

HARRIS COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION
September 1, 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 Jeff Culpepper, Water Works director, to lead those in attendance in the Pledge of Allegiance, and he complied.
3. **MINUTES**. The motion to approve the minutes of the August 18, 2015, Regular Session and the August 18, 2015, Appeal Hearing of W. H. Ginn re: Classification of Dogs as Dangerous Dogs was made by Commissioner Loudermilk, seconded by Commissioner Chewning, and passed unanimously.
4. **APPEARANCE OF CITIZENS**
 - A. **Cathy & Rickey Flournoy: Washington Road Paving**. Cathy and Rickey Flournoy, citizens who live on Washington Road, appeared before the Board and requested an update regarding the status of the Washington Road paving project. Greg Wood, County Manager, said that the project is currently being bid and that Georgia Power will soon be moving forward with utility pole relocation.
 - B. **Mary Ellen Taylor: Washington Road Paving**. Mary Ellen Taylor, citizen who lives on Washington Road, appeared before the Board and read an email she had received in September 2014 regarding the paving of Washington Road and concluded by saying October will soon be here and the road has yet to be paved.
5. **OLD BUSINESS**
 - A. **Credit Cards for Water Works and Community Development**. Chairman Lange said that action regarding the implementation of accepting credit and debit cards for payments at Water Works and Community Development had been tabled pending issues with a couple of areas in the agreements. Greg Wood, County Manager, said that TSYS addressed our concerns and deleted the termination clause from both agreements and that the "personal guaranty" section can be stricken through. The motion to approve the agreements, the charging of a \$3.00 convenience fee per transaction, and for Water Works to move forward with the implementation of an on-line system for payments was made by Commissioner Langston, seconded by Commissioner Woods, and passed unanimously. (Documents can be found in "Contracts & Agreements" file as C&A #15-27.)
 - B. **Insolvent List: 2015**. Chairman Lange said that action on the motion for approval made by Commissioner Woods and seconded by Commissioner Chewning had been tabled pending information ownership of mobile home, the property on which it sits, and whether action can be taken to have the mobile home removed under the Unsafe Buildings Ordinance. Following discussion, which included that the mobile home and the ½ acre on which it is located are owned by two different individuals who are both deceased; that the \$313.79 is the tax for a decal; that staff should move forward with the removal of this mobile home under the Unsafe Buildings Ordinance; and that there may be a need to start the same process on other structures in the County, the vote to approve passed unanimously.
 - C. **Financial Statement: June 2015**. Chairman Lange said that amendments had been made to the FY 14/15 budget during the August 18 meeting and that those amendments had been incorporated into the June financial. The motion to approve the June financial statement was made by Commissioner Woods, and seconded by Commissioner Chewning. Commissioner Langston asked about the revenue pages and it was discovered one page was missing, so action was tabled to the September 15 meeting.
 - D. **Water Line Extension Projects Update**. Jeff Culpepper, Water Works Director, appeared before the Board to give an update on the various water line extension projects. Mr. Culpepper said that the Goat Rock Road, Hadley Road and Hudson Mill Circle projects are currently being reviewed by EPD and once approval is given and the CDBG project is completed, work can proceed; that the Filter Plant expansion is 90% complete as far as the EPD process with approval expected by the end of the year and worked planned to begin in March 2016; and that the Sanitary Sewer project for The Grove is four to five weeks away from start up.
6. **NEW BUSINESS**
 - A. **Reappointment to Water Bill Assistance Committee**. Chairman Lange said that the term of Steve Morgan had expired May 31 and that Mr. Morgan has consented to reappointment to another term to expire May 31, 2018. The motion to reappoint Steve Morgan to the Water Bill Assistance Committee for another term was made by Commissioner Woods, seconded by Commissioner Langston, and passed unanimously.

- B. **Budget Amendment #1: FY 15/16.** Chairman Lange asked Paul Glick, Finance Officer, to explain the amendments. Mr. Glick said that the salary increase approved, but not shown, in the budget has been included and the Ellerslie Park expenditures related to the \$360,000 proceeds from the sale of property (Ridgeway Road) has been included. The motion to approve the amendment page was made by Commissioner Woods, seconded by Commissioner Chewning, and passed unanimously.
- C. **Safety Discount for Property & Liability and Workers Compensation Insurance.** John Taylor, County Attorney, said that these are the usual documents, which he recommended for approval, in order for the County to receive a discount on its insurance. The motion to approve the two documents was made by Commissioner Loudermilk, seconded by Commissioner Woods, and passed unanimously.
- D. **War on Litter.** Commissioner Woods said that this topic has been previously discussed; that it doesn't appear there has been much change; that he would like to contact people whose names appear in trash that is picked up from the roadsides and for citizens to take photos of tags/people when they see trash being thrown out; that he recently picked up 12 tires on Butts Mill Road. Discussion included that parameters are needed to come up with a process regarding contacting individuals whose information is found or photographs are taken regarding littering.

7. **PUBLIC HEARINGS @ 7:30 PM**

- A. **Conflict of Interest Forms.** The Conflict of Interest forms were completed at the request of Chairman Lange.
- B. **Explanation of Public Hearings.** Chairman Lange explained the procedures regarding the public hearings.
- C. **Application of McKee, LLC, to rezone 62.019 acres (of a 322-acre parcel) in Land Lots 126 & 127, Land District 18, Map 084, Parcel 112A, from A-1 (General Agricultural & Forestry) to R-1 (Low Density Residential); present use agricultural; proposed use single family housing; property located on the west side of Abberly Road off McKee Road, Waverly Hall.** Chairman Lange called the Public Hearing to order, read the specifics of the rezoning application, and said that both the Planning Commission and the County Planner had recommended approval with no conditions. Brian Bartee, representing McKee, LLC (and his young son, Brody), appeared before the Board. Mr. Bartee said that this rezoning will be Phase 3 of Abberly Lakes Subdivision; that the lots will front on Abberly Lane; that plans are for 16 lots or two plus acres in size. Chairman Lange asked if anyone wished to speak in favor or in opposition to this rezoning. There being none, he closed the Public Hearing and asked for a motion. The motion to approve this rezoning was made by Commissioner Loudermilk, seconded by Commissioner Woods, and passed unanimously.
- D. **Application of The Methodist Home/Carpenter's Way Ranch to rezone 6.25 acres (of a 33.5 acre parcel) in Land Lots 85 & 116, Land District 19, Map 045, Parcel 044, from A-1 (General Agricultural & Forestry) to CORD (Commercial Outdoor Recreation District); present use not given; proposed use as four (4) RV hookup sites; property located at 1645 Hunter Road, Cataula.** Chairman Lange called the Public Hearing to order, read the specifics of the rezoning application, said that the County Planner had recommend approval with three conditions [(1) vegetative screening along the front of property on which RV sites are proposed to effectively screen the RVs from Hunter Road, (2) limit the number of sites to four; and (3) limit the use allowed in CORD to the four (4) RV sites only], and that the Planning Commission had recommended approval with the condition to allow only four (4) RV sites, which are not to be seen from the road, and if so, a vegetative buffer is to be provided. Lonnie Bivens, Director of Facilities for the Methodist Home, appeared before the Board, and said that the four (4) RV sites are to allow volunteers to stay in their RVs while on site doing maintenance work at Carpenter's Way Ranch; and that the sites would be used probably two times a year with a maximum of four weeks per use. Chairman Lange asked if anyone wished to speak in favor of or in opposition to this rezoning. There being none, he asked if there were questions or comments from the Board. Commissioner Loudermilk confirmed with John Taylor, County Attorney, that his participation in discussion and vote would not be a conflict of interest for him since he is a Juvenile Court Judge and from time to time hears cases involving residents of the Carpenter's Way Ranch. In response to questions and comments from the Board, Mr. Bivens said that the four (4) sites will have electricity, water, and septic tank hookups; that the use will be no more than two times a year; that the longest anyone would stay would be four (4) weeks because they move on to another children's home to do the same type work; that there is already a tree buffer where the sites will be located, but if more vegetation is needed, it will be provided; and that the same type of volunteer program is in place in Macon and no one has stayed there longer than six (6) weeks. Discussion included that perhaps eight (8) weeks should be the maximum stay in case there are maintenance projects that take longer to complete; that if approved, an application for a Special Use Permit will be necessary since the amenities allowed in CORD must also have a Special Use Permit; and that if the rezoning is approved, the sites should only be used by non-profit organizations. There being no further questions or comments, Chairman Lange closed the Public Hearing and asked for a motion.

The motion to approve this rezoning was made by Commissioner Woods with the following conditions: (1) vegetative buffer screening to keep RVs from being seen from Hunter Road; (2) limited to four (4) RV sites; (3) only non-profits may use the sites; (4) limited to use allowed in CORD to the four (4) RV sites only; and (5) the maximum stay for any RV is eight (8) weeks. The motion was seconded by Chairman Lange and passed unanimously.

- E. **Application of Craig Hobbs to Amend the Text of the Zoning Ordinance, Article IV, Section 2, to Allow Chickens in R-1 Zoning Districts.** Chairman Lange called the Public Hearing to order, read the specifics of the application to allow 32 chickens per acre on lots of two acres or more in size, said that the County Planner had made recommendations to deny, approve as submitted, or approve with further amendments to include the definition of a backyard chicken (A female pullet or hen of the *Gallus gallus domesticus*; which are or may be raised for the purpose of providing food or companionship as a pet. Roosters are not considered backyard chickens) and the addition of Section 24 in the Supplemental Regulations for Backyard Chickens [(1) Backyard chickens are regulated on properties between one acre and three acres. Parcels larger than three acres will not be regulated as far as number and location of chickens or backyard chickens. The minimum lot size for having backyard chickens is one acre. (2) The maximum number of backyard chickens will be eight. (3) Chickens must be kept securely in an enclosed rear yard or pen at all times. (4) Any structure housing chickens must be located in rear yard. (5) Each coop shall have at least four (4) square feet of floor space per chicken over four (4) months old. (6) Chickens must be housed at least twenty (20) feet from any property line and fifty (50) feet from any residence other than the owner's. (7) Chickens are only permitted as pets or for egg production. Slaughtering of chickens is prohibited. (8) Chickens must be kept under sanitary conditions and shall not be a public nuisance. (9) These requirements are minimum requirements and do not affect any private controls, including any more stringent regulations or prohibitions on the keeping of chickens in private covenants. Nothing in this ordinance shall affect the authority of any homeowner's association to adopt and enforce more stringent standards for the keeping of chickens, or to prohibit outright the keeping of chickens on any property within the jurisdiction of such association.], and that the Planning Commission had recommended disapproval.

Craig Hobbs, applicant, and his wife, Christina Hobbs, appeared before the Board regarding the text amendment. Mr. Hobbs said that they were unfamiliar with the amendment process and chose one of three examples that best matched their needs; that when they started the process, he was undergoing and is still undergoing treatment at the Shepherd Center for traumatic brain injury and PTSD; that owning chickens as a source of eggs is widely accepted in urban, suburban and rural areas; that chickens are safe, educational and not a burden to the government; that urban chickens are not for agricultural production but are pets; that urban chickens start to produce within four to six months of hatching and end production in about six years and typically live about two more years after they stop producing; that chickens increase local revenue for business from the sale of feed, hardware, lumber, etc.; that chickens help manage pests and weeds; that chickens are widely accepted in cities such as Los Angeles, New York, Topeka, Missoula, Memphis, Atlanta and Buckhead; that there is no correlation with bird flu since their chickens are not using a shared source with water fowl, and there is no source of salmonella which is due to food handling; that chickens are quieter than dogs; that six (6) hens produce as much manure as a medium sized dog; that chicken manure can be used as compost; that when properly contained, chickens do not attract predators; they do not produce a stench as they do not sweat; that manure has not been found to be more potent in smell than any other pet feces and they don't attract pests any more than dogs or cats; that it is educational for their children who learn earth science, biology, nutrition, marketing, and civics; that in locations allowing chickens, the average rate of complaint is .014 percent for chickens and 99.996 percent for dogs; that there is no evidence of decreased property values; and that the proposal of owning chickens as pets and as a source of local grown eggs is relevant and widely accepted in many areas. Mrs. Hobbs commented that they are not hung up on 32 per acre as the number of chickens but that they do want to keep chickens.

There being no questions or comments from the Board, Chairman Lange asked if anyone wished to speak in opposition to this text amendment.

Brent Ballard, citizen who lives on Serenity Loop, and his wife, Darlene, appeared before the Board in opposition. Mr. Ballard said that he has no problems with the Hobbs' family; that they were good neighbors until the issue with the chickens started; that he is concerned about his investment as a home owner and chickens affecting his property values; that homes in the area are valued at \$300,000 and up; that he disagrees with the Zoning Ordinance amendment because it will affect property values county-wide, and will ultimately affect real estate sales and property taxes, especially if they have 64 chickens; that the smell is offensive; that chickens attract flies, rats, snakes, and rodents; that there is unsanitary disposal of droppings on the property; that there are diseases associated with chickens - salmonella, histoplasmosis (respiratory disease), avian influenza, etc.; that 64 chickens could produce 448 eggs a week; that the Hobbs family has had chickens since April 2014; that by having the chickens, the Hobbs are in violation of County codes as well as the recorded covenants of Tranquility Subdivision, which does not have an HOA; that they currently have eight (8) chickens, down from 28 to 30, which has happened since the Code Enforcement Officer came out; that the two chicken coops and the place where the manure is dumped are basically three cesspools, which attract flies and vermin; that there are zoning districts in which one can raise chickens; that 64 chickens is not a home school project, it's a business; that he is opposed to the text amendment; and that he moved to Harris County because of the zoning to allow people to do what they want in the correct zoning district. Mrs. Hobbs said that the chicken coops are 10 to 15 feet from their property line and 90' from their house.

Roy Williams, citizen who lives on Serenity Loop near the applicant, appeared before the Commission and said that while he has no problems with three or four chickens as pets per lot, the amendment sounds more like a commercial operation; that he has been in the chicken business and chickens are nasty unless you stay on top of cleaning the areas.

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

In rebuttal, Mr. Hobbs said that while there have been no problems with the Ballards, when they had their property line surveyed it was learned they had their belongings on his property; that he has had a bank realtor visit his home and when asked about resell value, she said that the chickens were not an issue; that while he was aware of the covenants, the HOA has been dissolved. Mrs. Hobbs said that they did have 28 but are now down to 8; and that the excess chickens were given away to family or friends.

Greg Wood, County Manager, commented that while the HOA is inactive, the covenants are recorded, and that should the Board approve the text amendment, the covenants would still be enforceable. Commissioner Chewning commented that enforcing the covenants does not require an active HOA, that any person in the neighborhood could do so.

There being no further comments or questions, Chairman Lange closed the Public Hearing.

Chairman Lange then said that while he appreciates the time taken by the applicant and the opponents in this matter, he does not believe that chickens are appropriate in R-1 zoning districts, and that a large part of the County is zoned agricultural, which allows chickens. He then made the motion to deny the text amendment.

Commissioner Langston said that she is in agreement with Chairman Lange; that in her district she knows of three issues related to chickens in R-1, one being this particular case, and another in which the HOA is trying to resolve. She then seconded the motion to deny the text amendment.

The vote to deny the text amendment was unanimous.

8. **NEW BUSINESS (CONTINUED)**

- E. **Bridge on Fortson Road over Standing Boy Creek.** Commissioner Langston announced that GDOT will have an open house on October 1 from 5:00 PM to 7:00 PM to answer any questions and to discuss the replacement of the bridge over Standing Boy Creek.
- F. **The Grove and Selective Clearing.** Commissioner Langston announced that while the sanitary sewer system for the Grove was four to five weeks away, work will begin shortly on selective clearing of the property.
- G. **Springsted Classification and Compensation Study Status.** In response to a question from Commissioner Langston, Nancy McMichael, County Clerk, reported that the initial meetings with Department Heads and Constitutional Officers will take place on Tuesday, September 8, and with the employees on Wednesday, September 9, with all meetings taking place at the Community Center.

9. **COUNTY MANAGER**

- A. **Master Fire Plan Proposals.** Greg Wood, County Manager, said that five proposals were received in response to the County's request for proposals for a master fire plan; that the proposals were reviewed by the seven members of the Fire Plan Committee and graded based on the responsiveness to the request; and that the grading results showed Emergency Services of Wilsonville, OR with 89, Matrix Consulting of Keller, TX with 85, JMCM Consulting of Five Points, AL with 80, Public Safety Solutions of Chester, MD with 66, and Calderwood Consulting of LaVergne, TN with 65. Discussion included that Emergency Services has a representative in Georgia; and that the Board would like to see the proposals and costs. Chairman Lange asked that copies of the proposals be provided to the Board tomorrow for the Board to review, and for the Board to let Nancy McMichael, County Clerk, know if interviews/presentation will be needed or not; and depending on the response, action may or may not be on the September 15 agenda.
- B. **Borrow Pit.** Greg Wood, County Manager, said that the current borrow pit from which the County takes dirt to use on road projects is almost depleted; that the area between Georgia Highway 116 and the building known as the Cattleman's Building is a good location for a new borrow pit from which to take dirt that will be needed for the Washington Road project and other projects; that the cost estimate from Haralson & Adams for the necessary surveying and engineering necessary for the permitting of the location as a borrow pit is \$7,000 to \$7,500 and includes Existing Topo Survey, Grading/Storm Drainage Plan, Phase I, II & III Erosion Control Plan, and Erosion Control Notes and Details; and that permission is being requested in order to move forward with the necessary EPD permitting. Following discussion, the motion to authorize up to \$7,500 for the necessary surveying and engineering as described with half the funds to come from the Agri-Center SPLOST of 2014 and the other half from the Road SPLOST of 2009 was made by Commissioner Chewning, seconded by Commissioner Woods, and passed unanimously.
- C. **Request for Executive Session.** Greg Wood, County Manager, requested an Executive Session for the purpose of discussing potential litigation.

10. **COUNTY ATTORNEY**

A. **Hamilton Cemetery Preliminary Survey**. John Taylor, County Attorney, said that copies of the preliminary survey plat of the two section of the cemetery in Hamilton were distributed.

11. **RECESS FOR EXECUTIVE SESSION**. The motion to go into Executive Session for the purpose of discussing potential litigation was made at 8:44 PM by Chairman Lange, seconded by Commissioner Woods, and passed unanimously.

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

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

J. Harry Lange, Chairman

Attest:

Nancy D. McMichael, County Clerk