

**HARRIS COUNTY BOARD OF COMMISSIONERS  
REGULAR SESSION**

June 19, 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 June 5, 2012, Regular Session was made by Commissioner Loudermilk, seconded by Commissioner Woods, and passed unanimously.
3. **OLD BUSINESS**
  - A. **Church Injunction.** Chairman Lange said that discussion on this matter was tabled to this meeting since it is part of a court case/lawsuit, which was scheduled for June 11, but has been postponed until August 18, and that because the case has not yet been settled, this issue should not be discussed. He then made the motion to table discussion until after the case has been settled. The motion was seconded by Commissioner Loudermilk, and passed with four in favor (Lange, Loudermilk, Langston, Woods) and one opposed (Wyatt)
  - B. **Electrical Power for Hamilton Business Park.** Commissioner Wyatt reported that Georgia Power will be putting in the power for the business park, above ground, at no charge. He also said that because he had been unable to meet with the Georgia Power representative, Lynda Dawson, Chairman of the Development Authority, did so. Mrs. Dawson said that Georgia Power will also run the power for the business (Sturdi-Buildings) underground at no charge.
4. **NEW BUSINESS**
  - A. **Hamilton Business Park Sign.** Commissioner Wyatt said that a sign will be needed at the Hamilton Business Park and that more information will be provided for that later.
  - B. **Northwest Harris Business Park Signs.** Commissioner Wyatt said that the first large sign at the Northwest Harris Business Park has been constructed and the letters have been installed and that the second large sign and two smaller signs have been constructed and the letters will be installed by the end of the week in time for the Georgia Economic Development Bus Tour on June 26.
  - C. **Financial Statement: April 2012.** The motion to approve the financial statement for April 2012 was made by Commissioner Langston, seconded by Commissioner Wyatt, and passed unanimously.
  - D. **Meeting Procedures.** Commissioner Wyatt said that he had two issues to bring up regarding procedures.

The first, he said, had to do with the June 11 court case (see 3A above) whereby Commissioner Loudermilk had Commissioner Langston go out of the courtroom to discuss an issue, after which the postponement of the case took place. Commissioner Loudermilk said that he was not in the courtroom when the decision was made and apologized to Commissioner Wyatt for not talking with him as well, but that he had not seen Commissioner Wyatt in the courtroom. Commissioner Wyatt admitted that he had been seated on the opposite side of the room.

The second issue, he said, had to do with a phone call that was made to three Commissioners but not to him regarding the hiring of assistant counsel for the court case, and that such a matter should be ratified by the Board. Chairman Lange apologized to Commissioner Wyatt and said that he had made the phone call; that the three Commissioners he talked to were in agreement; that he was certain Commissioner Wyatt's response would be in opposition (to which Commissioner Wyatt agreed); and that in the future, he would make sure all Commissioners are contacted. As to the ratification of the hiring of assistant counsel, Chairman Lange made the motion to authorize the County Attorney to hire assistant counsel in the event same is needed in the court case. The motion was seconded by Commissioner Loudermilk, and passed with four in favor (Lange, Loudermilk, Lange, Woods) and one opposed (Wyatt).
5. **COUNTY MANAGER**
  - A. **Bid Award: Ambulance Remount.** Danny Bridges, County Manager, said that bids were

received regarding the remounting of a 2001 McCoy Miller Type I International 4700 DT 466E Medium Duty Module onto a 2013 International Type I 4300 SBA LP Medium Duty Chassis, as follows:

	Custom Truck & Body Works, Inc. Woodbury, GA	Peach State Ambulance, Inc. Tyrone, GA
Remount Bid	\$ 46,995.00	\$ 42,810.00
Chassis Bid	\$ 80,688.00	\$ 80,185.00
TOTAL BID	\$ 127,683.00	\$ 122,995.00

Mr. Bridges said that the funds will come from SPLOST, and that David McCall, EMS Chief, reviewed the bids and recommends awarding the bid to Peach State Ambulance for the low bid of \$122,995. The motion to award the bid as recommended was made by Commissioner Langston, seconded by Commissioner Wyatt, and passed unanimously.

- B. **Wellness Program**. Danny Bridges, County Manager, said it is being recommended that the County have an on-site preventative health evaluation for all employees; that the initial evaluation would be at no charge; that if we choose to continue the program, there would be a fee; that the County is under no obligation to continue the program after the initial evaluation; that it is important to get all employees to participate or the program will not be effective in helping employees learn about their overall health, which could, in turn, lower health costs; and that if employees do not wish to participate, it is recommended that they be charged \$40 per pay period. Discussion included concerns of the legality of imposing a surcharge to employees for not participating, whether other governments providing such a program charge such fees, and that more information is necessary before a decision is made. Chairman Lange tabled the matter until the July 3 meeting.
- C. **Budget Amendment #2 FY 2011/2012**. Danny Bridges, County Manager, reviewed the proposed amendments to the FY 2011/12 budget and explained the reasons for same. The motion to approve the amendments was made by Commissioner Wyatt, seconded by Commissioner Loudermilk, and passed unanimously.
- D. **Change Order #4 for Community Center**. Danny Bridges, County Manager, said that a change order was necessary regarding the Community Center and that the Board had previously approved some items (alternate ceiling in entry area, and the ADA compliant steps for pool). He then reviewed the various changes totaling \$81,610 and concluded by saying that the project will still be under budget with these changes. He also distributed cost analysis information and reviewed same. Discussion included that the Board was not comfortable with change order item of \$14,026 for additional steel and, as a result, action was tabled until the July 3 meeting.

At this point, Chairman Lange announced it was time for the scheduled Public Hearing.

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

- A. **Application of Lon Marlowe for a Special Use Permit for 25.640 acres in Land Lot 200, Land District 4, Map 23, Parcel 23B, for Corn Maze, Farm Tours, Field Trips, and Special Events; property located at 19710 Georgia Highway 219, West Point.** Chairman Lange called the Public Hearing to order, read the specifications of the application, and said that Planning Staff had recommended approval with the exclusion of "special events". Lon Marlowe, applicant, appeared before the Board and said that he wants to offer corn mazes, farm tours, field trips, and special events; and that the special events is for people who want to have birthday parties or similar functions after a farm tour or field trip. Discussion included that "special events" is not included or listed in the Zoning matrix; that the Zoning Ordinance is exclusionary in that if something is not included or listed, it is not permitted; and that perhaps a definition of "special events" is needed. [Note: Field Trips is not specifically listed in the Matrix, and is considered the same as (Educational) Farm Tours.] In response to questions, Mr. Marlowe at first said he would not be in favor of having "special events" deleted from the application, but then conceded that in order to get the other three items, he is okay with special events being deleted. Chairman Lange asked if anyone wished to speak in favor of or in opposition to this rezoning application. There being none, he asked Mr. Marlowe if he had any other comments. There being none, Chairman Lange closed the Public Hearing. Commissioner Langston asked Mr. Marlowe if he understood that the only activities allowed would be Corn Maze, Farm Tours and Field Trips, and Mr. Marlowe responded that he understood what is being permitted. The motion to approve this Special Use Permit for Corn Maze, Farm Tours/Field Trips only, with "special events" deleted, was made by Commissioner Loudermilk, seconded by Commissioner Langston, and passed unanimously.

## 7. **COUNTY MANAGER (CONTINUED)**

- E. **Agreements with New Horizons: Mental Health Center and Harris-Talbot Service Center (both in lieu of rent)**. Danny Bridges, County Manager, said that these two agreements were for \$500 each, for a total of \$1,000 a month in lieu of rent, from New

Horizons; that they are the usual annual agreements; and that he recommended approval of same. The motion to approve both agreements was made by Commissioner Wyatt, seconded by Commissioner Loudermilk, and passed unanimously. (Documents can be found in "Contracts & Agreements" file as C&A #12-06 for the Mental Health Center and as C&A #12-07 for the Service Center.)

- F. **LOST Negotiations Consultant**. Danny Bridges, County Manager, said that in light of the municipalities hiring a consultant regarding the Local Option Sales Tax (LOST) negotiations, he is recommending that the County do the same. He said that he has been in touch with an individual who does such work for Counties; that the cost will be \$7,500 plus travel expenses not to exceed \$1,000 plus additional costs if the negotiations go to mediation. The motion to authorize Mr. Bridges to enter into a contract with a consultant to represent the County in the LOST negotiations was made by Commissioner Wyatt, seconded by Chairman Lange, and passed unanimously. (Document can be found in "Contracts & Agreements" file as C&A #12-08.)
- G. **Request for Executive Session**. Danny Bridges, County Manager, requested an Executive Session for the purpose of discussing a personnel/litigation issue.

8. **COUNTY ATTORNEY**

- A. **Airport Authority Act**. John Taylor, County Attorney, said that during a previous Work Session, there was discussion with the Harris County Chamber Airport Committee regarding improvements at the Harris County Airport, and the subject of an Airport Authority came up. He said that research shows that the Harris County Airport Authority Act was enacted in 1984; that it is very in-depth; that there is nothing in the Act that the Board of Commissioners cannot do; and that the Authority is not activated until the six members have been appointed by the Board of Commissioners. He also indicated that by activating the Authority, the Board would be giving such entity a lot of authority, and that Troup County, is currently in the process of having their Airport Authority deactivated. Following discussion, consensus was that perhaps a meeting of the Chamber's Airport Committee and the County's Committee (formed in 2006) should meet and come up with a recommendation for the Board. Commissioner Wyatt suggested that a member of the Development Authority also be included in the meeting.
- B. **Cagle's and JCG Foods of Georgia: Access Easement, Resolution and Quit Claim**. John Taylor, County Attorney, said that with the change of Cagle's to JCG Foods of Georgia, records revealed that the former driveway to Cagle's plant which was owned by the County as part of an economic development grant had never been turned over to Cagles; that with the sale of Cagle's property, the new owner requested the execution of an Access Easement regarding the driveway, called Cagle Drive, in order to close on the sale, and a document was executed on behalf of the County. He said that the Access Easement needs to be ratified by the Board. In addition, he said, that records need to be cleaned up to show Cagle Drive being deeded back to Cagle's or its successors; that the original document regarding the property included a reversionary clause should the road stop being a public road; and that during the paving of the Cagle's parking lot, which included the relocation of the driveway, the road was paved over and is no longer accessible. In that regard, he said he had prepared a Resolution authorizing the Chairman and County Clerk to execute documents to Quit Claim the road back to Cagle's or its successors, and he explained that the abandonment of this road is somewhat different than the usual procedure, but that State law allows the abandonment of such property under certain conditions, which he then reviewed. Following discussion, the motion to ratify the Access Easement and approve the Resolution giving the Chairman and the County Clerk authority to execute the Quit Claim regarding Cagle Drive was made by Commissioner Wyatt, seconded by Commissioner Loudermilk, and passed unanimously. (Documents can be found in "Miscellaneous Documents" as MD #12-07 (Access Easement) and MD #12-09 (Quit Claim).

- 9. **EXECUTIVE SESSION**. The motion to go into Executive Session for the purpose of discussing a personnel/litigation matter was made at 8:08 PM by Commissioner Loudermilk, seconded by Commissioner Wyatt, and passed unanimously.
- 10. **RESUME REGULAR SESSION**. The motion to go back into Regular Session was made by Chairman Lange, seconded by Commissioner Langston, and passed unanimously.

11. **OTHER**

- A. **Community Center Lighting in Pool Area**. Danny Bridges, County Manager, said that the lighting in the pool area has been tested and does not meet code; that the contractor has indicated the issue is the fault of the lighting company that says the lights meet specs; that the lighting is not bright enough; that it looks like a change will take place; and that he will keep the Board advised.

B. **Community Center Opening**. Danny Bridges, County Manager, said that although a temporary Certificate of Occupation may be issued next week, the “grand” opening of the Community Center may not be until mid-July or later.

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

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J. Harry Lange, Chairman

Attest:

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Nancy D. McMichael, County Clerk