

HARRIS COUNTY BOARD OF COMMISSIONERS

REGULAR SESSION

November 6, 2012

7:00 P.M.

Commissioners Present: J. Harry Lange, Becky Langston, Joey M. Loudermilk, Jim Woods, Charles Wyatt. Staff Present: John M. Taylor, County Attorney; Nancy D. McMichael, County Clerk. Staff Absent: Daniel B. Bridges, County Manager.

1. **CALL TO ORDER** . Chairman Lange called the Regular Session to order.

2. **MINUTES** . The motion to approve the minutes of the October 16, 2012, Regular Session was made by Commissioner Woods, seconded by Commissioner Wyatt, and passed with four in favor (Woods, Wyatt, Lange, Langston), no opposition, and one abstention (Loudermilk, who was absent October 16) .

3. **APPEARANCE OF CITIZENS**

A. **Marcus Carter: Recreation Playing Facilities** . Nancy McMichael, County Clerk, said that Marcus Carter had contacted Commissioner Langston prior to the meeting and asked to be moved to the November 20 meeting due to unforeseen circumstances.

4. **OLD BUSINESS**

A. **Appointment to Department of Family & Children Services (DFCS) Board** . Chairman Lange said that the appointment to the DFCS Board, to complete the term of Rita Farless who resigned, had been tabled from the two previous meetings since Commissioner Loudermilk had indicated he had a person in mind to appoint. Commissioner Loudermilk made the motion to appoint Phoebe Dawson, of Ellerslie, to the DFCS Board to complete the term ending June 30, 2015. The motion was seconded by Commissioner Langston, and passed unanimously.

5. **NEW BUSINESS**

A. **Agreement w/River Valley Regional Commission (RVRC): Administering King's Gap CDBG** . The motion to approve the agreement with the RVRC to administer the recently awarded \$500,000 Community Development Block Grant (CDBG) for infrastructure improvements in King's Gap, was made by Commissioner Woods, seconded by Commissioner Langston, and passed with four in favor (Woods, Langston, Lange, Loudermilk) and one opposed (Wyatt). (Document can be found in "Contracts & Agreements" file as C&A #12-27.)

B. **Agreement w/EMC Engineering: Engineering Services for King's Gap CDBG** . The motion to approve the agreement with EMC Engineering to provide engineering services in connection with the \$500,000 CDBG for King's Gap was made by Commissioner Wyatt, seconded by Commissioner Woods, and passed

unanimously. (Document can be found in “Contracts & Agreements” files as C&A #12-28.)

C. **Agreement w/Cities: Distribution of Local Option Sales Tax (LOST)**. Following a brief discussion, the motion to approve the agreement regarding the distribution of the Local Option Sales Tax, which includes 73.20 percent for the County for the years 2013 through 2017, after which it decreases to 73.10 in 2018, to 73.00 in 2019, to 72.90 in 2020, to 72.80 in 2021 and 72.70 in 2022, unless said distribution is renegotiated, was made by Commissioner Wyatt, seconded by Chairman Lange, and passed unanimously. (Document can be found in “Contracts & Agreements” file as C&A #12-29.)

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

A. **Explanation of Public Hearing Procedures** . Chairman Lange explained the procedures involved with the Public Hearing.

B. **Conflict of Interest Forms** . The Conflict of Interest forms were completed at the request of Chairman Lange.

C. **Application of Carmen & Raymond Draper to rezone 6.52 acres of Land Lot 188, Land District 21, Map 58, Parcel 26, from PUD (Planned Unit Development) to A-1 (Agricultural/Forestry); present use residential; proposed use to allow horses on the property; property located at 441 Mountain Shadows Road, Hamilton** . Chairman Lange called the Public Hearing to order, read the specifics of the application, and said that it had been

recommended for disapproval by the Planning Commission but for approval, with condition of limiting the number of horses and chickens, by the Planning Staff. Mr. and Mrs. Draper appeared before the Board, and Mr. Draper explained the reason for the rezoning was to allow them to keep their two horses, currently being boarded elsewhere, on their property; that during the Planning Commission meeting neighbors were concerned about what the next owner of the property could do, but he will accept conditions to limit the horses, which would also bind any future owner unless they go through the process to have it changed; that others said it would detract from the subdivision, but the house can't be seen from the road, and he has left a 100 buffer between the road and where he has cleared for a pasture; and that having horses on the property does not diminish property values. Mrs. Draper said that the property behind them is agricultural. Discussion included that while there was nothing to prevent the rezoning from taking place, there may be issues with the covenants, which the County does not enforce. In response to questions from the Board, Mr. Draper said that he has two horses and five laying chickens, but if the choice is between horses or chickens, the chickens will have to go. Chairman Lange asked if anyone wished to speak in favor of this rezoning.

George Moore, citizen who lives on Savior Lane, appeared before the Board and said that his property is adjacent to the Draper's property; that the cleared pasture area can't be seen from the road because of the buffer; that there are 24 acres in the subdivision that are zoned A-1; that the covenants state that a Homeowners Association would be formed once 95% of the property is developed, but only about 70% is developed; that the HOA is not active; and that he has no objections to the rezoning.

Jim Furin, citizen who lives on Dogwood Lane West in Fortson, appeared before the Board and said that neighbors in his area

recently rezoned to A-1 to allow horses on their property; that the Board can put conditions on the rezoning to limit the number of animals; and that due to Mr. Draper's military service, the Board should allow the rezoning.

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

Claudette Hodge, citizen, appeared before the Board and said that she owns most of the undeveloped lots in Mountain Shadows; that her late husband purchased the property from Walter Kirsch; that the subdivision was developed as a PUD and she does not want to see any portion of it changed; and that she opposes the rezoning.

There being no further comments in opposition, Chairman Lange asked Mr. and Mrs. Draper for rebuttal. Mr. Draper said that Mrs. Hodge does not own all the lots, that some lots are in foreclosures. In response to questions from the Board, Mr. Draper said that he plans to have only two horses; that he requested rezoning to A-1 at the recommendation of the Planning staff; and that he will eliminate the chickens if necessary.

Chairman Lange closed the Public Hearing. Commissioner Wyatt made the motion to approve the rezoning to A-1, to limit the number of horses to two, to limit the number of chickens to four, and to require a 50' buffer at adjacent property lines. The motion died for lack of a second. Commissioner Woods then made the motion to approve the rezoning to A-1, to limit the number of horses to two, to allow no other farm animals or livestock, and to require a 50' buffer at adjacent property lines. The motion was

seconded by Commissioner Loudermilk and passed with four in favor (Woods, Loudermilk, Lange, Wyatt) and one opposed (Langston).

7. **NEW BUSINESS (CONTINUED)**

D. **Appointment to Recreation Board** . Chairman Lange said that with the resignation of Derik Moxley from the Mountain Hill Youth Sports Association (MHYSA) and, as a result, the Recreation Board, the MHYSA has recommended that Stacey Fuss be appointed to the Recreation Board, and that because the current term to be completed expires December 31, 2012, the appointment should include the next term, which would expire December 31, 2015. The motion to appoint Stacey Fuss to the Recreation Board for the term ending December 31, 2015, was made by Commissioner Langston, seconded by Commissioner Loudermilk, and passed unanimously.

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

(1) **Barfield, Leigh Sumner** : Refund amount of \$92.64 due to having paid for tag before birthday and selling vehicle before birthday. Tax Commissioner agreed with the request but indicated the amount should be \$36.64 with the balance to be requested from the state by Ms. Barfield.

(2) **James, Daniel & Traci** : Refund amount of \$234.23 because husband is active military and was deployed when wife paid for tag. Tax Commissioner agreed with the request.

(3) Peed, Teresa J. : Refund amount of \$166.21 due to having paid for tag before birthday and selling vehicle before birthday. Tax Commissioner agreed with the request.

The motion to approve the request of Barfield in the amount of \$36.64 and for James in the amount of \$234.23 was made by Commissioner Loudermilk, seconded by Commissioner Wyatt, and passed unanimously. The request of Peed was tabled due to a mixup in due date and paid date, which are to be clarified for the November 20 meeting.

F. **Amended and Restated 457(b) Deferred Compensation Plan & Resolution Authorizing Same** . Nancy McMichael, County Clerk, said that several months ago, a deputy requested that he be allowed to transfer funds to another defined benefit plan; that our current plan does not allow this; and that Danny Bridges, County Manager, had determined we should move forward with amending the plan for same. She said that when the amended document came in, it also contained several items that should have been changed when the laws changed in 2007. After a brief discussion, consensus was to have the County VALIC representative at the next meeting to explain the changes, and Mrs. McMichael is to arrange same.

G. **Koch Foods (fka Cagle's): \$250,000 One-Time Up-Front Abatement for Gas Line** . Chairman Lange said that discussions have taken place with Koch Foods representatives (formerly Cagle's) regarding their plans to increase production with the use of natural gas, which would require running a gas line 16.5 miles at a cost of \$6,000,000; that the Valley Partnership is assisting in this endeavor; that the State has indicated it will provide \$1,500,000; and that the County has indicated it can provide \$250,000 as a one-time up-front

abatement toward the gas line. Discussion included that if the plans for the gas line do not come to fruition, the money will not be provided to Koch. Chairman Lange said that the number of employees is currently at 700, which is up from 350 when Koch bought out Cagle's; that with the gas operation, the number of employees will increase to 1,400; that plans would also include the construction of more chicken houses; and that the economic impact of the increased production will have an effect on Harris and other counties. He then made the motion for the County to provide a \$250,000 one-time up-front abatement to Koch for the purpose of the gas line subject to certain conditions and if that plan is the one Koch decides on. The motion was seconded by Commissioner Loudermilk. Discussion included that the funds would have to go to the Development Authority and then to Koch with an agreement subject to certain conditions; that should Koch choose to put the gas line in to its Montgomery plant, the Valley Partnership will not assist in same, nor would the funding from the State of Georgia and the County be available; that the gas line to the Pine Mountain Valley plant would go along the right of way of State roads. The motion passed with four in favor (Lange, Loudermilk, Langston, Woods) and one opposed (Wyatt).

8. **COUNTY MANAGER**

A. **Bid Award: Mower for Recreation Department** . Nancy McMichael, County Clerk, said that bids were received for a zero-turn mower for the Recreation Department as follows:

| COMPANY | MAKE/MODEL | MEETS | BID |
|---------|------------|-------|-----|
|---------|------------|-------|-----|

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|--|----------------------|---|--------------|
| Anthony's Lawn Mower Repair, West Point | Snapper Pro S200xt | Y | \$ 5,500.00 |
| | Snapper Pro S175x | Y | \$ 9,000.00 |
| Dudley's Outdoors, LaGrange | Hustler X-One 930537 | Y | \$ 7,104.30 |
| | Exmark LZX801KA606 | Y | \$ 8,799.20 |
| | Hustler FX850 929927 | Y | \$ 9,029.30 |
| Hamilton Equipment, Columbus | SCAG STC61V-730FX | Y | \$ 7,989.00 |
| Sunsouth, Columbus | John Deere Z930A | Y | \$ 9,400.00 |
| Waverly Hall Farm & Tractor, Inc., Waverly Hall | Kubota ZG227LA-60 | Y | \$ 8,413.00 |
| | Kubota ZG327P-60 | Y | \$ 8,890.00 |
| | Kubota ZD326S-60 | Y | \$ 11,600.00 |
| | Kubota ZD326P-60 | Y | \$ 11,800.00 |

Mrs. McMichael said that John Magazu, Recreation Director, recommended that the bid be awarded to Anthony's Lawn Mower Repair for the low bid of \$5,500. The motion to award the bid as recommended was made by Commissioner Wyatt, seconded by Commissioner Loudermilk, and passed unanimously.

B. **Bid Results: Oven for Prison** . Nancy McMichael, County Clerk, said that bids were received for a double stack convection oven for the Prison, as follows:

| | | |
|----------------------------------|--|---|
| COMPAN Y | Alpha Pritchard Restaurant & Food Service Equipment, Columbus | |
| M a k e / Model | Imperial Turbo-Flow | Southbend |
| Meet, Not Meet, or Exceeds | exceeds maximum height, exterior depth & width; no digital display | exceeds exterior depth & width; no digital display |
| Bid | \$ 9,317.83 | \$ 9,987.68 |
| Delivery/ Shipping | \$ 600.00 | \$ 400.00 |
| Installation | \$ 250.00 | \$ 250.00 |
| T O T A L B I D | \$ 10,167.83 | \$ 10,637.68 |
| D i g i t a l Display | \$ 1,355.00 | \$ 1,166.00 |

Mrs. McMichael said that Alex Haden, Prison Warden, recommended that the bids be rejected because neither bid met the specifications of the bid and that the bid be revised. The motion to reject the bids and to go back out on bid was made by Chairman Lange, seconded by Commissioner Langston, and passed unanimously.

C. **Bid Award: Patching on Hopewell Church Road & West Bon Acre Road** . Nancy McMichael, County Clerk, said that bids were received for the patching of various locations on Hopewell Church Road and West Bon Acre Road, as follows:

| COMPANY | Affidavit | Bond | Bid Form | Bid Amount |
|----------------------------------|------------------|-------------|-----------------|-------------------|
| Robinson Paving, Columbus | Y | Y | Y | \$ 39,900.00 |
| Wolford Contracting Co., Fortson | Y | Y | Y | \$ 52,899.42 |

Mrs. McMichael said that Allen Culpepper, Public Works Director, recommended that the bid be awarded to Robinson Paving for the low bid of \$39,900. The motion to award the bid as recommended was made by Commissioner Wyatt, seconded by Commissioner Loudermilk, and passed unanimously.

D. **Personnel: Finance Officer Salary** . Chairman Lange said that with the hiring of Wendy Cole, as the Finance Officer, the salary offered was slightly higher than what is allowed without the approval of the Board of Commissioners; and that the amount offered was \$45,000. Discussion included that this salary is less than what the previous Finance Officer was making. The motion to approve the Finance Officer's salary at \$45,000 was made by Commissioner Langston, seconded by Commissioner Wyatt, and passed unanimously.

9. **COUNTY ATTORNEY** . John Taylor, County Attorney, said he had no business to discuss with the Board this evening.

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

J. Harry Lange, Chairman

Attest:

Nancy D. McMichael, County Clerk