

**HARRIS COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION**

December 20, 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, Randy Dowling, County Manager, led those in attendance in the Pledge of Allegiance.
3. **MINUTES.** The motion to approve the minutes of the December 6, 2016, Regular Session was made by Commissioner Loudermilk, seconded by Commissioner Woods, and passed unanimously.
4. **APPEARANCE OF CITIZENS.** Chairman Lange reminded those in attendance that each speaker is limited to five minutes; that there will be no questions asked or answered by the Board as this is an opportunity for the Board to simply listen to comments; that time will be kept; and that the speakers will receive a warning when 30 seconds remain. He also asked that each speaker state their name and address before making comments.
 - A. **Heather Hajek: Mountain Hill Athletic Fields.** Heather Hajek, citizen who lives on Licksillet Road, appeared before the Board and said that she is president of the Mountain Hill Athletic Association; that she is asking for support in getting practice facilities for Mountain Hill, which is the largest community within the county and the only community without their own practice fields; that currently Mountain Hill, for baseball and softball, is allowed two days a week prior to games to practice at Pate Park; that Mountain Hill football practices at Pate Park four to five teams per night on one field; that when school is closed, there is no place for basketball to practice; that while the School Board approved use of their field at Mountain Hill, it has been determined that it is suitable only for T-ball; that John Rodgers has offered to donate his land (ballfields) off Georgia Highway 315 to the School Board and allow Mountain Hill to practice there; that that location would allow practice by baseball, softball, football, cheerleading, soccer, and basketball, wrestling and track, would cost zero taxpayer dollars, and benefit all communities by opening practice times at the other locations; that they request that the injunction placed on the ballfields (Rodgers' property) be lifted by the Board so that Mountain Hill can practice there; that the fields would be used only for recreation use, not for travel ball for profit or business; that there are no lights and no concessions; that there is a tree barrier for sound buffering; that ownership would transfer to the Harris County Board of Education; that it is understood Commissioner Langston has been searching for an alternate location for practice fields, and it is appreciated and needed, but it was needed two years ago and is needed today; and that being allowed to use these fields will save time and money and benefit all.
 - B. **Lynn Sanders: Mountain Hill Athletic Fields.** Lynn Sanders, citizen who lives on Dogwood Lane West, appeared before the Board and said that she would like to see the injunction kept in place; that while more places may be needed for children to play ball, the ballfields (Rodgers' property) are not what the neighbors want in the area; that she doesn't believe there won't be lights, noise or increased traffic; and that the area is residential and they would like it to remain that way.
 - C. **David Bader: Mountain Hill Athletic Fields.** David Bader, citizen who lives on Evergreen Drive, appeared before the Board and said he is the Mountain Hill Football Commissioner; that there is not enough room for kids to get the practice they need; that Mountain Hill should be allowed to use the fields (Rodgers' property) until new fields are built; that the use of the fields won't cost anyone anything; and that the fields will be maintained by the parents.
 - D. **Nick Irvin: Mountain Hill Athletic Fields.** Nick Irvin, citizen who lives on Gail Drive, appeared before the Board and said that he is president of Harris County Little League; that this (Rodgers' property) would be Mountain Hill's practice fields only; that other communities have their own practice fields; that these fields would open up practice time for all; that there should be enough parents and others willing to upkeep these fields; that there won't be any bus traffic as kids are not brought to practice by bus; and that Mountain Hill deserves the fields.

- E. Laura Irvin: Mountain Hill Athletic Fields. Laura Irvin, citizen who lives on Gail Drive, appeared before the Board and said that she is secretary for the Little League; that more practice fields are needed; that having the fields (Rodgers' property) would eliminate having to travel outside the community in order to practice; that they share fields at Moultrie and Pate parks with every community, whereas Cataula and Waverly Hall don't have to share fields; that there were 601 participants in baseball and softball but there is not enough room for practice; and more fields are needed.
- F. Cyndee Redmond: Mountain Hill Athletic Fields. Cyndee Redmond, citizen who lives on Crescent Court, appeared before the Board and said that Cataula does have their own practice fields which were donated some time ago; that parents work hard to raise money to keep the area clean and safe; that they do try to share with other county teams; that while there are lights at the Cataula fields, the use is regulated, and there is no loudspeaker; and that tax dollars should not be spent if there is donated land unless there are adequate reasons as to why that land should not be used.
- G. Charles Ragsdale: Mountain Hill Athletic Fields. Charles Ragsdale, citizen who lives on Georgia Highway 116 East, appeared before the Board and said that he is an advocate for the recreation needs of the County; that the mission of the Recreation Department should be to have recreation facilities for all the people of Harris County; that in listening to what has been said tonight, the facilities are not equal in that Mountain Hill does not have a home-based facility; and that what is happening to the recreation needs of Mountain Hill can't be justified.
- H. Daniel Bowers: Mountain Hill Athletic Fields. Daniel Bowers, citizen who lives on Cone Lane, appeared before the Board and said that sports help children learn to put forth an effort to succeed; that an injustice is being made to the kids by telling them that they don't need to practice; that as a taxpayer, he has a problem with tax dollars being wasted, and paying for more fields is wasteful; and that some parents refuse to allow their kids to play sports in Harris County and take them elsewhere for the simple injustice being done to their kids.
- I. John Knop: Mountain Hill Athletic Fields. John Knop, citizen who lives on Calhoun Road, appeared before the Board and said that he is a representative of the Republican Party for Harris County; that because of the zoning ordinance, practice cannot be held in the pasture (Rodgers' property); that due to lack of practice, kids cannot win games; that a solution is needed and it is needed quickly, or the exodus that occurred several years ago will occur again; and that access to more fields will benefit the kids.
- J. Kirk Jones: Mountain Hill Athletic Fields. Kirk Jones, citizen who lives on Lake Harding Drive, appeared before the Board and said that he agrees with what has previously been said; that if you practice enough, you get good at it, so if you practice saying no, you keep saying that, too; that he would like all to practice saying yes to the kids; that regarding things that have happened in the past, fix it and let it stay in the past; that practice fields will help the kids to get better in their sport; and that these fields (Rodgers' property) will help kids to recognize their full potential.
- K. Mark Parsley: Mountain Hill Athletic Fields. Mark Parsley, citizen who lives on Waterford Drive, appeared before the Board and said that he is president of Hamilton Youth Sports, president of Harris County Youth Football, and vice-president of the Harris County Recreation Board; that the County is about nine years behind in that it doesn't have a facility that can facilitate all sports; that track and field practices on dirt, which is a safety issue; that football doesn't need to practice on baseball fields; that it is impossible to maintain fields for long-term use, due to over use; and that the bottom line is there is a facility available (Rodgers' property) that will benefit the county, so put your feelings aside, swallow your pride, and let the fields be used.

5. **OLD BUSINESS**

- A. **Second Reading: Soil Erosion, Sedimentation and Pollution Ordinance.** Chairman Lange said that the First Reading to amend the County's soil erosion ordinance was held during the December 6 meeting; that the State amended the Georgia Erosion and Sedimentation Act and the County is required to amend its erosion and sedimentation ordinance to reflect such changes, but that the Georgia EPD has stated that references to trout streams and coastal marshes, which are not located in Harris County, can be deleted; and that the majority of the changes are

regarding adding the word “pollution”. He asked if anyone in attendance wished to make comments regarding the changes. There being none, he asked if any Commissioners had any comments. Commissioner Loudermilk said that the State requires counties to adopt ordinances or regulations without being allowed any discretion, which he is not in favor of, particularly when such have nothing to do with the County, but that since the references to trout streams and coastal marshlands have been removed, he can support the amendments. The motion to approve the amended Soil Erosion, Sedimentation and Pollution Ordinance was made by Commissioner Woods, seconded by Commissioner Chewning, and passed unanimously.

- B. **Appointment: Library Board**. Chairman Lange said that the Library Board has recommended that three persons be reappointed to the Library Board; that during the December 6 meeting, Commissioner Langston commented that she would like to see someone from the southern part of the County appointed to this board; and that the persons for reappointment are Jim Trott, Charlotte Zuerner, and Bob Patterson unless there are others for nomination. Nancy McMichael, County Clerk, said that the Library Board makes the recommendations regarding its membership. Following a brief discussion, the motion to reappoint Jim Trott, Charlotte Zuerner, and Bob Patterson to new terms expiring December 30, 2019 was made by Commissioner Woods, seconded by Commissioner Chewning, and passed unanimously. Mrs. McMichael said that she would notify the library director of the name of the person interested in being on the board so that she could possibly be considered for future appointments.

6. **NEW BUSINESS**

- A. **Resolution of Appreciation: Joey Loudermilk**. Chairman Lange said that this is the last meeting with Commissioner Loudermilk in attendance serving as a commissioner; that the cannons of the judiciary were changed last year and now prohibit any judge from holding or campaigning for a political office, and as a result, Commissioner Loudermilk, who is a Juvenile Court Judge cannot run, and Susan Andrews will be taking his place effective January 1, 2017. He then read the Resolution of Appreciation and then made the motion to approve same. The motion was seconded by Commissioner Woods and passed unanimously. Commissioner Loudermilk thanked all, and said that to get anything accomplished takes a group of people; that the sitting Commissioners are wonderful people; that Dr. Susan Andrews, who will be taking his place, makes leaving easier when someone of her caliber will be sitting in his place next year; that he first ran to fill the unexpired term of Danny Bridges, who had become County Manager, because he loves the County; that he couldn't have done the job he has done without the support of his wife; that much of his family lives here; that he appreciates the people in District 5 electing him three times; and that he wants the County do to great things in the future. Commissioner Loudermilk received a standing ovation for his service.
- B. **Financial Statement: September 2016**. The motion to approve the September 2016 financial statement was made by Commissioner Woods and seconded by Commissioner Langston. Commissioner Chewning asked for an explanation regarding the 5793% under Miscellaneous shown on page three of the General Funds report. Paul Glick, Finance Officer, said that he could not specifically recall the reason for that and would check on it and provide an answer to the Board. Commissioner Chewning asked that action be tabled until the next meeting pending Mr. Glick's explanation.
- C. **Rezoning and Special Use Permit Schedule for 2017**. The motion to approve was made by Commissioner Woods and seconded by Commissioner Chewning. Chairman Lange asked if there were any conflicts with holidays on the schedule, to which Nancy McMichael, County Clerk, said that the only conflict was with the July 4 meeting, which has been rescheduled to Wednesday, July 5. The motion passed unanimously.
- D. **Radar List Update**. Chairman Lange said that changes have been made to the Radar List, which includes roads that GDOT has approved for radar use. He pointed out a couple of errors, which included that Davidson Road speed limit should be 45, rather than 445, and that West Bon Acre Road from Fortson Road to Jones Road should be 45 mph and from Jones Road to SR 1/US 27 should be 35 mph. Commissioner Chewning said that the area near the Callaway Country Store has various speeds limits depending on the time of day and perhaps a notation regarding same should be included. With those changes, the motion to approve sending the

updated Radar List to GDOT was made by Chairman Lange, seconded by Commissioner Woods, and passed unanimously.

7. **COUNTY MANAGER**

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

- (1) Chief Financial Officer. Recruitment is still underway.
- (2) Prison Warden. Recruitment is underway.
- (3) Ellerslie Park. Work is in progress and on tonight's agenda includes the project budget and schedule for approval by the Board.
- (4) Library. The agreement for the Construction Manager (CM) at Risk is on tonight's agenda for approval by the Board.
- (5) LMIG 2016. The paving of about 4 miles of Licksillet Road will soon be underway; that \$530,926.03 in LMIG funds was received earlier this year; that with the County's match of \$53,092.60, the total is \$584,018.63; and that the specs will soon be prepared with completion during the summer of 2017.
- (6) Hardage Road. Design and construction management agreement is on tonight's agenda for approval by the Board.
- (7) Fire Trucks. Preparation of bid specifications is underway with the expectation of being bid out soon.
- (8) Solid Waste Truck. Bids for a garbage truck are due on Thursday, December 22, with bid award expected during the January 3 meeting.

B. **Ellerslie Park: Budget and Schedule.** Randy Dowling, County Manager, said that the Committee has developed an estimated budget and schedule, and recommends approval of same. He then reviewed the various amenities for the project, which includes paving the roadway and parking areas, and said that the total estimated budget is \$609,000, the funding of which will be \$360,000 from the sale of land (the Ridgeway Road property), a \$25,000 donation, and the balance from SPLOST 2014 Recreation line. Discussion included that the difference in paving the roadway and parking area (for \$350,000) and leaving them graveled is about \$250,000, and that paving is needed due to the terrain; that paddle boats may result in greater liability for the County; that the roadway will be one-way beginning at the first gate (currently red) going south from the traffic light at Georgia Highways 85 and 315 and terminating at the second gate going south; that plans include having an access point behind the planned Sheriff's precinct; and that while the topography of the property is not appropriate to have an entrance off Central Church Road, a trail head is planned (in Phase 2) for that area; that due to the existing driveway entrances, no additional ingress/egress is required by GDOT; and County water will be provided. Following discussion, the motion to approve the budget and schedule was made by Commissioner Loudermilk and seconded by Commissioner Chewning. Commissioner Langston requested that paddle boats be removed from the list. Discussion regarding this change included the added liability to the County and safety factors. Following discussion, Commissioner Loudermilk amended his motion to approve with the deletion of the paddle boats, and Commissioner Chewning amended her second. The motion, as amended, passed unanimously.

8. **COUNTY ATTORNEY**

A. **Amendment to QCHC Agreement: Increase in Hours of Nurse at Prison.** John Taylor, County Attorney, reviewed the amendment to the QCHC agreement for the purpose of increasing the hours of the nurse at the Prison due to the increase in number of inmates, and recommended approval of same. The motion to approve the amendment was made by Commissioner Langston, seconded by Commissioner Woods, and passed unanimously. (Document can be found in "Contracts & Agreements" file as C&A #16-34.)

B. **Master Agreement: EMC Engineering for Engineering Services.** John Taylor, County Attorney, reviewed the master agreement regarding engineering services regarding roads, said that with the approval of this document, a task order

can be approved for each road project for which engineering services are needed, and he recommended approval of same. The motion to approve the agreement was made by Commissioner Loudermilk, seconded by Commissioner Langston, and passed unanimously. (Document can be found in "Contracts & Agreements" file as C&A #16-35.)

- C. **Task Order No. 1: EMC Engineering for Hardage Road.** John Taylor, County Attorney, reviewed the task order for services in connection with the paving of Hardage Road to include a design phase and a construction phase for a not-to-exceed cost of \$64,500, and he recommended approval of same. Randy Dowling, County Manager, said that funding will come from SPLOST 2009. The motion to approve this task order was made by Commissioner Woods, seconded by Commissioner Chewning, and passed unanimously. (Document can be found in "Contracts & Agreements" file as C&A #16-36.)
- D. **AIA CM at Risk Agreement for Library: Brasfield & Gorrie.** John Taylor, County Attorney, said that the Library Committee had interviewed several firms as a result of their proposals to serve as Construction Manager (CM) at Risk for the new Library, and that the architect for the project, 2WR, has recommended the firm of Brasfield & Gorrie to serve as the CM at Risk. He then reviewed the various components of the document to include that the CM will prepare a Guaranteed Maximum Price proposal, which will include drawings, specifications, date of substantial completion and the estimated cost of the project, for review and approval by the Board, and he recommended approval of the agreement. The motion to approve the CM at Risk AIA agreement was made by Commissioner Loudermilk, seconded by Commissioner Chewning. Commissioner Woods commented that while Brasfield & Gorrie has an office in Columbus, they are based out of Birmingham, Alabama, and as such, all profits will go to Birmingham and will not help the economic development for Harris County and Columbus. The motion passed unanimously. (Document can be found in "Contracts & Agreements" file as C&A #16-37.)
- E. **Request for Executive Session.** John Taylor, County Attorney, requested an Executive Session for the purpose of discussing litigation and personnel matters.
9. **RECESS FOR EXECUTIVE SESSION.** The motion to go into Executive Session for the purpose of discussing potential or pending litigation and personnel matters was made at 8:35 PM by Chairman Lange, seconded by Commissioner Langston, and passed unanimously.
10. **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.
11. **OTHER**
- A. **Personnel: Sheriff's Office.** Chairman Lange made the motion to approve the promotion of Chris Walden from Lieutenant to Chief Deputy at the requested rate of \$2,093.80 bi-weekly and to disapprove the transfer of Cody Jolley from the District Attorney's Office and to the Sheriff's Office as Lieutenant due to the County's nepotism policy. Commissioner Loudermilk said that because he is a Juvenile Court Judge and works directly with the Sheriff's Office, he will abstain from voting. The motion was seconded by Commissioner Chewning. Commissioner Woods said that the best way to be ethical is to not give the appearance of impropriety and that he thinks this (nepotism by the Sheriff) gives the appearance of impropriety. The motion passed with four in favor (Lange, Chewning, Langston, Woods), no opposition, and one abstention (Loudermilk due to his working with the Sheriff's Office on juvenile court issues).
11. **ADJOURNMENT.** There being no further business to discuss, the motion to adjourn was made by Commissioner Chewning, seconded by Commissioner Langston, and passed unanimously.

J. Harry Lange, Chairman

Attest:

Nancy D. McMichael, County Clerk