

HARRIS COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION
September 19, 2007
7:00 PM

Commissioners Present: Daniel B. Bridges, J. Harry Lange, Joe F. Manning, Patrick Whearley, Charles Wyatt. Commissioners. Staff Present: John M. Taylor, County Attorney; Nancy D. McMichael, County Clerk. Staff Absent: Carol A. Silva, County Manager (ill).

1. **CALL TO ORDER.** Chairman Bridges called the Regular Session to order.
2. **MINUTES.** The motion to approve the Regular Session minutes of September 4 and the Called Session minutes of September 12, 2007, was made by Commissioner Wyatt, seconded by Commissioner Lange, and passed unanimously.

3. **OLD BUSINESS**

A. **Second Reading: Ordinance to Amend Zoning Ordinance, Article IV, Section 2, Item 128D re: subdivisions with lots of five acres or greater in size in A-1 districts.**

Chairman Bridges said that this was the second reading; that this amendment would require subdivisions with lots of five acres or greater in size in A-1 districts to come before the Board for a Special Use Permit before proceeding with the platting process. There being no questions or comments from the Board, he asked if anyone in attendance had any comments or questions. There being none, he asked for a motion. The motion to approve was made by Commissioner Manning, seconded by Commissioner Lange, and failed by a vote of two in favor (Manning, Lange) and three opposed (Bridges, Whearley, Wyatt)

- B. **Bid Award: Antioch VFD Fire Vehicles.** Chairman Bridges said that this matter was tabled during the September 4 meeting pending a review of the bid specs and requirements. John Taylor, County Attorney, said that the bid information included wording that allows the Board to “waive any requirement and/or specification included”; therefore, the Board could accept the low bid by waiving particular requirements. The bids received were as follows:

BIDDER	FREEWAY FORD		JAY PONTIAC BUICK GMC	
	Model	Bid Amount	Model	Bid Amount
Service Vehicles - Two (2)				
Gas	Ford E 450 XL	\$ 41,900.00	No bid	no bid
Diesel	Ford E 450 XL	\$ 54,120.00	GMC TB33803	\$ 55,550.00
Service Body - Two (2)	Knapheide KUV153D20HGK	\$ 24,390.00	Knapheide KUV153D20HGK	\$ 31,117.00
Cab & Chassis - One (1)				
Gas	Ford F 450 XL	\$ 23,532.00	No bid	no bid
Diesel	Ford F 450 XL	\$ 29,172.00	GMC C4500	\$ 41,132.26

The motion to award the bids for the diesel vehicles (3) and the service bodies to Freeway Ford was made by Commissioner Whearley, seconded by Commissioner Wyatt, and passed unanimously.

4. **NEW BUSINESS**

- A. **Proclamation: American Business Women’s Association.** Chairman Bridges said that the document proclaims Saturday, September 22, 2007, as American Business Women’s Association (ABWA) in Harris County. No one representing the ABWA was present and there was discussion as to what the ABWA is and does. The motion to approve the document was made by Commissioner Lange, seconded by Commissioner Wyatt, and passed unanimously.

- B. **Solid Waste Backhoe.** Chairman Bridges said that this matter was tabled pending additional information, and he asked Nancy McMichael, County Clerk, about same. Mrs. McMichael said that lease information without a balloon payment had been obtained; that such payment would be \$1,554.01 for 48 months; that the repair quote from Yancey is \$11,761.48; and that the trade-in value of the current backhoe (bad transmission) is \$9,700 per Yancey. Commissioner Manning said that he had found a company (A Heavy Equipment & Repair) that works on Yancey/Cat equipment and can replace the transmission with a new transmission for a not-to-exceed price of \$9,500. Following discussion, there were no objections to having the backhoe repaired by A Heavy Equipment & Repair but to make sure it includes replacement of the torque converter and other necessary repairs.

- C. **Agreement: Airport Projects - WK Dickson.** Chairman Bridges said that the agreement is with the airport consultant, WK Dickson, for the Fuel Farm and 10-Bay T-Hangar at the Harris County Airport. John Taylor, County Attorney, said that the document is for the design, bid and construction phase services for the two projects and totals \$52,900; that there are other costs for special services which may or may not be required. Discussion included that the cost for the land disturbance permit would be waived, since the County issues same, and whether or not the bid phase could be done by the County Clerk. The motion to approve the agreement, with the caveats that various work could be done by the County rather than the consultant, unless it is a requirement for same to be done by the consultant, was made by Commissioner Lange, seconded by Commissioner Wyatt, and passed unanimously. (Document can be found in "Contracts & Agreements" file as C&A #07-26.)
- D. **Airport Water Issues.** Chairman Bridges said that there is no water at the Airport; that Champion Wells has proposed extending a water line to the Airport, which will not only serve the Airport but provide fire hydrants/fire protection to residents of Sky Meadow Subdivision, with the County providing the materials for the job at an approximate cost of \$16,500 to \$17,500, but that the labor, equipment for installation, and engineering plans will be provided by Champion Wells; that Champion Wells will operate and maintain the system; and that there will be no charge to the County for the water at the Airport but if the Airport is leased to another entity, that entity will be responsible for the water usage. Following discussion, the motion to proceed with the proposal as outlined was made by Commissioner Wyatt, seconded by Commissioner Whearley, and passed unanimously.
- E. **Equipment Request from Georgia Forestry Commission: Antioch VFD.** Chairman Bridges said that Antioch VFD is requesting equipment from the Georgia Forestry Commission, but that the actual request has to come from the Board. Greg Taylor, with Antioch VFD, said that the request is for the loose equipment (hoses, nozzles, etc.) to equip the vehicles the Board just approved for purchase from Freeway Ford. The motion to approve the equipment request was made by Commissioner Lange, seconded by Commissioner Wyatt, and passed unanimously. (Document can be found in "Miscellaneous Documents" as MD# 07-11.)
- F. **Agreement: Local Elected Officials for the Lower Chattahoochee Workforce Investment Area.** Because there was not enough information concerning this agreement, action was tabled to the October 2 meeting.
- G. **Georgia Southwestern Railroad Line Abandonment.** Commissioner Lange said that the County has until the end of the month to make a decision regarding whether or not it will purchase the rail line to be abandoned; that Georgia Southwestern Railroad has determined the value of the line to be \$2,444,000; that the rail and ties will be removed, but the gravel will remain. Following discussion, consensus was to have a meeting with as many people that may be interested in purchasing the rail line so that a decision can be made and relayed to Georgia Southwestern Railroad. Commissioner Lange will organize the meeting which should include individuals from Pine Mountain, Hamilton, the Harris County Chamber of Commerce, the Pine Mountain Tourism, Callaway Gardens, and others. Nancy McMichael, County Clerk, was asked to contact DOT about possible TE grants regarding this matter.
- H. **US Highway 27 Initiative.** Commissioner Lange said that he had been advised by Patti Cullen, with the RDC, that 14 of the 18 counties through which US Highway 27 runs have agreed to pay the \$1,000 seed money. Following discussion, the motion for the County to pay \$1,000 seed money toward the initiative was made by Commissioner Wyatt, seconded by Commissioner Whearley, and passed unanimously. (Note: During the June 5, 2007, meeting, the Board agreed that if over 70% of the counties made the commitment to submit the \$1,000, then Harris County would also.)
- I. **Exemption of Agricultural Buildings from Inspections.** Chairman Bridges asked John Taylor, County Attorney, if he had determined whether or not such building could be exempt from inspections. Discussion included that there should be a penalty or fine if someone is found to have added or included something that should not have been included. Mr. Taylor said that he is still working on same and that he will be trying to incorporate the exemption in with the revision to the building codes.
- J. **Work Ready Initiative.** Chairman Bridges asked Lynda Dawson, with the Harris County Chamber of Commerce, to explain the Work Ready program. Mrs. Dawson said that Harris County has been designated as a Work Ready Community; that Harris County is in a region with five other counties (Troup, Meriwether, Upson, Heard and Coweta) to certify individuals as being capable of doing jobs related to automated manufacturing; and that training for individuals would be available for certification for companies like Kia and its suppliers or other similar companies. Chairman Bridges said that the County has

been asked to submit a letter of support regarding this program and asked if there were any objections to doing so. There were no objections.

5. **COUNTY ATTORNEY**

- A. **Resolution of Acceptance: Dakota Court, Dakota Trail & Grizzly Lane in Lakeside Subdivision, Section 3.** John Taylor, County Attorney, said that the appropriate documents have been received in connection with deeding the road right-of-way to the County, and he recommended approval of the Resolution. The motion to approve the Resolution to accept Dakota Court, Dakota Trail and Grizzly Lane was made by Commissioner Wyatt, seconded by Commissioner Lange, and passed unanimously.
- B. **Business Park Covenants.** John Taylor, County Attorney, distributed a revised version of the covenants drafted for Northwest Harris Business Park and he reviewed the document to include that while the Hollis and Fears properties are part of the document, the Haywood and Ponder properties are not part, but that if added prior to adoption, they can be included, and if not, the document can be amended later to include the additional property. Chairman Bridges said that action will be taken regarding the document during the October 2 meeting.
- C. **Moon Road Right-of-Way Status.** Chairman Bridges said that several individuals have not signed and returned the right-of-way deeds concerning the road project and that several individuals signed up to speak about this project.

Dana Lawski, citizen, appeared before the Board and said that she was concerned about three items. (1) Water Lines. Mrs. Lawski said that she and her husband, both volunteer firefighters, would like to see a water line installed at the same time the road project is done; that same would provide fire protection for the citizens on the road; and that odds are that the water line would not be put in after the road is paved. Chairman Bridges said that water is a valid issue; that if enough people sign up to get on the water system so that it would make sense to do so, there would probably not be any objection to putting in water; that the County has put water lines along a paved road before; and that with the acquisition of the necessary right of way along Moon Road, there would be enough room to do so. (2) Mrs. Lawski said that they are concerned about the high banks, like that on Brown Creek Road, which may occur with the paving project; and that it doesn't look good. Commissioner Wyatt said that most of that on Brown Creek Road was like that, that the County just cut the banks further back for the right of way. Chairman Bridges said that part of the issue is that once right of way is acquired, we have to stay on the right of way, but if someone had an issue and gave permission, the grade could be made more on the unacquired property to reduce the banks, but we would have to have permission to do so. (3) Mrs. Lawski said that she wouldn't be present tonight if she had not received a "hostile" phone call from Jimmy Evans and that she doesn't like being told that if the paper is not signed, the property will be condemned tonight. Chairman Bridges asked Mrs. Lawski if she and her husband would sign the right of way deeds if the issues she discussed were resolved, and Mrs. Lawski said no, that they moved to the country to be in the country and don't want the road paved.

Kevin Porter, citizen, appeared before the Board and said that he is representing his mother; that one of the road stakes is not 10 feet from an old house; that he would be responsible if that old house fell in the road; and that they really don't want the road paved.

Cameron Walton, citizen, appeared before the Board and said that he is representing his wife, A. Walton, executor of the Louis Meadows Family Trust, and his mother in law, who owns 50% of the property; that both his wife and mother in law would rather the road not be paved, but if it is, they don't want to give up any more property than necessary to pave the road in its current location; that right now, the proposal is to go through the middle of the property. Commissioner Wyatt said that he was in a meeting with Mr. Meadows before he died, and that he said that was where he wanted the road to go. Mr. Walton said that was then, and that now, the current owners are not in agreement with that route and would prefer that it be paved, if it is going to be paved, in its current location.

Andrew Zuerner, citizen, appeared before the Board and said that he bought the property because it was on a dirt road, that he grew up on a dirt road, and that he and his wife enjoy that lifestyle and would like it to remain dirt. He said that Jimmy Evans, Public Works Director, said that the property was going to be condemned; that if the road is going to be paved, he wanted to be compensated for it; that he knows right of way was paid for on Brown Creek Road, Roger Copeland Road, and Calhoun Road; that in talking with Bill Patrick, County Engineer, he understands there is .31 acres needed, but that because his property goes to the centerline of the dirt road, he figures the property needed to be .58 acres; that Mr. Patrick said that the .31 is 20 feet from the

centerline but that his taxes, however, include that 20 feet to the centerline of the road. He asked why the property needed is figured in that manner. Chairman Bridges said that because the County owns that 20 feet by prescription since we have been maintaining that and that if the right of way deed is signed, the total property would come off the tax bill. Mr. Zuerner said that based on that, he is paying taxes on property that is not his, and asked if the County has considered compensation for the right of way. Chairman Bridges said that the County would consider compensation, and even if the property were to be condemned, the property owner is compensated for fair market value.

Robert Hrcir, citizen, appeared before the Board and said that he agrees with what Mr. Zuerner said; that his property goes to the centerline of the road; that had he realized the County basically owns that 20 feet, he would have done something about it sooner; that the drawing sent to him with the letter was erroneous in that it indicates the property comes out to .14 acres, but that he says it comes to .48 acres; that temporary irons for the road showed the centerline in his ditch, which would result in more property being needed from him; that the deed he was sent in incorrect and inaccurate; and that he didn't care about the way it was handled by getting a letter asking that the deed be signed, or that the project could be forgotten, delayed, or the property taken. He asked what would happen if he signed the deed and the project did not go through, and Chairman Bridges said that if the project were to be cancelled, probably the property could be returned. Mr. Hrcir said that he was also concerned about the bank slopes like on Brown Creek Road and stabilization of erosion; that he met with Bill Patrick, County Engineer, about the project; that he was glad to hear that some of the slopes could be laid back without obtaining that land; that he is also concerned about the driveways; and that he understands that pretty much each property owner will be satisfied with the way their frontage looks, within reason, of course. Chairman Bridges said that would be correct, if the owner signs the right of way deed; that if the deed is not signed and the County goes through some other means to acquire the property, the County will probably not be willing to go the extra mile to accommodate the property owners.

Jennifer Hrcir said that her husband had covered all the issues.

Mr. Zuerner said that he also has property on Milner Road and asked if there was anyway to give away the 20 feet of his property, and Chairman Bridges said that if the right of way deed is signed, that would be taken care of, when the deed is ready.

There was discussion concerning the 20 feet and included that right of way deeds are from the centerline and includes the additional land that is needed; that the practice has been not to pave roads unless there is a right of way deed; and that anywhere we are taking care of the right of way is the County's by prescription, but it does not have actual title to same.

Chairman Bridges said that some of the property owners don't want the road paved and some are willing to try to work something out. Commissioner Wyatt made to motion to move ahead with the condemnation process against those property owners who will not sign the right of way deed. There was no second to the motion. Discussion included that the County should try to work out something with the property owners who are willing to do so rather than going through the condemnation procedure and consensus was to give two more weeks and then consider the resolution to proceed. Commissioner Wyatt then withdrew his motion. John Taylor, County Attorney, said that the Resolution will be on the October 2 agenda depending on whether or not something can be worked out with various property owners.

- D. **Resolution: Service Delivery Strategy.** John Taylor, County Attorney, said that he had prepared a Resolution to rescind the one adopted by the Board on July 17, 2007, regarding the duplication of services and which states that County property within the corporate limits of the City of West Point and annexed by the City prior to January 1, 2007, will continue to receive an adjustment in property taxes equal to 40%, and that for subsequent annexations of property the 40% would not apply. The motion to approve the Resolution was made by Commissioner Manning, seconded by Commissioner Wyatt, and passed unanimously.

6. **OTHER**

- A. **Multiple Homes on Large Tracts of Property.** Chairman Bridges said that currently owned property of four or more acres has to be surveyed off to put more than one home on it, even if there are 300 acres, and that he has had some inquiries regarding same; that if someone has 200 acres, it would be okay to build two houses on it. Commissioner Wyatt said that the requirement keeps homes from being built 20 feet apart and five houses built on two acres. Chairman Bridges asked if there was a solution to getting

around the requirement. Commissioner Lange said that he has the same concerns that Commissioner Wyatt has. John Taylor, County Attorney, said that there may be issues concerning the development of a minor or major subdivision and this might be a way to get around the subdivision regulations. There were no objections to Mr. Taylor researching the matter to see if the issue can be resolved and possibly have a recommendation at the next meeting.

- B. **Alabama Road and Parking on Right of Way**. Commissioner Wyatt said that he had been contacted by a citizen concerning the parking of a tractor-trailer rig on the right of way on Alabama Road. Discussion included that the Zoning Ordinance prohibits the parking of such vehicles on the right of way in residential districts and that while the area may be zoned agricultural, its use is residential. John Taylor, County Attorney, is to research the matter.
 - C. **October 2 Meeting**. Commissioner Lange said that he has been asked to serve on the ACCG resolutions committee that handles all the platforms from the other committees; that the meeting for same is at 2:00 on Tuesday, October 2; and that while he will probably miss the Work Session, he will be at the Regular Session that evening.
8. **ADJOURNMENT**. There being no further business, the motion to adjourn was made by Commissioner Lange, seconded by Commissioner Wyatt, and passed unanimously.

Attest

Daniel B. Bridges, Chairman

Nancy D. McMichael, County Clerk