

LAMAR COUNTY BOARD OF COMMISSIONERS
Special Called Meeting Minutes
July 13th, 2017
6:00 P.M.

I. Call to Order

The meeting was called to order at 6:00 p.m. on July 13th, 2017. Present for the meeting were Chairman Glass, Vice-Chairman Horton, Commissioner Heiney, Commissioner Traylor, Commissioner Thrash, County Administrator Zellner, County Clerk Davidson and County Attorney Mayfield.

II. Agenda Approval

Commissioner Thrash made a motion to approve the agenda as presented. Commissioner Traylor seconded the motion. The motion passed unanimously.

III. Descendent Comments-Ms. Cynthia Wadsworth

Ms. Cynthia Wadsworth addressed the board and brought her cousin Mike Ross with her. Ms. Wadsworth stated that she is from Clay County and is a direct descendant of those buried in the cemetery. Ms. Wadsworth said, "It is difficult to look at these people because it is kind of like a judge giving you the opportunity to speak to those that are going to harm your family. As you know the Wadsworth family was going to file a lawsuit and we held off. It's right here. We didn't file it because we want to give you a chance to do the right thing. We want to give you a chance to understand you're wrong in your permit process. In being wrong, you can be sued. Let me start about by saying that in your permit you filed what laws you are following and you also stated in that permit that the local county officials could approve this permit. That is not true. You misled the public because as you know the State law that follows what you said clearly states that a municipality or a city has to go through the Superior Court. You don't have the right and the City doesn't have the right to go through the County. The City is letting the County run it like a Beauty Contest and government is not set up that way. That's my first thing I want to call you out on. You are going by the wrong law. Number two, the deed in the permit, clearly shows that it belongs to the City of Barnesville and you didn't follow the requirements as far as notifying the family. There is very little evidence the City tried to find the descendants in the cemetery. I find it odd that you focused on The Wadsworth family and the nicknames given to me from ancestry.com and findagrave is the biggest joke and even though Mr. Roberts said that he worked with findagrave.com they didn't even join findagrave until after the June 20th meeting. So, you are saying on June 20th you had dotted all of your I's and crossed your T's and were ready to proceed. Mr. Roberts didn't tell the truth because they were not even on findagrave." Chairman Glass directed Mrs. Wadsworth to direct all comments to him. Ms. Wadsworth replied, "To you, ok." Ms. Wadsworth said, "To me you have all willing and wantonly with malice and bad faith and disregard to Georgia law tried to push this permit through. Again, the Wadsworth family is giving you a chance to correct this. This permit is

under the jurisdiction of the Superior Court and it is not under the jurisdiction of the County Commissioners. Also, the fact that I haven't met a single descendent that was notified through the City. Everyone I have talked to, and I can supply an affidavit, says that I wasn't notified. I was notified by a citizen who just happened to go looking for a Wadsworth and found me. Again, I live in Clay County Georgia and have only been back in the south for a few years. So again, no attempt to locate the descendants, in my opinion. The other thing that bothers me is that it is known that there are African Americans descendants buried in the cemetery and it was noted in 1997, Tim Turner talked about it. Shanna English talked about it. Suddenly in 2017, they have disappeared. They didn't bring it up until I talked about it and again you only have until June 20th. Anything that you have done beyond that that doesn't count. Do you understand that? June 20th you were ready to vote. It upsets me that you didn't reach out and find those African American families. Many of them have the last name of Jones. I don't know of anyone with the name Wadsworth. Some have the name of Smith and you didn't do any research to find these families. None. Next, you were told by me, that there was a strong Indian history in this cemetery. On your survey, it clearly shows an Agriculture Terrace under the cemetery. The family has long laughed about the cemetery being placed on top of an Indian Mound. When I was there with my dad, back in the 1960's, there were always big pieces of pottery and that Indian Pottery had a real fine line drawn to the back and from what my dad taught me that was from the Swift Creek and Lower Creek Indian Tribes. My dad also wrote that there were Cumbies buried there. These were Cumbie Indians. Sure enough after a little research, Mike is a descendent from the Buffington Family and there were two Buffington sisters. They each married a Cumbie in 1832 in Pike County. The Buffington's were said to be Cherokees from South Carolina but I don't know if this is true. The Cumbies were Lower Creek or Lumbee Indians. Did you make any attempt to reach out to the Indian Tribes? No. Even though you had that history on your survey you didn't do anything. Even though you had notification from me. There is a strong probability that there are Indians buried in the cemetery. The mass grave was embraced in 1997 and Shanna English and Tim Turner was proud of that history. Now, it has become a question of there's a tale. No, it's well documented. You know the people you hired, I am not sure what they look at as research but they didn't even go by what the guy had in 1997. He had two really good references but there is a lot of references out there for that cemetery. If you know some Civil War history they try to have a scribe at all graves, especially when there is multiple people being buried. There was a scribe at that mass grave. It is noted as the Wadsworth Farm, that these men were buried on the Wadsworth Farm and the woman that died. Per my dad, there were 2 union soldiers buried there and the way they were buried was standing up and they wanted the graves to look like children's graves because The Union had a history of coming back and digging up their men three or four years after the war and they took them back. There is some interesting research out there where the Union came back and looked for an Officer Long and the guy that they talked to really grilled him. He had to sign an affidavit saying that he didn't know that his body died in the back of a wagon. These men were taken, and they tried to get the injured men to the hospital. There is no way they took the men to Barnesville. They had every

wagon tied up with the injured. To say that the men might be buried in Barnesville like in 1997. There is something wrong here. That history is known a long time. It was embraced in 1997. Ms. Wood with Southern Historical, went to the trouble to tell me that my father made up history and my family made up history but my father was a well-known historian and wouldn't do that. In my opinion, you have knowingly been malice and all participated all for just trying to push a permit that doesn't even follow the law because it is not being overseen by Superior Court. Again, we did not file this lawsuit because we want to give you a chance to do it right and say you made a mistake. There is something here and people are giving up their integrity, for something as I have seen with multiple people, they must be so desperate. This is a desecration to my family cemetery. This is my family cemetery. In April 2017, Mr. Roberts admitted he ordered the city workers to come in with their city trucks and rode all over the graves. In April of 2017, they noted where graves were with those little orange flags. They rode those big city trucks on top of those graves and cut the trees back to tall stumps. That is desecration. That is desecration. There is case law that shows that that is desecration. You go take a look at the Georgia Power Company. They had to have a permit to cut the trees but there was no permit to change the cemetery and drive trucks all over the graves. Especially after you know where they were. It's hard for me to even talk about that. There is an arborist from the Governor's Mansion, who is willing to testify. It made him sick. Also, in a report from Southern Historical they listed that there were artifacts." Mike Ross interjected that it was a canister shot. Ms. Wadsworth continued by saying, "They didn't have a permit to remove anything from my family cemetery. This is desecration and they didn't have a permit to do that. There are children in this cemetery and Southern Historical and other groups have said that you cannot find children graves with radar. When I was younger there were more children's graves than there were adults. But what are you going to do? Right now you are saying that each adult is going to be put into something this size. (Ms. Wadsworth held up a box that was 2ft x 1ft x 1ft.) Is this what you are going to put them in or are you going to use something smaller? What do you do when you get somebody that has a long bone are you going to break it to get into this little box. That's all they get people or something smaller than that. Children won't be found and you will miss them. You will find them when you push them over the edge with a bulldozer. You will say you have everyone dug up and when you push that bulldozer you will see those little children's graves. Right over the side. There are so many others out there, there are African American children, White children, Indian children and I don't know how many of you have had to bury a child. It is the biggest heartbreak you will ever experience. To stand there and watch your child being buried. I have been there. And if someone came to me and said we are going to have to dig up your son, Chase, and we don't know quite where we are going to move him but we are going to put him in this little box, I cannot tell you what I would do to you. It would be very difficult for me. I speak for those parents who had to stand there like me and look at their child being buried before them. There was a high death rate back then, a high mortality rate of children back then. I will stand here and say no you don't dig up children or you don't dig up the adults either because this is where they wanted to be. You don't desecrate a family cemetery. And the trees, now are down to

stumps. I know we are going to lose some. I have lost a tree or two but there is no excuse for the number of trees that are missing? And in 1997 they clearly identified there were headstones. Now who owned this property since 1997? The City of Barnesville. The City of Barnesville owned it so, where did the stuff go? I'd like the City to tell me where these thing went. In 1992, when I visited the cemetery there was still clusters of families and there was still wrought iron around those families. There is a mention of that in 1997 but it's gone. There were rail road tracks in 1997 but it's gone. Where did they go? That is desecration. It was on the City of Barnesville's property. I have heard the story that you shouldn't have to use the private tax payer dollar to clean up the cemetery. In 1997, you were offered by the Sons of Confederacy by private citizens to clean up the cemetery. I can have an affidavit where my family called Pike and Lamar County to ask who owned the cemetery and we were always told, "We don't know." My dad even said, I'm dying and this is the last headstone I'm putting in this place. My nephew, we will all write affidavits because this is what we were told. In 1992, I went across the street and asked if I could go up there. For me too, the memories of me, as a child with my dad, the trees were big and shady and cool. It wasn't all grown up. When you have trees, they layer their leaves on the ground and you didn't have a lot of grass it was a beautiful place and very peaceful. But the City of Barnesville has destroyed it. We didn't file the lawsuit and we are asking for you to admit that you did the wrong thing. You went through the wrong process with this permit. It's illegal. It did not follow the law. It should be supervised by the Superior Court. We asked for you to work with us on fixing those graves. But you destroyed them. I don't know of anything that can be done with the trees other than plant other ones and they may come back in time but we are not having shade anytime soon. That is desecration. You have a choice to do the right thing or face a lawsuit. It's that simple. I'm Cynthia Wadsworth and I'm going to turn this over to Mike."

Mike Ross of 386 Ingram Road said, I don't want my name associated with Barnesville. I love my Commissioners and I love the job you do and you do what you got to do and I will do what I got to do. My County Board of Commissioners have been bamboozled by the City of Barnesville. I don't want my people, your people Mr. Bennie, Mr. Traylor, sons of the confederate veterans, to be used as back filled on that project out there. There are ways around it. There were ways around it in 1997 and there are ways around it today. Like I said, I think you all have been bamboozled."

In conclusion, Ms. Wadsworth held up the box for the audience to see and said this is where they are going to put each person. The audience clapped.

Commissioner Thrash addressed the City of Barnesville representatives and wanted to know what cut and fill meant and what are the plans for the facility? City Manager Roberts answered and said that cut and fill is when you balance a site. You balance a field so that you don't have to haul it to a construction site. Commissioner Thrash inquired about plans for the site such as road improvements or rail road improvements. City Manager Roberts said that any construction site requires engineering and design. They have done preliminary engineering work on that site. In working with the latest prospect, they have a chance to build and there is 500,000 square feet

needed and there is no way to adjust that building and turn it in such a way that it will not impact the cemetery. This is what brought them to this point. They have tried to market the property for 21 years without success. They tried to develop the property without having an adverse effect. Commissioner Thrash asked if there is a written agreement with anyone or with a person or entity to locate to this property. City Manager Roberts answered with a no. City Manager Roberts said a lot of details have to be worked out with this process before this is resolved. Commissioner Thrash said that what the city is asking for in this permit for the people in this cemetery is for someone to be dug up and relocated on something that may or may not happen. City Manager Roberts didn't understand if this was a statement or a question and Commissioner Thrash repeated herself in question format. Commissioner Thrash asked, "The City is asking the County to approve a permit to dig up bodies that are in a grave and re-locate them on something that may or may not happen?" City Manager Roberts said that the property is in an industrial zoning area adjacent with other industries and the synergy associated with this property is adjacent to the industry. This is the largest parcel we have for economic development and yes it will be developed. They do not have a contract but given the opportunity the site will be developed.

Commissioner Heiney asked, "When the City bought the property were you aware that there was a historical grave there?" City Manager Roberts said, "Yes, we were aware and we developed a plan in 1996 and 1997. Twenty one years later we haven't been successful."

Commissioner Traylor said that he had received a lot of information, emails and phone calls from various people in the community. Commissioner Traylor said, "Could you elaborate about the quit deed and the monetary purchase being greater than a dollar and the change of hands over the course of the last years and what the property was used for?" City Manager Roberts spoke off the top of his head and said, "The chain of ownership was transferred out the Wadsworth family in 1898 and sold 9 times prior to the City's acquisition. The City bought it from the children of Mr. Graham and Mr. Gordy who had it for more than a decade. Upon their passing, it went to their children. Prior to that, J.R. Smith owned it and he bought it sometime in the 1940's. It was sold to Gordy and Graham in the 1950's. When J.R. Smith bought the property he acquired a number of parcels along with it. The property was divided in the will of Archibald Wadsworth. It ended up being 102 to 104 acres and J.R. Smith put the parcel back together and it ended up being 136 acres. It was originally in the Wadsworth family. They picked up a 1 acre parcel where the Straus Ville School used to be. When we bought it there was 136 acres and the City of Barnesville sold approximately 15 acres to Georgia Chips along with another parcel and they also sold them an additional 15 acres in the late 1970's early 1980's." Chairman Glass asked about the parcel price and City Manager Roberts stated that it was acquired for \$285,000.00 for 136 acres. City Manager Roberts stated that there is some explanation to the misunderstanding because the Tax Assessors website shows that it is not taxable property because it is owned by local government so there is some information that is not correct as to what we purchased.

Commissioner Thrash said, "In my opinion, the real issue with this is, discussing and dealing with human remains is how we engage in our own humanity. To me, exhuming the dead is an act of desecration. The worst that comes to my mind is respect and decency. The people are being treated as if they never existed. These people, there is significant history here and by your own admission in the application and right here there are pages and pages of history that you presented to us. So what message are we sending here when we vote? These people were buried with love and dignity by those who loved them the most. What gives anybody the right to dig them up and place their skeletons on display? For what, false promises and businesses who have no intentions of coming here. The phrase "Laid to Rest" to me implies just that. It should not be disturbed. Again, by the research that was presented to us in this there are Civil War heroes buried in that cemetery. We already have such a disgusting lack of respect for our Veterans now here we are right here in Lamar County saying that we are going to dig up these Civil War Veterans. In today's world, everything has become offensive. So how far will we go back before everything in our world in history is offensive? Yet moving the dead from their resting place just seems to be okay, just sign on the dotted line. Just o.k. this permit. I think we have plenty of other suitable places in this county that we can consider."

Commissioner Heiney said, "I personally support moving the Wadsworth Cemetery to the Greenwood Cemetery however, this issue is not about me, it is about the descendants and about those buried in the Wadsworth Cemetery, about the family members and about the constitutes. You know the Georgia DNR and the Georgia Cemetery laws suggest that we strongly think through this before making a decision. I would like to cite three codes: 36-72-1 Paragraph A, I suggest that we should think this through, Georgia Code 36-72-3, again I suggest that we think this through, Georgia Code 36-72-8; 1,2,5, I suggest that we put the brakes on and think this through. I have heard from many constitutes in my district who are opposed to moving the cemetery. Some have even begged me to vote against it. And I say, you shouldn't have to beg because after all, we are elected officials. If you have to beg, why even have an election. My feeling is as a Commissioner, I don't have a crown on my head. While I personally don't have a problem with moving the graves my constituents do. My feeling is that we should re-consider this and give it some thought."

Commissioner Traylor said, "I was the complete opposite with this and I was against approving the permit and I called the people in my district and surprisingly the majority of the people I talked to were the complete opposite. They said Ryan, we have lived in this community for years and we have had talks with 1-75 coming through town and we have had talks with Walmart coming and they asked me personally, Ryan if you were buried out there, and your grandkids were making this decision, right now, would I prefer that my grandkids leave me there as opposed to taking the opportunity for the community to grow. I know that a couple of you heard me make comments about my family and my cemetery plot and my great great grandfather on Hwy 74. When they widened Hwy 74 going down towards Culloden and the cemetery had to be moved back. My family just recently came down for a family reunion and we had

family members from all over the country to come to Barnesville. They came through Barnesville and went out to Culloden. I didn't know anything about finding graves or ancestry.com but there was actually some white people that showed up at our family reunion through ancestry.com and they found out they were related to our family and they did a DNA test and found out and it was received well. They had a big tour bus that come down and we didn't even know they were going to the cemetery and they were going to the family farm on the other side of Culloden and they popped up at the cemetery. The first picture on Facebook was that of my great great grandfather's gravesite. I showed my Mom the picture and the first thing she said was "I wished I had known they were going, I would have changed out the flowers". The comments that I heard was how well the cemetery was kept up. How people from Ohio hadn't been down here in 30 to 40 years and couldn't believe how well that cemetery had been taken care of and it sits right beside a highway. I cut grass out there one time and I know that another gentleman that used to be a part of the church there has cut grass there too. When I started looking at this, it started to change my own perspective because it has been desecrated. I would prefer to be at Greenwood Cemetery and somewhere where there is honor and respect. I didn't think that way at the last meeting. After talking to some people in my district and hearing some of their comments and recently going to that family reunion I have to say it has definitely made me think about this more."

Vice-Chairman Horton said, "I have been quite with this and I shared earlier that I heard as a Commissioner that they said one day I may want your job. Regardless, of the way that I vote someone will be happy and someone will be sad. Commissioner Horton read a letter from someone that he knows. "If we as a community continue to block progress, then the only thing Barnesville-Lamar County will be suitable for is the dead. Our community is struggling and dying. Businesses are struggling. Families are struggling. Industry brings jobs. Jobs keep people here. Industry adds to our tax base. This means more money for our schools. I hear so much negativity about taxes, but when you have something that can help alleviate some of the burden, it's an issue. Communities around us are growing by leaps and bounds but Barnesville-Lamar County is stuck. It's the same mentality that blocked I-75 many years ago, the Walmart a few years ago, and countless other opportunities. Do you realize how hard it is to attract and keep teachers here? A high school staff member that resigned recently said that coming to Lamar County was like stepping back into the 1950's. That's a sad sentiment about our community. How many of you even knew the cemetery was there? How many of you went out to maintain the graves? What difference does it make to move these long-deceased bodies a few miles to a maintained cemetery? I just think that our mentality is backwards here. We care more about the dead than the living, especially our children. We need to move forward or continue to get left in the dust as usual." Vice-Chairman Horton said, "I have the utmost respect for the dead and if it was me personally, if I was out there and a person of color or as slave under the circumstances from what I have heard and seen and read and the decision was made that soldiers were out there, and even giving them a ceremony through town, the decision to maintain, if this is done,

that they will be represented and the grave will be up kept more better than they have been in the past. If I was out there, I would prefer to be moved to Greenwood Cemetery.”

Chairman Glass said, “I believe the City has the right to seek a permit and that we are the approving authority for the City.” He said that they could not find any case laws to confirm or deny this but I believe the way the law is written that we are the correct governing authority to receive the permit and consider. Commissioner Thrash stated her opinion about having the right to request to be moved. But I think this law gives us the right, the Georgia law. I have to remember that when I took this office I took an oath to uphold the Georgia Constitution and the laws in the State of Georgia and do what I felt is best for the constituents of Lamar County. I am considering all that have learned and all that I know and thinking toward the future I think that I agree with some case law that was cited before in Hughes versus Cobb County. The relocation in this case is to preserve rather than destroy the cultural heritage of the county and the cemetery.” As Commissioner Horton was saying, they will probably be better off for us as current citizens and for future generations to have these remains at Greenwood Cemetery rather than at Wadsworth Cemetery as they are now.”

Chairman Glass called for a vote to approve the Burial Disturbance Application. Vice-Chairman Horton made a motion to approve the Burial Disturbance Application and Commissioner Traylor seconded the motion. Commissioner Thrash and Commissioner Heiney opposed the Burial Disturbance Application. The vote was 2-2. Chairman Glass broke the tie and voted to approve the Burial Disturbance Application. The vote was 3-2 in approval of the Burial Disturbance Application.

Round Table

Commissioner Traylor said, “Although the decision has been made and there will be fall out that will come from either decision. I speak from the heart like I did before. God will tell you, God can testify that my prayers over the last week have really been about this meeting and I have spent more times on my knees praying about this particular decision and this situation. Again, I do appreciate all of you guys coming out and I appreciate the emails, the letter and the phone calls because again I would have been disappointed had no one showed up to support or to oppose it regardless. This shows a community that does care. So by you guys being here and by you taking the time to send the emails and make the phone calls and do the research it shows that you care about our community. I do appreciate that.”

Commissioner Heiney made a motion to adjourn the Special Called Meeting at approximately 6:45 p.m. and Vice-Chairman Horton seconded the motion. The motion passed unanimously.

THE LAMAR COUNTY BOARD OF COMMISSIONERS

Charles Glass, Chairman

Van Baker, Vice-Chairman

Bennie Horton, Commissioner

Robert Heiney, Commissioner

Nancy M. Thrash, Commissioner

Attest: _____ Carlette Davidson, County Clerk