

**CAMDEN COUNTY, GEORGIA
BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
MAY 28, 2013, 6:00 PM**

A regular meeting of the Camden County Board of County Commissioners was held at 6:00 p.m. on Tuesday, May 28, 2013, in the Board of County Commissioners' Meeting Chambers of the Government Services Building, Woodbine, Georgia.

Chairman Keene called the meeting to order at 6:00 p.m.

Solid Waste Director Lannie Brant delivered the invocation.

Chairman Keene led the Pledge of Allegiance.

Present: Chair Willis R. Keene, Jr.; Vice-Chair Jimmy Starline.; Commissioner Chuck Clark; Commissioner Gary Blount; Commissioner Tony Sheppard; County Attorney Brent Green; County Administrator Steve Howard and County Clerk Kathryn Bishop.

Agenda Amendments:

No amendments were offered during this time.

Motion to Adopt the Agenda:

Commissioner Clark made a motion, seconded by Commissioner Sheppard to adopt the agenda as presented.

The motion carried unanimously.

Approval of Minutes

- May 14, 2013 regular meeting minutes

Commissioner Clark made a motion, seconded by Commissioner Sheppard to approve the May 14, 2013 regular meeting minutes.

The motion carried unanimously.

Presentation

- Hurricane Preparedness and website update presented by

Emergency Management Director Mark Crews presented an overview of the Hurricane Preparedness Guide for Camden County.

Public Comments

Millicent Cross, St. Marys

Mrs. Cross stated that she is on the Board of Directors for Bridge Pointe at Jekyll Sound Community Association. She explained that it is her understanding the Bridge Pointe at Jekyll Sound Investments, LLC and the County was to complete the development of Bridge Pointe at Jekyll Sound by January 15, 2013. She stated that yet no development has taken place since the County got involved with Bridge Pointe at Jekyll Sound to complete the subdivision. She stated that she is here tonight to again ask that the County Commissioners take all necessary remedial measures to complete Bridge Pointe subdivision and also take the responsibility for the County's assignment of the bonds for the completion of Bridge Pointe. She stated that she respectfully requests that the Commissioners include in their 2014 budget significant funds to both one proceed against Bridge Pointe at Jekyll Sound Investments, LLC for the security in the form of collateral received for the bonds and two allot funds to initiate preliminary steps for the County to complete Bridge Pointe at Jekyll Sound. She stated that its time for you, as Commissioners, to take responsibility for this failure at Bridge Pointe and do the right thing by all of us as Camden County tax payers. She stated please include completing Bridge Pointe in your 2014 budget.

Old Business

1. Variance – ZV2013-1 – Sylvia Townsend is requesting a Special Exception Variance of 404 sq. ft. from the requirements of UDC Sec. 303(e) Standard for single family dwelling minimum floor area of 800 feet, to allow a 394 sq. ft. HUD approved manufactured home to be allowed on the property located at 1150 Kinlaw Road, Tax Map 081 Parcel 051, and zoned R-2 (medium-density residential district) with the Future Land Use shown as Residential. *(District 1 – Chairman Keene)*

Chairman Keene made a motion, seconded by Commissioner Clark to approve the request by Sylvia Townsend for a Special Exception Variance of 404 sq. ft. from the requirements of UDC Sec. 303(e) Standard for single family dwelling minimum floor area of 800 feet, to allow a 394 sq. ft. HUD approved manufactured home to be allowed on the property located at 1150 Kinlaw Road, Tax Map 081 Parcel 051, and zoned R-2 (medium-density residential district) with the Future Land Use shown as Residential.

So voted:

Chairman Keene – Yes

Vice-Chair Starline – No

Commissioner Clark – Yes

Commissioner Sheppard – Yes

Commissioner Blount – No

The motion carried 3-2, Vice-Chair Starline and Commissioner Blount voted against the motion to approve this item.

2. Appointment to the Department of Behavioral Health and Disabilities Regional Planning Board.

Commissioner Clark made a motion, seconded by Chairman Keene to appoint applicant Merry Raber to the Department of Behavioral Health and Disabilities Regional Planning Board.

The motion carried unanimously.

Commissioner Blount made a motion, seconded by Commissioner Clark to adjourn the Regular Meeting at 6:24 PM.

The motion carried unanimously.

Chairman Keene convened the Hearing on Administrative Appeal at 6:24 PM.

Hearing on an Administrative Appeal

- Appeal of Notice of Complaint of Code Violation: Property owned by Brian Peters, identified as Tax Map/Parcel 108 006M

The motion carried unanimously.

County Attorney Brent Green outlined the procedures of the Hearing on the Administrative Appeal to the Board, Staff, Mr. Peters and Attorney Stein.

Planning and Development Director John Peterson presented the following power point presentation to the Board:

Background:

Appeal of Notice of Complaint of Code Violation: Property owned by Brian Peters, identified as Tax Map/Parcel 108 006M (District 2 – Commissioner Clark). The 3 acre parcel is zoned A-R, residential agriculture district. Section 210 9 (a) & (b) A-R District showing that Sec. 228 contains the permitted uses in A-R district. Review of the home occupation sections of the attached Code before and after Jan. 1, 2009 show the activity has to be conducted in the home or in accessory building. The Notice has attached the use being conducted all over the property is an industrial use.

Staff Recommendation: That the Board uphold the staff interpretation of the UDC Sec. 228 Summary table - allowed land uses by zoning district; That the use as presently conducted is not a Home Occupation - Rural, but an Industrial Use with exterior storage of materials, gasoline/fuel storage and business dispensing, and other activities that are clearly not conducted within the confines of the

dwelling unit or accessory building; and that UDC Sec. 228 shows the gasoline service is not an A-R Home Occupation Rural permitted land use, as it requires Commercial or Industrial Zoning to be a permitted use; and that the landscaping business as conducted is clearly conducted outside of the principal dwelling and accessory building and includes exterior storage of materials, equipment and/ or debris, and that business activity is listed in the UDC as a permitted use only in the I-R, or I-G Industrial Zoning Districts.

Recommendation: That the Board uphold the staff reading of NAICS Table 228 that the use is no longer a home occupation, but an Industrial Use with exterior storage of materials, gasoline and fuel storage and dispensing, and other activities being conducted with exterior storage of materials and equipment all that are not Permitted Uses in the A-R, Residential Agriculture Zoned Winona Lakes Subdivision as a Rural Home Occupation.

Vice-Chairman Starline asked Mr. Peterson about the chart which shows landscaping care and installation services allowed by right on I-R and I-G. He stated that he doesn't see anything under A-R here.

Mr. Peterson replied that there is nothing under A-R and the way the tables are set up is they indicate which districts have the permitted use as allowed if you look at the top it says land use allowed by right that is indicated with an "A" or the land use must be approved as a special use if there is an "S" by it. He explained for instance just above this the alarm systems have an "S" under C-G.

Vice Chairman Starline stated that his question really is; was he allowed to exist in error?

Mr. Peterson stated no, not as a home occupation. He explained that typically there are a lot of businesses that exist throughout the County as home occupations that are home offices or a home business. He stated that in this case a home occupation rural because of the zoning.

Vice-Chairman Starline stated that this particular chart does not apply to this.

Mr. Peterson stated that it applies to it in that the intensity of the use that is going on there is an industrial use it is not a home office. He stated that it is outside the confines of the building.

Vice-Chairman Starline stated that so you are saying his use has exceeded what he was permitted to do.

Mr. Peterson stated that it appears he has outgrown the home occupation use as a lot of people do.

Commissioner Blount stated that he is looking at the occupation business license provided. Does it say home occupation or business of landscaping?

Mr. Peterson stated that it is just a general statement of what the business is called.

Commissioner Blount stated that when they come in and apply for a business license and say I'm a landscaper that is safe to say it is not done in your living room. He stated that he is given a permit, so how long has he been maintaining this particular permit.

Mr. Peterson stated that he cannot tell you exactly how long but he thinks that is going to be part of his presentation.

Commissioner Blount stated that he hasn't looked at it in years past, but he has looked at it now. He stated that to say it is landscaping he thinks there are certain assumptions you can make when you say you're in the landscaping business there is going to be equipment involved. He asked Mr. Peterson is there any other businesses in that area.

Mr. Peterson stated the restrictions are far different on a home occupation than they are for a general business.

Commissioner Blount stated that he is having a hard time making the distinction here; although he realizes he lives at the residence, when he looks at the permit he does not see home occupation so he would not know that it is a home occupation business, right?

Mr. Peterson replied that is right.

Commissioner Blount asked how you would differentiate if he just walked in and said that is his landscaping business and never mentioned living there. He asked what would look different with the license permit.

Mr. Peterson stated that if it was an industrial area and he was moving in there it would look the same and be just a different zoning classification.

Commissioner Blount stated that it would not be identified as an industrial zone it would just be he is permitted to operate a landscaping business.

Mr. Peterson stated that he cannot address what was done back then but when someone comes in now we look at the zoning to see what they are planning are doing. He explained that they talk with them about it to be sure that they know what the confines of something like this are.

Commissioner Blount stated that when you say now, compared to, he already has a 2013 license. He stated that that just happened so when does now take into effect.

Mr. Peterson stated that they don't go every year and investigate to whether someone is compliant for zoning requirements. He explained that there is no requirement in the business occupational tax license to do that.

Commissioner Blount stated that he is trying to understand when you see landscaping and when you look at this thing it says there is no landscaping.

Mr. Peterson stated that realistically if somebody has a home office and they keep their books in there.

Commissioner Blount stated that he doesn't think it has ever been just that, it has been what it is.

Mr. Peterson stated that if it were meant to be something else it wouldn't have originally been permitted because the use could have been an office use or been conducted in the accessory building of the principle building but it cannot be conducted outside the confines of that.

Commissioner Blount stated that he sees his equipment and trucks and things and some he has seen for quite a few years so this is not just happening now. He has had this equipment, these trucks; this operation stated as a landscaping business not a home office landscaping business. He stated that it appears either he is questioning our process of how we go about this because this isn't a now it has been going on for a pretty good while. He stated that when he rides through there he sees other areas right down the street where industrial trailers stored, back hoe stored and other equipment that is clearly not home office equipment.

Chairman Keene stated that Mr. Peters will have his full fifteen minutes and after that the Board will have the opportunity to call Mr. Peterson back for further questions.

Attorney Stein stated that a packet should have been provided to the Board to go with Mr. Peters' presentation.

Mr. Peters thanked the Board for hearing this matter. He explained that if each of you got his packet he feels they were pretty comprehensive and complete in their response to this complaint, why they are appealing. He stated basically that some of the things that are being brought up are, you hear home office or industrial use, and they are all open to interpretation. He stated that he started his business a long time ago but when he bought that property he bought it because it was in an agricultural residential area. He stated that when he bought it from the guy at the beginning of the road who was running a rural home occupation also he said look he wants to live there and build a landscaping company there and they said fine. He stated that he went immediately and got a permit for his home, back then the UDC did not say you

could not have metal sided home, that has all been adopted in 2009 way after he built his buildings. He stated that it should be noted that the County has lost his permit and he has a check stub some where that says he paid for it but they have no record of his first building. He stated that they have a record of his second building which predates the code we are following since it was built in 2006 not 2009. He stated that a lot of the codes, he explained he respectfully disagrees with Mr. Peterson in his interpretation. He stated that if the Board got his presentation, the aerial view, he honestly went around and measured everything. He explained that in the picture he has there are trees to the side of his accessory building and those trees have been cleared out because he realized that his lot was any eyesore. He stated that he has wanted to make his lot look a lot nicer for a long time but he works to darn much to do it. He stated that he did have trucks and trailers parked all over his lot and he wanted to make it look nice so he cleared out an area within the last year to address that and now everything is contained within that, all his trucks and trailers. He stated that his business operates out of his accessory building and his up to four nonresident employees that he is allowed with a home occupation by our code come in for thirty (30) maybe forty-five (45) minutes in the morning, we talk and they get their trucks, we open the shop doors, which there are plenty of pictures of and they leave and then his property is completely vacant all day. He explained that other than the occasional coming back to get a piece of equipment from inside the build or right outside the building that he is allowed. He stated that he has always done things unorthodox like starting his retirement when he was seventeen; he built this building with cash and bought his land with cash at nineteen years old. He stated that he always did things different, some people always say he does things bigger than he should. He stated that he said wow; he can live and work at the same place, awesome. He stated that it was allowed, he permitted the buildings and he has been using it ever since. He stated that he bought the land in 2001 and permitted the building and broke ground on it in January 2002. He stated for about twelve (12) years that building has been there and seven (7) years the second building has been there. He stated that the only reason he put the fence up, which he realizes is a little unsightly, is because he kept getting broke in to by scrappers coming onto his property and a bunch of kids smoking pot coming through his property because he is on the corner. He stated that he needed to keep people off his property so he put a fence up but since all this started a couple of months ago, after twelve (12) years of living there, he realized how much some of his neighbors really despised me. He stated that he has been breaking his back, working around his work schedule, to fix up his lot, make it look nicer, landscape it and do things to appease his neighbors because they have concerns about their property values and they think he is a toxic dump, the whole nine yards. He stated that the point is he is a rural home occupation and he disagrees with Mr. Peterson that you can grow out of that. He stated that he has thirteen (13) employees now and two (2) companies, four (4) of them come to his house. He stated that the other nine or ten go to his other properties, which he pays taxes on, he explained that he took over American Sod; it is now Stateline Sod and Nursery. He stated that he owns his nursery over on highway 17 and he owns

semi's and whatever is in the other pictures. He stated that the only reason the semi was on his property was to take away the pavers that looked unsightly and he needed the semi-truck to get it out so he brought one from his other property and started taking stuff away. He explained that he has been under siege by his neighbors watching him taking pictures of him driving up and down all the time and in their complaints which he responded to in his packet the things like he burns all the time, obnoxious fumes and lights. He explained the lights which he has on the side of his building that he used for a month ran his power bill went up \$150.00 a month because they were on for a little while and he cut them off. He stated that his business does not run at night and nobody is at his property during the day and then they come back and they don't want to hang out at 6:00 or 7:00 when they get done for the day. He stated that they pull the shop doors open, pull those trucks in and they are gone. He stated that he is not running machine shop or a petting zoo or a cabinet shop or anything else like some of his neighbors and he does not have people coming in and out of his property all the time and within the code he is allowed certain uses and rights like under "Home Occupation" it states a home business carried within A-F / A-R zoning district shall comply with the following permitted activities: A home business shall be limited to personal conduct of a business within one's place of residence or farm subject to provisions and subsections the home business is allowed as an accessory use to the residential dwelling. He stated that his business is an accessory use to his residential dwelling. He stated that the home business must operate by the owner of the property in which the home business is located must have written approval of the owner. He stated that he owns the property. He read that there are limitations on size and location; the business may be located within the residence or accessory building. He stated that the language of this subsection differs markedly from subsection 312C on page 3-12 that delineates restrictions on residential home business that section clearly states that all trappings of the business must be contained within the residence. He stated that attachment 1 states that a business of a home rural occupation "may" be located within a residence or an accessory building. He stated that is the language of the law and it does not state that it "must" be contained there in like the other section. He stated that he lives in a rural area, not a purely residential neighborhood, and his neighbors lawfully keep equipment such as tractors trailers boats and vehicles in their yard as he does also. He stated that "sales" there should be no exchange of merchandise between sellers and buyers on the premises except for the items purchased in the home or on the property. He stated that no sales of anything occurs on his property and the interesting thing is nobody comes to his property due to his office offsite and all his customers go to that office, nobody comes to his property and nothing comes in and is then resold, he does not even have a sales tax id number for his business but does for his nursery because it resale's products. He stated that his landscape company does not resale anything and the codes on that topic for the fuel tanks, Mr. Peterson refers to the codes, and we attached all this they are only pertinent to an automobile gas filling station. He explained that he is not reselling gasoline so they are not even relevant to him but on the process of all of this he has scrutinized his own operation to the ninth degree because he has

too. He realized that he has certain measures that he needs to take for his fuel tanks and the public works department came out and instructed him he needed containment and gave him the requirements of the containment and he filed a containment program. He explained that at this time he is just using the diesel down so he can lift his tank. He stated that because of the size of the tank he realized he needed the State Fire Marshall to give a permit but they wouldn't give him one due to the zoning issue not being settled. He stated that he is trying to lawfully obtain a permit for his fuel tanks but he can't because they won't give it to him because of this. He explained that the funny thing is he uses the fuel tanks more for his personal use for business, it is about 50/50 and that is his right. He stated that he spoke with Mr. King and explained if he needs to place fire extinguishers, placards or whatever he needs to do to be in compliance he will do just to let him know what it is. He stated that Mr. King's response was let me get back to him and let this zoning thing go before we do any of that. He stated that if you look at the aerial when he actually measured the use of his land he was blown away and only uses eight (8%) percent of his land. He stated that all of his equipment is parked in a sixty (60) by one hundred foot (100) area and his employees, the four guys, park in a twenty (20) by fifty (50) area and one building and a little tiny part of the larger building, which is ninety-five percent (95 %) his house, is used for business. He explained that because of the way he looks he is literally almost being persecuted. He stated that the interesting thing is there were complaints by primarily two (2) of his neighbors since then he has heard there are more and he is sure they've worked on that but the complaints were brought up Mr. Peterson, with common sense, would have said what is going on over there, let me go and talk to this Mr. Peters, let me give him a call, send an email, send a code enforcement officer out. He stated that he never received a call, an email or a letter until he was served twenty-one (21) days to get off his property. He stated this is a land rights issue and he is looking at it and saying he has a home occupational business, he lives in an A-R, he is in a rural area and he has the right to do this. He explained that he feels sorry for the people that disagree with him but it is just the law and then he gets served by one of the county agents that he has twenty-one (21) days to leave his property. He stated that he is planning on staying there forever to live there, raise his family there and die there. He stated that the idea that you have to outgrow it; he has already moved all his other employees, as he grew they grew outside of the confines of his three (3) acres. He asked the Board if they had any questions. He stated that he has approximately four (4) minutes remaining.

Chairman Keene stated that they would allow him to use the remaining time if he has anything to add.

Mr. Peters stated that he has been licensed for nine (9) years even though it has been the intent the entire twelve years he has owned the property. He stated that the buildings were permitted and he is following the law as he understands it and he would just like for the Board to consider that and the fact that he feels it would be an infringement of his rights as a property owner for the County to

require him to move his equipment and employees from his property because of the uncorroborated complaints of a disgruntled former employee of Stateline Nursery, who was fired, and a couple that basically has a vendetta against him and do not like the appearance of his house. He explained that he hasn't always like the appearance of his own lot but that is not a reason to do what we are doing. He stated that a good neighbor would have come and said I really don't like the way your place looks can you do something about it but he has never got in twelve years a single visit or letter or email or call from these folks that says "I don't like it" . He stated that he waives at them everyday and they waive back, he invites them to New Years parties and he had no idea until this hit the fan that this was going on. He stated that now they lose sleep over and just want to be at peace with our neighbors, our property to look beautiful and we can't change the fact that they are metal buildings but no matter what happens in this his buildings are not going anywhere.

Chairman Keene called time on Mr. Peters' presentation and asked if any Board member had a question regarding the presentation from either side.

Commissioner Sheppard asked Mr. Peters what got us to here, like he said it has been there for the last twelve (12) years and then all of the sudden we're right here.

Mr. Peters stated that it is a combination to be completely honest, this gets off of the code and gets personal, a combination of a neighbor that never really like him at all and the fact that he built the building he was allowed to build, they never liked the look of it and then another neighbor immediately adjacent who always acted like his friend and then we had to fire him for his bad attitude at work it was like he got with the other neighbor and said lets do this guy. He stated that is the only thing he can figure that changed and then when he got some dirt from the old Cisco, when they brought that dirt out there they just started jumping up and down saying it was contaminated so the Environmental Protection Department came out and just walked all over and took samples from everywhere and said it was within acceptable limits and was not toxic but the minute that happened the two complainants started going around to all the neighbors forming like a little and actually told him, when he spoke to one of his neighbors, that they were having meetings about him and they were tired of it. He stated that he guessed so he doesn't see eye to eye with them and he provided a time line in the packet to give you a feel for that.

Commissioner Clark asked Mr. Peterson when you are a talking about when we are talking about violations, like the fuel tanks, what are the fuel tanks in violations of and how much fuel is actually on the property.

Mr. Peterson stated that he is not aware of that exactly but he knows the State Fire Marshall and Chief Robbi King have addressed the issue and Robbi has told him that the State Fire Marshall will not issue a permit until this is over with to see

whether there is a zoning violation for those tanks or not to possibly permit something that is not allowed by the zoning ordinance.

Commissioner Clark asked Mr. Peters how much fuel he has, diesel and gas.

Mr. Peters stated he has one (1) one thousand (1000) gallon tank he uses for diesel and one (1) five hundred (500) gallon tank he uses for ethanol free gasoline. He explained his mowers and weed eaters do not run good on ethanol. He stated that when the public works department came out that after approximately thirteen hundred (1300) gallons you need containment but below that number you need no containment according to the State regulations or the UDC. He explained that when he found out he needed containment, when he spoke to the Fire Marshall regarding their requirements they asked where are you getting the fuel and he replied Hopkins Gowen, he was told they just drop the tanks off and don't even tell you what you need. He stated that they did that to him and to the fire department when they got their tanks they had to look up the code to know what to do, so what is a homeowner to do when they order a fuel tank, they bring it out and fill it up. He stated that he just really didn't know but he found out he needs a State permit from the Fire Marshall for anything over approximately six hundred (600) gallons, so if he took the thousand

(1000) gallons tank and moved it or cut it in half that would be fine. He explained if he moved the thousand (1000) gallon tank the five hundred (500) gallon would be completely legal with no need for a permit.

Commissioner Clark asked Robbi King if he knows what the State code in this situation.

Chief King stated that anything over sixty (60) gallons of a class 1 liquid, gasoline, those types of things has to be permitted and anything over hundred and twenty (120) gallons of a class 2 fuel, which is a diesel, those types of items has to be permitted. He

explained that anything more than six hundred and sixty gallons (660) is done by the State Fire Marshall's office. He stated that anything less than that is handled at the local level.

Commissioner Clark asked when you say State, are you saying the individual applies for that.

Chief King replied yes sir.

Commissioner Blount stated nine (9) years. He asked Mr. Peters what was the first business license you got and were you in the landscaping business prior.

Mr. Peters stated that his license hasn't changed.

Commissioner Blount asked Mr. Peters if his operations are doing basically the same thing that you were doing in year three (3) or four (4) that you are doing now, he realizes that he has other businesses.

Mr. Peters replied that Peters Landscaping is actually less active now that it was in 2006 at its peak, a lot less active.

Commissioner Blount stated that we are talking about here and now, things have change, actually things did change you're a lot less active in 2013 than in 2004, 2006, 2007.

Mr. Peters stated that as he has expanded into other types of business they all have been off property.

Commissioner Blount asked if all Mr. Peters business licenses have been for landscaping.

Mr. Peters replied yes sir.

Commissioner Blount asked if there were any discussions or stipulations.

Mr. Peters replied none given to me.

Vice-Chairman Starline asked Planning and Development Director John Peterson what exactly is the violation. He explained that he would like to hear it item by item to include what the violation is, in simple language. He asked Mr. Peterson to not read him the code, just explain what he is breaking the rules on.

Mr. Peterson replied that the use going on there as it is being conducted on the property with the equipment with the debris in the photographs is an industrial use. He explained that when you move in a commercial district and move your goods outside your business you get into industrial zoning. He stated for instance Choo-Choo supply when they first opened they had very limited outside storage but they had to get an industrial restrictive license to locate there and have that exterior storage of materials.

Vice-Chairman Starline asked what he is storing outside the front.

Mr. Peterson stated that he is storing equipment, piles of debris and gasoline tanks. He stated that their dispensing of gasoline is normally done in a commercial area not in an agricultural residential district.

Chairman Starline asked is it prohibited in an agricultural residential district.

Mr. Peterson stated that it is only allowed by the UDC in commercial general and industrial districts.

Vice-Chairman Keene asked if Mr. Peterson thought he could have fuel there under any circumstances.

Mr. Peterson replied no sir.

Vice-Chairman Keene asked if the equipment was trucks or earth moving equipment.

Mr. Peterson replied that any storage outside is a problem area with a normal home occupation in a residential setting you can have a home office and in other settings you can have a home business that is conducted entirely within the home. He stated that in the rural setting it can be conducted in the home or an accessory building. He stated that is the difference here in that the business is not being conducted in the accessory building it may have certain aspects that are being taken from and stored in the accessory building but it is not being conducted within the confines of that accessory building.

Vice-Chairman Starline asked if he stored this earth moving equipment indoors would that be considered okay.

Mr. Peterson replied no sir he didn't say that. He explained the whole idea of a home occupation is the business that is located within the confines of your home or house. He stated that in this situation you would probably expect to see an agricultural situation where you had some people growing plants, harvesting plants or if it were larger even crops. He stated that as far as the equipment goes to and from that is part of the reason we got the complaint.

Vice-Chairman Starline stated he is just talking about overnight. He asked if it is stored indoors overnight does that make it better.

Mr. Peterson replied that it is still a storage yard. He explained that anytime you are storing equipment outside, car lots and things like that, you are looking for special use permits or industrial zoning.

Vice-Chairman Starline stated that he is confused.

Chairman Keene asked if he could get another accessory building permitted on that same property and store that equipment inside of it.

Mr. Peterson replied the question is what is accessory to what. He stated with what is going on, on the total site; it appears that the residence is actually accessory to the business as opposed to the business being run as an accessory use or a minor use of the property.

Vice-Chairman Starline stated that he has been out there and looked at it and he agrees that it does look terrible. He stated that he does not really like what he has chose to live in and call a home but that is his prerogative. He stated that if he wants a home that looks like his that is his choice and he is allowed to

have a business on this property, so he is not really understanding what he is doing wrong just yet other than the place does not look good and he has offended the neighbors. He stated that he can do something about that and in fact, he didn't mention it, but there is some sort of vine shrubbery along the fence that over time would shield some of that and make it look better. He explained he is just confused on this.

Chairman Keene asked Mr. Peterson up until now he has had a rural home occupation permit for nine (9) years and up until the recent history, last three (3) to four (4) months, no complaints.

Mr. Peterson replied yes sir.

Chairman Keene stated that he went eight (8) plus years with no complaints.

Mr. Peterson replied yes sir, none that he is aware of.

Chairman Keene asked Mr. Peters was he aware of any complaints up until now the ones you have been made aware of.

Mr. Peters replied no.

Chairman Keene asked Mr. Peterson does he know how many folks may have come to that area after Mr. Peters was already there because he thinks that is a relevant issue.

Mr. Peterson replied no, he has not researched that issue.

Mr. Peters stated that he looked it up on the tax maps and there are roughly approximately seventeen (17) to twenty (20) families within three (3) miles. He explained that they live in an area where you have to have three (3) acres. He stated that within an area of about three (3) miles where you have to have a minimum of three (3) acres an average of seventeen to twenty families. He stated that approximately seven (7) or eight (8) families were there before them and that might be gracious. He stated that all the rest moved in after his five thousand (5,000) foot metal was put up.

Vice-Chairman Starline asked Mr. Peterson what Mr. Peters can do to bring this within compliance to his opinion. He asked what he can do to make the usage of this property legal.

Mr. Peterson replied Mr. Peters would need to clean up the property, remove a lot of the equipment and things that are parked there. He further stated that Mr. Peters would need to stop bringing debris on to the site but he doesn't know if that is still going on. He stated that he would need to remove the fuel tanks from the site, although we differ on that opinion.

Vice-Chairman Starline asked Mr. Peters if the pictures of the debris were from trees he cut on his property.

Mr. Peters replied that most of the time, ninety percent (90 %) that is stuff from his property. He explained that the public works department asked him if he was bringing in gobs of waste from other jobs. He stated that he told the public works department that is he looked him in the face he couldn't say that he hasn't had a half a trailer of crepe myrtle limbs that get thrown on to his existing burn pile. He stated that would be a lie if he said that hasn't happened but he cleared his land himself and he burned a lot of piles of trees during that time. He explained that he has been clearing his land slowly over the past ten (10) years. He stated that the interesting thing is he has only had one (1) fire since the beginning of this year which was in March. He stated that the next door neighbor called the fire department on him when he burned in March.

Vice-Chairman Starline asked if he has brought in any trees since this started.

Mr. Peters stated that since he realized how offensive he was to everyone around him he has not brought anything in, cleared his personal land or had any fires on his property.

Commissioner Blount stated that if he put the equipment in the building and he referred to the statement that the business may be located in a residence or an accessory building. He stated that the statement doesn't say it "has to be" but rather says "may be". He asked Mr. Peterson if he had his equipment predominately on the inside where would he be in violation.

Mr. Peterson replied that it is a permitted use that allows certain things to be permitted on the area or in the buildings. He stated that it is saying that the business may be located in the residence or the accessory building. He explained that it doesn't say the business may be permitted to be located all over the property.

Commissioner Blount stated that it does not go into percentage of use, business verses personal, and it doesn't say that it doesn't "have to be". He explained that his point is back to the nine (9) years, his business has been there for nine (9) years and lets just say five (5) years of a slow start, for the past five (5) or six (6) years he has been what he's been with the same permit and the same activity. He stated that you talk about fuel storage and he asked if this is an A-R, agricultural zoning out there, where there is other equipment stored, possibly fuel all over the place. He stated that it appears that if he gets his fuel tanks, contingent upon what happens if he keeps his business there or not, cleans up the debris, he is not hauling any other things in there and making steps to beautify his property what other things would he need to do to be in compliance. He stated that he is saying home occupation and he does not necessarily view it as a home occupation business. He stated that this is what we are hanging our hat on because we have given him a permit; he has said

he has been in the landscaping business for the last nine (9) years and you look at landscaping it is not even allowed where we are doing it. He explained that he is confused about exactly what the violations were and what he is doing differently in 2005 versus 2008 and 2010 and today. He stated that he was permitted all those years and never had any issues.

Chairman Keene asked if the Board had any other question for either party.

Vice-Chairman Starline stated that if he is operating outside of our code he would want him shut down but he doesn't understand what he is doing wrong other than the aesthetics of his place and by his own admission it doesn't look good and he has taken steps to correct that.

Chairman Keene asked if the Board had any other question for either party.

Commissioner Blount asked Mr. Peters if he put the fence up in late 2012.

Mr. Peters replied yes.

Commissioner Blount stated that he understands the logic of the fence but he agrees with Vice-Chairman Starline it looks industrial ugly.

Mr. Peters asked if he can explain to the Board the intent of the fence.

Commissioner Blount replied sure.

Mr. Peters stated that he thought he needed to secure his property and a Cyprus fence or pine fence would look horrible. He explained that he thought if he put up a wire fence and planted honey suckle and jasmine all over it within just a few years you won't even see it. He stated that it would look just like the one he like so much by the side of KFC that is just covered in jasmine. He stated that he has planted hundreds of vines along the fence that are growing in right now. He stated that he has spent thousands of dollars planting trees and shrubs. He stated that behind the fence is a row of cedar trees that will get six (6) feet and eventually they are going to clear those trees in that industrial area next to him and all of Highway 40 will come right up to his lot. He stated that he doesn't want to see anybody eye balling him from the road and he doesn't want to be ugly.

Commissioner Blount made a motion, seconded by Commissioner Clark to adjourn the Hearing on Administrative Appeal at 7:27 PM.

Chairman Keene asked if the Board had any other question for either party and he asked County Attorney Green if there were any other procedures that need to be taken regarding the hearing.

County Attorney Green stated that the Board of Commissioners along with the provisions of the Development Code can either reverse or affirm wholly or partly

or may modify the order, requirement, decision or termination. He stated that would be the Board's standard of review.

Commissioner Clark asked how much time the Board has to make this decision.

County Attorney Green stated that the Board can take this under deliberation, schedule a meeting within seven (7) days to rule on the record what the decision will be. He stated that the Board may adjourn the hearing to allow parties to supplement the record at the request of the Board but at no event shall the adjournment be more than seven (7) days to adjourn and in the event that the hearing is rescheduled the Board shall reschedule the adjourned hearing on the seventh (7th) day after the appeal was heard by the Board.

Chairman Keene asked Attorney Green since this is an appeal hearing and this item will be taken up during the regular meeting, if the Board wanted to have that seven (7) day could they simply table it and bring it up at a special called meeting.

Attorney Green stated that the next regular meeting will be June 4th.

Attorney Stein stated that his client would agree to additional time and they would not hold anybody to the seven (7) days because this is an important matter.

Commissioner Blount made a motion, seconded by Vice-Chairman Starline to adjourn the Hearing on the Administrative Appeal at 7:27 PM.

Chairman Keene reconvened the Regular Meeting at 7:27 PM.

Vice-Chairman Starline made a motion, seconded by Chairman Keene to adjourn the Regular Meeting for a five (5) minute recess at 7:28 PM.

The motion carried unanimously.

Chairman Keene reconvened the Regular Meeting at 7:33 PM.

Regular Agenda

Planning and Development – John Peterson

3. Notice of Complaint of Code Violation: Property owned by Brian Peters, identified as Tax Map/Parcel 108 006M (***District 2 - Commissioner Clark***)

Commissioner Clark made a motion, seconded by Chairman Keene to table this item until the Board of Commissioner's regular meeting of June 4, 2013.

So voted:

Chairman Keene – No

Vice-Chair Starline – No

Commissioner Clark – Yes

Commissioner Sheppard – No

Commissioner Blount – No

The motion failed 1-4, Chairman Keene, Vice-Chairman Starline, Commissioner Sheppard and Commissioner Blount voted against the motion to table this item until June 4, 2013.

Commissioner Sheppard made a motion, seconded by Commissioner to reverse the Planning Commission decision with the stipulations that Mr. Peters continue with the beautification, clean up of his lot, obtaining the permits for the fuel tanks on the property and continue to maintain the beautification of the fencing to make it more appealing and allow thirty (30 days) for the completion of the permits for the fuel tanks and the continuation of clean up of the property.

Chairman Keene stated that beautification means different things for different people.

Commissioner Clark stated that this is why he felt this item needed to be tabled for seven (7) days in order to clarify these specifications.

Commissioner Sheppard withdrew the previous motion. Commissioner Blount withdrew his second to the previous motion.

Commissioner Clark made a motion, seconded by Commissioner Sheppard to table this item until the regular meeting of June 4, 2013 and allow Mr. Peters to continue with the permitting of the fuel tanks located on the property.

The motion carried unanimously.

Commissioner Blount made a motion, seconded by Commissioner Clark to adjourn the Regular Meeting at 7:47 PM.

The motion carried unanimously.

Chairman Keene convened the Public Hearing at 7:47 PM.

Public Hearing

- To receive public comments regarding Amendments to the Official Code of Camden County, Chapter 2, Administration Article II, Board of Commissioners, Section 2-34, Rules Governing Public Participation.

Public Comments:

No comments were offered during this time.

Commissioner Sheppard made a motion, seconded by Commissioner Clark to adjourn the Public Hearing at 7:50 PM.

Chairman Keene reconvened the Regular Meeting at 7:50 PM.

Regular Meeting

4. Second Reading and adoption of amendments to the Official Code of Camden County, Chapter 2, Administration Article II, Board of Commissioners, Section 2-34, Rules Governing Public Participation.

Commissioner Clark made a motion, seconded by Vice-Chair Starline to waive the second reading and adopt the amendments to the Official Code of Camden County, Chapter 2, Administration Article II, Board of Commissioners, Section 2-34, Rules Governing Public Participation.

So voted:

Chairman Keene – Yes

Vice-Chair Starline – Yes

Commissioner Clark – Yes

Commissioner Sheppard – Yes

Commissioner Blount – No

The motion carried 4-1, Commissioner Blount voted against the motion to approve this item.

Insert Amended Ordinance here

5. Approval of Satilla Probation Contract.

Commissioner Sheppard made a motion, seconded by Commissioner Clark to approve the Satilla Probation Contract for the Office of Probate Court.

The motion carried unanimously.

Insert Contract here

6. Consideration of approval of Chair to execute Tax Release Applications

Commissioner Sheppard made a motion, seconded by Commissioner Clark to approve the Chair to execute the Tax Release Applications.

The motion carried unanimously.

<u>Name</u>	<u>Digest Year</u>	<u>Amount</u>	<u>Reason for Change</u>
Sadie E. Foreman	2001	\$107.23	MH burnt & debris removed from property
Sadie E. Foreman	2013	\$86.82	MH burnt & debris removed from property
Sadie E. Foreman	2012	\$56.08	MH burnt & debris removed from property
Sadie E. Foreman	2011	\$49.00	MH burnt & debris removed from property
Sadie E. Foreman	2010	\$48.63	MH burnt & debris removed from property
Sadie E. Foreman	2009	\$63.03	MH burnt & debris removed from property
Sadie E. Foreman	2008	\$69.78	MH burnt & debris removed from property
Sadie E. Foreman	2007	\$69.78	MH burnt & debris removed from property
Sadie E. Foreman	2006	\$71.82	MH burnt & debris removed from property
Sadie E. Foreman	2005	\$74.29	MH burnt & debris removed from property
Sadie E. Foreman	2004	\$82.29	MH burnt & debris removed from property
Sadie E. Foreman	2003	\$112.35	MH burnt & debris removed from property
Sadie E. Foreman	2002	\$115.64	MH burnt & debris removed from property
Tangled Threads Inc.	2011	\$303.26	bill of sale business closed in 2010
Camden Office Supplies	2012	\$139.14	field review business closed 2010
Golf Cart Outlet	2008	\$347.10	business closed bankruptcy filed for 2008 – 2011
Golf Cart Outlet	2009	\$347.10	business closed bankruptcy filed for 2008 – 2011
Golf Cart Outlet	2010	\$350.35	business closed bankruptcy filed for 2008 – 2011
Golf Cart Outlet	2011	\$347.35	business closed bankruptcy filed for 2008 – 2011
Michael J. Delacqua	2012	\$130.70	per owner boat & motor sold out of county
Louis Williams	2013	\$38.89	MH in poor condition not livable
Doris Evan Harris	2005	\$76.07	statute of limitations
Doris Evan Harris	2004	\$84.24	statute of limitations
Doris Evan Harris	2003	\$93.53	statute of limitations
Doris Evan Harris	2002	\$96.43	statute of limitations
Doris Evan Harris	2001	\$89.72	statute of limitations
Doris Evan Harris	2000	\$93.94	statute of limitations
Doris Evan Harris	1999	\$76.35	statute of limitations
Doris Evan Harris	1998	\$83.84	statute of limitations
Jamie Shuler	2011	\$10.00	certificate of permanent location
Jamie Shuler	2013	\$10.00	certificate of permanent location
Daniel & Holly Marshall	2013	\$10.00	8x10 travel trailer that was removed in 2005
Daniel & Holly Marshall	2012	\$10.00	8x10 travel trailer that was removed in 2005
Daniel & Holly Marshall	2011	\$10.00	8x10 travel trailer that was removed in 2005
Daniel & Holly Marshall	2010	\$10.00	8x10 travel trailer that was removed in 2005
Daniel & Holly Marshall	2009	\$10.00	8x10 travel trailer that was removed in 2005
Daniel & Holly Marshall	2008	\$10.00	8x10 travel trailer that was removed in 2005
Daniel & Holly Marshall	2007	\$10.00	8x10 travel trailer that was removed in 2005
Daniel & Holly Marshall	2006	\$10.00	8x10 travel trailer that was removed in 2005
Sondra & George Conner	2005	\$448.07	statute of limitations
Sondra & George Conner	2004	\$506.04	statute of limitations
Sondra & George Conner	2003	\$541.70	statute of limitations
Sondra & George Conner	2002	\$452.85	statute of limitations
Sondra & George Conner	2001	\$74.72	statute of limitations
Debbie Rae Wright	2013	\$49.51	MH torn down by owner in 2012
KGB Enterprises	2012	\$1167.82	Per Mr. Burch his business closed in 2011
Edward Briggs	2012	\$96.56	Boat sold in 2010; 2011 already released

7. Memorandum of Understanding between the United States Federal Aviation Administration and Camden County Board of County Commissioners.

Commissioner Sheppard made a motion, seconded by Vice-Chair Starline to approve the Memorandum of Understanding between the United States Federal Aviation Administration and Camden County Board of County Commissioners.

The motion carried unanimously.

Insert MOU here

8. Agreement between the Georgia Department of Corrections and Camden County Board of Commissioners for Offender Construction Work Detail.

Vice-Chair Starline made a motion, seconded by Chairman Keene to approve the Agreement between the Georgia Department of Corrections and Camden County Board of Commissioners for Offender Construction Work Detail.

The motion carried unanimously.

Insert Agreement here

Reports

- ***Calendar – May / June***

County Clerk Kathryn Bishop read the calendars for May & June 2013.

- ***County Administrator's Report***

Emergency Management Agency Director Mark Crews gave the Board an overview of the Emergency Management features found on the County Website during this time.

Additional Public Comments:

Richard Garrison, St. Augustine

Mr. Garrison stated that at the request of Douglas Porchelli, President of the Homeowners Association of Bridge Pointe at Jekyll Sound, he has been asked to read this letter dated May 21, 2013 addressed to Steve Howard, County Administrator, at 200 East Fourth Street, P.O. Box 99, Woodbine, GA. He stated that it regards Camden County claims against Bridge Pointe at Jekyll Sound Investments and its principles Williams, Potter and Martinez. He read "Dear Steve, As you know I am the president of the Bridge Point at Jekyll Sound Community Association Incorporated and

have communicated and met with you on a number of occasions in an attempt to get the County to do the right thing and complete the development of Bridge Pointe. It have become clear that you on behalf of..."

Chairman Keene interrupted and instructed Mr. Garrison to filter the letter because public comments do not include things directed to staff. The comments need to be directed to the Chairman and the Board. He stated that if the letter is to Mr. Howard it should be given to him and if there are defamatory remarks regarding Mr. Howard in the letter he cannot read those. He instructed Mr. Garrison that is he would like we include the letter in its entirety in the minutes.

Mr. Garrison stated that he is simply reading a letter as stated and if he would like it submitted without being read in public that is your decision. He stated that he cannot edit his words.

Mr. Garrison stated that Douglas Porcelli would like to request a written response in regards to the letter submitted.

Note: No letter was submitted to the County Clerk for inclusion in the minutes.

Mr. Garrison stated that yesterday was Memorial Day, a day in which we should honor those who served and those who made the ultimate sacrifice to secure for us the right to life, freedom and the pursuit of happiness. He stated that happiness is not a guarantee but freedom is an inalienable right providing an unencumbered pursuit of happiness. He stated that it indeed said that this commission has chosen to unconscionably place barriers to that pursuit. He stated that his name is Richard Garrison and his address should be 55 Sailors Wharf Drive, Bridge Pointe at Jekyll Sound, Dover Bluff Road, Waverly, Georgia.

Adjournment:

Commissioner Blount made a motion, seconded by Commissioner Clark to adjourn the May 28, 2013 meeting. The vote was unanimous to adjourn the meeting at 8:15 PM.



BY: _____
WILLIS R. KEENE, JR., CHAIRMAN
CAMDEN COUNTY BOARD OF COMMISSIONERS

ATTEST: _____
KATHRYN BISHOP, COUNTY CLERK