

**HARRIS COUNTY BOARD OF COMMISSIONERS  
REGULAR SESSION**

October 7, 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 September 16, 2014, Regular Session was made by Commissioner Loudermilk, seconded by Commissioner Woods, and passed unanimously.
3. **OTHER**
  - A. **American Legion Day Proclamation Presentation.** Chairman Lange said that during the September 16 meeting, the Board approved a proclamation declaring September 16 as American Legion Day in Harris County and that tonight, members of the American Legion are present to receive the proclamation. The Commissioners posed for photographs with members of the American Legion.
4. **APPEARANCE OF CITIZENS**
  - A. **Lynda Dawson: District 1 Representation.** Lynda Dawson, citizen, appeared before the Board to express her concern, and that of others in District 1, that they have no representation on the Board; that nothing has been said about the absence of the District 1 commissioner; that it appears to be business as usual even though there is a member absent; that people are concerned that nothing is being done about it and they don't have any representation; that for example if roads are being paved, others will be paved before any in District 1 would be paved; that District 1 is just as important as the other districts; and that the people in District 1 aren't being represented. Chairman Lange said that regardless of the absence of District 1 commissioner, the board considers what is best for all citizens of the County, and not just those in their district; and that regarding the absence of District 1 commissioner, that is in the hands of the Governor; that the Board has done all it can regarding the issue. John Taylor, County Attorney, said that process regarding the District 1 seat is beyond the process of what the Board of Commissioners can do; that proper notices were given and it is the Governor's discretion as to whether and when a replacement is made; and that citizens can contact the Governor. Mrs. Dawson said that another concern is whether or not the decisions being made without District 1 representation are as legal as if a District 1 representative was on the Board. Mr. Taylor replied that actions taken by the sitting Board are legal and binding even though one commissioner is absent, and he added that the Commissioners have an obligation to do what is best for all citizens of the County. Commissioner Loudermilk echoed that the Commission has done all it can do regarding the absence of the District 1 commissioner.
  - B. **Scott Moye: JCG/Koch Foods Issues.** Scott Moye, citizen, appeared before the Board concerning the issues he has with JCG/Koch Foods. Discussion between Mr. Moye and the Board included that since the last meeting Chairman Lange has talked to JCG/Koch reps two times since the last meeting; that they have not yet started on the ditch near the shipping dock. Greg Wood, County Manager, said that even though he visited the plant today, he did not go back to the shipping dock area; that the water sample is scheduled to be taken next Monday; and that they will continue to push GDOT to close the cross drain and reroute further down to their property. Chairman Lange said that if the water test results show something that needs to be addressed, then EPD will get involved, but until then they won't do anything until after the water sample has been taken and tested. Mr. Moye said that he believes the loud noise he has been hearing is that of a chipper, but that something needs to be done about the noise. Mr. Wood said that JCG/Koch has about three months supply of cardboard left after which they will switch over to the gas, which should reduce the noise. Chairman Lange said he and Mr. Wood will continue to be in touch with JCG/Koch reps.
  - C. **Bobby Haralson: JCG/Koch Foods Issues.** Bobby Haralson, citizen, appeared before the Board and said that something has to be done about the odor from JCG/Koch; that the odor last week was the worst than it has even been and he has been in the area 78 years; that he doesn't know why the Board can't enforce the laws of public nuisance and stop the problems with the plant; and that one of these days, they will control their own destiny, one way or the other; that they have been talking about incorporating into a city; and that the gas company

has put in some lines, but not connected them. Chairman Lange said that he does not know what the gas company told the residents, nor does he know their schedule, but he is sure the gas company would be happy to tell the citizens about it, and that he will ask the gas company about the issue when he next talks to them.

5. **OLD BUSINESS**

- A. **Second Reading: Unsafe Building Ordinance.** Chairman Lange said that this was the Second Reading of the ordinance; that copies were available on the back table; and that it had been posted on the County's website. He asked if anyone wished to speak in favor of the ordinance. There being none, he asked if anyone wished to speak in opposition.

Will Rodgers, citizen who lives on Hoody Hudson Road, appeared before the Board and said that the ordinance was not read out loud during the previous meeting, so this is not the second reading; and that posting it on the internet is not recognized by the State. Chairman Lange said that ordinances are not read out loud, and never have been as far as he knows. Mr. Rodgers said that he does not see the need to have more laws affecting property owners; and that he is totally against the ordinance.

Bobby Haralson, citizen, said that he is opposed to the Ordinance since he does not have representation (District 1); that if it is passed, he is not going to abide by same; and that it should be postponed. Chairman Lange said that the County Attorney has already addressed the fact that action by the Board is legal even though a District 1 Commissioner is not present.

6. **PUBLIC HEARING @ 7:30 PM**

- A. **Explanation of Public Hearing Procedures.** Chairman Lange explained the procedures involved with the scheduled Public Hearing.
- B. **Application of Board of Commissioners to amend the Text of the Zoning Ordinance, Articles II, IV and V, to define and add Snack Shop.** Chairman Lange called the Public Hearing to order, read the specifics of the application, and said that the Planning Commission had recommended approval of the text amendment. He said that the purpose of the text amendment is to allow the selling of pre-packaged foods and/or beverages in certain principal uses. Greg Wood, County Manager, said that this addition would be beneficial to those properties where certain principal uses are conducted.

Chairman Lange asked if anyone wished to speak in favor of the amendment. There being none, he asked if anyone wished to speak in opposition to the amendment.

Linda Straub, citizen who lives on Hopkins Farm Road, appeared before the Board and said that agri-tourism was developed to encourage the retention of farm activities and supplement farm income; that snack shop is a purely commercial enterprise to be allowed only in agricultural zoning; and that in order to bring this use more in line with agricultural settings, it should be required to vend Georgia produced products as at least half of its inventory, which is similar to the requirements for a farmers market. Chairman Lange said that packaging these days for soft drinks and what not, just simply the parent company and not particularly where the product was produced. He asked if there were any other comments in opposition. There being none, he asked Mr. Wood for any closing comments.

Mr. Wood said that while Mrs. Straub's comments are well taken, the addition of snack shop is an accessory use to an agri-tourism venture and not a primary use.

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

The motion to approve the text amendment regarding Snack Shop was made by Commissioner Woods, seconded by Commissioner Loudermilk, and passed unanimously.

7. **OLD BUSINESS (CONTINUED)**

- A. **Second Reading: Unsafe Building Ordinance (continued).** John Taylor, County Attorney, reviewed the ordinance in detail, explaining what can and cannot be done under the ordinance, and stressed it provides a mechanism not currently in place to address and correct unsafe and unsanitary structures and conditions; that the authority is granted by Georgia

statute; that it addresses dwellings or structures that are unfit for human habitation, or commercial, industrial, or business structures that are not in compliance with the code, or vacant property used for drug crimes; that they are specific steps, which he reviewed, that must be followed to take action in connection with the ordinance; and that there is an exemption for buildings on agricultural property that are being used for agricultural purposes.

There being no further comments, Chairman Lange asked for a motion. Commissioner Woods made the motion to approve the Ordinance, and Commissioner Langston requested that action be tabled until the October 21 meeting. There were no objections.

- B. **Bridge Work.** Greg Wood, County Manager, said that he had checked with the School Board and the only bridge causing issues for them is Mt. Airy; that with the bid prices on the other bridges, the County does not have enough money to address these five bridges at this time; and he suggested that the County take care of Mt. Airy and maybe one or two other bridges, depending on funding. There were no objections.
- C. **Juvenile Drug Court Application Update.** Commissioner Loudermilk reminded the Board that Harris County had joined Muscogee County in applying for a grant to establish a drug court in Harris County; and that the application for a three-year grant to expand the Juvenile Drug Court into Harris County had been denied.

## 8. **NEW BUSINESS**

- A. **Sgt. Maurice Raines: Status Update of GSP Post #2.** Sgt. Raines, of GSP Post #2, appeared before the Board and gave a status report for the new Post location, and reminded the Board that the Post serves both Harris and Troup counties.
- B. **Ellerslie Park Aerial Mapping & Topographic Survey Proposal.** Greg Wood, County Manager, said that a proposal had been received from Haralson & Adams to perform aerial mapping and topographic survey of Ellerslie Park; that such mapping and survey are needed in order to further plan the development of the Park; that two options are proposed; that it is recommended that Option #2, which include aerial mapping, control network for aerial data, and the merging of aerial data with boundary survey along with additional field run survey data along right-of-way improvements and cross sections to encompass the existing dam and spillway, at a cost of \$5,400; and that the funding will come from the proceeds from the sale of the Ridgeway Road property. The motion to approve Option #2, which totals \$5,400, was made by Commissioner Loudermilk, seconded by Commissioner Langston, and passed unanimously.
- C. **Country Charm Court: Acceptance.** Chairman Lange asked Commissioner Loudermilk to discuss this matter since County Charm Court is in his district. Commissioner Loudermilk said that 82% of the property owners have requested that the County accept Country Charm Court as a County road, for maintenance purposes with the possibility of paving in the future. Following discussion, the motion to accept Country Charm Court as a County road for maintenance purposes was made by Commissioner Loudermilk, seconded by Chairman Lange, and passed unanimously.
- D. **Financial Statement: July 2014.** At the request of Commissioner Langston, action was tabled to the October 21 meeting.
- E. **Appointments.** Chairman Lange said that several appointments are needed, as follows:
  - (1) **Housing Authority.** Due to the resignation of Claudette Boelter, a recommendation has been made by a member of the Housing Authority to appoint the Reverend James Taylor to complete Ms. Boelter's term, which expires October 31, 2016.
  - (2) **New Horizons Community Service Board.** State law has been amended to add three elected officials to this Board; that the executive director of the Board has requested that Thomas "Rusty" Bowden, Jr., Mayor of Waverly Hall, be appointed to serve on the NHCSB from September 8 until the end of his mayoral term, with the other two elected officials from other counties.
  - (3) **Region 6 Board of Behavioral Health & Development Disabilities.** Due to the resignation of Claudette Boelter, a recommendation has been made to appoint Reverend James Taylor to complete Ms. Boelter's term, which expires June 20, 2015.

- (4) West Central Georgia Region 7 EMS Council. Due to the retirement of David McCall, a recommendation has been made by Jimmy Carver, EMS Director, to appoint Dr. Rob Harris, an orthopaedic trauma surgeon who lives in Harris County, to fill the position formerly held by Mr. McCall. Dr. Harris' term would expire June 30, 2016.

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

- F. **Recognition of Jayson Johnston**. Commissioner Loudermilk said that congratulations are in order for Jayson Johnston, president of the Harris County Chamber of Commerce, who was named one of the "Top 40 Under 40" by Georgia Trend magazine.

9. **COUNTY MANAGER**

- A. **CDBG 2015: Interest**. Greg Wood, County Manager, said that the River Valley Regional Commission has advised that the next round of CDBG applications will be due soon and they want to know if the Board has any interest in applying for same. Commissioner Woods said that he would like Pine Lake subdivision to be considered for the next CDBG application. There were no objections.

- B. **Bid Results and Award: Ten Roads**. Greg Wood, County Manager, said that bids were received for the resurfacing of nine roads and the paving of the entrance to the Hamilton Business Park; that six of the roads are in Pine Mountain and Hamilton; that the bids came in higher than expected; and that funding will come from current County TSPLOST, 2009 SPLOST for Roads, 2009 SPLOST for Economic Development (for the entrance to Hamilton Business Park), TSPLOST of Pine Mountain and Hamilton, and LMIG Funds. Bid results:

	CW Matthews, Marietta, GA	Robinson Paving, Columbus, GA
Bid Total	\$ 1,777,777.77	\$ 1,909,924.01

Mr. Wood recommended the bid be awarded to CW Matthews for the low bid of \$1,777,777.77. The motion to award the bid as recommended was made by Commissioner Woods, seconded by Commissioner Loudermilk, and passed unanimously.

- C. **Bid Results and Award: Two Bridges**. Greg Wood, County Manager, said that bids were received regarding the replacement of the bridge on Mayo Road over Osshatchie Creek and the rehabilitation of the bridges on Jordan Road over Mulberry Creek and O Street over Palmetto Creek; that the bids came in higher than expected; that the engineer has recommended that the O Street over Palmetto Creek bridge be dropped at this time and to move forward with the Mayo Road and Jordan Road bridges, pending negotiation with the bridge contractor; and that funding will come from LMIG, current TSPLOST, and 2009 SPLOST for Roads. Bid results:

Bridge	Comanche Const. Marietta, GA	Massana Const. Tyrone, GA	Rogers Bridge Atlanta, GA
Mayo Road over Osshatchie Creek	\$ 388,086.334	\$ 450,407.000	\$ 402,926.440
Jordan Road over Mulberry Creek	\$ 149,501.333	\$ 250,441.000	\$ 245,355.600
O Street over Palmetto Creek	\$ 94,203.333	\$ 167,490.000	\$ 131,026.880
TOTAL	\$ 631,791.00	\$ 868,338.00	\$ 779,308.92

Mr. Wood recommended the bid be awarded to Comanche Construction with the total pending negotiations regarding dropping O Street over Palmetto Creek. The motion to approve the recommendation was made by Commissioner Loudermilk, seconded by Commissioner Woods, and passed unanimously.

- D. **Bid Results and Award: Mowers**. Greg Wood, County Manager, said that bids were requested for three zero-turn mowers; that two are for the Prison and one is for Recreation; and that the cost was included in the budget. Bid results:

	Anthony's Lawnmower Repair West Point, GA	Hamilton Equipment Columbus, GA	Price Small Engines Opelika, AL
Bid Amount	\$ 17,100.00	\$ 24,350.00	\$ 23,742.90
Make	Snapper Pro	Scag Tiger Cat	Grasshopper
Model	S200XTB2761	STC61V 26CVEFI	225/61

Mr. Wood recommended the bid be awarded to Anthony's Lawnmower Repair for the low bid of \$17,100 (\$5,700/mower). The motion to award the bid as recommended was made by Commissioner Langston, seconded by Commissioner Loudermilk, and passed unanimously.

- E. **Bid Results and Award: Mulcher/Blower.** Greg Wood, County Manager, said that bids were received for a power mulcher/hay blower for Public Works; and that the cost was budgeted. Bid results:

	United Rentals, Columbus, GA	Cody Development, Fortson, GA
Bid Amount	\$ 22,585.00	\$ 25,455.00
Make	Reinco	Reinco
Model	TM-35X	TM-35X

Mr. Wood recommended the bid be awarded to United Rentals for the low bid of \$22,585. The motion to award the bid as recommended was made by Commissioner Loudermilk, seconded by Commissioner Woods, and passed unanimously.

- F. **Bid Results and Award: Pre-Cast Materials (CDBG).** Greg Wood, County Manager, said that bids were received for pre-cast materials needed for the Kings Gap CDBG project; that only one bid was received from Foley Products of Newnan, GA, for \$6,040; that the funds will come from CDBG; and he recommended awarding the bid to Foley Products. The motion to award the bid as recommended was made by Commissioner Woods, seconded by Commissioner Loudermilk, and passed unanimously.
- G. **Radio System Cost Increase.** Greg Wood, County Manager, said that there are some additional costs for the radio system; that the additional costs include more radios for the volunteer fire departments (\$45,399), tower site at Harrisville Road (\$65,000), tower site at Waverly Hall (\$65,000), 49 upgrades for patrol deputies (\$49,000), bailiff radios (\$5,420), EMS base station radios (\$14,025), and miscellaneous equipment for E 9-1-1 installation (\$17,332), for a total of \$261,176; that the cost for the VFD radios could possibly be reduced depending on the number of current radios turned in; and that funding would come from General Funds and possibly the 2009 SPLOST. Following discussion and in order to avoid further delay of the installation of the TETRA radio system, the motion to approve the additional cost was made by Commissioner Woods, seconded by Commissioner Loudermilk, and passed unanimously. The Board requested that Dean Ginn, of Dean's Commercial Two-Way, be attendance at the October 21 meeting to further discuss these costs.
- H. **SWOT (Strengths, Weaknesses, Opportunities & Threats).** Greg Wood, County Manager, said that the next SWOT meeting will be Tuesday, October 14, from 5:30 PM to 7:30 PM at the Callaway Gardens Conference Center at Mountain Creek Inn.
- I. **DNR Recreational Trails Program Grant.** Greg Wood, County Manager, said that the Georgia DNR will be accepting applications for grants in connection with recreational trails, and that he would like to submit an application for assistance with the trails in Ellerslie Park. There were no objections.
- J. **Rails to Trails Status Update.** Chairman Lange said that Georgia DOT has rearranged its commitments for Transportation Enhancement (TE) projects, and it appears that the County's Rails to Trails project, the Railroad Recreation Trail, now has a projected let date of FY 2020.

10. **COUNTY ATTORNEY**

- A. **Fears Property Purchase Update.** John Taylor, County Attorney, reported that the purchase of the 19 acres from the Fears estate had been completed and that the deed had been recorded.

11. **RECESS FOR EXECUTIVE SESSION.** The motion to go into Executive Session for the purpose of discussing real estate acquisition and/or disposition and personnel was made at 8:07 PM by Chairman Lange, seconded by Commissioner Langston, and passed unanimously.

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

13. **PERSONNEL**

- A. **Animal Control Assistant from Part-Time to Full-Time.** The motion to change the part-time Animal Control Assistant to a full-time position was made by Chairman Lange, seconded by Commissioner Langston, and passed unanimously.

14. **ADJOURNMENT**. There being no further business to discuss, the motion to adjourn was made by Commissioner Loudermilk, 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