

HARRIS COUNTY BOARD OF COMMISSIONERS

REGULAR SESSION

December 7, 2010

7:00 P.M.

Commissioners Present: J. Harry Lange, Joe Manning, Patrick Whearley, Charles Wyatt. Absent: Joey M. Loudermilk (out of town). 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**

A. **Regular Session of November 16, 2010.** The motion to approve the minutes of the November 16, 2010, Regular Session was made by Commissioner Wyatt, seconded by Commissioner Whearley, and passed unanimously.

B. **Appeal Hearing of Cherise Russ re: Classification of Potentially Dangerous Dog, November 16, 2010.** The motion to approve the minutes of the Appeal Hearing of Cherise Russ was made by Commissioner Wyatt, seconded by Commissioner Whearley, and passed unanimously.

3. **OLD BUSINESS**

A. **Resolution: County Legislative Coordinator.** Chairman Lange said that action on the motion to approve the resolution to appoint Danny Bridges, County Manager, as the County's legislative coordinator was tabled during the November 16 meeting. Following a brief discussion regarding the document, the motion to approve passed unanimously.

B. **Sewer Line for The Grove.** Commissioner Whearley said that he had heard from several individuals regarding rumors concerning deals being offered or threats of condemnation being made. Discussion included that the County has made no deals nor made threats of condemnation. Bob Brooks, citizen, appeared before the Board and said that he was concerned about the use of County funds for the sewer line that is to serve a specific area. Response included that County funds had been expended for some engineering work regarding possible routes, but because of the moratorium on expenditures, no other County funds have been expended, and that no County funds will be expended on any of the work that is done in Muscogee County.

4. **NEW BUSINESS**

A. **Financial Statement: October 2010.** The motion to approve the financial statement of October 2010 was made by Chairman Lange, seconded by Commissioner Wyatt, and passed unanimously.

B. **Request for Tax Refunds**

(1) **Middlebrooks, Franklin (2009).** Request for refund of \$110.00 due to property being vacant, with disapproval recommended by the Tax Commissioner, and approval recommended by the Board of Assessors.

(2) **Middlebrooks, Franklin (2008).** Request for refund of \$107.50 due to property being vacant, with disapproval recommended by the Tax Commissioner, and approval recommended by the Board of Assessors.

Following discussion of these two requests, the motion to approve was made by Commissioner Wyatt, seconded by Commissioner Manning, and passed unanimously.

(3) **McDowell, Logan, c/o George W. McDowell.** Request for refund of interest and penalties of \$181.62 because there was no mention of the taxes not being paid during closing, which took place in March 2010; that the title person had overlooked the fact that the taxes for 2008 and 2009 had not been paid; that the bank called the Tax Commissioner about 2009 taxes; that the payment for 2009 was credited to the past-due 2008; that the 2009 taxes were paid within two weeks of realizing they were past-due; and that penalties and interest had been added to the 2009 taxes. The request had been recommended for disapproval by the Tax Commissioner and for approval by

the Board of Assessors. Danny Bridges, County Manager, said that the Board of Assessors should not have made a recommendation because the issue is regarding penalties and interest and not a property issue. Discussion included that such tax issues should have been part of the closing and that the individual should take the matter up with the attorney who handled the closing.

The motion to approve the refund request was made by Commissioner Wyatt, seconded by Commissioner Whearley, and failed by a vote of two in favor (Wyatt, Whearley) and two opposed (Lange, Manning).

5. **COUNTY MANAGER**

- A. **Construction Manager for Community Center Project.** Danny Bridges, County Manager, said that the interview presentations by the five short-listed firms (Batson-Cook, Brasfield & Gorrie, Freeman & Associates, New South, and Phillips Construction) were conducted on November 30; that the firms had been scored; and that the firm being recommended as the Construction Manager for the Community Center Project is Batson-Cook. Mr. Bridges said that once the Board decides on the Construction Manager, negotiations and planning will take place, after which a construction agreement will be brought back to the Board for approval. Following discussion, the motion to engage Batson-Cook as the Construction Manager was made by Commissioner Manning, seconded by Commissioner Wyatt, and passed with three in favor (Manning, Wyatt, Lange) and one opposed (Whearley).

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

- A. **Explanation of Procedures.** Chairman Lange explained the Public Hearing procedures.
- B. **Conflict of Interest Forms.** The Conflict of Interest forms were completed at the request of Chairman Lange.
- C. **Application of James Terry and Christopher Dixon to rezone 5 acres on Map 76, Parcel 005-002, Land District 21, Land Lot 173, from A-1 to C-1; present use shop for personal use; proposed use shop for electrical business; property located on Johnson Mill Road (existing business not in appropriate zoning district).** Chairman Lange called the Public Hearing to order, read the specifics of the application, and said that the Planning Commission and Zoning Staff had recommended approval. James Terry and Christopher Dixon, applicants, appeared before the Board to discuss their application. Mr. Dixon said that their electrical business is mainly industrial and commercial; that their employees do not come to the location; that supplies are delivered to the job site;. Mr. Terry said that they don't have a lot of traffic at the property; that he lives next door to the property; that the neighbors have no objection to the business; that the building is located at the rear of the property and can't be seen from the road, except during winter; and that the access to the building is through his property next door. Chairman Lange asked if anyone wished to speak in favor of or in opposition to this application.

Ben Brooks, citizen, asked how the business could exist, and Chairman Lange replied that it was an oversight and would be corrected through rezoning.

There being no further comments, Chairman Lange asked Mr. Dixon and Mr. Terry if they had any further comments. Mr. Dixon said that they have been running the electrical business for five years. Commissioner Wyatt said that he had talked to the neighbors and that there were no objections.

There being no further comments or questions, Chairman Lange closed the Public Hearing. The motion to approve this rezoning application with the condition that it be used for an electrical business only was made by Commissioner Wyatt, seconded by Commissioner Manning, and passed unanimously.

7. **COUNTY MANAGER (CONTINUED)**

- B. **Airport CIP.** Danny Bridges, County Manager, said that the document before the Board is the Capital Improvements Plan for the next five years; that just because something is on the list doesn't mean it can't be changed next year; and that if approved, he will execute the applications for the items listed in 2012 (Taxiway Relocation, Land Acquisition Reimbursement). He reviewed the list and explained the various items. The motion to approve the December 10 CIP was made by

Commissioner Wyatt, seconded by Commissioner Manning, and passed unanimously. (Document can be found in "Miscellaneous Documents" file as MD #10-09.)

- C. **Solid Waste Hours: Convenience Centers.** Danny Bridges, County Manager, said that a survey had been performed at the three Convenience Centers which shows that 97% of all visits to the centers are between 7 AM and 5 PM and that 70% are Friday, Saturday, Sunday and Monday; that he is proposing that the three centers be open Friday - Monday, from 7 AM to 5 PM, and be closed Tuesday, Wednesday, and Thursday; and that in addition it is being recommending that the centers, which are currently closed only on Christmas Day, be closed on New Year's Day, July 4th, Labor day, Thanksgiving Day, and Christmas Day, and be open on other holidays. Following discussion, which included that the change will be effective February 1, that signs will be posted at each center, that flyers will be prepared for hand-out at the centers, and that ads will be run in the newspaper. The motion to approve the Convenience Center changes as recommended above and for the change to be effective February 1 was made by Chairman Lange, seconded by Commissioner Whearley, and passed with three in favor (Lange, Whearley, Manning), no opposition, and one abstention (Wyatt).
- D. **TE Rails to Trails Grant Application Status: Railroad Recreation Trail.** Danny Bridges, County Manager, advised the Board that next week is the deadline for the grant application; that the application will be for \$1,000,000; that the plan, if the grant is awarded, is to go as far as possible from Pine Mountain to the Country Store; that Hamilton's support is needed for the project; and that the next application would be for the second part of the trail, which would hopefully make it to Hamilton. There were no objections in moving forward with the grant application.
- E. **Alcohol Ordinance Amendments Discussion.** Danny Bridges, County Manager, said that information has been provided showing the proposed changes to the Alcohol Ordinance, as a result of the recently approved referendum by the citizens to allow the selling of distilled spirits by the drink; that also provided are the fees currently charged for various alcohol licenses with a few proposed increases; and that the results of a survey taken regarding alcohol fees charged by other counties and cities is also included. Following a brief discussion, consensus was to move forward with the process to amend the Alcohol Ordinance.
- F. **Manufactured Housing Ordinance Amendments Discussion.** Danny Bridges, County Manager, said that the proposed changes to the Zoning Ordinance, as a result of the recently enacted State law banning manufactured homes based on age, are provided. Following a brief discussion, consensus was to move forward with the process to amend the Zoning Ordinance.
- G. **Masonry Mailboxes/Headwalls on Right-of-Way.** Danny Bridges, County Manager, said there was discussion during the November 16 meeting and that the mailbox ordinance, an excerpt from the Zoning Ordinance, the GDOT mailbox regulations, and an excerpt from O.C.G.A. regarding obstruction or encroachment on roads have been provided. Discussion included that the current Ordinance should be enforced, that curbs and gutters, use, and speed limits should be considered where masonry mailboxes should be permitted, and that headwalls are more of a concern than masonry mailboxes. Following discussion, Commissioner Wyatt made the motion to enforce the current County Ordinances, and Commissioner Manning tabled this matter until next year.

8. **COUNTY ATTORNEY.**

- A. **Intergovernmental Agreement with Development Authority: JCI Expansion.** John Taylor, County Attorney, said that Johnson Controls (JCI)/Hoover has requested the Development Authority to issue bonds regarding an expansion to the JCI building (of approximately 84,000 square feet); that the Development Authority will take action on December 8 to act on the documents necessary for the bonds and would include an amendment to the building lease to require that JCI purchase the building at the expiration of the lease, which will be in eight years. Danny Bridges, County manager, said that the expansion is to be 84,000 square feet and with that comes an additional \$24 million investment in equipment by JCI and approximately 175 more jobs. Following discussion, the motion to approve the intergovernmental agreement was made by Commissioner Wyatt, seconded by Commissioner Manning, and passed unanimously. (Document can be found in "Contracts & Agreements" file as C&A #10-40.)

B. **Bond Purchase Agreement and Resolution: Community Center.** John Taylor, County Attorney, said that the Public Improvements Authority has agreed to issue bonds to finance the construction of the Community Center; that the Authority took action last week to approve the agreement; and that action is needed from the Board on the agreement and the Resolution. Following discussion, the motion to approve both the Bond Purchase Agreement and the Resolution was made by Commissioner Wyatt, seconded by Commissioner Whearley, and passed unanimously. (Bond Purchase Agreement can be found in "Contracts & Agreements" file as C&A #10-41.)

- C. **Request for Executive Session.** John Taylor, County Attorney, requested an Executive Session for the purpose of discussing a personnel matter.
9. **RECESS FOR EXECUTIVE SESSION.** The motion to go into Executive Session for the purpose of discussing a personnel matter was made at 8:47 PM by Commissioner Wyatt, seconded by Chairman Lange, and passed unanimously.
10. **RESUME REGULAR SESSION.** The motion to go back into Regular Session was made by Commissioner Manning, seconded by Commissioner Wyatt, and passed unanimously.
11. **OTHER**
- A. **Agricultural Buildings and Electrical Amp.** Commissioner Whearley said that he had been contacted by a citizen about the need for a higher electrical amperage in an agricultural building than allowed by County Ordinance due to the type of equipment contained within the building, such as welders, compressors, etc. Discussion included that the Ordinance reflects that an agricultural building cannot exceed 100 amps if the building is larger than 1500 square feet and there were reasons for limiting the amperage. No action was taken, and consensus was for staff to review the Ordinance.
12. **ADJOURNMENT.** There being no further business to discuss, the motion to adjourn was made by Commissioner Wyatt, seconded by Commissioner Whearley, and passed unanimously.

J. Harry Lange, Chairman

Attest:

Nancy D. McMichael, County Clerk