

**HARRIS COUNTY BOARD OF COMMISSIONERS**  
**REGULAR SESSION**  
January 15, 2013  
7:00 P.M.

Commissioners Present: J. Harry Lange, Becky Langston, Jim Woods, Charles Wyatt. Commissioner Absent: Joey M. Loudermilk. Staff Present: Jeff Todd, Acting County Attorney (in the absence of John Taylor); Nancy D. McMichael, County Clerk.

1. **CALL TO ORDER**. Chairman Lange called the Regular Session to order.
2. **MINUTES**. The motion to approve the minutes of the January 2, 2013, Regular Session was made by Commissioner Woods, seconded by Commissioner Wyatt, and passed unanimously.
3. **APPEARANCE OF CITIZENS**
  - A. **Bobby Haralson: Koch Taxes and Traffic**. Bobby Haralson, citizen who lives in Pine Mountain Valley, appeared before the Board regarding his continued concerns about the expansion of Koch Foods/JGC, their taxes, and traffic. Mr. Haralson asked if the tax situation had been looked at, and Chairman Lange said it had been determined that the taxes paid the first year by Koch would be based on the amount paid for the property through the bankruptcy proceedings. Regarding the property, Chairman Lange said that the property on which the Cagle's water tank sits is not included in one of the bankruptcy documents but is included in the metes and bounds on another bankruptcy document. Mr. Haralson thanked Chairman Lange for his response. Mr. Haralson then continued by saying that he had counted the number of Koch chicken trucks, either coming in or going out, over a four-day period for one hour at a time, and the average was 12.5 trucks an hour; that the angle of the intersection from Highway 27 south to Highway 116 east is 60 degrees, which is almost impossible to make in the chicken trucks; that as it is the trucks go off the road onto the shoulders and that when turning right onto Highway 27 from Highway 116 the trucks go into the south bound traffic lane; and that something needs to be done to improve the intersection. He said that if an improvement is made, either the City of Hamilton or the County would have to purchase any necessary property and/or right of way to make such improvements; and that the owner of the gas station at the corner has indicated he would sell his property for \$500,000.
  - B. **Bobbie West: Chicken Truck and Accident**. Bobbie West, citizen who lives in Pine Mountain Valley, appeared before the Board and said that her truck was damaged as a result of a chicken truck not slowing down or not waiting for her to get out of the way when it made its turn from Highway 27 onto Highway 116.
4. **OLD BUSINESS**
  - A. **Agreement with US Bank: AV Credit Card for Airport**. Chairman Lange said that action on this agreement was tabled pending the amount necessary to put into an account to cover any bad credit charges, and that Bill Champion, Airport Manager, had been advised to have \$5,000 to \$6,000 in the account. The motion to approve the agreement and to put \$6,000 in the account for same was made by Commissioner Wyatt, seconded by Chairman Lange, and passed unanimously. (Document can be found is "Contracts & Agreements" file as C&A #13-02.)
5. **NEW BUSINESS**
  - A. **Recreation Board Appointment**. Chairman Lange said that Steve Turner, who represented the Hamilton Youth Sports Association (HYSA), has resigned from the Recreation Board, and that the HYSA has recommended that Bobby Rogers be appointed to fill the vacancy left by Mr. Turner and to complete Mr. Turner's term, which expires December 31, 2013. The motion to appoint Bobby Rogers to the Recreation Board as the HYSA representative was made by Commissioner Langston, seconded by Commissioner Wyatt, and passed unanimously.
  - B. **FDR Pool**. Commissioner Wyatt said that he had asked that this be placed on the agenda for the Board to consider the possibility of not continuing the operation of the FDR State Park pool. Discussion included that the County operated the pool during the summer of 2010 and 2012; that the County lost a little over \$4,600 during 2010 and a little over \$11,000 during 2012; and that more information is needed regarding the expenses and revenue for the two years before any decision is made.

Desmond Timmons, FDR State Park Superintendent, appeared before the Board and said that before the County opened the pool in 2012, the State made over \$200,000 in improvements to include the ADA access, lights, and the pump. He said that the Park

opened May 24, 1938, and that it would be nice if the County could continue operation of the pool this year since it is the Park's 75<sup>th</sup> anniversary. Chairman Lange thanks Mr. Timmons for his comments.

- C. **Edge Grant Application and Administration re: Koch.** Chairman Lange said that with the expansion of Koch and the proposed natural gas line, the State committed \$1.5 million toward same, but that in order for the funds to be obtained, the County has to make application for same; that the initial cost to complete the grant application and to administer the grant was \$30,000, but the firm that has done such for West Point has indicated it can do same for \$14,000; and that the County Clerk has confirmed that the firm is one that has done business with the County in years past. Discussion included that the cost for the grant application and administration cannot be taken from the grant proceeds, but must be paid by the recipient; and that it may be possible to have Koch/Atmos reimburse the County for the proceeds. Commissioner Wyatt tabled action on this matter until next meeting in order to give the Board more time to review the agreement concerning the application and administration and to determine if the County can be reimbursed by Koch or Atmos.

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

- A. **Explanation of Public Hearing Procedures.** Chairman Lange explained the procedures involved with the Public Hearing.
- B. **Conflict of Interest Forms.** The Conflict of Interest forms were completed at the request of Chairman Lange.
- C. **Application for a Special Use Permit for Scott and Katharine Newman for a private nonprofit kennel to provide foster care and training for 10 dogs on 30 acres of Land Lots 238 and 243, Land District 17, Map 098, Parcel 031A, zoned A-1 and located at 1373 Ridgeway Road, Waverly Hall.** Chairman Lange called the Public Hearing to order, read the specifications of the application, and said that both the Planning Staff had recommended approval of the application with no conditions. Scott and Katharine Newman, applicants, appeared before the Board and said they have their dogs, their sons' dogs, and also have taken in other dogs; that they try to find homes for the dogs; that they have 10 dogs; and that they just want to be in compliance with the County regulations. In response to questions, they said that the kennels will be in their double garage and that some of the dogs stay in their house; and that they will have no more than 10 dogs. Chairman Lange asked if anyone wished to speak in favor of this application.

Lynn Sanders, citizen who lives on Dogwood Lane West in Fortson, appeared before the Board and said that she is familiar with the foster care organization the Newman's are involved with and that the Board should approve the application.

Chairman Lange asked if anyone wished to speak in opposition to this application. There being none, he asked Mr. and Mrs. Newman if they had any further comments. Mr. Newman said that they just want to be able to help the dogs and comply with County regulations. There being no further comments or questions from the Board, Chairman Lange closed the Public Hearing and asked for a motion.

The motion to approve the Special Use Permit with the condition of no more than ten dogs, including the Newman's personal dogs, was made by Commissioner Wyatt, seconded by Commissioner Langston, and passed unanimously.

6. **COUNTY MANAGER**

- A. **Tax Commissioner Audit: Letter of Engagement from Robinson Grimes.** Nancy McMichael, County Clerk, said that with the change in Tax Commissioners, the State has performed its audit; that in the State of Georgia Tax Commissioner Procedures Manual, it is advised that the County have a close out audit to insure that all delinquent accounts are turned over from the preceding Tax Commissioner; that Robinson Grimes, out auditors, have indicated they can do the close out audit for a cost not to exceed \$1,850. The motion to approve having a close out audit performed by Robinson Grimes for the not to exceed cost of \$1,850 was made by Commissioner Woods, seconded by Commissioner Langston, and passed with three in favor (Woods, Langston, Lange) and one opposed (Wyatt). (Document can be found in "Contracts & Agreements" as C&A #13-04.)
- B. **GEMA Hazard Mitigation Grant & Agreement.** Nancy McMichael, County Clerk, said that this agreement is in connection with the updating of our Hazard Mitigation Plan, which must be done periodically in order for the County to meet the federal requirements of the Disaster Mitigation Act of 2000; that the grant is for \$24,000 with a federal share of \$18,000, a state share of \$2,400, and a local share of \$3,600; and that the local share can

be in-kind. The motion to approve this agreement was made by Commissioner Langston, seconded by Commissioner Woods, and passed with three in favor (Langston, Woods, Lange) and one opposed (Wyatt). (Document can be found in "Contracts & Agreements" as C&A #13-03.)

- C. **Public Works Personnel: Salary Increase.** Nancy McMichael, County Clerk, said that James York, Roads Supervisor, would like to increase the salary of Michael Brown, who was recently changed from a temporary employee to full time; that Mr. Brown has been working on a temporary basis as Heavy Equipment Operator during the absence of another employee, also a Heavy Equipment Operator, who has been out on health issues and has now retired/resigned; that Mr. York would like to increase Mr. Brown's salary to \$20.47 per hour based on his experienced and his ability to do the work required of a Heavy Equipment Operator; and the salary increase is above the 5% that the office can approve. The motion to approve the increase in salary of Michael Brown to \$20.47 per hour was made by Commissioner Wyatt, seconded by Commissioner Langston, and passed unanimously.
- D. **HVAC Unit Replacement on Old Section of Courthouse.** Nancy McMichael, County Clerk, said that the HVAC unit on the old section of the Courthouse needs to be repaired or replaced; that this will be the third time in five yeas for repair; that repairs will be about \$1,500; and that replacement would be about \$4,000 including the use of a crane to lift the unit to the roof. The motion to approve the replacement of the unit at a not to exceed cost of \$4,000, with funds taken from Contingency, was made by Commissioner Wyatt, seconded by Commissioner Langston, and passed unanimously.

7. **COUNTY ATTORNEY**

- A. **Resort Zoning Clarification.** Due to the absence of John Taylor, County Attorney, this matter has been moved to the February 5 agenda.
8. **RECESS FOR EXECUTIVE SESSION.** Chairman Lange made the motion at 7:50 PM to go into Executive Session for the purpose of discussing a personnel issue, real estate acquisition, and pending litigation.
9. **RESUME REGULAR SESSION.** The motion to go back into Regular Session was made by Commissioner Wyatt, seconded by Commissioner Langston, and passed unanimously.
10. **ADJOURNMENT.** There being no further business to discuss, the motion to adjourn was made by Commissioner Wyatt, seconded by Commissioner Woods, and passed unanimously.

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J. Harry Lange, Chairman

Attest:

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Nancy D. McMichael, County Clerk