

**HARRIS COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION**

January 20, 2015

7:00 P.M.

Commissioners Present: J. Harry Lange, Joey Loudermilk, Martha Chewning, 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 he would like to institute a policy whereby a veteran in attendance at Commission meetings would lead the Pledge of Allegiance. He then asked Bobby Haralson to lead everyone in the Pledge of Allegiance, and Mr. Haralson complied.
3. **MINUTES.** The motion to approve the minutes of the January 6, 2015, Regular Session was made by Commissioner Loudermilk, seconded by Commissioner Chewning, and passed unanimously.
4. **APPEARANCE OF CITIZENS**
 - A. **Scott Moye: JCG/Koch Foods Issues.** Scott Moye, citizen, appeared before the Board concerning the issues he has with JCG/Koch Foods. Discussion included that Chairman Lange will be meeting with the plant manager of Tyson Chicken in Buena Vista next week; that Chairman Lange will be meeting with Sam Wellborn, with GDOT, within the next two weeks to discuss not only the intersection of US Highway 27 and GA Highway 116, but also the cross drains under GA Highway 116 at the plant; and that Commissioner Chewning has talked to Steve Morgan, Extension Agent, and learned while there are water tests he can perform, the results could not be used from a legal standpoint.
 - B. **Bobby Haralson: JCG/Koch Foods Issues.** Bobby Haralson, citizen, appeared before the Board and said that the sign erected by GDOT where GA Highway 354 meets Kings Gap Road is not suitable. Chairman Lange said that when he meets with Sam Wellborn regarding the intersection of US Highway 27 and GA Highway 116, and the cross drains at the JCG plant, he will also discuss the GA Highway 354 and Kings Gap intersection.
5. **NEW BUSINESS**
 - A. **Resolution of Appreciation: Don Bowling.** Chairman Lange said that Don Bowling, Vehicle Shop Foreman, retired December 31. He then read the resolution honoring Donald W. Bowling for his 13 years of service to the County. The motion to approve same was made by Chairman Lange, seconded by Commissioner Loudermilk, and passed unanimously. Chairman Lange and the other Commissioners congratulated Mr. Bowling on his retirement and thanked him for a job well done.
 - B. **Technology Funding Legislation: Sheriff.** Chairman Lange said that Sheriff Mike Jolley is requesting the Board move forward with local legislation regarding the implementation of a technology fee by the Magistrate Court, Probate Court, and Clerk of Superior Court. He then asked Sheriff Jolley to further explain. Sheriff Jolley said that with technology comes costs for upgrades and maintenance; that while he has computers in his deputies' cars, 11 of them are down because they cannot be upgraded; that he has enough drug money to cover the cost of new computers for all his vehicles, he does not want to rely on that to cover the monthly charges for wi-fi (per computer) or maintenance; and that implementing the technology fee would benefit everyone and not put a further tax burden on the citizens. He also asked about the possibility of hiring another deputy now, since he is short-handed and has enough funds in the salary line to cover the cost, but the Board took no action regarding this particular request. Regarding the technology fee, discussion also included that not only should the courts and public safety benefit from the fee, but the Board of Commissioners should as well; that the resolution and accompanying legislative act needed to be changed to add the Board of Commissioners and to delete "Chief" from "Chief Probate Judge", as well as other minute changes. Following discussion, the motion to approve the resolution and accompanying legislative act pending corrections, was made by Commissioner Langston, seconded by Commissioner Woods, and passed unanimously.

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

- A. **Explanation of Public Hearing Procedures.** Chairman Lange explained the procedures involved regarding the Public Hearing.
- B. **Conflict of Interest Forms.** At the request of Chairman Lange, the Conflict of Interest forms were completed.
- C. **Application of Edgar Hughston Builders, Inc., to Rezone 70.6 acres of Land Lot 170, Land District 18, Map 067, Parcel 026, from A-1 to R-1; present use timber; proposed use single family residential development; property located on Georgia Highway 315 just north of Holland Road and Ginn Road, Cataula.** Chairman Lange called the public hearing to order and said that the public hearing had been tabled from the January 6 meeting. He then read the specifics of the application and said that both the Planning Commission and County Planner had recommended approval with no conditions. Edgar Hughston, applicant, appeared before the Board and said that he has been building houses for 43 years; that he develops subdivisions for about the same length of time; that property for housing is scarce; that he has talked to the adjacent property owners and all but one are okay with the development; that Henry Aderhold is opposed because of concerns about his lake; that he (Hughston) plans to include a restrictive 100 foot buffer from the top of the bank, which is 75 feet more than what is required by the State; that he has talked to the Health Department regarding septic tanks; that the minimum acreage required for septic tanks is one-half acre; and that with the County's two-acre requirement there should be no issues with septic tanks.

There being no questions or comments from the Board, Chairman Lange asked if anyone wished to speak in favor of the rezoning application.

John Bunn, realtor, appeared before the Board and said that it's been a long time since there was a rezoning for a subdivision; that he is the realtor for the subject property; that a subdivision at this location would be good for the County, especially in the southern part of the County; and that he supports the rezoning.

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

Randy Lomax, representing H.B. Aderhold, appeared before the Board and said that there is great concern regarding the lake on the Aderhold property; that a stream runs through the back of the proposed four long lots nearest the Aderhold property; that the run off from the stream goes directly into the Aderhold's lake; that they would like to see the decision delayed so that Mr. Hughston could have the required Level III soil tests done, which have to be done anyway; that there is a black powder firing range near the subject property; that because the firing range has been in existence for a long time, it is grandfathered, and regardless of the complaints, nothing can be done to it based on state law; that signs will be necessary to keep people off the property; that it would be helpful to have Mr. Hughston install a six or eight-foot chain link fence to keep animals and children away from the firing range; that the range is not owned by Mr. Aderhold, but by his sister; that some type of landscape buffer may also help stop people from going onto the firing range property; that the 100-foot undisturbed buffer proposed by Mr. Hughston is acceptable; and that the reduction of the four long lots to two is preferable. In response to questions from the Board, Mr. Lomax confirmed that the firing range is black powder; that there is a berm separating the firing range from the subject property; and that the firing of rifles is away from Holland Road toward the subject property.

Henry Aderhold, representing the Belinsky family, appeared before the Board and said that the Belinsky family is opposed to the rezoning.

Polly Lamon, daughter of Henry Aderhold, appeared before the Board and said that her concern is for their lake, which is used for watering their garden.

Joyce Crosby, citizen, who lives on Holland Road, appeared before the Board and said that she is concerned about pollution and silt coming down the creek to her property; and that she would appreciate consideration of their concerns.

Ben Aderhold, citizen who lives on Holland Road, appeared before the Board and said that he is H. B. Aderhold's son; and that he is also concerned about possible damage to the family lake.

Patti Greene, daughter of H. B. Aderhold, appeared before the Board and said that she built on lake property about 10 years ago and enjoys the lake; that she is concerned about damage to the lake; and that they want to protect the lake.

Garrett Ogletree, citizen who lives on Mulberry Trace, appeared before the Board and said H. B. Aderhold is his grandfather; and that like the family he is concerned about the lake.

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

Mr. Hughston said that his mother lives across the street from the firing range; that there is not a lot of shooting on the property but when there is it is usually on a Saturday; that they don't have any issues with the firing range; that he welcomes signs being put up to warn potential homeowners to stay off the firing range property; that he doesn't think the firing range is an issue, particular with the berm that is in place; that he would consider reducing the four long lots to two lots; that having to perform Level III soil studies prior to rezoning will cost a lot of money and such studies must be done before the Health Department will issue septic permits; that they may be a chance that some of the property will not be suitable for septic tanks; that the subject property has been on the market three to four years and the Aderhold family could have purchased it; that people want to live in Harris County, some of which is due to the two acre lots; that the houses will be from \$250,000 to \$350,000; and that there will be approximately 30 houses. In response to questions from the Board, Mr. Hughston said that he is willing to identify the firing range on the plat so that there is public notice that there is a firing range; and that he is willing to include information regarding a 100-foot undisturbed buffer in the deeds for the property through which the creek runs. Commissioner Woods asked if the flood plain can be shown on the plat, and Tracie Hadaway, County Planner, said that such has to be shown on the Preliminary Plat; and that she received a revised proposed plat this afternoon. She then showed the Board the revised proposed plat that reflected the flood zone located at the bottom of the four proposed long lots.

There being no further questions or comments, Chairman Lange closed the Public Hearing. He then made the motion to approve this rezoning with the following conditions: (1) a 100-foot deed restriction of an undisturbed buffer from the top of the bank of the creek; and (2) that on the plat for sales materials for the development the black powder gun range be shown with some detail showing the direction of the firing and the type of firing. He said that while he is sensitive to wanting more information before the rezoning, there are Health Department regulations that must be met before development can take place, and Mr. Hughston should not be required to go to the expense of having soil studies performed prior to the rezoning, but will be required to have them done after the rezoning, and while he would not make it a condition he strongly urged Mr. Hughston to reduce the four long lots to two lots. The motion was seconded by Commissioner Chewning. Commissioner Loudermilk said that he would like to include as a condition that the proposed four lots be reduced to two lots. Chairman Lange and Commissioner Chewning amended their motion and second to include, as the third condition, that the four long lots (as proposed) be reduced to two lots. Commissioner Woods said that he would like to see signs regarding the black powder range, and Chairman Lange said that the Aderhold family would put up those signs. There being no further conditions, the motion to approve the rezoning with the following conditions: (1) a 100-foot deed restriction for an undisturbed buffer from the top of the bank of the creek; (2) that on the plat for sales materials for the development the black powder gun range be shown with some detail showing the direction of the firing and the type of firing; and (3) that the four long lots (as proposed) be reduced to two lots. The motion passed unanimously.

7. **NEW BUSINESS (CONTINUED)**

- C. **Appointment: Board of Tax Assessors.** Chairman Lange said that Rick Norris, who was recently reappointed to the Board of Tax Assessors, has decided he no longer wants to be on the Board; and that the Board of Tax Assessors has recommended that Adam Smith, a mortgage banker with Heritage Bank and a resident of Harris County, be appointed to fill the position left vacant by Mr. Norris. The motion to appoint Adam Smith to the Board of Tax Assessors for the term ending December 31, 2018, was made by Commissioner Langston, seconded by Commissioner Woods, and passed unanimously.
- D. **Financial Statement: November 2014.** The motion to approve the November 2014 financial statement was made by Commissioner Woods, seconded by Chairman Lange, and passed unanimously.

- E. **Request for Tax Refund: Danny Gatlin.** Chairman Lange said that a request for tax refund in the amount of \$53.29 had been requested by Danny Gatlin due to the property tax having been paid by the lein holder and him; and that the Tax Commissioner and Board of Assessors agreed since the tax had been double billed. The motion to approve the refund request was made by Commissioner Loudermilk and seconded by Commissioner Woods. Commissioner Langston said that she should like to know why the requested amount of \$53.29 is different from the property tax amount of \$131.83 and tabled action to the February 3 meeting.

8. **COUNTY ATTORNEY**

- A. **GED Testing Agreement: Columbus Technical College.** John Taylor, County Attorney, said that an agreement had been received regarding the GED testing of prison inmates on site. He then briefly reviewed the document and said that while it needed minor modification to include that the document should be between Columbus Technical College and the Board of Commissioners, he recommended approval of same. Alex Haden, Prison Warden, was present and said that currently, staff is having to transport prison inmates and by having the facilitator come to the Prison will save time and money. Discussion regarding the costs included that while there is a \$20 per hour charge, that is per facilitator; and that there is an addition charge of \$32 per subject area test per inmate; that the per subject test cost is already being paid by the Prison using inmate commissary funds; and that the per hour rate will also be paid using the same inmate commissary funds. The motion to approve the agreement, pending minor modification, was made by Commissioner Loudermilk, seconded by Commissioner Woods, and passed unanimously. Mr. Taylor is to provide Nancy McMichael, County Clerk, with the modified document. (Document can be found in "Contracts & Agreements" file as C&A #15-02.)
- B. **Litter Pickup.** Commissioner Loudermilk thanked Warden Alex Haden for the use of his crews and inmate labor in picking up litter along the County roadways, which is an unending battle because as soon as the trash is picked up, it's there the next day.
- C. **Glovis Documents.** John Taylor, County Attorney, said, as a matter of information, that documents regarding Glovis are ready for execution by the Chairman of the Commission as well as the Chairman of the Development Authority; and that the documents are (1) Sixth Amendment to the Intergovernmental Agreement between the County and the Development Authority regarding the 32 acres; (2) the Warranty Deed transferring the property on which Glovis will be located from the County to the Development Authority, and (3) the Limited Warranty Deed transferring the property from the Development Authority, pursuant to the Memorandum of Understanding, to GAM-BTS, LLC, an entity that will construct the building and subsequently convey it to Realty Income, who will enter into a lease agreement with Glovis to repay the construction costs. [Sixth Amendment to Intergovernmental Agreement w/Development Authority C&A #15-01; Warranty Deed for 32.395 acres to Development Authority MD #15-01.]

9. **COUNTY MANAGER**

- A. **Airport Property Topographic Survey.** Greg Wood, County Manager, said that the County will be receiving an additional 20 acres for the Airport that will allow the entrance road to be moved further away from the Airport terminal in order to allow for other uses; that two options have been received - Option A: the entrance road location at a cost of \$2,150 and Option B: the 20 acres and road property at a cost of \$3,250; that the consensus of the Airport Committee was Option B at a cost of \$3,250. The motion to approve Option B at a cost of \$3,250 was made by Commissioner Woods, seconded by Commissioner Loudermilk, and passed unanimously.
- B. **REBA Grant Application: Glovis.** Greg Wood, County Manager, said that although the State has committed to \$200,000 for Glovis, the County, through the Development Authority, has to make the application; and that approval is needed to make the application. The motion to apply for the \$200,000 REBA grant for Glovis was made by Commissioner Langston, seconded by Commissioner Woods, and passed unanimously.
- C. **Library Funding Update.** Greg Wood, County Manager, said that the State is considering increasing the maximum funding available for libraries from \$2,000,000 to \$3,000,000; that the County is in line to hopefully get funding this year; that the Library committee is requesting that the Commissioners support the increase by contacting the legislators to support the increase and to support the County being on the funding list. Chairman Lange said that the previous SPLOST included \$1.5 million for construction of a new library, that the current SPLOST included \$500,000 for the construction, for a total of \$2,000,000, which

will allow the County to apply for a matching grant of \$2,000,000, which was the State's maximum amount; that the initial plans showed the new library would cost about \$4.85 million; that a committee was formed to come up with the balance of \$850,000; that with the State increasing the maximum amount, we should ask for the \$3,000,000; that the County is currently number 8 on the list, moving up from number 23 from the previous year; that the County has a strong case in that we already have the property and \$2,000,000 allocated; and that it would be helpful if the Commissioners would contact legislators to ask for support.

10. **REQUEST FOR EXECUTIVE SESSION.** Greg Wood, County Manager, requested an Executive Session for the purpose of discussing personnel issues and land acquisition/deposition. John Taylor, County Attorney, asked that pending litigation be added as a topic of discussion.
11. **RECESS FOR EXECUTIVE SESSION.** The motion to go into Executive Session for the purpose of discussing personnel issues, land acquisition/deposition, and pending litigation was made at 8:50 PM by Commissioner Langston, seconded by Commissioner Chewning, and passed unanimously.
12. **RESUME REGULAR SESSION.** The motion to go back into Regular Session was made by Chairman Lange, seconded by Commissioner Woods, and passed unanimously.
13. **ADJOURNMENT.** There being no further business to discuss, the motion to adjourn was made by Commissioner Langston, seconded by Chairman Lange, and passed unanimously.

J. Harry Lange, Chairman

Attest:

Nancy D. McMichael, County Clerk