

HARRIS COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION

June 20, 2023

6:30 p.m.

Commissioners Present: Rob Grant, Susan Andrews (via phone), Greg Gantt, Scott Lightsey, Bobby Irions. Staff Present: Randy Dowling, County Manager; Russell Britt, County Attorney; Brian Williams, Community Development Director; Bill Ross, Consultant; Andrea Dzioba, County Clerk.

1. **CALL TO ORDER** Chairman Grant called the Regular Session to order at 6:30 p.m. Chairman Grant asked those in attendance to remember the families and the individuals that are missing in the submarine.
2. **INVOCATION / PLEDGE OF ALLEGIANCE** Commissioner Gantt gave the invocation. Chairman Grant led those in attendance in the Pledge of Allegiance.
3. **MINUTES** The motion to approve the minutes of the June 6, 2023 Regular Session was made by Commissioner Irions, seconded by Commissioner Lightsey, and passed unanimously.
4. **APPEARANCE OF CITIZENS**
 - A. **Kathryn Genova, Executive Director, Humane Society of Harris County - "The Future of Animal Welfare in Harris County"**. Kathryn Genova, Executive Director, Humane Society of Harris County, addressed the Board and advised of their assistance over the past 32 years to animals in Harris County. She would like Harris County to re-imagine the roll of animal services and have animal services move from punitive actions to education. Ms. Genova stated that she would like Harris County ordinances to be proactive instead of reactive; structure ordinances for care; identify residents that need assistance; engage the community for their participation; help to better enable found animals to be reconnected with their families; and make animal services a community resource.
5. **OLD BUSINESS**
 - A. **Adoption of the Capital Improvements Element (CIE) as an Amendment to the Harris County Comprehensive Plan.** Bill Ross, Consultant, informed the Board that the CIE was reviewed by the State and approved by it and reviewed by the Regional Commission also; that the CIE does not establish impact fees; meets all the requirements for the CIE; that this CIE does not adopt impact fees.

Conversation included that population was not a prediction but based on Census data; that it is what is anticipated and change based on net migration; that the legislature in 2019 passed a law that unborn fetuses are people and population estimates need to take into consideration how many have developed a heartbeat and OPB estimates include that information; that if the numbers end up way off, you can go back and refigure; that if fees are implemented, the Methodology Report can be redone; that generally levels of service should be maintained at the same level; that when the study started that the categories were narrowed down to public safety and recreation; that the CIE is an amendment to the Comprehensive Plan; and that the County would be able to use impact fees to purchase acreage for parks in areas that don't have them and are experiencing growth.

Chairman Grant invited the individuals that signed up to speak about the Capital Improvements Element (CIE) address the Board.

Dr. Chris Nelson addressed the Board and advised that the CIE is the most important part of the plan and drives facility planning; that the population growth estimates are more than the metro area; that if that happens, "what are the implications?"; that he doesn't believe that impact fees offset needs like roads and water; that he believes that the Board should pause and look at population projections and address big issues; that key issues (water, wastewater, storm water, roads, parks, and public safety) should be addressed; that the key issues should be addressed in addition to recreation and public safety; that DCA is not an "impact fee police"; that the Methodology Report violates state law in certain respects and impact fees can't be used to "remedy deficiencies"; that DCA will not defend their position in court; that if impact fees are set to zero, that he does not

feel that it would trigger litigation; and that if there was a change to the projects that the deficiency could go away.

In response to Commissioner Gantt, County Attorney Russell Britt advised that these are opinions regarding violations of law; that the experts disagree; that the consultants have thoroughly gone through it; DCA has indicated that the it complies with applicable requirements; and that he does not believe that there is a violation of law at this time.

Simon Bloom, attorney who represents Stone Martin Builders, addressed the Board and advised that the CIE has multiple deficiencies; that a legal defect on the books benefits no one; to make sure product delivered can be defended in court; that any official position can be filed with court; to start imposing fees creates liability; that DCA cannot analyze substance; and that the only compelling argument is to “get it on the books”.

After executive session, the motion to approve the Resolution to Adopt the Capital Improvements Element (“CIE”) to Support the Development of a Development Impact Fee Program in Compliance with the Requirements of the Georgia Development Impact Fee Act was made by Vice-Chair Andrews, seconded by Commissioner Lightsey, and passed with three in favor (Andrews, Lightsey, Irions) and two opposed (Grant, Gantt).

- B. **Adoption of Proposed Development Impact Fee Ordinance of Harris County, Georgia.** After executive session, the motion to approve the Development Impact Fee Ordinance with the fee schedule with all fees set as \$0; that the fee schedule remains with all fees set as \$0 until the Capital Improvements Element (CIE) and Comprehensive Plan update is completed; and that staff/employees are in place to facilitate the collections of fees, upkeep of appropriate records, and follow State statutes prior to consideration of any alternate fee schedule was made by Commissioner Irions, seconded by Commissioner Lightsey, and passed with three in favor (Andrews, Lightsey, Irions) and two opposed (Grant, Gantt).

6. **NEW BUSINESS**

- A. **Agreement with Georgia Department of Transportation (GDOT) for Inmate Work Detail. GDOT Agreement: Inmate Work Detail.** Chairman Grant stated that this is an annual agreement with the Georgia Department of Transportation (GDOT) to provide an inmate work detail consisting of a maximum of ten (10) inmates and one (1) correctional officer for which GDOT provides the vehicle, supplies all equipment, tools and materials, and pays the County \$39,500.00 for the Correctional Officer. This detail assists in the maintenance of GDOT equipment, buildings, and rights of way and works in counties other than Harris.

The motion to approve the agreement with the Georgia Department of Transportation (GDOT) to provide an inmate work detail for the period from July 1, 2023 through June 30, 2024 was made by Chairman Grant, seconded by Commissioner Lightsey, and passed unanimously.

- B. **FY 2023-2024 Budget Public Hearing II.** Chairman Grant announced that this is the second of two public hearings to receive and consider citizen comments regarding the proposed budget. He further advised that, if approved, the budget will go into effect on July 1, 2023.

County Manager Randy Dowling provided a brief overview of the additions and deletions that were made to the proposed budget based upon the budget work sessions that had been conducted.

Chairman Grant opened the public hearing at 8:02 p.m. and asked if there were any comments from those in attendance.

Bucky Searcy, President of the Pine Mountain Valley Chamber of Commerce, stated that the County has neglected the Pine Mountain Valley Park; that the County should honor the 20-year agreement first before building a new park; that the Chamber is entertaining signing the property over to the County under some circumstances and stipulations; that he is requesting \$250,000 to be included in the budget this year and \$250,000 for the following year for the Pine Mountain Valley Park contingent upon the park being signed over to the County; and that this is what 687 District 1 citizens want.

Ronnie Baxley, citizen who lives on C Street in Pine Mountain Valley, addressed the Board and stated that the County should have been held accountable for Pine Mountain Valley Park; he wanted to know whether there were any stipulations related to Ellerslie Park; and that the County is spending a lot of money in Ellerslie Park but not spending anything on the Pine Mountain Valley Park.

Becky Langston, former Commissioner, and Vice-Chair Andrews advised that Ellerslie Park was to be a passive park with no ballfields and that it was purchased through the Foundation and deeded to County.

Richard Hood, citizen who lives on C Street in Pine Mountain Valley, appeared before the Board and stated that the present Commissioners should honor the lease agreement; that he appreciates what has been done but that they just mow around the stumps and limbs; and that the County should maintain it.

Ashley Marston, Recreation Director, stated that nothing is used at the Pine Mountain Valley Park; that there are no lights; and that the fields are not the best.

Joe Weldon, County Coroner, stated that he has done some research and that his \$150,000 request for a morgue facility is practical; that it will be one year or longer to “get the wheels moving”, and that he would like the Board to consider adding \$150,000 back into the budget.

Sherrail Jarrett, Chief Registrar, advised that she would still like to get her pollworker, Richard, who is also her son, an increase in his hourly rate from \$10.00 to \$15.00. She said that he knows the rules and regulations; that he has run precincts; that without him that she would have to hire someone to do what he does or contract with Dominion; that he comes in to recharge the batteries; that he is supervised by the Board of Elections and that they are the responsible party.

Curt Pechloff, Fire Chief for Northwest Harris VFD, and stated that there was no truck for the new station that is being built and that there are no spare trucks.

Chairman Grant closed the public hearing at 9:43 p.m.

An extensive discussion was held with the Board of Commissioners related to items that have been requested and changes that they would like to implement including funds of \$200,000 to purchase a used fire truck for the Northwest Harris VFD to be used at the new EMS/VFD station in the Northwest Harris Business Park; \$25,000 from ARP for wi-fi at Moultrie and Pate Parks; and increasing the rate for a pollworker from \$10.00 to \$15.00; \$250,000 for Pine Mountain Valley Park upon ownership.

C. **FY 2023-2024 Budget Adoption.** The motion to approve the FY 2023-2024 budget as presented with the noted changes as discussed and to adopt the Adoption Resolution regarding same was made by Chairman Grant, seconded by Commissioner Lightsey, and passed unanimously.

D. **Financial Statements: March 2023 and April 2023.** The motion to approve the Financial Statements for March 2023 and April 2023 was made by Commissioner Irions, seconded by Commissioner Gantt, and passed unanimously.

7. **COUNTY MANAGER**

A. **Project Updates.** Randy Dowling, County Manager, advised that “everything is fine.”

8. **COUNTY ATTORNEY.**

A. **REQUEST FOR EXECUTIVE SESSION.** County Attorney Russell Britt requested an Executive Session for the purpose of discussion of litigation, personnel, and real estate.

9. **RECESS FOR EXECUTIVE SESSION.** Chairman Grant made the motion to go into Executive Session for litigation, personnel, and real estate at 9:52 p.m. The motion was seconded by Commissioner Irions and passed unanimously (4 to 0 - Commissioner Lightsey who was not in the room).

10. **RESUME REGULAR SESSION.** The motion to go back into Regular Session was made at 10:25 p.m. by Commissioner Irions, seconded by Commissioner Lightsey, and passed unanimously.
11. **ADJOURNMENT.** There being no further business to discuss, the motion to adjourn was made by Commissioner Irions, seconded by Commissioner Gantt, and passed unanimously. The meeting adjourned at 10:29 p.m.

Rob Grant, Chairman

Attest:

Andrea Dzioba, County Clerk