

**HARRIS COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION**

May 5, 2009
7:00 PM

Commissioners Present: J. Harry Lange, Charles Wyatt, Joey M. Loudermilk, Joe F. Manning.
Commissioner Absent: Patrick Whearley (family illness). 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 21, 2009, Regular Session was made by Commissioner Loudermilk, seconded by Commissioner Wyatt, and passed unanimously.
3. **APPEARANCE OF CITIZENS**
 - A. **Debra Johnson: Citizen Proclamations.** Debra Johnson was not in attendance at the meeting.
 - B. **Leonard Aucoin: County Water and Water Run-off (on Hopewell Church Road).** Leonard and Susan Aucoin, citizens, appeared before the Board to discuss a water issue and a water run-off issue related to the erosion on their property. Mr. Aucoin distributed photographs taken August 25, 2008, and May 2 and 4, 2009, showing various areas on his property with standing water and the nearby culverts. He alleged that everything was okay on his property until the County starting mowing the right-of-way about two years ago that caused the water run-off from Hopewell Church Road; and that he had sent a letter to Commissioner Manning, Danny Bridges (County Manager), and Jeff Culpepper (Water Works Director) in July 2008 concerning the water issues and water run-off/drainage to which he received no response. Commissioner Manning said that he did visit the property. Following discussion, Commissioner Lange said that County staff would visit the property to determine whether the matters are the County's responsibility and would get back with Mr. Aucoin within the next couple of weeks.
 - C. **Casandra Kinney: Water Run-off at 118 West Lakeshore Drive (in Melody Lakes).** Casandra Kinney, citizen, appeared before the Board to discuss water run-off issues related to erosion on her property. Mrs. Kinney showed photographs to Commissioner Loudermilk of various locations on her property with standing water and/or erosion. She was advised that the Board had discussed this issue at the last meeting with her neighbor and that the County will be putting pipes in the lakes to lower the lake levels to help prevent run-off. Danny Bridges, County Manager, said that the County is doing the work on the lakes, which are not owned by the County, because of the damage being done to the road, which is owned by the County. Chairman Lange had to recess the discussion in order to hold the Public Hearing scheduled for 7:30 PM.
4. **PUBLIC HEARING @ 7:30 PM**
 - A. **Public Hearing Procedures.** Chairman Lange explained the Public Hearing procedures.
 - B. **Application of Board of Commissioners to amend the Zoning Ordinance, Article II, Page CDA:9, and to amend the Code of Ordinance, Chapter 6 (Taxation, Licenses and Business Regulation), Article IV (Signs near Interstate Highways), Section 6-83(h), Page CD6.25, both for the purpose of limiting changeable electronic variable message signs by allowing messages to change once every eight hours.** Chairman Lange called the Public Hearing to order, said that the First Reading had been before the Planning Commission on April 15 and had recommended approval, and asked John Taylor, County Attorney, to explain the amendments. Mr. Taylor said that the County prohibits changeable electronic variable message signs that are changed remotely and that such amendments would only allow such signs provided the message is changed only once every eight hours. Chairman Lange asked if anyone wished to speak in favor of or in opposition to the amendments. There being none, he closed the Public Hearing and asked for a motion. The motion to approve the amendments to the Zoning Ordinance and to the Code of Ordinances was made by Commissioner Wyatt, seconded by Commissioner Loudermilk, and passed unanimously.

5. **APPEARANCE OF CITIZENS (CONTINUED)**

- C. **Casandra Kinney: Water Run-off at 118 West Lakeshore Drive (in Melody Lakes) (continued)**. Commissioner Loudermilk again reminded Mrs. Kinney that the Board had discussed the same issue regarding neighboring property at the last meeting. Following a brief continuation by Mrs. Kinney, during which she said that the County road has slowly moved closer to her home, County Manager, said that he, Commissioner Loudermilk, Allen Culpepper (Public Works Director) and James York (Roads Supervisor) would meet with Mrs. Kinney regarding a resolution to the matter related to the water run-off, but not the road issue, and that he would contact her tomorrow regarding same.

6. **OLD BUSINESS**

- A. **Second Reading: Amendment to Ordinance to Control and Regulate the Sale and Distribution of Alcoholic Beverages in Harris County regarding Minor in Possession of Alcohol**. Chairman Lange said that this was the Second Reading and asked if anyone wished to speak in favor of or in opposition to the amendment. There being none, he asked for a motion. The motion to approve this amendment was made by Commissioner Loudermilk, seconded by Commissioner Wyatt, and passed unanimously.

7. **NEW BUSINESS**

- A. **Legislative Award by ACCG to Representative Vance Smith**. Matthew Hicks, of ACCG's Economic Development and Transportation Department, appeared before the Board to present Representative Vance Smith with the Legislative Service Award for his outstanding work and advocacy regarding State transportation infrastructure.
- B. **First Reading: Application of Gustavo Gonzales for Beer On Premises License at La Pareja Mexican restaurant located at 7365 Georgia Highway 85, Waverly Hall**. Chairman Lange read the specifics of the application. The applicant, Gustavo Gonzales, was not present. Nancy McMichael, County Clerk, said that while this application is marked as a "new business" it is actually a re-application of a business that failed to renew its alcohol license within the proper time frame. Chairman Lange asked if anyone wished to speak in favor of or in opposition to this application. There being none, he said that the Second Reading and action would take place during the May 19 meeting.

8. **COUNTY MANAGER**

- A. **Health Department CDBG Change Proposal**. Danny Bridges, County Manager, said that with the renovation and addition to the Health Department, some issues weren't discovered until recently; that changes totaling \$3,008 are being proposed; and that the changes and costs are as follows: (1) add exhaust fans to exam rooms for \$532; (2) add millwork for network equipment for \$1,329; (3) substitute cellulose blown-in insulation for \$302; (4) remove and dispose of existing door, frame and hardware, and patch appropriately to eliminate a door between two rooms for \$665; and (5) three additional wall outlets and breaker for \$180. The motion to approve this Change Order in the amount of \$3,008 was made by Commissioner Loudermilk, seconded by Commissioner Manning, and passed unanimously. (Document can be found in "Contracts & Agreements" file as C&A #09-25.)
- B. **Community/Recreation Center Phase II Fee**. Danny Bridges, County Manager, reminded the Board that Community/Recreation Center is to be done in more than one phase and that the design work for Phase I is 5.9% of the construction cost. He said that the architect is proposing to go ahead and do the work for Phase II at the same time as Phase I, it can be done for 3.5%. The motion to approve the proposal was made by Commissioner Wyatt, seconded by Commissioner Loudermilk, and passed unanimously. (Document can be found in "Contracts & Agreements" file as C&A #09-26.)
- C. **SPLOST Funds Advance for Waverly Hall**. Danny Bridges, County Manager, said that the Town of Waverly Hall is asking for another advance on its portion of the SPLOST Funds; that the Board approved the SPLOST Allocation Schedule during the April 7 meeting; that Waverly Hall has previously received an advance in the amount of \$97,675; that the current request is for an advance of \$13,142.57 for water infrastructure; and that the total of both advances (\$110,817) is within the approved SPLOST Allocation Schedule for FY 2010. The motion to approve the SPLOST funds advance of \$13,142.57 to the Town of Waverly Hall was made by Commissioner Manning, seconded by Commissioner Loudermilk, and passed unanimously.

- D. **Daehan Site Grading Cost Above Contract Change Order.** Danny Bridges, County Manager, said that Specialized Services exceeded the contract amount for the Daehan site grading project due to extra work necessary as a result of using aerial topography rather than an extensive GPS survey which resulted in the redesign of the north pond and double-handling of the rock stockpiled for same and that Specialized Services is requesting a change order in the amount of \$127,750. Following discussion, the motion to approve this change order in the amount of \$127,750 was made by Commissioner Wyatt, seconded by Commissioner Loudermilk, and passed with three in favor (Wyatt, Lange, Loudermilk) and one opposed (Manning). (Document can be found in "Contracts & Agreements" file as C&A #09-28.)
- E. **Temporary Construction Easement for Meadwestvaco Coated Board: Highway 103 Project.** Danny Bridges, County Manager, said that this document is being requested by DOT in conjunction with the Highway 103 project and that MeadWestvaco has indicated the County needs to execute the document first. The motion to approve the execution of this document was made by Commissioner Manning, seconded by Commissioner Wyatt, and passed unanimously. (Document can be found in "Contracts & Agreements" file as C&A #09-27.)
- F. **Elm Drive Paving.** Danny Bridges, County Manager, said that a request had been made to consider the paving of Elm Drive in Pine Lake Subdivision; that while the road is relatively short, paving it would result in the residents of that subdivision wanting the other roads paved; and that he suggests that the road not be paved at this time and to consider it, as well as the other roads in the subdivision, with the next paving list. Commissioner Wyatt made the motion to go ahead with the paving of Elm Drive. The motion failed for lack of a second to the motion.
- G. **Railroad Recreation Trail Engineer Drawing.** Danny Bridges, County Manager, said that the County is moving forward with applying for grants for improvements to the Railroad Recreation Trail, but that engineer drawings are necessary for the applications as well as for future needs; that at this time, the County is only looking at the paving of the trail; and that such drawings should not cost more than \$3,000 and requested approval to spend up to \$3,000 on same. The motion to approve up to \$3,000 for engineer drawings for the Railroad Recreation Trail was made by Commissioner Manning, seconded by Commissioner Loudermilk, and passed unanimously.
9. **COUNTY ATTORNEY.** John Taylor, County Attorney, said that he had no business to discuss with the Board this evening.
10. **ADJOURNMENT.** There being no further business, the motion to adjourn was made by Commissioner Loudermilk, seconded by Commissioner Manning, and passed unanimously.

J. Harry Lange, Chairman

Attest:

Nancy D. McMichael, County Clerk