

**Houston County Commissioners Meeting
November 2, 2021
Perry, Georgia**

The Houston County Board of Commissioners met in regular session at 9:00 a.m. on Tuesday November 2, 2021, at the Houston County Courthouse in Perry, Georgia, with Chairman Stalnaker presiding and Commissioners Byrd, Perdue, Robinson, and Walker present. Also present were County Attorney Tom Hall, Director of Administration Barry Holland, Director of Personnel Ken Carter, Director of Operations Robbie Dunbar, Chief Building Inspector Tim Andrews, Fire/HEMA Chief Chris Stoner, Assistant Chief Tax Appraiser Amanda Clark, Senior Purchasing Clerk Vanessa Zimmerman, Kristy Harris, Walton and Becky Wood.

Commissioner Walker led the audience in the Invocation.

Capt. Dan Browitt, USAF led the audience in the Pledge of Allegiance and then detailed his 16-year military career during which he has served mostly in the aircraft maintenance field. He, along with his wife and four children, have been at Robins AFB for three months and he serves with the 402nd Aircraft Maintenance Group for the Warner Robins Air Logistics Complex. The 402nd provides depot maintenance, engineering support and software development to the major weapon systems of the F-15, C-5, C-130, C-17, and Special Forces aircraft. During his career he has had seven different assignments. Capt. Browitt spoke of the importance of the aircraft maintenance work that is done at the ALC here in middle Georgia.

Chairman Stalnaker introduced Kristy Harris who was recently appointed by Senior Superior Court Judge Lukemire as Probate Judge upon Judge Spires retirement effective December 3rd. Ms. Harris is a lifelong resident of Houston County and a practicing attorney with Moody & Associates Law Office in Perry. Her husband is a civil servant on Robins AFB working in aircraft maintenance and they have one daughter, Harper, who is 2-1/2 years old. She remarked that she is honored, excited and grateful to be taking over for Judge Spires and looks forward to serving Houston County in a different way.

Motion by Mr. Perdue, second by Mr. Byrd and carried unanimously by all to approve the minutes from the meeting of October 19, 2021.

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.

Chief Building Inspector Tim Andrews presented Special Exception Applications #2559 thru #2562 and #2564 thru 2566.

Chairman Stalnaker closed the regular portion of the meeting and opened a Public Hearing.

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Special Exception Application #2559 Applicant was present with nothing further to add. There was no opposition.

Special Exception Application #2560 Applicant was present with nothing further to add. There was no opposition.

Special Exception Application #2561 Applicant was present with nothing further to add. There was no opposition.

Special Exception Application #2562 Applicant was not present since the application is recommended to be tabled.

Special Exception Application #2564 Applicant was present with nothing further to add. There was no opposition.

Special Exception Application #2565 Applicant was present with nothing further to add. There was no opposition.

Special Exception Application #2566 Applicant was present with nothing further to add. There was no opposition.

As there were no comments Chairman Stalnaker closed the Public Hearing and reopened the regular portion of the meeting.

Motion by Mr. Perdue, second by Mr. Byrd 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 #2559	Hilary Evans	Clothing (Internet Sales)
Special Exception #2560	Alexis & Merien Alicea	Nail Salon
Special Exception #2561	Victoria Weldon	Rental Properties
Special Exception #2564	Matthew Pollard	Rivet Gun Business
Special Exception #2565	Jeffrey Sweatt	Landscaping
Special Exception #2566	Kings Cross Baptist Church of Middle GA	Church

Motion by Mr. Perdue, second by Mr. Walker and carried unanimously by all to table Special Exception #2562 and send it back to Zoning & Appeals for reconsideration.

Mr. Andrews gave the applicants 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.

Mr. Perdue presented a request for annexation into the City of Perry for property located at 90 Amherst Street in Kathleen.

Chairman Stalnaker opened the meeting for Public Comments.

There were no comments.

Motion by Mr. Perdue, second by Mr. Byrd and carried unanimously by all to concur with a City of Perry annexation request for the property described as:

Tax Parcel 000530 046000 consisting of 2.07 acres (Tract "A" 1.73 acres and Tract "B" 0.34 acres) located at 90 Amherst Street Kathleen.

Mr. Perdue presented a request for annexation into the City of Perry for property located west of Bear Branch Drive.

Chairman Stalnaker opened the meeting for Public Comments.

There were no comments.

Mr. Perdue commented that he has some serious concerns about this annexation request. Although it is adjacent to city property by virtue of SR 127 that is the only property that it is adjacent to. He is less and less in favor of using roads as the only means by which to gain connectivity. In addition to that he believes that the only reason the property owner desires annexation into the City of Perry is to obtain sewer. His understanding is that the city has not guaranteed the property owner that sewer will be made available. He also referenced Chief Stoners comments from the staff review document in which he stated that all surrounding properties are in unincorporated Houston County with the exception of the roadway. Annexation would not technically create a city island, but it does create a single resident served by the city while all adjoining residences are served by the County. This situation creates confusion for law enforcement and other agencies when responding to situations that may arise.

Chairman Stalnaker agreed with Mr. Perdue's comments and stated that he has had conversations with Mayor Walker about this application. The current laws may allow this type of annexation which he referred to as spot-annexations, but one city lot stuck out in the middle of unincorporated County lots does not equate to progressive growth. Again, the County is in a position that the Board must concur or non-concur with the request before it even goes before the city for their consideration. The law as it exists today creates these problems that are no reflection on the City of Perry or the property owners.

Mr. Byrd agreed that the timing of the County's decision within the framework of the existing law is the real issue. Sewer availability is in question, but the application meets the technical requirements for annexation. He expressed his hope that future legislative action would address these issues.

County Attorney Hall explained that the property owner in this case had applied to the City under the 100% method of annexation which means that all the property they own they are requesting the city annex and it is adjacent to, or contiguous to, the city limits which in this case is Highway 127. This was done by legislative action. The City of Perry did not annex that road on their own but rather the legislature did.

Mr. Perdue asked Mr. Dunbar if the City of Perry maintained that portion of the highway or if it was part of the County's contract with Dixie Landscaping. Mr. Dunbar replied that this section of the highway is in their jurisdiction, but it is in the County's maintenance contract with Dixie Landscaping. The City of Perry reimburses the County for that portion.

Chairman Stalnaker asked County Attorney Hall if the Board non-concurred with this application would the County be going against current law.

Mr. Hall stated that the County would not have a position under the law that would allow us to prevail in any nonconcurrency.

Mr. Byrd asked if the timeline allowed for a tabling of this application.

Chairman Stalnaker replied that the 30-day timeline would not allow for a tabling of this application.

Mr. Perdue stated that he could not concur with this application in good conscience.

Motion by Mr. Perdue to non-concur with a City of Perry annexation request for the property described as Tax Parcel 000810 10A000 consisting of 1.78 acres located west of Bear Branch Drive on the north side of SR127 adjacent to the Houston Lake dam.

Motion died for lack of second.

Motion by Mr. Byrd to concur with a City of Perry annexation request for the property described as Tax Parcel 000810 10A000 consisting of 1.78 acres located west of Bear Branch Drive on the north side of SR127 adjacent to the Houston Lake dam with the following stipulations:

- There will be no access to Houston Lake through or on County-owned properties.
- Sewer lines to service this property will not be located on County-owned properties
- Any necessary driveway permits will be through Georgia Department of Transportation.
- This parcel will be a county water customer.

And with the following disclosure:

This is a fill area with various types of debris (such as trees, stumps, concrete rip-rap, and other types of construction materials by previous owners.

Motion died for lack of second.

Chairman Stalnaker commented that since neither motion received a second the application would pass as a concur regardless due to the inaction.

Mr. Byrd presented a request for annexation into the City of Warner Robins for property located at 1326 Feagin Mill Road.

Chairman Stalnaker opened the meeting for Public Comments.

There were no comments.

Chairman Stalnaker commented that there are existing commercial properties diagonally across the intersection of Feagin Mill Road and Lake Joy Road.

Motion by Mr. Byrd, second by Mr. Perdue and carried unanimously by all to concur with a City of Warner Robins annexation request for the property described as:

Tax Parcel 000770 015000 consisting of 2.31 acres located at 1326 Feagin Mill Road; with the following stipulation:

This parcel will be a county water customer.

Mr. Byrd presented a request for annexation into the City of Warner Robins for property located at 500 Nelson Drive.

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Chairman Stalnaker opened the meeting to Public Comments.

There were no comments.

Motion by Mr. Byrd, second by Mr. Walker and carried unanimously by all to concur with a City of Warner Robins annexation request for the property described as:

Tax Parcel 00074D 018000 consisting of 0.68 acres located at 500 Nelson Drive.

Chairman Stalnaker complimented Mr. Rollins on the improvements he has made to this area over the years.

Mr. Byrd presented a request for annexation into the City of Warner Robins for property known as Tax Parcel 00077D 316000 and Tax Parcels 00077D 317000 and 00077D 315000.

Chairman Stalnaker opened the meeting to Public Comments.

There were no comments.

Ms. Robinson asked if these parcels touched existing City of Warner Robins property.

Chairman Stalnaker and Mr. Byrd both explained that most of the property surrounding these parcels are already within the City of Warner Robins.

County Attorney Tom Hall explained that the right of way for Houston Lake Road that touches the part that would stay in the unincorporated part of the County is County right of way. This means that this annexation would not create an unincorporated island.

Mr. Perdue asked Mr. Hall to clarify whether the law states that if both sides of a road are annexed into the city that the city shall own the right of way.

Mr. Hall responded that he did not believe the law stated 'shall' in those cases.

Chairman Stalnaker commented that there are differing opinions on the interpretation of that law.

Mr. Perdue asked Mr. Dunbar if this part of the road was part of our contract with Dixie Landscaping.

Mr. Dunbar responded that it was and that the City of Warner Robins does reimburse us for their portion of the cost

Mr. Byrd commended County staff for the very thorough reviews of these types of applications which is very helpful to the Board as they deliberate the issues.

Motion by Mr. Byrd, second by Mr. Perdue to concur with a City of Warner Robins annexation request.

Ms. Robinson asked for and received clarification that Houston Lake Road at the point in front of these parcels was a county road.

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Mr. Dunbar commented that he would love to see the County and City enter into an intergovernmental agreement in cases where a certain percentage of the total roadway has been annexed into the city then the entire road would become a city road for maintenance purposes.

Upon voting Mr. Byrd, Mr. Perdue, Ms. Robinson and Mr. Walker voted yes. Motion carried to concur with a City of Warner Robins annexation request for properties described as:

Tax Parcel 00077D 316000 consisting of 0.45 acres located and having frontage on the west side of Houston Lake Road and situated to the north of Ely Place; and

Tax Parcels 00077D 315000 and 00077D 317000 together totaling 0.17 acres located on the west side of Houston Lake Road and situated to the north of Ely Place;

With the following stipulation:

These parcels will be county water customers.

Ms. Robinson presented a Firefighter Property Program Cooperative Equipment Agreement.

Motion by Ms. Robinson, second by Mr. Walker and carried unanimously by all to approve the execution of the Firefighter Property Program (FFP) Cooperative Equipment Agreement between the County's Fire Department and Emergency Management Agency and the Georgia Forestry Commission effective November 2, 2021 and for a term of five years or upon a change in the Fire Chief, EMA Director or State Forester whichever comes first.

Ms. Robinson presented the 2021 Emergency Management Performance Grant application.

Motion by Ms. Robinson, second by Mr. Perdue and carried unanimously by all to approve Chairman Stalnaker signing the 2021 Emergency Management Performance Grant (EMPG) application from the Georgia Emergency Management Agency / Homeland Security in the amount of \$50,000.

Chairman Stalnaker commented that this grant had been reduced over the years and asked Chief Stoner if that was still the case.

Chief Stoner replied that the grant funding had been reduced for a couple of years but that it had come back up to the previous level in recent years.

Ms. Robinson presented a request for approval of a bid on a new tandem dump truck for use in the Roads Department.

Motion by Ms. Robinson, second by Mr. Byrd and carried unanimously by all to approve the award of one new 2023 Freightliner 114SD Tandem Dump Truck for use in the Roads Department to Middle Georgia Freightliner of Macon for the base price of \$129,315 plus the \$1,178 optional dump body vibrator for a total price of \$130,493. SPLOST 2012 funds the purchase of this vehicle.

Mr. Walker presented an addendum to the Solid Waste Contract the County has with Advanced Disposal Services.

Motion by Mr. Walker, second by Ms. Robinson and carried unanimously by all to authorize Chairman Stalnaker signing a contract addendum concerning yard waste collection with Advanced Disposal Services Macon LLC effective November 2, 2021 and expiring on December 31, 2021.

Mr. Walker presented a request to fill the vacant Personnel Assistant position in the Personnel Department.

Motion by Mr. Walker, second by Ms. Robinson and carried unanimously by all to approve the hiring of Loren Smith for the vacant Personnel Assistant position in the Personnel Department at a Grade 8-B effective November 3, 2021.

Mr. Walker presented a request to eliminate two Sergeant positions in the Sheriff's Department and add two Lieutenant positions to the County's Position Control listing.

Motion by Mr. Walker, second by Mr. Perdue and carried unanimously by all to approve the elimination of one Sergeant position in the Warrants Division and one Sergeant position in the Civil (Magistrate Court) Division; and the addition of one Lieutenant position in the Warrants Division and one Lieutenant position in the Civil (Magistrate Court) Division. The Comptroller is authorized to make the necessary adjustments to the County's Position Control listing.

Mr. Walker presented an amendment to the Option to Purchase Agreement for property on Bear Branch Road.

Motion by Mr. Walker, second by Ms. Robinson and carried unanimously by all to authorize Chairman Stalnaker signing the Option Extension for the purchase of property on Bear Branch Road from Kathy F. Todd, John William Britt, Jr., and Bridgette Rene Bennett. The option will extend to March 1, 2022.

Motion by Mr. Byrd, second by Ms. Robinson and carried unanimously by all to approve the payment of the bills totaling \$4,492,294.90.

Chairman Stalnaker closed the regular portion of the meeting and opened Public Comments.

Walton Wood, 426 Sandefur Road, Kathleen remarked that he is fully behind Mr. Newton and the ASIL Group for the annexation into the City of Perry for the property at 90 Amherst Street which backs up to his own property. Mr. Newton has been very generous along with Ms. Thomas in providing a 50-foot buffer between the Wood's property and this property in question. He appreciated Mr. Newton's willingness, along with the Board, to work out the issues involved.

There being no further comments Chairman Stalnaker closed Public Comments and reopened the regular portion of the meeting.

Chairman Stalnaker closed the regular portion of the meeting and opened Commissioner's Comments.

Mr. Walker thanked everyone for coming remarking that it was great to live in Houston County and that he was proud to be a member of the County Commission.

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Ms. Robinson likewise thanked everyone for coming and participating in the meeting. She appreciated the discussion on the various issues that helps keep the Board's actions consistent and reasonable.

Mr. Perdue remarked that he was reminded by one of the County employees, Mr. Jimmy Mace, that Thursday of this week was the Chairman's birthday. He presented the Chairman with a couple of small gifts.

Mr. Byrd remarked that he was thankful to be serving the citizens of Houston County alongside the other Board members who each exercise a great duty of care on the type of complicated issues that were considered in today's meeting. These are problems of prosperity in this growing community. He encouraged everyone to vote and recognized the County's Board of Elections, staff and poll workers who are working diligently today as it is election day. He then presented the Chairman with a Braves tomahawk that he could enjoy while he watched tonight's game six of the World Series.

Chairman Stalnaker reminded the Board that Thursday morning is the Eggs & Issues program with the Hospital hosting. He commented that the healthcare industry has been overwhelmed over the last two years during the Pandemic and are true heroes. December 9th is the County's turn to host the Eggs & Issues event and he is in the process of developing the program with the Chamber of Commerce. He asked that all Commissioners attend because some or all may need to be a part of that program. Regarding other County business, Chairman Stalnaker mentioned that we have worked out a potential remote well site for the north end of the county. Lastly, there will be a resolution drafted for the next Board meeting to be sent to our delegation of the General Assembly requesting their input on fixing the annexation laws. He hoped that each commissioner would support and sign this resolution so that the Board could publicly take a stand on this issue. He asked County Attorney Hall and Mr. Holland to draft that resolution for review.

Motion to adjourn by Mr. Walker, second by Mr. Perdue and carried unanimously by all, meeting adjourned.

Barry Holland
Director of Administration

Chairman

Commissioner

Commissioner

Commissioner

Commissioner