

**HARRIS COUNTY BOARD OF COMMISSIONERS  
REGULAR SESSION**

July 1, 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 June 17, 2014, Regular Session, and the June 17, 2014, Dog Appeal Hearing of Sonja Grotecloss, was made by Commissioner Loudermilk, and seconded by Commissioner Woods. Commissioner Langston asked that item 6G in the Regular Session minutes be changed to reflect that there is no cost to the County for the analysis. With that change, the motion passed unanimously.
3. **APPEARANCE OF CITIZENS**

A. **Scott Moyer: JCG/Koch Foods.** Scott Moyer, citizen, appeared before the Board and said that he has four complaints about JCG/Koch Foods.

- (1) **Trash.** Mr. Moyer said that trash is still a concern, although it is not as bad as it was because the neighbors are doing a better job, but JCG/Koch Foods has not put a fence all the way across the property, but only in the middle; and if the fence is all the way across, that would help tremendously.
- (2) **Water Run-Off.** Mr. Moyer said that he wants the water run-off from the front of the plant stopped from coming through his pasture and into his brother's lake; that the water comes in in two spots; that they don't know what is in the water; that on two occasions, grass has been killed to the ground at the pipe under the road into his neighbor's lot; that the run off needs to be tested; that the simplest solution would be to put in pits with pumps and pump it back to the lagoons.
- (3) **Horn Blowing by Trucks.** Mr. Moyer said that every semi that comes to the plant blows their horns; that it sounds that they are playing each other; that he has sat on his tractor for two hours watching them and counted 40 or 50 of them blowing their horns back and forth; that it happens from 3:30 AM all the way up to 12:30 AM; that the horn blowing has woke him up and he is 300 yards off the road; that a solution is to place a sign to prohibit horn blowing while on the plant property.
- (4) **Noise from Boiler.** Mr. Moyer said that the new plant manager has indicated he needs some time to address the noise coming from the boiler and that he will be going back August 1; that the County gave them whatever they asked for, the gas line, the \$250,000, etc., with no questions or conditions, with which he still has a problem; that when the boiler ramps up at night, presumably for cleaning, usually around 7 PM to 8 PM, there is a humming sound that gets so loud, he has to turn up the volume on his TV just to hear a program; and that he understands that if the gas line is hooked up, that might change the volume, but that hasn't yet happened.

Mr. Moyer said that by the next meeting, he would like to know what the County is going to do to solve these issues; that if any Commissioner would like to visit, any time day or night, give him a call (he gave his home and cell numbers) to see first-hand what is going on. In response to a question from Commissioner Loudermilk, Mr. Moyer said that the employees, after eating lunch, throw their trash in the plant parking lot; that they have a person who does nothing but pick up trash all day long; and that when high winds come through, the trash is scattered everywhere. Regarding the water run-off Mr Moyer said, in response to a question from Commissioner Loudermilk, that it is surface water; that the parking lots slopes down and when it

rains the water runs down and through pipes under Highway 116; and that regarding what is in the water, he is not sure, but it kills grass to the ground.

Commissioner Wyatt said that he has talked to people with Georgia Department of Natural Resources EPD and has received a letter dated June 6, 2014, that shows from May 2013 to January 2014, 66 non-compliant reports; that from February 2012 to January 2014, 11 violations showing the chemicals that are in the run off going into the creek in the back of the plant; that this has really been going on for about six years, but some of the violation had to be cancelled with the change in ownership; and that one of the persons said that the local authority has control through zoning and water that can be held against them. He said that he will have copies of the letter put in each Commissioners' mailbox.

- B. **Bobby Haralson: JCG/Koch Foods.** Bobby Haralson, citizen, appeared before the Board and said that he agrees with everything that Mr. Moye said; that the County has done nothing to resolve any issues; that when Mr. Moye's father bought the property years ago, he started trying to get Cagle's to clean things up, particularly the odor, and he (Haralson) regrets not helping Mr. Moye's father fight that fight; that it used to be that there was an odor four or five times a year, and now it is four to five times a week; and that people don't attend the Commission meetings because they don't think the Commissioners will do anything.
- C. **Boon Sue Mays: Decline in Business at Ossahatchie Oyster Bar, Billy Bob's Too, and Lukes Pub.** Boon Sue Mays was not in attendance.
- D. **Lisa Culpepper: County Expenditures and Status Update of Georgia Tax Fine.** Lisa Culpepper, citizen, appeared before the Board and said she had a couple of issues to discuss.

Georgia Tax Fine. Mrs. Culpepper asked if the Georgia tax fine had been resolved, and Chairman Lange said it had been taken care of. Mrs. Culpepper said that rumor has come back to here to say that the non-filing of the tax was her fault, but she was not the finance officer and it was never her responsibility to see that the report was done.

County Expenditures. Mrs. Culpepper said that the ACCG 2014 Conference was held April 11 - April 15 in Savannah; that the purpose of the conference is to inform Commissioners of new laws and other changes they need to know; that the classes are paid for by the County; that some Commissioners take advantage of the classes with the utmost sincerity; that it is also a venue to bring vendors and Commissioners together to see new ideas and products; that it is a wonderful learning tool; that she totally supports it and has attended in the past; that the problem she has is the cost to attend to the County taxpayers; that the costs for Conference registration, paid to ACCG, were \$5,495; that while she doesn't expect the Commissioners to stay in tents on the side of the river, she thinks other hotels, that would be more cost effective, should be looked at other than the Westin Savannah Harbor Golf Resort & Spa, which cost \$7,879.32; that the total for April 11 - 15, was \$13,374.32; that she did not request individual expenses as far as reimbursement for meals; that vendors and others pay for meals for the Commissioners, and she asked if that could not obligate the County to those vendors or people; that John Taylor, County Attorney, provides a Sunday brunch; that she will be glad to give her phone number to anyone, even though many have it; that she has already received threatening phone calls (she gave her phone number); that she has copies of what she has paid for and if anyone in attendance wants to see them, they are welcome to; that she has photographs she took when she attended the Conferences in the past; and she concluded by saying you have to wonder if its education or a vacation.

Commissioner Woods said that he arrived at 3:00 AM, attended his class, and left after class at 4:00 AM the next morning. Mrs. Culpepper said that she understands how the classes are and said that when the class doors open, most are right there to attend.

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

- A. **Explanation of Public Hearing Procedures.** Chairman Lange explained the procedures involved with the Public Hearings.
- B. **Conflict of Interest Forms.** The Conflict of Interest forms were completed at the request of Chairman Lange.
- C. **Application of Martha M. Hartley to Rezone 5.2 acres of Land Lot 40, Land District 1, Map 056, Parcel 090, from C-4 to A-1; present use vacant/undeveloped; proposed use agricultural/residential; property located on GA Highway 18, Pine Mountain.** Chairman Lange called the Public Hearing to order, read the specifics of the application, and said that both the Planning Commission and the County Planner had recommended approval of the rezoning. Martha Hartley, applicant, appeared before the Board and said that she did not want to belabor her application since it has been recommended for approval by the Planning Commission and County Planner; that the zoning of the subject property, as well as the 32 acres to the east, are completely out of character with the neighborhood, which is either A-1 or single family homes; and that she purchased the property at a tax sale to prevent its commercial development. Chairman Lange asked if anyone wished to speak in favor of or in opposition to this application. There being none, he asked Mrs. Hartley if she had any further comments. Mrs. Hartley had no further comments. Chairman Lange asked if the Commissioners had any questions or comments for Mrs. Hartley.

In response to a question from Commissioner Loudermilk, Mrs. Hartley said that the hayfield is zoned A-1 and the property to the east is zoned High Density Residential. Commissioner Woods asked if the status of the sewer lines and leach lines affect the R-3 (High Density Residential) property, to which John Taylor, County Attorney, replied that it does not affect the zoning of it, which is an issue to be dealt with between the owners of the two properties; and that the rezoning deals only with can be built on this particular property. Mrs. Hartley said that there is no recorded easement on any plat of record. Commissioner Woods asked if sufficient time has passed since the tax sale, and Mr. Taylor said that the property was sold via tax sale on April 3, 2012; that Georgia law says the property owner has a year to redeem the property; that proper steps were taken; that it appears the equity of redemption of the property foreclosed on June 20, 2013; and the Tax Assessor is taxing the property in Mrs. Hartley's name. Commissioner Woods asked if this would set a precedent in down zoning property, to which Mr. Taylor replied that each zoning or rezoning is looked at separately.

There being no further questions or comments, Chairman Lange closed the Public Hearing. The motion to approve this rezoning was made by Commissioner Loudermilk, seconded by Commissioner Langston, and passed with four in favor (Loudermilk, Langston, Lange, Woods), no opposition, and one abstention (Wyatt).

- D. **Application of Robert J. Feaster to Rezone 3.3 acres of Land Lots 15 & 28, Land District 19, Map 017, Parcel 006, from A-1 to M-1; present use vacant; proposed use future growth/storage buildings; property located on GA Highway 219, Fortson.** Chairman Lange read the specifics of the application and asked John Taylor, County Attorney, for clarification regarding the requested rezoning of M-2 and recommended rezoning of M-1. Mr. Taylor said that records show there is a clerical error on the zoning map whereby the parcels marked as M-2 should be M-1; that should the rezoning be approved, another vote should be taken to correct the map to reflect the appropriate rezoning of M-1. Chairman Lange continued by saying that both the Planning Commission and the County Planner had recommended approval of the rezoning to M-1. Robert Feaster, applicant, said that he wants the rezoning for future growth of storage buildings, just like his property next door. In response to a question by Chairman Lange, Mr. Feaster said that he will be taking steps to control the erosion on his adjacent property.

Chairman Lange asked if anyone wished to speak in favor of or opposed to this rezoning application. There being none, he asked Mr. Feaster if he had any other comments. Mr. Feaster had no comments. Chairman Lange then asked if the Board had any questions or comments for Mr. Feaster.

In response to a question from Commissioner Langston regarding the property zoned A-1 that is behind the subject project, Mr. Feaster said that there are no homes on that property. In response to a question from Commissioner Loudermilk, Mr. Feaster said that the zoning sign is in front of the subject property; that the property is fenced and ready to be used for expansion. There was a brief discussion as to what can be in M-1, after which Commissioner Wyatt asked Mr. Feaster if he would object to the condition that the property can only be used for storage units. Mr. Feaster said that is what he plans to do, and Chairman Lange said that if the property changes hands, the new owner could always come back to have that condition lifted or the property rezoned to another zoning. Commissioner Woods said that the property behind the subject property has a very narrow easement to that property, and Mr. Feaster said that the easement was there when he bought his property and will stay there.

There being no further comments or questions, Chairman Lange closed the Public Hearing.

The motion to deny this rezoning application was made by Commissioner Woods and seconded by Commissioner Langston. Chairman Lange asked if a condition to use the property only for storage buildings would make a difference. Commissioner Woods said that it would make little difference, but that he would also like to see a ten-foot buffer between the property behind it. The motion failed by a vote of two in favor (Woods, Langston) and three opposed (Lange, Loudermilk, Wyatt).

The motion to approve this rezoning application with the condition that only storage buildings be permitted on the property was made by Commissioner Wyatt. There was a brief discussion regarding having a buffer, which included that since Mr. Feaster bought his property, the owner of the property behind his property has done nothing to improve his property. Commissioner Wyatt said that the only condition of his motion would be to limit the use to storage buildings only. The motion was seconded by Commissioner Loudermilk, and passed with three in favor (Wyatt, Loudermilk, Lange) and two opposed (Langston, Woods).

The motion to correct the errors which designated two properties as M-2 zoning on Map 017 (shown on parcels 005, 005A, 005A001 & 079) to M-1 was made by Commissioner Loudermilk, seconded by Commissioner Woods, and passed unanimously.

5. **OTHER**

- A. **Savannah as Vacation Spot**. Commissioner Loudermilk said that if he wanted to go on vacation, probably Savannah would be one of the last places on his list.

6. **OLD BUSINESS**

- A. **Financial Statement: April 2014**. Chairman Lange said that action on the financial statement of April 2014 had been tabled from the past two meetings due to not having all the information. He then made the motion to approve the Financial Statement. The motion was seconded by Commissioners Woods and passed unanimously.
- B. **Consulting Engineer Proposal for Subdivision Plans**. Greg Wood, County Manager, said that the proposal from the consulting engineer is still in the works and that he hopes to have it ready for the July 15 meeting.
- C. **Plans Examiner Services for Construction Plans & Fees**. Greg Wood, County Manager, said that the person who expressed an interest in reviewing construction plans turned it down because he did not want part time business. Mr. Wood then

requested approval to request proposals for such. Commissioner Langston said that when this was discussed during the June 17 meeting, this would be paid by increase fees, which have not been provided for review in connection with construction plan reviews. Mr. Wood said that some fees have been obtained (from comparable counties), but the list has not been completed, and that he hopes to have the fees, not only for construction plan reviews, but for permit fees, inspection fees, etc., on the July 15 agenda.

## 7. NEW BUSINESS

- A. **Resurfacing List: Coordinate with Bridge Project and LMIG 2015 Funds.** Greg Wood, County Manager, said that the priority resurfacing list had been provided for the Board to determine which roads to include with the Bridge Project that will soon be advertised. Following discussion, which included that Marshall Williams Road (District 2) and Goat Rock Road (District 3) should be added to the Priority List for next year, Commissioner Wyatt made the motion to add the first three roads (Airport Road, Harris Road, and Preston Road) to the Bridge Project, which already includes Mayo Road. The motion was seconded by Commissioner Langston and passed unanimously. (Roads for LMIG 2015 were not discussed; therefore, will be discussed at a future meeting.)
- B. **Agreements with New Horizons: Mental Health Center and Harris-Talbot Service Center (both in lieu of rent).** John Taylor, County Attorney, said that these two agreements are for \$500 each, for a total of \$1,000 a month in lieu of rent, from New Horizons; that these are the usual annual agreements containing no changes; and that they must be documents required by the State. The motion to approve both agreements was made by Commissioner Langston, seconded by Commissioner Woods, and passed unanimously. (Documents can be found in “Contracts & Agreements” file as C&A #14-15 for the Mental Health Center and as C&A #14-16 for the Service Center.)
- C. **Holland Drive and Kingsboro Road.** Greg Wood, County Manager, said that due to requirements by Georgia Department of Transportation when roads are relocated, there will be an additional cost, estimated to be \$5,500 for each of the two roads. Following discussion, the motion to approve the additional costs was made by Commissioner Wyatt and seconded by Commissioner Langston, who asked if the letters, which were to be sent to the property owners who live off of Holland Drive, were sent notifying them that that section would not be paved. Discussion included that the letters had not yet been sent, but should be sent as soon as possible. The motion to approve the additional costs passed unanimously.
- D. **You Are Why We’re Here Program.** Commissioner Langston said she, Chairman Lange, Commissioner Woods, and County Manager Wood, attended the recent ACCG Regional meeting last week; that ACCG has rolled out a new website called You Are Why We’re Here; that it is an interactive website to tell citizens different information about their County; that it contains all 150 counties in the State; and ACCG has asked the counties to sign on to the campaign; that she has made a personal commitment to sign on to the campaign and challenged the other Commissioners to do the same; and that, in the form of a motion, she would like to spend \$500 to accomplish ideas that would include something for County employees. She said that she would like to get every employee a “You Are Why We’re Here” button to wear, but she would not divulge the reason why until she is ready to roll out her ideas. Greg Wood, County Manager, said that he will make sure there is a link from the County’s website to the You Are Why We’re Here website. The motion was seconded by Commissioner Wyatt and passed unanimously.

## 8. COUNTY MANAGER

- A. **Take Home Vehicle List Revision.** Greg Wood, County Manager, said that it is being requested to add the Roads Supervisor to the list of positions for which take-home vehicles are permitted. The motion to add Roads Supervisor to the list was

made by Commissioner Wyatt, seconded by Commissioner Loudermilk, and passed unanimously.

- B. **Bid Award: CDBG Materials.** Greg Wood, County Manager, said that a second bid request was made for various CDBG Materials needed for the Kings Gap project. He said that of the four divisions in the bid, only three are being awarded, and the fourth will be purchased by the County according to its purchasing policy. The bids received are as follows:

| <b><i>DIVISION IA: EROSION CONTROL DEVICES (2:15)</i></b> |             |
|-----------------------------------------------------------|-------------|
| Clayton Company, Columbus, GA                             | \$ 3,567.81 |
| Never Fail, LLC, Phenix City, AL                          | \$ 3,437.60 |
| Twin Oaks Environmental, Opelika, AL                      | \$ 2,391.00 |

| <b><i>DIVISION IB: EROSION CONTROL DEVICES - VEGETATION MEASURES (2:20)</i></b> |              |
|---------------------------------------------------------------------------------|--------------|
| Clayton Company, Columbus, GA                                                   | \$ 17,246.25 |
| Never Fail, LLC, Phenix City, AL                                                | \$ 16,863.00 |
| Twin Oaks Environmental, Opelika, AL*                                           | \$ 4,489.00  |

\*did not bid on 2 items (mulch & lime); bid considered invalid

| <b><i>DIVISION II: STONE &amp; ROCK MATERIALS (2:25)</i></b> |               |
|--------------------------------------------------------------|---------------|
| Clayton Company, Columbus, GA                                | \$ 213,224.75 |
| Columbus Quarry, LLC, Fortson, GA                            | \$ 142,462.60 |
| Never Fail, LLC, Phenix City, AL                             | \$ 198,114.33 |
| Vulcan Materials, Fortson, GA                                | \$ 156,479.50 |

| <b><i>DIVISION IV: STORM DRAINAGE SYSTEM - PRECAST MATERIALS (2:30)</i></b> |             |
|-----------------------------------------------------------------------------|-------------|
| Never Fail, LLC, Phenix City, AL **                                         | \$ 5,572.20 |

\*\*did not bid on 2 items (18" & 24" straightwall); bid considered invalid

Mr. Wood said that the recommendations are to award Division IA to Twin Oaks Environmental, Opelika, AL for \$2,391.00; Division IB to Never Fail, LLC, Phenix City, AL for \$16,863.00; and Division II to Columbus Quarry, LLC, Fortson, GA for \$142,462.60. Following a brief discussion, the motion to award the bids as recommended was made by Commissioner Wyatt, seconded by Commissioner Woods, and passed unanimously.

- C. **Personnel Slot Change: Public Works.** Greg Wood, County Manager, said that James York, Public Works Director, has requested that a Heavy Equipment Operator slot (at \$18.00/hour) be changed to a Light Equipment Operator slot (at \$13.37/hour). Following a brief discussion, the motion to approve the change was made by Commissioner Langston, seconded by Commissioner Woods, and passed unanimously.
- D. **Railroad Recreation Trail Spraying.** Greg Wood, County Manager, said that he and James York, Public Works Director, and Michael Brown, Roads Supervisor, met with Ricky Hood, Public Works Director for the City of Hamilton, regarding the spraying of the Railroad Recreation Trail. During the discussion, Mr. York indicated that spraying of the whole length of the trail should be done as many tree saplings are growing. Following discussion, consensus was to look at what the County did with the previous spraying(s).
- E. **Due Diligence by County for 34 Acres in Northwest Harris Business Park.** Greg Wood, County Manager, said that in connection with some property in the Northwest Harris Business Park, the County needs to do due diligence to include an ALTA Survey, Topographic Survey, Soil Report, and Geotechnical Assessment. He said that the ALTA and Topographic surveys can be conducted for a total of \$23,000, and that

it is estimated that the Soil Report and Geotechnical Assessment can be performed for about \$9,000. Following discussion, the motion to approve the agreement (with Farner Barley) for the ALTA and Topographic surveys at a cost of \$23,000, and the agreements (with GEC) for the Preliminary Subsurface Evaluation and Phase I Environmental Site Assessment was made by Chairman Lange, seconded by Commissioner Woods, and passed unanimously. The funds to pay for same will come from SPLOST Economic Development. (Agreement with Farner Barley can be found in "Contracts & Agreements" file as C&A #14-18, and the agreements with GEC can be found as C&A #14-19 and C&A #14-20.)

9. **COUNTY ATTORNEY**

A. **Agreement Renewal with School Board and Sheriff Mike Jolley for School Resource Officer.** John Taylor, County Attorney, said that this is the usual agreement for a Resource Officer at Harris County High School. He reviewed the agreement and recommended same for approval. The motion to approve this agreement was made by Commissioner Woods, seconded by Commissioner Langston, and passed unanimously. (Document can be found in "Contracts & Agreements" file as C&A #14-17.)

10. **RECESS FOR EXECUTIVE SESSION.** The motion to go into Executive Session for the purpose of discussing real estate acquisition, potential litigation, and personnel issue was made at 8:43 PM by Chairman Lange, seconded by Commissioner Langston, and passed unanimously.

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

12. **OTHER**

A. **Property Acquisition of .5 Acre of Margaret Simmons Estate.** John Taylor, County Attorney, explained that the County has been offered .5 acre from the estate of Margaret Simmons, located at Harmon Road at Hollis Road, at no cost to the County, and he recommended acceptance subject to a title examination. The motion to accept the .5 acre at no cost to the County and subject to a title examination was made by Commissioner Loudermilk, seconded by Commissioner Wyatt, and passed unanimously.

13. **ADJOURNMENT.** There being no further business to discuss, the motion to adjourn was made by Chairman Lange, 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