

**HARRIS COUNTY BOARD OF COMMISSIONERS**  
**REGULAR SESSION**  
March 18, 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 Furniture for 911, Fence at Prison, Antioch Fire Truck, and Mitigation under County Manager. There being no further additions, Chairman Lange declared the agenda to be set.
3. **MINUTES**. The motion to approve the minutes of the March 4, 2008, Regular Session was made by Commissioner Wyatt, seconded by Commissioner Whearley, and passed unanimously.
4. **OLD BUSINESS**
  - A. **Second Reading: Application of A. Phillip Simpson for Beer & Wine Off Premises at Big Cat (or some other name) to be located at 7535 Georgia Highway 85, Waverly Hall**. Chairman Lange said that this was the second reading and that the application had been recommended for approval by the Sheriff's Office and by the Community Development Office pending meeting parking requirements, issuance of the certificate of occupancy and issuance of occupational tax certificate (business license). The applicant, while present, had no comments regarding the application. Chairman Lange asked if anyone in attendance wished to speak in favor of or in opposition to the application. There being none, the motion to approve this application was made by Commissioner Wyatt, seconded by Commissioner Whearley, and passed unanimously.
  - B. **Request for Tax Refund: Harold Upchurch, Jr.** Chairman Lange said that this request had been tabled during the March 4 meeting, that the refund request is for \$194.81; that regarding the two boats, he had talked to an individual who lives in Alabama and who verified that he had purchased one of the boats; and that Mr. Upchurch could not remember the name of the purchaser of the other boat and did not have a bill of sale regarding same. Following discussion, the motion to approve the refund request was made by Commissioner Manning, seconded by Commissioner Whearley, and passed with three in favor (Manning, Whearley, Lange) and one opposed (Wyatt).
  - C. **Request for Tax Refund: Geoffrey & Dorothy Griffith**. Chairman Lange said that this request had been tabled during the March 4 meeting; that the refund request is for \$622.58 (\$29.13 - land, \$489.45 - mobile home, and \$104.00 - solid waste fee); and that the mobile home was sold in 2006 and the land was sold in 2007. Following discussion, the motion to approve the refund request was made by Commissioner Manning, seconded by Commissioner Whearley, and passed with three in favor (Manning, Whearley, Lange) and one opposed (Wyatt).
5. **NEW BUSINESS**
  - A. **Qualifying Fee for Coroner**. Chairman Lange said that the qualifying fee for the coroner was inadvertently omitted when the Board approve the qualifying fees for the other elected positions that were published in late January; that the fee for the coroner is \$144, which is 3% of the \$4,800 salary for last year (as required by State law); that the ad regarding same is currently appearing in the newspaper; and that the Board needs to ratify the qualifying fee of \$144. Following discussion, the motion to approve \$144 as the qualifying fee for the coroner position was made by Commissioner Wyatt, seconded by Commissioner Whearley, and passed unanimously.
  - B. **Error & Release Requests and NOD**. Chairman Lange read the Error & Release requests and the NOD, as follows:
    - (1) **Error & Release Requests:**
      - a. **Bryant, Lewis**: Digest total of \$680 corrected to zero (mobile home removed from property).
      - b. **Cotton, Donald**: Digest total of \$15,307 corrected to zero (mobile home added to homestead digest for 2008).

- c. Davis, Mary John: Digest total of \$12,400 corrected to zero (mobile home added to homestead digest for 2008).
- d. Harris County BOC: Digest total of \$480 corrected to zero (property billed to wrong owner; parcel deleted and combined with another)
- e. Quinn, Kevin & Carol: Digest total of \$12,212 corrected to zero (mobile home removed from County)
- f. Tuthill, Kenneth: Digest total of \$720 corrected to zero (mobile home title changed and was moved to homestead digest for 2008)

(2) **NOD**

- a. Bryant, James Robert: Digest total of zero corrected to \$22,106 (mobile home added to pre-bill mobile home digest)

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

- C. **Requests for Tax Refunds for 2003, 2004, and 2005: John Teeples Construction (fka DE/TE Builders)**. Chairman Lange said that the refund request is for \$4,268.39 (\$1,412.24 for 2003, \$1,184.86 for 2004, and \$1,671.29 for 2005); that the reason is that an audit showed a credit due because company tagged vehicles were reported as personal property; and that the Board of Tax Assessors agrees with the request and indicating that they should not be taxed twice for the same property. The motion to approve the three requests was made by Commissioner Wyatt, seconded by Commissioner Whearley, and passed unanimously.
- D. **Renewal Agreement: Traylor Business Services**. Chairman Lange said that Traylor Business Services performs personal property verification/audits for the County, and he asked John Taylor, County Attorney, about same. Mr. Taylor said the document is similar to the previous agreements with this company; that it can be terminated with 30 days notice without cause; and that the fee is based on the size of the personal property account. Danny Bridges, County Manager, said this company has been performing this type of work for the County for several years. The motion to approve this agreement was made by Commissioner Whearley, seconded by Commissioner Wyatt, and passed unanimously. (Document can be found in "Contracts & Agreements" file as C&A #08-12.)

6. **COUNTY MANAGER**

- A. **Environmental Health Fees for Health Department**. Danny Bridges, County Manager, said that Health Board approved the fees but the Commissioners also need to approve same; that some of the fees doubled while some only increased slightly; that the proposed fees are based on the time it actually takes to perform the service; and that using last year's figures, performing the same work with the new fees will increase revenues by \$38,000. There was discussion regarding the proposed increases. The motion to approve the proposed fees was made by Commissioner Wyatt, seconded by Commissioner Whearley, and passed unanimously. (Document can be found in "Miscellaneous Documents" file as MD #08-07.)
- B. **Furniture for 911**. Danny Bridges, County Manager, said in conjunction with the new equipment that will be arriving soon for 911, the furniture for same needs to be replaced; that the cost is approximately \$6,000; and that the funds can be moved from the Communications Equipment Maintenance line. The motion to approve this request was made by Commissioner Manning, seconded by Commissioner Whearley, and passed unanimously.
- C. **Fence at Prison**. Danny Bridges, County Manager, said that a chain link fence, approximately six feet high with Constantina wire on top needs to be erected between the Walking Trail and Prison in order to keep individuals away from the Prison and Public Works equipment stored in that area; that the inmates will install the fence; that the cost is approximately \$15,000; and that the funds can be taken from the Jail Fund. The motion to approve this request was made by Commissioner Wyatt, seconded by Commissioner Whearley, and passed unanimously.
- D. **Antioch Fire Truck**. Danny Bridges, County Manager, said that Antioch Volunteer Fire Department has received a grant for a fire truck; that AVFD would like the County to pay the match and thus own the truck; and that AVFD has received proposals for the truck. He said that the question is does the County have to go out on bid for the truck even though AVFD has received proposals. John Taylor, County Attorney, said that because the County will own the truck, it will have to go out on bid to comply with bid requirements. There were no objections from the Board to go out on bid or to paying the match.

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

- A. **Conflict of Interest Forms**. The Conflict of Interest forms were completed at the request of Chairman Lange.
- B. **Explanation of Procedures**. Chairman Lange explained the procedures involved with the Public Hearing.
- C. **Application of Amerigas for Special Use Permit for an LP Gas (Storage) Satellite Plant in Land Lot 61, Land District 21, Map 060, Parcel 024A-001; present use undeveloped, proposed use LP Gas (storage) satellite plant; property located at 9128 US Highway 27, Hamilton**. Chairman Lange read the specifics of the application and said that the recommendation from the Planning and Zoning staff is for approval with no conditions. Douglas Newberry, applicant, appeared before the Board and said that Amerigas plans to have a storage plant at the subject property with a 30,000 gallon tank for distribution to residential and commercial propane users, and store 20-pound grill/patio heater cylinders for distribution in Columbus, in Alabama, in LaGrange and in Harris County; that eventually they will locate a retail office in the area. In response to questions from the Board, Mr. Newberry said that initially, the site will be unmanned; that it will be used on a daily basis with drivers in and out; that the site is near the marble company and the gun and pawn shop south of Hamilton; that a private drive will be used for access to the tank; that the tank will be approximately 60 feet from US Highway 27; that the 20-pound cylinders will be stored in pallets outside in a fenced area per State Fire Marshall regulations; and that the tank will be used for advertising. Chairman Lange asked if anyone wished to speak in favor of this application.

Don Wilhite, owner of the property, appeared before the Board and said that in addition to having a vested interest in having Amerigas on the property, Amerigas is a good company and that there are a number of major contracts pending having such a facility in Harris County.

Ken Thomas, citizen, appeared before the Board and said that he owns the property adjacent to the subject property; that he may eventually lease a building to Amerigas; that he is comfortable with the proposal; and that this will be a good company for Hamilton.

There being no further comments in favor, Chairman Lange asked if anyone wished to speak in opposition. There being none, he asked Mr. Newberry if he had any additional comments.

Mr. Newberry said that Amerigas would like to locate here and that their research reveals that Harris County is a positive growth area to be in.

Commissioner Wyatt asked how high the tank lettering would be off the ground, and Mr. Bobby Worth said that the height would be about eight feet. Commissioner Wyatt asked Mr. Newberry if he had any objections to having a hedge at the fence to help camouflage the tank, and Mr. Newberry said that he had no objections.

There being no further comments or questions, Chairman Lange closed the Public Hearing. The motion to approve this Special Use Permit with the condition of having a four foot high hedge across the front of the fence near Highway 27 was made by Commissioner Wyatt, seconded by Commissioner Manning, and passed unanimously.

## 8. **COUNTY MANAGER (CONTINUED)**

- E. **Mitigation**. Danny Bridges, County Manager, said that the Board has discussed for several weeks about some type of mitigation bank in the soccer field area; that a time line has been provided regarding same; and that to move towards what the County really can do in this regard, the cost will be approximately \$9,000 for the feasibility study in order to find out what the credits will be and to get more definite information. Discussion included that there may be obligations regarding the existing Walking Trail in the soccer field area and that Mr. Bridges will contact DOT about same; that the mitigation may affect some of the Cattlemen's Association/Agri-Center property or the soccer fields; that included in the \$9,000 is a conceptual design of where the mitigation will be; that it may be possible to negotiate the \$9,000 down; and that the feasibility study will determine what areas can or will be involved. Commissioner Manning said he is in favor of going ahead with the mitigation pending what Mr. Bridges finds out about the trail. He then made the motion to approve going forward with the feasibility study with the possibility of reducing the not-to-exceed price of \$9,000 for same. The motion was seconded by Commissioner Whearley and passed with three in favor (Manning, Whearley, Lange), no opposition, and one abstention (Wyatt).

9. **COUNTY ATTORNEY**

- A. **Contract: Antioch VFD Lease Agreement.** John Taylor, County Attorney, said that copies of a revised contract had been provided; that the agreement is for the County to own the building and lease same to Antioch VFD; that the lease is not quite finished because we are waiting on the exact building costs, which Antioch VFD is to pay for in advance and be responsible for all construction costs; and that once those items are determined, the agreement will be revised and brought back to the Board for approval.
10. **ADJOURNMENT.** There being no further business, the motion to adjourn was made by Commissioner Whearley, seconded by Commissioner Wyatt, and passed unanimously.

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J. Harry Lange, Chairman

Attest:

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Nancy D. McMichael, County Clerk