

**HARRIS COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION**

April 1, 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 Hydroseeder and Trailer for Road Maintenance, and Road Expense in NWHarris Business Park under County Manager, and Call for Special Election/Set Qualifying Fee under County Attorney. There being no further additions, Chairman Lange declared the agenda to be set.
3. **RECESS FOR EXECUTIVE SESSION.** The motion to go into Executive Session for the purpose of discussing potential, pending, and threatened litigation was made at 7:02 PM by Commissioner Wyatt, seconded by Commissioner Manning, and passed unanimously.
4. **RESUME REGULAR SESSION.** The motion to go back into Regular Session was made by Commissioner Wyatt, seconded by Commissioner Whearley, and passed unanimously.
5. **MINUTES.** The motion to approve the minutes of the March 18, 2008, Regular Session was made by Commissioner Wyatt, seconded by Commissioner Whearley, and passed unanimously.
6. **OLD BUSINESS**
 - A. **Dumping on Old West Point Road/Boy Scout Road, Monument Road, and Whitten Road.** Commissioner Wyatt said that he wanted the Board to see the photographs of the trash/garbage that is continuing to be dumped on Old West Point Road/Boy Scout Road, Monument Road, and Whitten Road. He said that the Solid Waste Department has cleaned up the areas and that the majority of the trash includes names of individuals and businesses located in Alabama. There was discussion regarding the various photographs and possible solutions. Consensus was to have cameras, which were approved a couple of years ago, purchased and installed in the appropriate locations.
7. **NEW BUSINESS**
 - A. **Reappointment to Valley Partnership-Joint Development Authority.** Chairman Lange said that his term on the Valley Partnership-Joint Development Authority expired March 14. In response to a question from Commissioner Wyatt, Chairman Lange said that he would like to be reappointed. The motion to reappoint Chairman Lange to the Authority for the new term ending March 14, 2012, was made by Commissioner Wyatt, seconded by Commissioner Manning, and passed unanimously.
 - B. **First Reading: Application of Lon & Lynda Marlowe for Special Event Facility Alcohol On-Premises license at Oakhurst Events, 19566 Highway 219, West Point.** Chairman Lange read the specifics of the application and said that this application is to allow alcohol on-premise on the four acres for which a Special Use Permit was granted on February 19, 2008, for the event building, parking lot and surrounding adjacent property; and that it had been recommended for approval by the Sheriff's Office and by the Community Development Department pending handicap parking requirements. He also said there are questions about the address of 19888, which is reflected on the application; that County records show 19888 as belonging to Union Baptist Church and 19566 as belonging to the Special Event Facility four acres. Following discussion, during which Mr. Marlowe acknowledged the address for the Special Event Facility as being 19566, Chairman Lange said that the address on the application will be changed to reflect that address. There being no further comments from Mr. Marlowe or questions/comments from the Board, Chairman Lange asked if anyone present wished to speak in favor of or in opposition to the application. There being none, he said that action will take place during the Second Reading on April 15.
 - C. **Error & Release: Dowdle Gas.** Chairman Lange said that the Error & Release request was to change the Tax Digest amount of \$75,641 to zero because it is a duplicate account. The motion to approve this Error & Release was made by

Commissioner Whearley, seconded by Commissioner Manning, and passed unanimously.

- D. **Request for Tax Refund: William F. Hanson, Sr.** Chairman Lange said that the tax refund being requested in the amount of \$272.91 is due to the fact that County records show the property as being 9.01 acres but calculation from the deed shows the property to be 3.9 acres; that the tax paid on 9.01 acres was \$588.06 and the tax on 3.9 acres would be \$315.15, a difference of \$272.91; and that both the Tax Commissioner and Board of Tax Assessor's are in agreement with the request. The motion to approve the refund of \$272.91 was made by Commissioner Wyatt, seconded by Commissioner Whearley, and tabled to April 15 by Commissioner Manning.

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

- A. **Applications to Rezone 37.17 Acres from A-1 to M-2 for Mining and Extraction of Stone: (1) 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; and (2) Jacolin Pittman Cornett to rezone 9.37 acres in Land Lot 193, Land District 19, Map 046, Part of Parcel 25.** Chairman Lange said the one Public Hearing had been scheduled for both applications since they are for the same reasons/purposes but that each would have a separate motion and vote. He said that the Public Hearing scheduled for October 2, 2007, had been deferred to tonight; that the Public Hearing before the Planning Commission had been held September 19, 2007, which resulted in the recommendation of disapproval; and that the Planning Staff had recommended approval with the condition of having a 25-foot opaque buffer around the entire perimeter of the property for screening and sound purposes. He said that another request had been received from the attorney of the applicants to defer/postpone the Public Hearing another six months. He then asked Charles Ford, attorney from the Jackson Estate and Ms. Cornett, to explain the request.

Mr. Ford said that not only is he the attorney for the Jackson Estate and Ms. Cornett, he is also the attorney for the prospective purchaser of the properties, Columbus Quarry. He said that the deferral/postponement from October 2 to tonight was to allow them to gather data to include monitoring on neighboring homes and that the purchaser of Florida Rock (FR), which is the major and controlling owner of Columbus Quarry (CQ), by Vulcan Materials (VM) had just been announced, and as a part of that merger, the Department of Justice (DOJ) would require that VM to dispose of their interest in CQ, otherwise VM would control two of the three quarries in the Columbus area. He said that while CQ was not a party to the negotiations, the DOJ had to approve what was done with the quarry and they expected that to be resolved within six months, which, however, did not happen; that part of the process, due to anti-trust concerns, the DOJ requires that management, other than day-to-day management, of CQ be replaced with someone independent of both VM and FR until CQ is divested; that therefore the individuals speaking on behalf of CQ previously are no longer in place and can no longer speak regarding same; that those in charge of the CQ are not long-term operators, but are to maintain the "status-quo" and cannot make intelligent long-range decisions until the CQ is divested; that they thought this would have been resolved by now, but that is not the case. He continued by saying that he finally got a copy of the DOJ order, he prepared and sent to John Taylor, County Attorney, yesterday a request to defer/postpone the hearing for six months.

In response to questions, Mr. Ford said that the DOJ is waiting for the disposition of the CQ; that the court order prevents the disposal of any assets of the CQ and that if the applications are withdrawn that is, in effect, given up a right because they would not be able to come back for rezoning for two years; that he does not have the authority to withdraw the applicants; and that the property owners are obligated under a lease signed many years ago to allow CQ to purchase the property once it is rezoned.

John Taylor, County Attorney, said that this is an unusual situation; that this is the second time citizens are concerned about what is going on in their area; that the property owners have the right to ask for rezoning and those citizens in opposition have the right to make their opposition known; that with the ultimate purchaser being in question, the Board may wish to have that resolved before a decision is made so that the Board will know with whom they will be dealing; that there is Anti-Trust legislation that companies cannot create a monopoly; that rezoning may very well violate the court order; that while the Board is not a part of the court order, it does have an interest in same; that while the Board could hold the public hearing, there may be difficulties with the result in that if disapproved, FR could appeal, and if approved, the citizens in the area could file an appeal; that the Board has to decide the type of risk it wants to take; and that the least risk is to postpone the hearing for six months provided

that the public hearing would be held in six months on the merits of the case regardless of the status of the case or the application must be withdrawn prior to that date.

In response to questions, Mr. Ford said that once the DOJ “pulls the trigger”, if VM has not disposed of the CQ within the time specified, which is five days after the DOJ says it is to take place, the assets will be transferred to a trustee who would dispose of the assets; that from that it won’t take much longer to solve the situation; and that there probably is not a reasonable chance that it will go beyond six months. He said that the original order/final judgment says that the assets have to be disposed of within 90 days after November 15, and then the 60-day extension is over April 14, and the DOJ normally does not go beyond the 60-day extension, so the matter should be resolved within the six months.

Discussion included that withdrawal of the applications would change the “status quo” of the CQ since the application was pending when the order was issued; that “status quo” means nothing changes; and that no one can speak for CQ at this time.

There being no further comments, Chairman Lange asked for a motion. The motion to defer/postpone the Public Hearing for six months (to October 7, 2008) with the condition that the Public Hearing would be held at that time on the merits of the application regardless of the status of the case and that no further requests to postpone the Public Hearing would be heard, unless the applications are withdrawn prior to that date (October 7) Commissioner Wyatt, seconded by Chairman Lange, and passed with three in favor (Wyatt, Lange, Manning) and one opposed (Whearley).

9. **COUNTY MANAGER**

- A. **Agreement: Motorola re: 911 CAD System.** Danny Bridges, County Manager, said that the County decided a couple of years ago to upgrade the 911 equipment and CAD system; that the order was placed with Motorola for the 911 equipment; that while an agreement was signed with a company in California for the CAD system, the order was never placed and the company is willing to let us out of the agreement; that the CAD system equipment can be ordered through Motorola; that both the 911 and CAD system equipment can be maintained by Columbus Communications; and that the difference between the original cost for the CAD system and the current cost is around \$9,000. The motion to order the CAD system through Motorola, to approve the additional cost (around \$9,000), and to authorize the County Manager to execute the agreement regarding same was made by Commissioner Wyatt, seconded by Commissioner Whearley, and passed unanimously. (Document can be found in “Contracts & Agreements” file as C&A # 08-13).
- B. **Reverse 911 System.** Commissioner Whearley asked Danny Bridges, County Manager, if he had checked with the School system about the possibility of “hooking in” with them regarding reverse 911. Mr. Bridges said that he has not yet done so, but will look into it.
- C. **Eagle Scout Project: Thomas Graham.** Danny Bridges, County Manager, said that he met with Thomas Graham about building and installing benches around the walking trail at the Soccer Complex as his Eagle Scout Project, and that this project will be good for the County in that we will get benches in place while helping Thomas meet the requirements for Eagle Scout. Discussion included that care needed to be taken regarding the placement of the benches due to the possible rerouting of the trail as a result of mitigation. Tom Graham, father of Thomas, said that the benches would be built on 4 x 4s in the ground and could be easily moved. The motion to approve the request was made by Commissioner Whearley, seconded by Chairman Lange, and passed unanimously.
- D. **Agreement: Abney Grading & Paving re: Agri-Center Parking.** Danny Bridges, County Manager, said that after he had talked to each Commissioner, he had executed an agreement with Abney Grading & Paving regarding the sale of dirt in return for money and work in-kind at the Agri-Center in relation to the realignment of Highway 116. The motion to approve 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 # 08-14.)
- E. **Request to Bid Hydroseeder and Trailer for Public Works.** Danny Bridges, County Manger, said that Public Works is in need of a new trailer (to replace the one that was badly damaged several months ago) to haul heavy equipment and a hydroseeder; that he is asking permission to go out on bid for the two items; that the funds could be taken from SPLOST since the equipment is for building roads; that the

trailer is estimated to be \$12,000 to \$15,000 and the hydroseeder around \$28,000 to \$30,000; and that the results would be brought back to the Board for approval. The motion to go out on bid for the new trailer and for a hydroseeder was made by Commissioner Whearley, seconded by Commissioner Manning, and passed unanimously.

- F. **Northwest Harris Business Park Road Expenses.** Danny Bridges, County Manager, said that the work on the roads is taking place in the business park; that we are to the point of starting to spend money on gravel and pipe; that he does not have a cost estimate at this time; that the Board needs to be aware of the work taking place so there won't be any surprises; and unless there are objections, the work will continue. Discussion included that the cost will be in excess of \$1 million and that the road needs to go all the way through the park, and that in the end, the County will spend less than \$1 million of County funds but \$1.5 million total including DOT funds. There were no objections from the Board for the work to proceed. Mr. Bridges said that there should be more exact costs soon, and that the money can come from Fund Balance or from SPLOST road money, which would have to be repaid from Fund Balance in order to continue to work on County roads.

10. **COUNTY ATTORNEY**

- A. **Call for Special Election and Set Qualifying Fee.** John Taylor, County Attorney, said that with the vacancy created by the resignation of Danny Bridges, as Commissioner for District 5, a special election must be held; that with the moving of the Primary and changes in the law; the special election will have to be held July 15; that qualifying will be from April 28 to May 2; and that the Board must authorize the Call for Special Election to fill the unexpired term and to set the qualifying fee for same at \$315. The motion to authorize the Special Election and to set the qualifying fee at \$315 was made by Commissioner Wyatt, seconded by Commissioner Whearley, and passed unanimously.

11. **OTHER**

- A. **Report on Korea Trip.** Chairman Lange said that he and Danny Bridges, County Manager, returned from Korea yesterday; that the contract for Daehon Solutions has been signed; that they were able to meet and have lunch with the president of Kia; that the trip was worthwhile in that it provided a means to bond with Daehon; and that once the business is up and running and profits are being made, Daehon intends to share some of those profits with the community.

12. **RECESS FOR EXECUTIVE SESSION.** The motion to go into Executive Session for the purpose of discussing a personnel matter was made at 8:35 PM by Commissioner Wyatt, seconded by Chairman Lange, and passed unanimously.

13. **RESUME REGULAR SESSION.** The motion to resume the Regular Session was made by Chairman Lange, seconded by Commissioner Wyatt, and passed unanimously.

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

Attest:

J. Harry Lange, Chairman

Nancy D. McMichael, County Clerk