

**HARRIS COUNTY BOARD OF COMMISSIONERS  
REGULAR SESSION**

March 4, 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. Additions included Vehicles for Sheriff's Office under County Manager, and Mulberry Grove Agreement under County Attorney. There being no further additions, Chairman Lange declared the agenda to be set.
3. **MINUTES**. The motion to approve the minutes of the February 19, 2008, Regular Session was made by Commissioner Wyatt, seconded by Commissioner Whearley, and passed unanimously.
4. **APPEARANCE OF CITIZENS**
  - A. **James Cullefer: Ordinance re Background Checks**. James Cullefer was not in attendance.
  - B. **Mark Jones: Illegal Faxes**. Mark Jones, staff attorney for Judge Frank Jordan, appeared before the Board; that the Judge's fax machine receives "junk" faxes; that he is before the Board tonight to request approval to submit complaints with the FCC since the faxes are received on County phone/fax lines; that the faxes are basically violating Federal law by sending unsolicited "junk" faxes; that such faxes are against law, are causing wear tear on the fax/printer machine, uses toner, annoying, and a waste of taxpayers' money; and that each fax under the law is fineable up to \$500 a week. There were no objections to the complaints being submitted to the FCC as long as they were over Judge Jordan's signature.
5. **OLD BUSINESS**
  - A. **Animal Leash Law Committee: District 5 Representation**. Commissioner Whearley said that he has not been able to find an individual to represent District 5 on the Committee. Chairman Lange said that when an individual is found to represent District 5, this matter will be put back on the agenda.
  - B. **Request of Antioch Volunteer Fire Department re new Substation Building**. Danny Bridges, County Manger, said that he and Commissioner Whearley met with Antioch VFD today; that they had advised that the County owning the building would set a precedent; that if the Board decided to own the building it may be under the condition that the building will be leased back to Antioch VFD so that the VFD would be responsible for any maintenance, upkeep, utilities, etc., for the building; and that Antioch VFD is in agreement to such a lease. Discussion included that Antioch VFD will pay the County the cost of the building, less sales taxes, and the County would, in turn, pay for and own the building. The motion to go forward with the County paying for the building, Antioch VFD paying the County for same, the County owning the building, leasing the building back to Antioch VFD to be responsible for the maintenance, upkeep, utilities, etc., for the building, and for John Taylor to draw up such an agreement, was made by Commissioner Manning, seconded by Commissioner Whearley, and passed unanimously.
6. **NEW BUSINESS**
  - A. **Proclamation: VICA Week**. Appearing before the Board was Sarah Hopkins, Parliamentarian, and Trey Mears, Sentinel, who thanked the Board for its continued support of the VICA Club and in helping the Club to maintain its position as the number one program in Georgia. Chairman Lange said that the Board appreciates the VICA Club and the way it sheds a positive light on the County through its accomplishments, behavior and representation. He then read the document proclaiming March 3-7, 2008, as VICA Week. The motion to approve same was made by Commissioner Wyatt, seconded by Commissioner Whearley, and passed unanimously.
  - B. **Board of Assessors: Appointment**. Chairman Lange said that Frank Hudson had resigned from the Board of Assessors and that the Board has suggested that the Commissioners consider appointing Lisa Scully to the Board of Assessors; that Mrs. Scully

is very active in real estate and serves on the Board of Equalization; and the initial term will expire December 31, 2008. The motion to appoint Lisa Scully to the Board of Assessors for the term ending December 31, 2008, was made by Commissioner Wyatt, seconded by Commissioner Whearley, and passed unanimously.

C. **First Reading: Application of A. Phillip Simpson for Beer & Wine Off Premises at Big Cat to be located at 7535 Georgia Highway 85, Waverly Hall.** Chairman Lange read specifics of the application and asked if the applicant was present. Mr. Simpson said that the store may not be called Big Cat because they have been in contact with other franchises. Chairman Lange asked if anyone in attendance wished to speak in favor of or against this application. There being none, he said that the Second Reading and possible action would be on March 18.

D. **Requests for Tax Refund.** Chairman Lange read the Requests for Refunds, as follows:

(1) **3D Communities, LLC (R.B. Dixon):** Refund of \$448.56 on tax bill due December 20, 2007; request is because they overlooked the due date and paid the bill a day late. Both the Tax Commissioner and Board of Tax Assessors disagreed with the request. The motion to deny this request was made by Commissioner Whearley, seconded by Commissioner Manning, and passed unanimously.

(2) **Harold E. Upchurch, Jr.:** Refund of \$194.81 on tax bill due December 20, 2007; request is because he sold both boats prior to 2006 and did not own the boats in 2006 or 2007. Both the Tax Commissioner and Board of Tax Assessors disagreed with the request because the appropriate return was not filed. Action was tabled to the March 18 pending info regarding to whom the boats had been sold.

(3) **Geoffrey & Dorothy Griffith:** Refund of \$622.58 on tax bill due December 20, 2007; request is because the mobile home was sold in 2006, the land in 2007, and they did not own either in 2007. Both the Tax Commissioner and Board of Tax Assessors disagreed with the request because the appropriate return regarding the mobile home had not been filed. Following discussion as to whether the tax amount was for both the land and the mobile home, action was tabled to the March 18 meeting.

E. **Resolution to Accept Madison Way and Taylor Court (Madison Woods Subdivision).** 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 Madison Way and Taylor Court was made by Commissioner Whearley, seconded by Commissioner Wyatt, and passed unanimously.

## 7. **COUNTY MANAGER**

A. **Renewal: Health Insurance with Evergreen.** Danny Bridges, County Manager, said that this was discussed during the preceding Work Session; that the overall increase to the County will be approximately \$176,000; and that we will request proposals from other insurance companies prior to renewal next year. The motion to approve the renewal was made by Commissioner Wyatt, seconded by Commissioner Manning, and passed unanimously. (Documents can be found in "Contracts & Agreements" file as C&A #08-10.)

B. **Budget Schedule for FY 08/09.** Danny Bridges, County Manager, said that the schedule shows that the proposed budget is to be to the Board by March 18, but that the budget may not be ready at that time. He said that he and Jennie Shelhorse, Finance Officer, would be meeting with the Department Heads regarding budgets and asked if the Board wanted to meet with the Department Heads. Consensus was that the Board would prefer to see Mr. Bridges' recommendation; but if determined to be necessary, meetings would be held with Department Heads at a later time. Mr. Bridges said that the portion of the budget schedule regarding the Commission Work Sessions and Public Hearing should be adopted so that same can be advertised. The motion to approve the budget schedule regarding Work Sessions and Public Hearings was made by Commissioner Wyatt, seconded by Commissioner Whearley, and passed unanimously.

C. **Sheriff's Office Vehicles.** Danny Bridges, County Manager, reminded the Board that the Sheriff usually orders vehicles prior to budget approval; that he is asking for five (5) Ford Crown Victorias and two (2) Ford Expeditions to be paid for during the next budget year; that the budget for the vehicles is \$155,000 and does not include equipment, which is to be removed from older vehicles; and that one of the Ford Expeditions is for the special response team and the other is for investigations. The motion to approve the ordering of the seven (7) vehicles at \$155,000 or less was made by Commissioner Whearley, seconded by Commissioner Wyatt, and passed unanimously.

8. **COUNTY ATTORNEY**

- A. **Contract: Antioch VFD Lease Agreement.** John Taylor, County Attorney, said that in light of the previous discussion (see 5B above), this matter is withdrawn.
- B. **Ante Litem Notice: LaFontaine & Hasbach.** John Taylor, County Attorney, said that the County has received an Ante Litem Notice concerning potential litigation arising from the dissatisfaction of homeowners, Mr. and Mrs. LaFontaine and Mr. and Mrs. Hasbach, over the approval process and the location of utilities in Hickory Hills Subdivision. He recommended that the Board deny the claims set out by the Ante Litem Notice and direct him to notify the LaFontaines and Hasbachs of the denial. The motion to deny the Ante Litem Notice and for Mr. Taylor to notify Mr. and Mrs. LaFontaine and Mr. and Mrs. Hasbach was made by Commissioner Manning, seconded by Commissioner Whearley, and passed unanimously.
- C. **Agreement: Mulberry Grove Development Company regarding Water & Wastewater Services for The Grove.** John Taylor, County Attorney, said that this document had been discussed during the preceding Work Session; that with this agreement, the County will install the sewer line which will be connected to Muscogee County and will serve the 1,100 acres of The Grove; that there will be sewer bonds issued; that it includes that bonds will not be paid with any funds other than the tap fees provided by the development company and if there is a shortfall, a special tax district will be created for The Grove property only (and no other property in the County); and that he recommended approval of same. The motion to approve this agreement was made by Commissioner Wyatt, seconded by Chairman Lange, and passed with three in favor (Wyatt, Lange, Whearley) and one opposed (Manning). (Document can be found in "Contracts & Agreements" file as C&A #08-11.)
9. **ADJOURNMENT.** There being no further business, the motion to adjourn was made by Commissioner Wyatt, seconded by Commissioner Whearley, and passed unanimously.

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J. Harry Lange, Chairman

Attest:

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Nancy D. McMichael, County Clerk