

**HARRIS COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION**

January 3, 2012
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 December 20, 2011, Regular Session was made by Commissioner Woods, seconded by Commissioner Wyatt, and passed with four in favor (Woods, Wyatt, Lange, Langston), no opposition, and one abstention (Loudermilk, who was absent from the meeting).
3. **ORGANIZATION OF COMMISSION**
 - A. **Election of Chairman and Vice-Chairman, and Appointment of County Attorney and County Clerk**. The motion to re-elect and re-appoint the individuals in their current position (Harry Lange as Chairman, Joey Loudermilk as Vice-Chairman, John Taylor as County Attorney, and Nancy McMichael as County Clerk), was made by Commissioner Woods, seconded by Commissioner Langston, and passed with four in favor (Woods, Langston, Lange, Loudermilk), no opposition, and one abstention (Wyatt).
4. **APPEARANCE OF CITIZENS**
 - A. **Lon Marlowe: Creating a Level Playing Field**. Lon Marlowe, citizen and owner of Oakhurst, appeared before the Board and said that he will be submitting an amendment to the Zoning Ordinance regarding the Special Event Facility in order to allow distilled spirits by the drink and to open the facility to the general public rather than for private events; that he is proposing the Commissioners consider changing the Alcohol Ordinance regarding Special Event Facility licenses; and that his suggestions will help create a more level playing field for citizens. Upon conclusion, Chairman Lange thanked Mr. Marlowe for his comments.
5. **NEW BUSINESS**
 - A. **Personnel Slot Change in District Attorney's Office: Julia Slater**. Julia Slater, District Attorney, appeared before the Board to request a change in a personnel slot within the Assistant DA's office in Harris County; that the current part-time slot be changed to a full-time Investigator's slot with benefits; and that the Investigator will not only work on cases for Harris County, but on cases for Marion, Chattahoochee, Talbot, and Taylor counties. Danny Bridges, County Manager, said that the change will result in basically no change in the salary line; and that the person holding the part-time slot will be moved to Columbus and that salary will be borne by Muscogee County. Following a brief discussion, which included that, as with other positions, if funding runs out, the position could be eliminated, the motion to approve the change was made by Commissioner Loudermilk, seconded by Commissioner Langston, and passed with four in favor (Loudermilk, Langston, Lange, Woods) and one opposed (Wyatt).
 - B. **Bid Award: Courthouse HVAC Control Retrofit**. Danny Bridges, County Manager, said that three bids were received, two on time and one after the fact; that of the two bids received on time, one complied with the requirement to acknowledge the addendum, which the other did not; and that in light of the various issues, he recommended that the bids be rejected and the project re-bid. The motion to reject all bids and re-bid the project was made by Commissioner Wyatt, seconded by Commissioner Langston, and passed unanimously.
 - C. **Financial Statement: November 2011**. The motion to approve the November 2011 financial statement 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) Ida Cason Callaway Foundation (2010): Digest total of \$3,157 corrected to zero (error on file/voided parcel)
 - (2) Ida Cason Callaway Foundation (2011): Digest total of \$4,179 corrected to zero

(error on file/voided parcel)

- (3) Waverly Hall Towers LLC: Digest total of \$27,621 corrected to zero (duplicate account).

Following discussion, at the request of Commissioner Woods, action on the two Error & Release requests for Callaway Gardens was tabled to the January 17 meeting. The motion to approve the Error & Release for Waverly Hall Towers was made by Commissioner Wyatt, seconded by Commissioner Loudermilk, and passed unanimously.

- E. **Requests for Tax Refund**. Chairman Lange read the Requests for Tax Refund as follows:

(1) Evetts, Inc. Refund requested in the amount of \$104.88 because business (dry cleaning services and alterations) closed in November 2010. Both the Tax Commissioner and the Board of Assessors disagreed with the request because State Law requires a return to be filed. According to Danny Bridges, County Manager, the last time a return was filed was in 2006. Following discussion, which included that the last time a return was filed was in 2007, the motion to disapprove this request was made by Commissioner Loudermilk, seconded by Commissioner Langston, and passed unanimously.

(2) Knight, Patrick L. Refund requested in the amount of \$35.04 because a trailer was transferred from company to individual, an error was made when inputting the VIN, and when the renewal was received by the company, it was paid in error. The Tax Commissioner agreed with the request because the tax for the individual will be due in April 2012. The motion to approve this request was made by Commissioner Loudermilk, seconded by Commissioner Langston, and passed unanimously.

(3) Maki, Lisa. Refund requested in the amount of \$289.99 because Ms. Maki paid the tax in two payments and thought the 10% penalty was only on the unpaid portion and not the full tax amount. Both the Tax Commissioner and the Board of Assessors disagreed with the request because while taxes are due December 20, there is a 1% interest per month after that date and a 10% penalty on the original tax amount is added 90 days after the due date. The motion to disapprove this request was made by Commissioner Loudermilk, seconded by Commissioner Wyatt, and passed unanimously.

- F. **Incentive Bonus**. Commissioner Wyatt made the motion to give employees a \$300 bonus. There was no second to the motion, and following discussion, which included that employees had been given an increase July 1, 2011, consensus was for the Board to think about this matter.

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

- A. **Explanation of Procedures**. Chairman Lange explained the procedures involved with the scheduled Public Hearings.

- B. **Conflict of Interest Forms**. The Conflict of Interest forms were completed at the request of Chairman Lange.

- C. **Application of Harris County Board of Commissioners to Amend the Zoning Ordinance, Article II, Pages CDA:4 & 5, and Article IV, Pages CDA: 19 & 20, to add Corn Maze, Farm Dinner, Educational Farm Tour, and Farmers Market**. Chairman Lange called the Public Hearing to order and read the specifics of the application. He said that the purpose of the amendments was to add the definitions of corn maze, farm dinner, educational farm tour, and farmers market to the Zoning Ordinance and to insert those items in the appropriate place in the Zoning Matrix. Commissioner Wyatt said that the definition of corn maze is okay; that regarding farm dinners, he would like to limit the number of dinners to one per calendar quarter rather than two times a year; that regarding the educational farm tours, he would like to change the wording to read that examples "include, but are not limited to" the items listed; and that regarding farmers market, he would like to change the wording to read "1,200 square feet for a temporary structure or 2,000 square feet for a permanent structure". There was discussion regarding the suggested changes. Chairman Lange asked if anyone in attendance wished to speak in favor of or in opposition to the proposed amendments. There being none, he closed the Public Hearing. The motion to approve the amendments as discussed and revised, was made by Commissioner Wyatt, seconded by Commissioner Woods, and passed unanimously.

- D. **Application of William (Bill) J. and Kimberly J. Pilcher to Rezone 4.32 acres of Map 29, Parcel 62, Land District 19, Land Lot 91, present use residential/horses; proposed use residential/horses; and property located at 35 West Pine Drive,**

Fortson. Chairman Lange called the Public Hearing to order, read the specifics of the application, and said that both the Planning Commission and Zoning Staff had recommended approval with no conditions.

Bill Pilcher, applicant, appeared before the Board and said that the former owner had goats on the property when they purchased it 12 years ago; that they have had horses on the property about 11 years; and that they are requesting the rezoning in order to keep their horses.

Chairman Lange asked if anyone wished to speak in favor of the application.

Jim Furin, citizen who lives at 233 Dogwood Lane West, Fortson, appeared before the Board and said that the Pilcher's are good neighbors who keep their home, property and horses well-groomed; that there have been no complaints from the citizens in the area about the horses; that the complaint had been made by Commissioner Wyatt during the rezoning hearing for the Coco Hollow property on May 17, 2011; that he sent out an e-mail to 50 or 60 neighbors regarding the rezoning which resulted in 44 replies with 43 in favor of the rezoning; that there have been animals, like goats and horses, on the subject property for over 30 years; and that once the Pilcher's found out about the zoning violation, they moved to correct it by making application to rezone the property to A-1. Commissioner Wyatt said that he had made the comment about the horses near Coco Hollow, but that it was about three months before the Pilcher's made application to rezone.

John Rodgers, citizen who owns the Coco Hollow property, appeared before the Board and said that he has no problem with the rezoning of the property, which abuts his property, to A-1 or with horses being on the property; and that this appears to be selective enforcement of zoning since there are horses on other property in the area.

Jacqueline Roberts, citizen who lives on Highway 208, appeared before the Board, but while she had no specific comments about the rezoning, asked questions about what is allowed in A-1 zoning. Danny Bridges, County Manager, asked Ms. Roberts to contact him and he would be glad to tell her where to find everything that is permitted in A-1.

Commissioner Wyatt commented that while the rezoning application shows 4.32 acres, the Tax Assessor's office shows 3 acres, and an engineer's calculation shows 4.15 acres. Mr. Pilcher said that the acreage shown on the application is taken from his original deed and plat and includes the .45 acres deeded to him by the County (when the County abandoned the portion of the road, which ended in a cul-de-sac, that divided the property). Following a brief discussion, Commissioner Wyatt said that as a result of the application and engineer's calculation, there will probably be a tax increase on the property, which Mr. Pilcher acknowledged.

Commissioner Woods recommended that if the application is approved and based on his knowledge of horses, a condition should be included to limit the number of horses to two. Mr. Pilcher said he did not have an issue with such a condition.

Commissioner Wyatt said that he had issues with the time period in which Mr. Pilcher was notified of a Zoning violation and application being made with no citation being issued. Mr. Pilcher said that he was advised by Becky Gray (Zoning Tech) that because his property was zoned R-1, he could not have horses and was in violation of the Zoning Ordinance; that he could apply for rezoning to A-1 and that he should do so within a certain time; that he was unable to meet that deadline since he was out of town and requested a month's extension, which was granted; and that he met that deadline. Danny Bridges, County Manager, said that the County does not practice selective enforcement of its Zoning Ordinance; that when it is determined a property owner is in violation of the Zoning Ordinance, they are contacted and given an opportunity to apply for rezoning in order to comply, and should they not apply, they are cited; however, if a property owner is advised that they cannot do something on their property and they do it anyway, which results in a Zoning violation, they are cited.

There being no further comments, Chairman Lange closed the Public Hearing and asked for a motion. The motion to approve this rezoning application, with the condition that the number of horses be limited to two, was made by Commissioner Loudermilk, seconded by Commissioner Langston, and passed unanimously.

7. **COUNTY MANAGER**

- A. **Personnel Change: Water Works and Public Works.** Danny Bridges, County Manager, said that there is an employee whose salary is split between the Water Works and Public Works; that there is not enough work to justify the salary from Water Works;

and that he is requesting approval to change the employee to only work in Public Works. Following a brief discussion, the motion to approve the request was made by Commissioner Wyatt, seconded by Commissioner Woods, and passed unanimously.

- B. **Damaged Timber**. Danny Bridges, County Manager, said that there is quite a bit of damaged timber near the Sheriff's Office as a result of the November tornado and requested permission to negotiate the best possible economical way for the removal of damaged timber, as well as standing timber that is in the damaged area. There were no objections to the request.
 - C. **Tornado/Storm Update**. Danny Bridges, County Manager, said that 9-1-1 is still operating out of Muscogee County's communications trailer but is expected to move back into the 9-1-1 building next week.
 - D. **Request for Executive Session**. Danny Bridges, County Manager, requested an Executive Session for the purpose of discussing a personnel issue and possible real estate acquisition.
- 8. **RECESS FOR EXECUTIVE SESSION**. The motion to go into Executive Session for the purpose of discussing a personnel issue and real estate acquisition was made at 8:08 PM by Commissioner Wyatt, seconded by Commissioner Woods, and passed unanimously.
 - 9. **RESUME REGULAR SESSION**. The motion to resume the Regular Session was made by Commissioner Wyatt, seconded by Commissioner Loudermilk, and passed unanimously.
 - 10. **COUNTY ATTORNEY**. John Taylor, County Attorney, said that he had no business to discuss with the Board this evening.
 - 11. **ADJOURNMENT**. There being no further business to discuss, the motion to adjourn was made by Commissioner Loudermilk, seconded by Commissioner Woods, and passed unanimously.

J. Harry Lange, Chairman

Attest:

Nancy D. McMichael, County Clerk