

**HARRIS COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION**

October 7, 2008

7:00 PM

Commissioners Present: J. Harry Lange, Charles Wyatt, Joey M. Loudermilk, 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. **MINUTES.** The motion to approve the Regular Session minutes of September 16, 2008, was made by Commissioner Loudermilk, seconded by Commissioner Wyatt, and passed unanimously.
3. **OLD BUSINESS**
 - A. **Letter of Support for Georgia Association of Code Enforcement.** Chairman Lange said that action was tabled to this meeting, but that because the deadline for the letter had passed, no action is necessary by the Board.
 - B. **Georgia Land Conservation Program Update.** Tim Chason and LuAnn Craighton, of Callaway Gardens, appeared before the Board regarding the status of the Georgia Land Conservation Program. Ms. Craighton said that the Georgia Land Conservation Program launched in July 2006; that the program is designed to help preserve key natural resources and to forge partnerships to achieve conservation; that the County and Callaway Gardens partnered in July 2006 and submitted an application; that the program has evolved and matured, and some of the criteria has been slightly altered; that in April of this year, Callaway found a good match with the criteria and the County/Callaway proposed project; that the project consists of a little over 2,000 acres and focuses mainly on the Pine Mountain Ridge from west of the Country Store, the view in front of the County Store, and west to Hamilton-Pleasant Grove Road; that the project ties together land already protected under easement with the largest State Park (FDR) in the State; that the grant has been awarded (in April); that the State has now provided documents to the County and Callaway (in mid to late August); that the documents needs to be finalized and the transaction closed by the end of the year; that the conservation easement would be paid for in two components - one as a grant from the GLCP of \$2,000,000 and the other as a \$2,000,000 loan from GEFA to the County, but for which Callaway has committed to completely pay for and cover that loan; that the loan would be properly collateralized by about 236 acres north of Harris County Airport; that the easement would allow good land stewardship, environmental education, non-destructive recreation, and give up all the development rights on the property forever as it is a perpetuity easement, so the view and biological integrity of Pine Mountain Ridge would be retained forever; the Georgia Forestry Commission will hold and monitor the easement; that during the next 60 days, the pertinent legal documents should be reviewed by the County and Callaway, the survey is to be finished, the environmental assessment is to be finished, all the due-diligence is to be completed, and then come back before the Board in November with everything attached to the Resolution of support. Mr. Chason said that with the partnership of the County, a very large tract of land will be protected from development. Discussion included that 39 acres near the Airport is not included in the collateral; that the dotted line on the map is the 900 foot ridge on the mountain; that the value of the 236 acres (the collateral) exceeds the amount of the loan; that as the loan is repaid, land will be taken out of the collateral property; that the GEFA loan is for 20 years at 3% and comes to the County and Callaway would pay the County back on a monthly basis; and that the easement property will be open to the public via guided hikes.
4. **NEW BUSINESS**
 - A. **Development Authority Budget (July 08 - June 09): \$36,400.** Lynda Dawson, Development Authority member, appeared before the Board to discuss the proposed budget. Mrs. Dawson said that the budget is essentially the same as originally presented, and she briefly reviewed each item. Discussion included that the Development Authority had no budget last year (no funds); that they have funds from the sale of the property in Cataula for the Dollar General (about \$85,000); and that this budget would be for a portion of those funds. The motion to approve the budget of \$36,400 was made by Commissioner Loudermilk, seconded by Commissioner Whearley, and passed by a vote of four in favor (Loudermilk, Whearley, Lange, Wyatt) and one opposed (Manning).
 - B. **Enrichment Services Board: Appointment.** Danny Bridges, County Manager, said that the Enrichment Services Board makes recommendations to the County regarding

its appointment to the ESB, and that it has recommended Susan Andrews be appointed. Action was tabled by Commissioner Manning pending receipt/review of the by-laws of the ESB concerning appointments.

- C. **Request for Tax Refund: Lynne Taylor.** Chairman Lange said that Lynne Taylor has requested refunds for 2005, 2006 and 2007; that two families were claiming and paying taxes on the same piece of property, but that civil action had decreed the property belonged to the other family; and therefore, because State law allows claims for the past three years, the Tax Assessor's office has determined that the total refund would be \$272.84. The motion to approve the refund of \$272.84 was made by Commissioner Wyatt, seconded by Commissioner Manning, and passed unanimously.

5. **PUBLIC HEARINGS @ 7:30 PM**

- A. **Explanation of Public Hearing Procedures.** Chairman Lange explained the procedures involved with the Public Hearings.
- B. **Conflict of Interest Forms.** The Conflict of Interest forms were completed at the request of Chairman Lange.
- C. **Application of Martha F. M. Chewning to rezone 2.87 acres owned by Cataula Storage in Land Lot 146, Land District 18, Map 048, Parcel 038, from A-1 to C-4; present use dilapidated house; proposed use storage building, storage space and office space; property located at 2606 US Highway 27, Cataula.** Chairman Lange read the specifics of the application and said that it had been recommended by the Planning Commission and the Zoning Staff for approval with the condition that all permits will be withheld until the adjacent property, owned by the same party and rezoned in 2000, complies with the conditions attached to same.

Martha Chewning, attorney and applicant, and Jeff Macon, owner of Cataula Storage, appeared before the Board. Mrs. Chewning pointed to the subject property on a plat and said that the adjacent property is already zoned C-4; that on the southern tract vehicles, such a motor homes, are stored; that the subject property has an old house that is not feasible to renovate and rent; that access to the subject property will be through the property currently zoned C-4; that this rezoning will allow for the expansion of Mr. Macon's business; that the area is served by County water; that the buffer of the adjacent property has been completed; and that with the rezoning of the subject property, the vehicles on the southern most tract will be moved to the subject property to make the southern property more aesthetically pleasing.

Chairman Lange asked if anyone wished to speak in favor of the application. There being none, he asked if anyone wished to speak in opposition to the application. There being none, he asked Mrs. Chewning and Mr. Macon if they had any additional comments, and they replied they did not have any further comments.

Chairman Lange said that while he doesn't see the subject property as agricultural use, he does see the need for vegetative screening for adjacent properties. He then closed the Public Hearing and made the motion to approve the rezoning application with the condition of a 10 foot natural buffer along Highway 27 and along the east property lines. The motion was seconded by Commissioner Whearley. There was a brief discussion regarding the condition for this rezoning and the meeting of the condition on the adjacent property. The motion passed unanimously.

- D. **Applications to Rezone 38.17 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; present use undeveloped land, proposed use mining and extraction of stone; property located on Fortson Road.**

Chairman Lange said that because the two rezoning applications are concerning the same reason/purpose, there will be only one Public Hearing had been scheduled for both applications. He said that the Public Hearing had been deferred to tonight from the April 1, 2008, meeting; 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.

Charles H. Ford, Jr., attorney for the Jackson and Cornet families, appeared before the Board along with Rob Jackson, of the Jackson family, and Daniel Nunn, attorney with McGuire Woods firm involved with the purchase of the quarry by the Concrete Company. Mr. Jackson said that his family has owned the property for over 100

years; that he, his siblings, and cousins do not live in the area; that in the late 1970s his father executed a lease with Florida Rock for the mineral rights; that it is a long-term lease that goes on for many more years; that they have entered into a purchase option agreement for the property for the mining and extraction of rock; that the family property (30 acres) in Muscogee County has been successfully rezoned for mining; that because of all the rock on the property, it would be very expensive, if not impossible to build on the property; that there is very little over-burden on the property where the mining would take place; that when the lease was entered into, there was no zoning to prohibit mining on the property; that the Concrete Company/Frank Foley is a Harris County citizen; that regardless of what the family does with the property, in all likelihood, mining will be going on in the existing quarry for another 30 years; that everyone is trying to make this work in a way to make the best of the situation from now on; and he thanked the Board for its attention and the opportunity for the Public Hearing.

Mr. Ford reminded the Board that the application was originally filed over a year ago; that when the October 2007, Public Hearing was scheduled, it was determined that the quarry would be acquired, probably by Vulcan Materials, and a six month extension was requested; and then when the April 2008 Public Hearing was scheduled, there was an order from the Department of Justice to essentially do nothing pending its final approval of the acquisition of Florida Rock by Vulcan Industries.

Mr. Nunn said that Columbus Quarry, LLC, and its sole owner, the Concrete Company, owns a granite quarry located in Muscogee County immediately to the north of a quarry owned by Vulcan Materials and one mile to the west of the quarry owned by LaFarge; that quarry operations have been going on at this site since the 1950s and will go on for many years to come; that Frank Foley used to be a minority owner in the Columbus Quarry acquired 100% ownership through the US Department of Justice who ordered Vulcan to sell to a third party to ensure that prices would remain competitive; that the rock quarried from the three quarries is used to build and resurface all the roads in Harris County; that the quarried stone is used virtually in all the concrete used in Harris County; that it takes 25,000 tons of rock to build one mile of two-lane road and about 3 tons to build a typical home; that the cost for road and home building would rise significantly without the quarries; that while the product is cheap, it is expensive to transport; that if the rezoning is approved, it will be many years before the subject area is mined; that the amended application (attached to the applications) includes a 300 foot buffer along Fortson Road, the first 150 feet to be undisturbed hardwoods, a 30 foot high berm on which trees would be planted and have a foot print of about 150 feet, an undisturbed 300 foot buffer with a berm built to the west of the property, and the payment of \$50,000 to Harris County to help with road maintenance costs paid annually each year the quarry conducts mining operations in Harris County; that the quarry must obtain new mining and other permits prior to conducting any mining in Harris County; that the permitting process and EPD rules will regulate ground vibration, noise, air blasts and dust; that new Federal blasting limits are 70% to 90% lower than what is provided under Georgia Law; that the applicants would be amenable to conditions restricting mining on the property for a period of 10 years from today's date; and that Dr. Mark Fortson and Mrs. Barbara Fortson now agree to support the rezoning applications and have submitted a letter regarding same.

Mr. Ford distributed information (Regulations and Compliance dated October 7, 2008) to the Board and said the information is directed at demonstrating compliance with mining laws; that noise and vibration are required to be monitored and reported to the State as to each "shot" that is conducted; that State limits used to be two-inches per second but are now at a lower standard; and he explained the new requirements and referred to the information regarding same. He said that a noise mitigation berm and shield was constructed around the crusher about a year and a half ago to help reduce the noise from the crusher; that when they get to the property in Harris County there will probably be much tighter standards in place; that the issue at hand is the property rights of the parties involved; that just like the neighbors have the right to enjoy the benefit of their properties, so do the Jacksons and Ms. Cornett, and when those benefits conflict, it is up to the Board or the Courts to decide; that the Georgia test is if the present zoning (agricultural) results in relatively little gain or benefit to the public while inflicting serious injury or loss on the owner, then the zoning is Constitutionally void; that they have done everything possible to minimize the burdens on the adjacent property owners; that rock on the surface of property is not attractive agriculturally, residentially, or commercially; that the County's Zoning Ordinance indicates the A-1 is a holding classification for property until there is a need for it; that rezoning will not add to the burden of the County's infrastructure, and traffic will not be affected for some time; that the rezoning is a continuation of what has been going on in the area since around the 1940s; that the size of the property and where it is located makes no sense to use it for anything except mining; that as far as operating noise, there won't be much of a change since the operation and trucks are not in Harris County; the difference to the community as the property is zoned and not rezoned is very minor, but the loss to

the Jacksons and Ms. Cornett if the property is not rezoned is very large; that while the Board has the ability to make discretionary judgment, if that judgment destroys the right of the Jacksons and Ms. Cornett to enjoy their property, it does not significantly improve the neighborhood that is an unfair balance; that the Jacksons and Ms. Cornett are entitled to have that balance; and that if the rezoning is approved, they will have to go through the Special Use Permit process and permitting through the State.

Chairman Lange asked if there were comments or questions from the Board. In response to questions from the Board, discussion included the measurement of frequency and vibrations, which under current State permits, the measurements are much lower than they were originally; that the offer to put monitors in the yards of neighbors resulted in the placement of seven monitors since September 2007; and that the over-burden on the property varies from six to 30 feet.

There being no further comments or questions from the Board, Chairman Lange recessed the meeting for a five-minute break.

Upon resuming the meeting, Chairman Lange asked for show of hands of those in favor of the application, and approximately nine people raised their hands. He then asked for a show of hands of those opposed to the application, and approximately 45 people raised their hands. Chairman Lange then asked if anyone wished to speak in favor of the application. There being none, he asked if anyone wished to speak in opposition to the application.

Ron Gibson, citizen who lives on Brookside Drive, appeared before the Board. Mr. Gibson said that contrary to what has been said, there was no blasting in the area from 1986 to 2001; that if the property is rezoned, it will compromise the current and proposed Land Use Plan; that the information previously distributed has no mention of a berm on the north side and once the vegetation is cleared to Heiferhorn Creek, all the noise will come right up the valley into Fortson Hills Subdivision; that once the property is rezoned, an asphalt or concrete plant or industrial park could go in; that a 300 buffer is not a great distance; that the dust, noise, and vibration will affect the neighbors; that while the RDC indicates in the DRI that the project is in the best interest of the area and the state, but it also indicates this is a recommendation; that the subject property is prime residential land; that the over-burden of 6 to 30 feet will perk; and that the only negative factor for the use is that Florida Rock owns the mineral rights. He reviewed various parts of the DRI produced by the RDC. He continued by saying that the offer of \$50,000 for road maintenance is nice, but since the trucks aren't to be on Fortson Road the roads won't be damaged; that all the jobs are in Muscogee County; that the use of explosives is not an exact science; that traffic can be blocked in all directions when blasting occurs; that he asked someone with EPD if zoning equaled permitting and was told that if it was zoned, it will be permitted; that the ground is not homogeneous and may react differently with blasting each time. He distributed info regarding the Impact Sheet completed by the Planning Commission and said that Mr. Ford discussed the section highlighted in white, but the ones highlighted in yellow are equally as important. Regarding the berm around the crusher, he said that photos from November 2005 and September 2007 show no berm has been installed around the crusher as Mr. Ford indicated. He concluded by saying that the rezoning should not be approved; that permitting and restrictions do not equal compliance; that there is no economic benefit to the County; that the Land Use Plan dictates denial; that the signing of a mineral lease to Florida Rock does not obligate the County to rezone to allow mining; and that the four meetings concerning the proposed rezoning at four hours each for 175 people at \$20 an hour equals more than \$56,000 in time spent to attend the meetings.

Buster Goins, citizen who lives on Southview Drive, appeared before the Board and said that he has worked in mining all his life; that when a hole is loaded with the ammo, you don't know what will happen - it's not consistent; that there is a cloud of dust first that goes in the direction of the wind, then the noise carries, then the "shooting" of the mining in Harris County would be towards Muscogee County and all the vibration will be toward Fortson Hills, Brookside Estates, and the homes on West Bon Acre, and the "fly rock" travels; and that he doesn't think the rezoning is good for the County.

JoAnn Delay, citizen who lives on Evergreen Drive, appeared before the Board and said that she has spent many hours getting people interested in attending the meetings; that people need to stand up and protect themselves; that such a rezoning will impact all of the County; that this rezoning is not the best use for the property, which can be developed for something else; and she asked that the Board not regret its decision.

Carmen Wright, citizen who lives on North Lake Drive, appeared before the Board and said that her house resides on a shoulder of a lake; that the foundation of her home is anchored via pylons driven into the bedrock; that she contacted a geotechnical

engineer in North Carolina and asked if the expansion of the quarry closer to her home could cause considerable damage to her home, and was told that damage could occur because vibration/shock waves travel quicker underground; and that she is "tied" to the rock that connects to the rock in the quarry.

Dave Stieghan, citizen who lives on Hillborough Street, appeared before the Board and said that he moved to the area several years ago; that the Land Use Plan shows the area as being residential, not agricultural; that if the property is rezoned, property values will not increase; that the County's Zoning ordinance does not permit mining; that if this is approved, it will open "Pandora's Box"; that the granite is the same as that in Stone Mountain and Pine Mountain; that he should be able to enjoy his property for the same reason the applicants do; and he asked that the rezoning be disapproved.

Jeremy Goolsby, citizen who lives on Southview Drive, appeared before the Board and said that he moved to the area about three months ago; that if the rezoning is approved, there will be a decrease in value of his property; that he purchased his home because he understood that the quarry would not be expanding; and that the mining will be by high explosives, not pick and shovel.

Don Barber, citizen who lives on Gateway Drive, appeared before the Board and said that it has been implied that if the rezoning is not approved, it will cause the cost of paving roads and building homes to go up; that there are other quarries that can provide the rock; and that this will not be an economic benefit to the County.

Rhonda Rodencal, citizen who lives on Hartwood Drive, appeared before the Board and said that it sounded like Mr. Ford was threatening everyone regarding property rights; that the County is not stopping the property owners from selling their properties to anyone and the problem is they have a lease agreement with the quarry; that there is nothing the quarry can offer that will benefit the County; and she asked that the Board consider the aspects of the citizens.

Sonya Willoughby, citizen who lives on Gale Drive, appeared before the Board and said that when she purchased her land in 1983, there were only two homes in the area and the quarry was not in operation and the property was zoned to prevent mining; that since she retired, she has realized the blasting shakes her house and it is to the extent that she gets the phone call that blasting is going to occur she tries to be away from her home when the blasting occurs.

Maggie Childers, citizen who lives on Auburn Avenue, appeared before the Board and said that even though \$50,000 has been offered to repair road damages, that much will be lost in revenue through property value depreciation; that homes were built in the area by trusting the County to make sure properties are protected; that it's not fair, just, or right to change the zoning in the area; and that economically, additional development will not occur if the rezoning goes through.

There being no further comments in opposition, Chairman Lange recessed the meeting for five minutes, and then asked Mr. Ford, Mr. Nunn and Mr. Jackson for rebuttal.

Mr. Ford said that while the Land Use Plan is a significant document, the Georgia Supreme Court determined that where property is on a line between two zoning districts, one of which greatly affects the value of the property, the Comprehensive Land Use Plan is not of significant weight, which is where we are; that the property line is at the County line; that the Courts have made it clear that the Comprehensive Plan is not as important in a transitional area; that regarding the berm around the crusher, it is 50 feet high and consists of 60,000 cubic yards of earth along the east side of the crusher; that regarding a benefit to the County, they are bound by the law to make every effort, and nowhere does the Supreme Court indicate that the benefit of the County enter into the issue; that the property is not suitable for agriculture or for five-acre residential lots; that the right balance is not between no change for the neighbors and denying the Jacksons a real benefit; that the issue is not getting out of the lease but what the land can be used for, which is not agricultural; that regarding damage to homes there are no facts regarding same - that an offer was made to have the damages inspected and no one took the offer - and if damage was happening, proof would be provided; that Mrs. Fortson, who is not opposed to the rezoning, has the most fragile house in the area - it's on loose stone pillars; that contrary to what Mr. Gibson said, zoning does not equal permitting because the EPD requires vibration levels to be much lower than what the State requires; and that the Jacksons have a Constitutional right to use their property as does Mr. Gibson, however, they both can't do everything they want to do and the law says it is the balance of the Jacksons and Ms. Cornett against the benefit to the neighborhood of not changing and to not do that will be to deny the Jacksons and Ms. Cornett the right to their property.

Mr. Nunn said that the quarry follows a blasting procedure by trying to do the blasting the same time of day, currently about once every three weeks, and calling the

neighbors regarding same; that the law regulates the level of ground vibration at the off-site structures (neighbors' homes); that the existing permit imposes a limit of ground vibration that is less than the thickness of a sheet of paper; that if the property is rezoned they agree that it be only for the purpose of mining and accessory uses; that the stone in the subject property are considered future reserves, which will become more important in time; and that the quarry has been under new ownership since April 2008 and there is the want to build better relationships than in the past.

Mr. Jackson thanked the Board for its consideration and said that his family is excited about the commitment of the Columbus Quarry to the "new" future.

Mr. Ford said that a couple of weeks ago he went out at night to make sure the rezoning signs were up and in place, and at that time of night, you don't really know there is a quarry in the area; that if the property is rezoned, it will look like the property to the south; that if there really is a use of the property as agricultural, which they don't believe, he doesn't know where the use comes in to satisfy the Constitution short of the quarry because it is obvious that is where the quarry needs to be.

In response to questions from the Board, Mr. Ford said that he believes the County line would be taken into consideration as far as the Constitutional decision goes, but that it is a tough issue.

There being no further comments or questions, Chairman Lange closed the Public Hearing and thanked everyone in attendance for their comments. He then asked John Taylor, County Attorney, for comments.

Mr. Taylor reminded the Board this is a zoning application to change the zoning or property and that it has been going on for some time. He said that the issue is a claim of a landowner to use his property in an unrestrictive manner as opposed to another landowner who wants to use his property in an unrestrictive manner; that the US Supreme Court has indicated there is a "balancing" test that the Board has to consider in arriving at a decision of what to do; that the Georgia Code indicate each governing authority shall adopt zoning standards, which Harris County has done; that conditions have been proposed by the applicants which the Board can consider, accept, change and add to; that conditions can be placed on the property and are used for the protection and benefit of the neighbors to mitigate the zoning change. He then reviewed the zoning standards to be considered regarding rezoning applications. He said that it had been implied that failure to rezone the property would destroy the owners' use and not improve the neighborhood, which may not be accurate; that the property is unusual because of the County line dividing two jurisdictions and each jurisdiction has the power to exercise its zoning laws under prescriptions of the Courts and Legislature placed on it; what goes on in Muscogee County and what transitions there is not necessarily a transition in Harris County; and that the County line has very poor implications with the Board and its decision.

Chairman Lange asked for a motion. Commissioner Whearley thanked everyone for coming tonight and making comments; that he understands that Ms. Cornett and the Jackson family want to get what they can out of their property; that he firmly believes that Mr. Foley and the Columbus Quarry would be good neighbors to the Commission and the residents, but at this time, he does not see a reason to disturb or compromise the current citizens' way of life. He made the motion to disapprove both applications to rezone a total of 38.17 acres from A-1 to C-4. The motion was seconded by Chairman Lange, and the motion passed with four in favor (Whearley, Lange, Loudermilk, Manning) and one opposed (Wyatt). Chairman Lange thanked everyone for their patience and efforts in regard to the rezoning.

6. **COUNTY MANAGER**

- A. **Auction Results**. Danny Bridges, County Manager, said that the County will receive approximately \$30,000 from the recent auction.
- B. **Body Armor for Deputies**. Danny Bridges, County Manager, said that the Board had discussed purchasing body armor for deputies; that because the armor can be purchased through State contract no bids are necessary; that the cost for armor is approximately \$14,718 plus reimbursements of approximately \$2,525 to deputies who have already purchased their body armor, and he recommended the total cost for the body armor be taken from the auction revenue. He said that any deputy issued, or reimbursed for, body armor is required to wear it everyday. The motion to approve the armor was made by Commissioner Wyatt, seconded by Commissioner Loudermilk, and passed unanimously.
- C. **Fire Services Budget**

- (1) **VFD Allocations**. Danny Bridges, County Manager, said that regarding the approved budget for the volunteer fire department, he proposes cost breakdowns as follows: station stipends at \$152,832, sub-station stipends at \$19,000, equipment purchase of \$130,000 and setting out guidelines regarding same, radio equipment at \$13,668 to include moving forward with the radio service for the VFDs. The motion to approve the allocation breakdown as presented was made by Commissioner Manning, seconded by Commissioner Wyatt, and passed unanimously.
 - (2) **Fire Trucks**. Danny Bridges, County Manager, explained that two VFDs have requested the County pay the match on their fire trucks, and in return, the County receives ownership of same; that Antioch is asking for \$9,270 as its match and Ellerslie is asking for \$10,837 as its match; that it sets out the guidelines for future vehicles; and he recommended the costs come from the 2004 SPLOST funds allocated for the EMS/Fire Services. The motion to approve the match for the two fire trucks with the funds to be taken from the 2004 SPLOST funds and the guidelines, was made by Commissioner Manning, seconded by Commissioner Whearley, and passed unanimously.
 - (3) **Air Cascade System Vehicle**. Danny Bridges, County Manager, said that the County converted an old ambulance several years ago to an air cascade system and is now in a state of disrepair; that Ellerslie VFD has offered to move the cylinders from the old vehicle, make repairs to the cylinders, install same in their service truck and maintain it for use by any VFD when needed; and he recommended approval of the request. The motion to approve the transfer request was made by Commissioner Loudermilk, seconded by Commissioner Manning, and passed unanimously.
- D. **Agri-Center Request for Funds**. Danny Bridges, County Manager, said that the County is receiving payment for the dirt being removed from the Agri-Center property and placed on the Highway 116 project; that the Agri-Center/Cattleman's Association is requesting funds for various items; and he recommended that the funds be taken from the revenue received for the dirt. He reviewed the request, as follows: arena lights (\$2,700), power pole for campers (\$1,000), maintenance at Agri-Center building and grounds (\$1,800), and 50 new chairs for Agri-Center (\$1,250). Discussion included the deletion of the \$1,800. The motion to approve the request, less the \$1,800 for maintenance/landscaping, for a new total of \$4,950 was made by Commissioner Whearley, seconded by Commissioner Loudermilk, and passed unanimously.

7. **COUNTY ATTORNEY**

- A. **Contract Agreement: Gordy Construction for Health Department Renovation & Expansion**. John Taylor, County Attorney, said that he had reviewed the document, which is an AIA model contract, and that while a few clarifications/additions are needed, that overall the contract can be approved. He recommended approval pending review by himself and the County Manager. The motion to approve the contract agreement pending review by the County Attorney and County Manager was made by Commissioner Wyatt, seconded by Commissioner Whearley, and passed unanimously. (Document can be found in "Contracts & Agreements" file as C&A #08-45.)
 - B. **Agreement: Rails to Trails with Callaway Gardens**. John Taylor, County Attorney, said that this document pertains to the recently acquired railroad right-of-way and provides details concerning that portion from the Callaway Gardens Country Store to and through the Town of Pine Mountain and includes that Callaway will pay for the improvements on that section of the trail; that should the railroad decide to reinstate the railroad, it would have to reimburse the County for the cost of the right-of-way plus any improvements, and the County would then reimburse Callaway its pro-rata share of same. Discussion included that the County is to have the sole responsibility of naming the whole length of the trail, and Mr. Taylor will insert the appropriate wording regarding same in paragraph 5.1. The motion to approve the agreement, with the inserted reference to the naming of the trail, was made by Commissioner Wyatt, seconded by Commissioner Whearley, and passed unanimously. (Document can be found in "Contracts & Agreements" file as C&A #08-46.)
8. **ADJOURNMENT**. The motion to adjourn was made by Commissioner Manning, seconded by Commissioner Wyatt, and passed unanimously.

Attest:

Nancy D. McMichael, County Clerk