

**HARRIS COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION**

March 2, 2010

7:00 PM

Commissioners Present: J. Harry Lange, Joey M. Loudermilk, Patrick Whearley, Charles Wyatt.
Absent: Joe F. Manning (family illness). 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 February 16, 2010, Regular Session was made by Commissioner Loudermilk, seconded by Commissioner Wyatt, and passed unanimously.
3. **APPEARANCE OF CITIZENS**
 - A. **Pam Davis: Liberty Bell Pool.** Pam Davis, citizen who lives on Davis Lake Road, appeared before the Board to ask that it consider being the concessionaire for the Liberty Bell Pool at Roosevelt State Park; that the State is currently accepting applications for concessionaire; that the swimming pool would fit in as part of the Recreation Department; that because the pool was not open last year local tourism dollars suffered; that citizens want to see the pool re-opened; that she is a swimming instructor and has given swimming lessons at the pool for many years; that the County could offer swimming lessons, synchronized swimming, pool exercise, and rental for private functions; and that with the soon to be constructed Community Center, which is to have a pool, running the Liberty Bell Pool would be a way for the County and its citizens to start enjoying pool activities. She also said that in the past, the State has received 10% of the revenue from the concessionaire, but because the State will no longer pay for the chemicals or the utilities in connection with the pool, it might be possible that the State is willing to negotiate what they receive. Chairman Lange said that he would like to see the pool reopened, but that the County would have to look at liability issues, salaries, and other expenses before making a decision. Danny Bridges, County Manager, said that he had already started getting such information.
4. **OLD BUSINESS**
 - A. **Library Board: Appointment.** Commissioner Wyatt said that he had tabled the appointment during the last meeting. He then made the motion to appoint Chairman Lange to the Library Board to complete the term of Vance Smith, who recently resigned. The motion was seconded by Commissioner Loudermilk, and passed unanimously. The term will expire December 31, 2011.
5. **NEW BUSINESS**
 - A. **First Reading: Application of Jeff Macon for Special Event Facility for Macon's Place, 108 Macon Drive, Cataula, to allow beer and wine on premises for special events only (not a restaurant, not open to the general public).** Chairman Lange read the specifics of the application and said that both the Sheriff's Office and the Community Development Office had recommended approval of the application. The applicant was not present. Chairman Lange asked if anyone wished to speak in favor of or in opposition to this application. There being none, he said that the second reading would take place March 16.
 - B. **Error & Release Requests.** Chairman Lange read the Error & Release requests as follows:
 - (1) Graham, Amy: Digest total of \$5,200 corrected to \$3,180 (incorrect boat model listed)
 - (2) Marshall, Malinda (2009): Digest total of \$600 corrected to zero (mobile home demolished)
 - (3) Marshall, Malinda (2008): Digest total of \$600 corrected to zero (mobile home demolished)
 - (4) Schurg, Amy: Digest total of \$3,904 corrected to zero (duplicate account)The motion to approve these four Error & Release requests was made by Commissioner Loudermilk, seconded by Commissioner Whearley, and passed unanimously.
 - C. **Request for Tax Refund: Holcomb, Robert Leon.** Chairman Lange said that a request for a refund in the amount of \$45.39 had been received from Robert L.

Holcomb, and that the reason for same is because Mr. Holcomb donated the vehicle to his church in June 2009 and accidentally paid the ad valorem taxes on same in January 2010. He said that the Tax Commissioner disagrees with the request because even though the vehicle was donated in June 2009, the title was not changed until January 2010, and that the Board of Tax Assessors agrees with the request because Mr. Holcomb has a receipt from the church regarding the donation in June 2009. Following discussion, the motion to approve the request was made by Commissioner Loudermilk, seconded by Commissioner Whearley, and passed unanimously.

- D. **Request for Tax Refund: Pritchett, C. Doug.** Chairman Lange said that a request for a refund in the amount of \$36.58 had been received from Cory Pritchett, and that the reason for same is because Mr. Pritchett had been taxed for a detached garage and there is nothing on the property. He said that the both the Tax Commissioner and the Board of Tax Assessors disagree with the request. Danny Bridges, County Manager, recommended that this matter be tabled because Mr. Pritchett has filed a return but the Board of Tax Assessors has not yet gone out to look at the property. Commissioner Wyatt tabled this matter pending review by the Board of Tax Assessors.
- E. **Bid Results: Surplus Fuel Trucks.** Danny Bridges, County Manager, said that one bid was received for the surplus fuel trucks (from Hugh Oliver of Talbotton); that it may be possible to get a better price from a metal salvage business; that he recommends rejecting the bid; and that if a better price cannot be obtained from a metal salvage business, he would come back to the Board about going back out on bid. The motion to reject the bid was made by Commissioner Wyatt, seconded by Commissioner Loudermilk, and passed unanimously.

6. **COUNTY MANAGER**

- A. **Resolution: Acceptance of Additional Right of Way on Voorhees Road.** Danny Bridges, County Manager, said that the County has had the right-of-way deed for an additional ten-foot on either side of the existing Voorhees Road; that because of several reasons, the acceptance process did not occur; and that he is recommending approval of the Resolution and acceptance of additional property. There was discussion regarding same, after which, the motion to approve the Resolution and accept the property was made by Commissioner Wyatt, seconded by Commissioner Whearley, and passed unanimously.

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

- A. **Conflict of Interest Forms.** The Conflict of Interest forms were completed at the request of Chairman Lange.
- B. **Public Hearing Procedures.** The Public Hearing Procedures were explained by Chairman Lange.
- C. **Application of Foxchase LLLP/Lee Bilberry to rezone 34.48 acres of Map 082, Parcel 178, Land District 18, Land Lot 70, from A-1 to R-3; present use undeveloped; proposed use high density residential; property located off Mehaffey Road (addition to Woodland Hills/Foxchase Subdivision).** Chairman Lange called the Public Hearing to order, read the specifics of the application, and said that the Planning Commission and the Zoning Staff had recommended approval of the application. Lisa Maki, representing Foxchase LLLP/Lee Bilberry, appeared before the Board and said that she is a golf course designer, has been in the business for 25 years, and lives in Woodland Hills subdivision; that she has been working with County staff for the past year to find the best way to develop the property in Woodland Hills; that Woodland Hills is zoned Resort and the County does not permit alterations or additions to Resort zoning; that the subject property is adjacent to the northeast section of Woodland Hills; that the average homes in Woodland Hills are 2,400 square feet with a value of \$246,000; that if the rezoning is approved, what will be called Luxury Villas will be constructed with an average of 2,800 square feet with a value of \$275,000; that the villas will offer an upscale lifestyle for those who don't want yard work but want to play golf and who want living space for family and guests; that a road will be constructed through Woodland Hills to the subject property and will be turned over to the County and will provide another entrance for the subdivision; that sewer for the subdivision, as well as the subject property, will be from Columbus Water Works; and that the subject property will be in the last phase of the build out, which is expected to take 10 to 12 years. In response to questions from the Board, Ms. Maki said that the road leading to the subject property will not be on a dam; that the villas will be cluster homes with common walls and none will be over two stories; that the sewer line will come in through Russell Road; and that they are working with County

staff to turn over the existing roads in Woodland Hills to the County. Discussion included that the County would have to enter into an agreement with Columbus Water Works regarding the sewer line.

Chairman Lange asked for a show of hands of those in favor of the rezoning, and six people raised their hands. In response to his request for a show of hands of those opposed to the rezoning, three people raised their hands. He also said that the public hearing is regarding the 34 acres and not the Resort zoning of Woodland Hills subdivision.

Chairman Lange asked if anyone wished to speak in favor of the rezoning application.

Vickie Pimental, citizen who lives on Foxchase Drive, appeared before the Board and said that she is in favor of the rezoning; that this type of growth can only help the County; that the road leading to the subject property is right beside her home, which does not concern her; and that she sees nothing negative about the project.

Richard Pimental, citizen who lives on Foxchase Drive, appeared before the Board and said that he is in favor of the rezoning; that the road to the subject property currently is one-way and has no turn-around, which causes vehicles to have to back out onto Mehaffey Road, so the new construction on the road will only improve it; that the road goes by his home and he has no objections to it; and that this project will be a plus for the County, especially with the onset of BRAC.

There being no further comments in favor, Chairman Lange asked for comments from those in opposition to the rezoning.

Bill Buffton, citizen of Woodland Hills, appeared before the Board and said that he has lived in Woodland Hills subdivision for 16 years; that he has no problems with progress; that homes such as those described will be beneficial for the area, but he is concerned that it will turn into something else; that he is concerned about the safety of citizens in the subdivision when construction starts; that the large trucks and equipment needed for construction will damage the existing roads, which are not County roads, and cause unnecessary hardships to the residents; and that something needs to be done so that the roads can be maintained by the County.

Brian Pardue, citizen who lives on Wild Fox Lane, appeared before the Board and said that he moved to the County for the quality schools and good neighborhoods; that he understands Woodland Hills is zoned Resort, but it offers only one of the several items required for Resort zoning; that anyone that plays on the golf course can pretty much tell that it is a \$20 golf course and not a high-end golf course; that the community has failed to meet the requirements of Resort zoning and as a result, he does not trust the developer; that the golf course is the only one of many requirements necessary to meet the Resort zoning. At this point, Chairman Lange cautioned Mr. Pardue about keeping his comments relative to the 34 acres. Mr. Pardue said that while he sees the potential for the growth and a possible increase in property value, he doesn't trust the developer because he has not yet meet the requirements for Resort zoning; that up until a few days ago, there was a double-wide trailer across the road from him; and that the depiction drawings are nice, but there is no guarantee; that if the zoning is approved, there should be conditions that must be met.

There being no further comments in opposition, Chairman Lange asked Ms. Maki for rebuttal.

Ms. Maki said that regarding the roads, they are in the process of having the existing roads in Woodland Hills turned over to the County; and that the sales trailer has been moved from the entrance of Woodland Hills.

Commissioner Whearley said that Mr. Pardue brought up a good point about Resort zoning, and that the Board had discussed some time ago about changing the zoning of some of the existing Resort properties. Chairman Lange said that the Board had indeed previously talked about Resort property, but any further discussion regarding same should take place after a decision made regarding the rezoning of the 34 acres.

There being no further comments or questions, Chairman Lange closed the Public Hearing and asked for a motion. The motion to recommend approval of the rezoning to R-3 was made by Commissioner Loudermilk with the following conditions: (1) the villas be owner-occupied units as opposed to apartments; (2) there be a maximum of two levels/stories; and (3) there be no more than 150 units. John Taylor, County Attorney, suggested that requiring the property to front on a public road, requiring a public water system, and requiring an approved public sewage disposal system also be included in the conditions. There was a brief discussion during which Danny

Bridges, County Manager, said that requiring the property to front on a public road is already a requirement and that during the last Public Hearing for a rezoning matter, the Board indicated that items which are already required by ordinances should not be included as part of the conditions. Commissioner Wyatt seconded the motion and asked who will pay for the pump station. Mr. Bridges said that the developer will be required to put in any necessary infrastructure to accommodate the water/sewer and to dedicate same to the County. He also reminded the Board that it had to enter into an agreement with Columbus Water Works before anything takes place. Commissioner Loudermilk amended his motion to add: (4) must connect to a public water system and an approved public sewage disposal system. Commissioner Wyatt amended his second to add the fourth condition. Commissioner Whearley said that if this rezoning is approved, he hopes the developers will continue to work on the other issues and roads in Woodland Hills. Commissioner Wyatt said that he was concerned about the size of the lots in the Resort zoned property as a result of the road to the subject property. Mr. Bridges said that the development of the Resort zoned property can't be changed from the plan originally approved unless it comes back to the Board. The motion to approve with the four conditions passed unanimously.

8. **COUNTY MANAGER (CONTINUED)**

- B. **Topo Mapping: Morgan Copeland Road and Community Center Property.** Danny Bridges, County Manager, said that it is his recommendation that no further roads or projects be done without having soil erosion plans to avoid possible issues; that as part of the Morgan Copeland Road project, a proposal has been received from Jack Berry & Associates for topo mapping based on an aerial flown in 2004; that such mapping should suffice for soil erosion plans and will cost \$2,100; that because we are close to starting on the Community Center, a topo is also needed for that project; and that a proposal has been received from Jack Berry & Associates for topo mapping on an aerial at a cost of \$2,000. The motion to approve both proposals was made by Commissioner Wyatt, seconded by Commissioner Whearley and passed unanimously. [Documents can be found in "Contracts & Agreements" file as C&A #10-05 (Morgan Copeland Rd) and #10-06 (Community Center).]
- C. **DOT Contract Amendment: Moon Road [PR000-S006-00(895)].** Danny Bridges, County Manager, said that this contract amendment results in a net difference of \$15.00; that since the County did the base work, we did not get the required certification from the rock pit that would allow DOT to reimburse the County; and that because he requested DOT to move the money from base to asphalt, the amendment is needed. The motion to approve the amendment was made by Commissioner Wyatt, seconded by Chairman Lange, and passed unanimously. (Document can be found in "Contracts & agreements" file as C&A #10-07.)
- D. **EMC Agreement Amendment: Washington Road (06-7013).** Danny Bridges, County Manager, said that this amendment is for a revision to the road alignment and the re-staking of the right-of-way due to the division and ownership change of some properties and a change to the layout of the road and will cost \$2,100. The motion to approve the amendment was made by Commissioner Wyatt, seconded by Commissioner Loudermilk, and passed unanimously. (Document can be found in "Contracts & Agreements" file as C&A #10-08.)

9. **COUNTY ATTORNEY.** John Taylor, County Attorney, said that he had no business to discuss with the Board this evening.

10. **OTHER**

- A. **Properties with Resort Zoning.** Commissioner Whearley said that some time ago the Board started discussing the possibility of what to do about the Resort zoned properties which do not meet the Resort requirements, but nothing was resolved. Discussion followed and included that some of the properties have not yet done any development; that the County has been interpreting Resort zoning based on the property's current use - if the property is being used as residential, the owners are to abide by residential requirements; that some properties, such as Woodland Hills, are mixed used; that the only recourse to properties that do not meet the Resort requirements is probably to rezone the properties; and that while there is no automatic revocation of a rezoning classification, the Board could initiate the rezoning of Resort property, not allow any further development on such property until the Resort requirements are met, or possibly charge the property owner/developer with zoning violation for not meeting the Resort zoning requirements.

Regarding Woodland Hills, Danny Bridges, County Manager, said that staff has been working with the developer for almost a year now; that they are very aware that they

have to meet the Resort requirements in order to continue developing the resort area; that they know they have to provide those services or the County is not going to allow to continue with development; that they did try to rezone the property to CUPD, but all the residents would not sign, and it had to be 100% of the property owners; that on the surface they are trying to do the right thing, but as they move forward it is the County's intentions to not allow further development until they meet the requirements; that they do have walking trails, tennis courts, and other items in the plan they are currently working on; and that the Ordinance does not say everything has to be in place before developing the property, but that they must be included. Regarding the roads in Woodland Hills, Mr. Bridges said that for the most part the roads are in shape, but there are a few areas that need to be fixed before the County can accept them; and because the County has made a few exceptions and accepted roads that go over a dam, if the road (Day Lake Drive) is brought up to specifications, we should accept it, and the alternative would be to leave a gap regarding County maintenance. He also said that dams are inspected every couple of years by Georgia DNR.

11. **RECESS FOR EXECUTIVE SESSION.** The motion to go into Executive Session for the purpose of discussing real estate acquisition was made at 8:29 PM by Commissioner Wyatt, seconded by Commissioner Loudermilk, and passed unanimously.
12. **RESUME REGULAR SESSION.** The motion to go back into Regular Session was made by Commissioner Loudermilk, seconded by Chairman Lange, and passed unanimously.
13. **ADJOURNMENT.** There being no further business to discuss, the motion to adjourn was made by Commissioner Loudermilk, seconded by Commissioner Whearley, and passed unanimously.

J. Harry Lange, Chairman

Attest:

Nancy D. McMichael, County Clerk