

# HARRIS COUNTY BOARD OF COMMISSIONERS

## REGULAR SESSION

January 2, 2013

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 18, 2012, Regular Session was made by Commissioner Loudermilk, seconded by Commissioner Woods, and passed unanimously.

3. **ORGANIZATION OF COMMISSION**

A. **Election of Chairman and Vice-Chairman, and Appointment of County Attorney and County Clerk** . The motion to re-elect and re-appoint the individuals in their current position (Harry Lange as Chairman, Joey Loudermilk as Vice-Chairman, John Taylor as County Attorney, and Nancy McMichael as County Clerk), was made by Commissioner Woods, seconded by Commissioner Langston, and passed with four in favor (Woods, Langston, Lange, Loudermilk), no opposition, and one abstention (Wyatt) .

4. **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 said that with the sale of the property to Koch Foods, the ad valorem tax that will be paid for two years (by state law) is based on the sale amount rather than the assessed value so the taxes will be \$40,905 less than what Cagle's had been paying; that the property tax on the Koch Foods property (formerly Cagle's) that is zoned manufacturing is less than that on nearby property zoned A-1, which doesn't seem fair; that not all of Cagle's property was sold with the bankruptcy as the parcel with the Cagle's water tower is still in Cagle's name; and that the citizens don't want to put Koch's out of business, but want to know what the

Commissioners are going to do. Chairman Lange asked for and was given the tax information on the property still in Cagle's name and said that the tax issue, as well as the property issues, would be studied. Chairman Lange also said that he understands that representatives of Koch will be meeting with the Pine Mountain Valley Chamber of Commerce to discuss various concerns and that Koch's wants to be a good neighbor.

B. **Louis Hazouri: Koch Foods and Gas Line** . Louis Hazouri, citizen who lives in Pine Mountain Valley, appeared before the Board and said that he has had very little problems with the plant, other than odor for which he contacted the Environmental Protection Agency; that he was not surprised the County was working with Koch's and the resulting up front abatement; that he was not surprised with the \$250,000 up front abatement; that he was surprised that the Commissioners failed to get input from the citizens that would be affected by the expansion; that he had no problem with the expansion from an economical standpoint; that he questioned the Commissioner's adding the topic to the agenda during the meeting in which the abatement was discussed and voted on; and that the Commissioners should have gotten input from the citizens before action was taken.

Chairman Lange said, in response to issues brought up previously and tonight, that an economic study had been performed by Columbus State University; that he understands that Koch representatives will be meeting with the Pine Mountain Valley Chamber of Commerce to discuss the various concerns of the citizens; that Koch Foods wants to be a good neighbor; and that he has been told there will not be a new generator put in place at the plant, but a new boiler will be put in place.

He then recessed the discussion in order to hold the scheduled Public Hearing.

## 5. **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 Beckie and Mike McKenzie, dba McKenzie's Farmhouse Restaurant, to rezone 4.50 acres of Land Lot, Land District 18, Map 080, part of Parcel 21, from A-1 (Agricultural/Forestry) to C-4 (Highway Commercial); present use restaurant and gift shop; proposed use to expand restaurant and gift shop; property located at 469 Farmhouse Road, Ellerslie** . Chairman Lange called the Public Hearing to order, read the specifications of the application, and said that both the Planning Commission and the Planning Staff had recommended

approval of the application with no conditions. Commissioner Loudermilk said that he has made a financial investment in the Farmhouse Restaurant and that his wife is a silent partner, thus he will abstain from the discussion and the vote. Commissioner Wyatt said the property was grandfathered in and didn't see the need for rezoning. County Clerk Nancy McMichael, said that the restaurant is on property that is C-4; that the McKenzie's want to expand the use of the restaurant and gift shop by building another structure on the 4.50 acres; and therefore, the rezoning is necessary. Beckie and Mike McKenzie, applicants, appeared before the Board. Mr. McKenzie said that the restaurant has been in the same location for over 30 years; that because they get requests to accommodate groups larger than what the restaurant can accommodate they would like to build another structure that would accommodate the larger groups; and that the structure will have sliding doors, which when opened, will make the structure appear to be a pole barn.

Chairman Lange asked if anyone wished to speak in favor of the application. There being none, he asked if anyone wished to speak in opposition. There being none, and with the McKenzies having no further comments, Chairman Lange closed the Public Hearing and asked for a vote.

The motion to approve the rezoning application was made by Commissioner Wyatt, seconded by Chairman Lange, and passed with three in favor (Wyatt, Lange, Langston), no opposition, and two abstentions (Loudermilk, Woods).

#### 6. **APPEARANCE OF CITIZENS (CONTINUED)**

Also in response to comments made regarding Kochs, either previously or tonight, Commissioner Wyatt said that a boiler is a generator in that it creates electricity; that the gas line route, as he understands it, will be along Fortson Road to Mulberry Drive to Georgia Highway 315 to Hamilton Mulberry Grove Drive to Lower Blue Springs Road to Calhoun Road to Georgia Highway 116 through Hamilton and out to Kochs, but during the November 6 meeting, Chairman Lange indicated that the route would be on State roads; and that there had been a six months period from the bankruptcy of Cagle's to the abatement decision by the Commissioners. He also asked how much the County paid to have the economic impact study done by Columbus State University.

Chairman Lange said that he had asked Atmos why the route did not come up Warm Springs Road or a closer route; that Atmos indicated the line in Eilerslie is with Dixie Pipeline, which is a product line and not natural gas; that Atmos looked at the natural gas location near Warm Springs Road and Ripshin Road but decided to go the route Commissioner Wyatt described

in the belief that it will be more beneficial to go through Hamilton and make natural gas available for more people to tap onto the line. He then reviewed some of the results from the economic impact study performed by Columbus State University, which he said was paid for by the Valley Partnership and not the County.

## 7. **OLD BUSINESS**

A. **Airport Expansion: Jumbo T-Hangar** . Chairman Lange said that during a previous discussion, he had indicated the County's share of a Georgia Department of Transportation Grant in connection with the Airport would be five (5) percent, but with hangars, the County's share will be ten (10) percent; that the County's Airport Committee has met and has determined that a 9-unit Jumbo T-Hangar would better suit the needs at the Airport; that such a hangar is for aircraft slightly larger than those in our current 10-unit T-Hangar; that the Jumbo Hangar could house up to nine planes, but that the Airport mechanic who currently rents two regular T-hangars and a storage room wants to rent two Jumbo T-hangar units, with the interior wall removed, and a storage room; that with the mechanic moving to the Jumbo hangar, that will free up two regular T-hangars in the current hangar; that there is an individual interested in building a corporate hangar at the Airport, but those details are still in progress, and the Board will have final approval on location and specifics of such facility; and that included in the meeting packet is info on the Jumbo Hangar as well as an estimate of costs related to the site preparation, paving and construction of a 9-unit Jumbo T-Hangar. Commissioner Wyatt commented that rather than having an on-site resident observer to meet FAA criteria (#25 on the schedule of work estimate), that the County should hire its own observer. Chairman Lange said that nothing was set in stone as the Board has the final say.

## 8. **NEW BUSINESS**

A. **Financial Statements: September and October 2012** . The motion to approve the September and October 2012 financial statements was made by Commissioner Wyatt, seconded by Commissioner Woods, and passed unanimously.

B. **LMIG Project List 2013**. Chairman Lange said that the Local Maintenance & Improvement Grant (LMIG) Project List had to be submitted to the Georgia Department of Transportation by December 31; that the roads on the list are all from the Road List the Board approved in June 2011; and that he would like the Board to ratify the list. He reviewed this list and said that the LMIG funds would not cover the costs to resurface all the roads on the list; that the County's match, which is about ten (10) percent, can be in-kind work or cash; and that if necessary to complete the road

work, the County can use some its forthcoming Transportation Investment Act Special Purpose Local Option Sales Tax (T-SPLOST). Following discussion, which included that T-SPLOST funds could also be used toward bridge work, that Mayo Road had not been included on the list because it has bridge issues which need to be addressed, and that O Street will probably have to be widened to 20 feet from 18 feet, the motion to approve the LMIG Project List was made by Commissioner Wyatt, seconded by Commissioner Langston, and passed unanimously.

## 9. **COUNTY MANAGER**

A. **Pate Park Lighting & Playground: Request to Bid** . Nancy McMichael, County Clerk, said that John Magazu, Recreation Director, has requested that the County go out on bid for the purpose of lighting the multi-purpose field, two tennis courts, and two basketball courts at Pate Park for an estimated cost of \$124,000; and for playground equipment, at an estimated cost of \$65,000. She said that SPLOST funds have been allocated for these improvements. Discussion as to whether the multi-purpose field was the “back” field took place. Following discussion, there was no objection to moving forward with the bid requests, pending verification as to if the multi-purpose field was the “back” field which needs lighting. (Note: Ashley Marston, Assistant Recreation Director, verified that the multi-purpose field is the “back” field.)

B. **Vehicle Report and Purchase Request: Garbage Truck** . Nancy McMichael, County Clerk, said that a garbage truck was totaled in December when the air line to the brakes failed resulting in a crash; that the employee driving the vehicle sustained knee injuries; and that the County will be receiving approximately \$42,000 from its insurance company. She said that with that, the Solid Waste Department is short one vehicle making it more difficult to meet the demands of picking up garbage, particularly on days when Solid Waste has to double up. She also said that the company from whom the County just purchased a garbage truck for \$188,786 has given her a letter stating that it will extend the price of the most recent garbage truck another 30 days if the County wants to purchase a 2014 model of the same garbage truck at the same price of \$188,786. She also said that funds are available to cover the difference in the cost of the garbage truck and the insurance proceeds. The motion to move forward with purchasing another truck at the price of \$188,786 was made by Commissioner Loudermilk, seconded by Commissioner Woods, and passed unanimously.

C. **Bid Award/Rejection: Animal Shelter Construction** . Nancy McMichael, County Clerk, said that the County went out on bid for the laying of approximately 6,000 concrete block for the new Animal Shelter and only one bid was received from Cheney Contracting Company for \$3.00 per

block. She also said that a second bid was submitted 30 minutes late and was not opened, and that she had received a phone regarding a third bid just that morning. The motion to reject the bid and go back out on bid was made by Commissioner Wyatt, seconded by Commissioner Loudermilk, and passed unanimously.

10. **COUNTY ATTORNEY**

A. **Agreement with Robinson Paving: Hamilton-Palmetto Creek Walking & Bicycle Trail, Phase III** . Jeff Todd, acting County Attorney, said that John Taylor, County Attorney, had reviewed the agreement and recommends approval of same. The motion to approve this agreement was made by Commissioner Wyatt, seconded by Commissioner Woods, and passed unanimously. (Document can be found in "Contracts & Agreements" as C&A #13-01.)

B. **Agreement with US Bank: AV Credit Card for Airport** . Jeff Todd, acting County Attorney, said that John Taylor, County Attorney, had reviewed the agreement and recommends approval of same. Discussion included that this agreement is only in connection with the government credit card for use by the military; that there are charges depending on the actual charge made; that it can be terminated by either party by providing a 30 day notice; and that a certain amount of funds must be in the account to cover bad charges. Action was tabled to January 22 pending the determination of the amount of funds needed in the account.

11. **RECESS FOR EXECUTIVE SESSION** . The motion to go into Executive Session for the purpose of discussing personnel issues and real estate was made at 8:30 PM by Chairman Lange, seconded by Commissioner Langston, and passed unanimously.

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

13. **OTHER**

A. **Hunting Camps, CORD Zoning, and Solid Waste** . Commissioner Wyatt said that in July he had asked that the County look into a possible Zoning violation by Rocky Branch Hunting Club, but no citations have been issued; that there are numerous hunting camps made up of travel trailers throughout the County, but no citations have been issued; and that the hunting camps, some of which have open sewer lines, produce trash and debris that is being discarded in the County's facilities but the property owners are not paying the appropriate Solid Waste Fee. Nancy McMichael, County Clerk, said that Brian Williams, Community Development Director, has been looking into the situation regarding Rocky Branch Hunting Club

and wants to arrange for a meeting with the owner of the land (Callaway Resort and/or Edward Callaway), Glen Garner (with whom Edward Callaway has a lease), and Jeff Foxworthy (for whom Glen Garner works), in order to get a handle on the issue and to urge the rezoning of the property to CORD if necessary; that Mr. Williams is looking into the hunting camp situations, but that part of the problem is that citations must be issued to the owner of the property; that according to the Zoning Ordinance, travel trailers are not permitted to be used in the manner described by Commissioner Wyatt; and that our Solid Waste Ordinance is not written in a manner that we can charge the owner of the property on which travel trailer hunting camps exist. She also said that she will contact other County Clerks to find out how other counties handle such problems. Consensus was that the situations need to be handled in the appropriate manner and that the Board would like to see what other counties do regarding similar situations.

14. **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