

**HARRIS COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION**

August 20, 2013

7:00 P.M.

Commissioners Present: J. Harry Lange, Joey M. Loudermilk, Becky Langston, Jim Woods, Charles Wyatt.
Staff Present: Greg Wood, County Manager; 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 Regular Session minutes of August 6, 2013, was made by Commissioner Loudermilk, seconded by Commissioner Woods, and passed unanimously.

3. **OLD BUSINESS**

- A. **Outdoor Entertainment Amendment Discussion.** Chairman Lange said that this had been discussed during the August 6 meeting; that the Board was given wording to consider; and that changes have been proposed to original wording. He then asked Greg Wood, County Manager, to explain. Mr. Wood said that one suggestion is to make a slight change to delete "the primary structure (including decks attached to primary structure)" and insert "any area included in the definition of "outdoor", and that the other suggestion would delete "do not exceed 70 decibels when measured at a distance of 25 feet from the termination of the primary structure (including decks attached to primary structure) and insert "plainly audible at 100 feet", and a description of "plainly audible".

Chairman Lange said that Bobby Noland had signed up to speak about this matter, and he asked Mr. Noland for his comments. Mr. Noland said that his parents opened Luke's Pub 17 years ago; that he has run same for the past 7 years; that he has had entertainment at the business over the years; that he usually has a guitar player/singer; that there have been issues recently regarding noise complaints about the entertainment; that he has lost \$3,000 a weekend over the last 8 weeks by not having the guitar player/singer; and that he would like to be able to have the entertainment back in place.

Discussion followed Mr. Noland's comments, which included using the first suggestion and to also insert the words "non-amplified" between "and" and "acoustical" and change 25 feet to 100 feet. Consensus was to move forward with the following wording: (9) amplified vocal and non-amplified acoustical musical instruments which do not exceed 70 decibels when measured at a distance of 100 feet from the termination of any area included in the definition of "outdoor"; such exclusion shall be valid until 9:00 PM Sunday through Thursday and until 11:00 PM Friday and Saturday. At no time will such an exclusion be effective prior to 10:00 AM." The ordinance amendment is to be on the September 3 agenda for action.

4. **NEW BUSINESS**

- A. **Resolution: Willis Family Property.** Chairman Lange asked members of the Willis family to come forward, and four members of the family, Scott Morgan, Richard E. Morgan, Ella Elizabeth Morgan Pierce, and Joann Morgan Harp, took seats before the Commissioners. Chairman Lange said that the County had recently entered into a contract for the purchase of approximately 132 acres on Georgia Highway 85 in Ellerslie. Commissioner Loudermilk explained that he had learned the property was for sale; that he visited the property and felt that it would make a wonderful passive recreation park for the citizens to enjoy; that he and his wife met with the property owners and explained their vision for the property; and that they came to an agreement regarding the purchase of the property. Chairman Lange then read the resolution. Following the reading, he made the motion to approve the Resolution, which was seconded by Commissioner Loudermilk and passed unanimously.
- B. **Financial Statement: May 2013.** The motion to approve the May 2013 financial statement was made by Commissioner Wyatt, seconded by Commissioner Woods, and passed unanimously.

5. **COUNTY MANAGER**

- A. **LMIG and Bridge Repairs.** Greg Wood, County Manager, distributed a list of bridges needing repair and the road list showing the roads which have not been completed. Discussion focused mainly on the bridges, and Mr. Wood reviewed the condition of the bridges. Due to time constraints, discussion was recessed at 7:30 for the scheduled Public Hearing.

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

- A. **Conflict of Interest Forms.** The Conflict of Interest forms were completed at the request of Chairman Lange.
- B. **Explanation of Public Hearing Procedures.** Chairman Lange explained the procedures for the Public Hearing.
- C. **Application of Oakhurst Farm Educational Center by Lon Marlowe for a Special Use Permit for Special Event Facility (on Parcel 24) and Corn Maze, Farm Tours/Field Trips, Farm Dinners (on Parcel 23B) of Land Lot 200, Land District 4, Map 023, Parcels 24 & 23B, at 19708 GA Highway 219, West Point; present zoning A-1.** Chairman Lange called the Public Hearing to order, read the specifics of the application, and said that it had been recommended for approval with no conditions by the Planning Staff. Lon Marlowe, applicant, appeared before the Board and said that plans to have farm dinners in the barn (on parcel 24); and that he already has corn maze, farm tours and fields trips (on parcel 23B) but wants to offer farm dinners.

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.

Linda Straub, citizen who lives on Hopkins Farm Road, appeared before the Board and said that she while she was not necessarily opposed to the Special Use Permit, she was concerned about the traffic on Highway 219 because there are no facilities on that property and having people crossing back and forth is dangerous. There being no further comments, Mr. Marlowe was asked for rebuttal.

In rebuttal, Mr. Marlowe said the he also has concerns about the traffic on Highway 219, where the speed is posted at 55 but cars travel at a higher speed. In response to questions from the Board, Mr. Marlowe said that he wants to be able to have birthday parties or other similar functions across the road; that he may eventually have farm dinners on that property; and that he can have farm dinners in the barn. Discussion included that that the definition of farm dinner is "a meal held on a working sustainable farm and comprised of agricultural products (fruits, produce and meat products) predominately raised on said farm, open to the general public, and limited to once a calendar quarter; that a previous Special Use Permit application (in September 2012) was denied based on the technicality that no specific building was named as a Special Use Facility and because "special events" in general is not listed in the matrix; and that the barn, as a Special Event Facility, could be used every night based on the definition. Mr. Marlowe mentioned the possibility of having a concession stand and was advised that concession stands are not permitted, and that such items could possibly be sold in his farmers market. Commissioner Langston asked who would enforce the uses on the subject property, and Brian Williams, Community Development Director, said that his office is in charge of enforcing the Zoning ordinance, and he explained that when complaints are made, either he or the Code Enforcement Officer talk to the property owners, determine if a violation was made, and if so, issue citations.

There being no further comments or questions, the motion to approve this Special Use Permit was made by Commissioner Woods, seconded by Commissioner Loudermilk, and passed with four in favor (Woods, Loudermilk, Lange, Wyatt) and one opposed (Langston). Later in the meeting, there was discussion regarding the number of farm dinners that can be held the Oakhurst properties; and that this makes the third Special Use Permit for "farm dinner" on three contiguous properties. Consensus was that only four (4) farm dinners per year, or one dinner per quarter, can be held on the contiguous properties.

7. **COUNTY MANAGER (continued)**

- A. **LMIG and Bridge Repairs (continued).** Mr. Wood suggested that he have an engineer evaluate the eight bridges to determine the needs and expenses and bring the prioritized list back to the Board for consideration. There were no objections.

8. **COUNTY ATTORNEY**

- A. **Contract for Sale of Real Property from MeadWestVaco (Real Estate Acquisition).** John Taylor, County Attorney, reviewed the document which is for the acquisition of 126.986 acres on Highway 103 across from the Northwest Harris Business Park at the purchase price of \$7,000 per acre for a total of \$888,902.00, and said that upon signing the agreement, it is to be returned to the seller with an earnest money deposit of 10% (\$88,890.20). The motion to approve this document and for the funds to come from SPLOST Economic Development, was made by Commissioner Loudermilk, seconded by

Commissioner Langston, and passed unanimously. (Document can be found in "Contracts & Agreements" file as C&A #13-28.)

- B. **GEC: Phase I Environmental Site Assessment.** John Taylor, County Attorney, reviewed the proposal for the Phase I Environmental Site Assessments for two properties the County is in the process of purchasing, with one being the approximately 127 acres on Highway 103 and the other being the 11.85 acres on Highway 103 at Davidson Road; that the cost for doing both assessments concurrently is \$2,800; and that the venue for any issues regarding the agreement should be changed from "Bibb" County to "Harris". The motion to approve the agreement, with the venue change, was made by Commissioner Woods, seconded by Commissioner Langston, and passed unanimously. (Document can be found in "Contracts & Agreements" file as C&A #13-29.)

9. **OTHER**

- A. **CDARS Account.** Nancy McMichael, County Clerk, said that in February 2010, the Board took action to participate in a state-approved investment program, known as CDARS (Certificate of Deposit Account Registry Service) through Colony Bank in Columbus and a large sum of money was deposited in same; that the Board appointed Danny Bridges, Jennie Shelhorse, and her to the authorized signers on the account; and that to remove Mr. Bridges and Mrs. Shelhorse from the account and add Greg Wood (County Manager) and Jamie Ritchie (Finance Officer) to the account requires action by the Board. The motion to remove Danny Bridges and Jennie Shelhorse from the account and add Greg Wood and Jamie Ritchie to the account was made by Commissioner Wyatt, seconded by Commissioner Loudermilk, and passed unanimously.

- B. **Agri-Center Pole Barn Water and Electricity.** Nancy MCMichael, County Clerk, said that the Metal Pole Barn at the Agri-Center property had been completed, but that water and electricity are needed for same; that the Water Department will run the water line, for an estimated materials cost of \$1,212.36; that the Facilities Maintenance Department will run the electricity, for an estimated materials cost of \$1,942.63; and that the utilities need to be in place prior to the upcoming rodeo. The motion to approve the installation of the water line by the Water Department and of the electrical necessities by Facilities Maintenance and to pay for same from Fund Balance was made by Commissioner Wyatt, seconded by Commissioner Loudermilk, and passed unanimously.

- C. **Storage Building for Library.** Commissioner Wyatt said that he had been contacted about getting a donation of a storage building for the Friends of the Library to use to store books left over from their book sale; that the company he contacted can't donate a building but will sell one to the County for \$2,000; that he would like to purchase same using monies from Fund Balance and place behind the Library; and that it would be owned by the County. He then made the motion to purchase the 12 x 12 building for \$2,000 using Fund Balance. The motion was not seconded because Commissioner Woods asked that the matter be tabled to the September 3 meeting.

9. **RECESS FOR EXECUTIVE SESSION.** The motion to go into Executive Session for the purpose of discussing personnel matters was made by 8:30 PM by Commissioner Wyatt, seconded by Commissioner Langston, and passed unanimously.

10. **RESUME REGULAR SESSION.** The motion to resume Regular Session was made at 8:45 PM by Commissioner Wyatt, seconded by Chairman Lange, and passed unanimously.

11. **RECESS FOR EXECUTIVE SESSION.** The motion to go back into Executive Session for the purpose of discussing personnel matters and real estate acquisition was made at 8:45 PM by Commissioner Wyatt, seconded by Chairman Lange, and passed unanimously.

12. **RESUME REGULAR SESSION.** The motion to resume Regular Session was made at 9:10 PM by Commissioner Loudermilk, seconded by Commissioner Woods, and passed unanimously.

13. **PERSONNEL CHANGES**

- A. **PUBLIC SAFETY DIRECTOR, EMS & 911/EMA.** Chairman Lange said that the position of Public Safety Director has been approved; that David McCall will be promoted from EMS Chief to Public Safety Director with an increase in salary up to \$75,000; that Jimmy Carver will be promoted from Assistant EMS Chief to EMS Chief with an annual salary increase of \$2,400; that the position of Public Safety Director will manage the EMS and 911/EMA Departments and be the liaison with the Fire Department; and he made the motion regarding these promotions. The motion was seconded by Commissioner Loudermilk, and passed unanimously.

B. **TAX ASSESSOR PERSONNEL: GIS/APPRaiser**. Chairman Lange said that the GIS/Appraiser position in the Tax Assessor's office is open; that Wayne Morris, Tax Assessor, has interviewed individuals and would like to offer the person to whom he will offer the position a starting salary of \$17.79, which is 11% above the minimum starting salary; and that a motion is necessary for same because the County Manager is authorized to approve up to a 5% increase. The motion to approve the offer of \$17.79 for the individual being offered the job was made by Commissioner Woods, seconded by Commissioner Wyatt, and passed unanimously.

14. **ADJOURNMENT**. There being no further business to discuss, the motion to adjourn was made by Commissioner Langston, seconded by Commissioner Woods, and passed unanimously.

J. Harry Lange, Chairman

Attest:

Nancy D. McMichael, County Clerk