

HARRIS COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION
February 21, 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 February 7, 2012, Regular Session was made by Commissioner Loudermilk, seconded by Commissioner Wyatt, and passed unanimously.
3. **APPEARANCE OF CITIZENS**
 - A. **Bell Walker: Senior Citizens Center Director.** Ms. Walker was not in attendance.
4. **OLD BUSINESS**
 - A. **Definition of "Civic, Social and Fraternal".** Chairman Lange said that discussion during the February 7 meeting resulted in the request for a definition of "civic, social and fraternal". He asked Danny Bridges, County Manager, for input. Mr. Bridges said that John Taylor, County Attorney, had researched the matter and would explain. Mr. Taylor said that he had prepared a memo to the Board, which had been provided to the Board; and he reviewed same to include: that the Georgia Code indicates that words not defined within a statute shall be given the ordinary and everyday meaning; that Georgia courts had determined, in *Harris v. State*, that the ordinance meaning is best exemplified by definition found in Webster's Dictionary; that the County's Code of Ordinances also indicate that words not defined within the Code are to be given the ordinary and everyday meaning; that Webster's Dictionary provides (1) that "civic" means of or relating to a citizen, a city, a citizenship or community affairs; (2) that "social" means (a) involving allies or confederates, (b) marked by or passed in pleasant companionship with friends or associates, (c) of, relating to or designed for sociability; (3) that "fraternal" means (a) of or relating to or involving brothers; (b) friendly, brotherly; and (4) "organization" means an administrative or functional structure; and that he had searched other Georgia counties and cities only to find the same provision as Harris County's code in that words not defined shall have the ordinary and everyday meanings. Commissioner Wyatt distributed definitions that he had found (pertaining to "club or lodge", "fraternity or sorority", "fraternal lodge", "fraternal organization", or "civic club"). Chairman Lange suggested that the Board review both Mr. Taylor's memo and Commissioner Wyatt's findings and be ready to discuss same at the March 6 meeting.

John Rodgers, citizen, appeared before the Board and said that he can't understand why it is so difficult to come up with a definition of "civic, social and fraternal". He also suggested that a Special Use Permit be required for "civic, social and fraternal" organizations.
 - B. **Appointment to Board of Elections and Registrations.** Chairman Lange said that with the resignation of Portis "Buddy" Johnson, an appointment was needed to complete the term of Mr. Johnson and that the Board of Elections and Registrations had submitted the name of James Ethridge for consideration. He said that he had been contacted by Rebecca Fewell, a former member of the Board of Elections & Registrations, regarding her interest in being appointed, and he asked if there were any other suggestions. Commissioner Wyatt nominated Claudette Boelter. Chairman Lange then asked for a motion. The motion to appoint James Ethridge to the Board of Elections and Registrations to complete the term of Mr. Johnson, which expires December 31, 2013, was made by Commissioner Langston, seconded by Commissioner Loudermilk, and passed with four in favor (Langston, Loudermilk, Woods, Wyatt) and one opposed (Lange).
 - C. **Rezoning Application of Grady Davis regarding the rezoning of 3.1 acres of a 44.49 acre parcel in Land Lots 188, 197 & 198, Land District 21, Map 58, Parcel 067B, located on O Street, Pine Mountain Valley, from A-1 (Agricultural Forestry) to PUB (Planned Unit Development) in order to combine the 3.1 acre parcel with an existing 2.6 acre parcel in Mountain Shadows Subdivision.** Chairman Lange said that the Public Hearings regarding this rezoning application had been held and closed and that no further comments will be received from Mr. Davis or any citizens. Commissioner Wyatt made the motion to approve the rezoning of the 3.1 acre parcel with the condition that it be combined with the 2.6 acre parcel to form one 5.7 acre parcel; that only one single family residential residence be built on the 5.7 acre parcel; that there be only one driveway to serve the 5.7 acre parcel; that there be no access from the 5.7 acre parcel or Mountain Shadows Subdivision to the large adjacent tract which has access from O Street; and that the 5.7

acre parcel conforms with the existing covenants and restrictions of Mountain Shadows Subdivision. The motion was seconded by Chairman Lange and passed with four in favor (Wyatt, Lange, Loudermilk, Woods) and one opposed (Langston).

5. **NEW BUSINESS**

- A. **First Reading: Alcohol Temporary Special Use License**. Chairman Lange said that this was the First Reading regarding a temporary special use alcohol license. He asked for comments, and other than pointing out topographical errors, there were no comments from the Commissioners. Chairman Lange asked if anyone wished to speak about this amendment to the Alcohol Ordinance.

Lon Marlowe, citizen who lives at 19710 Georgia Highway 219 in West Point, appeared before the Board and said that he is not opposed to the temporary special use alcohol license; and that he is concerned about how property is zoned and if such a license will apply to his property and the hosting of a Butterfly Festival, which he wants to do on a Sunday. Discussion included that zoning had no affect on the temporary special use alcohol license as it is currently written; that applications will be accepted from bona fide non-profit charitable organizations; and that neither of the two days such a license can be used may be on a Sunday. Mr. Marlowe began to discuss the Zoning ordinance, and Chairman Lange reminded him that the amendments before the Board dealt only with alcohol and not zoning.

Fred Dodelin, secretary of the Steeplechase at Callaway Gardens and citizen who lives at 1191 Terry Lane in Fortson, appeared before the Board and said that the Steeplechase has been in existence for 27 years and has contributed \$2,096,000 to local charities; that they hired 43 security guards last year, and that one of the attractions of the Steeplechase was the tail-gating parties where people bring their own alcohol. In response to questions, Mr. Dodelin said that the contribution amount is anywhere from \$70,000 to \$180,000 per year and draws anywhere from 5,000 to 8,000 tourists each year.

Chairman Lange said that the Second Reading of the Amendments will be on March 6.

- B. **Financial Statement: December 2011**. The motion to approve the December 2011 financial statement was made by Commissioner Wyatt, seconded by Commissioner Langston, and passed unanimously.
- C. **Zoning Ordinance Amendment Proposal: Special Event Facility**. Commissioner Wyatt distributed a proposed amendment to the Zoning Ordinance regarding the definition of Special Event Facility and said that he would like to discuss this matter during the March 6 meeting.

6. **PUBLIC HEARINGS AT 7:30 PM**

- A. **Explanation of Public Hearings**. Chairman Lange explained the procedures involved with the Public Hearings.
- B. **Conflict of Interest Forms**. The Conflict of Interest Forms were completed at the request of Chairman Lange.
- C. **Application of Brenda (Gallops) Kline to expand the Special Use Permit of a Kennel on Land Lot 234, Land District 21, Map 72, Parcel 28, located at 567 J Street, Pine Mountain Valley, to allow training (in addition to boarding and grooming)**. Chairman Lange called the Public Hearing to order, read the specifics of the application, and said that it had been recommended for approval by the Zoning staff. Brenda Kline, applicant, appeared before the Board and said that she has been in the grooming business for 20 years; and that she has had many requests from her boarding/grooming clients about training, for which she is qualified, and would like to be able to offer that service as well. Chairman Lange asked if anyone wished to speak in favor of or in opposition to this Special Use Permit. There being none, he closed the Public Hearing and asked for a motion. The motion to approve this Special Use Permit to add training was made by Commissioner Woods, seconded by Commissioner Langston, and passed unanimously.
- D. **Application of John Charles Bush for a Special Use Permit on Land Lot 160, Land District 19, Map 48, Parcel 32, located at 560 Shenandoah Drive, Cataula, for a private/personal kennel for up to 10 dogs**. Chairman Lange called the Public Hearing to order, read the specifics of the application, and said that it had been recommended for approval, with a limit of less than 10 dogs, by the Zoning staff. John Bush, applicant, appeared before the Board and said that he has at least 8 dogs now; that he did not realize he had to have a permit to have more than four dogs; that he has taken in most of the dogs because no one else wants them; and that all the dogs have shock collars. In response to

questions, he said that the dogs are contained in a fenced, three-acre area. Chairman Lange asked if anyone wished to speak in favor of or in opposition to this Special Use Permit. There being none, he closed the Public Hearing and asked for a motion. The motion to approve this Special Use Permit for a private/personal kennel with a limit of 10 dogs, was made by Commissioner Loudermilk, seconded by Commissioner Wyatt, and passed unanimously.

7. **COUNTY MANAGER**

A. **Timber Cutting on Ridgeway Road.** Danny Bridges, County Manager, reminded the Board that it had authorized him to have damaged timber near the Sheriff's Office cut and that it has been recommended that the County do a "fourth row" cut on its property on Ridgeway Road, which could result in revenue of \$50,000 to \$60,000. The motion to approve cutting the timber, as described, on the Ridgeway Road property was made by Commissioner Loudermilk, seconded by Commissioner Langston, and passed unanimously.

B. **Community Development Block Grant Engineer and Resolution.** Danny Bridges, County Manager, reminded the Board that it had previously approved applying for another Community Development Block Grant (CDBG) regarding Kings Gap. He said the Allison Slocumb, of the River Valley Regional Commission, was present to answer any questions, and that a request for proposals from engineers had been advertised, which resulted in the receipt of four proposals from the following companies:

COMPANY	TOTAL SCORE	FEE
Carter & Sloope, Macon, GA	89%	10-12%
EMC Engineering, Macon, GA	100%	9%
Farner Barley & Associates, West Point, GA	55%	n/a
G. Ben Turnipseed Engineers, Atlanta, GA	100%	12%

Ms. Slocum explained how the scoring of the proposals was done. Mr. Bridges said the Board should choose an engineer tonight so that a Called Meeting will not be required within the next week in order to move forward, and that the adoption of a Resolution regarding the CDBG should also be approved tonight. He recommended that the Board make the award to EMC Engineering. The motion to make the award to EMC Engineering and to approve the Resolution was made by Commissioner Wyatt, seconded by Commissioner Woods, and passed unanimously.

8. **COUNTY ATTORNEY**

A. **Redistricting Update.** John Taylor, County Attorney, advised the Board as to the status of the redistricting process, which included that it should soon be going to the Governor to sign, after which it will go to the Justice Department; and that everything should be done in time for the November general election.

9. **OTHER**

A. **Lynn Westmoreland at Harris County Chamber of Commerce.** Danny Bridges, County Manager, reminded the Board that Congressman Lynn Westmoreland would be at the Harris County Chamber of Commerce office at 8:30 tomorrow morning.

B. **Knology Groundbreaking.** Danny Bridges, County Manager, reminded the Board that the Knology groundbreaking in Northwest Harris Business Park will take place tomorrow afternoon at 1:30 PM.

C. **Pine Mountain Valley Water Purchase.** Commissioner Wyatt said that he had been approached by an unnamed individual about the possibility of the County purchasing excess water from the Pine Mountain Valley Water System. There was no discussion.

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

Attest:

J. Harry Lange, Chairman

Nancy D. McMichael, County Clerk