

**HARRIS COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION**

April 19, 2022
6:30 P.M.

Commissioners Present: Andrew Zuerner, Susan Andrews, Rob Grant, Bobby Irions, Becky Langston.
Staff Present: Randy Dowling, County Manager; Russell Britt, County Attorney; Nancy D. McMichael,
County Clerk; Andrea Dzioba, 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 April 5, 2022, Regular Session was made by Commissioner Grant, seconded by Commissioner Langston and passed unanimously.
4. **APPEARANCE OF CITIZENS**

A. **Bradley Parker: Noise Issue with Roosters.** Bradley Parker, citizen who lives at 6630 GA Hwy 85, Waverly Hall, appeared before the Board and said he lives on 4.44 acres and his next door neighbor, Keith Riddle, of 6552 GA Hwy 85, Waverly Hall, also lives on 4.44 acres; that Mr. Riddle raises fighting roosters and sells them; that a rooster's crow can exceed 130 decibels, which is very loud, and multiplying that by 100 roosters is like living by an airport; that the noise starts about 4:30 AM and continues throughout the day; that he gets no relief from the noise until after dark; that his property, and that of his neighbor, is zoned A-1; and that he would like the Board to consider a noise nuisance ordinance. The Board thanked Mr. Parker for the information.

5. **OLD BUSINESS**

A. **Decision on application of Board of Commissioners to Amend the County Code of Ordinances - Appendix A (Zoning Ordinance), Articles I-X; Appendix B (Sub-divisions), Articles I-XX; Chapter 4 (Planning and Development), Articles I, II, III, IV, V, VIII, IX; Chapter 5 (Public Safety, Health & Sanitation), Article IV; Chapter 7 (Water, Sewage & Utilities), Article I; & other associated sections of the Code of Ordinances intended to be incorporated into the Unified Development Code (UDC).** Chairman Zuerner said that the Board held and closed the Public Hearing for this topic on April 5, 2022, but tabled the decision until this meeting; and that only the Board and the consultant, Lee Walton with Wood, may have discussion. He asked for comments.

Commissioner Langston said she has concerns regarding the document; that there appear to be inequities related to socio-economic classes; that the 10 acre minimum for a parcel in A-1 is more than some people can afford; that it appears the intent of the document is to stop construction, which will put many citizens out of work; and that she cannot vote for the document as written.

Commissioner Grant said that he also had concerns, particularly about the 10 acre minimum in A-1; that perhaps reducing the 10 acres to 6 would be better; that minor subdivision lots (3 or less) should be permitted to front on a public road and that for major subdivisions of 10 or more lots should have all roads on the interior; and that several changes should be made before the document is ready for adoption. He said that most people seem to have issues with the 10 acre minimum in A-1. There was discussion regarding the minimum lot size for R-1, R-R, and A-1, and that perhaps the minimum should be 2, 4 & 6 or possibly 2, 4 & 8.

Commissioner Andrews said that based on previous discussions, the consensus was to leave the minimum lot size at 10 in A-1; that if further discussion is needed it should be done in a retreat setting; that the 10 acre minimum is to maintain large portions of agricultural land throughout the County, which is what citizens have indicated over and over again; and that she is not ready to change from the 10 acres tonight. She said if changes are going to be made, such needs to be discussed in a different setting.

Commissioner Irions said that he is not satisfied as to how PRD is addressed in the document, particularly with the offset of commercial; and that hens should be allowed in R-1.

Discussion included that while property can be rezoned, it is not a given that such would occur; that people have to decide if they want to live in Harris County based on the rules and regulations in place; that the UDC is not about welcoming people as much as to determine how land can be used; that more discussion is needed on changes and should occur before action is taken on the document; and that mobile homes are allowed on A-1, MHU-1 or MHU-2.

Chairman Zuerner said the Board should discuss these changes during its next retreat. Randy Dowling, County Manager, said that the month of May is tied up with budget work sessions and public hearing, but a retreat could possibly be set up toward the end of May.

Russell Britt, County Attorney, said that the Board can approve, deny or defer, but that the best approach would be to make changes and go through the process again; that changes should be regarding the topics that have been discussed during the public hearing (held April 5); that if minor changes are needed, further public hearings would not be necessary; that if the decision is deferred to a specific date and changes are necessary, the Board would need to vote to deny because it's not the same document in order to avoid any challenge under the zoning procedures law; that he would recommend going back through the process, especially if changes are going to be made that were not contemplated or discussed during the public hearing (held April 5); that if the document were to be approved tonight, any amendment regarding zoning would have to have two public hearings, which is a requirement of the County; that if action is deferred to a date specific following the next retreat, and minor or no changes are needed, then the Board, on that date certain, can vote to approve or deny; that if major changes are needed, then on that date certain, a motion and vote to deny would be needed; and that if denied, then the process could start again with more meetings to be followed by the required public hearings. Commissioner Langston commented as to why approve something if changes are known and needed. Mr. Britt said regardless of what is done tonight, if changes are going to be made - go back through the process.

Commissioner Grant made the motion to defer action to the June 7 meeting in order to allow enough time to discuss the topics and then come back and vote. The motion was seconded by Commissioner Langston. Commissioner Irions said there are going to be changes. Mr. Britt said that deferral tonight is not going to change timeline because discussion is needed regarding changes; it just leaves the door open to adoption on June 7 or for disapproval and going back through the process. The motion passed with four in favor (Grant, Langston, Irions, Zuerner) and one opposed (Andrews).

6. **NEW BUSINESS**

- A. **Appointment to Board of Elections & Registrations.** Chairman Zuerner said there is a vacancy on the Board of Elections & Registrations due to the resignation of Wayne Harbert and that Commissioner Langston has an individual she would like to appoint. Commissioner Langston then made the motion to appoint John Britt to complete Mr. Harbert's term, which expires December 31, 2023. The motion was seconded by Chairman Zuerner and passed unanimously.
- B. **Ordinance to Repeal Agricenter Board Ordinance & Implementation of Policy on Development and Use of Agricultural Center Property.** Chairman Zuerner said that several years ago, the Board of Commissioners approved a development plan for the Agricultural Center (Ag Center) following discussions with the Harris County Cattlemen's Association; that an ordinance to repeal the Agricenter Board was drafted, but due to various issues, it did not come before the Board for action; that while that Ordinance is still needed, it has been determined that a policy, rather than an ordinance, is needed regarding the development and use of the Ag Center property; and that this will be the only reading for the Ordinance to Repeal the Agricenter Board Ordinance. Following discussion, the motion to approve the Ordinance to Repeal the Agricenter Board Ordinance and to approve the Policy for development and use of the Ag Center property was made by Commissioner Grant, seconded by Chairman Zuerner, and passed unanimously. Commissioner Andrews said that the Ag Center Master Plan approved by the Board many years ago needs to be revised and requested that a committee be formed for such. (Policy can be found in "Miscellaneous Documents" file as MD#22-07.)
- C. **Ordinance to Amend Alcohol Ordinance to add Brewery, Brewpub, Distillery & Micro-Brewery.** Chairman Zuerner said that the amendments to the Alcohol Ordinance had been drafted to allow breweries, brewpubs, distilleries and

micro-breweries, and to show that alcohol applications would be handled through the Community Development Department rather than the Commissioners' office; and that only one reading of this ordinance is necessary. Nancy McMichael, County Clerk, said that the Alcohol amendments are to be consistent with UDC; that the current proposed UDC does not include the four alcohol uses (brewery, brewpub, distillery and micro-brewery); and that action should probably not be taken until such time as action is taken on the UDC or the uses are included in the UDC. She said that the Community Development Department has already started processing alcohol applications and will continue to do so, but that when the Alcohol ordinance is amended, it would set that out in writing. Following discussion, consensus was to table action to the June 7 meeting during which a decision will be made regarding the UDC and the alcohol amendments.

7. **COUNTY MANAGER**

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

- (1) EMS/VFD Facility in NWHP. Design is proceeding; should be bid out in the next 45 days.
- (2) Prison Roof Replacement. Project is ongoing, but should be completed in the next 30-45 days.
- (3) LMIG Resurfacing 2022. Project should begin soon and is to be completed by June 30, 2022.
- (4) Patching of 7 County Roads. Project is ongoing, using T-SPLOST funds, and is to be completed by June 30, 2022. In response to a question from the Board, Mr. Dowling said that the current T-SPLOST expires December 31, 2022, and is on the May 24 referendum to continue the tax for another 10 years; that if the referendum does not pass, the County will not continue to receive about \$100,000 a month for transportation projects. He said that there are four GDOT projects for Harris County for which funding would be provided from the T-SPLOST.
- (5) Man O'War Railroad Recreation Trail, Phase V (aka Rails to Trails). Pre-construction bid will be on April 21; project should begin in May; be finished before Thanksgiving; and that once completed, the Trail will have another 5.5 miles from Callaway Country Store and continue to a point just south of Hamilton, all funded by T-SPLOST.
- (6) Solid Waste Replacement Building. Project is on bid with bid opening scheduled for May 19 and Board consideration on June 7.
- (7) Water Works Administration Building. Project is on bid with bid opening scheduled for May 19 and Board consideration on June 7.
- (8) Courthouse Renovations, Phase I. Guaranteed maximum price from the Construction Manager will soon be forthcoming, and project is expected to be finished by the end of the year or in early 2023.
- (9) Renovation of Old Library - Roof & HVAC System. Grand opening of the Mercer Medicine facility will be held tomorrow, April 20 at 2:00 PM.
- (10) Impact Fee Study. This was discussed during the Work Session preceding this meeting.
- (11) Assist RVRC with T-SPLOST Referendum. T-SPLOST referendum is May 24, and was discussed previously in the meeting (see 4 above).
- (12) Ellerslie Park. In response to a question from the Board, Mr. Dowling said that research was done by Interim Recreation Director with Fire, EMS, and cohorts in other counties with consensus to follow what the Board approved and allow canoes and kayaks that are owned by the user (not rented by the County) with user at risk; based on that signs were prepared and installed; and that a simple boat and life vests could be on site in event such are needed.

8. **COUNTY ATTORNEY**. Russell Britt, County Attorney, said that he had no business to come before the Board this evening.
9. **ADJOURNMENT**. There being no further business to discuss, the motion to adjourn was made by Commissioner Grant, seconded by Commissioner Irions, and passed unanimously.

Andrew Zuerner, Chairman

Attest:

Nancy D. McMichael, County Clerk