

MINUTES

BOARD OF COMMISSIONERS REGULAR MEETING

MARION COUNTY, GEORGIA

ALTERNATE LOCATION to support COVID-19 Social Distancing Guidelines:

Old Marion County Middle School Cafeteria

100 E Burkhalter Ave., Buena Vista, GA 31803

FACE MASKS REQUIRED FOR ALL ATTENDEES

Simultaneous Video and Teleconference (ZOOM)

July 14, 2020 – 5:00 PM

PRESENT: Those present at the physical location were Chairman George Neal, Commissioner Steve Young, Commissioner Jody Grimsley, Commissioner Matthew Gunnels, County Attorney Wayne Jernigan, County Manager Justin Strickland and County Clerk Sylvia Russell. Commissioner Norman Royal participated via video call (ZOOM meeting ID 960 8909 4213).

CALL TO ORDER: Chairman Neal called the meeting to order at 5:01 PM. Commissioner Young gave the invocation.

APPROVE MINUTES:

Commissioner Gunnels made a motion to approve the minutes from the June 9, 2020, Regular Meeting and the June 18, 2020, Called Meeting of the Board of Commissioners. Commissioner Young seconded the motion and the motion passed unanimously.

PUBLIC COMMENTS:

- a. Carol Streeter, 778 Moody Rd.: Ms. Streeter's attorney, Roger Montgomery, spoke on her behalf. He requested the County pay for damage to Ms. Streeter's vehicle that was allegedly caused by the poor condition of Moody Road. County Attorney Jernigan recommended the Commission file the damages claim (\$1,400.00-\$2,000.00) on the County's liability insurance policy for resolution.
- b. Dale Simmons, 976 Woody Stubbs Rd.: Mr. Simmons spoke with the Commission about his concerns with ClearWater handling road maintenance. He pointed out the first bullet on the County website states ClearWater is responsible for maintenance and repair. He asked that the Commissioners take time to ride dirt roads to review their condition. He mentioned that people have come to our county to look at homes and did not want to purchase them because of poor condition of the dirt road where homes were located.
- c. Desiree Gardner & Veronica Walton, Hidden Canyon Estates: Ms. Gardner and Ms. Walton spoke with the Commission about their concerns with a fence being placed across the road within their subdivision. The placement of the fence devalues the homes in the neighborhood and has stopped the flow of traffic and services, like garbage pickup, school buses, and mail delivery. They were told that Chairman Neal and Sheriff Derrell Neal gave permission for the fence to be installed because Hidden Canyon Court is a private road. Ms. Walton pointed out that the Commission had agreed in 2006 to take possession of the road (Hidden Canyon Court) subject to an inspection to ensure the road and right-of-way are within County standards. Ms. Walton and Ms. Gardner expressed concern that the County is not taking ownership of the road at this point. They also mentioned concerns with the zone being changed from residential to agricultural and their opinion that the County is not enforcing an active subdivision ordinance. County Attorney Jernigan expressed his belief that all residents should have the right to use the road; however,

this is a civil matter. The residents need to look at their deeds to see where the property lines are: to center of road or to the edge of a right-of-way. Chairman Neal stated he believes the County can send a letter enforcing code and advising that the fence should be removed and Commissioners Young and Grimsley agreed. County Attorney Jernigan stated the County can do that. Commissioner Young made a motion to table the issue of ownership of the road (agenda item 6h) to allow County Attorney Jernigan to research further. Commissioner Grimsley seconded the motion and the motion passed unanimously. Chairman Neal directed County Manager Strickland and County Clerk Russell to get an address for the property owner who installed the fence and coordinate with the Building/Zoning office to issue a letter asking the owner to remove the fence within 10 days.

NEW BUSINESS

- a. Commissioner Young made a motion to approve a Special Purpose Local Option Sales and Use Tax (SPLOST) Resolution Requesting The Election Superintendent To Call An Election Of The Voters Of Marion County, Georgia, To Approve The Imposition Of Such Sales And Use Tax; Approving The Form Of Ballot To Be Used In Such An Election; And For Other Purposes. Commissioner Gunnels seconded the motion and the motion passed unanimously.
- b. Commissioner Young asked if he can vote against issuing an alcohol license because of concerns with hurting local business when the applicant meets all other requirements. Commissioner Grimsley stated he has the same concern with local business, and if the Commission is required to approve licenses then there is no reason for it to come before the Commission for consideration. County Attorney Jernigan responded that the Commission is within their right to deny it and the applicant also has the right pursue it legally and ultimately have the license issued. Commissioner Royal noted that denial of someone who meets all requirements would set a precedent and the Commission would have to deny others who meet the requirements. Commissioner Young noted that his current employer gives contracts to small businesses because they are local and he believes this is a similar situation. Commissioner Grimsley made a motion to deny an alcohol license to Tanya Glover to sell alcoholic beverages at the Dollar General located at 5007 GA Hwy 41N in Mauk, GA. Commissioner Young seconded the motion. Commissioner Gunnels approved the motion. Commissioner Royal voted against the motion. The motion passed 3 to 1.
- c. Commissioner Gunnels made a motion to approve appointment of Bill Addison to the Marion County Recreation Board to represent District 3 through December 31, 2022 to fill the unexpired term of Brad Goodroe. Commissioner Grimsley seconded the motion and the motion passed unanimously.
- d. Commissioner Young made a motion to approve Consider appointment of Brittany Kinsey to the Marion County Recreation Board to represent District 1 through December 31, 2020 to fill the unexpired term of Kevin Douglas. Commissioner Grimsley seconded the motion and the motion passed unanimously.
- e. Commissioner Gunnels made a motion to approve the continuation of an Intergovernmental Agreement For The Provision of School Resource Officers Between the Marion County School District, Marion County, Georgia, Bu An Through Its County Commission, An Marion County Sheriff for the 2020/2021 school year. Commissioner Grimsley seconded the motion and the motion passed unanimously.
- f. County Manager Strickland presented a request for 2020 Budget amendments. He pointed out that most changes were for bookkeeping improvements and accuracy. He also added an Animal Control budget item and added \$60,000.00 to the SPLOST Fund budget to purchase a new work truck at ClearWater's recommendation. Commissioner Grimsley asked how the purchase would be funded. County Manager

Strickland responded that SPLOST funds would be used along with the \$25,000.00 received from insurance on a totaled truck. Commissioner Young made a motion to approve the 2020 Budget Amendments. Commissioner Gunnels seconded the motion and the motion passed unanimously.

- g. County Manager Strickland explained to the Commission that the County has a deed conveying Liberty Trace to Marion County and an agreement in a 2006 meeting that the County would accept ownership and maintenance of the road upon inspection and approval. ClearWater's project manager has inspected the road and confirmed it meets County standards. Commissioner Young made a motion to approve acceptance of the conveyance of Liberty Trace road and 60' right of way within the Liberty Crossing Subdivision located off of Pineville Road in Marion County, GA, when 60% of homes are complete and the road is in the same condition as when construction started. Commissioner Gunnels seconded the motion and the motion passed unanimously.
- h. The request to ratify/accept conveyance of Hidden Canyon Court road and 60' right of way was tabled until the August meeting to allow time for County Attorney Jernigan to research the deeds.
- i. ClearWater is requesting a 2-year extension of their contract with Marion County with no change in fees for the first year and a 1.5% automatic increase in the second year. County Manager Strickland noted the cost comparison projection is negligible and roads are in bad shape but he believes we are about to turn a corner on improvements with new ClearWater staff in place. Citizen Dale Simmons asked if the contract will include repairs. Chairman Neal replied that ClearWater was hired to improve, maintain, and repair roads. Citizen Cody Lane stated he thinks we should bring road maintenance back in-house and employ local folks. City of Buena Vista Mayor Kevin Brown asked what the justification was to hire ClearWater. Did they hire current employees? Chairman Neal responded that ClearWater did keep existing local employees and increased their wages. He also noted we had the same road complaints before ClearWater was contracted. Commissioner Grimsley stated the roads were better before ClearWater started. He also recalls hearing the same commitments from ClearWater when the contract was renewed last year. He believes some roads are better and some are worse, but the consensus seems to be that we are in the same place we were two years ago. Commissioner Young agreed that using local folks is great but local bids received for improving sections of 2 dirt roads were over \$400,000.00, which is ½ of the budget for the whole year. No one local made a viable bid to handle roads. ClearWater kept local employees and supervisors and the school officials have reported they see improvements when checking roads in preparation for starting school. He pointed out that our current county manager and clerk are able to focus on the system improvements and do their jobs - previous County Managers were always in the field managing issues. Commissioner Young rode dirt roads last week and his opinion is that the roads are not that bad. The roads need improvement but they are getting better, especially in the past 3 weeks. He does not agree with a plan to keep the Roads Department in-house. There are 4,000 citizens to consider, not just a handful who complain, and all aspects should be considered. Commissioner Young made a motion to approve the two year renewal of the ClearWater Solutions Professional Service Agreement for the Management, Operation, and Maintenance of Marion County's Road and Water Departments. Commissioner Royal seconded the motion. Commissioners Gunnels and Grimsley voted against the motion. Chairman Neal voted for the motion and the motion passed 3 to 2.

REPORTS:

a. Public Works & Water Department Report – ClearWater Solutions

ClearWater Project Manager Billy Davis reviewed the monthly report and highlighted that they have cleared trees at the County pits to be able to access more dirt for road repairs.

b. County Manager’s Report – Justin Strickland

County Manager Strickland reviewed his monthly update and highlighted the following:

- CARES Act funding from the State of Georgia has been opened for application.
- EMS received a Clorox 360 room cleaning machine that will be used to clean ambulances.
- We closed out the USDA Bonds and Farmers Bank bonds are now in place for the Water Fund.
- Conversion to a new health insurance provider is complete with no problems.
- County dump site cameras are in place and new signage is on the way that includes noting that dumpsters are for Marion County residents only.

After all agenda topics were covered, County Attorney Jernigan distributed copies of a proposed ordinance establishing the position of county manager and a separate list of duties/instructions for the county manager. He asked that the Commissioners review and provide feedback by July 20.

ADJOURNMENT:

Commissioner Gunnels made a motion to adjourn the meeting at 7:35 PM. Commissioner Young seconded the motion and the motion carried unanimously.

Attest:

Chairman George Neal, Jr.

Sylvia Russell, County Clerk