

**HARRIS COUNTY BOARD OF COMMISSIONERS  
REGULAR SESSION**

August 21, 2007

7:00 PM

Commissioners Present: Daniel B. Bridges, J. Harry Lange, Joe F. Manning, Patrick Whearley, Charles Wyatt. Commissioners. Staff Present: John M. Taylor, County Attorney; Nancy D. McMichael, County Clerk. Staff Absent: Carol A. Silva, County Manager (ill).

1. **CALL TO ORDER**. Chairman Bridges called the Regular Session to order.
2. **MINUTES**. The motion to approve the Regular Session minutes of August 7, 2007, was made by Commissioner Lange, seconded by Commissioner Wyatt, and passed unanimously.
3. **OLD BUSINESS**
  - A. **Resolution & Quit Claim: Abandonment of Portion of West Pine Drive**. Chairman Bridges said that the Public Hearing regarding this matter had been held August 7 and that action had been tabled to this meeting and asked John Taylor, County Attorney, for his opinion regarding same. Mr. Taylor said that the abandonment is concerning 0.45 acres, more or less, and lies between lots 1, 2 and 41 of Piney Grove Estates; that the resolution has been properly advertised; that there was question as to whether or not the property owners in Land Lot 92 not serviced by the cul-de-sac would have any rights to this property; that under Georgia law, once a road is no longer used by the County it is to be abandoned back to the persons who gave the property or his successors in title; that the abandoned property would go back to the adjoining property owners of 1, 2 and 41, which are owned by the same individual; that his opinion is that the property owner in Land Lot 92 is not entitled to any of the abandoned property because his property does not abut the cul-de-sac; that the cul-de-sac only touches the property line in one place and that place is almost infinitesimal in its point; that the County acquired the property about 39 years ago and the road was not maintained after it was initially paved; that the deed (1968) contains a reversionary clause from the individual who developed the subdivision that same would revert to that individual; that should the Board approve the Resolution to abandon, it is only quit claiming whatever interest the County may have in the road and is not warranting the title; that the property to whom the abandoned portion is quit claimed may have to be in touch with the individual or family of the individual to resolve any title issues; and that he recommends approval of the Resolution to abandon a portion of West Pine Drive and quit claim same back to the owners of Lots 1, 2, and 41 and to retain a utility easement regarding same. Following discussion, the motion to approve the Resolution to abandon a portion of West Pine Drive and quit claim same back to the owners of Lots 1, 2, and 41 but to delete any reference to retaining the utility easement was made by Commissioner Lange, seconded by Commissioner Manning, and passed unanimously.
4. **NEW BUSINESS**
  - A. **LARP List 2007-08**. Chairman Bridges asked if there were any questions or comments regarding the proposed LARP (resurfacing) list. There being none, the motion to approve same was made by Commissioner Manning, seconded by Commissioner Lange, and passed unanimously.
  - B. **Error & Release Request**. Chairman Bridges said that an Error & Release request had been received for Gumm, Judy (Tax Digest amount of \$11,083 corrected to zero (mobile home repossessed and removed from the property in 2006). The motion to approve this Error & Release request was made by Commissioner Lange, seconded by Commissioner Whearley, and passed unanimously.
  - C. **Safety Discount Verification: Workers Compensation Insurance**. Chairman Bridges said that this was the usual document the Board has approved in order for the County to receive a discount on its Workers Compensation insurance premiums. The motion to approve same was made by Commissioner Manning, seconded by Commissioner Lange, and passed unanimously.
  - D. **Resolution of Acceptance: Hidden Lake Court & Hidden Lake Drive in Hidden Lake Estates Subdivision**. John Taylor, County Attorney, said that the appropriate documents have been received in connection with deeding the road right-of-way to the County, and he recommended approval of the Resolution. The motion to approve the Resolution to accept Hidden Lake Court and Hidden Lake Drive was made by Commissioner Lange, seconded by Commissioner Wyatt, and passed unanimously.

5. **COUNTY MANAGER**

- A. **Resolution to Accept FAA Grant Funds.** Chairman Bridges said that this matter had been discussed during the preceding Work Session and that a motion and vote are needed in connection with the acceptance of grant funds from the Federal Aviation Administration in an amount not to exceed \$500,000. The motion to approve this Resolution was made by Commissioner Lange, seconded by Commissioner Manning, and passed unanimously.
- B. **Water Line on D Street in Pine Mountain Valley.** Chairman Bridges said that this matter had been discussed during the preceding Work Session. The motion to approve having the water line moved by the Harris County Water Works at a cost of \$4,700 was made by Commissioner Manning, seconded by Commissioner Wyatt, and passed with four in favor (Manning, Wyatt, Lange, Whearley), no opposition, and one abstention (Bridges, because he is on the Pine Mountain Valley Water Board).
- C. **Georgia Southwestern Railroad Line.** This matter was discussed during the preceding Work Session, and Commissioner Wyatt made the motion for the County to give notice to Georgia Southwestern Railroad that it is interested in obtaining the Harris County portion of the rail line that is scheduled to be abandoned. The motion was seconded by Commissioner Lange and passed unanimously.
- D. **Agreement: Inmate Detail at Roosevelt Warm Springs Rehabilitation Center.** Chairman Bridges said that this matter was discussed during the preceding Work Session. The motion to approve this Agreement, with the change to paragraph 3B to add "except during holidays and inclement weather", was made by Commissioner Wyatt, seconded by Commissioner Lange, and passed unanimously. (Document can be found in "Contracts & Agreements" file as C&A #07-23.)
- E. **Agreement: WK Dickson, Airport Consultant.** Chairman Bridges said that this matter was discussed during the preceding Work Session and asked for a motion regarding same. Commissioner Lange made the motion to approve this agreement, subject to adding a clause regarding a 90-day termination without cause, was made by Commissioner Lange, seconded by Commissioner Wyatt, and passed unanimously.
- F. **Economic Development Video.** Chairman Bridges said that this matter was discussed during the preceding Work Session and that it would cost the County \$4,500. The motion to approve the production of the video at a cost to the County of \$4,500 was made by Commissioner Wyatt, seconded by Commissioner Whearley, and passed with four in favor (Wyatt, Whearley, Bridges, Lange) and one opposition (Manning).
- G. **Northwest Harris Business Park, Tract II: Wetland Delineation Assessment (179 acres).** Chairman Bridges said that this was discussed during the preceding Work Session and that this document supersedes the 131- acre study which was approved during the August 7 meeting. The motion to approve this study was made by Commissioner Lange, seconded by Commissioner Whearley, and passed unanimously.

6. **COUNTY ATTORNEY**

- A. **Real Estate Acquisition: Northwest Harris Business Park.** John Taylor, County Attorney, said that the Board recently acquired an option from Frank Ponder, III, to purchase 131± acres of property adjacent to the Northwest Harris Business Park; that the option allowed the County to have various studies performed to make certain the property suits the needs of the County for economic development; and that he has prepared documents to exercise the County's option to purchase the property to be made part of the Northwest Harris Business Park. The motion to exercise the option to purchase the property was made by Commissioner Lange, seconded by Commissioner Wyatt, and passed unanimously.

7. **OTHER**

- A. **Courthouse HVAC.** Chairman Bridges asked if the issue with the air conditioning in the Courthouse had been corrected. Nancy McMichael, County Clerk, said that another problem had been found which might correct the overall issue and that personnel is working on same.

8. **RECESS FOR EXECUTIVE SESSION.** The motion to go into Executive Session for the purpose of discussing a personnel matter was made at 7:35 PM by Commissioner Wyatt, seconded by Commissioner Lange, and passed unanimously.

9. **RESUME REGULAR SESSION**. The motion to go back into Regular Session was made by Commissioner Wyatt, seconded by Commissioner Lange, and passed unanimously.
10. **OTHER (CONTINUED)**
  - B. **Moon Road Right-of-Way Project**. Commissioner Wyatt said that the deadline for property owners to return the right-of-way deeds for the Moon Road project is August 31. He then made the motion for the County Attorney to draw up the necessary paperwork to start condemnation proceedings after August 31. There was no second to the motion, but discussion regarding same included that a declaration of statement would be necessary setting out why the property is needed, after which funds, based on what the property is worth/appraised at, would be paid to the court, and then go forward with taking the property; that some of the deeds have been sent out before with no response; that it is not fair to those who are willing to give up their property to have two or three people hold up the paving; that it is not fair for the people in Pine Mountain to buy right-of-way for people on Moon Road; that it may be necessary to visit the property owners in an effort to get them to sign the right-of-way deeds, to possibly include the offer of "x" dollars for their property; that if the deeds are not signed, the next step would be to approve a Resolution declaring the need for the property and to proceed with the condemnation proceedings; and that more money will be spent in the long-haul grading the dirt road than paving it. John Taylor, County Attorney, is to have the appropriate Resolution to authorize the condemnation proceedings to begin if the deeds are not back by August 31.
11. **RECESS FOR EXECUTIVE SESSION**. The motion to go back into Executive Session for the purpose of discussing real estate acquisition was made at 7:55 PM by Commissioner Wyatt, seconded by Commissioner Lange, and passed unanimously.
12. **RESUME REGULAR SESSION & ADJOURNMENT**. The motion to go back into Regular Session was made by Chairman Bridges, seconded by Commissioner Wyatt, and passed unanimously.

Attest

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Daniel B. Bridges, Chairman

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Nancy D. McMichael, County Clerk