

**HARRIS COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION**

August 17, 2010

7:00 P.M.

Commissioners Present: J. Harry Lange, Joey M. Loudermilk, Joe Manning, Patrick Whearley, Charles Wyatt. 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 3, 2010, Regular Session was made by Commissioner Loudermilk, seconded by Commissioner Wyatt, and passed unanimously.
3. **APPEARANCE OF CITIZENS**
 - A. **Ballpark at Coco Hollow.** Chairman Lange said that several citizens had signed up to speak regarding the old Coco Hollow tree farm property, owned by John Rodgers, and on which Mr. Rodgers has constructed ballfields. He said that comments will be heard, asked that citizens do not repeat the same issue, and reminded them that each person had up to five minutes to speak. He then asked for a show of hands of the persons opposed to and in favor of the ballfields, and approximately 40 people raised their hands in opposition and three raised their hands in favor. The following persons appeared before the Board:
 - (1) Jim Furin. The comments and questions of Jim Furin, citizen who lives on Dogwood Lane West in Fortson, included that the County's rezoning process has flaws, that property owners can do what they want on their property as long as they comply with the County codes, that thousands of dollars have been spent on the ballfields despite the disapproval of the CORD zoning, if routine inspections are performed on such a project, and why the Board disapproved the CORD zoning, but rezoned the property to A-1 instead. (Mr. Furin submitted his speech, which can be found in the "Miscellaneous Documents" file as MD #10-06.)
 - (2) Linda Dey. The comments and questions of Linda Dey, citizen who lives on West Pine Drive in Fortson, included that she rehabilitates injured and orphaned birds and releases them; that she is concerned about the safety of the birds and of the children in the area; that she is concerned about the increase in the number of predators near her cages; and that Mr. Rodgers has made no effort to open a dialogue with the neighbors to let them know what he is doing.
 - (3) Juanita Gilman. The comments and questions of Juanita Gilman, citizen who lives on Stephen Court in Fortson, included that the work is proceeding on the property, as planned, regardless of the zoning; that development on the property should cease immediately; and what specific actions the Board plans to take in this matter. (Ms. Gilman submitted her speech, which can be found in the "Miscellaneous Documents" file as MD #10-06.)
 - (4) Vicky Mayse. The comments and questions of Vicky Mayse, citizen who lives on Joseph Court in Fortson, included that ballfields do not fit into any agricultural practice or use; and why recreation use under CORD is inappropriate while such use under agricultural zoning is permissible and appropriate.
 - (5) Lynn Sanders. The comments and questions of Lynn Sanders, citizen who lives on Dogwood Lane in Fortson, included that she is curious as to why Commissioner Wyatt made the motion for the property to be rezoned to agricultural when no one else had mentioned it; and that construction

has continued on the property; that there are three ballfields in place; and the value of her home has gone down as a result of the construction.

- (6) Herman Barth. The comments and questions of Herman Barth, citizen who lives on Dogwood Lane West in Fortson, included that such construction projects should have had permits issued, and if not, why not.
- (7) Thomas Vowell. The comments and questions of Thomas Vowell, citizen who lives on West Pine Drive, included why Commissioner Wyatt had the property rezoned to agricultural; that the construction is causing problems in the neighborhoods; and that the Board is invited to his home to listen to the construction machinery.
- (8) Larry Price. The comments and questions of Larry Price, citizen who lives on Joseph Court in Fortson, included concerns of noise pollution, lights, traffic, trespassing, operating hours, sedimentation and erosion control, and water damage to his property. He also said the erosion control plans of Mr. Rodgers include that the silt fencing would be inspected weekly and after rain, and that he would like the name of the person who would be doing that so that he could contact him in the event of problems; and that he would like support from the Board and the County Manager in following the County codes.
- (9) Linda Clark. The comments and questions of Linda Clark, citizen who lives on West Pine Drive, included that travel ball goes on late into the evening or early morning; that she heard that the burden of proof is on the citizens to prove that Mr. Rodgers will be charging fees for tournaments at the site; that such is unwarranted in light of the comments Mr. Rodgers made during the rezoning hearing during which he stated it would be a travel ball complex and would be profiting from it; and that citizens should be treated equally when it comes to property uses.
- (10) Sonny Riley. The comments and questions of Sonny Riley, citizen who lives on Belling Place in Fortson, included that the serenity of country living is being impacted by the Coco Hollow Sports Complex; that no one was informed about the decision to allow construction to continue on the property; that no buffer zones are being maintained; and that the complex is going to impact a lot of residents in the area.
- (11) Paula Strickland. The comments and questions of Paula Strickland, citizen who lives on West Pine Drive, included concerns regarding trespassing, what the large barn structure will be used for, and who will be checking on that structure.

Chairman Lange thanked everyone for their comments.

4. **NEW BUSINESS**

- A. **Financial Statement: June 2010**. The motion to approve the June 2010 financial statement was made by Commissioner Wyatt, seconded by Chairman Lange, and passed unanimously.
- B. **Error & Release Request: Marilyn Ruth Scofi Estate**. Chairman Lange said that an Error & Release request had been received indicating that the Digest total of \$34,442 had been corrected to \$31,114 due to acreage correction. The motion to approve this Error & Release was made by Commissioner Whearley, seconded by Commissioner Loudermilk, and passed unanimously.
- C. **NOD Requests: Enterprise Communications**. Chairman Lange said that two NODs (Not on Digest) had been received; one for 2007 changing the Digest from zero to \$162,793, and the other for 2008 changing the Digest from zero to \$187,236, due to audit results. The motion to approve these two NODs was made by Commissioner Manning, seconded by Commissioner Wyatt, and passed unanimously.

5. **COUNTY MANAGER**

- A. **Intergovernmental Agreement: Pine Mountain re: Springdale Subdivision.** Danny Bridges, County Manager, said that the County collects solid waste from locations within Springdale Subdivision, which is in the Town Limits of Pine Mountain, but in Meriwether County; that the County currently bills the property owners on a monthly basis; and that the Mayor of Pine Mountain has indicated the Town is willing to collect the solid waste fees for the County on its property tax bills and remit same to the County at no charge, but that the Town Council will have to agree to same. The motion to approve the agreement was made by Commissioner Manning, seconded by Commissioner Whearley, and passed with four in favor (Manning, Whearley, Lange, Loudermilk) and one opposed (Wyatt). (Document can be found in "Contracts & Agreements" file as C&A #10-27.)
- B. **Proposals: Methane Wells (2) at Landfill.** Danny Bridges, County Manager, said that in connection with the methane monitoring at the Landfill, EPD has indicated that the County needs to drill two more wells, which will be located at the north edge of the boundary line; that he has received a proposal from GEC for the drilling and installation of same, but that a local company has also submitted a proposal for the drilling portion of the project; and that he is requesting authorization to negotiate with both companies for a not-to-exceed total cost of \$10,000 for the drilling and installation of the two wells. Following discussion, the motion to authorize the County Manager to negotiate with GEC and the local company for a not-to-exceed total of \$10,000 was made by Commissioner Manning, seconded by Commissioner Wyatt, and passed unanimously. (Document(s) can be found in "Contracts & Agreements" file as C&A #10-28.)
- C. **Underwriter Recommendation.** Danny Bridges, County Manager, reminded the Board that it heard from two potential underwriters during the Work Session on August 3; that he requested each to provide their expected cost of issuance and both responded with their cost per \$1,000 (Morgan Keegan at \$5.50 and Merchant Capital at \$5.40) plus attorney and underwriting fees; that while both companies appear to have the means to provide the service to the County, the County has previously engaged and worked with Merchant Capital on several bond issues; and that he recommends engaging Merchant Capital for the bond issue in connection with the Community Center and the Grove Sewer Project. In response to a question from the Board, John Taylor, County Attorney, concurred with Mr. Bridges. The motion to engage Merchant Capital for the bond issue for the Community Center and the Grove Sewer Project was made by Commissioner Wyatt, seconded by Commissioner Whearley, and passed unanimously.
- D. **Request for Executive Session.** Danny Bridges, County Manager, requested an Executive Session for the purpose of discussing a personnel matter and potential or pending litigation.

6. **COUNTY ATTORNEY**

- A. **DOT Agreement: Morgan Copeland Road & Washington Road [PR000-S006-00(896)].** John Taylor, County Attorney, said that this is the usual DOT contract relating to County roads and recommended approval of same. The motion to approve this agreement was made by Commissioner Wyatt, seconded by Commissioner Whearley, and passed unanimously. (Document can be found in "Contracts & Agreements" file as C&A #10-29.)
- B. **Landfill Boundary Informational Deed.** John Taylor, County Attorney, said that the purpose of this document is to reflect the boundary lines of the landfill and is being required by EPD in connection with the methane wells. Following discussion, the motion to approve this deed was made by Commissioner Wyatt,

seconded by Commissioner Loudermilk, and passed unanimously.

- C. **Letter of Understanding: Conoco Phillips (Airport Fuel)**. John Taylor, County Attorney, said that this document is extra insurance, on top of what the County carries, concerning possible issues with the fuel; that there is no cost to the County; and that he recommended approval of same. The motion to approve this Letter of Understanding was made by Commissioner Whearley, seconded by Commissioner Loudermilk, and passed unanimously. (Document can be found in "Contracts & Agreements" file as C&A #10-30.)
7. **RECESS FOR EXECUTIVE SESSION**. The motion to go into Executive Session was made at 8:02 PM by Commissioner Loudermilk, seconded by Commissioner Wyatt, and passed unanimously.
8. **RESUME REGULAR SESSION**. The motion to go back into Regular Session was made by Commissioner Wyatt, seconded by Chairman Lange, and passed unanimously.
9. **SOLID WASTE PERSONNEL**. Danny Bridges, County Manager, said that the Solid Waste Route Coordinator, who also drove a garbage truck when necessary, has retired; that the employee being transferred into the vacant position currently performs the duties of a heavy equipment operator and drives a garbage truck when necessary; that plans are to delete the "Route Coordinator" job classification and to combine those duties with that of truck driver and heavy equipment operator; that the revised job title, description and grade will be brought back to the Board for approval at a later date; and that he is requesting authorization to increase the salary of the employee, Ronnie Duke, by 5% from \$17.66 to \$18.54 due to the additional duties he will assume. The motion to approve the increase for Mr. Duke was made by Commissioner Wyatt, seconded by Commissioner Whearley, 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.

J. Harry Lange, Chairman

Attest:

Nancy D. McMichael, County Clerk