

**HARRIS COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION**

March 6, 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 Taylor, County Attorney; Nancy D. McMichael, County Clerk.

1. **CALL TO ORDER**. Chairman Bridges called the Regular Session to order.
2. **MINUTES**. The motion to approve the minutes of the February 20, 2007 Regular Session was made by Commissioner Wyatt, seconded by Commissioner Whearley, and passed unanimously.
3. **OLD BUSINESS**
 - A. **Second Reading: Ordinance to Amend Personnel Policy re: Birthday as Holiday.** Chairman Bridges said that this was the second reading to add birthday as an additional holiday for employees and asked if anyone wished to comment. There being no comments from the Board or those in attendance, the motion to approve this Ordinance was made by Commissioner Whearley, seconded by Commissioner Lange, and passed unanimously.
 - B. **Second Reading: Ordinance to Amend Ordinance re: Quotes, Proposals and Bids.** Chairman Bridges said that this was the second reading to change the dollar amounts in connection with quotes, proposals and sealed bids purchases and asked if anyone wished to comment. There being no comments from the Board or from those in attendance, the motion to approve this Ordinance was made by Commissioner Wyatt, seconded by Commissioner Lange, and passed unanimously.
 - C. **Bid Award: Inmate Phone System for Prison.** Chairman Bridges said that this was tabled from the February 20 meeting due to errors in the bid tabulation. He asked for a motion regarding same. The motion to award the bid for the Inmate Phone System to Securus Technologies for 55% (percentage of revenues to be paid to the County) was made by Commissioner Lange, seconded by Commissioner Wyatt, and passed unanimously.
 - D. **Second Reading: Application of Ashwani Kumar for Beer & Wine Off Premises at A&A C Store, 1560 Highway 27, Cataula (new owner, fka Shopper Stop #451, Jacobs).** Chairman Bridges said that this was the second reading for this application, which had been recommended for approval by the Sheriff's Office and the Community Development Department. The applicant was present but had no comments. Chairman Bridges asked if anyone wished to speak in favor of or in opposition to this application. There being none, the motion to approve this application was made by Commissioner Lange, seconded by Commissioner Whearley, and passed unanimously.
4. **NEW BUSINESS**
 - A. **Resolution: Acceptance of Bellinger Place, Bellinger Court, and Huling Road (Bellinger Estates Subdivision).** Chairman Bridges asked John Taylor, County Attorney, for his opinion regarding the acceptance of these roads. Mr. Taylor said that the appropriate documents had been received for acceptance of the roads, that one correction was needed regarding the Title Insurance, and he recommended approval of same. The motion to approve this Resolution was made by Commissioner Whearley, seconded by Commissioner Lange, and passed unanimously.
 - B. **Resolution: Acceptance of Maple Brook Lane (Maple Brook Subdivision).** Chairman Bridges asked John Taylor, County Attorney, for his opinion regarding the acceptance of this road. Mr. Taylor said that the appropriate documents had been received for acceptance of the road, that one correction was needed regarding the Title Insurance, and he recommended approval of the Resolution. The motion to approve this Resolution was made by Chairman Bridges, seconded by Commissioner Wyatt, and passed unanimously.
 - C. **Financial Statement: January 2007.** The motion to approve the January 2007 Financial Statement was made by Commissioner Lange, seconded by Commissioner Wyatt, and passed unanimously.

5. **COUNTY MANAGER**

- A. **Extension of Audit Contract: Robinson Grimes.** Carol Silva, County Manager, said that this was discussed during the preceding Work Session and that a motion and vote are needed regarding extending the contract with Robinson Grimes for an additional two years since they are most familiar with the County's records and the GASB requirements are being implemented over the next two years. The motion to approve the extension of the contract for two additional years was made by Commissioner Wyatt, seconded by Commissioner Lange, and passed unanimously.
- B. **Vehicle for Community Development.** Carol Silva, County Manager, said that this was discussed during the preceding Work Session and that a motion and vote are needed regarding same. The motion to purchase a 2007 Ford Expedition in the amount of \$21,290 and to take the funds from Contingency was made by Commissioner Lange, seconded by Commissioner Wyatt, and passed unanimously.
- C. **Detour Route for DOT Project: SR 103 @ Flat Shoals Creek [BRST-158-1(17)].** Carol Silva, County Manager, said that this was discussed during the preceding Work Session and that a motion and vote are needed. The motion to approve the detour around the bridge on SR 103 via Marshall Williams Road to the County line was made by Commissioner Wyatt, seconded by Commissioner Lange, and passed unanimously.
- D. **Work Ready Community Initiative.** Carol Silva, County Manager, said that this was discussed during the preceding Work Session and that a motion and vote are needed in order to go forward with submitting an application, which is due by March 15. The motion to submit the application in connection with the Work Ready Community Initiative was made by Commissioner Lange, seconded by Commissioner Whearley, and passed with four in favor (Lange, Whearley, Bridges, Wyatt), no opposition, and one abstention (Manning).

6. **COUNTY ATTORNEY**

- A. **DOT R/W Agreement: Alabama Road and Calhoun Road [PR000-S009-00(815)].** John Taylor, County Attorney, said that this document appears to be the usual DOT right-of-way document; that the County has deeds for Calhoun Road; that the County probably has deeds for Alabama Road and a search will be performed regarding same; and he recommended approval of the document. The motion to approve this R/W agreement was made by Commissioner Wyatt, seconded by Commissioner Lange, and passed unanimously. (Document can be found in "Contracts & Agreements" file as C&A #07-06.)
- B. **Resolution to Extend Moratorium re: Subdivision of 5+ Acre Lots in A-1 Districts.** John Taylor, County Attorney, said that this was discussed during the preceding Work Session; that approval of the Resolution will extend the moratorium regarding the subdivision of property in lots of 5+ acres in A-1 districts in order to give more time to come up with requirements and to meet the advertising requirements for same; and that this extension would expire June 19, 2007, or earlier if lifted or extended by action of the Board. The motion to approve this Resolution was made by Commissioner Manning, seconded by Commissioner Wyatt, and passed unanimously.
- C. **Request for Executive Session.** John Taylor, County Attorney, requested an Executive Session for the purpose of discussing a personnel issue.

9. **OTHER**

- A. **Vehicles for Sheriff's Office.** Chairman Bridges said that it appears the County will end up with approximately \$850,000 more in revenues than budgeted; that as a result of having the additional revenue, he is recommending that approval be given to the Sheriff to order five (5) new cars now; that he would like this to happen every year from now on if budget revenues are exceeded; that the Sheriff would like to order 10 cars, but five of those are for the five new employees he will be requesting during budget; that the Sheriff will be turning in five cars, each having over 200,000 miles; and that during the rain storm last week, a car was totaled, so it needs to be replaced as well, but that insurance will pay all but \$5,000 on it. The motion to allow the Sheriff to purchase five new cars with funds coming from the Fund Balance, and a sixth car to replace the one recently totaled, contingent upon the insurance claim, was made by Commissioner Manning, seconded by Commissioner Wyatt, and passed unanimously.

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

- A. **Conflict of Interest Forms**. The Conflict of Interest forms were completed at the request of Chairman Bridges.
- B. **Procedures for Public Hearings**. Chairman Bridges explained the procedures involved with the Public Hearings.
- C. **Applications of Peachtree Five Harris Holdings, LLC, to rezone:**
- (1) **27.186 acres owned by Dorothy Sue Trammell, in Land Lots 99, 105 & 106, Land District 4, Map 038, Part of Parcel 19, from A-1 to C-4, present use undeveloped, proposed use mixed use commercial development, property located at Georgia Highway 18 West @ Interstate 185.**
 - (2) **19.775 acres owned by Trammell 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, property located at Georgia Highway 18 West @ Interstate 185.**

Chairman Bridges said that because the applications were from the same applicant and that the properties are abutting, only one Public Hearing will be held, but the applications will be acted upon separately. He then read the specifics of both applications and said that the Planning Commission had recommended disapproval for both applications, but that the Staff had recommended approval for both applications with the condition that there be controlled lighting that does not interfere with driving.

Bob Cheeley and Dickie Fogal, partners in Peachtree Five Harris Holdings, appeared before the Board. Mr. Cheeley said that he is speaking on behalf of his partners, one of whom is Lamar Wakefield and with whom he owns property in the County on 219, a 700 acre tract primarily used for hunting; that Mr. Wakefield's firm is Wakefield Beasley Associates, an architectural firm in Atlanta, and has been approved to design many of the cottages at Callaway Gardens; and that he is personal friends with Dickie Fogal. He distributed brochures regarding Mr. Wakefield's firm. Mr. Cheeley said that the applications are to rezone two pieces of property at the intersection of Highway 18 and Interstate 185 from A-1 to C-4; that that location is the "gateway" to Callaway Gardens off of I-185; that he met with Commissioner Manning and Commissioner Lange to outline the plans for the property; that they plan to get the property rezoned, get water to the property either from the County or having Champion Wells drill wells; that they want to be good neighbors, design a product that the County can be proud of; that everything they do is done with excellence; that the site has a lot of potential to really give a first-class development to the County; that the development they have planned will be well-received by the citizens; that the appropriate and best use of the property would be C-4 in accordance with the Comprehensive Land Use Map; that they have a site plan as to how they envision the development of the property; that they do not have any particular users lined up at this time; and that with the interstate exposure, the property is appropriate for a motel, like a Fairfield Inn, a restaurant, like Cracker Barrel, or a gas station, which would be pursued if the rezoning application is approved.

There being no comments or questions from the Board, Chairman Bridges asked if anyone wished to speak in favor of this rezoning application.

Charles Wyche, citizen, appeared before the Board and said that he has been part of the Trammell family for 60 years (by marriage); that he lives about 1.5 miles from the subject property; that he and his family have no objections to the rezoning to C-4 and see no problem with the development.

Charles Trammell, one of the property owners, appeared before the Board and said that his property is adjacent to the subject property and provides access to same; and that he is in favor of the rezoning.

Charles Storey, citizen, appeared before the Board and said that he lives about 1.5 miles from exit 34; that he has been living there over 20 years and has been hunting there almost 40 years; that while he is somewhat bothered with change, this rezoning would be a good opportunity for the County to show a willingness for the growth and development when the right conditions are met; and that the rezoning to C-4 provides the right conditions.

Dorothy Trammell, one of the property owners, appeared before the Board and said that she has had the property over 50 years; that when the interstate came through in 1970, it divided the property; that she is comfortable with rezoning the property to C-4; and thanked the Board for its time and consideration.

There being no further comments in favor of this rezoning application, Chairman Bridges asked if anyone wished to speak in opposition to same.

James Hinson, citizen, appeared before the Board and said that he lives on Highway 18 about 200 yards west of the subject property; that he is not opposed to the property being rezoned commercial, only to the C-4 rezoning; that he would prefer to see the property rezoned to C-3 because of the number of undesirable uses that can go on the property under C-4, like a truck stop or adult video/bookstore; that his neighbors are also opposed to the C-4 rezoning; that people moved to the area for the serenity and beauty of the area; that this rezoning is the start of commercialization that will change the dynamics of the community; and he requested that the Board rezone the property to C-3 rather than to C-4.

Teresa Smith, citizen, appeared before the Board and said that she agrees with Mr. Hinson; that the people of the area do not want to see a truck stop or have "garbage" in the neighborhood; that she moved from Columbus to get away from such "rif-raf"; that truck stops go straight into porn, video, prostitution, etc.; and that they would prefer to see the rezoning as C-3 not C-4.

Jim Woods, citizen, appeared before the Board and said that he lives on Rivers Road in West Point; that his family's farm is on Highway 18 about one mile west of the subject property; that the property has been for sale for eight to ten years, but the prices has been too high; that prudence is needed regarding the rezoning; and that the rezoning should take place in five or ten years when they have a definitive plan rather than a conceptual plan.

Jennifer Link, citizen, appeared before the Board and said that she was born and raised in the area but moved back about eight years ago about two miles from the subject area; that she doesn't have a problem with the property being sold and understands that change will happen; that she would prefer to see a C-3 zoning, which is more protective than a C-4; that if the property is zoned to C-4, there needs to be conditions that prohibit certain uses; that a C-3 would allow a hotel or motel; that she doesn't see a Cracker Barrel coming to that exit anytime soon since there is one in LaGrange and one in Columbus; that if the property is zoned to C-4 and the property is re-sold, we lose control of what happens; that this area is the "gateway" to the County; and that the problem is not with selling the property but how the sale will affect the area.

In response to comments, Chairman Bridges said that the Board can't allow something in a district that is not permitted, i.e. not permitted in C-3 are hotels/motels; and that conditions put on any rezoning go with the property, not the owner, and remain on the property until such time as another rezoning takes place; and Commissioner Whearley commented that C-4 zoning does not allow adult entertainment (in reference to previous comments).

Mike Patton, citizen, appeared before the Board and said that he lives about a half-mile from the subject property; that he moved to Harris County eight years ago because of the serenity and beauty of the land; that he would like to see the property preserved; that he is also a business man and does not want to stand in the way of what is being developed, but wants to make sure it is done in the right manner; that there are many issues to be considered to make a zoning decision; that he would prefer that it not be rezoned to C-4; that any commercialization of the area is going to diminish what is currently there; that while the development would enhance the property values, that is not why people live there; and he asked that the Board take everything into consideration before making a decision.

Ed Fernandez, citizen, appeared before the Board and said that he lives about a mile from the subject property; that he agrees with everything everyone has said; that he doesn't oppose the sale of the property, but the C-4 zoning and the uses it allows; that he would like to see property preserved, especially along Highway 18, but agrees that Mrs. Trammel has a right to sell her property; that the subject property will be the "gateway" through which many travelers go; that the Board's decision will impact the area for a long time; and asked that the Board take everything into consideration before making a decision.

There being no further comments in opposition, Chairman Bridges asked for rebuttal.

Mr. Cheeley said that people want to live in Georgia; that the area is going to grow because of the Kia plant and the growth at Ft. Benning; that he has a vested interest in the County; that he is a taxpayer, at least for the last year; that they want to be a good neighbor; that they are not asking for anything more than the Comprehensive Land Use Plan indicates; that if they are going to do it (development), they will do it right; that the water issues still have to be solved regarding this property; that Bill Champion, of Champion Wells, will drill

to see what water can be found, and if he comes up dry, they will have to determine if they can afford to run County water to the site; that this property can make a statement of Harris County and they plan on making a quality statement; and that they request the rezoning to C-4.

There being no comments or questions from the Board, Chairman Bridges closed the Public Hearing and asked that there be a separate vote on each application.

Regarding the two rezoning applications, Commissioner Manning made the motion to approve the rezoning to C-4 with the following restrictions and limitations: (1) no billiard hall, (2) no drive-in theater, (3) no fuel storage, (4) no kennel, (5) no truck stop or truck depot, (6) no night club, and (7) that any manufacturing business allowed in C-4 must be reviewed and approved by the Board as a Special Use Permit before same is constructed. Chairman Bridges seconded the motion. There was discussion regarding metal buildings, with the result being that Commissioner Manning agreed to include in the motion that there be no metal buildings on the frontage road, that buildings be constructed similar to what is presented in the Wakefield Beasley & Associates brochure, and that any metal building must have a facade covering the metal, and Chairman Bridges also amended his second to include same.

The vote on the above stated motion and conditions to rezone the 27.186 acres from A-1 to C-4 passed unanimously.

The vote on the above stated motion and conditions to rezone the 19.775 acres from A-1 to C-4 passed unanimously.

11. **RECESS FOR EXECUTIVE SESSION.** The motion to go into Executive Session for the purpose of discussing a personnel issue was made at 8:15 PM by Commissioner Wyatt, seconded by Commissioner Lange, and passed unanimously.
12. **RESUME REGULAR SESSION AND ADJOURNMENT.** The motion to resume the Regular Session and adjourn, as there was no further business to discuss, was made by Commissioner Wyatt, seconded by Commissioner Manning, and passed unanimously.

Daniel B. Bridges, Chairman

Attest:

Nancy D. McMichael, County Clerk