

PICKENS COUNTY PLANNING COMMISSION

February 11, 2019

Chairman Cagle called the Pickens County Planning Commission to order at 6:00 p.m.

I. ATTENDANCE

Members of the Pickens County Planning Commission in attendance were:

Bill Cagle
Jim Fowler
Pat Holmes
Clayton Preble
Harold Hensley
Maurice Hendrix

County Staff in attendance:

Rodney Buckingham – Interim Planning & Development Director
Marcia Garrett-Secretary
Phil Landrum – County Attorney

Others in attendance:

Dan Pool – Progress
Mari Livsey - KnowPickens.com
David Shouse
Larry Brown
Johnathon Woodward
Tony Young

II. INVOCATION AND PLEDGE OF ALLEGIANCE

III. MINUTES

A motion was made by Commissioner Pat Holmes, seconded by Commissioner Maurice Hendrix, to adopt the minutes of the January 14, 2019, meeting as written. Members voted unanimously 5 (yes) to 0 (no) to approve the minutes as written.

IV. OLD BUSINESS

None.

V. NEW BUSINESS

A. Appeal of Issuance of Building Permit Numbers 16538 & 16539

David Shouse stated he has property tied up next to the county road department property located on Camp Road east of Hwy 515. Mr. Shouse stated he wanted to make a public address of what's going on at the county property and what it's possibly cost the county and himself monetarily. Mr. Shouse stated it has jeopardized his plans for purchasing and developing the adjacent property. Mr. Shouse had visited the county to talk with officials about his desire to develop the property and was informed of setbacks and the need to get a building permit. Mr. Shouse stated that he noticed a pole barn being

built on November 19, 2018, while surveying the property. He stated the pole barn was being built inside the setbacks and requested his attorney to file an open records request on November 26, 2019. After receiving the open records request, he filed an appeal of the building permits, 16538 & 16538, stating they had been built illegally and unpermitted with the building permits issued same day as the open records request. He stated he had lost potential contracts solely due to aesthetics. Mr. Shouse did not think the appeal could move forward due to pole barn moved but wanted to show the image being projected.

On behalf of the county, County Attorney Phil Landrum, requested the appeal be dismissed for three (3) reasons: Standing, Mootness, and Jurisdiction.

1. Standing - Mr. Shouse as he does not own the property contiguous to this and he does not have standing as a citizen of the county nor as owner of the contiguous property to pursue the appeal.
2. Mootness - As Mr. Shouse has said the pole barn has been moved. I would like to correct something in record in his initial appeal he states that there were 2 permits. One is for the pouring of a concrete slab and the other for construction of a pole barn. The concrete slab was never poured contiguous to his property and was poured 20 yards up the hill away from his property line. The concrete slab was poured for the salt brining operation. The poles for the pole barn were set in place, and once we were notified that the poles were in violation of the setbacks, the county had Amicalola, who initially set the poles, come back and relocate them. This took a month or more to get them moved due to it raining a tremendous amount of time in December resulting in storm damage that Amicalola also had some storm damage they had to take care of and that obviously took priority over this job. So with regard to the requirement that is why we say we go with mootness.
3. Jurisdiction – With regard to jurisdiction, the county does not have to issue the county a building permit. There is something called sovereign immunity where the county cannot do any wrong. The reason why we issue building permits is for three (3) reasons:
 - A. Convenience for internal record keeping creating a database for insurance purposes and to ensure that all the county buildings were covered by insurance.
 - B. Convenience for A.E. M.C. that the county issue a permit in this situation to connect power. We do not have to issue a permit but with Amicalola a permit is required for electrical only and that permit has information on it for Amicalola and a permit is required for everyone else requiring electrical only hookup. It is more of a convenience with Amicalola that we issue a permit for electrical.
 - C. Also, a jurisdictional requirement, and also, a mootness issue in that the property is inside the city limits of Jasper and Attorney Landrum has a tax record that is to be included in the record. The county does not have jurisdiction to issue any permit within the city limits of Jasper and the reason why permits were issued is for the county's internal record keeping. For inclusion in the record, a tax map indicating the property is within the city limits of Jasper printed out by Rodney Buckingham, a letter from the City of Jasper stating they do not require a building permit from state, federal or local entities and pictures taken on January 10th that show the

relocation of the poles and showing they are well within the setback areas.

County Attorney Landrum requests the Board to dismiss the appeal of both building permits for reasons stated above.

Clayton Preble made a motion, seconded by Pat Holmes, to accept the recommendation of the county attorney and everything he stated therein to approve the dismissal the appeal. The Planning Commission voted 5 (yes) (Clayton Preble, Pat Holmes, Jim Fowler, Harold Hensley and Maurice Hendrix) to 0 (no) to approve the recommendation as presented. Unanimous approval.

VI. BOARD COMMENTS

None

VII. PUBLIC COMMENTS

David Shouse stated he thought the board made the right decision and the pole barn was moved. He understands sovereign immunity and it was not anything against the county. Whether it is a city or county, they should still respect what is being projected against another person's property. The reason he has not closed on property is it was contingent on the pole barn being moved and a utility easement that had to be moved but is moving forward with his project. But main concern is whether city or county should not be able to detract from adjacent property's value.

VIII. ADJOURNMENT

Motion made by Commissioner Jim Fowler, seconded by Commissioner Harold Hensley, to adjourn the meeting at 6:07 p.m. Unanimous approval 5 (yes) to 0 (no).