

**HARRIS COUNTY BOARD OF COMMISSIONERS  
REGULAR SESSION**

August 19, 2014

7:00 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.
2. **MINUTES.** The motion to approve the minutes of the August 5, 2014, 2014, Regular Session, the Dog Classification Appeal Hearing of Janet Prater, and the Dog Classification Appeal Hearing of Lee Slappy, was made by Commissioner Loudermilk and seconded by Commissioner Woods. Commissioner Langston asked that a correction be made to paragraph 5F of the Regular Session minutes regarding having a link on the County's website to the Commission meetings on You Tube. With that correction, the motion to approve passed unanimously.
3. **APPEARANCE OF CITIZENS**
  - A. **Charlene Mehlenbeck: Sunshine Law.** Charlene Mehlenbeck, citizen, appeared before the Board to comment on the Sunshine Law, open meetings, and agenda posting. There were no comments or questions from the Board. Chairman Lange said that the County Attorney will be commenting later in the meeting about open meetings and compliance.
  - B. **Scott Moye: JCG/Koch Foods Issues.** Scott Moye, 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 had contacted the Health Department and EPD and neither will take samples of the water, but that the County could take samples (from the right of way) and send to a private lab for analysis; that he and Chairman Lange will be meeting with the Plant Manager, but they wanted to hear the outcome of Mr. Moye's meeting before they met. Mr. Moye said that he was told they wanted to be good neighbors; that they are in compliance and don't feel like they have to do anything; that they haven't changed to gas yet because EPD has not given them the "go-ahead", but they don't know if that's going to make a difference; that the Plant Manager said he does not hear any of the horn blowing in his office; that they did not discuss the odor, which has been getting worse; and that regarding the run-off, they indicated it has been that way for 50 to 60 years. He said they are not going to do anything unless they are pushed into it and asked if the County could do anything about any of the problems, particularly the run-off; and that he would like for Chairman Lange, Mr. Wood, himself, and a couple of more people from Pine Mountain Valley to meet with JCG/Koch reps so they all hear the same thing. Chairman Lange said that the County needs to try every avenue it can to include collecting water samples and have them analyzed; that John Taylor, County Attorney, can determine if there are any legal means the County can pursue; that after he and Mr. Wood meet with JCG/Koch reps any subsequent meetings should include Mr. Moye and a couple of others; whether or not the County can make them do anything, we can ask and speak as one voice to let them know we want the issues addressed. Mr. Moye said he is not going to stop until the issues are resolved, and Chairman Lange said he doesn't blame Mr. Moye; that Mr. Wood is trying to set up a meeting with the Plant Manager; and they after that, Mr. Moye will be advised of the outcome of that meeting; and that in the meantime, the County Attorney will determine if there is any legal means to require something be done.

In response to a question from Chairman Lange about the water sampling and testing, there were no objections from the Board and comments included that it should be a third party lab. Mr. Wood said that the water would be tested for all contaminants and toxins, and Commissioner Woods said that chemicals should also be included. Mr. Wood said that he will talk to Jeff Culpepper, Water Works Director, to get his input.

4. **OLD BUSINESS**

- A. **Airport Committee Appointments**. Chairman Lange said that this had been tabled from the August 5 meeting, and reminded the Board as to the history regarding the Airport Committee (a three-member committee of the County, a committee of the Harris County Chamber of Commerce, the merging of the two, but no official committee being appointed by the Board); and said that a committee should be officially appointed by the Board. He then recommended the following be appointed as the Airport Committee: County Manager (Greg Wood); the district Commissioner (Commissioner Woods); Commission Chairman (himself); the Airport Manager (Bill Champion); the paid president of the Harris County Chamber of Commerce (Jayson Johnston); the airport consultant (Phil Eberly); the County Clerk (Nancy McMichael); and as an at-large appointment (Lynda Dawson); and that terms are not needed at this time. He then made the motion regarding the appointments. The motion was seconded by Commissioner Woods, and passed unanimously.
- B. **Insolvent Request for 2014: Parrscape, LLC**. Chairman Lange said that this listing ad been removed from the list approved during the August 5 meeting because more information was necessary. He said that the Tax Commissioner had responded by indicating that the business operates out of Valley, Alabama; that it was never in Harris County; that a business license was applied in error; that the bill was sent in error; and that the County cannot collect taxes from a business that never existed in the County. Following discussion, the motion to approve the insolvency was made by Commissioner Woods, seconded by Commissioner Langston, and passed unanimously.

5. **NEW BUSINESS**

- A. **Harris County Chamber of Commerce Tourism Report**. Jayson Johnston, President of the Harris County Chamber of Commerce, and Court Dowis, Chairman of the Board, appeared before the Commissioners, distributed the annual report, and reviewed same.
- B. **First Reading: Application of Shaspal Singh for Beer & Wine Off-Premises at Midway Grocery, 10016 GA Highway 315, Cataula**. Chairman Lange read the specifics of the application and said that this was the First Reading; that the Sheriff and Community Development had recommended approval; and that action will be taken following the Second Reading. The applicant nor his representative were in attendance. Discussion included that the former alcohol license at this location was revoked in September of 2013 and the new license, if approved, cannot be issued until a year after the revocation date.
- C. **Development Authority Appointment**. Chairman Lange said that with the suspension of Charles Wyatt as Commissioner, a vacancy has resulted on the Development Authority that needs to be filled. He said that he was formerly on the Authority and had no objections to being appointed. The motion to appoint Chairman Lange to the Development Authority was made by Commissioner Langston, seconded by Commissioner Loudermilk, and passed unanimously.
- D. **Budget Amendments FY 13/14**. Commissioner Langston tabled discussion until the September 2 meeting due to questions she has.
- E. **Financial Statement: June 2014**. Commissioner Langston tabled action until the budget amendments are made.
- F. **Drawdown at Fort Benning**. Chairman Lange said that Fort Benning is in danger of losing an entire brigade; that an Army study shows that the loss of a brigade will cost about \$1.3 billion in revenues and taxes, almost 14,000 soldiers and jobs would be lost, and with family members, the total would be about 27,000; that there were recent investments of \$3.5 billion in infrastructure, construction and modernization of buildings at Fort Benning; and investments of small businesses, local governments,

housing, utility and education entities of over \$3.2 billion; that when this was brought up about two years ago, there was a surge of letters and local representation with the result being not to do anything at Fort Benning at that time; and that articles have been in the news recently about how to support Fort Benning. He then made the motion to send a letter, a copy of which was included in the meeting packets, on behalf of the Board to the US Army Environmental Command. The motion was seconded by Commissioner Langston. Commissioner Loudermilk said that the letter blames the entire issue on Washington's Sequester, but the downsizing of the military, not just the Army, was the result of the President's budget; and while he is in support of the letter, should include mention of the President's budget. Commissioner Woods said that the Army spent two years asking civilians to make investments for the build-up in Fort Benning, and the individuals who did so are now at risk due to downsizing. Chairman Lange said that before the letter is sent, clarification will be made regarding the President's budget as well as the civilian investments. The motion to send the letter, pending wording clarification, passed unanimously.

## 6. COUNTY MANAGER

- A. **Agreement with Caterpillar/Yancey: 420F Backhoe Loader for Solid Waste.** Greg Wood, County Manager, said that Solid Waste is in need of a Backhoe Loader; that the buyback agreement is the same as similar previous agreements with Caterpillar/Yancey; that it is for a 420F Backhoe Loader with a purchase price of \$94,144, a repurchase price (in five years) of \$48,381, with monthly payments of \$964.42. Following discussion, the motion to approve this buyback agreement was made by Commissioner Woods, seconded by Commissioner Loudermilk, and passed unanimously. (Document can be found in "Contracts & Agreements" file as C&A # 14-25.)
- B. **Filter Rebuild at Water Filter Plant.** Greg Wood, County Manager, said that the second filter at the Water Filter Plant is due for rebuild; that we are in the process of rebuilding one a year for four years; that the company that does the rebuild is a sole source in that no other company does such work; that the base cost of the rebuild is \$76,700 and is additional plating is required, there will be an additional Charge of \$9,810. The motion to approve the rebuild of the second filter was made by Commissioner Woods, seconded by Commissioner Langston, and passed unanimously.
- C. **HVAC Replacement at Jail.** Greg Wood, County Manager, said that an HVAC had to be replaced at the Jail last week; that the cost for repair was going to be about 60% of the replacement cost; that the cost is \$3,90.56 plus \$749 for crane rental, for a total of \$4,629.56; and that he would like to pay for same from the Jail Fund. The motion to approve paying for the HVAC replacement using Jail Funds was made by Commissioner Loudermilk, seconded by Commissioner Woods, and passed unanimously.

## 7. COUNTY ATTORNEY

- A. **Open Meetings and Agenda Compliance.** John Taylor, County Attorney, said there have been questions raised recently about whether or not the County is in compliance with the open meetings law. He then reviewed his findings to include that the law calls for the posting of a notice at least one week in advance and maintained in a conspicuous place available to the public at the regular place of the meeting; that such notice must designate the date, time and place of the meeting; and that such a notice, indicating that the Board meets on the first and third Tuesday of each month at 7:00 PM in room 223 of the Courthouse, is posted not only on the bulletin board in the lobby of room 223 but is also on the County's website. He said that regarding the agenda, the law calls for it to show all items expected to come before the Board; that it is to be made available upon request; that it is to be posted at the meeting site as far in advance of the meeting as reasonably possible but is not required to be available more than two weeks prior to the meeting; and that it is to be posted some time during the two-week period immediately prior to the meeting; and that the Commissioners'

meeting agenda is posted not only on the bulletin board in the lobby of room 223, but also on the County's website, at the Commissioners' office, and printed in the Harris County Journal. He said that it is his opinion the County meets the requirements of the posting of the meeting as well as the posting of the meeting agenda. He also noted that the law stipulates that failure to include an item on the agenda does not preclude it from being considered and acted upon during the meeting.

8. **RECESS FOR EXECUTIVE SESSION.** The motion to go into Executive Session for the purpose of discussing real estate acquisition and personnel was made at 8:05 PM by Commissioner Woods, seconded by Commissioner Langston, and passed unanimously.
9. **RESUME REGULAR SESSION.** The motion to resume the Regular Session was made by Commissioner Loudermilk, seconded by Commissioner Woods, and passed unanimously.
10. **ADJOURNMENT.** There being no further business to discuss, the motion to adjourn was made by Commissioner Loudermilk, seconded by Chairman Lange, and passed unanimously.

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J. Harry Lange, Chairman

Attest:

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Nancy D. McMichael, County Clerk