

HARRIS COUNTY BOARD OF COMMISSIONERS

REGULAR SESSION

August 18, 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 August 4, 2009, Regular Session was made by Commissioner Loudermilk, seconded by Commissioner Wyatt, and passed with four in favor (Loudermilk, Wyatt, Lange, Whearley), no opposition, and one abstention (Manning, who was not in attendance on August 4).
3. **APPEARANCE OF CITIZENS**
 - A. **Sylvester McGee: Noise Ordinance.** Sylvester McGee, citizen who lives on McGee Road in Pine Mountain, appeared before the Board to request the implementation of a noise ordinance; that his sister rents out a log cabin she built near his home and there are lots of parties and events that go on there; that the people involved in the parties have no regard for him or his family; and that he has filed a civil suit. Following discussion, Chairman Lange asked that Mr. McGee let Nancy McMichael, County Clerk, know the outcome of the civil suit and indicated consideration will be made as to whether or not to move forward with a noise ordinance.
 - B. **Frank Barnes: Noise Ordinance.** Frank Barnes was not in attendance.
4. **OLD BUSINESS**
 - A. **Second 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 said that the applicant already holds a Beer On-Premises license. The applicant was not present. Chairman Lange asked if anyone in attendance wished to speak in favor of or in opposition to this application. There being none, he asked for a motion. The motion to approve this application was made by Commissioner Wyatt, seconded by Commissioner Whearley and passed unanimously.
5. **NEW BUSINESS**
 - A. **Employee Recognition: David McCall, EMS Chief.** Chairman Lange read a letter from Gayel Tillman, Adult Advisor for the Youth Volunteer Conference Committee for the Council on Auxiliaries and Volunteers of the Georgia Hospital Association, complimenting David McCall, EMS Chief, who was a speaker at the 2009 Youth Volunteer Conference. (Document can be found in "Miscellaneous Documents" file as MD #09-11.)
 - B. **Proclamation: National Honey Bee Awareness Day.** Chairman Lange read the document proclaiming Saturday, August 22, 2009, as National Honey Bee Awareness Day in Harris County. The motion to approve the Proclamation was made by Commissioner Wyatt, seconded by Commissioner Loudermilk, and passed unanimously.
 - C. **Development Authority: Economic Development Direction.** Commissioner Wyatt said that the Development Authority, of which he is a member, had asked him to discuss economic development with the Board to determine what direction, if any, the Board wanted the Authority to take concerning economic development. Discussion included that the Authority is an arm of the Board in that it can buy, sell, and lease property for economic development purposes; that each member of the Authority doesn't need to go in different directions in an effort to contact businesses; that some type of strategic plan is needed, whether it is 1, 3, or 5 years, which the Board could review and approve or change; that a committee made up of members of the Board, the Authority, and the Harris County Chamber of Commerce is probably needed to make recommendations for an economic development plan to provide to interested businesses. The Board then heard from Lynda Dawson, Executive Director of the Harris County Chamber of Commerce, and Ken Napier, Chairman of the Development Authority. Mrs. Dawson said that the Chamber is regularly contacted regarding information on the plans for the remainder of the Northwest Harris Business Park as well as the Hamilton Business Park; and that something is needed to provide such information to interested parties. Mr. Napier said that

Authority needs to know how it can assist the County in meeting the County's goals and how to get that communication going. Danny Bridges, County Manager, said that he is in favor of forming a committee so that everyone is not going off in different directions and the members go back to their individuals group and work on something. Discussion continued and included that there needs to be a central contact number for the Authority on its website. Consensus was to put together the committee made up of members of the Authority, the Board and the Chamber to start working on a game plan, and each should make recommendations as to who they would like to have on the committee. The appointments should be made during the September 15 meeting.

D. **Hamilton Business Park Development.** Danny Bridges, County Manager, said that the committee (previously discussed) could help decide how to move forward and meet with an engineer regarding same so that we can get a design cost for the layout of the Park. Consensus was to move forward with contacting an engineer to be ready to meet with the committee. The motion for Mr. Bridges to contact an engineer was made by Commissioner Wyatt, seconded by Commissioner Loudermilk, and passed unanimously.

E. **Error & Release Requests.** Chairman Lange said there are 18 requests, and Danny Bridges, County Manager, said that while it appears there is no monetary change; that the digest doesn't change, but the exemption against the digest does; and that in these cases, the majority add to the digest. The requests are:

- (1) Campbell, Donald A., Sr.: Digest total of \$90,696 corrected to \$90,696 (add S4 exemption code)
- (2) Clements, John & Misty: Digest total of \$60,674 corrected to \$60,674 (reinstate S1 code & garbage fee)
- (3) Dykes, Brooks & Eugene: Digest total of \$172,717 corrected to \$172,717 (delete homestead)
- (4) Fitzpatrick, Victor B.: Digest total of \$35,188 corrected to \$35,188 (correct exemption code to L6S)
- (5) Hill, James & Sharon: Digest total of \$102,246 corrected to \$102,246 (remove CUV)
- (6) Hulsey, Stephen: Digest total of \$74,342 corrected to \$74,342 (add S4 code)
- (7) Lewis, Mark & Nola: Digest total of \$43,392 corrected to \$43,392 (apply L6S exemption)
- (8) Lloyd, Annette & Rufus Riggs: Digest total of \$57,348 corrected to \$57,348 (apply SC exemption)
- (9) Marlowe, Lynda: Digest total of \$201,480 corrected to \$201,480 (remove CUV)
- (10) Murphy, Leroy & Rebecca: Digest total of \$26,632 corrected to \$26,632 (apply SD exemption)
- (11) Murphy, Sandra & Gary: Digest total of \$74,660 corrected to \$74,660 (apply S5 exemption)
- (12) Oliver, Harold: Digest total of \$211,926 corrected to \$211,926 (remove CUV)
- (13) Papenfuss, Gregory & Frances: Digest total of \$25,992 corrected to \$25,992 (remove S1 code; duplicate)
- (14) Reynolds, Woodrow R Estate: Digest total of \$242,126 corrected to \$242,126 (apply CUV)
- (15) Robinson, Solomon: Digest total of \$17,710 corrected to \$4,977 (home burned April 2008; remove S1 code)
- (16) Whitley, David: Digest total of \$70,874 corrected to \$70,874 (remove homestead; rental property)
- (17) Williams, Linda: Digest total of \$110,314 corrected to \$110,314 (add S1 & garbage gee)
- (18) Williams, Wanda & Wilson: Digest total of \$19,120 corrected to \$19,120 (remove CUV)

The motion to approve all 18 Error & Release requests was made by Commissioner Wyatt, seconded by Commissioner Whearley, and passed with four in favor (Wyatt, Whearley, Lange, Loudermilk) and one opposed (Manning).

F. **Financial Statement: June 2009.** The motion to approve the June 2009 Financial Statement was made by Chairman Lange, seconded by Commissioner Wyatt, and passed with four in favor (Lange, Wyatt, Loudermilk, Whearley), no opposition, and one abstention (Manning).

G. **Safety Discount Verification: ACCG-GSIWCF (Workers Compensation Insurance).** Danny Bridges, County Manager, said that this was the usual verification form that the County has previous signed in connection with receiving a 7.5% discount on its Workers Compensation Insurance. The motion to approve the execution of the document was made by Commissioner Manning, seconded by Commissioner Whearley, and passed unanimously.

6. **COUNTY MANAGER**

- A. **Pate Park Expansion: Restrooms.** Danny Bridges, County Manager, said that this topic was previously discussed in January; that they are ready to start on the restrooms; that the estimated cost is \$14,000; that the work will be done in-house using prison inmates; and that the funding can be taken from SPLOST funds designated for Pate Park. The motion to approve spending up to \$14,000 for the Pate Park restrooms was made by Commissioner Loudermilk, seconded by Commissioner Manning, and passed unanimously.
- B. **The Grove: Sewer Line Route and Financing.** Danny Bridges, County Manager, reminded that the Board had been looking at two routes, one that goes up that goes up Smith Road to Fortson Road to Highway 315 (Route A) and one that goes up the I-185 right of way (Route B), and said that Federal regulations, according to DOT, prevent the use of the I-185 right of way. He said that Route A starts at the pump station on Smith Road in Muscogee County, up Fortson Road to the County line, then up Fortson Road to Highway 315; that it would all be on right-of-way; that the estimated cost for the infrastructure in the County is \$4,198,100 and that the cost for the infrastructure in Muscogee County would be borne by the developer at an estimated cost of \$694,700; that approval is needed regarding Route A and for the financing to be worked out with the developer and the bond council; and that financing might best be worked out through the Public Improvements Authority being reactivated regarding the bonds. He also said that the agreements with the developer and Columbus Water Works are in place; that the mechanism is in place to add a special tax to the tax bills of the property in the development to cover any under-funding that it might take to fund the bonds; and that the financial arrangement has not changed in any way. Commissioner Manning said that with the way the economy and the Federal government is going right now, he is hesitant about starting this project at this time and prefers to wait, and Commissioner Whearley agreed. Discussion included that there is no principal payment by the developer for seven years, only interest; that the developer will pay \$200,000 for seven years; that the property owners in the development can be taxed by a special tax if the funding is not there to cover the interest payment; that the developer plans to start with the commercial and residential located in the "town center" and it is anticipated that by the time the sewer line is completed, the developer will have commitments from commercial retail and restaurants and residential prospects.

At this point, Mat Swift, with the WC Bradley Company appeared before the Board, and said that WC Bradley is partners with the Woodruff Company; that it takes a lot of time and planning and a great deal of money of the developer for a development of this size; that once the route is determined, the route has to be priced, which will take 60 to 90 days, then the bid process has to take place, which will take 30 to 60 days; that if the vote to proceed was taken tonight, it might be six months before construction can begin; that because the sewer line will take longer than originally anticipated since the route for the sewer is the longer of the two routes, it may be two years; that during that time they (developer) will have spent hundreds of thousands of dollars on engineering, survey work, environmental studies, market studies, etc., so that when the sewer is connected and ready to go, they can start selling off property; that everything they have seen is that the country is at the bottom of the recession; that the biggest mistake will be to do nothing; that this property is ideally situated between the Kia plant and BRAC and is a great opportunity for commercial, office, and residential; that they have heard from individuals who have indicated that if the development was there now, they would be there, so they are not going to sit around and wait; that there will probably be simultaneous development of both commercial and residential; that the Bradley family and the Woodruff Company are personally liable for the payments; and that the longer we wait, the more difficult it will be to maximize the use of the property.

Discussion included that the market will dictate the development and is true for any development; that the developers have money invested and it is to their advantage to move as quickly as possible particularly because of their liability for payments; that because of rock problems, the cost may be \$1.5 million more; that engineering will determine the rock; that the County has no liability; that the County is going to get the payments regardless and if there are no tap fees, the developers won't recoup any of their investment; and that the worse case is that the County could end up with some of the most prime land in the County.

John Taylor, County Attorney, briefly discussed the agreement documents which include the ability to levy a special tax on the development property only in the event the developers can't make their payment so that citizens in other parts of the County aren't paying toward the sewer. He said that as soon as everything is ready to go, two Ordinance will be created, one to provide for the usage fees and the other for the creation of the special tax district (the property in question).

Mr. Bridges said that there a “stop gap” in the agreements in that once bids are received, the Board and the developer would have to consider the bids and agree to move forward at that point.

Two people had signed up to make comments about this subject matter, and Chairman Lange asked for the comments.

Ron Iddins, attorney, appeared before the Board and said that with the sewer line running from Muscogee County to The Grove, there will be other groups, entities, organizations and property owners; that the people he represents would love to be in the special tax district and pay their fair share to have access to the sewer line; and that others should be able to hook into the sewer line and to some of the same things that The Grove is going to be able to do. In response to a questions, Mr. Iddins said that his clients are willing to pay their share of the costs.

John Joy, citizen who lives in the Mulberry Grove area, appeared before the Board and said people moved to the County to get away from this type of development; that The Grove has been approved, but we don't know how it is going to be paid for; that if the developers think it is important to get started with the sewer line, then they should go ahead and pay for it; that he is against the development; that the Commissioners are trying to draw business to the County, but nobody wants it; that in this instance, the Commissioners are not representing the people of the County.

Commissioner Wyatt made the motion to move forward with Route A, the financing for same, and the preliminary engineering for same. The motion was seconded by Commissioner Loudermilk and passed with three in favor (Wyatt, Loudermilk, Lange) and two opposed (Manning, Whearley). Mr. Bridges reminded the Board that once the engineer is done, the bidding will take place, and in addition to approving the bid, the Board will have to approve the financing.

- C. **Community Center.** Danny Bridges, County Manager, said that the latest drawing for the Community Center was included in the meeting packets and is 85% designed at this point; that a decision is necessary as to whether to proceed with Phase I and do Phase II later or move forward with the entire building; that financing for same could be accomplished through the Public Improvements Authority; that the project could be paid with SPLOST funds, that the current SPLOST will pay approximately the first six years with the balance paid through a new SPLOST or a tax increase if the SPLOST did not pass. Discussion included that the project is estimated to cost \$8,000,000, which, if financed may run closer to \$12,000,000; that the building is designed to be constructed in two phases; and that the first phase would be a little less than \$4,000,000 and includes the basketball court but not include the pool. Commissioner Manning said, for the record, that he is not against the building, just for proceeding with the entire building at one time. The motion to move forward with the entire building was made by Commissioner Whearley, seconded by Commissioner Wyatt, and passed with four in favor (Whearley, Wyatt, Lange, Loudermilk) and one opposed (Manning). Mr. Bridges is to also proceed with financing options and bring back to the Board for a vote.
- D. **Public Improvements Authority.** John Taylor, County Attorney, said that the Public Improvements Authority (PIA) could be used to finance projects through repayment of the SPLOST or through the issuance of GO bonds, depending on the best method. He further explained about the PIA and said that the PIA is for providing infrastructure and recreational facilities in order to promote the general welfare of the citizens; that the PIA was reactivated in 2001 in connection with an inducement resolution concerning some Callaway property, which never panned out, so the PIA has been dormant since that time; and that terms have expired and the members continue to serve until reappointments are made. Danny Bridges, County Manager, suggested that new members be appointed to the PIA; that the Board consider nominees; and that the appointments be made at the next meeting.
- E. **Agreement w/Farner Barley: Railroad Recreation Trail and Rails to Trails Grant.** Danny Bridges, County Manager, said that the proposal from Farner Barley to provide the engineering, surveying and planning for the Railroad Recreation Trail for \$8,000; that he is also requesting permission to apply for a \$1,000,000 Rails to Trails grant; that in connection with the grant application, Farner Barley has agreed to do the engineering work necessary for the application at a cost of \$2,500 and if the grant is awarded, receive the remaining \$5,500. Following discussion, which included that having golf carts on the trail makes the project eligible for the grant application, the motion to approve applying for the \$1,000,000 Rails to Trails grant and to approve the agreement in the amount of \$2,500 with the additional \$5,500 upon grant award was made by Commissioner Manning, seconded by Commissioner Whearley, and passed unanimously. (Document can be found in “Contracts & Agreements” as C&A

7. **COUNTY ATTORNEY**

A. **Agreement w/Dean's Commercial Two-Way: Tower/Repeater at Goatrock.** John Taylor, County Attorney, explained the aspects of the agreement to include that repeater is to serve the Volunteer Fire Departments in the Goatrock area of the County; that it is virtually identical to the agreement the Board approved in January regarding the Ellerslie and West Point tower sites; and that the monthly cost is \$300. Danny Bridges, County Manager, said that the monthly cost of \$300 has been included in the budget. 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" as C&A #09-46.)

8. **RECESS FOR EXECUTIVE SESSION.** The motion to go into Executive Session for the purpose of discussing a personnel issue was made at 8:42 PM by Commissioner Wyatt, seconded by Commissioner Loudermilk, and passed unanimously.

9. **RESUME REGULAR SESSION.** The motion to go back into Regular Session was made by Commissioner Wyatt, seconded by Commissioner Loudermilk, and passed unanimously.

10. **OTHER**

A. **Solid Waste Personnel.** In accordance with the Personnel Policy requiring formal action by the Board in order for a Supervisor to hire an immediate family member in his/her direct line of supervision, Commissioner Wyatt made the motion to approve the hiring of Donna Godfrey as a part-time Convenience Center Operator with the Solid Waste Department under the supervision of Tommy Geter, her father, who is the Sanitation Supervisor, with the condition that Ms. Godfrey is not eligible to hold a full-time position within the Solid Waste Department as long as Mr. Geter holds a supervisory position in that department. The motion was seconded by Commissioner Whearley and passed with three in favor (Wyatt, Whearley, Loudermilk) and two opposed (Lange, Manning).

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.

J. Harry Lange, Chairman

Attest:

Nancy D. McMichael, County Clerk