

**HARRIS COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION**

March 20, 2007

7:00 PM

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

1. **CALL TO ORDER.** Chairman Bridges called the Regular Session to order.
2. **MINUTES.** The motion to approve the minutes of the March 6, 2007, Regular Session, was made by Commissioner Lange, seconded by Commissioner Whearley, and passed unanimously.
3. **OLD BUSINESS**
 - A. **Properties Zoned Resort.** Chairman Bridges said that the Board briefly talked about this matter previously (in a Work Session) and asked if there were any other comments. Discussion included that it may be that none of the properties listed qualify as "resort"; how it was determined whether or not amenities are offered; that property owners should be contacted as to what the Board wants to do; that a change from resort zoning would probably not affect most of the properties since most seem to be more residential-oriented; that there is concern about the possibility of someone wanting to develop a subdivision on quarter-acre lots; and that if property zoned resort is actually residential, it's okay as long as it continues to go by residential rules, which is the intent of the Zoning Ordinance. John Taylor, County Attorney, said that it would probably be easier for the Board to rezone some of the resort properties on which there has been no development to A-1, which is basically what the use is; that if changes are desired on resort properties, the owners must come before the Planning Commission and present their plan for approval before such changes are made; that "resort" zoning is the forerunner of the current "PUD" and "CUPD" zoning districts, over which the Board has more control; that it may be difficult to rezone some of the properties, especially those that are offering some type of amenities that are supposed to be offered in a resort zoning. Discussion continued with comments including that six of the properties (on the list) don't qualify as resorts since 500 acres are required and that those properties were grandfathered in as resort when zoning was adopted; that public amenities includes those amenities available to the public for which a fee can be charged; that letters should be send to all the resort property owners advising what the Board wants to do; and that a committee should be formed to looked into each property to come back and report to the Board. Regarding specific resort properties on the list, discussion included that property #1 could be resort, because if a chalet is rented, there are various activities available; that #2 is private since a gate is in place; and that #7, #8 and #10 don't qualify as resort since they are undeveloped. Mr. Taylor said that some of the property owners may have a vested right in the resort zoning in that they may have started out trying to comply; and that while there may be some degree of deception, if it is obvious that the property does not comply, never has complied, and there are no plans to comply, rezoning to another zoning district seems logical. Consensus was that Commissioner Manning and Commissioner Whearley would research the resort properties and report back to the Board, with the County Manager and County Clerk involved as needed.
4. **NEW BUSINESS**
 - A. **Hamilton Business Park.** Anne Bacher, Hamilton Council Member, appeared before the Board and said that Hamilton definitely has the sewer and water for the property, but meetings are needed to determine who is responsible for what in connection with the annexation of the property. Consensus was for Commissioner Wyatt and Commissioner Lange to meet with the Hamilton City Council regarding same.
 - B. **Request for Tax Refund: Christine McFarland.** Chairman Bridges said that three requests have been received in the amount of \$67.22 for the years of 2005, 2004 and 2003; that the property in question belonged to Ms. McFarland's step-grandmother; that the Tax Commissioner agrees with the requests and the Board of Tax Assessors indicates that this is not a Tax Assessment issue. Following discussion, which included that Ms. McFarland may have no legal claim to the property even though she has been paying the taxes; that if approved, the property is automatically in arrears; and that it seems to be more of a civil issue. The motion to disapprove these three requests was made by Commissioner Wyatt, seconded by Commissioner Lange, and passed unanimously.
 - C. **Request for Tax Refund: Roy & Tina Butler.** Chairman Bridges said that this request is for a refund of \$1,749.10; that the Tax Commissioner disagrees with the request and that the Board of Tax Assessors agrees with the request. Following discussion, which included that this is an age-old problem in connection with the selling of property and the closing on same, with evidence produced showing that the seller (Butler) paid \$220 in taxes and the borrower received a credit of \$220. Consensus was to table this matter until the April 3 meeting in order to get more information.
 - D. **Proclamation: Mental Retardation and Developmental Disabilities Awareness Month.** Chairman Bridges said that Joan Skalsky, Director of the Mental Retardation and Developmental

Disabilities Awareness Center in Harris County, was present and he asked if she wanted to make any comments. Mrs. Skalsky thanked the Board for its support of the Center; that she appreciates the fact that the County recognized the need of people with different disabilities deserving a decent place to work and to go to; that March is Developmental Disabilities month; and that everyone and anyone is invited to visit the Center and see what they do. Chairman Bridges thanked Mrs. Skalsky for all the work she does in and for the Center. He then read the Proclamation, which passed unanimously on a motion by Commissioner Wyatt and a second by Commissioner Lange.

- E. **Reappointment to Recreation Board.** Chairman Bridges said that the Pine Mountain Youth Sports Association has recommended that Kristi Carroll be reappointed to the Recreation Board for another term, which would end December 31, 2008. The motion to reappoint Ms. Carroll to the Recreation Board was made by Commissioner Manning, seconded by Commissioner Lange, and passed unanimously.

5. **COUNTY MANAGER**

- A. **VFD Workshop on Transition Toward Paid Firefighters.** Chairman Bridges said that the date for the workshop has been changed to Friday, June 1, and Saturday, June 2, and that they want to use the Commission Chambers for the workshop. There were no objections to the date change or to the use of the Commission Chamber for the workshop. Chairman Bridges directed the County Clerk to advise the Sheriff of the use of the Commission Chambers on Saturday, June 2, since security will be necessary.
- B. **Health/Medical Insurance.** Chairman Bridges asked Nancy McMichael, County Clerk, to explain this matter. Mrs. McMichael said that the health insurance premiums from Evergreen went up 30%; that we advertised and requested proposals; that we received one response from Blue Cross Blue Shield that they could not make a proposal based on our claims experience and high claims; that the 30% increase is a difference of \$78.87 for the single, individual employee covered under the plan on which the County pays the full cost for the individual employee; and that the Board needs to decide if it wants to continue with Evergreen and whether or not to pay the \$78.87 difference per the individual employee, regardless of the plan each is under, with the employee paying any difference between that amount and the actual increase for their particular policy. The motion to continue with Evergreen and for the County to pay the difference as indicated was made by Commissioner Lange, seconded by Commissioner Wyatt, and passed unanimously. (Contract documents can be found in "Contracts & Agreements" file as C&A # 07-07.)
- C. **Bid Award: Brown Creek Road.** Chairman Bridges said that bids were received for the preparation of subgrade, hauling of GAB, preparation of base, priming, paving, striping and grassing of 2.6 miles of Brown Creek Road, as follows:

COMPANY	BID AMOUNT
Alexander Contracting, Fortson, GA	\$ 488,462.30
C.W. Mathews Contracting, Marietta, GA	\$ 643,032.00
Robinson Paving, Columbus, GA	\$ 469,075.58

Chairman Bridges said that Jimmy Evans, Public Works Director, has recommended that the bid be awarded to Robinson Paving for the low bid of \$469,075.58. Commissioner Lange asked Mr. Evans if the bid amount was in the range of what was expected, and Mr. Evans replied that it was. The motion to award the bid to Robinson Paving was made by Commissioner Wyatt, seconded by Commissioner Manning, and passed unanimously.

- D. **Contract Renewal: Traylor Business Services (TBS).** Chairman Bridges said that this contract is for the personal property audits that are required by law to be done on businesses. The motion to approve this contract was made by Commissioner Wyatt, seconded by Commissioner Wheatley, and passed with four in favor (Wyatt, Wheatley, Bridges, Lange), no opposition, and one abstention (Manning). Commissioner Lange suggested that in the future the Board be made aware of the approximate number of properties that would fit in each category, and Chairman Bridges said that the audits are limited to what is budgeted, which affects the number and size of the companies audited. John Taylor, County Attorney, commented that the County needs to be taking advantage of the 5% discount by paying the invoices within 10 days, and the Board agreed. Mrs. McMichael said that she would pass that information on to the accounting department. (Document can be found in "Contracts & Agreements" files as C&A #7-08.)
- E. **Intergovernmental Agreement with Hamilton: Building Code, Plan Review, Code Enforcement, etc.** Nancy McMichael, County Clerk, said that Hamilton currently has an Intergovernmental agreement with the County but that they want to revise the agreement to include administration of building code, approval/disapproval of plats for individual lots, compliance with the City's zoning district requirements, conditional requirements, special use conditions, and general conditions, and enforcement of the City's Subdivision Regulations, Zoning Ordinance, and the State Building Code; that the City's attorney wrote it, minor changes were made, the attorney re-reviewed and approved it and the City Council has approved it. John Taylor, County Attorney, said that he finds the agreement to be appropriate; that the County will receive the fees required for any of the services, but that it does not provide for a termination,

other than a referenced to arbitration. Discussion included that the term of 10 years may be too long; that it may be better to have it for one year with automatic renewal unless otherwise terminated by either party. The motion to approve the agreement was made by Commissioner Wyatt pending the changes regarding a one year term with automatic renewal and a termination clause, seconded by Commissioner Lange, and passed unanimously. Mr. Taylor is to advise Mrs. McMichael of the appropriate wording to insert in the agreement. (Document can be found in "Contracts & Agreements" file as C&A #07-09.)

- F. **Resolution: 07 CDBG.** Chairman Bridges said that in conjunction with the CDBG application package regarding the expansion of the Health Department needed to be approved. He asked about the plans, and Mrs. McMichael said that as far as she knows, plans have not been provided to the County. Chairman Bridges said that the estimated cost for the expansion is for \$643,000, but the grant is only \$500,000, and since the Board hasn't seen the plan or what the estimate entails, the estimate should be scaled down so that the grant covers the project. Discussion included that furnishings may be included, but that the Board should know what is included. Regarding the resolution, since it only gives the RDC the authority to begin the application process and to write and administer the grant, the motion to approve same was made by Commissioner Wyatt, seconded by Commissioner Lange, and passed unanimously.
- G. **Northwest Harris Business Park: Engineering Services.** Chairman Bridges said that estimates had been received from two companies regarding producing the preliminary plan and engineering services to plan the park to include the road, water and sewer line locations; that EMC Engineering indicated a not-to-exceed price of \$8,800; that Carter & Sloope indicated a not-to-exceed for \$20,000, but it includes more items than necessary; and he recommended hiring EMC Engineering since they can get started immediately. He then made a motion to hire EMC Engineering to do the planning and engineering services. The motion was seconded by Commissioner Manning and passed unanimously.

6. **COUNTY ATTORNEY**

- A. **Resolution: Acceptance of Pintail Drive South in Coca Lake, Section 12.** 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 road was made by Commissioner Lange, seconded by Commissioner Wyatt, and passed unanimously.
- B. **Resolution: Acceptance of Kristina Way and a portion of West Teddy Bear Lane, East Teddy Bear Lane, Maggie Way, West Straight Street, and East Straight Street in Timberland Subdivision, Section I.** John Taylor, County Attorney, said that the County has received the appropriate documents in connection with the acceptance of these roads, 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 these roads was made by Chairman Bridges, seconded by Commissioner Lange, and passed unanimously.
- C. **Resolution: Acceptance of Anslee Court, Mollie Court, and a portion of Maggie Way in Timberland Subdivision, Section II.** John Taylor, County Attorney, said that the County has received the appropriate documents in connection with the acceptance of these roads, 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 these roads was made by Chairman Bridges, seconded by Commissioner Wyatt, and passed unanimously.
- D. **Resolution: Acceptance of Madison Lane, Sweetwater Trail and Shadewood Drive in Moss Creek Subdivision.** John Taylor, County Attorney, said that the County has received the appropriate documents in connection with the acceptance of these roads, 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 these roads was made by Commissioner Lange, seconded by Commissioner Whearley, and passed unanimously.
- E. **DOT Option Documents: SR 116 at Palmetto Creek [BRST-0746(7)].** John Taylor, County Attorney, said that the documents from DOT are in connection with the relocation and straightening of Highway 116; that DOT is requesting that the County "donate" a total acreage of 13.843 acres in five parcels (1, 6, 11, 12 and 13) and an easement of 43,846 square feet; that the documents also include a waiver regarding the receipt of fair market value for the property. Commissioner Wyatt said that he has received calls from people indicating that they don't want O Street dead ending into the Ballpark road; that they feel it should be the other way around. Discussion included that the DOT could be requested to make O Street dead end into Highway 116; that if it is just a matter of relocating a stop sign, the County could make that determination; that public hearing should be held by the DOT regarding this project; and that the documents could be approved but ask DOT about making that change. The motion to approve the documents and to ask DOT to review O Street and the Ballpark road was made by Commissioner Wyatt, seconded by Commissioner Lange, and passed unanimously. (Document can be found in "Miscellaneous Documents" file as MD #07-01.)

- F. **Request for Executive Session.** John Taylor, County Attorney, requested an Executive Session for the purpose of discussing personnel matters.
7. **RECESS FOR EXECUTIVE SESSION.** The motion to go into Executive Session for the purpose of discussing personnel matters was made at 8:05 PM by Commissioner Lange, seconded by Commissioner Wyatt, and passed unanimously.
8. **RESUME REGULAR SESSION.** The motion to go back into Regular Session was made by Commissioner Wyatt, seconded by Commissioner Lange, and passed unanimously.
9. **OTHER**
- A. **Homestead Exemption for Elderly and Disabled.** John Taylor, County Attorney, asked the Board whether or not it desired to have the referendum question concerning the increase in homestead exemption for the County combined with that of the School Board or to have separate referendum questions. Following discussion, consensus was to have a combined referendum question.
- B. **Letter Regarding The Grove.** John Taylor, County Attorney, said that Commissioner Whearley had received a letter from a citizen regarding The Grove, the fact that there is an old slave cemetery on the property, and contained a threat to alert the NAACP. He said that State law requires that any cemetery be protected by fencing and that access be provided to same, or allows that it can be relocated, but that either method is the responsibility of the property owner, not the County.
- C. **Northwest Harris Business Park.** Commissioner Wyatt commented that Dr. Johnson, who owns property adjacent to the Northwest Harris Business Park, has engaged lawyers, and word is that he is going to go after the company that gets the first lot as well as the County.
- D. **Salary Increase for Positions Requiring CDLs.** Commissioner Wyatt distributed information concerning what the County pays employees who are required to have CDLs, and that he would like the Board to consider raising the salaries. Chairman Bridges said that salary increases for any position should be included during Budget sessions. Discussion included that the County provides more benefits than private industry; that the County should stay in line with other counties; and that the County has to be careful by not picking certain jobs and be willing to do it for all the employees.
10. **ADJOURNMENT.** The motion to adjourn was made by Commissioner Manning, seconded by Commissioner Whearley, and passed unanimously.

Daniel B. Bridges, Chairman

Attest

Nancy D. McMichael, County Clerk