

# HARRIS COUNTY BOARD OF COMMISSIONERS

## REGULAR SESSION

August 4, 2009

7:00 PM

Commissioners Present: J. Harry Lange, Charles Wyatt, Joey M. Loudermilk, Patrick Whearley. Commissioner Absent: Joe F. Manning (vacation). 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 July 21, 2009, Regular Session was made by Commissioner Loudermilk, seconded by Commissioner Wyatt, and passed unanimously.
3. **APPEARANCE OF CITIZENS**
  - A. **Leonard Aucoin: Water Run-Off/Culvert Drainage.** Leonard Aucoin, citizen, appeared before the Board and said that he was before them on May 5 regarding the water drainage problem; that the issue has not been resolved; that he has lived in the County for five years, pays his taxes, and expects to get what the tax payers are supposed to get; that when something is asked, a response should be given; that he met with Danny Bridges and two others; that they looked at the issue and Mr. Bridges said he would get back with him; that he sent a letter regarding same, and has yet to receive a response; that he contacted an engineer with the University of Auburn regarding the issue to include ditches, swales, culverts, and what's right or wrong and the codes; that from what the engineer told him, the County is not in compliance with the County code written in 2006; that he still has the drainage problems. Chairman Lange said that while he does not know what happened, he does know that Mr. Bridges, along with Allen Culpepper, Public Works Director, and Bill Patrick, County Engineer, did visit the situation. He then asked Mr. Bridges to review the findings. Mr. Bridges said that as he had reported during the May 19 meeting, he, Mr. Culpepper and Mr. Patrick had visited the property; that the County has done nothing to the property in years; that the County has not done anything to cause anything different from when Mr. Aucoin bought the property; that there is a drainage ditch under the road that drains onto Mr. Aucoin's property but there is no evidence of any mud runoff or anything on his property; that while water does drain onto his property due to the way the road lays, there is nothing to be done to divert any water due to the lay of the land; that there is nothing the County can do or should do; and that when they left Mr. Aucoin's property that day, he advised Mr. Aucoin that there was nothing the County could do, so he feels he did respond to Mr. Aucoin. Mrs. Aucoin spoke up and said that while Mr. Bridges did indicate there was nothing the County could do, her husband asked for that in writing. Mr. Aucoin read the County's ordinance (adopted in 2006) regarding road shoulder slopes. Chairman Lange said that the problem apparently existed prior to the regulations the County adopted in 2006, that those regulations would address road issues going forward. Mr. Aucoin said that the slope should have been corrected to meet the code. Chairman Lange again said that when regulations are adopted it is from that point forward and does not require going back to correct pre-existing issues. In response to a question from Commissioner Wyatt, Mr. Aucoin said that he wants a letter from the County saying that what is there is up to code. Commissioner Wyatt said that the problem was there when Mr. Aucoin bought the property five years ago; that during the May meeting, Mr. Aucoin said that this started when the County starting taking care of the road; and that the County has been cutting the grass on that road for 30 years. He then made the motion to not do anything regarding this matter. The motion was seconded by Commissioner Whearley, and passed unanimously. Mr. Aucoin commented that he has been in touch with an attorney regarding this matter.
4. **OLD BUSINESS**
  - A. **Decision re: Application of Davis Broadcasting for Special Use Permit for Radio Tower Structure on 50.169 acres of Parcel 003, Map 100, LD 17, LL 196, zoning district A-1, current use agricultural; property owned by MeadWestvaco and located on west side of Talbot County line and just north of Muscogee County (Public Hearing was held June 16, 2009 with the decision tabled from that meeting).** Chairman Lange said this matter had been tabled again from July 21 meeting to this meeting. He asked Mr. Davis to explain what has occurred. Mr. Davis said that MeadWestvaco will not sell the 50 foot wide section of property because it would not be prudent to divide their property in half and that they did not own all the land up to Ridgeway Road, and that as a result, he is at the mercy of Harris County. Chairman Lange said that based on County regulations, the request

cannot be granted because access would be through an easement. Discussion included possibilities regarding access in Talbot County to which Mr. Davis said he has an agreement with Oglethorpe Power to go across their property to get to his property. Danny Bridges, County Manager, suggested that the Board consider changing the ordinance to indicate that such access could be via a public road in another County or in Harris County, and the general consensus was in agreement of same. Commissioner Wyatt tabled action on this Special Use Permit until such time as the ordinance is amended. Mr. Davis thanked the Board for their consideration. John Taylor, County Attorney, is to draft an amendment to the Subdivision Ordinance, which will have to go through the proper advertising and two readings before the Board.

- B. **Request for Tax Refund: Justice, Jeffery & Trang.** Chairman Lange said that this refund request in the amount of \$1,529.88 had been before the Board on March 3 and that Danny Bridges, County Manager, had been directed to look into this situation. Mr. Bridges said that after several phone calls, the new owner has been convinced he should pay it; that once the Tax Commissioner gets the escrow check from Bank of America, she will make the refund to Mr. Justice; and that he recommends the request should be approved pending receipt of the escrow check from Bank of America. The motion to approve this refund request was made by Commissioner Loudermilk, seconded by Commissioner Wyatt, and passed unanimously.

5. **NEW BUSINESS**

- A. **First Reading: Application of Darrell Sullivan for Wine On-Premises at VFW Post 10558 located at 7379 US Highway 27, Cataula.** Chairman Lange read the specifics of the application, and Nancy McMichael, County Clerk, said that the applicant already holds a Beer On-Premises license and she does not have the authority to automatically add the Wine On-Premises license. The applicant was not present and Chairman Lange said that the Second Reading and vote would take place at the next meeting.

6. **COUNTY MANAGER**

- A. **Appropriated Funds 2010.** Danny Bridges, County Manager, said that this list is of funds that have not been spent from prior years and have been rolled over from 2007, 2008, and 2009. Following a brief discussion, the motion to approve the Appropriated Funds was made by Commissioner Wyatt, seconded by Commissioner Whearley, and passed unanimously.
- B. **Budget Amendment #1 FY 09/10.** Danny Bridges, County Manager, said that the amendment is to allocate the salary increases to the appropriate departments. The motion to approve was made by Commissioner Whearley, seconded by Commissioner Wyatt, and passed unanimously.
- C. **Group Adoption Agreement w/ACCG: Inmate Medical Services.** Danny Bridges, County Manager, said that through Blue Cross Blue Shield and ACCG, the County can save money on medical expenses for the inmates at the Jail; that currently the County has to pay the full price of medical care regarding inmates taken to medical facilities outside the Jail; that with this agreement, the County would still pay the bill, but it would be at a reduced amount, which could be a reduction of 50 to 60 percent; and that there would be no cost to the County to participate in this, except for an administrative fee of 11% when a claim is processed. Discussion included that the County spent \$17,535 over and above the agreement with Correct Health, and under this plan with BCBS/ACCG, we would have paid around \$8,800. 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 #09-41.)
- D. **Group Adoption Agreement w/ACCG: Blue Cross Blue Shield Coverage, and Business Associate Agreement w/ACCG: HIPPA.** Danny Bridges, County Manager, said that there is no charge to the County concerning the agreements; that the Group Adoption Agreement is in connection with the BCBS coverage and health benefits the County recently obtained; that the Business Associate Agreements deals with HIPPA regulations and how medical can or can't be used. The motion to approve both agreements was made by Commissioner Wyatt, seconded by Commissioner Whearley, and passed unanimously. (Documents can be found in "Contracts & Agreements" file as C&A #09-42 (Group Adoption) and C&A #090-43 (HIPPA).)
- E. **Memorandum of Understanding (MOU) w/DNR: Digital Flood Insurance Rate Map (DFIRM).** Danny Bridges, County Manager, said that in cooperation with

FEMA, DNR is undertaking the revision of Flood Maps in a digitized format; that the MOU is regarding the County's cooperation with same; that both Bill Patrick, County Engineer, and Commissioner Wyatt reviewed the 150+ page document; and that the MOU does not indicate any monetary obligation on the County's part. The motion to approve this MOU was made by Commissioner Wyatt, seconded by Commissioner Whearley, and passed unanimously. (Document can be found in "Contracts & Agreements" file as C&A #09-44.) Mr. Bridges was directed to try to find out when the project should be completed and effective.

7. **COUNTY ATTORNEY**

A. **Resolution to Accept Winding Lake Drive and Edgewater Drive (portion) in Winding Lake Subdivision.** John Taylor, County Attorney, 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 Commissioner Whearley, seconded by Commissioner Wyatt, and passed unanimously.

B. **Declaration of Taking: Donte & Keisha Stafford (Morgan Copeland Road).** John Taylor, County Attorney, said that during a February meeting, the Board had taken action to condemn property, if necessary, and that while some of the property has been acquired since that time, some has not; that this document is the first of probably two or three that will start the process of condemnation; that upon approval, the affidavit will be executed and a petition prepared to file in court, after which the County will be authorized to take the property and proceed with the road project. He said that in this instance, one of the parties has signed the right-of-way deed and the other can't be located, but because the property is jointly owned, the condemnation would be against both. The motion to approve this document was made by Commissioner Wyatt, seconded by Commissioner Loudermilk, and passed unanimously. (Document can be found in "Miscellaneous Documents" file as MD# 09-10.)

8. **REQUEST AND RECESS FOR EXECUTIVE SESSION.** Following his request to go into Executive Session, Commissioner Wyatt made the motion at 7:42 PM to go into Executive Session for the purposed of discussing real estate acquisition. The motion was seconded by Commissioner Loudermilk and passed unanimously.

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

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

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Attest:

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J. Harry Lange, Chairman

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Nancy D. McMichael, County Clerk