

HARRIS COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION
December 6, 2011
7:00 P.M.

Commissioners Present: J. Harry Lange, Becky Langston, Joey M. Loudermilk, Jim Woods, Charles Wyatt. Staff Present: John M. Taylor, County Attorney; Nancy D. McMichael, County Clerk. Staff Absent: Daniel B. Bridges, County Manager (due to illness)

1. **CALL TO ORDER.** Chairman Lange called the Regular Session to order.
2. **MINUTES.** The motion to approve the minutes of the November 15, 2011, Regular Session was made by Commissioner Loudermilk, seconded by Commissioner Langston, and passed unanimously.
3. **APPEARANCE OF CITIZENS**
 - A. **John Rodgers: Uses of Coco Hollow.** John Rodgers, citizen and owner of Coco Hollow Sports Complex, appeared before the Board to discuss possible uses for his property that is zoned A-1, particularly for a Moose Lodge, which must have certain venues to qualify as a Moose Lodge; that a Moose Lodge was the example used by the County Attorney during a meeting in early November in which uses were discussed; and that before he spends money on developing a Moose Lodge, he wanted to know whether or not it would be acceptable, since it is a civic, social or fraternal organization that are permitted in A-1. Discussion included that specific plans/uses would be necessary; that civic, social or fraternal organizations are permitted in A-1, C-1, C-3 or C-4; that the term "civic, social or fraternal" is in reference to the actual building, not the activities, which must meet zoning requirements; that the suggestion of a Moose Lodge was used as an example of what can be on the property; and that there are many uses permitted on property zoned A-1 and are listed in the Zoning Matrix.
 - B. **John Rodgers: Use of Ballfields by High School Baseball Team.** John Rodgers, citizen, said that he had been contacted by Neal Brown regarding the possible use of the ballfields on the Coco Hollow property by the High School baseball teams since their fields were damaged during the recent tornado. Chairman Lange said that he was also contacted about the use of the ballfields; that he contacted the School Board about same and learned that the proper channel would be from the coach to the principal to the superintendent, to the Board of Education, and then to the County; and that based on that information, the proper process should be followed.
 - C. **Parimal Desai (Holland's Corner): Alcohol License Fees.** Parimal Desai, owner of Holland's Corner located at 1477 US Highway 219, Fortson, appeared before the Board and said the increase in the Beer and Wine licenses hurts the small businesses and would like the Board to consider reducing the fees. Chairman Lange said that the fees were increased almost a year ago and that the fees had not been increased since the 1980s.
4. **NEW BUSINESS**
 - A. **Development Authority Budget FY 11/12.** The motion to approve the Development Authority Budget for FY 11/12 was made by Commissioner Loudermilk, and seconded by Commissioner Woods. Commissioner Langston asked about the \$5,000 shown as "other" under Advertising, and Lynda Dawson, Chairman of the Development Authority, said that the majority of that will be used for a promotional video. The motion to approve passed unanimously.
 - B. **Alcohol Ordinance Proposed Amendments re: Temporary Special Event License.** At the request of Chairman Lange, John Taylor, County Attorney, reviewed the proposed amendments to the Alcohol Ordinance regarding a Temporary Special Event License to include that it would be for two days only with neither day being a Sunday; that application must be made 90 days in advance of the special event; that it would only apply to bona-fide non-profit organizations; that brown-bagging would be permitted; that all requirements of the ordinance would apply; and that the Board would have to set the fee for such a license. Discussion included that the amendments were drafted based on previous discussion by the Board; that brown-bagging should not be permitted when it is not permitted County-wide; that there should be restrictions as the zoning district in which such events could take place; that it should not be restricted to bona-fide non-profit organizations; and that further study is needed. Following discussion, Chairman Lange said that the matter will be discussed during a Work Session on December

20.

- C. **Error & Release Request: Chipley's Family Restaurant, LLC.** Chairman Lange said that an Error & Release request had been received indicating that the Digest total of \$28,216 had been corrected to zero due to a duplicate account. The motion to approve this Error & Release was made by Commissioner Wyatt, seconded by Commissioner Langston, and passed unanimously.

- D. **Requests for Tax Refunds.** Chairman Lange read the Requests for Tax Refunds as follows:

- (1) Piedmont Lake, LLC (2010). Refund amount of \$2,806.96 due to being over charged by 60 acres.
- (2) Piedmont Lake, LLC (2009). Refund amount of \$3,080.06 due to being over charged by 60 acres.
- (3) Piedmont Lake, LLC (2008). Refund amount of \$3,014.38 due to being over charged by 60 acres.
- (4) Weatherby, Scott S. & Jessica L. (2010). Refund amount of \$24.58 due to not owning the "barn with the loft" that appears on the tax records.
- (5) Weatherby, Scott S. & Jessica L. (2009). Refund amount of \$24.58 due to not owning the "barn with the loft" that appears on the tax records.
- (6) Weatherby, Scott S. & Jessica L. (2008). Refund amount of \$24.05 due to not owning the "barn with the loft" that appears on the tax records.

The motion to approve these six Error & Release requests was made by Commissioner Langston and seconded by Commissioner Woods. Commissioner Wyatt said that he would like to table action regarding Piedmont Lake, LLC, to December 20 since he understands there is an outstanding water bill against that property and feels it should be deducted from any refund. Commissioner Langston, in response to Commissioner Wyatt's request to table, then amended her motion to approve the three Weatherby refunds, which was seconded by Commissioner Woods, and passed unanimously.

5. **COUNTY MANAGER**

- A. **Water Department and Rates.** In the absence of County Manager, Danny Bridges, Nancy McMichael, County Clerk, said that Mr. Bridges would be discussing the Water Department and rates during the Work Session on December 20.

6. **COUNTY ATTORNEY**

- A. **Resolutions: Sunday Alcohol Package Sales and By-the-Drink Sales.** John Taylor, County Attorney, said that during the last meeting, the Board discussed having the appropriate referendum on a future election ballot regarding Sunday alcohol package sales and/or sales by the drink on premises. He said he had prepared two Resolutions, one retarding Sunday alcohol package sales and one regarding Sunday by-the-drink on-premises sales. He then reviewed each and explained that the Department of Justice must be notified at least 60 days prior to the date of the election on which the referendum would be included. Chairman Lange noted that citizens had signed up to speak about this particular matter.

George Patel, with USA Gas in Hamilton, appeared before the Board and said that Sunday sales would be helpful to the businesses in the County and help with sales tax revenue, and that the sooner it is approved, the better for the County.

Julie Ellerbee, with J&J Food Mart in Cataula, appeared before the Board and said that many of her customers have asked when the County will allow Sunday sales and then head toward Phenix City when told it would depend on the voters, and that in order to keep tax revenue in the County, the referendums should be on the ballot March 6, which would benefit both the County and the small businesses.

Commissioner Wyatt made the motion to approve both Resolutions and to have both referendums on the March 6 ballot. The motion was seconded by Commissioner Woods. Chairman Lange suggested that the motion include that should the timetable not be met for the March 6 election, then the referendums would be on the

July 31 ballot, but Commissioner Wyatt said that he would not amend his motion. The motion passed with four in favor (Wyatt, Woods, Lange, Langston) and one opposed (Loudermilk).

7. **OTHER**

A. **Alcohol Fee Increase**. Commissioner Wyatt said that while he had also voted to increase the alcohol fees, which have been the subject of complaints during this and the November 15 meeting, he didn't remember the reasons to justify the increase. Chairman Lange said that this could be further discussed in the Work Session of December 20.

8. **ADJOURNMENT**. There being no further business to discuss, the motion to adjourn was made by Commissioner Loudermilk, seconded by Commissioner Langston, and passed unanimously.

J. Harry Lange, Chairman

Attest:

Nancy D. McMichael, County Clerk