

**HARRIS COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION**

August 5, 2014

7:25 P.M.

Commissioners Present: J. Harry Lange, Joey M. Loudermilk, Becky Langston, Jim Woods. Suspended: 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. He also pointed out and discussed the large painting of the Courthouse that now hangs behind the Commissioners' dias.
2. **MINUTES.** The motion to approve the minutes of the July 15, 2014, Regular Session, the July 15, 2014, Personnel Termination Appeal Hearing of Edward Walker, and the July 22, 2014 Called Meeting (to set the Millage) was made by Commissioner Loudermilk, seconded by Commissioner Langston (with one typo correction), and passed unanimously.
3. **APPEARANCE OF CITIZENS**
 - A. **Scott Moyer: JCG/Koch Foods Issues.** Scott Moyer, citizen, appeared before the Board and asked if anything has been done about the issues he has been having with JCG/Koch Foods. Greg Wood, County Manager, said that he contacted DOT about the ditches; that they agreed the ditches could use some attention, but that he does not know when that will take place and hopes it will divert the water; that they indicated that the County can't make JCG/Koch keep the surface water off Mr. Moyer's property because they are grandfathered, but if they make changes to the parking lot, certain standards could be addressed; and that he and Chairman Lange are going to meet with JCG/Koch Foods to discuss the issues and encourage their compliance. Discussion included that Mr. Moyer has contaminants running onto his property; that the Health Department needs to be contacted about taking water samples when run off occurs; and that such samples can be provided to EPD for analysis. Mr. Moyer said that he has no objections to samples being taken on his property. In response to questions from Commissioner Loudermilk, Mr. Moyer said that the odor is bad and getting worse; that the trash issue has improved; that the noise has picked up due to the boiler as well as a couple of new noises; that it seems that something different occurs every day; that the noise from the site can be heard a couple of miles away; that he has a meeting at JCG/Koch on Friday morning; and that Sunday is about the only day that is halfway peaceable. Discussion included that EPD covers water and air quality issues; that a request should be made to measure the air quality; that no effort has been made by JCG/Koch about the noise; and that Mr. Moyer does not want the run-off coming into his pasture. Chairman Lange asked Mr. Moyer to let him know the result of his meeting with JCG/Koch (on Friday).
 - B. **Bobby Haralson: JCG/Koch Foods.** Bobby Haralson, citizen, appeared before the Board and said that he lives in the largest, oldest subdivision in Harris County; that he has been living there longer than anyone else alive; that until his "toes are turned up", he's going to be at the meetings until issues (with JCG/Koch Foods) are resolved; that the odor was strong on Sunday; that the church he attends voted to switch from propane to natural gas, then learned that a permit is needed from the County to do so; that the Commissioners' meeting agenda is not in compliance with the State law that was signed into effect 830 days ago; and that everyone should be on their feet because the County is not in compliance with the open meetings law.
 - C. **David Taylor: Paving of Washington Road.** David Taylor, citizen appeared before the Board to discuss the paving of Washington Road. Chairman Lange said that it may help to understand what is going on regarding Washington Road, and he asked Greg Wood, County Manager, to review same. Mr. Wood said that the County is in the process of getting surveys completed on the 10 roads the Board chose to have paved; that things are on track; and that once the legal work is completed and the construction plans are completed it will probably be spring before any paving work can start since paving can't be done in late fall or winter. Mr. D. Taylor said that he

has lived on the road since 1996 and they have been told several times that they are on the paving list. John Taylor, County Attorney, said that the title examination has been completed for the 30+ parcels on Washington Road; that the deeds will soon be drawn up and provided to the County Manager and County Clerk to obtain signatures of property owners; that the road is a prescription road and most of the owners own up to center line of the road; and that the County has to acquire the right of way where necessary. Mr. D. Taylor said that the road is dangerous; that people have been run off the road; that school buses go up and down the road; that they have been trying to get the road improved “forever”; and that there is a bad place in the road at Morgan Copeland Road that makes it difficult to stop. Mr. J. Taylor said that this is the first time he has checked the title to properties on the road. Mr. D. Taylor said that he hopes the County will move forward with paving the road.

- D. **Bob Taylor: Paving of Washington Road.** Bob Taylor, citizen, appeared before the Board, and said that his son (in a wheelchair) gets “jarred” to pieces on the road, and he asked how the road paving process works and why is it taking so long. Greg Wood, County Manager, said that the last SPLOST came up short due to the economic downturn, but there should be enough to pave the 10 roads; and that the roads were prioritized by the Board of Commissioners by vote.

(The other three people who had signed up to talk about the paving of Washington Road chose not to discuss it further.)

- E. **Next Year’s Paving and Open Meetings Compliance.** Commissioner Woods suggested that when the next paving list is done, the surveys and legal work need to be done in sufficient time so that the paving is not done in the following year. He also asked that the County be in compliance with the Open Meetings agendas, and both John Taylor, County Attorney, and Nancy McMichael, County Clerk, said that the County is in compliance regarding meetings and agendas. [Note: County is in compliance according to OCGA 50-14-1(d)(1) and (e)(1).]

4. **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 involved with the Public Hearing.
- C. **Application of H. Walker Tirey to rezone 1.03 acres in Land Lots 6, 7 & 27, Land District 21, Map 061, Parcel 029B, from A-1 to C-3; present use agriculture timber; proposed use commercial; property located as US Highway 27 (near Goolsby Circle and 7415 US Highway 27), Cataula.** Chairman Lange called the Public Hearing to order, read the specifics of the application, and said that both the Planning Commission and County Planner recommended approval with conditions (see last paragraph of this section). H. Walker Tirey, applicant, appeared before the Board and said that the rezoning will not impact County resources or traffic; that the lot is triangular shape; that they plan to construct a building of about 3,000 square feet located on the south side of the lot; that the lot is about 42,000 square feet so there will be enough room for the building, the septic tank in back, a 20-foot setback in the front and back, and the parking lot can be paved right up to the adjacent commercial lot to the south; and that the building will be a dance studio for young people. He described the surrounding area to include the VFW is two lots to the south, a 172-acre PUD across the road, the Co-op across the road, and 52 acres of agricultural property on the west side of the subject property. He concluded by requesting the application be approved. Chairman Lange asked if anyone wished to speak in favor of the application.

Nathan Kinsaul, husband of the owner of the dance studio, appeared before the Board and said that they will be purchasing the lot on which to build a dance studio of approximately 3,000 square feet; that they have been in business about 15 years in

Harris County and need to expand; that the condition for the building to be masonry on all four sides may be cost prohibitive; that they are requesting that the condition be amended to require the front or front and sides be masonry; and that they plan to build a metal fabricated building with a masonry facade. Greg Wood, County Manager, said that styrofoam board with stucco coating would qualify as masonry, and that there is another material of interlocking metal parts that look like masonry that might be a possibility. Mr. Kinsaul said that the studio has a positive effect on the community; that they touch close to 100 young children on a weekly basis; that the people in pink (in attendance) are a small portion of their competition team; that when the entire competition team is practicing, they have to use the parking lot to avoid hitting each other due to lack of space; and that they want to expand to bring more business to the County. Chairman Lange asked the dancers to stand up. In response to questions from the Board, Mr. Kinsaul said that they currently have about 800 to 1,000 square feet plus a small office and waiting area in their Cataula location; that they have about 70 students ranging from 2 to 18 years old; that they aren't really projecting an increase in the number of students as much as increase in the space for practice; that they should need no more than 15 parking spaces; that they try to keep their classes at 15 students; and that while he is not sure about an ingress/egress lane, the property abuts US 27 where there are three lanes with two going south.

Jeff Romine, citizen, appeared before the Board and said that the dance school is a positive business for the County; that everything connected to the school is positive; that it is a good business for the County; and that he is in favor of the rezoning.

Kelly Kinsaul, owner of the dance studio, appeared before the Board and said that she has been in business for 15 years; that she loves Harris County and the kids in the County; that some of her graduates are in New York working in shows; that she is blessed to have the job she has; and she wants her students to be excited about moving to a new dance school.

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

Cornelia Dervan, citizen, appeared before the Board and said that she owns 55.30 acres, not 52; that she is opposed to the rezoning; and that she has a house on three acres. In response to a question from the Board, Mrs. Dervan confirmed that her property backs up to the nearby horse farm (Poplar Place).

There being no further comments in opposition, Chairman Lange asked Mr. Tirey for rebuttal.

Mr. Tirey distributed photographs of property near the subject property and explained that the photos show the adjoining tract of property, the co-op across the street, a residence between the lot and the VFW, and the Dervan tract of 52 acres. He said that the Dervan's have a rectangular shaped 3-acre lot further north near Highway 208. Regarding the 52 acres, Mr. Tirey said that it is not developed; that the subject property will not infringe on the use of the 52 acres; that the property taxes on the subject property are \$160 a year and with the new building, will probably go up to \$3,000 a year; and he requested approval of the rezoning.

In response to questions from the Board, Mr. Tirey said that he owns the property but is not the prospective builder.

There being no further questions, Chairman Lange closed the public hearing and asked for a motion.

The motion to approve this rezoning with the conditions recommended by the Planning Commission was made by Commissioner Loudermilk and seconded by Commissioner Woods. Following discussion, Commissioner Loudermilk amended his motion to change condition #3 to only require masonry on the front and both sides, and Commissioner Woods seconded the amended motion. The amended motion passed unanimously with the following conditions: (1) required 20' front setback to

be a minimum 10' landscaped strip (a landscape plan is to be submitted to and approved by the Harris County Community Development Department) with the rear yard setback kept in as a natural vegetative state as possible, and because of the narrow shape of the lot, an increase in the front setback would encroach upon the buildable area of this lot; (2) building front and sides shall be of masonry (brick or stucco); (3) parking lot shall be paved; (4) consideration shall be in place to create connectivity with the C-3 parcel adjacent to the south of the property if and when an active commercial use resumes; (5) the signage of the commercial use shall be restricted to one freestanding sign (if the building is one commercial use, the sign shall be no greater than 64 square feet (a double-sided sign) with a maximum height of six feet, but if there are additional uses, the sign shall be 64 square feet with a maximum height of 8 feet; (6) the number of signs allowed on the building shall be limited to 25% of the area of the wall up to a maximum of 100 square feet; and (7) DOT approval must be received for ingress/egress to the site.

5. APPEARANCE OF CITIZENS (CONTINUED)

- F. **Jim Furin: Videotaping of Meetings Update.** Jim Furin, citizen, appeared before the Board and advised that the Commission meetings, which he videotapes, will soon be posted on You Tube for public access on a site entitled Harris County Concerned Citizens; that it is recommended a link to the You Tube site be on the Harris County website to give all citizens an opportunity to see what their elected officials are doing; and that the video will be unedited. In response to questions from the Commissioners, Mr. Furin said that the videos will show the Board preparing for the meeting, the audience, a view of the Board's dais, a wider view when there is a speaker before the Board, and that while the audio is okay, they would like to tie into the County's sound system, which would make it better. There was a brief discussion regarding the link to the County's website to make sure there wouldn't be any pop-up ads or comments that sometimes get added to You Tube videos; that the videos are broken into parts of about 20 minutes; and that the videos will be archived depending on the number they can keep on the website. Commissioner Woods thanked Mr. Furin for his work on this endeavor, and Commissioner Langston also thanked Mr. Furin; said that the Furins have contributed a lot of time and money to make this happen; and she asked that a link to the You Tube video be posted on the County's website, to which Greg Wood, County Manager, said that shouldn't be a problem.
- G. **Lynn Sanders: Videotaping of Meetings.** Lynn Sanders, citizen, appeared before the Board and said that You Tube does take comments and she is looking at taking those off; that she has been in communication with another site, which she thinks other counties in Georgia use, where live streaming or links can be "in the cloud"; that she understands that site to be affordable; that she is willing to look further into this and report back to the Board on what she finds; and that attending Commission meetings is not something a lot of people want to do after a long day at work and the videos give them an opportunity to do so without having to travel to Hamilton. There were no objections to Ms. Sanders of looking at the other site and reporting back to the Board.
- H. **Charlene Mehlenback: Employee Appeal.** Charlene Mehlenback, citizen, appeared before the Board to comment on how the employee appeal of Edward Walker, which was held on July 15, was handled. There were no comments or questions from the Board.

6. NEW BUSINESS

- A. **Insolvent List of July 2014.** Chairman Lange asked for comments or a motion regarding the insolvent list. Commissioner Woods said that the listing for Parrscape, LLC, should be removed from the list and investigated further because he has seen vehicles with the company name on them at the address listed. Following discussion, the motion to approve the insolvent list, with the exception of Parrscape, LLC, was made by Commissioner Loudermilk, seconded by Commissioner Langston, and passed unanimously.

B. **Airport Committee.** Chairman Lange said that several years ago, the County had formed an Airport Committee made up of the County Manager and two Commissioners (the Chairman and the Commissioner of District 1); that later the Harris County Chamber of Commerce also formed an Airport Committee; that due to confusion with two committees they merged; and that those on the current Committee are Greg Wood, Harry Lange, Jim Woods, Bill Champion, Phil Eberly, Nancy McMichael and from the Chamber, Lynda Dawson and Court Dowis. He said that the County has never formally established the Airport Committee and it has been requested that such be done. Greg Wood, County Manager said that a letter had been received from the Chamber requesting that their representative be their full time paid president. In response to a question about that, Court Dowis, the Chairman of the Board of Directors, said that the Chamber and Executive Committee voted to have whoever the paid Chamber President be on the Airport Committee. Commissioner Loudermilk said that the Board recently approved a ground lease to Mr. Dowis and he would not want to see any conflict of interest that would put the County or Mr. Dowis in a difficult situation. Chairman Lange said that if the appointment is made as recommended by the Chamber, Mr. Dowis would not longer be on the Airport Committee, and only the President, currently Jayson Johnston, would be. Commissioner Woods asked that action be tabled until the August 19 meeting.

7. **COUNTY MANAGER**

A. **Door-to-Door Solicitations.** Greg Wood, County Manager, said that the Sheriff has requested the Board to consider an ordinance to regulate door-to-door solicitations, which are causing issues among the citizenry. Following discussion, there were no objections to moving forward with drafting such an ordinance for consideration.

B. **GEC Proposal Agreement: Base Material Analysis for Mayo Road and Harris Road.** Greg Wood, County Manager, said that there are a couple of areas on Mayo Road and Harris Road that have serious underlying issues that need to be looked at before the roads are paved; that in order to make a determination a core analysis is necessary for the section on Harris Road and Mayo Road; that the cost would be \$6,400; and that the County would provide the traffic control. John Taylor, County Attorney, said that the venue needs to be changed from Bibb County to Harris County. Following discussion, the motion to approve this agreement, with the change of venue, was made by Commissioner Loudermilk, seconded by Commissioner Woods, and passed unanimously. (Document can be found in "Contracts & Agreements" file as C&A #14-23.)

C. **Request for Executive Session.** Greg Wood, County Manager, requested an Executive Session for the purpose of discussing real estate acquisition.

8. **COUNTY ATTORNEY**

A. **SPLOST Agreement w/City of West Point re: Fire Truck.** John Taylor, County Attorney, said that the agreement is from West Point through its Fire Department requesting SPLOST funding of \$350,000, allocated in the 2014 SPLOST, to be paid in quarterly payments of \$20,449.73 toward the purchase of a new fire truck. Discussion included that should the SPLOST proceeds experience a shortfall, the City will refund the County on a proportional allocation; and that the likely scenario of what we collect will include these funds. 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 #14-24.)

9. **OTHER**

A. **You Are Why We're Here Campaign Update.** Commissioner Langston said that a couple of meetings ago, she had requested \$500 to use toward the "You Are Why We're Here" campaign; that through the actions of the County Clerk, this should cost the county zero. She also said that there will be a link on the County's website for

“You Are Why We’re Here”, which is mainly for the education of everyone as to what the County government does; that it’s a great website; and she urged everyone to visit the website.

10. **RECESS FOR EXECUTIVE SESSION**. The motion to go into Executive Session for the purpose of discussing real estate acquisition and personnel was made at 8:40 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 Commissioner Loudermilk, seconded by Commissioner Woods, and passed unanimously.
12. **ADJOURNMENT**. There being no further business to discuss, the motion to adjourn was made by Commissioner Loudermilk, seconded by Commissioner Langston, and passed unanimously.

J. Harry Lange, Chairman

Attest:

Nancy D. McMichael, County Clerk