

**HARRIS COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION**

June 4, 2019
7:00 P.M.

Commissioners Present: Becky Langston, Andrew Zuerner, Susan Andrews, Rob Grant. Commissioner Absent: J. Harry Lange. Staff Present: Randy Dowling, County Manager; John Taylor, County Attorney; Nancy D. McMichael, County Clerk.

1. **CALL TO ORDER.** Chairman Langston called the Regular Session to order.
2. **PLEDGE OF ALLEGIANCE.** Chairman Langston led those in attendance in the Pledge of Allegiance after briefly discussing the meaning of Memorial Day.
3. **MINUTES.** The motion to approve the minutes of the May 21, 2019 Regular Session was made by Commissioner Andrews, seconded by Commissioner Grant, and passed unanimously.
4. **OLD BUSINESS**

- A. **Appeal Hearing of Charles McCann: Planning Commission Decision.** Chairman Langston called the Appeal Hearing to order and said that this matter had been tabled from the May 21 meeting and that Brian Williams, Community Development Director, and Sandy Wilson, Health Department Environmentalist, are present to respond to comments made by Charles McCann and his attorney during the May 7 meeting, after which Charles McCann and/or his attorney, Laura Benz, will rebutt.

In response to questions from the Board, Mr. Williams gave the specific reasons for denying Mr. McCann's original request to subdivide a 1.75 acre parcel into two smaller lots of approximately 0.90 acre each to include that residential lots must be at least two acres, that the proposed lots do not front on a public street, that easements must be 60' wide, and that property on an easement shall not be subdivided; that only one house can be built on the lot as currently platted; that a mother-in-law suite connected by a breezeway is part of a primary structure and the utilities for same are through the primary structure; that the other lots previously referred to by Mr. McCann were platted and recorded many years ago; and that he does not use the word "grandfathered" regarding lots.

In response to questions from the Board, Ms. Wilson said that while she met with and talked to McCann, she did not indicate that if the subdivision was approved, the resulting lots would be approved for septic systems; that once an application is made and plans presented, a visit to the subject property is done, but in this case, only discussion took place and no visit to the property has occurred; that until such a visit has taken place, she can't for certain say that approval would be given; and that although she can't recall exactly what she may have told Mr. McCann, without looking at the property she would not have indicated approval would be given. In response to questions from John Taylor, County Attorney, Mr. Williams said that the proposed lots are not part of a planned subdivision; that the other lots in the area were platted in 1976, 1994, 1998 and 1999 well before the lot size changed; that the property is zoned A-1 and can be used for residential; and that the easement is 16' wide and fronts on Sturges Road.

In rebuttal, Laura Benz, attorney for Mr. McCann, and read Article IV, Section 3, Subsection 3.4 of the Zoning Ordinance (the requirement is two acres with public water, with exception of approved lots in subdivision plats, reviewed and approved by the Planning Commission as a variance and/or waiver as stipulated in Article XVII, Sections 1701, 1702 and 1703 of the Subdivision Regulations) and read Section 1702 of the Subdivision Regulations (where the Planning Commission finds that, due to special circumstances of a particular plat, the provision of certain required improvements is not requisite in the interest of the public health, safety and general welfare or is inappropriate because of the inadequacy or lack of connection facilities adjacent or in proximity to the proposed subdivision, it may waive such requirements subject to appropriate conditions); and said that within 1/4 mile of the property only three lots meet the two acre minimum; that the division of the parcel will not change the aesthetics of the area and there will be no increase in traffic; and there is no detriment to the public health, safety and general welfare.

In rebuttal, Mr. McCann said that both Mr. Williams and Ms. Wilson have been very helpful in this matter; that from the beginning, Mr. Williams advised him as to what needed to be done to increase chances of approval; that he had Brian Lucas do a second soil survey, which shows that as many as 8 bedrooms could be on the property; that records show that years ago there were three structures on the property; that Ms. Wilson had advised him that the two lots/two houses looked good to her; and that he has 730 feet of lake frontage.

Ms. Benz said that Mr. McCann will abide by all requirements regarding lots, setbacks, and building permits, and that it is the Board's duty to approve the appeal with conditions.

Mr. McCann said that he would be willing to meet with Mr. Williams and Ms. Wilson regarding the lots and Health Department requirements.

There being no further comments or questions, Chairman Langston closed the Appeal Hearing.

John Taylor, County Attorney, said that action is needed on whether or uphold or overturn the action taken by the Planning Commission, which was to deny the request.

The motion, in order to get the question on the floor, was made by Commissioner Andrews to deny the appeal and uphold the action of the Planning Commission. The motion was seconded by Chairman Langston and passed with three in favor (Langston, Grant, Zuerner) and one opposed (Andrews).

5. **NEW BUSINESS**

A. **ACCG Health Promotion & Wellness Grant Application**. Chairman Langston said that the County has received this grant for several years, for which there is no match by the County; that it must be applied for annually; and that the funding must be used for health and wellness related promotions and activities. The motion to approve the grant application was made by Commissioner Grant, seconded by Chairman Langston, and passed unanimously.

B. **First Reading: Emergency Management Ordinance**. Chairman Langston said this is the First Reading of the Emergency Management Ordinance, which will amend the Code of Ordinances, Article III of Chapter 2, to bring the ordinance up to date to reflect changes that have been implemented by Georgia Emergency Management Agency (GEMA) over the years; and that the Second Reading will be held June 18. Monty Davis, EMA Director, said that a few changes have been made and provided to the Board to reflect more recent changes by GEMA. Following discussion, Chairman Langston said the Second Reading will be held June 18.

6. **PUBLIC HEARING AT 7:30 PM**. Chairman Langston said that a Public Hearing was scheduled for 7:30 PM and said she would like to table the Public Hearing until the June 18 meeting. There were no objections

7. **NEW BUSINESS (CONTINUED)**

C. **Public Hearing I: Budget FY 19/20**. Chairman Langston called the Public Hearing to order and said that this is the first of two public hearings regarding the proposed budget with Work Sessions having been held May 7, 21, 28 and 30, and she asked Randy Dowling, County Manager, to provide an overview of the budget.

Mr. Dowling reviewed the proposed budget includes General Fund, Special Revenue Funds, Capital Project Funds, Debt Service Fund, and Enterprise Funds for a total proposed budget of \$39.1 million. Regarding the General Fund, he said it is just under \$23,000,000, does not contain a tax increase but assumes the millage rate will not be rolled back, is being balanced by a \$1,000,000 transfer from Solid Waste Fund and \$296,469 of General Fund Reserves, and includes a 2.5% COLA for applicable employees beginning July 1 as well as an increase in dependent insurance premium from 14% to 25%. Regarding the Special Revenue Funds, he said they total \$1,469,215, are legally or administrative restricted for special purposes, and include Confiscated Assets Fund, Jail Fund, Law Library Fund, Drug Abuse Treatment & Education Fund, Emergency Telephone System (911) Fund, Hotel/Motel Tax Fund, and Local Victim Assistance Program Fund. Regarding the Capital Project Funds, he said they total \$7,896,455, are used to account for financial resources that are

used for the acquisition of major capital facilities other than those financed by other funds and include Public Improvements Authority, SPLOST 2004 Fund, SPLOST 2009 Fund, SPLOST 2014 Fund, SPLOST 2019 Fund, T-SPLOST 2013 Fund, Library Construction Fund, Economic Development Fund, and Rails to Trails Project Fund. Regarding the Debt Service Fund, he said it totals \$143,958 and is used to pay the principal and interest of the Callaway Conservation Easement Fund, which Callaway pays to the County. Regarding the Enterprise Fund, he said they total \$9,816,704 and include the Airport Fund, Solid Waste Fund, and Water Works Fund. Chairman Langston asked if anyone wished to comment on the proposed budget.

Regarding the Hotel/Motel Tax Fund, discussion included that the County should retain the amount it legally can (3%) and the balance (2%) goes to the Chamber of Commerce; that a representative from the Georgia Department of Community Affairs will be discussing the available options and budgetary concerns regarding the tax on June 10.

Regarding increasing the deductible for property and liability insurance from \$5,000 to \$10,000. Consensus was to leave the deductible at \$5,000.

Regarding the Soccer Association's request for installation of donated lights, Chairman Langston said that Thomas Vowell, president of the Soccer Association, is in the process of getting another cost estimate and should have same next week, after which the Board could consider the request during the next budget hearing.

Regarding the Airport, Mr. Dowling said that a part-time Airport Attendant has requested that his rate of pay be increased from \$11.88/hour to \$24.00/hour.

There being no further comments, Chairman Langston closed the Public Hearing and said that the second Public Hearing on the FY 19/20 budget will be on June 18 and is scheduled to be followed by adoption.

8. COUNTY MANAGER

- A. **Bid Award: Chipping & Grinding of Collected Wood Storm Debris in Ellerslie Park.** Randy Dowling, County Manager, said that after the March 2019 tornado, a massive amount of wood storm debris was collected and transported to Ellerslie Park for disposal; that the original disposal method was to burn the debris, but the amount of debris is too massive and not properly arranged for burning; that bids were requested for the chipping and grinding of an estimated 27,500 cubic yards of material and bids were received as follows:

	Company	Bid/CY	Bid Total	# Days
1	Vickery Grinding, Inc., Fortson, GA	\$ 4.55	\$ 125,000	90
2	MW Collins, Inc., Cobbtown, GA	\$ 5.00	\$ 137,500	45
3	TFR Enterprises, Inc., Leander, TX	\$ 8.65	\$ 237,875	60
4	Cahaba Disaster Recovery, LLC, Hoover, AL	\$ 11.90	\$ 327,250	30
5	McCoy Grading, Greenville, GA	\$ 12.96	\$ 356,400	120
6	NBI, LLC, Douglasville, GA	\$ 13.45	\$ 383,625	115
7	Tri Scapes, Inc., Cumming, GA	\$ 16.22	\$ 446,000	90
8	D&J Enterprises, Inc., Auburn, AL	\$ 30.00	\$ 825,000	120

Mr. Dowling said that if approved, an employee will be posted at the park to physically count the truck loads to determine the capacities and quantity of material being transported off-site; that once the 27,500 cubic yards is reached and the budget expended, the County will reassess to determine the amount of remaining debris with the option of either authorizing the project to continue at the bid price or burning the material; and that the proposed FY 19/20 budget includes \$125,000 for this project. Following discussion, the motion to award the bid to Vickery Grinding for the bid of \$4.55/CY for a total of \$125,000 for 27,500 CY was made by Commissioner Andrews, seconded by Commissioner Grant, and passed unanimously.

- B. **Project Updates.** Randy Dowling, County Manager, reviewed various projects, as follows:

- (1) Replacement Generator for 911. Grant has been approved to go to the next level.

- (2) Pitts Drive. Attorney is working on the right of way deeds before going forward with the construction plans.
- (4) Rails to Trails. Bids opened May 30 with action scheduled to be taken by the Board on June 18.
- (5) Ellerslie Lodge Repairs. Bid documents are being prepared.
- (6) Airport Security & Wildlife Fence, Phase II. Project is underway with completion expected in late July or early August.
- (7) Airport Crack Seal & Runway Remarketing. Airport closed June 3 for the project to take place and is expected to reopen June 9.
- (8) Comprehensive Master Plan Update. Document has been sent to the State and is awaiting approval by the State.
- (9) Daesol Stream Reroute. Attorney is in process of reviewing project documents and preparing notification to bond holder regarding redemption of the Performance & Payment Bonds.
- (10) Third Sign at Northwest Harris Business Park. Sign should be installed by Friday, the 7th, or Monday, the 10th.
- (11) Clear/Grub 35+/- acres in Northwest Harris Business Park. The Board rejected all bids and authorized bidding out as a mulching project. Bid documents are being prepared.
- (12) Chip/Grind Collected Storm Debris - Ellerslie Park. Award previously during tonight's meeting and the project will start soon.
- (13) Plaque at Community Center. The wall plaque at the Community Center was installed on May 30.

9. **COUNTY ATTORNEY.**

- A. **Resolution to Accept Dunley Court & Bransford Lane in Abberly Lakes Subdivision, Phase 2.** John Taylor, County Attorney, reviewed the process for accepting roads, said all required documents to accept Dunley Court and Bransford Lane have been submitted, and he recommended approval of the Resolution. The motion to approve the Resolution to accept the two roads was made by Commissioner Grant, seconded by Commissioner Zuerner, and passed unanimously.

10. **OTHER**

- A. **Remembrance of D-Day.** Commissioner Grant reminded everyone that June 6 is the 75th anniversary of D-Day and that he hopes all remember those men who sacrificed for our country.
11. **ADJOURNMENT.** There being no further business to discuss the motion to adjourn was made by Commissioner Grant, seconded by Commissioner Zuerner, and passed unanimously.

Becky Langston, Chairman

Attest:

Nancy D. McMichael, County Clerk