

Minutes of Public Hearing
Elbert County Board of Commissioners
Monday, April 12, 2021

Conditional Use Request by Verizon Wireless for a permit to construct a cell tower at 924 Elbert Street Extension. Proposed tower is scheduled for 179 feet and our airport zoning regulations allow a tower only 150 feet at this location. Mr. Bill Daughtry, County Attorney, stated that as discussed at the work session, the way the Zoning Ordinance is drafted, the final decision is made by Planning and Zoning and no Public Hearing is necessary.

Conditional Use Request from Holly Hardin to allow more than one (1) camper on property located at 3563 Ernest Brown Road. Property is zoned Agricultural. Applicant is requesting three (3) campers on this location. Holly Hardin and several members of her family were in attendance. She stated they applied for a "Conditional Use" permit on the land before they closed on the property. She also stated that number two (2) of the conditional use permit states that campers can only be used for family use; no rental sites allowed. She reiterated that there will be no rental sites on this property; it is strictly for their family's use and enjoyment.

Billy Mitchell, owner of property on Owens Road, and one (1) of about twenty (20) petitioners stated their concern is that no one knows who will be in and out of property that it looked like more of a "hunting club". He and other neighbors are concerned that it will turn into something other than just a family get-away.

Chairman Vaughn commented that it looked like the petition was signed due to a misunderstanding and asked Allen Hulme, Code Enforcement officer if this could be tabled until later; Mrs. Hardin stated they wanted an answer one way or another so they would know how to proceed.

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Chairman Lee Vaughn called the meeting to order. Present were Chairman Vaughn, Vice Chairman Kenneth Ashworth, Commissioner Chris Alexander, Commissioner Casey Freeman, Jr., Commissioner Freddie Jones, County Administrator Bob Thomas, County Attorney Bill Daughtry, County Clerk Tamara Butler and CFO Phil Pitts. Commissioner Horace Harper was absent.

After the pledge to the United States flag the invocation was given by Commissioner Ashworth

Adoption of the Agenda. Chairman Vaughn asked for a motion to remove items six (6) and seven (7) from the agenda and add 5a) Discussion and approval to allow Bob Thomas and Bill Daughtry to purchase mobile homes at the tax-sale in May up to \$5000; and 5b) Discussion and approval for Hazard Pay to Public Service Personnel up to \$115,000 when COVID funds come in and 13b) Executive Session for litigation. Commissioner Freeman made a motion approve the agenda as amended. Commissioner Alexander seconded the motion. The motion passed 4-0.

Adoption of the Minutes of March 8, 2021. Commissioner Alexander made a motion to approve the minutes as read. Commissioner Ashworth seconded the motion. The motion passed 4-0.

Request from Susan Cox to request that Welcome Church Road not allow trucks over 6 wheels and to lower the speed limit on the road to 45 MPH. Ms. Cox stated that trucks are using this road as a cut-through; and is not wide enough to accommodate them. She provided photos showing the condition the road is in. Mr. Thomas stated signs are up for “No Thru Trucks over 6 wheels” but, in order to change the speed limit, an ETI study would have to be done and sent to the state.

Discussion and approval to allow Bob Thomas and Bill Daughtry to purchase property at the tax sale. Commissioner Freeman made a motion to authorize Bob Thomas and Bill Daughtry to bid up to \$5000 on mobile homes at the tax sale on the first Tuesday in May. Commissioner Jones seconded the motion. The motion passed 4-0.

Discussion and approval for Hazard Pay to Public Service Personnel. Commissioner Alexander made a motion to approve paying Hazard Pay to Public Service Personnel of up to \$115,000 from COVID funds. Commissioner Ashworth seconded the motion. The motion passed 4-0

Request from Ben Maxwell to appeal the decision by the Elbert County Code Enforcement office for issuing a “Cease and Desist” Notice for a “Commercial Recreational Outdoor Activity” located on property owned by Mr. Maxwell on Quill Road. This type of use is only allowed as a Conditional Use Permit as defined by Section 6.04.01 of the Elbert County Zoning Ordinance. Section 12.07.01 of the Zoning Ordinance allows the appeal of the Code Enforcement office decision to the Board of Commission. **This item was removed.**

Discussion and approval of the request from Verizon Wireless for a Conditional Use Permit to construct a cell tower up to 179 feet at 924 Elbert Street Extension. The Planning Commission recommended approval of this request. **This item was removed as discussed at the Public Hearing.**

Discussion and approval of the Conditional Use Request by Holly Hardin to allow 3 campers on the property located at 3563 Ernest Brown Road. The property is zoned as Agricultural. The Planning Commission recommended to deny this application. Chairman Vaughn asked for a motion to approve this application. The item died for lack of a motion.

First Reading of an Ordinance that authorizes the County, by and through the Tax Commissioner, to conduct Judicial in Rem Tax Foreclosures for properties in Elbert County. Mr. Daughtry stated the Tax Commissioner shall have the authority to proceed with judicial in rem tax foreclosures relating to delinquent ad valorem property taxes and the decision of when to proceed with judicial in rem tax foreclosures shall be made by the Tax Commissioner and the County Attorney based on the size of the indebtedness due to the Tax Commissioner, the number of years in arrears, and any other lawful factor determined by the Tax Commissioner and the County Attorney. This is for First Reading only; no vote is required.

Discussion and approval of bids for paving portions of Pulliam Hill Road, Nickville Road, and Welcome Church Road. This will be our second paving of roads utilizing the TSPLOST funds which were approved by referendum. Bids were sent out and three (3) bids were returned with Garrett Paving turning in the lowest bid of \$852,644.80. As discussed, we will widen Nickville and Pulliam Mill Roads ourselves at an

estimate of around \$100,000. Commissioner Freeman made a motion to approve the low bid from Garrett Paving. Commissioner Jones seconded the motion. The motion passed 4-0.

Discussion and approval to purchase 22 AED medical devices to upgrade all departments devices. This is for replacement of the ones currently at the stations now, which are outdated, and some are not in working order. Mr. Thomas stated that the 22 AED devices from ZOLL Medical Supplies would be \$30,365.56; and would be paid from the COVID funds. Commissioner Alexander made a motion to approve the purchase; Commissioner Freeman seconded the motion. The motion passed 4-0.

Discussion and approval of surplus items from the Fire Department. Mr. Thomas stated three (3) truck from the Fire Department would be added to surplus; one of the trucks would have a reserve. Commissioner Alexander made a motion to approve the trucks for surplus. Commissioner Ashworth seconded the motion. The motion passed 4-0.

Finance Report. Mr. Pitts stated we are in good shape with the budget and expenditures thru March. Drug Fund has a significant balance and Mr. Pitts would like to talk to the Sheriff to see what areas that money could benefit.

Public Comments. Mrs. Hardin asked for guidelines to appeal their conditional use request.

Executive Session. Commissioner Freeman made a motion to enter Executive Session for litigation. Commissioner Alexander seconded. The motion passed 4-0.

Before entering Executive Session, Chairman Vaughn made an announcement that Mr. Thomas would be retiring after many years of service to the county. He will work through the budget process and then the position would be open for applications.

After returning, Commissioner Freeman made a motion to enter General Session and Commissioner Alexander seconded; the motion passed 4-0.

Chairman Vaughn stated no action was taken.

Adjournment. Commissioner Ashworth made a motion to adjourn. Commissioner Alexander seconded. The motion passed 4-0.