

HARRIS COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION
November 3, 2009
7:00 PM

Commissioners Present: Charles Wyatt, Joey M. Loudermilk, Joe F. Manning, Patrick Whearley.
Absent: J. Harry Lange (attending a GARC meeting). Staff Present: Daniel B. Bridges, County Manager; John M. Taylor, County Attorney, Nancy D. McMichael, County Clerk.

1. **CALL TO ORDER.** In the absence of Chairman Lange, Vice-Chairman Wyatt called the Regular Session to order.
2. **MINUTES.** The motion to approve the minutes of the October 20, 2009, Regular Session was made by Commissioner Loudermilk, seconded by Commissioner Whearley, and passed unanimously.
3. **NEW BUSINESS**
 - A. **Gloria Strode: Census 2010.** Gloria Strode, representing the US Census Bureau, appeared before the Board and said that the County's "report card" from the last census was 62, which means 625 of the census forms were returned; that action will be needed by the Board to include the appointment of a chairperson who will be the liaison between the Complete Count Committee (CCC) and the Census Bureau; that the appointment of subcommittee chairs that will make up the CCC; that the CCC will include the following subcommittees: Government, Education, Faith-Based, Media, Community-Based, Business, and Recruiting; and that the chair of each subcommittee will recruit members for their team. Ms. Strode briefly reviewed the makeup of each subcommittee and stressed the importance of having each household counted in the census because the results are used in determining the number of seats each state has in the House of Representatives, the redrawing of district lines, and the distribution of federal funding for Title 1 grants, Head Start programs, WIC, Public Transportation, Road rehab and construction, programs for the elderly, emergency food and shelter, etc. Ms. Strode also said that Sheriff Mike Jolley had been appointed to the Governor's CCC and she stressed that the information obtained from the Census count is kept confidential and cannot be shared with any firm, government entity, or government official.
 - B. **Proclamation: Central Baptist Church of Ellerslie.** At the request of Vice-Chairman Wyatt, Commissioner Loudermilk read the document regarding the 125th anniversary of Central Baptist Church in Ellerslie and proclaiming November 15 as "Central Baptist Church Day" in Harris County. Commissioner Loudermilk then made the motion to approve the Proclamation. The motion was seconded by Vice-Chairman Wyatt and passed unanimously.
 - C. **Proclamation: Health Occupation Students of America (HOSA).** At the request of Vice-Chairman Wyatt, Commissioner Loudermilk read the document regarding HOSA, an organization at Harris County High School, and proclaiming the week of November 1-7 as "HOSA Week" in Harris County. The motion to approve this Proclamation was made by Commissioner Whearley, seconded by Commissioner Loudermilk, and passed unanimously.
 - D. **Rezoning/Zoning Amendment Schedule for 2010.** The motion to approve this schedule was made by Commissioner Manning, seconded by Commissioner Whearley, and passed unanimously.
 - E. **Special Use Permit Schedule for 2010.** The motion to approve this schedule was made by Commissioner Whearley, seconded by Commissioner Loudermilk, and passed unanimously.
 - F. **Requests for Tax Refunds: T. J. Bugg, et al.** Vice-Chairman Wyatt said that refunds in the amount of \$162.26 for 2008, \$15.54 for 2007, and \$15.82 for 2006; that the reason is the property is a family cemetery and that the Board of Assessors has approved the tax exemption starting with 2009 taxes. Following a brief discussion, Commissioner Manning tabled action until the November 17 meeting.
4. **COUNTY MANAGER**
 - A. **DOT Inmate Work Details Agreements.** Danny Bridges, County Manager, explained that the County has had an agreement with DOT for at least seven years regarding two inmate details; that one is a Work Detail and the other a Litter Detail; that although the agreement indicated DOT was to pay the County for both details, DOT has only paid for one; that upon checking, both DOT officials and former Public Works Director Jimmy

Evans indicated the intent was that the County would be paid for only one of the details; and that DOT does supply the vehicle, equipment, tools, etc., needed for both details. He said that that DOT has now provided two separate agreements for the details for which DOT will pay the County for one detail but not the other and will continue to supply the vehicle, equipment, tools, etc., for both details. He said that the County does benefit from having the details and recommended that the Board approve both agreements. John Taylor, County Attorney, said that he had reviewed the agreements and recommends approval. The motion to approve both agreements was made by Commissioner Loudermilk, seconded by Commissioner Manning, and passed unanimously. (Documents can be found in "Contracts & Agreements" file as C&A #09-52 (Work Detail) and C&A #09-53 (Litter Detail).]

- B. **Bid Award: Moon Road.** Danny Bridges, County Manager, said that bids were received for the preparation of base and paving of 1.43 miles of Moon Road from Oak Mountain Road to Milner Road, as follows:

COMPANY	BID AMOUNT
CW Matthews Contracting, Marietta, GA	\$ 170,064.65
Robinson Paving, Columbus, GA	\$ 156,603.68

Mr. Bridges said that the recommendation is to award the bid to Robinson Paving for the low bid of \$156,603.68 and that all bid requirements had been met. The motion to award the bid to Robinson Paving was made by Vice-Chairman Wyatt, seconded by Commissioner Loudermilk, and passed unanimously.

- C. **Georgia Highway 116 Project Status.** Danny Bridges, County Manager, said that he had talked to DOT officials regarding the Highway 116 realignment project; that it appears that Abney Grading is going out of business; that the project is bonded and DOT will have to go through the process of calling in the bond; and that DOT is taking care of erosion control issues concerning the project.
- D. **Landfill Monitoring.** Danny Bridges, County Manager, said that he has not been pleased with the company currently doing the groundwater and methane monitoring at the Landfill; that the individual is difficult to contact; that the individual doing the monitoring has a full time job, comes to the landfill on weekends or after hours, and the Landfill employees don't know when he will be there; and that the County is going to be in trouble with EPD if we don't finish the issue regarding the expansion of the Landfill boundary. He said that he requested a proposal from GEC regarding groundwater and landfill monitoring; that GEC will perform the required work during normal business hours; that the cost will initially be higher than what we are currently paying (\$18,500 to \$16,486), but will be less within a short time (\$14,500). Following discussion, the motion to approve the GEC proposal, pending any termination requirement with the current monitoring company, was made by Commissioner Whearley, seconded by Commissioner Loudermilk, and passed unanimously. (Document can be found in "Contracts & Agreements" as C&A #09-55.)
- E. **Agri-Center: Request for Funds.** Danny Bridges, County Manager, said that the Agri-Center is requesting \$4,674, and that the funds can be taken from the revenue received in connection with the dirt removed from County property that is leased to the Agri-Center Board and used for the Highway 116 project. Following discussion, the motion to approve the request for \$4,674 was made by Commissioner Manning, seconded by Commissioner Loudermilk, and passed unanimously.
- F. **DOT Right of Way Agreement: Morgan Copeland Road [PR000-S006-00(896)].** Danny Bridges, County Manager, said that DOT has revised the distance of the Morgan Copeland Road project and that the agreement is before the Board for approval. John Taylor, County Attorney, said that the agreement appears to be DOT's usual right-of-way agreement. The motion to approve this agreement was made by Vice-Chairman Wyatt, seconded by Commissioner Whearley, and passed unanimously. (Document can be found in "Contracts & Agreements" file as C&A # 09-54.)
- G. **Alcoholic Beverage Ordinance: Clarification of Courtyard.** Danny Bridges, County Manager, said that it is requested that the Board determine the meaning of "courtyard"; that a current alcoholic beverage holder has a fenced in area behind his restaurant in which he would like for patrons to be able to take their alcoholic beverages; that the Alcoholic Beverage Ordinance determines "premises" as including adjoining patios, decking, courtyards and verandas to the structure, whether enclosed, partially enclosed or open; and that should the Board be in agreement that "courtyard" in this instance includes what is contained within a picket fence connected to the restaurant, the owner would make application to amend his alcohol license for which he must provide a scaled drawing of the premises and the owner would only be able to actually sell the alcohol within his restaurant, but patrons could take it within the fenced area.

Discussion included that the courtyard area could not be open or alcoholic beverages within same when the restaurant is not open to the public for business. Following discussion, the consensus of the Board was that "courtyard" in this instance would include the area within the picket fence of this establishment. Mr. Bridges said that no public hearing would be necessary, and that more than likely, the application to amend the alcohol license would be before the Board during the November 17 meeting.

5. **COUNTY ATTORNEY**

- A. **Request for Executive Session.** John Taylor, County Attorney, said that he had no business to discuss with the Board except to request an Executive Session for the purpose of discussing real estate acquisition.

6. **OTHER**

- A. **Comprehensive Plan Community Agenda.** Vice-Chairman Wyatt said that he had reviewed the Comprehensive Plan Community Agenda document, which included the changes the Board had made during two recent meetings, and was not pleased with the "Final Issues and Opportunities Draft" section in that it made the Board and the County appear to be backward. There was a brief discussion during which other Commissioners agreed with Vice-Chairman Wyatt.

7. **RECESS FOR EXECUTIVE SESSION.** The motion to go into Executive Session for the purpose of discussing real estate acquisition was made at 8:04 PM by Commissioner Loudermilk, seconded by Commissioner Manning, and passed unanimously.

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

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

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Attest:

Charles Wyatt, Vice-Chairman

Nancy D. McMichael, County Clerk