

**HARRIS COUNTY BOARD OF COMMISSIONERS  
REGULAR SESSION**

March 1, 2011  
7:00 P.M.

Commissioners Present: J. Harry Lange, Joey M. Loudermilk, Becky Langston, Jim Woods, 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 February 15, 2011, Regular Session was made by Commissioner Loudermilk, seconded by Commissioner Woods and passed unanimously.
3. **APPEARANCE OF CITIZENS**
  - A. **Kings Gap Village Roads: Toni Connors.** Toni Connors, citizen, appeared before the Board and said that she is again asking for assisting in repairing the roads in Kings Gap Village; that she understands the County did not get the grant for assistance and asked if the reason for denial had been looked into and if it was possible to resubmit the application; that her car is being damaged due to the road conditions; that she doesn't get mail delivery or garbage pickup, but she pays taxes like everyone else; that the County has worked on Lake Drive in Kings Gap; that roads are being repaved when there is no need and those funds could be used to fix roads such as hers. In response, Mrs. Connors was advised that the County's grant application was one of 159; that the applications are ranked according to the scoring; that the first 75 of those applications were funded; and that Harris County was number 122; that the application would be double-checked to see if there was any way to make improvements to same; and that it may be possible to resubmit the application with the next round of applications; that State law prohibits the County from doing any work on privately owned roads such as those in Kings Gap Village; and that the road could possibly be turned over to the County if it was brought up to certain standards. Following discussion, Mrs. Connors was advised that she would be contacted about the possible resubmission of the application and what improvements would be needed for the road to be considered for acceptance by the County.
4. **OLD BUSINESS**
  - A. **Second Reading: Application of Jo Ann B. Arshad for Beer & Wine Off Premises at Midway Grocery, 10016 Highway 315, Cataula, GA 31804.** Chairman Lange said that this was the Second Reading, read the specifics of the application, and said that it had been recommended for approval by the Sheriff and by Community Development pending the provision of five marked parking spaces to include handicap parking. 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 asked for a motion. The motion to approve this application, pending the five marked parking spaces to include handicap parking, was made by Commissioner Wyatt, seconded by Commissioner Woods, and passed unanimously.
  - B. **Fort Benning Expansion Study.** Commissioner Wyatt said that he had been told by citizens that his opposition to the Ft. Benning expansion appeared to be unpatriotic, and that in that regard, there have been 12 family members in the armed services since 1943, that he is not unpatriotic, but is against what the Department of Defense wants to do. He then made a motion to oppose the Fort Benning expansion into Harris County and that our representatives in Washington be contacted regarding same. The motion died for lack of a second. Chairman Lange said that while he is essentially in agreement with Commission Wyatt, the way the regulations are written concerning the expansion when an offer of land is made, it must be looked into; that he believes the expansion will not take place in Harris County; and that he understands Senator Hooks wants the expansion to take place in Stewart County.
4. **NEW BUSINESS**
  - A. **Requests for Tax Refund.** Chairman Lange said there are six Requests for Tax Refunds. Each request was acted on separately, as follows:
    - (1) **Davenport, Steven L.:** Refund request of \$1,524.25 taxes paid for 2010.

The Tax Commissioner recommended disapproval because Mr. Davenport could not produce a valid Georgia driver's license, and the Board of Tax Assessors recommended disapproval since Mr. Davenport did not take ownership until after January 1, 2010, and was ineligible for homestead. Discussion included that Mr. Davenport has applied for and been granted homestead exemption for 2011. The motion to disapprove this request was made by Commissioner Loudermilk, seconded by Commissioner Wyatt, and passed unanimously.

- (2) Grantham, Louise: Refund request of \$121.57 because car motor "blew up" after tag was renewed. The Tax Commissioner recommended disapproval because the vehicle was operable when the tag was renewed. The motion to disapprove this request was made by Commissioner Loudermilk, seconded by Commissioner Langston, and passed unanimously.
  - (3) Newman, Sean R.: Refund request of \$160.10 because he is in the military, his home of record is in Texas, and he should not have paid the ad valorem fees for his car in Georgia, and the request included returned check charges. Discussion included that the bank, not the County charges for the returned checks. The motion to refund \$125.10 (\$160.10 less \$35 in returned check charges) was made by Commissioner Woods, seconded by Chairman Lange, and passed with four in favor (Woods, Lange, Langston, Loudermilk), no opposition, and one abstention (Wyatt).
  - (4) Paulk, Richard: Refund request of \$14.17 because tag and tax penalties were assessed erroneously, and the tag was purchased within 30 days of title issue. The Tax Commission recommended disapproval because tag is due on birthdays; that Mr. Paulk's birthday is October 20, and the renewal was made November 18. The motion to disapprove this request was made by Commissioner Loudermilk, seconded by Commissioner Wyatt, and passed with four in favor (Loudermilk, Wyatt, Lange, Langston), no opposition, and one abstention (Woods).
  - (5) Richburg, Marty: Refund request of \$128.00 because he did not own the boat in 2009. The Tax Commissioner recommended disapproval because the law states a return must be filed and he was sent a bill because he had not filed for 2009. Discussion included that had he filed, he would not have owed the tax. The motion to disapprove this request was made by Commissioner Wyatt, seconded by Chairman Lange, and passed unanimously.
  - (6) Roller, Martin: Refund request of \$86.06 because he traded the bike (motorcycle). The Tax Commissioner recommended disapproval because the motorcycle was sold after renewal of tag. The motion to disapprove this request was made by Commissioner Loudermilk, seconded by Chairman Lange, and passed with four in favor (Loudermilk, Lange, Langston, Woods), no opposition, and one abstention (Wyatt).
- B. **Error & Release Request: Peavey, George**. Chairman Lange said that an Error & Release request had been received indicating that the Digest total of \$6,400 had been corrected to zero due to postal service error indicating the address was in Harris County, when in fact it is in Muscogee County. The motion to approve this Error & Release was made by Commissioner Loudermilk, seconded by Commissioner Langston, and passed unanimously.
- C. **Financial Statement: January 2011**. The motion to approve the Financial Statement for January 2011 was made by Commissioner Wyatt, seconded by Commissioner Langston, and passed unanimously.
- D. **DOT Right of Way Agreement: Culvert on Industrial Connector Road in Northwest Harris Business Park (S013021-PR)**. John Taylor, County Attorney, said that this is the usual DOT contract and recommended approval of same. The motion to approve this agreement was made by Commissioner Loudermilk, seconded by Commissioner Woods, and passed unanimously. (Document can be found in "Contracts & Agreements" file as C&A #11-08.)
- E. **Surplus Property Sale**. John Taylor, County Attorney, said that several years ago, the County declared a number of parcels as surplus property and offered them for sale by sealed bid; that one individual (John McRae) won

the bid for 24 parcels in Melody Lakes, but after some time, only paid for two of those parcels; that the County no longer buys in property at tax sales because of title issues; that the law may have been changed recently to allow such surplus sales to be done in a different manner; and that the County is requesting to move forward with the disposal of these surplus parcels. Commissioner Loudermilk said that this came up because a citizen had contacted him about a parcel that is next to his property in Melody Lakes. The motion to revoke the previous acceptance of bids for the 22 parcels of property by John McRae and to dispose of the surplus parcels in the manner allowed by law was made by Commissioner Loudermilk, seconded by Commissioner Wyatt, and passed unanimously.

5. **COUNTY MANAGER**

- A. **Bid Award: Parking Lot Patching & Reseal.** Danny Bridges, County Manager, said that bids were received for the patching and resealing of the Courthouse parking lots as follows:

COMPANY	BID BOND	# DAYS	BID
ChemSeal Asphalt Maintenance, Columbus, GA	X	6	\$ 10,999.00
Cecil Key Paving, Inc., Conyers, GA	X	6	\$ 11,780.00
Wolford Contracting Company, Fortson, GA	X	2	\$ 13,200.00

Mr. Bridges said that the recommendation is to award the bid to ChemSeal for the low bid of \$10,999. There was a brief discussion regarding the number of days in which the project is to be completed, and Mr. Bridges said that the work would be done on weekends and that the parking lots would not be closed during the week. The motion to award the bid to ChemSeal for the low bid of \$10,999 was made by Commissioner Wyatt, seconded by Commissioner Loudermilk, and passed with four in favor (Wyatt, Loudermilk, Lange, Langston), no opposition, and one abstention (Woods).

6. **COUNTY ATTORNEY**

- A. **Request for Executive Session.** John Taylor, County Attorney, requested an Executive Session for the purpose of discussing potential, threatened, or pending litigation.

7. **RECESS FOR EXECUTIVE SESSION.** The motion to go into Executive Session for the purpose of discussing potential, threatened, or pending litigation was made at 7:45 PM by Commissioner Loudermilk, seconded by Commissioner Langston, and passed unanimously.
8. **RESUME REGULAR SESSION.** The motion to go back into Regular Session was made by Chairman Lange, seconded by Commissioner Wyatt, and passed unanimously.
9. **ADJOURNMENT.** There being no further business to discuss, the motion to adjourn was made by Commissioner Loudermilk, seconded by Commissioner Wyatt, and passed unanimously.

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J. Harry Lange, Chairman

Attest:

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Nancy D. McMichael, County Clerk