

**HARRIS COUNTY BOARD OF COMMISSIONERS  
REGULAR SESSION**

June 5, 2007

7:00 PM

Commissioners Present: Daniel B. Bridges, Joe F. Manning, Patrick Whearley, Charles Wyatt. Commissioner Absent: J. Harry Lange (due to being in Korea for Kia visitation). 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.** Chairman Bridges said that he would like the minutes of the May 15, 2007, meeting amended so that the conceptual plan presented during the public hearing regarding Safe Haven Animal Rescue is considered to be part of the minutes. There being no objections, the motion to approve the May 15, 2007, minutes as amended was made by Commissioner Wyatt, seconded by Commissioner Manning, and passed unanimously.
3. **APPEARANCE OF CITIZENS**
  - A. **Robert Archer: Leadership Harris County.** Robert Archer and Lynda Dawson, of the Harris County Chamber of Commerce, appeared before the Board to discuss the Harris County Adult and Youth Leadership programs. He reviewed the information provided to the Board and said that a grant had been received for the past two years, but they are no longer eligible for same; that while tuition is paid by the participants, there are more expenses involved; that the estimated expenses for the Adult class is \$7,500 per year and \$5,000 for the Youth class; and he asked that the Board consider funding the two programs, for a total of \$12,500 in the upcoming budget. Mrs. Dawson said that the leadership classes will no longer be on Tuesday nights, but on Thursday nights.
4. **OLD BUSINESS**
  - A. **Second Reading: Application of Michelle Gallops for Beer & Wine On Premises at Ossahatchee Oyster Bar, 6052 Georgia Highway 85, Ellerslie (new owner).** Chairman Bridges said that this was the second reading of this application, which had been recommended for approval by the Sheriff's Office, Community Development, and the Health Department. The applicant was not present. Chairman Bridges asked if anyone wished to speak in favor of or in opposition to this application. There being none, he made the motion to approve this application. The motion was seconded by Commissioner Whearley and passed unanimously.
  - B. **Travel Policy Amendments.** Chairman Bridges said that this was briefly discussed during the May 15 meeting and that the proposed changes are to increase the mileage reimbursement from .36¢ to .40¢, to change the daily limit from \$25.00 to \$30.00 when meals are not part of the function being attended, to change the meal limits from \$5.00 to \$6.00 for breakfast, from \$7.50 to \$8.50 for lunch, and from \$12.50 to \$15.50 for dinner, and that receipts will be required. The motion to approve the policy amendments was made by Commissioner Wyatt, seconded by Commissioner Whearley, and approved by a vote of three in favor (Wyatt, Whearley, Bridges) and one opposed (Manning). (Document can be found in "Miscellaneous Documents" as MD #07-03.)
5. **NEW BUSINESS**
  - A. **Joint Solid Waste Management Plan & Transmittal Resolution: Rick Morris, LCRDC.** Rick Morris, of the LCRDC, appeared before the Board and said that the Public Hearings have been held in connection with the Joint Solid Waste Management Plan; that once the Transmittal Resolutions are obtained from the County and the municipalities of Hamilton, Pine Mountain, Shiloh and Waverly Hall, they will be sent to the DCA with the Plan for review, after which the adoption process will be conducted; that we have until the end of next week to make changes. In response to questions, Mr. Morris said that there is a plan in place now, but that it must be revised every 10 years but updated every five years; that while it is similar to the document currently in place, there are some changes as a result of updating the information. The motion to approve the execution of the Transmittal Resolution was made by Commissioner Wyatt, seconded by Commissioner Manning, and passed unanimously.
  - B. **Budget Public Hearing I for FY 07/08.** Chairman Bridges called the FY 07/08 Public Hearing to order and said that Revenues are projected at \$15.4 million, expenses at \$15.3 million, an 8% increase over 06/07, and no anticipated increase in the millage rate,

which will be decided later. He also said that the budget includes: a part-time position in the Commissioners' Office, one and a half positions in 9-1-1 (one in July and one in January 2008), two new slots at the Prison, five new slots at the Sheriff's Office, \$200,000+ for the salaries for the new slots, \$166,000 for the equipment and vehicles for the new employees at the Sheriff's Office, \$40,000 for software and PCs for the Tax Commissioners' Office, \$122,000 for the remount of an ambulance, \$183,000 for 9-1-1 equipment, \$130,000 for firefighting equipment which will be determined at a later date, and increase for medical and life insurance for volunteer firefighters, \$10,000 for the Development Authority, \$35,000 increase to the Health Department, \$200,000 increase in employee medical insurance, an increase in the supplements paid to the Superior Court Judges. Regarding employee salaries, he said that \$160,000+ had been included for a 3% increase for all employees; that the pay plan has been revised to update the starting and maximum salaries for all job slots, which included a comparison to the surrounding areas regarding pay scales that resulted in additional salary adjustments for an additional \$409,000; that the current starting rate for a deputy is \$21,533 and under the new plan \$28,373; that some positions changed classifications in order to put those positions in the appropriate pay scale; that regarding the increase for an employee, the new starting salary was used and 1% for every year of service was added, but is capped at 20%; and that overall departmental salary increases average 10%. There being no comments from the Board, he asked if any citizen wished to speak regarding the proposed budget.

Randy Robertson, representing the Fraternal Order of Police to which several employees in the Sheriff's Office belong, appeared before the Board and said that while he appreciates the consideration the Board has given to salary increases, he hopes that "compression" was also considered, i.e. a Sgt. that has been on the job for 10 years working for a Lieutenant that has been on the job seven years, with the pay difference between the two being minuscule; that in the past, when some position were increased, others, particularly those above the positions that received the increase, were not; that according to pay information he has seen, the pay difference between Sergeants and Lieutenants may be \$30 to \$40 a week; that one deputy, hired in 2004, is paid \$25,000 a year, pays \$4,000 a year for health care, and after taxes brings home \$16,000 and now qualifies for Medicaid; that he hopes the pay plan addresses such issues; that the increase in manpower is great; and that the new proposed starting salary is fair as long as those with tenure on the job are treated the same way and given comparable increases. Chairman Bridges said that the pay proposal does include a percentage based on the years of service. Mr. Robertson said that the cut off (of 20 percent) may affect some. Chairman Bridges said that some individuals are capped out because of the new maximum, but they will receive the 3% increase. Mr. Robertson said that he can provide a pay plan that was put together by the FOP and University of Georgia which he would be happy to provide. Chairman Bridges said that the County currently pays all the insurance premium increase for employees and the employee picks up the cost for dependents.

There being no further comments, Chairman Bridges closed the Public Hearing and said that the next Public Hearing will be held during the June 19 meeting.

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

- A. **Conflict of Interest Forms.** The Conflict of Interest forms were completed at the request of Chairman Bridges.
- B. **Explanation of Public Hearing Procedures.** Chairman Bridges explained the procedures involved regarding the Public Hearings.
- C. **Application of W. L. Willett to rezone 77.66 acres owned by Harris Cleveland Fletcher Revocable Trust, located in Land Lot 166, Land District 18, Map 080, Parcel 049, from A-1 to R-1, present use undeveloped, proposed use single family residential, property located on Harris Road.** Chairman Bridges called the Public Hearing to order, read the specifics of the application, and said that it had been recommended for approval without conditions by the Planning Commission and Zoning Staff. W. L. Willett, applicant, and William Gordy, engineer, appeared before the Board. Mr. Willett said that he plans to have 29 to 30 lots; that the subject property is across the street from another subdivision; that the property seems to be good for a subdivision; and that the lots bordering the stream will have two acres outside the flood area. Mr. Gordy said that the "corrected" flood plain is what he believes to be the correct delineation; and that upon approval of the rezoning, application will be made to FEMA for a LOMA regarding the flood plain. Discussion included that the lake is about 4 acres; that the lake lot may be divided so that it ends up with two lots sharing the lake. Discussion included that there is a lake with a dam north of the subject property; that the

lake within the subject property drains to the north; and that they will adjust the lots to comply with the Safe Dams Act regarding the upstream dam.

There being no further comments or questions, Chairman Bridges asked if anyone would like to speak in favor of this application. There being none, he asked if anyone wished to speak in opposition to this application.

Jack Passailaique, citizen who lives on Harris Road, appeared before the Board and said that he was opposed to the rezoning; that this proposal is very similar to the request made about a year ago regarding property at the corner of Denney Road and Harris Road; that the Board disapproved the previous request; that the subject property will have an impact on the traffic on Harris Road; that the intersection at Highway 85, Warm Springs Road, Highway 315, and Harris Road is one of the worst intersections in the State of Georgia; that the subject property is about a quarter mile from that intersection; that he has problems, due to traffic, in turning into his driveway; that he is concerned about traffic safety; that about 75 to 80 percent of the landowners on Harris Road have farms on lands that is zoned agricultural; and that development in the County has to slow down.

There being no further comments in opposition, Chairman Bridges asked Mr. Willett and Mr. Gordy for rebuttal.

Mr. Willett said that the houses will be about \$350,000 to \$450,000 and be approximately 2,700 to 2,800 square feet. He had no additional comments.

Chairman Bridges said that it appears that there is R-1 zoning next door to the subject property, and Mr. Willett said there is a subdivision across the street as well.

There being no further comments or questions, Chairman Bridges closed the Public Hearing. He said that while there are many residents on Harris Road who would like to keep the property as it is, there is R-1 zoning all around; that the matter regarding Denney Road and Harris Road did not have R-1 all around; that the plans indicate no driveways from Harris Road. Mr. Willett said that the driveways will access the interior road, not Harris Road. There was discussion regarding who checks the dam to make sure the issues concerning the upstream dam; that the Corps of Engineers, EPD, and Soil Conservation are all involved regarding the dam; and that the County does not need to do anything to make sure requirements are met; because of the Safe Dams Act.

Chairman Bridges made the motion to approve the rezoning from A-1 to R-1 with the conditions that (1) no driveways access to Harris Road, (2) there be a natural buffer of 50 feet along Harris Road which cannot be disturbed, (3) Jack McClung review to make sure there are no issues with the lake from the adjoining property, and (4) two acres of buildable property outside the flood plain. The motion was seconded by Commissioner Wyatt, and passed unanimously.

- D. **Application of Donald McCaghren to rezone 6.632 acres owned by Late Night Development, LLC, located in Land Lots 27 & 58, Land District 19, Map 017, Parcel 027B, from A-1 to C-4, present use mini storage (on the road), proposed use is mini storage, property located on McCrary Road.** Chairman Bridges called the Public Hearing to order, read the specifics of the application, and said that it had been recommended for approval without conditions by the Planning Commission and that the Zoning Staff had recommended approval with the condition that the buildings be outside the flood plain. Donald McCaghren, applicant, appeared before the Board, but had no additional comments. There being no comments or questions, Chairman Bridges asked if anyone wished to speak in favor of or in opposition to this rezoning application. There being none, he closed the Public Hearing.

Commissioner Whearley made the motion to approve this rezoning from A-1 to C-4 with the condition that the building(s) be outside the flood plain. The motion was seconded by Commissioner Manning and passed unanimously.

7. **NEW BUSINESS (CONTINUED)**

- C. **Financial Statement: April 2007.** The motion to approve the Financial Statement of April 2007 was made by Commissioner Wyatt, seconded by Commissioner Whearley, and passed unanimously.
- D. **NOD and Error & Release Requests.** Chairman Bridges read the NOD and Error & Release requests, as follows:

- (1) Britt, George C. or Hartene S. Trust (NOD): Digest total of \$4,000 corrected to \$11,784 (house on wrong parcel)
- (2) Grier, Willie Jo (E&R): Digest total of \$10,784 corrected to \$3,000 (house on wrong parcel)

The motion to approve the NOD and Error & Release was made by Commissioner Manning, seconded by Commissioner Whearley, and passed unanimously.

- E. **Tax Refund Request: Janice Brooks.** Chairman Bridges said that a request for a tax refund in the amount of \$34.59 had been made because the person who paid the tax, in error, is not the property owner, and that both the Tax Commissioner and Board of Tax Assessors agree with the request. The motion to approve the request for a refund of \$34.59 was made by Commissioner Manning, seconded by Commissioner Wyatt, and passed unanimously.
- F. **First Reading: Ordinance to Amend Alcoholic Beverage Ordinance.** Chairman Bridges said that this was the first reading and asked John Taylor, County Attorney, to review same. Mr. Taylor said that amendments will allow the transfer of alcohol business licenses as long as the applicant meets all the requirements, that a license cannot be transferred from one location to another (must be at the same location), that the transfer fee is \$100, as opposed to the fees for new licenses, and that the approval or disapproval of the transfer shall be an administrative decision by the County Clerk with no hearings before the Board. Chairman Bridges said that the intent was that all other applicable fees, as for a new license, would be paid in addition to the \$100 transfer fee. Mr. Taylor indicate that change would also be made. Chairman Bridges asked if anyone wished to comment on the Ordinance amendment. There being none, he said that the Second Reading and probable vote will take place on June 19.

## 8. COUNTY MANAGER

- A. **Northwest Harris Business Park: Business Services Proposal.** Carol Silva, County Manager, said she is waiting for more information and asked that this matter be tabled.
- B. **US Highway 27 Initiative Start-Up Funding.** Carol Silva, County Manager, said that the County received a letter from the Coosa Valley Regional Development Center requesting \$1,000 as start-up funding for the US Highway 27 Initiative. Discussion included that it is not known at this time how many of the other counties through which Highway 27 runs have contributed; and that paying the start-up fee does not commit the County to the project. The motion to approve paying the \$1,000 if at least 70% of the counties through which US Highway 27 runs have contributed same was made by Commissioner Whearley, seconded by Commissioner Wyatt, and passed with three in favor (Whearley, Wyatt, Bridges) and one opposed (Manning).

## 9. OTHER

- A. **Safe Haven Animal Shelter.** Commissioner Manning said that after the Special Use Permit for Safe Haven Animal Shelter on Hopkins Road was approved recently, Judy Smith's home on Fortune Hole Road was checked to make sure she was abiding by the condition on the Special Use Permit for that location, and it was found that she was not in compliance with the condition limiting the number of animals to 12. He made the motion that the Fortune Hole Road location be checked on a regular basis to make sure Ms. Smith stays in compliance, and if not, he is in favor of rescinding the approvals, and Chairman Bridges seconded the motion for discussion purposes. Commissioner Wyatt said that Ms. Smith was over the limit by two dogs; that the man who appeared before the Board regarding the Special Use Permit for the Hopkins Road location lied about Ms. Smith having 100 dogs on the property; that she does not have the capacity to have 100 dogs there; and that he does not agree with picking on Ms. Smith and not others who are not in compliance. Chairman Bridges said that if we know other people are not in compliance, they should be checked, also; that when a condition is placed on a Special Use Permit, and the applicant agrees to the condition, the applicant should abide by the condition; and that while Ms. Smith was over the limit by two on the day she was checked, he understands that the week before she was 10 to 12 over. Commissioner Manning said his motion is for the purpose of making Ms. Smith aware that her permits are for a specific number of animals and no more. Following discussion, Commissioner Manning amended his motion to have anyone who has a Special Use Permit for kennels to be checked on a regular basis for compliance, particularly if complaints are received regarding same. Chairman Bridges amended his second for same. The amended motion passed with three in favor (Manning, Bridges, Whearley) and one opposed (Wyatt).

10. **COUNTY ATTORNEY**

A. **Request for Executive Session.** John Taylor, County Attorney, requested an Executive Session for the purpose of discussing personnel issues, real estate acquisition, and for threatened, potential and pending litigation.

11. **RECESS FOR EXECUTIVE SESSION.** The motion to go into Executive Session for the purpose of discussing personnel issues, real estate acquisition, and threatened, potential, and pending litigation, was made at 8:10 PM by Commissioner Whearley, seconded by Commissioner Wyatt, and passed unanimously.

12. **RESUME REGULAR SESSION.** The motion to go back into Regular Session was made by Commissioner Wyatt, seconded by Chairman Bridges, and passed unanimously.

13. **OTHER (CONTINUED)**

B. **Personnel Slot for Water Works.** The motion to add a “meter reader” slot for Water Works was made by Commissioner Wyatt, seconded by Commissioner Whearley, and passed unanimously.

14. **ADJOURNMENT.** The motion to adjourn was made by Commissioner Manning, seconded by Commissioner Wyatt, and passed unanimously.

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Daniel B. Bridges, Chairman

Attest

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Nancy D. McMichael, County Clerk