

HARRIS COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION
December 2, 2008
7:00 PM

Commissioners Present: J. Harry Lange, Charles Wyatt, Joe F. Manning, Patrick Whearley. Absent: Joey M. Loudermilk (due to required training). 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 November 18, 2008, was made by Commissioner Wyatt, seconded by Chairman Lange, and passed unanimously. Danny Bridges, County Manager, said, for the record, that Commissioner Loudermilk was absent from the meeting due to his required attendance at the Newly-Elected Commission Conference in Athens.
3. **NEW BUSINESS**
 - A. **Legislative Award to Vance Smith from ACCG.** Danny Bridges, County Manager, said that this matter has been tabled because the individual making the award had a death in his family, and that the matter will be on a later agenda.
 - B. **Appointments/Reappointments.** Nancy McMichael, County Clerk, said that the information regarding appointments/reappointments is for review by the Board, that the actual appointments/reappointments are to be made during the December 16 or January 6 meeting, and that once she has made contact with the individuals whose terms expire December 31 as to whether or not they will consent to reappointment, should the Commissioners decide to do so, the matter will be placed back on the agenda.
4. **COUNTY MANAGER**
 - A. **Bid Results/Award: Progress Parkway, Phase II, Mass Grading.** Danny Bridges, County Manager, said that only one bid was received for the mass grading portion of the road project in Northwest Harris Business Park, and that because that bid is well over the amount budgeted, he recommended that the bid be rejected and the project rebid. Following discussion, the motion to reject the bid from Peed Brothers because it is over-budget was made by Commissioner Manning, seconded by Commissioner Wyatt, and passed unanimously.
 - B. **Bid Results/Award: Progress Parkway, Phase II, Road Improvements.** Danny Bridges, County Manager, said that five bids were received for the road improvements portion of the road project in Northwest Harris Business Park, and that because the previous bid had been rejected, he recommended that the bid award for the road improvements be postponed or tabled until a later date. (Note: Award must be made within 60 calendar days of the bid opening, which was November 20.)
 - C. **Radio System.** Danny Bridges, County Manager, said that he had previously discussed the radio system and solutions regarding same but had not yet received responses from the Board. He asked that the Board review the information so that a decision could be made during the December 16 meeting.
 - D. **VFD Training Facility.** Danny Bridges, County Manager, said that for several years, the Board has been discussing a training facility for the Volunteer Fire Departments (VFD); that the VFD's are looking at spending \$150,000 on such a facility; that the funding for same is made up of appropriated County funds for the VFDs in the amount of \$110,000, VFD funds in the amount of \$30,000, and an additional \$10,000 in the County's current budget; and that the facility could be located behind the new Hamilton Fire Department, on County property. Discussion included that the training

facility would be managed and its use scheduled by the Council of Fire Chiefs.

Mr. Bridges asked that the Board make its decision regarding same during the December 16 meeting.

- E. **Water Lines: Blanton Creek Park to Highway 103 and Calhoun Road.** Danny Bridges, County Manager, said that in response to requests, Jeff Culpepper, Water Works Director, has prepared revenue and expense estimates regarding two new water lines, and that with work being slow, Water Works could get the work done. Mr. Bridges asked that the Board review the information and make its decision during the December 16 meeting.

5. **COUNTY ATTORNEY**

- A. **Agreement: Jones Construction Company for T-Hangar Building at Airport.** John Taylor, County Attorney, reminded the Board that it had awarded the bid for the T-Hangar Building to Jones Construction, in the amount of \$397,000, several months ago and said that he had reviewed the contract documents regarding same; that wording regarding the Georgia Code needed to be inserted in the appropriate place; that the Performance and Payment bonds were appropriate; that a Certificate of Liability and Workers Compensation Insurance was needed; and that he recommended approval. The motion to approve and execute the agreement, pending the wording insertion and receipt of the insurance certificate, was made by Commissioner Manning, seconded by Commissioner Wyatt, and passed unanimously. (Document can be found in "Contracts & Agreements" file as C&A #08-52.)
- B. **Agreement: C. W. Matthews Contracting for Rehabilitation of Runway & Terminal Apron at Airport.** John Taylor, County Attorney, reminded the Board that it had awarded the bid for the Rehabilitation of the Runway & Terminal Apron to S. W. Matthews Contracting, in the amount of \$1,319,820.63, several months ago and said that he had reviewed the contract documents regarding same; that wording regarding the Georgia Code needed to be inserted in the appropriate place; that the Performance and Payment bonds were appropriate; and that he recommended approval. The motion to approve and execute the agreement, pending the wording insertion, was made by Commissioner Manning, seconded by Commissioner Wyatt, and passed unanimously. (Document can be found in "Contracts & Agreements" file as C&A #08-53.)
- C. **Resolution: County to Borrow from the Clean Water State Revolving Fund for Callaway Gardens Conservation Easement.** 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 Resolution before the Board is in connection with the County borrowing \$2,000,000 from the Clean Water State Revolving Fund for Land Conservation, to be administered by GEFA; that the loan will be repaid by Callaway Gardens over a period of 18 years at 3% interest on a monthly basis; 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 Callaway will pay to the County and the State will draw from the County the monthly payment, which has yet to be determined; that other documents, upon completion, include a Promissory Note to be executed by the County and a Reimbursement Agreement to be executed by Callaway Gardens; and that the County would take a Deed to Secure Debt regarding the property used as collateral. Commissioner Manning indicated he was concerned about releasing collateral and asked how same would be accomplished.

At this time, Chairman Lange recessed discussion in order to hold the Public Hearing scheduled for 7:30 PM.

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

- A. **Public Hearing Procedures.** Chairman Lange explained the procedures involved with the Public Hearing.

B. **Application of Anil Patel to Amend the Text of the Zoning Ordinance, Article IV, Section 2-134, to allow Off-Premises Signs in C-3 Zoning Districts.** Chairman Lange read the specifics of the application and said that the Planning Commission had recommended disapproval of the amendment; that should the Board approve the amendment, another section of the Ordinance would also need amending; and that C-3 is Neighborhood Commercial while C-4 is Highway Commercial. Anil Patel, applicant, said that he would like to advertise his business; that it is difficult to find the right location for such; that he would like to advertise in an area north of Hamilton that is currently zoned C-3 where similar signs currently exist but are grandfathered in; and that to do business, one must be able to advertise. Chairman Lange asked if anyone in attendance wished to speak in favor of or in opposition to the application. There being none, he asked for comments or questions from the Board. Commissioner Whearley said that he did not see an issue with having signs in C-3 districts. There being no further comments, Chairman Lange closed the Public Hearing and asked for a motion. The motion to approve the amendment to the text of the Zoning Ordinance was made by Commissioner Whearley but failed for lack of a second. The motion to disapprove the amendment was made by Commissioner Manning, seconded by Commissioner Wyatt, and passed with three in favor (Manning, Wyatt, Lange) and one opposed (Whearley).

7. **COUNTY ATTORNEY (continued)**

C. **Resolution: County to Borrow from the Clean Water State Revolving Fund for Callaway Gardens Conservation Easement (continued).** In response Commissioner Manning's concern and question, Mr. Taylor explained how portions of the property used as collateral could be released during the life of the loan. Following discussion, the motion to approve the Resolution subject to the Board's approval of all other documents regarding same was made by Commissioner Manning, seconded by Commissioner Wyatt, and passed unanimously.

8. **REQUEST FOR EXECUTIVE SESSION.** John Taylor, County Attorney, requested an Executive Session for the purpose of discussing pending and threatened litigation.

9. **RECESS FOR EXECUTIVE SESSION.** The motion to go into Executive Session for the purpose of discussing pending and threatened litigation was made at 7:56 PM by Commissioner Manning, seconded by Commissioner Wyatt, and passed unanimously.

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

11. **ADJOURNMENT.** There being no further business to discuss, the motion to adjourn was made by Commissioner Wyatt, seconded by Chairman Lange, and passed unanimously.

J. Harry Lange, Chairman

Attest:

Nancy D. McMichael, County Clerk