

**HARRIS COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION**

October 2, 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 September 18, 2012, Regular Session was made by Commissioner Loudermilk, seconded by Commissioner Woods, and passed unanimously.
3. **APPEARANCE OF CITIZENS**
 - A. **Rowena Baker: Pine Hollow Court.** Rowena Baker, citizen, appeared before the Board and said that for as long as she has lived on Pine Hollow Court, she has been trying to get the road paved and has turned in the necessary petitions. Danny Bridges, County Manager, said that this road is off of another County road, Diamond Circle, which is on the paving list; that Pine Hollow Court is not a County road; that the submitted petitions are several years old, so new ones should be obtained. He then explained the process which included that if at least 80% of the property owners sign new petitions, the road would be evaluated and an estimated cost to bring it up to standards would be prepared and provided to the property owners before moving forward with the acceptance by the Board. He also stressed that once the road is accepted, there is no guarantee as to when or if the road would be paved.
 - B. **Lon Marlowe: Level Playing Field.** Lon Marlowe, citizen, appeared before the Board regarding the recent disapproval of his Special Use Permit application. Discussion included the reason for the disapproval. Following discussion, Mr. Marlowe was advised he should resubmit his application.
4. **OLD BUSINESS**
 - A. **Response to Sheriff's Office Accounting Allegations.** Chairman Lange read the letter in response to allegations made by Dan Colberg during the September 18 meeting concerning the income from phone service provided to Jail inmates, the income from the commissary for Jail inmates, and income from selling seized vehicles. The letter included that all three matters are audited each year, that there have been no inappropriate or illegal use of funds, and the matter is now concluded.
 - B. **Second Reading: Amendment to Sign Ordinance, Chapter 6, Article IV, Section 6-83.** Chairman Lange said that this was the second reading to reduce the time frame in which the message on an electronic sign can be changed, from once every eight (8) hours to once every sixty (60) seconds. He asked if anyone in attendance had any comments. There being none, he said that action would be taken following the Public Hearing scheduled for later this evening to amend the Zoning Ordinance regarding signs. [See 6 B (continued).]
5. **PUBLIC HEARINGS @ 7:30 PM**
 - A. **Procedures for Public Hearings.** Chairman Lange read the procedures involved in the Public Hearing.
 - B. **Conflict of Interest Forms.** The Conflict of Interest forms, regarding the rezoning application of Michael Harris, were completed at the request of Chairman Lange.
 - C. **Application of the Harris County Board of Commissioners to Amend the Text of the Zoning Ordinance, Article II Definitions, Page CDA:4; Article IV, Section 2, Page CDA:20, to allow "Festival, Agricultural/Educational" in A-1 districts with a Special Use Permit.** Chairman Lange called the Public Hearing to order and read the application, which included that such festivals are not to exceed three days and may occur three times in a year on the same parcel and/or under the same ownership/applicant (person or entity) and that a detailed operational plan must be submitted with the special use permit application. He asked if anyone wished to speak in favor of this application.

Lon Marlowe, citizen who lives on Georgia Highway 219, West Point, appeared before the Board and said that he is favor of the amendment, which would allow him to do something he has been trying to do for years.

There being no further comments in favor, Chairman Lange asked if anyone wished to speak in opposition.

Linda Straub, citizen who lives on Hopkins Farm Road, Pine Mountain, appeared before the Board and said that this type of event is more fitting for a CORD zoning rather than an agricultural zoning; that such an event could turn into something like the fair in Gay where there are many educational activities such as how to make split oak baskets and horse shoes; and that Mr. Marlowe needs to rezone to CORD so that he can do basically whatever it is he wants to do.

There being no further comments in opposition, Chairman Lange closed the Public Hearing and asked for a motion.

The motion to approve this amendment was made by Commissioner Loudermilk and seconded by Commissioner Wyatt. Commissioner Woods said that while he would prefer to limit this activity to once a year, twice is acceptable. Commissioner Langston agreed with Commissioner Woods. Neither Commissioner Loudermilk nor Commissioner Wyatt changed their motions. The motion passed with three in favor (Loudermilk, Wyatt, Lange) and two opposed (Woods, Langston).

- D. **Application of the Harris County Board of Commissioners to Amend the Text of the Zoning Ordinance, Article II Definitions, Page CDA:8; Article IV, Section 2, Page CDA:24, to allow "Produce Stand" to allow in A-1, C-3 and C-4 districts.** Chairman Lange called the Public Hearing to order and read the application, which included that the definition is a seasonal structure not to exceed 500 square feet in which fruits and vegetables are made available for purchase by consumers. He asked if anyone wished to speak in favor of this application. There being none, he asked if anyone wished to speak in opposition. There being none, he closed the Public Hearing and asked for a motion. The motion to approve this amendment was made by Commissioner Loudermilk, seconded by Commissioner Woods, and passed unanimously.
- E. **Application of the Harris County Board of Commissioners to Amend the Text of the Zoning Ordinance, Article II Definitions, Page CDA:9; Signs, Variable Message Advertising Devices, to reduce the time frame in which electronic sign messages can be changed.** Chairman Lange called the Public Hearing to order and read the application, which included that the amendment would change the time frame from once every eight (8) hours to once every sixty (60) seconds. He asked if anyone wished to speak in favor of this application. There being none, he asked if anyone wished to speak in opposition. There being none, he closed the Public Hearing and asked for a motion. The motion to approve this amendment was made by Commissioner Woods, seconded by Commissioner Wyatt, and passed unanimously.
- F. **Application of Michael Harris to rezone 5.19 acres of Lang Lot 145, Land District 20, Map 10, Parcel 001D, 008 & 008A, from A-1 (Agricultural/Forestry) to C-4 (Highway Commercial); present use undeveloped; proposed use sawmill/millwork; property located at 6682 Lick Skillet Road, Hamilton.** 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 Planning Commission with the conditions of (1) log truck traffic be directed by signage/advertising that they must enter from Georgia Highway 103 onto Lick Skillet Road; (2) maintain a 50 foot tree buffer for screening purposed for traffic on Lick Skillet Road; and (3) not allow a truck stop, billiard/game room, club/pub, outdoor entertainment facility or truck depot at this location.

Michael Harris, applicant, appeared before the Board and said that he plans to operate a sawmill producing cants, pallet strips, and other dimensional wood cuts; that he has no plans to operate a planer; that he owns approximately 5 acres already zoned C-4 that is adjacent to the subject; that he also owns the adjacent 125 acres; that he does not want to put the sawmill on the adjacent 5 acres because he believes that would be better suited for a country store or a restaurant; that he plans to employ 8 to 10 people; that he will build a 20,000 square foot metal building with acoustical insulation to reduce noise; that he had an open house this past week for the neighbors to come see what he has and what he will be doing, but only about 20 people showed up; that he will operate the sawmill from 8:30 AM to 2:30 PM; and that he has committed to help fund the Mountain Oak Creek Association.

There being no further comments or questions, Chairman Lange asked for a show of hands of those who are opposed to this rezoning, and approximately 65 people raised

their hands. He then asked for a show of hand of those who are in favor of this rezoning, and approximately 15 raised their hands. He then said that anyone wishing to speak will be limited to five minutes, that he will give a one-minute warning, and that time cannot be given to anyone else.

In response to questions from the Commissioners, Mr. Harris said that EPA tests had been performed (on the adjacent 5 acres) and that he has been cleared to have the tanks removed; that he is aware that he can put the sawmill on the 5 acres that is already zoned C-4; that any suppliers or consumers will have to be pre approved and agree to enter from/exit toward Hunters Pub; that there will be four trucks in with logs, four trucks out with product, and eight empty trucks per day in addition to the 50 trucks already on Highway 103; and that access to the sawmill would be from Highway 103. Commissioner Wyatt said, in response to calls and e-mails he had received, that Lick Skillet Road is a County road, not a State road; that Highway 103 is a State road; that logging trucks cannot go on a County road unless they are logging on that particular road, so the trucks will have to come off of Highway 103.

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

Bud McGee, citizen who lives on Monument Road, appeared before the Board and said that while he does not live in the sawmill property area, he does live next to the property Mr. Harris owns on Monument Road, that Mr. Harris did what he said he was going to do on that property; and that if he says he will do it, he will.

Rick Marshall, citizen who lives on Teel Circle in Fortson, appeared before the Board and said that he has known Mr. Harris for 25 years, and that you can believe what Mr. Harris says; that the sawmill will be a benefit to the County; and that he would like to see the property rezoned for the sawmill.

John Wells, citizen of Columbus, appeared before the Board and said that he owns the property on the corner of Lick Skillet Road and Highway 103; that initially he wasn't in favor of the rezoning for the sawmill but that after meeting with Mr. Harris and seeing what he is doing and what is planned, he is in favor.

Rob Poydersheff, citizen of Columbus, appeared before the Board and said that he has known Mr. Harris for many years; that Mr. Harris is trustworthy, honest, and has high moral character; and that you can believe what he (Mr. Harris) says.

There being no further comments in favor, Chairman Lange asked if anyone wished to speak in opposition.

George Clark, citizen who lives on Georgia Highway 103, appeared before the Board and said that he lives on the west side of Mountain Oak Creek, about one-half to three-quarters of a mile from the old G&G location (the 5 acres already zoned C-4); that whether or not the rezoning is approve, Mr. Harris will locate the sawmill on that corner property; that the area is a residential recreational area; that the commercial area at the other end of Lick Skillet Road has been there for years; and that he has deep pockets, which is a threat to the community.

Art Clark, citizen who lives on Georgia Highway 103, appeared before the Board and said that the overwhelming majority of the citizens in the area are opposed to the rezoning; that they don't want a sawmill in the community; that he lives about .3 miles from the subject property; that the quiet lifestyle is why people live in the area; that there are many recreational areas in the vicinity, so a sawmill doesn't fit in; that the people are concerned about the safety, the environmental impact, and the general health of the community; that the noise from the sawmill and damage to the road will be annoying; that every time Mr. Harris starts up his current small sawmill, he (Mr. Clark) can hear it at his home; that the sawmill will be a manufacturing facility because he is trucking in a raw material, performing a process on that material, manufacturing a product, which will be shipped to his customers; that the sawmill will be discharging high volumes of waste matter which can be hazardous since many are on well water; that the sawmill needs industrial regulations; that it is questionable as to whether a logging truck can make the turn from Lick Skillet to Highway 103; that the additional traffic will present safety hazards; that it is requested that the right decision be made; and that the sawmill would be better suited in the industrial park. In response to questions from the Commissioners, Mr. Clark said the proposed sawmill will probably be three to five times louder than the current sawmill.

Nancy Clark, citizen who lives on Georgia Highway 103, appeared before the Board and said that no one wants the sawmill in the area; that people move there because of the peace and quiet; that her main concern is the traffic, which is already heavy due to the industrial park on 103; that the rezoning is not good planning; and that the rezoning should not be approved.

Gail Bill, citizen who lives on Rhodes Drive, appeared before the Board and said there is a lot of anxiety about the sawmill; that she has done research; that the old site of G&G is C-4; that nothing can be done about the existing C-4, which is "highway commercial"; that C-3 is "neighborhood commercial," which is how the subject property should be rezoned because Lick Skillet Road is not a "highway"; that traffic on Highway 103 travels at a high rate of speed; that there are school buses; that if the rezoning is approved, someone is going to be killed on the road; that she had previously submitted a petition in opposition to the rezoning; and that the community should be left alone. (Petition can be found in "Miscellaneous Documents" file as MD #13-12.)

Chris Ferguson, citizen who lives on Georgia Highway 103, appeared before the Board and said that there is a 60-foot easement between his property and that of Mr. Harris; that the easement is owned by Mr. Scarborough, who plays in the front yard and he can tell what she is saying when he (Ferguson) is in his backyard; that his preference would be to have the sawmill on the other five acres on the corner; and that he is opposed to the sawmill.

Ray Yarborough, citizen who lives on Lick Skillet Road, appeared before the Board and said that Mr. Harris has indicated he will build the sawmill on the existing C-4 piece if he doesn't get the rezoning; that County ordinances prohibit commercial logging on any County road; that he does not have the right of way to the C-4 property; and that there is no room at Hunters Pub for trucks to turn around. In response to questions from the Board, Mr. Yarborough said that the County ordinance indicates that any damage to roads by a commercial logging truck will be the responsibility of the logging operator; that the trucks will be driving on a County road to get to the C-4 site; that logging trucks are heavy; that the asphalt on the road is breaking; and that while he would prefer not to have the sawmill in the area, the best place would be on the subject property with a buffer.

Susan Tompkins, citizen who lives on Helen Lane, appeared before the Board and said that she went to the open house on Friday evening; that there is 2,000 feet of frontage on Mountain Oak Creek on the property Mr. Harris owns; that on Friday night, when asked about the silt going into the creek, Mr. Harris said that he had already contacted Georgia Power about dredging at intervals; that Mr. Harris has indicated the hours for shipping and receiving would be between 8:30 AM and 2:30 PM, but on Friday night, he said he would be willing to change the closing to 2:00 PM; that the estimate for the additional highway traffic is the result of a video on one day; that Mr. Harris had indicated he would be putting the wood chips around the pine trees on his property; that the information being distributed and being said are inconsistent; and that the sawmill should be in the industrial park. In response to questions from the Board, Ms. Tompkins said that Mr. Harris was asked about changing the zoning on the corner lot (the 5 acres) and Mr. Harris said he would not change the zoning but wanted to save it for a store or restaurant, although he said he was not interested in operating such businesses.

Arthur Barker, citizen who lives on Helen Lane, appeared before the Board and said that he has no idea what the Mountain Oak Association is; that Mr. Harris can't entertain other property is because he will lose a \$40,000 tax credit if the sawmill is not up and running by December 31.

Greg Worthington, citizen who lives on Lick Skillet Road, appeared before the Board and said that he lives across from the old G&G site; that Mr. Harris has indicated that while he wants to have a store or restaurant on the G&G site, he is not interested in doing that, but someone might like to do so; and that the community does not want the sawmill in the area.

David Bill, citizen who lives on Rhodes Drive, appeared before the Board and said that he has lived in the area since 1976; that he is not in favor of rezoning the property; that EPA handles airborne asbestos and surface ground tests and EPD handles under surface tests; that he went to Atlanta and obtained copies of the records, which show no closure of the tanks or inspection of the ground underneath of the tanks; and that the sawmill will only contaminate the ground.

Lynn Sanders, citizen who lives on Dogwood Lane West in Fortson, appeared before the Board and said that regarding Hunters Pub, cars park on every available area which would prevent trucks from turning around.

Barry Tompkins, citizen who lives on Helen Lane, appeared before the Board and said that if Mr. Harris can put the sawmill on the existing C-4, let him do it and don't give him another five acres, which would give him 10 acres for the sawmill.

Ron Jackson, citizen who lives on Harrisville Road, appeared before the Board and said that the existing C-4 property was grandfathered in; that he thinks the finished product qualifies as manufacturing rather than commercial; and that if the subject property is not rezoned, Mr. Harris has indicated he can put the sawmill on the existing property.

At this point, Chairman Lange recessed the Public Hearing for five minutes.

Resuming the Public Hearing, Chairman Lange asked Mr. Harris for rebuttal.

Mr. Harris said that any runoff will travel about a half mile and through three ponds on his property before it gets to the creek; that the intersection of Lick Skillet Road and Highway 103 does need to be improved with or without the rezoning; that he will contribute \$10,000 a year to the community association and is concerned about the use, one of which would be as matching grants for people who want to dredge, which is why he contacted Georgia Power about dredging and was told 500 cubic yards per individual is allowed; that he has looked at other land near the Northwest Harris Business Park, but it is zoned agricultural and with the tax situation on getting his business up, of a 40% savings rather than \$40,000, by December 31, that property would not work; and that he does remain open to alternative sites.

In response to questions about the saw dust, Mr. Harris said that there will be a central vacuum system on two of the saws to be bagged and on a conveyor on the band saw to go to a hopper; that he assumes the saw dust will be put in with the chips to go to the burn market, although he did consider putting it around his pines; that the hopper would be emptied each day into a trailer; that he hasn't considered nor has any intention to use planers; that he will cut cants (raw cross ties) with remaining slabs run through a re-saw to produce one bys in various widths with the chips and sawdust to the fuel market. There being no further comments or questions, Chairman Lange closed the Public Hearing.

Commissioner Wyatt asked that the decision be tabled until we receive clarification regarding the zoning. Danny Bridges, County Manager, said that lumberyards and millwork are permitted in C-4, M-2 and M-2. Commissioner Wyatt withdrew his request to table.

The motion to disapprove this rezoning request was made by Commissioner Woods and seconded by Commissioner Langston. Chairman Lange said that he appreciates the possibility of something like this coming to Harris County, but it has to be in the right place; that he has driven in the subject area several times recently; and that he would prefer the sawmill to be on the subject property and away from the road, but that means adding five more acres of commercial in an area where commercial doesn't fit, and to approve it would just add to the problem. Commissioner Woods said that every time commercial spot zoning is approved, what it turns out to be is different; that while the G&G site was grandfathered in as C-4, it should have been grandfathered as something else; and that he would consider approval if there was a swap in properties, but because citizens don't want it in the area, that is the reason he made the motion to deny. The motion to disapprove passed with four in favor (Woods, Langston, Lange, Loudermilk) and one opposed (Wyatt).

6. **NEW BUSINESS (CONTINUED)**

- B. **Second Reading: Amendment to Sign Ordinance, Chapter 6, Article IV, Section 6-83 (continued)**. Chairman Lange said that the Public Hearings regarding this amendment, as well as the amendment to the Zoning Ordinance regarding signs, have been held. He asked for a motion. The motion to approve the amendment to the Sign Ordinance was made by Commissioner Wyatt, seconded by Commissioner Woods, and passed unanimously.
- C. **Tornado Warning System Update**. Danny Bridges, County Manager, said that we are moving in the telephone/e-mail system rather than the siren system, and that probably before the first meeting in November we will have two or three web demonstrations at the Commissioners' office to view the applicable services.

7. **NEW BUSINESS**

- A. **Board Vacancies; Appointments to be Made**.
 - (1) **Valley Partnership Joint Development Authority**. Chairman Lange said that Lynda Dawson had submitted her resignation; that her term ends May 30, 2014; and this is basically at at-large appointment. Commissioner Wyatt suggested that Brian Williams, Community Development Director, be appointed, and discussion included that the appointment should possibly be by someone not connected with the Board or the County, but that Chairman Lange will research that. Commissioner Langston also suggested Ben Williams, who is currently on the Development Authority, be appointed.
 - (2) **Department of Family & Children Services**. Rita Farless submitted her resignation;

her term ends June 30, 2015; that she has a replacement recommendation but has not provided that name to the County; and that all appointments on this board are at-large. Commissioner Loudermilk said that he has someone in mind for the appointment, but has to check with that individual.

Chairman Lange said that these reappointments will be on the next agenda.

B. **Requests for Tax Refunds.** Chairman Lange read the following requests for tax refunds.

- (1) Barrett, Tammy: Refund amount of \$18.20 due to having paid for tag early and then selling vehicle before tax actually due. Tax Commissioner agreed with the request.
- (2) Crosby, Christopher (2008): Refund amount of \$167.54 due to incorrect square footage on home. Tax Commissioner and Board of Tax Assessors disagreed because tax refunds cannot exceed three years.
- (3) Farmer, Patricia W.: Refund amount of \$50.94 due to tag being ordered in error after car was salvaged after an auto accident. Tax Commissioner agreed with the request.
- (4) Graddy, Marion (2011): Refund amount of \$432.19 due to a mix-up in billing when last year's taxes were appealed and claiming they never received revised bill. Tax Commissioner disagreed and indicated that a bill and two letters regarding fifa and levy were mailed to the same address. Board of Tax Assessors also disagreed with the request.
- (5) Rogers, Fred: Refund amount of \$11.86 due to boat trailer having been sold. Tax Commissioner agreed with the request.

The motion to approve the requests of Barrett, Farmer and Rogers was made by Commissioner Loudermilk, seconded by Commissioner Langston, and passed unanimously. The motion to disapprove the requests of Crosby and Graddy was made by Commissioner Wyatt, seconded by Commissioner Loudermilk, and passed unanimously.

C. **LOST Negotiations.** Chairman Lange said that the County and the municipalities have been in negotiation regarding the renewal and distribution of the Local Option Sales Tax (LOST) for several months, and that in order to settle the matter, it may be necessary to enter non-binding mediation, and that a motion is needed regarding same. The motion to enter into non-binding mediation concerning the LOST renegotiations was made by Chairman Lange, seconded by Commissioner Wyatt, and passed unanimously.

8. **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