

**HARRIS COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION**

October 2, 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 19, 2007, was made by Commissioner Lange, seconded by Commissioner Wyatt, and passed unanimously.
3. **APPEARANCE OF CITIZENS**
 - A. **Joe Bowman: Business Fraud (Taxi Service)**. Joe Bowman was not present when this item was called. See item 12E.

4. **OLD BUSINESS**

- A. **Agreement: Local Elected Officials for the Lower Chattahoochee Workforce.** Chairman Bridges said that action regarding this document was tabled during the September 18 meeting pending more information. He said that the Lower Chattahoochee Workforce basically takes the place of the Job Training Partnership Program and that there is no cost to the County. The motion to approve this agreement was made by Commissioner Whearley, seconded by Commissioner Lange and passed with four in favor (Whearley, Lange, Bridges, Wyatt) and one opposed (Manning). (Document can be found in "Contracts & Agreements" file as C&A #07-27.)
- B. **Business Park Covenants for Northwest Harris Business Park.** John Taylor, County Attorney, distributed a third draft of the document and a comparison document showing all the changes made since the last discussion occurred. He reviewed the changes. The document will be on the October 16 agenda for approval.
- C. **Moon Road Right of Way Status & Resolution.** Chairman Bridges said that this had been tabled during the September 18 meeting; that Andrew Zuerner has indicated he will sign the right of way deed in exchange for compensation; and that he will be meeting with Robert and Jennifer Hrncir on Thursday to discuss compensation for the right of way needed from them. Commissioner Wyatt said because Chairman Bridges will be meeting with Mr. and Mrs. Hrncir later this week, he will again table any action regarding the condemnation of property on Moon Road until the October 16 meeting.
- D. **Multiple Homes on Large Tracts of Land.** Chairman Bridges said that this had been discussed briefly during the September 18 meeting and that John Champion, Community Development Director, has drafted an amendment to the Zoning Ordinance to allow for one additional home to be built on five acre or larger tracts of land without the need for replatting with some requirements regarding same. There was a brief discussion which included that while the County wants to allow an additional home on large tracts of land, it does not want to open the door for a method to get around the Subdivision Regulations. John Taylor, County Attorney, and Mr. Champion are to work together on additional or alternate wording and bring back to the Board for consideration.

5. **NEW BUSINESS**

- A. **Prosecutor for Traffic Court: Martha Hartley, Probate Judge.** Chairman Bridges said that Mrs. Hartley was unable to be in attendance and that this topic would be placed on the next agenda.
- B. **Agreement with Lower Chattahoochee Regional Development Center (LCRDC): CDBG Documents for Health Department Grant.** Chairman Bridges reminded the Board that the County is the recipient of a \$500,000 CDBG award and said that he had signed the necessary documents regarding same, but that the Board needed to ratify same. In response to a question from Commissioner Manning, Chairman Bridges indicated that the Health Department will be paying the match for this grant. The motion to approve this agreement was made by Commissioner Wyatt, seconded by Commissioner Lange and passed unanimously. (Document can be found in "Contracts & Agreements" file as C&A #07-28.)
- C. **Appeal of Planning Commission Decision Regarding Subdivision of 2.57 acres: Ansley Pierce.** Ansley Pierce, citizen, appeared before the Board and said that he purchased 2.57 acres of property in 1997 and moved a house onto same; that he had

intended to deed the home and one acre of property to his son but failed to do so; that he obtained the necessary building permit to make renovations to the home and starting working on same; that his business “took off” and renovations stopped and then his wife died; that in December 2005 he renewed his permit to continue the renovations and told Tim Holmes, former Chief Building Inspector, what had occurred over the years; that Mr. Holmes provided him with a letter, also signed by Mark Stewart, former County Planner, indicating that he should be permitted to plat the property for the house and one acre even though the County had adopted a minimum lot size of two acres in 2003; that based on that letter, he asked Keith Haralson, also in December 2005, to survey the property; that the survey, which ended up being 1.40 acres with the house and another 1.17 parcel, was not completed until recently; that when he took the plat to Becky Gray, Zoning Technician, for approval, she indicated that she could not approve the plat because the lots did not meet the required two-acre minimum; that he appealed her decision to the Planning Commission who upheld the denial; and that he is appealing the Planning Commission’s decision. Following a short discussion, the motion to approve the division of the 2.57 acres into two lots of 1.14 and 1.40 was made by Commissioner Manning, seconded by Commissioner Whearley and passed with four in favor (Manning, Whearley, Bridges, Lange) and one opposed (Wyatt). Nancy McMichael, County Clerk, said that before Mr. Pierce takes the plat back to Mrs. Gray for approval, the number on the house number reflected on the plat needs to be changed from 299 to 519; that 299 is the address of the log cabin owned by Mr. Pierce and located north of the 1.40 acres.

6. PUBLIC HEARINGS @ 7:30 PM

- A. **Applications to Rezone 37.17 Acres from A-1 to M-2 for Mining and Extraction of Stone: (1) Jacolin Pittman Cornett to rezone 9.37 acres in Land Lot 193, Land District 19, Map 046, Part of Parcel 25; and (2) Willis O. Jackson, Jr., as Executor for the Estate of Willis O. Jackson, Sr., to rezone 28.80 acres in Land Lot 193, Land District 19, Map 046, Part of Parcel 26.** Chairman Bridges said that the attorney for the applicants had submitted a letter requesting that the Public Hearing for these two rezoning application be deferred until April 1, 2008, for reasons set out in the letter (pending change in ownership of the quarry company; to obtain vibration and noise level readings in the four locations where measuring devices have been recently located; and to identify property owners who, during the Planning Commission meeting on September 19, claimed their homes have been damaged by the blasting at the quarry and examine the homes.) The motion to approve the request to defer the Public Hearing to April 1, 2008, was made by Commissioner Wyatt, and seconded by Commissioner Manning. Commissioner Lange said that he is troubled by a party starting a rezoning process and then asking for a deferred; that it is not fair; that there are questions and some unknowns that should have been known before the rezoning process was started; that there are many people present to speak in one way or another and the deferral causes them a great deal of time lost and inconvenience; and that he doesn’t take this lightly nor does he appreciate it. The motion passed with three in favor (Manning, Lange, Bridges) and two opposed (Lange, Whearley).

7. NEW BUSINESS (CONTINUED)

- D. **Request for Return of Soil & Erosion Letter of Credit Funds on Stone Gate at Pine Mountain: Stephen Ginn.** Stephen Ginn and Paul Snelling, developers of Stone Gate at Pine Mountain, appeared before the Board. Chairman Bridges said that included in the meeting packets, there is a letter from Mr. Ginn regarding the request and a letter from John Champion, Community Development Director, with a suggestion as to what the Board should do. He asked Mr. Champion if work had been done on the property, and Mr. Champion said that tremendous work has been done, but that vegetation has not taken hold on all the property and that the work was done by Mr. Ginn or his agents. Mr. Snelling said that they have made a substantial effort to bring the property into compliance; that they have photos to show that vegetation is growing; that they have put out hay; that they can’t make it rain; that they understood that if the project was brought into compliance that the money could be returned so that they could use same to obtain the next bond that is required for the project. Mr. Ginn said that they can’t get the new bond until the funds from the current bond are released because no bonding company will do so. Discussion included that because the work has been done, there is no reason for the County not to work with them so that they can continue to work and make it better; that the County doesn’t need to retain any of the funds because the work was done by Mr. Ginn’s agents; and that the County could return the \$49,950 upon receipt of a letter of commitment from a bank or bonding company indicating that it will issue a new letter of credit or bond. Mr. Snelling said that their third party inspector has indicated that there are no soil and erosion issues remaining and that they have gone above and beyond what the County requires, and that they would be willing to provide a letter of commitment from a bank or bonding institution to issue a new letter of credit or bond. Mr. Ginn said that there is over 70% permanent vegetation in place, which is what is required by the manual (Soil & Erosion). Following more discussion, the motion

to return the Letter of Credit proceeds in the amount of \$49,950 upon receipt by the Commissioners of a commitment letter from a bank or bonding company to issue another Soil & Erosion bond was made by Commissioner Manning, seconded by Chairman Bridges, and passed unanimously.

- E. **Renaming Streets in Lakeside Subdivision, Section III.** Chairman Bridges said that a request has been made to change the name of one of the cul-de-sacs in Lakeside Subdivision from Grizzly Lane to Grizzly Court, and that John Champion, Community Development Director, has suggested that the street on the south end with seven families remain Grizzly Lane and change the name of the street on the north end to Grizzly Court. He asked Mr. Champion for explanation. Mr. Champion said that the plat was approved with two 240' cul-de-sacs named Grizzly Lane; that the Fortson Postmaster and 911 would like one of the name of one of the cul-de-sacs changed to avoid confusion with mail delivery and emergency responses. Following a short discussion, which included the suggestion to renumber the homes, Commission Whearley made the motion that the cul-de-sac on the north be named North Grizzly Lane and that the cul-de-sac on the south be named South Grizzly Lane. The motion was seconded by Commissioner Wyatt and passed with three in favor (Whearley, Wyatt, Bridges) and two opposed (Lange, Manning). Toward the end of the meeting, Commissioner Wyatt asked Commissioner Whearley to reconsider his motion and to add North or South to the street which has the fewest families on same and to leave the other as it is currently named. Commissioner Whearley agreed to change to motion as suggested, which Commissioner Wyatt seconded. The revised motion passed with three in favor (Whearley, Wyatt, Bridges) and two opposed (Lange, Manning).

8. **COUNTY ATTORNEY**

- A. **Building Code Ordinance Amendment.** John Taylor, County Attorney, distributed a draft of the amendment to the Building Code Ordinance. He reviewed same, which included that should the Department of Community Affairs, to whom the State Legislature has authorized to make changes to the mandatory State Building Codes, that same will automatically apply to Harris County without the need of adopting a new ordinance each time, and that the size of accessory buildings for which no fee is needed has been changed from 400 square feet to 800 square feet to match other County Ordinances. He then suggested that the First Reading for same be during the October 16 meeting.
- B. **Lease Agreement Amendment: Georgia Power.** John Taylor, County Attorney, said that this document amends a 1989 lease with Georgia Power for 1.29 acres on which a County Convenience Center is located and increases same to 1.979 acres in order for Antioch Volunteer Fire Department to build a station. Chairman Bridges said that he understands that once this is done, then Georgia Power will donate the property to the County. Mr. Taylor said that because the original lease states that the property can only be used as a trash compactor location, the amendment needs to reflect that the property can be used as a trash compactor and a volunteer fire department location. The motion to approve this lease amendment with the change regarding its use was made by Commissioner Whearley, seconded by Commissioner Lange, and passed unanimously. (Document can be found in "Contracts & Agreements" file as C&A #07-29.)
- C. **Georgia Power Property Donation Documents: Bows Drive.** John Taylor, County Attorney, said that Georgia Power is donation 1.562 acres of right-of-way on Bows Drive to the County. The motion to approve the documents was made by Commissioner Whearley, seconded by Commission Lange, and passed unanimously. (Documents can be found in "Miscellaneous Documents" file as MD #07-12.)
- D. **Request for Executive Session.** John Taylor, County Attorney, requested an Executive Session for the purpose of discussing real estate acquisition and a personnel issue.

9. **OTHER**

- A. **Right-of-Way Parking (Alabama Road).** In response to a question from Commissioner Wyatt, John Taylor, County Attorney, said that the County does not specifically prohibit leaving vehicles unattended on the right-of-way for more than 24 hours, but the Georgia Code authorizes the County to do so; that while the County may want to amend its Ordinance regarding such parking, we need to be careful about not restricting such parking entirely (i.e. emergencies, etc.); that if an amendment is made, then it will have to be enforced in some manner; and that he will look further into this matter and draft an Ordinance amendment.
- B. **State Water Plan.** Commissioner Lange said that the last public meeting in our area regarding the State Water Plan, which is being proposed, will be on October 19 at 6:00 PM at the Elizabeth Bradley Turner Center at Columbus State University.

- C. **Personal Care Home Proposal.** Nancy McMichael, County Clerk, said that an individual has requested to come before the Board to ask that it consider amending the Zoning Ordinance to allow Personal Care Homes, which are different from Nursing Homes; that the individual plans to build such a facility on the balance of the property recently approved use by Safe Haven Animal Rescue; and asked if the Board would like to hear such a proposal. Consensus was to hear from the individual at the next meeting.
- D. **Airport T-Hangar.** Nancy McMichael, County Clerk, reported that she has received letters from 10 individuals requesting space in the 10-bay hangar. Discussion included that because no official notice was given regarding the acceptance of reservations that other people need to be given an opportunity to reserve space; that we may need to build another hangar; that a deposit will be required before an actual "reservation" is made; that applications will be sent out to the 10 individuals, and anyone else, regarding the actual rental. Mrs. McMichael said that she had contacted the Perry Airport to obtain a copy of their application and lease agreement, so that we have a starting place, and that they charge \$170 for the regular size hangar space. Consensus was that the hangar fee needs to be determined, that others need to be given the opportunity to reserve hangar space upon receipt of the reservation fee (to be determined).
10. **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 8:22 PM by Commissioner Manning, seconded by Commissioner Lange, and passed unanimously.
11. **RESUME REGULAR SESSION.** The motion to go back into Regular Session was made by Commissioner Wyatt, seconded by Commissioner Whearley, and passed unanimously.
12. **OTHER (CONTINUED)**
- E. Joe Bowman: Business Fraud. Joe Bowman, who lives on Highway 315, appeared before the Board and said that he owns Yellow Cab and Checker Cab, having purchased same seven years ago; that a competitor has a occupational tax certificate (license) in the name of Yellow Cab and Checker Cab; that he owns the rights to Yellow Cab and Checker Cab; and that he is requesting the Board revoke the occupational tax certificate of the individual because he is stealing business. John Taylor, County Attorney, said that the County does not investigate company names or trade names nor can it do so; that the County cannot get into a dispute between two individuals regarding company or trade names; and that this is a civil matter for which Mr. Bowman needs to engage an attorney. Though Mr. Bowman tried to argue the point, the Board agreed with Mr. Taylor.
- F. **Smoking Near Courthouse.** Commissioner Whearley said that he has received complaints from several Courthouse employees who, when using the employee entrance, have to walk through a haze of smoke. Following discussion, which included that there is currently a ban on smoking within 25 feet of the main entrance to the Courthouse, Commissioner Wyatt said that he would like to have the ban include any entrance to the Courthouse. The motion was seconded by Commissioner Lange and passed with four in favor (Wyatt, Lange, Bridges, Whearley) and one opposed (Manning). John Taylor, County Attorney, is to draft an amendment to the Ordinance to be acted on at the next meeting.
13. **ADJOURNMENT.** There being no further business, the motion to adjourn was made by Commissioner Lange, seconded by Commissioner Wyatt, and passed unanimously.

Daniel B. Bridges, Chairman

Attest

Nancy D. McMichael, County Clerk