

HARRIS COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION
February 19, 2008
7:00 PM

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

1. **CALL TO ORDER**. Chairman Lange called the Regular Session to order.
2. **ADOPTION OF AGENDA**. Chairman Lange asked if there were any additions to the agenda. Under New Business there was the addition of T-Hangar Fees, Senior Center driveway, Terry Lane Ballfield, and SPLOST, and under County Manager, the addition of One Georgia Edge Award. There being no further additions, Chairman Lange declared the agenda to be set.
3. **MINUTES**. The motion to approve the minutes of the February 5, 2008, Regular Session was made by Commissioner Wyatt, seconded by Commissioner Whearley, and passed unanimously.
4. **OLD BUSINESS**
 - A. **Animal Control Committee for Leash Law**. Chairman Lange said there are vacancies for the District 4, District 5 and two At-Large positions. He said that his nomination is Michael Brooks. Commissioner Whearley nominated Robert Archer for one of the At-Large positions, and Commissioner Wyatt nominated Judy Smith for the other At-Large position. Commissioner Whearley indicated that he knew someone in District 5 who may be interested in being on the committee, but did not know for certain at this time. There were no objections to the nominations. Chairman Lange said that a motion to approve the committee was needed and he made the motion for same. The motion was seconded by Commissioner Wyatt and passed unanimously. Chairman Lange commented that the County Clerk needs to have the addresses and phone numbers of the individuals appointed to the committee.
 - B. **Request for Tax Refund: Terbra Enterprises, Inc.** Chairman Lange said that this request for a refund of \$168.85 was tabled from the February 5 meeting due to conflicting dates shown on the request; that research had been done and the due date shown was corrected from December 20, 2007 to December 20, 2006. Following discussion, the motion to approve the request was made by Commissioner Whearley, seconded by Commissioner Wyatt, and passed unanimously.
4. **NEW BUSINESS**
 - A. **Financial Statement: December 2007**. The motion to approve the financial statement for December 2007 was made by Commissioner Wyatt, seconded by Chairman Lange, and passed unanimously.
 - B. **Agreement: Southern Concrete Construction Company for Repair of Bridge on Fortune Hole Road over Little Palmetto Creek**. Chairman Lange said that DOT had notified the County about two weeks ago that the bridge on Fortune Hole Road over Little Palmetto Creek needed immediate closure; that because of traffic and use of the road, the repair was determined to be an emergency; that Jimmy Evans, Public Works Director, found a contractor who could make the repairs within a two week period for \$26,165; that he, as Chairman, had executed the contract for the bridge repair; and that the agreement needed to be ratified by the Board. In addition, he said that he understood that the repairs have been completed and were done so within a week's time. The motion to approve/ratify the agreement was made by Commissioner Wyatt, seconded by Commissioner Whearley, and passed unanimously. (Document can be found in "Contracts & Agreements" file as C&A #08-08.)
 - C. **Insolvent List: November 2007**. The motion to approve the insolvent list was made by Commissioner Manning, seconded by Commissioner Whearley, and passed unanimously.
 - D. **Board of Health**. Chairman Lange said that the regulations of the Board of Health call for the executive officer of the governing authority or his appointee serve on the board; that Mr. Bridges had been serving on the board and that he would like to continue serving on the board. Chairman Lange said that he would like Mr. Bridges to serve as his appointee on the board, and made the motion regarding same. The motion was seconded by Commissioner Wyatt and passed unanimously.

E. **Error and Release and NOD Requests.** Chairman Lange read the following:

(1) **Error & Release Requests:**

- a. Broughton, Harry Louis: Digest total of \$4,000 corrected to zero (duplicate bill)
- b. Daniel Hodge Homes, Inc.: Digest total of \$129,456 corrected to zero (billed to wrong owner)
- c. Ellis, Terry J.: Digest total of \$10,000 corrected to zero (boat is owned by DNR)

(2) **NOD Request:**

- a. McEldoon, David: Digest total of zero corrected to \$129,456 (see # (1)b above)

The motion to approve the three Error & Release requests and the one NOD request was made by Commissioner Manning, seconded by Commissioner Wyatt, and passed unanimously.

F. **T-Hangar Fees.** Chairman Lange made the motion that \$165 be charged as the rental fee for a T-Hangar at the Harris County Airport. The motion was seconded by Commissioner Manning, and passed unanimously.

G. **Terry Lane Ballfields.** Commissioner Whearley said that the County currently has an agreement with Wyatt Terry for the use of family property as practice ballfields; that there is a little over a month left before the lease expires; that Mr. Terry has chained and padlocked the gate so that ball teams are unable to utilize the fields for practice. Nancy McMichael, County Clerk, said that the lease expires March 31, 2008; that she understands Mr. Terry will not be renewing the lease; and that is preventing teams from using the fields. Danny Bridges, County Manager, is to contact Mr. Terry regarding keeping the facility open at least until the lease expires.

H. **Senior Center Drive.** Commissioner Manning said that he has discussed with Jimmy Evans, Public Works Director, about having an access drive from the current driveway to the Senior Center; that the current method of getting to the Senior Center is difficult, especially for older citizens using the Center; and that Mr. Evans indicated he could do the work for \$3,100. He then made the motion to approve the drive for the Senior Center. The motion was seconded by Commissioner Whearley and passed unanimously. Regarding from where the funds for same would come, Danny Bridges, County Manager, said that if a budget amendment is needed, it will be done at a later date.

5. **COUNTY MANAGER**

A. **One Georgia EDGE Award.** Danny Bridges, County Manager, said that the award ceremony regarding the \$150,000 EDGE award for road improvements at the NW Harris Business Park will be Friday, March 7, from 10 to 12 in Hawkinsville. Chairman Lange said that he would attend the function.

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

A. **Completion of Conflict of Interest Forms.** The Conflict of Interest forms were completed at the request of Chairman Lange.

B. **Explanation of Public Hearing.** Chairman Lange explained the procedures involved with the Public Hearing.

C. **Application of Lon and Lynda Marlowe for Special Use Permit for "Special Event Facility" in Land Lot 200, Land District 4, Map 023, Parcel 023; present use "weddings, conferences, special events, farm tours, nature trail"; property located at 19888 Highway 219, West Point.** Chairman Lange called the Public Hearing to order and read the specifics of the application to include that the purpose was to have the ability to serve alcohol on the 5-acre tract of land encompassing the building and the immediate grounds surrounding same. Lon Marlowe, applicant, appeared before the Board and said this is the third year of operations at Oakhurst, the primary purpose of which is weddings and other special events, and for which he received a Special Use Permit for 4 acres in 2003 for outdoor weddings and that the bridal parties usually provide alcoholic beverages for his staff to serve and make sure there is no underage drinking. Chairman Lange said that the Planning staff has recommended approval with the condition that the Special Use Permit be for only the outdoor wedding facility given a permit on November 18, 2003. He asked if anyone wished to speak in favor of or in opposition to this application. There being none, he asked if the Board had any comments or questions. Discussion included that the Board had amended the Zoning Ordinance to allow alcohol to be served with the

appropriate Special Use Permit for a Special Event Facility; that while Mr. Marlowe commented that he understood that both the special use permit and alcohol license would be approved simultaneously, Nancy McMichael, County Clerk, said that she had not received the appropriate alcohol application form; that in addition to the Special Use Permit for outdoor weddings, a Special Use Permit is required for a Special Event Facility, and that the alcohol license is a separate application and license; that if Mr. Marlowe does not receive the Special Event Facility designation, he will not be able to apply for and serve alcohol; and that the Special Event Facility designation would not open the door for outdoor entertainment, which would be in violation of the Zoning Ordinance; that a Special Event Facility is only for weddings, conferences, banquets, catered events, etc., that are not open to the general public, and at which alcohol can be served upon application for and approval of an alcohol license; and that the Special Event Facility designation will not permit Mr. Marlowe to conduct farm tours/nature trails, which would possibly fall under a different zoning category. There being no further comments or questions, Chairman Lange closed the Public Hearing.

The motion to approve the Special Use Permit for a Special Event Facility, with the condition that it be limited to the 4 acres for which the Special Use Permit was granted in November 2003 for outdoor weddings, was made by Commissioner Whearley, seconded by Commissioner Wyatt, and passed unanimously. Mr. Marlowe commented that the Board may wish to consider amending the ordinance to include verbage regarding acreage for a Special Event Facility.

- D. **AgriTourism.** Mr. Marlowe said that there will be an AgriTourism workshop soon and that one question will be what will it take to get property zoned for a nature center, a farm tour, a butterfly farm, etc. Discussion included that it may require an amendment to the Zoning Ordinance; that it might fall under "amusement parks"; that it would more than likely fall under CORD, which would require rezoning; that if property is designated as "AgriTourism", the State will provide signage on state roads; that an amendment to the CORD designation may be applicable; that Mr. Marlowe does not want commercial zoning for nature trails; and that in an effort to get "AgriTourism" a definition of same is needed in order to incorporate it into certain districts in the Zoning Ordinance.

7. **COUNTY MANAGER (CONTINUED)**

- B. **Antioch Volunteer Fire Department.** Danny Bridges, County Manager, said that a request has been made from Antioch Volunteer Fire Department for the County to provide its tax exemption number so that sales taxes will not be charged on the VFD's new building, which is to be constructed on County property on Harrisville Road; that in exchange, the building will belong to the County; and that he was not aware of any commitment from the Board to own the building. Discussion included the possibility of the County ordering and paying for the building and having Antioch VFD pay the County or the County just paying the tax, either of which John Taylor, County Attorney, said could not be done; that if the County owns the building, it would have to maintain same; that the County does not currently own any VFD building; that there may be other issues regarding the request; that honoring the request would open the door to having to do the same for other VFDs; and that until a decision is made regarding all the VFDs, they should be kept the same. Commissioner Whearley tabled the request until the March 4 meeting, and Mr. Taylor was directed to draw up a lease for Antioch VFD for action at the next meeting.

8. **NEW BUSINESS (CONTINUED)**

- I. **SPLOST - Library.** Commissioner Wyatt said that while this had been discussed during the preceding Work Session, with no consensus regarding the Library, that he would like to see \$3 million of the SPLOST to be earmarked for the Library; that if there is a shortfall after the Library is built, it could come from Fund Balance; that Mrs. Marino needs a commitment from the Board or will have to wait a year to get on the State list for Library construction; and that with the Library being part of SPLOST, there would still be about \$4.7 million for water, EMS, community center, economic development, and recreation. Discussion included that the Board realizes the need for Library improvements; that if the Board commits the funds now and the Library gets chosen, construction might be scheduled prior to SPLOST funds being received; that if the funds are committed and the Library is not chosen, the \$3 million would still be in the SPLOST and application could be made again next year with the possibility of being chosen; that any funds committed would be contingent upon the SPLOST referendum being passed; and that the timeline is to short right now to make a commitment. Commissioner Wyatt made the motion to allocate \$3 million of the SPLOST for Library improvements to include new construction, adding onto, renovation or any necessary equipment. The motion was seconded by Commissioner Whearley and failed with a vote of two in favor (Wyatt, Whearley) and two opposed (Lange, Manning). Commissioner Lange said that while he wants to support the

Library, there just isn't enough information to commit \$3 million of the citizens' money without having looked at other alternatives; that we should be able to get a ballpark figure to determine if it is feasible to expand, buy property, and renovate as opposed to constructing a new building. Commissioner Manning said that he is not against the Library, but that he believes the timing is wrong; that there is not enough information to commit the funds; and that he would like to see what type of plan is being proposed. Commissioner Lange said that the Library can still be discussed as a SPLOST item in order to get the information that is needed and it could possibly be included in the SPLOST, and if SPLOST passes, an application for Library construction could be made next year.

9. **REQUEST FOR EXECUTIVE SESSION.** John Taylor, County Attorney, requested that the Board go into Executive Session for the purpose of discussion personnel matters and real estate acquisition.
10. **RECESS FOR EXECUTIVE SESSION.** The motion to go into Executive Session for the purpose of discussing real estate acquisition and personnel matters was made at 8:21 PM by Commissioner Wyatt, seconded by Chairman Lange, and passed unanimously.
11. **RESUME REGULAR SESSION.** The motion to go back into Regular Session was made by Chairman Lange, seconded by Commissioner Wyatt, and passed unanimously.
12. **OTHER**
 - A. **Amend Agenda.** Commissioner Wyatt asked to amend the agenda to consider an amendment to the Defined Benefit Plan. There were no objections.
 - B. **Resolution and Amendment to the Defined Benefit Plan Agreement.** Commission Wyatt made the motion to approve the Resolution and Amendment to the Defined Benefit Plan for Carol Silva. The motion was seconded by Commissioner Whearley, and passed unanimously. (The agreement document can be found in "Contracts & Agreements" file as C&A #08-09.)
13. **ADJOURNMENT.** There being no further business, the motion to adjourn was made by Commissioner Wyatt, seconded by Commissioner Manning, and passed unanimously.

J. Harry Lange, Chairman

Attest:

Nancy D. McMichael, County Clerk