCIL

January 22, 2019

Present: Mayor Pro-Tem Jim Arrington; Council Members Willie Edmondson, Nathan Gaskin, Tom Gore, LeGree McCamey, and Mark Mitchell

Absent: Mayor Jim Thornton

Also Present: City Manager Meg Kelsey; Assistant City Manager Teresa Taylor; City Clerk Sue Olson; City Attorney Jeff Todd; Communications Manager Katie Van Schoor; Senior Planner Leigh Threadgill

The meeting was called to order by Mayor Pro-Tem Arrington, the invocation was given by Reverend Ann Baker of Warren Temple United Methodist Church and Mayor Pro-Tem Arrington led the Pledge of Allegiance to the Flag.

On a motion by Mr. Gaskin seconded by Mr. Mitchell, Council unanimously approved the minutes of the regular Council meeting held on January 8, 2019.

Sandra Brownlee, CEO of Waypoint/Discovering Soldiers Potential II, came before the Council to inform them about their organization and provide an update of ongoing activities. They are a veteran's service center, providing support services for members of the Armed Forces, active duty, reservist, retired, and veterans. Ms. Brownlee explained that they are passionate about the services that they offer to clients. No action was taken.

Ms. Threadgill presented to the Council a recommendation from the Board of Planning and Zoning Appeals to rezone a portion of Bryant Lake Boulevard from C-3, General Commercial, to R-3, Residential and HDR-LU, High Density Residential – Limited Use. On a motion by Mr. Edmondson seconded by Mr. McCamey, Council unanimously voted to call for a public hearing to be held on February 12, 2019.

Mayor Pro-Tem Arrington thanked Chief Dekmar for inviting the Council to join the Community Outreach Collaboration during their regular Work Session, and expressed his appreciation for the information that was shared.

Ms. Kelsey reminded the Council that Mayors' Day would be held in Atlanta, January 25 – 28, 2019. She noticed the media that there would likely be a quorum of the Council but that no business would be conducted.

On a motion by Mr. McCamey seconded by Mr. Edmondson, Council voted unanimously to approve the following ordinance:

AN ORDINANCE

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF LAGRANGE TO AMEND THE CODE OF THE CITY; TO AMEND THE AIRPORT ZONING ARTICLE OF THE ZONING ORDINANCE TO INCLUDE DEPARTURE SURFACES WITHIN THE AIRPORT ZONES; TO UPDATE THE AIRPORT ZONES; TO MODIFY THE NOTIFICATION AND DEPARTURE SERVICE DEFINITIONS WITHIN THE ORDINANCE; TO REPEAL CONFLICTING ORDINANCES; TO FIX AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

THE MAYOR AND COUNCIL OF THE CITY OF LAGRANGE, GEORGIA HEREBY ORDAIN AS FOLLOWS:

SECTION 1:

That Article V of the zoning ordinance of the City of LaGrange be amended by deleting said Article in its entirety, inserting in lieu thereof a new Article V to read as follows:

“Article V - AIRPORT ZONING

Sec. 25-35-91. - Short title; jurisdiction.

This article shall be known and may be cited as LaGrange-Callaway Airport Zoning Ordinance. The description of airport zones is comprehensive for the LaGrange-Callaway Airport airspace requirements, but enforcement of this article applies only to the incorporated areas of the city.

Sec. 25-35-92. - Definitions.

As used in this article, unless the context otherwise requires, the following definitions shall apply:

Airport: The LaGrange-Callaway Airport.

Airport elevation: The highest point of an airport's usable landing area measured in feet from sea level, which is six hundred ninety-three and forty hundredths (693.40) feet for the LaGrange-Callaway Airport.

Approach surface: A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope as set forth in section 25-35-97. The perimeter of the approach surface coincides with the perimeter of the approach zone.

Approach, departure, transitional, horizontal, and conical zones: These zones are defined as set forth in section 25-35-96.

Board of planning and zoning appeals: A board consisting of members appointed by the mayor and council of the City of LaGrange.

Conical surface: A surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty (20) to one (1) for a horizontal distance of four thousand (4,000) feet.

Departure Surface: A clear area at the end of runways that provides for pilots to follow standard departure procedures.

Hazard to air navigation: An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

Height: For the purpose of determining the height limits in all zones set forth in this article and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

Heliport primary surface: The area of the primary surface coincides in size and shape with the designated takeoff and landing area of a heliport. This surface is a horizontal plane at the elevation of the established heliport elevation.

Horizontal surface: A horizontal plane one hundred fifty (150) feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.

Larger than utility runway: A runway that is constructed for and intended to be used by propeller-driven aircraft of greater than twelve thousand five hundred (12,500) pounds maximum gross weight and jet powered aircraft.

Nonconforming use: Any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this article or an amendment thereto.

Nonprecision instrument runway: A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved or planned.

Notification zone: An area within three (3) miles extending in any direction from the threshold end of the nearest runway.

Obstruction: Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in section 25-35-97.

Person: An individual, firm, partnership, corporation, company, association, joint-stock association, or governmental entity; such term includes a trustee, a receiver, an assignee, or a similar representative of any of them.

Precision instrument runway: A runway having an existing instrument approach procedure utilizing an instrument landing system (ILS) or a precision approach radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.

Primary surface: A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends two hundred (200) feet beyond each end of that runway; for military runways or when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in section 25-35-96. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

Runway: A defined area on an airport prepared for landing and takeoff of aircraft along its length.

Runway Protection Zone (RPZ): An area at ground level off the runway end to enhance the safety and protection of people and property on the ground.

Structure: An object, including a mobile object, constructed or installed by man, including, but without limitation, buildings, towers, cranes, smokestacks, earth formation, and overhead transmission lines.

Transitional surfaces: These surfaces extend outward at ninety-degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of five thousand (5,000) feet measured horizontally from the edge of the approach surface and at ninety-degree angles to the extended runway centerline.

Tree: Any object of natural growth.

Utility runway: A runway that is constructed for and intended to be used by propeller driven aircraft of twelve thousand five hundred (12,500) pounds maximum gross weight and less.

Visual runway: A runway intended solely for the operation of aircraft using visual approach procedures.

Sec. 25-35-93. - Authority; findings; policy.

This article is adopted pursuant to the authority conferred by Article 9, section 2, paragraph 4 of the constitution of the state. It is hereby found that an obstruction has the potential for endangering the lives and property of users of the LaGrange-Callaway Airport, and property or occupants of land in its vicinity; that an

obstruction may affect existing and future instrument approach minimums of LaGrange-Callaway Airport; and that an obstruction may reduce the size of areas available for the landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of LaGrange-Callaway Airport and the public investment therein. Accordingly, it is declared:

- (a) That the creation or establishment of an obstruction has the potential of being a public nuisance and may injure the region served by LaGrange-Callaway Airport;
- (b) That it is necessary in the interest of the public health, public safety, and general welfare that the creation or establishment of obstructions that are a hazard to air navigation be prevented; and
- (c) That the prevention of these obstructions should be accomplished, to the extent legally possible, by the exercise of the police power.

It is further declared that the prevention of the creation or establishment of hazards to air navigation; the elimination, removal, alteration or mitigation of hazards to air navigation; and the marking and lighting of obstructions are public purposes for which a political subdivision may raise and expend public funds and acquire land or interests in land.

Sec. 25-35-94. - Conflicting laws and regulations.

If a conflict shall exist between the provisions of this article and any law of the state or any federal law, or any rules or regulations of either, legally adopted and in force, then the more stringent limitation or requirement shall govern and prevail.

Sec. 25-35-95. - Enforcement.

It shall be the duty of the LaGrange building official to administer and enforce the regulations prescribed in this article. Applications for permits and variances shall be made to the LaGrange building official upon a form published for that purpose. Applications required by this article to be submitted to the LaGrange building official shall be promptly considered and granted or denied. Application for action by the board of zoning appeals shall be forthwith transmitted by the LaGrange building official.

Sec. 25-35-96. - Airport zones.

In order to carry out the provisions of this article, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, departure surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to the LaGrange-Callaway Airport. Such zones are shown on the LaGrange-Callaway Airport Zoning map consisting of one sheet, prepared by the Troup County Planning Commission and dated January, 1979, and updated January 2019 consisting of three sheets, which is, by this reference, made a part of this section. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

- (a) Runway larger than utility visual approach zone: The inner edge of this approach zone coincides with the width of the primary outward uniformly to a width of one thousand five hundred (1,500) feet at a horizontal distance of five thousand (5,000) feet from the primary surface. Its centerline is the continuation of the runway.
- (b) Runway larger than utility with a visibility minimum greater than $\frac{3}{4}$ mile nonprecision instrument approach zone: The inner edge of this approach zone coincides with the width of the primary surface and is five hundred (500) feet wide. The approach zone expands outward uniformly to a width

of three thousand five hundred (3,500) feet at a horizontal distance of ten thousand (10,000) feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

- (c) Runway larger than utility with a visible minimum as low as three-fourths miles non-precision instrument approach zone: The inner edge of this approach zone coincides with the width of the primary surface and is one thousand (1,000) feet wide. The approach zone expands outward uniformly to a width of four thousand (4,000) feet at a horizontal distance of ten thousand (10,000) feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
- (d) Precision instrument runway approach zone: The inner edge of this approach zone coincides with the width of the primary surface and is one thousand (1,000) feet wide. The approach zone expands outward uniformly to a width of sixteen thousand (16,000) feet at a horizontal distance of fifty thousand (50,000) feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
- (e) Transitional zones: The transitional zones are the areas beneath the transitional surfaces.
- (f) Horizontal zone: The horizontal zone is established by swinging arcs of ten thousand (10,000) feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.
- (g) Heliport approach zone: The inner edge of this approach zone coincides with the width of the primary surface which corresponds in size and shape with the designated takeoff and landing area. The approach zone expands outward uniformly to a width of five hundred (500) feet at a horizontal distance of four thousand (4,000) feet from the primary surface.
- (h) Heliport transitional zones: These zones extend outward from the sides of the primary surface and the heliport approach zones a horizontal distance of two hundred fifty (250) feet from the primary surface centerline and the heliport approach zone centerline.
- (i) Conical zone: The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a horizontal distance of four thousand (4,000) feet.
- (j) Departure Zone: A trapezoidal zone longitudinally centered on the extended runway centerline, one thousand (1,000) feet wide extending outward, and away from the Stop End of Runway for a distance of ten thousand two hundred (10,200) feet to a width of six thousand four hundred sixty-six (6,466) feet.
- (k) Notification zone: The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a horizontal distance of three (3) miles.

Sec. 25-35-97. - Airport zone height limitations.

Except as otherwise provided in this article, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by this article to a height in excess of the applicable height limitations which are hereby established for each of the zones in question as follows:

- (a) Runway larger than utility visual approach zone: Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same

elevation as the primary surface and extending to a horizontal distance of five thousand (5,000) feet along the extended runway centerline.

- (b) Runway larger than utility with a visibility minimum greater than $\frac{3}{4}$ mile nonprecision instrument approach zone: Slopes thirty-four (34) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of ten thousand (10,000) feet along the extended runway centerline.
- (c) Runway larger than utility with a visible minimum as low as three-fourths miles non-precision instrument approach zone: Slopes thirty-four (34) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of ten thousand (10,000) feet along the extended runway centerline.
- (d) Precision instrument runway approach zone: Slopes fifty (50) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of ten thousand (10,000) feet along the extended runway centerline; thence slopes upward forty (40) feet horizontally for each foot vertically to an additional horizontal distance of forty thousand (40,000) feet along the extended runway centerline.
- (e) Transitional zones: Slopes seven (7) feet outward for each foot upward beginning at the side of and at the same elevation as the primary surface and the approach surface, and extending to a height of one hundred fifty (150) feet above the airport elevation which is six hundred ninety-three and forty hundredths (693.40) feet above mean sea level. In addition to the foregoing, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending as a horizontal distance of five thousand (5,000) feet measured at ninety-degree angles to the extended runway centerline.
- (f) Horizontal zone: Established at one hundred fifty (150) feet above the airport elevation or at a height of eight hundred forty-three and forty hundredths (843.40) feet above mean sea level.
- (g) Conical zone: Slopes twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal zone and a one hundred fifty (150) feet above the airport elevation and extending to a height of three hundred fifty (350) feet above the airport elevation.
- (h) Heliport approach zone: Slopes eight (8) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a distance of four thousand (4,000) feet along the heliport approach zone centerline.
- (i) Departure Zone: Slopes forty (40) feet outward for each foot upward beginning at the stop end of runway or clearway, for a distance ten thousand two hundred (10,200) feet, to a height of two hundred fifty-five (255) feet above the runway end elevation.

Sec. 25-35-98. - Use restrictions.

- (a) *Generally.* Notwithstanding any other provisions of this article, no use may be made of land or water within any zone established by this article in such a manner as to create electrical interference with navigational signals or radio communications between the airport and aircraft, make it difficult for

pilots to distinguish between airport lights and other lights, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

- (b) *Prohibited uses.* All structures and trees are prohibited in the Runway Protection Zone defined as the first one thousand seven hundred (1,700) foot segment of the approach zone beginning at the end of the primary surface for Runway 13-31 and the first one thousand (1,000) foot segment of the approach zone beginning at the end of the primary surface for Runway 3-21:

Sec. 25-35-99. - Nonconforming uses.

- (a) *Regulations not retroactive.* The regulations prescribed by this article shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of January 22, 2019, or otherwise interfere with the continuance of nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to January 22, 2019, and is diligently prosecuted. Additionally, nothing contained herein shall prohibit construction of additions or additional floors to existing buildings provided that any such buildings were in use on January 22, 2019, the additions were contemplated and designated at the time of the original construction, and that additional costs were incurred at the time of the original construction to allow for those future additions or additional floors.
- (b) *Marking and lighting.* Notwithstanding the preceding provisions of this section, the owner of any existing or extended nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the LaGrange-Callaway Airport to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of the airport authority.

Sec. 25-35-100. - Permits.

- (a) *Future uses.* Except as specifically provided in paragraphs (1), (2) and (3) of this subsection, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone created in this article unless a permit therefor shall have been applied for and granted by the LaGrange building official. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. All structures and trees within the Notification zone shall seek airspace approval by the Airport Manager or the FAA. Structures and trees outside of this zone shall seek airspace approval if required by Federal regulations. No permit for a use inconsistent with the provisions of this article shall be granted unless a variance has been approved in accordance with subsection (d) of this section, using the following criteria:
 - (1) In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree less than seventy-five (75) feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree would extend above the height limits prescribed for such zones.

- (2) In areas lying within the limits of the approach zones, but at a horizontal distance of not less than four thousand two hundred (4,200) feet from each end of the runway, no permit shall be required for any tree less than seventy-five (75) feet of vertical height above the ground, except when such tree would extend above the height limit prescribed for such approach zones.
- (3) In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree less than seventy-five (75) feet of vertical height above the ground, except when such tree, because of terrain, land contour, or topographic features, would extend above the height limit prescribed for such transition zones.

Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any tree, in excess of any of the height limits established by this article.

- (b) *Existing uses.* Except as provided in section 25-35-99(a), no permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on January 22, 2019, or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.
- (c) *Nonconforming uses abandoned or destroyed.* Whenever the LaGrange building official determines that a nonconforming tree or structure has been abandoned or more than eighty (80) percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.
- (d) *Variances.* Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulations prescribed in this article, may apply to the board of planning and zoning appeals for a variance from such regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances may be allowed where it is found that a literal application or enforcement of the regulations will result in unnecessary hardship and relief granted, will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this article. Additionally, no application for variance to the requirements of this article may be considered by the board of zoning appeals unless a copy of the application has been furnished to the LaGrange-Callaway Airport for advice as to the aeronautical effects of the variance. If the LaGrange-Callaway Airport does not respond to the application within sixty (60) days after receipt, the board of planning and zoning appeals may act on its own to grant or deny said application.
- (e) *Obstruction marking and lighting.* Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this article and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain, at the owner's expense, such markings and lights as may be necessary. If deemed proper by the board of planning and zoning appeals, this condition may be modified to require the owner to permit the LaGrange-Callaway Airport, at its own expense to install, operate, and maintain the necessary markings and lights.”

SECTION 2:

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 3:

This ordinance after adoption by the Council and upon approval by the Mayor, shall become effective immediately.

INTRODUCED AND FIRST READING _____ January 8, 2019

SECOND READING AND ADOPTED _____ January 22, 2019

SUBMITTED TO MAYOR AND APPROVED _____ January 22, 2019

BY: /s/ James C. Thornton, Mayor

ATTEST: /s/ Sue Olson, City Clerk

On a motion by Mr. Mitchell seconded by Mr. Edmondson, Council voted unanimously to approve the following ordinance:

AN ORDINANCE

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF LAGRANGE TO AMEND THE RETIREMENT PLAN FOR THE EMPLOYEES OF THE CITY OF LAGRANGE IN ACCORDANCE WITH AND SUBJECT TO THE TERMS AND CONDITIONS SET FORTH IN THE ATTACHED ADOPTION AGREEMENT, GENERAL ADDENDUM TO THE ADOPTION AGREEMENT, THE GEORGIA MUNICIPAL EMPLOYEES BENEFIT SYSTEM (GMEBS) MASTER PLAN DOCUMENT AND ANY AMENDMENTS THERETO; TO CLARIFY PORTABILITY SERVICE RULES; TO REPEAL CONFLICTING ORDINANCES; TO FIX AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

THE MAYOR AND COUNCIL OF THE CITY OF LAGRANGE, GEORGIA, HEREBY ORDAIN AS FOLLOWS:

SECTION 1:

The retirement plan for the employees and/or officials of the City of LaGrange, Georgia, is hereby amended as set forth in and subject to the terms and conditions stated in the attached Adoption Agreement and General Addendum to the Adoption Agreement.

SECTION 2:

All ordinances or parts of ordinances in conflict herewith are expressly repealed.

SECTION 3:

This Ordinance shall be effective upon its date of passage and in conformity with the Georgia Municipal Employees= Benefit System Defined Benefit Retirement Plan Document, as amended.

INTRODUCED AND FIRST READING _____ January 8, 2019

SECOND READING AND ADOPTED _____ January 22, 2019

SUBMITTED TO MAYOR AND APPROVED _____ January 22, 2019

BY: /s/ James C. Thornton, Mayor

ATTEST: /s/ Sue Olson, City Clerk

In good news closing comments, Ms. Van Schoor announced that the City's utility department received the results from their annual survey and the results showed that, of the customers who responded, the vast majority are happy with their utility services. Some of the questions include Overall Satisfaction, Competitive Prices, and Quality of Service. The City of LaGrange is ranked among the lowest cost providers in the State for utilities.

There was no other business and the meeting was adjourned by Mayor Pro-Tem Arrington.

Mayor

City Clerk