

GRADY COUNTY BOARD OF COMMISSIONERS

MEETING MINUTES

October 17, 2023, Meeting

The Grady County Board of Commissioners met on October 17, 2023, at 6:00 pm for a regular meeting. Commissioners June Knight, Ray Prince, Keith Moye, Phillip Drew, LaFaye Copeland, County Clerk John White, Finance Director Holly Murkerson, and County Attorney Gabe Ridley were present. County Administrator Buddy Johnson participated by telephone.

Mr. Drew opened the meeting with a prayer and the pledge to the flag.

Motion by Mr. Moye, second by Mrs. Copeland to approve the agenda as presented. The motion was approved.

PUBLIC COMMENTS

Michael Cook, 184 Carr St Calvary, GA

Mr. Cook stated that proper leadership and tools have not been provided to the Road Department in the last five years for them to do their job. Road shoulders need to be clipped and grass is higher than the road signs. Roads are the number one job for the Board of Commissioners and this administration has failed at that for the last five years.

Sam Carnline, 1813 Springhill Rd

Mr. Carnline stated he spoke one year ago concerning voting on paper. Mr. Carnline does not think they are reading the complete law. Voters are being damaged in Grady County. The remedy is to us the emergency ballots. The law states that the voter should be able to read the ballot. He asked for a meeting between the commissioners, Judge Maddox, and Mr. Ridley to come up with a plan to address the issue.

Field Searcy, 103 Margrets Way

Mr. Searcy stated that they think Judge Maddox is doing a fantastic job but is being forced by the state to use the voting system. Ballots should be in a format that is readable to the voter. We are depriving the citizens of Grady County. Mr. Searcy recommends the Board of Commissioners make a motion to go on record to use the emergency paper ballot for voting.

PRESENTATIONS

None

CORRESPONDENCE

The Calendar of Events was reviewed.

Regular Board Meeting, Tuesday, November 7, 2023, at 9:00 am.

Grand Opening/Dedication of the Harrell Road Fire Station is set for November 7, 2023 at 11:00 am.

CONSENT ITEMS

Motion by Mr. Prince, second by Mrs. Knight to approve:

C052-23 Approval of Regular Meeting Minutes from 10/03/2023.

C053-23 Approval of Georgia Forestry MOU for Tower Space.

C054-23 Approval of CHIP Grant response letter.

C055-23 Approval of Letter of Support for the Golden Triangle Grant.

The motion was approved.

FORMAL ACTIONS

FA065-23 Motion by Mr. Moye, second by Mrs. Copeland to disapprove the Variance Request by Randy Clark. Mr. Clark stated that the two families that are interested in purchasing the lots have health issues and are not physically able to maintain a three-acre lot.

Mr. Ridley stated that the ordinances require that the applicants must show the hardship. Mr. Ridley stated that his opinion off-the-cuff is the individuals buying the property need to be here to present their case.

Mrs. Copeland read the opinion from Mr. Ridley on the Clark Variance Request and is listed below.

Grady County Board of Commissioners

c/o Phillip Drew, Chairman

33 17th Avenue NW

Cairo, GA 39828

RE: Variance Request by Randy T. Clark

Ladies and Gentlemen:

This memorandum concerns the variance request made by Randy T. Clark. A hearing on the application was held at the regular meeting on August 15, 2023. I do not believe that Mr. Clark provided the Board with sufficient information to support a variance. I provide my analysis below.

On July 19, 2023, Mr. Clark applied for a variance to the Land Development Regulations. Mr. Clark desires to subdivide one acre from two tracts that contain approximately three acres each. The lots are located on a private drive. Section 3-7(a) of the Land Development Regulations require that such subdivisions have "a minimum of thirty (30) foot frontage on a public street." None of the lots created by the proposed subdivision will have public street frontage.

Mr. Clark seeks a hardship variance. He plans to place two mobile homes on the newly created lots. It appears from his application that he intends to sell the new lots, and he believes that the proposed buyers "cannot maintain 3 acres of yards due to health problems."

A public hearing was held on August 15, 2023. The proposed buyers did not attend the hearing to discuss their health problems. Mr. Clark did not identify the proposed buyers or discuss the specific nature of their health problems in greater detail. He presented no evidence or documentation showing the existence of a valid contract to sell the lots.

The Land Development Regulations provide that the board may grant variances only when "the granting of a variance will not merely serve as a convenience to the applicant, but is necessary to alleviate some demonstrated hardship or difficulty which is unique to the property in question." Sec. 9-1. The standards for a variance are set forth in Sec. 9-4 as follows:

The Board of Commissioners shall not grant a variance as authorized herein unless it shall, in each case, make specific findings of fact directly based upon the particular evidence presented to it in the application and public hearing that support all of the following conclusions:

- a. The variance requested arises from a condition which is unique to the property in question and which is not ordinarily found in the same area and is not created by an action or actions of the property owners or the applicant;
- b. The granting of the variance shall not adversely affect the rights of adjacent property owners or residents;
- c. The strict application of the provisions of this Regulation, from which a variance is requested, will cause severe practical difficulty or extreme hardship for the property owner represented in this application;
- d. The variance desired will not adversely affect the public health, safety, order, convenience or general welfare of the community;
- e. Granting the variance desired will not violate the general spirit and intent of this Regulation.

I do not believe that Mr. Clark has presented sufficient information to support the granting of a variance. When deciding whether to grant a variance, the Board must base its decision upon "the particular evidence presented to it in the application and public hearing." 9-4(c) requires a finding by the Board that a strict application of the regulations "will cause severe practical difficulty or extreme hardship for the owner represented in the application."

The evidence presented by Mr. Clark does not indicate that he will suffer severe hardship if the variance is not granted as required by 9-4(c), but instead certain unidentified buyers. If Mr. Clark could have shown that the buyers had contracted to purchase the new lots, then I believe it would be reasonable to consider them as "owners" for the purpose of considering the application.

Even so however, the proposed buyers were not present at the hearing and no information has been submitted on their behalf. The Board has no way of knowing how maintaining a three-acre lot would cause severe practical difficulty or extreme hardship. Thus, there is insufficient information for the

Board to make the requisite findings of fact necessary to grant the variance. For that reason, I would suggest that Mr. Clark's application be denied.

Sincerely yours,

Gabriel S. Ridley

Mrs. Knight asked Mr. Johnson's opinion. Mr. Johnson stated that he suggests the board rely heavily on Mr. Ridley's opinion.

Mr. Ridley stated that the prospective buyers of the property would be the ones to request the variance and would have to explain how their health issues would hinder the maintaining of a three-acre lot. Mr. Drew stated that the potential buyers would have to be the ones to make the application for the variance.

After the discussion, the board voted to affirm the motion to disapprove the variance request.

NEW/UNFINISHED BUSINESS

The board discussed the request from ACCG to approve a Mental Health Resolution asking the state to continue its efforts to address the mental health issues that the citizens are facing. Mrs. Copeland stated ACCG discussed this at the legislative conference in Jekyll that she attended. They are asking for all 159 counties to support. The board requested that Mr. Johnson see if he can get any other information on the resolution and bring it back to the board.

Mrs. Copeland stated that she had some people ask how they can get a copy of the reports that the commissioners receive such as Animal Control. Mr. Johnson stated they can contact John White and he will provide them with the reports.

EXECUTIVE SESSION:

None

REPORTS

- A. Attorney's Report – None
- B. Animal Control 09-23
- C. Tired Creek Lake 09-23
- D. Roads and Bridges 09-23
- E. Code Enforcement 09-23
- F. Buildings and Grounds 09-23
- G. Recreation Department 09-23

RESOLUTIONS, PROCLAMATIONS, AND AGREEMENTS

Regular Board of Commissioners Meeting Agenda

October 17, 2023, 6:00 PM

- I. Executive Duties
- A. Call to Order – 6:00 PM
- B. Invocation/Pledge
- C. Adoption of Agenda
- D. Public Comments (3 Mins)
- II. Presentations
- None

III. Correspondence

- A. Calendar of events

Regular Board meeting on November 7, 2023 at 9:00 AM

IV. Consent Items – (One motion)

C052-23 Approval of Regular Meeting Minutes from 10/03/2023.

C053-23 Approval of Georgia Forestry MOU for Tower Space.

C054-23 Approval of CHIP Grant response letter.

C055-23 Approval of Letter of Support for the Golden Triangle Grant.

V. Formal Actions

FA065-23 Approve/Disapprove Randy Clark Variance request tabled from 09/05/23 meeting.

VI. New and unfinished Business

Mental Health Resolution Request

VII. Executive Session

None

VIII. Reports

- a. Attorney's Report
- b. Animal Control 09-23
- c. Tired Creek Lake 09-23
- d. Roads and Bridges 09-23
- e. Code Enforcement 09-23
- f. Buildings and Grounds 09-23
- g. Rec Department 09-23

VIII. Adjournment

Individuals with disabilities who require certain accommodations to allow them to observe and/or participate in this meeting, or who have questions regarding the accessibility of the meeting, or the facilities are required to contact the ADA Coordinator at 229-377-1512 promptly to allow the County to make reasonable accommodations for those persons.

The motion to adjourn was made by Mrs. Copeland and second by Mrs. Knight. The motion was approved.

PHILLIP DREW, CHAIR

JUNE KNIGHT, VICE-CHAIR

RAY PRINCE, COMMISSIONER

ATTEST:

JOHN WHITE, COUNTY CLERK

Keith Moye, COMMISSIONER

LAFAYE COPELAND, COMMISSIONER