

**HARRIS COUNTY BOARD OF COMMISSIONERS  
REGULAR SESSION**

April 2, 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 19, 2013, Regular Session, was made by Commissioner Loudermilk and seconded by Commissioner Woods. Commissioner Langston said there were three changes to be made, which are: paragraph 3C - change April 19 to April 16; the fourth paragraph of 7C should include comments made by Brian Williams, Community Development Director; and in paragraph 8C, change "employees forget" to "we forget". With those changes, the motion passed unanimously.
3. **OLD BUSINESS**
  - A. **Agri-Center Relocation & Rebuilding**. Chairman Lange said that this topic has been discussed during the past two meetings, and he asked Commissioner Wyatt for his comments. Commissioner Wyatt said that he would like to defer his comments to Kit McClung (Vice President of the Cattleman's Association) and Allen Feagin (member of the Agri-Center Board and the Cattleman's Association). There were no objections from the Board. Mr. Feagin said that about a month ago, Commissioner Wyatt had presented a conceptual plan for the development of the Agri-Center, and that the Cattleman's Association lends its support for the consideration of the proposal. Mrs. McClung said that this will be the 25<sup>th</sup> anniversary of the Rodeo; that the Cattleman's Association is a non-profit 501(c)(3) organization; that events held at the Agri-Center include the annual Pro Rodeo Cowboys Association Rodeo, weddings, birthday parties, class reunions, fund raisers, national dog specialty shows, the Ag Fair, the Georgia High School Rodeo Association horse shows; that the annual Rodeo was started as a fund-raiser for 4-H; that over the past few years the Cattleman's Association has donated over \$24,000 to local organizations including the FFA, 4-H, Boy Scouts, local High School Rodeo participants, the High School Shotgun Team, and others; that improving the area by putting in something better and bigger would draw more visitors; and that whether or not the conceptual plan goes through, the Cattleman's Association will continue with the annual rodeo, and continue to promote agri-tourism and agriculture. Mr. Feagin said that the Cattleman's Association supports and sustains the lifestyle and rural heritage of the County; that it supports the proposal that has been submitted to the Commissioners; and that it would like to continue to be involved in terms of oversight and management of the Agri-Center. He said that there are opportunities to bring in other events to the venue, but if that is not the direction the County wants to take, it is the Association's intent to rebuild the Ag Building and continue in the fashion that it has for the past 25 years.

Commissioner Wyatt said that he understands the hesitation about committing funds to the project; that when the dirt was removed from the property several years ago, the Cattleman's Association was told they would receive some of the funds, which total about \$90,000; that the amount they would receive was never determined; and that he has two suggestions for the Board to consider. One suggestion, he said, is for the Board to show commitment to the conceptual plan by using some of the "dirt" money and the Cattleman's Association's insurance proceeds to construct the new Ag Center building in the borrow pit (from where the dirt was taken) and at the same time, construct a pole barn where the Ag Center building used to be so that when the rodeo happens this year, there would be a shelter that could be used for concessions. The other suggestion, he said, is for the Board not to make a commitment and let the Cattleman's Association rebuild their Ag Building where it used to be using the "dirt" money and the Cattleman's Association's insurance proceeds. He said that the pole barn would be roughly 50' x 100' and would cost around \$30,000; that the pole barn is shown as the Farmer's Market on the conceptual plan and could serve as same, but would possibly need a new drain field; that plumbing for six toilets may have to be replaced; that the Cattleman's Association understands that SPLOST funds cannot be committed for the project; and that he and they would hate to wait six months to see if the referendum passes before moving forward.

Chairman Lange said that the conceptual proposal was beautiful and the Board had asked for a marketing plan as to the usage since the County is looking at spending over a million dollars, or possibly two million; that he has been told by a reliable source that the no agri centers in the State make money except for the one in Perry; that without a marketing plan there is cause for concern in using funds to development the project; that there is not only the initial expense of the construction but also with the ongoing maintenance and operation of same. Following discussion, which included there would be very little preparation of the pit area necessary for the new Ag building; that metal buildings are about \$4 a square foot

now to construct; that moving the arena and other building would be put on hold until the SPLOST is decided; that it would not take long to build the new Ag building or the pole barn; that exact numbers have not yet been determined for the Ag building nor the pole barn; that the suggestion to build the Ag building and leave an area for the other buildings sounds good; and that this is not really a money-making venture but is to serve the community, the Board asked Mrs. McClung and Mr. Feagin to come up with costs for the pole barn and the Ag building and blueprints/drawings. In the meantime, research will be done to determine the total fees received for the dirt. Commissioner Wyatt also said there is a private well on the property which can be turned into a public well through EPD.

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

- A. **Application of Janice M. and William S. Gordy to rezone 2.0 acres of a 101.227 acre tract located in Land Lots 224 & 225, Land District 18, Map 086, Part of Parcel 063 from A-1 (Agricultural/Forestry) to C-4 (Highway Commercial); present use vacant; proposed use auto repair shop; property located on Georgia Highway 85 in Waverly Hall.** Chairman Lange called the Public Hearing to order and said that the applicants have requested to rescind the request to rezone due to their being unaware the property is under conservation. He said that because of the request, there will be no comments from anyone in favor of or in opposition to the rezoning, and he then closed the Public Hearing and asked for a motion on the request. The motion to approve the request to rescind the application was made by Commissioner Wyatt, seconded by Commissioner Langston, and passed unanimously.

5. **OLD BUSINESS (CONTINUED)**

- B. **Special Use Permit of Larry R. Deborah L. Chambley.** Chairman Lange said that the Public Hearing regarding the Special Use Permit of Larry R. and Deborah L. Chambley and that the application was approved for a private kennel for up to 9 dogs pending approval by the Board of Zoning Adjustments regarding the location of the kennel between the house and the road; that a buffer be planted between the fenced area and the road; and that if the dogs get out again, an electric fence would have to be installed. However, he said, that staff has visited the property two times; that in this case, the side of the house faces the road, and the 100' x 70' fenced area is in the appropriate location as it is in the side yard and the accessory building within the fenced area is in the rear yard; and that as such, there is no need for a variance. He said that while the Ordinance does not define front yard, side yard or rear yard, and there are other homes in the County which face away from the road, it has been recommended that the motion be amended to approve the previous motion without the need to go to the Board of Zoning Adjustments. Commissioner Wyatt said that he believes that the spirit of the Ordinance was to keep structures and other things from being built between the house and visibility of the road and over the years, that has apparently changed. With that, he said he would like to withdraw his motion to approve and that the matter go back to a Public Hearing. Following discussion, which included that if the 100' x 70' pen is considered to be in the "front" yard and that a motion could be made to reconsider the motion, after which a new motion could be made to amend it.

The motion to reconsider the original motion (to approve with conditions) was made by Commissioner Wyatt, seconded by Commissioner Woods, and passed unanimously. Commissioner Wyatt then made the motion to approve the Special Use Permit with the condition that the 100' x 70' pen be removed. The motion was seconded by Commissioner Woods. Discussion included that the two smaller pens can remain; that assuming the front of the house faces the road, the 100' x 70' can be relocated to another location to the side or back; that the buffer will not be required; that the number of dogs should still be limited to 9; and that the electric fence should be installed if the dogs get out again. Commissioner Wyatt and Commissioner Woods amended their motion and second to include limiting the number of dogs to 9; to requiring the installation of an electric fence should the dogs get out again; that the two smaller pens can remain; and that the larger pen must be removed from its current location and may be relocated to the side or back (assuming the front of the house faces the road). Commissioner Langston asked Mr. and Mrs. Chambley if they understood the motion and they responded that they understood. The motion passed with three in favor (Wyatt, Woods, Langston) and two opposed (Lange, Loudermilk).

- C. **Re-Roofing County Buildings.** Chairman Lange said this matter was discussed during the March 19 meeting and the Board had asked for the cost to replace the roofs with shingles rather than metal, as requested. Nancy McMichael, County Clerk, said that better estimates had been provided regarding the roofs; that the cost to re-roof the Commissioners' office, the Extension Service, the Airport Terminal, and the Field House at Moultrie Park and to change the roof of the new Animal Shelter to metal is \$58,900 and the cost to use 25 year shingles is \$45,200. Following discussion, the motion to approve bidding out metal roofs for the Commissioners' Office, the Extension Service, the Airport

Terminal, and the Field House at Moultrie Park and to alter the plans of the Animal Shelter to include a metal roof, rather than shingles, was made by Commissioner Wyatt, seconded by Commissioner Woods, and passed unanimously. Funding is to come from General Funds.

- D. **Second 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. 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 that action be tabled because he had questions for the applicants, who were not present. There being no objection, this matter was tabled to the April 16 meeting.
- E. **Second 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 Georgia Highway 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 applicant was present, but Richard McKinney, Chief of the Antioch VFD, was present and said that this event is a major fund-raiser for the VFD; and that there have been no issues in the past with this event. 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 Langston and second by Commissioner Loudermilk. Commissioner Wyatt asked about restroom facilities, and Mr. McKinney said that there are three restaurant facilities open during the event and serving food with restrooms and two or four porta-potties are also brought in. Commissioner Langston said that she believes two restaurants have committed to the event. Nancy McMichael, County Clerk, said that one of the restaurants is co-applicant on this application but the other restaurant has not yet applied and will not be able to serve alcohol at the event without the license. The motion passed unanimously.

## 6. **NEW BUSINESS**

- A. **Proclamation: Organ Donor Month.** Chairman Lange read the document proclaiming April as Organ Donor Month in Harris County. The motion to approve the Proclamation was made by Commissioner Wyatt, seconded by Commissioner Langston, and passed unanimously.
- B. **Community Center: Rate Adjustments and Instructors.** Nancy McMichael, County Clerk, said that it is being requested that some of the rates at the Community Center be adjusted and that the manner in which instructors for the various classes receive their class fees be discussed. Discussion included adding gym rates for groups up to 30; that there be rates for the use of one court and for the full gym; that the admission fee for children and teachers of day care classes that visit the center be set at \$2 per person; that the Center is not to collect class fees for instructors because doing so may require the County to issue 1099s to those instructors; that instructors must be members of the Center in order to utilize a room for their class and must pay the appropriate fee for use of the room; that while the instructors are to collect the class fees and remit 30% of same to the Center, the Center can require class attendees to sign in; that the admission fee for attendees to such classes be \$1.50 per person unless that person is a member of the Center, which allows free admission; and that a 4-day pass be developed for use by grandparents for their visiting grandchildren at an approximate cost of \$10. The Board asked that the rate sheet and instructor-related items be revised to be discussed again during the April 16 meeting.
- C. **Airport Development.** Chairman Lange said that the Airport Committee had recently met with the Airport Consultant; that the development proposal the Board recently approved may need to be amended because the layout which includes the location of corporate hangars further west will end up costing approximately \$300,000 more than anticipated because it will require the construction of a ramp to the taxiway; that while the FAA is probably okay with using the annual allocation of \$150,000 for four years toward proposed improvements, it is doubtful that it will commit to six years of fund allocation; that it makes business sense to move the corporate hangars next to the jumbo T-hangar; that the relocation of the corporate hangars will also County funds in that the road to access the various hangars will not have to be extended all the way to Nelson Road until a future point in time; and that the Airport Committee suggests that the original development plan be approved by the Board. Discussion included that the reason for moving the corporate further west was to keep the County's hangars and the corporate hangars separated, the

cost estimates of the current and projected revenue; that if the County pays for the construction of the jumbo T-hangar, the costs would be recouped in two years based on the expenses/revenue prediction, and those two years of the County's FAA funds could be used elsewhere for Airport development; and that if the County moves forward with the development plan, an answer could be obtained from FAA within two weeks. Following discussion, the motion to approve the original development plan with the corporate hangars just west of the jumbo T-hangar was made by Commissioner Loudermilk, seconded by Commissioner Woods, and passed unanimously. Chairman Lange said that the Airport consultant will be asked to come to another meeting because the Board has to approve the actual numbers before construction starts, and following discussion, consensus was to have Phil Eberly attend the next Commission meeting, if possible.

- D. **Appointment to Recreation Board**. Chairman Lange said that Stacy Fuss had resigned as the representative of Mountain Hill Youth Sports Association and the Association has recommended that Kevin Johnson be appointed to complete the term of Ms. Fuss that expires December 31, 2015. The motion to appoint Kevin Johnson to the Recreation Board to complete the term of Ms. Fuss was made by Commissioner Langston, seconded by Commissioner Woods, and passed unanimously.
- E. **Financial Statement: February 2013**. The motion to approve the February 2013 financial statement was made by Commissioner Woods, seconded by Commissioner Wyatt, and passed unanimously.
- F. **SPLOST Funds, Roads, and Information**. Commissioner Wyatt said that with the upcoming SPLOST referendum, he is hearing comments from citizens as to why another SPLOST should be passed since there are funds remaining in some of the past projects. He said that each SPLOST included that the balance of funds would go to roads; that the County has not built roads in the last two years; and that if the money is available and the surveys are ready, we should move forward. Nancy McMichael, County Clerk, said that there is an existing road list, adopted by the Board in 2011, that has several dirt roads that could be considered. Mrs. McMichael is to provide an update of the roads list as well as SPLOST funds that are available for road purposes. Commissioner Langston said she would also like to see information made available to the public as to what can be done with SPLOST funds. Discussion included that a recap of SPLOST be drafted showing what each SPLOST had, what has been done, and what funds remain; and that town hall meetings be held in connection with the upcoming SPLOST referendum.
7. **COUNTY MANAGER**. Nancy McMichael, County Clerk, said that she had nothing to discuss with the Board this evening.
8. **COUNTY ATTORNEY**. John Taylor, County Attorney, said that he had no business to discuss with the Board this evening.
9. **ADJOURNMENT**. There being no further business to discuss, the motion to adjourn was made by Commissioner Loudermilk, seconded by Commissioner Wyatt, and passed unanimously.

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J. Harry Lange, Chairman

Attest:

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Nancy D. McMichael, County Clerk