

**HARRIS COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION**

April 16, 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 April 2, 2013, Regular Session; the minutes of the Appeal Hearing of Brenda Marsh of April 2, 2013; and the Called Session of April 11, 2013, was made by Commissioner Loudermilk and seconded by Commissioner Woods. Commissioner Langston said that regarding Regular Session minutes, there were two changes to be made, which are: paragraph 5B - include where the applicants were asked if they understood the motion and that they responded affirmatively; and in paragraph 5E, insert "alcohol" in the appropriate location of the last sentence. With those changes to the Regular Session minutes, the motion passed unanimously.
3. **OLD BUSINESS**
 - A. **Application of Nisha H. Modi for Beer & Wine Off Premises at Chief Oil located at 7535 GA Highway 85, Waverly Hall**. Chairman Lange said that action on this application had been tabled to this meeting due to questions for the applicant, who was not present during the April 2 meeting. The husband of the applicant, Nisha H. Modi, appeared before the Board to respond to questions. In response to various questions, he said that they plan to open the business the first or second week in May; that they have posted job listings at various locations; and that they hope to be able to hire County residents to work in the store. There being no further questions, the motion to approve this application was made by Commissioner Loudermilk, seconded by Commissioner Woods, and passed unanimously.
 - B. **Agri-Center Relocation & Rebuilding**. Chairman Lange said that this topic has been discussed during the past three meetings, and that the Board had requested plans and estimated costs for the pole barn and the Ag Building. He said that the information had been received regarding the pole barn. Following discussion, which included that the cost of the pole barn (an open sided metal building) could come from the "dirt" money (funds that had been received in exchange for dirt taken from the Agri-Center area for use in the realignment of Georgia Highway 116), which totaled \$110,000; that the pole barn could be constructed in time for this year's rodeo, which is celebrating its 25th anniversary; and that the Ag Building (the Cattlemans' Association building), which was previously estimated to be around \$180,000, and its location could be discussed at a future meeting. Following discussion, the motion to approve going out on bid for the pole barn with funds coming from the "dirt" money, was made by Commissioner Wyatt, seconded by Commissioner Woods, and passed unanimously.
 - C. **Community Center Fees**. Chairman Lange said that the fees/rates and instructor information discussed during the April 2 meeting had been revised. Nancy McMichael, County Clerk, said that the only item missing, due to more information being needed, was the four-day pass that had been discussed. Discussion included that such a pass would cost \$10; that it should be available to any member to purchase for use with visiting relatives; and that the pass would be for four consecutive days beginning with first day of use. Regarding the instructor information, there were no comments or discussion. The motion to approve the fees/rates, which includes the four-day pass at \$10 as discussed, and the instructor information was made by Commissioner Woods, seconded by Commissioner Loudermilk, and passed unanimously. (Documents can be found in "Miscellaneous Documents" as MD #13-04.)
4. **PUBLIC HEARINGS @ 7:30 PM**
 - A. **Public Hearing Procedures**. 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 Randy & Allina Bell for a Special Use Permit for a Horse Facility - Boarding & Training, in Land Lot 255, Land District 18, Map 086, Parcel 042C-002, located on Georgia Highway 208, Waverly Hall; on 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 with the condition that outside lighting used in the commercial night time operation of this facility be designed and maintained so

that no lighting is or becomes a nuisance to adjoining properties. Randy and Allina Bell, applicants, appeared before the Board to discuss the application and respond to questions. Mrs. Bell said that for many year she was involved with horse boarding and training in Muscogee County and that they would like to get back into the business of boarding horses and providing lessons. Chairman Lange asked if anyone wished to speak in favor of this application. There being none, he asked if anyone wished to speak in opposition. There being none, he asked for comments or questions from the Board. Commissioner Loudermilk asked if there were objections to the condition regarding the outside lighting, and Mrs. Bell said that she does not have any objections because she does not plan to train horses or provide lessons at night. Commissioner Langston asked about a commercial activity in A-1 zoning, and Nancy McMichael, County Clerk, said that the Zoning Matrix allows such activity in A-1, C-1 and C-4 with a Special Use Permit. Commissioner Wyatt asked if there were any buildings on the property, and Mrs. Bell said that they were waiting for the approval of the Special Use Permit before they started any construction. 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 condition that outside lighting used in the commercial night time operation be designed and maintained so that no lighting is or becomes a nuisance to adjoining properties was made by Commissioner Loudermilk, seconded by Commissioner Wyatt and passed with four in favor (Loudermilk, Wyatt, Lange, Woods), and one opposed (Langston).

- D. **Application of Abbybrooke Farm, LLC & William H. Clayton for a Special Use Permit for a Horse Facility - Stable & Training (w/6 stall barn), in Land Lots 328 & 303, Land District 20, Map 037, Parcels 185 & 186, located at 236 Piedmont Parkway, Pine Mountain; on property zoned Resort.** Chairman Lange called the Public Hearing to order, read the specifics of the application, and said that the Planning Staff had recommended approval with the conditions that (1) outside lighting used in the commercial night time operation of this facility be designed and maintained so that no lighting is or becomes a nuisance to adjoining properties, and (2) property/facility be accessed only from Piedmont Parkway. William and Katharine Clayton, applicants, appeared before the Board to discuss the application and respond to questions. Due to questions surrounding the Resort zoning, John Taylor, County Attorney, briefly reviewed this history of Resort zoning and reviewed the activities that were to be included in Resort property, which included horseback riding. Mr. Clayton said that when he was before the Board several months ago regarding the subdivision of the property, he had indicated that he would be constructing a barn and riding ring; that while he will be conducting a small commercial operation by boarding a couple of horses, the Special Use Permit is needed in order to have shower and restroom facilities in the barn; that the facility will mainly be used by his daughters; that he has been utilizing the old driveway off Hopkins Farm Road as a construction entrance; and that he has not yet put in the driveway off Piedmont Parkway. There being no further comments, Chairman Lange asked if anyone wished to speak in favor of this application.

Mike McMillan, developer of Piedmont, appeared before the Board and said that what Mr. Clayton wants to do will be good for the community; that Mr. Clayton wants to following the rules for such an undertaking; and that he is in favor of the application.

Cindy Haines, citizen who lives in Piedmont, appeared before the Board and said that she is an equestrian; that she has been asked to board her horse at the facility; that the facility is beautiful and has been done right; and that she is in favor of the application.

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

Linda Straub, citizen who lives on Hopkins Farm Road, appeared before the Board and said that when the subdivison of this property (from another parcel) came up last year, mention was made of the plans for a barn and riding ring; that she doesn't think a Special Use Permit is allowed in Resort zoning; that Mr. Clayton has indicated this will be a commercial venture; and that while she doesn't have an issue with the boarding of horses or having boarders, she asked that the Board consider conditions regarding any outside lighting, since her property is about 40 feet from the property line, and to limit the number of stalls to that reflected on the application (six).

Jim Straub, citizen who lives on Hopkins Farm Road, appeared before the Board and said that he is not in favor of the Special Use Permit; that when Mr. Clayton started the venture, it was for his family; that a previous subdivision of the property resulted in two lots, a 20 acre lots and a 5 acre lot, rather than one 25 acre; that this should not be a commercial facility; and he asked that if approved that there be conditions regarding the lighting and to limit the number of horses to six.

There being no further comments in opposition, Chairman Lange asked Mr. and Mrs. Clayton for rebuttal. However, before the rebuttal, there was discussion regarding the amps allowed in the barn (currently 100), that in order to have restroom facilities and be open to the public in order to have a higher amperage, a Special Use Permit is needed; that Resort zoning allows horseback riding; that although the property is zoned Resort, that does not eliminate the requirement to meet regulations; that the reason for recommending the access to the property be from Piedmont Parkway rather than Hopkins Farm Road is because the address for the horse facility is from Piedmont Parkway, not Hopkins Farm Road; that County regulations regarding agricultural use structures does not allow a toilet or more than 100 amps of electricity and the only way to allow the toilet and higher amperage for such a facility would be with a Special Use Permit; and that this is a small commercial venture to board some horses in the barn.

In rebuttal, Mr. Clayton said that Resort zoning specifically allows and calls for this type of amenity to be in place; that they are putting in a commercial building; that he doesn't think he should be limited to six stalls in the event the future shows it would be beneficial for Piedmont as well as his family to increase the size; that he doesn't want a big facility; and that he understands the concerns of Mr. and Mrs. Straub, but they are next to a Resort.

At this point, Mr. Taylor again reiterated that a Resort encompasses active and passive recreation activities, housing, and other supportive commercial land uses such as restaurants, shops and hotels; that the recreational activities shall be open to the public and that at least five activities shall be golf, tennis, swimming pool, boating, beach, walking trails, and horseback riding. He said that while he is not sure a Special Use Permit is required, building regulations have to be complied with, and one of the ways to resolve the issue is with a Special Use Permit.

Mr. Clayton said that he does not plan on putting lights in the riding area now, but it gets dark in the winter and lights may be necessary so that his daughters will be able to ride in the evening; that the trees separating his property from the Straub property range in height to 40-plus feet or more and form a very dense barrier; that any lighting would be small, discreet, and completely unobtrusive to the Straub property; and that the original plat or plans for Piedmont have always shown the property to be a riding area or pasture land. Regarding the old driveway from Hopkins Farm Road, Mr. Clayton said it has been in place for decades and is about 50 feet from the barn, and that it is 950 feet from the barn to Piedmont Parkway. He said that the electrical power was put underground to comply with Piedmont Subdivision.

Commissioner Woods asked if there would be any problems with having any lights turned off by 10:00 PM, and Mr. Clayton said he had no objections to that because he did not expect his daughters to be there after 8:00 PM. Commissioner Langston asked for clarification as to whether the facility will be for personal use or for commercial, and Mr. Clayton said that it is a small, intimate, commercial setting; and that he does not want a large facility, mainly due to the cost.

Mrs. Clayton said that she understands that Mr. and Mrs. Straub do not want their lives disrupted and that is one reason why the trees were left in place; that their daughters ride horses and the oldest trains with an Olympian out of Ocala, Florida; that they don't want to be limited to just the boarders riding there because other individuals may want to have lessons or clinics, and they would be gone before dark; that they will not have horse shows; that they have an option on additional 20 acres so there won't be homes in the immediate surrounding area; and that this will not be a "Poplar Place" farm.

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 that (1) the outside lighting used in night time operation be designed and maintained so that no lighting is or becomes a nuisance to adjoining properties, and (2) that the outside lights are off by 10:00 PM, was made by Commissioner Woods, seconded by Commissioner Wyatt, and passed with four in favor (Woods, Wyatt, Lange, Loudermilk), and one opposed (Langston).

- E. **Application of Allison E. Miller for a Special Use Permit for a Private School (Agape Academy School, Inc.), in New Harvest Church, in Land Lots 189 & 104, Land District 21, Map 058, Parcel 100, located at 80 Palmetto Creek Lane, Hamilton; on 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 with no conditions. Allison Miller, applicant, appeared before the Board and said that this would be a not-for-profit school to mainly serve dyslexic students with reading deficiencies; that they will follow the Harris County School District calendar for the convenience of parents who have children in the County school system; that tuition will be \$3,800 but students will

not be turned away if they cannot pay as they will be seeking donations and grants; that she is currently a middle school teacher in Harris County and she sees many students in 7th and 8th grades who can't read; that the County schools are not geared for dyslexic students or those with ADD, ADHD, etc.; and that because of the curriculum she will be using, students will transition back out into public education after about three years. Chairman Lange asked if anyone wished to speak in favor of this application.

Kelly Ward, citizen who lives in Cataula, appeared before the Board and said that her 17 year old son has a language disorder; that the public school system is not designed for students with language deficiencies; that if children are taught to overcome their disability they can be successful, but the schools are not designed for that type of learning; and that the school Mrs. Miller wants to start would be beneficial.

Matt Ruston, pastor of New Harvest Church, appeared before the Board and said that the church is delighted for the school to use its facility; and that they believe it will be a blessing to the community.

There being no further comments in favor, Chairman Lange asked if anyone wished to speak in opposition. There being none, he asked if there were any further comments or questions from the Board. There being none, he closed the Public Hearing and asked for a motion.

The motion to approve this Special Use Permit with no conditions was made by Commissioner Wyatt, seconded by Commissioner Woods, and passed unanimously.

F. Application of Samuel M. Rhodes for a Special Use Permit for a Horse Facility - Therapeutic Riding Facility, in Land Lots 14 & 29, Land District 19, Map 028, Parcel 095, located at 6388 Georgia Highway 219, Fortson; on 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 with the condition that it be used as an agricultural horse facility for a non-profit organization. Samuel Rhodes, applicant, appeared before the Board and said that he is a 29-year Army veteran born and raised in Columbus; that the challenges of many servicemen are not recognized; that he was diagnosed in 2005 with PTSD; that soldiers need structure and horses help build a bond with soldiers; that he has been providing a therapeutic horse camp at Ft. Benning; that the Warrior Outreach Horsemanship Program event he held at Ft. Benning on April 6 had 1,100 soldiers and their families attend; that soldiers need a place away from Ft. Benning to be able to ride horses; and that he has committed his life to helping soldiers with the challenges in their lives at no cost to those soldiers. Chairman Lange asked if anyone wished to speak in favor of this application.

Sandy Rauhut, citizen of Ft. Benning, appeared before the Board and said that she is part of an Army family that has been honored and blessed to volunteer for the Warrior Outreach Horsemanship Program hosted by Mr. and Mrs. Rhodes; that she has seen first-hand how it affects soldiers and their families; and that having a horse facility in the county would further increase the capabilities of the outreach as it grows.

Hannah Rauhut, daughter of Sandy Rauhut, appeared before the Board and said that she has volunteered during the past three Warrior Outreach events; that even though she is young, she can see how horses help soldiers and their families with the challenges they face; and that having this new facility would help so many more soldiers and their families.

Troy Crabtree, of Columbus, appeared before the Board and said that he is retired military and has PTSD; that Mr. Rhodes helped him to meet his challenges through the horsemanship program; that he now volunteers with Mr. Rhodes as his way to give back and help other soldiers; and that he is thankful for the opportunity to be able to volunteer in the Outreach program.

Jim Furin, citizen who lives on Dogwood Lane East, appeared before the Board and said that this is the least the County do to help and give back to soldiers.

There being no further comments, Chairman Lange asked for comments or question from the Board. In response to a question from Commissioner Loudermilk, Mr. Rhodes explained the process of the Outreach program, which is mainly to listen to the soldiers, help them overcome their challenges, help them get past what has happened, to move forward with a more positive outlook, and to focus on solving their challenges by working with the horses. In response to a question from Commissioner Langston, Mr. Rhodes said that he has a 3,000 square foot home, a pool, five acres of fenced property, a pond, and a barn all in a peaceful, relaxing setting with no challenges and everything is free because his program is a non-profit organization. Commissioner Wyatt said that he is proud for what Mr. and Mrs. Rhodes are doing, and that when his nephew gets back from Afghanistan, he knows the Rhodes will be there for his nephew.

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

The motion to approve this Special Use Permit with no conditions was made by Commissioner Langston, seconded by Commissioner Loudermilk, and passed unanimously.

5. **NEW BUSINESS**

- A. **Fort Benning Update: Colin Martin.** Colin Martin, of the Valley Partnership, appeared before the Board, distributed a document regarding Fort Benning and reviewed same. Following the presentation, Chairman Lange thanked Mr. Martin for his presentation. (Document can be found in "Miscellaneous Documents" file as MD #13-05.)
- B. **Proclamation: Patriot Smith Cotton Day.** Chairman Lange read the document proclaiming May 4, 2013, as Patriot Smith Cotton Day, who fought in the Revolutionary War and whose grave, located in Harris County, has been restored and will be dedicated by the Coweta Falls Chapter of the Sons of the American Revolution (SAR) on May 4. Dan McMichael, member of the Coweta Falls Chapter of the SAR, appeared before the Board to accept the Proclamation on behalf of the descendants of the Smith Cotton family and the SAR.
- C. **Requests for Tax Refund.** Chairman Lange read the requests for Tax Refunds, as follows:
- (1) Beltran, Joaquin Maldonado: Refund amount of \$83.65 due to vehicle being wrecked before birthday. Tax Commissioner agreed with the request.
 - (2) Clearwater Pool Service, Inc.: Refund amount of \$54.70 due to tag being purchased in error as the vehicle was sold last year. Tax Commissioner agreed with the request.
 - (3) Joyfull Enterprises, LLC.: Refund amount of \$166.00 due to tag being purchased in error as vehicle was sold in February 2012, but title was not transferred until this year. Tax Commissioner agreed with the request.

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

- D. **Safety Incentive Discount Program Verification Form.** The motion to approve the form for receiving a discount on the County's Property Liability and Workers' Compensation Insurance was made by Chairman Lange, seconded by Commissioner Woods, and passed unanimously.

6. **COUNTY MANAGER**

- A. **Airport Courtesy Car.** Nancy McMichael, County Clerk, requested that one of the recent cars turned in by the Sheriff's Office be transferred to the Airport in order to provide another courtesy car for use by pilots. The motion to transfer one of the cars to the Airport was made by Commissioner Langston, seconded by Commissioner Wyatt, and passed unanimously.
- B. **Sheriff's Office: Specialty Certifications.** Nancy McMichael, County Clerk, reminded the Board that it had recently approved a 3% increase for up to five deputies a year who obtain a Supervisory Certification and said that the Sheriff is now asking for similar increases for several speciality certifications. Consensus was for this to be discussed during the next Budget Work Session (on May 7).
- C. **Public Works/Road Maintenance: Flatbed Dump Truck.** Nancy McMichael, County Clerk, said that Public Works is requesting a flatbed dump truck in the upcoming budget, but that according to Wendy Cole, Finance Officer, funds are available in the salary line of this year's budget (\$29,000) and in the appropriated funds (\$61,000) for such a vehicle. The motion to move forward with purchasing such a truck either through state contract or by bid was made by Commissioner Wyatt, seconded by Commissioner Langston, and passed unanimously.
- D. **Courthouse Elevator Doors: Retrofit with Electronic Reversal Detector.** Nancy McMichael, County Clerk, said that the company that services the Courthouse elevators has indicated that the door reversal device currently in place has to make actual/physical contact with something or someone before the doors retract; that the doors can be retrofitted with an infrared beam system that will cause the doors to retract when the beams are broken; and that the cost for the retrofit of both elevators is \$1,930. The motion to approve the retrofit at a cost of \$1,930 and for the funds to come from the Courthouse

SPLOST was made by Commissioner Wyatt, seconded by Commissioner Woods, and passed unanimously.

- E. **Courthouse Roof**. Nancy McMichael, County Clerk, said that during the preceding Budget Work Session the Board felt that it was necessary to move forward with reroofing the Courthouse due to issues occurring with leaks and possibly birds, and for the funds for such work, estimated to be between \$300,000 to \$400,000 be taken from Fund Balance/Reserves. She asked for a motion to move forward with the bidding process. The motion to bid out the reroofing of the Courthouse was made by Commissioner Loudermilk, seconded by Commissioner Wyatt, and passed unanimously.
- F. **Dryer at Jail**. Nancy McMichael, County Clerk, said that the dryer at the Jail stopped working and that a new one is needed; that two proposals have been obtained from local suppliers; that the cost is \$3,820; and that the funds will be taken from the Jail Fund to pay for same. The motion to approve the purchase of the dryer for \$3,820 and for same to be paid from the Jail Fund was made by Commissioner Wyatt, seconded by Commissioner Woods, and passed unanimously.
7. **RECESS FOR EXECUTIVE SESSION**. Chairman Lange made the motion, at 9:10 PM, to go into Executive Session for the purpose of discussing personnel matters, litigation, and real estate acquisition. The motion was seconded by Commissioner Wyatt, and passed unanimously.
8. **RESUME REGULAR SESSION**. The motion to go back into Regular Session was made by Chairman Lange, seconded by Commissioner Wyatt, and passed unanimously.
9. **ADJOURNMENT**. There being no further business to discuss, the motion to adjourn was made by Commissioner Woods, seconded by Commissioner Wyatt, and passed unanimously.

J. Harry Lange, Chairman

Attest:

Nancy D. McMichael, County Clerk