

**HARRIS COUNTY BOARD OF COMMISSIONERS  
REGULAR SESSION**

July 15, 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. Staff  
Absent: Nancy D. McMichael, County Clerk.

1. **CALL TO ORDER.** Chairman Lange called the Regular Session to order.
2. **MINUTES.** The motion to approve the minutes of the July 1, 2008, Regular Session, was made by Commissioner Manning, seconded by Commissioner Whearley, and passed unanimously.
3. **OLD BUSINESS**
  - A. **Second Reading: Application of Ray Marsh for Beer & Wine On Premises at Pats Backwaters Steak & Seafood, 5237 Georgia Highway 219, Fortson.** Chairman Lange read the specifics of the application and said that it had been recommended for approval by the Sheriff's Office, the Health Department, and the Community Development Department with a notation that there is no handicap parking. Ray Marsh, applicant, was not in attendance. Chairman Lange asked if anyone wished to speak in favor of or in opposition to this application. There being none, the motion to approve this application was made by Commissioner Whearley, seconded by Commissioner Wyatt, and passed unanimously.
  - B. **Agreement: Public Defender.** Chairman Lange said that this had been discussed previously; that the amount of the contract is \$66,703 payable in monthly installments of \$5,558.58 and is based on population. John Taylor, County Attorney, reviewed the document and said that Exhibit "A", referred to within the document, which describes the services and personnel, is not attached; that the document indicates the County will pay for travel, expense reimbursements, training, computers and legal research, but the last sentence indicates that all is subject to the budget amount set forth, which means the agreement is capped at \$66,703; that the term is fiscal year to fiscal year; that the jurisdiction and any arbitration is Fulton County; that it can be terminated with or without cause with 60 day notice; and that he recommended approval of same. Following discussion, the motion to approve this agreement, subject to review of Exhibit A by the County Manager and County Attorney was made by Chairman Lange, seconded by Commissioner Wyatt, and passed with three in favor (Lange, Wyatt, Whearley) and one opposed (Manning). (Document can be found in "Contracts & Agreements" file as C&A #08-32.)
4. **NEW BUSINESS**
  - A. **First Reading: Ordinance to Amend Section 3.5-3(b) of Article I, Chapter 3.5, of the Code of Ordinances to Prohibit Smoking and Tobacco Products in County Public Parks and/or Recreation Areas.** Chairman Lange said that this ordinance amendment resulted from a previous discussion concerning smoking and tobacco products in designated areas of recreation parts. John Magazu, Recreation Director, said that he has not received any complaints during the past two years regarding smoking in designated areas; that he is concerned about enforcement of the ordinance; that he has a very small staff; that two other counties that have similar ordinances have larger staffs; that parents can be at the park several hours on Saturdays when several games are placed and adopting this would require them to leave the park; that he is concerned about employees smoking while on the job; that he would prefer to move the designated smoking areas to other locations. Commissioner Whearley said that he has received several complaints and has heard from people both for and against such an amendment. Mr. Magazu said that he has become more of a policeman during ball games. In response to questions, Mr. Magazu said that designated smoking areas in Pate Park are in the outfield along the fence; and that in Moultrie Park they are near the concession stand and near the main building. Chairman Lange asked if anyone else wished to speak in opposition to or in favor of the amendment. There being none, he said that the next reading will be on August 5.
  - B. **Financial Statement: May 2008.** Commissioner Wyatt said that departments are going over their fuel budget and asked if the Board had to approve moving the funds within each department. Danny Bridges, County Manager, said that the Board does not have to approve moving funds within a department. The motion to

approve the May 2008 financial statement was made by Commissioner Wyatt, seconded by Commissioner Whearley, and passed unanimously.

- C. **Dumpsters at Mountain Top Inn.** Commissioner Manning said there are three dumpsters at Mountain Top Inn; that they are not on the property of the people using them; that he suggest that if we put dumpsters out for people out there that they be put on their own property; that he has had complaints; and that one dumpster has a large hole in it and one is almost rusted through. Discussion included that Mountain Top was advised to fence in the dumpsters to shield it from sight; to get new dumpsters; that there is enough property on which to place the dumpsters; that we may be the only County using that type of dumpster; that there is not an agreement about the dumpsters; that more details are needed to make a determination; that we pick up house to house on Kings Gap Road, but not up in the Mountain Top Inn area because the trucks cannot go down the roads. The County Manager was directed to meet with the owner of Mountain Top Inn in order to resolve the situation.

5. **COUNTY MANAGER**

- A. **Agreement: Farner Barley - JCI Entrance Roadway and Storm Water Design.** Danny Bridges, County Manager, said that this agreement is for the entrance roadway and storm water design at the second entrance for the Northwest Harris Business Park off Highway 103 for the JCI site, and that the amount of the contract is \$31,000. Discussion included that the agreement includes the design of the road and the overseeing of same. 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" file as C&A #08-33.)
- B. **Daehon Site Grading.** Danny Bridges, County Manager, said that the site for the Daehon building has been cleared and grubbed by the County; that Specialized Services can do the grading for about \$600,000 (\$1.80 per cubic yard); that Cherokee Grading, of Wetumpka, Alabama, indicated they could do the work for \$1,250,000 (\$3.65 per cubic yard); it is being requested that the grading be done by Specialized Services at \$600,000; that the work includes moving and compacting the dirt so that the site is ready to be built on when finished; and that this is something the County agreed to do in the Daehon contract. The motion to approve having Specialized Services do the grading for \$600,000 with the funds to be taken from fund balance was made by Commissioner Wyatt, seconded by Commissioner Manning, and passed unanimously.
- C. **Airport Fuel Farm Bid Results/Award.** Danny Bridges, County Manager, said that bids were received for the fuel farm for both the self-service AV Gas and Jet Fuel; that included in the bid was the removal of an underground storage tank, which the County Airport does not have, so each bid will be reduced by the removal cost, as follows:

COMPANY	BID AMOUNT	Underground Removal	Revised Bid Amount
L&T Inc., Lyons, GA	\$ 280,000	\$ (5,000)	\$ 275,000
Lay Brothers, Inc., Athens, GA	\$ 298,700	\$ (16,500)	\$ 282,200

Mr. Bridges said that W.K. Dickson, the County's Airport Consultant, has recommended the bid be awarded to L&T; that 95% of the cost will come from Federal and State funds. The motion to award the bid to L&T Inc., for the low bid of \$275,000 was made by Commissioner Manning, seconded by Commissioner Whearley, and passed unanimously.

- D. **Airport Runway and Apron Rehab Bid Results/Award.** Danny Bridges, County Manager, said that bids were received for the rehabilitation of the runway and apron, as follows:

COMPANY	BID AMOUNT
C. W. Matthews Contracting, Marietta, GA	\$ 1,319,820.63
Robinson Paving, Columbus, GA	\$ 1,503,660.00

Mr. Bridges said that W.K. Dickson, the County's Airport Consultant, has recommended the bid be awarded to C. W. Matthews, and that 95% of the cost will come from Federal and State funds. The motion to award the bid to C.W. Matthews for the low bid of \$1,319,820,63, was made by Commissioner Whearley,

seconded by Commissioner Wyatt, and passed unanimously.

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

- A. **Application of Brent & Kathy Bullington for a Special Use Permit at 1365 Marshall Williams Road, West Point; present use "Weddings and Receptions": proposed use "Weddings, Reception & Small Parties"**. Chairman Lange said that a request has been made to withdraw the request, and he asked for a motion regarding the request. The motion to approve the withdrawal of the request was made by Commissioner Manning, seconded by Commissioner Whearley, and passed unanimously. Chairman Lange asked Danny Bridges, County Manager, to explain the reason for the withdrawal. Mr. Bridges said that he had talked to Mr. and Mrs. Bullington; that his opinion is that what they were asking to do did not fit in our ordinance so the withdrawal is justified; that they want to be able to prepare and cater food for the weddings that take place on site and be able to live above the business, but the way the County's Zoning Ordinance is written, approval could not be granted; and that there may have been a misunderstanding as to what was being applied for. He then suggested that the Board consider amending the Zoning Ordinance to permit individuals to live above their business in certain zoning districts and to allow food preparation on site with the appropriate Special Use Permits. There were no objections to proceeding with the amendment process.

7. **COUNTY MANAGER (CONTINUED)**

- D. **Airport: T-Hangar Building Order and Fuel Truck Order Authorization**. Danny Bridges, County Manager, said that W.K. Dickson, our Airport Consultant, had recommended that the Board give authorization to place orders for the T-Hangar Building and Fuel Truck pending receipt of letters from DOT verifying its commitment to provide funding for the two projects, but that because the letters had not been received, he did not want to move forward with obtaining the authorization.
8. **COUNTY ATTORNEY**. John Taylor, County Attorney, said that he had no business to discuss with the Board this evening.
9. **ADJOURNMENT**. There being no further business to discuss, the motion to adjourn was made by Commissioner Manning, 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