

HARRIS COUNTY BOARD OF COMMISSIONERS

REGULAR SESSION

September 1, 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 18, 2009, Regular Session was made by Commissioner Loudermilk, seconded by Commissioner Wyatt, and passed unanimously.
3. **APPEARANCE OF CITIZENS**
 - A. **Shawna Hartley: Recycling.** Shawna Hartley, citizen who lives in Cataula, appeared before the Board regarding recycling. Ms. Hartley said that she has contacted individuals in Atlanta, Columbus and LaGrange about recycling; that while the County does recycle paper and aluminum, other items should be recycled; that Pine Mountain and Callaway Gardens recycles; and that the Board should consider forming a committee regarding recycling and volunteered to be on same. She also distributed a summary of the information she had obtained regarding recycling. Chairman Lange said that while the County has previously looked at recycling, it is good to revisit the topic from time to time, and that he appreciates her suggestion of and volunteering to be on a recycling committee. Commissioner Wyatt said that in addition to recycling paper and aluminum, the County also recycles magazines and oil and will soon be taking paint. Chairman Lange thanked Ms. Hartley for her comments and information and said that should the Board decide to form a recycling committee, she will be contacted.
 - B. **Toni Connors: Road Signs and Pot Holes in Kings Gap Village.** Toni Connors, citizen, appeared before the Board and said that she appreciates the work the County did in repairing the culvert area on Cedar Drive; that she would like the County to provide four street signs that are needed for the roads in Kings Gap Village; that she would like the County to repair about 25 pot holes or provide the materials for the repairs to be made; and that one area of the recently repaired culvert needs to be looked at due to the recent heavy rains (she submitted a photo showing the area). Danny Bridges, County Manager, said that the roads to which Mrs. Connor is referring are private roads and that the County cannot provide or install the road signs nor can it provide materials or make repairs to the pot holes; and that the County did do the culvert repairs, which was an emergency situation. Following a brief discussion, Mrs. Connor was advised that signs could be ordered through the County, if she or the homeowners in Kings Gap would pay for same, and that the River Valley Regional Commission in Columbus may be helpful regarding a grant for road repairs. (Submitted photo can be found in "Miscellaneous Documents" file as MD #09-12.)
 - C. **Donnie Jones: Liquor/Mixed Drink Pouring License.** Donnie Jones, Commander of VFW Post 10558 in Cataula, appeared before the Board to discuss the contributions the VFD makes and the programs they are required to do as a VFW; and that they have fund raisers to help supplement their fees. Following the presentation, he confirmed that the VFW would like the Board to consider a liquor pouring license for the VFW. Commissioner Wyatt made motion to move forward with a resolution for a referendum on the appropriate ballot to allow such a license county-wide. John Taylor, County Attorney, explained that there are two ways to get the referendum on the ballot - one by resolution and the other by a petition with signatures of 15% of the registered voters and that the referendum could be either for a county-wide liquor pouring license for all restaurants or just for private clubs. Following a brief discussion, Commissioner Wyatt withdrew his motion and made another to move forward with a resolution for a referendum on the appropriate ballot to allow such a license for private clubs only. The motion was seconded by Commissioner Manning. The motion passed with four in favor (Wyatt, Manning, Lange, Loudermilk) and one opposed (Whearley, who indicated he was in favor of the license being county-wide). Mr. Taylor said that he would prepare the appropriate Resolution for action by the Board.
4. **NEW BUSINESS**
 - A. **Public Hearing Request for Tax Refund: Martha Ann King.** Chairman Lange said that a request for a tax refund had been made by Martha Ann King in the amount of \$2,418.71, that the Tax Commissioner and the Board of Tax Assessors

have agreed with the request; and that a Public Hearing had been requested for same. Gary Byrd, attorney for Martha Ann King, appeared before the Board and said that Mrs. King's husband, Clifford W. King died last fall; that Mrs. King paid property taxes and later found out she could file for a year's support; that Georgia law allows the surviving spouse to apply for and be granted a certain amount of property free of debt and received ad valorem tax benefit; that the year's support can apply for either the year of the death of the spouse or the following year; that Mrs. King has sold the property this year, and since she is entitled to have the taxes paid last year waived due to the year's support petition, she is making the request. The motion to approve the tax refund was made by Commissioner Wyatt and seconded by Commissioner Manning. In response to a question from Chairman Lange, John Taylor, County Attorney, said that the State of Georgia is the only state that allows this. The motion passed unanimously.

- B. **Rural State Transportation Improvement Program (STIP): Tom Queen.** Tom Queen, of Georgia DOT, appeared before the Board to review the proposed STIP projects for 2010 through 2014 including the widening of US 27 (remainder of preliminary engineering authorized this year with right of way in 2013), Village Green Walking Trail in Waverly Hall (perhaps this fiscal year), bridge replacement over Mountain Oak Creek on SR 219 (preliminary engineering in 2012), resurfacing of SR 18 from SR 219 to US 27, airport improvements, and US 27 from Turnberry Lane to Troup County (this fiscal year), enhancement project in Pine Mountain (preliminary engineering underway with construction with this year or next), Walking Trail in Hamilton (preliminary engineering), and bridge replacement over Flat Shoals Creek on SR 103 (preliminary engineering underway with right of way scheduled for 2012). He introduced Wayne Pittman, area engineer for DOT and located in Columbus, who should be contacted for day to day DOT issues. Mr. Queen also said funding beyond the six-year window includes the bridge replacement on SR 85 at Ossahatchie Creek (preliminary engineering started in 2008), and Off-System Safety Improvements (authorized in 2008). In response to a question from Danny Bridges, County Manager, Mr. Pittman said that he was not certain as to why the road work on SR 116 has not continued because a portion is ready for paving; and that in connection with the upcoming rodeo, the bridge will be utilized by the cattle and stock trailers in order to access the rodeo site. There was also a brief discussion regarding US 27 improvements, where the widening will stop, and the possibility of adding passing lanes.
- C. **Public Improvements Authority: Appointments and Resolution.** John Taylor, County Attorney, said that during the last meeting, the Board discussed reactivating the Public Improvements Authority so that it can possibly act as the financing vehicle for bonds in connection with the Community Center and The Grove; that because of the time that has elapsed since the Authority met, it is recommended that new appointments be made with two members appointed for three years, two for two years, and one for one year; that he had prepared a Resolution regarding the reactivation and appointments; that while no more than two Commissioners can be on the Authority, there is nothing to prevent the appointment of the County Manager; and that at least five individuals must be on the Authority. Following discussion, Commissioner Manning suggested that the format of the Resolution be approved and make the appointments later. Consensus was to discuss in the Work Session on September 14 and to make appointments during the Regular Session. The motion to approve the format of the Resolution (for the County Manager to be one appointee, two Commissioners to be two appointees, and the other two appointees to be at large) was made by Commissioner Wyatt, seconded by Commissioner Manning, and passed unanimously.
- D. **Request for Tax Refund: ARI/LaFarge Aggregates.** Chairman Lange said that a request for a refund in the amount of \$104.65 because the tag was purchased after the vehicle was sold, and that both the Tax Commissioner and the Board of Tax Assessors have agreed with the request. The motion to approve this refund was made by Commissioner Loudermilk, seconded by Commissioner Whearley, and passed unanimously.
- E. **Error & Release Requests.** Chairman Lange read the Error & Release requests as follows:
- (1) Askew, Louise H.: Digest total of \$16,118 corrected to \$22,826 (combined parcel 022-001 and 022-001A)
 - (2) Askew, Louise H.: Digest total of \$11,316 corrected to zero (combined parcel 022-01 and 022-001A)
 - (3) Cotton, Velma G., Estate: Digest total of \$176,389 corrected to \$176,389 (remove S4 exemption and add garbage fee)

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

unanimously.

- F. **Zoning Amendment Proposal: Conservation Subdivision.** Commissioner Manning said that the Board received a copy of a proposed Conservation Subdivision ordinance to amend the Zoning Ordinance; that it appears that the amendment was “put in the hopper” thus by-passing the Board, which doesn’t seem like that was the right way to go about making the amendment; and that he is willing to work with someone but he is not willing to sign off on it. Commissioner Loudermilk said that he agreed with Commissioner Manning. In response to a question from Chairman Lange, John Taylor, County Attorney, said that because the application has been made and submitted the process has been started for Public Hearings before the Planning Commission and the Board of Commissioners; that such should have been discussed prior to submission of the application; that if the application is withdrawn, the Board could discuss it and the Board could initiate the text change, which would not necessarily require a Public Hearing before the Planning Commission unless the Board so desired; that the Board has the final decision regarding any proposed amendment; and that the Board can deny the proposed amendment.

5. **COUNTY MANAGER**

- A. **Health Department Change Order #004: Ratification.** Danny Bridges, County Manager, said that this change order reduces the contract amount by \$4,576; that he has executed the change order; and that ratification of same by the Board is needed since this is in connection with a contract. He also explained that when the grant application was made for this project several years ago, it was estimated that the County’s in-kind match would be \$100,000, but now it is becoming difficult to come up with the match and adjustments are being made as feasibly possible. The motion to approve this Change Order was made by Commissioner Wyatt, seconded by Chairman Lange, and passed unanimously. (Document can be found in “Contracts & Agreements” file as C&A #09-47.)
- B. **Meeting with DOT Commissioner.** Danny Bridges, County Manager, reminded the Board of its scheduled meeting with DOT Commissioner Vance Smith on Thursday, September 3 at 2:00, distributed a list of items for discussion, and asked if there were any changes to be made to the list to let him know so that he can prepare an update for the Board. Following a brief discussion, consensus was to meet at the Commissioners’ Office at 11:30 AM and for Mr. Bridges to arrange for appropriate transportation.
- C. **West Point Council Retreat.** Danny Bridges, County Manager, said that West Point is having a Council retreat in Columbus on September 16 regarding governmental relations and have asked that he and one or two Commissioners be at the retreat at 10:30 to participate in same. Following a brief discussion, Commissioner Loudermilk said that he will participate.

6. **COUNTY ATTORNEY**

- A. **Declaration of Taking: Gregory Thomas (Morgan Copeland Road).** John Taylor, County Attorney, reminded the Board that it had taken action to condemn property, if necessary, regarding right of way on Morgan Copeland Road, and that while some of the property has been acquired since that time, some has not; that this document is the second of three to start the process of condemnation of the subject property; 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, the party has not returned calls regarding the .014 acres (860 square feet) for \$120. 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# 09-13.)
7. **ADJOURNMENT.** There being no further business to discuss, the motion to adjourn was made by Commissioner Manning, seconded by Commissioner Loudermilk, and passed unanimously.

J. Harry Lange, Chairman

Attest:

Nancy D. McMichael, County Clerk