

**HARRIS COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION**

June 3, 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.** Additions include Road Equipment: Repair or Replace; Alarm System for Community Development and Alarm System and Surveillance System for the Library, all under County Manager. Chairman Lange declared the agenda set.
3. **MINUTES.** The motion to approve the minutes of the May 20, 2008, Regular Session was made by Commissioner Whearley, seconded by Commissioner Wyatt, and passed unanimously.
4. **NEW BUSINESS**
 - A. **Public Hearing: Tax Refund Request of Madeline Condrey.** Chairman Lange called the Public Hearing to order and said that Madeline Condrey had requested a tax refund of \$1,200 and had requested a Public Hearing for same. Madeline Condrey appeared before the Board and said that when she purchased the property in 2006, the taxes were \$685 a year; that her recent tax bill was \$2,400, which she paid; that there have been no improvements to the property since it was built or since she purchased same; and that she apparently doesn't understand the tax tables. Chairman Lange said that while he, too, doesn't completely understand the tax tables, he knows the State sets out how and when revalues/reassessments of properties are done; that factors for reassessments include the sale of property, the price paid for the property, and the sale of and price paid on surrounding property; and that the County has no authority to veer from the State's formula and requirements. In response to a question from Commissioner Whearley, Ms. Condrey said that she was told to file for a hearing, but when she went in to file for the hearing, she was told she should have filed for an appeal, and then it was too late. Danny Bridges, County Manager, said that an appeal can be filed every year, and John Taylor, County Attorney, said that the Tax Assessor's office can advise as to when the appeal should be filed in order to be heard by the Board of Equalization. Mr. Taylor said that action is necessary on the request, and that taxes were correctly assessed based on the value. The motion to deny the request was made by Commissioner Wyatt, seconded by Chairman Lange, and passed unanimously.
 - B. **Reappointment to West Georgia Region 7 EMS Council.** Chairman Lange said that the term of David McCall, EMS Chief, on this council expires June 30, and that the new term will be from July 1, 2008, to June 30, 2010. The motion to reappointment Mr. McCall to this council was made by Commissioner Manning, seconded by Commissioner Wyatt, and passed unanimously.
 - C. **Employee Recognition: David McCall.** Chairman Lange said that he had the privilege of attending the State EMS Awards Banquet; that David McCall, EMS Chief, was a candidate for that award based on being recently named Region 7 EMS Director of the Year; and that Mr. McCall was named State EMS Director of the Year for 2008. He congratulated Mr. McCall on his accomplishment and thanked him for the work he and his department does for the County.
 - D. **First Reading: Application for Alcohol Special Events Facility at Sweet Home Plantation, 2626 Hadley Road, Pine Mountain.** Chairman Lange read the specifics of the application and said that this application is to allow alcohol on-premise on an 8.0197 acre tract to include the event building, parking lot, and surrounding adjacent property; and that it had been recommended for approval by the Sheriff's Office and by Community Development Department pending handicap parking requirements. In response to the property acreage, Bruce Thompson, applicant, said that there is a total of 45 acres. There being no further comments from Mr. Thompson 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 the Second Reading will take place on June 17.
 - E. **Pubic Hearing II: Budget FY 08/09 (General Fund, Small Funds, Solid Waste**

and Water Works). Chairman Lange called the Public Hearing to order and asked Danny Bridges, County Manager, to review the proposed budgets.

General Funds. Mr. Bridges said that included are the 3% across-the-board increase for employees, the funds for the January incentive bonus, and two new part-time positions for the Library. He said that with this budget it is anticipated there will be a reduction in the millage rate due to revaluations. Chairman Lange asked if anyone in attendance had comment or questions regarding the General Funds budget.

Randy Robertson, with the Fraternal Order of Police of Lodge 9, appeared before the BOC representing the members of the Lodge who are employees of the Harris County Sheriff's Office (HCSO). He thanked the Board for the 3% across-the-board increases and said there are concerns related to the Harris County Deputies. Regarding body armor/bullet proof vests, he said that many deputies had to use their tax refunds and purchase fitted body armor; that although such armor is provided, they are "small", "medium", and "large" and have areas where bullets can enter since the armor is not measured and fitted (like a suit) to the person; that the average cost is \$550 and they last only five years; and that the Board is requested to consider finding funds to provide the deputies the necessary armor or at least to reimburse them for the armor they purchase. Regarding health insurance costs, he said that it is understood the insurance rates are "frozen" for one year; that the rates the County charges for employees who were hired after April 16, 2002, are excessive; that as an example coverage for a family is \$366.25 per pay period; that there are other agencies in Georgia that have just as many officers as the HCSO, and those officers are not paying that much in premiums; that some of the deputies should be permitted to sit on a committee to review insurance costs; and the Board is requested to look into this matter and try to find good cost-efficient insurance. Commissioner Whearley said that he was not aware that deputies needed handcuffs or bullet proof vests; that deputies have not come forward regarding the issue; that he is pro law enforcement; and he would be happy to try to find the funds. Mr. Robertson said that it is not always easy for the deputies to bring those matters to the fore-front; that that is passed on to the higher ranks. Mr. Robertson concluded by saying that while the 3% increase is a great gesture, Columbus has recently asked for full implementation of the University of Georgia pay plan, which would make the starting pay for a deputy sheriff at about \$33,000; that if the Mayor's local option sales tax passes, the salary would go up to about \$36,000; that if the plan is adopted, they will be looking for about 100 officers for Columbus, 75 for the Muscogee County Sheriff's Office, and 5 for the Muscogee County Marshall's Office; that he is certain they will come to Harris County to look for post-certified, trained law enforcement officers to save thousands of dollars in training costs; and that to ask a deputy with a starting salary of \$29,000 to pay roughly \$8,000 a year for health insurance doesn't leave much of an incentive to stay with the County.

Madeline Condrey, citizen, said that she understands that deputies do not have fire extinguishers and have to buy their own ammunition. Commissioner Whearley said he found out about the fire extinguishers today, and Sven Armbrust, HCSO deputy, said that deputies are not issued fire extinguishers.

Small Funds. Mr. Bridges said that no changes had been made since the last discussion with the Board, and that most of these funds are mainly "pass-throughs" for funds which come in from the court system and are required by law to send to another entity; that the funds from the Mental Health Center and Mental Retardation Center are held for maintenance purposes.

Solid Waste. Mr. Bridges said that at the last meeting the Board voted to increase the solid waste fee from \$104 to \$149; that that increase is included in the budget; and that other fees associated with the landfill are also being increased and are included (on the last page).

Water Works. Mr. Bridges said that during the preceding Work Session, the consensus of the Board was to increase the water fee by 18%, from a current average fee of \$32.26 to \$38.13, in order to avoid having a deficit; and that the minimum billing would remain the same at \$12.60.

There being no further comments or questions from those in attendance, Chairman Lange closed the Public Hearing.

- F. **Adoption of Budgets for FY 08/09**. The motion to approve the General Fund, the Small Fund and for Solid Waste, all of which are to include any increases discussed, was made by Commissioner Manning, seconded by Commissioner Whearley, and

passed unanimously. The motion to approve the budget for Water Works, as presented with the 18% increase, was made by Commissioner Wyatt, seconded by Commissioner Whearley, and passed with three in favor (Wyatt, Whearley, Lange) and one opposed (Manning).

- G. **Appeal of Planning Commission Decision Denying the Subdivision of Property on an Easement Road: Ray Motes**. Ray Motes, citizen, said that he purchased property on Mountain Hill Road in 1987; that the property has an easement road; that when he built his house in 1987 he was told there would not be any more accesses off the easement; that it was decided by County officials to split the 63 foot easement road into two 31.5 foot easement roads in order to give him additional available accesses; that in total there are nine accesses off the easement road; that when he presented a plat to cut out the property sold to his brother, he was told he could not subdivide the property due to an ordinance amendment in 2004; that he had requested his survey prior to 2004, but the surveyor could not get to it; and that he is requesting the accesses back so that if he decides to split the property in the future there won't be any problems. He said that when the easement was split, he was not aware of it; that because of that he wasn't aware that he needed to subdivide the property before the amendment; that he was granted the additional easements due to the easement split in 1988. Commissioner Whearley said that plats show that the road was split and that it would seem that he would be allowed six parcels on each of the two easement roads. John Taylor, County Attorney, said that with the division of the easement road, one goes to Mr. Motes' tract and the other goes to another; that the property was undivided then and remains undivided now; and that notwithstanding that the County ordinance prohibits the subdivision of property on an easement road, there are only two exceptions - where the property is being transferred by gift to member of the immediate family or to settle an estate. Mr. Motes said that with the accesses he was granted in 1988, his property should be grandfathered in. Mr. Taylor said that accesses are due to the subdivision of property and that since the property was not subdivided in 1988, there were no accesses, other than the easement road leading to Mr. Motes' property; and that while the property and easement can still exist, the property can't be subdivided since the Ordinance is clear in that regard. Mr. Taylor said that if the easement road is brought up to County standards and accepted by the County, the property could be subdivided.

Discussion continued to include that when ordinances are changed, there are two public hearings; that in this instance, property subdivided and recorded prior to the Ordinance adopted in 2004 is grandfathered in; that Mr. Motes has access to his property via the easement road; that before the Ordinance was changed, Mr. Motes could have subdivided his property; that the Ordinance now prohibits the subdivision of property on an easement except for the two instances described in the preceding paragraph; that if the easement was paved and accepted as a public road, the property could then be subdivided; that the split of the original 60 foot easement may have been for the purpose of providing his brother an easement drive; that with the split of the easement in 1988, Mr. Motes didn't see a reason to subdivide the property; that even though the easement was split, none of the property had been subdivided and recorded prior to the Ordinance being amended in 2004 and this is not a matter of property being given to immediate family members or to settle an estate. Following discussion and there being no further comments or questions, Chairman Lange asked for a motion.

The motion to grant the appeal to grant an exception to the County Ordinance to subdivide property off an easement road and to overturn the decision of the Planning Commission was made by Commissioner Whearley, seconded by Commissioner Wyatt, and failed by a vote of two in favor (Whearley, Wyatt) and two opposed (Lange, Manning). John Taylor, County Attorney, said that some action is needed to deny the appeal and uphold the decision of the Planning Commission.

The motion to deny the appeal to grant an exception to the County Ordinance to subdivide property off an easement road and to uphold the decision of the Planning Commission was made by Commissioner Manning, seconded by Chairman Lange, and failed by a vote of two in favor (Manning, Lange) and two opposed (Whearley, Wyatt). With this vote, the appeal failed and is rejected. In response to a question by Mr. Motes, Mr. Taylor said that other than building a public road, the property could be sold as is with an easement off a public road.

- H. **Resolution: Amended and Restated Defined Benefit Plan**. Chairman Lange said that this was discussed during the preceding Work Session; that the amendments are due to Congressional and IRS requirements; and that the Resolution authorizes the Chairman and County Clerk to execute future necessary

paperwork in connection with same. The motion to approve was made by Commissioner Wyatt, seconded by Commissioner Manning, and passed unanimously.

5. **COUNTY MANAGER**

A. **Bid Results/Award: VFD Equipment.** Danny Bridges, County Manager, said that the County had \$100,000 for equipment for the Volunteer Fire Department; that about \$9,000 would go to West Point for their part, which would leave about \$91,000 for the equipment; that the bids total a little over \$108,000; that the VFDs would prefer that the bid for the Kenwood radios be awarded to Dean's Commercial Two-Way since he is located in the County, will go to the VFDs for programming, and is only slightly higher than the lowest price; that except for the radios, it is recommended that the other items be awarded to the overall low bidders; and that regarding the thermal imagers, the County would pay for all the equipment except for the thermal imagers, and whatever money was left would go toward the imagers with the VFDs picking up the balance; but that if there is other money in Fire Services that will not be spent this year it is recommended that it be used toward paying for all the equipment including the imagers. There were no objections. The bids are as follows:

RADIOS (w/programming for 1 yr)	Qty	Columbus Comm. Columbus, GA	Dean's Commercial, Cataula, GA	Radio Wholesale, Columbus, GA
Kenwood 128 channel w/display, battery & charger; HD speaker mics	11			
Kenwood: 512 channel w/display, battery, charger; HD speaker mics	10	\$ 10,544.00	\$ 9,582.00	\$ 9,339.75
Motorola: 32 channel w/display, battery, charger, clip & antenna; speaker mics	8			
Motorola: 128 channel w/display; battery, charger, clip & antenna; speaker mics	8	\$ 9,301.00	Partial	\$ 9,514.19

SELF-CONTAINED BREATHING APPARATUS (SCBA)	Firehawk w/mask, pass device, cylinder (9); extra cylinders (9)	Scott AP75 4.5 w/integrated pass device, face piece cylinder (3); extra cylinders (3)
Fireline, Winder, GA	\$ 38,250.00	no bid
10-8 Fire & Safety, Forsyth, GA	\$ 50,040.00	no bid
American Safety, Atlanta, GA	no bid	\$ 14,595.00
MES, Charlotte, NC	no bid	\$ 14,259.90
Fisher Safety, Pittsburgh, PA	no bid	\$ 13,450.20
Fire Rescue, Roanoke, AL	non-compliance	non-compliance

THERMAL IMAGERS	Qty	Fireline Winder, GA	10-8 Fire & Safety Forsyth, GA	Fire Rescue Roanoke, AL
MSA Evolution 5200 HD	1			
MSA Evolution 5600 w/Truck Charger	2	\$ 18,085.18	\$ 18,900.00	non-compliance

TURN-OUT GEAR	Qty	Fireline Winder, GA	10-8 Fisher Fire & Safety, Forsyth, GA	Fisher Safety Pittsburgh, PA	Fire Rescue Roanoke, AL
Morning Pride coats, pants, boots, gloves, hood	9				
Morning Pride helmet, Lite Force	3	no bid	no bid	\$ 18,780.36	non-compliance
Cairns Black helmet w/faceshield	6	\$ 1,167.00	\$ 1,164.00	\$ 1,472.00	non-compliance

The recommended bid awards:

Kenwood Radios & mics - Dean's Commercial Two-Way for \$9,582.00

Motorola Radios & mics - Columbus Communications for \$9,301.00

Firehawk SCBA & cylinders - Fireline for \$38,250.00

Scott SCBA & cylinders - Fisher Safety for \$13,450.20

MSA Thermal Imagers - Fireline for \$18,085.18 (other equipment)

Morning Pride Turn-out Gear - Fisher Safety for \$18,780.36 (other equipment)

Cairns Black Helmet - Fireline for \$1,167.00 (other equipment)

The motion to award the bids as outlined and to use any unused funds in the Fire Services line toward payment of all the equipment was made by Commissioner Wyatt, seconded by Commissioner Manning, and passed unanimously.

B. **Bid Results/Award: Hydroseeder for Public Works.** Danny Bridges, County Manager, said that this was the second time we went on bid for a hydroseeder; that the first time we did not receive any bids; and that this time, we received only one, as follows:

Malcom Enterprises, Norcross, GA, for \$27,930.20

Mr. Bridges said that the Board had previously been advised that the cost for the equipment would be between \$28,000 and \$30,000 and that the funds could be taken from SPLOST since the equipment would be used for road building, and he recommended that the bid be awarded to Malcom Enterprises subject to verification that this equipment is exactly what the County needs. The motion to award the bid to Malcom Enterprises for \$27,930.20 subject to equipment verification was made by Commissioner Whearley, seconded by Commissioner Manning, and passed unanimously.

- C. **Northwest Harris Business Park, Subsurface Evaluation of Proposed JCI Site (20 acres)**. Danny Bridges, County Manager, said that this document in regarding the required soil evaluation in connection with the proposed JCI site in the Northwest Harris Business Park. The motion to approve this document was made by Commissioner Wyatt, seconded by Chairman Lange, and passed with three in favor (Wyatt, Lange, Whearley), no opposition, and one abstention (Manning). (Document can be found in "Miscellaneous Documents" as MD #08-09.)
- D. **Public Works Equipment: Excavator 320 CL**. Danny Bridges, County Manager, said that this was discussed during the preceding Work Session and he reminded the Board that the equipment has sustained damage totaling \$65,539.78 and said that the insurance company had paid \$60,539.78. Rather than repairing the damaged equipment, Mr. Bridges recommended that the County use it toward a trade-in (of \$19,000) on a new model, for which leasing could be arranged for four or five years, less the amount of the payoff on the trade-in of \$30,843.23. Following discussion, the motion to trade-in the damaged equipment toward a new model and to use the \$60,539.78 toward same on a five-year lease, less the payoff amount of \$30,843.23, was made by Commissioner Wyatt, seconded by Commissioner Manning, and passed unanimously. Mr. Bridges said that the lease will be brought back to the Board for approval.
- E. **Alarm Systems: Community Development and Library; Camera Surveillance System for Library**. Danny Bridges, County Manager, said that this was discussed during the preceding Work Session; that alarm systems will be installed in Community Development and the Library; and that approval is needed to move forward with a camera surveillance system at the Library for a cost of \$4,795, but that another proposal will be obtained for comparison purposes before going forward with the system. The motion to install a camera surveillance system at the Library at a cost not to exceed \$4,795, subject to another proposal being obtained was made by Commissioner Whearley, seconded by Commissioner Wyatt, and passed unanimously.
- F. **Request for Executive Session**. Danny Bridges, County Manager, asked for an Executive Session for the purpose of discussion personnel issues.

6. **COUNTY ATTORNEY**

- A. **Agreement Amendment #3: Southern Health Partners**. John Taylor, County Attorney, said that this was the third amendment for renewal purposes for medical care for inmates at the Prison. He reviewed the various costs over the years for the contract and said that the new fees would start July 1 and recommended approval of same. The motion to approve this agreement was made by Commissioner Wyatt, seconded by Commission Whearley, and passed unanimously. (Document can be found in "Contracts & Agreements" file as C&A #08-22.)
- B. **Request for Executive Session**. John Taylor, County Attorney, said that with the previous request for an Executive Session for personnel issues, the acquisition of real estate is also to be discussed.

7. **OTHER**

- A. **Northwest Harris Business Park: Grading**. Danny Bridges, County Manager, said that he failed to include this matter on the agenda and asked that the Board consider same. Following discussion, the motion to consider the Grading at the Northwest Harris Business Park (NWHBP) was made by Commissioner Wyatt, seconded by Commissioner Manning, and passed with three in favor (Wyatt, Manning, Lange) and one opposed (Whearley). Regarding the grading, Mr. Bridges said that the County has agreed to do grading at the NWHBP, but the County staff can't accomplish the work that needs to be done in a timely manner and get their regular work done; that it is recommended that the County engage

Specialty Services, which has given the lowest price to do the grading; that the State has promised a half-million toward that grading and that we could probably spend \$700,000 to \$800,000 to grade two sites in the business park; and that approval is necessary to either move forward with the grading of the two sites or at least for the amount of the funds to be provided by the State. The motion to move forward with grading by Specialty Services up to the amount provided by the State was made by Commissioner Manning and seconded by Commissioner Whearley. Discussion included that \$500,000 will more than cover the grading on one of the sites and some of the work on the other site. The motion passed unanimously.

8. **RECESS FOR EXECUTIVE SESSION.** The motion to go into Executive Session for the purpose of discussing personnel issues and the acquisition of real estate was made at 8:34 PM by Commissioner Wyatt, seconded by Commissioner Whearley, and passed unanimously.

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

10. **OTHER (continued)**

A. **Real Estate Acquisition: Georgia Southwestern Railroad Right-of-Way.** Chairman Lange made the motion to proceed with the purchase of the Georgia Southwestern Railroad Right-of-Way within the County, for the total sum of \$300,000 with \$150,000 from the County and \$150,000 from Callaway Gardens. The motion was seconded by Commissioner Wyatt and passed unanimously.

B. **Personnel Salary Increases.** Danny Bridges, County Manager, asked that the Board make the salary increases, which would include the 3% across-the-board July 1 increase, as follows:

Department	Employee	Increase
EMS	Carver, James	\$ 4,446.36
	Downs, Randy	\$ 4,020.21
	Lightsey, Scott	\$ 3,626.91
	McCall, David	\$ 7,690.00
E-911	Davis, Monty	\$ 1,410.00
Vehicle Mtnc	Bowling, Don	\$ 1,737.00
Recreation	Magazu, John	\$ 1,109.00

The motion to approve these salary increases, which include the 3% across-the-board July 1 increase, was made by Commissioner Whearley, seconded by Commissioner Wyatt, and passed unanimously.

C. **Water Works Personnel Slot Changes.** Danny Bridges, County Manager, said that Jeff Culpepper, Water Works Director, is requesting a slot change for an employee who is currently in a Service Worker slot to a Service/Repair Crew slot with an increase in pay from \$11.09 to \$12.34; and that this person will also be on call for repairs. The motion to approve this change was made by Commissioner Wyatt, seconded by Commissioner Whearley, and passed unanimously.

12. **ADJOURNMENT.** There being no further business to discuss, 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