

**HARRIS COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION**

April 22, 2014

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 April 1, 2014, Regular Session, was made by Commissioner Loudermilk, seconded by Commissioner Wyatt, and passed unanimously.
3. **OLD BUSINESS**
 - A. **Bridge on Fortson Road over Standing Boy Creek.** Chairman Lange said that this had been tabled from the March 18 and April 1 meetings regarding clarification of the County's commitment to pay for the right of way; and that Greg Wood, County Manager, had been directed to contact Georgia DOT about a not-to-exceed \$53,000 contract for the purpose of obtaining the necessary right-of-way for the project. Mr. Wood said that he had contacted GDOT, but they could not guarantee that the amount would not exceed the \$53,000, and that an engineer from GDOT can be at the next Commission meeting to answer questions. Consensus was to have the GDOT engineer at the May 6 meeting.
 - B. **TIA Signs from GDOT.** Chairman Lange said that this had been tabled from the April 1 meeting during which Greg Wood, County Manager, had been directed to contact GDOT about replacing "River Valley" with "Harris County" on signs, indicating that Tia Funds were used to fund a specific project, at a cost of \$40.26 per sign plus \$15.40 per T-post, for a total of \$55.66 per sign. Mr. Wood said that he had contacted GDOT about the signs and was told the person he talked to did not know if that could be done, but that they would check and get back to him; and that as of today, he had not heard back from GDOT.
 - C. **Change Order for CDBG Project: EMC Engineering.** Chairman Lange said that this was tabled from the April 1 meeting during which Greg Wood, County Manager, had been directed to contact the River Valley Regional Commission (RVRC) about the construction staking (at \$20,000) and the limited construction materials testing (at \$7,500). Mr. Wood said that he had contacted the RVRC and was told that this work was not included in the request for proposals because they weren't certain whether the County could do the work or have someone else do it; that the work is required to be done in order for the project to move forward; that there is another cost of \$650 a month for the weekly inspection, storm water sampling and monthly reporting for NPDES; and that the project should last about four months. Following discussion, the motion to approve (1) the construction staking, slope staking, rough stake at centerline, and staking all storm structures at \$20,000, (2) limited construction materials testing to include proof rolling of subgrade, density testing for pipe crossing, and density testing for GABC base at \$7,500, and (3) the NPDES weekly inspection, storm water sampling, and monthly reporting at \$650 per month with the funding to come from T-SPLOST was made by Commissioner Wyatt, seconded by Commissioner Woods, and passed unanimously. (Document can be found in "Contracts & Agreements" file as C&A #14-06.)
 - D. **Litter in County.** Greg Wood, County Manager, said that with the recent discussion of litter in the County, the Chamber of Commerce conducts leadership classes, and this year it will be youth leadership for high school juniors and seniors; and that he will meet with Jayson Johnston of the Chamber about getting the adopt-a-road program up and running again. Mr. Wood said that we can get the adopt-a-road program started again, and the leadership class will start its sessions soon; that adopt-a-road is more long-term whereas the leadership class is short-term. Discussion included that the County needs to work on its plan and let other groups do their own; that the County can keep track of its progress; that it is aggravating to pick up litter on a road that had been picked up the week before; there is plenty of litter for everyone; and that the Board needs to know where, how often, and how much trash the prison crews are picking up. Chairman Lange asked for a report on same at the next meeting.
 - E. **Koch/JCG Foods.** Commissioner Wyatt asked if there had been any contact with Koch about their progress in cleaning the ditches, cleaning the water, or the noise. Greg Wood, County Manager, said that he had not, but that he would contact Koch in the next couple of weeks.

4. **NEW BUSINESS**

- A. **Proclamation: Donate Life Month.** Chairman Lange read the document proclaiming April as Donate Life Month in Harris County, and then made the motion to approve same. The motion was seconded by Commissioner Woods. Discussion included that the document and request had not been received in time to include on the April 1 agenda. The motion passed unanimously.
- B. **Financial Statement: February 2014.** The motion to approve the February 2014 financial statement was made by Commissioner Wyatt, seconded by Commissioner Woods, and passed unanimously.
- C. **Bid Policy.** Chairman Lange said that it had come to his attention that a recent bid was mailed to companies that had not requested the bid; and that there is concern that it may appear the County has bidders for certain items. Discussion included that the recent bid was sent to the companies that had previously been sent information on a similar bid; that bids are advertised in the Harris County Journal (County's legal organ); that bids have recently been included on the County's website and the ACCG Marketplace website; that the Dodge Room should also be considered as a place to post bids, particularly construction bids; that employees and commissioners can let people know that the County is requesting bids, but it will be up to that business or person to actually request the bid; and that perhaps something should be included on the County's website about getting on a bid list for particular items. Following discussion, consensus was to continue advertising bids in the Harris County Journal, on the County's website, on ACCG's Marketplace Website, and on the Dodge Room, when applicable; and to work on a notice for the website for businesses/people to sign up to be put on bidders lists to be used for the mailing of applicable bids, and to let the Board know regarding the status at the next meeting.

5. **COUNTY MANAGER**

- A. **Road Resurfacing List FY 14/15: T-SPLOST or LOST.** Greg Wood, County Manager, said that the road list for consideration was prepared by the Public Works Director and is in priority order, but that there may be other roads that should be considered. Commissioner Woods said that Motes Road is being used as a cut-through due to the bridge replacement on Georgia Highway 103 and should be looked at, and Mr. Wood commented that perhaps Georgia DOT should have to make the repairs since the bridge replacement project is that of the Georgia DOT (note: Motes Road is not a County road). Mr. Wood asked that the Board review the list and consider voting on same during the May 6 meeting.

6. **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 James & Angela Allen, aka Camp David, for a Special Use Permit for Group Home on Map 034, Parcel 040, Land Lot 92, Land District 20; property zoned A-1; properly located at 585 Macedonia Church Road, Hamilton.** Commissioner Loudermilk recused himself from discussion and voting due to his recent appointment as Juvenile Court Judge and the possibility that he may hear cases regarding children who may be associated with the group home, should the permit be approved. Chairman Lange called the public hearing to order, read the specifics of the application, and said that it had been recommended for approval by the County Planner with the following conditions: (1) keep existing 100' wooded buffer on front and sides of property; (2) construction of two residential structures and chapel only; (3) residential structures for group home use should be limited to teenage girls as stated in attachment to application; and (4) construction should be board and batten siding as proposed on site plan. He then read Mr. Allen's letter that accompanied the application and included that they plan to establish a group home for teenage girls; that they will be partnering with the Department of Family & Children Services to house the girls, many of whom will have experienced abuse and neglect; that the emphasis will be on family living; that they will provide 24/7 adult supervision by trained staff members; and that they are affiliated with Macedonia Christian Ministries which is a non-profit outreach ministry based out of Columbus.

James and Angela Allen, applicants; Yolanda Fripp, with the Department of Family & Children Services; and Ray Underwood, architect, appeared before the Board. Mr. Allen said

that he and his wife felt the presence of God when they first visited the property; that they plan to call the group home Camp David; that they believe that they are not many places such as this; that it is unique; that they will create a loving environment for the girls.

Ms. Fripp said that the idea for the group home came from engaging with a lot of girls who have been emotionally and sexually abused and neglected and referred by the Department of Family & Children Services; that the group home will be family centered; and that the focus won't be so much on the children with delinquent behavior but more so on those who have suffered emotional or physical trauma at the hands of their primary caregivers.

Mr. Underwood said that the intent is to keep the setting as natural as possible, with as few trees as possible being cut; and that there is no problem with keeping the 100 foot buffers.

In response questions from the Board, Mr. Allen said that they initially plan on a structure that will accommodate 12 girls; that they plan to have one other home, to also house 12 girls, in the future; that they plan to have a chapel as well; that the girls will be deemed residents; that none of the girls will be placed by the Department of Juvenile Justice; that the girls will be placed by the Georgia Department of Family & Children Services; and that the number of girls will ultimately be not to exceed 24.

There being no further comments, Chairman Lange asked if anyone wished to speak in favor of the Special Use Permit.

Danny Holley, citizen who lives on Highway 219, appeared before the Board and said that he has worked with Reverend Allen; that he first met Reverend Allen about six years ago; that he is a member of Reverend Allen's church; that Reverend Allen has brought in an architect, an engineer, and pond management; and that whatever Reverend Allen says he will do, he will do it.

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

John Knox, citizen who lives on Macedonia Church Road, appeared before the Board and said that he has concerns about whether there will be 12 children or 24, one or two homes, and where the children will come from; and that the area is not set up for group homes.

Kathy Knox, citizen, who lives on Macedonia Church Road, appeared before the Board and said that they have about 520+/- acres adjacent the subject property; that she will be petrified knowing there are people out there so close; that it will affect the value of their property; that they live there part-time; and that she does not want it there.

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

Mr. Allen said that they have appreciation for the community; that with the oversight that is required for the group home, there is less to worry about these girls than the children in the neighborhood because they will not be hanging out on the street or walking around by themselves; that they must be observed and supervised 24/7 even while they sleep; that they have 134 acres, but only 25 is for use by the group home; and that the supervisors will have to undergo background checks.

In response to questions from the Commissioners, Mr. Allen said that the group homes are located in just a small portion of their property; that the name Macedonia Ministries existed prior to their purchase of the property on Macedonia Church Road; that there will be 12 girls in the initial home; and that the supervisors will not reside in the home because the supervision is necessary 24 hours and the supervisors will be awake. In response to questions, Ms. Fripp said that the girls at the group home will be mainly from Harris and Muscogee counties but that the group home will also be open to the entire state of Georgia. Commissioner Woods said that he talked to two of the three neighbors on Macedonia Church Road and found that they were pleased with the group home, and that he left a note for the other, whom he assumes was okay with the group home since he didn't hear from him; and that it should be limited to 24 teenagers.

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

Commissioner Woods made the motion to approve the Special Use Permit with the following conditions: (1) keep existing 100' wooded buffer on front and sides of property; (2) construction of two residential structures and chapel only; (3) residential structures for group home use should be limited to teenage girls; (4) construction should be board and batten siding as proposed on site plan; (5) that it not exceed 24 teenage girls; (6) that the girls be under 24 hour supervision/watchful observation; and (7) that the teenage girls be placed by the Georgia Department of Family & Children Services with no placement by the Juvenile Justice system/Department of Juvenile Justice. The motion was seconded by Commissioner Wyatt and passed with four (Woods, Wyatt, Lange, Langston), no opposition, and one abstention (Loudermilk). Commissioner Loudermilk said that he had refrained from participating in the Public Hearing because as of April 8 he is the new Juvenile Court Judge for Harris County; and that with his limited experience as Juvenile Court Judge thus far, there is dire need for services such as the group home.

7. **COUNTY MANAGER (CONTINUED)**

B. **Ridgeway Road Proceeds.** Greg Wood, County Manager, said that with the sale of the property on Ridgeway Road, the County received \$360,000; that the Ridgeway Road property was originally purchased to establish recreation in that area of the County; that the County is currently in negotiations for the use of another piece of property and has recently acquired 120 acres of property known as Ellerslie Park; and that he is requesting the \$360,000 be used for the development of Ellerslie Park and the potential new site. Commissioner Loudermilk made the motion for the \$360,000 to be used as proposed, and the motion was seconded by Commissioner Langston. Discussion included that the money should go back into the General Funds because there are thousands of dollars for Recreation in SPLOST that have not been used; that there was a \$700,000 donation to the County for the purchase of the Ellerslie Park property, so even if there was a half million-dollar loss on the sale of the property, the County is still \$200,000 to the good; that Pate Park has not yet been completed and funds are included in SPLOST for same; and that there should be a concerted effort to make sure the property is handled in an expeditious manner. The motion passed unanimously.

C. **Bid Awards for CDBG Materials: Storm Drainage Pipe & End Sections and Water System Improvements.** Greg Wood, County Manager, said that bids were requested for five items in connection with the CDBG project; that only two items had two or more bidders; that the other three items will be rebid per CDBG requirements; and that the bids received were as follows:

<i>DIVISION III: STORM DRAINAGE PIPE & END SECTIONS</i>	
Company	Bid Amount
Consolidated Pipe, Columbus, GA	\$ 27,736.41
E&E Supply, Columbus, GA	\$ 29,981.81
Ferguson Waterworks, Columbus, GA	\$ 20,306.35
LaGrange Winnelson Company, LaGrange, GA	\$ 28,837.27
Southern Pipe & Supply, Montgomery, AL	\$ 27,502.04

<i>DIVISION V: WATER SYSTEM IMPROVEMENTS</i>	
Company	Bid Amount
Consolidated Pipe, Columbus, GA	\$ 56,853.10
E&E Supply, Columbus, GA	\$ 58,089.98
Ferguson Waterworks, Columbus, GA	\$ 62,383.32
Southern Pipe & Supply, Montgomery, AL	\$ 60,940.93

Mr. Wood said that the bids were reviewed by EMC Engineering who recommended that the Storm Drainage Pipe & End Sections be awarded to Ferguson Waterworks of Columbus for the low bid of \$20,306.35, and that the Water System Improvements be awarded to Consolidated Pipe of Columbus, for the low bid of \$56,853.10.

The motion to award the bids as recommended was made by Commissioner Wyatt, seconded by Commissioner Woods, and passed unanimously.

D. **Proposed Zoning Amendment to Resort.** John Taylor, County Attorney, said that he had reviewed the proposed change to Resort; that he recommends leaving the wording as is or to include the words "or reduced in size"; that "Resort" had been deleted from the Zoning Ordinance several years, but was added back in 2003 with restrictions, one of which was that no resort zone could be enlarged, subdivided or otherwise changed after August 19, 2003,

without being rezoned in accordance with the zoning ordinance; that if a resort is going to have R-1 use, it needs to be rezoned to R-1; and that adding the words “or reduced in size” would make it even stronger. Discussion included that the developer could do what the master plan indicated as long as he remained within the boundary of the resort; that the revised wording would make it more flexible; that a provision is needed to keep a developer from expanding or enlarging without proper rezoning; and that resorts should be allowed to be completed as its master plan shows, but if they want to enlarge it or reduce the lots, rezoning is necessary. With no decision being reached, consensus was for the County Planner, the County Manager, and the County Attorney, to work on a revision to bring back to the Board on May 6.

- E. **Mars Hill Drive & West Mars Hill Drive Issues.** Greg Wood, County Manager, said that a request has been made for two roads (Mars Hill Drive & West Mars Hill Drive) to be accepted by the County for maintenance purposes; that one road has well over the necessary 80% agreement of property owners to move forward while the other that comes off an existing County road (Monument Road), does not; and that two property owners whose properties abut Monument Road have indicated they will agree to give the necessary right of way, if they do not incur any costs associated with the acceptance process. Discussion included that property owners are assessed for costs associated with title search, deed preparation, driveway pipe, etc.; that while the properties of these two owners abut Mars Hill Drive, they do not access Mars Hill Drive via a driveway and don’t really use it; that the Public Works Director has indicated that the way the roads lay, there is enough property for the County’s needs; that the two property owners are willing to give up the right of way, but don’t want to incur any expenses; and that the two owners should be assessed just like the other property owners, otherwise a precedent will be set (consensus of at least three Commissioners). Commissioner Woods said that the County has stuck its head in the sand about things like this for 30 years and it is time to wake up; that the County is going to have to take over the roads some day, whether it is now or 20 years from now; that it is foolish and short-sighted to think that the County won’t have to do that; and that it shouldn’t have been allowed to happen to begin with, but it did.

Following discussion, consensus was to have more exact information as to the estimated cost of bringing the road up to standards, to include the equipment, the materials, the length of time it will take, etc., and to have same at the May 6 meeting.

8. **COUNTY ATTORNEY**

- A. **Mulberry Grove: Intergovernmental Agreement and Replacement Water and Wastewater Service Agreement.** John Taylor, County Attorney, reminded the Board that it had previously entered into agreements regarding The Grove, a development of Mulberry Grove, LLC; that the Intergovernmental Agreement is with the Public Improvements Authority regarding the revenue bonds; that the replacement Water and Wastewater Service Agreement has minor adjustments to include that existing landowners along the route can tap onto the sewer line, the County can tap onto the line for any County facilities that may be built along the route, the School Board can also tap onto the line for their facilities, modifications for the Woodruffs and the Bradleys to make bond payments, and a provision to create a special tax district of the 1,100 acres of the development; and that under the County’s sewer ordinance (to be developed) should include that all users will be billed for their use of the line. Discussion included that the end users pay for the service, but there is protection if there is a down-turn of the economy, but that all the protections for the County still remain. In response to a question from Commissioner Langston, Mr. Taylor said that the sewer line will be paid for by tap fees of the people who utilize the line, or ultimately by the special tax district. Following discussion, Mr. Taylor recommended approval of the documents. The motion to approve the documents was made by Commissioner Wyatt, seconded by Commissioner Langston, and passed unanimously. (Documents can be found in “Contracts & Agreements” as C&A #14-07.)
- B. **Work Session re: The Grove.** Commissioner Wyatt said that he understands from the County water engineer and water director that if everything is a go, the County is still two to three years away from providing water. Discussion included that it will probably be another 18 to 24 months before Mulberry Grove Development finished; that the County may need three water expansions or a 12" line all the way up Fortson Road, which will take 8 to 10 months; and that it is going to take planning to get everything together. Consensus was to arrange for a Work Session with Matt Smith, of Carter & Sloope, and Jeff Culpepper, Water Works Director, and to arrange same within the next few weeks.

C. **Resolution re: Public Improvements Authority (PIA) Bonds for Community Center.** John Taylor, County Attorney, said that Build American Bonds, in the amount of \$8,055,000, was issued in 2010 in connection with the construction of the Community Center; that the idea of those bonds was that the money was to be spent and put into the economy within two years of the issuance of the bonds and that it had to be spent on capital expenditures for the project; that more than two years have passed and there is still \$947,343 of bonds funds remaining; that a Resolution has been prepared to amend the definition of the project which will allow the bond funds to be used to pay for capital projects that took place between December 2010 and December 2012 for which funds have already been expended; that the remaining bond funds could then be used to reimburse the County for expenditures made during that time frame; that the bond funds can go back into General Funds or SPLOST funds, depending on where the funds originated; and that Greg Wood, County Manager, is working on a list of capital projects that could include road work, ballfield lighting, ambulance, etc. Following discussion, the motion to approve the Resolution was made by Commissioner Loudermilk, seconded by Commissioner Langston, and passed unanimously.

9. **OTHER**

A. **Zoning Ordinance Amendment re: Special Use Permit.** Nancy McMichael, County Clerk, said that the amendment regarding the Special Use Permit, approved during the April 1 meeting, had been prepared and reviewed by the County Planner to make sure the appropriate Articles and Sections had been used. She also said that one change is suggested regarding the sign size and that was to have the sign be the same size as the rezoning sign since the only difference is only one line of information. There were no objections to making the Special Use Permit sign the same size as the Rezoning sign.

B. **Rules of Order Amendment.** Nancy McMichael, County Clerk, said that since the public hearings for Rezoning and Special Use Permit applications will be held during the first meeting of the month, the Rules of Order needed to be amended for same. The motion to amend the Rules of Order to reflect that Rezoning and Special Use public hearings will be held during the first meeting of the month was made by Chairman Lange, seconded by Commissioner Langston, and passed unanimously. (Document can be found in "Miscellaneous Documents" as MD#14-09.)

10. **RECESS FOR EXECUTIVE SESSION.** The motion to go into Executive Session for the purpose of discussion real estate acquisition and personnel issues was made at 9:00 PM by Chairman Lange, seconded by Commissioner Wyatt, and passed unanimously.

11. **RESUME REGULAR SESSION.** The motion to go back into Regular Session was made by Commissioner Wyatt, seconded by Chairman Lange, and passed unanimously.

12. **ADJOURNMENT.** There being no further business to discuss, the motion to adjourn was made by Commissioner Wyatt, seconded by Commissioner Loudermilk, and passed unanimously.

J. Harry Lange, Chairman

Attest:

Nancy D. McMichael, County Clerk