

**HARRIS COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION**

January 2, 2007
7:00 PM

Board Members Present: Daniel B. Bridges, J. Harry Lange, Joe F. Manning, Patrick Whearley, Charles Wyatt. Staff Present: Carol A. Silva, County Manager; John M. Taylor, County Attorney; Nancy D. McMichael, County Clerk.

1. **CALL TO ORDER.** Chairman Bridges called the Regular Session to order.
2. **ORGANIZATION OF COMMISSION.** The motion to nominate Commissioner Bridges as Chairman, Commissioner Lange as Vice-Chairman, John Taylor as County Attorney, and Nancy McMichael as County Clerk, was made by Commissioner Wyatt. The motion was seconded by Commissioner Manning and passed unanimously.
3. **MINUTES.** The motion to approve the minutes of the December 19, 2006, Regular Session with the proposed change was made by Commissioner Wyatt, seconded by Commissioner Lange, and passed unanimously.
4. **APPEARANCE OF CITIZENS**
 - A. **Jeff Cody: Roads in Cove at Lake Harding.** Jeff Cody, developer of the Cove at Lake Harding subdivision, appeared before the Board to explain what has happened concerning turning over the two roads in the Cove at Lake Harding to include that he has had to have the Letter of Credit revised several times; that he made the repairs to the roads as directed by Jimmy Evans, Public Works Director; that there was miscommunication between County offices regarding this matter; and asked that the last Letter of Credit revision, which expires July 25, 2007, be accepted as is for the acceptance of the roads. Discussion included that the letter of credit is required when roads are turned over to the County; that Mr. Cody had had the final Letter of Credit in his possession since it was issued; and that had the Letter of Credit been submitted, the Road Inspection would have been performed by Mr. Evans. Chairman Bridges asked for a motion regarding this issue. There being none, he said that Mr. Cody would be required to submit a new Letter of Credit as well as to update any other documents necessary and directed Nancy McMichael, County Clerk, to send Mr. Cody a letter outlining what is required.
5. **OLD BUSINESS**
 - A. **Solid Waste Management Plan.** Carol Silva, County Manager, said that the Board had directed that she find out if other companies, other than the RDC, could perform the Solid Waste Management Plan Update; that she did contact a company, but they indicated they could not do it; and that while the County could do the update of the data, we are not familiar enough with the process by which the plan must be adopted. Following discussion, consensus was to contact Allen-Smith Consulting to see if they can do the update, which is due by June 30, 2007, and to have this back on the next agenda for action.
 - B. **Legislative Concerns.** Chairman Bridges asked if there were any other concerns or comments regarding the topics, which were discussed during the December 19 meeting, to be sent to Vance Smith to take before the State Legislation for action. Discussion included higher homestead exemptions; that the meeting still needs to be set up with the Board of Education regarding the items and to have information as to how higher exemptions would affect both the County and the Board of Education; that the Census may have information as to the number of individuals old enough to receive a senior citizens "discount" on homestead exemption because the County doesn't track ages; that if the exemption is raised, it could be "phased in" over a period of years, rather than at one time; that another concern is to request that the Legislation increase the per diem for the prison with an automatic cost of living increase; and that the concerns need to be sent to Representative Smith by the first of February in order to have the appropriate Legislation done. Carol Silva, County Manager, is to advise the BOC regarding the census information during the January 16 meeting.
6. **NEW BUSINESS**
 - A. **Appointments/Reappointments.** Chairman Bridges said that several appointments and/or reappointments needs to be made for various boards. Action was as follows:
 - (1) **Agri-Center Board.** Upon the motion by Commissioner Manning, second by Commissioner Wyatt, and unanimous vote, Sandy Reames was reappointed to the Agri-Center Board and David Chambers was appointed to take the place of Chad Kimbrough, who preferred not to be reappointed. The terms of Mr. Reames and Mr. Chambers will be from January 1, 2007, to December 31, 2009.
 - (2) **Development Authority.** Upon the motion of Commissioner Lange, second by Commissioner Whearley, and unanimous vote, Ken Napier and Mark Smith were reappointed to the

Development Authority for the terms of January 1, 2007, to December 31, 2010.

- (3) Lower Chattahoochee Regional Development Center Board of Directors. Chairman Bridges said that the position left vacant by Commissioner Rodgers is to be filled by the Chairman or his appointee, and he doesn't think the Board has to vote on that appointment.
 - (4) Mental Health. Upon the motion of Commissioner Wyatt, second by Commissioner Manning, and unanimous vote, Martha Folds was reappointed to the Mental Health Board for the term of January 1, 2007 to December 31, 2011.
 - (5) Metropolitan Planning Organization (MPO). Upon the motion of Commissioner Wyatt, second by Commissioner Lange, and unanimous vote, Jimmy Evans, Public Works Director, was appointed to fill the position on the Technical Coordinating Committee, and Chairman Bridges was appointed to fill the position on the Policy Committee on the MPO. Action regarding the position on the Citizens Advisory Commission was tabled to January 16, 2007.
 - (6) Planning Commission. Upon the motion of Commissioner Whearley, second by Commissioner Wyatt, and unanimous vote, Garnett Ray, III, was appointed to fill the District 3 position most recently held by John Britt, and upon the motion to Commissioner Wyatt, second by Commissioner Manning, and unanimous vote, Willie Rutledge was reappointed to the Planning Commission. The terms of Mr. Ray and Mr. Rutledge will be from January 1, 2007, to December 31, 2010.
 - (7) Recreation Board. The motion to reappoint Rob Grant to the At-Large position for the term January 1, 2007 to December 31, 2009, and to appoint Sammy Hubbard to the Hamilton YSA position to complete the term ending December 31, 2007, was made by Commissioner Wyatt, seconded by Commissioner Lange, and passed unanimously. Commissioner Lange said that he has been the Commission's representative on the Recreation Board for some time now, but that since Commissioner Whearley has been active on the Recreation Board, he should assume that position. Commissioner Lange then made the motion for Commissioner Whearley to assume the position as the Commission's representative on the Recreation Board. The motion was seconded by Commissioner Wyatt and passed unanimously.
 - (8) Tax Assessors, Board of. Upon the motion of Commissioner Manning, second by Commissioner Whearley, and unanimous vote, Rick Norris was reappointed to the Board of Tax Assessors for the term January 1, 2007 to December 31, 2010.
 - (9) Zoning Adjustments, Board of. Upon the motion of Commissioner Lange, second by Commissioner Whearley, and unanimous vote, Chris Butzon was reappointed to the Board of Zoning of Adjustment for the term October 1, 2006 to September 30, 2009.
- B. Airport Committee Recommendation. Commissioner Lange said that he, Commissioner Manning, and County Manager Carol Silva, had been meeting regarding the operation of the Airport; that the consensus is that the Airport has been breaking even, with the exception for insurance; that the FAA has extended the deadline for the FY 2002 funds to September 2007; and that it is the recommendation of the Airport Committee to continue the operation of the Airport for another six months, after which a final determination will be made regarding its operation.

7. **PUBLIC HEARINGS @ 7:30 PM**

- A. **Applications of Peachtree Five Harris Holdings, LLC, to rezone 27.186 acres owned by Dorothy Sue Trammell, in Land Lots 99, 105 & 106, Land District 4, Map 038, Part of Parcel 19, and 19.775 acres owned by Trammel Trust, Charles Trammell, Jr., Trustee, in Land Lots 105 & 109, Land District 4, Map 038, Part of Parcel 25, from A-1 to C-4, present use undeveloped, proposed use mixed use commercial development, properties located at Georgia Highway 18 West @ Interstate 185.** Chairman Bridges said that a request had been received from Robert D. Cheeley, representing Peachtree Five Harris Holdings, for a continuance of 30 days. He asked for a motion regarding the request. The motion to defer the Public Hearing of these two rezoning applications to March 6, 2007, for the applicant to pay for re-advertising of the public hearings, and for the applicant to make the appropriate changes to the rezoning signs, was made by Commissioner Manning, seconded by Commissioner Wyatt, and passed unanimously.
- B. **Explanation of Public Hearings**. Chairman Bridges explained the procedures involved with the Public Hearings.
- C. **Conflict of Interest Forms**. The Conflict of Interest forms were completed at the request of Chairman Bridges.
- D. **Application of Osda Dinginela, LLLP, to rezone 81.844 acres of Land Lots 130 & 131, Land District 18, Map 084, Part of Parcel 112, from PCD to R-1, present use undeveloped, proposed use single family residential, property located at McKee Road and Georgia Highway 315, Waverly Hall.** Chairman Bridges called the Public Hearing to order, read the specifics of the

application, and said that the Planning Commission had recommended approval of this rezoning application with the conditions that (1) all lots abutting Belfair and Deer Run Subdivision, as well as lots 12, 14, 15 & 16, maintain an undisturbed buffer of 100 feet; and (2) the creek area is to be protected by a buffer of 25 feet on either side; and that the Staff had also recommended approval with the conditions that (1) all lots abutting Belfair and Deer Run Subdivision, as well as lots 12, 14, 15 & 16, maintain an undisturbed buffer of 100 feet; and (2) the creek area to be protected by buffer. Britt Moon, representing the applicant, appeared before the Board and said that the rezoning is a "fairly straight forward" request and they are in agreement with the buffer zones. There being no questions from the Board, Chairman Bridges asked if anyone wished to speak in favor of this rezoning application. There being none, he asked if anyone wished to speak in opposition of this rezoning application. There being none, Chairman Bridges closed the Public Hearing.

The motion to approve the rezoning of 81.844 acres to R-1 with the conditions (1) all lots abutting Belfair and Deer Run Subdivision, as well as lots 12, 14, 15 & 16, maintain an undisturbed buffer of 100 feet; and (2) the creek area is to be protected by a buffer of 25 feet on either side, was made by Chairman Bridges and seconded by Commissioner Manning. Commissioner Wyatt asked if State law requires a 50 foot buffer on either side of the creek, and Commissioner Lange said that while there was talk about going to a 50 foot buffer, it still remains at 25 feet. The motion passed unanimously.

- E. **Application of Osda Dingenela, LLLP, to rezone 5 acres of Land Lots 130 & 131, Land District 18, Map 084, Part of Parcel 112, from PCD to C-3, present use undeveloped, proposed use neighborhood commercial, property located at McKee Road and Georgia Highway 315, Waverly Hall.** Chairman Bridges called the Public Hearing to order, read the specifics of the application, and said that the Planning Commission had recommended approval with the conditions that (1) the appearance of the building(s) should blend in with the surrounding residential; (2) controlled lighting; and (3) 100 foot buffer on the West and South sides which abut residential, and that the Staff had also recommended approval with the same conditions. Britt Moon, representing the applicant, appeared before the Board and said that this is "relatively straight-forward"; that he understands there are concerns of the neighbors regarding the rezoning and that he welcomes the right combination of restrictions to make sure that what eventually goes there is conducive to the area and not a detriment. Commissioner Lange, in reference to the "controlled lighting" condition, said that he would like that clarified that the lighting be inward or downward directed lighting. In response, Mr. Moon said that technology is available to keep the lighting from leaving the property at all, and that is his intent, and Commissioner Lange was agreeable. Commissioner Lange also said that he would like to make as a condition that gaming machines, which are becoming problems in the County, of any kind are not permitted in any of the businesses on the subject property. John Taylor, County Attorney, said that is acceptable and would be a condition of the rezoning. Commissioner Wyatt said that a 100 foot buffer for five acres will leave 2.3 acres for buildings; that such a buffer is excessive; and that the Board has usually required a 50 foot buffer. There being no further comments or questions, Chairman Bridges asked if anyone wished to speak in favor of this rezoning application. There being none, he asked if anyone wished to speak in opposition to this rezoning application.

Ron Davis, citizen who lives in Belfair Subdivision, appeared before the Board and said that he is not in favor of a 50 foot buffer; that he would not like to see the 100 buffer on the West side of the commercial reduced to 50 feet; that there are two other commercial establishments within two miles; that he does not see the need for five acres of commercial on the corner; that he would prefer to see the five acres rezoned to residential, which is what the other three corners of the intersection will be; and that he moved to the area for the rural setting and not to look at the back of a convenience store.

Kim Huff, citizen who lives in Ellerslie Place Subdivision, appeared before the Board and said that she moved to Harris County for the country setting; and that she does not see the need for commercial in the area.

Jesse McKinney, citizen who lives in Ellerslie Place Subdivision, appeared before the Board and said that the rezoning signs from the previous rezoning of this property have never been taken down; that one tends to ignore such signs; that the area is growing because people want to get away from the hubbub, light pollution, noise pollution and crime of Columbus; that the citizens don't want to see another service station and storage building in the area, which is what was originally proposed for this property several years ago; that once the property is rezoned commercial, there will be no oversight as to what goes on the property; and that the property should be rezoned to residential.

Anthony Crabtree, citizen who lives in Ellerslie Place Subdivision, appeared before the Board and said that he recently moved to the area; that rezoning this property to commercial will result in no oversight as to what goes on there; that he moved to the area because there is not a lot of commercial in the area; and that he is all for growth, but there are certain places for certain things.

Stormy Huff, citizen who lives in Ellerslie Place Subdivision, appeared before the Board and said that he moved to the area for the atmosphere; that the area is gorgeous; that he would like to see the recommended 100 foot buffer remain; and that if the property is rezoned to commercial, anything built on the property should come through the Board to make sure it is appropriate.

David Whitlaw, citizen who lives in Ellerslie Place Subdivision, appeared before the Board and said

he agrees with everything that has been said; that commercial rezoning will result in little or no oversight as to what goes on there; that consideration should be given as to what will go on the property; and that if it is rezoned, the 100 foot buffer should remain.

Josh Davis, citizen who lives in Belfair Subdivision, appeared before the Board and said that his property abuts the commercial property; that he did not move to the area to see commercial and would rather see the property rezoned residential.

There being no further comments in opposition, Chairman Bridges asked Mr. Moon for rebuttal. Mr. Moon said that the buffer is currently clear-cut and will be replanted, as required by County regulations; that he lives in the area too and agrees that a storage building is not what he wants to see; that he would welcome restrictions to not allow storage buildings; that regarding no "over sight" by the County, this rezoning is most restrictive zoning for commercial for the size of the parcel; that if there is a way to do it, he is not opposed to having restrictions as to what can or cannot go on the property; that he is a land developer and not in the honky-tonk, truck stop, or storage business; that such businesses would be detrimental to the area; and that if and when the property is ready for commercial, the business(es) will be conducive to the overall look and feel of the neighborhood.

Chairman Bridges said that the Board has pushed for commercial all over the County, but that commercial in this area won't be any time soon; and asked if rezoning the five acres to R-1 would be acceptable, and Mr. Moon replied "absolutely." With that, Chairman Bridges asked if there were any other questions or comments. There was a brief discussion regarding the reasoning behind asking for C-3 when PCD allowed commercial. Commissioners Manning asked Mr. Taylor to read the definitions of buffer contained in the Zoning Ordinance, and Mr. Taylor read the definitions contained in "buffer", which are (1) natural buffer, and (2) structural buffer.

There being no further comments or questions, Chairman Bridges closed the Public Hearing and made the motion to rezone the subject property to R-1, rather than C-3, with no conditions. The motion was seconded by Commissioner Lange and passed unanimously. Chairman Bridges asked Mr. Moon to have the rezoning signs removed from the property.

8. **NEW BUSINESS (CONTINUED)**

C. **Error and Release Requests.** Chairman Bridges read the Error and Release requests as follows:

- (1) Couch, Nhan Thi: Digest amount of \$92,000 corrected to \$52,000 (data error by Tax Appraiser).
- (2) Hall, Samuel J, IV & Kathy G.: Digest amount of \$147,072 corrected to \$135,079 (field work data not processed).
- (3) Wells, Ronald J. & Sandra V.: Digest amount of \$40,590 corrected to \$37,400 (data error input by Tax Appraiser).

The motion to approve all three Error and Release requests was made by Commissioner Lange, seconded by Commissioner Whearley, and passed unanimously.

D. **Insolvents.** Chairman Bridges said that this is a long list of personal property to be deleted because the individuals can't be located. John Taylor, County Attorney, said that taxes can be "written off" when they aren't collectable to get them off the books. In response to a question about a business going out of business and whether the tax would follow the individual, Mr. Taylor said that if it is an individually owned business, it would follow the individual, but if it is a legal entity, it would not. Commissioner Wyatt said that he recognizes several names on the list, and following discussion, Commissioner Lange suggested that the Commissioners contact Mr. Taylor concerning any recourse on any names that may be recognized. Action was tabled pending review by Mr. Taylor of recognized names.

E. **Request for Tax Refund: Marty Reid.** Chairman Bridges said that a request for a refund of \$18 had been received from Marty Reid in connection with his vehicle tag because he did not receive notification that the tag tax was due. He said that both the Tax Commissioner and Board of Tax Assessor's disagree with the request. The motion to deny the request was made by Commissioner Manning, seconded by Commissioner Whearley, and passed unanimously.

F. **November 2006 Financial Statement.** The motion to approve the November 2006 Financial Statement was made by Commissioner Wyatt, seconded by Commissioner Lange, and passed unanimously.

9. **COUNTY MANAGER**

A. **Supplemental Agreement to Extend Completion Date for Walking and Bike Trail [STP-000E(141), P.I. #371770]** Carol Silva, County Manager, said that this agreement is for the purpose of extending the completion date for the Walking and Bike Trail to December 31, 2008. In response to a question from Commissioner Lange, Mrs. Silva said there is no schedule for completion since we have not heard from DOT as to how much the County will be reimbursed; and that we still need to put in restrooms, the bicycle parking pads, benches, trash cans, signage, and connect to the culvert that DOT will extend when Highway 116 is straightened in front of the Health Department. The motion to approve the agreement was made by Commissioner Wyatt, seconded by Commissioner Lange, and passed unanimously. (Document can be found in "Contracts &

Agreements" file as C&A #07-01.)

- B. **Supplemental Agreement to Extend Completion Date for Old Mountain Hill Schoolhouse [TEE-0006-00(595), P.I. #0006595]**. Carol Silva, County Manager, said that this agreement is for the purpose of extending the completion date for the renovation of the Old Mountain Hill Schoolhouse to December 31, 2007. In response to a question from Chairman Bridges, Nancy McMichael, County Clerk, said that all that remains in that project is the force account items that weren't bid on first time around and for which the information has just been received. The motion to approve the agreement was made by Commissioner Lange, seconded by Commissioner Whearley, and passed unanimously. (Document can be found in "Contracts & Agreements" file as C&A #07-02.)
- C. **Phone System for Community Development**. Carol Silva, County Manager, requested permission to request proposals for a new phone system in the Community Development building. There were no objections to seeking proposals and bringing same back to the Board for review.
10. **COUNTY ATTORNEY**
- A. **Request for Executive Session**. John Taylor, County Attorney, requested an Executive Session for the purpose of discussing personnel matters.
11. **RECESS FOR EXECUTIVE SESSION**. The motion to go into Executive Session for the purpose of discussing personnel matters was made at 8:20 PM by Commissioner Wyatt, seconded by Commissioner Manning, and passed unanimously.
12. **RESUME REGULAR SESSION**. The motion to go back into Regular Session was made by Commissioner Manning, seconded by Commissioner Wyatt, and passed unanimously.
13. **OTHER**
- A. **Clean Air Quality Results**. Commissioner Lange said that he has been attending the Regional Air Quality Committee meetings; that discussion is still ongoing, but that Board needs to be aware that fire activity has been reviewed in the five-county Columbus area; that Fort Benning has been excluded from the study and of the remaining counties, Harris County is the worst when it comes to burning. Carol Silva, County Manager, said that at the next Air Quality, each county is to have suggestions as to how each county can control some of the problems or solutions as to how improvements can be made, so that the EPD can consider the solutions before a decision is made on whether or not the MPA is going into non-attainment; and that she believes most of Harris County's problem comes from the property owners who live adjacent the County line burning leaves, brush and limbs, and developers burning debris in connection with clearing lots. She said that Harris County no longer picks up leaves, brush and limbs; that if we start doing so, we can use that as a solution toward eliminating the pollutants in the air; and that the Board needs to be thinking of some solutions that can be submitted as suggestions toward the air quality problems. There was discussion regarding the locations of the monitoring stations (in Columbus and Phenix City) and the air flow; and that it may be that more Convenience Centers are needed with dumpsters for yard debris in addition to the current inert landfill at the Transfer Station.
- B. **Letter from DCA**. Chairman Bridges said that a letter had been received from the DCA concerning grants that are available to joint development authorities based on the highest credit and tier system. He asked if Harris County could apply as a Tier II because of Columbus, and Carol Silva, County Manager, said that the County could do so if we applied jointly with Columbus; that just being a member doesn't qualify. Commissioner Wyatt asked about a grant for running the line to Shiloh, and Mrs. Silva said that it would have to be between Shiloh and Harris County.
- C. **Fire Services**. Chairman Bridges said that he would like to form a committee to discuss and determine the next step for fire services. Discussion included that there should be an initial meeting with all the Commissioners and all the Council of Fire Chiefs, after which a committee would be made up of some of the Commissioners and some of the Fire Chiefs to come up with ideas and recommendations that would be presented to both groups. Carol Silva, County Manager, asked when the Board would like the initial meeting and consensus was to work on various dates with a decision to be made at the next Commission meeting as to when to hold the initial meeting.
- D. **Radio Tower**. Chairman Bridges said that the Board had recently discussed upgrading the radio tower in the West Point area for the radio system; that a letter from First Communications indicates that if the upgrade does not work, the County doesn't have to pay for it; and that the matter should be on the next agenda for the Board to take action.
13. **ADJOURNMENT**. There being on further business to discuss, the motion to adjourn was made by Commissioner Manning, seconded by Commissioner Wyatt, and passed unanimously.

Attest:

Nancy D. McMichael, County Clerk