

**HARRIS COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION**

March 5, 2013

7:00 P.M.

Commissioners Present: J. Harry Lange, Joey M. Loudermilk, Becky Langston, Jim Woods, Charles Wyatt.
Staff Present: John 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 February 19, 2013, Regular Session was made by Commissioner Loudermilk, seconded by Commissioner Wyatt, and passed unanimously.
3. **OLD BUSINESS**
 - A. **CodeRed.** Nancy McMichael, County Clerk, said that the news release regarding the CodeRED system is almost ready to go out, and that the only hold-up is determining what phone number to show for citizens, who don't have computer or internet access, to call in order to sign up.
 - B. **Edge Grant Application and Administration Agreement re: Koch Gas Line.** Chairman Lange said that Commissioner Woods had made the motion to approve the agreement for Allen Smith Consulting to prepare the application and administer the \$1,500,000 grant, which is for equipment and not the gas line, for the amount of \$14,000 during the February 19 meeting but action had been tabled. He said that he had double checked with Atmos about utilizing the Southern Natural Gas Line on Warm Springs Road, which would be about a mile shorter, but the cost would be much more expensive due to the cost to connect to the line and the meter for same; and that Atmos has indicated it will not reimburse the County for the cost to apply for and administer the grant. He then seconded the motion, which passed with four in favor (Woods, Lange, Langston, Loudermilk) and one opposition (Wyatt). (Document can be found in "Contracts & Agreements" file as C&A #13-07.)
 - D. **Shiloh Fire Department: \$1,500 for Equipment Recertification.** Nancy McMichael, County Clerk, said that during the February 19 meeting Commissioner Wyatt had suggested the County provide funding to the Shiloh Fire Department for equipment recertification and that the Board had discussed the use of SPLOST funds for that purpose. She said that in the Shiloh's 2009 SPLOST for Public Safety Equipment/Improvements a total of \$14,234 still remains, and such could be used toward the recertification. She said that the Shiloh Fire Department Chief had been notified of the remaining funds, and that if such are to be used for the recertification, the City can pay for same and submit a copy of their check and invoice for the County to reimburse the City from SPLOST funds, or the invoice can be submitted and the County can pay the invoice direct.
 - E. **Second Reading: Application of Robert Ornowski for Beer & Wine On Premises at Piesonos Pizza Grill located at 5171 Georgia Highway 219, Fortson.** Chairman Lange read the specifics of the application and said that this was the Second Reading. Robert Ornowski, applicant, was present but had no comments other than he would like to be able to serve beer and wine with Italian food. Nancy McMichael, County Clerk, said that the spelling of the business name had been in question due to the corporation papers from the Secretary of State, and that the correct spelling is Piesonos, rather than Piazonos which was indicated during the First Reading. There being no one in favor of or in opposition to this application, the motion to approve was made by Commissioner Wyatt, seconded by Commissioner Langston, and passed unanimously.
 - F. **Airport Jumbo Hangars, Conceptual Plan, and Hangar Leases/Fees.** Chairman Lange discussed these topics regarding the Airport, as follows:
 - (1) **Jumbo Hangars.** Discussion included that a response from the FAA has not yet been received as to its commitment of funds toward the construction of the Jumbo T-Hangars; that if it is less expensive for the County to fund the construction, rather than the FAA, it might be better to go that route and; that the County would fund the construction of the road and that it may be possible to use some of the T-SPLOST funds for same. The motion to move forward with the Jumbo Hangars, pending answers from the FAA and WK Dickson, the County's Airport consultant, was made by Commissioner Wyatt, seconded by Commissioner Woods, and passed unanimously.
 - (2) **Conceptual Plan.** Discussion included that the conceptual plan provided during the February 19 Work Session has been revised, but a final revision has yet to be provided and; that the revision includes moving the proposed corporate hangars further west and continuing with proposed T-Hangars. The motion to approve the revised conceptual plan was made by Commissioner Woods, seconded by Commissioner Wyatt, and passed unanimously.
4. **RECESS FOR PUBLIC HEARINGS.** At this point, Chairman Lange recessed the Regular Session in order to hold the Public Hearings scheduled for 7:30 PM.
5. **PUBLIC HEARINGS @ 7:30 PM**
 - A. **Explanation of Public Hearing Procedures.** Chairman Lange explained the procedures involved with the Public Hearings.
 - B. **Conflict of Interest Forms.** The Conflict of Interest forms were completed at the request of Chairman Lange.

- C. **Application of Ronnie & Kathy Watley to rezone 5.34 acres of Land Lot 134, Land District 18, Map 81A, Parcel 175, from A-1 (Agricultural/Forestry) to C-4 (Highway Commercial); present use residential; proposed use commercial for plumbing business; property located at 3315 Georgia Highway 85, Ellerslie.** Chairman Lange called the Public Hearing to order, read the specifics of the application, and said that it has been recommended for approval by the Planning Commission with the condition that it be used for a plumbing business only and by the Planning Staff with no condition. Ronnie and Kathy Watley, applicants, appeared before the Commissioners to make comments and respond to questions. Mrs. Watley explained that they currently work out of their home on Highway 315, but because they have increased the number of employees to 10 they can no longer do so; that the subject property has a double-wide trailer which will be their office; that they do not have a showroom, so customers don't come to their location; and that their hours are 7 AM to 5 PM except for emergencies. In response to questions from the Commissioners, Mr. or Mrs. Watley said that they do not plan to construct another building; that the driveway curves and is about 180 feet from Highway 85; that the double wide can't be seen from the highway; that they will have a small back hoe and ditch witch, in addition to two service trucks parked on the property; that three trucks are driven home each night; and that it's a family business. In response to a question from Commissioner Wyatt, Nancy McMichael, County Clerk, said that with a home occupation license, which is what the Watley's were working under, the employees are limited to family members who reside in the home, and because they have non-family members as employees, they have to relocate accordingly. There being no further questions or comments, Chairman Lange asked if anyone wished to speak in favor of this application.

Tommy Moss, who owns a business at 3565 Georgia Highway 85, appeared before the Commissioners and said that he is in favor of the rezoning; that the Watleys have been in the area eight years; that there is a parcel between his business and the subject property; and that more businesses are needed in the area.

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

Denise Dover, citizen whose property is between the Moss property and the subject property, appeared before the Commission said that that she runs a business from her home; that she is a proponent of small businesses; that her property is adjacent to the subject property; that the area surrounding the subject property is residential; and that she does not want this in her backyard. She then read a letter from her sister, Samantha Martin, who owns property on the other side of the subject property and who is also opposed to the rezoning.

There being no further comments in opposition, Chairman Lange asked Mr. and Mrs. Watley for rebuttal.

Mr. and Mrs. Watley, in rebuttal, said that all the houses in the area have Warm Springs Road addresses; that Ms. Martin's house does face the subject property and has a view of the proposed business; and that if Highway 85 is ever widened, they will deal with it as they have enough property to relocate the double-wide if necessary.

There being no further comments or questions from the Board, Chairman Lange closed the Public Hearing.

The motion to approve this rezoning application with the condition that it be restricted to a plumbing business was made by Commissioner Loudermilk, seconded by Commissioner Langston and passed with three in favor (Loudermilk, Langston, Lange) and two opposed (Woods, Wyatt)

- D. **Application of Sam L. Buracker, III, to rezone 7.939 acres of Land Lot 52, Land District 18, Map 064, Parcel 006, from R-1 (Low Density Residential) to A-1 (Agricultural/Forestry); present use residential; proposed use residential with small barn and pasture; property located at 2950 Grey Rock Road, Midland.** Chairman Lange called the Public Hearing to order, read the specifics of the application, and said that it has been recommended for approval by the Planning Commission with the condition there be no commercial livestock or agricultural operation and by the Planning Staff with no condition. Sam Buracker, applicant, appeared before the Commissioners and said that there are many barns and horses in the area; that he has four children and would like to build a small barn for a pony for the children; and that his property is surrounded by undeveloped property that is zoned residential. Discussion included that the barn will be in front of the house, but that the Board of Zoning Adjustments had approved a variance for the location of the barn pending approval of the rezoning to A-1. Chairman Lange asked if anyone wished to speak in favor of or in opposition to this rezoning application. There being none, he closed the Public Hearing.

The motion to approve this rezoning application with the condition that there be no commercial livestock or agricultural operation, was made by Chairman Lange, seconded by Commissioner Loudermilk, and passed unanimously.

6. **OLD BUSINESS (CONTINUED)**

- F. **Airport Jumbo Hangars, Conceptual Plan, and Hangar Leases/Fees** (continued).

(3) **Hangar Leases and Rental Fees.** Discussion included that Bill Champion, Airport Manager, already inspects hangars on a regular basis for compliance with the hangar leases and along that same line should be authorized to execute hangar leases on behalf of the County and collect the monthly rental fees. The motion to authorize the Airport Manager to execute the hangar leases and to collect the monthly rental fees was made by Commissioner Woods, seconded by Commissioner Langston, and passed unanimously.

7. **NEW BUSINESS**

- A. **Budget Schedule FY 13/14.** The motion to approve the Budget Schedule for FY 2013/2014 was made by Commissioner Wyatt, seconded by Commissioner Woods, and passed unanimously.
- B. **Appointments to Valley Partnership, Board of Health, and Public Improvements Authority.** Chairman Lange said that with the resignation of Danny Bridges as County Manager, there are vacancies on the Valley Partnership Joint Development Authority, the Board of Health and the Public Improvements Authority.
- (1) **Public Improvements Authority.** Chairman Lange said that Nancy McMichael, County Clerk, would attend any meetings of the Public Improvements Authority as may be necessary until such time as a new County Manager is hired and appointed to this position.
- (2) **Board of Health.** Chairman Lange said that this position is held by either the Chairman or his designee, and he would like to designate Wendy Cole, Finance Officer, as his designee. He then made the motion to appoint Wendy Cole to the Board of Health. The motion was seconded by Commissioner Wyatt and passed unanimously.
- (3) **Valley Partnership.** Chairman Lange made the motion to appoint Joey Loudermilk to complete the term expiring May 30, 2014. The motion was seconded by Commissioner Wyatt and passed with four in favor (Lange, Wyatt, Langston, Woods), no opposition, and one abstention (Loudermilk).
- C. **Ridgeway Road RFQs.** Chairman Lange said that Requests for Qualifications (RFQ) were made and received last fall regarding the Ridgeway Road property, but no action has been taken regarding same. He said that seven responses were received and suggested that the Board may want to see presentations from two or three of the responding firms. Consensus was for the Board to review proposals 1, 2, 3 and 7 and then decide, possibly at the March 19 meeting, if presentations are necessary, and if so, by which firms.
- D. **Financial Statement: January 2013.** The motion to approve the financial statement for January 2013 was made by Commissioner Wyatt, seconded by Commissioner Woods, and passed unanimously.

8. **COUNTY MANAGER**

- A. **Sheriff's Office: POST Supervisory Certificate Incentive.** Nancy McMichael, County Clerk, said that the Sheriff's Office has requested that deputies who meet specific requirements receive a 3% salary increase; that the requirements would include the completion of a 120-hour POST supervisory development course or a 160-hour command college supervision program, a certain number of accredited college/university courses, and having held a supervisory position for a minimum of one year; that the certificate will not be issued until all requirements have been met; that there are no officers in the Sheriff's Office or Jail currently undergoing the incentive training, but there are 15 employees who could start the process. Following discussion, the motion to approve the incentive increase of 3%, after all requirements have been met and the certificate is received, but to limit the incentive to five (5) employees of the Sheriff's Office or Jail in a fiscal year, was made by Commissioner Wyatt, seconded by Commissioner Woods, and passed with four in favor (Wyatt, Woods, Lange, Loudermilk) and one opposed (Langston).
- B. **City of Hamilton: Easement on Railroad Recreation Trail Right of Way.** Nancy McMichael, County Clerk, said that the City of Hamilton has requested an easement along the Railroad Recreation Trail right of way for the purpose of improving its water line and extending the line from the City Limits to the sawmill/lumberyard across from Fortune Hole Road south of Hamilton, and that same will require an Intergovernmental Agreement. Following discussion, the motion to approve the request and to authorize the execution of the Intergovernmental Agreement by the County Clerk was made by Commissioner Wyatt, seconded by Commissioner Woods, and passed unanimously. In response to a question from Buddy Walker, Hamilton City Manager, the water line work could not start until the document was properly executed. (Document can be found in "Contracts & Agreements" file as C&A #13-08.)

Commissioner Wyatt said that the access from US Highway 27 over the railroad right of way to the sawmill/lumberyard was a temporary access for the purpose of storing the railroad cross ties while the ties were being removed when the County acquired the railroad right of way, and that if that access is to be utilized for permanent access to the sawmill, the appropriate document is necessary.

- C. **City of Hamilton: Surplus Vehicle.** Nancy McMichael, County Clerk, said that the City of Hamilton has requested one of our surplus vehicles from the next block of surplus vehicles from the Sheriff's Office and that the vehicle have the lights and siren intact. She said that currently there are no surplus vehicles, but there should be some in the next few months, and that Chief Adams has indicated the lights and siren can be left intact on a vehicle. Following discussion, the motion to approve this request was made by Commissioner Wyatt, seconded by Commissioner Langston, and passed unanimously.
- D. **SPLOST Update.** Nancy McMichael, County Clerk, said that she had been notified that the current one percent Special Purpose Local Option Sales Tax (SPLOST) will expire March 31, 2014, and that if the County wants to continue receiving such a tax, the referendum for same has to go before the voters in November of this year, or the County will stop receiving same as of April 1, 2014. Consensus was for Commissioners to come up with projects for consideration of the SPLOST for

discussion during the March 19 meeting. Mrs. McMichael is to send letters to the cities requesting the projects they would like to have considered for the referendum.

9. **COUNTY ATTORNEY**. John Taylor, County Attorney, said that he had no business to discuss with the Board.
10. **RECESS FOR EXECUTIVE SESSION**. Chairman Lange made the motion, at 8:55 PM, to go into Executive Session for the purpose of discussing real estate acquisition and personnel matters. The motion was seconded by Commissioner Wyatt, and passed unanimously.
11. **RESUME REGULAR SESSION**. The motion to go back into Regular Session was made by Commissioner Loudermilk, seconded by Commissioner Woods, and passed unanimously.
12. **ADJOURNMENT**. There being no further business to discuss, the motion to adjourn was made by Commissioner Loudermilk, seconded by Commissioner Wyatt, and passed unanimously.

J. Harry Lange, Chairman

Attest:

Nancy D. McMichael, County Clerk