

**MINUTES  
WORTH COUNTY BOARD OF COMMISSIONER'S MEETING**

**Thursday April 16, 2009**

**7:00 P.M.**

The Worth County Board of Commissioners met in regular session on Thursday April 16, 2009 in the Commission Board Room, 3<sup>rd</sup> Floor Courthouse.

Chairman Matt Medders called the meeting to order at 7:00 P.M.

**Agenda Amendments were necessary as follows:**

**Under invited guest Ms. Paige Griffith called and re-scheduled for May 5, 2009.**

**Present at Roll call:** Commissioners Tony Hall, Fred Dent, Bettye Bozeman and Jerry Childree. Chairman Matt Medders, County Administrator Robert Zellner, County Clerk Deborah Robinson and County Attorney Clarence Miller.

**At 7:05 P.M. The meeting opened into a Public Hearing: Ms. Glenice King, Building & Zoning Administrator presented the following:**

First item for consideration was an application for "Ag to Ag Conditional Use for a Humane Society" from the Worth County Board of Commissioners in reference to County owned land on Ephesus Church Road.

There was no one present who wished to speak for or against this application.

Second item for consideration:

Mr. James Bowen application for re-zoning of property, 373.31 acres on Powerdam Road from R-1 to R-PUD & 3.0 acres from R-1 to C-PUD.

Ms. King showed site plans of Mr. Bowen's intentions for the property on Powerdam Road

The Board examined the plans.

Ms. King explained Robert & Company had recommended a denial of the application because Mr. Bowen had not submitted a pre-development plan, however, the planning commission recommended Mr. Bowen be allowed to pursue the zoning change before he incurred the expenses involved in a pre-development plan and stated that upon approval if

the Board of Commissioner's approved the zoning change then public hearings would be held in reference to the pre-development plan.

Mr. Bowen addressed the Board explaining in detail his intentions with the land on Powerdam road. Mr. Bowen informed the Board by complying with the density requirement he could actually build approximately 500 homes, however, he was only asking to build around 135. This would leave the majority of the land in its natural condition for use as common area. He also stated there were several large fields that he intended to continue to farm. Mr. Bowen informed the Board his plans for the three acres of commercial zoning was to have office space available for people and maybe a dry cleaners, these services would be available to the general population as the commercial area would not be part of the intended gated community.

There was some discussion in reference to this being in a flood plane.

Ms. King informed the Board if this property was in a flood plane the houses would have to be built per the Worth County Flood Plane Ordinance. Attorney Miller asked about septic issues. Mr. Bowen explained the soil was not wet land soil, it did perk. He also stated issues of that nature would fall under the Environmental Health Department Regulations. Attorney Miller asked if this was a re-charge area and also stated we have a density regulation of one dwelling per five acres. Ms. King explained the difference between a sub development and a pud is the pud development only has a three acre density requirement and you can do a cluster of homes in a re-charge area. Attorney Miller stated you cannot have more in a pud just because it's a pud and not a subdivision; the density is what you have to look at. Ms. King stated her information stated different. Attorney Miller stated this was totally inconsistent and not enforceable. Mr. Miller stated the density requirements on a re-charge area are the same for a PUD as they are for a sub-division. Attorney Miller stated he was also wondering why the County had previously adopted a 100ft set back for the conservation of the river and would now consider giving that up and allow some one to build within 25ft of it, this did not sound like a very good choice to him. Ms. King explained this is a variance Mr. Bowen was going to ask for later and in the ordinance it does say exceptions may be granted by the Board of Commissioners. Mr. Miller stated he thought this affected the whole proposal. Mr. Miller stated it sounded like Robert & Company had a very good point when they recommended a denial because of the preliminary pre-development plan being non-existent. That is what you pay them a consultant's fee for stated Attorney Miller.

Chairman Medders thanked Mr. Bowen.

At 7:30 P.M. The public hearing closed and the regular meeting continued.

Commissioner Dent motioned to approve the "Conditional Use" of property on Ephesus Church Road for the Humane Society. Commissioner Hall seconded. Motion carried with YES votes from all.

Commissioner Bozeman motioned to change the R-1 zoning on Powerdam Road to R-PUD and C-PUD as long as the density requirements are met. Commissioner Childree seconded.

Discussion: Commissioner Dent stated the only question on his mind was in reference to the density requirement and that should definitely be looked into.

Motion carried with YES votes from all.

**Approval of minutes: April 7, 2009**

Commissioner Bozeman motioned to approve the minutes of April 7, 2009. Commissioner Dent seconded. Motion carried with YES votes from all.

**Invited Guest: Robert Still.**

Mr. Still informed the Board the lake at the back of his property in the "Triple Lakes Subdivision" had overflowed and flooded his property during the severe rain in Worth County over the past couple of weeks. He explained there is a drain from the lake going out on to County Line Road but in his opinion it is just a trickle of water going through there. Mr. Still asked what could be done in reference to getting this checked to see if it is draining properly or if in fact there is a problem with it. Ms. Bozeman explained the Corp of Engineers are in Worth County they are looking at the issues the City of Sylvester has with flooding and as soon as they finish with the City they are going to look at places in the County. Mr. Still asked if it was possible to have another drain from the lake going out on to Henry Road. Ms Bozeman asked where he suggests another drain should go. Mr. Still stated through other peoples property. Ms. Bozeman informed Mr. Still she had explained to him in earlier conversations that the County cannot just go on to private property. Ms. Bozeman informed Mr. Still he would have to speak with his neighbors in order to do something like that. Mr. Still asked if they could have dirt hauled in and placed in such a way to prevent the water from flooding over onto their property in the future. Ms. Bozeman responded telling Mr. Still he could have dirt brought in. Mr. Childree stated as long as it did not change the natural flow of the water. Mr. Still stated he just wanted to bring these questions before the Commissioners to see what if anything could be done. Ms. Bozeman

ended by saying when its private property the County is limited to what they can do it's up to the property owner to do what is necessary.

Ms. Bozeman informed Mr. Still she had something for him. Mr. Still stated if it was a bill he did not want it. Ms. Bozeman stated that is exactly what it is.

The County Clerk handed the document from Ms. Bozeman to Mr. Still.

## **Reports from Attorney, Administrator, Commissioners, Department Heads & Committees:**

### **Attorney Miller:**

Mr. Miller informed the Board he had received a fax from the EDA mentioning a proposed contract between the EDA and the County in reference to the EDA leasing the Old Post Office indefinitely from the County. Also mentioned in the fax was something referencing the County would allow the EDA to spend the SPLOST money as they saw fit in reference to the renovations of the building.

Discussion between the Board resulted in none of the Commissioners knowing anything about this matter.

Attorney Miller informed the Board he would be leaving at about 5:00 A.M. in the morning going to Atlanta to attempt to mediate on the EEOC complaint filed by Ms. Carla Miller.

Attorney Miller stated this concluded his reports to the Board.

### **County Administrator, Robert Zellner.**

Mr. Zellner mentioned the request from Mr. Rusty Harris of the County Extension Service Office in reference to use of land at the Landfill for a "firing range". Mr. Zellner stated he had told Mr. Harris he would bring the matter before the Board to see if any of them had any objections.

Mr. Zellner explained to the Board he had attended a meeting earlier today in Camilla about a program available to bring "Wireless Broad Band" to the whole County. He explained it is a 21 County consortium that would like to try to get a \$50,000,000 grant from the stimulus package. He explained there is already money obligated to match the Federal money so it should not cost any of the Counties any additional money, however, we should be looking at an intergovernmental agreement with all the Counties in order to participate. Mr. Zellner explained how several Counties already have the towers up and are ready to go on line. He stated we would eventually tie in to these towers. Attorney Miller asked if would have the

capability to service the school system. Mr. Zellner said absolutely, that it is intended for School Systems, Public Safety, Public Service, Health Care, Consumers and Economic Development. That it would also service agricultural pivots. Commissioner Dent asked how many towers it would take for Worth County. Mr. Zellner did not know at this time. Mr. Zellner informed the Board as far as residential service around \$30 a month had been mentioned as a reasonable figure and compared to an air card which cost about \$50 a month it would be very competitive. Mr. Zellner stated he would be attending more meetings about this project.

### **Chairman's Report:**

Chairman Medders informed everyone he had received a call from the Governor's office stating that HB 686 for the Board of Elections should be signed no later than Monday April 20, 2009.

### **Commissioner Hall – District 1**

Commissioner Hall stated he did not have anything to report.

### **Commissioner Dent – District 2**

Commissioner Dent mentioned he had intended to ask the Board to approve the purchase of a low boy trailer with a tractor that he had seen for sale at a very reasonable price which was greatly needed in the public works department; however, it had already been sold. Mr. Dent stated he would continue to look for another.

Mr. Dent asked Attorney Miller if he had sent the letter previously discussed to Mr. Alan Davis. Mr. Miller said it was ready to go but had not made today's mail.

### **Commissioner Bozeman – District 3**

Ms. Bozeman allocated her time to Ms. Ginny Pike, Coordinator for Worth County Family connections.

Ms. Pike handed out a Program & Activity sheet explaining what Worth County Family Connection provides. Ms. Pike stated how appreciative they are because the County puts the money up front for them and gets reimbursed later. Ms. Pike explained her main reason for coming to address the Board was in reference to a program through Rural Smiles Dental Clinic; Ms. Pike explained that Worth County had been included in a Four County Grant that was written by the Family Connection Office in Ashburn. She explained that so far they had sent 145 Worth County Citizens to the dentist and most of them went more than one time.

Ms. Pike explained those 145 people had no dental insurance and that in Worth County there are not any dentists who will accept Medicaid or indigent care. Ms. Pike explained the clinic is now at the end of the grant and they do have some monies left. She explained how some time back Mr. Brian Marlowe had written a grant to purchase dental equipment, the dental equipment was given to the County after the Family Connections had disbanded and the County had agreed for Rural Smiles Dental Clinic in Ashburn to use the equipment rather than it just sit in storage. Ms. Pike presented two appraisals on the dental equipment, one had been done by Atlanta Dental of Atlanta Georgia and the other had been done by Michael F. Dent, DMD on behalf of Rural Smiles Clinic. Ms. Pike was requesting the Board of Commissioners approve for Rural Smiles Clinic to purchase the equipment and also for the money to go to the Family Connections Department as this would be of great help to them due to recent budget cuts. Ms. Pike informed the Board the School System normally provides the food for the "Summer Meals Program" however, this year they had cut that out of their budget and Ms. Pike stated they would be able to use some of the \$9605.00 for that. Ms. Pike also explained there are time frames to be met in the spending of this grant money that is left over and would greatly appreciate an answer to her request right away.

There were no questions from the Board.

Commissioner Bozeman motioned to accept the appraisal from Atlanta Dental in the amount of \$9,605.00 and also to transfer the money into the Family Connections Account. Commissioner Hall seconded. Motion carried with YES votes from all.

Ms. Bozeman informed the board she had spoken with GEMA earlier today and had requested 20 dump trucks for hauling dirt. Ms. Bozeman explained after some negotiating on the number we will be getting 4 dump trucks plus drivers hauling dirt on Monday morning.

#### **Commissioner Childree - District 4**

Mr. Childree informed the Board that someone was working on Carlton Road for Lonnie Blalock and asked if we could send some one down there to stake it off so he knew where the line was going to go they would put up a fence. Mr. Zellner informed Mr. Childree he spoke with Mr. Moree and Clay Smith and the two are going to get together and show him where the line is. Mr. Childree recommended pulling the survey because there had been some talk about measuring from the middle of the road and his opinion was they would not let the road go any closer to the pond. Mr. Childree thought most of the land was probably going to have to come from Lonnie's side. Ms. Bozeman stated John Merritt could look at

the survey and explain to them what the stations mean and where the line is at. Mr. Childree asked if there was any news from the D.O.T. Mr. Zellner stated he has an appointment with Mr. Sheffield next week, Clay Smith is going with him. Mr. Zellner said Mr. Sheffield knows that he wants to discuss the funding for our road projects and also Camp Osborn Road which he was carrying pictures of with him. Mr. Childree's final comment was in reference to Evergreen Road, he informed the Board that it was not holding up very good at all.

Commissioner Dent commented about the roads that had been done with triple surface treatment. Mr. Dent stated maybe we should insist, even on the LARP projects; even if we have to pay the difference that we get asphalt. Mr. Zellner stated the last time he spoke with Jeff Bridges with the Georgia D.O.T. in reference to Evergreen Road he indicated the State was going to triple surface treatments on all road surfaces. Mr. Zellner stated he would convey the Boards desire to pay the difference and use asphalt. Mr. Dent stated when you are paving a secondary road Triple Surface is a good way to go but we just have not had any luck with using triple surface for re-surfacing.

**Consent Docket:** No items for consideration

**Action Docket:** Marilyn Mims, Animal Control Officer:

Ms. Mims requested to surplus the old computer in her office. Computer information as follows: Monitor Serial # DELL 5322DBZUM

Tower Serial # 13XWG

Keyboard Serial # GYUR43SK

Commissioner Bozeman motioned to approve surplus of the above items. Commissioner Childree seconded. Motion carried with all YES votes.

Tabetha DuPriest, Tax Commissioner.

Requesting approval of the 2007-08 Tax Digest for the month of March Property in the amount of \$11,128.95 and the E&R's for the month of March 2009 on M/H in the amount of \$2,125.49.

Commissioner Bozeman motioned to approve. Commissioner Childree seconded.

Motion carried with all YES votes.

## **Unfinished Business:**

Rachel Willis request to close a portion of CR 65 Souter Road.

Commissioner Dent stated this project has been active for quite some time and he has discussed it with all the property owners. He stated he had been out there on more than one occasion to look at the road and other members of the Board had as well. He stated it is basically a field road and serves no useful purpose. Mr. Dent stated he had come up with what he thought would be a give and take solution.

Commissioner Dent motioned as follows:

Close the road from Shingler Little River Road down to the back side of the Souter property. The portion going to the end of the Souter property to be maintained as a County Road and the balance of the road to be maintained as an easement so if the people had to have a way to get out they can go out that way.

Commissioner Bozeman seconded.

**Discussion:** Mr. Childree stated he was not familiar with the road. Ms. Bozeman showed Mr. Childree on the map enclosed in the agenda package which portion of the road was going to be maintained as an easement.

Attorney Miller stated he what gathered from the motion Mr. Dent made is that the County just cease to maintain that portion, but the public maintain ingress and egress for necessity purposes. In other words you are not abandoning the road as such the County is just ceasing to maintain a portion of it. Mr. Miller suggested a sign stating "Emergency Use Only" put up at the end of the portion.

Motion carried with YES votes from all.

There was no Personnel Considerations:

There was no further business:

Commissioner Childree motioned to adjourn. Commissioner Hall seconded:

**Discussion:**

Attorney Miller asked if everyone had received the message from the Sylvester Local News informing them of what the law is about adjourning a meeting and then going into an "Executive Session". The Board acknowledged they had received the message.

**With no further discussion the motion to adjourn carried with YES votes from all at 8:15 P.M.**

County Clerk

Chairman

Deborah Robinson

Matt Medders