

**HARRIS COUNTY BOARD OF COMMISSIONERS  
REGULAR SESSION**

April 20, 2010

7:00 PM

Commissioners Present: J. Harry Lange, Joey M. Loudermilk, Joe Manning, Patrick Whearley, Charles Wyatt. 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 April 6, 2010, Regular Session was made by Commissioner Wyatt, seconded by Commissioner Whearley, and passed by a vote of four in favor (Wyatt, Whearley, Lange, Manning), no opposition, and one abstention (Loudermilk, due to his absence on April 6).

3. **OLD BUSINESS**

- A. **Amendment to Alcohol Ordinance re: On-Premise License Distance Requirements.** Chairman Lange said there was interest by an individual to open a restaurant in the old China Wok location in Ellerslie and a request had been made for the Board to consider changing the Alcohol Ordinance to allow the issuance of an on-premise alcohol license at that location. Danny Bridges, County Manager, said that during the March 16 meeting, the Board had briefly discussed the possibility of extending the "grandfathering" time frame to five years; that five years seemed to be a long time because a lot could change within that time; and that he had suggested the Board consider the deletion of "residence" instead, leaving the distance requirements for on-premise alcohol licenses at 200 yards and leaving the grandfathering as currently reflected in the ordinance. Commissioner Loudermilk said that he had talked to the prospective restaurant owner and agreed with the various points made as to the benefits of a restaurant in that location; and that he would like to find a way to help the individual be able to serve alcohol at this location. Discussion includes that five years is too long for grandfathering; that it's a shame restaurants feel they have to serve alcohol to survive; and that with the removal of "residence", a restaurant could open next door to a residence. Following discussion, Commissioner Loudermilk made the motion to move forward with the amendment process because he would like input from the citizens. The motion was seconded by Commissioner Whearley and passed with three in favor (Loudermilk, Whearley, Wyatt) and two opposed (Lange, Manning). The First Reading will take place during the May 5 meeting.
- B. **Request for Tax Refund: Living Waters Community Church.** Chairman Lange said that this had been tabled from the April 6 meeting. Danny Bridges, County Manager, said that the property is in the name of the church, but the property tax bill goes to the home of the individual who donated the property, which is in a subdivision the same individual developed; and that the Tax Assessor's office has already changed the tax records to reflect church property. The motion to approve the refund of \$698.22 was made by Commissioner Wyatt and seconded by Commissioner Loudermilk. There was a brief discussion, which included there is no structure on the property and that it is used for church picnics. The motion failed with two in favor (Wyatt, Loudermilk) and three opposed (Lange, Manning, Whearley).
- C. **DOT Right-of-Way Agreement: Mehaffey Road (CR 349).** Danny Bridges, County Manager, asked that this matter be removed from the agenda until DOT makes a decision regarding same. There were no objections. The topic will not be placed back on an agenda until DOT's decision is received.

4. **NEW BUSINESS**

- A. **Error & Release Requests.** Chairman Lange read the Error & Release requests as follows:
  - (1) Farmer, Kenny G.: Digest total of \$4,800 corrected to zero (account put on insolvent list in 2008, but not deleted)
  - (2) Holloway, Daniel Joel: Digest total of \$6,066 corrected to zero (remove from pre-bill mobile home digest and add to homestead digest)

The motion to approve these two Error & Release requests was made by Commissioner Manning, seconded by Commissioner Loudermilk, and passed unanimously.

B. **Tax Refund Requests.** Chairman Lange read the Tax Refund requests as follows:

- (1) Fire Sprinklers & Systems, Inc. Refund of \$77.69 due to a vehicle being sold prior to the tag purchase; that the Tax Commissioner disagreed with the request but that the Board of Tax Assessors agreed with the request. Following a brief discussion, the motion to approve the refund of \$77.69 was made by Commissioner Wyatt, seconded by Chairman Lange, and passed unanimously.
- (2) First American. Refund of \$431.48 because payment had been made on the wrong parcel. Following a brief discussion, action regarding this request was tabled pending confirmation that the taxes on the wrong parcel had been paid by the owner.

C. **Proclamation: National Donate Life Month.** Chairman Lange read the document proclaiming the month of April as National Donate Life month in Harris County. The motion to approve this proclamation was made by Commissioner Loudermilk, seconded by Commissioner Wyatt, and passed unanimously.

D. **First Reading: Amendments to Animal Control Ordinance.** Chairman Lange read the proposed changes to the Animal Control Ordinance to include better defining “at large”, what is not included in the definition, that dogs and cats running at large are subject to impoundment, and increases to impoundment fees. Discussion included the suggestion that dogs and cats not be considered as running at large until they have been determined to be a nuisance; that the County receives many calls regarding dogs causing problems or acting vicious or threatening to citizens, especially in subdivisions. John Taylor, County Attorney, suggested that “restraint” be defined as well, to which Nancy McMichael, County Clerk, said that when suggested amendments were presented to the Board in October, the definition of “restraint” was among those suggested amendments which were deleted by the Board. Chairman Lange asked if anyone wished to make comments about the amendments.

Jack McClung, citizen who lives in Pine Mountain Valley, appeared before the Board and said that he is not in favor of having a leash law; that his dog runs on his 136 acres and acknowledged that while the dog stays at the house most of the time, he will chase the mail lady; that he does not want to have to restrain his dog; that this is a rural County for the most part; and that this is just another restriction on the rights of citizens.

Dannie Kemp, citizen who lives on Washington Road, appeared before the Board and said that he agrees with Mr. McClung; that his wife walks the dogs and could not handle them on leashes; that this is a rural County and most of the dog issues are in subdivisions; that “restraint” should be defined and not left to the discretion of the Animal Control Officer; and that raising impoundment fees will make it more difficult for people to pay to retrieve their animals.

Charles Blair, citizen who lives on Hart Road, appeared before the Board and said that if people love their animals, they should take care of them and keep them under control; that his wife likes to walk, but there is a dog in the area that appears to be aggressive to her and others; and that he is in favor of requiring dogs to BE kept restrained if off the property of the owner.

Mike Ambrester, citizen, said that he agrees with Mr. McClung.

There being no further comments, Chairman Lange said that the Second Reading of the amendments will take place during the next meeting.

E. **First Reading: Application of Keith Culpepper for Beer & Wine Off Premises at Field Fresh Farms located at 35 Preston Road (at the corner of US 27), Cataula.** Chairman Lange read the specifics of the application and said that it had been recommended for approval by the Sheriff’s Office and by the Community Development Office with a note that handicapped parking needed to be provided. Keith Culpepper, applicant, appeared before the Board and said that he plans to open a mini-convenience store with milk, bread, eggs, etc., and would like to be able to sell beer; that he would also like to be able to sell wine in order to produce fruit/gift baskets which would include wine; and that he will abide by the law and not allow any on-premise consumption of alcohol. 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 will take place during the May 4 meeting.

## 5. COUNTY MANAGER

- A. **Bid Award: Live Fire Training Building.** Danny Bridges, County Manager, said that bids were requested for Live Fire Training Building; that only one bid was received even though the bid package was sent to several companies; and that it is being recommended by Jack McClung, Chairman of the Council of Fire Chiefs, to award the bid to Fire Training Structures, LLC, of Phenix, AZ, for the bid of \$144,980. In response to questions, Mr. McClung said that the bid came in less than expected and that the Council would like to get started on the building; and that the building will be used for fire training purposes because it is becoming more difficult to use old houses due to EPD regulations. The motion to award the bid to Fire Training Structures, LLC, for the bid of \$144,980 was made by Commissioner Wyatt, seconded by Commissioner Loudermilk, and passed unanimously.
- B. **Bid Award: Cab & Chassis w/Roll-Off 60,000 lb. Hoist.** Danny Bridges, County Manager, said that bids were requested for a new garbage truck for Solid Waste, and that bids were received, as follows:

COMPANY	CAB & CHASSIS		ROLL-OFF		BID AMOUNT
	Make/Model	Meets	Make/Model	Meets	
Beck Motor Co., Albany, GA Cherokee Truck Equip., Mableton, GA	2010 Peterbilt 365	Y	Galbreath	Y	\$ 13,790
	2010 Freightliner M2	N	K-Pac	N	\$ 137,695
	2010 Peterbilt 365	Y	K-Pac	N	\$ 142,085
	2010 Volvo 64B200	N	K-Pac	N	\$ 111,775
Consolidated Disposal, Smyrna, GA	2008 Peterbilt 365	Y	Galbreath	Y	\$ 123,000
Envirowaste Equipment, Mableton, GA	2010 Freightliner M2	N	Roll-Off	N	\$ 132,683
	2010 Mack GU813	N	Roll-Off	N	\$ 139,991
	2010 Peterbilt 365	Y	Roll-Off	N	\$ 141,350
	2010 Volvo 62B200	N	Roll-Off	N	\$ 118,043
FourStar Freightliner, Montgomery, AL	Freightliner M2 106X	N	Galbreath	Y	\$ 113,846
	Freightliner M2 112	N	Galbreath	Y	\$ 113,470
Municipal Equip. Sales, Woodstock, GA	Freightliner M2	N	G&H Mfg	N	\$ 144,441
	Kenworth T4	N	G&H Mfg	N	\$ 136,293
	Peterbilt 365	Y	G&H Mfg	N	\$ 148,795
Nextran Truck Center, Macon, GA	Mack GH8313	N	Accurate	N	\$ 137,918
Vanguard Truck Center, Atlanta, GA	Volvo 64B200	Y	Galbreath	Y	\$ 135,934
Yancey Truck Center, Albany, GA	2010 International 7500	N	Galbreath	Y	\$ 123,362
	2010 International 7600	N	Galbreath	Y	\$ 143,768

Mr. Bridges said that only two of the trucks meet all the minimum specifications of the bid and the only difference between the two trucks is that one is a 2010 and the other is a 2008; that the 2008 vehicle is new and unused; that the funds to pay for the vehicle will come from Solid Waste funds; and that the recommendation is to award the bid from Consolidated Disposal for the low bid of \$123,000 for the 2008 Peterbilt. The motion to award the bid to Consolidated Disposal was made by Commissioner Wyatt, seconded by Commissioner Manning, and passed unanimously.

- C. **Proposals: Law Enforcement Reroofing.** Danny Bridges, County Manager, said that proposals were received from several companies regarding the reroofing of the Law Enforcement Center, but that he was recommending that the matter be tabled until the next meeting in order for the proposals to be more closely reviewed before a recommendation is made. There were no objections to tabling this to the May 4 meeting.
- D. **Job Description: Assistant Recreation Director.** Danny Bridges, County Manager, said that the job description for an assistant to John Magazu, Recreation Director, had been drafted and was before the Board for approval, which must be obtained before the position can be filled. The motion to approve the job description was made by Commissioner Whearley, seconded by Commissioner Wyatt, and passed unanimously.
- E. **Airport: Mechanic on Premises.** Danny Bridges, County Manager, said that a request has been made to allow an aircraft mechanic to set up shop at the Harris County Airport in the vacant hangar; that several phone calls have also been received in favor of having a mechanic at the airport; that should the Board be in favor of pursuing this, changes would be needed to the Hangar Lease Agreement which specifies that no business can be run from a hangar; that based on current returns, the County will receive \$400 to \$500 in taxes per aircraft located at the Airport; that while the current rental rate for a hangar is \$165, it is suggested that the rental rate for the mechanic be \$200 per month; that he is concerned about how the business would look after a while; that restrictions would have to be put in place regarding such a business;

and that the specific mechanic is certified to work on aircraft. Following discussion, the motion to proceed with pursuing having an aircraft mechanic at the Airport was made by Commissioner Manning, seconded by Commissioner Wyatt, and passed unanimously.

6. **COUNTY ATTORNEY**. John Taylor, County Attorney, said that he had no business to discuss with the Board this evening.
7. **RECESS FOR EXECUTIVE SESSION**. The motion to go into Executive Session for the purpose of discussing a personnel matter was made at 8:00 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 Commissioner Manning, seconded by Commissioner Wyatt, and passed unanimously.
9. **ADJOURNMENT**. There being no further business to discuss, the motion to adjourn was made by Commissioner Manning, seconded by Commissioner Whearley, and passed unanimously.

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J. Harry Lange, Chairman

Attest:

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Nancy D. McMichael, County Clerk