

**HARRIS COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION**

April 21, 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 April 7, 2009, Regular Session was made by Commissioner Loudermilk, seconded by Commissioner Wyatt, and passed unanimously.
3. **APPEARANCE OF CITIZENS**
 - A. **John Champion: Response to Termination.** Joe Waldrep, attorney for John Champion, former County employee who was terminated and agreed to drop appeal if he or his attorney had five minutes before the Board, appeared before the Board. Chairman Lange advised Mr. Waldrep that he had five minutes in which to speak. Mr. Waldrep distributed a letter from John Champion, to be included as part of the minutes (document can be found in "Miscellaneous Documents" file as MD#09-03") and in Mr. Champion's personnel file, and thanked Chairman Lange and the Board for their time. Mr. Waldrep briefly reviewed Mr. Champion's background, history with the County, and his view of his employment termination. Upon conclusion, Chairman Lange thanked Mr. Waldrep for his comments. There were no questions or comments from the other Commissioners.
 - B. **Harry Jaynes: East Lakeshore to West Lakeshore dam crossing (on White Oak Drive).** Harry Jaynes, citizen who lives in Melody Lakes, appeared before the Board to request assistance from the County in improving the dam connecting East and West Lakeshore from White Oak Drive. Danny Bridges, County Manager, said that the County does not own the dam and therefore can't do work on same, but that Public Works employees have looked at a nearby area regarding the installation of culverts on County property to help alleviate water issues that may be adding to the dam problems.
 - C. **Shirley and John Land: Water Runoff and Flooding.** Shirley and John Land, citizens who live in Melody Lakes, appeared before the Board to request assistance regarding water runoff which results in the flooding of their property, which is located on West Lakeshore. Danny Bridges, County Manager, said that the County does own that section of West Lakeshore and again stated that the County is considering the installation of culverts in that area which should alleviate the flooding problems.
4. **NEW BUSINESS**
 - A. **Public Hearing & Resolution: Abandonment of Portion of Old Mt. Airy Road.** Chairman Lange said that the purpose of the Public Hearing is to discuss the abandonment of a portion of old Mt. Airy Road, and he asked John Taylor, County Attorney, for comments. John Taylor, County Attorney, explained that the hearing is regarding a very small portion of old Mt. Airy road, approximately 0.1870 of an acre, which crosses and divides the property of Byron and Orpha Gainey; that the appropriate notices and advertising regarding this Public Hearing have taken place; and that should the Board take action to abandon same, a Quit Claim has also been prepared to deed the property to the adjacent property owners, Mr. and Mrs. Gainey, and also includes the reservation of a utility easement.

Chairman Lange called the Public Hearing to order and asked if anyone in attendance wished to speak in favor of or in opposition to this abandonment.

There being none, he closed the Public Hearing. The motion to approve the Resolution and the Quit Claim Deed was made by Commissioner Loudermilk, seconded by Commissioner Wyatt, and passed unanimously.

B. **First Reading: Ordinance to Amend the Ordinance to Control and Regulate the Sale and Distribution of Alcoholic Beverages in Harris County.** Chairman Lange asked John Taylor, County Attorney, to explain the amendment. Mr. Taylor reminded the Board that on February 17 the Sheriff had requested and discussed the need for an amendment to the Alcohol Ordinance in order to give him more latitude regarding minors in possession of alcohol; that while the amendment basically mirrors that of the State, it does not require the arrest and subsequent criminal record regarding a minor in possession of alcohol and allows the Sheriff an alternative to arresting the minor. Following a brief discussion, Chairman Lange asked if anyone in attendance wished to make comments in favor of or in opposition to the amendment. There being none, he said that the Second Reading with possible action will take place during the May 5 meeting.

C. **Financial Statement: February 2009.** The motion to approve the financial statement of February 2009 was made by Commissioner Wyatt, seconded by Chairman Lange, and passed unanimously.

D. **Error & Release Requests.** Chairman Lange read the Error & Release requests as follows:

- (1) Renn, Linda & Candice: Digest total of \$24,626 corrected to \$13,781 (incorrect field data/duplicate billing)
- (2) Smith, Patrice M: Digest total of \$33,755 corrected to zero (duplicate bill)
- (3) Smith, Patrice M: Digest total of \$4,977 corrected to zero (duplicate bill)

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

E. **Requests for Tax Refund.** Chairman Lange read the Requests for Tax Refund as follows:

- (1) Hinton, Mary E.: Request for refund of \$638.34 because of the increase in her property taxes from 2007 to 2008.
- (2) Chiplew Lodge (2007): Request for refund of \$447.78 because it is a Masonic Lodge and a non-profit fraternal organization.
- (3) Chiplew Lodge (2006): Request for refund of \$453.89 because it is a Masonic Lodge and a non-profit fraternal organization.
- (4) Chiplew Lodge (2005): Request for refund of \$453.89 because it is a Masonic Lodge and a non-profit fraternal organization.

Following a brief discussion, the motion to disapprove the refund request of Mary Hinton was made by Commissioner Manning, seconded by Commissioner Loudermilk, and passed unanimously; and the motion to approve the refund requests of Chiplew Lodge was made by Commissioner Manning, seconded by Chairman Lange, and passed with four in favor (Manning, Lange, Loudermilk, Whearley), no opposition, and one abstention (Wyatt).

F. **Error & Release 2008 Appeals List.** Danny Bridges, County Manager, explained that the Error & Release list before the Board is the result of 506 appeals made regarding property reassessments. After a brief discussion, the motion to approve this list was made by Commissioner Wyatt, seconded by Commissioner Loudermilk, and passed unanimously.

G. **NOD Conservation Use Covenants for 2008.** Danny Bridges, County Manager, explained that the NOD list was the result of the preceding Error & Release list whereby property owners who either were not aware of or had

failed to apply for conservation use on their property filed, but were able to do so because of reassessments. After a brief discussion, the motion to approve this list was made by Commissioner Manning, seconded by Commissioner Whearley, and passed unanimously.

5. **COUNTY MANAGER**

A. **MOU Agreement with Columbus Consolidated Government: Radio System Upgrade.** Danny Bridges, County Manager, reminded the Board that during the December 16, 2008, meeting, it approved moving forward with the upgrade to the 800 MHZ radio system in the amount of \$119,250, and that this document is the agreement regarding same. 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" file as C&A #09-22.)

B. **Proposal Award: Range for Jail Kitchen.** Danny Bridges, County Manager, said that the Jail kitchen is in need of a new range, and that proposals were received for a 10-burner, 60", heavy-duty range, as follows:

COMPANY	PRICE	SHIPPING	TOTAL
Ace-Mart	\$ 3,499.00	\$ 330.00	\$ 3,829.00
A City Discount	\$ 4,226.30	\$ 535.91	\$ 4,762.21
Alpha-Pritchard	\$ 2,894.00	\$ 200.00	\$ 3,094.00

The motion to award the proposal to Alpha-Pritchard for the quote of \$3,094 and for the funds to be taken from the Jail Funds was made by Commissioner Whearley, seconded by Commissioner Wyatt, and passed unanimously.

6. **COUNTY ATTORNEY**

A. **DOT R/W Agreement: Moon Road [PR000-S006-00(895)].** John Taylor, County Attorney, said that the County has obtained all the necessary signatures from property owners on Moon Road; that the document before the Board is the usual Right of Way Agreement with DOT; and that he recommended approval of same. The motion to approve this Agreement was made by Commissioner Wyatt, seconded by Commissioner Whearley, and passed unanimously. (Document can be found in "Contracts & Agreements" file as C&A #09-23.)

B. **Renewal Agreement: Traylor Business Services (Personal Property Verification Program).** John Taylor, County Attorney, said that Traylor Business Services performs personal property verification/audits for the County; that the document is similar to the previous agreements with this company; that it can be terminated with 30 days notice without cause; and that the fee is based on the size of the personal property account. Danny Bridges, County Manager, said this company has been performing this type of work for the County for several years. The motion to approve this agreement was made by Commissioner Wyatt, seconded by Commissioner Whearley, and passed unanimously. (Document can be found in "Contracts & Agreements" file as C&A #09-24.)

7. **OTHER.** Commissioner Whearley asked about the status of the broken railroad ties being left along the railroad right of way. Chairman Lange said that Danny Bridges, County Manager, has been looking into this but is having trouble getting his calls returned. John Taylor, County Attorney, said that he would contact Georgia Southwestern's counsel in Washington, DC, to try and get this matter resolved. There were no objections to Mr. Taylor contacting Georgia Southwestern's counsel.

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

Attest:

Nancy D. McMichael, County Clerk