

**HARRIS COUNTY BOARD OF COMMISSIONERS  
REGULAR SESSION**

November 4, 2014

7:00 P.M.

Commissioners Present: J. Harry Lange, Joey M. Loudermilk, Becky Langston, Jim Woods. 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. **PLEDGE OF ALLEGIANCE.** Chairman Lange said that it had been suggested by Martha Chewning, candidate for District 1 Commissioner, that she would like to see the Pledge of Allegiance said at each meeting; and that he liked the idea, but doesn't want to wait to start saying the Pledge of Allegiance. He then led everyone in attendance in the Pledge, and thanked Mrs. Chewning for the suggestion.
3. **MINUTES.** The motion to approve the minutes of the October 21, 2014, Regular Session was made by Commissioner Loudermilk, seconded by Commissioner Woods, and passed unanimously.
4. **APPEARANCE OF CITIZENS**
  - A. **Scott Moyer: JCG/Koch Foods Issues.** Scott Moyer, citizen, appeared before the Board concerning the issues he has with JCG/Koch Foods. Discussion between Mr. Moyer and the Board included that JCG had completed the drain for washing the trucks; that GDOT will not close the cross drain, due to high costs, but might be willing to consider a retention pond; that the water testing, while not conducted to standards, showed elevated levels of e-coli; that the County will contact EPD about e-coli going into the streams and ultimately into the Chattahoochee River; that while the USDA oversees the chicken production, it does not deal with water contamination. Mr. Moyer said that the noise is getting louder and occurs even at 2 AM or 4 AM. Chairman Lange said that the County will try to get water samples from the creeks.
  - B. **Bobby Haralson: JCG/Koch Foods Issues.** Bobby Haralson, citizen, appeared before the Board and said that years ago, the USDA had an inspector at the plant (when it was Cagle's) on every shift, but that now they use their own Quality Control person; that the water from the plant goes into Fork Creek, to Bethlehem Creek, to Bethel Creek, to Dowdell Mill Creek, to Mulberry Creek and to the Chattahoochee River; that the water that goes onto Scott Moyer's property goes into a creek that crosses B & K Streets, then into Beaver Creek, to Palmetto Creek, to Mulberry Creek and to the Chattahoochee River; that e-coli is dangerous; and that the cages on the trucks are never washed and leave a trail of feathers from here to LaGrange.
5. **OLD BUSINESS**
  - A. **Financial Statement: August 2014.** Chairman Lange said that the August financial statement had been tabled during the last meeting pending indicators as to why some budgets were higher than they should be. The motion to approve the August 2014 financial statement was made by Commissioner Loudermilk, seconded by Commissioner Woods, and passed unanimously.
6. **NEW BUSINESS**
  - A. **Proclamation for Central Missionary Baptist Church.** Chairman Lange read the proclamation regarding the 130<sup>th</sup> anniversary of Central Missionary Baptist Church. In attendance to receive the proclamation were Rosie Richards and her husband, Command Sgt. Major Jimmy Richards.
  - B. **Recognition of Veterans Day.** Chairman Lange said that on behalf of the Board, he would like to thank all veterans for their service in recognition of the upcoming Veterans Day.
7. **PUBLIC HEARINGS @ 7:30 PM**
  - A. **Explanation of Procedures.** Chairman Lange explained the procedures involved with the scheduled public hearings.

- B. **Conflict of Interest Forms.** The Conflict of Interest forms, regarding the Special Use Permit, were completed at the request of Chairman Lange.
- C. **Application of Karl & Debbie White for a Special Use Permit for an Equestrian Facility on Land Lots 168 & 169, Land District 19, Map 031, Parcel 032; property zoned A-1 (agricultural/forestry) and located at 11911 Whitesville Road, Fortson.** Chairman Lange called the Public Hearing to order, read the specifics of the application, and said that this was the second reading, the first having been held before the Planning Commission, who recommended approval, and the Planner, who had made the following recommendations: (1) increase property line setback for the stables to 100 feet; (2) any outdoor lighting for the riding arena and stables must be designed and maintained so that no lighting becomes a nuisance to adjoining properties; (3) limit use to that stated by applicant; (4) no advertising to the public; and (5) limit horses to 20; limit clinics to 3 times a year, weekends only; and the comment that the application is strictly for an equine facility and that charity events for skeet shooting are not being addressed.

Karl and Debbie White, applicants, appeared before the Board to explain their request and respond to questions. Mrs. White said that they are planning to have an open-air covered arena, a barn with 16 stalls; that she wants to invite her friends over to hold practice clinics to train for their competitive horse event; that each clinic would last two to three days, or possibly longer depending on the training; that the arena would be covered and lighting would be from the roof pointing straight down; that she would not like to be limited to three clinics a year nor to 20 horses; that she does not intend to publicly advertise; that she does not want board/stable horses of others or to have people coming and going on their property; that she currently has seven (7) horses of her own; and that they have applied for a conservation easement with the State. Mr. White said that he did not agree with all the recommended conditions, particularly the 100 foot setback.

Following discussion, Chairman Lange asked if anyone wished to speak in favor of this Special Use Application. There being none, he asked if anyone wished to speak in opposition.

Jim Hilt and his wife, Caroline Early, who live on Troop Drive in Callaway Woods, appeared before the Board. Mr. Hilt said that he is in favor of the recommended conditions; that he would also like to see no commercial use, as well; that he likes the idea of a conservation easement; and that he would also like to see no commercial sales and no commercial horse shows as conditions.

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

Mrs. White said that she does not intend to have any commercial ventures on the property nor will she have horse shows; that they plan to have a clinician to assist with the clinics; and that it takes five horses to do the type of training (cattle cutting) they do. Mr. White said that the clinics will have jackpots whereby the ladies chip in and the winner may end up with \$200 or \$300, but the whole weekend might have cost them \$3,000; that the venture will not be a commercial business. Mrs. White that she will not be boarding or stabling horses, except those that are brought in and stay over night for the clinics.

Commissioner Langston said that the subject property is in her district; that she is not in opposition to the request; that there have been at least two other similar requests she voted against; and that while she is not opposed to the Special Use Permit classification, she is opposed in this instance and is concerned about it possibly moving into something else in the future. Mrs. White said that the conservation easement will prevent them from doing anything else; that people attending the clinics are from Alabama, north Georgia and north Florida and will more than likely stay from two to four days. Discussion included suggestions regarding the recommended conditions. Following discussion, Chairman Lange closed the Public Hearing and asked for a motion.

The motion to approve the Special Use Permit was made by Commissioner Loudermilk with the following conditions: (1) any outdoor lighting for the riding arena and stables must be designed and maintained so that no lighting becomes a nuisance to adjoining properties; (2) no advertising to the public; (3) no loud speaker system; (4) no commercial boarding; (5) no commercial sales; (6) no commercial horse shows; and (7) limit the barn to 20 stalls. The motion was seconded by Commissioner Woods and passed with three in favor (Loudermilk, Woods, Lange) and one opposed (Langston).

- D. **Application of Martin Tobey to Amend the Zoning Ordinance, Articles IV and V, to add Cottage Food Operators as a Residential Home Occupation.** Chairman Lange called the Public Hearing to order, read the specifics of the application, and said that this is the second reading, the first having been before the Planning Commission, who recommended approval. At the request of Chairman Lange, John Taylor, County Attorney, said that Cottage Food Operators are regulated by the Georgia Department of Agriculture and he briefly reviewed the regulations regarding same. Discussion included that the Department of Agriculture would issue the permit, and then the owner would have to get a business license from the County; that the Health Department may or may not be involved with inspections of the location.

Martin Tobey, applicant, and his wife, appeared before the Board to explain the reason for the amendment. Mr. Tobey read a prepared statement and said that he and his wife would like to be able to sell jams and jellies at fairs, festivals, and other similar events, but that in order to do so, they not only have to have approval from the Department of Agriculture, they also need a business license for same; and that because they live in a Resort district, they would like to add Resort to the districts in which residential home occupations are permitted.

Chairman Lange asked if anyone wished to speak in favor of or in opposition to the Text Amendment. There being none, he asked the Board for comments or questions.

In response to questions from Commissioner Loudermilk, Mr. Tobey said that in order to get approval from the Department of Agriculture, a person must pass a test, and receive a score of 80 or above; and that it is not an easy test. There being no further comments or questions, Chairman Lange closed the Public Hearing and asked for a motion.

The motion to approve the Text Amendment for Cottage Food Operators was made by Commissioner Loudermilk, seconded by Commissioner Langston, and passed unanimously.

- E. **Application of SolAmerica, Inc., to Amend the Zoning Ordinance, Articles II, IV and V, to add Solar Collections Systems as an accessory use.** Chairman Lange called the Public Hearing to order, read the specifics of the application, and said that this is the second reading, the first having been before the Planning Commission, who recommended approval. Pete Franetovich, representing SolAmerica, appeared before the Board and said that the reason for the amendment is to allow a solar collection system next to the Discovery Center on property owned by the Ida Cason Callaway Foundation (ICCF). There being no questions, Chairman Lange asked if anyone wished to speak in favor of or in opposition to the Text Amendment. There being none, he asked for comments or questions from the Board.

In response to questions from the Board, Mr. Franetovich said that the panels would be in an area visible from the Discovery Center; that the panels would be on posts, would face in a southerly direction, and would be in several rows; that the ICCF wants people to be able to see the solar panels as well as to observe the systems readings on a computer-like screen; that the power will actually go back on the grid; and that Georgia Power is involved with the solar panel system. Discussion included that rather than allow solar collection systems in all districts, that they only be permitted in Resort districts, but not on residential property owned by individuals that is in Resort districts. There being no further comments or questions, Chairman Lange closed the Public Hearing.

The motion to approve the Text Amendment, but to allow solar collection systems only in Resort districts, but not on residential property owned by individuals within Resort districts, and to delete the first sentence in Article V, section 23.1(a), which reads “freestanding solar panels shall only be permitted in the rear and side yards in the commercial and manufacturing zoning districts, and in the rear yard only of agricultural and residential zoning districts”, was made by Chairman Lange, seconded by Commissioner Loudermilk, and passed unanimously.

8. **NEW BUSINESS (CONTINUED)**

- C. **District Attorney Office Update: Richard Mobley.** Richard Mobley, Assistant District Attorney, appeared before the Board and gave an update on the reduction in the number of cases as a result of the addition of two attorneys.
- D. **Reappointment to Board of Zoning Adjustments.** Commissioner Langston made the motion to reappoint Rick Cozine to the Board of Zoning Adjustments for the term of October 1, 2014, through September 30, 2017. The motion was seconded by Commissioner Loudermilk, and passed unanimously.

9. **COUNTY MANAGER**

- A. **Bridge Contract Adjustment.** Greg Wood, County Manager, reminded the Board that it had awarded the bridge contract for three bridges, pending negotiations with the bridge contractor to reduce to two bridges; that he had negotiated with the contractor, but deleting one bridge will cause the mobilization costs to increase by \$10,000; and that even with the additional cost, the contractor is still low bidder. There were no objections to moving forward with the negotiated bid.

10. **COUNTY ATTORNEY**

- A. **Project River MOU.** John Taylor, County Attorney, said that this document is for a company, whose name is yet to be disclosed, to be located in the Northwest Harris Business Park, a \$16.5 million project, with a 250,000 square foot building, up to 200 employees within 36 months, on 32 acres; that there will be five year tax abatement during which the company will make payments in lieu of taxes, and that there is a claw back if they do not reach the threshold of 200 employees in 36 months. He also said there is still some tweaking to do on the MOU, but authorization is needed for the Chairman and Clerk to execute necessary documents, and he recommended approval of same. The motion to approve the MOU, pending minor changes, and to authorize the Chairman and Clerk to execute the final documents was made by Commissioner Langston, seconded by Commissioner Woods, and passed unanimously. (Document can be found in "Contracts & Agreements" file as C&A #14-32.)

- B. **Agreement with Clerk of Superior Court: Technology Funds.** John Taylor, County Attorney, said that this document is for the Clerk of Superior Court to retain funds from the Georgia Superior Court Clerks Cooperative Authority in order to continue to make technological improvements within the Clerk's office; and that the agreement is for one year with automatic renewal unless the County takes action not to renew on or before October 1 of each year. Stacy Haralson, Superior Court Clerk, was in attendance and spoke briefly about the advantages of her office retaining the funds for technological improvements. Following discussion, the motion to approve the agreement was made by Commissioner Woods and seconded by Commissioner Langston. Commissioner Loudermilk said that to avoid the appearance of any possibility of conflict of interest, he will be abstaining since the Clerk's office provides services for Juvenile Court over which he presides. The motion passed with three in favor (Woods, Langston, Lange), no opposition, and one abstention. (Document can be found in "Contracts & Agreements" file as C&A #14-33.)

- C. **Letter of Authorization (Agreement) with Thomson Reuters: Printing Services for Personal Property Returns.** John Taylor, County Attorney, said that this document is the renewal of services in connection with the printing of personal property returns, and he recommended approval of same. The motion to approve this agreement was made by Commissioner Woods, seconded by Commissioner Loudermilk, and passed unanimously. (Document can be found in "Contracts & Agreements" file as C&A #14-34.) [Note: Thomson Reuters fka Manatron.]

11. **OTHER**

- A. **Election Results.** Chairman Lange announced that Commissioner Langston had won re-election and that Martha Chewning had won as Commissioner for District 1 (taking the place of Charles Wyatt). With that announcement, Commissioner Loudermilk asked if Mrs. Chewning can be appointed to the District 1 seat by the Board. Chairman Lange explained that by Local Legislation (in 1984), the Board can appoint someone to fill a vacated seat if there are less than six months left in the term. Discussion includes that while Mrs. Chewning can be appointed to fill the District 1 seat, it should not occur until after the votes are certified and to wait until the November 18 meeting.

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

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J. Harry Lange, Chairman

Attest:

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Nancy D. McMichael, County Clerk