

**HARRIS COUNTY BOARD OF COMMISSIONERS  
REGULAR SESSION**

June 19, 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 June 5, 2007, minutes as amended was made by Commissioner Wyatt, seconded by Commissioner Whearley, and passed with four in favor (Wyatt, Whearley, Bridges, Manning), no opposition, and one abstention (Lange, due to being absent during the June 5 meeting).
3. **APPEARANCE OF CITIZENS**
  - A. **Gary Oliver: Ossahatchie Creek Road Speed Limit**. Gary Oliver, citizen who lives on Ossahatchie Creek Road, appeared before the Board and said that the Sheriff's Office has been unable to write speeding tickets on Ossahatchie Creek Road because the road has been posted at 35 mph while the DOT radar list shows 45 mph; that the road is now properly posted at 45 mph, but the Sheriff allows 10 miles over that before writing tickets; that he and his neighbors would like to see the speed posted at 25 mph, which would allow people to go 35 mph. He also presented a petition signed by 37 of his 47 neighbors. Following discussion, Chairman Bridges made the motion to request DOT to reduce the speed limit on Ossahatchie Creek Road to 25 mph. The motion was seconded by Commissioner Wyatt, and passed unanimously.
  - B. **Bob Epstein: Fire Truck for Hopewell VFD**. Bob Epstein, Chairman of the Hopewell VFD, and Roger Duke, Chief of the Hopewell VFD, appeared before the Board to request that it consider purchasing a mini-pumper for Hopewell VFD. Comments included that such a vehicle could more quickly respond to accidents on I-185, to home fires, to brush fires, and other places that the large fire truck; that such a vehicle allows additional storage for items needed to various incidents; that a new vehicle is preferred over a used one because used ones may not be certified by ISO; and that a new vehicle would cost around \$76,000. Chairman Bridges indicated that the Board would consider the request.
4. **OLD BUSINESS**
  - A. **Second Reading: Ordinance to Amend Alcoholic Beverage Ordinance**. Chairman Bridges said that this is the second reading to amend the Alcoholic Beverage Ordinance to allow the transfer of alcohol licenses. There was discussion as to whether or not there should be a time limit regarding such a transfer with the consensus that such would not be necessary. Chairman Bridges asked if anyone wished to speak in favor of or in opposition to the amendments. There being none, the motion to approve the Ordinance was made by Commissioner Whearley, seconded by Commissioner Lange, and passed unanimously.
5. **NEW BUSINESS**
  - A. **Budget Amendment #2: FY 06/07**. Chairman Bridges asked if there were any comments or questions regarding the budget amendments to FY 06/07 budget. There being none, the motion to approve same was made by Commissioner Lange, seconded by Commissioner Wyatt, and passed unanimously.
  - B. **Budget Public Hearing II for FY 07/08**. Chairman Bridges called the FY 07/08 Public Hearing to order and said that the highlights were reviewed during the June 5 meeting and that the largest change is the pay plan of about \$400,000. He asked if the Board had any comments or questions. There being none, he asked if any citizen wished to speak regarding the budget.

Randy Robertson, president of FOP Lodge 9, appeared before the Board and said that the membership of the FOP includes several members of the Harris County Sheriff's Office (HCSO); that he understood Chairman Bridges to say, during the June 5 meeting, that at the heart of the budget was a 3% pay plan across the board with an additional 1% for every year of service an employee has up to 20 years; that the information provided to the deputies was in contrast to what was understood; that the problem is that officers with the HCSO for many years, one in particular for 22 years, which qualifies for the 20% indicated,

but is actually being offered 14.6%, which results in supervisors making less money than anyone hired after him or who got promoted after him; that a problem with the pay plan is the individuals have been promoted three months ago making the same wages as someone of equal rank that got promoted seven years ago; that a better idea would be as originally understood - 3% across the board plus an additional 1% for every year of service up to 20 years, which will not fix the problems completely, but will do so now, so that after July 1, the Board would have the opportunity to review the situation; that another problem is in years past with raises given in the same rank, some of which were 3%, 2% and 1%, which is fine under an evaluation system as long as there is a maximum and minimum salary that goes with the position, and when you try to put a cap on it now, there is an issue where a Sergeant is supervising a Jailer that is making more money than the Sergeant, which is a direct result in unequal percentages being given out without there being a cap; that at no time should a subordinate make as much as a supervisor; that the 3% and 20 years would result in only one deputy, a Sergeant with 19 years of service, who would max out, and maybe a couple of Lieutenants who would come close; that the plan that was distributed show deputies who came on the job in April of 2007 making \$24,876 a year will now make \$30,000; that for this to be a fair and equitable pay plan, that deputy should make only \$28,000 a year; that the pay plan shows deputies working in the Jail making less than those working on the street; that the job inside the Jail is no less dangerous than that on the street; that the number of bad people in the Jail is usually 100% and about 25% on the street; that the Jail Administrator, who is a Lieutenant, should make no less than the Lieutenants on the street; and that he would like for the Board to vote for the 3% across the board on the current salaries and 1% for every year up to 20 years.

Chairman Bridges said that the Budget Public Hearing regarding the budget would continue following the scheduled Public Hearings for Special Use Permits.

#### 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 Southeast Towers LLC to a Special Use Permit for a Cell Tower at in Land Lot 190, Land District 18, Map 080, Parcel 022, located at 5355 Georgia Highway 85, Ellerslie**. Chairman Bridges called the Public Hearing to order. John Simmons, representing Southeast Towers, LLC, appeared before the Board and distributed info regarding and showing the proposed tower. He said that the tower is for Cingular Wireless; that this will be a self-supported, 250-foot, zero-fall tower; that the appropriate studies have been conducted to include air traffic, nearby towers, environmental; that they have leased the subject property, which is over three acres; that the tower will be in a very low-lying area; that they will allow co-use by the County should it be needed; that the tower does not meet the fall zone due to the location, which is about 124 feet from Highway 85; that the original application was for a 190 foot tower; that he has never seen a collapsible tower come down; that while the design of the tower is designed not to fall, but to collapse, ample liability coverage will be carried; and that they searched in their RF area and found there are no towers around on which they could co-locate.

Chairman Bridges asked if anyone wished to speak in favor of or in opposition to this Special Use Permit application. There being none, he asked the Board if it had any comments or questions. Commissioner Wyatt said the application indicates 3.07 acres, but the plat shows a 100 foot x 100 foot area. Mr. Simmons said that there is a lease for the 3.07 acres, but the area to be used for the tower will be 100 feet x 100 feet. There being no further comments or questions, Chairman Bridges, closed the Public Hearing and said that action regarding this application would be tabled to the July 3 meeting.

- D. **Application of Marlo Heard for Special Use Permit for a Kennel in Land Lot 247, Land District 21, Map 072, Parcel 063A, located at 1089 Georgia Highway 354, Pine Mountain Valley**. Chairman Bridges called the Public Hearing to order, read the specifics of the application. Marlo Heard and Scot Hanley, president of Morning Star Animal Shelter, appeared before the Board. Mrs. Heard said that she has been fostering animals for Morning Star, but they have more than allowed and is the reason for the Special Use Permit request. Mr. Hanley distributed and reviewed same to include that the fostering of animals will be in a pole barn located about 300 feet from Highway 354; that they have established a "3 dog limit" per pen; that they have seven foster homes, with no more than three dogs per home; that the animals at the subject property are in temporary, but clean,

conditions; that some complaints have been received regarding barking and they have talked to the neighbors regarding same; that Morning Star has an animal shelter license for 2007 from the Department of Agriculture; that the Morning Star board has completely changed its management; that a letter has been sent to Safe Haven Animal Shelter regarding a possible merger; that such a merger could possibly lead to alleviation of the issues concerning Safe Haven in the Hopewell Church Road area, but they have not yet received a response from Safe Haven; that they currently have about \$34,000 in funds and CDs; that they want to start planning and building a campaign fund toward a permanent location; that they want to do a better job in working with the County regarding the adoption on animals; that they would like an update regarding the lease of County property at the landfill; that they would like to make plans to move to the permanent location; that they will get back to the County regarding Safe Haven's response; that they don't want to make an investment in improving the subject property location, but to use their funds for the permanent location (at the landfill); that they would be willing to help facilitate the process with the EPD regarding the landfill location and would like the County's support of the merging of Morning Star and Safe Haven to be located at the landfill location; and several homes in the area have outside dogs, which may contribute to the barking complaints.

In response to a question from Commissioner Manning, Mr. Hanley said that the subject property is referred to as a "temporary" location until such time as a determination is made regarding the location at the County landfill; that there is a commitment from the County and a lease was received in July of 2006, but there are issues with the EPD that need to be resolved. Carol Silva, County Manager, said that if it was possible for Morning Star to assist with resolving the issues with EPD, they would be been contacted some time ago. To bring the Board up to date, Mrs. Silva said that when the County started working on monitoring the landfill, additional land had to be purchased, and the person in charge of EPD never indicated that all the landfill had to be resurveyed and do a minor modification to include the new wells; that when the County sent the info to EPD for Morning Star and a model flying club to be located at the landfill, the new director at EPD would not allow the County to move forward until the minor modification was completed; that the minor modification was submitted about two months ago to EPD; that she recently received a note that we should get an answer in the next two to three weeks; and that we are waiting on EPD. Chairman Bridges said that a time limit could be put on the Special Use and then renew it, if necessary.

Chairman Bridges asked if anyone wished to speak in favor of or in opposition to this Special Use Permit.

Doris McCullough, citizen, appeared before the Board and said that she lives across the road from the subject property; that she has never filed a complaint regarding the barking because she was told this was a "temporary" location; that sometimes the barking is almost unbearable, especially in the middle of the night; that she would like to see them have a permanent location, which, if on the subject property, should be further back on the property; and that she would like to know how long "temporary" is.

Teresa McCullough, citizen, appeared before the Board and said that she is closer to the subject property than her mother-in-law (Doris McCullough); that she likes dogs; that she has not be able to open the windows and doors at her house because of the noise from the dogs for about a year; that with the open-air barn, there is nothing to absorb the noise; that she would like to know there is a limit regarding the subject property; and that if the subject property is going to be used for a long time, the kennel should be moved further back.

There being no further comments, Chairman Bridges asked Mr. Hanley and Mrs. Heard for rebuttal.

Mr. Hanley said that they do not want to be on the subject property long-term; that it is not an optimal situation; that they can't move the kennel back because the pole barn is the structure in which the kennel is located.

There being no further comments or questions, Chairman Bridges said that the staff recommendation is to limit the dogs to twelve (12) and cats to five (5). Mr. Hanley said that they currently have 15 dogs on the subject property; that there are six (6) pens which will have no more than three (3) dogs per pen. Chairman Bridges closed the Public Hearing and asked for a motion.

Commissioner Manning made the motion to approve this Special Use Permit on a temporary basis of 9 months in order to determine the use at the County Landfill, to limit the number of dogs to twelve (12) and the number of cats to five (5), and that the kennel

use is limited to the pole barn. The motion was seconded by Commissioner Whearley and passed unanimously.

- E. **Application of the Harris County Commissioners for a Zoning Text Amendment regarding Article II, Definitions, and Article IV, Section 1, 1.4.** Chairman Bridges called the Public Hearing to order, read the specifics of the application, and said that this was the first reading regarding detached structures in R-1 districts. There was discussion regarding the placement of the structure and consensus was that it could be in the side or back yards. Chairman Bridges asked if anyone wished to speak in favor of or in opposition to this amendments. There being none, he said that the Second Reading with possible action will be taken during the July 3 meeting.

7. **NEW BUSINESS (CONTINUED)**

- B. **Budget Public Hearing II for FY 07/08 (CONTINUED).** Chairman Bridges asked if anyone else wished to comment on the budget. There being none, he closed the Public Hearing for same.

- C. **Adoption: Budget FY 07/08 (General Funds, Solid Waste, Small Funds, Water Works).** Chairman Bridges said that the two required Public Hearings for the FY 07/08 budget have been held and he asked for a motion regarding same. Commissioner Lange made the motion to approve the FY 07/08 Budget, which includes the General Funds, Solid Waste, Small Funds, and Water Works, and said that it includes the funds to cover the proposed pay plan changes but not the specific salary changes, which will be done at the next meeting. The motion was seconded by Commissioner Wyatt and passed unanimously.

- D. **Appointments to Two Boards.** Chairman Bridges said that terms for four individuals on two different boards will expire June 30, that reappointments are necessary, and that all four individuals have agreed to reappointment.

(1) **Construction Board of Adjustments & Appeals.** The motion to reappoint Steve Brasington, Sr. ("builder" position), Joey Tell ("citizen" position), and Ray Underwood ("professional" position) for new terms expiring June 30, 2011, was made by Commissioner Lange, seconded by Commissioner Whearley, and passed unanimously.

(2) **West Georgia Region 7 EMS Council.** The motion to reappoint Jimmy Carver for the new term expiring June 30, 2009, was made by Commissioner Wyatt, seconded by Commissioner Manning, and passed unanimously.

- E. **Error & Release Requests & NODs.** Chairman Bridges said there were two Error & Release requests and three NOD s all concerning the same property, and that with the changes, there will be an increase on the Tax Digest of over \$50,000. The requests are as follows:

(1) **Error & Release requests:**

- (a) Norfolk Southern Railroad: Digest total of \$93,612 corrected to zero (duplicate bill)  
(b) Norfolk Southern Railroad: Digest total of \$75,832 corrected to zero (duplicate bill)

(2) **NODs:**

- (a) Georgia Southwestern Railroad: Digest total of zero corrected to \$16,762 (transferred from Norfolk Southern)  
(b) Georgia Southwestern Railroad: Digest total of zero corrected to \$12,914 (transferred from Norfolk Southern)  
(c) Georgia Southwestern Railroad: Digest total of zero corrected to \$189,345 (transferred from Norfolk Southern)

The motion to approve the two Error & Release requests and the three NODs was made by Commissioner Manning, seconded by Commissioner Lange, and passed unanimously.

- F. **Request for Tax Refund: Bruce & Berit Landeg.** Chairman Bridges said that two tax refunds in the amount of \$329.04 and \$328.41 for two different pieces of property had been received and that the requests are due to the taxpayer not receiving the bill because it was not sent to their correct address. He said that both the Tax Commissioner and Board of Tax Assessors disagree with the request because the tax bills were sent to the address on record, and that the change of address was made with the Tax Assessor's office in May of this year. The motion to disapprove the two requests was made by Commissioner Wyatt, seconded by Commissioner Lange, and passed with four in favor (Wyatt, Lange, Bridges, Whearley) and one opposed (Manning).

6. **COUNTY MANAGER**

- A. **Service Proposal Agreements.** Carol Silva, County Manager, said that this was discussed during the previous Work Session and that a motion and voted are needed to approve agreements to have the Phase I Environmental Site Assessment, the Preliminary Subsurface Exploration & Geotechnical Engineering Evaluation, and the Stream Bank/Wetlands Delineation performed on 175 acres adjacent the Northwest Business Park. The motion to approve the agreements was made by Commissioner Lange, seconded by Chairman Bridges, and passed unanimously. (The three documents can be found in "Contracts & Agreements" file as C&A 07-16 A, B & C.)

7. **COUNTY ATTORNEY**

- A. **Resolution: Extend Moratorium on 5+ acre lots subdivisions in A-1 Zoning Districts.** John Taylor, County Attorney, said that the current moratorium regarding 5+ acres lot subdivisions in A-1 Zoning Districts expires at midnight and this Resolution is to continue same until September 4, 2007. He said that he will further discuss this matter with the Board during the Work Session of July 3. The motion to approve this Resolution was made by Commissioner Whearley, seconded by Commissioner Lange, and passed unanimously.
- B. **Agreement Amendment: Southern Health Partners for Health Services at Prison.** John Taylor, County Attorney, said that this is a continuation of an agreement that started in 2003 and amends various sections of the agreement. He recommended approval of same. The motion to approve this agreement was made by Commissioner Lange, seconded by Commissioner Manning, and passed unanimously. (Document can be found in "Contracts & Agreements" file as C&A #07-17.)

8. **OTHER**

- A. **Korea Trip.** Commissioner Lange discussed his recent trip to Korea in connection with the Kia facility to be located near the Northwest Harris Business Park.
9. **RECESS FOR EXECUTIVE SESSION.** The motion to go into Executive Session for the purpose of discussing personnel matters was at 8:50 PM made by Commissioner Lange, seconded by Commissioner Wyatt, and passed unanimously.
10. **RESUME REGULAR SESSION.** The motion to go back into Regular Session was made by Commissioner Wyatt, seconded by Commissioner Lange, and passed unanimously.
11. **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