

HARRIS COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION
September 4, 2012
7:00 P.M.

Commissioners Present: Joey M. Loudermilk, Becky Langston, Jim Woods, Charles Wyatt. Members Absent: J. Harry Lange. Staff Present: Daniel B. Bridges, County Manager; John M. Taylor, County Attorney; Nancy D. McMichael, County Clerk.

1. **CALL TO ORDER**. Vice-Chairman Loudermilk called the Regular Session to order and said that Chairman Lange was absent due to having fallen from a ladder without serious injury, but is banged up and bruised.
2. **MINUTES**. The motion to approve the minutes of the August 21, 2012, Regular Session was made by Commissioner Langston, seconded by Commissioner Woods, and passed unanimously.
3. **OLD BUSINESS**
 - A. **Action on Application of William T. Moshell for a Special User Permit for a personal Kennel at 547 Georgia Highway 219, Fortson, in Land Lot 170, Land District 19, Map 080, Parcel 009; property zoned A-1.** Vice-Chairman Loudermilk said that the Public Hearing had been held and closed and that action was tabled pending a decision by the Board of Zoning Adjustments (BZA) regarding the location of the kennel. He said that the BZA had approved the location in front of the house. He asked for a motion. The motion to approve this application and to limit the number of dogs to no more than 10 was made by Commissioner Langston, seconded by Commissioner Woods, and passed unanimously.
 - B. **Appointment: Board of Zoning Adjustments.** Vice-Chairman Loudermilk said that Harry Bannister, who represented District 5, had resigned from the Board of Zoning Adjustments due to health reasons. He then made the motion to appoint Douglas Bryant to complete the term of Mr. Bannister. The motion was seconded by Commissioner Langston, and passed unanimously. The term of Mr. Bryant will expire September 30, 2013.
4. **NEW BUSINESS**
 - A. **Financial Statement: June 2012.** The motion to approve the financial statement for June 2012 was made by Commissioner Woods, seconded by Commissioner Wyatt, and passed unanimously.
5. **COUNTY MANAGER**
 - A. **Community Service/Animal Control.** Danny Bridges, County Manager, said that Community Service has been under the control of the Sheriff's Office for some time, but that the Sheriff no longer desires to coordinate Community Service, and that he is in agreement with the Sheriff. He proposed that Community Service be moved to Public Works and that the person hired to coordinate the work of individuals assigned to Community Service by the courts would work 16 hours a week, on Saturday and Sunday at Animal Control, regardless of whether or not there were Community Service workers, which would provided coverage for Animal Control on the weekends; that after Animal Control had been cleaned and the animals fed, the workers, who do not have to have direct supervision, could be taken to various locations to pick up trash; and that if an animal issue comes up there would be someone to handle the situation. He also said that details need to be worked out in order to implement this proposal. The motion to approve the suggestion was made by Commissioner Wyatt, seconded by Commissioner Langston, and passed unanimously.
 - B. **Radio Communications System.** Danny Bridges, County Manager, said that this matter was discussed during the preceding Work Session and he is requesting authorization to move forward with the process. The motion to authorize moving forward with the process regarding the new radio communications system was made by Commissioner Langston, seconded by Commissioner Woods, and passed unanimously.
 - C. **Community Development Block Grant (CDBG) Award.** Danny Bridges, County Manager, said that the County has been awarded a CDBG of \$500,000 for infrastructure improvements in Kings Gap. He said that a Request for Qualification will be prepared and sent out in connection with the improvements.
6. **COUNTY ATTORNEY**

- A. **Agreement with Dean's Two Way Radio: Telecommunications Tower on Pate Park Property.** John Taylor, County Attorney, said that this draft agreement is for the purpose of erecting a telecommunications tower on Pate Park property in conjunction with the radio communications system of the Board of Education and County, but that the details still have to be worked out. He recommended the document be approved as to form pending further adjustments to same. The motion to approve the agreement as to form and the authorize the County Manager and Chairman to negotiate the details of this agreement and the intergovernmental agreement with the School Board was made by Commissioner Wyatt, seconded by Commissioner Woods, and passed unanimously.
7. **RECESS.** Vice-Chairman Loudermilk recessed the meeting until 7:30 PM.
8. **PUBLIC HEARING AT 7:30 PM**
- A. **Explanation of Procedures.** Vice-Chairman Loudermilk explained the procedures involved with the Public Hearing.
- B. **Conflict of Interest Forms.** The Conflict of Interest forms were completed at the request of Vice-Chairman Loudermilk.
- C. **Application of Pete Hart to rezone 5.81 acres of Land Lot 72, Land District 19, Map 032, Parcel, from A-1 (Agricultural/Forestry) to C-4 (Highway Commercial); present use undeveloped; proposed use is for commercial retail for Dollar General development and Phase II additional retail/commercial development; property located at the corner of Georgia Highway 315 and Kennon Road, Cataula.** Vice-Chairman Loudermilk called the Public Hearing to order, read the specifics of the application, said that the Planning Staff had recommended approval but to rezone the property to C-3 (Neighborhood Commercial) rather than C-4. Pete Hart, representing the developers, and Melanie LaMar, representing Dollar General, appeared before the Board. Mr. Hart said that plans are to build the Dollar General on two of the 5.81 acres and for Phase II to be built on the remaining 3.81 acres; that the recommendation of C-3 greatly restricts what can take place on the property, but they are willing to agree to not having bars, billiard rooms, truck stops, and outdoor entertainment. Discussion included that Phase II of the development should have access from Highway 315 rather than Kennon Road. Ms. LaMar said that the Dollar General building will not be part of a strip mall but will be stand-alone structure. Commissioner Langston, in whose district this property is located, said that she has heard from several people who are concerned as to what can be in a C-4 district and have requested that it not be approved for C-4. Vice-Chairman Loudermilk asked if anyone wished to speak in favor of this application.

Herman Bowman, citizen who lives on Dogwood Lane West, appeared before the Board and said that having a Dollar General nearby would benefit him if he is unable to go to Columbus.

There being no further comments in favor, Vice-Chairman Loudermilk asked if anyone wished to speak in opposition.

Lynn Sanders, citizen who lives on Dogwood Lane West, appeared before the Board and said that she is opposed to the rezoning; that they moved to the country to get away from businesses and the traffic; and that she is concerned as to what C-4 will allow.

Jim Furin, citizen who lives on Dogwood Lane West, appeared before the Board and said that he is not in favor of the rezoning; that should it be approved, there should be limitations as to what is allowed on the property.

There being no further comments in opposition, Vice-Chairman Loudermilk asked for rebuttal from Mr. Hart and Ms. LaMar. Mr. Hart said that he is willing to have conditions limiting what is allowed in C-4 and will work to meet those requirements; that the development of Phase II will have to have an access point from Georgia Highway 315; and he reiterated that there would not be any billiard halls, truck stops, bars, or outside entertainment. Ms. LaMar said that access to the Dollar General would be from Kennon Road. There being no further comments, Vice-Chairman Loudermilk closed the Public Hearing and asked for a motion.

Commissioner Langston made the motion to approve the rezoning, as recommended by the Planning Commission, to C-3 rather than C-4. Vice-Chairman Loudermilk seconded the motion, which failed by a vote of two in favor (Langston, Loudermilk) and two opposed (Woods, Wyatt).

Commissioner Wyatt then made the motion to approve the rezoning to C-4 with the stipulations that truck stops/depots, billiard halls/gaming rooms, bars, or outdoor entertainment are not permitted, and that Phase II must have access from Georgia

Highway 315. The motion was seconded by Commissioner Woods and passed unanimously.

9. **ADJOURNMENT.** There being no further business to discuss, the motion to adjourn was made by Commissioner Wyatt, seconded by Commissioner Woods, and passed unanimously.

Joey M. Loudermilk, Vice- Chairman

Attest:

Nancy D. McMichael, County Clerk