

HARRIS COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION
November 17, 2020
7:00 P.M.

Commissioners Present (in person): Becky Langston, Susan Andrews, Rob Grant, Harry Lange, Andrew Zuerner. Staff Present: Randy Dowling, County Manager; Russell Britt, County Attorney; Nancy D. McMichael, County Clerk.

1. **CALL TO ORDER.** Chairman Langston called the Regular Session to order.
2. **MINUTES.** The motion to approve the minutes of the November 3, 2020, Regular Session was made by Commissioner Lange, seconded by Commissioner Zuerner, and passed with four in favor (Lange, Zuerner, Andrews, Grant), no opposition, and one abstention (Langston, who was absent from the November 3 meeting).

3. **NEW BUSINESS**

A. **Request to Construct Driveway Across Man O'War Railroad Recreation**

Trail: Kenny Moore. Chairman Langston said that a request had been submitted by Kenny Moore to construct a driveway across the Man O-War Railroad Recreation Trail; that the County's Trail ordinance requires property owners to seek approval for new driveways; that Mr. Moore has submitted a letter of request and a survey plat showing the location of the access; and that if approved, he would have to abide by the ordinance rules and regulations regarding the access. Mr. Moore was not present. Discussion included that the County should not be liable for any accidents that may occur in the crossing of the trail; that guardrails might be required at that location; that the trail would have the right of way and Mr. Moore might have to stop to get to his property; that persons are currently crossing the trail to access other property to cut timber; that the subject property is land locked, hence the need for the access; that the elevation of the trail may make crossing it difficult; that more info is needed to include better elevation details along with utilities and drainage on the survey. Following discussion, Commissioner Zuerner tabled action until more information can be obtained from Mr. Moore.

B. **Resolution: Extend Moratorium on Planned Unit Developments.**

Chairman Langston said that the current moratorium to bar acceptance of rezoning applications for Planned Unit Developments (PUD) will expire December 31 of this year; that due to the County undergoing a major revision/rewrite of its Zoning ordinance and other land use ordinances, an extension of the moratorium is needed; and that the extension will expire March 31, 2021 or until the completion and adoption of the revision/rewrite of the land use ordinances, whichever occurs first. The motion to approve the Resolution was made by Commissioner Lange and seconded by Commissioner Andrews.

In discussion, Chairman Langston said that the moratorium is a taking of property rights in that persons cannot even submit an application regarding the use of their property; that she voted in favor of the original moratorium against her better judgement; and that property owners should be able to request the rezoning of their property and let the chips fall where they may.

Commissioner Andrews said she has concerns about the current rules and regulations whereby if property owners meet the requirements, their applications are approved and could basically be rubber stamped rather than come before the Board.

Commissioner Grant said that the first moratorium was because we were expecting the land use code update to be completed by December, and now we are looking at March 31; that while he doesn't think the County should dictate what one can do with their property, there must be rules and regulations to follow; and he wants to make sure March 31 is a firm date. Randy Dowling, County Manager, said that March 31 is as firm as it can be, unless 2021 turns out to be like 2020 regarding the COVID-19 pandemic.

The motion to approve passed with four in favor (Lange, Andrews, Grant, Zuerner) and one opposed (Langston).

- C. **Financial Statement: September 2020.** The motion to approve the financial statement for September 2020 was made by Commissioner Lange, seconded by Commissioner Zuerner, and passed unanimously.

4. **COUNTY MANAGER**

- A. **Proposal Award: Architectural Services for Water Works Administration Building.** Randy Dowling, County Manager, said that the FY 2020-21 approved Water Works budget includes \$400,000 to design and construct a replacement Water Works Administration building on the current 6.942 acre site at the intersection of SR 315 and Grant Road; that an RFQ was prepared and advertised to obtain the services of an architect to design the building, prepare construction drawings, assist with bidding, and provide construction administration services; and that on October 15, the County received two responses, as follows:

COMPANY
2WR Architects, Columbus GA
Hecht Burdeshaw Architects, Columbus GA

Mr. Dowling said that both submissions were evaluated by him, the Water Works Director, the Community Development Director, and the Building Inspector and then personally interviewed both firms on November 2; that after the reviews and interviews, the evaluation committee selected 2WR to continue the process; that 2WR will have two phases; that the first phase of programming/pre-design will be a lump sum amount of \$3,000 to meet with Water Works representatives regarding a proposed layout and taking three weeks to complete; that the second phase, the cost of which would be determined after the first phase is completed, will consist of preparation of construction documents, assistance with bidding, evaluation, negotiations, and construction administration and take about a year to complete; and that Michael Starr, of 2WR is present to respond to questions regarding the proposal. Mr. Dowling also said that the building would face Grant Road and the current building would remain in place for storage purposes. The motion to award the proposal to 2WR to perform architectural services for the programming/pre-design phase in the amount of \$3,000 was made by Commissioner Lange, seconded by Commissioner Grant, and passed unanimously. (Document can be found in "Contracts & Agreements" file as C&A #20-26)

- B. **Bid Award: Melody Lakes Dam Renovation.** Randy Dowling, County Manager, said that the County has been working on this project for many years in order to comply with the State's Safe Dam Act rules and regulations; that Carter & Sloope Engineering and Carter Engineering were hired to coordinate the project with the State, develop construction plans, assist with bidding, and supervise the renovation of the dam; that the County received approval from the State in June 2020 regarding the engineering documents and authorization to proceed on the condition the project begins within six months of June 30, 2020, and is completed within 12 months of the beginning of construction; that bid documents were prepared and advertised; and that on October 22, the County received four responses, as follows:

COMPANY	BID
Southeastern Site Development, Newnan GA	\$ 1,204,837.15
North Georgia Concrete, Dahlonega GA	\$ 932,384.60
Haren Construction, Etowah TN	\$ 926,000.00
McLeroy Inc, Zebulon GA	\$ 575,720.80

Mr. Dowling said that the bids were evaluated by County staff, Carter & Sloope, and Carter Engineering; that the recommendation is to award the bid to McLeroy Inc., for the low bid of \$575,720.80; that in addition, Georgia Power is charging the County \$23,757 to relocate three (3) power poles in the construction area, bringing the total to \$599,477.80; that the approved FY 2020-21 Public Works budget includes \$400,000 for this project and a budget amendment will be needed for the overage of \$199,477.80, which will come from General Fund reserves; that the project is estimated to begin during this month and be completed within 180 days, or about May 2021; that once the project is completed, the dam will be changed from a Category I to a Category II, which will require fewer regulations; and that Matt Smith, with Cater & Sloope, and Brian Kimsey, with Carter Engineering, are present to respond to questions or comments.

Discussion included that the contractor will face liquidated damages of \$200/day if the project exceeds the time limit; that as long as EPD can see the project is progressing toward the goal, they are usually a little lenient on extending the number of days for completion; that the difference in bids is due to not only to the pandemic, but also to materials cost having gone up 25 to 35 percent; that the utilities relocation

wasn't taken into account; that McLeroy has done a number of similar projects, to include Rock Eagle 4H camp; that the costs of lowering the lake in order to do the construction were higher than expected from all bidders; that once the project is completed, the water level will come back up; that once the dam is reclassified as a Category II, it would remain as such unless someone builds downstream; and that the dam will be inspected every five years to make sure nothing has been built downstream. In addition, discussion included that the County had to obtain easements from three property owners; that homeowners will be in constant communication during the project; that the road leading to the dam is in relatively good shape; that the road will be closed during construction but there are others roads that can be used in order to go around the dam; that the School Board will be notified of the closing for bus rerouting; and that signs will be posted.

The motion to award the bid to McLeroy for the low bid of \$575,720.80 and the execution of the \$23,757 agreement with Georgia Power was made by Commissioner Zuerner, seconded by Commissioner Grant, and passed with four in favor (Zuerner, Grant, Andrews, Langston) and one opposed (Lange). [Documents can be found in "Contracts & Agreements" file as C&A #20-27 (McLeroy) and C&A #20-28 (Georgia Power).] This resulted in Budget Amendment #5 in the amount of \$199,478.

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

- (1) Replacement Telephone System for Courthouse, Administration Building and Community Development Building. Some of the phones have been installed in the Courthouse and project should be completed late this month.
- (2) Live Stream Equipment for Commission Chambers. Tonight's meeting is being live-streamed on YouTube as a test to make sure everything works; that beginning December 1, all Commission meetings will be live-streamed on YouTube through the County's website.
- (3) Ambulances. Two (2) should be delivered in February 2021.
- (4) Courthouse ERU Replacement. Will be installed the first week in December.
- (5) Replacement Prison Kitchen Equipment. Equipment has been delivered and installed.
- (6) Repair/Renovation of Five (5) County Bridges. Project is underway and is to be completed by June 30, 2021.
- (7) Melody Lakes Dam. Bid awarded during tonight's meeting; project should be completed the middle of next year.
- (8) Soccer Field Poles and Lights. Bid has gone out, responses are due December 16, with Board consideration on January 5.
- (9) Water Works Administration Building. Awarded to 2WR during tonight's meeting.
- (10) SPLOST Collection. On schedule.
- (11) LOST Collection. On schedule.
- (12) Single Family Building Permits. Total of 70 permits have been issued for this fiscal year.
- (13) Underground Storage Tank. In response to a question from Commissioner Grant, Mr. Dowling reported that the County is still awaiting a response from EPD.

5. **COUNTY ATTORNEY.** No business for discussion this evening.

6. **OTHER**

A. **Audio & Video Equipment for Courts.** Chairman Langston said that jury trials are scheduled to begin again in January and that there have been several meetings regarding such to include audio and video requirements. She asked Randy Dowling, County Manager to discuss the issue. Mr. Dowling said that the courtrooms are to

be used for jurors with witnesses and other individuals in the hallway viewing the proceedings through monitors; that quotes have been obtained for the two courtrooms that are used by Superior and Probate Courts and for Magistrate Court to hold hearings; that the quotes total about \$70,000; that the equipment could possibly be used after the pandemic is over; that the equipment needs to be in place rather quickly; that if approved, consideration should also be given for standardization purposes so that the same vendor that currently provides such similar equipment already existing in the Courthouse be used for this new equipment; and that the Community Center is going to be for jury selection. Discussion included that the Community Center will be used on Monday afternoons and is where individuals will report; that Judge McBride is drafting an order to designate the Community Center as an annex for the Courthouse; and that equipment will also be used for other courts and hearings.

Following discussion, the motion to approve the purchase of the audio and video equipment for approximately \$70,000 from the vendor who currently serves the electronic needs in the Courthouse (Columbus Tape & Video) was made by Commissioner Lange, seconded by Chairman Langston, and passed unanimously. This resulted in Budget Amendment #6 in the amount of \$68,258.

7. **REQUEST FOR EXECUTIVE SESSION.** Chairman Langston requested an Executive Session for the purpose of discussing a personnel matter, without the County Clerk being present.
8. **RECESS FOR EXECUTIVE SESSION.** The motion to go into Executive Session for the purpose of discussing a personnel matter was made at 7:52 PM by Commissioner Andrews, seconded by Commissioner Zuerner, and passed unanimously.
9. **RESUME REGULAR SESSION.** The motion to go back into Regular Session was made by Chairman Langston, seconded by Commissioner Lange, and passed unanimously.
- 10 **ADJOURNMENT.** There being no further business, the motion to adjourn was made by Commissioner Andrews, seconded by Chairman Langston, and passed unanimously.

Becky Langston, Chairman

Attest:

Nancy D. McMichael, County Clerk