

**HARRIS COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION**

March 2, 2021

7:00 P.M.

Commissioners Present: Andrew Zuerner, Becky Langston, Susan Andrews, Rob Grant, Bobby Irions.
Staff Present: Randy Dowling, County Manager; Russell Britt, County Attorney; Nancy D. McMichael,
County Clerk.

1. **CALL TO ORDER.** Chairman Zuerner called the Regular Session to order.
2. **PLEDGE OF ALLEGIANCE.** Chairman Zuerner led those in attendance in the Pledge of Allegiance.
3. **MINUTES.** The motion to approve the minutes of the February 16, 2021, Regular Session was made by Chairman Zuerner, seconded by Commissioner Langston, and passed unanimously.
4. **NEW BUSINESS**
 - A. **Financial Statements: December 2020 & January 2021.** The motion to approve the December 2020 & January 2021 financial statements was made by Commissioner Andrews, seconded by Commissioner Grant, and passed unanimously.
 - B. **Commission Meeting Time Change.** Following discussion, the motion to change the time of the Commissioners' Regular meetings (on the first and third Tuesdays of each month) from 7:00 PM to 6:30 PM, effective with the April 6 meeting, and to amend the Rules of Order to reflect that public hearings for Rezoning and Special Use Permit applications will begin at 7:00 PM, was made by Commissioner Grant, seconded by Chairman Zuerner, and passed unanimously. (Rules of Order document can be found in "Miscellaneous Documents" file as MD#21-02.)
 - C. **Appointments: Impact Fee Advisory Committee.** Chairman Zuerner said that during the February 16 meeting, the Board approved a proposal from Wood PLC to conduct an impact fee study for parks and recreation needs and public safety (fire, EMS, Sheriff's Office, Jail and 911) needs; that in order to begin the year-long study, the Board must appoint an impact fee advisory committee, per OCGA 36-71-5, of five to 10 members to serve in an advisory capacity to assist and advise the Board with regard to the adoption of an impact fee ordinance; and that the names of the nominees are Morgan Marlowe, Lisa Scully, Patty Wallace (realtors); Edgar Hughston, Taylor Griffin, Ricky Turnage (developers/builders); Jack McClung (fire); Mike Fuson, Lee Starling (parks/recreation), and Meghan Guenther (citizen). Following discussion, which included that meetings of the Committee should begin in about a month and that the County Manager, County Clerk, and Community Development Director will provide staff support to the Committee, the motion to appoint these 10 individuals to the Impact Fee Advisory Committee was made by Commissioner Langston, seconded by Chairman Zuerner, and passed unanimously.
5. **COUNTY MANAGER**
 - A. **Proposal: Courthouse Assessment.** Randy Dowling, County Manager, said that there has been discussion regarding the condition of the Courthouse and the cost to renovate the structure, which is on the National Register of Historic Places; that to obtain a more accurate cost estimate regarding renovation, 2WR, an architectural firm from Columbus, has been requested to provide a proposal for assessment of all systems of the Courthouse to include roof, HVAC, plumbing, electrical, interior finishes, doors and windows, building and site accessibility, visible structural defects; that the assessment would culminate with a list of deficiencies with recommended corrections, report with photographic documentation, and cost estimates to renovate and restore the building, in priority order; that the assessment team will include a historic preservation specialist; that the cost to perform the assessment is \$25,000 and will take about 45-60 days to completed; and that funding will come from SPLOST-2019. Following discussion, the motion to approve this proposal, with results prioritized and the budget amendment #9 (for \$25,000), was made by Commissioner Grant, seconded by Chairman Zuerner, and passed unanimously. (Document can be found in "Contracts & Agreements" file as C&A #21-02.)

- B. Intergovernmental Agreement: Center for Rural Prosperity & Innovation.** Randy Dowling, County Manager, said that with the assistance of Morgan Marlowe, the Center for Rural Prosperity & Innovation, based in Tifton, GA, has agreed to donate \$39,000 to the County to fund the architect's fees regarding the renovation of the old library into a community medical clinic; and that the \$39,000 will fund all expenses of Southern A&E, the project architect, to include design, bidding, and construction administration. Following discussion, the motion to approve the agreement and to accept the \$39,000 was made by Commissioner Grant, seconded by Commissioner Andrews, and passed unanimously. (Document can be found in "Contracts & Agreements" file as C&A #21-03.)
- C. Bid Award: Road Resurfacing (LMIG).** Randy Dowling, County Manager, said that during the December 15, 2020, meeting, the Board approved the submission of nine (9) County roads, totaling 7.70 miles, to GDOT for the 2021 LMIG resurfacing program; that the roads were Janee's Way, Daniel's Court, Williams Court, Kristi Lynn's Way, Kristi Lynn's Court, Grey Smoke Trail, Grey Smoke Loop, Harrisville Road, and Lewis Bryant Road; that bids, which included three (3) roads within the city limits of Shiloh, were properly prepared, advertised, and distributed; and that the County received four bids on February 23, as follows:

| Company Name | Bid for 9 County Roads | Bid for 3 Shiloh Roads | Total Bid |
|--|---------------------------|---------------------------|-----------------|
| CW Matthews Contracting (Marietta, GA) | \$ 953,023.03 | \$ 39,586.97 | \$ 992,610.00 |
| Piedmont Paving (Newnan, GA) | \$ 1,066,760.65 | \$ 44,798.76 | \$ 1,111,559.41 |
| Robinson Paving (Columbus, GA) | \$ 1,166,330.00 | \$ 49,665.00 | \$ 1,215,995.00 |
| Atlanta Paving (Peachtree Corners, GA) | \$ 1,237,388.68 | \$ 51,656.23 | \$ 1,289,044.91 |

Mr. Dowling said that the low bidder was C.W. Matthews Contracting of Marietta, GA, with the low bid of \$992,610; that funding for this project was included in the Public Works Department and SPLOST 2014 approved budget; that \$734,779.04 will come from the County's 2021 LMIG allocation, the required 10% match of \$73,477.90 will come from SPLOST 2014, a portion of the overage in the amount of \$26,522.10 will come from SPLOST 2014, and the remaining overage of \$118,243.99 will come from T-SPLOST, for a total of \$953,023.03; that the City of Shiloh will pay the total cost of their road improvements, which totals \$39,586.97, for a total bid award of \$992,610.00; and if approved, the project is scheduled to be completed by June 30, 2021. Following discussion, the motion to award the bid to C.W. Matthews for the low bid of \$992,610, the budget amendment #9 (for \$118,244), and to authorize the County Manager and the County Clerk to execute any necessary documents was made by Commissioner Langston, seconded by Chairman Zuerner, and passed unanimously.

- D. Bid Award: Road Restriping.** Randy Dowling, County Manager, said that \$100,000 was included in the SPLOST 2014 approved budget to restripe various roads; that a list of 25 roads was prepared by the Public Works Director and bids were properly prepared, advertised, and distributed; and that the County received four bids on February 23, as follows:

| Company Name | Total Bid |
|--|---------------|
| McRae Contracting (Fayetteville GA) | \$ 82,606.50 |
| Peed Pavement Marking (Columbus GA) | \$ 85,076.50 |
| Mid-State Striping (Eatonton GA) | \$ 103,893.00 |
| Mid State Construction & Striping (Perry GA) | \$ 154,405.19 |

Mr. Dowling said that the low bidder was McRae Contracting of Fayetteville, GA, with the low bid of \$82,606.50; that funding for this project was included in the SPLOST 2014 approved FY 20-21 budget and is 17.4% below budget; and if approved, the project is scheduled to be completed by June 30, 2021. Following discussion, the motion to award the bid to McRae Contracting for the low bid of \$82,606.50 and to authorize the County Manager and County Clerk to execute any necessary documents was made by Commissioner Andrews, seconded by Commissioner Langston, and passed unanimously.

- E. Bid Award: Road Patching.** Randy Dowling, County Manager, said that six County roads were cut to replace cross drain pipes and need to be patched; that the roads are Brown Creek Road, Boyd Branch Drive, Palmetto Drive, Hamilton Pleasant Grove Road, O Street, and Gatlin Lane; that bids were properly prepared, advertised, and distributed; and that the County received four bids on February 23, as follows:

| Company Name | Total Bid |
|---------------------------------------|--------------|
| Wolford Contracting (Fortson GA) | \$ 33,565.00 |
| Piedmont Paving (Newnan GA) | \$ 42,393.00 |
| Atlanta Paving (Peachtree Corners GA) | \$ 57,020.72 |

Mr. Dowling said that the low bidder was Wolford Contracting with a bid of \$33,565, but that the bid is disqualified because the required bid security, in the amount of 5% of the bid amount, was not included in the bid submitted; that the next lowest bidder is Piedmont Paving with a bid of \$42,393; that funding for this project was not budgeted but will come from SPLOST 2014; and if approved, the project is scheduled to be completed by June 30, 2021. Following discussion, the motion to award the bid to Piedmont Paving, the budget amendment #11 (for \$42,393), and to authorize the County Manager and County Clerk to execute the necessary documents, was made by Commissioner Andrews, seconded by Chairman Zuerner, and passed unanimously.

At this point, agenda items were postponed in order to hold the scheduled Public Hearing.

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

- A. **Conflict of Interest Forms.** At the request of Chairman Zuerner the Conflict of Interest forms were completed.
- B. **Explanation of Public Hearing Procedures.** Chairman Zuerner explained the Public Hearing procedures.
- C. **Application of Kenneth L. Moore & Mark Lydon (Verizon Wireless) for a Special Use Permit for a Wireless Tower as an ancillary use on a 100' x 100' compound on 27 acres of property located on Map 058, Parcel 033, Land Lot 163, Land District 91, at 868 Pleasant Grove Road, Hamilton, and zoned A-1 (Agricultural & Forestry).** Chairman Zuerner read the specifics of the application and said that both the Planning Commission and the Planning staff had recommended disapproval of this application. Andy Rotenstreich, attorney representing the applicants, appeared before the Board, distributed three items of information, and said that the tower will help get broadband service to the area; that there is a gap in coverage in the subject location; that Verizon searches out other towers in the area and shows there is a tower 2.2 miles north and a tower 2.4 miles south; that the tower will provide coverage for residents, tourists and travelers on Pleasant Grove Road; that the tower will be on a 100' x 100' compound on the property; that the tower will be a monopole that is strong enough for other antennas to be co-located. He then reviewed and explained the documents previously distributed. He continued by saying that the pole will be less than 200 feet, thus it does not require lighting per FAA regulations; that there will be no noise, dust, odor, fumes, smoke or traffic as a result of the tower. In response to questions from the Board, Mr. Rotenstreich said while (one of) the maps depict good coverage, it is not enough to provide service in buildings; and that the distance measurements are in meters not feet. He also answered several technical questions posed by Commissioner Irions. He continued in response to questions that there is no way to move the tower to another location as the subject location was determined to be the best in order to fill the gap in coverage in that area; that the signal dictates where the tower needs to be located; and that there are 14 cell towers located in scenic corridors. Russell Britt, County Attorney, said that because previous towers have been approved does not mean that this one has to be approved; that the Board looks at each application on a case by case basis; that the Board could decide that the tower negatively impacts the scenic area or that it does not impact the scenic area; that aesthetics can be a reason based on substantial evidence such as the Comprehensive Plan and the Cell Tower Ordinance. Commissioner Andrews commented that while Troup County and other counties have many towers, Harris County is different and takes pride in its character and she does not believe that having broadband and messing up scenic corridors are exclusive.

There being no further questions or comments, Chairman Zuerner 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. He reminded everyone that there is a five minute time limit and County Manager Randy Dowling will keep time.

John Knox, citizen who lives on Hamilton Pleasant Grove Road, appeared before the Board, distributed material, and said he would like to make five points about the

Special Use Permit application to include the tower is (1) unwelcomed and unwanted; (2) unhealthy; (3) unsightly; (4) unfriendly to the environment; and (5) unfit for this location. He continued by saying the submitted petition in opposition is signed by 158 citizens of Harris County; that towers give off alpha, beta and gamma rays; that while the tower is now a monopole, the depiction by Verizon shows three levels that could accommodate 24 antennas; and that there are three schools in close proximity to the tower. He asked someone could yield their five minutes to him, and Chairman Zuerner said that they could not do so. (Documents submitted by Mr. Knox can be found in "Miscellaneous Documents" file as MD# 21-03)

Justin Knox, citizen who lives on Lower Blue Springs Road, appeared before the Board and said that the applicant had more than five minutes to which Chairman Zuerner said that comments in favor of or in opposition to the application are limited to five minutes.

Mark Harris, citizen who lives on Hamilton Pleasant Grove Road, appeared before the Board to continue what John Knox was presenting. He said that across the street is a 100 year-old home near the tower and wanted to know why this home was not included in the view shed. He said that people aren't moving to Harris County for cell service but for the view and what we stand for.

Lynda Dawson, citizen who lives on O Street, appeared before the Board and said that she promoted the County for many years and the view coming off the mountain into that area is a beautiful area; that with the bike trail being developed the site will be a good stop-off and will be adjacent the tower; and that every tower in the County needs to be lit because there are a lot of pilots trained at the Airport and lit towers are safer than unlit towers.

There being no further comments, Chairman Zuerner asked Mr. Rotenstreich for rebuttal comments. In rebuttal, Mr. Rotenstreich said that for any tower built Verizon goes through due process; and that the State Historic Preservation Office indicated that there are no historic structures in the area. In response to questions from the Board, Mr. Rotenstreich said there can be no additional height added to the tower, unless it is approved by the Board; that Verizon is actively putting in 5G capability by putting antennas on telephone/power poles and water towers where available, mostly in urban areas; that the coverage in the subject area does not warrant 5G at this time; that Verizon is looking for coverage and will deal with capacity issues when they arise; and that the needed in-building coverage is not in the subject area. There was discussion regarding various maps previously distributed by Mr. Rotenstreich to include water towers in or near the area. To continue in to response the questions, Mr. R said that while there is "good" coverage, there is not "sufficient" coverage to fill the gap in the area.

Mr. Britt said that regarding environmental effects, the Telecommunications Act of 1996 prohibits denial simply because of environmental effects, as long as the tower complies with FCC guidelines it cannot be denied based on environmental effects.

There being no further comments or questions, Chairman Zuerner closed the Public Hearing and asked for a motion.

The motion to deny this Special Use Permit application was made by Commissioner Grant and seconded by Chairman Zuerner, who commented that according to the adopted Comprehensive Plan and this being a scenic road the, tower creates a negative aesthetic impact; that the tower can be approached in one direction while coming down the mountain and it's in your face; that the site can't be compared to other locations in the county that have tree that block the line of site, but in this case there is no way to miss it; and that it creates a negative aesthetic impact. Commissioner Andrews said that the County has a Comprehensive Plan, which does not need to "sit on the shelf" and appreciates it being brought forward in this instance; that who wants to submit an application (for rezoning or special use) needs to first check the Comprehensive Plan before they go to the trouble to bring something forward; that the Comp Plan is a living document; and that the scenic view needs to be maintained. Commissioner Irions said that the coverage map shows the area has good coverage. (Documents submitted by Mr. Rotenstreich can be found in "Miscellaneous Documents" file as MD# 21-04.)

The motion to disapprove passed unanimously.

7. **COUNTY MANAGER (continued)**

- F. **Proposal: Architect & Engineering Services for Water Works Administration Building.** Randy Dowling, County Manager, said that during the November 17, 2020, meeting, the Board approved a \$3,000 proposal from 2WR to perform Phase I of the Water Works Administration Building project; that with that phase being completed, Phase II of the project is ready to being with the preparation of construction documents, competitive bidding, and construction administration; that 2WR has submitted a proposal to perform these services at a cost of \$65,000 including reimbursable expenses; that the cost is included in the approved Water Works budget; that actual construction would take about one year to complete; that the estimated cost of the entire project is \$1,00,000 when all components factored in (design fees, construction costs, furniture, fixtures, equipment such as telephone system, desks, chairs, etc.); and that is approved, the cost would be included in next year's Water Works budget beginning July 2021. Following discussion, the motion to approve the proposal in the amount of \$65,000 and to authorize the County Manager and County Clerk to execute any necessary documents was made by Commissioner Langston, seconded by Commissioner Grant, and passed unanimously. (Document can be found in "Contracts & Agreements" file as C&A #21-04.)
- G. **Federal Grant Application for Airport.** Randy Dowling, County Manager, said that the Federal Coronavirus Response & Relief Supplemental Appropriation Act (CRRSAA) is providing about \$2B to U.S. airports as economic relief; that of that amount, \$100,803,402 is allocated to Georgia with \$13,000 allocated to the County's airport; that the grant can only be spent on airport operations, such as employee payroll, utilities, service contracts, and supplies incurred after January 20, 2020; that the grant submission deadline is April 19, 2021; that the grant funds will be used for payroll for Airport employees; and that the grant funds will be available to the County within 30 days of receipt by GDOT. Following discussion, the motion to authorize the Chairman to execute the grant application and the County Manager to submit the application and execute any other related documents was made by Commissioner Grant, seconded by Commissioner Andrews, and passed unanimously. (Document can be found in "Miscellaneous Documents" file as MD #21-05.)
- H. **Project Updates.** Randy Dowling, County Manager, said that the update report now includes a color-coded chart to show what projects are in progress, have been completed, not started, or at risk. He then reviewed various projects, as follows:
- (1) Replacement Telephone System for Courthouse, Administration Building, Community Development Building and other locations. Almost finished with the Extension Service being the last department to be connected, which should be this month.
 - (2) Ambulances for EMS. Two replacement ambulances should arrive in April.
 - (3) Replacement Consoles (4) for 911. Project should be completed this month.
 - (4) LMIG Road Resurfacing. Bid awarded this evening, with project completion by June 30, 2021.
 - (5) Restriping of County Roads. Bid awarded this evening, with project completion by June 30, 2021.
 - (6) Patching of County Roads. Bid awarded this evening, with project completion by June 30, 2021.
 - (7) Melody Lakes Dam. Project is under construction with completion by June 30, 2021.
 - (8) Ellerslie Park. Alexander Paving is working on the internal roads, drainage, and the turn lanes from Georgia 85, and should be completed by April.
 - (9) Rails to Trails Project. Design is complete; easements are being obtained; bidding should be in March with Board consideration in April and project completion expected in late October. Commissioner Grant asked if staff goes back to look at driveways crossing the trail to which Mr. Dowling replied that driveways are checked with the trail is sprayed, and that staff will stay vigilant.

- (10) Installation of Wooden Poles for Lights at Soccer Complex. Project will take place following soccer season and will be completed by June 30.
 - (11) Replacement Garbage Trucks. Vehicles are expected to arrive in March.
 - (12) Scrap Tire Amnesty Events. Events will be held on Saturday, March 13 and March 20, from 8 AM to 4 PM, at the County's Transfer Station and funded by a state grant.
 - (13) Water Works Administration Building. Proposal approved this evening to move forward with this project.
 - (14) Renovation of Old Library. Project is on-going, is being designed, and will bid out soon.
 - (15) Land Use and Development Codes Update. Almost complete in draft form; and that a meeting was held Monday with Water Works and Public Works regarding construction standards for roads, water lines and sewer. In response to a question from Commissioner Andrews, Lee Walton, with Wood PLC, said that the impact fee study is not part of the update because that will focus on parks and recreation and public safety. Mr. Walton said that he hopes to have the final product completed in May.
 - (16) Impact Fee Study. Advisory Committee members appointed this evening with first meeting taking place in about a month.
 - (17) SPLOST. Back to normal but higher than last year at same time and less than last month.
 - (18) LOST. Back to normal but higher than last year at same time and less than last month.
8. **COUNTY ATTORNEY**. Russell Britt, County Attorney, said he had no business to discuss with the Board this evening.
9. **OTHER**
- A. **Development Authority Training**. Commission Langston said that she recently attended Development Authority basic training, as did two or three other Development Authority members, and that the money spent on the class was well worth it; that it focused on ethics and responsibilities.
10. **ADJOURNMENT**. There being no further business, the motion to adjourn was made by Commissioner Grant, seconded by Commissioner Andrews, and passed unanimously.

Andrew Zuerner, Chairman

Attest:

Nancy D. McMichael, County Clerk