

Houston County Commissioners Meeting
February 7, 2017
Perry, Georgia

The Houston County Board of Commissioners met in a regular session at 9:00 a.m. on Tuesday February 7, 2017 at the Houston County Courthouse in Perry, Georgia with Chairman Stalnaker presiding and Commissioners Walker, McMichael, Robinson and Thomson present. Also present were County Attorney Tom Hall, Director of Administration Barry Holland, Director of Operations Robbie Dunbar, Director of Personnel Ken Carter, Director of Purchasing Mark Baker, Chief Building Inspector Tim Andrews, State Court Clerk Teresa Hathaway, Senior Animal Control Officer Alan Smith, Chief Tax Assessor James Moore, Bob Braswell, Dan Maddux, Flint Energies VP of Cooperative Communications Marian McLemore, James Erdmanczyk, Greg Boike, Walton and Becky Wood and Ansel Peck.

Commissioner Walker led the audience in the Invocation.

Lt. Col. Kyle Stouder, USAF (ret.) led the audience in the Pledge of Allegiance and then detailed his 23-year military career. He began by saying that it was an exciting and rewarding career and an honor to serve his country. Born in 1937 in Northeast Indiana he worked for a time for the Erie railroad as a fireman on a diesel engine before enlisting in the Air Force in 1957. After a few years of varying assignments, he tested for the Aviation Cadet Program and went on to serve as a navigator flying on the EB-47 Stratojet strategic bomber with the Air Force Strategic Air Command (SAC). He eventually transitioned to the B-58 Hustler which was the first operational jet bomber capable of Mach 2 flight. He later served in Vietnam during the war in the F-105 Thunderchief and then two years as an exchange officer with the Royal Canadian Air Force in the CF-100 Canuck. His service finally brought him to Robins AFB where he served his last three years as a program manager. He retired in September of 1979 and went on to be the plant manager at Northrop in Warner Robins. Lt. Col. Stouder has been married for 55 years and lives in Warner Robins where he remains active in the community.

Motion by Mr. McMichael, second by Mr. Walker and carried unanimously by all to approve the minutes from the meeting of January 24, 2017.

Mr. Walker presented a request from the State Court Judge and the State Court Clerk to contract with Green Court Legal Technologies for their software platform Peach Court that will enable E-filing of court documents. The arrangement is a no cost agreement to the County. In addition to the normal court fee and Sheriff's service fee, the filer will pay a \$5.00 e-filing fee and a 2.9% convenience fee plus \$0.30 for on-line payments to Green Court. Green Court will then remit to the County on a monthly basis \$2.00 of each \$5.00 e-filing fee. This will be additional revenue to the County. A public terminal will be made available at the State Court Clerk's office for those individuals that do not have personal internet access.

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Chairman Stalnaker recognized State Court Clerk Teresa Hathaway who read a brief statement from Judge Jason Ashford thanking the Board for their support in this first step toward a paperless court management system. Judge Ashford was unable to attend due to a busy court calendar.

Ms. Hathaway indicated that with the execution of the agreement E-filing could begin as soon as Monday of next week. She commented that the State Court would be the first but the Superior Court intends to soon follow.

Mr. McMichael asked if there was a planned back-up for the paperless system.

Ms. Hathaway stated that the software vendor maintains five separate back-up sites.

Mr. Thomson commented that local attorneys will certainly enjoy the use of this system.

Ms. Robinson asked how many court systems in Georgia currently had E-filing in place.

Ms. Hathaway thought there were approximately 50 already existing.

Mr. Walker commented that the federal courts have required E-filing for years.

Ms. Hathaway also pointed out that E-filing would be for civil cases only, and would not include traffic or criminal cases.

Motion by Mr. Walker, second by Ms. Robinson and carried unanimously by all to authorize Chairman Stalnaker executing the Joint E-File Service Agreement and the Memorandum of Understanding between the Council of Superior Court Clerks of Georgia, Green Court Legal Technologies, LLC and Houston County on behalf of the Clerk of State Court for the Peach Court software platform with related services enabling electronic filing and retrieval of court documents in the State Court.

Chief Building Inspector Tim Andrews presented a request for Public Hearing on Re-Zoning Application #2041 submitted by Oliver Bateman for a 66.46-acre tract off of the unpaved section of Davidson Road. Present zoning is R-AG vacant land. Proposed use upon re-zoning is R-1 Residential. Planning & Zoning recommends unanimous approval subject to Section 88 (Unpaved Roads) of the Comprehensive Land Development Regulations being strictly enforced and the possibility of an emergency egress access being required to the unpaved section of Davidson Road.

Chairman Stalnaker clarified that the County would not be obliged to pave the dirt portion of Davidson Road due to this development.

Chairman Stalnaker opened the meeting for a Public Hearing.

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Applicant Oliver Bateman was present to support the application but had nothing further to add to Mr. Andrews' presentation.

Mr. Walton Wood, 426 Sandefur Road, Kathleen asked the Board for additional language in the motion that clearly spells out the fact that the County will not ever have to pave the dirt section of Davidson Road because of this development.

Mr. Andrews added that in addition to the planned development there are already three houses on the unpaved section of Davidson Road.

There being no further comments the meeting continued.

Motion by Mr. Walker, second by Mr. McMichael and carried unanimously by all to approve Re-Zoning Application #2041 submitted by Oliver Bateman subject to Section 88 (Unpaved Roads) of the Comprehensive Land Development Regulations and an emergency egress access may be required to the unpaved section of Davidson Road. The County will not pave Davidson Road due to this development.

County Attorney Tom Hall made a blanket statement for the benefit of all applicants for Special Exceptions for home occupations that even if the Board of Commissioners approves an application, neighborhood covenants may still impose certain restrictions upon or against home occupation businesses. These restrictive covenants are superior to any action taken by the Board of Commissioners. The actions taken by the Board will not change any provision within the covenant that prohibits any commercial or business activity.

Mr. Andrews presented Special Exception Applications #2035, #2037, #2038, #2040, and #2042 thru #2046. Mr. Andrews explained that applications for home occupations #2035, #2038, #2040 and #2042 thru #2045 meet the Section 95 requirements and are recommended by the Zoning & Appeals Board for unanimous approval. Application #2037 is for a mobile home hardship and is likewise recommended by the Zoning & Appeals Board for unanimous approval. Application #2046 is recommended to be tabled since the applicant was unable to attend the Zoning & Appeals Board public hearing.

Mr. Walker asked if the applicant on #2035 would operate as a broker for cattle feed and make deliveries to client's homes.

Mr. Andrews explained that the applicant has made arrangement with a farmer to store the feed at his barn and would then deliver from that location to his clients. It may also be that the cattle feed is drop-shipped directly to certain clients as well.

Mr. Walker also disclosed that Tammy and Tony Hill, applicants for #2040, were his neighbors.

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Chairman Stalnaker likewise disclosed that Gary Coley, applicant for #2042, was his neighbor.

Mr. Thomson asked if the applicant for #2040 would be required to show proof of a state license for bail bonding.

Mr. Andrews stated that the applicant would have to meet all the requirements set by the Sheriff to operate as a bail bonding company in Houston County.

Mr. McMichael confirmed with Mr. Andrews that there was a physician's letter on file attesting to the medical need of the applicant for #2037 mobile home hardship. He also asked if the process for the mobile auto detailing, applicant #2042, was water-less.

Mr. Andrews was unsure but felt the applicant could provide more detail during the public hearing.

Chairman Stalnaker opened the meeting for a Public Hearing.

Applicant for #2035 was present with nothing further to add.

There was no opposition.

Applicant for #2037 was present with nothing further to add.

There was no opposition.

Applicant for #2038 was present with nothing further to add.

There was no opposition.

Applicant for #2040 was present with nothing further to add.

There was no opposition.

Applicant for #2042, Gary Coley, was present and clarified that his process was not technically water-less but that it only used approximately one gallon of water per vehicle and was completely eco-friendly.

There was no opposition.

Applicant for #2043 was present with nothing further to add.

There was no opposition.

Applicant for #2044 was present with nothing further to add.

There was no opposition.

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Applicant for #2045 was present with nothing further to add.

There was no opposition.

Applicant for #2046 was not present but Mr. Andrews indicated that the application would need to be sent back to Zoning & Appeals for reconsideration.

Motion by Mr. Walker, second by Ms. Robinson and carried unanimously by all to approve the following applications to include any and all stipulations as noted on the Zoning & Appeals recommendation and Section 95 Requirements staff report:

Special Exception Application #2035 - Brent Hartley
Special Exception Application #2037 - Walter & Gloria Bell
Special Exception Application #2038 - Horace Butler III
Special Exception Application #2040 - Tammy & Tony Hill
Special Exception Application #2042 - Gary Coley
Special Exception Application #2043 - Delores Collins
Special Exception Application #2044 - Scott & Debra Adams
Special Exception Application #2045 - Dolapo & Victoria Latinwo

Motion by Mr. Walker, second by Ms. Robinson, and carried unanimously by all to table Special Exception Application #2046 submitted by Juanita Heard and send back to the Zoning & Appeals Board for further consideration.

After the motions, Mr. Andrews gave each applicant approved for a home occupation instruction on the next step of the process which is obtaining their occupational business license from the Commissioner's office. He also informed the applicant for the mobile home hardship of their next steps of obtaining a building permit and meeting Health Department requirements.

Mr. Walker presented a request from District Attorney George Hartwig to accept funding that would cover an additional full-time crime victim advocate. Since this will eliminate one current County-paid part-time advocate from the payroll, it will actually be a cost saving to the County. The employee currently in the part-time position will be offered the new full-time grant-funded slot.

Mr. Thomson asked if this grant-funded position would go away if the grant goes away.

Chairman Stalnaker assured him that it would just as every other grant-funded position in the County.

Motion by Mr. Walker, second by Ms. Robinson and carried unanimously by all to approve the elimination of one County-paid part-time victim advocate position; to accept the additional funding through the VOCA grant; and to create one grant-funded full-time victim advocate position within the District Attorney's office.

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County Attorney Tom Hall presented the first reading of an amendment to the Houston County Stormwater Local Design Manual which will bring us in line with EPD requirements under the 2016 Edition of the Georgia Stormwater Management Manual (GSMM). A second reading and public hearing will be held at the next regularly scheduled Board meeting on February 21, 2017 after which action may be taken.

County Attorney Tom Hall presented a second reading of an amendment to the Houston County Code of Ordinances concerning timber operations. A first reading was held at the January 24, 2017 Board meeting. Mr. Hall outlined a change to the amendment made since the first reading which added the requirement that the applicant must present a copy of a current business license before the permit would be issued.

Chairman Stalnaker opened the meeting for a Public Hearing.

Houston County Chief Tax Appraiser, James Moore, stated that the County needed the ordinance to help his department capture ad valorem taxes on cut timber and to ensure that each timber operator or landowner was treated fairly.

Kyle Stouder, 101 Echo Lane, Warner Robins felt that the law is not rigorously enforced now and shared the story of his son-in-law who was tragically killed in an accident involving a logging truck carrying a load of which the length extended well beyond the legal limit.

There being no further comments the meeting continued.

Motion by Mr. Thomson, second by Mr. McMichael and carried unanimously by all to approve an amendment to the Houston County Code of Ordinances Chapter 30-Environment by adding a new section titled Article X-Houston County Timber Operations Ordinance, effective April 1, 2017, which section shall read as follows:

Chapter 30- Environment Article X
Houston County Timber Operations Ordinance

An ordinance of the Board of Commissioners of Houston County, Georgia for purpose of establishing procedures, rules and regulations governing persons or firms engaged in Timber Operations in Houston County; to provide for penalties for violations of this ordinance and for other purposes.

Whereas, the Board of Commissioners of Houston County deems it necessary to adopt procedures, rules, and regulations governing persons, firms, and corporations engaged in timber operations in Houston County, Georgia;

Now therefore, be it ordained and is hereby ordained by the Board of Commissioners of Houston County, by virtue of the authority vested in them by law O.C.G.A 12-6-24, as follows:

Section 30-190 Title

This ordinance shall be known as the **“Houston County Timber Operation Ordinance”**.

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Section 30-191 Definitions

As used in this ordinance, the term;

- a. **Commissioners:** Means Board of Commissioners of Houston County or their successors in office, being the governing authority of Houston County.
- b. **County:** Means Houston County, Georgia
- c. **Timber:** Means pine, cypress and hardwood trees and trees of every size, species and description. Also, for purpose of this ordinance, “timber” includes such trees after harvesting and while being transported as logs or in shorter lengths.
- d. **Timber Operations:** Means purchasing and/or cutting and harvesting timber in Houston County, or transporting such timber from the site at which it was cut; or the moving of equipment to and from the site of such cutting.
- e. **Timber Operator:** Means any persons, firm or corporation engaged in commercial timber operations, whether engaged in one or all of said activities described in subparagraph (d) above. It shall not include persons cutting or transporting timber solely for non-commercial personal use or firewood.

Section 30-192 Permit

- a. **Permit Required:** No timber operator shall engage in timber operations in the County without first obtaining a permit to conduct such operations as provided herein; provided, however, employees of a timber operator shall not be required to obtain separate permit for activities within the scope of such employment if their employer has obtained a valid permit for such activities; and provided further, that an independent contractor transporting timber for another timber operator shall not be required to obtain a separate permit if the timber operator for whom he is transporting timber has obtained a valid permit for such timber operations at the same location.
- b. **Place of Filing:** The application for permit shall be signed by the applicant and filed with the office of **Houston County Board of Tax Assessors**, and forms shall be available at such office. The Chief Appraiser or his designee at said office of the Houston County Tax Assessors shall review the application and issue the permit if all required information is provided. Completed application forms may be emailed to said office, and if the applicant provides email address, the permit may be emailed back to the applicant.
- c. **Application for Permit:** The application for permit shall be in form prescribed by the Commissioners and shall contain the following information:
 1. The name, address and telephone number of the applicant, Timber Operator or Timber Purchaser.

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2. If the Applicant or Timber Operator intends to engage another or other contractor(s) to harvest or to transport the timber, the applicant shall also include name, address and telephone number of each such contractor or harvester.
 3. The name, address and telephone number of the owner of the property on which the Applicant/Purchaser/Timber Operator will engage in timber operations.
 4. The location of the property on which the Applicant/Purchaser/Timber Operator will engage in timber operations (including tax map and parcel number).
 5. The roads in Houston County upon which motor vehicles will travel in transporting such timber and in transporting the equipment to be used in the timber operations and showing all locations of ingress and egress from the timber tract to the public road(s).
 6. The Applicant shall be responsible for ALL damages and shall present a letter of credit or a cashier's check for \$5,000 to protect the County against damage caused by applicant. All damage exceeding \$5,000 shall be the responsibility of the Applicant.
 7. The dates cutting operations are expected to commence and end.
 8. The Applicant shall present a copy of his/her/its current business license.
- d. **Posted Notice:** Once application requirements have been met the Board of Tax Assessors will provide a permit at no cost. Said permit must be displayed and available for review at the main point of ingress and egress to a public road and in such a location as to be seen by the traveling public.
 - e. **Incomplete Applications:** Incomplete Application will **not** be accepted and will be returned to Applicant.
 - f. **Other Laws:** In addition to provisions of this ordinance, the applicant for a permit shall comply with all state and federal regulations pertaining to its timber operations, including payment of all applicable ad valorem tax on the timber.
 - g. **Cost:** There shall be no cost or fee imposed for filing the application or issuing the permit.
 - h. **Separate Applications:** Applicants must file a separate application and receive a separate permit for each separate timber cutting operation and each separate landowner.

Section 30-193 Violations; Penalties.

Any timber operator who shall willfully fail to comply with this ordinance shall be guilty of a misdemeanor; amenable to the process of the Magistrate Court of Houston County, Georgia and, upon conviction, shall be punished by fine not to exceed \$500. Each day the violation continues shall constitute a separate offense.

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Section 30-194 Repealer.

All ordinances inconsistent herewith are hereby repealed.

Section 30-195 Effective Date

This ordinance shall become effective April 1, 2017.

Section 30.196 Notice of Timber Operators.

The Houston County Board of Tax Assessors shall mail or deliver a copy of this Ordinance to all timber operators and other persons whom the Board has knowledge of or can identify as persons or business which cut, harvest or transport trees or timber on or from lands in Houston County, and publicize or make known by any reasonable means the general contents of this ordinance to as many persons as possible dealing with timber in this county.

Section 30.197 Application / Permit Numbers.

Each application filed shall be assigned a number consisting of the year and quarter of the year of filing, followed by a number representing the order in which that application was filed in that year. (For example, the first application filed in the first quarter 2017 would have a number of “2017-1-1”). The permit number will be the same number as the application number.

Ms. Robinson presented the request for the five-year renewal of the Memorandum of Understanding between HEMA and Robins AFB.

Motion by Ms. Robinson, second by Mr. Walker and carried unanimously by all to approve Chairman Stalnaker signing the Memorandum of Understanding (MOU) between Robins AFB and Houston County Emergency Management agency to provide for mutual aid.

Ms. Robinson presented the ten-year update to the Joint Comprehensive Plan to guide growth and development in the community. In September of 2015, the county requested the Regional Commission’s assistance updating our plan by the February 28, 2017 deadline. As in the past, the County’s plan update was prepared in conjunction with the cities of Centerville, Perry, and Warner Robins.

The Regional Commission completed the plan update, submitted it to the Georgia Department of Community Affairs, and the plan has been found to be in compliance with the local planning requirements. This resolution by the Board will formally adopt the plan update. Each of the three cities has already taken the same action to adopt the plan update.

Motion by Ms. Robinson, second by Mr. Thomson and carried unanimously by all to approve Chairman Stalnaker signing a resolution adopting the Joint Comprehensive Plan Update for Houston County and the Cities of Centerville, Perry, and Warner Robins as approved by the Georgia Department of Community Affairs.

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Chairman Stalnaker recognized Mr. Greg Boike, Senior Government Services Specialist with the Middle Georgia Regional Commission, and thanked him for the Regional Commissions' efforts during this long process.

Ms. Robinson presented the ten-year update to the Service Delivery Strategy (SDS) that must be officially adopted and verified by the Department of Community Affairs (DCA) by February 28, 2017.

Executing the resolution is the final step for submittal to the Department of community Affairs. Each of the three cities has executed a similar resolution adopting the SDS.

Motion by Ms. Robinson, second by Mr. McMichael and carried unanimously by all to approve Chairman Stalnaker signing a resolution adopting the Service Delivery Strategy update for Houston County and to also sign any other required forms prescribed by the Georgia Department of Community Affairs for verification in compliance with O.C.G.A. § 36-70-26.

Chairman Stalnaker again thanked Mr. Boike who clarified that Warner Robins had adopted the SDS at their meeting on Monday, and Perry and Centerville intended to do so at their respective meetings tonight.

Mr. Thomson presented a right of way easement for Flint Energies that will accommodate the planned street lights on a portion of Lake Joy Road on both the north and south side of the intersection with Hwy. 96.

Motion by Mr. Thomson, second by Mr. Walker and carried unanimously by all to authorize Chairman Stalnaker signing the underground right of way easement with Flint Electric Membership Corporation as depicted in the Underground Right of Way Easement for the underground power line for street lights along a portion of Lake Joy Road at its intersection with Hwy. 96.

Mr. McMichael presented a request from the City of Perry for the installation of master water meters for the Summer Branch subdivision and the Foundation Academy pursuant to our current water use agreement. In addition, the City of Warner Robins has requested installation of a master water meter for the Preserve at Live Oak subdivision.

Motion by Mr. McMichael, second by Mr. Thomson and carried unanimously by all to approve a request for the City of Perry to include the Summer Branch subdivision and the Foundation Academy (near the intersection of Langston Road and Houston Lake Road) in the current water use agreement between the City of Perry and Houston County; and also a request from the City of Warner Robins to include the Preserve at Live Oak subdivision in the water use agreement between the City of Warner Robins and Houston County.

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Mr. Thomson asked who was responsible for the cost of installing the master meters.

Chairman Stalnaker indicated that either the developer or the City would be responsible for the cost.

Mr. McMichael presented a recommendation from Engineering to award to Womack Paving, in the amount of \$165,092., the 2017 Spot Overlay #1 project. Bids were solicited with four contractors responding and Womack Paving is low bid.

Motion by Mr. McMichael, second by Ms. Robinson and carried unanimously by all to approve the award of the 2017 Spot Overlay #1 project to Womack Paving of Gray, GA for a total amount of \$165,092.

Mr. Thomson asked if this contract would cover all county roads in need.

Chairman Stalnaker clarified that the contractor would be directed by the Public Works to whichever road was in need of repair.

Mr. McMichael presented a request from the Sheriff Department to purchase a new 2016 Tahoe from Brannen Motors that will replace a vehicle that has developed mechanical issues that makes it more economical to replace than repair. The Sheriff Department is willing to reimburse the County for the cost of this vehicle with Drug Funds.

Motion by Mr. McMichael, second by Mr. Walker and carried unanimously by all to approve the award of one 2016 Chevy Tahoe for use in the Sheriff Department to Brannen Motor Company of Unadilla in the amount of \$31,850. The Sheriff will reimburse the County for 100% of the vehicle cost from Drug Funds. The Comptroller is authorized to make the necessary budget adjustment.

Mr. Thomson inquired about the condition of the vehicle being replaced.

Chairman Stalnaker said that the vehicle had high mileage and other maintenance issues. He further explained that the vehicle may be suitable for other uses within the County.

Motion by Mr. McMichael, second by Ms. Robinson and carried unanimously by all to approve the payment of the bills totaling \$3,182,487.66.

Chairman Stalnaker opened the meeting for Public Comments.

Kyle Stouder, 101 Echo Lane, Warner Robins stated that the EMS response time to serious accidents is at times 45 minutes to an hour.

There being no further public comments, the meeting continued.

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Chairman Stalnaker opened the meeting to Commissioners Comments.

Mr. McMichael commented that a traffic light was greatly needed at the intersection of Cohen Walker Drive and Lake Joy Road. He also thanked Lt. Col. Stouder for working in the community with organizations such as the Red Cross and the Museum of Aviation.

Chairman Stalnaker indicated that a traffic signal at Cohen Walker Drive and Lake Joy Road was already in the design stage and would be coming soon.

Mr. Thomson thanked everyone for attending especially Lt. Col. Stouder.

Ms. Robinson commented on several animal control issues such as pet registration and some other possible changes to the Unified Animal Control Ordinance currently under consideration by the Animal Control Board.

Mr. Walker thanked everyone for attending.

Chairman Stalnaker thanked Lt. Col. Stouder for sharing his military experience.

There being no further comments the meeting continued.

Motion to Adjourn by Mr. McMichael, second by Mr. Walker and carried unanimously by all.

Barry Holland
Director of Administration

Chairman

Commissioner

Commissioner

Commissioner

Commissioner