

**HARRIS COUNTY BOARD OF COMMISSIONERS  
REGULAR SESSION**

April 17, 2012  
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 April 3, 2012, Regular Session was made by Commissioner Loudermilk, seconded by Commissioner Langston, and passed unanimously.
3. **OLD BUSINESS**
  - A. **Response to Request to Censure Commissioner Wyatt.** Chairman Lange said that during the March 20 meeting two citizens requested that Commissioner Wyatt be censured; that the matter has been researched and nothing can be found that would allow the Board of Commissioners to censure Commissioner Wyatt; and as a result, no action will be taken.
  - B. **Second Reading: Amendment to Alcohol Ordinance for Sunday Sales by the Package and by the Drink on Premises.** Chairman Lange said that this is the second reading to amend the Alcohol Ordinance as a result of the approval of the referendums on the March 6 ballot to allow Sunday sales of alcohol by the package and by the drink on premises. There was discussion regarding the terminology of "from 6:00 AM to 2:00 AM Monday through Saturday" with the consensus being to add "AM" or "morning" following "Saturday". Chairman Lange asked if anyone wished to speak in favor of or in opposition to this amendment. There being none, he asked for a motion. The motion to approve the amendment to include the wording to clarify Saturday morning was made by Commissioner Wyatt, seconded by Commissioner Woods, and passed with four in favor (Wyatt, Woods, Lange, Langston) and one opposed (Loudermilk).
  - C. **Job Grade Correction: Community Center Attendant.** Chairman Lange said that during the April 3 meeting, action was taken to approve the Job Grade for the Community Center Attendance position at 20, which was apparently an error. Danny Bridges, County Manager, said that the Job Grade should be 10 and that the salary approved for the position was correct. The motion to correct the Job Grade for the Community Center from 20 to 10 was made by Commissioner Wyatt, seconded by Commissioner Woods, and passed unanimously.
4. **NEW BUSINESS**
  - A. **First Reading: Amend Alcohol Ordinance Regarding Special Event License.** Chairman Lange asked Danny Bridges, County Manager, to review the ordinance amendments. Mr. Bridges said that during the next meeting, the Board will be holding a Public Hearing to amend the Zoning Ordinance regarding the definition of Special Event Facility, which is also included in the Alcohol Ordinance; and that should the definition be amended in the Zoning Ordinance, it should also be amended in the Alcohol Ordinance; and that the Second Reading of the amendment to the Alcohol Ordinance will also be during the May 1 meeting. He also said that other changes had been proposed to include that when alcohol will be served or provided at a private event held at a Special Event Facility, it would require a license or permit for the alcohol. Following discussion, consensus was to amend the definition but not to require a license for each private event. Chairman Lange asked if anyone wished to speak in favor of or in opposition to this amendment.

Lon Marlowe, citizen who lives on Highway 219, West Point, appeared before the Board and said that this amendment is the result of a Special Event Facility only being permitted to hold private functions; that with the amendment to the definition, he would be able to also hold public functions in his Special Event Facility; that he would like to hold various fundraisers at his facility and the amendment would allow the serving of alcohol. Mr. Marlowe was reminded that alcohol cannot be served at any public function taking place at his facility; that alcohol is only permitted for private functions.

There being no further comments or questions, Chairman Lange closed the public hearing and suggested that "public" and "private" be defined in some manner to clear up confusion.
  - B. **Financial Statement: February 2012.** The motion to approve the financial statement of February 2012 was made by Commissioner Woods, seconded by Commissioner Langston, and passed unanimously.

5. **COUNTY MANAGER**

- A. **SPLOST: Public Safety Vehicles.** Danny Bridges, County Manager, said that the 2009 SPLOST included \$2,000,000 for EMS/Fire/Public Safety vehicles and equipment; that so far, \$392,462 has been spent on public safety cars, computers, cameras and other equipment; that \$1,607,538 remains in the account; that the breakdown of the suggested use for the remaining funds has been included in the meeting packet; that the list includes patrol cars in 2012 (\$155,000), 2013 (\$160,000) and 2014 (\$165,000), an ambulance remount in 2012 (\$150,000), fire equipment (\$750,000) for which the volunteer fire departments have been requested to come up with their needs; and miscellaneous contingency (\$227,538). The motion to approve the proposed breakdown of expenses was made by Commissioner Wyatt, seconded by Commissioner Langston, and passed unanimously.
- B. **Cagle's Bankruptcy and Proposed Claim Purchases.** Danny Bridges, County Manager, said that since Cagle's filed for bankruptcy, the County has received offers from several companies to purchase the County's interest in the bankruptcy claim; and that because the County's interest is considered "unsecured" it may be that the County receives portion or nothing at all. John Taylor, County Attorney, explained that such is allowed in bankruptcy proceedings and that the companies making the offer are taking a chance on the funds being available. Following discussion, the motion to sell the County's interest in the Cagle's bankruptcy proceedings and for the County Manager and County Attorney to negotiate for the best offer was made by Commissioner Wyatt, seconded by Commissioner Woods, and passed unanimously.

6. **PUBLIC HEARING @ 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 Chris & Jenny Jackson for a Special Use Permit for Educational Farm Tours, Farm Dinners, and Farmers Market, on 25 acres at 707 White Cemetery Road, Pine Mountain; property located in Land Lots 71 & 72, Land District 4, Map 38, Parcel 003; property zoned A-1.** Chairman Lange called the Public Hearing to order, read the specifics of the application, and said that the Planning Staff had recommended approval of the application. Chris Jackson, applicant, appeared before the Board, and explained that the Educational Farm Tours will be open to the public throughout the year with the walking tours highlighting their four-acre organic vegetable and fruit production, bee hives, free range hens, and pasture animals; that the Farm Dinners will be held twice a year, be open to the general public, include a farm tour, acoustic music, local artisans, and a meal sourced primarily from their farm; that they have enough parking space to accommodate 150 cars; and that the Farmers Market will be held one morning a week, mainly sell the vegetables, fruits, herbs, eggs and flowers raised on the farm, and allow two County residents to market their baked goods. Mr. Jackson also indicated that while they had no intention of adding vendors, he agreed with Commissioner Wyatt that because they may wish to add vendors at a future date, that would not be included as part of the proposed plan. Chairman Lange asked if anyone wished to speak in favor of this application.

Lon Marlowe, citizen who lives on Highway 219, West Point, appeared before the Board and said that he is in favor of the application and believes that it will benefit the County.

Chairman Lange asked if anyone wished to speak in opposition. There being none, he asked from comments from the Board. Commissioner Langston asked Mr. Jackson if he understood that the only activities that would be allowed under this Special Use Permit are those activities listed on the application, and Mr. Jackson responded that he understood. The motion to approve this Special Use Permit for Educational Farm Tours, Farm Dinners, and Farmers Market without conditions was made by Commissioner Loudermilk, seconded by Commissioner Woods, and passed unanimously.

7. **NEW BUSINESS (CONTINUED)**

- C. **Zoning Clarification.** Commissioner Wyatt said that during previous meetings in which the Steeplechase was discussed, it was implied that because the Steeplechase had been holding the event 28 years, they had a vested interest. John Taylor, County Attorney, said that it was not so much as vested interest as it was that the events had been given an alcohol license by the State, who relied upon the Sheriff's approval. Commissioner Wyatt said that churches, fire departments, and schools hold various fund-raising functions, some of which the Zoning Ordinance specifically prohibits, and asked if they are in violation of the

ordinance. Mr. Taylor said that the Board would have to decide if certain functions are allowed, and the enforcement of same. Commissioner Wyatt said that schools have fall festivals, which are not included in the Zoning Ordinance. Mr. Taylor said that the question is if the Board wants to continue allowing schools to hold such events. Commissioner Woods said that he understood schools to be specifically exempted from that, and Mr. Taylor said that schools are governmental entities and could, therefore, be exempt. Commissioner Wyatt said there is a difference in schools and PTA, and if PTAs are raising money on county property for other than school matters, they should be required to obtain permits, and Mr. Taylor said that since PTAs are private organizations rather than governmental, they probably should. He said that the Board could carry the issue of such functions to the “nth” degree, that the other side is with no controls, so somewhere in the middle is the happy medium.

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

Attest:

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J. Harry Lange, Chairman

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Nancy D. McMichael, County Clerk