

GRADY COUNTY BOARD OF COMMISSIONERS

MEETING MINUTES

April 4, 2023, Meeting

The Grady County Board of Commissioners met on April 4, 2023, at 9:00 am for a regular meeting. Commissioners LaFaye Copeland, Ray Prince, June Knight, Keith Moye, County Administrator Buddy Johnson, County Clerk John White, County Finance Director Holly Murkerson, and Road Superintendent Stanley Elkins were present. Commissioner Phillip Drew participated by telephone. The meeting was chaired by Vice-Chair June Knight.

Mrs. Knight asked John White to open the meeting with the invocation and pledge to the flag.

Motion by Mr. Prince, second by Mr. Moye to amend the agenda to include FA022-23. The motion was approved.

PUBLIC COMMENTS

Yancey Maxwell, 1404 Tired Creek Rd

Mr. Maxwell stated that he appreciates the three minutes. He stated the roads are a mess. Road name signs are missing and the County Vehicles need to have the county emblem on them. He told Mrs. Copeland that Collins Road is a mess.

Mr. Johnson stated that Southern Concrete is the one who stated the culvert needed to be replaced.

Michael Cook, 184 Carr St Calvary, GA

Mr. Cook stated he wanted to thank Stanley and the road crew for the job they do. Mr. Cook stated that no road signs will hinder emergency response. He stated the Roads and Bridges report needs to be on the website.

Mr. Johnson said they will place the Roads and Bridges report on the website.

PRESENTATIONS

None

CORRESPONDENCE

The Calendar of Events was reviewed.

Regular Board Meeting, Tuesday, April 18, 2023, at 6:00 pm.

CONSENT ITEMS

Motion by Mr. Moye, second by Mrs. Copeland to approve:

C016-22 Regular Meeting Minutes from 03/21/2023.

C017-23 Wood Trail Plat.

C018-23 Printer lease from Rumbles for the Sheriff's Office, Clerk of Court, and MICR printer for the Commissioner's Office.

C019-23 Annual Labor Warranty for the MICR printer

The motion was approved.

FORMAL ACTIONS

FA019-23 Motion by Mrs. Copeland, second by Mr. Prince to approve the purchase of fire equipment for 2023 from American Safety & Fire House LLC for \$54,894. The other bid was from MES for \$62,540.42. The motion was approved.

FA020-23 Motion by Mr. Prince, second by Mrs. Copeland to approve the variance request for Beachton Joint Venture, LLC. The motion was approved.

FA021-23 Motion by Mr. Moye, second by Mrs. Copeland to approve the Resolution to Authorize and Amendment to the Intergovernmental Agreement with Grady County Lake Authority dated September 20, 2022. The motion was approved.

FA022-23 Motion by Mr. Moye, second by Mr. Prince to approve the Resolution to lease the motor grader from Lease One Magnolia. The motion was approved.

NEW/UNFINISHED BUSINESS

The second reading of the Distilled Spirits ordinance was held. The purposed Alcohol License Fees were also reviewed. This information will be voted on at the April 18, 2023 meeting.

Mr. Johnson mentioned that Mr. Elkins has requested that we add a second leased dump truck for the 2024 budget. Our dump trucks are getting old and costing a lot of money to keep them running. It is being brought up now so the truck can be ordered and stay on schedule with the other dump truck.

FA023-23 Motion by Mr. Moye, second by Mr. Prince to lease a second dump truck in 2024. The motion was approved.

Mrs. Copeland asked if there were any reports of damage from the storms yesterday? Mr. Elkins stated just a few downed trees in the county.

Mr. Johnson and Mr. Prince stated they are ahead of schedule with road resurfacing. Mr. Johnson stated that we will probably need to start preparing for a new TSPLOST soon. Mr. Johnson stated they are probably going to start putting up signs with the road resurfacing stating it was paid for by TSPLOST funds.

Mr. Johnson stated that the bridge section of Pine Park Road has not been resurfaced due to the bridge replacement in the future. Once the bridge has been replaced by DOT, that section of road will be paved.

Mr. Elkins stated that Georgia DOT will be replacing the bridge on Lake Douglas Road.

EXECUTIVE SESSION:

None

REPORTS

- A. Attorney's Report – None
- B. Grand Jury Report 03-23
- C. Roads and Bridges 03-23 – we will start posting on our website.

RESOLUTIONS, PROCLAMATIONS, AND AGREEMENTS

Regular Board of Commissioners Meeting Agenda
April 4, 2023, 9:00 AM AMENDED.

- I. Executive Duties
 - A. Call to Order – 9:00 AM
 - B. Invocation/Pledge
 - C. Adoption of Agenda
 - D. Public Comments (3 Mins)
- II. Presentations

None

III. Correspondence

A. Calendar of events

Regular Board Meeting, Tuesday, April 18, 2023, at 6:00 pm

IV. Consent Items – (One motion)

C016-23 Approval of Regular Meeting Minutes from 03/21/2023.

C017-23 Approval of Wood Trail Plat.

C018-23 Approval of copier lease agreement with Rumbles for printers at the Sheriff's Office, Clerk of Court, and MICR printer for the Commissioner's Office.

C019-23 Approval of the Annual Labor Warranty for the MICR printer.

V. Formal Actions

FA019-23 Approve/Disapprove 2023 Firefighter Equipment Purchase.

FA020-23 Approve/Disapprove Beachton Joint Venture, LLC, Land Use Variance Request.

FA021-23 Approve/Disapprove Resolution to Authorize an Amendment to the IGA with Grady County Lake Authority dated September 20, 2022.

FA022-23 Approve/Disapprove the Resolution to lease a Motor Grader from Lease One Magnolia.

VI. New and unfinished Business

2nd Reading of the Distilled Spirits Ordinance

Purposed Alcohol License Fees

VII. Executive Session

None

VIII. Reports

a. Attorney's Report

b. Grand Jury Report 03-23

c. Roads and Bridges 03-23

d.

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.

RESOLUTION

A RESOLUTION OF THE GRADY COUNTY BOARD OF COMMISSIONERS TO GRANT A VARIANCE FROM THE GRADY COUNTY LAND DEVELOPMENT REGULATIONS

WHEREAS, the applicant, Beachton Joint Venture, LLC, is the owner of certain property more particularly described as follows:

A certain tract or parcel of land containing 27.80 acres, more or less, together with all valuable improvements thereon, located in Land Lot No. 13 in the 23rd Land District of Grady County, Georgia, and more particularly described as follows: Commence at the concrete monument which is located at the common corner of Land Lot Nos. 12, 13, 28 and 29 in the 23rd Land District of Grady County, Georgia, which point is the POINT AND PLACE OF BEGINNING of the property hereby conveyed; thence from said point of beginning run south 88 degrees 11 minutes 31 seconds west along the south lot line of said Land Lot No. 13 a distance of 466.22 feet to a point and an iron pin; thence run north 01 degree 49 minutes 00 seconds east a distance of 3,249.37 feet to a point and an iron pin on the southern right of way margin of Fleming Walden Road; thence run north 87 degrees 20 minutes 32 seconds east along said southern right of way margin of Fleming Walden Road a distance of 296.30 feet to a point and an iron pin; thence run south 00 degrees 32 minutes 35 seconds east for a distance of 944.00 feet to a concrete monument; thence run south 01 degree 45 minutes 19 seconds east for a distance of 1,648.54 feet to a concrete monument and the point and place of beginning.

The property is described according to and identified as Lot 1 on a plat of survey for Jack M. Green, II, dated October 15, 2003, prepared by Dan Hinson, Georgia Registered Surveyor, and recorded in Plat Book 39, Page 4 in the Public Records of Grady County, Georgia, reference to said plat is hereby made for the purpose of making same a part of this description and all other necessary purposes.

WHEREAS, the applicant proposes to construct a residential subdivision on the property;

and

WHEREAS, the applicant submitted an application for a variance to Article III, Section 8- 7 of the Land Development Regulations, which requires that cul-de-sacs be no greater than 2,500 feet in length; and WHEREAS, the applicant requests that it be permitted to construct a cul-de-sac that is 3,100 feet in length; and

WHEREAS, after notice, the Board of Commissioners held a public hearing on the matter at its regular meeting on March 21, 2023; and

WHEREAS, no person objected to the variance application during the hearing; and WHEREAS, after reviewing the application and supporting documentation, reviewing the property records maintained by the clerk of court, and considering the evidence presented at the public hearing, the Board of Commissioners makes the following findings of fact:

1. The property is narrow and trapezoidal in shape, with a maximum length of approximately 3,200 feet and a maximum width of 466 feet;
2. The property's dimensions and boundary lines were established prior to the applicant's purchase of the property;
3. The property has frontage on only one public roadway, which is Walden Road;
4. If the variance were denied, the applicant would be required to reduce the number of lots contained in the proposed subdivision by approximately 20%, which would significantly reduce the value of the property;
5. In all other respects, the subdivision meets the requirements set forth in the Land Development Regulations;

WHEREAS, based on the foregoing findings of fact, the Board of Commissioners concludes that:

1. 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;
2. The granting of the variance will not adversely affect the rights of adjacent property owners or residents;
3. The strict application of the provisions of the Land Development Regulations, from which a variance is requested, will cause severe practical difficulty or extreme hardship for the property owner represented in this application;
4. The variance desired will not adversely affect the public health, safety, order, convenience or general welfare of the community;
5. Granting the variance desired will not violate the general spirit and intent of the Land Development Regulations.

NOW THEREFORE, BE IT RESOLVED by the Grady County Board of Commissioners that the applicant's variance request is GRANTED. A copy of this resolution shall be kept by the Grady County Code Enforcement Office for reference and the variance log shall be updated as required by Article IX, section 9-5 of the Land Development Regulations.

ADOPTED by the Board of Commissioners of Grady County, Georgia, this 4th day of April, 2023.

GRADY COUNTY BOARD OF COMMISSIONERS

By: June Knight
June Knight, Vice-Chair

Attest: John White
John White, County Clerk
(Affix Seal)

RESOLUTION

A RESOLUTION OF THE GRADY COUNTY BOARD OF COMMISSIONERS TO AUTHORIZE AN
AMENDMENT TO THAT INTERGOVERNMENTAL AGREEMENT WITH THE GRADY COUNTY
LAKE AUTHORITY DATED SEPTEMBER 20, 2022.

WHEREAS, an Intergovernmental Agreement between Grady County, by and through its
duly elected board of commissioners, and the Grady County Lake Authority was executed on
SEPTEMBER 20, 2022;

WHEREAS, the primary purpose of the agreement was to establish the terms and
conditions under which Grady County would convey the real property surrounding Tired Creek Lake
to the Grady County Lake Authority;

WHEREAS, paragraph 1 of the agreement provided a brief description of the property to
be conveyed and the lands to be excepted from the conveyance, which included the mitigation
sites, the dam, and the rights-of-way of all public roads situated within the property's boundary
lines;

WHEREAS, after the agreement's execution, the parties determined that it would be
advisable that Grady County also retain the boat ramps, the cell phone tower, and the lake
manager's office building.

NOW THEREFORE, BE IT RESOLVED by the Grady County Board of Commissioners

as follows:

1. The Board of Commissioners hereby approves the amendment to the Intergovernmental Agreement as provided above and authorizes the Chairman to execute all documents necessary to carry out the same.

ADOPTED by the Board of Commissioners of Grady County, Georgia, this 4th day
April, 2023.

GRADY COUNTY BOARD OF COMMISSIONERS

William Knight
William Knight

Wm. Knight

Attest: J. F. ... L&:

John _____ County Clerk
(Affix l)

After Recording Return To:

The Ridley Law Firm

P.O. Box 1019

Cairo, GA 39828

QUITCLAIM DEED

**STATE OF GEORGIA COUNTY
OF GRADY**

THIS INDENTURE made this 4 day of April, 2023, between GRADY COUNTY, a political subdivision of the State of Georgia, acting by and through its duly-elected Board of Commissioners, hereinafter called "Grantor," and the GRADY COUNTY LAKE AUTHORITY, a body politic deemed to be a political subdivision of the State of Georgia and a public corporation, hereinafter called "Grantee."

WITNESSETH: That Grantor for and in consideration of an intergovernmental conveyance pursuant to O.C.G.A. § 36-9-3(3)(A) and the mutual promises, covenants, and conditions contained in that Intergovernmental Agreement between the parties dated September 20, 2022, and other good and valuable considerations, has bargained, remised, released and forever quit-claimed and does by these presents bargain, remise, release, and forever quit-claim to Grantee all the right, title, interest, claim or demand of Grantor in and to that certain tract or parcel of land described as follows:

Tract I: All that tract or parcel of land lying and being in Land Lots 44, 45, 75, 76, 77, 78, 83, 84, 85, 86, 114, 115, 116, 117, 118, 119, 123, 124, 125, 126, 127, and 156 in the 16th Land District, Grady County, Georgia, and being delineated on a plat of survey by Larry W. Grogan, Georgia Registered Land Surveyor, dated December 21, 2000, and recorded in plat book 37, page 146, Grady County records.

LESS AND EXCEPT all lands contained within the normal lake pool at 220.2 feet mean sea level as shown on that plat of survey by Joseph F. Brock, Georgia Registered Land Surveyor dated April 3, 2012, and recorded in plat book 47, pages 27-32 Grady County records.

ALSO, LESS AND EXCEPT those mitigation sites shown as "TRACT 1," "TRACT 2," "TRACT 3," "TRACT 4," "TRACT 5," "TRACT 6," "TRACT 7,"

"TRACT 8," "TRACT 9," "TRACT 10," "TRACT 11," "TRACT 12," "TRACT

13," "TRACT 14," "TRACT 15," and "TRACT 16" on that plat of survey by Joseph

F. Brock, Georgia Registered Land Surveyor dated April 3, 2012, and recorded in plat book 47, pages 27-32 Grady County records.

ALSO, LESS AND EXCEPT all of that tract or parcel of land containing 4.42 acres, lying and being in Land Lot 86 of the 16th Land District, Grady County, Georgia, and being more particularly shown on that plat of survey by Terrance M. Collins, Georgia Registered Land Surveyor, dated March 7, 2023, and recorded in plat book E2023, page 38, Grady County records; referral to said plat of survey is made to incorporate the same herein by reference.

ALSO, LESS AND EXCEPT all of that tract or parcel of land containing 0.83 acres, lying and being in Land Lot 75 and Land Lot 86 of the 16th Land District, Grady County, Georgia, and being more particularly shown on that plat of survey by Terrance M. Collins, Georgia Registered Land Surveyor, dated March 7, 2023, and recorded in plat book E2023, page 39, Grady County records; referral to said plat of survey is made to incorporate the same herein by reference.

ALSO, LESS AND EXCEPT all of that tract or parcel of land containing 75.04 acres, lying and being in Land Lot 44, Land Lot 45, Land Lot 75, and Land Lot 76 of the 16th Land District, Grady County, Georgia, and being more particularly shown as "Tract 1" on that plat of survey by Terrance M. Collins, Georgia Registered Land Surveyor, dated March 7, 2023, and recorded in plat book E2023, page 40, Grady County records; referral to said plat of survey is made to incorporate the same herein by reference.

ALSO, LESS AND EXCEPT all of that tract or parcel of land containing 6.34 acres, lying and being in Land Lot 75 of the 16th Land District, Grady County, Georgia, and being more particularly shown as "Tract 2" on that plat of survey by Terrance M. Collins, Georgia Registered Land Surveyor, dated March 7, 2023, and recorded in plat book E2023, page 39, Grady County records; referral to said plat of survey is made to incorporate the same herein by reference.

ALSO, LESS AND EXCEPT all of those lands within the rights-of-way of State Park Road, Cedar Springs Road, and Gainous Road.

The above-described property being a portion of those lands conveyed to Grantor by the Georgia State Properties Commission by quitclaim deed dated September 6, 2011, and recorded in deed book 344, page 151, Grady County records.

Tract II: All that tract or parcel of land located in Land Lot 117 of the 17th Land District, Grady County, Georgia, containing 2.30 acres, and being more particularly described on that plat of survey for Grady County Board of Commissioners, dated July 15, 2014, and recorded in Plat Book 46, Page 177, Grady County Records. Referral to said plat of survey is being made to incorporate same herein by reference thereto.

SUBJECT TO all zoning ordinances, easements, and restrictive covenants of record.

ALSO SUBJECT TO the terms and conditions contained in that Intergovernmental Agreement between Grantor and Grantee dated September 20, 2022, and recorded in the minutes of the Board of Commissioners of Grady County, Georgia.

HERETO, together with all the rights, members and appurtenances to the said described premises in anywise appertaining or belonging.

TO HAVE AND TO HOLD the said described premises unto the Grantee, so that neither the said Grantor, nor any other person or entity claiming under Grantor shall at any time claim or demand any right, title or interest to the aforesaid described premises or its appurtenances.

IN WITNESS WHEREOF, the Grantor's duly authorized representative has set hand and seal on the day and year above written.

By: [Signature]
JuneA ght, Vice-Chau, (_____)
Grady: County Board of Commissioners

Attest: [Signature]
John Whik :e, Clerk
Grady Co unty Board of Commissioners

[Affix County Seal]



Signed, sealed and delivered in the presence of:

[Signature]

(Unofficial Witness)

[Signature]
Notary Public:
My Commission Expires: Sept
(AFFIX SEAL)

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AMENDMENT TO THAT INTERGOVERNMENTAL AGREEMENT DATED

SEPTEMBER 20, 2022.

STATE OF GEORGIA COUNTY OF

GRADY

THIS AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT (hereinafter, "Agreement") is entered into this 4th day of April 2023, by and between GRADY COUNTY, acting through its elected Board of Commissioners, and the GRADY COUNTY LAKE AUTHORITY a political subdivision of the State of Georgia (hereinafter, "Authority").

Paragraph 1 of the agreement is amended as follows:

1. The County will convey to the Lake Authority the Tired Creek Property less and except (1) those mitigation sites identified on that plat of survey by Joseph F. Brock, dated April 3, 2012, and recorded in plat book 47, pages 27-32, Grady County records, (2) the dam site, the boat ramps, the lake manager's office, and the cell phone tower, the boundary lines of which Grady County will have surveyed and platted after this Agreement's execution, and (3) the rights-of-way of all public roads maintained by Grady County.

All other terms of the agreement not in conflict with the foregoing amendment shall remain in effect.

IN WITNESS HEREOF, the parties have caused this Agreement to be executed by their authorized representatives as of the year and date first above written.

GRADY COUNTY



By: *James Knight*
Chair, Board of Commissioners

Vice-Chairman

()

Attest _____ !!

County Clerk

(Affix Seal)

GRADY COUNTY LAKE AUTHORITY

By:

____ Chairman

Attest:

.....
Secretary

(Affix Seal)

RESOLUTION

RESOLUTION OF THE GRADY COUNTY BOARD OF COMMISSIONERS AUTHORIZING THE
EXECUTION AND DELIVERY OF AN EQUIPMENT LEASE- PURCHASE AGREEMENT, AND
RELATED INSTRUMENTS, AND DETERMINING OTHER MATTERS IN CONNECTION
THEREWITH

WHEREAS, the Grady County Board of Commissioners ("Lessee") has determined that a true and very real need exists for a 2023 John Deere 620G Motor Grader, Serial No. 1DW620GXAPF71771 (the "Equipment") described in the Equipment Lease/Purchase Agreement (the "Agreement") presented to this meeting; and

WHEREAS, Lessee has taken necessary steps, including those relating to any applicable legal bidding requirements, to arrange for the acquisition of the Equipment, and

WHEREAS, Lessee proposes to enter into the Agreement substantially in the form presented in this meeting; and

WHEREAS, Lessee reasonably anticipates that it and its subordinate entities will not issue tax-exempt obligations in the face amount of more than \$10,000,000 during the current calendar year as noted on the Rider 1 portion is non-applicable.

NOW, THEREFORE, BE IT RESOLVED BY THE GRADY COUNTY BOARD OF COMMISSIONERS AS FOLLOWS:

Section 1: It is hereby found and determined that the terms of the Agreement in the form presented to this meeting and incorporated in this resolution are in the best interests of Lessee for the acquisition of the Equipment.

Section 2: The Agreement is hereby approved. The Vice-Chair and other officer of Lessee who shall have power to execute contracts on behalf of Lessee be, and each of the hereby is, authorized to execute, acknowledge and deliver the Agreement with any changes, insertions and omissions therein as may be approved by the officers who execute the Agreement, such approval to be conclusively evidences by such execution and delivery of the Agreement The County Clerk of the Lessee and any other officer of Lessee who shall have power to do so be, and each of them hereby is, authorized to affix the official seal of Lessee to the Agreement and attest the same.

Section 3: The proper officers of Lessee be, and each of them hereby is, authorized and directed to execute and delivery any and all papers, instruments, opinions, certificates, affidavits and other documents and to do or cause to be done any and all other acts and things necessary or proper for carrying out this resolution and the Agreement.

Section 4 Lessee hereby designates the Agreement as a "qualified tax-exempt obligation" within the meaning of Section 265(b) (3) of the Internal Revenue Code of 1986 as Amended.

The undersigned further certifies that the above resolution has not been repealed or amended and remains in full force and effect and further certifies that the within Equipment Lease/Purchase Agreement is the same as presented as said meeting of the governing body of Lessee.

RESOLVED this 4th day of April, 2023.

GRADY COUNTY BOARD OF COMMISSIONERS

By: June Knight
June Knight, Vice-Chair
Attest: John White
John White, County Clerk
(Affix County Seal)

Motion to adjourn was made by Mrs. Copeland and second by Mr. Prince. The motion was approved.

ATTEST:

JOHN WHITE, COUNTY CLERK

PHILLIP DREW, CHAIR

June Knight, VICE-CHAIR

RAY PRINCE, COMMISSIONER

Keith Moye, COMMISSIONER

LAFAYE COPELAND, COMMISSIONER