

**CAMDEN COUNTY, GEORGIA
BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
MARCH 22, 2011, 6:00 PM**

A regular meeting of the Camden County Board of County Commissioners was held at 6:00 p.m. on Tuesday, March 22, 2011, in the Board of County Commissioners' Meeting Chambers of the Government Services Building, Woodbine, Georgia.

Chair Rainer called the meeting to order at 6:00 p.m.

Interim Strategic Initiatives Director Adam Kabasakalian delivered the invocation.

Chair Rainer led the Pledge of Allegiance.

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

Agenda Amendments:

No agenda amendments were offered.

Motion to Adopt the Agenda:

Vice-Chair Keene made a motion, seconded by Commissioner Clark to approve the Agenda.

The motion carried unanimously.

Approval of Minutes

- March 8, 2011 Regular Meeting minutes

Vice-Chair Keene made a motion, seconded by Commissioner Clark to approve the March 8, 2011 Regular Meeting Minutes.

The motion carried unanimously.

Presentations

- Proclamation for National Crime Victim's Right's Week

County Clerk Katie Bishop read the Proclamation for National Crime Victim's Right's Week and Chair presented the Proclamation to Cynthia Hutchinson of the District Attorney's office.

- Coastal Disposal System Project

Ray Bodrey, Project Coordinator, University of Marine Extension Service, Water Quality Program gave the Board an overview of the Coastal Disposal System Project and explained some of the things going on in Camden County in relation to this program. He stated that they had just begun uploading GPS Coordinates into a database and the program was schedule to be completed by June 2012.

- Energy Efficiency Revolving Loan Fund

Darren Harper, Economic Development Director, City of Kingsland presented the Board with an overview of the Energy Efficiency Revolving Loan Fund. He explained that the City of Kingsland was approved for stimulus funds through a competitive grant and was the second highest ranking application out of the twenty-three (23) that were funded. He explained that this grant provided energy efficiency retrofits at many city and county buildings. He stated that the second component is a \$410,000 established fund, Energy Efficiency Revolving Loan Fund, to provide a low interest loan program.

Public Comments

No comments from the public were offered during this time.

Regular Agenda

1. Approval of Lease Agreement with the Camden County Department of Family and Children Services (DFACS).

Vice-Chair Keene made a motion, seconded by Commissioner Clark to approve the Lease Agreement with the Camden County Department of Family and Children Services (DFACS).

The motion carried unanimously.

Approval of ACCG Spring 2011 Internship Grant Program Sub-grant Agreement.

Commissioner Blount made a motion, seconded by Vice-Chair Keene to approve the ACCG Spring 2011 Internship Grant Program Sub-grant Agreement.

The motion carried unanimously.

3. Approval of Contract for Space on Radio Tower with Okefenokee Rural Electric Cooperative.

Vice-Chair Keene made a motion, seconded by Commissioner Blount to approve the Contract for Space on Radio Tower with Okefenokee Rural Electric Cooperative.

The motion carried unanimously.

4. Acceptance of Motorola Consolette XTL 5000 from Chatham County.

Commissioner Clark made a motion, seconded by Vice-Chair Keene to approve the acceptance of the Motorola Consolette XTL 5000 from Chatham County.

The motion carried unanimously.

5. Joint Resolution in support of the submission of an identified project meeting the adopted criteria for our region and performance goals and guiding principals of the Transportation Investment Act 2010, Kingsland By-Pass Phase I & II.

Vice-Chair Keene made a motion, seconded by Commissioner Clark to approve the Joint Resolution in support of the submission of an identified project meeting the adopted criteria for our region and performance goals and guiding principals of the Transportation Investment Act 2010, Kingsland By-Pass Phase I & II.

The motion carried unanimously.

6. Submission of Unconstrained Projects for Transportation Investment Act 2010 (House Bill 277).

Vice-Chair Keene made a motion, seconded by Commissioner Clark to approve the Submission of Unconstrained Projects for Transportation Investment Act 2010 (House Bill 277).

The motion carried unanimously.

7. Resolution to adopt the Joint Comprehensive Multi-Hazard Mitigation Plan Update as the official plan for Camden County.

Vice-Chair Keene made a motion, seconded by Commissioner Blount to approve the Resolution to adopt the Joint Comprehensive Multi-Hazard Mitigation Plan Update as the official plan for Camden County.

The motion carried unanimously.

Chair Rainer convened the Public Hearing at 6:29 PM

Planning and Development Director John Peterson gave the Board an introduction of Regular Agenda items 8, 9 &10.

Brown's Chapel Church is requesting; 1) a variance of Sec. 607(a)(2)b. states that Porous asphalt or concrete pavement approved by the Public Works Director and installed to the manufacture's specifications on a 95% compacted sub-base; 2) and Sec. 607(c)(6) that requires Curb and gutter of paved parking to meet County specifications. The property located at 332 New Post Road, White Oak, GA. and is shown on as Tax Map #037, Parcel #057. The property is zoned R-2 medium-density residential district with the Future Land Use shown as Public/Institutional.

STAFF ANALYSIS: Sun Coast Builders pulled the 1st Building Permits to renovate Brown's Chapel in August 2009. They requested just a few inspections before pouring a concrete parking lot, that was shown as unpaved on the Building Site Plans. Shortly after that the contractor left the job. The building permit expired, and was later reissued to W.H. Gross in October 2010, after they had worked closely with the Church leadership to redesign and shore up some deficiencies in the structure. The 1st contractor never submitted plans for a paved parking lot and did not submit required compaction tests prior to the concrete pour, the Public Works Director cannot verify that the sub-base meets the min. required minimum 95% proctor compaction; and the Fire Chief can, therefore, not certify that it meets the dimensional and load bearing requirements of the Fire Code. Sun Coast Builders also did not include the curb and gutter required in the UDC cited above, when they poured the parking lot. The Church is asking that the Board approve both variances, so that they will not have to take out the present concrete drive and parking lot that their 1st contractor poured, without prior approval, prior inspection, or prior test submittal.

Staff and Planning Commission recommend approval of the Variances as requested from the sub-base compaction requirements in *UDC Sec. 607(a)(2)b.* and from *UDC Sec. 607 (c)(6)* that requires parking lot curb and gutter for the existing concrete parking lot.

Hardship Variance Request - HV2011-1 - Raymond O. and Patricia Butts are requesting a Hardship Variance from a plat note requirement recorded on the original plat of the R. Brooke Subdivision on June 6, 1997 from Plat Note 1. D) Stating "lot sizes as shown, no further subdivision of these lots". The Plat note was one of several stipulations required by the Planning Commission recommendation for approval of a variance request made by the land owner and heard at the April 30, 1997 Planning Commission, and the May 28, 1997 Board of Commissioners meeting. The Butts property is located at 246 Sherard Lane, Woodbine, GA, on Tax Map #105, Parcel #010D

Staff and Planning Commission recommend approval of the Variance request to rescind the plat note 1.D) stating, "lot sizes as shown, no further subdivision of these lots" in order to allow division of the 3+ acre tract into two lots as requested by Patricia and Ray Butts and in accordance with Sec. 501. (b) (3) a. of the UDC.

- a. Proposed UDC amendment to change Sec. 208 (b) (2) c. to add the following underlined wording, to read as follows; c. Because accessory uses are recognized as such relative to the principal use of a property or building, a principal use must be located on a property for accessory uses to be allowed. Under unusual circumstances, construction or placement of an accessory use or structure prior to or in lieu of a principal use on a property may be approved only as a special exception variance under the provisions of Article 13 of this Development Code, except however, the Director may grant administrative site plan approval for the location of accessory structures on a parcel zoned A-F or A-R and meeting all UDC requirements. The site plan shall show the following at a minimum: proposed dwelling, proposed accessory structure(s), planted buffer between the adjacent dwellings or residential subdivisions or roadway, and

sewerage locations approved by Environmental Health.

- b. Proposed UDC Amendment to change Sec. 1303 (b) (11) to add the following underlined wording for clarity, to read as follows; (11) Construction or placement of an accessory use or structure prior to or in lieu of a principal use on a property. (see also Sec. 208 (b) (2) c. for exceptions.)
- c. Proposed UDC Amendment to change Sec. 205 Accessory Structure (b) (11) to add the following underlined wording for direction and clarity, to read as follows; Accessory structure means a structure having minimal value and used for parking, storage and other non-habitable uses, such as garages, carports, storage sheds, and including, in A-F and A-R Zoning districts, pole barns, hay sheds and the like. (See also the definition of "Structure" and Sec. 228 Summary table - Accessory Uses to an Agricultural Use).

Proposed Motion: Motion to approve the Variances as requested from the sub-base compaction requirements in UDC Sec. 607(a) (2) b. [that will not allow the Fire Chief to certify the load bearing requirements of, in UDC Sec. 607(c) (5)] and from UDC Sec. 607(c) (6) that requires curb and gutter meeting County Specs installed around the now existing parking lot.

Proposed Motion: Motion to recommend approval of the Variance request to rescind the plat note 1.D) stating, "lot sizes as shown, no further subdivision of these lots" in order to allow division of the 3+ acre tract into two lots as requested by Patricia and Ray Butts and in accordance with Sec. 501. (b) (3) a. of the UDC.

Proposed Motion: Motion to approve the proposed UDC amendments to Sec. 208. (2) c.; Sec. 1303. (b) (11); Sec. 205 - Accessory Structure as read and as shown.

Chair Rainer asked if there was anyone in the audience wishing to make a public comment.

Preston Rhodes, White Oak

Mr. Rhodes stated that he was present in support of the request by Brown's Chapel and urged the Board to grant the special exemption.

Raymond Butts, 246 Sherard Lane

Mr. Butts asked the Board if they had read his letter of intent and stated that he has no plans to build on the 1.5 acre spit if allowed at this time. He explained that he had gone through a lengthy process to have wetlands removed and when he retires he plans to build a small house on this property. He stated that a plat note was not placed on W.A. Sheffield's property when he divided and build Happy Hollow subdivision.

Lucky Roberson, 56 Sherard Lane

Mr. Roberson stated that he bought his property in 1999 and left some open in case his children want to build on it later. He explained the neighbors are good and allow them to use the dock and they should have rights to subdivide.

Attorney Stephen Kinney, Representing Ray & Ginger Luke

Attorney Kinney stated that a letter had been sent to the Board stating his client's opposition to allow Mr. Butts to subdivide. He stated that the inclusion of the plat note has now become a property right and placed restrictions on the plat. He stated that his clients claim there is no hardship to the applicant and upon acceptance of the deed and purchasing the property they accepted the plat note and therefore this is not a valid defense for a hardship. He stated that his clients claim material detriment if this item is approved by the Board.

Russell Brooke, Sherard Lane

Mr. Brooke explained that he was the original developer of this subdivision and at the time of approval was told that he could not divide the two (2) lots less than 2 acres at the time he went before the planning board for a variance. He stated that stipulations were the road would remain private and that the County would never accept the road. He stated that he is opposed to the hardship variance request, although he did not like it at the time he went along with it to get a variance.

Charles Casey, Sherard Lane

Mr. Casey stated that he is a wild card in this situation because he is in neither one of these subdivisions but he is the most exposed. He stated that he controls the water going through and there is a lake in this area. He stated that he is the newest resident and there is not a house out there less than 2,500 square feet. He compared the request of the hardship variance to Shadow lawn Subdivision where waterfront property was opened up to put whatever was wanted there.

Malcolm Whitely, Sherard Lane

Mr. Whitely stated that he purchased a lot in this area and was drawn by the generous lot sizes and low density housing. He stated that he was fully aware of the plat note restriction on his deed at the time of purchase.

Chair Rainer adjourned the Public Hearing at 7:13 PM.

8. Request for Special Exception Variance (#ZV2011-2) by representatives of Brown's Chapel for a variance of Sec. 607(a)(2)b. stating that Porous asphalt or concrete pavement approved by the Public Works Director and installed to the manufacturer's specifications on a 95% compacted sub-base; 2) and Sec. 607(c)(6) Curb and gutter meeting County specifications must be installed, for property located at 332 New Post Road, White Oak, GA on Tax Map #037, Parcel #057.

Commissioner Blount asked Planning Director John Peterson if there were any objections voiced regarding this request.

Planning and Development Director stated that there were no objections to the request.

Vice-Chair Keene made a motion, seconded by Commissioner Blount to approve the variances as requested from the sub-base compaction requirements in UDC Sec. 607(a)

County Specs installed around the now existing parking lot.

The motion carried unanimously.

9. Request for Hardship Variance Request (HV2011-1) by Raymond O. and Patricia Butts from a plat note requirement recorded on the original plat of the R. Brooke Subdivision on June 6, 1997 stating “no further subdivision of these lots”. This property is located at 246 Sherard Lane, Woodbine, GA, on Tax Map #105, Parcel #010D.

Commissioner Blount stated that the deed restrictive covenants were a condition of Planning and Zoning and the Board approved it at that time. He explained that he looked at this as a civil matter.

Commissioner Starline stated that he is a proponent of land owner’s rights and the subdivision was placed when the rules were different but he could not support this item due to restrictions of the plat note placed by a previous Board.

Commissioner Clark made a motion to approve the Variance request to rescind the plat note 1.D) stating, “lot sizes as shown, no further subdivision of these lots” in order to allow division of the 3+ acre tract into two lots as requested by Patricia and Ray Butts and in accordance with Sec. 501. (b) (3) a. of the UDC.

So Voted:

Chair Rainer - No

Vice-Chair Keene - yes

Commissioner Clark - yes

Commissioner Blount - **No**

Commissioner Starline - **No**

The motion failed 3-2.

10. Proposed Amendments to the following sections of Unified Development Code of Camden County (UDC): Sec. 208 (b) (2) c; Sec. 1303 (b) (11); Sec. 205 Accessory Structure (b) (11).

Commissioner Blount made a motion, seconded by Commissioner Keene to approve the proposed UDC amendments to Sec. 208. (2) c.; Sec. 1303. (b) (11); Sec. 205 - Accessory Structure as read and as shown.

The motion carried unanimously.

Reports

- Calendar - ***March & April 2011***

County Clerk Kathryn Bishop read the calendars for March & April 2011.

- County Administrator's Report

County Administrator Steve Howard stated that he had accepted the Camera Ready Community status from the Governor in Atlanta on Monday and it is on display in the lobby area.

He stated that Census results are in and the final count for Camden County is 50,513. City of Kingsland - 15,946, City of St. Marys - 17,121, City of Woodbine - 1,412 and the Unincorporated Area - 16,034. He explained that there will be impacts for going over the 50,000 mark.

Additional Public Comments:

Ray Butts, Sherard Lane

Mr. Butts stated that the County should have allowed him to subdivide his property and there are no covenants or restrictions in the subdivision besides the plat note on the deed. He stated that the people who spoke against his request have two (2) and one (1) acre lots.

Adjournment:

Commissioner Blount made a motion, seconded by Commissioner Clark to adjourn the March 22, 2011 meeting. The vote was unanimous to adjourn the meeting at 7:25 PM.

Respectfully submitted,

David L. Rainer, Chair

Kathryn A. Bishop, County Clerk