

**HARRIS COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION**

May 15, 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 May 1, 2012, Regular Session was made by Commissioner Loudermilk, seconded by Commissioner Langston, and passed unanimously.
3. **NEW BUSINESS**

- A. **Request to Close Unpaved Portion of Nelson Road: Edward Callaway.** Edward Callaway, Chairman and CEO of Callaway Gardens, appeared before the Board, explained Callaway's financial situation; and said that Callaway owns approximately 4,000 acres on both sides of the unpaved portion of Nelson Road; that the potential buyer is prepared to close on the sale of the property immediately, but as a condition of the purchase wants the unpaved portion of Nelson Road closed; that the sale of the property would result in Callaway being almost debt free, the property would go back on the tax records, and the County would get the taxes; that without the sale, Callaway could be facing a foreclosure; and requested that the Commissioners consider the closing of the unpaved portion of Nelson Road, approximately 1.8 miles. There was discussion regarding various aspects of the proposal to include that the potential purchaser has no immediate plans to do anything with the property other than to allow the Steeplechase to continue at that location and to hunt on the property, and Mr. Callaway also responded to questions and comments from the Commissioners regarding the potential property sale.

Commissioner Woods then read a prepared statement regarding the proposed closure, which included that the continued existence of Callaway Gardens is essential to Harris County; that he understands the reason for closing the unpaved section of Nelson Road; that there are about 60 grave sites in a family cemetery; that the prospective buyer should be made aware of the quality of life change his neighbors would face with the road closure; that with the price of gas, traveling extra miles can be expensive; and that he would like the potential buyer to be made aware of the issues at hand. He then gave a copy of his statement to Mr. Callaway.

Chairman Lange said that the Board cannot act on the request tonight, as there are procedures that must be followed, but can only act on whether or not to move forward with the process. At his request, John Taylor, County Attorney, then explained the process which includes that following title search and other details, the Board would have to adopt a Resolution of Intent to Abandon, send notices to adjacent property owners, advertise the intent to abandon, and hold a Public Hearing on the abandonment, after which action would be needed on a Resolution to Abandon. Chairman Lange said that several people had signed up to speak on this matter.

Tom Strickland, citizen who lives 3989 Whitesville Road, appeared before the Board and said that he no longer lives on Nelson Road, but has two houses there; that closing the road would require those who use the unpaved portion as a cut-through to Hamilton Pleasant Grove Road to drive further distances; that it could potentially endanger lives due to delays in ambulance response; that while he is sorry that Callaway Gardens is in financial straits and could face foreclosure, closing the road would place a burden on citizens who use that section of road.

Nan Spivey, citizen who lives at 2425 Nelson Road, appeared before the Board and said that she and her husband rent their home from Mr. Strickland; that both she and her husband are teachers at the Middle School, drive separate cars, and use the cut-through (unpaved portion) to access Hamilton Pleasant Grove Road; that they leave at 6:45 and it takes about 10 minutes to get to the school; that closing the road would require them to leave earlier, travel about 5 to 6 miles further, and take about 25 minutes; that they have lived there about 8 years and pay high taxes; that Callaway will profit from the road closure and the taxes would go to the County; and that the closure would impact the citizens who use the road.

Wes Griffin, citizen who lives at 455 Lewis Bryant Road, appeared before the Board and said that while he will not be directly affected by the road closure, it will affect emergency

services (fire, EMS, Sheriff) because it will require taking longer routes to get to the paved section if the unpaved portion is closed.

Chairman Lange thanked everyone who spoke, said that they brought up several issues for consideration by the Board, and reminded everyone in attendance that the only action the Board would take tonight is whether or not to move forward with the process required for road abandonment. At his request, a consensus was taken which resulted in three in favor of moving forward with the process (Lange, Loudermilk, Langston) and two opposed to moving forward (Woods, Wyatt). Chairman Lange then asked John Taylor, County Attorney, to again explain the process, and Mr. Taylor did so, and said that the process could take two to three months, depending on the title search, the cemetery, and other issues brought up. After another brief discussion, Commissioner Wyatt asked that any work on the process be tabled until the second meeting in July. There was debate regarding the Commissioners' rules of order and whether the consensus was a vote and if the table is valid, and afterward, the agreement was to not have the Resolution of Intent to Abandon brought to the Commissioners sooner than the first meeting in July (July 3), after which Mr. Callaway indicated that he would advise the Country prior to the July 3 meeting whether or not to move forward with the request to abandon as the potential buyer may not wish to wait that long.

Mr. Strickland made another comment that it appeared the Commissioners had made up their minds regarding the abandonment, and both Commissioner Langston and Chairman Lange said that was not the case, that they wanted to get more information regarding the issues that were raised, and that they had definitely not made up their mind regarding the abandonment. Again, Chairman Lange stressed the consensus was to move forward with the process to obtain the necessary information, and that the Board would have the final vote after the requirements of the road abandonment process had been met.

- B. **Financial Statement: March 2012.** The motion to approve the financial statement of March 2012 was made by Commissioner Wyatt, seconded by Commissioner Langston, and passed unanimously.
- C. **Budget FY 12/13 Public Hearing I.** Chairman Lange called the Public Hearing to order and asked Danny Bridges, County Manager, for comments. Mr. Bridges said that the budget is 2% higher than last year, part of which is due to the Community Center, which has been budgeted for a full year, and includes an increase for employees. Chairman Lange asked for comments.

William Crowell, citizen who lives at 1415 Pierce Road in Waverly Hall, appeared before the Board and said that a committee should be formed regarding the planning and use of the County-owned property on Ridgeway Road; that the property has Indian mounds on it; that it should be named "Indian Park"; that Girl Scouts and Boy Scouts could help develop the park; that it could be utilized for horse-back riding; and that he believes the citizens in the area would be in favor of his suggestions. Chairman Lange thanked Mr. Crowell for his suggestion and said he had not heard of Indian mounds being on the property, but would be interested in learning more about same.

There being no further comments, Chairman Lange closed the Public Hearing and said that action is scheduled following the next Public Hearing which is to be held on June 5. He also said that anyone wishing to receive a copy of the proposed budget can contact the County Clerk regarding same.

- D. **First Reading: Flood Damage Ordinance.** At the request of Chairman Lange, Danny Bridges, County Manager, said that the Flood Damage ordinance has been amended to show the correct dates of the revised FEMA flood maps and that the County is mandated to approve the Ordinance. Chairman Lange asked for comments, and there being none, he said that action is scheduled following the Second Reading scheduled for June 5.
- E. **Appointment to Planning Commission.** Commissioner Loudermilk introduced and made the motion to appoint Chris Lintner to the Planning Commission to complete the term of Brian Williams, who resigned due to being hired by the County as the Community Development Director. The motion was seconded by Commissioner Wyatt and passed unanimously. Mr. Lintner's term will expire December 31, 2012.
- F. **Zoning Inconsistencies.** Commissioner Wyatt said that he had two issues in connection with the recent filing of a Petition for Injunctive Relief (against John Rodgers, the H&M Investors, the Church in the County, and the 29.833 acres located at 240 Coca Hollow Road). He asked if the filing of such petition was valid since the Board had not voted on same. Danny Bridges, County Manager, said that citations to appear in Magistrate Court are issued to various people on ordinance violations on a regular basis, and in this case, the filing of the petition is just a step above Magistrate Court. Commissioner Wyatt said that

the petition also included a church, and asked if all churches be held to the same standard. He said that some churches have day care centers, which are commercial, and some that rent the use of their swimming pools, also commercial, and that he understands churches are joining together to form a softball league and asked if action would be taken against those churches. While there were no direct answers to Commissioner Wyatt's questions, he said he would not like to see the County taking action against churches for the various programs or activities they may have or do because it would not reflect well for the County.

4. **COUNTY MANAGER**

A. **Bid Award: Concession Equipment for Community Center.** Danny Bridges, County Manager, said that bids were requested for several pieces of concession equipment for the Community Center, as follows:

ITEM	ALPHA-PRITCHARD		COLUMBUS STORE & EQUIPMENT	
	Bid #1	Bid #2	Bid #1	Bid #2
Hot Dog Grill	\$ 357.00	\$ 357.00	\$ 409.35	\$ 409.35
Ice Make, Flake Style	\$ 2,787.00	\$ 2,128.00	\$ 2,138.00	\$ 2,138.00
Sneeze Guard (for Hot Dog Grill)	\$ 186.00	\$ 186.00	\$ 231.27	\$ 231.27
Work Table, 30 x 60	\$ 174.00	\$ 174.00	\$ 229.00	\$ 320.00
Tables (2), 30 x 60, on casters	\$ 438.00	\$ 438.00	\$ 598.00	\$ 780.00
Cooler (like soft drink cooler)	\$ 1,308.00	\$ 1,692.00	\$ 1,394.00	\$ 1,394.00
TOTAL	\$ 5,250.00	\$ 4,975.00	\$ 4,999.62	\$ 5,272.62

Mr. Bridges said that of the bids, that Bid #1 from Alpha-Pritchard met all the specifications of the equipment, and that the recommendation was to award the bid to Alpha-Pritchard for the bid of \$5,250. The motion to award the bid to Alpha-Pritchard for the bid of \$5,250 was made by Commissioner Wyatt, seconded by Commissioner Woods, and passed unanimously.

B. **Community Center Membership Fees.** Danny Bridges, County Manager, said that the Recreation Board had reviewed and approved membership fees for the Community Center; that staff had also reviewed the fees, made a few improvements, and simplified the chart of fee; and it is recommended that the staff's version of the fees be approved. He said that the hours of the Community Center had also been included as information for the Board. He then asked for a motion on the fees but not on the hours because those could change depending on the use of the facility. The motion to approve the staff's version of the membership fees was made by Commissioner Wyatt, seconded by Commissioner Woods, and passed unanimously. (Document can be found in "Miscellaneous Documents" file as MD #12-06.)

5. **COUNTY ATTORNEY**

A. **Redistricting Update.** John Taylor, County Attorney, reported that he had received notice from the US Department of Justice that they had no objections to the redistricting map/info submitted.

6. **OTHER**

A. **Hamilton Business Park and Georgia Power.** Commissioner Wyatt said that the business that will soon be moving to the Hamilton Business Park has had discussion with Georgia Power regarding the installation of three-phase power, and it appears that Georgia Power wants the business to pay for such power that will more than likely be used by future potential businesses, and that he would like the Board to consider helping with the cost of the new power. Consensus was to look into the issue.

7. **RECESS FOR EXECUTIVE SESSION.** Chairman Lange made the motion, at 8:50 PM, to go into Executive Session for the purpose of discussing a personnel matter. The motion was seconded by Commissioner Wyatt and passed with four in favor (Lange, Loudermilk, Langston, Wyatt) and one opposed (Woods).

8. **RESUME REGULAR SESSION.** The motion to resume the Regular Session was made by Chairman Lange, seconded by Commissioner Loudermilk, and passed with four in favor (Lange, Loudermilk, Langston, Woods) and one opposed (Wyatt).

9. **PERSONNEL.** Chairman Lange made the motion to increase the salary of Danny Bridges, County Manager, by \$5,000 effective July 1, 2012. The motion was seconded by Commissioner Loudermilk, and passed unanimously.

10. **ADJOURNMENT.** There being no further business, the motion to adjourn was made by

Commissioner Wyatt, seconded by Commissioner Loudermilk, and passed unanimously.

J. Harry Lange, Chairman

Attest:

Nancy D. McMichael, County Clerk