

**HARRIS COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION**

December 6, 2016

7:00 P.M.

Commissioners Present: J. Harry Lange, Martha Chewning, Becky Langston, Joey Loudermilk, Jim Woods. Staff Present: Randy Dowling, 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 November 15, 2016, Regular Session was made by Commissioner Woods, seconded by Commissioner Chewning, and passed unanimously.
4. **NEW BUSINESS**

A. **Request for Tax Refund.** Chairman Lange said that a request for tax refund in the amount of \$169.94 had been received from George N. Jones due to having paid the tax after having sold/traded in the vehicle; that a copy of the purchase agreement had been provided; and that both the Tax Commissioner and the Board of Tax Assessors have recommended approval. The motion to approve this request was made by Commissioner Loudermilk, seconded by Commissioner Woods, and passed unanimously.

B. **First Reading: Soil Erosion, Sedimentation and Pollution Ordinance.** Chairman Lange said that the State has amended the Georgia Erosion and Sedimentation Act and that the County is required to amend its erosion and sedimentation ordinance to reflect those changes by December 31. He said that the amendments include adding the word "pollution" in certain places, verbage regarding coastal marshlands and trout streams, neither of which are in Harris County, and some verbage that does pertain the Harris County. He said that the document will be posted on the County's website for review should anyone desire to do so. He also said that the second reading and action are scheduled for the December 20 meeting. Commissioner Loudermilk said that he will not be voting for the amended ordinance as much of it does not pertain to Harris County and he is tired of the State mandating that counties make changes or implement new regulations. Mrs. McMichael said that she would contact Georgia EPD to find out whether or not the references to the coastal marshlands and trout streams must be included in the County's ordinance.

C. **Road & Improvement Program List Amendment.** Chairman Lange said that in 2011 the County approved a list of roads in need of resurfacing or paving or other improvements; that from that list, the Board chose 10 roads to be paved and is currently working on that list; that remaining on the 2011 list are 30 roads to be paved; and that Commissioner Langston has requested that the Board consider adding another road to the list. Commissioner Langston said that she is in favor of adding Hoody Hudson Road to the list of 30 roads, making it number 31.

Will Rodgers, citizen and former County Commissioner who lives on Hoody Hudson Road, appeared before the Board and said that the road is in bad condition and needs to be paved, and he thanked the Board for their consideration.

Commissioner Langston then made the motion to add Hoody Hudson Road to the Road & Improvement Program List, which includes 30 roads to be paved, making it number 31. The motion was seconded by Commissioner Loudermilk and passed unanimously.

D. **LMIG 2017 Application.** Randy Dowling, County Manager, said that the application for LMIG funding is due by December 31; that Mike Brown, Public Works Director, has determined there are three projects, consisting of four roads (Hunter Road, Terry Lane & Krogland Road, and Vorhees Road), in need of resurfacing; that the County's LMIG funding is estimated to be \$762,501.66, which includes \$693,183.33 from the State and \$69,318.33 as the County's match; that the estimated cost for resurfacing the roads is \$832,000; and that while the actual resurfacing costs may be less, any overage, and the required match, can be taken

from 2009 SPLOST. The motion to approve the three roads for submission to the State for LMIG funds for 2017 and to take the matching amount and any overage of resurfacing costs from the 2009 SPLOST was made by Commissioner Langston, seconded by Commissioner Chewning, and passed unanimously.

E. **Appointments/Reappointments.** Chairman Lange said that the list of boards or committees for which appointments or reappointments are necessary has been provided; and that some appointments can be made during this meeting and the remainder at the next.

- (1) Airport Committee, Public Improvements Authority (PIA) & Valley Partnership. Randy Dowling, County Manager, was appointed to take the place of Greg Wood, former County Manager, on a motion by Chairman Lange, second by Commissioner Woods, and unanimous vote. Mr. Dowling's term on the PIA expires June 30, 2018 and on the Valley Partnership expires May 30, 2018.
- (2) Development Authority. Harry Boyd (At Large) and Harry Lange (BOC representative) were reappointed to another term ending December 31, 2020 on a motion by Commissioner Loudermilk, second by Commissioner Chewning, and unanimous vote.
- (3) Health, Board of. Julie Brown (consumer of health services) and Shirley Manning (public health consumer or nurse recommended by largest municipality) were reappointed to another term ending December 31, 2022 on a motion by Commissioner Woods, second by Commissioner Chewning, and unanimous vote.
- (4) Housing Authority. Vickie Taylor was appointed to take the place of James Taylor who did not wish to be reappointed, to a term ending October 31, 2021 on a motion by Commissioner Loudermilk, second by Commissioner Woods, and unanimous vote.
- (5) Planning Commission. Chance Carlisle (At Large) and Chris Lintner (District 5) were reappointed to another term ending December 31, 2020 on a motion by Commissioner Loudermilk, second by Commissioner Woods, and unanimous vote.
- (6) Tax Assessors, Board of. Lisa Scully (as recommended by the Board of Assessors) was reappointed to another term ending December 31, 2020 on motion by Commissioner Chewning, second by Commissioner Woods, and unanimous vote.

5. **COUNTY MANAGER**

A. **Projects Update.** Randy Dowling, County Manager, brought the Board up to date on various projects, as follows:

- (1) Ellerslie Park. Work is in progress to include conceptual budget and schedule have been prepared with review by staff on November 16; specifications being prepared; committee meeting to approve specs is scheduled for December 8; and completion is set for April 2017.
- (2) Library. The committee reviewed the three Construction Manager (CM) at Risk proposals and interviewed all on November 21 after which a contractor was selected, and contract for same should be before the Board on December 20.
- (3) LMIG 2017. List was approved tonight (December 6) and application package will be sent to DOT before the December 31 deadline.
- (4) CDBG Kings Gap Project. Paving is complete; signs and stripping should be in place; permanent grassing will be done by County; and a change order will be before the Board tonight (December 6).
- (5) Washington Road. Project is completed; close-out documents are being prepared; and guardrails have been requested by citizens who live on the road.
- (6) Mars Hill Drive and West Mars Hill Drive. Resolution for acceptance will be before the Board tonight (December 6).

- (7) Hardage Road. All right of way deeds have been obtained and will be recorded this week.
- (8) Holland Drive, Kingsboro Road, Diamond Circle and Diamond Road. Attorney is in process of preparing right of way deeds.
- (9) Fire Trucks. Plans are for each fire department to purchase their vehicles with county contributing SPLOST funds and obtaining title in return, or for County to purchase the trucks and retaining the title, whichever is best.
- (10) Fire Master Plan Study. Final report should be received soon and presented to Board for review and approval.
- (11) SPLOST. Received \$194,632.98 in October, which while less than September, is more than what was received the same time last year.
- (12) LOST. Received \$142,510.02 in October, which while less than September, is more than what was received the same time last year.
- (13) T-SPLOST. Received \$172,128.88 in October, which while less than September, is more than what was received the same time last year.
- (14) Building Permits. Total of 58 so far this fiscal year and if same pace continues, the total for the year should exceed last year. Chairman Lange commented that for the calendar year, this year exceeds last calendar year.

6. **PUBLIC HEARING @ 7:30 PM**

- A. **Explanation of Public Hearing**. Chairman Lange explained the procedures for the scheduled public hearing.
- B. **Conflict of Interest Forms**. The Conflict of Interest forms were completed at the request of Chairman Lange.
- C. **Application of Paul & Kristine Weaver to Rezone 7 acres of Land Lot 121, Land District 19, Map 048B, Parcel 048, from R-1 (Single Family Residential) to A-1 (General Agricultural & Forestry) for the purpose of single family residence with horses; present use residence; proposed use residence with horses; property located at 774 West Bon Acre Road, Cataula**. Chairman Lange called the Public Hearing to order, read the specifics of the application, said that both the Planning Commission and Staff had recommended disapproval, and read the letter that accompanied the application. Kristine Weaver, applicant, appeared before the Board and said that she had horses on the property for 1.5 years before she found out she was not zoned for such when she went to get a permit to build a barn; that there is A-1 property about a quarter mile away; that she has 7 acres, which is enough for A-1 zoning, while her surrounding neighbors have far less; and that she wants to be able to do what she wants with her property and she wants to have horses. Commissioner Langston asked if anything had changed since the last time this property was before the Board for rezoning two and a half years ago, and Mrs. Weaver said that nothing has changed. Chairman Lange asked if anyone wished to speak in favor of this rezoning application.

Elizabeth Mathis, citizen who lives at the subject property with her parents (the applicants), appeared before the Board and said that regardless of the decision made tonight, someone will be upset; that having horses on the property will not devalue property, but will actually increase the value; that there is agricultural property about a quarter mile from the subject property; that while the subject property backs up to Smoke Rise properties, it is not in the subdivision and should not be affected by any covenants of the subdivision; that they want to bring their two horses back home and possibly two more. She said she had a letter from Leah Lassen (citizen who lives on Wildwood Plantation Lane), who could not attend the meeting, in favor of the application and asked if she could read same. There were no objections to the letter being read. She concluded by asking that the Board consider the rezoning application favorably.

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

Rickey Thedford, president of the Smoke Rise Homeowners Association, appeared before the Board and said that he has a petition with 104 signatures of all the residents in opposition to the rezoning application; that every homeowner contiguous to the Weaver property has signed the petition; that horses were brought in disregard to the current zoning; that a barn was built without a building permit and a citation was issued; that they ride their horses across property lines without asking permission; that the homeowners burn horse manure in violation of EPD guidelines; that should the rezoning be allowed, it would be considered spot zoning; that the homeowners object to the rezoning due to the number of variables to consider above and beyond having horses; and that the impact of rezoning would be a drastic measure to the community. He also said that while the property fronts West Bon Acre Road, it extends into the subdivision and is bordered on three sides by Smoke Rise property owners; and that due to topography, water runoff flows from the Weaver property onto that of Smoke Rise property owners, into surrounding culverts and drains into Lake Barkley.

Helen Thomas, citizen who lives on Stonegate Drive on adjacent property, appeared before the Board and said that she is opposed to the rezoning; that they purchased their property 19 years ago and built a home to live in the country without the smell, sounds and culture of farm life; that while the subject property is technically not part of Smoke Rise, it is in the middle of the subdivision and surrounded by residential homes; that almost all the trees that would have been a buffer for the sound and smells associated with agricultural property have been cut down; that if rezoned, future owners could decide to raise chickens, goats or even pigs; and she asked that the Board consider the rights of those who have lived around the property for many years and even before the Weaver's moved there and who have been there many years. She also provided photos of the water runoff from last Wednesday's rain showing water running into her driveway from the Weaver's property and down and said had there been horses on the property, their waste would have been in the water runoff. She also said that during the Planning Commission meeting, Mrs. Weaver talked about two horses, but on Friday, the 25th, there was a posting about two to four horses.

Bill Head, citizen who lives on Stonegate Drive, appeared before the Board and said that he and his mother have lived in the area 22 years across from the Weavers; that previous owners, in 1994, had emus, but sold the property and moved out of the area; and that in consideration of the property owners in Smoke Rise, the property should not be rezoned.

Delbert Hicks, citizen who lives on Fireside Court, appeared before the Board and said that according to Google info, one horse can produce 50 pounds of manure a day.

Martha Tillery, citizen who lives on Grey Smoke Loop, appeared before the Board and said that the Weavers have ridden horses across her property and that she had to remove the waste; and that she is strongly opposed to the rezoning.

There being no further comments in opposition, Chairman Lange asked Mrs. Weaver for rebuttal.

Mrs. Weaver, in rebuttal, said that her 7 acres far exceeds the property owned by others in the area; that there is A-1 property less than a quarter mile down the road; that her property could be rezoned to A-1 with restrictions or R-1 with exceptions; and that all she wants to do with the property is to have horses.

There being no comments or questions from the Board, Chairman Lange closed the Public Hearing. He also said that while the subject property is not in fact part of Smoke Rise Subdivision, it is surrounded on three sides by such property; and that by putting A-1 property in the middle of R-1 property is spot zoning and is something the Board tries to avoid.

The motion to deny this rezoning application was made by Chairman Lange, seconded by Commissioner Loudermilk, and passed with four in favor (Lange, Loudermilk, Langston, Chewning) and one opposed (Woods).

7. **COUNTY ATTORNEY**

- A. **Resolution: Acceptance of Mars Hill Drive and West Mars Hill Drive.**
John Taylor, County Attorney, said that a resolution had been prepared for the

acceptance of Mars Hill Drive and West Mars Hill Drive for which the necessary right of way deeds had been received. He reviewed the document and recommended approval of same. The motion to approve the Resolution was made by Commissioner Woods, seconded by Commission Chewning, and passed unanimously.

- B. **Change Order #1: CDBG Project in Kings Gap.** John Taylor, County Attorney, said that this document is to delete the permanent stabilization/grassing (\$14,000) from the contract and to reduce the aprons on the driveways (\$28,000) for a total of \$42,000, which reduces the contract with Robinson Paving to \$423,752. The motion to approve this change order was made by Commissioner Loudermilk and seconded by Commissioner Chewning, who said that with the reduction of the driveway aprons those driveways will be consistent with other driveways on other paved roads. The motion passed unanimously. (Document can be found in "Contracts & Agreements" file as C&A #16-32.)
- C. **Request for Executive Session.** John Taylor, County Attorney, requested an Executive Session for the purpose of discussing potential or pending litigation, personnel matters, and real estate matters.
8. **RECESS FOR EXECUTIVE SESSION.** The motion to go into Executive Session for the purpose of discussing potential or pending litigation, personnel matters and real estate matters was made at 8:04 PM by Chairman Lange, seconded by Commissioner Woods, and passed unanimously.
9. **RECONVENE REGULAR SESSION.** The motion to go back into Regular Session was made at 9:15 PM by Chairman Lange, seconded by Commissioner Loudermilk, and passed unanimously.
10. **OTHER**
- A. **Resignation Agreement.** Chairman Lange made the motion to approve the resignation agreement between the County and Alex Haden, Prison Warden. The motion was seconded by Commissioner Chewning, and passed unanimously. (Document can be found in "Contracts & Agreements" file as C&A #16-33.)
11. **ADJOURNMENT.** There being no further business to discuss, the motion to adjourn was made by Commissioner Loudermilk, seconded by Commissioner Langston, and passed unanimously.

J. Harry Lange, Chairman

Attest:

Nancy D. McMichael, County Clerk