

**HARRIS COUNTY BOARD OF COMMISSIONERS  
REGULAR SESSION**

July 1, 2008

7:00 PM

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

1. **CALL TO ORDER.** Chairman Lange called the Regular Session to order.
2. **ADOPTION OF AGENDA.** Changes included the addition of "Agenda Adoption", "Smoking at Ballfields" and "Dumpsters" under New Business. Chairman Lange declared the agenda set.
3. **MINUTES.** Regarding the approval of the June 17, 2008, minutes, Commissioner Manning said one error needed to be corrected; that in item 9, paragraph C, the indicated 20% needed to be changed to 80%. The motion to approve the minutes of the June 17, 2008, Regular Session, as corrected, was made by Commissioner Wyatt, seconded by Commissioner Manning, and passed with three in favor (Wyatt, Manning, Lange), no opposition, and one abstention (Whearley), due to being absent on June 17.
4. **APPEARANCE OF CITIZENS**
  - A. **Gill McBride.** Gill McBride, candidate for Superior Court Judge, appeared before the Board, introduced himself, and briefly discussed his candidacy.
5. **NEW BUSINESS**
  - A. **JLUS Report: Liz Drake.** Liz Drake, with EDAW, appeared before the Board to review the County's final study (included in the meeting packets) concerning the expansion at Ft. Benning due to BRAC, and distributed the Joint Land Use Study for Ft. Benning. During the discussion she indicated that Harris County will be slightly impacted by BRAC and only in the deep southern portion of the County; that the impact will be due to noise; that recommendations have been included in the documents for the County to consider and possibly adopt; and that if the County already has similar or more strict zoning regulations, then no further action may be needed. In closing, Mrs. Drake indicated that she is available to answer questions and be of assistance, and that Laura Davis, with the Valley Partnership, may also be of assistance.
  - B. **Appeal of Planning Commission Decision Denying the Subdivision Due to Hardship: Claudia Anderson.** Claudia Anderson and Nancy Calhoun appeared before the Board regarding the appeal of the decision of the Planning Commission on May 21, 2008, to deny Mrs. Anderson's request to subdivide her 10-acre tract into two 5-acre tracts. Mrs. Anderson said that due to financial hardships resulting from the death of her husband about a year ago, she needs to sell five of her ten acres in order to maintain her home. Faye Calhoun, neighbor and relative of Mrs. Anderson, explained that the majority of the 60-foot easement to Mrs. Anderson's is actually on the lot of another relative; that she is basically the only person who actually uses the easement driveway; that the easement driveway cannot be closed off to others as it provides the only way to access the Anderson and other properties; and that if the subdivision of the property is not granted, Mrs. Anderson will lose her home. She presented two plats, not previously provided to the Board, and pointed out the various properties and the driveway easement. Following discussion, the motion to grant the appeal and to overturn the decision of the Planning Commission to allow the subdivision of the 10 acres into two 5-acre tracts was made by Commissioner Whearley, seconded by Commissioner Wyatt, and passed unanimously.
6. **PUBLIC HEARING @ 7:30 PM**
  - A. **Explanation of Procedures.** Chairman Lange explained the Public Hearing procedures.
  - B. **Application of Gary Lowman to Amend the Zoning Ordinance, Article V, Supplementary, Section 8 Storage of Certain Vehicles and Equipment; Page CDA:42; to prohibit the parking of vehicles on County Right of Way for more than 48 hours.** Chairman Lange called the Public Hearing to order and read the specifics of the application, and said that the Planning Commission had

recommended approval of the amendment but to increase the hours to 72. Gary Lowman, applicant, appeared before the Board and said that due to recent problems concerning the parking of vehicles on County right-of-way for an extended length of time, and for which there are not laws against doing same, he is requesting that the Zoning Ordinance be amended to prohibit the parking of vehicles on the County right-of-way for more than 48 hours; that the wording for the amendment is the same as that for the State of Georgia. Chairman Lange asked if anyone in attendance wished to speak in favor of or in opposition to this amendment. There being none, he closed the Public Hearing. Commissioner Wyatt tabled action on this amendment to August 5, 2008.

7. **NEW BUSINESS (CONTINUED)**

- C. **Public Hearing: Abandonment of Portions of Ridgeway Road (Resolution and Quit Claim)**. John Taylor, County Attorney, explained that the hearing is to hear comments from the public regarding the abandonment of two portions of Ridgeway Road (not three as originally intended; see minutes of July 17, 2007); that two small parcels, consisting of 1.79 acres and 0.176 acres, are shown on the plat attached to the Resolution and designated as Parcel B and Parcel C; that the appropriate notices and advertising regarding this Public Hearing have taken place; and that should the Board take action to abandon same, a Quit Claim has also been prepared to deed the two parcels to the adjacent property owner and also includes the reservation of a utility easement.

Chairman Lange called the Public Hearing to order and asked if anyone in attendance wished to speak in favor of or in opposition to this abandonment. There being none, he closed the Public Hearing. The motion to approve the Resolution, which authorizes the execution of the Quit Claim Deed, was made by Commissioner Whearley, seconded by Commissioner Wyatt, and passed unanimously.

- D. **First Reading: Application of Ray Marsh for Beer & Wine On Premises at Pats Backwaters Steak & Seafood, 5237 Georgia Highway 219, Hamilton**. Chairman Lange read the specifics of the application and said that it had been recommended for approval by the Sheriff's Office, the Health Department, and the Community Development Department with a notation that there is no handicap parking. There was a brief discussion concerning the handicap parking, and John Champion, Director of Community Development, will double-check on same. Ray Marsh, applicant, was unable to be in attendance, according to Commissioner Whearley. Chairman Lange asked if anyone wished to speak in favor of or in opposition to this application. There being none, he said that the Second Reading and possible action will be on the agenda of July 15.
- E. **Request for Tax Refund: Carr Family Ltd. Partnership**. Chairman Lange said that a request had been made for a refund of \$171.46, which is the penalty and interest accrued for late payment of taxes; that the requester has indicated he mailed his check on October 20, 2007, but it has never been presented for payment; that both the Tax Commissioner and the Board of Tax Assessors disagree with the request. Following a brief discussion, the motion to disapprove the request was made by Commissioner Manning, seconded by Commissioner Wyatt, and passed with three in favor (Manning, Wyatt, Lange) and one opposed (Whearley).
- F. **Financial Statements: March & April 2008**. The motion to approve the financial statements of March and April 2008 was made by Commissioner Wyatt, seconded by Chairman Lange, and passed unanimously.
- G. **Rescinding Adoption of Agenda**. Commissioner Wyatt made the motion to rescind or discontinue the practice of adopting the agenda at the beginning of each meeting. The motion was seconded by Commissioner Whearley and passed with three in favor (Wyatt, Whearley, Lange) and one opposed (Manning.)
- H. **Smoking in Recreation Areas**. Commissioner Whearley said that he has received complaints regarding the smoking areas in the ball parks and that he would like to see smoking and tobacco products banned from recreation areas. Following discussion, John Taylor, County Attorney, was directed to draft the necessary amendment to ban smoking and tobacco products from County public parks and/or recreation areas.
- I. **Dumpsters at Mountain Top**. Commissioner Manning said that he is still receiving complaints at the dumpster situation at Mountain Top, but that he would find out more information and bring it back to the Board at a later date.

8. **COUNTY MANAGER**

- A. **Agreement: Public Defender.** Danny Bridges, County Manager, said that dollar amount in the letter he received does not match that in the agreement, that the start date is July 1, and that the amount should be \$66,703. John Taylor, County Attorney, said that the document appears to be in the same format as the document received two years ago (which was never signed). Action is to be taken during the July 15 meeting.
- B. **Body Armor for Deputies.** Danny Bridges, County Manager, said that he is requesting permission to go out on bid for body armor for deputies; that the cost will probably be around \$16,000; and that the County should protect those that protect the citizens. Following discussion, the general consensus was to proceed with the bid process.
- C. **School Resource Officer.** Danny Bridges, County Manager, said that the School Board would like to enter into a contract with the Sheriff's Office and the County for a deputy at the High School; and that the School Board would pay the salary and benefits for the deputy to the County. Discussion included that when the deputy was not working at the High School, they would be on patrol; that the School Board should possibly provide for the upkeep of the vehicle to be used by the deputy; and that the deputy would be on duty for school activities. Deputy Debra Colley was in attendance and said that if the contract is agreed to, she will be the School Resource Officer; that she would be a presence at the High School; that she would attend school activities; and that after school and during the summer, she would be on patrol and filling in for other deputies who are out sick or on vacation. Following discussion, the general consensus was for John Taylor, County Attorney, to prepare the contract for consideration and execution by the Board, the Sheriff's Office, and the School Board.
- D. **JCI Building Proposal Award.** Danny Bridges, County Manager, said that proposals were received for the construction of a building to be leased to Johnson Controls in the Northwest Harris Business Park, as follows:

COMPANY	BID AMOUNT
Batson-Cook	\$ 7,668,002
Gray Construction	\$ 6,382,112
MB Kahn	\$ 6,947,886

Mr. Bridges said that the proposals had been reviewed and the recommendation was to award the project to Gray Construction, subject to the approval of the Intergovernmental Agreement with the Development Authority and the Letter of Discussion (see 9A). The motion to award the proposal to Gray Construction, subject to the approval of the two documents, was made by Commissioner Wyatt, seconded by Chairman Lange, and passed with three in favor (Wyatt, Lange, Whearley) and one opposed (Manning).

9. **COUNTY ATTORNEY**

- A. **Intergovernmental Agreement: Development Authority for JCI Building and Letter of Discussion.** John Taylor, County Attorney, said that the agreement document is being provided for review; that it will go to the Development Authority for approval and then be brought back to the Board at the appropriate time; that also included is wording concerning the pledge of the County for up to one mil (about \$1,000,000) of County taxes per year for eight years in order to make the bond payment (of about \$550,000) if JCI decides to vacate the building after seven years; that the rate would be locked in for 15 years; and that the rate has not yet been determined. Following discussion, the motion to approve both documents and to omit the pledge for up to one mil of County taxes was made by Commissioner Manning and seconded by Commissioner Whearley. There was more discussion regarding the pros and cons of the pledge with Chairman Lange ultimately tabling action on the motion until the interest rates can be determined on both the Agreement and Letter of Discussion.
- B. **Resolution to Call for SPLOST Referendum.** John Taylor, County Attorney, said that this Resolution is to authorize the call for the renewal of the SPLOST to be on the referendum in November; that the total is \$21,000,000; that \$18,630,000 is for County projects; and \$2,370,000 for the municipalities; that State law allows the

County to repay debt for projects started prior to all the funds being received through SPLOST and an insert has been included for such debt up to \$5,700,000 and does not include expenses associated with the construction, repair and maintenance of roads and bridges or economic development; and that the debt wording must be included in order for the County to be able to finance the SPLOST projects in such a manner. Following discussion, the motion to approve the Resolution was made by Commission Wyatt, seconded by Commissioner Whearley, and passed unanimously. The motion to approve the debt wording was made by Commissioner Wyatt, seconded by Commissioner Whearley, and passed with three in favor (Wyatt, Whearley, Lange) and one opposed (Manning).

C. **Agreement Change Orders 1 and 2 to Farner Barley Agreement: Engineering and Survey Services at Northwest Harris Business Park.** Danny Bridges, County Manager, said that Change Order #2 is for \$6,500 for mass grading and storm water revisions regarding the main road in the Northwest Harris Business Park (NWHBP), and that he had previously approved Change Order #1, which was for \$632, regarding minor changes to the conceptual layout in the NWHBP. The motion to approve Change Order #2 was made by Commissioner Manning, seconded by Commissioner Wyatt, and passed unanimously. The motion to ratify Change Order #1 was made by Commissioner Wyatt, seconded by Chairman Lange, and passed unanimously. [Documents can be found in "Contracts & Agreements" file as C&A #08-28 (#1) and #08-29 (#2).]

D. **Addendum to Lower Chattahoochee RDC Contract: Health Department CDBG.** Danny Bridges, County Manager, said that this addendum is to add approximate completion dates and is required by the DCA. The motion to approve this document was made by Commissioner Manning, seconded by Commissioner Whearley, and passed unanimously. (Document can be found in "Contracts & Agreements" file as C&A #08-30.)

E. **DOT R/W Agreement: New Industrial Connector Road (Davidson Road to SR 103).** Danny Bridges, County Manager, said that this is the right-of-way agreement whereby the County indicates that it owns the property that will comprise the main road (Progress Parkway) in the Northwest Harris Business Park. The motion to approve this document was made by Commissioner Wyatt, seconded by Commissioner Manning, and passed unanimously. (Document can be found in "Contracts & Agreements" file as C&A #08-31.)

10. **RECESS FOR EXECUTIVE SESSION.** The motion to go into Executive Session for the purpose of discussing personnel issues was made at 9:00 PM by Commissioner Wyatt, seconded by Commissioner Manning, and passed unanimously.

11. **RESUME REGULAR SESSION.** The motion to resume Regular Session was made by Chairman Lange, seconded by Commissioner Manning, and passed unanimously.

12. **OTHER**

A. **Personnel Salary Increases.** Danny Bridges, County Manager, said that with the promotion of Allen Culpepper to Public Works Director and James York to Roads Supervisor, he would like to increase the salary of each, as follows:

Employee	From	To
Allen Culpepper	\$ 42,784	\$ 48,000
James York	\$ 43,872	\$ 46,000

The motion to approve these salary increases, which include the 3% across-the-board July 1 increase, was made by Commissioner Wyatt, seconded by Commissioner Manning, and passed unanimously.

13. **ADJOURNMENT.** There being no further business to discuss, the motion to adjourn was made by Commissioner Manning, seconded by Commissioner Wyatt, and passed unanimously.

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J. Harry Lange, Chairman

Attest:

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Nancy D. McMichael, County Clerk

