

**HARRIS COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION**

August 2, 2016
7:00 P.M.

Commissioners Present: J. Harry Lange, Martha Chewning, Becky Langston, Joey Loudermilk, Jim Woods. Staff Present: 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, Lynda Dawson, citizen, led those in attendance in the Pledge of Allegiance.
3. **MINUTES.** The motion to approve the minutes of the July 19, 2016, Regular Session was made by Commissioner Loudermilk, seconded by Commissioner Woods, and passed unanimously.
4. **NEW BUSINESS**
 - A. **Airport Apron Expansion.** Chairman Lange said that Amanda Hill and Tim Fredlund, airport consultants, were present to discuss the proposed expansion for the tie down area at the Airport; that a fly-in is scheduled for mid September for which there will be approximately 50 planes; and that more tie downs are needed at the Airport. Bill Champion, Airport Manager, said that the Airport currently has about 11 tie downs available. Ms. Hill and Mr. Fredlund reviewed the proposal and showed depictions of the tie down area. They indicated that the project could be done in two phases; that the first phase would be the planning, earth moving, regrading, base and application of double bituminous surface treatment; that the second phase would be asphalt; that the estimated cost is \$800,000; that the project would be a 90% reimbursement from FAA; that the tie downs would be a cable method that meets FAA requirements but is not as expensive as the more permanent methods; and that the cable method provides just as much anchoring as the other methods. Following discussion, Commissioner Langston said that she was hesitant to obligate County funds for another Airport project not having seen a profit and loss statement for the Airport. Paul Glick, Finance Officer, in response to a question from Chairman Lange said that he could have the statement prepared within two days. Action tabled until financial information provided.
5. **PUBLIC HEARINGS @ 7:30 PM**
 - A. **Explanation of Public Hearings.** Chairman Lange explained the procedures for the scheduled public hearings.
 - B. **Conflict of Interest Forms.** The Conflict of Interest forms were completed at the request of Chairman Lange.
 - C. **Application of Karl Derums to Rezone 5.91 acres of Land Lot 201, Land District 21, Map 071, Parcel 074, from M-1 (Light Manufacturing) to A-1 (General Agricultural & Forestry) for the purpose of matching surrounding properties and agricultural purposes; present use vacant; proposed use residential and farm; property located at 217 K Street, Pine Mountain Valley.** Chairman Lange called the Public Hearing to order, read the specifics of the application, and said that both the staff and Planning Commission had recommended approval of the application. Karl Derums, applicant, appeared before the Board and said that he has owned the property for several year and wants to rezone to agricultural like the surrounding properties. There being no questions or comments from the Board, Chairman Lange asked if anyone wished to speak in favor of this rezoning application.

Sharon Derums, wife of applicant, appeared before the Board and said that the property is beautiful and rezoning from manufacturing to agricultural would be a better use.

There being no further comments in favor, Chairman Lange asked if anyone wished to speak in opposition to the application. There being none, he asked Mr. Derums if he had further comments to which Mr. Derums replied that he had no further comments. In response to a question from Commissioner Loudermilk, Mr. Derums said that the property was previously used as a meat processing facility. There being no further comments or questions, Chairman Lange closed the Public Hearing and asked for a motion.

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

D. Application of Robert Noland, III, for Special Use Permit for Taxidermy Shop & Deer Processing on 1.99 acres of Land Lot 174, Land District 18, Map 062, Parcel 045; present use vacant commercial; proposed use taxidermy (matrix #139) and deer processing (matrix #45); property zoned C-4 and located at 35 Preston Road, Cataula.

Chairman Lange called the Public Hearing to order, read the specifics of the application, and said that staff had recommended approval and the Planning Commission had recommended approval with the condition of an opaque fence to shield the business activities from public view. Robert Noland, applicant, appeared before the Board and said that he and his brother will be going into business together; that the business will be called Circle N. In response to questions about the fencing, Mr. Noland said that because the building is lower than the road, he will make sure the fence is built correctly to prevent people from seeing what is going on. There being no further questions or comments, Chairman Lange asked if anyone wished to speak in favor of this Special Use Permit application. There being none, he asked if anyone wished to speak in opposition. There being none, he closed the Public Hearing.

The motion to approve this Special Use Permit with the condition of an opaque fence to shield the business activities from public view was made by Chairman Lange, seconded by Commissioner Loudermilk, and passed unanimously.

E. Application of Anna Donaldson for a Special Use Permit for a Private Kennel for Breeding (no boarding or training) on 0.6 acres of Land Lot 310, Land District 20, Map 021A, Parcel 099; current use residential; proposed use residential and private kennel for breeding (no boarding or training); property zoned A-1 and located at 190 East Pine Lake Drive, West Point.

Chairman Lange called the Public Hearing to order, read the specifics of the application, and said that staff had recommended approval and the Planning Commission had recommended approval with the conditions of (1) no more than three dogs over the age of 4 months, and (2) all breeding to take place off-site. Anna Donaldson, applicant, appeared before the Board and said that she has three Great Danes; that she wants to breed her two males off-site, and to breed her female on-site; that State regulations are such that if someone makes a profit from a litter of puppies, a permit is required, and in order to get that from the State, she needs a permit from the County; and that puppies must be kept until they are 8 weeks old, after which they can go to a new home. Randy Rickard, owner of the property and Ms. Donaldson's father, appeared before the Board and said that having three dogs on the property is allowed regardless of the breed of the dogs. There being no further comments or questions, Chairman Lange asked if anyone wished to speak in favor of this Special Use Permit application.

Patty Lumry, citizen, appeared before the Board and said that she lives next door to the subject property; that the dogs are always friendly and that she's not afraid of them; that Ms. Donaldson gives the dogs attention and takes good care of them; and she has no objections to the application.

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

Elaine Thompson, citizen, appeared before the Board and said that she lives directly across the lake from the subject property; that she has never seen any dogs in the yard; that she does not know where the dogs are kept; that she had her father use binoculars for the last four weeks to see if there were dogs on the property and he didn't see any; that she is concerned as to who will take care of the dogs since Ms. Donaldson works; that she doesn't think Ms. Donaldson lives at the property; and that she is not in favor of the application.

Melane Majors, citizen, appeared before the Board and said that the subject property is next to the swimming area for the neighborhood; that she has never seen the dogs; that there is a small house on a quarter acre lot next door; that with a house on a quarter acre lot, it doesn't leave much room for the dogs; and that Great Danes are big dogs and produce a lot of waste, which can be a health hazard.

Toni Edwards, citizen, appeared before the Board and said that in the last year there have been dogs on the lot next door where there is a four foot fence with no railing across the top; that she is concerned that puppies will increase the aggressiveness of the female dog; that having the puppies will result in an increased risk to the neighborhood; that there are others dogs in the neighborhood, but not that big; and that her main concern is the increased risk to the community. In response to a comment from Commissioner Langston, Ms. Edwards said

that she is aware that Ms. Donaldson can still have three dogs if the application is disapproved (ordinance allows up to three dogs without a Special Use Permit), but for Ms. Donaldson to profit from the situation is a disservice to the rest of the community.

Terry Majors, citizen, appeared before the Board and said that when a female dog has puppies, she becomes more aggressive; that he is concerned as to who is going to take care of the animals; that the County does not conduct inspections of such kennels; and that the subject property is next to the beach area and it will be unsanitary to have animals there, especially ones the size of Great Danes.

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

Ms. Donaldson said that her dogs stay inside; that she will not be breeding her male dogs on-site; that her dogs are current on their shots and she has all their records to include x-rays and other medical info; that the Georgia Department of Agriculture (GDOA) inspects licensed kennels once or twice a year for compliance; and that she will have to obtain a permit from the GDOA. In response to questions from the Board, Ms. Donaldson said that while she will breed her male dogs off-site, she would prefer to breed her female on-site; that when taking a female to another location, for about three weeks, there is worry about the female getting out and breeding with another dog in the neighborhood; that she has an invisible electric fence with a 180 degree radius; that her dogs have left her property only one time in the 5 years she has been there; and that the invisible fence is situated so that there is very little space on the side of the house nearest the beach. 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 with the conditions of (1) no more than three dogs over the age of 4 months, and (2) all breeding to take place off-site with the exception of the applicant's female dog, which can be bred on-site, was made by Commissioner Chewning and seconded by Commissioner Langston. Commissioner Woods commented that while he realizes Ms. Donaldson would like to maintain control over the breeding of her female dog, he hauls horses all over the country to other facilities and breeds no mares on his farm.

The motion passed with four in favor (Chewning, Langston, Lange, Loudermilk) and one opposed (Woods).

- F. **Application of William Woodham for Special Use Permit for Private Kennel on 29.22 acres of Land Lot 247, Land District 21, Map 071, Parcel 012; current use agricultural; proposed use for private kennel and agricultural; property zoned A-1 and located at 1448 C Street, Pine Mountain Valley.** Chairman Lange called the Public Hearing to order, read the specifics of the application, and said that staff had recommended approval and the Planning Commission had recommended disapproval. William Woodham, applicant, appeared before the Board and said that he wants to keep his coon dogs; that he understands the barking is a nuisance, but he is willing to build a barrier to try to keep the sound of the barking contained; that he will soon be reducing the number of dogs from 11 to 7; that his son, grandson, daughter, and daughter-in-law all coon hunt; and that he wants to be a good neighbor. There being no further comments or questions, Chairman Lange asked if anyone wished to speak in favor of this Special Use Permit application.

Matt Woodham, son of the applicant, appeared before the Board and said that Walker Coon Hounds are loud barkers; that the dogs are hard to get under control, but are in the process of being trained; that a buffer may reduce the noise somewhat; and that it may be possible to move the dogs back further into the woods to also reduce the noise.

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

Scott Stokes, citizen, appeared before the Board and said that he lives about 3/4 of a mile from the applicant; that the dogs bark non stop until midnight; that the barking is obnoxious; that they have to turn on fans when they go to bed in order to cover the sound of barking; that they hear noise from Cagle's (now Koch's) but that's a hum; that someone's hobby should not infringe upon his rights; that the constant barking is not something he should have to put up with nor does he think a barrier fence will reduce the noise from same; and that the only time it's quiet is when they are eating. In response to a question from Commissioner Chewning, Mr. Stokes said that the barking has not reduced recently.

Christy Stokes, citizen, appeared before the Board and said that there is about 100 acres between their home and that of the applicant; that the barking is so loud they have to turn on the air conditioner at night to cover the noise; that sounds tend to amplify in the Valley; that coon dogs are the loudest breed of dogs; that they normally hear birds, coyotes and some children, but the dogs can be heard over Cagle's (now Koch's); that she knows dogs bark, but for them to bark all day and so loud, it is obscene; that if the dogs were in a contained environment it might reduce the noise, but a barrier will not work; and that the barking sounds like 20 to 30 dogs rather than 11.

Heath Emerson, citizen, appeared before the Board and said that the dogs really are loud and bark from about 7 in the morning until midnight; that he doesn't get a lot of sleep; and that coon dogs are bred to bark and to be loud.

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

Mr. Woodham said that the young dogs are the ones that bark the loudest; that they bark at various game animals; that he agrees the dogs bark a lot but not all day and night; that he thinks a buffer would solve the problem; that if he has to build some type of enclosure and wrap it, he will; that he will be reducing the number of dogs by 4; and that he is trying to get along with his neighbors.

Chairman Lange asked Anna Donaldson, Animal Control Officer, about suggestions. Ms. Donaldson said that a complaint was received on April 12 of this year; that they went to Mr. Woodham's property and found six dogs; that when they approached the house, there was no barking; that when they got closer to the pens, the only dogs that barked were the younger ones; and that possibly putting up an enclosure or building may help buffer the sound. Ms. Donaldson also said, regarding a nuisance dog, that the case is taken to Magistrate Court, where the judge can declare the dog(s) to be a nuisance for which a fine is imposed, and if it continues, the judge could order the dogs be impounded and disposed of.

There being no further comments or questions, Chairman Lange closed the Public Hearing. He then made the motion to disapprove the Special Use Permit. The motion was seconded by Commissioner Woods. Commissioner Chewing commented that she had had a similar situation in her area and that in this instance, due to the location, the number of dogs and the type of dogs, the combination is not the right fit. Chairman Lange reiterated that Mr. Woodham could still have three dogs. Commissioner Woods said that an enclosed, insulated building could possibly resolve the situation. Following discussion regarding such a building, the motion to disapprove passed with four in favor (Lange, Woods, Langston, Loudermilk) and one opposed (Chewing). There was a brief discussion regarding the length of time for Mr. Woodham to get rid of his dogs, consensus was for 60 to 90 days.

- G. **Application of Michelle Register for a Special Use Permit for a Private Kennel on 1.29 acres of Land Lot 158, Land District 19, Map 048A, Parcel 072; current use residential; proposed use private kennel and agricultural; property zoned A-1 and located at 51 Harris Drive, Cataula.** Chairman Lange called the Public Hearing to order, read the specifics of the application, said that staff had recommended approval but the Planning Commission had recommended disapproval. He said that the applicant had made a verbal request to withdraw the application, which the Board is to act upon. The motion to grant the withdrawal of the application was made by Chairman Lange, seconded by Commissioner Langston, and passed unanimously.

6. **NEW BUSINESS (CONTINUED)**

- B. **Family & Children Services Board Reappointment.** Chairman Lange said that the term of Mary Ann Cheek expired June 30, 2016, and the DFCS Board has recommended that she be reappointed to another term ending June 30, 2021. The motion to reappoint Ms. Cheek to the DFCS Board for another term was made by Commissioner Woods, seconded by Commissioner Chewing, and passed unanimously.
- C. **Resolution: Acceptance of Autumn Trail Way, Harvest Court, and Hawthorne Court in Ellerslie Place Subdivision, Section Five.** John Taylor, County Attorney, said that in addition to the right-of-way deed, all documents necessary for the County to accept these roads have been received and appear to be in order. The motion to approve this Resolution was made by Commissioner Loudermilk, seconded by Commissioner Woods, and passed unanimously.

7. **COUNTY MANAGER**

- A. **Mower Drivers for Public Works.** Nancy McMichael, County Clerk and Assistant County Manager, said that the County has been receiving many complaints about the road rights of way; that there are not enough road crews to keep the grass growth under control; and that it is requested that four mower drivers be hired as temporary/seasonal employees (during the growing season of approximately six months), at the rate of \$9.50/hour and that the positions be added to Public Works Department. Discussion included that Troup and Lee counties out source the cutting of their rights of way; that such appears to be less expensive; that Chairman Lange will contact Troup County; and that we should look at this for future needs. The motion to approve adding four mower driver positions to Public Works at the rate of \$9.50 per hour for six months was made by Commissioner Woods, seconded by Commissioner Chewning, and passed unanimously.
- B. **Surplus Vehicle Parts.** Nancy McMichael, County Clerk and Assistant County Manager, said that a list of surplus parts, totaling approximately \$1,435, for vehicles no longer serviced by the County had been provided and it is requested that the parts be declared surplus and to authorize the sale of same via GovDeals or other means. The motion to declare the parts and to authorize the sale of same via GovDeals or other means, was made by Commissioner Woods, seconded by Commissioner Chewning, and passed unanimously.
- C. **Projects Status Update.** In the absence of a County Manager, Nancy McMichael, County Clerk and Assistant County Manager, provided updates of various projects, which included:
- (1) **Airport Hangar Flooring Issues.** A third-party will be making the floor repairs, and John Taylor, County Attorney, said that the work will be supervised by our Airport consultant and should be completed on the 11th.
 - (2) **Community Center Roof.** The leaks have been patched and the drain unclogged, which may have caused part of the problem.
 - (3) **Ellerslie Park.** Cutting and cleaning scheduled for tomorrow, with the cutting of the northeast trail to start on Thursday.
 - (4) **GEMA & December's Storm Damage.** A GEMA representative will be presenting checks to the County as reimbursement for expenses incurred due to heavy rain/storm damages on roads and water lines in December. (Note: checks totaled \$85,800.72)
 - (5) **Kings Gap/CDBG Project.** Paving advertising starts August 4, pre-bid will be August 16, bids due September 6, and award scheduled for September 6. Public Works crews continue to work on the road.
 - (7) **Microphones in Commission Chambers.** Due to having several missing microphones, Facilities Maintenance is looking into getting new microphones. (Note: New microphones will not be necessary as an adjustment was made to the sound system resulting in better quality sound.)
 - (8) **Mowers.** Advertising for the purchase of two zero-turn riding mowers for the Recreation Department is underway with bids due August 12 and award scheduled for August 16.
 - (9) **Restrooms in Pine Mountain.** The restroom project in Pine Mountain, which is funded by SPLOST, is underway with the rough-in completed. The slab is to be poured on Friday, and Facilities Maintenance is scheduled to start their work next week.
 - (10) **Old Courtroom.** A mold inspection was performed in the old courtroom on July 15 with the conclusion being that the area has below average air quality and average airborne fungal spores; that it has been recommended the HVAC system be cleaned, the ceiling tiles be changed, insulation be added, and an attic exhaust fan be installed. Facilities Maintenance is coordinating the work, which will require the old courtroom to be closed for at least a week.
 - (11) **Washington Road.** Chairman Lange said that the base is being put down this week; that the grading has been accomplished; that a meeting was held this afternoon to resolve issues regarding the Flournoy's driveway; and that paving will be started soon.

8. **COUNTY ATTORNEY**

- A. **Agreement: Comfort Systems USA for HVAC System at Community Center.** John Taylor, County Attorney, said that an agreement regarding the preventative maintenance on the HVAC system at the Community Center has been received. He then reviewed the document to include making changes regarding the renewal of same, to delete section #11, to delete section #14, and to change the jurisdiction to Harris County, Georgia in item #20. He said that the same company services the HVAC system for the courthouse; and that he recommends approval of the agreement. Following discussion, the motion to approve this agreement with the recommended changes was made by Commissioner Woods, seconded by Commissioner Chewning, and passed unanimously. (Cost is to come from Fund Balance.) (Document can be found in "Contracts & Agreements" file as C&A #16-19.)
- B. **Agreement: MSS LLC to Film at Health Department.** John Taylor, County Attorney, said that an agreement regarding the use of the Health Department as a location to shoot part of a film had been received. He said that the film is titled Moon Shine Still; that he had revised the agreement to include changes to "Use Location" (new #2), changes to "Damage to Premises" (new #3), changes to "Location Fee" (new #4), deletion of "Grantor's Release" (old #6), addition of "Filming Identification" (new #7), addition of "Picture Content" (new #8), addition of "Hold Harmless" (new #9), and changing the jurisdiction location in "Governing Law/Forum" (new #15); and that he recommends same for approval. Discussion included that revisions should be made regarding a time frame and insurance requirements, to nail down what part of the Health Department is to be used, and to change the references to "employee" since Health Department employees are not County employees. Following discussion, the motion to approve with the recommended changes of Mr. Taylor and those discussed, was made by Commissioner Woods, seconded by Commissioner Chewning, and passed unanimously. (Document can be found in "Contracts & Agreements" file as C&A #16-20.)
- C. **Request for Executive Session.** John Taylor, County Attorney, requested an Executive Session for the purpose of discussing personnel, real property, and litigation.

9. **RECESS FOR EXECUTIVE SESSION.** The motion to go into Executive Session for the purpose of discussing personnel and potential litigation was made at 9:16 PM by Chairman Lange, seconded by Commissioner Woods, and passed unanimously.
10. **RECONVENE REGULAR SESSION.** The motion to go back into Regular Session was made by Commissioner Chewning, seconded by Chairman Lange, and passed unanimously.
11. **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