

**HARRIS COUNTY BOARD OF COMMISSIONERS  
REGULAR SESSION**

August 7, 2007

7:00 PM

Commissioners Present: Daniel B. Bridges, J. Harry Lange, Joe F. Manning, Patrick Whearley, Charles Wyatt. Commissioners. 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 Regular Session and Called Session minutes of July 17, 2007, 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).
3. **NEW BUSINESS**
  - A. **DCA Grants.**
    - (1) **\$10,000 for Ellerslie Train Depot.** Chairman Bridges announced that the County has received a local assistance grant in the amount of \$10,000 for the continued improvement of the Ellerslie Train Depot.
    - (2) **\$40,000 for Planning and Development of Two New Businesses.** Chairman Bridges announced that the County has received a local assistance grant in the amount of \$40,000 to fund planning and development of two new businesses in the Northwest Harris Business Park.

He said that action is necessary for the acceptance of the grant funds. The motion to accept both grants was made by Commissioner Lange, seconded by Commissioner Wyatt and passed unanimously.

- B. **Public Hearing and Resolution: Abandonment of Portion of West Pine Drive.** John Taylor, County Attorney, said that this Public Hearing is for hearing comments from the public regarding the abandonment of 0.45 acres of West Pine Drive, which was formerly known as Pine Drive, and that the plat attached to the resolution designates the portion to be abandoned as Tract "A", which ends at the end of the cull-de-sac and is bounded by lots 1, 2, and 41; that the notice of intent to abandon occurred some time ago; that the advertisement for this Public Hearing has taken place; and that should the Board taken action to abandon same, a Quit Claim has also been prepared, which reserves a utility easement, to deed the property to the property owner.

Chairman Bridges called the Public Hearing to order and asked if there were any comments from the Board. Commissioner Whearley asked why it has taken two years for this action to take place, and Mr. Taylor responded that it does not usually take two years; that there was concern about tying into another road; and that part of the delay was within his office due to other business. Chairman Bridges asked if anyone on Land Lot 92 would receive any of the abandoned property, and Mr. Taylor said that the law specifies the division of the abandoned property from the centerline of the road; that the same person owns property on both sides of the road; that the law does not specify how a cul-de-sac is divided; that may be up to the Board to decide; that the intent is probably for those who use the right of way and have property that fronts the right of way to obtain that right of way; that when the road was put in it was certainly to serve Lot 1 and not set up to service any other property in any other land lot on the other side; that while none of the cul-de-sac is in Land Lot 92, it touches it, so the question is how wide does it touch; that he believes it to be at the discretion of the BOC to determine that.

Chairman Bridges asked if anyone wished to comment about the proposed abandonment.

John Rodgers, owner of property in Land Lot 92, appeared before the Board and said that he had not been contacted about this abandonment; that he should have been since the property in questions touches his property line; that he cannot access the subject property because there is a fence across the road and horses within the fence; that he has had problems trying to sell his property with the subject property being a possible access not knowing whether or not it is a County road, because he has been told it is not a County road; that if the property is to be abandoned, the County should put it up for sale as he would be interested in purchasing it. Chairman Bridges said that he understands that the abandoned property is divided to the center line by the adjacent property owners, and in this case, both sides of the subject property are owned by the

same person. Mr. Rodgers asked how the division of cul-de-sacs are determined, and Mr. Taylor said that is something that will probably be at the discretion of the Board. Mr. Rodgers said that he talked to someone with the County at one time, and was told the cul-de-sac was 60 feet from the center and that before any abandonment is done, a survey should be made, and Chairman Bridges said that the cul-de-sac is 50 feet. Mr. Rodgers said that his property touches the subject property and that his surveyor, Hugh Riley, said that his property comes across the cul-de-sac. Commissioner Lange said that the County needs to determine how much the cul-de-sac touches Mr. Rodgers' property. Mr. Taylor said that the use for which the subject property has been put needs to be considered as well; that the owner in Land Lot 92 has never used the subject property for access but has access from Highway 315. Mr. Rodgers commented that his access has been cut off from Coco Hollow Road (from Highway 315), and Mr. Taylor said that the property has access from Highway 315. Mr. Rodgers said that if the subject property is a County road, he can't understand why he can't take the fence down to have access in order to come through to his property.

Bill Pilcher, citizen who requested abandonment of the subject property, appeared before the Board and said that he owns lots 1, 2 and 41; that when he bought the property, the fence was already in place; that he had previously provided (in October 2005) photographs showing the overgrowth, the cracks, the fence and trees on the subject property; that doesn't understand why Mr. Rodgers would want to have access through West Pine Drive rather than directly from Highway 315; that when he was approached a few years ago about such access, he was told by Jeff Cody that they (the developers) could take down his fence, but that if he didn't want that to happen, he could trade some of his property along lines of lots 41 and 40 for the strip of property from Highway 315 adjacent Coco Hollow Road; that the property in Land Lot 92 has access from Highway 315 and is not land-locked; that regarding the lack of access on Coco Hollow Road, the home owner has put up a gate where the road ends at his property to prevent traffic across his property; that his neighbors don't want another road with more traffic within the subdivision; and that he has taken care of the subject property since he has owned it (purchased in 1999) to include cutting the grass, nor has it been repaved. Mr. Whearley said that there is a barn/shed on the cul-de-sac and Mr. Pilcher said the barn/shed was built by the people who developed the neighborhood and added that none of the County maps show the cul-de-sac.

Keith Wright, citizen who lives on Winding Lake Drive, appeared before the Board and said that he is a potential buyer of the property on Land Lot 92; that he had the property rezoned two years ago (note: rezoning was approved August 3, 2004) from A-1 to R-1 under the pretense on planning to use the subject property for the purpose of extending the County water line to save him the cost of 400 feet of water line, so he has monetary interest in it; that even though the County Attorney had indicated the intent of the cul-de-sac was not intended to serve Land Lot 92, it touches it; that the reason there is no access is because there is a gate in place; that he has a right, just like any other County citizen, to access utilities from the subject property to run to his property, even if he only puts in one house; that he has the right to run a water line from the nearest County water line, which is on West Pine Drive; that he doesn't think it is fair that the subject property has been cut off (with gates/fences); and that it would be prudent for the County to look into this matter further to find out why there are conflicting surveys and how much property touches the cul-de-sac.

Bobby Haralson, citizen and surveyor, appeared before the Board and said that there is a code section, possibly Georgia Code 32, that addresses all these issues; that Georgia has upheld the centerline rule and abandonment and there is a procedure as to how to extend to the centerline and includes cul-de-sacs.

Nancy McMichael, County Clerk, said that according to Jimmy Evans, Public Works Director, the subject property has not been maintained by the County for at least 27 years. Chairman Bridges said that he assumes the road was platted in that fashion for the lots surrounding it.

There being no further questions or comments, Chairman Bridges closed the Public Hearing and asked for a motion.

Commissioner Whearley tabled action in order for the County Attorney to research the matter before the next meeting (August 21).

Mr. Taylor said that he will get the County Engineer to review the plats to determine exactly how much property lies between the two points of Lots 1 and 41 and determine if any touches the property in Land Lot 92. He said that the question comes down to is how much, if any, the property owner in Land Lot 92 may be entitled to. Commissioner Wyatt said that if Land Lot 92 had nothing to do with the original development of Piney Grove Estates, why would anyone on that line have a claim, and Mr. Taylor said that is

a point to take into consideration; that this was not intended to be a road used by the owners in Land Lot 92 because they have access elsewhere; that the idea when a road is abandoned the property is abandoned to the centerline for those property owners having use of the road or having the road run through the property.

- C. **Resolution of Acceptance: Steele Creek Drive, Boxwood Lane and Stafford Court in SteeleCreek Subdivision, Section Three**. John Taylor, County Attorney, said that the appropriate documents have been received in connection with deeding the road right-of-way to the County. Nancy McMichael, County Clerk, commented that the corrected Letter of Credit has been received to replace the one contained within the meeting material provided to the Board. Mr. Taylor recommended approval of the Resolution. The motion to approve the Resolution to accept SteeleCreek Drive, Boxwood Lane and Stafford Court was made by Chairman Bridges, seconded by Commissioner Lange, and passed unanimously.
- D. **Financial Statement: June 2007**. The motion to approve the June 2007 Financial Statement was made by Commissioner Lange, who also commented that all but one department came in under budget and that one only exceeded the budget by a very small margin, and that everyone did a good job with their budgets. The motion was seconded by Commissioner Wyatt, and passed with four in favor (Lange, Wyatt, Bridges, Whearley), no opposition, and one abstention (Manning).

#### 4. **COUNTY MANAGER**

- A. **Northwest Harris Business Park, Tract I: Wetland Delineation Assessment (182.54 acres)**. Carol Silva, County Manager, said that this document was discussed during the preceding Work Session, and that action is needed to adopt same. The motion to adopt this document was made by Commissioner Lange, seconded by Commissioner Manning, and passed unanimously. (Document can be found in "Miscellaneous Documents" as MD #07-06.)
- B. **Northwest Harris Business Park, Tract II: Phase I Environmental Site Assessment (179 acres), Preliminary Subsurface Evaluation (179 acres), and Wetland Delineation Assessment (131 acres)**. Carol Silva, County Manager, said that these documents were discussed during the preceding Work Session, and that action is needed to adopt same. The motion to adopt these documents was made by Commissioner Lange, seconded by Commissioner Manning, and passed unanimously. [Documents can be found in "Miscellaneous Documents" as MD #07-07 (Phase I Environmental), #07-08 (Preliminary Subsurface), and #07-09 (Wetland Delineation)].
- C. **911 Building Addition Change Orders**. Carol Silva, County Manager, said that change orders in the amount of \$3,900 for forms and footings for concrete and \$5,800 to add icynene insulation (\$6400) and delete the vinyl insulation (\$600) were discussed during the preceding Work Session, and that action regarding same is needed. The motion to approve the change orders was made by Commissioner Lange, seconded by Commissioner Whearley, and passed unanimously.
- D. **SPLOST Road List 2007: Amendment**. Carol Silva, County Manager, said that during the preceding Work Session the Board discussed adding East Bon Acre, from US Highway 27 to Ripshin Road, for leveling and resurfacing, and the cul-de-sac on Hall Drive for paving to the 2007 SPLOST Road List, and that action regarding same is needed. The motion to add East Bon Acre from US Highway 27 to Ripshin Road for leveling and resurfacing and the cul-de-sac on Hall Drive for paving to the list was made by Commissioner Lange, seconded by Commissioner Wyatt, and passed unanimously.

#### 5. **COUNTY ATTORNEY**

- A. **Agreement: Columbus Water Works**. John Taylor, County Attorney, said that during the preceding Work Session, the Board discussed this agreement with the Columbus Water Works for the purpose of tying onto the sewer line from Columbus; that Columbus would take the line to the County line at which point the County would continue same to the development location of The Grove; that the contract runs for 20 years. He reviewed various aspects of same and recommended approval of the document subject to the County entering into a contract with Mulberry Developers, LLC, concerning The Grove development for which the sewer line is needed. The motion to approve the agreement subject to the County entering into a contract regarding The Grove and the sewer line was made by Commissioner Lange, seconded by Commissioner Wyatt, and passed with four in favor (Lange, Wyatt, Bridges, Whearley), no opposition, and one abstention (Manning).

- B. **Agreement: Prison Detail for Warm Springs Rehabilitation Center.** John Taylor, County Attorney, said that this document was discussed during the preceding Work Session and that same should be tabled until such time as the appropriate changes are made to the agreement. There were no objections to tabling to the August 21 meeting.
- C. **Agreements with DOT: Right-of-way on SR 116 at Palmetto Creek [BRST-0746(7)], parcels 1, 2, 6, 11, 12 and 13.** John Taylor, County Attorney, said that these documents, which include the settlement statement showing zero consideration and an owner's affidavit, right-of-way deeds for five parcels and a deed for one easement, all of which will transfer title to the Georgia Department of Transportation. The motion to approve all these documents was made by Commissioner Manning, seconded by Commissioner Lange, and passed unanimously. (Documents can be found in "Contracts & Agreements" file as C&A #22-07.)
- D. **County Artifacts.** Commissioner Wyatt asked when the County will be receiving the artifacts found in the County property as part of the preceding project. Discussion followed with consensus being that the Board would like to see the artifacts as well as the chain of authority.
- E. **Hotel/Motel Tax and Pine Mountain Club Chalets.** Commissioner Wyatt asked about the status of collecting the hotel/motel tax owed by Pine Mountain Club Chalets, and John Taylor, County Attorney, said that he will send the appropriate letter regarding same. The motion to direct the County Attorney to send a "threatening letter" to Pine Mountain Club Chalets was made by Commissioner Wyatt, seconded by Commissioner Lange, and passed unanimously.
- F. **Real Estate Options.** Chairman Bridges asked if the County was ready to move forward on the options to purchase additional real estate for the Northwest Harris Business Park, and John Taylor, County Attorney, said that he has one document ready and has to check the title on the other. Chairman Bridges asked that everything be ready for approval at the next meeting.
6. **RECESS FOR EXECUTIVE SESSION.** The motion to go into Executive Session for the purpose of discussing real estate acquisition and a personnel matter was made at 7:40 PM by Commissioner Lange, seconded by Commissioner Wyatt, and passed unanimously.
7. **RESUME REGULAR SESSION.** The motion to go back into Regular Session was made by Chairman Bridges, seconded by Commissioner Wyatt, and passed unanimously.
8. **ADJOURN.** There being no further business to discuss, the motion to adjourn was made by Commissioner Manning, seconded by Commissioner Whearley, and passed unanimously.

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Daniel B. Bridges, Chairman

Attest

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Nancy D. McMichael, County Clerk