

**HARRIS COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION**

April 5, 2016
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.** At the request of Chairman Lange, Commissioner Loudermilk led those in attendance in the Pledge of Allegiance.
3. **MINUTES.** The motion to approve the minutes of the March 15, 2016, Regular Session was made by Commissioner Loudermilk, seconded by Commissioner Chewning, and passed unanimously.
4. **OLD BUSINESS**
 - A. **Status of Springsted Salary Compensation & Classification Study.** In response to a question from Commissioner Langston, Greg Wood, County Manager, said that Springsted representatives were meeting with Constitutional Officers and Department Heads on Thursday and Friday (April 7 & 8) to review job description revisions.
 - B. **Litter Pick Up.** In response to a question from Commissioner Langston regarding having litter picked up and signs installed prohibiting litter, discussion included that Public Works had ordered signs and could install them where needed. Commissioner Langston will advise as to the locations where such signs are needed.
5. **NEW BUSINESS**
 - A. **Budget Schedule FY 2016/17.** Chairman Lange said that the budget schedule for 2016/17 needs to be adopted, even though the requests for budgets has been sent out to Department Heads. Discussion included that the fourth Work Session, noted as "if needed", could be deleted at this time, and if such is necessary, it would be arranged. The motion to approve the schedule, minus the fourth Work Session, was made by Commissioner Woods, seconded by Commissioner Langston, and passed unanimously.
 - B. **Proclamation: Donate Life Month in Harris County.** Chairman Lange read the document proclaiming April as Donate Life Month in Harris County and made the motion to approve same. The motion was seconded by Commissioner Woods, and passed unanimously.
 - C. **Road Acceptance: Maddox Road North Easement.** Chairman Lange said that a petition had been received requesting the County consider accepting the North easement off Maddox Road, and that while seven (7) of the eight (8) parcel owners had signed the petition for a total of 88%, one of the owners notified the Commissioners' office on March 29 that neither she nor her daughter would pay any costs associated with the acceptance process (survey, title search and driveway pipe), which brings the percentage down to 63%. Discussion included that the ordinance for road acceptance stipulates that at least 80% of the property owners must agree to pay costs associated with acceptance. Following discussion, Commissioner Woods tabled action to the next meeting.
 - D. **Financial Statement: January 2016.** The motion to approve the January 2016 financial statement was made by Commissioner Woods and seconded by Commissioner Chewning. In response to questions (1) Greg Wood, County Manager, indicated that the Airport revenues and expenses will be itemized and provided with statements beginning with February's statement; (2) Paul Glick, Finance Officer, said that he would check on the difference between Occupation License Tax (3140-01-351) and Occupation Tax (3800-01-351); and (3) Mr. Wood said that there is no longer a School Resource Officer with revenue coming to the County; that from what he understands the deputies who work the schools get paid directly from the Board of Education.

6. **COUNTY MANAGER**

- A. **Bid Award: Water Treatment Plant Improvements, Sedimentation Basin & Alum Lagoons.** Greg Wood, County Manager, said that bids were requested for the water treatment plant improvements, which will increase the plant's capacity by about 350,000 gallons per day. The bids were:

Company	Base Bid
Schmidt Environmental Construction, Auburn, AL	\$ 2,514,000.00
PF Moon & Company, West Point, GA	\$ 2,908,000.00
Haren Construction, Etowah, TN	\$ 3,208,538.00

Mr. Wood said that Carter & Sloope, consulting engineers for this project, have reviewed the bid and recommended the award to Schmidt Environmental for the low base bid of \$2,514,000. He also said that both Jeff Culpepper, Water Works Director, and Matt Smith, with Carter & Sloope, were present to discuss the project. Mr. Smith distributed two documents describing the project itself and aerial maps showing the plant location. He then reviewed the two documents and answered questions from the Board, to include that the fund for the project began in 2011 with a percentage rate of 1.4% for a GEFA loan; that the project is scheduled to take one year; and that ultimately the savings to the County by undertaking this project will be about \$60,000 per year by not having to purchase the 350,000 gallons/day of water from Columbus. (Documents can be found in "Miscellaneous Documents" file as MD# 16-03.)

The motion to award the bid to Schmidt Environmental for the low base bid of \$2,514,000 was made by Commissioner Loudermilk, seconded by Commissioner Woods, and passed unanimously.

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

- A. **Explanation of Public Hearing Procedures.** The procedures regarding the scheduled Public Hearings were explained by Chairman Lange.
- B. **Conflict of Interest Forms.** The Conflict of Interest forms were completed at the request of Chairman Lange.
- C. **Application of Edgar Hughston Builder, Inc., to rezone 41.87 acres owned by Margie Goodyear, in Land Lot 12, Land District 19, Map 028, Parcel 011, from A-1 (Agricultural & Forestry) to R-1 (Single Family Residential); present use recreation; proposed use residential home sites; property located on Mountain Hill Road, Fortson.** Chairman Lange called the Public Hearing to order, read the specifics of the application, and said that the applicant had submitted a letter of withdrawal of the application; that the Planning Commission had recommended approval of the withdrawal; and that the Board is to act on the withdrawal letter. He closed the Public Hearing and asked for a motion on the withdrawal letter. The motion to approve the withdrawal of the application was made by Commissioner Langston, seconded by Commissioner Chewning, and passed unanimously.
- D. **Application of J. P. Thayer Company for Ellerslie Development Company to amend the rezoning conditions of 665 acres located in Lang Lots 129, 130, 159 & 160, Land District 18, Map 084, Parcel 050, to increase the number of maximum lots from 300 to 350; property located on Autumn Trail Way, Ellerslie.** Chairman Lange called the Public Hearing to order, read the specifics of the application for the purpose of increasing the number of maximum lots from 300 to 350; that the Planning Commission had recommended approval of the application. Warren Mason, of Moon, Meeks Mason & Vinson, appeared before the Board and said that during the original rezoning of the property in 2001, one of the conditions was to allow up to 300 lots on the 665 acres; that the subdivision is basically a conservation subdivision with natural areas throughout, as well as the required buffers, and has a rural feel; that there are no driveways accessing Highway 315; that next month they will be submitting a plat for approval of 33 lots, which will bring the total number of lots to 291, which leaves slightly over 102 acres for 9 lots based on the original rezoning condition; that they would like to continue developing the remaining acreage with the same standards as the other sections of the subdivision, with quality homes, and lots of no less than one acre. In response to questions from the Board, Mr. Mason confirmed that the number of lots, as of next month, will be 291; that although there was ample time to develop all the property

over the last 15 years, adjustments had to be made due to soils and topography; that the shaded areas on the plat of the subject property (the 102 acres) are natural areas, which are incorporated in the lots and the lots will have restrictions on use included on the plat.

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

Kevin O'Connor, citizen, appeared before the Board and said that with the increase in houses, the County may end up having to purchase more water from Columbus. Chairman Lange said that he would comment about the water purchase following the Public Hearing. Mr. O'Connor also commented later that if approved, the architectural review board should be made up of members of the homeowners association rather than the developer and builder.

Steve Register, citizen, appeared before the Board and said that he was present during the rezoning hearing in 2001 during which a limit of 300 lots was placed on the property; that there has been ample time for the developer to develop the property with 300 lots; that because the County now requires lots with a minimum of two acres rather than one, if the amendment is approved, the additional lots should be required to be a minimum of two acres or there may be issues with other developers if anything less than two acres is allowed; that Ellerslie Place is a good development and homes there reflect the County well; that the new homes should be built to the same standards as the older homes and anything less would reduce home values.

There being no further questions or comments, Chairman Lange asked Mr. Mason for rebuttal. Mr. Mason said that the subdivision is a quality subdivision; that the standards for the additional lots will be the same as for the previous lots; that there will be one additional access to Highway 315 from the 102 acres. J. P. Thayer, applicant, appeared before the Board and said that for the development, he ran water from Highway 27, which has benefitted many citizens; that provided an area for a County water tank; that the subdivision has standards matching any in Columbus; that of the 270+ houses currently in the development two were recently put up for sale with one of those selling this past weekend. In response to questions from the Board, Mr. Thayer said that the original 300 maximum was an arbitrary number; that at the time of the rezoning (in 2001), he had no idea as to the number of houses they would end up with; and that there will be one additional access to Highway 315 for the additional lots. There being no further questions or comments, Chairman Lange closed the Public Hearing.

Chairman Lange asked John Taylor, County Attorney, about whether or not the additional lots should be a minimum of two acres. Mr. Taylor said that when the property was originally rezoned the minimum lot size was one acre; and that there is not a requirement to cause the additional lots, because they are part of the same property originally rezoned, to be a minimum of two acres. In response to a question Commissioner Loudermilk about the plat that was provided in the meeting packet, Mr. Taylor said that the arrangement of the lots may differ and that the plat will ultimately go to the Planning Commission for approval.

In response to questions from Commissioner Langston, Jeff Culpepper, Water Works Director, said that there will not be a problem to provide water the 50 more houses, especially since the subdivision is basically under a 500,000 gallon water tank; and Brian Williams, Community Development Director, said that he had not received any comments regarding the amendment until the day it went before the Planning Commission, and the comments were not negative and but more like questions.

There being no further comments or questions, Commissioner Loudermilk made the motion to approve the request to amend the zoning condition to increase the number of lots to a maximum of 350, and that as an additional condition one additional access to Highway 315 for the subdivision is to be included. Commissioner Langston seconded the motion. Commissioner Chewing said that she was not in favor of the amendment; that the developer should have been able to develop the property with 300 lots; and that the residents in the subdivision need to be able to count on something that is consequential to them. The motion passed with four in favor (Loudermilk, Langston, Lange, Woods) and one opposed (Chewing).

Chairman Lange said that he appreciated the comments about the water; that the County purchases water from Columbus because the County's water treatment plant does not have the capacity to provide enough water to meet the needs of the citizens; that discussions with the Corps of Engineers to increase the County's withdrawal permit has not been met with success, thus water has to be purchased from Columbus.

8. **COUNTY MANAGER (continued)**

B. **Projects Status Update.** Greg Wood, County Manager, brought the Board up to date on various projects, to include:

- (1) **Radios.** All replacement radios are in, but are being held until the switch to the new consoles, which will take place in about two weeks, so they can be done at the same time; that the Waverly Hall tower should be completed by the end of the month; and that the West Point tower is up and working.
- (2) **Watkins Road Survey.** The surveyor should have the survey completed by Friday, pending field checks of the data.
- (3) **Washington Road Paving.** Progress continues; engineer did not show for the meeting this past Monday; and plans were updated in October but not provided to the County.
- (4) **LMIG Safety Items.** Reminder to advise the need for any striping, signs, or guardrails.
- (5) **Airport.** Beacon has arrived and will be installed soon. Paving is scheduled for tomorrow, pending rain.
- (6) **Animal Control.** No animals were euthanized in March and the adoption rate was 132% because they adopted out more animals than were brought in.
- (7) **Storm Damage of Friday, April 1.** Several roads were underwater, but all are back open with the exception of Ginn Lake Road, which has been undermined due to beavers blocking the storm drain.

C. **Vehicle Issue: Sheriff's Office.** Greg Wood, County Manager, reported that a Tahoe in the Sheriff's Office was totaled in an accident that occurred in March 17, 2016; that the vehicle cost \$29,595.50 plus equipment, and we received insurance proceeds of \$22,196.50, which includes the damaged equipment and reduced by the deductible (of \$5,000); and that Captain Sven Armbrust was present to discuss the purchase of a new vehicle. Captain Armbrust explained in detail how the vehicle was totaled and said that due to issues regarding GM and Tahoes, as a replacement, the Sheriff's Office plans to purchase a Dodge Charger and the necessary equipment for \$28,503.43, which is roughly \$6,300 more than the proceeds; that they feel the Tahoe's value is much higher than what the insurance company determined; and that it is understood the insurance company will go after the other carrier to hopefully recoup the County's deductible of \$5,000, which would then make the difference \$1,300. Following discussion regarding the insurance proceeds, the motion to approve purchasing the Dodge Charger and taking the difference between the insurance proceeds and the purchase price from Fund Balance was made by Commissioner Woods, seconded by Commissioner Chewing, and passed unanimously. (Note: additional \$300.10 received from insurance company due to mileage miscalculation, which reduces the difference to \$6,006.83 and after recouping the deductible to \$1,006.83)

9. **COUNTY ATTORNEY**

A. **Agreement: GEMA Statewide Mutual Aide.** John Taylor, County Attorney, reviewed the document and said that it was similar to the one currently in place, and he recommended approval of same. The motion to approve this agreement was made by Commissioner Langston, seconded by Commissioner Chewing, and passed unanimously. (Document can be found in "Contracts & Agreements" file as C&A #16-06.)

B. **Agreement: Georgia Power Encroachment Easement (Bartletts Ferry).** John Taylor, County Attorney, reviewed this document and said that it was a necessary part of the Water Treatment Plant project (see item 6A above), and he

recommended approval of same, pending the acquisition of the borrow pit site. The motion to approve this agreement, pending acquisition of the borrow pit site, was made by Commissioner Chewning, seconded by Commissioner Loudermilk, and passed unanimously. (Document can be found in "Contracts & Agreements" file as C&A #16-07.)

10. **RECESS FOR EXECUTIVE SESSION**. The motion to go into Executive Session for the purpose of discussing pending and threatened litigation, real estate acquisition or disposal, and a personnel issue was made at 8:46 PM by Chairman Lange, seconded by Commissioner Chewning, and passed unanimously.
11. **RECONVENE REGULAR SESSION**. The motion to go back into Regular Session was made by Commissioner Woods, seconded by Commissioner Chewning, and passed unanimously.
12. **OTHER**
 - A. **Ante-Litem Notice: August and Peggy Dittmore**. The motion to deny the ante-litem notice regarding August and Peggy Dittmore concerning septic system failure was made by Chairman Lange, seconded by Commissioner Langston, and passed with four in favor (Lange, Langston, Chewning, Wood), no opposition, and one abstention (Loudermilk).
13. **ADJOURNMENT**. There being no further business to discuss, the motion to adjourn was made by Commissioner Loudermilk, seconded by Commissioner Chewning, and passed unanimously.

J. Harry Lange, Chairman

Attest:

Nancy D. McMichael, County Clerk