

**HARRIS COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION**

October 18, 2011
7:00 P.M.

Commissioners Present: J. Harry Lange, Becky Langston, Joey M. Loudermilk, 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 October 4, 2011, Regular Session was made by Commissioner Loudermilk, seconded by Commissioner Woods, and passed unanimously.
3. **APPEARANCE OF CITIZENS**
 - A. **Chris Jackson: Agri-Tourism**. Chris Jackson, of Jenny-Jack Sun Farm and citizen who lives on Highway 18, Pine Mountain, appeared before the Board to discuss his farming activities, to include two annual farm dinners at which is served food that is grown mainly on his farm, and educational tours, and said that while he understands that what he has been doing is in violation of the Zoning ordinance, he hopes that the Board will consider amending the Zoning ordinance so that he and others in similar situations can continue to offer such experiences to others.
 - B. **Lon Marlowe: Selective and/or Non-Enforcement of Zoning, Land Use Ordinances, and/or Permits**. Lon Marlowe, of Oakhurst and citizen who lives on Highway 219, West Point, appeared before the Board to discuss various agri-tourism related venues, to include Jenny-Jack Sun Farm and what he offers or wants to offer at Oakhurst; the various hindrances he encounters in the Zoning ordinance as he tries to implement his plans; and that he hopes the Board will consider taking action to amend the Zoning ordinance so that he and others with similar agri-tourism plans can proceed.
 - C. **Kelly Geer: Agri-Tourism**. Kelly Geer, citizen of Hamilton, appeared before the Board and said that she supports Jenny-Jack Sun Farm and its endeavor to provide educational farm tours and dinners for people to take part in and enjoy and who, in many instances, don't have the knowledge of how food is grown, and that she would like the Board to take action to allow such programs to continue.
4. **OLD BUSINESS**
 - A. **Steeplechase at Callaway Gardens**. Chairman Lange said that the investigation into whether or not Sheriff Mike Jolley, or his predecessor, John Adams, was given the authority to issue a letter approving on-premises alcohol usage during the Steeplechase included an in-depth search of County records which revealed no delegation of the authority to the Sheriff; that Sheriff Jolley has indicated he has always issued the letter because Sheriff Adams had done so; that the State Department of Revenue, in issuing approval for a one-day alcohol permit apparently accepted the Sheriff's letter, whether right or wrong, as the local authority; and that this matter reveals something the County needs to rectify by amending the Alcohol Ordinance so that future events have the appropriate approval. Discussion included that former Sheriff John Adams has notified the Commissioners' office that he never issued such a letter; that the Columbus Steeplechase has been asked to produce one of the letters issued by Sheriff Adams and they have been unable to do so; that while a distributor does not have to pay taxes on donated alcohol, that once the alcohol crosses a municipal line, taxes are due; that both brownbagging and bootlegging are illegal in the County; and that the County shut down Jenny-Jack Farm because of a meal but yet loses thousands of dollars on something that's been done for 26 years.
Commissioner Wyatt made the motion that the Sheriff does not have authority to make decisions like this and to rescind any such decisions in the past, present, and future, and the motion died for lack of a second.

John Taylor, County Attorney, said, in explanation, that the Georgia Code authorizes a bona fide non-profit organization to apply for and the Commission of the Department of Revenue (DOR) to issue a permit for such organizations to sell alcoholic beverage not to exceed a period of three days; that the organization must provide evidence of its non-profit certification and a letter of authorization from the local governing authority; that the DOR promulgated their regulations about the

governing authority, reviewed the letter from the Sheriff and issued the permit and from that it appears a valid permit has been issued; that rightly or wrongly, the Steeplechase has presumably a valid permit regarding the alcohol usage; that under other code sections, the County is authorized to regulate the alcohol; that having held the event for many years does not necessarily make it right; that it appears there is apparent tacit approval by the County based on the fact that the event has gone on for a number of years with the knowledge of the County; that the organizers have expended large sums of money getting the event organized and pulling the trigger now could result in a law suit for something that appears to be valid; that from the standpoint of license validity, the County has not objected to the event over the years up to this point. Discussion included that even with the presumed validity of the license this year, the County still needs to take action to remedy such in the future; and that the County is entitled to any taxes.

Commissioner Wyatt made the motion to let the Steeplechase event be held this year, and the motion was seconded by Commissioner Woods. Discussion on the motion included that a better motion would be to ratify the letter the Sheriff provided regarding the Steeplechase; that the license is troubling because it was granted by the State who apparently took the Sheriff's letter as the local authority; that a letter from the Board should be issued rather than just to ratify the Sheriff's letter; and, again, that tax money is due the County.

Commissioner Wyatt changed his motion to issue a letter of authority from the Board for the State alcohol license for this year, but there was no second to his motion. He also said that at the same time, he wants the sales tax money that is due, the zoning problem solved, and the alcohol tax. Commissioner Langston asked about the sales tax, and Commissioner Wyatt said that he was talking about the tax on the food, packages, admission, etc. Mr. Taylor suggested a letter ratifying the issuance of the license and whatever taxes that may be legally due.

Commissioner Wyatt then withdrew all of his previous motions and made a new motion to issue a letter as the governing authority approving the issuance of the State alcohol permit/license for this year's one-day Steeplechase at Callaway Gardens event, and that as a second part of the motion he wants any and all taxes that the County is due, and understands that the zoning is a separate issue. Commissioner Woods seconded the two-part motion. Mr. Taylor suggested that the letter ratify the issuance of the letter from the Sheriff, and Commissioner Wyatt said that he will not change his motion to ratify the letter issued by the Sheriff. Regarding the taxes, Danny Bridges, County Manager, said that regarding the taxes the State would have to audit the records. The two-part motion passed unanimously.

- B. **Sewer Line Route for The Grove.** Chairman Lange said that three routes proposed for the sewer line to serve The Grove development (Route A at an estimated cost of \$4,285,560, Route C at an estimated cost of \$4,237,500, Route D at an estimated cost of \$4,574,775) were discussed during the preceding Work Session, which included the developers, the engineer, the County Water Works Director, and the Commissioners. He asked for a motion. The motion to approve Route "C" was made by Commissioner Loudermilk and seconded by Commissioner Langston. Commissioner Woods said that this is not a perfectly legal government/private industry partnership but is the next best thing to it in that it can't be used by anyone else; and that it appears to be a questionable use of taking private property for development. Chairman Lange said that this is not a taking of the land, it is a burden on the land in that the sewer line would be underground in an area that would be within the setback of any building; and that the trees would be kept clear. Commissioner Wyatt said that it is private property; that Ricky Catrett wants \$100,000 and was offered \$40,000; that even if he was given the \$100,000 it would be cheaper than paying legal and court fees rather than fighting it in court the next two or three years; and that while he thinks Route "C" is the best route, it should not be by taking someone's property. John Taylor, County Attorney, said that at this point, the County is trying to set the route; and that regarding the property, if condemnation is involved, the Board will have to take appropriate action to do so before condemnation can proceed. The motion to approve Route "C" passed with three in favor (Loudermilk, Langston, and Lange), one opposed (Woods), and one abstention (Wyatt).

5. **NEW BUSINESS**

- A. **Financial Statement: August 2011.** The motion to approve the August 2011 financial statement was made by Commissioner Wyatt, seconded by Commissioner Woods, and passed unanimously.

- B. **Budget Amendment #1 FY 2011/12.** Following a review of the budget amendment by Danny Bridges, County Manager, the motion to approve same was made by Commissioner Loudermilk, seconded by Commissioner Langston, and passed unanimously.
- C. **Appropriated Funds FY 2011/12.** Following a review of the appropriated funds by Danny Bridges, County Manager, the motion to approve same was made by Commissioner Wyatt, seconded by Commissioner Woods, and passed unanimously.
- D. **Error & Release Requests.** Chairman Lange read the Error & Release requests as follows:
- (1) **DCB Towers, LLC (Dean Ginn):** Digest total of \$24,920 corrected to zero (duplicate account);
 - (2) **Hurst, Rodney Dale (#816455):** Digest total of \$2,800 corrected to \$2,800 (two tax bills generated);
 - (3) **Hurst, Rodney Dale (#816456):** Digest total of \$2,600 corrected to zero (duplicate account);
 - (4) **Quirk, Frederick C.:** Digest total of \$4,000 corrected to zero (boat not deleted in error)
- The motion to approve these four Error & Release requests was made by Commissioner Wyatt, seconded by Commissioner Langston, and passed unanimously.
- E. **Not On Digest (NOD).** Chairman Lange said that one NOD had been received for Lin Rik Flowers with a digest total of \$1,813 corrected to \$16,210. The motion to approve this NOD was made by Commissioner Woods, seconded by Commissioner Wyatt, and passed unanimously.

6. **COUNTY MANAGER**

- A. **Surplus Vehicles.** Danny Bridges, County Manager, said that he was requesting that 13 vehicles, no longer of use by the County, be declared surplus and to sell same on GovDeals.com. The motion to declare the 13 vehicles surplus and to approve the sale of same on GovDeals.com was made by Commissioner Wyatt, seconded by Commissioner Loudermilk, and passed unanimously.
- B. **Cataula Inert Landfill: Share of Improvements to Acres of Shade Drive.** Danny Bridges, County Manager, said that according to the conditions placed on the Special Use Permit for the Cataula Inert Landfill include that the cost of repair and maintenance of Acres of Shade Drive is to be shared by the Cataula Inert Landfill as long as the landfill is in operation with the proportion of the cost-sharing to be determined by the Board; that the estimated cost to resurface this road, which is included in a current project, is \$31,545.85; and that the Public Works Director has estimated that over 90% of the damage to the road is due to the heavy traffic going to and coming from the landfill. Both Larry Carver and Donald Jones, owners of the Cataula Inert Landfill, appeared before the Board and said that while they are aware of the condition, not all the damage to the road occurred from the vehicles going to and coming from the landfill; that the road was built in the 1960s and is substandard; and they asked that the Board consider that times are tough in its deliberation of the cost for the landfill. Following discussion, which included various figures, the motion for the portion of the resurfacing to be borne by the landfill in the amount of \$5,000 was made by Chairman Lange, seconded by Commissioner Woods, and passed unanimously. Danny Bridges, County Manager, said that once the road has been resurfaced and the County has received the bill for same, an invoice will be sent to the Cataula Landfill for payment. Mr. Carver and Mr. Jones thanked the Board for its decision and said they would pay upon being invoiced.
- C. **Zoning Amendment Proposal: Farmers Market, Farm Dinner, Educational Farm Tour, Hay Rides, Pumpkin Patch and Corn Maze.** Danny Bridges, County Manager, said that it is being proposed that an amendment be made to the Zoning Ordinance in order to address the most recent issues concerning farmers markets, farm dinners, educational farm tours, hay rides, pumpkin patches and corn mazes. He then reviewed the proposed amendments during which minor changes were made to include the size of the farm on which the farmers market could be located should be a minimum of 25 acres and the deletion of pumpkin patches because they are the same as pick-your-own produce which, if grown on property located in A-1, can be sold on that same property. There were no objections to moving

forward with the Zoning amendment process.

7. **COUNTY ATTORNEY.** John Taylor, County Attorney, said that he had no business to discuss with the Board this evening.
8. **ADJOURNMENT.** There being no further business to discuss, the motion to adjourn was made by Commissioner Wyatt, seconded by Commissioner Langston, and passed unanimously.

J. Harry Lange, Chairman

Attest:

Nancy D. McMichael, County Clerk