

**HARRIS COUNTY BOARD OF COMMISSIONERS  
REGULAR SESSION**

January 4, 2022  
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 December 7, 2021 Regular Session was made by Commissioner Langston, seconded by Chairman Zuerner, and passed unanimously. (There was no meeting on December 21, 2021.)
4. **ORGANIZATION OF COMMISSION**
  - A. **Election of Chairman.** The motion to reappoint Andrew Zuerner as Chairman was made by Commissioner Grant, seconded by Commissioner Langston, and passed unanimously.
  - B. **Election of Vice-Chairman.** The motion to reappoint Rob Grant as Vice-Chairman was made by Chairman Zuerner, seconded by Commissioner Langston, and passed unanimously.
  - C. **Appointment of County Attorney.** The motion to reappoint Russell Britt as County Attorney was made by Chairman Zuerner, seconded by Commissioner Grant, and passed unanimously.
  - D. **Appointment of County Clerk.** The motion to reappoint Nancy McMichael as County Clerk was made by Commissioner Grant, seconded by Commissioner Andrews, and passed unanimously.
5. **APPEARANCE OF CITIZENS**
  - A. **Bill Crowell: 5311 Transportation Program.** Bill Crowell, citizen, appeared before the Board to thank the Board for taking the initiative to be part of a public transportation program, and said that such a program is needed particularly for senior citizens. He also suggested that the County work with Talbot County in this endeavor.
  - B. **Tom Bush: 5311 Transportation Program.** Tom Bush, citizen, appeared before the Board to also express his thanks in the County taking part in a public transportation program to benefit the citizens of the County.
  - C. **Christy Bush: 5311 Transportation Program.** Christy Bush, citizen, appeared before the Board, thanked the Board for taking part in a public transportation program, and said that she assists individuals who have various needs, and finding transportation is very difficult for those who are not on Medicaid, which will provide transportation, and that such a program has been needed for sometime.

Randy Dowling, County Manager, in response to a question from the Board, said that at best the 5311 Public Transportation Program will be up and running in the County within six months and that the Lower Chattahoochee Transit Authority is in the process of acquiring the needed vans.
6. **NEW BUSINESS**
  - A. **Audit Presentation FYE 06/30/2021.** Chairman Zuerner said that Clint Chastain, Chief Finance Officer, and Steve Voynich, of Robinson Grimes, are in attendance to review and present the FYE 06/30/2021 audit. Mr. Chastain appeared before the Board and said that the County is in excellent financial shape; that LOST and SPLOST have had record collections; that CARES and ARPA funds are included in the balance; that there is an unrestricted fund balance of around \$20 million, or eight to nine months' working capital; that the County has a very low debt ratio; that \$3.4 million of the ARPA funds has to be spent by 2026 and the County has committed about \$1.4 million for improvements in the Northwest Harris Business

Park; that Water Works and Solid Waste continue to have healthy operating incomes; and that there is one audit finding regarding the lack of segregation of duties. In response to a question, Mr. Chastain said that doing all the ARPA projects would put the County back to five or six months' working capital. Regarding the one finding, Mr. Chastain said that most small governments have the same finding. Mr. Voynich said that there is a clean opinion on the statements and on compliance with the federal awards audit; that they have not seen anything note worthy in other departments as it relates to management of cash and expenses; that the County shows continued improvement over the last several years and that basically the only concern is internal control due to the limited accounting staff. The motion to approve the FYE 06/30/2021 audit was made by Commissioner Grant, seconded by Commissioner Andrews, and passed unanimously.

- B. **ACCG 401(a) Defined Contribution Plan Documents & Resolution.** Chairman Zuerner said that the County is required to restate its ACCG 401(a) DC plan to incorporate required changes for IRS compliance. The motion to approve the restated plan and to approve the Resolution was made by Commissioner Langston, seconded by Chairman Zuerner, and passed unanimously. (Plan document can be found in "Contracts & Agreements" file as C&A #22-01.)
- C. **Retirement Plans Proposal.** Because additional information was requested during the preceding Work Session, this item was removed from the agenda.

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

- A. **Conflict of Interest.** The Conflict of Interest forms were completed at the request of Chairman Zuerner.
- B. **Explanation of Public Hearing Procedures.** Chairman Zuerner explained the procedures for the scheduled Public Hearing.
- C. **Applications of Edgar Hughston Builder, Inc.** Chairman Zuerner said there are two (2) rezoning applications pertaining to adjoining properties for development by the same company; that there will be a combined Public Hearing for the two applications; that both applications will be read; that the hearing process will proceed; and regarding any action, the Board will vote on each of the rezoning applications.
  - (1) Application of Edgar Hughston Builder, Inc., to rezone 314.55 acres on Map 033, Parcel 027, Land Lot 10, Land District 19, from A-1 (Agricultural/Forestry) to R-1 (Single Family Residential), present use timber, proposed use single residential homes; property located on north side of Mountain Hill Road & west of I-185, Fortson
  - (2) Application of Edgar Hughston Builder, Inc., to rezone 67.78 acres on Map 033, Parcel 017, Land Lot 9, Land District 19, from A-1 (Agricultural/Forestry) to R-1 (Single Family Residential), present use timber, proposed use single residential homes; property located on north side of Mountain Hill Road & west of I-185, Fortson

Tyler Findley, representing Edgar Hughston Builder, Inc., appeared before the Board and said that they plans to build 96 units with lots being 2+ acres; that 19 lots will be between 3 and 10 acres, many will be over 5 acres, six will be between 10 & 20 acres, and a couple will be above 20 acres; that the Planning Commission has recommended each lot have at least 2 acres outside the flood plain, which will result in the loss of 24 lots and make the project unviable; that they need to work with an engineer to see how such a requirement would affect the project; and that they do want to rezone but need a little more time. Chairman Zuerner asked if anyone wished to speak in favor of the application. There being none, he asked if anyone wished to speak in opposition to the application.

Meghan Guenther, citizen who lives on Barnes Mill Road, appeared before the Board and said that she is in favor of the condition recommended by the Planning Commission; that she is concerned with the increase in traffic, the seven driveways in the bend of the road, the cemetery that is on the property, the increase in traffic on Kennon Road, and the impact on the Sheriff's Office, fire, EMS, and water.

Thomas McNerny, citizen who lives on Elmwood Drive, appeared before the Board and said that the County has no impact fee for developers; that it is a tax on everyone in the County to allow the developers to develop; that the County needs more

businesses rather than housing; that the clearing of trees removed the sound barrier at I-185; and that the County needs to put a moratorium on development until there are more businesses to provide tax revenue.

Nicole Bessinger, citizen who lives on Motes Way, appeared before the Board and said that there are approximately 2,400 housing units being built in the area and such growth affects the school system; that the traffic on Mountain Hill Road is already a problem and is increasing on Kennon Road; and that while she is not against growth, there needs to be a slow down in development until the impact of the previously approved housing units can be determined.

Caroline Smith, citizen who lives on Lower Blue Springs Road, appeared before the Board and said that she is concerned about the impact of the development on the community; that there are about 2,400 housing units underway in the area; that the 2014 version of the Comprehensive Plan indicates the top priority is to maintain the quality of life and aesthetics desired by County residents, and the 2019 version indicates preserving the desired rural characteristics; that the current developments will have an impact on school, Sheriff's department, fire and EMS; and that the Board should consider the concerns/impact of having another development in the area.

John McMullen, citizen who lives on Motes Way, appeared before the Board and said that he is concerned about the County lifestyle being impacted; that his land abuts the subject property, which has about 50 to 70 feet of topsoil above bedrock; that wastewater, fertilizer, pesticide and septic tanks will percolate down to the bedrock and go into Mulberry Creek; and that if the project is approved, a full environment study should be conducted.

Melanie Beck, citizen who lives on West Pine Drive, appeared before the Board and said that she travels Kennon Road and turns onto Mountain Hill Road to drop off her son at school; that the drive is pleasant but with more development she foresees that changing; and that the County is growing too fast and should slow down somewhat.

Harry Bannister, citizen who lives on Kennon Road, appeared before the Board and said that the County is losing its rural lifestyle with all the developments; that traffic is being forced down Kennon Road; that it is dangerous turning off Kennon Road, especially during the fall when the sun is at a particular location; that school buses are also going down Kennon Road; and that the community is seeing an impact for all developments.

Curt Pechloff, Chief of Northwest Harris Volunteer Fire Department, appeared before the Board and said that he is also representing Antioch and Cataula VFDs; that they would like to see two entrances/exits for all developments in the event water hoses are dropped in the development; that having fire hydrants every 500 feet will be helpful; and that the roads need to be wide enough to allow fire trucks to make turns.

George Clark, citizen who lives on SR 103, appeared before the Board and said that while there is not a big crowd in attendance tonight, he talked to many neighbors about the development and there are about 50 more citizens not in attendance who are against the development.

Jody Harris, citizen who lives near Mountain Hill School, appeared before the Board and provided a petition (signed by 155 people) against the rezoning; that the drop off line at the school gets longer and longer each year or each development; that another school is going to be needed; and that traffic in the area is going to get worse and worse. (Petition can be found in "Miscellaneous Documents" file as MD# 22-01.)

Brenda McGrotha, citizen who lives on Layfield Branch Road, appeared before the Board and said that she used to live in the subject area; that her former property used to flood frequently; and that developers should be required to build homes on a minimum of two acres and nothing less.

Greg Austinson, citizen who lives on Peed Smith Road, appeared before the Board and said that Mulberry Creek is a corridor for wildlife and development along the creek will affect the wildlife; that because property owners own less than the developers doesn't mean the owners have less rights; that what he does on his property affects very few but what the developers do affects many; and that development needs to slow down.

There being no further comments in opposition, Chairman Zuerner asked Mr. Findley if he has any rebuttal.

Mr. Findley, in rebuttal, said that their surveyor has checked the cemetery on the property to verify location; that the roads will be engineered to allow for fire trucks with no issues; that this particular property isn't conducive to having two ingress/exits due to the creek and flood plain; that the company is not surveying property on Kennon Road and doesn't anticipate developing in that area; that all the proposed lots are two-plus acres; that they feel they have gone above what they think the County wants; that they want a little more time regarding the two acre minimum outside the flood plain (as recommended by the Planning Commission), which is tough, but they need extra time to figure it out. In response to questions from the Board, Mr. Findley said that an environmental study has not yet been performed, but such would be done a little later in the process; and that while a Level I soil study has been performed, a Level III has not.

In response to questions from the Board, Brian Williams, Community Development Director, confirmed that the subject property is zoned A-1 and can be developed without rezoning; that an R-1 district is more restrictive than A-1; that while the property as A-1 could be developed, it would have to go through the platting process; and that A-1 will allow livestock. He said that he believes the State requires one acre outside of any flood plain.

Commissioner Langston asked Dr. Justin Finney, with the Board of Education, if he would like to make any comments. Dr. Finney said that his comments are neither for nor against the rezoning; that what has been stated regarding the traffic on the roads in the area is correct; and that car rider lines for New Mountain Hill school are getting longer and longer. He asked what can be done to mitigate the problem at SR 315 and Mountain Hill Road and at SR 219 and Mountain Hill Road.

In response to Dr. Finney's question, Commissioner Langston said there will be a T-SPLOST referendum on May 24 for which the County has submitted three projects for consideration; that one of the projects is the upgrade and improvement of SR 315 from Hart Drive to Hamilton Mulberry Grove Road and one of the other projects is the roundabout at SR 219 and SR 315; that there have been traffic studies at SR 315 and Mountain Hill Road and what GDOT recommended for the area has been done by the developer; and that there is nothing the Board can do other than to ask GDOT for assistance. She said she wanted citizens to know that the Board has had conversations with GDOT about the intersections.

Commissioner Irions said that in 2011-12 there were 80 single family permits pulled and 239 in 2020-2021, and 105 so far in 2021-22; that he is concerned that the review of developments should be broader and cumulative rather than focused on a single development; and that he is concerned about the outcome of the development. Discussion with Russell Britt, County Attorney, included that as far as a property owner making an application that is singular, but the Board can take various factors, including the Comprehensive Plan in making a decision. Discussion also included that looking at growth, the County had such growth about 20 years ago with 400 homes a year and has kept up with the growth; that if the Board doesn't approve the rezoning, the property can be developed without rezoning, which should be considered; and that the Board has to determine if it is making the right decisions at the right time.

There being no further comments or question, Chairman Zuerner closed the Public Hearing for the two rezoning applications and asked for a motion on each application.

Regarding the 67.78 acres, Commissioner Langston made the motion to table the decision until March 1 to give the developer time to take a further look at the project. The motion was seconded by Commissioner Andrews and passed unanimously.

Regarding the 314.55 acres, Commissioner Langston made the motion to table the decision until March 1 to give the developer time to take a further look at the project. The motion was seconded by Commissioner Irions, and passed unanimously.

## 8. NEW BUSINESS (CONTINUED)

D. **Public Hearing: Capital Improvements Element (CIE) of Impact Fee Program (continued).** Chairman Zuerner said that this Public Hearing is regarding the Capital Improvements Element (CIE) of the Impact Fee Program. He asked Lee Walton, with Wood PLC, who was present via Zoom, to explain and conduct the Public Hearing, which the Chairman then called to order.

Commissioner Langston asked if the members of the Impact Fee Advisory Committee had been invited to this public meeting, to which Randy Dowling, County Manager, said they were not.

Mr. Walton reviewed the process regarding the CIE and said that the purpose of the Public Hearing is to provide notice of the intent to transmit the draft CIE to the River Valley Regional Commission (RVRC) and Department of Community Affairs (DCA) for review, which will start a 60+ day review period concurrent with public review of the document on the County's website; that the CIE is based on the Methodology Report of the Impact Fee (IF) Study, which was approved by IF Advisory Committee and the Board, and is a more detailed analysis of IF possibilities; that the CIE is more streamlined and designed to meet state requirements on comprehensive planning; and that the CIE provides the official policy of use of impact fee funds. He said that the CIE features a 5-year work program of projects proposed to be eligible for IF use, organized by project type (parks & recreation, Sheriff's Office & Jail, EMS, E-911 and fire) that must be updated on an annual basis during which projects can be added or removed to keep it current; that after the review, an IF ordinance must be adopted before fees can be collected; that the project list serves as a guide for annual budgeting from which the Board would choose from each year based on IF funds that are received; and that the purpose of IF is to offset the cost of infrastructure that is a burden on the County by requiring a development to pay its fair share. There was discussion regarding the future Ag Event Center (on the list) to include that total estimated cost figure shown is under-valued in that the type of Event Center desired is to be more around \$2.5 to \$3 million, to which Mr. Walton said the project can be adjusted during the process. Mr. Walton continued by saying that for a vehicle to be eligible it must have a life expectancy of 10 years or greater (like an ambulance). There was discussion regarding Pine Mountain Valley Park, which is leased by but not owned by the County, to which Mr. Walton said that while he wasn't sure about the parameters, if an agreement is established, the County can approve funds to improve the park, just like it does for volunteer fire departments. There was discussion regarding the \$2.5 million projected for a single tower to include that it should be more like \$200,000 per tower, to which Mr. Walton said he would verify the number of towers with E911.

There was general discussion regarding the CIE document, which included that it is a very lengthy document to review; that the CIE is a plan, not an absolute, and projects can be removed or added as needed; that there isn't a need for a splash pad at Ellerslie Park; that the CIE is basically a wish list of Department Heads for consideration during the budget process; and that action tonight is just to transmit the CIE to the RVRC and DCA for review, after which it comes back to the Board for adoption of the CIE as an amendment to the Comprehensive Plan and for adoption of the required Ordinance that is necessary before the IF program can be implemented.

There being no further discussion by the Board, Chairman Zuerner asked if anyone in attendance had any comments.

Meghan Guenther, said that she is a member of the IF advisory committee; that IF are needed to help fund the areas for which the fee can be used; and that the Board should vote yes.

There being no further comments, Chairman Zuerner closed the Public Hearing and asked for a motion.

The motion to accept the CIE draft to transmit to the RVRC and DCA, and to approve the Resolution regarding same was made by Commissioner Andrews, seconded by Commissioner Irions, and passed unanimously. (CIE document can be found in "Miscellaneous Documents" file as MD#22-02.)

- E. **Financial Statement: October 2021.** The motion to approve the October 2021 financial statement was made by Commissioner Grant, seconded by Commissioner Langston, and passed unanimously.
- F. **Boards, Committees & Authorities Annual Reports.** Commissioner Langston said that she understood that some of the various boards, committees, and authorities the Board appoints are to submit annual financial statements, and that she would discuss this further with Randy Dowling, County Manager, at a later date.

9. **COUNTY MANAGER**

- A. **Proposal for Architectural Services to Design New EMS/Volunteer Fire Station & Budget Amendment #4.** Chairman Zuerner said that during the October 2021 Planning Retreat the Board reached a consensus to move forward with the process for building design regarding a new EMS/Volunteer Fire Station facility within the Northwest Harris Business Park; that on the deadline date of November 19, 2021, four responses were received from architects (Barnes Gibson Partners, Columbus, GA; Hecht Burdeshaw Architects, Columbus, GA; IPG, Valdosta, GA; and 2WR Architects, Columbus, GA); that the evaluation committee (County Manager, EMS Director, and the current and former fire chiefs of Northwest Harris VFD) reviewed the responses, met on December 10 regarding same, and selected 2WR to design the new facility; that 2WR has prepared a proposal to provide architectural services for a total cost of \$190,000, for which, if approved, a budget amendment would be needed; that the design would take about three months, the project bid out in April, awarded in May, with construction estimated to take about nine months (to February 2023); and that the construction cost would be placed in next year's budget. Following discussion, which included comments by Randy Dowling, County Manager, and Bucky Searcy, EMS Director, the motion to approve 2WR's proposal, to proceed with the project, and to approve Budget Amendment #4 was made by Commissioner Grant, seconded by Chairman Zuerner, and passed unanimously. (Proposal can be found in "Contracts & Agreements" file as C&A #22-02.)
- B. **Project Updates.** Randy Dowling, County Manager, reviewed various projects, as follows:
- (1) UDC/Land Use Codes. Next meeting to discuss is January 10 at the Library.
  - (2) EMS/VFD Facility in NWHBP. Discussion regarding the architect took place during tonight's meeting.
  - (3) Prison Roof Replacement. Waiting for material to come in.
  - (4) LMIG Resurfacing 2022. Bid opening is January 18, with Board consideration on February 1, and completion by June 30, 2022.
  - (5) Patching of Roads 2022. Bid being prepared; completion by June 30, 2022.
  - (6) Skid Steer for Public Works. Received today.
  - (7) Ellerslie Park. Soft opening on January 22 perhaps around mid afternoon.
  - (8) Man O'War Railroad Recreation Trail, Phase V (aka Rails to Trails). Design underway, should go out on bid in March with completion by late 2022.
  - (9) Water Works Administration Building. Should be bid out soon and completed in the fall.
  - (10) Water Lines on Green Drive. Bids open January 14, with Board consideration on February 1, and completion by June 2022.
  - (11) Courthouse Renovations, Phase I. Will be bid out in late February, awarded in March and completed by late summer 2022. There was discussion regarding a Construction Manager and how to least interrupt the Courthouse offices during construction.
  - (12) Impact Fee Study. The Public Hearing for the CIE transmittal to the RVRC and DCA for review was held during tonight's meeting and the Resolution regarding same was also approved.
  - (13) RVRC & T-SPLOST Continuance. Referendum, for which the County has submitted three projects, will be in May 2022.
  - (14) Redistricting of Commission Districts. Meeting tomorrow, January 5, at 3:30 for discussion, virtual meeting with State reapportionment starting at 4, with the approval of the appropriate Resolution scheduled thereafter.
  - (15) ARP Projects. Listing shows what projects have been completed using ARP funds and the projects underway and/or to be completed.

- (16) SPLOST. Collection much higher than last month and same time last year.
- (17) LOST. Collection much higher than last month and same time last year.
- (18) Single Family Home Permits. Issued 14 during December for a total of 105 this fiscal year.

10. **COUNTY ATTORNEY**

A. **Resolution to Add Harris County to Lower Chattahoochee Transportation Authority (LCTA) for the 5311 Rural Public Transportation Program.**

Russell Britt, County Attorney, said that on August 17, 2021, the Board approved a resolution to file an application with GDOT for the County to be added to the LCTA; that another resolution has been prepared to be forwarded to the County's local legislative delegation to introduce local legislation during the upcoming legislative process; and if approved by the State, the County will become part of the LCTA and have access to the 5311 program. Following discussion, the motion to approve the Resolution was made by Commissioner Grant, seconded by Commissioner Langston, and passed unanimously.

B. **Resolution: Board of Education Bond Tax Levy and Collection.**

Russell Britt, County Attorney, reviewed the resolution regarding the levy and collection of an annual tax for payment of principal and interest on \$2,505,000 on the School district's general obligation sales tax bonds, series 2021. Following discussion, which included comments from Dr. Justin Finney with the Board of Education, the motion to approve this Resolution was made by Chairman Zuerner, seconded by Commissioner Andrews, and passed unanimously.

11. **ADJOURNMENT.** There being no further business to discuss, the motion to adjourn was made by Commissioner Langston, seconded by Chairman Zuerner, and passed unanimously.

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Andrew Zuerner, Chairman

Attest:

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Nancy D. McMichael, County Clerk