

HARRIS COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION
November 18, 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. **CHANGE IN MEETING LOCATION.** The motion to change the location of the meeting, with short notice, from the Commission Chamber in the Courthouse to the Conference Room in the Commissioners' Office due to HVAC problems was made by Chairman Lange and seconded by Commissioner Wyatt. For the record, John Taylor, County Attorney, said that proper notices were posted regarding the change in venue. The motion was approved unanimously.
3. **MINUTES.** The motion to approve the Regular Session minutes of November 4, 2008, was made by Commissioner Loudermilk, seconded by Commissioner Whearley, and passed unanimously.
4. **NEW BUSINESS**
 - A. **Resolution to Approve Execution of Georgia Land Conservation Program Grant Agreement (re: Callaway Gardens property) with GEFA and the Agreement.** John Taylor, County Attorney, reminded the Board that it had heard from Callaway Gardens several months ago concerning placing a conservation easement on roughly 2,100 acres and said that the issue today is concerning the adoption of a resolution to approve the execution of the Georgia Land Conservation Program Grant Agreement; that under the agreement it provides for \$2,000,000 to be paid to Callaway entities for the placement of the property in a permanent conservation easement, which will restrict significantly the use and development of the 2,100 acres; that later there will be a \$2,000,000 loan from the State to the County, which will be repaid by Callaway Gardens over a period of time, the terms of which have not yet been ironed out. He also said that with the loan agreement, the County will be pledging its full faith and credit to the State to repay the loan, which means the County is pledging its power of taxation to repay the loan in the event that it is not repaid; that the proposal is that Callaway will pay to the County and the State will draw from the County; that about 245 acres immediately adjacent to the Airport is being used as collateral and has been appraised out at \$2.478 million; that the County would take a Deed to Secure Debt regarding same; and that hopefully everything will be in place for the Board to consider during its December 2 meeting. Tim Chason, with Callaway Gardens, said that the loan repayment schedule is for 18 years at 3% on a monthly payment. Mr. Taylor recommended approval of the Resolution at this time since the other documents are not yet in place. The motion to approve the Resolution was made by Commissioner Wyatt, seconded by Commissioner Whearley, and passed unanimously. (Agreement can be found in "Contracts & Agreements" file as C&A #08-48.)
 - B. **NOD Request.** Chairman Lange said that an NOD request had been received for the following: Robinson, William A.: Digest Total of zero corrected to \$7,450 (property is located in city limits of Hamilton). The motion to approve this NOD request was made by Commissioner Whearley, seconded by Commissioner Manning, and passed unanimously.
 - C. **Error & Release Requests.** Chairman Lange read the following Error & Release requests:
 - (1) Britton, Rubin: Digest total of \$336 corrected to zero (property sold to Georgia Power who will return same on their Utility Return in 2008)
 - (2) Cushman, Kimberly: Digest total of \$27,370 corrected to \$12,093 (house value corrected)
 - (3) Ginn, Forrest C. & Stella S.: Digest total of \$168,640 corrected to

- \$154,837 (acreage corrected)
- (4) Murphy, Dexter B.: Digest total of \$19,282 corrected to \$19,042 (acreage corrected)
- (5) Robinson, William A.: Digest total of \$7,450 corrected to zero (property not in Pine Mountain but in Hamilton)
- (6) Stallings, H. Dan: Digest total of \$24,400 corrected to zero (account not deleted in error in 2007)
- (7) Tuggle, Foster S., Jr., & Stephanie: Digest total of \$13,472 corrected to zero (property non in Pine Mountain but in County)
- (8) Williams, Colley A.: Digest total of \$24,467 corrected to \$5,990 (mobile home correction)

The motion to approve the eight Error & Release requests was made by Commissioner Wyatt, seconded by Commissioner Loudermilk, and passed unanimously.

- D. **Financial Statements: July and August 2008.** The motion to approve the Financial Statements for July and August 2008 was made by Commissioner Whearley, seconded by Commissioner Wyatt, and passed unanimously.
- E. **Appropriated Funds.** Danny Bridges, County Manager, said that several items/projects included in the 06, 07, and 08 budgets have not been done and still intend to do need to be allocated into the current year; and that the funds are there and are just being moved. The motion to approve the appropriated funds was made by Commissioner Manning, seconded by Commissioner Wyatt, and passed unanimously.

5. **COUNTY MANAGER**

- A. **SPLOST Projects (Hamilton Business Park, Community Center, EMS @ Airport).** Danny Bridges, County Manager, said that funds are in the current and previous SPLOST for Economic Development, a Community Center, and EMS/Fire and that he would like permission to start talks with architects, which could cost around \$4,000, for ideas concerning these projects so that we can start planning. Discussion included that a decision has not be made as to the location of the Community Center; that the Center would have indoor facilities, possibly a swimming pool, for all citizens, young and old, to have access; that Commissioner Whearley is in favor of starting Phase II of Pate Park; that a new well may be needed at Pate Park, but a determination is needed regarding same; and that nothing is being done at the Northwest Harris Business Park that does not have to be done, mainly soil erosion. Chairman Lange halted discussion in order to go into the scheduled Public Hearing.

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

- A. **Conflict of Interest Forms.** The Conflict of Interest forms were completed at the request of Chairman Lange.
- B. **Public Hearing Procedures.** Chairman Lange explained the Public Hearing procedures.
- C. **Special Use Application of Humane Society of Harris County for an animal shelter on 4.4 acres on Land Lot 106, Land District 21, Map 070, part of Parcel 003; present use vacant, proposed use animal shelter, property located on Barnes Mill Road, Hamilton, near the County's Transfer Station.** Chairman Lange called the Public Hearing to order, read the specifics for the application, and said that the Planning Staff had recommended approval of the application with the conditions as stated in a Lease Agreement with the County. Kathryn Genova, Executive Director of the Humane Society of Harris County, said that she tried to cover all uses of the property; that there are three phases to their plans (temporary facility, the building and occupation of a 7,000 square foot facility, and future expansion to increase the number of animals); that by 2010 they will be able to care for approximately 15 to 20 dogs and 60 to 70 cats; that the property is fairly secluded but still easily accessible by the general public; that their permanent facility would be fully indoors; that plans were provided showing their

temporary and permanent goals.

Chairman Lange asked if anyone wished to speak in favor of this application. There being none, he asked if anyone wished to speak in opposition. There being none, he asked for final comments, and Ms. Genova said that she had covered everything.

Chairman Lange asked for questions or comments from the Board. In response to questions, Ms. Genova said that should the need for animal care exceed the capacity of the building, they would be forced to turn away such animals; and that they hope their plans anticipate the ability to meet the need of the County's growth. Scot Hanley, member of the Humane Society, said that they are always looking for opportunities to work with other organizations.

Ms. Genova said that the permanent building has been designed to include educational and community space and if those areas were changed, it would expand the animal capacity; that they will fence in the building area at the start and planned the layout in order to continue operations as they progress.

There being no further comments or questions, the motion to approve this Special Use Permit with the conditions as set forth in the Lease Agreement was made by Commissioner Wyatt, and seconded by Commissioner Whearley. Commissioner Loudermilk asked how much money needed to be raised in order to do everything planned, and Ms. Genova said that slightly over \$1,000,000 would be needed to get through the permanent building phase and that additional expansion would be more. The motion passed unanimously.

7. **COUNTY MANAGER (CONTINUED)**

A. **SPLOST (continued)**. Commissioner Whearley said that he would like to look at going forward with Phase Two of Pate Park. Commissioner Wyatt asked if SPLOST funds could be used to set up another crew to do some of the work, and the response was the SPLOST funds cannot be used for maintenance and operation and general labor costs; and that any funds used toward equipment that may be needed would reduce the funds available to use on the project. Mr. Bridges said that he would hate to spend money on equipment and not have enough to finish the project, and that \$600,000 is not going to be enough to finish Pate Park. Commissioner Whearley said that Phase Two of Pate Park is a need and needs attention. Mr. Bridges said that he would look at the project and see where we are. There were no objections to Mr. Bridges getting started on the SPLOST projects as he explained.

B. **Convenience Center Repairs**. Danny Bridges, County Manager, said that the Convenience Centers on Highway 116 and on Highway 27 are in desperate need of repair; that about \$6,500 will refurbish the compactor on Highway 27 (versus replacement at \$30,000+) and about \$1,050 to scrap/clean and repair the one on Highway 116; and that while these costs would normally require bids, there is only one company around that we know of that does this type of work, which would be "sole source", and that funds will be taken from Solid Waste. There were no objections to going forward with the repairs and using the sole source.

8. **COUNTY ATTORNEY**

A. **Agreement: Humane Society of Harris County**. John Taylor, County Attorney, said that this document has been on the table for some time with a few modifications and provides for the role of the Humane Society; that section 5 should include compliance with County ordinances; and he recommended approval of the agreement. Discussion included changing the date set out in section 7 B from 2010 to 2012. The motion to approve the agreement to include the two changes (section 5 - compliance with County ordinances and section 7B - change 2010 to 2012) was made by Commissioner Loudermilk. Commissioner Whearley questioned the term of 20 years as opposed to 50 years, and discussion included the pros and cons of long-term agreements; that investors are more comfortable with 50 years;

and that while the suggestion to have a Commissioner participate with the Humane Society on a fairly regular basis is appreciated, the County needs to be totally separated from the Society. Comments were also made by Mr. Hanley, Elaine McMillen and Phoebe Robertson, all of whom are on the Humane Society Board. Following discussion, Commissioner Loudermilk amended his motion to include the two changes previously discussed and to change the initial term of the agreement from 20 years to 25 years. The motion was seconded by Commissioner Wyatt, and passed unanimously. (Document can be found in "Contracts & Agreements" as C&A #08-49.)

- B. **Agreement: DOT Right-of-Way Agreement re: SR 103.** John Taylor, County Attorney, said that this is the usual DOT right-of-way agreement concerning the right-of-way on State Route 103; that DOT owns this right-of-way, but if additional right-of-way is required to accomplish the turn lanes into the park, the County would acquire same at its expense, and the County already owns that right-of-way, but utilities may have to be moved for which the County would be responsible; and while he is not entirely clear why he is to certify State right-of-way, he recommends approval. The motion to approve this agreement was made by Commissioner Loudermilk, seconded by Commissioner Wyatt, and passed unanimously. (Document can be found in "Contracts & Agreements" as C&A #08-50.)
- C. **Supplemental Second Amendment to Intergovernmental Contract for Northwest Harris Business Park (Daesol America Corporation) and Warranty Deed.** John Taylor, County Attorney, said that the Board approved an amendment in May and this is supplemental to and supersedes that one; that this nails down the amount of the acreage to 29.66 acres; that this is an agreement with the Development Authority to transfer ownership to the Authority to lease to Daesol pursuant to the agreement adopted in March; that the survey came in today; that in addition to approving the Amendment the authorization to execute the Warranty Deed is needed to transfer title to the Development Authority; and that he recommended approval of same. The motion to approve the Amendment and to authorize the execution of the Warranty Deed was made by Chairman Lange, seconded by Commissioner Wyatt, and passed unanimously.

9. **OTHER**

- A. **Agreements Pertaining to the Airport.** Nancy McMichael, County Clerk, advised that the contract documents pertaining to the T-Hangar Building at the Airport (with Jones Construction Company) and for the Rehabilitation of the Runway and Terminal Apron (with C. W. Mathews Contracting Company) and reminded the Board that it had made the bid award for the projects several months ago. Copies of the documents were distributed for the Board's consideration, and following discussion, consensus was to take action during the December 2 meeting.
- B. **Newly-Elected Commissioners Conference.** Commissioner Loudermilk said that he will be absent from the December 2 meeting since he will be attend the required newly-elected Commissioners Conference in Athens.
- C. **Sheriff's Office and Inmate Telephone Funds.** Chairman Lange said that the Sheriff has sent him a memo concerning Inmate Telephone Funds and the Georgia Court of Appeals has determined that the funds are to be turned over to the Commissioners; that the Sheriff has indicated he will begin turning those funds over to the County, which are subject to an annual audit; and that copies of the memo will be provided to the Board to discuss in more detail at a later date.
- D. **Sheriff's Office and Ordinance Suggestions.** Chairman Lange said that the Sheriff has sent him a memo concerning possible ordinances which might help the Sheriff enforce various issues in the County; that John Taylor, County Attorney, will review and give his opinion; and copies of the memo will be provided with the attorney's opinion.
- E. **Report on Northwest Harris Business Park.** Chairman Lange asked

Danny Bridges, County Manager, for an update on the happenings at the Northwest Harris Business Park. Mr. Bridges said that the pad for the Johnson Controls/Hoover Universal building has been poured and they will begin pouring the walls tomorrow; that Daehan is "sitting on ready" because we are on hold due to soil erosions issues the County is taking care of before turning the site over to them; that bids will be opened Thursday for the main roadway in the Park; that about 15 different companies came to the pre-bid conference; that the sewer line is to the Park and West Point is ready to start work on the pump station; that Diverse Power is bringing power from two directions so there will be two feeds; and that things are moving along.

F. **NACO Agreement Reconsideration**. Nancy McMichael, County Clerk, said that the people with NACO want to know if the Board will reconsider the contract agreement without the change in connection with the Prescription Cards. Consensus was to not reconsider the contract.

10. **ADJOURNMENT**. There being no further business to discuss, the motion to adjourn was made by Commissioner Manning, seconded by Commissioner Loudermilk, and passed unanimously.

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J. Harry Lange, Chairman

Attest:

Nancy D. McMichael, County Clerk