

MINUTES
BOARD OF COMMISSIONERS REGULAR MEETING
MARION COUNTY, GEORGIA
VIA VIDEO and TELECONFERENCE DUE TO COVID-19 RESTRICTIONS
August 11, 2020 – 5:00 PM

PRESENT: Those present on the video call (ZOOM meeting ID 995 6914 9328) 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 was not present.

CALL TO ORDER: Chairman Neal called the meeting to order at 5:00 PM. Commissioner Young gave the invocation.

APPROVE MINUTES:

Commissioner Young made a motion to approve the minutes from the July 11, 2020, Regular Meeting and the July 23, 2020, Called Meeting of the Board of Commissioners. Commissioner Gunnels seconded the motion and the motion passed unanimously.

PUBLIC HEARINGS:

- a. Chairman Neal called to order a **Public Hearing at 5:12 PM to discuss a Conditional Use Permit Application submitted by Laveda DiMarzo – 5055 Highway 41 North, Buena Vista, GA.** The reason for the application is for approval of an outdoor flea market/yard sale business on land that was zoned Commercial. Citizens were given an opportunity to speak for or against the requested variance. No one spoke for or against. Chairman Neal concluded the public hearing and called the regular session back in order at 5:18 PM.

Commissioner Young made a motion to approve the Conditional Use Permit Application submitted by Laveda DiMarzo – 5055 Highway 41 North, Buena Vista, GA, for an outdoor flea market/yard sale business. Commissioner Gunnels seconded the motion and the motion passed unanimously.

- b. Chairman Neal called to order a **Public Hearing at 5:19 PM for a Special Use Permit/Site Plan Review Application submitted by AT&T – 1004 GA Hwy 355, Buena Vista, GA.** The reason for the application was for approval of a conditional use of land that is zoned Agricultural for the construction of a cell phone tower to provide basic wireless coverage and access to emergency services in rural Marion County. Citizens were given an opportunity to speak for or against the requested variance. No one spoke for or against. Chairman Neal concluded the public hearing and called the regular session back in order at 5:22 PM.

Commissioner Gunnels made a motion to approve the Special Use Permit/Site Plan Review Application submitted by AT&T – 1004 GA Highway 355, Buena Vista, GA, for the land to be used for a cell phone tower. Commissioner Young seconded the motion and the motion passed unanimously.

- c. Chairman Neal called to order a **Public Hearing at 5:24 PM for a Special Use Permit/Site Plan Review Application submitted by Verizon – 3988 GA Highway 41 North, Buena Vista, GA.** The reason for the application was for approval of a conditional use of land that is zoned Agricultural for the construction of a cell phone tower to provide basic wireless coverage and access to emergency services in rural Marion

County. Citizens were given an opportunity to speak for or against the requested variance. A Verizon representative addressed the Commission with an overview of the specifications and location for the tower. Commissioner Gunnels asked how far the tower will be from the Georgia Power service lines. The Verizon representative responded that she did not have the exact distance but the location had been vetted and there was no conflict. No citizens spoke for or against. Chairman Neal concluded the public hearing and called the regular session back in order at 5:34 PM.

Commissioner Young made a motion to approve the application for a Special Use Permit/Site Plan Review Application submitted by Verizon – 3988 GA Highway 41 North, Buena Vista, GA, for the land to be used for a cell phone tower. Commissioner Gunnels seconded the motion and the motion passed unanimously.

PUBLIC COMMENTS:

- a. **VITA Update:** Marie Berlanga updated the Commission on the VITA program which provides certain income tax filing and related services free of charge. Her office completed 938 tax returns resulting in a grand total of \$870,268.00 in federal and state tax refunds. The season for 2019 filing is now over and their office is open by appointment only.
- b. **Carol Streeter – 778 Moody Rd:** Ms. Streeter asked to be on the agenda regarding Sheriff threats about land she partially owns; small children seeing guns pulled and people fighting; and domestic abuse; however, she did not respond after being called upon. County Clerk Russell reported that Ms. Streeter called earlier in the day to advise that she did not expect to be able to join the meeting.

OLD BUSINESS

- a. **Hidden Canyon Court:** County Attorney Wayne Jernigan advised that Marion County does not need to be involved in addressing the issue of a resident in the Hidden Canyon Subdivision placing a fence across the roadway of Hidden Canyon Court. This is a civil matter that needs to be taken up by residents of the subdivision. When the property was initially sold, Mike Moon did not convey the road to the County. Britt Moon has now conveyed the entire road to Mark Haskins. Georgia is a state of first recordation; therefore, whoever records a deed first at the Courthouse is the owner of the property, regardless of any other discussion. The Hidden Canyon Subdivision was created prior to the current County ordinance that addresses road access allowances so it is “grandfathered in” and the ordinance provisions do not apply. Chairman Neal asked if any resident’s on the call had questions for Mr. Jernigan. Resident Veronica Walton asked where Mr. Jernigan obtained his information on lot ownership. Mr. Jernigan responded that he looked at the deeds filed at the Courthouse and each lot was conveyed with specific measurements.

NEW BUSINESS

- a. **Marion County Financial Report for the Year Ended December 31, 2019 and Independent Auditor’s Report:** CPA Herbert E. (Gene) Allen presented the report. Commissioner Young made a motion to approve Marion County Financial Report for the Year Ended December 31, 2019 and Independent Auditor’s Report as presented. Commissioner Gunnels seconded the motion and the motion passed unanimously.
- b. **2020 Dodge Ram Purchase from Jeff Smith Chrysler Dodge Jeep:** The Commission considered the purchase of a 2020 Dodge Ram truck to replace the Ford F250 that was deemed a total loss after an accident earlier in the year. Commissioner Grimsley asked if three quotes are required for this type of purchase. County Manager Strickland clarified that we are required to solicit quotes from at least three vendors. At least three vendors were contacted and only two made offers. Further discussion ensued regarding the logistics of pulling various trailer styles, with a truck that has a service body. ClearWater

Project Manager Billy Davis pointed out that they are in the process of purchasing a pindle-hitch style trailer that will work and are also planning to fit the international dump truck to haul bigger machinery.

Commissioner Young made a motion to approve the purchase of a 2020 Dodge Ram 3500 4x4 with Service Body in the amount of \$59,720.00 from Jeff Smith Chrysler Dodge Jeep. No second was offered. Chairman Neal stated that the motion failed for lack of a second.

- c. **DFCS Board Appointment/Sheila Hall:** Commissioner Grimsley made a motion to approve the appointment of Sheila Hall to the Marion County DFCS Board to replace Jamie Shivers as recommended by DFCS leadership. Commissioner Gunnels seconded the motion and the motion passed unanimously.
- d. **Marion County Public Works Surplus Items:** Commissioner Gunnels made a motion to approve Marion County Public Works Surplus Items to be offered for sale via online auction. Commissioner Grimsley seconded the motion and the motion passed unanimously.
- e&f. **County Manager Ordinance and Duties/Responsibilities:** Commissioner Young made a motion to table items 7e (Ordinance Establishing the Position of County Manager) and 7f (Duties & Instructions for the Office of County Manager) until such time as all commissioners can be present. Commissioner Grimsley seconded the motion and the motion passed unanimously.
- g. **Airport Rules & Regulations:** County Attorney Jernigan advised that he approves this document but will need to review/compile any related agreements with regard to hangars and airport access. Commissioner Gunnels made a motion to approve the Airport Rules & Regulations document. Commissioner Young seconded the motion and the motion passed unanimously.

DISCUSSION:

- a. Dirt road remediation schedule/priorities: This item was tabled until all Commissioners can be present. Commissioner Gunnels noted that he thought the list was approved several months ago. Chairman Neal responded that the question is whether to work on Edgar Jones Road or Harbuck Pond Road first. Commissioner Young stated Commissioner Royal planned to ride the roads so he could give solid input. Commissioner Grimsley stated that he inquired about the priority order a while ago and was told we need to stick with the approved list. He asked what has changed that warrants discussing changes. Commissioner Young agreed nothing has changed with regard to road condition. County Manager Strickland stated that he asked for clarification because the past motion was only to proceed with work on County Line Road. There was never an approval of the order of priority for roads that were next on the list.
- b. Through-the-Fence Agreement for use of Marion County Airport: County Manager Strickland reported that an individual is asking for access through-the-fence from private property adjoining the airport. Representatives from engineering firm Pond & Company suggested the County consider buying the adjoining property to allow for growth and protection of the runway. There is potential for nine hangars and two parking lots on this parcel if purchased. They do not recommend entering into any through-the-fence agreements because of loss of potential revenue for the County. County Manager Strickland pointed out that the land can be purchased with TSPLOST funds. Commissioner Young stated he will share this discussion with the interested party and ask if he is interested in using existing airport property as a location for his hangar.
- c. Land-Lease Agreement Template for potential Private Airport Hangars: County Attorney Jernigan will review this document and provide his opinion.

REPORTS:

a. **EMA Update:** EMA Director Sam Schiro gave a Marion County COVID-19 Situation Report. There are 156 confirmed cases of COVID-19 in Marion County. 24 new cases presented in the last two weeks. Five people have died in the County from COVID-19 and 15 people are currently hospitalized.

b. Public Works & Water Department Report – ClearWater Solutions

ClearWater Project Manager Billy Davis reviewed the monthly report and highlighted that all customers on JP Hudson Road have been moved to the new water line installed as part of the paving process. He also introduced the new Marion County Project Manager, Daniel Enfinger, who comes to us from Columbus Water Works.

e. County Manager's Report – Justin Strickland

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

- COVID-19: First responder payroll since March 1, 2020 is covered under eligible expenses for CARES Act funding. This will more than cover the initial \$99,031.35 received during Phase I and the additional \$231,073.15 allotted to Marion County after Phase I.
- New ambulance: Modifications are complete and the ambulance is being picked up August 12, 2020.
- Firetower Road: Paving project begins this week and should be complete by August 21, 2020.
- LMIG 2021: Marion County was allotted an award of \$389,657.77 which is approximately \$60,000.00 less than the 2020 award. He suggested a work session for the Commission to select projects to be completed under this program.

EXECUTIVE SESSION – Personnel & Pending Litigation:

Chairman Neal stated the personnel item will be postponed until all Commissioners can be present.

Commissioner Gunnels made a motion to go into Executive Session to discuss pending litigation. Commissioner Grimsley seconded the motion and the motion passed unanimously.

The Board of Commissioners went into Executive Session at 7:40 PM.

PUBLIC SESSION:

The Board came out of Executive Session and Chairman Neal called the Regular meeting back to order at 7:47 PM.

Commissioner Young made a motion to amend the agenda to discuss the Dollar General Alcohol License application for their location in the Oakland community. Commissioner Gunnels seconded the motion. Commissioner Grimsley abstained from voting. Chairman Neal voted to approve the motion and the motion passed.

Commissioner Young made a motion to approve the Dollar General Alcohol License based on the County Attorney advice they meet all County requirements and the Commission cannot deny it. Commissioner

Gunnels seconded the motion. Commissioner Grimsley did not vote. Chairman Neal voted to approve the motion and the motion passed.

ADJOURNMENT:

Commissioner Gunnels made a motion to adjourn the meeting at 7:52 PM. Commissioner Grimsley seconded the motion and the motion carried unanimously.

Attest:

Chairman George Neal, Jr.

Sylvia Russell, County Clerk