

**HARRIS COUNTY BOARD OF COMMISSIONERS  
REGULAR SESSION**

April 3, 2007

7:00 PM

Commissioners 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. **MINUTES**. The motion to approve the minutes of the March 20, 2007, Regular Session, was made by Commissioner Lange, seconded by Commissioner Wyatt, and passed unanimously.
3. **SPECIAL APPEARANCE**
  - A. **4-H.S.T.A.R.S.** High School students Mindy Barron and Shane Hightower appeared before the Board to make a presentation of the project they presented at the 4-H Youth Summit, which took place in October 2006. Ms. Barron and Mr. Hightower traded off certain parts of the PowerPoint presentation which included that the Summit was designed to create an awareness of state and local issues; that they chose traffic safety as their topic in light of the death of a four-year old as a result of a traffic accident; that S.T.A.R.S. stands for Students Taking Action for Road Safety; that they hope to bring driver safety issues to high school students; that there is an average of at least two wrecks a week involving high school students; that they want to provide safety and training programs for their fellow students to include distributing copies of the state drivers booklet and classroom training; and that the project is aimed to help young drivers learn better driver safety habits. Chairman Bridges thanked Ms. Barron and Mr. Hightower for their presentation and said they are to be commended for their leadership in trying to do something in our community that will help other people.
4. **APPEARANCE OF CITIZENS**
  - A. **Price Road Issues**
    - (1) Betty Harry, citizen, appeared before the Board and said that Price Road has been surveyed for paving; that the surveying was done before right-of-way was acquired; that there are problems obtaining the right-of-way; that Price Road is a one-lane road, but to pave it, it is to be a two-land road with a cul-de-sac; that it may be possible to obtain the additional right-of-way from the left side of the road so that the Shorts and Hogans will not lose any more of their land; that the situation is causing a lot of friction in the neighborhood; that Mr. Short is paying taxes on the property on which the road lies; that it seems strange the County is keeping up the road and the road is not in its name, although she talked to the County Attorney and learned that Price Road is a County road by prescription; that the road affect the people who live in the back part of Meadow Lake Subdivision; that no garbage trucks or school buses go down Price Road; that there is no reason to have a two-lane road; that she understands that Commissioner Manning gave the Hogans permission to put up a gate at their property, which makes her concerned that Mr. Short could also be given permission to put up a gate; and asked that the Board to do whatever it can to get the road in the County's name so that it can be paved. She presented a petition signed by citizens in the area who are in favor of having the road paved
    - (2) Barbara Short, citizen, appeared before the Board, distributed a prepared statement, and read same, which included that the road has been owned by her family since 1836; that it has been and still is used as a farm road to move farm equipment by her, the Hogan farm, and the Salter farm; that farm equipment will destroy paved surfaces; that the County started to maintain the road in the mid 90s; that the County did not seek an easement and she pays property taxes on the road; that a few months ago she found survey stakes on her property, which was done without her knowledge; that the road was not paved when the houses were built on the west side of the road; that she has never attempted to deny anyone access to their property; that while the County claims the road is a County road, it can only claim ditch to ditch; that she does not expect nor does she wish to receive payment for the road, which is part of her farm; that the paving request is an attempt by others to increase the value of their property and is unreasonable; that the paving of the road will prevent the transport of farm equipment; and asked that the Board consider the facts and their rights as property owners. She also said that her losses will be much greater than that of others because she won't be able to access the back of her property.

- (3) J. B. Short, citizen, appeared before the Board and read a prepared statement (which had been distributed by Mrs. Short), to include that the paving of the road will interfere with farm owners who use the road; that he would like clarification of the County's position; and asked that the Board visit the road.

Commissioner Manning said, for the record, that he has not, nor does he have the authority to give permission to put up a gate anywhere. Mrs. Short said that they would never, ever, consider putting up a gate on Price Road; that they realize the road is used by others to get to their property.

- (4) Linda Hogan, citizen, appeared before the Board and said her family has had property in Harris County for 23 years at the end of Price Road; that the property has been in her name since 1988 and in 1998, she bought the adjacent parcel; that she and her father have raised cattle on and off on the property; that she lives there full-time now; that in the early 90s, her father told her that he was asked to name the road, since he was the only house on the road at that time; that they had maintained the one-lane road to their cattle gate since 1984; that she should have been contacted before surveyors put stakes in her two pastures and her driveway; that she does not plan to sign over any of her property; and that consideration should be given to contact property owners before placing survey stakes on their property.

Chairman Bridges said that the County doesn't just go out and take property; if a road is going to be paved surveys are done after which the property owners are contacted about the specific amount of right-of-way that is needed; that the road being maintained is from ditch to ditch, but the County just would not take property; that he understands the road is on the list for paving; and that the Board will have to work out something regarding the road, whether it is to take the road off the list or to move forward. Commissioner Manning said that he understands that more property is needed to get the right-of-way. John Taylor, County Attorney, explained how roads are acquired through "prescription"; that such roads just "developed" by being used over a period of time, even crossing other properties to get to property, then the local government starts maintaining the road, after which the road becomes a County road because of such maintenance; that when roads have to be widened in order to be paved, property owners are contacted for additional right-of-way. Regarding Price Road he said that it appears it is a County road by prescription, but that he had not performed a title search on the road to determine ownership. Chairman Bridges said that the Board will take everything into consideration and make a decision regarding the direction to take with this particular road.

In response to comments from individuals in attendance, Chairman Bridges said that questions could be asked after the meeting.

## 5. **PUBLIC HEARING @ 7:30 PM**

- A. **Conflict of Interest Forms**. The Conflict of Interest forms were completed at the request of Chairman Bridges.
- B. **Public Hearing Procedures**. Chairman Bridges explained the procedures involved with the Public Hearing.
- C. **Application of Harris County Board of Commissioners to rezone 103.11 acres in Land Lot 156, Land District 21, Map 059, Parcel 001, from A-1 to C-4, present use undeveloped, proposed use business park, property located on Georgia Highway 116 behind the Sheriff's Office, Facilities Maintenance, DOT, and NRSC buildings.** Chairman Bridges called the Public Hearing to order, read the specifics of the application, and said that the application had been recommended for approval by the Planning Commission and the Staff. He said that other than what was on the application, there was no additional information. He asked if anyone wished to speak in favor of or in opposition to this rezoning application. There being none, he closed the Public Hearing and asked for a motion. The motion to approve this rezoning application was made by Commissioner Wyatt, seconded by Commissioner Whearley, and passed unanimously.

## 6. **OLD BUSINESS**

- A. **Request for Tax Refund: Roy & Tina Butler**. Chairman Bridges said that this matter was tabled from the March 20 meeting; that it appears the Butlers paid the taxes on both their old home and new home; that the taxes on the old home should have been paid by the new owners; that the Butlers are requesting a refund of the taxes paid on their old home, in the amount of \$1,749.10. The motion to refund the taxes in the amount of \$1,749.10 was made by Commissioner Lange, seconded by Commissioner Manning, and passed unanimously.

## 7. NEW BUSINESS

- A. **Airport Operation: Airport Committee Report.** Commissioner Lange, as a member of the Airport Committee, said that after several meetings to investigate avenues regarding the Airport, formerly known as the Callaway Gardens-Harris County Airport and now known as the Harris County Airport; and that the County has been operating the Airport since July 2006; and the recommendation is to continue operation of the Airport with more investigation as to how it should be run. He then made the motion for the County to continue operation of the Airport and to review how it should be run. The motion was seconded by Commissioner Manning and passed unanimously.
- B. **Error and Release Requests.** Chairman Bridges read the Error and Release requests as follows:
- (1) Georgia Power Company: Digest total of \$202,400 corrected to zero (duplicate account)
  - (2) Hutchins, Jimmie & Kenny B: Digest total of \$13,880 corrected to zero (mobile home moved from the County in summer of 2006)
  - (3) Williams, James: Digest total of \$6,221 correct to zero (mobile home moved to homestead digest)
- The motion to approve all three of the Error and Release requests was made by Commissioner Wyatt, seconded by Commissioner Lange, and passed unanimously.
- C. **Financial Statement: February 2007.** The motion to approve the Financial Statement for February 2007 was made by Commissioner Lange, seconded by Commissioner Whearley, and passed unanimously.

## 8. COUNTY MANAGER

- A. **Airport Capital Improvements Program (CIP).** Carol Silva, County Manager, said that this is the CIP which JJ&G proposed under the agreement approved a couple of meetings ago; that this document is a guideline and shows the cost of each project; that the Board can pick and choose which items to take care of, and that they don't have to be in order. She said that engineering has to be done in order to have various projects done because DOT and the FAA are not just going to "give" the County money to do the projects. Commissioner Lange said that the County is still a couple of months away from having to make a commitment, he suggested that the Board review the CIP document, and pursue options in negotiations with DOT and the FAA, before making firm commitments. There were no objections.
- B. **US Highway 27 Initiative.** Carol Silva, County Manager, said that Commissioner Lange has been attending the meetings concerning this initiative; that this is to produce a plan for municipalities and counties through which US 27 travels; that seed money is needed in order to start the plan; that someone needs to be appointed to help with this project; and that this initiative has been talked about for several years. Commissioner Lange said that this initiative may result in a "vehicle" by which tourism features can be advertised; that there is a good bit of interest in this; that the seed money will show an interest of the counties and municipalities and allow for the application of grants to help fund the initiative, or it may be determined that there is not enough interest overall to go forward. He also said that there will be more information at the upcoming ACCG conference before the Board makes a decision. Mrs. Silva said that this initiative will also help with the improvements to US 27 and not just advertise it, and is something that is outside the Regional Development Center's normal duties for the County. Chairman Bridges said that two or three Board and staff members should attend the meeting regarding the initiative during the ACCG conference.
- C. **Termites in County Buildings.** Carol Silva, County Manager, said that termites have been found in the Senior Center, which can be treated for \$1,725, and at the Soil & Water Conservation Building, which will cost less than \$500 to treat, and after treatment we will enter into annual maintenance agreements. The motion to go ahead and treat the buildings was made by Commissioner Manning, seconded by Commissioner Lange, and passed unanimously.
- D. **SPLOST Referendum 2008.** Carol Silva, County Manager, said that November 2008 will be here before we know it and will be the time for the County to ask the citizens for another SPLOST Referendum; that we plan to have this topic on the July 17 agenda for discussion; that letters will soon be sent to the Municipalities regarding their needs. There were no objections.

9. **COUNTY ATTORNEY**

- A. **Quitclaim Deed to John McRae.** John Taylor, County Attorney, said that the County offered several properties, which had been bought at tax sales, for sale by sealed bid in January 2005; that John McRae was the high bidder for 22 of the properties for a total bid of \$29,194; that the other properties were sold to others and Quitclaims executed; that Mr. McRae has had some difficulty in obtaining financing because most banks will not lend money on property that has been acquired through tax sales; that Mr. McRae has now paid for \$2,504 for two of the 22 properties, for which the Quitclaim has been prepared; and recommended the execution of the Quitclaim deed for lots 96L and 93L in Melody Lakes. Regarding the other 20 properties, there was discussion concerning how long the Board wants to wait on payment and Mr. McRae was asked about same. Mr. McRae said that he has been working on getting the financing resolved for the past year; that he appreciates the Board being considerate in receiving payment for the properties; and that he hopes to have something worked out on the remaining 20 properties soon. The motion to approve the Quitclaim for the two properties in the amount of \$2,504 was made by Chairman Bridges, seconded by Commissioner Lange, and passed unanimously. Commissioner Manning then made a motion to void the bids on the other 20 properties, since two years has passed. Mr. Taylor suggested that Mr. McRae be given 180 days to get something done; that he understands there is a plan in the making regarding same; and that in order to sell the properties, the County will have to go back through the same process as it did two years ago. Following discussion, Commissioner Manning said that he is willing to give Mr. McRae 90 days and amended his motion to allow Mr. McRae 90 days in which to pay for the remaining properties or if he hasn't to come back before the Board and make a status report, after which the Board make a decision. The motion was seconded by Commissioner Wyatt and passed with four in favor (Manning, Wyatt, Bridges, Lange) and one in opposition (Whearley).
- B. **Resolution: Acceptance of Ross Road, Lilley Court, portion of East Straight Street, East Teddy Bear Lane, and Diamond Circle (Timberland, Phase III).** John Taylor, County Attorney, said that the County has received the appropriate documents in connection with road acceptance to include the right-of-way deed, a letter of credit, a commitment for title insurance, and the road inspection report recommending acceptance, and he recommended approval of the resolution. The motion to approve the resolution to accept the roads was made by Chairman Bridges, seconded by Commissioner Lange, and passed unanimously.
- C. **Resolution: Acceptance of White Pine Drive (Highland Grove).** John Taylor, County Attorney, said that the County has received the appropriate right-of-way deed, commitment for title insurance, and the road inspection report recommending acceptance, but that clarification is needed regarding a portion of the letter of credit, and he recommended approval of the resolution pending the letter of credit clarification. The motion to approve the resolution to accept the road, pending the letter of credit clarification, was made by Commissioner Lange, seconded by Commissioner Wyatt, and passed unanimously.
- D. **Resolution: Acceptance of Orbit Street and Satellite Drive (Mulberry Estates).** John Taylor, County Attorney, said that the right-of-way deed he prepared regarding the acceptance of Orbit Street and Satellite Drive has been executed by Moon Family Properties; that the roads were built a number of years ago; that for various reasons acceptance by the County was not made; that the titles have been checked; and that he recommends approval of the resolution. The motion to approve the resolution to accept the roads was made by Commissioner Whearley, seconded by Commissioner Lange, and passed unanimously.
- E. **Request for Executive Session.** John Taylor, County Attorney, requested an Executive Session for the purpose of discussing a personnel matter, the acquisition of real estate, and pending, threatened or potential litigation.
10. **RECESS FOR EXECUTIVE SESSION.** The motion to go into Executive Session for the purpose of discussing a personnel matter, the acquisition of real estate, and pending, threatened or potential litigation was made at 8:05 PM by Commissioner Lange, seconded by Commissioner Wyatt, and passed unanimously.
11. **RESUME REGULAR SESSION.** The motion to go back into Regular Session was made by Commissioner Lange, seconded by Commissioner Wyatt, and passed unanimously.
12. **OTHER**
- A. **Salary Increases in Sheriff's Office.** Carol Silva, County Manager, said that the Sheriff has promoted several individuals, which resulted in salary increases; that she is

authorized to approve increases up to 5% but that the increase for Neil Adams, who was promoted to Chief Deputy, is 19.3%, to \$20.00 per hour, and the increase for Jim Price, who was promoted to Lieutenant, is 12%, to \$17.00 per hour. The motion to approve the increases for Mr. Adams and Mr. Price was made by Commissioner Lange, seconded by Commissioner Whearley, and passed unanimously.

- B. **Road Paving Issues.** Commissioner Wyatt made the motion to give the County Attorney the authority to start proceedings regarding the condemnation of property on Hardage Road, Moon Road, Roger Copeland, and Macedonia Church Road of the property owners who won't deed the necessary right-of-way. He said he wants those roads paved but there are some "hold outs". Carol Silva, County Manager, said that if 80% of the property owners donate the right-of-way but the others won't, we approach those and try to obtain same one way or the other. There was no second to the motion, and following some discussion, Commissioner Wyatt withdrew his motion. Commissioner Wyatt said that he is tired of people who won't give up 1/10th or 1/20th of an acre and holding up the paving process. Mrs. Silva said that once the Engineer figures up the amount of acreage and the value, we approach those individuals about the County purchasing same. Chairman Bridges said that is the approach to take on these roads, to try that, and then if it doesn't work, Commissioner Wyatt can make his motion at a later time. There were no objections.
  - C. **Green Acres.** Chairman Bridges asked John Taylor, County Attorney, about the status of accepting the roads in Green Acres. Mr. Taylor said that nothing further has been done other than trying to hunt down the developer and his lawyer; that the County is at the point of either taking the roads and doing so by prescriptive means.
  - D. **Business Park on Highway 103.** Commissioner Whearley asked if there was anything new regarding the business park on Highway 103, and Chairman Bridges replied that there was nothing new to report at this time.
  - E. **Ballpark on Terry Property.** Carol Silva, County Manager, said that Mr. Terry, the owner of the property the County is leasing on Terry Lane, has died; that the County has about another year on the lease; and that she understands Mr. Terry's heirs have indicated they would sell the property.
13. **ADJOURNMENT.** The motion to adjourn was made by Commissioner Manning, seconded by Commissioner Lange, and passed unanimously.

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Daniel B. Bridges, Chairman

Attest

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Nancy D. McMichael, County Clerk