

**HARRIS COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION**

June 17, 2008

7:00 PM

Commissioners Present: J. Harry Lange, Charles Wyatt, Joe F. Manning. Commissioners Absent: 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.** Changes included the deletion of "Public Defender Agreement" under County Manager and addition of "Ante-Litem Notice" under County Attorney. Chairman Lange declared the agenda set.
3. **MINUTES.** The motion to approve the minutes of the June 3, 2008, Regular Session was made by Commissioner Wyatt, seconded by Commissioner Manning, and passed unanimously.
4. **OLD BUSINESS**
 - A. **Second Reading: Application of Bruce Thompson & Phillip Rogers for Alcohol Special Events License at Sweet Home Plantation, 2626 Hadley Road, Pine Mountain.** Chairman Lange read the specifics of the application, said this was the Second Reading, that it had been recommended for approval by the Sheriff's Office and by the Community Development Department pending handicap parking, and that if the application is approved it include that it is subject to the approval of the Special Use Permit (later in the meeting), specifically for the 8.0197 acres immediately adjacent to/surrounding the event building, and that the event building cannot be used for residential purposes. Bruce Thompson, applicant, had no comments other than to indicate that the application is to comply with County regulations concerning alcohol at special events. Chairman Lange asked if anyone wished to speak in favor of or in opposition to this application. There being none he asked for a motion. The motion to approve the application subject to the approval of the Special Use Permit later this evening and that approval is limited to the 8.0197 acres immediately adjacent to/surrounding the vent building was made by Commissioner Manning, seconded by Commissioner Wyatt, and passed unanimously.
5. **NEW BUSINESS**
 - A. **Appeal of Planning Commission Decision Denying the Subdivision of Property with Existing Homes on an Easement Road: Pheobe Robertson.** Martha Chewning, attorney, and Phoebe Robertson, appeared before the Board regarding the appeal of the decision of the Planning Commission on May 21, 2008, to deny the subdivision of property. Mrs. Chewning said that a rough plat drawn in 1977, but not recorded, had been provided which showed the plans to divide property belonging to Cason Callaway into several lots; that six homes were built on the property; that one of the homes has since burned; that a new and better plat has been prepared and provided showing a better division of the property; that the homes were built prior to Zoning or Subdivision Regulations; that four lots front on Highway 219; and that while the homes are currently being served by a well, if the request is approved, Mr. Callaway will pay to have County water run to each lot; and that the deeds will include that it will be the responsibility of the property owners to maintain Jenkins Drive, which is an easement road, and that each property owner will have the right to use the easement road. Mrs. Robertson said that the homes are part of the compensation package for some employees; that four employees are living in four of the homes and a relative of one is living in the fifth house; and that the sixth lot may be sold to the adjacent property owner, but in the event it is not, they are requesting that the more recent plat be altered to show that property having the required access to Highway 219. Chairman Lange said that because the homes have been on the property so long and that the request is not to divide vacant property on an easement road, he had no objection to the request being granted. John Taylor, County Attorney, said that anytime changes are made to an Ordinance, like the Board did in 2004 dealing with easement roads, there will be situations that can't be covered, and this is one of those situations, and that the equity would certainly warrant favorable consideration.

The motion to grant the appeal and to overturn the decision of the Planning Commission and to allow the vacant parcel direct access to Highway 219 was made

by Commissioner Wyatt, seconded by Commissioner Manning, and passed unanimously. Commissioner Manning commented that because the houses are already there and have been there for a long time he did not see a problem.

- B. **Outdoor Entertainment Issues.** Commissioner Manning said that a Special Use Permit and an Alcohol Special Events License were recently issued to Lon Marlowe for Oakhurst and that Mr. Marlowe had indicated he needed the alcohol license in order to be in control of the alcohol to maintain the order of the event taking place. Commissioner Manning continued by saying that citizens in the area of Oakhurst are now complaining about the loud noise/music that goes on as part of the events late at night, and he suggested that Mr. Marlowe be sent a letter advising him that the County is receiving complaints about the noise, particularly at night; that he needs to be in control of the events so as not to disturb the neighbors; and that such disturbance could possibly cause the County to take action. Discussion included that the Outdoor Ordinance probably needed to be reviewed to tighten up the definition, the exclusions, and stipulate a time period. Commissioner Manning said that at this point, Mr. Marlowe just needs to be aware that the County is receiving complaints at this point. Danny Bridges, County Manager, said that recommendations will be made to the Board regarding amendments to the Ordinance at a later date. There were no objections to the letter being sent.

6. **COUNTY MANAGER**

- A. **SPLOST Intergovernmental Agreement with Cities.** Danny Bridges, County Manager, said that this document is part of the requirements regarding the implementation of the new SPLOST; that the ballot wording must be completed by August 5; and that if a vote is not taken tonight on this document, it will have to be done at the next meeting in order for the Cities to ratify it by August 5. John Taylor, County Attorney, said that in connection with the SPLOST, the Board will need to adopt the necessary Resolution calling for the Referendum. Mr. Bridges continued by saying that \$125,000 had been taken from Roads and divided among the five municipalities so that each will receive an additional \$25,000; that the allocation is based on population plus an additional \$25,000. Discussion included taking more out of Roads and putting it into Recreation, but that Roads already has \$4 million over what is anticipated to receive in order to cover any overruns; that EMS/Fire Public Safety (under County) includes fire trucks, ambulances, an EMS station and/or Fire Station; and the Library fund is to either build onto the existing Library in Hamilton, or to add to State Funds and private donations for a new building. There being no further comments, the motion to approve the document was made by Commissioner Wyatt, seconded by Commissioner Manning, and passed unanimously. (Document can be found in "Contracts & Agreements" as C&A #08-23.)
- B. **Travel Policy Amendments.** Danny Bridges, County Manager, said that this had been discussed during the meeting on June 3; that the mileage reimbursement for employees will be that published by the IRS rounded down to the nearest cent, which at this time would increase our current reimbursement rate of .40¢ to .50¢; that the daily meals would increase from \$30 per day to \$45 with each meal cost increasing accordingly (breakfast from \$6.00 to \$8.00; lunch from \$8.50 to \$12.00, and dinner from \$15.50 to \$25.00); and that the changes would be effective July 1, 2008. The motion to approve the amendments was made by Commissioner Wyatt, seconded by Chairman Lange, and passed unanimously. (Document can be found in "Miscellaneous Documents" as MD#08-10.)
- C. **Agreement and Resolution: Yancey Equipment for Public Works.** Danny Bridges, County Manager, said that the agreement is for the financing for the new piece of equipment to replace the Excavator that caught on fire; that the total price is \$159,000; and that from the insurance proceeds of \$60,539.78, the payoff of \$30,843.23 was deducted, and with the \$19,000 as trade-in leaves \$110,945. John Taylor, County Attorney, said that the lease agreement complies with the State requirements for multi-year lease agreements and that he recommended approval of same. The motion to approve this agreement and the Resolution was made by Commissioner Manning, seconded by Commissioner Wyatt, and passed unanimously. (Agreement Document can be found in "Contracts & Agreements" file as C&A#08-24.)

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 Public Hearing procedures.
- C. **Application of Bruce Thompson and Phillip Rogers for a Special Use Permit for a Special Event Facility at Sweet Home Plantation, 2626 Hadley Road, Pine Mountain.** Chairman Lange called the Public Hearing to order, read the specifics of the application, and said that the recommendation is to approve with the condition that it is specifically for the 8.0197 acres immediately adjacent to/surrounding the current event building and that the event building cannot be used for residential purposes. Bruce Thompson, applicant, appeared before the Board and said that he is applying for the Special Event Facility in order to comply with County regulations regarding events being held on the property; that he will not be doing anything different from what he has been doing for the past 8 to 10 years; and that he does not reside in the event building. Chairman Lange asked if anyone wished to speak in favor or in opposition to this application. There being none, he closed the Public Hearing. The motion to approve this Special Use Permit on the condition that it is specifically for the 8.0197 acres immediately adjacent to/surrounding the current event building was made by Commissioner Manning, seconded by Commissioner Wyatt, and passed unanimously

8. **COUNTY MANAGER (CONTINUED)**

- D. **Bid Award: T-Hangar & Apron Site Prep and Paving.** Danny Bridges, County Manager, said that bids were received for the site preparation and paving of the apron and T-Hangar, as follows:

COMPANY	BID BOND	TOTAL BID
Carlisle Services, Pine Mountain, GA	Y	\$ 272,956.72
McCoy Grading, Greenville, GA	Y	\$ 270,964.06
Southern Wilderness, Edison, GA	Y	\$ 187,205.00

Mr. Bridges said that W.K. Dickson, the County's Airport Consultant, has recommended the bid be awarded to Southern Wilderness for \$187,205, and said that the Consultant has previously worked with this company. The motion to award the bid to Southern Wilderness for \$187,205 was made by Commissioner Manning, seconded by Commissioner Wyatt, and passed unanimously.

- E. **Budget Amendments #3: FY 07/08.** Danny Bridges, County Manager, said that these amendments are to clean-up the end of the year closeout and explained that building repair for Vehicle Maintenance was for the replacement of the fence that was budgeted two years ago but not appropriated forward; that the gasoline revenue and expenses at the Airport offset each other; that the video recorders for the Sheriff's Office had been budgeted in the prior year but not appropriated; and the funds to pay for the work done regarding the mitigation bank had not been budgeted. The motion to approve the amendments was made by Commissioner Manning, seconded by Chairman Lange, and passed with two in favor (Manning, Lange), no opposition, and one abstention (Wyatt).

9. **COUNTY ATTORNEY**

- A. **Agreement Renewal w/New Horizons: Harris-Talbot Service Center and Mental Health Center.** John Taylor, County Attorney, said that these are the usual annual agreements regarding the payment of a monthly fee for service and maintenance in lieu of rent in the amount of \$500 per building; and that the agreements will run from July 1, 2008, to June 30, 2009. The motion to approve the agreements was made by Commissioner Wyatt, seconded by Commissioner Manning, and passed unanimously. (Documents can be found in "Contracts & Agreements" file as C&A #08-25 and #08-26.)
- B. **Intergovernmental Lease Agreement with the City of Hamilton for the Fire Department.** John Taylor, County Attorney, said that this will replace an existing agreement; that the building has been constructed on County property on the south side of Georgia Highway 116; that the legal description has been included; that it is for 20 years; that no rent is involved, but the City is obligated to maintain the property in clean and operational condition and provide insurance; that it may be used solely for a fire department, and if it is used for another purpose, the lease will immediately terminate; that at the end of 20 years, the County will own the building unless an agreement is made to have the building removed from the property without damage to the real property or the agreement is renewed; and that he recommended approval. The motion to approve this agreement was made by Commissioner Wyatt, seconded by Commissioner Manning, and passed

unanimously. (Document can be found in "Contracts & Agreements" as C&A #08-27.)

- C. **Intergovernmental Agreement with Development Authority and the Letter of Discussion: JCI Building.** John Taylor, County Attorney, said that these documents were recently approved by the Development Authority; that these documents will be used in conjunction with the proposed financing of the Johnson Control facility; that once the financing is arranged, the documents will be brought back to the Board for approval; that the agreement includes the County's pledge to levy up to one mil of tax for the purpose of economic development in the event JCI vacates the building after seven years. Commissioner Manning said that he wanted the citizens to know that this is a seven-year contract with 100% abatement for five years and 80% for the last two years, but there is a 15-year bond; that after seven years, the County could be stuck with a building and the taxpayers would be responsible for; that the reason for the business park is for the tax relief; and that there is no guarantee that JCI will stay past seven years. Mr. Taylor said that if JCI did leave after seven years, the County would have a building with debt that could be managed and sold or rented in the middle of the business park. Chairman Lange commented that even if JCI leaves after seven years, JCI will have paid at least 1/3 or more of the cost, and the land and building will have appreciated; that by giving incentives to get the business park started it begins a synergy to bring other companies in; that the way the County is growing, our revenue stream from sales and property taxes will continue to increase, and the \$500,000 or so a year would not create a burden on the County. Danny Bridges, County Manager, said that he doesn't think JCI will leave after seven years; that it's probably their intention to be here for a long time, but their contract with Kia is only seven years; that this as an investment as opposed to how much the County will be out; and that hopefully this will be good deal in the long run. Action will be taken during a future meeting.
10. **RECESS FOR EXECUTIVE SESSION.** The motion to go into Executive Session for the purpose of discussing a personnel issue, pending or threatened litigation, and the acquisition of real estate was made at 8:00 PM by Commissioner Wyatt, seconded by Commissioner Manning, and passed unanimously.
11. **RESUME REGULAR SESSION.** The motion to resume Regular Session was made by Chairman Lange, seconded by Commissioner Manning, and passed unanimously.
12. **OTHER**
- A. **Ante-Litem Notice: Terry Ligon.** John Taylor, County Attorney, recommended that the Board deny the Ante-Litem Notice received on behalf of Terry L. Ligon who claims he was falsely arrested by the Harris County Sheriff's Office and is demanding compensation in the amount of \$250,000. The motion to deny the Ante-Litem Notice was made by Commissioner Wyatt, seconded by Commissioner Manning, and passed unanimously.
13. **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