

**HARRIS COUNTY BOARD OF COMMISSIONERS**  
**REGULAR SESSION**  
December 3, 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 minutes of the November 19, 2013, Regular Session, was made by Commissioner Loudermilk, seconded by Commissioner Woods, and passed unanimously.
3. **APPEARANCE OF CITIZENS**

- A. **Whitesville Road Paving.** Chairman Lange said that several individuals had signed up to speak about the paving of Whitesville Road. Commissioner Langston said that Whitesville Road is in her district, and that she would like to make a few comments. Commissioner Langston's comments included that the current road paving process is in the discovery stage; that surveys must be completed, rights of way obtained if necessary, and cost estimates; that as far as she knows, Whitesville Road has never been #1 on any paving list; that there is no prioritized paving list and Whitesville Road is still on the current paving list; that she has talked to citizens who indicate they were promised the road would be paved, but apparently those promises were made by people with no authority to do so like real estate agents, developers, road crews and DOT; that there is no conflict in this particular paving matter regarding her past employment with Synovus Financial because Synovus Trust, a wholly owned subsidiary of CB&T, holds land for families in trust; that there have been claims of phone calls having been made on a monthly or quarterly basis during which the caller was told that Whitesville Road was #1 on the list, but those phone calls cannot be confirmed; and that during her three years as Commissioner while she has never been contacted by anyone requesting or wanting to discuss the paving of Whitesville Road, she has heard from numerous residents who do not want it paved, and now has heard from some who do want the road paved. She then submitted her written comments to the Clerk for inclusion in the minutes. (Document can be found in "Miscellaneous Documents" file as MD#13-18.)

Chairman Lange reminded the citizens who will be speaking that the time permitted for each speaker is five minutes, and said that there will be no vote regarding any comments received.

Richard Marien, citizen who lives on Whitesville Road, appeared before the Board, presented a petition of individuals in favor of having Whitesville Road paved, and said that he was concerned as to how one commissioner can change their mind and remove a road from the list of roads to be paved to which Commissioner Langston responded by saying that the road has not been removed from the paving list. Mr. Marien said that he understood Commissioner Langston heard from numerous people opposed to the road being paved, but he has yet to hear from or find out who they are except for Caroline Earley, and in addressing her concerns of 18-wheelers on the road, he said he had contacted Teresa Tomlinson, Mayor of Columbus, and Evelyn Turner to have signage put up at Smith Road to notify truckers that that is the last exit to the highway to help alleviate the truck traffic. He said that paving Whitesville Road will make it safer because gravel is dangerous, will result in faster response times for emergency vehicles, will make it safer for school buses, would result in less maintenance on school buses and county vehicles, and will result in less dumping since people tend to dump trash on dirt roads; and that he has the signatures of everyone who lives on Whitesville Road from Highway 315 to where the pavement currently begins who are in favor of having the road paved. In response to a question from Commissioner Wyatt, Mr. Marien said that he has about 500 feet of road frontage on Whitesville Road.

Don McLemore, citizen who lives on Whitesville Road, appeared before the Board and said that he is in favor of having Whitesville Road paved; that he lives in Callaway Woods; that a friend of his son's swerved to miss a deer, rolled and totaled his vehicle on the gravel road; that his wife travels the gravel section since it is closer to get to the Harris County Schools and has been forced to the edge of the road on several occasions due to the narrowness of the road in some places and because people like to ride in the center of the road; that kids do like to play and fishtail on the road; and that paving would provide quicker access by emergency vehicles as well as easier access for school buses. In response to a question from Commissioner Wyatt, Mr. McLemore said that he does not have any road frontage on Whitesville Road.

Faith Birkhead, citizen who owns property on Whitesville Road, appeared before the Board and said that she resides Hamilton but has owned property on Whitesville Road since the mid 1980s; that she is not in favor of paving the road; that people move out of subdivisions in urban areas with the interest of enjoying country life, but want the same amenities they had before they moved; that reducing the speed limit on the road is the only effective way to control traffic, whether the road

is paved or stays gravel; that the road is in the best shape that it has ever been; that going faster than 35 to 40 mph, you will fishtail on the road due to the loose gravel, which makes it possible to traverse the road when it has rained or is muddy; that it is a country road; and that while there may be a way to compromise on the issues, paving the road will not solve the issues with traffic and safety. In response to a question from Commissioner Wyatt, Mrs. Birkhead said that she has more than 1,000 feet of road frontage.

Carline Earley, citizen who lives in Callaway Woods on a corner lot abutting Whitesville Road, appeared before the Board and said that she is opposed to the paving of Whitesville Road because it will create more traffic, to include heavy duty tractor-trailers, dump trucks, and logging trucks; that it will become a main thoroughfare between Georgia Highway 315 and north Columbus and definitely increase speed; that there have been two deaths and multiple wrecks on the current Whitesville Road; that there is also a possibility of increasing the influx of a more undesirable element in the neighborhood and that section of the County; that when Callaway Woods was developed, it was to potentially realign Whitesville Road, but not pave it; that the bridges were replaced several years due to the infrastructure issues and funded with State funds; that with paving there will be more wrecks due to speed and curves; and that she is asking the gravel section of Whitesville Road not be paved. Mrs. Earley said that she owns 1.5 acres at the corner of Troop Drive and Whitesville Road. She presented a petition of individuals opposed to the paving of Whitesville Road. Commissioner Wyatt asked if anyone who lives on the dirt section of the road sign the petition in opposition, and Mrs. Earley said they did not.

Pat Diaz-Verson, citizen who lives in Callaway Woods on Kodiak Trail, appeared before the Board and said that she is opposed to the paving of Whitesville Road; that the road is in much better condition now than in the past; that adolescents driving the road will continue driving whether the road is paved or not; that the Callaway Woods Board of Directors met prior to Thanksgiving and did not pursue a petition due to lack of time, although Ms. Earley circulated one; that she has also been run off the road due to deer, which are a way of life in the country; that fire insurance rates went up in the neighborhood due to the volunteer fire department being over five miles away, and paving the road won't change the rates; that the building of a fire department would help with services and insurance rates; that to get somewhere in a hurry, it is better to go to Smith Road and take the interstate; that the school buses travel on most of the unpaved roads in the County; that the reason most people moved to the area is for the environment; and that paving would make the road a throughway to Highway 315 and will not improve the standard of life. In response to a question from Commissioner Wyatt, Ms. Diaz-Verson said that she lives on Kodiak Trail in the lakeside portion of Callaway Woods.

Bill Birkhead, citizen who does not live on but owns property on Whitesville Road, appeared before the Board and said that from the environmental aspect, the unpaved portion of the road is one of the less environmentally impacted areas of the County; and that pragmatically the cost estimates should be considered.

Paul Heynan, citizen who lives on Whitesville Road, appeared before the Board and distributed information showing the asphalted and gravel sections of Whitesville Road and the property on which residents live, and said that a gravel road is treated like a single lane road and people will dump trash; that regarding not moving to the country if you don't want to live on a gravel road, Callaway Woods came to the country and is a modern, somewhat elite, subdivision; that it's hard to listen to comments of residents who have all the modern amenities when he pays the same tax rate; that he is the guy who called every year for seven years and he thought it was a matter of record; that all the big landowners want the road paved; that he assumed the road would be paved in time and has been assured by various people regarding same; that there are safety issues with the road not being paved; and that someone is going to die on that road.

John Carter, citizen who lives in Callaway Woods on Troop Drive, appeared before the Board and said that he is in favor of paving Whitesville Road; that he drives the road several times a week; that the road is dangerous if you're going 25 or 35 mph; that many times he has had to pull people out of the ditch for various reasons; that paving would improve emergency response times; and that he would like to have the road paved.

Chairman Lange thanked everyone for their comments.

- B. **Road Paving Status.** Commissioner Wyatt asked about the status of the road paving. Nancy McMichael, County Clerk, said that she is waiting for a cost estimate regarding the road surveys, which should be forthcoming any day.

#### 4. **OLD BUSINESS**

- A. **Distracted Driving Program.** Chairman Lange said that during the November 19 meeting Commissioner Wyatt had made a motion to match up to \$4,000 of the funds raised and to use

DARE funds for same, but that it has been determined that DARE funds can only be used for Drug Abuse Treatment and Drug Abuse Education. Commissioner Wyatt said that he would like to use money from Fund Balance to match up to \$4,000 of the funds and he made that in the form of a motion, which Chairman Lange seconded. Commissioner Woods suggested that the match be only for funds needed for the program this year rather than matching funds and having a sum of money left over to be used by future classes. In response to questions from the Board, Charles Benefit, father of one of the students who appeared before the Board during the November 19 meeting, said that \$4,700 has been raised; that the Board of Education is only going to allow two days for the program rather than the four that were planned, because it disrupts the school day, but that while all students won't be able to participate, some students from each grade will; that the Board of Education has not allocated any funds for the program, that students and volunteers will be responsible for setting up, working the students in and out of the simulator, and cleaning up at the end of the day; and that the funds have to be raised by the students. Upon suggesting the motion be amended to match funds, but that the total not exceed what is required for the currently planned two-day program, Mr. Benefield suggested that once the total for the two-day program is determined, that the County donate the balance to fund the required total. Commissioner Wyatt amended his motion for the County to fund the difference, not to exceed \$4,000, raised by the students and the total amount required for the planned two-day program, and for the funds to come from Fund Balance. The amended motion was seconded by Chairman Lange. Commissioner Loudermilk said that he will be voting against the program not because he is opposed to it, since he made a personal contribution, but because it is not an appropriate expenditure of the general funds of the taxpayers, and that he is extremely disappointed that the School Board declined to contribute anything at all. The amended motion passed by a vote of three in favor (Wyatt, Lange, Woods) and two opposed (Langston, Loudermilk).

- B. **Koch/JCG Issues**. Commissioner Wyatt asked if any of the issues (odor, traffic, water runoff, pipe line) regarding Koch/JCG had been addressed. Greg Wood, County Manager, and said that for the most part Koch/JCG seem to be following the rules; that regarding the pipeline, it is generally in order with only one area that needs to be addressed regarding silt; that regarding the other issues, he suggested that the Board have a work session with the plant manager, if he will agree to same, to discuss all the issues. Following discussion, which included that Mr. Wood should provide the plant manager with a list of issues to be discussed, consensus was to set up a Work Session with Koch/JCG representatives at 6:00 PM prior to the January 7 meeting.

## 5. **NEW BUSINESS**

- A. **Financial Statement: June 2013**. The motion to approve the June 2013 financial statement was made by Commissioner Wyatt, and seconded by Commissioner Woods. Commissioner Langston asked about the status of more recent financial statements, which are to be submitted with each meeting packet until the County is caught up. Greg Wood, County Manager, said the system used for the financial statements crashed and if all goes well, there will be two financial statements distributed with the next meeting packet. The motion to approve passed unanimously.
- B. **Requests for Tax Refund**. Chairman Lange read the requests for Tax Refunds, as follows:
- (1) **Moreland Copeland Estate (2012)**. Refund amount of \$22.03 due to having been taxed for a house that is not on the property. Tax Commissioner and Board of Tax Assessors agreed with the request.
  - (2) **Moreland Copeland Estate (2011)**. Refund amount of \$31.74 due to having been taxed for a house that is not on the property. Tax Commissioner and Board of Tax Assessors agreed with the request.
  - (3) **Moreland Copeland Estate (2010)**. Refund amount of \$31.09 due to having been taxed for a house that is not on the property. Tax Commissioner and Board of Tax Assessors agreed with the request.
  - (4) **Vernie, Robert**. Refund amount of \$66.68 due to having paid on September 24 for the tag not due until October 14 and getting his 100% Disabled Veterans approval the next day (on September 25). Tax Commissioner agreed with the request.

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

- C. **Appointments/Reappointments**. Chairman Lange said that several appointments or reappointments are necessary, as follows:
- (1) **Agri-Center Board**. The terms of Gilbert Andrews and Jack McClung expire December 31, 2013, and the Agri-Center Board has recommended that both be reappointed for a new term ending December 31, 2016.

- (2) Construction Board. The terms of Chris Butzon and Bill Cogar expired June 30, 2013, and both individuals have consented to reappointment for a new term ending June 30, 2017.
- (3) Development Authority. The terms of Charles Blair (District 3) and Ryan Clements (District 5) expire December 31, 2013, and both have consented to reappointment for a new term ending December 31, 2017. Commissioner Langston said that she would like to appoint Craig Greenhaw and publicly thanked Charles Blair for his service on the Authority.
- (4) Elections & Registration Board. The term of James Ethridge expires December 31, 2013, and the Elections & Registration Board has recommended that Mr. Ethridge be reappointed for a new term ending December 31, 2017.
- (5) Housing Authority. The terms of O.C. Stiggers (District 5) and Jenny Eckman (At Large) expired October 31, 2013, and both have consented to reappointment for new terms ending October 31, 2018.
- (6) Library Board. The terms of Bob Patterson, Jim Trott, and Charlotte Zuerner expire December 31, 2013, and the Library Board has recommended reappointment for a new term ending December 31, 2016.
- (7) Planning Commission. The terms of Tom Chambless (District 1) and Ron Gibson (District 4) expire December 31, 2013, and both individuals consented to reappointment for a new term ending December 31, 2017. Commissioner Wyatt said that because Mr. Chambless indicated to him that he would really prefer not to be reappointed, he would like to appoint Chad Rexrode to fill the position of Mr. Chambless.
- (8) Recreation Board. The terms of Johnny Kuykendall (At Large) and Bobby Rogers (Hamilton YSA) expire December 31, 2013. Mr. Kuykendall has consented to reappointment, and the Hamilton YSA has recommended that Mr. Rogers be reappointed, both for a new term ending December 31, 2016.
- (9) Tax Assessors, Board of. The term of Pam Jackson expires December 31, 2013, and the Board of Tax Assessors has recommended that Ms. Jackson be reappointed for a new term ending December 31, 2017.

The motion to approve the appointment of Craig Greenhaw to the Development Authority and Chad Rexrode to the Planning Commission, with the balance being reappointments as reflected, was made by Commissioner Langston, seconded by Commissioner Wyatt, and passed unanimously.

## 6. COUNTY MANAGER

- A. Airport Capital Improvement Projects. Chairman Lange said that a five year Capital Improvements Projects list has to be adopted on an annual basis, although the County is not held to the list since things change over time. He said that Phil Eberly, airport consultant with WK Dickson, is present to respond to any questions. In response to questions, Mr. Eberly said that there is no assurance that the federal funds will be available for any of the projects, and he explained how the process works regarding such funding. Following a brief discussion, which included that the list can be revised but that it has to be turned in to the FAA on an annual basis, and that the projects total about \$5.4 million, with approximately \$4.8 million from Federal funds, approximately \$270,000 from State funds, and about \$270,000 from County funds, the motion to approve was made by Commissioner Wyatt, seconded by Commissioner Woods, and passed unanimously.
- B. Walk of Heroes. Greg Wood, County Manager, said that several months ago, the Board entertained purchasing a brick for the Walk of Heroes in Rockdale County, and Commissioner Woods tabled same because he felt it was an inappropriate use of public funds, but he did donate funds to purchase a paver on behalf of Harris County.
- C. Agreements with W. K. Dickson: Task Orders. Greg Wood, County Manager, said that there are three task order agreements regarding work that is already underway but for which no agreement has been signed. He said that 2013-3 is for T-Hangar Development Site (construction phase) for \$12,800, that 2013-4 is for Taxiway Crackseal (design and bid phases) for \$6,800, and that 2013-5 is for Box Hangar Parking, Sewer and Site Design for \$17,500. Following discussion, Commissioner Wyatt said that he wanted to table Task Order 2013-4 (Taxiway) since there the State has a crackseal machine. He questioned why the County would pay for the hangar parking, sewer and site design if it is for the private commercial hangar, and Mr. Eberly said that the area where the corporate hangar will be constructed will end up with four hangars, and the parking areas and sewer is necessary to support the hangars. Commissioner Wyatt said that the dirt that is being moved for the current construction is only being moved 100 feet and asked why it couldn't be moved further to avoid having to move it again in the future, and Mr. Eberly said that the County is only permitted to work in that specific area (NPDES) and if the work goes outside that permitted area, it would violate the erosion control permit. Commissioner Langston pointed out that the dollar

amount and written dollar amount did not match on Task Order 2013-5, and Mr. Eberly said that the dollar amount should match the written dollar amount (\$17,500). The motion to approve Task Order 2013-3 and 2013-5 and to table Task Order 2013-4 was made by Commissioner Woods, seconded by Commissioner Wyatt, and passed unanimously. [Documents can be found in "Contracts & Agreements" file as C&A #13-38 (Task Order 2013-3) and #13-39 (Task Order 2013-5).]

7. **COUNTY ATTORNEY**

A. **Resolution to Accept Gateway Drive and St. Marks Court.** Chairman Lange said that the request for acceptance of Gateway Drive and St. Marks Court was initiated about three years ago; that the roads were inspected and it was determined they were built to County specifications; that the first 100 or so feet on Gateway Drive needed to be resurfaced and a hole needed to be filled for an approximate cost of \$6,000, which included attorney fees; that no right of way is necessary from the residents, but the residents have agreed to pay the repair costs at a not-to-exceed cost of \$375 to each; that quit claim deeds have been obtained from one of the developers and from the widow of the other developer. The motion to approve the Resolution was made by Commissioner Loudermilk and seconded by Commissioner Langston. Commissioner Woods said that he has concerns regarding St. Marks Court, which appears to be an access road for two individuals off the main road (Gateway Drive); and that due to the current condition the road the County would have to resurface it within a short time; that the culvert probably has less than three years left. He then tabled action to give the Public Works Director time to re-evaluate the condition of the roads. Chairman Lange said that St. Marks Court provides access to four lots, which cannot be landlocked; that the County would be accepting it to where the concrete starts, which would allow access for all four lots. Commissioner Loudermilk asked if the Board could deny acceptance even though the requirements for road acceptance have been met, and John Taylor, County Attorney, said that it could be denied. Chairman Lange said that James York, Public Works Director, will re-inspect the roads, and that action is tabled until the December 17 meeting.

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

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J. Harry Lange, Chairman

Attest:

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Nancy D. McMichael, County Clerk