

HARRIS COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION
December 18, 2012
7:00 P.M.

Commissioners Present: J. Harry Lange, Joey M. Loudermilk, Becky Langston, Jim Woods, Charles Wyatt.
Staff Present: Jeff Todd, Acting County Attorney (in the absence of John Taylor); 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 December 4, 2012, Regular Session was made by Commissioner Loudermilk, seconded by Commissioner Woods, and passed with a vote of four in favor (Loudermilk, Woods, Lange, Wyatt), no opposition, and one abstention (Langston, who was absent from the December 4 meeting).

3. **APPEARANCE OF CITIZENS**

- A. **Bobby Haralson: Koch Foods and Gas Line.** Bobby Haralson, citizen who lives in Pine Mountain Valley, appeared before the Board regarding his concerns about the expansion of Koch Foods/JGC and the proposed gas line to which the County has committed a one time up front abatement of \$250,000. Mr. Haralson showed a photograph of the Pine Mountain Valley area with the Koch plant in the middle and three rings depicting one half mile, one mile, and one and one-half mile and said that within the 1.5 mile radius of the plant there are 239 homes with approximately 600 citizens; that increasing production will result in an increase in employees, trash, problems with traffic; and that they are not against the plant, just the expansion and gas line. He also said that the Pine Mountain Valley Chamber of Commerce recently held a meeting, attended by probably 35 or so citizens, during which many concerns were brought up about the expansion, the resulting increase in traffic and trash, the odor, and the abatement.
- B. **Bill Searcey: Koch Foods and Gas Line.** Bill Searcey, citizen who lives in Pine Mountain Valley, appeared before the Board and said that as representatives of all citizens, the Board did not treat the Pine Mountain Valley section fairly. He then brought up several rezoning issues where the Board denied what was being proposed, for various reasons, and included the power plant in Cataula, the baseball fields in Cataula (John Rodgers), the Rock Quarry, the sawmill, and the possible placement of trash compactors on property on Ridgeway Road, and said that in those instances, the Board had input from citizens and made fair decisions; that paying \$250,000 toward the proposed gas line works out to about \$30 per person, which if he had a choice he would not pay; and that what he is really saying is "not in my backyard".

At this point, there was discussion regarding the minutes from the November 6 meeting during which the Board approved, by a vote of 4 to 1, to provide a \$250,000 one-time up-front abatement toward the proposed gas line. Following discussion, no change was made to the November 6 minutes.

- C. **John Winsness: Koch Foods and Gas Line.** John Winsness, citizen of Pine Mountain Valley, appeared before the Board and said there should be a way to resolve the issues at hand; that his son lives in north Georgia where there is a Cagle's plant, and driving in the area, you can't tell it's there, so issues can be resolved in some manner; that he is not in agreement with the \$250,000 abatement; that the odor from the plant was worse before the fire several years ago than now; and that everyone should work together on this issue.
- D. **Keith Jennings: Koch Foods and Gas Line.** Keith Jennings, citizen of Pine Mountain Valley, appeared before the Board with his grandson Matt and said that when he asked Matt what his hometown smells like, Matt replied "dead fish"; that he doesn't think anyone should grow up with memories of their hometown smelling like dead fish; that Koch's needs to clean up the stink and clean up the trash; and that increasing production will result in more traffic.

At this point, Chairman Lange recessed comments in order to hold the scheduled Public Hearings for Special Use Permit applications.

4. **PUBLIC HEARINGS @ 7:30 PM**

- A. **Explanation of Public Hearings.** Chairman Lange explained the Public Hearing procedures.
- B. **Conflict of Interest Forms.** The Conflict of Interest forms were completed at the request of Chairman Lange.

- C. **Application of Elizabeth R. Blume for a Special Use Permit for a Kennel for the purpose of dog training and activity center for companion dogs on 2.77 acres of Land Lot 74, Land District 3, Map 056, part of Parcel 134, located on Butts Mill Road adjacent to Carriage & Horses Restaurant, which is located at 607 Butts Mill Road, Pine Mountain; property is zoned C-4.** Chairman Lange called the Public Hearing to order, read the specifics of the application, and said that the Planning Staff had recommended approval but to limit the number of dogs.

Elizabeth Blume, applicant, appeared before the Board and said that she wants to start a training center/dog park for people to bring their dogs because there is nothing like it in the area; that she does not plan to board dogs; and that Ronnie Roberts, of Big Bear Farm, is leasing property to her for her business. Chairman Lange asked if anyone in attendance wished to speak in favor of the application.

Warren Aldrich, of Pine Mountain, said that he has known Ms. Blume for some time and when she says she'll do something, she will follow through, and that he is in favor of the Special Use Permit.

Chairman Lange asked if anyone wished to speak in opposition. There being none, he asked Ms. Blume if she had any additional comments, and she had none.

In response to questions from the Board, Ms. Blume explained that while she doesn't plan to run a kennel, that was the closest use in the ordinance that would allow her to move forward with her business; and that the building she will be using is a barn containing stalls of which two will be converted into an office and a public restroom. There was discussion regarding the fact that a perpetual easement that also provides access for other properties to the south is included in the 2.77 acres for this use. Commissioner Woods said that he has talked to the owner of Carriage and Horses Restaurant and there is concern about security fencing, litter and sanitation pick up, the hours, to which Ms. Blume said there is fencing; that litter and sanitation will be taken care of; and that the hours will be 9 AM to 5 PM. Regarding the number of dogs, Ms. Blume said her trainer could work with 10 and there could be about 20 more using the facility. Ms. Blume's dog trainer said that the use of the facility would be limited to the membership of the facility. Regarding the fencing, Ms. Blume said that has 2" x 4" openings.

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

The motion to approve this Special Use Permit with the conditions of (1) security fencing to be maintained, (2) sanitation and litter pick up program to be in place, (3) hours are 9 AM to 5 PM, (4) no overnight boarding of animals, and (5) no more than 30 dogs at any one time on the premises, was made by Commissioner Woods, seconded by Commissioner Wyatt, and passed unanimously.

- D. **Application of Robert S. Graham for a Special Use Permit for Taxidermy & Deer Processing on 2.03 acres of Land Lots 171, 184 & 185, Land District 19, Map 030, part of Parcel 18A, located at 770 GA Highway 219, Fortson; 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.

Robert Graham, applicant, appeared before the Board, explained his background said that he owns the property on which he would like to open a shop to do Taxidermy and then add Deer Processing in the future.

Chairman Lange asked if anyone wished to speak in favor of or in opposition to this application. There being none, he asked Mr. Graham if he had any additional comments, and he had none. There being no comments or questions from the Board, Chairman Lange closed the Public Hearing and asked for a motion.

The motion to approve this Special Use Permit as presented was made by Commissioner Loudermilk, seconded by Commissioner Langston, and passed unanimously.

5. **APPEARANCE OF CITIZENS (CONTINUED)**

- E. **Ronnie Baxley: Koch Foods and Gas Line.** Ronnie Baxley, citizen who lives in Pine Mountain Valley, appeared before the Board and said Commissioner Wyatt, in whose district this is in, voted against the abatement/gas line, but yet it passed by the other Commissioners whose constituents won't be affected by the plant expansion; that he is not in favor of his tax money being used toward the gas line; that they are not against the chicken plant, but the expansion and the issues that will result. He also asked if the Commissioners who voted for the abatement would bring it back up. In response, Commissioner Woods said he would consider it, Chairman Lange said that he would not,

and Commissioner Loudermilk said that he had other comments which he would make after all the public comments are made (Commissioner Langston was not given an opportunity to respond at this point, but she made comments following the public comments.)

- F. **Bucky Searcy: Koch Foods and Gas Line.** Bucky Searcy, citizen who lives in Pine Mountain Valley, appeared before the Board and said he is president of the Pine Mountain Valley Chamber of Commerce and as a result of their recent meeting he hopes to meet with representatives of Koch Foods about the concerns of the area residents to try to resolve some of the issues; that the citizens should have been able to make comments about this before the Board took action; and that there are questions about the economic impact, environmental issues, and soil and water pollution for which there should have been studies performed.

Chairman Lange thanked everyone for their comments and said that it is a good idea to meet with the Koch Foods representative to resolve issues; that he understands an economic impact study was performed and he will try to obtain a copy of same so that everyone can have access to it.

Commissioner Loudermilk said that the County can't give cash to anyone which is why tax abatements are used in instances such as this; that tax abatements were made in connection with the Northwest Harris Business Park; that when this matter came before the Board, he had not heard of any of the issues citizens of Pine Mountain Valley are bringing up; that he agrees public comment should have been sought and that in the future when something similar comes before the Board, there should be discussions with the citizens who will be affected; that everyone has learned from this and the same thing should not happen again; and that public comment should not take place after the fact, but before.

Commissioner Langston said that before becoming a Commissioner she had been in the same situation as the citizens in Pine Mountain Valley, and that she and her neighbors were able to talk with the developer in their area to help resolve the issues many had, although each side had to give a little.

There was discussion about the proposed gas line route which included that coming from Ellerslie would be six to eight miles closer; that while the proposed route is in close proximity to The Grove, the development had nothing to do with the chosen route; and that the County will get the tax from the gas sold to Koch.

6. **OLD BUSINESS**

- A. **Second Reading: Application for Distilled Spirits by the Drink at Pontoon's (fka TK's Backwater Grill), at 5167 GA Highway 219, Fortson.** Chairman Lange read the specifics of the application and said that the Distilled Spirits by the Drink is a new license; that when the former business sold, the Beer and Wine On Premises license was transferred. The applicant, Nancy Beach, who was in attendance, had no comments. Chairman Lange asked if anyone wished to speak in favor of or in opposition to this application. There being none, the motion to approve this application was made by Commissioner Wyatt, seconded by Commissioner Woods, and passed with a vote of four in favor (Wyatt, Woods, Lange, Langston) and one opposed (Loudermilk).
- B. **Amendments to Recreation Board By-Laws and Appendices and to the Recreation Board Ordinance.** Chairman Lange said that this matter was tabled from the December 4 meeting at the request of Commissioner Langston. Commissioner Langston said that the proposed changes to the documents were agreed upon by each of the Youth Sports Associations. There was discussion regarding the ability of the Recreation Board to request financial statements from the YSA. Following discussion, and there being no further comments or questions, the motion to approve the amendments to the Recreation By-Laws and Appendices and to the amendments to the Recreation Board Ordinance was made by Commissioner Langston, seconded by Commissioner Loudermilk, and passed with four in favor (Langston, Loudermilk, Lange, Woods) and one opposed (Wyatt).

7. **NEW BUSINESS**

- A. **Rezoning & Special Use Schedules for 2013.** The motion to approve the Rezoning and Special Use schedules for 2013 was made by Commissioner Loudermilk, seconded by Commissioner Langston, and passed unanimously.
- B. **Airport Capital Improvements Plan (CIP).** Chairman Lange said that this was the Capital Improvements Plan (CIP) for the next five years regarding the airport; and that the items on the list can be changed. He also said that the Airport Committee had recently met and propose moving forward with the construction of more T-hangars, but he will have costs on that at the next meeting. The motion to approve the CIP, which will allow the execution of

the applications for items listed for 2014, was made by Commissioner Wyatt, seconded by Commissioner Woods, and passed unanimously. (Document can be found in "Miscellaneous Documents" file as MD #17-12.)

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

- (1) Carlisle, Timothy & Thomas, Jr. (2012): Refund amount of \$13.81 due to paying tax on old Shiloh Fire House (on .25 acre) next to their property since 2007. Tax Commissioner and Board of Tax Assessors agreed with request.
- (2) Carlisle, Timothy & Thomas, Jr. (2011): Refund amount of \$29.45 due to paying tax on old Shiloh Fire House (on .25 acre) next to their property since 2007. Tax Commissioner and Board of Tax Assessors agreed with request.
- (3) Carlisle, Timothy & Thomas, Jr. (2010): Refund amount of \$28.84 due to paying tax on old Shiloh Fire House (on .25 acre) next to their property since 2007. Tax Commissioner and Board of Tax Assessors agreed with request.
- (4) Terry, Bradley L.: Refund amount of \$42.63 due to having paid for tag, which was due in December, in November, and selling vehicle before due date. Tax Commissioner agreed with request.
- (5) Weber, Charles: Refund amount of \$121.43 due to being active military with home of record in San Diego, CA, and not a resident of Georgia. Tax Commissioner agreed with request.
- (6) Weber, Charles: Refund amount of \$195.67 due to being active military with home of record in San Diego, CA, and not a resident of Georgia. Tax Commissioner agreed with request.

The motion to approve all six requests was made by Commissioner Langston, seconded by Commissioner Loudermilk, and passed unanimously.

D. **Old Mountain Hill Schoolhouse Security.** Commissioner Langston reminded the Board that the Library that was located in the Old Mountain Hill Schoolhouse, had closed, and that because the building is owned by the County, she would like the County to continue paying for the building's security alarm/monitoring, which is currently approximately \$20 per month. She then made the motion for the County to continue paying the security alarm/monitoring for the Old Mountain Hill Schoolhouse. The motion was seconded by Commissioner Wyatt and passed unanimously.

8. **COUNTY MANAGER**

A. **Next Meeting Reminder.** Nancy McMichael, County Clerk, reminded the Board that because the first Tuesday in January is January 1, the next Board meeting will be on Wednesday, January 2.

B. **Tax Commissioner Authorization to Receive Payments.** Nancy McMichael, County Clerk, said that newly elected Tax Commissioner, Vickie Jamerson, during her recent schooling, learned that the County must authorize her to receive payments, and the document for same has been provided. The motion to approve the authorization was made by Commissioner Woods, seconded by Commissioner Wyatt, and passed unanimously. (Document can be found in "Miscellaneous Documents" file as MD #18-12.)

C. **Request for Executive Session.** Nancy McMichael, County Clerk, requested an Executive Session for the purpose of discussing personnel issues.

9. **RECESS FOR EXECUTIVE SESSION.** The motion to go into Executive Session for the purpose of discussing personnel issues was made at 8:50 PM by Chairman Lange, seconded by Commissioner Langston, and passed unanimously.

8. **RESUME REGULAR SESSION.** The motion to go back into Regular Session was made by Commissioner Wyatt, seconded by Chairman Lange, and passed unanimously.

9. **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