

**HARRIS COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION**

July 7, 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 June 16, 2009, Regular Session was made by Commissioner Loudermilk, seconded by Commissioner Wyatt, and passed unanimously.
3. **OLD BUSINESS**
 - A. **Betty Lawrence: Water Works Bill/Issues.** Chairman Lange said that this matter had been tabled to this meeting in order to receive the meter test results. He asked Danny Bridges, County Manager, to explain the results. Mr. Bridges said that the meter was tested by a third party and the results showed there is nothing wrong with the meter; that Ms. Lawrence had stated in a previous meeting that there was not a faucet outside, but he has been to her home and found a faucet with a hose connected to it; and that he recommends denial of her request to reduce the water bill because whatever happened occurred on her side of the meter. The motion to deny the request to reduce the water bill was made by Commissioner Wyatt, seconded by Commissioner Loudermilk, and passed unanimously.
4. **NEW BUSINESS**
 - A. **Proclamation: No GM or Chrysler Vehicles.** Chairman Lange said that Mike Patton had signed up to speak about this Proclamation, and he asked Mr. Patton to make his comments. Mr. Patton said that he lives in Harris County; that his business is in LaGrange where he has a Chrysler/Dodge/Jeep dealership that also includes Honda, Ford, Lincoln, and Mercury; that he is concerned about the proposed Proclamation, which basically boycotts GM and Chrysler products being sold to the County. He then read an e-mail from Jay Stelzenmuller, who owns a GM dealership in Columbus, and prefaced same by saying that he has not taken a position on the Federal bail-out as to whether it is right or wrong, but believes that businesses should abide by the law, but the situation is beyond our control; and that as dealers, they have to try to survive. (The e-mail can be found in "Miscellaneous Documents" file as MD #09-05.) Upon conclusion, Mr. Patton said that he agrees with most of the e-mail; that if the Proclamation is approved, Harris County taxpayers will be adversely affected by eliminating potential comparatives for the County fleet, and will defy the State's procurement policy as well as the County's ordinance regarding bidding practices; that there would be an adverse impact on the employees who work for GM or Chrysler and would be a disservice to those automobile dealers and their employees, many of whom pay taxes in Harris County. He said he is not defending GM or Chrysler; that everyone knows they done wrong things and have put themselves in the position they are in, but they did not cause the "meltdown" that is taking place which was caused mainly by financial institutions and the government for allowing homes to be financed for anyone who can fog a mirror; that the biggest recipients of the automotive bailout were the unions. He asked that the Board consider its decision regarding the Proclamation. Commissioner Wyatt said that he proposed the Proclamation not to hurt people like Mr. Patton, but that it is beyond his comprehension that the citizens of Harris County should pay for the salary, benefits, and retirement of the UAW, and that he cannot see the County contributing to that. Mr. Patton said that he can't say that he disagrees with that, but the Proclamation is worded in a way that the consequences could adversely cause harm to citizens; and he asked the Board to think about the unintended consequences of the Proclamation. Commissioner Wyatt said that he would like to table this matter until the July 21 meeting.
 - B. **Request for Tax Refund: Michael L. McAbee.** Chairman Lange said that a request had been made for a refund in the amount of \$294.45; that apparently there is a 59 day window regarding birthdays and the purchase of a new vehicle; that the vehicle was purchased 63 or so days prior to his birthday; that the Tax Commissioner has indicated the tax is owed; and that the Tax Commissioner and Board of Assessors disagree with the refund request. Commissioner Loudermilk made the motion to approve the refund due to the circumstances of Mr. McAbee having had neck surgery and missed the deadline a few days. The motion was seconded by Commissioner Whearley, and passed unanimously.

- C. **Financial Statement: May 2009.** The motion to approve the May 2009 Financial Statement was made by Commissioner Wyatt, seconded by Chairman Lange, and passed unanimously.
- D. **First Reading: Application of Gina Stein for Package Store at Hamilton Beer & Wine, 9118 US Highway 27, Hamilton.** Chairman Lange said that this was the first reading and read the specifics of the application. The applicant, Gina Stein, was present but had no comments. Chairman Lange asked for a show of hands of those in favor of the application, and three people raised their hands. Chairman Lange then asked for a show of hands of those in opposition to the application, and one person raised his hand. Chairman Lange then asked if anyone wished to speak in favor of or in opposition to this application. Robert Archer, citizen and owner of the Backwaters Package Store, appeared before the Board and said that while this business would not have any conflict to his business, it may possibly interfere with two other businesses and draw customers from them; and that in that regard, he believes this does not make good growth sense to allow this business between two other businesses. Chairman Lange said that the Second Reading would be held during the July 21 meeting.

5. **COUNTY MANAGER**

- A. **Supplemental Insurance.** Danny Bridges, County Manager, said that the County currently does payroll deductions for several companies from whom employees have purchased various types of insurance, to include several for whom there is only one or two employees for whom payroll deductions are necessary; and that in an effort to reduce the number of companies to whom payroll deductions are made, he would like to give those employees the option of changing to one company or continuing with the company they have but make arrangement to pay the premiums themselves, and for a comparison to be made of the products offered by the current supplemental insurance companies in order to limit the companies from whom employees may purchase such insurance through payroll deductions. There were no objections from the Board.
- B. **United Way.** Danny Bridges, County Managers, said that United Way would like to conduct a campaign; and that if there are enough employees interested, then payroll deductions could be made. Consensus was to have the United Way representatives at the July 21 meeting to discuss how United Way benefits Harris County, after which the Board would decide about having such campaign.
- C. **Stonegate Soil & Erosion Bond.** Danny Bridges, County Manager, said that \$40,000 of the \$49,950 bond for the soil and erosion issues related to Stonegate, a development in Pine Mountain, has been refunded to Stonegate of Pine Mountain, LLC, and that such action, which was approved by the majority of the Board via e-mail or phone calls, needs to be ratified. The motion to ratify/approve the refund of \$40,000 to Stonegate of Pine Mountain, LLC, was made by Commissioner Manning, seconded by Commissioner Whearley, and passed with four in favor (Manning, Whearley, Lange, Loudermilk) and one opposed (Wyatt).

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

- A. **Conflict of Interest Forms.** At the request of Chairman Lange, the Conflict of Interest forms were completed.
- B. **Explanation of Public Hearing Procedures.** Chairman Lange explained the procedures involved with the Public Hearing.
- C. **Application of John Rodgers to rezone 29.82 acres formerly known as Coco Hollow Tree Farm, in Land Lot 92, Land District 19, Map 029, Parcel 094, from R-1 to CORD (Commercial Outdoor Recreation Development), present use is undeveloped, proposed use is for youth recreation; property location on Highway 315 at Coca Hollow Road.** Chairman Lange called the Public Hearing to order, read the specifics of the application, and said that both the Planning Commission and Zoning Staff had recommended disapproval of the application.

John Rodgers, applicant, and Keith Wright, an associate, appeared before the Board. Mr. Rodgers said that they want to rezone the property for the purpose of constructing ballfields in the Mountain Hill area for use by the local teams as well as travel ball; that there are no area fields for travel ball; that he was born, raised, went to school in, and works in Harris County; that he is trying to give back to the community and work with the children. Mr. Wright said that the rezoning is not only for the ballfields, but for a concession building, restroom facilities, and a shelter for inclement weather; that the primary purpose will be to host travel baseball and softball tournaments, which will cater to children ages 13 and under; that the project

will be beneficial to the community and will not adversely affect the adjacent property owners; that they have had the property surveyed and environmentally studied, have contracted with state licensed contractors for tree removal and perform any grading, and have architects ready to proceed on the project; that they have taken steps to minimize the impact on surrounding properties during the development process; that they anticipate it will take 6 to 9 months to complete the project; that there will be ample greenspace, at least a 50' buffer around the entire property, terraced hills to minimize grading impact, state-of-the art restroom facilities that use virtually no water, sitting areas, benches, ample parking, drinking fountains, and a paved entrance and exit; that the lighting is the most technologically advanced field lighting available, called SoftLight; that there will be no loud speakers incorporated in the facility; that staff will be employed regarding waste disposal and security of the facility; that they intend to be good neighbors; that the facility will be family-oriented, value-driven, adult-supervised and community purposes; that it will allow for additional practice fields for area ball teams at least a couple of days a week; and that this will be a win-win project for the citizens and the developer and the best possible use of the property.

In response to questions from the Board, Mr. Rodgers and Mr. Wright said that many of the travel teams will be local and from other areas of the state and country; that different teams are played; that travel ball is a little more advance than Little League in that the pitching and bases are farther apart; that there may be as many as 20 travel ball teams in Harris County; that no inning will start after 10 PM, which is the same rule as Little League, and last the length of the inning; that they are planning on four fields in a cloverleaf pattern, with one or possibly two smaller fields next to the four; and that because Coco Hollow Road provides the only access to the property, he would be widening that road.

Chairman Lange said that due to the number of people present regarding this matter, the Board does not want to hear the same comments over and over, and that in this regard, he is going to limit comments to five minutes per person. Regarding those in favor of the application, he asked for a show of hands, and approximately 70 people raised their hands. Of those individuals, he then asked for a show of hands of those who reside in Harris County, and approximately 55 people raised their hands. Of those individuals, he then asked for a show of hands of those who are age 18 and over, and approximately 40 raised their hands. Regarding those in opposition to the application, he asked for a show of hands, and approximately 65 people raised their hands. Of those individuals, he then asked for a show of hands of those who reside in Harris County, and approximately 60 people raised their hands. Of those individuals, he then asked for a show of hands of those who are age 18 and over, and approximately 55 raised their hands.

Chairman Lange asked if anyone wished to speak in favor of the application.

Nancy Wall, citizen who lives on Mountain View Drive in Hamilton, appeared before the Board and read a letter from Miranda Bass, the High School Band Director, in support of not only the project but indicating the support and contributions made by Mr. Rodgers to the High School Band. (Letter can be found in "Miscellaneous Documents" file as MD # 09-06.)

Roger Culpepper, citizen who lives on Hopewell Church Road, appeared before the Board and said that the project is a good one for the County; that he has been involved in travel ball; and that the income from such includes not only the fee for the ballfields, but the gas and food the members buy.

Phillip Cason, citizen who lives on Turkey Trail, appeared before the Board and said that he has known both Mr. Rodgers and Mr. Wright for some time; that he has lived in the County for 18 years and has coached over 12 years; that more ball fields are needed in the area; that whole families come to travel ball parks; that the kids are not dropped off; that it is a different caliber of people; that everything Mr. Rodgers and Mr. Wright have done has always been first rate and they follow through with everything they have said; and that he supports this project.

Orville Mooneyham, citizen who lives on Myhand Road, appeared before the Board and said that during the 34 years he has worked with the School system the Rodgers family has donated time, equipment, built backstops and playgrounds so that kids will have places to play; and that this project is for the County.

Cheryl Johnson, citizen who lives on Hopewell Church Road, appeared before the Board and said that she has lived in the County for 32 years; that the Rodgers family contributed to the ballfield behind Mountain Hill where her children went to school; and that if not for the Rodgers family the fields would have been lacking for many things.

Garnett Ray, citizen who lives on Tiger Way, appeared before the Board and said that he lives about one mile away from the proposed facility; that he is a member of the Mountain Hill Athletic Association which would benefit from the facility; that this year at Mountain Hill there were 18 teams that accounted for 250 children; that the Mountain Hill community does not have its own facility; that Cataula has three fields maintained by the County; that Waverly Hall has two fields maintained by the County; that Pine Mountain has several fields maintained by the County [note: the County mows the fields for Cataula and does not maintain the other fields mentioned]; that the County tried to put a facility on Terry Lane, the grading and clearing of which was performed by Mr. Rodgers, but unfortunately there was a landowner conflict and the project fell through; that it's hard to find places to practice; that T-ballers (5 and 6 year olds) have practiced at Pate Park at 7:00 PM just to get in one practice a week; that they try to utilize the facility behind Mountain Hill School, but it is aged and no longer safe; that if it wasn't for donations of individuals of their fields, there would be no place to practice; that the fields at Pate Park have to be shared with the Cataula community; that they see the proposed facility as a positive impact by providing a place to practice; that he has known Mr. Wright and Mr. Rodgers many years and they have contributed graciously over the years; and that he can't see the proposed facility being nothing but something for which the Mountain Hill side of the County could be proud of and would welcome.

Mark Bise, citizen who lives on Georgia Highway 219, appeared before the Board and said that he moved to Harris County about 20 years ago; that they moved to the country and lived on approximately 75 acres; that during the Planning Commission meeting, people spoke about having moved to Harris County "to live in the country", but Chase Plantation is not "living in the country" with 150 homes on one- or two-acre lots; that regarding traffic, travel ball tournaments are on weekends, maybe Friday, Saturday and Sunday, with many teams being gone by lunch on Sunday, but with a neighborhood with 150 homes, there are about 300 vehicles going in and out every day; that he supports the proposed complex and feel it will be beneficial to the County; that there will be growth with the development of The Grove, which is supposed to include commercial areas; that the proposed complex will have greenspace and provide a place for the community to utilize.

Jamey Anderson, citizen who lives on Fortson Road, appeared before the Board and said that she has two children, one of whom plays Little League and the other who plays travel ball; that her parents live next door and her sister and brother in law next to her parents; that her sister and brother in law have allowed teams to use the bottom of their land for a baseball/softball practice field; that Mr. Rodgers and Mr. Wright have contributed their time and equipment to help the field look like a field to include bringing in tons of dirt and rock to align Standing Boy Creek so that no flood would result from rain; that the traffic and parking at Pate Park during the Little League time frame is horrendous, even though there is a lot of parking; that she has traveled 17 miles one-way for her child to attend practice in Waverly Hall; that the type of lighting planned for the complex is "soft" and hangs over the field to eliminate illumination of surrounding areas; that greenspace is plentiful; and that she is in favor of the application because it will help the community.

Steven Cooper, who lives on Pierce Chapel Drive, appeared before the Board and said that his children play ball in Harris County; that his son's team practices hard and wins; that he drives wherever he needs to find the best fields for practice and to play with a winning team; that the proposed complex will give the local kids a place to call home and display their trophies; and that such a complex is important to the future, the community and the kids.

Christie Malo, citizen, appeared before the Board and read a letter from Willie Batley, III, citizen whose property is adjacent the subject property. The letter indicated that his property joins that of Mr. Rodgers; that he has no objections to the proposed complex; that everything he has asked as it relates to his concerns, Mr. Rodgers has addressed in a timely manner to include keeping a buffer of trees between the properties, putting gravel on the road after damage by heavy machinery; that he believes there will be no harm or malicious activity resulting from the proposed complex and that it will only be good for the community to give families a place to spend time with each other.

Al Garcia, who lives in Columbus, appeared before the Board and said that his oldest son graduated from Harris County, but they now live in Columbus due to his younger son's health; that ball teams give kids an opportunity to grow - in their relationship with God and their work ethics through an organized situation; that the children are the future and we can only help them grow; that Mr. Rodgers gives back to the kids; and that the rezoning should be approved.

John Brown, citizen who lives on Lower Blue Springs Road, appeared before the Board and said that one of his sons plays in the Mountain Hill Little League; that this

past year, once the season began, he was unable to practice simply because there was no place to practice; that it's a shame there is no ample practice space; that there is nothing in the area that would rival the proposed facility; that his older son plays travel ball and travels all over the southeast; that games on Friday evenings finish up no later than 10:00 PM, run from 8:00 AM to about 10:00 PM on Saturday, and on Sunday games are usually over at noon, but can run to around 5:00 PM if there are championship games; and he asked that the rezoning be approved.

Mark Singleton, citizen who lives on Slappey Drive, appeared before the Board and said that he has coached games with Mr. Rodgers; that when his son played on a team 15 years ago, he was shifted around from field to field and was unorganized, but after getting involved with Mr. Rodgers and Mr. Wright, everything got better through their contributions; that the Rodgers family has always reached out to the community; and that Mr. Rodgers will always do what he can to help.

John Stewart, of LaGrange, appeared before the Board and said that he has been involved with a travel ball team over a year; that he drives to Harris County about four or five times a week to bring his grandson to play ball; that he has traveled to Prattville, Auburn and Birmingham, Alabama, to Atlanta, and just got back from Nebraska and he would have preferred to have spent his money in Harris County; that it's really a compliment to the County for Mr. Rodgers to be willing to spend the money it's going to cost to develop the project; and he asked the Board to give the application favorable consideration.

Trina Alexander, appeared before the Board, and said that with all the areas zoned for subdivisions and commercial, the County is going to have to end up building new baseball fields; and that if Mr. Rodgers is willing to build a baseball park, it will save the County money in time of a budget crisis.

There being no further comments in favor of the application, Chairman Lange asked if anyone wished to speak in opposition.

Tommy Greenhaw, developer and citizen who lives on Caldwell Court, appeared before the Board and submitted a petition in opposition to the rezoning application. Mr. Greenhaw said that his family has been here about 10 years and developed Chase Plantation; that the question is not whether or not ballfields are needed, but if the project is in the right place; that based on comments by Mr. Rodgers, the complex can be operated five out of seven days; that the opposition petition includes the signatures of 15 people of the 17 whose property touches the subject property; that the generosity of the Rodgers family over the years has nothing to do with putting in a ballfield in the middle of a residential area; that the Land Use Plan indicates this property as being residential/agricultural; that the project would be a disadvantage to the neighbors due to the traffic, the lights, and the noise. (Petition can be found in "Miscellaneous Documents" file as MD #09-07.)

Craig Greenhaw, citizen who lives on Caldwell Court, appeared before the Board and said that his home backs up to and touches the subject property; that 15 of the 17 abutting landowners are opposed to the rezoning; that those people would be most impacted by the rezoning as well as the 166 people who live within a mile of the property and who also signed the petition in opposition; that it is requested that the Board follow the recommendation of the Planning Commission and deny the rezoning because of its non-conformity with the existing and the future Land Use Plan; that the surrounding property owners are willing to commute 15 to 40 minutes in order to enjoy the peaceful and tranquil lifestyle in Harris County; that the Board is asked to protect the homeowners' investments, put aside personal friendships or political influence in its decision; that the property owners in the area should not be asked to suffer that lack of due diligence of Mr. Rodgers upon initially purchasing the property; that upon proper planning, the use of alternative septic systems would enable the construction of residential homes on the property; that traffic noise and congestion, and the loss in property values would result in the rezoning; and that he asked the Board to deny the rezoning.

Larry Price, citizen who lives on Joseph Court, appeared before the Board and said that in addition to the noise, trash from the games, and games lasting until late in the evening, there are environmental/erosion issues that will result. He distributed four photographs to show what happens to his property, which is below the proposed complex. Mr. Price said that photos were taken when the property was completely stripped of all trees and vegetation; that the slope of the land is about 60 degrees; that his property gets a lot of water run off from the subject property, even more now than before; that Mr. Rodgers did install hay bales, but the runoff goes around or over the bales; that there is clay and silt at the bottom of his driveway; and that if anything is sprayed on the fields, he will also be getting the run off from those chemicals. (Photographs can be found in "Miscellaneous Documents" file as MD# 09-08.)

Brenda Kosobucki, citizen who lives on Red Oak Street, appeared before the Board and said that when she leaves her driveway, she can see where the property is being cleared; that her concern is that the day for her and her husband start at 3:45 AM and that they are usually in bed by 8:30 PM; that she has nothing against travel ball and appreciates everything Mr. Rodgers has done and is doing for the children; and that the noise resulting from the almost nightly games will intrude on their lives.

Patricia Morris, citizen who lives on Dogwood Lane, appeared before the Board and said that no one is attacking the character of Mr. Rodgers, Mr. Wright, or the ball players; that work ethics don't start on the ballfield, but at home; that they moved from Poplar Place to this area in order to get further away from commercial areas; that teams referred to by Mr. Ray were not all baseball or softball teams; that it is not fair to not consider the families in the area; that as far as bringing in revenue, there are two gas stations at the end of the road, but most of the revenue will be obtained by Mr. Rodgers; that if children want to participate in sports, the parents must be prepared to be responsible for getting children to and from the sports; that parents don't always watch their children at ball games, so children can roam around and trespass; and that the Board should consider the neighbors in the area.

James Goodman, citizen who lives on Highway 315, appeared before the Board and said that his brother originally owned the subject property; that his property is adjacent to the subject property and the property line is within 50 to 75 feet of his lake; that there is another lake in the area; that he is concerned about the liability issues more than anything else; and that he is not against ball playing but this is the wrong location for a ballfield.

Lyn Dye, citizen who lives on West Pine Drive, appeared before the Board and said that she moved to the area in 1996 and takes in rescued wild birds and rehabilitates them; that a lot of the habitat has been destroyed; that her concern is that the lights and traffic will cause confusion with the birds and there will be more road kills; that the peace and tranquility will be gone; and that she asked that another location for the complex be considered.

Amanda Presley, citizen who lives on Cecily Court, appeared the Board and said that her children played sports; that they moved to Chase Plantation for the peace and quiet of the area where there is very little traffic; that they enjoy the privacy and quietness, which is what retirees want; and that there are other properties in the County that would be better suited for a ball complex.

Juanita Gilman, citizen who lives on Steven Court, appeared before the Board and said that she had spoke to each of the Commissioners and sent each an e-mail regarding her opposition to the rezoning; that she and her husband moved to Chase Plantation seven years ago; that they like it and would like it to stay that way; that they didn't move to be next to a ballfield; that they are not anti-children or anti-ball, but this is not the proper location for a ballfield complex; that this is not about the contributions of Mr. Rodgers or his family, but about taking property zoned as R1 and changing it to commercial recreational use which will adversely affect those who have invested their life savings in their homes; and that those investments should be considered.

Tom Cain, citizen who lives on Cecily Court, appeared before the Board and said that this is an emotional issue for everyone involved; that there is concern about the quality of life in the neighborhood, the safety, the traffic, the ingress/egress, and the investments made by the residents in their homes; that the people who live in the area picked Harris County, Harris County did not pick them; that this is country to them, but may not be to those who have larger pieces of property; that they are not anti-kids or anti-baseball; that while they understand growth, they are concerned about where it is; that everyone wants something, except when it's in their backyard; that the fact is that Mr. Rodgers made a bad decision in buying land with the intent to do a residential development, but discovered that could not be done economically, so he got "baseball religion", and the citizens in that area should not have to subsidize for his ill-advised business decision; that the rezoning would be in contradiction to the Comprehensive Land Use Plan; that the Planning Commission has recommended disapproval; and that this is a difficult decision for the Board to make.

Tim Mayse, citizen who lives on Joseph Court, appeared before the Board and said that he is not anti-children or anti-ball; that this rezoning could be considered spot zoning since the intended use differs from that of the surrounding area; that there are court cases where such zoning is not justified if it causes a detriment to adjacent properties; and that travel ball is a luxury, a home is a lifetime necessity.

Thomas Vowell, citizen who lives on West Pine Drive, appeared before the Board and said that the lighting issue will be a problem; and that he commends Mr. Rodgers

for what he has done for the community. He then briefly discussed a previous approval given to Rodgers Metal Craft where the noise from the metal works is disturbing. He said that while the ballfields are a great idea, the location is wrong, and the property values will drop, which will make it difficult for anyone to sell their homes.

Sharon Murad, citizen who lives on Craig Court, appeared before the Board and said that she has talked to several people who live around Britt David Park in Columbus, most of whom have an issue with the lights, traffic, noise, and teenagers in the park late at night; that these issues are something that she does not want to have to endure; and asked the Board to consider the issues in making its decision.

Vickie Mayse, citizen who lives on Joseph Court, appeared before the Board and said that her property is adjacent to the proposed commercial venture; that she spent a lot of time at Moultrie Park with her sons and they know a lot about sports; that they traveled with travel ball and high school ball; that all the games were through Parks and Recreation, not in a neighborhood; that they never traveled and played in a situation in a neighborhood; that they support sports, but not a commercial venture in their backyard; that travel ball is big business and is currently played in LaGrange and run by Parks and Recreation and not in a neighborhood; that entry fees can be \$300 to \$500 per team in addition to maintenance and field fees; that travel ball tournaments are held at Golden Park and South Commons in Columbus, managed by Columbus Parks and Recreation, are how those parks "make their living", with games going to 3:00 and 4:00 AM, with athletic officials providing security and who call 9-1-1 when necessary, with state of the art lighting and sound systems; and that Sheriff Jolley has indicated the subject property is in a high-traffic area.

At this point, Chairman Lange recessed the Public Hearing for a short break. He then asked if anyone else wished to speak in opposition to the rezoning application.

Ray Groff, citizen who lives on West Pine Drive, appeared before the Board and said that the ballfield will be less than one-half mile from his home and he works eight to twelve hours a day; that with the increase in traffic, there will be a higher rate of traffic accidents; and that he does not want his property values to reduce.

Kurt Morris, citizen who lives on Dogwood Lane, appeared before the Board and said that while it has been said that the proposed ballfields will be for the children, its primary purpose will be travel ball; that there is a lower percentage of children that play travel ball than there are that play ball; that he is not convinced this is about the children; that no one makes this type investment unless they are looking at recouping their investment through travel ball from anyone willing to pay the fee and use the fields, and because of that, he doesn't think it is entirely for the children; that this sounds like a perfect opportunity for the County to build a travel ball facility near Hamilton to help out the local businesses in that area, and the revenue generated from the fields could be used to help the County grow; that this is the wrong place to develop a ballfield complex; that there are other places in the County on which a complex could be developed by the County Recreation; and that he hoped the Board will look after the interest of the citizens of the area.

Linda Clark, citizen who lives on West Pine Drive, appeared before the Board and said that she is very familiar with travel ball, having had a child on such a team; that they understand the need for ballfields; that travel ball is a luxury, a business, made up of children whose parents work hard and pay, if ones child is accepted, the parents pay membership fees, travel to various places to play ball; that they have traveled as far south as Miami, as far west as Colorado, and as far north as Pennsylvania; that people playing at the proposed complex could come from anywhere in the US, depending on how large of an organization it is and the advertising; that they have attended games that have started as early as 8 AM and lasting until 2 AM or 3AM the next morning; that teams can pay \$400 to \$800 per team to participate in a tournament; that tournaments are to "crown a champion" and it may take until 3AM to do so; that if there is a time limit, there will be upset teams and parents; and that each game can last an hour to an hour and 15 minutes with games played back-to-back.

James Clark, citizen who lives on West Pine Drive, appeared before the Board and said that he has coached for 20 years; that travel ball is a business and is for making money; that Mr. Rodgers has given a lot to the community, which is appreciated, but when the property was cleared, a 50 foot buffer was not left; and that regardless of whether someone has 75 acres or one acre, there is no difference, people put their life savings into their homes.

Lewis Cochran, citizen who lives on Caldwell Court, appeared before the Board and said that if the rezoning is permitted, it will set a bad precedent for a community; that the plus side is whatever revenue the County might gain from the complex and on the negative side is the decrease in tax revenue from the 500 residences within one mile

and another 250 residences along the 315 corridor; and that he will fight his tax assessment if this rezoning is permitted.

Rob Murad, citizen who lives on Craig Court, appeared before the Board and said that rule one of business is common sense, and that this is a common sense situation that dictates the correct solution, of which the Board is aware.

Darrell Granger, citizen who lives on West Pine Drive, appeared before the Board and asked that the Board consider those who live in the neighborhood and think about if they would want a ballfield in their neighborhood.

Bill Pilcher, citizen who lives on West Pine Drive, appeared before the Board and said that the ballfield complex would touch the back of his property; that if there is a decel lane on Highway 315, it may impact his property; that a few months back a medical facility wanted to rezone to commercial and it was voted down; that the traffic would be a big problem, especially with one way in and one way out for the complex and will only add to the existing traffic.

Phillip Burrell, citizen who lives on Steven Court, appeared before the Board and said that he wanted to thank Mr. Rodgers for his service to the community; and that safety should be taken into consideration particularly due to the two lakes near the property.

Deborah Disselhorst, citizen who lives on Caldwell Court, appeared before the Board and said that she is not anti-children; that the people who spoke in support of the ballfield complex go to the fields for a couple of hours and then go home, whether it is to 75 acres or a trailer, and the neighbors around the subject property are home and can't go anywhere; and that they did not move into an area that had ballfields, they were there first.

There being no further comments in opposition, Chairman Lange asked Mr. Rodgers and Mr. Wright for rebuttal.

In rebuttal, Mr. Wright said that they realize this is an emotional issue; that the proposed complex will impact adjacent property owners in some way; that the Comprehensive Plan indicates there should be one ballfield for every 1,000 citizens, and with 27,000 citizens there should be 27 fields, but there are about 15; that the Comprehensive Plan does not indicate any areas for future development of ballfields, without having to rezone property; and that they are not seeking C-1, C-3 or C-4 zoning, but a CORD, which prevents the usual businesses allowed in the other "C" districts. Regarding traffic, Mr. Wright said there are about 200 lots within a half-mile (Mulberry Estates), and at 2.1 vehicles per household, that's about 420 vehicles on a two-lane road everyday; that there are about 100 lots in Chase Plantation, and at 2.1 vehicles, that is 210 vehicles everyday; that Mulberry Creek, the new middle school, and Pate Park all have ingress/egress in front of Arbor Ridge subdivision; that during the school year, there's even more traffic; and there are no traffic concerns in any of those areas. In addition, he said, that there are 18 players per field on five fields is 72 players per game, and at 2 vehicles for each player is 144 more vehicles per game than the current daily vehicles; that they are planning on a two-lane paved entrance and exit that Mr. Rodgers will pay for on a County-maintained road to make the complex area more accessible; and that currently there is one occupied residence on Coco Hollow Road, and that property owner is in favor of the complex. Regarding hours of operation, Mr. Wright said that he has been involved in travel ball several years and has never played until 3 AM; that the hours of operation will be that no inning will begin after 10 PM; that because this is a business, they can determine how to run the business; that any team that signs up for a tournament will be given the rules to which they will have to abide; that the complex will be open to community use during the day, at least two days a week, which will allow practice by 20 teams; that the lights will be turned off no later than 30 minutes after the last game is played; and that all traffic should be gone no later than 11 PM, to include employees and volunteers. Regarding the lights, Mr. Wright said that while South Commons has state-of-the-art lighting, it was built for the 1996 Olympics and lighting has come a long way; that they currently plan to light four fields (the ones in the clover-leaf) with the lights between the fields serving two fields and four lights around the back of each field, for a total of 16 lights; that the lights are more expensive than the standard lights and will give off no residual glow 50 feet from the light; and that the lights are designed to be family, home friendly, and environmentally friendly. Regarding erosion control, Mr. Wright said that anytime there is development, there will be sedimentary changes; that permits had to be obtained to move the soil. He then submitted and explained various photos (not numbered or labeled) to include an aerial photo taken four years ago showing no trees because the property was bush-hogged, the untouched trees, approximately 60 to 65 feet tall, on the Chase

Plantation side of the property, the proper silt fencing that is in place; the property of the individual who claimed to have run-off of clay and silt showing a tree planted in front of the culvert, no standing muddy water (photo taken while it was raining), concrete block slabs placed by the property to curtain previously existing wash-out issues, the hay bales in place, and erosion issues on Caldwell Court in Chase Plantation. Regarding property values, Mr. Wright said that a ballfield is paramount to a swimming pool where some like it, some don't, depending on the individual; that there is no evidence that property will be worth less or more because of a ballfield in the area; that there wasn't a problem with putting \$300,000 and \$400,000 homes on property adjacent an area zoned MHU (manufactured housing units), and he submitted two additional photos of a property within the MHU. Regarding spot zoning, Mr. Wright said that it doesn't necessarily mean there are not any commercially zoned properties in the area; that there are other commercial properties in the I-185 area to include in The Grove, a gas station, Oak Grove, the monument business, a shelter business, and a moving/storage facility; that the subject property actually touches only three other pieces of property; that the slope is not 60 degrees, but only 32 degrees (he submitted four photos showing same); and that the MHU property has a median home value of between \$70,000 and \$80,000, with some as low as \$25,000, and did not stop the developers of Chase Plantation from developing their property. Regarding security and trespassing, Mr. Wright said that they don't see a need to fence the whole property; that the facility will be insured; that they don't anticipate having people wander onto other property; that they currently have people wandering onto the subject property taking photos, hunting, shooting skeet, using it as a driving range, riding four-wheelers, and has basically been utilized for community recreation already; that the property has been vacant for five years since it was rezoned to R-1 and they just didn't suddenly get "baseball religion". Regarding the lakes, Mr. Wright said that there are no fencing around either lake now or around the properties; that there are numerous children in the area that can already wander onto the property and to the lake; that there is an unfenced lake near Pate Park; that the Sheriff's Office reports no incidents of vandalism, drowning, lost children, or anything of that nature by patrons at ballfield facilities. Regarding peace and quiet, Mr. Wright said that they realize people work hard; that those people who moved in believing surrounding property would not be rezoned should know that every citizen has the right to apply to rezone their property; that with minimum lots sizes, it's difficult to see how peace and quiet can be achieved on one-acre subdivision lots; that they plan to have noise abatement procedures in place; that in Georgia the accepted standard noise range for an exterior park facility next to a residential community is 67 decibels. Regarding the commercial aspects of the complex, Mr. Wright said that the commercial activity would be charging teams to play on the field and for food, bats, gloves, etc., at the concession; and that the complex will be used six days a week, possibly seven. Regarding various other topics, Mr. Wright said that harsh chemicals won't be used on the grass; that the best possible use of the property is the ballfield complex; that the capital investment will be \$400,000 to \$500,000; that R-1 zoning is probably not the proper zoning for animal or wildlife rehabilitation; that growth is going to occur in the County; that this will be private park; that there are many ballfields adjacent to residential areas; that alcoholic beverages will not be served on the fields; that they have done everything to alleviate concerns of the nearby property owners; that they have put a lot of time and effort into making sure the lighting, restrooms, concessionaire facility, entrance, exit, and security is right; and that they feel this complex is in the best interest of the community and the County to rezone the property. (Photographs can be found in "Miscellaneous Documents" file as MD# 09-09.)

Mr. Rodgers said that he agrees with Mr. Wright's comments and apologizes for not contributing more, but left his glasses at home; and that in reference to the comments about Rodgers Metal Craft, it was not a rezoning, but an expansion of the business, and houses were in the area and more have been built since then.

Mr. Wright read a letter from Melanie Ornowski, citizen who lives on Caldwell Court, in support of the complex, asked that the Board consider the concerns of the few versus the benefits of many, and said that they will be good neighbors and an attribute to the County and the community in addition to following all County rules and regulations regarding the property development.

Chairman Lange asked if the Board had any comments or questions. In response to questions, Mr. Wright said that there will not be any adult travel teams playing on the fields because the fields will not be large enough for adult teams; that they anticipate about 20 tournaments a year, but as the business grows, no more than 35 to 40 tournaments a year.

There being no further comments or questions, Chairman Lange closed the Public Hearing. He thanked everyone for being in attendance and taking part in the rezoning process. He said that the Board fully recognizes the need for additional recreational facilities in the County and are looking at a community recreation center

as well as additional ballfields.

John Taylor, County Attorney, reviewed the definition of a CORD (Commercial Outdoor Recreation Development), the rezoning standards on which the Board should make its decision, and reminded the Board that should approval be granted, the Board may impose any conditions that it so desires regarding the rezoning.

Chairman Lange called for a motion. Commissioner Whearley said that he has had as many phone calls for the ballfield complex as he had against it; that he apologizes to anyone to whom he did not respond either by phone or e-mail; that he believes the ballfield complex could be an asset to the community if it is done right. He then made the motion to approve the rezoning from R-1 to CORD with the following conditions: (1) a 50 foot buffer, (2) Coco Hollow Road to be improved by the developer to meet County specifications for ingress to and egress from the complex, (3) the replanting of the 50 foot buffer on the West Pine Drive side, and (4) no inning may start after 10:00 PM. The motion was seconded by Commissioner Wyatt. Chairman Lange said that this is a difficult decision; that he feels citizens who have invested there and live there have rights; that he does believe the County needs more ballfields and he thanks Mr. Rodgers for his efforts toward same, even though it would be mainly for travel ball clubs; that the need for ballfields will increase as our population grows; and that he would prefer to see this complex in the "middle of nowhere".

Chairman Lange asked for a vote on the motion to approve with conditions (see preceding paragraph). The motion to approve failed by a vote of two in favor (Whearley, Wyatt) and three opposed (Manning, Lange, Loudermilk).

Commissioner Wyatt then made the motion to rezone the subject property from R-1 to A-1. In response to a question, John Taylor, County Attorney, said that according to the Zoning Ordinance, the Board has a number of powers, one of which shall be to either approve, disapprove or deny the application, and among other things, change the zoning district to one other than that requested. Commissioner Loudermilk asked Mr. Rodgers if he was okay with having the property rezoned to A-1, and Mr. Rodgers said that it would be okay with him because he will not be building houses on the property. The motion was seconded by Commissioner Loudermilk and passed unanimously.

7. **COUNTY ATTORNEY**

- A. **Southern Health Partners Agreement: Renewal for Medical Needs of Inmates.** John Taylor, County Attorney, reviewed the agreement, said that the cost is \$98,084.16 payable in monthly installments of \$8,173.68, which is a 3% over last year's cost, and he recommended approval of same. The motion to approve this agreement was made by Commissioner Loudermilk, seconded by Commissioner Wyatt, and passed unanimously. (Document can be found in "Contracts & Agreements" file as C&A #09-34.)
- B. **Georgia Department of Corrections Agreement: Renewal for Care & Custody of Inmates at the Prison.** John Taylor, County Attorney, reviewed the agreement, said that it includes a new section on reimbursement of medical costs, that the reimbursement rate from the DOC is the same as it was last year (\$20 per inmate per day), and that he recommended approval of same. The motion to approve this agreement was made by Commissioner Manning, seconded by Chairman Lange, and passed unanimously. (Document can be found in "Contracts & Agreements" files as C&A 09-35.)

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

Attest:

J. Harry Lange, Chairman

Nancy D. McMichael, County Clerk