

**HARRIS COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION**

August 4, 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 asked Commissioner Langston to lead those in attendance in the Pledge of Allegiance, and she complied.
3. **MINUTES**. The motion to approve the minutes of the July 21, 2015, Regular Session, and the July 28, 2015, Called Session (to set the millage) was made by Commissioner Woods, seconded by Commissioner Chewning, with the Regular Session vote being unanimous and the Called Session vote being four in favor (Woods, Chewning, Lange, Langston), no opposition, and one abstention (Loudermilk, who was absent from the July 28 meeting).
4. **APPEARANCE OF CITIZENS**
 - A. **Cathy and Rickey Flournoy: Washington Road Paving Status**. Cathy and Rickey Flournoy, citizens who live on Washington Road, appeared before the Board regarding the status of the Washington Road paving project. Discussion included that engineering work was still underway but should be completed soon; that there will be a meeting with the engineers later this week; that upon completion of the engineering, the project will be advertised for at least two weeks; that while the paving of the road shouldn't take more than a week, the actual road work may take a little longer; and that everything is still on schedule for the project to be completed by October 31.
5. **OLD BUSINESS**
 - A. **Request of Columbus Chattahoochee Coalition: Gary Jones**. Chairman Lange said that action on the request of the Columbus Chattahoochee Coalition for a four-year commitment of \$10,000 per year had been tabled during the July 21 meeting, and that Gary Jones Secretary and Chief of Staff of the Coalition, was present to give the Board a status update regarding the Department of Defense Transformation and to discuss the funding request. Mr. Jones then presented his PowerPoint presentation and answered questions concerning the request for funding. Following discussion, the motion to approve the commitment of \$10,000 a year for four years through the Development Authority, with the first \$10,000 to come from Development Authority bond funding proceeds and the balance to be budgeted in the General Funds for the Development Authority was made by Commissioner Loudermilk, seconded by Commissioner Langston, and passed with four in favor (Loudermilk, Langston, Lange, Chewning) and one opposed (Woods). (Copy of PowerPoint can be found in "Miscellaneous Documents" file as MD #15-04A.)
6. **PUBLIC HEARINGS @ 7:30 PM**
 - A. **Conflict of Interest Forms**. At the request of Chairman Lange, the Conflict of Interest forms were completed.
 - B. **Public Hearing Procedures**. Chairman Lange explained the Public Hearing procedures.
 - C. **Application of Claire Hawley for a Special Use Permit for a Personal Kennel on 49 acres in Land Lot 287, Land District 20, Map 036, Parcel 001B; property located at 1493 Hopkins Farm Road, Pine Mountain; present use residential; proposed use personal kennel**. Chairman Lange called the Public Hearing to order, read the specifics of the application, and said that the Planning Commission had recommended approval with the condition to limit the number of dogs to 10 and the number of cats to four and that the County Planner had recommended approval. Claire Hawley, applicant, appeared before the Board and said that the Animal Control Officer had advised her that because she was no longer associated with an animal rescue operation she needed to apply for a Special Use Permit for the animals she has. In response to questions, Ms. Hawley said that her driveway divides her property and leads to her home where one acre is fenced with chain link fencing in which the dogs are kept; that three dogs stay in kennels within the fenced yard; and that she lives on almost 50 acres and allows the remaining seven dogs to leave the fenced area in the morning and afternoon, but that they return in 30 to 45 minutes, usually after going to the nearby creek. In addition, Ms. Hawley said she has deeded adjacent property, for which a Special Use Permit was issued for a kennel on four acres, to her step-son, and that she considers that permit to no longer be valid; however, Ms. Hawley was advised that she must go through the same process to have that Special Use Permit removed from the adjacent property as such designation goes with the land. Ms. Hawley said that she would make such an application.

There being no further questions or comments, Chairman Lange asked if anyone wished to speak in favor of the application. There being none, he asked if anyone wished to speak in opposition.

John Thayer, who lives in Columbus but owns property adjacent to that of Ms. Hawley, appeared before the Board and said that while he not opposed to what Ms. Hawley wants to do, he is opposed to her allowing the dogs to run free; that she has had many dogs over the years and didn't have a fenced area; that the dogs bark so much that his grandchildren refer to one of his fields as "Barking Field"; and that she needs to control the dogs.

There being no further comments in opposition, Chairman Lange asked Ms. Hawley for rebuttal.

Ms. Hawley said that when she applied for the Special Use Permit she had a chain link fence installed; that while she has a creek, the dogs go to the creek on her cousin's property; that Mr. Thayer allows people to hunt on his property and her dogs disturb the deer; and that she keeps her dogs in the fence during hunting season because she doesn't want them to be killed.

There being no further comments or questions, Chairman Lange closed the Public Hearing as asked for a motion.

The motion to approve the Special Use Permit with the condition of limiting it to 10 dogs and four cats and to maintain the fence in which the dogs are kept was made by Commissioner Woods. Commissioner Loudermilk seconded the motion and amended it to include that application must be made to have the Special Use Permit on the adjacent property lifted. Commissioner Chewning said that she was concerned with the dogs being allowed to run free outside the fence, to which Commissioner Langston also agreed. Commissioner Woods amended his motion to include Commissioner Loudermilk's suggestion, but not that of Commissioner Chewning. The motion failed by a vote of two in favor (Woods, Loudermilk) and three opposed (Chewning, Lange, Langston).

The motion to approve the Special Use Permit was made by Commissioner Chewning with the conditions of (1) limit of 10 dogs and four cats; (2) maintain the fence of the one-acre yard in which the dogs are kept; (3) application must be made to have the Special Use Permit on the adjacent property lifted; and (4) the dogs are to remain inside the one-acre fenced area unless they are leashed. The motion was seconded by Commissioner Langston and passed unanimously.

- D. **Application of Edgar Hughston Builders, Inc., to Rezone 12.82 acres in Land Lot 13, Land District 020, Map 028, Parcel 047E; from A-1 (General Agriculture & Forestry) to R-1 (Low Density Residential); present use recreation; proposed use residential lots; property located on Georgia Highway 219 near Mountain Hill Road, Fortson.** Chairman Lange called the Public Hearing to order, read the specifics of the application, and said that the Planning Commission had recommended approval with the conditions of (1) 100' undisturbed buffer from the top of the creek bank; (2) each lot must have at least two acres of buildable land outside the flood zone; and (3) there can be no more than two driveways accessing Georgia Highway 219; and that the County Planner had recommended denial, but if approved to do so with the first two conditions. Edgar Hughston, applicant, appeared before the Board and said that he is planning on residential lots; that his conceptual plat has been redesigned so that there are at least two acres of buildable land outside the flood zone and only two driveways accessing Georgia Highway 219; that he has no problem with the recommended condition of the 100' buffer at the top of the creek bank; and that he plans to build affordable homes, in the \$185,000 to \$250,000 range but can't do that on \$50,000 lots.

There being no questions or comments from the Board, Chairman Lange asked if anyone wished to speak in favor of this rezoning. There being none, he asked if anyone wished to speak in opposition.

Steve and Lane Stowe, citizens who live on Georgia Highway 219, appeared before the Board and said that they have lived in Harris County for 25 years; that they are vested in the County, are active in the County, and plan to live the rest of their lives in the County; that the construction of the type home Mr. Hughston wants to build will reduce the value of their home; that the subject property has more flood plain than is shown on maps; that they are concerned about safety and traffic because if approved, there could be five driveways within a half-mile on Georgia Highway 219; that while the County's Comprehensive Plan indicates development should be in compatible and in character with the surrounding area, approving such a development will not be compatible; that the slope of the land will result in erosion; that the Comprehensive Plan also indicates that development in agricultural areas should be on five or more acres; that \$180,000 homes should be built in areas where there are other \$180,000 homes; and that their home is valued at \$450,000.

Doug Conaway, citizen who lives on Mountain Hill Road, appeared before the Board and said that people move to Harris County to get away from "stacked" housing; that traveling Georgia Highway 219 in Muscogee County one sees house after house, but upon crossing the County line into Harris County, lots are larger resulting in houses being much further apart; that he moved to the area in 2005; and that he is opposed to the rezoning.

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

Mr. Hughston had no comments in rebuttal, but responded to questions from the Board, to include that he changed his conceptual plan based on the recommendations of the Planning Commission.

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

The motion to deny the rezoning was made by Commissioner Langston, but the motion died for lack of a second.

Commissioner Langston then made the motion to approve the rezoning with the conditions of (1) a 100' undisturbed buffer from the top of the creek bank; (2) each lot must have at least two acres of buildable land outside the flood zone; and (3) there can be no more than two driveways accessing Georgia Highway 219. The motion was seconded by Commissioner Woods and passed unanimously.

- E. **Application of Edgar Hughston Builders, Inc., to Rezone 26.27 acres in Land Lot 112, Land District 019, Map 032, Parcels 010A & 010B; from A-1 (General Agriculture & Forestry) to R-1 (Low Density Residential); present use recreation; proposed use residential lots; property located on Watkins Road at Hart Road, Fortson.** Chairman Lange called the Public Hearing to order, read the specifics of the application, and said that the Planning Commission and County Planner had recommended approval with the condition that all lots must have at least two acres of buildable land outside the flood zone. Edgar Hughston, applicant, appeared before the Board and said that he had reduced the number of lots on his conceptual plan from 11 to 8, which would be better for the area; that two lots are two acres each and the remaining lots are larger. Commissioner Loudermilk said that he liked the revised conceptual plan much better than the original, and Commissioner Langston agreed.

There being no further comments or questions, Chairman Lange asked if anyone wished to speak in favor of this rezoning request.

Margaret Trueax, realtor who lives in Midland, appeared before the Board and said that Harris County is in need of affordable housing and that Mr. Hughston builds affordable homes. In response to a question from the Board, Ms. Trueax said that she will be selling the lots in the subdivision.

Ann Flynn, who lives on Woodruff Road in Columbus, appeared before the Board and said that the homes Mr. Hughston is planning to build will be good for the surrounding area.

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

John Nelson, citizen who lives on Hart Road, appeared before the Board and said that he would like to see the property remain A-1; that rezoning to R-1 will not be compatible with the neighborhood; that the development will cause property values to go down; and the rezoning will result in an increase in traffic.

Kerry Britt, citizen who lives on Watkins Road, appeared before the Board and said that the conceptual plan, as presented at the Planning Commission meeting, appeared to be like sardines with so many lots jammed in together; that the lot sizes in the area range from 7 acres up to 45; that many of the homes in the area are built off the road to give the owners privacy; that they like their privacy and don't want to hear and see a lot of people in area and don't want people trespassing on their property; and that she would prefer the property remain zoned as A-1.

Charles Blair, citizen who lives on Watkins Road, appeared before the Board and said that he is not opposed to the rezoning as much as to the way the conceptual plan looks; that the subdivision should have a road going into it rather than having so many driveways on Watkins and Hart Road; that he doesn't want to see more mailboxes out there; that the paving will only increase the run off in the area; and that they do not need \$180,000 homes in the area that would decrease the value of the existing homes.

Jeff Bennett, citizen who lives on Hart Road, appeared before the Board and said that he would like to see the property remain as A-1; that the smallest lot in the area is a little over 7 acres; that there is a cemetery on the property; that the flood zone is much larger than what is shown on maps because he has seen water standing three to four feet deep; that the buildable property is actually closer to 20 acres due to the flood area; that if approved, the lots should be no smaller than 5 acres; that people move to the country to live in the country; and asked that the Board think about what the development would do to the community.

George and Jane Ann McQuaig, citizens who live on Watkins Road, appeared before the Board and said that they have lived there since the 90's; that they have about 80 acres; that they like their privacy; that originally Watkins Road was limited to five driveways; and that they do not want to see the property made into a subdivision.

There being no further comments or questions, Chairman Lange asked Mr. Hughston for rebuttal.

Mr. Hughston had no comments in rebuttal but responded to questions from the Board to include there is a cemetery on the property to which he will allow access from Hart Road; and that there will not be a driveway crossing the flood plain in the large lot (#8 on the revised conceptual plan) as the house will be near the front line of the property, and the lot will still have two acres of buildable land outside the flood plain.

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

Commissioner Langston made the motion to approve the rezoning with the condition that all lots must have at least two acres of buildable land outside the flood zone. Commissioner Woods seconded the motion and asked that the lots be limited to eight (8). Commissioner Langston said that she would amend her motion for same. Commissioner Chewning said that while she would prefer to see only four (4) lots, she would accept six (6). Following discussion, John Taylor, County Attorney, said that the motion with the conditions, which include limiting the lots to eight (8) should be voted on. The motion to approve with the conditions that (1) all lots must have at least two acres of buildable land outside the flood zone, and (2) the maximum number of lots is limited to eight (8), failed by a vote of two in favor (Lange, Woods) and three opposed (Chewning, Loudermilk, Langston).

Commissioner Langston then made the motion to approve the rezoning with the conditions that (1) all lots must have at least two acres of buildable land outside the flood zone, and (2) the maximum number of lots is limited to six (6). The motion was seconded by Commissioner Chewning and passed unanimously.

6. **OLD BUSINESS (CONTINUED)**

- B. **Durapatcher for Public Works and Water Works.** Chairman Lange said that action was tabled on the request to purchase a durapatcher. Greg Wood, County Manager, said that the machine can be used by both Public Works and Water Works regarding patching on roads due to potholes or water lines; and that the cost can be taken from T-SPLOST funding. Following discussion, the motion to approve the purchase of the demo Durapatcher for \$45,750 was made by Commissioner Loudermilk, seconded by Commissioner Chewning, and passed with four in favor (Loudermilk, Chewning, Lange, Woods) and one opposed (Langston).
- C. **Financial Statement: June 2015.** Greg Wood, County Manager, requested that action be tabled until the necessary amendments are made. Commissioner Langston tabled action until the August 18 meeting.

7. **COUNTY MANAGER**

- A. **Extension Service Personnel.** Greg Wood, County Manager, said that the 4-H Program Assistant position with the Extension Service has been reclassified by UGA as 4-H Program Associate; that the hourly position is being changed to a salaried position at 40 hours per week; that the County has been paying \$8,791 annually plus benefits (teachers retirement and social security); and that as a result of the position change, the County is being asked to increase what it now pays by \$2,400 to \$11,191 plus benefits. Steve Morgan, Extension Coordinator, appeared before the Board and said that the reclassification of the position will be beneficial in the writing of newsletters, developing 4-H curriculum, answering phone calls, assisting clientele, and programming on nights and weekends; that the change will eliminate a contract with the County; and that the position will be paid in the same manner as the other staff in the Extension Service. Following discussion, the motion to approve increasing the budget by \$2,400 to a total of \$11,191 plus benefits for the newly reclassified position was made by Commissioner Chewning, seconded by Commissioner Loudermilk, and passed unanimously.
- B. **Credit Cards for Water Works & Community Development.** Greg Wood, County Manager, said that both Water Works and Community Development have transactions that require payments; that currently only cash or checks are accepted as payment; that it is being requested that the use of credit cards be allowed; that a flat fee of \$3 per transaction is being recommended; and it is being requested that the Board authorize Water Works and Community Development to accept credit and debit cards, authorize the execution of the contracts (one for each department), authorize charging a convenience fee of \$3 per transaction, and to authorize the Water Works to move forward with implementing an online system to accept credit and debit card payments. Following discussion, Commissioner Langston said that she would like to see the contract agreements before voting on the request and asked that action be tabled until the August 18 meeting.
- C. **Radio System Modems.** Greg Wood, County Manager, said that with the most recent storm, the radio system modem for the Goat Rock tower went out; that fortunately we were able to locate a loaner modem; that because it takes several weeks to get a new modem, it is being requested that five (5) modems be purchased - one to replace the loaner modem at the Goat Rock location and four to serve as back-up modems for the Ellerslie, Goat Rock, Pine Mountain, and Waverly Hall locations. Following discussion, the motion to purchase five (5) modems, as discussed, was made by Commissioner Langston, seconded by Commissioner Woods, and passed unanimously.
- D. **GDOT Agreement: Airport Taxiway Relocation.** Greg Wood, County Manager, said that the agreement from the Georgia Department of Transportation (GDOT) regarding the Airport Taxiway Relocation was expected to be on the agenda, but due to delays at GDOT, it has not been received; and that it is being requested that due to the urgency in getting the paperwork turned around and back to GDOT once it is received, it is requested that the Board authorize execution of the necessary documents by the Chairman pending review by the County Attorney. The motion to authorize the Chairman to execute the necessary documents pending review by the County Attorney was made by Commissioner Langston, seconded by Commissioner Woods, and passed unanimously. (Documents can be found in "Contracts & Agreements" file as C&A #15-18.)

E. **Request for Executive Session.** Greg Wood, County Manager, requested an Executive Session for the purpose of discussing a personnel matter.

8. **COUNTY ATTORNEY**

A. **Election Agreements: Hamilton, Pine Mountain, Waverly Hall and Shiloh.** John Taylor, County Attorney, reviewed the documents and said that he had changed the wording slightly from the agreement recently approved for Shiloh and recommended that Shiloh's agreement be reworded to match the other three; and that the agreements are for the County to provide assistance to the municipalities for their elections. Following discussion, the motion to approve the agreements for Hamilton, Pine Mountain and Waverly Hall and to approve changing the agreement for Shiloh to match was made by Chairman Lange, seconded by Commissioner Woods, and passed unanimously. (Documents can be found in "Contracts & Agreements" file as C&A #15-20 (Hamilton), C&A #15-21 (Pine Mountain), and C&A #15-22 (Waverly Hall).)

B. **Ante Litem Notice: Carlton Williams.** John Taylor, County Attorney, said that the County had received an Ante Litem notice alleging wrongful actions of employees in 9-1-1 resulting in a wrongful arrest of an individual on July 26, 2014, when a person was stopped by the Pine Mountain Police and a check through 9-1-1 showed the individual was driving with a suspended license, which resulted in his arrest, and is asking for \$100,000. Mr. Taylor recommended that the Board deny the Ante Litem Notice and said that he would notify the County's carrier regarding same. The motion to deny the Ante Litem Notice was made by Commissioner Woods, seconded by Commissioner Chewning, and passed unanimously.

C. **Request for Executive Session.** John Taylor, County Attorney, said he would like to add real estate acquisition or disposition as topics for discussion in Executive Session.

9. **RECESS FOR EXECUTIVE SESSION.** The motion to go into Executive Session was made at 9:45 PM by Chairman Lange, seconded by Commissioner Langston, and passed unanimously.

10. **RESUME REGULAR SESSION.** The motion to go back into Regular Session was made by Chairman Lange, seconded by Commissioner Chewning, and passed unanimously.

11. **OTHER**

A. **Intergovernmental Agreement with Development Authority and Limited Warranty Deed to Development Authority re: .14 acres & Arrinco.** John Taylor, County Attorney, said that the documents regarding the .14 acres of property located north of the Extension Service/Clubhouse had been prepared; that the agreement sets out the purpose of selling the property to Arrinco for economic development; that the deed is to transfer ownership of the property to the Development Authority, who will, in turn sell same to Arrinco for \$9,600 for economic development purposes; and that he recommended approval of same. The motion to approve execution of the agreement and deed was made by Chairman Lange, seconded by Commissioner Woods, and passed unanimously. (Agreement can be found in "Contracts & Agreements" file as C&A #15-19; and Deed can be found in "Miscellaneous Documents" file as MD#15-05.)

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

J. Harry Lange, Chairman

Attest:

Nancy D. McMichael, County Clerk