

**HARRIS COUNTY BOARD OF COMMISSIONERS  
REGULAR SESSION**

February 3, 2009  
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 minutes of the January 20, 2009, Regular Session was made by Commissioner Loudermilk, seconded by Commissioner Whearley, and passed unanimously.

3. **APPEARANCE OF CITIZENS**

A. **Kings Gap Village: Cedar Drive**

- (1) Toni Connors, citizen who lives on Cedar Drive, appeared before the Board and said that the road is in bad shape; that the residents are asking for assistance from the County to repair the area that is washing out; that if the problem continues, people will not be able to get in or out of the area; that emergency vehicles have difficulty getting to the back area; that the road is eight or nine feet wide where it is washing out; that the pipe needs to be replaced; and that she has obtained an estimate of approximately \$5,000 to make the repairs.
- (2) Ken Noble, citizen who lives on Cedar Drive, appeared before the Board and said that in connection with the damaged area needing repair, there are other factors that need to be considered to include the possibility of guard rails since there is a 14 foot drop.
- (3) Cliff Lowery, owner of property on Cedar Drive, appeared before the Board and said that he lives in Marietta, Georgia, the majority of the time; that he has owned a home in Kings Gap for 26 years; that the County has had a petition for over two years regarding the taking and repair of the road; that his property taxes doubled last year; that Cedar Drive is in need of repair; and that the Commissioners are elected to take care of citizens to include safety, health and welfare.
- (4) Dwayne Connors, citizen who lives on Cedar Drive, appeared before the Board and said that he agrees with everything that has been said; that while there are citizens in the neighborhood who would be willing to help with making the repairs, they can't afford to pay for same; and that County assistance would be appreciated.

Consensus among the Board was for staff to determine costs involved with taking/accepting ownership of the road from Kings Gap Road to just beyond the area that needs repair, what repairs are needed, a repair estimate, and to discuss same at the next meeting (February 17).

4. **OTHER**

- A. **Railroad Rail Line Clearing Update.** Chairman Lange said that he had talked with the president of the company that is taking up the cross ties and rails; that they should be finished with the removal of the cross ties in a couple of weeks; and that it will probably be May 1 before the rail line is cleared of all metals, smoothed, and crossings repaired.

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

- A. **Explanation of Public Hearing Procedures.** Chairman Lange explained the procedures involved with the Public Hearing.
- B. **Conflict of Interest Forms.** The Conflict of Interest forms were completed at the request of Chairman Lange.
- C. **Application of Valley Healthcare System, Inc., to rezone 7.01 acres, owned by Charles & Wayne Stevens, on Map 29, parcel 014B, Land District 19, Land Lot 91, from A-1 (Agricultural-Forestry) to C-4 (Highway Commercial); present use undeveloped, proposed use Medical/Dental Office; property located on Georgia Highway 315 at Simmons Lane.** Chairman Lange called the Public Hearing to

order, read the specifics of the application, and said that the Planning Commission and the Zoning Staff had recommended disapproval. April Hocutt, attorney representing Valley Healthcare System (VHS), appeared before the Board and said that the rezoning is for a medical and dental office; that they expect 20 to 25 patients per day; that traffic will not be an issue; that the DOT has indicated that an accel/decel lane will not be necessary; that there are only two primary care providers in Harris County (in Hamilton and Pine Mountain) and more are needed; that Harris County was identified, as a result of a 2007 Presidential Initiative regarding health care services, to be in need of at least one additional primary care provider; that there is a commercially zoned property across the street; that VHS currently has a location on McCrary Road (behind The Store), but it is leased property; that the subject property would eventually be a permanent location and the buildings on the McCrary Road site, or similar buildings, would be located on the subject property; and that there is an easement road, Simmons Lane, on the subject property and it would remain as is and not used by the patients or the employees of VHS. In response to questions from the Board, Ms. Hocutt said that VHS looked at about 15 properties before settling on the subject property due to its location on a State Highway, and that the property on McCrary Road is not for sale.

Chairman Lange asked if anyone wished to speak in favor of this rezoning application. There being none, he asked if anyone wished to speak in opposition to this application.

Troy McGarr, citizen who lives on Simmons Lane, appeared before the Board and said that the easement serves access to his property; that it has been there about 47 years; that the commercial property across the street is used for advertising because the main location is in Manchester; that a developer, W. L. Willett, has property, already zoned C-4, on Highway 85 in Ellerslie and would be willing to sell the property; that 25 patients a day does not sound like there is a real need for this type of business in this location; and that the business should be located elsewhere. (Note: Mr. Willett said that he had not yet been in contact with VHS regarding the property he has for sale.)

Michael Deems, citizen whose property abuts the subject property, appeared before the Board and said that he is opposed to the business locating on the subject property.

Kathy Mayes, citizen whose property is accessed by Simmons Lane, appeared before the Board and said that the easement road on the subject property is essentially her driveway; and that she does not want to see the business at this location.

Bill Pilcher, citizen who lives on West Pine Drive (across the street), appeared before the Board and said that neither he nor two of his neighbors who were unable to attend the meeting want the business at this location and are opposed to the rezoning.

There being no further comments in opposition, Chairman Lange asked Ms. Hocutt for rebuttal.

Ms. Hocutt said that she understands the concerns of the nearby residents; that having a medical/dental facility at this location would be a benefit for citizens who currently drive to Columbus for healthcare; that time is of the essence due to the funding being Federal grant money; and that regardless of whether the commercial property across the street is being used, it is still zoned C-4.

Chairman Lange closed the Public Hearing. Commissioner Whearley said while the proposed business may be a service to the community, the general area of the subject property is residential, and if the property was rezoned and the business failed, it would allow almost any type of business to go in there. At this point, Ms. Hocutt said that they are willing to have a condition limiting the rezoning to a medical/dental facility. Commissioner Whearley made the motion to disapprove the rezoning application. The motion was seconded by Commissioner Wyatt. Chairman Lange commented that while there is a need for health care services, the subject area is residential. The motion passed unanimously.

## 6. **OLD BUSINESS**

- A. **Enrichment Services: Belva Dorsey**. Belva Dorsey, CEO of Enrichment Services Program, Inc., appeared before the Board, introduced Jim Christian, as President of the ESP Board, and Jim Jones as an ESP Board member. Information was distributed regarding services provided by ESP, and Ms. Dorsey reviewed same, indicating that while not all services are provided in Harris County, either ESP or

another social service agency could provide same if there is a need. Regarding an appointment to the ESP Board, Mr. Christian said that the individual should be able to present County issues to the ESP Board and also let the Commissioners know what services are being utilized. He said they do not have any recommendations as to whom the Commissioners should appoint to the ESP Board, and would welcome the Commissioners' appointee.

- B. **Resolution: Comprehensive Plan Draft Transmittal to DCA.** Discussion included that the Commissioners should send any further changes to the Comprehensive Plan to Danny Bridges, County Manager, before Friday, February 6, so that he can consolidate same with his changes and send to Rick Morris, with the Lower Chattahoochee RDC, to include in the draft document. Commissioner Loudermilk made the motion to approve the resolution to transmit the Comprehensive Plan Draft to the DCA pending any additional changes (as previously discussed). The motion was seconded by Commissioner Whearley and passed unanimously.

## 7. **NEW BUSINESS**

- A. **Financial Statement: November 2008.** The motion to approve the financial statement for November 2008 was made by Commissioner Wyatt, seconded by Chairman Lange, and passed unanimously.

- B. **NOD (Not On Digest) Requests.** Chairman Lange said that the following NODs had been submitted:

- (1) Johnston, John W.: Digest total of zero corrected to \$22,242 (mobile home purchased and placed on property after Mobile Home Digest was completed).
- (2) RP Management, Inc. & George A. & Mary W. Montgomery: Digest total of zero corrected to \$4,800 (whole parcel was inadvertently deleted for the 2008 Digest; two acres should have remained).

The motion to approve the two NODs was made by Commissioner Loudermilk, seconded by Commissioner Wyatt, and passed unanimously.

## 8. **COUNTY MANAGER**

- A. **Request to Abandon section of Old X Street.** Danny Bridges, County Manager, said that Melvin Castleberry had requested that a section of old X Street be abandoned and had submitted a plat showing the property in question. John Taylor, County Attorney, said that with a road abandonment, State law requires that the property owners on either side of the abandoned section are to be deeded property up to the centerline of the abandoned road, but there may be issues in this particular instance due to driveways or easement crossing the whole old roadbed. Following discussion, Mr. Taylor was directed to look into this matter and report back to the Board.

- B. **Request for SPLOST Funds: Waverly Hall Fire Service Truck.** Danny Bridges, County Manager, reminded the Board that during the discussions for the SPLOST referendum, which passed in November 2008, Waverly Hall had requested that they be able to go ahead and order their fire service truck. He said that the truck has been ordered and that \$97,675 is needed to pay for same; that the funds can be taken from General Fund and repaid after the SPLOST proceeds begin, which should be in June. The motion to approve the request was made by Commissioner Loudermilk, seconded by Commissioner Wyatt, and passed unanimously.

- C. **Northwest Harris Business Park: Second Entrance.** Danny Bridges, County Manager, said that the proposed second entrance for the Northwest Harris Business Park would be off of Highway 103, but because he did not have all the cost estimates regarding same, he asked that this be tabled for action until the February 17 meeting.

- D. **Agreement: GEC Proposal for State Water Remediation Plan for Northwest Harris Business Park.** Danny Bridges, County Manager, said that GEC has submitted a proposal for the preparation of a state water remediation plan for the Northwest Harris Business Park in response to concerns noted by the EPD in its consent order; that the cost estimate is \$7,635; that the person who would be responsible for preparing the plan has a reputation of getting it right the first time; and that the funds could come from Contingency, Fund Balance, or General Funds as a result of an upcoming budget amendment. Following a brief discussion, the motion to approve this agreement was made by Commissioner Manning, seconded by Commissioner Wyatt, and passed unanimously. (Document can be found in "Contracts & Agreements" file as C&A #09-07.)

- E. **Sign for Cedar Ridge School.** Danny Bridges, County Manager, reminded the Board that it had recently decided to move forward with amending the Zoning Ordinance regarding signs to prohibit the changing of scrolling/message signs more than once every eight hours; that John Taylor, County Attorney, is working on the amendment; and that the School Board has requested that they be permitted to erect an LED message sign at the Creekside School, which will comply with the amendment and will automatically dim at dark. Mr. Taylor said that he should have a draft amendment for the Board to review during the February 17 meeting. There were no objections to the request of the School Board for an LED message sign, as depicted in a drawing submitted by the School Board, to comply with the Zoning amendment that will allow such a sign but limit the number of times the message can change to once every eight hours.
- F. **Sputnik Street.** Danny Bridges, County Manager, said that Sputnik Street, in the front portion of Mulberry Estates, is in bad shape and in need of repair, but at this time, is not a County road; that the developer is willing to sign the appropriate document conveying the right of way to the County; that records on file seem to indicate that there is a 50 foot right-of-way on Sputnik Street and that the developer still owns the road. John Taylor, County Attorney, was directed to look into this matter to determine who owns the road and report back to the Board during the February 17 meeting as to what taking/accepting the road will entail.

9. **COUNTY ATTORNEY**

- A. **Agreement: Pine Mountain for EMS space in Pine Mountain Public Safety Building.** John Taylor, County Attorney, said that the agreement sets out the details concerning space within the Pine Mountain Public Safety Building to be utilized by the County for an EMS satellite station with ambulance. He reviewed the document, said that he and the attorney for Pine Mountain had worked on the document, and recommended approval by the Board. The motion to approve the agreement was made by Commissioner Manning, seconded by Commissioner Loudermilk, and passed with four in favor (Manning, Loudermilk, Lange, Whearley), no opposition, and one abstention (Wyatt). (Document can be found in "Contracts & Agreements" file as C&A #09-08.)
- B. **Agreement: Specialized Services - Progress Parkway Mass Grading.** John Taylor, County Attorney, said that the contract amount is \$784,932.56. He then reviewed the document to include that substantial completion of the project is to be within 60 days of the Notice to Proceed and that final completion is to be within 30 days of substantial completion for a total of 90 days. He said that some changes, mainly references to the General Conditions section, had been made, and he recommended approval of the agreement, pending his review of the revisions. The motion to approve this agreement, pending final review by Mr. Taylor, was made by Commissioner Manning, seconded by Commissioner Wyatt, and passed unanimously. (Document can be found in "Contracts & Agreements" file as C&A #09-09.)
- C. **Agreement: Specialized Services - Progress Parkway Road Improvements.** John Taylor, County Attorney, said that the contract amount is \$863,753.19. He then reviewed the document to include that substantial completion of the project is to be within 30 days of the Notice to Proceed and that final completion is to be within 45 days of substantial completion for a total of 75 days. He said that some changes, mainly references to the General Conditions section, had been made, and he recommended approval of the agreement, pending his review of the revisions. Discussion included that the DOT contract/funds are still pending. The motion to approve this agreement, pending funding by DOT and final review by Mr. Taylor, was made by Commissioner Loudermilk, seconded by Commissioner Manning, and passed unanimously. (Document can be found in "Contracts & Agreements" file as C&A #09-10.)

10. **OTHER (CONTINUED)**

- B. **Video Game Machines.** Commissioner Loudermilk said that Sheriff Mike Jolley had submitted a memo in November requesting that the County adopt an ordinance outlawing all forms of video game machines, and that he would like the Sheriff to be at the next meeting to discuss same. There were no objections.
- C. **Alcohol and Minors.** Commissioner Loudermilk said that Sheriff Mike Jolley had submitted a memo in November requesting that the County adopt an ordinance to mirror the criminal law for "minor in possession of alcohol", and that he would like the Sheriff to be at the next meeting to discuss same. There were no objections.

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

Attest:

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J. Harry Lange, Chairman

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Nancy D. McMichael, County Clerk