

HARRIS COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION

November 2, 2021

6:30 P.M.

Commissioners Present: Andrew Zuerner, Susan Andrews, Rob Grant, Bobby Irions, Becky Langston.
Staff Present: Randy Dowling, County Manager; Russell Britt, County Attorney; Nancy D. McMichael,
County Clerk.

1. **CALL TO ORDER.** Chairman Zuerner called the Regular Session to order.
2. **PLEDGE OF ALLEGIANCE.** Chairman Zuerner led those in attendance in the Pledge of Allegiance.
3. **MINUTES.** The motion to approve the minutes of the October 19, 2021 Regular Session and the October 11, 2021 Planning Session was made by Chairman Zuerner, seconded by Commissioner Langston, and passed unanimously.
4. **OLD BUSINESS**
 - A. **Second Reading: Application of Christopher Nolan for Special Events Facility Alcohol License at The Burch on Twenty-Seven, 15142 Hwy 27 North, Hamilton.** Chairman Zuerner read the specifics of the application and said that this was the second reading; that the Special Use Permit had been approved on June 1; that the Sheriff's Office had recommended approval of the application; that a recommendation was not necessary from the Health Department or Community Development. Christopher Nolan, applicant, appeared before the Board and said that people want alcohol at their weddings. Chairman Zuerner asked if anyone wished to speak in favor of or opposed to the application. There being none, and there being no comments from the Board, he asked for a motion. The motion to approve the Special Events Facility Alcohol license was made by Commissioner Irions, seconded by Chairman Zuerner, and passed unanimously.
 - B. **Second Reading: Application of Nicholas Poe for Special Events Facility Alcohol License at Magnolia Estate at Blue Springs, 5929 GA Hwy 116, Hamilton.** Chairman Zuerner read the specifics of the application and said that this was the second reading; that the Special Use Permit had been approved on June 1; that the Sheriff's Office had recommended approval of the application; that a recommendation was not necessary from the Health Department or Community Development. Crystal Poe, representing the applicant, appeared before the Board and said that the alcohol license is needed in order to allow alcohol at special events. Chairman Zuerner asked if anyone wished to speak in favor of or opposed to the application. There being none, and there being no comments from the Board, he asked for a motion. The motion to approve the Special Events Facility Alcohol license was made by Commissioner Grant, seconded by Chairman Zuerner, and passed unanimously.
5. **NEW BUSINESS**
 - A. **Financial Statement: September 2021.** The motion to approve the September 2021 financial statement was made by Commissioner Andrews, seconded by Commissioner Langston, and passed unanimously.
 - B. **Appointment to Planning Commission.** Chairman Zuerner said that a vacancy exists on the Planning Commission due to the resignation of Chris Lintner. Commissioner Andrews made the motion to appoint Mark Harris to complete the term of Chris Lintner. The motion was seconded by Commissioner Grant and passed unanimously. The term expires December 31, 2024.
 - C. **Request for Tax Refund.** Chairman Zuerner said that a request for tax refund in the amount of \$79.60 (ad valorem tax) had been received from Robert J. Wade for the reason that he mailed in payment for the tag renewal in advance of his birthday, but sold the vehicle on September 21; and that both the Tax Commissioner and the Board of Assessors agree with the request. The motion to refund the \$79.60 was made by Commissioner Grant, seconded by Chairman Zuerner, and passed unanimously.
 - D. **Resolution to Accept Mulberry Crossing Drive, Oak Grove Way & Herds Court in Mulberry Crossing, Phase 2.** Chairman Zuerner said that all required documents to accept the two roads have been submitted in accordance with County

regulations. The motion to approve the Resolution to accept the three roads was made by Commissioner Langston, seconded by Chairman Zuerner, and passed unanimously.

6. **COUNTY MANAGER**

A. **Project Updates**. Randy Dowling, County Manager, reviewed various projects, as follows:

- (1) UDC/Land Use Codes. Second reading is on tonight's agenda for consideration by the Board.
- (2) New EMS Building in Northwest Harris Business Park. Request for Qualifications is being advertised with a deadline of November 19 to hire a firm to begin design.
- (3) LMIG Resurfacing 2022. GDOT approved the submitted list, which was approved by the Board on September 7; the funds have been received; bids will be requested soon with project completion expected by June 2022.
- (4) Ellerslie Park. Work is ongoing with permanent gates, signs, and lake aerator having been ordered; dock and maintenance facility construction has started; and a commitment to have a soft opening of the park in January 2022.
- (5) Man O'War Railroad Recreation Trail, Phase IV (aka Rails to Trails). Project from behind Mountain Creek Inn to Callaway Gardens Country Store (1.5 miles) should be finished soon and open to the public in early December; there are plans to have a ribbon cutting at the Country Store in early December to celebrate the trail from Pine Mountain to the Country Store. This project is funded by T-SPLOST funds.
- (6) Man O'War Railroad Recreation Trail, Phase V (aka Rails to Trails). Survey will be completed this week; design work will take another month or so; with project from Callaway Gardens Country Store to just south of Hamilton (5.4 miles), across from the current Harris County Carver Middle School (on US 27). This project is funded by T-SPLOST funds.
- (7) Man O'War Railroad Recreation Trail, Phase VI (aka Rails to Trails). Application has been submitted to GOSP to help fund this section, which is another 1.5 miles from the current Harris County Carver Middle School (on US 27) to Hudson Mill Road.
- (8) Water Works Administration Building. Design underway and project should be bid out in late January.
- (9) Water Lines on Green Drive. Design underway with completion expected by June 2022.
- (10) Courthouse Renovations, Phase I. Design being completed; should be bid out in December, awarded in February, and the project completed by late June 2022.
- (9) SPLOST. Collections are higher than this time last year, but lower than last month.
- (10) LOST. Collections are higher than this time last year, but lower than last month.
- (11) RVRC & T-SPLOST Continuance. In response to a question, Mr. Dowling said that there are 3 project for Harris County being considered for the upcoming T-SPLOST referendum in May 2022.
- (12) Single Family Home Permits. In response to a questions, Brian Williams, Community Development Director, said that 16 permits had been issued during the month of October.

7. **COUNTY ATTORNEY**. Russell Britt, County Attorney, requested an Executive Session for the purpose of discussing threatened litigation and personnel issues.

8. **PUBLIC HEARING @ 7:00 PM**

- A. **Conflict of Interest Forms.** The Conflict of Interest forms were completed at the request of Chairman Zuerner.
- B. **Explanation of Public Hearing.** Chairman Zuerner explained the procedures involved for the Public Hearing.
- C. **Application of Charles A & Pamela L Carlisle to Rezone 2.10 acres of a 6.28 acre parcel on Map 062B, Parcel 073, Land Lot 212, Land District 18, from C-4 (Highway Commercial) to A-1 (Agricultural/Forestry), current use vacant field, proposed use to build home; property located at 870 Grant Road, Cataula.** Chairman Zuerner called the Public Hearing to order and read the specifics of the application and said that both the Planning Commission and the Planning Staff had recommended approval of this rezoning application. Charles & Pamela Carlisle, applicants, appeared before the Commission to make comments and respond to questions. Mr/Mrs Carlisle indicated they have been living in a manufactured home on the property for 30 years and want to build a home, which requires rezoning from commercial. Chairman Zuerner asked if anyone wished to speak in favor of or in opposition to this rezoning application. There being none and there being no questions or comments from the Commission, Chairman Zuerner closed the Public Hearing and asked for a motion. The motion to approve this Rezoning application was made by Commissioner Irions, seconded by Commissioner Grant, and passed unanimously. In response to a question from Commissioner Grant, Lee Walton, consultant with Wood, PLC, said that this type of rezoning would not be permitted under the proposed UDC.
- D. **Application of Board of Commissioners to Amend the County Code of Ordinances - Appendix A (Zoning Ordinance), Articles I-X; Appendix B (Subdivisions), Articles I-XX; Chapter 4 (Planning and Development), Articles I, II, III, IV, V, VIII, IX; Chapter 5 (Public Safety, Health & Sanitation), Article IV; Chapter 7 (Water, Sewage & Utilities), Article I; and other associated sections of the Code of Ordinances intended to be incorporated into the Unified Development Code (UDC).** Chairman Zuerner called the Public Hearing to order, read the specifics of the application, said that the Planning Commission had recommended approval with an amendment regarding Short Term Vacation Rentals to require they be registered with the County, allow two parking places for first bedroom and one parking place for each additional bedroom, and that the Planning Staff had recommended approval. Lee Walton, consultant with Wood PLC, appeared before the Board; reviewed the two-year process regarding this amendment project, which began in December 2019; reviewed the proposed changes to Articles 2, 3, 4, 5, 10, and 11, most of which were for clarification purposes; and responded to question regarding the clarifications.

There being no further questions, Chairman Zuerner asked if anyone wished to speak, either in favor of or in opposition to, the amendment, and that each speaker would be permitted five minutes in which to speak.

John Bunn, local realtor, appeared before the Board and said that the County has worked hard on this document; that while some elements are good, there are some that will hurt the average citizen; that there is a housing shortage and it's hard time to find affordable housing in the County; that there is normally around 250 homes in the \$400,000 range, and now there are only 26; that the main element is not allowing the people to decide for themselves; that the Land Use Map (from Comprehensive Plan) shows that 90% of the County is agricultural, so the 10 acre minimum would affect most of that area; that the UDC will affect the loan to value ratio especially for FHA/VA loans; that there were no active military people in the focus group; and that there will be an economic impact.

Trent Griffin, local builder, appeared before the Board and said that his company currently has 32 active jobs, but if approved, the UDC would effectively eliminate 9 of those jobs; that he doesn't think the UDC was approached from the standpoint of economic impact but for conservation; that people will have to move to residential lots in the southern part of the county because they can't afford to purchase 10 acres (in agricultural); that in 2019 a comprehensive development strategy was developed and the UDC is moving away from that to something totally different; that the UDC needs to start over with the Comprehensive Plan and economic development strategy and then incorporate changes being proposed; and that developers and realtors should have a say in the process. He commented that the preceding rezoning would not be allowed under the proposed UDC.

Craig Greenhaw, realtor, developer, and member of the Development Authority and UDC Steering Committee, appeared before the Board and said that he is a proponent of market based competition to allow for individual and commercial developers; that people need to see the highest and best use of their property while maintaining the rural feel; that the committee discussed pros and cons of dozens of items and reviewed extremely complex and complicated documents; that the 10 acre minimum for agricultural property reduces the rights to dispose of property; that there are things that can be done in A-1 zoning that can't be done in residential; that the 10 acres will require someone to rezone property in order to sell; that there will be neighbor vs neighbor if adopted; that the acreage required for commercial should be reduced to 1 or 2 acres rather than 4; and that he asked the UDC be tabled until these and other issues can be corrected.

David Adams, local business owner, appeared before the Board and said that the 10 acre minimum requirement is a 500% increase over the current requirement; that the 5 acres for major subdivision is a 250% increase; that the proposed 125' road frontage is a 250% increase over what is now required; that while changes will restrict small and private landowners, reducing to 1 acre will mitigate construction and increase lot yield on tracts of land, thus increasing the developability of the larger tracts; that the call for smaller lots will funnel the custom home buyers to the tract home market; that in Pine Mountain Valley, 50%+ of the parcels are less than 10 acres, in Ellerslie, 70% are on less than 5 acres, and in Fortson/Antioch, 75-85% are on less than 5 acres - would these areas be with these residents or without residents like them; that minor subdivisions that have been submitted and approved have been done under the current accepted interpretation of the guidelines, and perhaps the interpretation should be changed in the current regulations rather than being replaced with haphazard regulations that will affect a large group of people.

Dave Erickson, resident and former builder/developer, appeared before the Board and said that commercial support and office areas are needed to have healthy communities; that the County has a strong bias for housing, which continues to be a default even as the population has grown; that having minor allowances for areas of greater density is a start but more options should be considered; that increased density have caveats to defeat the rules; that PRD zoning should have the flexibility to design a good project, but doesn't and is a "Frankenstein" product; that PRD is never going to be used in real life; that the real life impact will be continued sprawl in the County of 2 acre lots; that people want to preserve the rural feel; and that he recommends tabling the UDC and do more work because it is not logical to continue growth with a 2 acre lots as a default, but should be used with prudence and for the good for Harris County.

Ben Simpson, local builder, appeared before the Board and said that his company builds custom homes, forever homes; that increasing the lot size in A-1 will severely impact those who want to build their homes here; that they employ 16 people and subcontractors and the UDC will negatively impact their livelihoods; and that there will be unintended consequences with the UDC.

Morgan Marlowe, local businessman, said more options are needed to allow A-1 to remain A-1; that the problem is the whole process was set up to fail; that there was not a big enough steering committee and no one from the real world was included; that it fails to address agri-tourism, economic development, and the commercial process, but concentrates on residential development with a default of 2 acre lots; that A-1 should 10 acres plus a house; that more options are needed; that if the UDC is passed the County will still be 15-20 years behind; that it doesn't include breweries or distilleries; and that this is a County of no on agri-tourism, is unfriendly, doesn't make it easy for anyone.

Taylor Griffin, local builder, appeared before the Board and said that rezoning from A-1 to R-1 is a false pretense because spot zoning is not usually permitted; that the only places that could be rezoned are those that are touching other residential areas; that he is against the 10 acre minimum in A-1; that he agrees with most of what has been said; and that the UDC is an extreme, does not believe it is complete, and that changes are needed.

John Mitchell, citizen, said that he is opposed to any zoning changes that would facilitate more high density housing; that while its difficult to get people to show up (at this hearing), the meeting previously held at the HCHS (in September 2019) is evidence when people know about a sensitive topic, they will show up; that consideration should be given to find another way to communicate to the public, like social media; and that this UDC should be tabled until the flaws can be addressed.

Dwight Langston, citizen, appeared before the Board and said that he is the proud spouse of Commissioner Becky Langston; that he understands the need for ordinances; that while the 2 acre minimum lot size is to save greenspace, it is eating up the greenspace; that the 10 acre in A-1 restricts selling of property; that anyone owning 10 acres in A-1 would have to rezone the property to residential in order to sell; that owning 9 acres in A-1 is virtually useless and limits the owner getting the value of his property; and that there may be issues with someone trying to divide 10 acres among three heirs as to whether or not the property would have to be rezoned.

Robert Hayes, citizen, appeared before the Board and said that he moved to Harris County five years ago because of the 2 acre minimum lot size and he would not like to see that changed.

Thomas McNerney, citizen, appeared before the Board and said that he has lived in the County for 25 years; that while the citizens have not been well notified of the UDC, he understands that everything has been done according to the laws and requirements, but the vast bulk of the people are unaware of where this stands; that he recommends the postponement of the UDC in order to have a big, publicized, meeting as to the impact; that he lives near the Grove, which has changed since it was approved, and anyone should realize the 185 corridor will be developed because Muscogee County will push development here since it is running out of room; that the high density will change the concept of living the County; that he is concerned about what it will do about the school district; that high density areas do not provide what the County needs, which is business and the County does not push businesses; that an Impact Fee is needed to help pay for water, schools or infrastructure; and that a moratorium be placed on large developments until it is determined what such development do to the county.

Meghan Guenther, citizen, said that agri-tourism is definitely needed and should be a focus; that the UDC eliminated breweries, microbreweries and distilleries but should be put back in; that farm diners are limited to one per year, but should be allowed 2-3 times a year; that food trucks have been included and are allowed in R-1, R-2, and R-3 but requires a Special Use Permit on A-1 land; that farmers market are limited to working farms of at least 5 acres with 50% of produce coming from the farm; that backyard hens is a big thing and people are surprised they can't have them in residential areas and would like that to be considered; that while she doesn't like Special Use Permits (SUP), they should have clear guidelines, or eliminate SUP as much as possible; that have been participating in the UDC, this meeting is the first time to speak to the Board in one room; that there are several meetings regarding taxes, and while the Planning Commission was the first hearing, this is the first where people have more opportunity to speak to the Board; that she supports 2 acre minimums and does not like high density housing; that rural integrity should be preserved; that she doesn't like PRDs, but does like requiring commercial to be developed beforehand; and that she likes that the Board to trying to curb the sprawl in the County by increasing the A-1 minimum lot size to 10 acres.

Lynda Dawson, citizen, appeared before the Board and said that farm dinners should not be limited; that they are good for the county; that the County should do things that are good and quit being the county of no; that the County needs more things like farm dinners and it would make perfect sense for farms; that economic development is needed; and that the UDC will prevent children from coming back to the County and be productive citizens.

There being no further comments either in favor or in opposition, Chairman Zuerner asked Mr. Walton for rebuttal.

In rebuttal, Mr. Walton said that the farm dinners are allowed 4 times a year or 1 time per quarter, which is unchanged from what is already in the code; and he said the best approach would be for him to answer questions from the Board.

Commissioner Langston thanked everyone for showing up and sharing their opinions; that she attended the Planning Commission public hearing where the comments and concerns of those who spoke were never acknowledged or discussed; that the UDC is the most important project the Board has undertaken during her 11 years as Commissioner; that the UDC is 2 to 2.5 inches thick and she has read every word of the document twice; that the UDC affects everyone who lives in or who will live in Harris County in some way, which is important; that in there are 3,300 parcels in the County that are over 10 acres, there are 16,430 parcels that are under 10 acres, and there are 254 agricultural parcels that are under 10 acres; that those people will definitely be affected if the UDC is approved with 10 acre minimum in A-1; that she

is concerned about the 10 acres, the 125' road frontage, the short-term vacation rentals (STVR), the wineries & breweries, and the PRD commercial; that there is a section on speed tables, and it should match the policy adopted a few months ago; that there are good things in the UDC, it took a lot of time and effort by the consultant, the Board, the Planning Commission, the Steering Committee, and the Focus Group, but she would like to see the UDC tabled to allow the Board more time to address the concerns and issues of those people whose lives this is going to affect.

Commissioner Grant said that regarding breweries and brewpubs the Alcohol Ordinance should be amended first in order to put those items back into the UDC to avoid having to amend it; that he has a lot of other questions and issues; that the 10 acre minimum in A-1 restricts rights; that he is not sure the Board is ready to do adopt the UDC, but when it's adopted, it should be done right.

Commissioner Irions said that there should be a way to have a social media presence to disseminate information to citizens in addition to the normal advertisement requirements; that most people rely on social media; that people are more passionate about it once they understand it; that some kind of open meeting forum, possibly at the high school at about 6:30 PM on a specific date, is needed to allow people to attend and air their issues; that he is in favor of tabling a decision until concerns regarding breweries, distilleries, and other issues are further discussed; and that this affects the future of the County.

Chairman Zuerner said this has been a long process and he apologized to those who feel they have been left out of the process; and that his email is on the county website if people wish to contact him via email; and that he is not a huge fan of social media.

There was discussion regarding tabling and future public hearings after which Chairman Zuerner closed the Public Hearing.

Commissioner Langston then made the motion to table action in order to further discuss the concerns of all in order to get it right and not set a specific date for same. Commissioner Grant seconded and asked if a specific date is needed. Russell Britt, County Attorney, said that the more conservative approach would be to set a specific date so that the public will know when a decision will be made.

Following further discussion, Nancy McMichael, County Clerk, suggested that in order to avoid prolonging this particular application process, in light of changes to be made, which will result in a new product, that the UDC be disapproved and the whole process start again once the Board has discussed changes and is satisfied with the final document.

Commissioner Langston withdrew her motion to table and Commissioner Grant withdrew his second.

The motion to disapprove the UDC as written was made by Commissioner Grant, seconded by Commissioner Langston, and passed unanimously.

9. **RECESS FOR EXECUTIVE SESSION.** The motion to go into Executive Session for the purpose of discussing litigation and personnel was made at 8:35 PM by Chairman Zuerner, seconded by Commissioner Langston, and passed unanimously.
10. **RESUME & ADJOURNMENT.** There being no further business to discuss, motion to resume the Regular Session and adjourn was made by Commissioner Grant, seconded by Commissioner Langston, and passed unanimously.

Andrew Zuerner, Chairman

Attest:

Nancy D. McMichael, County Clerk