

**HARRIS COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION**

October 16, 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 October 2, 2007, was made by Commissioner Lange, seconded by Commissioner Wyatt, and passed unanimously.
3. **OLD BUSINESS**
 - A. **Moon Road Right of Way Status and Resolution to Proceed with Condemnation.** Chairman Bridges said that Mrs. Arronita Meadows has sent a letter indicating that she may be willing to negotiate the right of way needed from her if the road stays basically in the same location as it lies. Commissioner Wyatt said that he has talked to Jimmy Evans, Public Works Director, and Bill Patrick, County Engineer, and that they have indicated the road can basically stay in the curve as it currently lies. Chairman Bridges said that because the County may work something out with Mrs. Meadows and because Glenn Johnston's deed, which we should be receiving shortly, is only a correction from a previous deed regarding a station number and not the actual amount of acreage, that those two names should be deleted from the condemnation list. Commissioner Wyatt then made the motion to go forward with the condemnation process regarding the property owners who have not signed the right of way deeds, approve the Resolution regarding same, with the exception of Mrs. Meadows and Mr. Johnston, and for Mr. Evans and Mr. Patrick to work on making the change to the road. The motion was seconded by Commissioner Whearley. Commissioner Manning said that it doesn't seem like there are enough people donating the right of way proportionate to those that have not; and that it doesn't seem that we have made the case that this paving is necessary to the County. Commissioner Lange said that while the County wants to pave roads, he would like to wait a little longer; that this project is not critical to the County; that to start condemning property that is not necessary bothers him; that he would like to see if we can get 80% of the owners to sign deeds. Regarding the condemnation process, John Taylor, County Attorney, explained the process regarding same and said that paving could probably start in 60 to 90 days. Commissioner Wyatt said that that would provide time for any of the other property owners who haven't signed to come forward and do so. He said that he has been working on this project for over four years, but that it has been going on about twice that long. The motion passed with three in favor (Wyatt, Whearley, Bridges) and two opposed (Lange, Manning).
 - B. **Consideration to Amend Alcohol and Zoning Ordinances to Allow Special Events.** There was discussion regarding the proposed amendments to include deleting in the amendment to the Alcohol Ordinance "an adequate dining room facility and", "but not for sale", to allow "cash bar", and change "drinking" to "consumption". There was discussion regarding having the alcohol delivered by a distributor, and Commissioner Whearley said that is a state law. John Taylor, County Attorney, said that because one of the amendments in concerning the Zoning Ordinance, we will have to follow the Zoning procedures law, which requires to public hearings, and suggested that the readings for the Alcohol Ordinance amendments be held at the same time. Following discussion, consensus to with consensus to better discuss same during the next Work Session.
4. **NEW BUSINESS**
 - A. **Prosecutor for Traffic Court: Martha Hartley, Probate Judge.** Martha Hartley, Probate Judge, appeared before the Board and explained that when she came into office in 1998, police officers, sheriff's deputies, and state troopers were

acting as prosecutors for traffic court cases; that later the District Attorney provided a prosecutor as needed; that since that time, the Chattahoochee Circuit has been providing a prosecutor for traffic court cases; that in many cases had there not been a prosecutor someone who was probably guilty as can be would have to be found not guilty; that having a prosecutor has been a great benefit; that increasingly people have been asking for trials; that she understands that the time has come for a dedicated Assistant District Attorney for traffic court cases and possibly juvenile court cases and who could occasionally go to the other counties as needed; that this is something we need to look at to make certain this and we may be asked to pay the "lion's share" of the salary, which may be around \$40,000; that from July 06 to June 07, traffic fines turned over to the County, after all the other add-ons are paid to the State, \$454,901, which could be used to provide the salary. In response to questions, Mrs. Hartley said that Harris County is the only county in the judicial district of having a DA in traffic court, and that while the prosecutor is currently being provided, we may be asked to contribute funding for same. Consensus was to consider this request during the upcoming budget sessions for 08/09, if necessary.

5. **PUBLIC HEARING @ 7:30 PM**

- A. **Public Hearing Procedures.** Chairman Bridges explained the procedures involved with the Public Hearing.
- B. **Conflict of Interest Forms.** The Conflict of Interest forms were completed at the request of Chairman Bridges.
- C. **Application for Special Use Permit by Southeast Towers, LLC, for Cell Tower to be located at 5410 Georgia Highway 85, Ellerslie.** Chairman Bridges called the Public Hearing to order, read the specifics of the application, and said that it had been recommended for approval by the Zoning Staff. Andrew Rotenstreich, attorney for Southeast Towers, appeared before the Board and said that the statement regarding their constitutional appeal issues has been faxed to Becky Gray, Zoning Technician; that the tower is a self-supported 250 foot tower; that the property is owned by Hollis Enterprise Group and a letter giving permission for the application has been submitted; and that the tower will be for AT&T Mobility, which is the former Cingular Wireless. He showed several maps showing current AT&T cell coverage in the subject area, the coverage that will result from the new tower, and the nearest towers (over three miles away). He said that the tower will be within a 100' by 100' compound, is 757 feet from Highway 85 and is 498.8 feet from the property owner's home. He provided a revised plan showing the 498.8 feet, a structural letter from the tower manufacturer indicating that should the tower fall, it will fall within a 160 foot radius of itself, and a topo map of the subject area. He said that Southeast Towers does not currently have any towers in the County and does not plan to have any more that the subject tower; that they will comply with FAA regulations regarding lighting; that there will be a landscaping buffer of ten feet around the tower; that there will be a six foot security fence erected; and that the tower will support three users, with AT&T being one of those users.

There being no comments or questions from the Board, Chairman Bridges asked if anyone in attendance wished to speak in favor of or in opposition to this Special Use Permit application. There being none, he closed the Public Hearing and made the motion to approve this Special Use Permit application. The motion was seconded by Commissioner Lange, and passed unanimously.

7. **NEW BUSINESS (CONTINUED)**

- B. **Proposal to Consider Amending the Zoning Ordinance to Allow Personal Care Homes.** Clarence Campbell, owner and operator of Brighter Day Personal Care Home in Columbus, appeared before the Board and made a presentation regarding personal care homes to include that such homes provide an alternative living arrangement for persons who need assistance with daily living (eating, bathing, grooming, medications, etc.); that there must be one bathroom for every four residents and one tub/shower for every eight residents in addition to dining and kitchen areas and bedrooms for any staff or family that will live in the home; that 80 square feet of useable floor space is required for each resident; that while

each bedroom can accommodate up to four residents, but he only plans to have two per room; that three meals and two snacks per day must be offered; and that such homes must meet all State requirements. He said that he plans to build such a home on property owned by Claire Hopkins and on which Safe Have Animal Shelter is located and plans to incorporate a pet therapy program as one of the activities offered at the home; and that the home he has planned will house 40 residents. He said that the he has a personal care home on Colorado Street in Columbus, and he concluded by asking that the Board consider his request to amend the Zoning Ordinance to allow personal care homes.

- C. **Economic Development Marketing Logos.** Lynda Dawson, of the Harris County Chamber of Commerce and member of the Harris County Development Authority, appeared before the Board and requested that it decide on various economic development marketing items, to include a logo, the folder, the info pages, and stationery. Consensus was to have the oak leaf outline with Harris County, Georgia, superimposed on a portion of same as the logo, the smaller tree photo for the folder (with possibly a road/path going through the trees) and that the folder could be changed at each printing depending on what is being “pushed”, info across the top with logo at the bottom with no photos down the side for the info pages, and the logo in print and as the watermark on the stationery.
- D. **Financial Statement: July 2007.** The motion to approve the July 2007 Financial Statement was made by Commissioner Lange, seconded by Commissioner Wyatt, and passed unanimously.
- E. **NW Harris Business Park Covenants and Restrictions.** Chairman Bridges said this document was discussed during the last meeting and asked if there were any more changes. There being none, the motion to approve was made by Commissioner Lange, seconded by Commissioner Whearley, and passed unanimously. (Document can be found in “Miscellaneous Documents” file as MD#07-13.)
- F. **First Reading: Amendment to Smoking Ordinance.** John Taylor, County Attorney, said that this amendment is to amend the Smoking Ordinance to prohibit smoking within 25 feet on any entrance to the Courthouse and any building owned and operated by the Board. Discussion included that the phrase “to the room designated as the judge’s chambers on the second floor of the courthouse, so long as the judge of the Chattahoochee Judicial Circuit is present in the courthouse, nor shall this prohibition apply” be deleted. Chairman Bridges asked if anyone in attendance had any comments. There being none, he said that this was the First Reading, and the Second Reading will be during the next meeting.
- G. **Error & Release Requests.** Chairman Bridges read the Error & Release requests as follows:
 - (1) Merritt, James David: Digest total of \$20,000 corrected to \$6,360 (house burned December 26, 2006).
 - (2) Perrone, Ella P. & Frank J., Jr.: Digest total of \$42,745 corrected to \$16,760 (deleted son’s mobile home off this record).

The motion to approve these two Error & Release requests was made by Commissioner Manning, seconded by Commissioner Wyatt, and passed unanimously.

- H. **County Vehicles.** Chairman Bridges said there are two issues concerning County vehicles, as follows:
 - (1) Replacement Vehicle for Sheriff’s Office. The Sheriff’s Office is requesting a new vehicle at approximately \$21,000 to replace one of the two recently totaled vehicles, and the County has received \$13,881 for the vehicle (\$18,331 - \$5,000 deductible) plus \$5,925.50 for the equipment damaged in the accident, for a total of \$19,806.50. The motion to allow the purchase of a new vehicle as requested was made by Commissioner Wyatt, seconded by Commissioner Lange, and passed unanimously.

(2) **Take-Home Vehicle List.** Amend to allow the Community Development Director to take his County-owned vehicle home and to allow the EMA/911 Director to pick up his children in his County vehicle on his way home. Discussion included that picking up a child on the way home is acceptable and that it should apply to any employee who has a take-home vehicle, but that there may be a liability factor. There were no objections regarding the vehicle assigned to the Community Development Director, and Nancy McMichael, County Clerk, was directed to contact the insurance company to find out about passengers in County-owned vehicles.

I. **Revised Radar List.** Chairman Bridges said that the revised list includes the speed limit reduction for Ossahatchie Creek Road to 35 mph from 45 mph. The motion to approve the revised list was made by Commissioner Wyatt, seconded by Commissioner Whearley, and passed unanimously. Chairman Bridges commented that he thought that a request has been made regarding the speed limit on McKee Road. Nancy McMichael, County Clerk, said that she would double-check with DOT and would make sure it got submitted for the next revision. (Ordinance #06-07.)

8. **COUNTY MANAGER**

A. **Resolution: One Georgia Grant Application Support.** The motion to approve this Resolution in support of the grant application of the Valley Partnership for \$1,000,000 for sewer and water infrastructure to serve the NW Harris Business Park, was made by Commissioner Wyatt, seconded by Commissioner Lange, and passed unanimously.

B. **Bid Award: Tax Accounting Software for Tax Commissioners Office.** Nancy McMichael, County Clerk, said that two bids were received, as follows:

Description	Manatron	Systems East, Inc.
Windows Based Tax Accounting Software (property, mobile home, real & personal)	\$ 3,500	\$ 43,470
Implementation, Configuration, Installation	\$ 8,400	\$ 22,500
Training on New System	\$ 3,600	\$ 17,280
Conversion of Current Data	\$ 10,000	\$ 6,750
First Year's Support	\$ 10,500	included
TOTAL	\$ 36,000	\$ 90,000

Chairman Bridges asked Sarah McDowell, Tax Commissioner, if her current hardware would support the new software. Mrs. McDowell said that it would not, but that new hardware has been budgeted separately, and said that Manatron is providing software for many of the large counties. The motion to award the bid to Manatron for the low bid of \$36,000 was made by Commissioner Wyatt, seconded by Commissioner Lange, and passed unanimously.

9. **COUNTY ATTORNEY**

A. **Agreement Renewal: CorrectHealth Harris - Jail Inmates.** John Taylor, County Attorney, said that this is a renewal of a current agreement to provide healthcare services to the inmates at the County Jail, and that 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 #07-30.)

B. **Resolution: Intent to Abandon Portion of Brown Creek Road.** John Taylor, County Attorney, said that this Resolution is to start the abandonment process for a portion of Brown Creek Road, and he explained the procedure. The motion to approve this Resolution was made by Commissioner Wyatt, seconded by Commissioner Manning, and passed unanimously.

C. **Resolution: Dedicate Roads in NW Harris Business Park for Public Use and Transfer Title to the Development Authority.** John Taylor, County Attorney, said that OneGeorgia has funds to assist in economic development; that a requirement is that the improvements, to include roads, have to be held in the name of a public entity; that while we are not ready to locate the roads in the NW Harris Business Park by survey, the process needs to get moving in order to get

the funds; and that he prepared a resolution to dedicate the roads for public use and to transfer title of same to the Development Authority upon location of the roads by survey. The motion to approve this Resolution was made by Commissioner Lange, seconded by Commissioner Wyatt, and passed unanimously.

10. **OTHER**

- A. **Price Road**. Commissioner Wyatt said that the Hogans have placed a gate across Price Road, which is a County Road; that Mrs. Hogan swears that she was told that the gate could be put up; and that the gate is preventing Forrest Salter from accessing his property. Mr. Salter said that as far as he can remember, the road has been maintained by the County all the way to the top of the hill; that the gate is preventing him from getting to his property and taking care of his cattle; and that Price Road is the only access to his property. Following discussion, John Taylor, County Attorney, was directed to draft a letter to be sent (tomorrow) to the Hogans regarding the removal of the gate from across Price Road.

- B. **Legion Road**. Commissioner Wyatt said that a gate has also been put across Legion Road, a County Road, leading to the American Legion in Pine Mountain Valley; that the gate prevents two property owners from accessing their properties; and that he would like that gate to be removed. John Taylor, County Attorney, is to draft a letter regarding the removal of the gate from across Legion Road, if it is determined that the road is on the County Road List.

- C. **BRAC/JLUS**. Commissioner Lange said that the final BRAC/Joint Land Use Study (JLUS) public hearing for Harris County was held last night. He distributed copies of the recommendations for Harris County, which the Board can accept, or not, as it so desires.

11. **ADJOURNMENT**. There being no further business, the motion to adjourn was made by Commissioner Manning, seconded by Commissioner Whearley, and passed unanimously.

Attest

Daniel B. Bridges, Chairman

Nancy D. McMichael, County Clerk