

**HARRIS COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION**

May 1, 2007

7:00 PM

Commissioners Present: Daniel B. Bridges, J. Harry Lange, Joe F. Manning, Patrick Whearley, Charles Wyatt. Staff Present: Carol A. Silva, County Manager; John M. Taylor, County Attorney; Nancy D. McMichael, County Clerk.

1. **CALL TO ORDER**. Chairman Bridges called the Regular Session to order.
2. **MINUTES**. The motion to approve the minutes of the April 3, 2007, Regular Session, was made by Commissioner Lange, seconded by Commissioner Wyatt, and passed unanimously. [Note: there was no meeting on April 17.]
3. **NEW BUSINESS**
 - A. **Request: Donation of Old Military Vehicles**. Marvin Adzic, of the Columbus Antique Militaria Vehicle Club (CAMVC), appeared before the Board and requested that the County donate its old military vehicles to the CAMVC; that the organization restores old military vehicles and uses them in various events honoring military veterans. He presented, for review, several photographs of vehicles that have been restored. Discussion included that the military vehicle the County has are indeed surplus, came from GEMA surplus, and the time-frame prohibiting the selling or donating the vehicles has passed. The motion to declare four old military vehicles belonging to the County as surplus and unserviceable and to authorize disposal of same by donating the vehicles to the CAMVC was made by Commissioner Wyatt, seconded by Commissioner Lange, and passed unanimously.
 - B. **Resolution: Support Joint Land Use Study for Fort Benning**. Chairman Bridges said that this document is to show support for BRAC and Fort Benning; that it doesn't cost the County any money; that the Joint Land Use Study will include Harris County as we will be affected by it. The motion to approve this resolution was made by Commissioner Lange and seconded by Chairman Bridges. Commissioner Manning said that he was not comfortable with item 3 to "commit to a good faith effort to implement any recommendations". Following discussion, consensus was to change the wording to "will review and consider implementing recommendations". Commissioner Lange and Chairman Bridges amended their motions to include the change. The motion passed unanimously.
 - C. **Request for Tax Refund: Donner, H.W., Jr., & Mary G.** Chairman Bridges said that a request has been made for a tax refund of \$44.27 because payment of taxes was lost in the mail; that a letter from the Post Office regarding mail theft and vandalism during the time the tax payment was mailed was provided; and that the Tax Commissioner and Board of Tax Assessors disagree with the request. The motion to approve the refund of \$44.27 was made by Commissioner Manning, seconded by Commissioner Whearley, and passed with four in favor (Manning, Whearley, Bridges, Lange) and one opposed (Wyatt).
 - D. **Request for Tax Refund: Municipal Electric Authority of Georgia (MEAG)**. Chairman Bridges said that a request has been made for a tax refund of \$12,344.98; that the Tax Commissioner and Board of Tax Assessors disagree with the request; and that the Tax Assessor has been in touch with the Georgia Department of Revenue who has indicated the DOR has not received any request or info from MEAG regarding same. Following discussion, which included the State regulates such authorities and that there may be some legal aspects in connection with this request, the motion to disapprove the request was made by Commissioner Manning, seconded by Chairman Bridges, and passed unanimously.
4. **COUNTY MANAGER**
 - A. **911 Building Addition Update**. Carol Silva, County Manager, reminded the Board that bids were received and the bid awarded for option A, for the actual frame and exterior of the building, with the County completing the interior and other aspects of the building; that the Board had requested information regarding the estimate of what it will cost the County to do its part; and that the estimate for the County's part is \$22,219.65.
 - B. **Sheriff's Storage Building Update**. Carol Silva, County Manager, reminded the Board that it had requested an estimate as to what it would cost the County to build the

building; and that the estimate is \$25,349.75. Discussion included that initially the Sheriff indicated he needed storage for evidence and lawn mowers, that an air-conditioned area would be needed for the storage of records and uniforms, and that there might be some office space included. The Board asked that Sheriff Jolley appear at the next meeting on May 15 to discuss what the building would include.

- C. **Bid Tally: Tanker for Melody Lakes Volunteer Fire Department (MLVFD)**. Carol Silva, County Manager, said that one bid was received in response to the bid request for a tanker for the MLVFD; that because the bid did not meet the requirements specified; and that it is recommended that the bid be rejected, the specs revised, and the tanker rebid. The motion to reject the bid, revise the specs and rebid the tanker was made by Commissioner Lange, seconded by Commissioner Whearley, and passed unanimously.
- D. **Budget Amendments #1 for FY 06/07**. Carol Silva, County Manager, read the requested budget amendments, the majority of which were approved during previous meetings. Following discussion, the motion to approve all the amendments was made by Commissioner Lange, seconded by Commissioner Wyatt, but amended at the request of Commissioner Manning to omit the amendment to Court Services, and passed unanimously. The motion to approve the amendment for Court Services was made by Commissioner Lange, seconded by Commissioner Wyatt, and passed by a vote of four in favor (Lange, Wyatt, Bridges, Whearley) and one opposed (Manning).

5. **COUNTY ATTORNEY**

- A. **Request for Executive Session**. John Taylor, County Attorney, requested an Executive Session (to take place after the Public Hearing) for the purpose of discussing real estate acquisition.
- B. **Draft Alcohol Ordinance Amendment**. John Taylor, County Attorney, distributed a draft of amendments to the Alcohol Ordinance to allow the transfer of alcohol licenses. He asked that the Board review the document and be prepared to discuss same in the Work Session on May 15.

6. **PUBLIC HEARINGS @ 7:30 PM**

- A. **Explanation of Public Hearings**. Chairman Bridges explained the procedures involved with the Public Hearings.
- B. **Conflict of Interest Forms**. The Conflict of Interest forms were completed at the request of Chairman Bridges.
- C. **Application of Mulberry Grove Development Co., LLC, to rezone 1101.8 acres of Land Lots 7, 8, 35, 36, 49, 73 & 74 in Land District 19, and Land Lot 8 in Land District 20, Parcels 14 & 15 of Map 033, Parcels 003, 039, 040, 042, & 043A of Map 032, from A-1 to CUPD; present use recreational hunting; proposed use mixed use; property located at GA Hwy 315 @ Mountain Hill Road, east of I-185 exchange**. Chairman Bridges said that the Planning Commission has recommended that its Public Hearing on this rezoning be held on June 20 pending receipt of various studies. Commissioner Whearley made the motion that the Public Hearing for this rezoning be heard at the June 20 meeting of the Planning Commission and the July 3 meeting of the Board. The motion was seconded by Commissioner Lange, and passed unanimously.
- D. **Application of R. Spencer Waddell to rezone 111.38 acres owned by Charles Bowers of Land Lots 63 & 64, Land District 18, Parcels 006A & 006B, Map 083, from A-1 to R-1; present use undeveloped; proposed use two-acre subdivision; property located at north end of Randall Woods Drive and Box Wood Court**. Chairman Bridges called the Public Hearing to order, read the specifics of the application, and said that the Planning Commission and Zoning Staff had recommended approval with the following conditions (1) 100 foot opaque natural buffer between Randall Woods Subdivision and the addition for Steele Creek at the end of Randall Woods Drive; (2) lots in the new section of Steel Creeks north of Randall Woods Drive be two-plus acres; and (3) construction traffic to be routed through Steele Creek Subdivision. Spencer Waddell, Richard Waddell, and Martha Chewing, attorney for the Waddells, appeared before the Board. Mrs. Chewing showed aerial maps and drawings of the location of the subject property and the surrounding properties; that she has a letter from the property owner to the north who is in agreement with the rezoning; that the property owners to the east and west are owned by the owner of the subject property; that when Randall Woods Subdivision was approved, a condition was for Randall Woods Drive to extend to allow it to tie in to the road in what was to be another

phase of Randall Woods Subdivision, but is now an additional phase of Steele Creek; that upon approval, the lots abutting the previous phase of Steele Creek will be reconfigured; that a second entrance through Randall Woods has been provided and a stop sign located there; that the developer would be happy to have only one entrance to/from the subdivision, however, through Steele Creek; that this will be a quality subdivision; that the lots will be at least two acres; that the utilities are underground; that the water is from Muscogee County; that the project is expected to start in two or three years; and that homes will be 3,200 to 3,300 square feet and cost approximately \$430,000 to \$530,000. In response to questions, Mrs. Chewning said that lots in Randall Woods are a minimum of five acres in size and the lots in Steele Creek that will border Randall Woods are at least two acres.

There being no further comments or questions, Chairman Bridges asked if anyone wished to speak in favor of the application. There being none, he asked if anyone wished to speak in opposition of the application.

Tony Welch, citizen who lives on Randall Woods Drive, appeared before the Board and said that if Randall Woods Drive continues into Steele Creek, he would like to see the road built for emergency use only and stay locked, otherwise they are totally against the subdivision since Randall Woods have five acre lots.

Booth Malone, citizen who lives on Randall Woods Drive, appeared before the Board and said that he has no objections to the proposed subdivision, but is concerned about keeping the identity of the two neighborhoods separate because of the lot size; that Randall Woods Drive now ends in a graveled cul-de-sac; that kids play in the street; that he is in favor of a gate of some sort between the roads that could have limited access by emergency vehicles; that Randall Woods Drive will become a short cut for people living in Steele Creek if there is no gate in place; that the citizens on Randall Woods are on wells and have discussed with Mr. Waddell the availability of tying into the water system in Steele Creek.

Tom Maholick, citizen who lives on Randall Woods Drive, appeared before the Board and said that everyone he has spoken to are in favor of having a gate for emergency purposes in order to separate their neighborhood from Steele Creek; that if the gate is not there, there will be an additional 100 vehicles going up and down Randall Woods Drive; and that he has no objection to the proposed subdivision, only to the road from Randall Woods into Steele Creek.

Ann Perkins, citizen who lives on Randall Woods Drive, appeared before the Board and said that she agrees with having a gate for emergency purposes for use by either subdivision, since Randall Woods only has one entrance/exit; that she moved to the area two years ago because of the quiet area where neighbors can visit in the road; and to have that taken away would be devastating to the citizens of Randall Woods.

There being no further comments in opposition, Chairman Bridges asked Mrs. Chewning, Mr. R. Waddell, and Mr. S. Waddell for rebuttal.

Mrs. Chewning said that they understand the citizens of Randall Woods wanting to keep their own identity; that they are concerned about the condition of the 100 foot buffer, which is much more than what the Zoning Ordinance calls for. Mr. R. Waddell said that the lots on the northwest side are slightly larger than two acres due to topography, and the 100 foot buffer will be difficult to put in. Discussion included that Randall Woods is a very wooded subdivision; that there is not a lot of houses in Randall Woods; that to go through Randall Woods to get to Steele Creek is imposing to those living in Randall Woods; that the lots bordering Randall Woods need to have the 100 foot buffer. Chairman Bridges asked John Taylor, County Attorney, about the possibility of having a gate between the two properties. Mr. Taylor said that there are a couple of options regarding the gate - having a carded system, a code, or lock, or not connecting the roads at all. Discussion included that Mr. Waddell will look into the costs for such a gate and come up with a resolution; that the gate would have to be erected and the details worked out prior to any roads or homes being constructed.

There being no further comments or questions, Chairman Bridges closed the Public Hearing. He then made the motion to approve this rezoning application with the condition of a 100 foot opaque natural buffer between Randall Woods Subdivision and the addition for Steele Creek; that the strip that would be a road, rather than being a road, be deeded to the County on which a gate would be erected by the developer prior to the roads or homes being constructed. He said that the strip would not be a public road and therefore a public road would not be blocked with the gate. Discussion included that not having a paved public road for one of the lots bordering Randall Woods

Subdivision may cause problems with mortgaging a home; that he really needs to pave the road for the lot; that the road can be a paved public road far enough for the lot to have access to same; that the road could be the driveway to that particular lot; that the cul-de-sac for Randall Woods Drive is actually in the Steele Creek property; that school buses and trash trucks use the cul-de-sac to turn around and the gate would probably have to be at the end of the cul-de-sac, which is probably within the 100 foot buffer; that Randall Woods Drive is paved up to the property line; that there be “no connecting public road between Randall Woods Drive and where it meets Steele Creek”. At the request of the developer, Chairman Bridges repeated that the motion was for approval, with the 100 foot opaque natural buffer, solving the issue for garbage trucks and school buses, that a gate that is mutually satisfying to the County and the developer that limits traffic must be erected coming in from Randall Woods Drive prior to road or house construction in Steele Creek, that public access will stop after providing access to the lot (shown as lot 34 on the preliminary layout), and continue as a public easement. The motion was seconded by Commissioner Wyatt and passed unanimously. [The motion was amended during the May 15 meeting regarding the requirement of a gate, as follows: Chairman Bridges made the motion to amend to zoning conditions so that no gate will be required, that a 60 foot right of way will be deeded, without improvement or paving, other than clearing, to the County, and that there will not be a curb cut accessing the deeded property. The motion was seconded by Commissioner Lange, and passed unanimously.

7. **RECESS FOR EXECUTIVE HEARING.** The motion to go into Executive Session for the purpose of discussing real estate acquisition was made at 8:07 PM by Commissioner Lange, seconded by Commissioner Wyatt, and passed unanimously.
8. **RESUME REGULAR SESSION AND ADJOURNMENT.** The motion to resume the Regular Session and adjourn, as there was no further business to discuss, was made by Commissioner Manning, seconded by Commissioner Lange, and passed unanimously.
9. **ADJOURNMENT.** The motion to adjourn was made by Commissioner Manning, seconded by Commissioner Lange, and passed unanimously.

Daniel B. Bridges, Chairman

Attest

Nancy D. McMichael, County Clerk