

**HARRIS COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION**

November 3, 2015

7:00 P.M.

Commissioners Present: J. Harry Lange, Joey Loudermilk, Martha Chewning, Becky Langston, Jim Woods. Staff Present: Greg Wood, County Manager; Nancy D. McMichael, County Clerk. Jeff Todd, Acting County Attorney in the absence of John Taylor, County Attorney.

1. **CALL TO ORDER.** Chairman Lange called the Regular Session to order.
2. **PLEDGE OF ALLEGIANCE.** Chairman Lange lead those in attendance in the Pledge of Allegiance.
3. **MINUTES.** The motion to approve the minutes of the October 20, 2015, Regular Session was made by Commissioner Loudermilk, seconded by Commissioner Woods, and passed unanimously.
4. **INTRODUCTION.** Chairman Lange introduced Colin Martin, representing Lynn Westmoreland, who reminded those in attendance that should they need assistance from Congressman Westmoreland to not hesitate to contact him.
5. **APPEARANCE OF CITIZENS**
 - A. **Lawrence Lambert: Paving of Pine Drive in Kings Gap Village.** Lawrence Lambert, citizen, appeared before the Board and said that he is in the process of building his retirement home on Pine Drive in Kings Gap Village; that the County received a state grant (CDBG) to pave roads in Kings Gap Village; that current plans call for approximately 2/10's of a mile on Pine Drive to not be paved; and that moving forward with the paving of that section would be beneficial not only to him but to the County by not having to maintain a dirt section of the road. Greg Wood, County Manager, said that when the CDBG project, which includes Pine Drive, goes out on bid, this particular section of Pine Drive could be included as an add alternate; that because of CDBG regulations, this section cannot be included in the grant and, if the Board approves, the cost would have to come from County funds. Following discussion, Chairman Lange said that the Board will consider Mr. Lambert's request.
6. **ANNOUNCEMENT.** Chairman Lange announced that Jeff Todd, law partner of John Taylor, County Attorney, was sitting in for Mr. Taylor due to his illness.
7. **OLD BUSINESS**
 - A. **Second Reading: Application for Beer & Wine On-Premises at Lake Harding Marina Restaurant, 45 Bonnie Drive, Fortson.** Chairman Lange said that this was the Second Reading of the application. He then read the specifics of the application and said that it had been recommended for approval by the Sheriff's Office and the Health Department, but that Community Development had recommended disapproval for two reasons (1) business does not have the minimum 20 parking spaces required for on-premises licenses, and (2) on-premises licenses require that the business be located a minimum of 200 yards (600 feet) from the nearest residence, and it is located only 332 feet from the nearest residence. Steve Kennedy, applicant, appeared before the Board and requested that the Second Reading be postponed or delayed and that the Board consider amending the Alcohol Ordinance, regarding parking spaces and distance from residences. He distributed information regarding his request. Following discussion, Commissioner Loudermilk tabled the Second Reading, which will take place immediately following either the Board's decision to not move forward with the amendments or immediately following the required public hearings for the amendments.
 - B. **Springsted Compensation & Classification Study Status.** In response to a question from Commissioner Langston, Greg Wood, County Manager, reported that the changes regarding the comparison counties/cities for the Compensation & Classification Study had been provided to Springsted and that we should be hearing from them soon.
 - C. **Master Fire Plan Status.** In response to a question from Commissioner Langston, Greg Wood, County Manager, reported that the Notice to Proceed had been issued for the Master Fire Plan.

- D. **Hamilton-Pleasant Grove Road Status.** In response to a question from Commissioner Langston, Greg Wood, County Manager, said that the Notice to Proceed had been issued on the resurfacing of Hamilton-Pleasant Grove Road and that work should be underway any day now.
- E. **Washington Road Improvements Status.** In response to a question from Commissioner Langston, Greg Wood, County Manager, said that the Notice to Proceed had been issued regarding the improvements to Washington Road, which had been delayed due to utility relocation issues; and that work should be starting this week on the east end.

8. **NEW BUSINESS**

- A. **Proclamation: Public Safety Awareness Week.** Chairman Lange read the document proclaiming the week of November 9 as Public Safety Awareness Week to honor members of the Sheriff's Office, the EMS, the Volunteer Fire Departments, and the 9-1-1 Center. The motion to approve the proclamation was made by Commissioner Langston, seconded by Commissioner Loudermilk, and passed unanimously.
- B. **Airport Capital Improvements Plan (CIP).** Chairman Lange said that the CIP is a document required by GDOT on an annual basis regarding Airport projects and that Amanda Hill, Airport Consultant, was present to discuss the plan. However, before Ms. Hill could give much explanation, Chairman Lange said that the discussion had to be recessed in order to hold the scheduled Public Hearings at 7:30 PM.

9. **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 Hearing Procedures.** Chairman Lange explained the procedures involved with the scheduled public hearings.
- C. **Application of Rebecca Haynie for Special Use Permit for a Private Kennel on Land Lot 128, Land District 21, Map 052, Parcel 006; current use agricultural; proposed use private kennel; property zoned A-1; property at 308 Valley Rescue Mission Road, Hamilton.** Chairman Lange called the Public Hearing to order, read the specifics of the application, and said that the Planning Commission had recommended approval with a limit of six (6) dogs and that Staff had also recommended approval. Rebecca Haynie, applicant, and her husband, Andrew, appeared before the Board. Mrs. Haynie said that she was unaware of the ordinance limiting the number of dogs without a kennel permit; that they currently have five (5) dogs and she explained how they were obtained; and that they are animal lovers and would like to be able to keep the dogs they have. Chairman Lange asked if anyone wished to speak in favor, and Mr. Haynie said that he was in favor of the request. Chairman Lange asked if anyone wished to speak in opposition. There being none, he asked the Board for comments or questions. In response to questions from the Board, Mrs. Haynie said that in addition to their dogs, they have chickens, a miniature donkey, rabbits, and chinchillas; and that while they have no plans to get another dog, they would provide foster care if necessary. There being no further questions or comments, Chairman Lange closed the Public Hearing and asked for a motion.

The motion to approve this Special Use Permit with a limit of six (6) dogs was made by Commissioner Woods, seconded by Commissioner Chewning, and passed unanimously.

- D. **Application of Robert Jenkins to Rezone 1.59 acres of Land Lot 63, Land District 21, Map 051, Parcel 030; from C-4 (Highway Commercial) to A-1 (Agricultural & Forestry); present use vacant; proposed use residential; property location at 2071 Calhoun Road, Fortson.** Chairman Lange called the Public Hearing to order, read the specifics of the application, and said that both the Planning Commission and staff had recommended approval. Robert Jenkins, applicant, appeared before the Board and said that he has been building homes in Harris County for 20 years; that when he purchased the property, he had it surveyed and platted out for three lots; and that when he went to get building permits, it was discovered that a small portion of the property is zoned commercial; and that he would like to have the 1.59 acres rezoned so that he can build on same. Chairman Lange asked if anyone wished to speak in favor or in opposition to this Rezoning application. There being no comments from those in attendance or from the Board, he closed the Public Hearing and asked for a motion.

The motion to approve this Rezoning application was made by Commissioner Loudermilk, seconded by Commissioner Chewning, and passed unanimously.

- E. **Application of Lisa K. White to Amend the Text of the Zoning Ordinance, Article IV, Section 2, Item 135.5 to add CORD (Commercial Outdoor Recreation Development) as a district in which a Special Event Facility can be located.** Chairman Lange called the Public Hearing to order, read the specifics of the application, and said that both the Planning Commission and Staff had recommended approval of the amendment. Lisa K. White, applicant, appeared before the Board and said that when her family purchased the property in May, the previous owners indicated that all permits were in place for what she wanted to do with the property, but that turned out to be false; that she wants to do things right; that in order to provide facilities for special events, she is requesting an amendment be made to add CORD as a district in which a Special Event Facility can be located. 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. Ronnie Roberts, of Big Bear Farm, appeared before the Board and said he wasn't opposed as much as he was concerned about what she planned to do. At this point, Mr. Roberts was advised that this particular hearing was for an amendment to the text of the ordinance, and that his concerns would be better addressed during the following Public Hearing, if the amendment is approved. There being no further comments in opposition, Chairman Lange asked for comments and/or questions from the Board. Commissioner Woods thanked Ms. White for doing things in the proper process. 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 was made by Commissioner Loudermilk, seconded by Commissioner Chewning, and passed unanimously.

- F. **Application of Lisa K. White & John D. Kalvelage of Butts Mill Farm for a Special Use Permit to allow three (3) Special Event Facilities at Butts Mill Farm on Land Lot 71 & 72, Land District 3, Map 055, Parcel 040; current use Amusement Park; proposed use Amusement Park with Event Facilities; property zoned CORD; property located at 2280 Butts Mill Road, Pine Mountain.** Chairman Lange called the Public Hearing to order, read the specifics of the application, and said that both the Planning Commission and Staff had recommended approval. Lisa White, applicant, appeared before the Board and said that there are five (5) facilities in which she would like to provide special events, with three (3) being in Harris County and two (2) in Troup County; that the three in Harris County are the Carriage House, the Hoedown Barn, and the Covered Bridge; and that she would like to be able to allow family reunions, corporate functions, weddings, Christmas parties in the facilities. Chairman Lange asked if anyone wished to speak in favor. There being none, he asked if anyone wished to speak in opposition. Ronnie Roberts, of Big Bear Farms, said that he had no concerns since Ms. White had addressed what she plans to do. Chairman Lange asked for comments and/or questions from Board. In response to questions, Ms. White said that operating hours during the off season are 10 AM to 4 PM; that if there are special events, the facility would be open only for those events and not to the public; that she may be open later during Christmas; that she is mindful of the fact that she has neighbors; and that she wants to be a good neighbor. There being no further comments or questions, Chairman Lange closed the Public Hearing and asked for a motion.

The motion to approve this Special Use Permit for the three buildings/special event facilities was made by Commissioner Woods, seconded by Commissioner Chewning, and passed unanimously.

- G. **Application of the Methodist Home of South Georgia Conference for a Special Use Permit to allow four (4) RV Hookups/Campsites at Carpenter's Way Ranch on Land Lot 85 & 116, Land District 19, Map 045, part of Parcel 044; current use Commercial Outdoor Recreation Development (CORD); proposed use four (4) RV Hookups/Campsites; property zoned CORD; property located at 1645 Hunter Road, Cataula.** Chairman Lange called the Public Hearing to order, read the specifics of the application, and said that both the Planning Commission and Staff had recommended approval. He then excused himself from the meeting and asked Vice Chairman Loudermilk to preside. Lonnie Bivens, representing the Methodist Home of South Georgia Conference, appeared before the Board and said that the Special Use Permit is being requested to allow the four RV Hookups/Campsites with the conditions stipulated by the Board when the property was rezoned earlier this year. Vice-Chairman Loudermilk asked if anyone wished to speak in favor of or in opposition to this Special Use Permit. There being none, Mr. Bivens thanked the Board for their consideration. Vice-Chairman Loudermilk closed the Public Hearing and asked for a motion.

The motion to approve this Special Use Permit was made by Commissioner Chewing, seconded by Commissioner Woods, and passed unanimously. Chairman Lange rejoined the meeting, apologized for his absence, and continued to preside over the meeting.

- H. **Application of Edgar Hughston Builder, Inc., to Rezone 193.5 acres of Land Lot 88, Land District 19, Map 032, Parcel 011, from A-1 (Agricultural & Forestry) to PRD (Planned Residential Development); current use recreation/timber; proposed use residential; property located on Hart Road, Fortson.** Chairman Lange called the Public Hearing to order, read the specifics of the application, and said that both the Planning Commission and Staff had recommended approval of this Rezoning. Edgar Hughston, applicant, along with Ernie Smallman and Brandon Bolt, appeared before the Board. Mr. Hughston said that he is planning to have 80 lots ranging from 3/4 of an acre up to 2.67 acres, to have 7.3 acres in right-of-way, and to have 103.5 acres of greenspace; that they have hired an attorney to design and implement a permanent conservation easement on the greenspace; that the proposed layout shows most of the lots will be partially cleared for the house pad; that the combination of the lots and greenspace equate to 2.41 acres per dwelling, which is over the 2-acre minimum required in the County; that they plan to have walking trails and wildlife viewing areas throughout the greenspace; that the streams and watershed will be buffered in an all-natural, undisturbed wildlife habitat; corridors will be buffered; that type development is being used in other counties in Georgia where only a small portion of the land is used along with a large greenspace. Chairman Lange said that the property owner, Suzanne Newberry, has submitted a letter granting permission to pursue the rezoning with the caveat that a clause in the rezoning that make the change in the zoning classification conditional on the transfer of the title. Mr. Smallman said that has been worked out by verification from the Tax Assessor who indicated that unless the actual use of the property changes, a change in the zoning classification will not violate the conservation easement. Chairman Lange asked if anyone wished to speak in favor of this Rezoning application.

Suzanne Newberry, owner of the subject property, appeared before the Board and said that for the past 15 years they have been looking for a way to use the property in a way that would not destroy the creek; that she feels comfortable with the plan particularly due to the 100+ acres that will not be disturbed; and that much of the property will be under wildlife easement.

John Bunn, realtor, appeared before the Board and said that the concept is incredible; that being able to offer something like this is a great opportunity; that it will save money for the County and for the developer; that the 103 acres of greenspace is an awesome concept and there won't be a worry about that changing.

John Britt, citizen, appeared before the Board and said that such a development is an interesting concept and the plan is good, but it is also a complex concept; and that as far as the 103 acres is concerned, there needs to be a mechanism to control the conservation area to make sure that it does not become a burden to the neighborhood or on the County.

There being no further comments in favor, Chairman Lange asked if there were comments in opposition. There being none, he asked Mr. Hughston if he had any closing comments.

Mr. Hughston thanked the Board for their consideration and said that he thinks it will be good for the County and everyone involved.

In response to a question from Commissioner Loudermilk, Mr. Smallman said, in regard to the 103 acres to be in greenspace, that currently Mr. Hughston will hold the title and the Chattahoochee Valley Land Trust will hold the easement rights and monitor it; that Mr. Hughston will fund an annuity for the greenspace and will make sure the annuity is fully funded for monitoring; that Mr. Hughston will pass the title to the HOA who will still be restricted by the easement covenants; and that unlike the HOA the Land Trust will enforce the covenants. Mr. Hughston, in response to a question from Chairman Lange, said that he is willing to stand by the "green space maintenance and monitoring" information contained in the Commissioners' packet and has no objections to it being included as a condition to the rezoning. Commissioner Langston said that she also does not want to see the 103 acres become a liability to the County; that the Planning Commission has had discussion over the last two or three years about conservation subdivisions, and the maintenance of greenspace has been a real sticking point as far who will maintain such areas. Commissioner Chewing asked if adding a condition that for the 103 acres to be in a perpetual conservation easement, and to add that the 103 acres can be modified, within 5%, and the easement as proposed is to be on all four sides of the development. Commissioner Loudermilk said that he likes the concept is because it preserves over 100 acres of greenspace which is in character with the

rural quality of the County. Mr. Hughston said that Mr. Bolt came up with the plan as a way to avoid damaging the land by crossing the creek to gain access to the property. Commissioner Woods said that the concept allows both greenspace and developers, as their expense gets higher, to build houses people can afford. There was a brief discussion regarding having more than one ingress/egress for the development which included that the topography of the property may prevent such, and that is something the Planning Commission will determine during plat approval. Chairman Lange said that he has no problems with the one entrance and thinks the concept plan is terrific. There being no further comments or questions, Chairman Lange closed the Public Hearing and asked for a motion.

Commissioner Chewning made the motion to approve the Rezoning with the conditions that (1) the 103.5 acres, plus or minus 5%, be placed in perpetual conservation with the applicable annuities and assurances of perpetuation and (2) the proposed easement, unless it is impossible to do so, be on all four sides of the property. The motion was seconded by Commissioner Woods. Chairman Lange asked that as other conditions, the items set out on the “green space maintenance and monitoring page”, which was submitted by the applicant, be added, which are that (3) Mr. Hughston grant the Chattahoochee Valley Land Trust, or its equivalent, a perpetual conservation easement on the greenspace, which shall be maintained as open space for wildlife and forest land and restricted from any development; (4) the greenspace easement shall be monitored annually by the land trust to make sure it is in compliance with its restrictions, covenants and conservation values; (5) the land trust has the power to ensure the easement is enforced through the court system with any costs associated with a violation and curing of the violation recovered from the grantor of the easement, thus protecting the County; and (6) the easement will prohibit things such as clear cutting timber, mining, motorized vehicles, horse back riding, water removal from the creeks, and numerous other activities that could jeopardize the intent of protecting and preserving the greenspace and its wildlife. Commissioner Chewning amended her motion to include the conditions suggested by Chairman Lange, and Commissioner Woods amended his second. The motion with the six (6) conditions passed unanimously.

10. NEW BUSINESS (CONTINUED)

- B. **Airport Capital Improvements Plan (CIP) (continued)**. Chairman Lange asked Ms. Hill to resume her discussion of the CIP. Ms. Hill reviewed and explained the various projects reflected on the CIP, which covers from 2016 through 2021. Following discussion, the motion to approve the CIP was made by Commission Chewning, seconded by Commissioner Woods, and passed unanimously. (Document can be found in “Miscellaneous Documents” file as MD#15-08.)
- C. **Airport Hangar Development Area Contract Modification #1**. Greg Wood, County Manager, said that this modification is to change to a standing seam roof from a standard screw-down roof. Amanda Hill, airport consultant, said that of the three hangars currently ready for construction, two are 100' x 100' corporate hangars; that the advantage of the standing seam roof versus a screw-down roof is that the screw-down roof can rust, seals that can wear and leak, and the long-term maintenance would be less expensive; that the standing seam roof has no exposed fasteners to allow leaks. Mr. Wood said that the metal span of these hangars is more significant than with the smaller roof on the T-hangar. Commissioner Langston said that she understands the standing seam roof will be better, but the Board had a Called Meeting on October 2 during which the hangar contract was approved and the date of the modification is October 13, and asked why this change was not addressed before the bid submission. Ms. Hill said that it was her oversight; that the potential bidders were provided with performance specifications which included a list of things required for the building, which include a screw-down metal roof; that such should have included an add-alternate for a standing seam roof; and that it should have been caught by her or one of the others who review the specifications. In response to other questions, Ms. Hill said that the construction of the jumbo t-hangar is different from the corporate hangars and the smaller t-hangar makes it less susceptible to wear and deterioration; that the warranty on the standing seam roof is 30 years while on the screw-down roof is 10 years. Mr. Wood said that structurally, the hangars are different; and that the County has staff who could possibly make repairs to the jumbo t-hangar roof but not on the corporate hangar roofs. Following discussion, the motion to approve modification #1 in the amount of \$53,052 was made by Commissioner Woods, seconded by Commissioner Chewning, and passed with four in favor (Woods, Chewning, Lange, Loudermilk) and one opposed (Langston). (Document can be found in “Contracts & Agreements” file as C&A #15-36.)

- D. **Hazard Mitigation Plan Update Resolution.** Greg Wood, County Manager, introduced Katie Westbrook, of Lux Mitigation, the consultant who prepared the update to the County's Hazard Mitigation Plan. Ms. Westbrook said that FEMA requires the County to update its hazard mitigation plan every five years; that the update has been approved by both FEMA and GEMA; that there were two changes from the 2010 plan, which were transportation and terrorism; that over the course of six meetings, individuals from the County and other organizations met to review and update the plan. In response to questions, Ms. Westbrook said there are two reasons to have the plan in place with those being (1) if the plan is not in place when disaster hits, the County will not be eligible for assistance post-disaster, and (2) if the plan is not in place, the County will not be able to apply for any federal funding. She said that she has agreed with Monty Davis, EMA/9-1-1 Director, to annually reconvene the committee and if anything needs to be added, she will do so and resubmit to GEMA and FEMA. Following discussion, the motion to approve the Resolution to adopt the Hazard Mitigation Plan Update was made by Commissioner Loudermilk, seconded by Commissioner Chewning, and passed unanimously.
- E. **Community Center User Fee Revisions.** Chairman Lange said that there has been previous discussion regarding the revision of the Community Center User Fees, and asked for a motion regarding same. The motion to approve the fee revisions was made by Commissioner Woods, seconded by Commissioner Langston, and passed unanimously. (Note: Fees will be effective January 1, 2016.)
- F. **Appointment: Recreation Board.** Chairman Lange said that official action has never been taken to appoint Charles Ragsdale to the Recreation Board as the Board of Education Liaison, which, according to the Recreation By-Laws is an ex-officio, non-voting member. The motion to appoint Charles Ragsdale to the Recreation Board as the Board of Education liaison was made by Commissioner Langston, seconded by Commissioner Loudermilk, and passed unanimously.
- G. **Audit Proposal: Robinson Grimes & Company.** Chairman Lange said that a proposal had been received for our auditors, Robinson Grimes. Greg Wood, County Manager, said that Paul Glick, Finance Officer, has recommended that rather than entering a three-year agreement for audit services, he is recommending that it be done for one year at a cost of \$49,000, and Mr. Wood said he agreed with the recommendation. Following discussion, the motion to approve a one-year agreement for audit services for the Fiscal Year ending June 2015, was made by Commissioner Langston, seconded by Commissioner Loudermilk, and passed unanimously. (Document can be found in "Contracts & Agreements" file as C&A #15-37.)

11. **COUNTY MANAGER**

- A. **Resolution for Roadside Enhancement & Beautification Council Grant.** Greg Wood, County Manager, said that he has been working on a Gateway Grant, which has now been changed to the Roadside Enhancement & Beautification Council (REBC) grant, and as such requires a Resolution regarding same. Following discussion, the motion to approve the resolution was made by Commissioner Loudermilk, seconded by Commissioner Langston, and passed unanimously.
12. **COUNTY ATTORNEY.** Jeff Todd, Acting County Attorney, said that he had no business to discuss with the Board this evening.
13. **RECESS FOR EXECUTIVE SESSION.** The motion to go into Executive Session for the purpose of discussing personnel matters was made at 9:07 PM by Commissioner Langston, seconded by Commissioner Woods, and passed unanimously.
14. **RESUME REGULAR SESSION.** The motion to go back into Regular Session was made by Commissioner Loudermilk, seconded by Commissioner Chewning, and passed unanimously.
15. **ADJOURNMENT.** There being no further business to discuss, the motion to adjourn was made by Commissioner Loudermilk, seconded by Chairman Lange, and passed unanimously.

Attest:

J. Harry Lange, Chairman

Nancy D. McMichael, County Clerk