

HARRIS COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION
March 19, 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 March 5, 2013, Regular Session, the March 5, 2013, Appeal of Dog Classification Hearing of Shelby Anderson Davis, and the March 14, 2013, Called Session was made by Commissioner Langston, seconded by Commissioner Loudermilk, and passed unanimously.
3. **OLD BUSINESS**
 - A. **Ridgeway Road RFQs.** Chairman Lange requested that this matter be tabled in lieu of some information he had received. There were no objections to tabling this matter.
 - B. **Agri-Center: Conceptual Plan & Amend Ordinance.** Chairman Lange said that this matter had been discussed during the March 5 Work Session and that more information, to include funding, had been requested in order for the Board to make a decision on moving forward. He also indicated that he is in favor of having such a facility, which would help attract more visitors to the area. He asked Commissioner Wyatt for comments. Commissioner Wyatt said that this project would be developed in phases, with the first being the relocation of the arena, which he referred to as the Heritage Center, and the lights for same, all of which is estimated to cost around \$900,000 when completed with a roofed structure, and the construction of the Cattleman's/Ag Building, which is estimated to be around \$130,000. He said that the person representing both the Agri-Center Committee and the Cattleman's Association, was not present and asked that discussion be tabled until that person showed up or to a later meeting. There were no objections.
 - C. **SPLOST Project Suggestions.** Chairman Lange said that the Board members were to have SPLOST projects to consider for the upcoming SPLOST referendum in November. He reminded the Board that the current SPLOST ends in March 2014. Commissioner Langston said that she had received suggestions from several of her constituents, but had not yet formulated a list of projects to suggest. Chairman Lange said that some projects to consider include : extension of water lines in areas where there is no County water; additional funding for a new library; economic development; parks and recreation; Agri-Center Complex; expansion of the Community Center; bridge improvements; road improvements; fire/EMS station; addition to the Jail; and Jail program software. He said that cost estimates would be needed on any project suggested. Consensus was to have a Work Session on April 16 to further discuss SPLOST projects.
4. **NEW BUSINESS**
 - A. **First Reading: Application of Nisha H. Modi for Beer & Wine Off Premises at Chief Oil located at 7535 GA Highway 85, Waverly Hall.** Chairman Lange read the specifics of the application and said that it had been recommended for approval by the Sheriff and by the Community Development Department, and that no recommendation was needed from the Health Department because the subject location is not a restaurant. Neither the applicant nor her representative were present to respond the questions or comments. Chairman Lange asked if anyone wished to speak in favor of or in opposition to this application. There being none, he asked for comments from the Board. Commissioner Loudermilk asked if an alcohol license could be issued for a business that is not yet open, and Nancy McMichael, County Clerk, said that when a license is approved, it is held until such time as the business is open, has received its certificate of occupancy, if applicable, and/or its business license. Chairman Lange said that the Second Reading will be during the April 2 meeting.
 - B. **First Reading: Application of Brenda McKinney and Nancy Beach for Temporary Special Event Alcohol License for Antioch VFD fund-raiser on Saturday, May 4, at 5167 GA Hwy 219, Fortson.** Chairman Lange read the specifics of the application that said that it had been recommended for approval by the Sheriff and that recommendations from the Community Development Department and the Health Department were not necessary. Neither the applicant nor her representative were present to respond to questions or comments. Commissioner Langston said that this event is in her district; that it is a major fund-raising event for the Antioch Volunteer Fire Department, known as its annual block party; and that it is a worthwhile cause. Chairman Lange asked if anyone wished to speak in favor of this application. Richard McKinney, Chief of Antioch VFD, appeared before the Board and said that this event is what helps to keep the Volunteer Fire Department running and is important to the community. Lynn Sanders, citizen, appeared before the Board and said that it is a fun event, they have good hamburgers, and is for a good cause. Chairman Lange asked if anyone wished to speak in opposition to the application. There being none, and there being no comments from the Board, he said that the Second Reading will be during the April 2 meeting.

Since there was not enough time before the Public Hearing to pursue the next item under New Business, Chairman Lange asked Nancy McMichael, County Clerk, to discuss the next item on the agenda, and said that the Board would take up the skipped item following the Public Hearing.

5. **COUNTY MANAGER**

A. **Antioch Volunteer Fire Department: Request for Repair Assistance.** Nancy McMichael, County Clerk, said that Antioch Volunteer Fire Department has a tanker that is in need of repair at an estimated cost of \$46,040; that the VFD currently has an arrangement with the County whereby it is paying back the costs for three of its vehicles using its quarterly stipend; and that the VFD is requesting that the County pay for the repair and add that cost to its current "loan" balance and continue using its quarterly stipend to pay off the three current vehicles plus the repair. Following a brief discussion, the motion to approve the request to pay for the repair, to add the repair cost to the current loan repayment schedule, and to use the quarterly stipend allocated to Antioch VFD to repay not only the outstanding amount but the additional \$46,040 as well, was made by Commissioner Woods, seconded by Commissioner Langston, and passed unanimously.

6. **RECESS FOR PUBLIC HEARING.** At this point, Chairman Lange recessed the Regular Session in order to hold the Public Hearing scheduled for 7:30 PM.

7. **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 Larry R. & Deborah L. Chambley for a Special Use Permit for a Kennel (for 9 dogs) in Land Lot 151, Land District 21, Map 070, Parcel 047; present use agricultural/residential; proposed use kennel for 9 dogs; property currently zoned A-1 and located at 1685 Washington Road, Hamilton.** 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 Staff with the condition to limit the number of dogs to 9. Larry & Deborah Chambley, applicants, appeared before the Commissioners to make comments and respond to questions. Mr. Chambley explained that they have 9 dogs; that they have kennels for the dogs; that while the dogs used to give them trouble about getting out of their pens they have recently gotten them more under control; and that he doesn't want any more dogs because he has to take care of them. Mrs. Chambley said they held a rescue license in Muscogee County before moving to Harris County; that they had had some of the dogs for such a long time, they brought the dogs with them; and that the dogs are of the age and condition where it is difficult, if not impossible, to find homes, so they will keep them. Chairman Lange asked if anyone wished to speak in favor of the application. Mrs. Chambley said that her neighbor had submitted a letter in support. There being no others desiring to speak, Chairman Lange asked if anyone wished to speak in opposition.

Dannie Kemp, citizen who lives on Washington Road, appeared before the Board and said that when Mr. and Mrs. Chambley moved in, they brought 9 dogs with them from Muscogee County; that he has talked with Mr. and Mrs. Chambley on several occasions about the dogs frequently coming onto his property; that he even caught one of the dogs in a Have-a-Heart trap that had been placed to catch coyotes; that when he took the dogs back one time and noticed the gate was open; that there appears to be a 30 x 30 pen for four dogs adjacent the road; that the Harris County Humane Society and the Harris County Animal Shelter are under construction nearby; and that there are many other dog rescue areas in the County.

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

Mr. and Mrs. Chambley rebutted by saying that the pen is not 30 x 30 but is 100 x 70 and that they have two more smaller pens; that the dogs haven't been going over to the Kemp property recently as they have better enforced the fence, but if necessary, would install electric fencing to keep the dogs from getting out. In response to questions from the Board, Mr. and Mrs. Chambley said that one of the smaller pens is next to their son's house and the other is attached to the house with doggie doors to the house and basement; and that there is a small building within the 100 x 70 fence. In response to a question, Mr. Kemp confirmed that none of the dogs had been on his property since December 28, 2012. In response to a question concerning the location of the 100 x 70 fenced area/kennel, Brian Williams, Community Development Director, said that based on the drawing submitted with the application, it would appear that the location of the 100 x 70 fenced area is in the wrong location and would require a variance from the Board of Zoning Adjustments. Discussion included that an electric fence may be necessary; that relocation of the kennel may be a possibility; and that some type of buffer should be planted to screen the 100 x 70 pen from the road. There being no further comments, Chairman Lange closed the Public Hearing.

The motion to approve this Special Use Permit, pending approval of the Board of Zoning Adjustments regarding the location of the 100 x 70 fencing/kennel, and to limit the number of dogs to 9, plant a buffer to screen the 100 x 70 pen from the road, and to put in an electric fence if the dogs get out again, was made by Commissioner Wyatt, seconded by Commissioner Langston, and passed with four in favor (Wyatt, Langston, Lange, Woods) and one opposed (Loudermilk).

8. **NEW BUSINESS (CONTINUED)**

C. **Request for Tax Refund: Neil Block.** Chairman Lange said that Neil Block has requested a refund of \$2,732.13 due to the increase in valuation of his property of more than 65%. Commissioner Langston said that Mr. Block's property is in her district; that Mr. Block contacted her in December of 2012 regarding this issue; that she talked to tax employees as did Mr. Block; that sometimes we

forget who they work for and who they serve and that is the citizens of the County; and that she would like to see a more helpful environment for citizens in dealing with the County.

Mr. Block said that it has taken him three months to get to where he is now; that he has done what he was directed to do regarding a refund; that when he went before the Board of Assessors he was told they could do nothing about such a refund and it would have to go before the governing authority; that he has had trouble getting his mail and has recently changed to a PO Box number; that he did not receive an assessment notice and that he went to the Tax Commissioner's office to get his property tax notice; that when he saw his tax bill he was astounded because it had increased by almost 70%; that when he contacted the Tax Assessor's office he was told that there had been a moratorium for several year and when that was lifted, the assessments were made; that he doesn't believe there was an on-site visit made in connection with the increased assessment; that in this period of economic down-turn, such increases are not justified; and that from the Tax Assessor's office, he was directed to the Tax Commissioner's office to complete the tax refund form, which then went to the Board of Assessors who said they couldn't do anything, and is why he is before the Board tonight.

Wayne Morris, Tax Assessor, said there is a process that has to be followed regarding property assessment appeals; that his employees do what is needed to be as helpful as possible to anyone who comes in their office; that once the assessment notices are mailed, there is a 45 day window in which to file an appeal to the Board of Assessors; that the Board of Assessors does not have the authority to make refunds and that is why Mr. Block's request is before the Board of Commissioners; that the assessment notice for Mr. Block's property was sent to the same address that it has been going to for many years and has not been returned; that if the assessment appeal had been made, it would have gone to the Board of Assessors, and even on to the Board of Equalization and to Superior Court; that the assessment was based on the buildings at \$53/square foot and for the land and buildings at \$63/square foot; that Mr. Block has filed an appeal for this year and it will be reviewed; and that there are several methods of assessing property which include market, cost, or income. There was discussion back and forth between Mr. Morris and Mr. Block regarding the various aspects of the assessment and the appeals process.

At this point, John Taylor, County Attorney, reiterated the process described by Mr. Morris for appealing an assessment, and said that it is his opinion that the Board does not have the authority to grant this request and issue a refund because it is based on a property assessment or value, which is addressed in state law; but that the Board can approve tax refunds on property when it is due to an error such as the acreage being wrong or the building being the wrong size.

Commissioner Woods said he would be willing to vote on the issue once there is something on which to base the request and suggested that the assessment be appealed in the proper manner. Mr. Block said that going through the appeal for this year's taxes is a separate issue from last year's taxes for which he has suffered a financial consequence, and that it appears the Board is hiding behind a procedural issue rather than doing what is right.

Again, Commissioner Woods recommended the 2013 assessment be appealed and action be tabled until such time as the appeal has taken place. Mr. Taylor again said that there is a remedy regarding the appeal of assessment notices, and because this refund request deals with the value of property and the uniformity of assessment, it is covered by State law which dictates the County has no authority to act on the matter. He said if this matter is denied tonight, Mr. Block has a period of one year to file for a refund through Superior Court.

Commissioner Wyatt said the information provided came from Mr. Block but there is not enough information from the County. He asked if it is determined that the assessment for 2013 is wrong, can the Development Authority give a tax abatement. Mr. Taylor said that he doesn't think that qualifies under the Development Authority statute. Commissioner Wyatt said that the Development Authority looks for present businesses that want to expand, and asked if Mr. Block came to the Development Authority with a legitimate plan to expand but could not afford the new taxes or whatever, could the Development Authority give an abatement. Mr. Taylor said that if such a plan meets the standards set forth in the Development Authority statute and is approved by the Superior Court, then it could do so. Discussion included that while there are instances where property owners can go back three years for tax refunds, like vehicle issues, wrong acreage or wrong building size, this matter concerns an assessment which can only apply to the one year. Mr. Morris said that all this has come about because the assessment notice, while it went to the address on record, did not get to Mr. Block, and that the notice went somewhere because it has not been returned to the Tax Assessor's office as undeliverable, because any returned assessment notices have to be listed and posted on the Courthouse door. Commissioner Woods asked that action be tabled until the 2013 digest comes out, and Commissioner Langston seconded the request to table.

9. **COUNTY MANAGER (CONTINUED)**

- B. **Ambulance Repair.** Nancy McMichael, County Clerk, said that one of the ambulances, M-6, needs to have its engine rebuilt at a cost of slightly less than \$8,000; that it was hoped, to no avail, that the engine from the chassis of the recently remounted ambulance would work, but it is not the same type engine; and that approval is requested as a budget amendment may be necessary to cover the cost. David McCall, EMS Chief, said that he has enough funds in his budget to cover the majority of the cost, but a budget amendment may be required for the balance of the funds. The motion to approve the rebuilding of the engine and for the funds to come from the EMS budget, and from Contingency if necessary, was made by Commissioner Wyatt, seconded by Commissioner Woods, and passed unanimously.

- C. **Boy Scout Eagle Project Request.** Nancy McMichael, County Clerk, said that William Thompson, of Boy Scout Troop 115 in Pine Mountain Valley, has requested that he be permitted to construct four benches along the walking trail from the Health Department to the Soccer Fields and to replace one bench located across from the Sheriff's office as his Eagle Project. The motion to approve the request was made by Commissioner Wyatt and seconded by Commissioner Langston. Commissioner Woods asked that the motion include that the benches should meet ADA requirements. Both Commissioner Wyatt and Commissioner Langston amended the motion and second to include that the benches meet ADA requirements. The motion passed unanimously.

10. COUNTY ATTORNEY

- A. **Project Agreement with Development Authority re: JCG Foods and Lease Agreement.** John Taylor, County Attorney, said that there were two documents, one being a project agreement between the County and the Development Authority and the other is between the Development Authority and JCG Foods (aka Koch Foods); that these documents put into motion what has been previously discussed, i.e. the provision of \$250,000 to JCG/Koch to assist in the expansion of the Pine Mountain Valley plant; that this is being done in lieu of any type of tax abatement; that the agreement between the County and Development Authority provides that no ad valorem incentive or abatement will be provided for the project; that it requires the company to pay the ad valorem taxes; that JCG/Koch will spend approximately \$8,000,000 in capital investments in the plant, expand by approximately 700 jobs and retain the 700 existing jobs; that the lease between the Development Authority and JCG/Koch is for an investment of \$250,000 in a piece of equipment; that the company agrees to spend that \$250,000 on the equipment and that the equipment is there; that if at any point in time they do not complete the project, there is a claw back whereby, depending on the time frame, the company will repay a certain amount; that the term of the lease is seven years and at the end of those seven years, the equipment will be sold to the company for the sum of \$1; that taxes will be paid by the company on the equipment; and that the Development Authority will be having a called meeting later this week to act on both documents. Commissioner Wyatt said several years ago there was a plan for a plant in the County but mid-stream they changed the design and the Board of Commissioners at that time required the company go before the Board of Zoning Adjustments (BZA), so why can Koch completed redesign the plant and not go before the BZA. Mr. Taylor said that the property is properly zoned and the company is improving pieces of equipment that are in place. Commissioner Wyatt asked who will make sure the company complies with the agreements. Chairman Lange said that David Lyons, with the Valley Partnership Joint Development Authority, will be looking out for the investment by the County and the State. Mr. Lyons said that the company is not changing the footprint of the plant but putting in a high-speed line inside the plant to increase production and is doing nothing to change the looks of the plant. He also confirmed that he will be checking on the company for the County, as well as for the State of Georgia for its \$1,500,000, to make sure the company complies with the agreements. The motion to approve the Project Agreement was made by Commissioner Loudermilk, seconded by Chairman Lange, and passed with four in favor (Loudermilk, Lange, Langston, Woods) and one opposed (Wyatt). (Documents can be found in "Contracts & Agreements" file as C&A #13-09.)

11. OTHER

- A. **Sheriff's Office: POST Supervisory Certificate Incentive.** Nancy McMichael, County Clerk, said that during the March 5 meeting, the Board approved a 3% increase for deputies who meet all requirements to earn a Supervisory Certificate and that such was limited to five deputies per year; and that the Board had been advised that there were no deputies in the process of getting the certificate but that there were potentially 15 employee of the Sheriff's Office and Jail who could do so. She said that she had received a certificate for an employee of the Jail who received his Supervisory Certificate in 2009 and that she wanted to confirm whether or not the incentive increase would apply to this employee since his certificate was received prior to the Board approving same. Consensus was the 3% increase would apply, but would not be retroactive back to the date the certificate was received, and would start with the current pay period.
- B. **Tennis Courts at Pate Park.** Nancy McMichael, County Clerk, said that permission is being requested to go out on bid for the coating/resurfacing of two tennis courts, the striping of the courts, and the installation of two sets of equipment at Pate Park, at an estimated cost of \$15,000, and that the funds have been allocated in SPLOST. There were no objections to going out on bid for this purpose.
- C. **Building Roofs.** Nancy McMichael, County Clerk, said that roofs of four buildings need to be replaced and it has been suggested that rather than going back with shingles, the new roofs be metal, and in addition, the Animal Shelter, currently under construction, calls for a shingle roof, but it is also being suggested metal be used there as well; and that the costs, to include labor, materials, and equipment, for all five buildings is approximately \$75,000. Following a brief discussion, Mrs. McMichael was asked to provide the approximate cost of using 30-year shingles. Mrs. McMichael said she will hopefully have that information at the next meeting.
- D. **9-1-1 Phone System Upgrade.** Nancy McMichael, County Clerk, said that the current phone system at 9-1-1 will be maintained/supported through October 2014; that it is being suggested that the system be upgraded at a cost of \$19,170 which will maintain/support the system through October 2018; and that should the upgrade not be approved, the only other option is to get a new system which would cost around \$240,000, because the current system is no longer being manufactured. The motion to approve the upgrade at a cost of \$19,170 was made by Commissioner Wyatt, seconded by Commissioner Woods, and passed unanimously.
- E. **T-SPLOST Update.** Nancy McMichael, County Clerk, said that the County will soon be receiving its first allocation from the T-SPLOST in the amount of \$57,511 for the County and \$5,737 for the municipalities.

- F. **Animal Shelter Update.** Nancy McMichael, County Clerk, said that the dry-in for the new Animal Shelter currently under construction, will start tomorrow.
- G. **Airport Credit Card Update.** Nancy McMichael, County Clerk, said that with the recently approved Government Air Nav Credit Card, a dedicated phone line is needed for the credit card machine, which is due to arrive any day, and a new phone line will be installed soon.
- H. **CodeRed Update.** Nancy McMichael, County Clerk, said that during the last meeting she had indicated the delay in sending out the new release for CodeRED was due to the need for a phone number for those citizens who do not have internet/computer access to call in order to sign up for the system. She said that it has been decided to utilize the Elections line, since it gets few calls this time of year, and that a temporary employee will be hired to answer that line for at least one week, and if it necessary, another week will be added depending on the calls. She said that the news release will be sent to the Harris County Journal, the local churches, the city halls, and the post offices, and asked for other suggestions. It was suggested that the schools also be provided with the news release, and Mrs. McMichael said that she will contact the School Board about the number of students at each school in order to provide the appropriate number of notices.
- I. **Video Taping of Meetings.** Nancy McMichael, County Clerk, said that the Board had asked that more research be done regarding the video taping of meetings; that while she did not research the necessary equipment because she felt that Jim Furin, citizen, had provided adequate information on that, she did learn that students from Columbus State University could be hired at \$50 a hour to video tape the meetings. Also, in that regard, Mrs. McMichael said that counters had been put on the County's website on March 6 on the home page, the minutes, the agenda, and the district maps; that the results of a two week count showed that of the County's over 32,000 citizens, only 1,609 had visited the home page as of 2:30 this afternoon; that of that number, 110 visited the agenda page, 119 visited the minutes, and 158 visited the district maps; that if you estimate there are 16,000 adults in the County, only 10% visited the website; and that while she understands the interest in video taping minutes, the numbers do not seem to reflect enough interest for same.
12. **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.
13. **RESUME REGULAR SESSION.** The motion to go back into Regular Session was made by Commissioner Loudermilk, seconded by Commissioner Woods, and passed unanimously.
14. **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