

HARRIS COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION

November 1, 2022

6:30 p.m.

Commissioners Present: Andrew Zuerner, Rob Grant, Becky Langston, Bobby Irions, Susan Andrews. Staff Present: Randy Dowling, County Manager; Russell Britt, County Attorney; Andrea Dzioba, County Clerk; Brian Williams, Community Development Director; and Lee Walton, Consultant.

1. **CALL TO ORDER**. Chairman Zuerner called the Regular Session to order.
2. **INVOCATION / PLEDGE OF ALLEGIANCE**. Commissioner Andrews gave the invocation. Chairman Zuerner led those in attendance in the Pledge of Allegiance.
3. **MINUTES**. The motion to approve the minutes of the October 18, 2022 Regular Session was made by Commissioner Irions, seconded by Commissioner Andrews, and passed unanimously.
4. **NEW BUSINESS**
 - A. **Resolution to Accept Autumn Trail Way (Extension)**. Chairman Zuerner introduced the item related to the acceptance of Autumn Trail Way (Extension) and stated that all required documents to accept the road have been submitted in accordance with County regulations. The motion to approve the Resolution to accept Autumn Trail Way (Extension) was made by Commissioner Andrews, seconded by Chairman Zuerner, and passed unanimously.
 - B. **Resolution to Accept Village Parkway**. Chairman Zuerner introduced the item related to the acceptance of Village Parkway and stated that the County has recently inspected the road and has the necessary documents to accept the road. County Clerk Andrea Dzioba advised the Board that many of the necessary documents were received in 2005 but that the inspection was not completed at that time. County Attorney Russell Britt informed the Board that the deed was still valid and able to be filed. The motion to approve the Resolution to accept Village Parkway was made by Commissioner Andrews, seconded by Chairman Zuerner, and passed unanimously.
5. **COUNTY MANAGER**
 - A. **Project Updates**. Randy Dowling, County Manager, reviewed various projects, as follows:
 - (1) **UDC/Land Use Codes**. This is on the agenda for Board consideration this evening.
 - (2) **New EMS/VFD Facility at NWHBP**. Preconstruction meeting was held on October 18th and project should be starting soon.
 - (3) **New Public Works Facility**. This project will be discussed at the Planning Retreat and is expected to be completed by November 2023.
 - (4) **New Playground for Moultrie Park**. Currently waiting for delivery and installation.
 - (5) **Replace Dehumidification System at Community Center**. Currently waiting for delivery. Project should be completed during the Summer of 2023.
 - (6) **Ellerslie Park**. A pavilion with a restroom is under construction. Southern trail system is under construction.
 - (7) **Man O'War Railroad Recreation Trail, Phase V (aka Rails to Trails)**. The ribbon cutting was held today.
 - (8) **Man O' War Railroad Recreation Trail, Phase VI**. This project should be out for bid this month with Board consideration in December. This phase will end just before Mulberry Creek.
 - (9) **New Fire Training Facility**. This project is on-going and the architects are still working on the design.
 - (10) **Update the 2017 Tusa Evaluation Study**. Discussion will continue on November 3, 2022 at the Planning Retreat.

- (11) New Solid Waste Facility. This project is almost complete. The pole barns are being erected.
- (12) New Water Works Administrative Office. The slab should be poured this week or next.
- (13) Hadley Road Water Line Project Phase II. A pre-construction meeting was held this morning.
- (14) U.S. 27 Water Line. Project is bidding out this month and Board consideration in December.
- (15) Courthouse Renovations, Phase I. This project is now expected to start in early January 2023. This project should be complete within 6 months after starting.
- (16) Increase Hotel/Motel Tax. County Attorney to prepare documents and submit same to the State.
- (17) Personnel Policies. A draft has been prepared and this will be discussed at the Planning Retreat on November 3, 2022.
- (18) Realign Mountain Hill Road. This project is designed and is being surveyed.

In response to questions, County Manager Randy Dowling advised that as of right now Hadley Road is expected to have 13 connections for water and that nothing further has been heard from Diverse Power related to a matching grant for Broadband.

Chairman Zuerner recessed the meeting at 6:47 p.m. until the public hearings are held at 7:00 p.m.

Chairman Zuerner called the meeting back into order at 7:00 p.m.

6. **PUBLIC HEARINGS AT 7:00 P.M.**

The Conflict of Interest forms were completed at the request of Chairman Zuerner.

Chairman Zuerner explained the procedures for the Public Hearing. As advised by County Attorney Russell Britt, Article X, Section 1(d), Subsection 6 of the Zoning Ordinance provides for public hearing procedures related to zoning and states “No time limit shall be imposed upon any person speaking at a public hearing, but all speakers are urged to make their comments brief and avoid repeating other comments.” and he didn’t want the Board to restrict for purposes of a zoning hearing to five minutes.

A. **Application of Pure Blue Real Estate, LLC, to rezone 16.84 acres of a 41.84-acre parcel, on Map 035, Parcels 002C and 002D, Land Lot 133, Land District 20th; Rezoning from A-1 (Agricultural/Forestry) to M-1 (Light Manufacturing)**. Chairman Zuerner called the Public Hearing to order, read the specifics of the application, and said that the recommendations of the Planning Commission and Staff were for approval with conditions. Mr. Edward Callaway appeared before the Board and provided information related to Pure Blue Real Estate, LLC, its operations, their use of the spring, and to respond to questions. Also, appearing was Jay Johnson, Principle Construction. They responded to questions from the Board related to lighting, whether the warehouse was visible from Highway 116, hours of operation, and possible vegetative screening.

Chairman Zuerner asked if there was anyone that would like to speak in favor of this application. There being none, he asked if any one would like to speak in opposition to the application.

David Childers, citizen who lives on Grantham Road, stated that he is just east of the facility; that he has talked with Edward Callaway and has reviewed the plans and discussed light and sound issues; that they discussed buffer options; that this is more like a distribution facility; and that he is concerned about his property value.

Mr. Callaway stated that he feels confident that they can screen for light; that Mr. Childers is a great neighbor; and that the noise is difficult to stop.

Chairman Zuerner closed the public hearing at 7:20 p.m.

The motion to approve the Application of Pure Blue Real Estate, LLC, to rezone 16.84 acres of a 41.84-acre parcel, on Map 035, Parcels 002C and 002D, Land Lot 133, Land District 20th; Rezoning from A-1 (Agricultural/Forestry) to M-1 (Light Manufacturing) including the recommendations of the Planning Commission (1.

combine three parcels into one; and 2. install a buffer along top of eastern grade) was made by Commissioner Andrews and seconded by Vice Chairman Grant. After discussion, a motion to amend the conditions to 1. combine three parcels into one; and 2. add 20' deep vegetative screening (hollies - that grow 15-20' tall) along the length of the docking area was made by Vice Chairman Grant and seconded by Chairman Zuerner. The Application of Pure Blue Real Estate, LLC, to rezone 16.84 acres of a 41.84-acre parcel, on Map 035, Parcels 002C and 002D, Land Lot 133, Land District 20th; Rezoning from A-1 (Agricultural/Forestry) to M-1 (Light Manufacturing) was approved unanimously with the following conditions: 1. combine three parcels into one; and 2. add 20' deep vegetative screening (hollies - that grow 15-20' tall) along the length of the docking area.

- B. **Application of Verizon Wireless (Wendy Doyle, VZW Agent), for a Special Use Permit for a telecommunications facility on an 80' x 80' compound on a 19.26-acre parcel located adjacent to 16474 GA Hwy 116, Hamilton, GA; Located on Map 076, Parcel 001A, Land Lot 206, Land District 21st, and zoned A-1 (Agricultural and Forestry).** Chairman Zuerner called the Public Hearing to order, read the specifics of the application, and said that the recommendations of the Planning Commission and Staff were for approval. Ms. Wendy Doyle, VZW Agent, appeared before the Board and provided information related to the application of Verizon Wireless for a Special use Permit for a telecommunications facility and to respond to questions. She advised that the tower would be located on GA Hwy 116 between L and H Streets; that it would be 255' in height; that it was prioritized three years ago; and that she did not have any information on how many homes were in the area.

Chairman Zuerner asked if there was anyone that would like to speak in favor of this application.

Mark Lewis, citizen who lives on Johnson Mill Road, stated that he has no service right now; that when power is out at his residence that if there was a medical emergency that it would have been a problem; that AT&T is planning on getting rid of landlines; and that they need the cell tower.

Chairman Zuerner asked if any one would like to speak in opposition to the application.

Leslie McMichael, citizen who lives on Sam Jones Road, distributed a letter that asked that they cease and desist the approval of all 4G/5G small wireless telecommunications facilities in Harris County due to a ruling in a 2019 ruling; that she is sensitive to it and has to take steps to use a call phone (like using neutralizing stickers); that the microwave emissions make her sick; that other opportunities can be used like wired internet and wired landlines; that there are other ways to get internet and phone service; and that there are environmental concerns.

Ms. Doyle advised that all of the studies that she has seen from the FCC, CDC and American Cancer Society do not show a direct correlation between the emissions and health issues unless you are standing directly in front of the antenna and their antenna will be 255' in the air.

In response to an inquiry from the Board, County Attorney Russell Britt advised that the letter provided by Mrs. McMichael seems to be referring to a case involving small wireless telecommunication facilities that are located on street lights and utility poles and that this application is a standalone tower and the case cited doesn't appear applicable.

Community Development Director Brian Williams advised that all necessary approvals had been received from the FAA and FCC.

In response to questions from the Board, Ms. Doyle advised that construction typically takes about 3-6 months as long as it is budgeted in this year's budget and that it is not usual for their to be a delay.

Chairman Zuerner closed the public hearing at 7:55 p.m.

The motion to approve the Application of Verizon Wireless (Wendy Doyle, VZW Agent), for a Special Use Permit for a telecommunications facility on an 80' x 80' compound on a 19.26-acre parcel located adjacent to 16474 GA Hwy 116, Hamilton, GA; Located on Map 076, Parcel 001A, Land Lot 206, Land District 21st, and zoned A-1 (Agricultural and Forestry) was made by Chairman Zuerner, seconded by Commissioner Langston, and passed unanimously.

- C. **Application of Harris County Board of Commissioners to Amend the Harris County Code of Ordinances, Appendix A (Zoning Ordinance), Articles I-X; Appendix B (Subdivisions), 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; and other associated sections of the Code of Ordinances intended to be incorporated into the Unified Development Code (UDC) of Harris County.** Chairman Zuerner called the Public Hearing to order, read the specifics of the application and said that the recommendation of the Planning Commission was for approval with the Final UDC Revisions in the September 2022 Version. Lee Walton, Consultant, provided the Board and reviewed a summary of the Final UDC Revisions in the September 2022 Version.

Chairman Zuerner asked if there was anyone that would like to speak in favor of or in opposition to this application. There was no one in attendance that desired to speak.

Mr. Walton, Consultant, and Community Development Director Brian Williams responded to questions from the Board related to existing lots, division of property, and minor subdivisions.

Chairman Zuerner closed the public hearing at 8:10 p.m.

The motion to approve the Ordinance to Amend the Harris County Code of Ordinances, Appendix A (Zoning Ordinance), Articles I-X; Appendix B (Subdivisions), 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; and other associated sections of the Code of Ordinances intended to be incorporated into the Unified Development Code (UDC) of Harris County to be effective on April 1, 2023 was made by Commissioner Andrews, seconded by Chairman Zuerner and passed with three in favor (Andrews, Zuerner, Irions) and two opposed (Grant, Langston).

- D. **Ordinance to Amend Alcohol Ordinance for Brewery, Brewpub, Distillery and Micro-Brewery.** A brief discussion was held by the Board and it was previously determined that this ordinance would need to be approved in conjunction with the UDC since the language needs to be consistent. The motion to approve the Ordinance to Amend the Alcohol Ordinance for Brewery, Brewpub, Distillery and Micro-Brewery and associated fee schedule was made by Vice Chairman Grant, seconded by Chairman Zuerner and passed unanimously.

- E. **REQUEST FOR EXECUTIVE SESSION.** County Attorney Russell Britt requested an Executive Session for the purpose of discussion of personnel and litigation.

7. **RECESS FOR EXECUTIVE SESSION.** Chairman Zuerner made the motion to go into Executive Session for personnel and litigation at 8:13 p.m. The motion was seconded by Commissioner Langston and passed unanimously.
8. **RESUME REGULAR SESSION.** The motion to go back into Regular Session was made at 8:24 p.m. by Commissioner Irions, seconded by Commissioner Andrews, and passed unanimously.
9. **ADJOURNMENT.** There being no further business to discuss, the motion to adjourn was made by Commissioner Irions, seconded by Chairman Zuerner, and passed unanimously. The meeting adjourned at 8:24 p.m.

Andrew Zuerner, Chairman

Attest:

Andrea Dzioba, County Clerk