

**HARRIS COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION**

May 19, 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 May 5, 2009, Regular Session was made by Commissioner Loudermilk, seconded by Commissioner Manning, and passed with four in favor (Loudermilk, Manning, Lange, Wyatt), no opposition, and one abstention (Whearley).
3. **APPEARANCE OF CITIZENS**
 - A. **Betty Lawrence: Water Works Bill/Issues.** Betty Lawrence was not in attendance at the meeting; however, there was a brief discussion in which Jeff Culpepper, Water Works Director, explained that Ms. Lawrence has a high water bill due to usage; that she did not live there at the time; that the meter has been checked several times by Water Works employees who found that the meter is in working order; and that due to non-payment of the bill, the water was terminated in Ms. Lawrence's name.
 - B. **Debra Johnson: Citizen Proclamations.** Debra Johnson was not in attendance.
4. **OLD BUSINESS**
 - A. **First Reading: Application of Guztavo Gonzalez 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 and said that this was the second reading. Mr. Gonzalez was in attendance but had no comments. Chairman Lange asked if anyone wished to speak in favor of or in opposition to this application. There being none, the motion to approve this application was made by Commissioner Loudermilk, seconded by Commissioner Wyatt, and passed unanimously.
5. **NEW BUSINESS**
 - A. **Resolution to Accept Shenandoah Drive (Owl Creek Subdivision).** Chairman Lange asked John Taylor, County Attorney, if he had reviewed the documents. Mr. Taylor said that in addition to the right-of-way deed, all documents necessary for the County to accept this road have been received and appear to be in order. The motion to approve this Resolution was made by Chairman Lange, seconded by Commissioner Whearley, and passed unanimously.
 - B. **Financial Statement: March 2009.** The motion to approve the March 2009 financial statement was made by Commissioner Wyatt, seconded by Chairman Lange, and passed unanimously.
 - C. **Error & Release Request: Hodges, Betty Sue.** Chairman Lange said that the Error & Release request is for Betty Sue Hodges, with the Digest total of \$2,600 corrected to zero (mobile home removed from property in 2008). The motion to approve this Error & Release was made by Commissioner Wyatt, seconded by Commissioner Manning, and passed unanimously.
 - D. **Request for Tax Refund: Grant, Greg.** Chairman Lange said that a request in the amount of \$357.44 had been received from Greg Grant; that the Tax Commissioner and the Board of Tax Assessors agree with the request; that the reason is because the boat was sold in 2007; and that copies of the bill of sale and closing statement were provided regarding same. The motion to approve this Request for Tax Refund was made by Commissioner Loudermilk, seconded by Commissioner Whearley, and passed unanimously.
 - E. **Board of Family & Children Services: Appointment and Reappointment.**
 - (1) **Appointment.** Chairman Lange said that there is a vacancy on the Board of Family & Children Services due to the resignation of Lillian Johnston; that an appointment is needed to complete her term, which expires June 30, 2010; and that the Board currently has representation from Pine Mountain, West Point,

Cataula and Hamilton. Discussion included that this appointment should be made during the June 16 meeting and that the individual should be from the Eilerslie or Waverly Hall area.

- (2) Reappointment. Chairman Lange also said that the term of Lillie Williams expires June 30, 2009, and DFACS is requesting that Ms. Williams be reappointed for a new term expiring June 30, 2014. The motion to reappoint Mrs. Williams to the Board of Family & Children Services for the new term ending June 30, 2014, was made by Commissioner Wyatt, seconded by Commissioner Loudermilk, and passed unanimously.

6. COUNTY MANAGER

- A. Community Center Site Location. Danny Bridges, County Manager, said that a decision is needed as to the site of the Community (Recreation) Center; that short of purchasing property, one location would be at Pate Park, but the lay of the land would not work for the Center as was found in trying to develop the ballfields, and the other location would be near Hamilton on donated property off Mobley Road, which has water and sewer that would be needed, especially if the Center's pool is constructed. Discussion included that Hamilton is basically geographically located in the center of the County, but while two-thirds of the citizens live in the southern part of the County, Hamilton would be a convenient drive for any citizen. The motion for the Community Center site location to be in Hamilton on the donated property was made by Commissioner Whearley, seconded by Commissioner Loudermilk, and passed unanimously.
- B. Airport Status Update. Danny Bridges, County Manager, said that the hangar building is about 50% complete; that fuel farm has been ordered and the pad on which it will sit has been installed; and the runway overlay is around 60% complete. In response to questions, the runway should be finished by Friday and the Airport should be re-opened by next week. He said that the only other expense the County may have is from Diverse Power in getting the power to the hangar building. Chairman Lange asked about the status of the renters for the hangar stalls. Nancy McMichael, County Clerk, said that one individual has withdrawn his name and the next person on the list will be notified which will leave two on the waiting list. Mr. Bridges said that several people have contacted Airport about the hangars and they have been told the hangar is full.
- C. Health Insurance. Danny Bridges, County Manager, reminded the Board that a committee of County employees were appointed to review various health plans; that an outside firm assisted the committee by obtaining proposals; that the committee recommends the County change to Blue Cross Blue Shield (BCBS) effective July 1, 2009. Mr. Bridges said that the info provided in the packets includes a comparison of the current Evergreen plans to the BCBS plans detailing benefits and costs; that the co-pay remains the same; that the big difference is the Evergreen deductible is \$50 for prescription drugs, for which the County has been reimbursing the employee, while the BCBS has deductibles of \$500 or \$1,000 depending on the plan; that the "Core" plan has a \$1,000 deductible which applies to hospital admission but not to visits to physicians; that the prescriptions will increase from \$8/\$20/\$45 to \$10/\$30/\$60; and that the "Buy-Up" plan that employees can choose and pay more toward, has a \$500 deductible. Regarding the actual costs, Mr. Bridges said that to get the BCBS premium for the medical insurance, we would have to go with BCBS for life insurance as well as offer dental insurance, for which the County would have to contribute 50% for the employee. He said that for the employee, the County currently pays \$503.65 to Evergreen, and for the BCBS plan it would be \$408.90 for the individual employee; the life insurance would go from \$5.20 to \$2.70; and the dental would be available, for which the County would pay half of the "Core" plan (at \$8.76 per month), and that for an employee who chooses dental insurance, the cost to the employee would be \$4.05 per pay period. He also said that employees hired prior to April 2002 pay one premium while those hired after April 2002 pay a higher premium, and the committee is recommending that the premium for employees be the same, and allow each employee \$500 per month toward employee/child, employee/spouse, and family coverage. As an example, he said that an employee hired prior April 2002 with employee/spouse coverage is paying \$163 per pay period while the employee hired after April 2002 is paying \$201 for the same plan, and the BCBS coverage would go to \$173, so one will pay \$10 more and the other \$28 less. He said that with these changes, the County will save approximately \$171,000 a year on medical and life insurance. He also said that in addition to received quotes from BCBS, quotes were also received from United Health Care, Cigna, and Humana, Nancy McMichael, County Clerk, said that in addition to the premium changes, the BCBS plan allows employees to go to any physician in its network wherever they are located. Mr. Bridges said that of the Evergreen primary care physicians, only four are not in BCBS, but there are numerous additional

physicians, and that employees who live on the north side of the County can now go to physicians and the hospital in LaGrange, and that Dr. Clements in Pine Mountain and Dr. Miller in Hamilton are part of BCBS. The motion to approve the change to Blue Cross Blue Shield and to authorize the County Manager to execute the contracts and other documents regarding same was made by Commissioner Wyatt, seconded by Commissioner Loudermilk, and passed unanimously. (Documents can be found in "Contracts & Agreements" as C&A # 09-29.)

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

- A. **Explanation of Public Hearings.** Chairman Lange explained the procedures involved in the Public Hearings regarding the Special Use Permit applications.
- B. **Application of Hollis Billings for a Special Use Permit for a Feed Store on Beech Springs Road on four acres of Parcel 011, Map 040, Land District 20, Land Lot 299, zoning district A-1, current use agricultural.** Chairman Lange called the Public Hearing to order. He read the specifics of the application, said that the Planning Staff had recommended approval of the application, and he asked if the applicant or his representative was present. Hollis Billings, applicant, and his son, Jimmy, appeared before the Board. Jimmy Billings said that they would like to open a feed store, and Mr. Hollis Billings, said that there used to be a feed store in the area years ago; that many people have said a new feed store is needed; and that his family is in the horse and cow business and has to have hay and feed on a regular basis. There being no comments from the Board, Chairman Lange asked if anyone wished to speak in favor of or in opposition to this Special Use Permit application. There being none, he closed the Public Hearing and asked for a motion. The motion to approve this Special Use Permit was made by Commissioner Manning, seconded by Commissioner Loudermilk, and passed unanimously.
- C. **Application of Davis Broadcasting for a Special Use Permit for a Radio Tower Structure on 50.169 acres on Parcel 003, Map 100, Land District 17, Land Lot 196I, zoning district A-1, current use agricultural, property owned by MeadWestvaco and located on the east side of the Talbot County line and just north of the Muscogee County line.** Chairman Lange called the Public Hearing to order, read the specifics of the application, and said that the Planning Staff had recommended disapproval because County ordinance requires when property is subdivided, the resulting properties must have road frontage on a public road. He said that included in the packet is a letter from the Talbot County Building and Zoning Department to allow the access to the property from an easement road in Talbot County because there is no public road access in Harris County. Chris Brazell, with EMC Engineering, representing Davis Broadcasting, appeared before the Board and said the application is to build and construct a radio tower (498') on ±50 acres of MeadWestvaco property in the southeast corner of Harris County where it meets Talbot and Muscogee counties; that he met with the Planning Staff (Becky Gray) and the County Manager (Danny Bridges) who suggested he approach the Talbot County Commissioner to gain access through the existing easement road that Oglethorpe Power has; that the Development Authority of Talbot County owns the property on which the Oglethorpe Plant and the easement road is located; that there is a letter of intent signed by Davis Broadcasting, Oglethorpe Power, the Talbot County Commission and the Talbot County Building Authority granting access to the site [*note: a review of the file on May 27, 2009, revealed no "letter of intent", but letters from Oglethorpe Power indicating agreement with the language in the proposed Easement Agreement with Davis Broadcasting, from the Talbot County Building & Zoning Inspector indicating that the Talbot County Building & Zoning Board approves the use of the existing road to the Oglethorpe Power Plant, but no letter from the Talbot County Commission, the Talbot County Building Authority or the Development Authority of Talbot County*]; that they have met all the requirements of Harris County with the exception of abutting a public County road; that due to the circumstances that requirement should be waived; that the intent of Harris County's ordinance, based on conversations with the County Engineer (Bill Patrick) and the County Manager, is that it applies more to subdividing property for development. In response to questions, Mr. Brazell said that the property abuts the property on which the power generating plant is located; and that the tower would be for radio station use only; that the tower is at least 500 feet from the property lines in all directions. Discussion included that a plat of landlocked property cannot be approved per Harris County regulations; that the property is on the county line and would not be a burden on anyone in Harris County if a provision is included that access must be from Cartledge Road in Talbot County; that while the subject property does not abut a Harris County road at all, the MeadWestvaco property on which the subject property is located does not abut a Harris County road at any point and is accessed through Talbot County; that for that to be true, the property had to have been grandfathered in around 1985; that the radio tower would be beneficial to Harris County; that there

will not be any vehicular traffic, with the exception of a monthly inspection by Davis Broadcasting; and that Davis Broadcasting is willing to negotiate the placement of a cell phone antenna or emergency broadcast antenna on the tower. Following discussion, John Taylor, County Attorney, said that the Board does not have the authority to violate its Ordinance; that in the Zoning Ordinance, each lot in an A-1 district shall abut on a public street or road; that in the Subdivision Ordinance, due to an amendment several years ago, all property subdivided, whether a large or small subdivision, shall front on a public road or street; that there is no latitude or basis in the Ordinance for any type of variance; and that whether or not the intent of the Ordinance was to allow easements through another County is not addressed; and that without a variance, there is no discretion. Mr. Taylor suggested that the Public Hearing be completed and that the decision be tabled to the next meeting to allow him time to search for a possible solution and/or check case law regarding same.

There being no further comments from the Board, Chairman Lange asked if anyone wished to speak in favor of or in opposition to this Special Use Permit application. There being none, he asked Mr. Brazell for any additional comments. Mr. Brazell said that Davis Broadcasting has a legal document executed by all parties including the Development Authority of Talbot County, the Talbot County Commissioners, and the operator of the site, Oglethorpe Power granting a permanent access easement to Davis Broadcasting for the tower site, subject to the sale of the property; that in due diligence, they met with Mrs. Gray on several occasions and with Mr. Bridges, and their advice was to seek an easement through Talbot County; that he feels like they have been "thrown to the wolves" to get everything in order to come before the Board, but he now hears something completely different; that the variance process is somewhat realistic in that the County's ordinance cannot address every application; that as a businessman who does a lot of work in Harris County, there should be a variance process; and that he is willing to have the application tabled until such time as a variance process is drawn up. Danny Bridges, County Manager, said for the record, that he advised Mr. Brazell to seek through Talbot County access from a public road, not an easement road. There being no further comments, Chairman Lange closed the Public Hearing.

The motion to table the decision regarding this Special Use Permit application to the June 2 meeting for the purpose of looking at case law, searching for a way to possibly allow the request, and reviewing aerial photos, was made by Commissioner Wyatt, seconded by Chairman Lange, and passed unanimously. Chairman Lange advised Mr. Brazell that the Public Hearing has been held and closed; that no further comments will be received; and that the decision will be made during the June 2 meeting.

8. **COUNTY MANAGER (CONTINUED)**

- D. **Casandra Kinney: Water Run-off at 118 West Lakeshore Drive (in Melody Lakes).** Danny Bridges, County Manager, said that he, Commissioner Loudermilk, and County employees met with Ms. Casandra Kinney and have reached a solution to the water run-off problems.
- E. **Leonard Aucoin: County Water and Water Run-off (on Hopewell Church Road).** Danny Bridges, County Manager, said that he, Public Works Director Allen Culpepper, and County Engineer Bill Patrick, met with Mr. and Mrs. Leonard Aucoin and an agreement as to a solution to the water run-off problem could not be reached. He said that Mr. Aucoin wants the County to dig a ditch, the depth of which can't be determined, to get the water off his property; that way his land lays at his driveway, it goes up hill in both directions and there is a drainage pipe under the road. Discussion included the road has been in place for about 50 years and other than the County cutting the grass on the right of way, no other work has been done to the road. Mr. Bridges said that Mr. Aucoin wanted everything in writing, which he refused to do, to which Mr. Aucoin said the County hasn't heard the last of him regarding this matter.
- F. **Fortson Road Water Line Replacement.** Danny Bridges, County Manager, reminded the Board that DOT has requested the County do repairs to the road before it is paved; that the County is in the process of getting repair bids; that part of the issue with Fortson Road is because the water line (the County's) is under the road; that the road was widened a few years back, and every time a water line repair or a new service is made, we have to dig under the road; that the water line is a six-inch line and is one of the first water lines put in and is about 30 years old; and that it is suggested that the water line be replaced and get it out from under the road before repairs are made. Mr. Bridges said that the Water Works employees and prison inmates can do the work at an approximate cost of \$85,000 to \$100,000; that there are Water Works funds for such improvements; and that the replacement/improvement would increase the line to a twelve-inch line; and that he is

trying to contact DOT to make sure they will hold the funding and possibly carry it over until next year for the paving of the road. The motion to replace the Fortson Road water line using Water Works funds at an approximate cost of \$85,000 to \$100,000 was made by Commissioner Whearley, seconded by Chairman Lange, and passed unanimously.

- G. **Garbage Exemption/Refund Request.** Danny Bridges, County Manager, said that he had received and disapproved a garbage exemption/refund for the company that owns apartments in Pine Mountain and who has contracted with a company to pick up its dumpster; and that such private contracting cannot be done since the County's Solid Waste Ordinance reads, in Section 5-24, "where any person, persons, or corporation own(s) family dwellings unit(s) for rental purposes, then the annual fee for each such unit shall be levied against the owner". Consensus was that the disapproval was appropriate.
- H. **Service Delivery Strategy.** Danny Bridges, County Manager, said that the first meeting regarding the Service Delivery Strategy was held and each municipality was in agreement with same, and that the necessary documents should go to the municipalities for action in June and that the County should act on same during its June 16 meeting.

9. **COUNTY ATTORNEY**

- A. **Request for Executive Session.** John Taylor, County Attorney, requested an Executive Session for the purpose of discussing personnel issues, pending or potential litigation, and the acquisition of real property.
10. **RECESS FOR EXECUTIVE SESSION.** The motion to go into Executive Session for the purpose of discussing a personnel matter, pending or potential litigation, and the acquisition of real property was made at 8:05 PM by Commissioner Wyatt, seconded by Chairman Lange, and passed unanimously.
11. **RESUME REGULAR SESSION.** The motion to go back into Regular Session was made by Chairman Lange, seconded by Commissioner Loudermilk, and passed unanimously.
12. **ADJOURNMENT.** There being no further business to discuss, the motion to adjourn was made by Commissioner Manning, seconded by Chairman Lange, and passed unanimously.

J. Harry Lange, Chairman

Attest:

Nancy D. McMichael, County Clerk