

**HARRIS COUNTY BOARD OF COMMISSIONERS  
REGULAR SESSION**

January 6, 2009  
7:00 PM

Commissioners Present: J. Harry Lange, Charles Wyatt, Joey M. Loudermilk, 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. **MINUTES.** The motion to approve the minutes of the December 16, 2008, Regular Session was made by Commissioner Manning, seconded by Commissioner Loudermilk, and passed unanimously.
3. **ORGANIZATION OF COMMISSION.** The motion to re-elect Harry Lange as Chairman and Charles Wyatt as Vice Chairman, and to reappoint John Taylor as County Attorney and Nancy McMichael as County Clerk was made by Commissioner Loudermilk, seconded by Commissioner Wyatt, and passed unanimously.
4. **APPEARANCE OF CITIZENS**
  - A. **Bryan Becker: Trash Cans, Rental Home Inspections, County.** Bryan Becker, citizen, came before the Board to request an Ordinance regarding trash/garbage cans to require the placement and removal of same within a certain time frame, and he presented back-up documentation regarding same. Mr. Becker also requested that something be done, perhaps an Ordinance, concerning the inspection of rental homes around the County to make sure they are in suitable condition for rental purposes, and he present back-up documentation regarding same. Mr. Becker conveyed his congratulations regarding the County being fifth most prosperous county in the State. Chairman Lange thanked Mr. Becker for his comments and asked Nancy McMichael, County Clerk, to make copies of the information provided by Mr. Becker for distribution to the Board.
5. **OLD BUSINESS**
  - A. **Resolution: Local Government Transmittal of Comprehensive Plan.** Chairman Lange said that this document was concerning the transmittal of the draft Comprehensive Plan to the DCA, and he asked Rick Morris, of the Lower Chattahoochee RDC, to respond to any questions of the Board. In response to questions, Mr. Morris said that the deadline is late March or early April to get the final document to DCA because the DCA has another 60 days to review same before it approves same, which must be in by June; that he has already sent the preliminary draft to the DCA for preliminary review to make sure all the required items are in place; and that the Resolution is in regard to the official review. Following discussion, Chairman Lange said that he was not ready to approve the Resolution and tabled the matter until the January 20 meeting. There were no objections to tabling this matter.
  - B. **Agreement: River City Construction Company (Health Department Renovation and Addition - CDBG).** John Taylor, County Attorney, said that minor changes have been made to the agreement since the last meeting; that the changes were mainly to correct the names of the entities and delete various sections that did not apply to this particular contract; that the Performance Bond, the Payment Bond, and the Certificate of Insurance must be added to the contract, and the Notice to Proceed cannot be issued until those documents are received; and he recommended approval of the document. The motion to approve the agreement pending receipt of the Performance Bond, the Payment Bond, and the Certificate of Insurance was made by Commissioner Manning, seconded by Commissioner Wyatt, and passed unanimously. (Document can be found in "Contracts & Agreements" file as C&A #09-01.)
6. **NEW BUSINESS**
  - A. **Appointments/Reappointments.** Chairman Lange said that several appointments and/or reappointments needed to be made for various boards. Action was as follows:
    - (1) **Agri-Center Board.** Upon the motion by Commissioner Loudermilk, second by Commissioner Wyatt, and unanimous vote, Alan Feagin, Kim Mobley, and Jim Fuller, Jr., were appointed to take the place of Jane Lawson, Mike Medlock, and James Rodgers whose terms expired December 31, 2008. The term for

Mr. Feagin, Mr. Mobley, and Mr. Fuller will be from January 1, 2009, to December 31, 2011.

- (2) Development Authority. Upon the motion by Commissioner Wyatt, second by Commissioner Loudermilk, and unanimous vote, Harry Boyd was reappointed, and upon the motion of Commissioner Loudermilk, second by Commissioner Whearley, and unanimous vote, Charles Wyatt (Commissioner) was appointed to take the place of Harry Lange (Commission Chairman), who preferred not to be reappointed. The term for Mr. Boyd and Mr. Wyatt will be from January 1, 2009, to December 31, 2012.
- (3) Library Board. Upon the motion by Commissioner Manning, second by Commissioner Wyatt, and unanimous vote, Maurine Avery, Pam Jackson and Vance C. Smith, Jr., were reappointed. The appointment of an individual to take the place of Mary Jones, who preferred not to be reappointed, was tabled to January 20. The term for Ms. Avery, Ms. Jackson, and Mr. Smith will be from January 1, 2009, to December 31, 2011.

At this point, Chairman Lange halted the appointments/reappointments in order to hold the scheduled Public Hearings. See item 8 below for continuance of same following the Public Hearing.

## 7. PUBLIC HEARINGS AT 7:30 PM

- A. Explanation of Public Hearing Procedures. Chairman Lange explained the Public Hearing procedures.
- B. Conflict of Interest Forms. The Conflict of Interest forms were completed at the request of Chairman Lange.
- C. Application of W. L. Willett to rezone 77.66 acres on Map 080, parcel 049, Land Lot 166, Land District 18, from R-1 (Single Family Residential) to A-1 (Agricultural Forestry); present use under development, proposed use 5+ acre country lots; property located on Harris Road. Chairman Lange called the Public Hearing to order and said that the Planning Commission and Zoning Staff had recommended approval with conditions. W. L. Willett, applicant, appeared before the Board and said that the property was rezoned in June 2007 from A-1 to R-1, but because of the interest in larger lots in order to have animals (horses), he wanted to have it rezoned back to A-1 and have 5+ acre lots; and that there would be 11 lots. Chairman Lange asked if anyone wished to speak in favor of or in opposition to this rezoning application. There being none, he closed the Public Hearing.

At the point, John Taylor, County Attorney, pointed out that the Zoning Ordinance dictates that the rezoning of the same property cannot be less than 24 months from the previous rezoning, and that the 24 months could be reduced upon approval by the Board, but to not less than 6 months. The motion to waive the 24-month waiting period to allow this rezoning application to go forward was made by Commissioner Wyatt, seconded by Commissioner Manning, and passed unanimously.

Commissioner Loudermilk then made the motion to approve this rezoning application with the conditions recommended by the Planning Commission, as follows: (1) no driveways to access Harris Road, (2) there be a natural buffer of 50 feet along Harris Road which cannot be disturbed, (3) Jack McClung to review to make sure there are no issues with the lake from the adjoining property, and (4) two acres of buildable property (in each lot) outside the flood plain. The motion was seconded by Commissioner Whearley and passed unanimously.

- D. Application of Michael Eddings, attorney for Michael B. Moon, to rezone 7.96 acres owned by Michael B. Moon, on Map 083, Parcel 017, Land Lots 260 & 285, Land District 17, from R-1 (Single Family Residential) to A-1 (Agricultural Forestry); present use residential, proposed use broadcast tower; property located at Lot 11, McKee Road, Upatoi. Nancy McMichael, County Clerk, said that this rezoning application was being removed from the agenda due to an advertising error on the rezoning sign (it indicated this hearing would be before the City Council of Waverly Hall at Waverly Hall City Hall) and that it would be placed on a future agenda when the advertising had been corrected and adjacent property owners notified.

## 8. NEW BUSINESS (CONTINUED)

### A. Appointments/Reappointments (continued)

- (4) Planning Commission. Upon the motion by Commissioner Loudermilk, second

by Commissioner Wyatt, and unanimous vote, James Rodgers (at-large) and Harvey Weldon (District 5) were reappointed. Action regarding the position held by David Grunfeld (District 4) was tabled to January 20. The term for Mr. Rodgers and Mr. Weldon will be from January 1, 2009, to December 31, 2012.

- (5) Recreation Board. Upon the motion by Commissioner Whearley, second by Commissioner Loudermilk, and unanimous vote, Holly Holloway (Waverly Hall YSA) was reappointed, Doug Martin (Hamilton YSA) was appointed to take the place of Sammy Hubbard, Chuck Herndon (at-large) was appointed to take the place of Jeff McManious, and David Burgamy (Cataula YSA) was appointed to take the place of Chris Shavers. Action regarding the position held by Christie Carroll (Pine Mtn YSA) was tabled to such time as a recommendation is received from the Pine Mountain Youth Sports Association. The term for Ms. Holloway, Mr. McManious and Mr. Burgamy will be from January 1, 2009, to December 31, 2011, and the term for Mr. Martin will be from January 1, 2009, to December 31, 2010.
- (6) Tax Assessors, Board of. Upon the motion by Commissioner Wyatt, second by Commissioner Whearley, and unanimous vote, Lisa Scully was reappointed for the term of January 1, 2009, to December 31, 2012.
- (7) Zoning Adjustments, Board of. Upon the motion by Commissioner Wyatt, second by Commissioner Manning, and unanimous vote, Billy Collins (District 1) was reappointed for the term October 1, 2008, to September 30, 2011. Action regarding the position held by Carl Gilliam (District 3) was tabled until the January 20 meeting.

**B. Public Hearing & Resolution: 9-1-1 Charge on Wireless Service (cell phones).**

Chairman Lange called the Public Hearing to order and asked John Taylor, County Attorney, for explanation. Mr. Taylor said that this is in regard to increasing the fee charged on cell phones from \$1.00 to \$1.50; that the County actually did such back in 2006 but learned it was not valid because the appropriate 9-1-1 equipment was not in place; that now that the new equipment is in place, the County is authorized by State law to increase the fee if it so desires. Chairman Lange asked if anyone wished to comment on this matter. There were no comments. Following a brief discussion by the Board, Chairman Lange closed the Public Hearing and asked for a motion. The motion to approve the Resolution to increase the cell phone fee from \$1.00 to \$1.50 was made by Commissioner Wyatt, seconded by Chairman Lange, and passed by a vote of four in favor (Wyatt, Lange, Loudermilk, Whearley), and one opposed (Manning).

**C. Public Hearing & Resolution: 9-1-1 Charge on Voice over Internet Protocol (voice connection to computer).**

Chairman Lange called the Public Hearing to order and asked John Taylor, County Attorney, for explanation. Mr. Taylor said that this is in regard to imposing a fee on voice over internet connections in the amount of \$1.50; that because the equipment is in place at 9-1-1, the County is authorized by State law to impose said fee. Chairman Lange asked if anyone wished to comment on this matter. Johnny Kuykendall, citizen, said that if cell phones have a fee, the phone service over the internet (such as Vonage) should also pay a fee. Following a brief discussion in which the Board was reminded that landline phones also pay a fee, Chairman Lange closed the Public Hearing and asked for a motion. The motion to approve the Resolution to impose a fee of \$1.50 for Voice over Internet Protocol was made by Commissioner Loudermilk, seconded by Commissioner Manning, and passed unanimously.

**D. September 2008 Financial Statement.** The motion to approve the September 2008 financial statement was made by Commissioner Wyatt, seconded by Commissioner Whearley, and passed unanimously.

**9. COUNTY MANAGER**

**A. Pate Park Expansion Projects.** Danny Bridges, County Manager, said that the current SPLOST includes funds for the expansion of Pate Park and that he would like to recommend several projects with an estimated total of \$141,680 but is requesting to spend up to \$150,000 for the projects. The project are: Tennis Courts (2) at \$25,000; Basketball Courts (2) at \$15,000; Practice Field for football/baseball/softball at \$16,000; Paved Road to Practice Area at \$58,000; Restroom Facility at Practice Field at \$6,000; and a 50-space Parking Lot at \$21,680. Following discussion, the motion to approve the Pate Park projects with expenses not to exceed \$150,000 was made by Commissioner Whearley, seconded by Commissioner Manning, and passed unanimously.

- B. **Proposal/Agreement with Farner Barley: Erosion Control in Northwest Harris Business Park.** Danny Bridges, County Manager, said that this agreement would be for the monitoring of erosion control in the Business Park; that there is a device in place that records rainfall and when it exceeds one-half inch, readings and samples must be taken to make sure the soil and erosion control devices are doing what they are supposed to do. Following discussion, the motion to approve this agreement was made by Commissioner Wyatt, seconded by Commissioner Loudermilk, and passed unanimously. (Document can be found in "Contracts & Agreements" file as C&A #09-02.)
- C. **Enrichment Services Appointment.** Danny Bridges, County Manager, reminded the Board that Susan Andrews had been appointed to the Enrichment Services Board pending the receipt of a letter stating her interest in being appointed; that the letter has not been received; that Enrichment Services is asking if the Commissioners know of another individual to appoint; and that the CEO of the Enrichment Services Program is asking to meet with the Commissioners to explain what Enrichment Services is and what it does. The Board would like to meet with the CEO, and Mr. Bridges is to set up same.
- D. **Mass Grading Bid (to be opened January 9).** Danny Bridges, County Manager, advised the Board that the bid opening for the Mass Grading project in the Northwest Harris Business Park will be on Friday, January 9, at 3:00 PM, and that because time is of the essence in this matter, it may be necessary to have a Called Meeting to award this bid as well as the bid for the Road Improvement project to be done in conjunction with the Mass Grading. He indicated that he would e-mail the results of the bid to the Board. There were no objections to having a Called Meeting next week, although Chairman Lange will be out of town until Thursday.
- E. **DOT Project Status Update.** Danny Bridges, County Manager, said that he has been informed by DOT officials of the status of several projects, as follows:
- (1) Highway 27 (widening from Turnberry to Gatlin Lane). The right-of-way acquisition is being moved from 2009 to 2011.
  - (2) Bridge Crossing on Georgia Highway 219 at Mountain Creek. The engineering of same has been moved from 2009 to 2012.
  - (3) Bridge Replacement on Fortson Road at Standing Boy Creek. The engineering of same has been moved from 2009 to 2010.

10. **COUNTY ATTORNEY**

- A. **Agreement: Southern Wilderness for Airport T-Hangar & Apron Site Prep & Paving.** John Taylor, County Attorney, said that he had reviewed the agreement; that additional wording is necessary on the Payment Bond and the Performance Bond referencing that it is governed by the Georgia Local Public Works Construction Law; that a Certificate of Insurance is needed; and that while one Power of Attorney was submitted for each of the Payment and Performance bonds, he recommends that there be a Power of Attorney for each bond; and subject to those changes and items, he recommended approval of same. In response to questions, Danny Bridges, County Manager, said that it is not the fault of W.K. Dickson, our Airport Consultant, that this project is several months behind; it is because this is a Federal/State contract and we do not yet have the contract back from the State; and that there is a pre-construction meeting scheduled based on receipt of the contract from the State. The motion to approve this agreement, pending the insertion of the wording on the Payment Bond and the Performance Bond, the receipt of the Certificate of Insurance, and a Power of Attorney for each of the two bonds, was made by Commissioner Manning, seconded by Commissioner Wyatt, and passed unanimously. (Document can be found in "Contracts & Agreements" file as C&A #09-03.)
11. **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