

The Brooks County Board of Commissioners met for its Monthly Workshop and Regular Monthly Meeting on Monday, October 6, 2014 at 5:00 p.m. in the Commissioners Meeting Room located at the Brooks County Office Building. Commissioners present were: Mr. S. L. Jones, Chairman; Ms. Myra Exum, Vice Chairman; Mr. James Maxwell; Mr. Willie Cody, and Mr. Joe Wingate. Others present were: Mr. Justin DeVane, County Administrator; Ms. Patricia Williams, County Clerk; Mr. Vann Parrott, County Attorney; and various residents.

**PUBLIC HEARING** – SIGN-IN SHEET PROVIDED

**A. River Bend Plantation – Road Closure Request – Lee Road** – During the September regular meeting, the Board approved to proceed with the road closing process for Lee Road, per a request from Attorney William P. Langdale, Jr., representative for River Bend Plantation, Inc. and Samuel B. Kellett. The Board was asked to consider formally abandoning Lee Road in south Brooks County between U.S. Highway 333 (Madison Highway) and Cooley Road (CR 84). A traffic study on Lee Road was provided by Genesis Group. Certified letters were sent to adjacent property owners and an advertisement was ran in the Free Press for a Public Hearing to be held prior to the October 6<sup>th</sup> regular meeting.

Mr. Langdale spoke on behalf of River Bend Plantation stating they are in support of the closing; and that Lee Road does not serve a purpose, no homes on the road; only one land owner; and there are alternate routes that can be taken. The traffic study provided by Genesis determined that an average of only 1.5 vehicles use the road per day. Which it is clear the road is seldom used. Mr. Kellett commented to the Board that he does not want the opposition to think he is gaining something for nothing, he wants to be fair.

Mr. Jerry Bass spoke in opposition of the Lee Road closing. He stated he did a traffic count and his resulted in an average of seven (7) cars per day travelled the road. Some of the residents could not be there; but provided letters stating their opposition that Mr. Bass read.

**PUBLIC HEARING** – SIGN-IN SHEET PROVIDED

**B. Zoning Ordinance for Family Cemeteries** – Administration received a proposed draft ordinance for Family Cemeteries in Brooks County prepared by Southern Georgia Regional Commission; and presented by Todd Miller. The ordinance was reviewed by Brooks County Planning and Zoning Commission. The County has recently received several requests to develop family burial plots on small, agricultural properties, which is allowed in the AG zoning district by Special Exception. Several of the requests have been approved, but there remains concern regarding the recording and maintenance of the burial plots. The following regulations have been developed, and are proposed for inclusion in the Brooks County Zoning Ordinance: definitions for Family Cemetery,

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Burial Plot and Interment. Regulations also provide zoning and site location requirements, as well as a requirement to record, dedicate such family burial plots,

requirements for minimum size, fencing, signage and maintenance of proposed burial plots.

**C. Special Exception Request – Johnny Spencer, Sr. – Family Cemetery** – Building & Zoning Office received a Petition by Johnny Spencer, Sr. for a Special Exception to establish a family cemetery plot on a 15.76 acre parcel of property located at 1048 Hassell Road in the unincorporated area of Brooks County near Quitman. SGRC recommended approval to the Brooks County Planning Commission with the following additional conditions being met.

- Provide a survey map drawn by a licensed surveyor indicating:
  - a. Location and name of cemetery
  - b. Minimum 20' access easement between the cemetery and the nearest public right-of-way
- Prior to any interments, file and record the survey with the Brooks County Clerk of Superior Court.

County Engineer recommended to include no grave shall be no closer than 50 feet from centerline of any road.

**WORK SESSION – 5:59 p.m.**

Chairman called workshop to order.

**Reports from Committees/Departments**

**A. Public Works** – Glenn Walker, Road Superintendent, reported on work completed for month of September:

- 86 calls, 23 work orders received,
- John Deere Excavator drive motor needs repair.

**B. Ben DeVane – County Engineer**

- CDBG is complete a month ahead of time, final request for payment has been submitted, and cost came under \$7,000 of the bid.
- Completed SAP for 2015, 10 sections of road.
- Met with Road Superintendent at Son Wright Road, looked and analyzed drain analysis of DOT. Road needs to be built up so water can go thru to prevent a wash out. Will require four 60 inch RCP pipe and 3 feet of fill dirt.

**C. Tom Fields – Brooks County Fire Department** – No report.

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**D. Stephanie Hollifield – Extension Office** – Carol Smith, 4-H, presented each Board member with an appreciation gift for assistance and support of 4-H. Ms. Hollifield presented a newsletter, Brooks County Ag Connection, outlining UGA events, activities and calendar. Brooks County is a member of Georgia Grown. Brooks County Extension

will host Georgia Clean Day this year. Ms. Hollifield asked Board permission to place a 4-H flag on the flag pole under the American Flag, Board approved. November 1, 2014 is the annual gun raffle held by 4-H.

**E. Destination Brooks – Skillet Festival** – Andrea DeSantiago provided update on Skillet Festival to be held October 18, 2014 from 9 a.m. to 3 p.m. at the Courthouse Square. A positive response to applications has been received, thus far, 50/60 applications accepted and most have been approved. Ms. DeSantiago thanked the Board for use of Courthouse.

Mr. Cody made a motion; Mr. Maxwell seconded, to close work session and go into the Regular Meeting at 6:25 p.m.

**1. Call to Order**

**A. Prayer & Pledge** – Mr. Cody led all in attendance in prayer and pledge of allegiance.

**2. Approval of Agenda**

**A.** October 6, 2014 Regular Monthly Meeting – Mr. Maxwell made the motion to approve the agenda, Mr. Cody seconded. Vote was unanimous.

**3. Approval of Minutes**

On a motion by Mr. Wingate, seconded by Ms. Exum; the Board unanimously approved the following minutes as presented:

- |   |                    |
|---|--------------------|
| A. Monthly Workshop & Regular Monthly Meeting | September 8, 2014  |
| B. Work Session & Special Called Meeting      | September 15, 2014 |

**4. Appearances**

**B. Quitman Church of God- Property Tax Amendment** – Administration received a Request from Rev. Gwin Jarriel representing the Quitman Church of God requesting the Board to amend the 2013 tax return on their facility on 1405 East Screven Street to provide taxes due. Tax Assessors' Office levies taxes on properties each year based upon the current use as of January 1. The Church began using the facility after January 1; and is requesting the Board to provide relief in this matter. The Assessors' Office has processed the appeal internally and it has ran its course in that office. County Attorney emphasized to the Board they can only correct if taxes were paid in error; Board does not have authority to relieve the Church of the tax debt for 2013. The Church has

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completed proper paperwork to receive exemption for 2014. After discussion, and recommendation by County Attorney, there was no action taken on this item.

**5. New Business**

**A. Abandonment of Lee Road** – Ms. Exum made the motion to table the abandonment for further review and to check into information presented; Mr. Wingate seconded. Chairman called for the vote. Mr. Maxwell, Mr. Cody, and Mr. Jones opposed to table the issue. Ms. Exum and Mr. Wingate were in favor of the tabling. Vote was three to two. After further discussion, Mr. Maxwell made a motion to approve the request of Attorney Billy Langdale, on behalf of River Bend Plantation, to abandon Lee Road, Mr. Cody seconded. Chairman called for the vote. Mr. Maxwell, Ms. Exum, and Mr. Cody were in favor. Ms. Exum state she would vote yes with given information since motion to table was denied. Due to the motion passing with three votes; Mr. Wingate abstained. Vote was three to zero.

**B. Zoning Ordinance for Family Cemeteries-** Mr. Todd Miller, SGRC, presented the proposed draft, after discussion and review; modification was needed. Board asked Mr. Miller to make changes and bring back to Board for review. Mr. Maxwell made the motion to table the Ordinance for modifications, Mr. Wingate seconded. Vote was unanimous.

**C. Special Exception Request – Johnny Spencer, Jr. – Family Cemetery** – On motion by Mr. Cody, seconded by Mr. Maxwell, Board unanimously approved the Special Exception request of Mr. Johnny Spencer, Jr. to establish a family cemetery on a 15.76 acre parcel of property located at 1048 Hassell Road, Quitman, GA 31643, subject to the following conditions.

- Provide a survey map drawn by a licensed surveyor indicating:
  - a. Location and name of cemetery
  - b. Minimum 20' access easement between the cemetery and the nearest public right-of-way
- Prior to any interments, file and record the survey with the Brooks County Clerk of Superior Court.

**D. Special Request – Horse Creek Winery** –Request was received from Horse Creek Winery to sell wine and provide taste tasting at the 2014 Skillet Festival. Because the Skillet Festival is held on County Property, the Board must approve the request to allow wine on the property. The Board has been approving the request annually. On the motion made by Mr. Cody, seconded by Mr. Wingate the Board approved Horse Creek Winery to sell wine and provide taste testing on the Courthouse grounds for the 2014 Skillet Festival to be held October 18, 2014. Vote was unanimous.

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**E. Request for Sound Variance – Kenny Baker/Annual Bubba Run** – Mr. Baker is requesting a variance to the County's Sound Ordinance on November 8, 2014 until 2 a.m. for the 10<sup>th</sup> Annual Bubba Run Fundraiser to benefit the Georgia Sheriff's Boys Ranch located at 8262 Troupeville Road. Mr. Cody made the motion, Ms. Exum seconded, to approve the sound variance request by Kenny Baker to the County's Sound Ordinance on November 8<sup>th</sup> until 2 a.m. for 10<sup>th</sup> Annual Bubba Run. Vote was unanimous.

**F. Re-appointment to Tax Assessors' Board – Mr. Dan Graham** – Mr. Graham's term expires December 31, 2014; and he has expressed an interest in serving another term. Mr. Wingate made the motion to re-appoint Mr. Graham to serve on the Tax Assessors' Board for a three-year term beginning January 1, 2015 until December 31, 2017. Vote was unanimous.

**G. Replacement of HVAC Unit at Jail** – Administration asked the Board to approve a new air condition unit to be installed at the Jail by J & J Heating and Air for \$5,220.00. the intake area of the Brooks County Jail's A/C unit was hit by lightning. J & J inspected the unit and determined it would be in the best interest to replace the unit, due to age. The information was submitted to the County's property insurance, who denied replacing the unit, but agreed to repair for \$2,900.00. Due to the County's deductible being most of the \$2,900.00, Administration elected to let J&J proceed with the repair, when repair began, additional issues were found; and it was recommended a replacement be performed. Once again, this was submitted to insurance provider, an HVAC investigator spoke with J&J, and again recommended procedures for repair. Administration does not believe those steps would be in the best interest of the County. On a motion by Mr. Maxwell, the Board unanimously approved the replacement of HVAC unit at Jail by J&J Heating and Air in the amount of \$5,200.00 to come from contingency, Mr. Cody seconded.

**H. Domestic Violence Awareness Proclamation** – Brooks County Victim Witness Office, Ms. Peggy Wilson, requested the Board's consideration of a proclamation to declare October as Domestic Violence Awareness Month in Brooks County. Ms. Exum made the motion for Chairman's signature to approve, declare October as Domestic Violence Awareness month in Brooks County, Mr. Cody seconded. Vote was unanimous.

## **6. Unfinished Business**

**A. Clifford Ivory – Compensation for Damages** – Administration received a request from Mr. Clifford Ivory concerning issues with his well. Mr. Ivory claims that the Brooks County Road Department caused flooding on the adjacent property that backed up onto his property and contaminated his fresh water well that provides water to his residence. This occurred in May, however, contaminates are still showing up in the

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water. Administration has contact a private, third party water sampler to verify the findings. It is unclear, however, as to why contaminates remain in the well at this time. The well is at least 40 years old, and could possibly have a cracked well casting that is drawing in groundwater from the nearby low land swamp as oppose to the aquifer. Mr. Ivory is requesting that the County replace his well, priced at \$5,000.

County Attorney commented to the Board, it is not known what the problem is, or if flooding caused it. He does not see where the County is responsible for digging a new

well; and cannot use public funds to go on private property. Therefore, on the motion made by Ms. Exum, seconded by Mr. Cody, the Board denied the claim of Clifford Ivory for damages and to replace the well for \$5,000.00. Chairman called for the vote. Vote was four to one. Mr. Jones, Ms. Exum, Mr. Cody, and Mr. Wingate voted in favor. Mr. Maxwell opposed.

**7. County Administrator Notes/Comments**

**A. Annual Area Officials Appreciation Dinner** – An invitation was received for the Annual Area Officials Appreciation Dinner for October 30, 2014 at Dinnerman's Farm located at 7051 Antioch Road, Adel, GA.

**B. FY 2015 CDBG Application Period** – Department of Community Affairs will be accepting applications for its Annual Competition for 2015 Community Development Block Grant (CDBG) on April 1, 2015, and now is the time to begin planning.

The Board skipped Commissioners Notes/Comments to go into an Executive Session to accommodate Mr. Cody's request to leave early. Mr. Maxwell made the motion, seconded by Ms. Exum, at 7:19 p.m.

On a motion by Ms. Exum, the Board went out of Executive Session and returned to the regular meeting at 7:26 p.m., Mr. Maxwell seconded.

**8. Commissioners Notes/Comments**

**A. Joe Wingate - District 1** – Commented on the setting up a protocol for public hearings for road abandonments. Administration stated the office was following guidelines provided; but could be handled different if Board chooses.

**B. S. L. Jones, District 2** – Commented on improving Cooley Road with funds from Mr. Sam Kellet as a result of right-of-way related to closing Lee Road.

**C. Willie Cody, District 3** – Not present, had to leave to attend another event.

**D. Myra Exum, District 4** – No comments.

**E. James Maxwell, District 5** – No comments.

**9. Executive Session – Pending Litigation**

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**10. Adjournment**

Ms. Exum made a motion to adjourn regular meeting at 7:39 p.m.; Mr. Maxwell seconded.

Ms. Sanford L. Jones, Jr., Chairman

Mr. Justin DeVane, Administrator

Ms. Patricia A. Williams, Clerk

