

HARRIS COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION
October 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 September 15, 2009, Regular Session was made by Commissioner Loudermilk, seconded by Commissioner Wyatt, and passed unanimously.
3. **NEW BUSINESS**
 - A. **Pouring License Referendum Question #2.** Commissioner Wyatt said that he had reconsidered this matter (discussed September 1) and that the voters should have the opportunity to vote on another question concerning a county-wide liquor pouring license. He then made the motion to proceed with the resolution for a referendum on the appropriate ballot to allow such a license county-wide. The motion was seconded by Commissioner Whearley and passed with four in favor (Wyatt, Whearley, Lange, Manning) and one opposed (Loudermilk). John Taylor, County Attorney, said that he will prepare the appropriate resolution for a county-wide liquor pouring license along with the previous referendum question regarding a pouring license for private clubs only, and bring same back to the Commissioners for approval. He indicated that the resolution would indicate the questions would be on the July 20, 2010, Primary.
 - B. **Error & Release Requests.** Chairman Lange read the Error & Release requests as follows:
 - (1) Brinson, Maggie R.: Digest total of \$27,195 corrected to \$8,958 (moved mobile home to another parcel)
 - (2) Graham, Patrick & Angela: Digest total of \$30,425 corrected to \$30,425 (remove S1 exemption)
 - (3) Hinton, Will Carson: Digest total of \$50,609 corrected to \$50,609 (remove S1 exemption)
 - (4) Marion Development Co.: Digest total of \$145,920 corrected to \$143,080 (acreage corrected)
 - (5) Marion Development Co.: Digest total of \$51,504 corrected to \$48,943 (acreage corrected)
 - (6) Pollard, David, Jr.: Digest total of \$54,826 corrected to \$51,524 (acreage reduced due to property split)
 - (7) Rodriguez, Frank A, Sr., & Bridget: Digest total of \$75,838 corrected to \$75,838 (remove S1 exemption)
 - (8) 3-D Communities, LLC: Digest total of \$1,847,612 corrected to \$1,621,994 (acreage corrected)

Commissioner Manning had questions about the Error & Release for Graham and asked that it be tabled until the next meeting. The motion to approve the remaining seven Error & Release requests was made by Commissioner Wyatt, seconded by Commissioner Whearley, and passed unanimously.
 - C. **NOD (Not on Digest).** Chairman Lange read the NOD regarding Cynthia Moss, indicating that the Digest total of zero had been corrected to \$27,267 due to the transfer of a mobile home to her parcel from another parcel (see B(2) above).

The motion to approve this NOD was made by Commissioner Wyatt, seconded by Commissioner Loudermilk, and passed unanimously.
 - D. **Request for Tax Refunds.** Chairman Lange read the Tax Refund requests as follows:
 - (1) House, Charlie Frank, Jr. Refund request of \$382.27 due to wrong value of a 1988 boat and that the Tax commissioner and the Board of Tax Assessors had agreed to the request. The motion to approve this request was made by Commissioner Wyatt, seconded by Commissioner Loudermilk, and passed unanimously.
 - (2) Milam, Michael Lewis. Refund request of \$969.76 due to having paid for tags for a 2009 Coachman Freeland and a 2008 Buick Enclave in Harris County rather than in Muscogee County where Mr. Milam's residence is located, and that the Tax Commissioner disagreed with the request while the Board of Tax Assessors agreed. Following a brief discussion, the motion to approve this request was made by Commissioner Manning, seconded by Commissioner Wyatt, and passed with four in favor (Manning, Wyatt, Lange, Whearley) and one opposed (Loudermilk).
4. **COUNTY MANAGER**
 - A. **Noise Ordinance.** Danny Bridges, County Manager, reminded the Board that a citizen had recently appeared before them regarding the possibility of a noise ordinance and said that the citizen has called him several times to find out if the Board if going to move forward with adopting same. Following discussion the motion to not move forward with such an ordinance was made by Commissioner Wyatt, seconded by Commissioner Manning, and passed unanimously.

- B. **Zoning Ordinance Amendment.** Danny Bridges, County Manager, said that he understands there has been discussion regarding locating a Taxidermist business in the same building as a Deer Processing business; that he has checked with the Health Department and the Georgia Department of Natural Resources regarding same; that the Health Department does not regulate either, but DNR does and allows both businesses in the same building; that the County's Zoning Ordinance does not permit Taxidermist and Deer Processing in the same zoning district; that Taxidermist is permitted in C-1, C-3 and C-4, while Deer Processing is permitted in A-1, M-1 and M-2 with a Special Use Permit; and that it is his suggestion to change Taxidermist from C-1, C-3 and C-4 to A-1, M-1 and M-2 with a Special Use Permit rather than changing Deer Processing in C-1, C-3 and C-4. Following a brief discussion, there were no objections to moving forward with amending the Zoning Ordinance to change Taxidermist from C-1, C-3 and C-4 to A-1, M-1 and M-2 with a Special Use Permit.
5. **PUBLIC HEARING @ 7:30 PM**
- A. **Application of Mountain Creek Valley/Ralph Callaway to Amend the Text of the Zoning Ordinance in Article II; Article III, Section 1; and Article IV, Sections 2 and 3 in order to create conservation zoning.** Chairman Lange said that the applicant, Ralph Callaway, had submitted a letter requesting the withdrawal of the application. The motion to allow the withdrawal of the application was made by Commissioner Wyatt, seconded by Commissioner Manning, and passed unanimously.
6. **COUNTY MANAGER (CONTINUED)**
- C. **Easement Road Acceptance.** Danny Bridges, County Manager, said that the County has an ordinance regarding the acceptance of roads existing prior to November 17, 1992, and an ordinance prohibiting easement roads in 2004 (October 5); that he would like to suggest the County look at having an ordinance regarding acceptance of roads existing prior to the 2004 ordinance, so that the citizens who live on easement roads developed between November 17, 1992, and that date have an opportunity to request the County accept such roads. Discussion included that the procedure for requesting and accepting such roads would be the same as what is in place regarding roads existing prior to November 17, 1992. The motion to move forward as suggested was made by Commissioner Loudermilk, seconded by Commissioner Wyatt, and passed unanimously.
- D. **Work Session of October 20.** Danny Bridges, County Manager, said there are several matters that the Board needs to discuss and he would like to have a Work Session on October 20 for the discussion of those matters to include Mitigation Bank and Conservation Subdivisions. Chairman Lange said that Leash Law and Gambling Machines also need to be on the Work Session agenda. There were no objection to the Work Session, which will begin at 5:00 PM.
7. **RECESS FOR EXECUTIVE SESSION.** The motion to go into Executive Session for the discussion of pending or potential litigation and real estate acquisition was made at 7:46 PM by Commissioner Wyatt, seconded by Chairman Lange, and passed unanimously.
8. **RESUME REGULAR SESSION.** The motion to go back into Regular Session was made by Chairman Lange, seconded by Commissioner Wyatt, and passed unanimously.
9. **OTHER**
- A. **EPD Consent Order re: Northwest Harris Business Park.** The motion to proceed with the Consent Order and to authorize the Chairman and the Clerk to execute the documents was made by Chairman Lange, seconded by Commissioner Loudermilk, and passed unanimously.
10. **ADJOURNMENT.** There being no further business to discuss, the motion to adjourn was made by Commissioner Wyatt, seconded by Commissioner Whearley, and passed unanimously.

J. Harry Lange, Chairman

Attest:

Nancy D. McMichael, County Clerk