

Lamar County Board of Commissioners
Regular Business Meeting
October 15, 2024
7:00 PM

1. Call to Order

The meeting was called to order by Chairman Traylor at 7:00 PM.

2. Pledge of Allegiance

Chairman Traylor led the Pledge of Allegiance.

3. Invocation

Pastor Blackmon of Sardis Missionary Baptist Church

4. Approval of Agenda

Commissioner Fletcher made a motion to approve the agenda. Commissioner Fletcher seconded the motion. The motion passed unanimously.

5. Approval of Minutes

- August 6, 2024, Public Hearing (9:00 a.m.)
- August 6, 2024, Mid-Year Review (6:00 p.m.)
- August 13, 2024, Public Hearing (9:00 a.m.)
- August 13, 2024, Special Called Meeting (9:30 a.m.)
- September 12, 2024, Workshop Meeting Minutes
- September 17, 2024, Public Hearing
- September 17, 2024, Regular Business Meeting
- September 25, 2024, Special Called Meeting
- September 26, 2024, Special Called Meeting Minutes

Commissioner Lovett made a motion to approve the minutes. Commissioner Fletcher seconded the motion. The motion passed unanimously.

6. Old Business

None

7. New Business

8. Ordinance 2024-10: Rezoning Application – Legacy 75, LLC

Planning and Community Development Director Buice addressed the board with a recap of the Legacy 75, LLC zoning application. It is to rezone over 1000 acres along I-75 to a mixture of manufacturing and commercial uses. The application originally included residential and a Rock Quarry and both have been removed from the application. There have been two public hearings and a Q&A for the application due to the size of the project. The Joint Planning Commission recommended approval with stipulations.

Per the request of Commissioner Lovett Planning and Community Development Director Buice addressed the outlined stipulations and what was proposed by the Joint Planning Commission.

Along the property borders of the application there are a handful of single family homes, a church and a cemetery that share property lines. Recommendation is a 100 ft buffer around the homes, church and the cemetery with a fence and a ditch berm to divert any extra storm water from coming on to these properties.

The Lamar County code is 10 ft. but the standard for the last few years for other manufacturing property has been 50 ft. Also recommended was a 100 ft. building setback from High Falls Road and High Falls Park Road. Lamar County code is 100 ft. from the centerline. For example, if the road has a right of way of 80 ft., that is 40 ft. from the center line to the property line, so really that is 60 ft. from a property line to the front of the building. It is drafted as a 75 ft. building setback is recommended for High Falls Road and High Falls Park Road and a 50 ft. building setback from I-75, which would be around 150 ft. from the pavement of I-75. They have recommend that storm water ponds be constructed by 25% over what the engineering calls for and for there to be a testing mechanism for pollutants be in place after construction. They recommended the 18 acres that touches High Falls Lake be left undeveloped and protected. There is also no access from the High Falls Legacy property onto Norris or Unionville Road.

Commissioner Lovett addressed the retention pond. Traditionally a retention pond is built but there is a request for an additional retention pond. If they sell the property does the retention pond and the maintenance of the retention pond become the responsibility of the new owner. Planning and Community Development Director Buice stated that it would.

Planning and Community Development Director Buice said there were also stipulations concerning life safety codes recommended by the Fire Chief that are included in the draft. The normal stream buffer is 25 ft. and they requesting that it be 50 ft. on either side of a perennial stream on the property.

Commissioner Lovett asked if there was a mechanism that could be put in place where if they sell one of the buildings they could put in place a requirement for a maintenance agreement for the retention ponds. Planning and Community Development Director Buice said there would be. Commissioner Lovett clarified that a maintenance agreement for the retention ponds could be part of the certificate of license as the buildings are sold. Planning and Community Development Director Buice stated that it could be.

Commissioner Thrash inquired about the water test for pollutants. Planning and Community Development Director Buice said they felt that afterwards they wanted to make sure that the water was as contaminate free from pollutants as possible.

Commissioner Lovett noted he was a making a motion so he could get to discussion. Commissioner Lovett made a motion to rezone parcel 086 002, 28.58 acres from Commercial 2 to Manufacturing 2. Commissioner Fletcher seconded the motion. Vice-Chair Gilles said she was upset that they received the packet about the conditions. She said it was a huge project and she believes everyone is trying to work together. She appreciated the developers taking out some of the things for the community. She appreciated the community for voicing their concerns. Vice-Gilles made a motion to table the motion made by Commissioner Lovett. Commissioner Thrash seconded the motion. Commissioner Lovett and Commissioner Fletcher opposed the motion. Chairman Traylor approved the motion. The motion passed 3-2. Chairman Traylor requested to have a Special Called meeting within the next 14 days.

Vice-Chair Gilles made a motion to table the zoning for the following parcels. Commissioner Thrash seconded the motion. Commissioner Lovett and Commissioner Fletcher denied the motion. Chairman Traylor approved the motion to table the following zoning. The motion to table the zoning passed 3-2.

For parcel 086 007, 95.51 acres from Manufacturing 2 with conditions to Manufacturing 2 with conditions

For parcel 086 008, 125.49 acres, from Manufacturing 2 with conditions to Manufacturing 2 with conditions

For parcel 087 002, 144.92 acres from Agriculture-Residential to Manufacturing 2

For parcel 087 005, 98.15 acres from Agriculture-Residential to Manufacturing 2

For parcel 087 004, 79.9 acres from Agriculture-Residential to Manufacturing 2

For parcel 088 005, approximately 149 acres from Agriculture-Residential to Manufacturing 2 and approximately 9 acres from Agriculture-Residential to Highway Commercial

For parcel 087 008, approximately 63 acres located on the west side of I-75 from Agricultural-Residential to Manufacturing 2

For parcel 087 003, approximately 191 acres from Highway Commercial to Manufacturing 2

Commissioner Lovett called for a motion to set a date and time for the Special Called meeting. Commissioner Fletcher seconded the motion. Commissioner Lovett made a motion to set the Special Called meeting for October 24th, 2024 at 7:00 p.m. Commissioner Lovett seconded the motion. The motion passed unanimously.

9. First Reading of Ordinance 2024-11: Animal Control Ordinance

Planning and Community Development Director Buice explained the First Reading of Ordinance 2024-11. The construction of the Lamar County Animal Shelter is expected to be completed by the end of this year. With the new facility, it was a great opportunity to review the current animal control ordinance for any updates as necessary. This Animal Control Ordinance aligned with state codes and ordinances from other counties and cities. The ordinance is designed to follow state law, particularly in relation to dangerous and vicious dogs, and it provides clearer definitions for terms like "adequate care" and "shelter." This is a first reader and there are paper copies for anyone interested. It is on the County website for the next month and all feedback is welcomed. A public hearing is scheduled for the November meeting. While there are grammatical and formatting issues in the current draft, these will be corrected for the second reading. If no major changes are suggested, the second reader will be held in November. However, if significant revisions are required, the second reading may be moved to December.

Commissioner Thrash made a motion to approve the First Reading of Ordinance 2024-11-Animal Control Ordinance. Commissioner Lovett seconded the motion. The motion passed unanimously.

10. New Fire Truck Equipment Purchase

Commissioner Thrash made a motion to approve a bid from Fireline Engine Equipment for two new fire trucks. The funds will come from SPLOST IV. The equipment cost is \$73,404.00 with additional other equipment cost for \$57,131.93 for a total cost of \$130,625.93. Commissioner Lovett seconded the motion. The motion passed unanimously.

11. SPLOST III Project Completion

Commissioner Lovett made a motion to close out the Special Local Option sales tax from 2018 moving the remaining interest of \$1.88 into the General Fund. Commissioner Lovett seconded the motion. The motion passed unanimously.

12. Solid Waste Authority (SWA): Legal Opinion on Documents

Vice-Chair Gilles expressed the need for legal opinion before signing documents she has received from the Solid Waste Authority (SWA).

Commissioner Lovett made a motion that Lamar County provide funds necessary for Commissioner Ashley Gilles to obtain independent legal council in matters concerning the Lamar County Regional Solid Waste Authority". Commissioner Fletcher seconded the motion. Commissioner Thrash said that this is an open ended request, and if it is \$150,000.00 that is charge to give recommendation on signing documents and asked if it mattered how much it was. Commissioner Thrash said in the past when they approved attorneys for Vice-Chair Gilles and Commissioner Lovett they set a dollar amount. Commissioner Lovett opted not to amend his motion to include a set dollar amount. Commissioner Fletcher seconded the motion. Commissioner Gilles abstained from the motion. The motion passed 2-1. Commissioner Thrash noted for the record that she did not believe that this board had any authority for an up or down vote on this.

13. Solid Waste Authority (SWA): Engineering Audit and Review

Conflict Attorney Amy Cowan addressed the board. Ms. Cowan said in terms of an update on an engineering inspection of the Solid Waste Authority specifically the facility involved with the Waste to Energy Project she has since requested that and gone back and forth with the attorney for the Solid Waste Authority. Ms. Cowan said it has turned into a letter writing campaign answering questions where the Solid Waste Authority has requested additional information. There is an interesting sort of scenario given the lack of information the County has about the Solid Waste Authority. Ms. Cowan said she thinks they are at point where they seriously need to consider the next steps. There has not been an ought right refusal but it has not gone much of anywhere. Ms. Cowan said the last interaction she had was today to continue to answer some questions about what they are looking for. She said the Solid Waste Authority has been provided the information about the engineer and what is specifically requested along with dates and availability. Ms. Cowan said she has offered phone calls to discuss to pass the letters but she has not received any response to that. The Board of Commissioners will need to make a decision whether that be legal action or some other type of force.

14. Solid Waste Authority (SWA): Board Appointment

Commissioner Lovett stated that over the past six month, the primary stumbling block in obtaining an open and transparent engineering review of the Lamar County Regional Sold Waste Authority's Waste to Fuel Project has been, and continues to be, this Boards appointment of Commissioner Thrash as one of our representatives to the Solid Waste Authority Board. As the Authority's Chairperson, Commissioner Thrash has failed to perform her assigned task in a timely fashion. Therefore, I make the motion that Commissioner Thrash be removed for "just cause" from the Solid Waste Authority Board effective

immediately. Vice-Chair Gilles seconded the motion. Commissioner Thrash noted for the record that this board has no authority to do this. Commissioner Thrash opposed the motion. The motion carried 3-1.

Commissioner Lovett made a motion to appoint Lamar County's duly elected Coroner, Clay Tillery, to the vacant seat on the Board of the Lamar County Regional Solid Waste Authority which was created in the previous motion. Coroner Tillery shall serve the remainder of the current term on the Solid Waste Authority Board as an appointee of the Lamar County Board of Commissioners. Vice-Chair Gilles seconded the motion. Commissioner Thrash noted for the record that this is an illegal appointment and there are no openings on the Solid Waste Authority Board and this Board has no Authority to do what they are doing. Vice-Chair Gilles stated that as far as legislation regarding appointing members to this board is concerned, they do. Commissioner Thrash opposed the motion. The motion passed 3-1.

Commissioner Lovett made a motion that Lamar County provide funds necessary for Coroner Clay Tillery to obtain independent legal counsel in matters concerning the Lamar County Regional Solid Waste Authority. Commissioner Fletcher seconded the motion. Commissioner Thrash noted for the record that this is an illegal appointment and this board has no authority to do this. Commissioner Thrash opposed the motion. The motion passed 3-1.

Commissioner Lovett made a motion with the follow statement, "Personally, I am a fan of the City of Milner, I own property and work just outside of the city limits, I eat in the city's restaurants and shop in its stores. Putting those feelings aside, it has become apparent that the Lamar County Regional Solid Waste Authority has stacked it's Board members in such a way as to provide the City of Milner undue influence over Solid Waste Authority proceedings and the day to day function of that authority. Two weeks ago, the Solid Waste Authority Board proposed a \$10,000.00 donation to the City of Milner, an entity with no financial obligation to the Solid Waste Authority nor any repayment responsibility to GEFA for the 27 million Solid Waste Authority loan. These acts are egregious on their face and could possibly be deemed unlawful. In keeping with the commitment of this Board of Commissioners to disallow any previous Solid Waste Authority Board member reappointment to the Solid Waste Authority, I make the motion that, if the Solid Waste Authority Board members representing the City of Milner participate in reappointing any past member, including Commissioner Thrash, to any position on the authority or any of their ancillary boards, or paid positions, Lamar County will immediately cease to render support to the City of Milner through our Public Works Department and only allow the City of Milner's participation in any future SPLOST via Court order." Vice-Chair Gilles seconded the motion. Commissioner Thrash asked if Commissioner Lovett consulted with legal counsel before making this motion. Commissioner Lovett replied that he did not. Commissioner Thrash went on record to say that she does not think this Board has the authority to make this motion. Commissioner Thrash opposed the motion. The motion passed 3-1.

Commissioner Lovett made a motion that the Board of Commissioners approve the expense necessary for Amy Cowan to notify all Solid Waste Authority Board members and their legal counsel of tonight's events immediately via email, attend the Solid Waste Authority's 8:30 a.m. meeting tomorrow morning on behalf of Lamar County Board of Commissioners, and file any injunctive relief she deems necessary to achieve the goals voted on here this evening. Commissioner Fletcher seconded the motion. Commissioner Thrash asked if Commissioner Lovett consulted with legal counsel before making this motion. Commissioner Lovett replied that he did not. Commissioner Thrash went on record to say that she does not think this Board has the authority to make this motion with an up or down vote. Commissioner Lovett responded to Commissioner Thrash and stated he is ready for deposition today. Commissioner Thrash went on record

to say that she believes that Commissioner Lovett is irresponsible. Commissioner Thrash opposed the motion. The motion passed 3-1.

15. Administrator's Report

- Running above forecast.
- Expenditures for the Month of September is \$2,026, 555.43 due to the Fire Truck Grant of \$1,000,000.00.
- Revenue for the Month of September is \$1,431,693.10.
- Cash flow is above projected trends due to extra LMIG funds.
- General Fund Revenue is \$1,640,562.57 for the month of September.
- Special Revenue Funds is \$63,666.62 for the month of September.
- Capital Project Funds is \$2,800,257.74 for the month of September.
- TSPLOST sinking funds is \$2,277,568.68 for the month of September.
- Animal Shelter: Exterior is close to complete, and painting should begin on Monday. Finalizing the doors for each dog run. Outside exterior has been painted but changes are forthcoming. The goal is to have the Animal Shelter completed by mid-December.
- New Fire Trucks (2) expected by Friday. Received the funds and checks from General Fund and SPLOST and ACH to vendor for payment.
- Courthouse has been pressured washed and coating of the bricks will begin on Monday.
- Certified Roofing is waiting on the start date to begin.
- Collections for LOST for September were \$141,921.56.
- Collections for SPLOST for September were \$248,935.17.
- Collections for TSPLOST for September were \$228,261.46
- Ameri-Pro Health: Requested 276, Transport 169, Refusal 83, Cancellation 24, Response Time 7:26.
- Norfolk Railroad will shut down the railroad crossing at 2:00 p.m. on Wednesday for repair.
- Bills went out on October 11; taxes are due by December 13, 2024.
- Rocksprings roadwork will be reported in November.
- Senior Center bus expected by late November or early December.

16. Public Comments

- **Sean Ross 288 Midway Road:** Raised concerns regarding plats not matching the survey pins on Midway Road. He highlighted an issue with how the county road realignment was handled and the placement of durable survey monuments in several locations along the road. Stated that the county had destroyed several survey monuments during the roadwork and that, under Georgia law, the county is responsible for replacing them. Mentioned that an ongoing nuisance resulted in one lawsuit and nearly a second, involving a dispute between himself and another individual over property boundaries. He explained that there are boundary issues between the heirs of the other individual and a property line, along with issues related to property his son recently purchased. Raised concerns about discrepancies in plats and road deeds related to the property in question. Chairman Traylor referred the resident, Mr. Ross, to County Administrator Townsend for further discussion of the issues raised.
- **Elaine Hallada 131 Steeple Chase:** Expressed that someone in her business believes the Legacy 75 project would be beneficial for the County. Supported the removal of Commissioner Thrash from the Solid Waste Authority Board. She noted that the issue began with a refusal to dump trash at the landfill and has since grown into a concern for a group of approximately 70 citizens. In addition to her removal from the Solid Waste Authority Board, the member requested that Commissioner Thrash be stripped of all her board appointments. Urged the county to file a lawsuit against the Lamar County Regional Solid Waste Authority for failing to pay the money owed to the county since 2017. She cited an agreement of \$50,000

per month, stating that the Solid Waste Authority now owes the county millions of dollars, with further financial obligations expected in the future.

- **Mike Maddox 120 Magnolia Farms:** Thanked the Fire Chief for all he has done for the County and getting the Fire Trucks. Urged everyone to focus more on future planning rather than only addressing present concerns. It was noted that the Georgia Department of Transportation (GDOT) is building a truck lane from Savannah to McDonough on the northbound side of the highway. However, he questioned why this lane is not being built on the southbound side as well. Stated a big warehouse was being built off of High Falls Road. A large warehouse is under construction off High Falls Road. Concerns were raised that trucks will likely not follow the anticipated route via High Falls Road to Hwy 16 and I-75. Instead, many trucks are expected to travel along High Falls Road and Chappel Mill to reach Hwy 36. It was pointed out that a similar situation occurred in Henry County when they saw an increase in revenue from developments. Emphasized the need for infrastructure improvements before major developments. Apologies were extended to the residents of High Falls for any perceived neglect by Lamar County. It was stressed that infrastructure needs to be addressed before this development moves forward.
- **Donald Hartman 507 Old Milner Road** Thanked Commissioner Lovett for the motions he made during the meeting, stating that they will help move the county toward greater transparency regarding the project, which is a concern for the citizens of Lamar County. Noted that the county had co-signed the Georgia Environmental Finance Authority (GEFA) loan, but there was pushback from one commissioner during the meeting. Expressed frustration over the delays in the project, stating that it is long overdue and the citizens deserve more. While Johnny Poore portrayed the project as groundbreaking, world-class, and pacesetter, the speaker stated that from his viewpoint, only "smoke" is visible. Being just 300 feet away from the project, he described it as looking "atrocious" and nothing like what the Legacy 75 applicants had portrayed. It is not a Class A building. Concluded by reiterating the need for more transparency and clarity on the project for the benefit of the community.
- **James Hyde 116 White Oak Drive:** Referenced a Georgia Supreme Court case, Mayor and City Council, 60 Georgia 221, which states that no officer, whether public or private, whose duty it is to supervise a contract, can personally undertake the duties they are tasked with supervising. Emphasized that this legal principle is widely established and integral to maintaining public policy. Stated that the governing entities responsible for creating the Regional Solid Waste Authority, specifically the Lamar County Board of Commissioners and the Milner City Council, are also responsible for overseeing the board. The governing authority has the power to appoint and remove board members. It is clear that all members of the Lamar County Board of Commissioners and the Milner City Council must be immediately removed from the Solid Waste Authority Board. Called for the suspension of all activities of the Solid Waste Authority Board until new and legally appointed directors are found, citing the lack of a quorum. He further criticized the legal counsel hired to address these issues, alleging that public funds were wasted on ineffective legal services. Reminded the board that they were instructed months ago to terminate the conflict counsel but failed to do so. This act of defiance was characterized as exposing the board to potential civil remedies. Warned that if the conflict counsel is not terminated, they may pursue civil action to recover all expenditures from the board members' personal fortunes and return the funds to the county treasury. Concluded by stating that elected officials are servants of the people and must be accountable to them at all times. Expressed frustration with delays, lack of action, and disregard for the law, and vowed to use all legal means to ensure that elected officials represent the will of the people.
- **Lisa Sayers 123 Willow Way Jackson Georgia:** Requested Planning and Zoning to post information regarding the conditions of M1 and M2 and Commercial Zoning. Providing this information would help the public be better informed, potentially reducing fear and concern. Requested that the Planning and Zoning Department list the different types of businesses or industries allowed under each zoning

classification, with the goal of educating the public. Asked whether the Health Department offers well water testing for private homeowners. Chairman Traylor confirmed that the Health Department still provides this service.

17. Round Table

- No comments from Commissioner Fletcher, Commissioner Lovett, Vice-Chair Gilles or Commissioner Thrash.
- **Chairman Traylor:** Emphasized the importance of proper project approvals and to find out everything they can. Acknowledged Breast Cancer Awareness Month as a son of a breast cancer survivor and prayed and encouraged all women affected by the cancerous disease.

18. Executive Session: Commissioner Lovett made a motion to adjourn the meeting at 8:13 p.m. to go into Executive Session for Litigation. Vice-Chair Gilles seconded the motion. The motion passed unanimously.

19. Adjournment: Commissioner Thrash adjourned the Regular Business Meeting at 8:25 p.m. Vice-Chair Gilles Seconded the motion. The motion passed unanimously.

THE LAMAR COUNTY BOARD OF COMMISSIONERS

Ryran Traylor, Chairman

Ashley Gilles, Vice-Chair

Jarrod Fletcher, Commissioner

Jason Lovett, Commissioner

Nancy Thrash, Commissioner

Attest: _____ Carlette Davidson, County Clerk