

**MINUTES  
CALLED MEETING  
WARE COUNTY BOARD OF COMMISSIONERS  
THURSDAY, JUNE 29, 2023  
9:00 a. m.**

The Ware County Board of Commissioners held a Called Meeting, Thursday, June 29, 2023, at 9:00 a.m. in the Ware County Commission Chambers, 305 Oak Street, Suite 201 Waycross, Georgia 31501 with Chairman Elmer Thrift presiding.

<b>CALL TO ORDER</b>	Chairman Elmer Thrift
<b>COMMISSIONERS PRESENT</b>	Commissioner Steve Barnard Commissioner Leonard Burse Commissioner Timmy Lucas Commissioner Jerry Pope
<b>COMMISSIONERS ABSENT</b>	None
<b>STAFF PRESENT</b>	County Manager Scott Moye; County Clerk Melinda Brooks
<b>PRESS</b>	Danny Bartlett, WJH
<b>INVOCATION</b>	The invocation was waived from the Public Hearing
<b>PLEDGE OF ALLEGIANCE</b>	The Pledge of Allegiance was waived from the Public Hearing

**AGENDA ITEMS**

**A. Resolution 2023-22: Adopt Fiscal Year Budget**

Chairman Thrift said the Commission had discussed this item and asked if there was a motion.

Commissioner Burse made a motion to adopt the FY 2024 Budget as presented. Commissioner Pope seconded the motion.

Chairman Thrift asked if there is any more discussion. Commissioner Burse said he appreciates all the work that the County Manager and the Financial Department put into compiling this budget. Chairman Thrift and Commissioner Lucas both felt the staff did a good job keeping the budget down.

Roll Call Vote:

Commissioner Leonard Burse-aye; Commissioner Jerry Pope-aye; Commissioner Timmy Lucas-aye; Commissioner Steve Barnard-aye; and Chairman Elmer Thrift-aye.

**B. Resolution 2023-23: MOU with City of Waycross Regarding Albany Avenue Overpass Project**

Chairman Thrift asked County Manager Moye to explain the changes to this item. Mr. Moye stated this a revised MOU with the City of Waycross pertaining to the Albany Avenue Overpass Project. The County had to get clarification from the Legal Department regarding financing of the project. In the intergovernmental agreement that was signed in 2022, there was a stipulation that \$9,750,000 of the \$12 million will be collected first in the proceeds from the 2022 SPLOST. The difference between the \$9.75 million and the \$12 million (which is roughly \$1.35 million) would be split between the City and the County based on the 60/40 split. The money will be collected up front. Also, the Economic Development money for the Waycross-Ware County Development Authority and the Downtown Waycross Development Authority. That amount will be collected in about 1-1/2 years based on the current rate of proceeds. One item added to this MOU is that Ware County will be the project manager.

Commissioner Burse asked what is the projected time period for collection of the \$9 million. CM Moye said it would be approximately one year and four months.

Commissioner Pope asked if expenses incurred by the City or County can be paid out of that account while these funds are being collected. Mr. Moye said that was correct because it goes into the project.

Commissioner Burse asked the County Manager to explain Item #2 about the remaining funding. Mr. Moye explained that the City and County will share equally in increased costs not to exceed \$2,000,000. Anything over that will be split 60/40. The City and County would have to work out which funds to use to cover the extra costs.

Commissioner Barnard asked when would the design be nailed down. CM Moye said once the surveying is completed, hopefully within five to six months the preliminary designs will be ready for the Commission to view. There should be a new cost estimate at that time.

Commissioner Burse asked if the County could put the collected funds in an interest bearing account while waiting for the project to be designed and built. Mr. Moye suggested putting the money in a CD.

Chairman Thrift asked if there was a motion on this item. A motion was made by Commissioner Barnard. Commissioner Burse seconded the motion.

Roll Call Vote:

Commissioner Leonard Burse-aye; Commissioner Jerry Pope-aye; Commissioner Timmy Lucas-aye; Commissioner Steve Barnard-aye; and Chairman Elmer Thrift-aye.

### **C. 4<sup>th</sup> of July Fireworks Event**

County Manager Moye said in February the Commission voted to donate up to \$5,000 to the 4<sup>th</sup> of July Fireworks celebration. At the last meeting, there was a discussion to cancel that payment and use it to pay for security at the Bailey Street pool. Due to the way things have happened, the pool will only be open one month instead of two. The original security budget was \$9,800.

Chairman Thrift asked if there was a motion on this item.

A motion was made by Commissioner Barnard to pay \$2,500 to the City of Waycross for fireworks and apply the balance to security at the swimming pool. Commissioner Burse seconded the motion.

Roll Call Vote:

Commissioner Leonard Burse-aye; Commissioner Jerry Pope-aye; Commissioner Timmy Lucas-aye; Commissioner Steve Barnard-aye; and Chairman Elmer Thrift-aye.

## **COUNTY MANAGER'S REPORT:**

### **COMMISSIONER COMMENTS:**

Chairman Thrift asked County Engineer Brandon Wallace to give an update on Paschall Road. Mr. Wallace told the Commission that he had a surveyor look at the property pins that have been in question on that radius. The tree limbs grow out over the ditch and have been trimmed back in that area previously. Based on what the surveyor sketched up, the County has encroached on that property on the inside part of that radius. At the prior meeting, the discussion entailed putting in a 90-degree condition which is how the property was originally platted. Because of the current encroachment on the Kitchens property, that would be a very tight turn for a very large vehicle because there is only 30 feet of prescriptive right of way at that location. Mr. Wallace asked the surveyor to locate the pins on the other side of the road to find that property line on the outside of the radius across from where the limbs hang across the roadway. At this time, he doesn't think there is enough room for a wider roadway section to create a 90-degree turn. It appears like it may be more of a semi 90-degree situation. He's going to see what can be done on the other side of the road, possibly acquire some more right of way and pay for the property that has been encroached.

Commissioner Barnard asked how much property would have to be purchased from the landowner. Mr. Wallace said he would reach out to the surveyor to find out as the surveyor is in the process of researching that information.

Chairman Thrift asked Mr. Wallace to check with the landowner to see if the County could purchase that portion of land on the corner and put up a fence or a hedgerow for him. Mr. Wallace will get with the attorney and have paperwork put together regarding an appraisal and proposal for purchase.

Commissioner Lucas asked about the ditches because they are flat with the road. Mr. Wallace explained that the soil and flat land in the area that the grade sometimes has to be made up in the ditch area which can create a pretty significant ditch. That can cause a catch-22 situation with ditches and drainage. Because there is only a 30 feet right of way, the property line is at the bottom of the ditch which means the back slope of the ditch is on private property. That ditch has encroached on the landowner's property. He reiterated that a 30 feet prescriptive easement limits what can be done. A decision has to be made to get more right of way or do a full-fledged paving project and establishing drainage. Otherwise the situation will be like the one currently on Paschall Road. He stated that the Chairman has mention possibly requiring a 50 feet right of way which he thinks is a good idea. Unless roads are paved, or ditches are grassed, it's almost impossible to for Public Works to squeeze ditches into a 30 feet roadway. County Moyer interjected that the steeper the ditches, the more citizens complain that they can't mow their ditches. Mr. Wallace added that can also cause problems with erosion and clogged pipes which means driveway pipes and cross drains aren't working. All these issues are why they have discussed 50 feet right of ways.

Chairman Thrift asked Planning and Codes Director James Shubert to come up and explain what it would take to pass an ordinance to require 50 feet right of ways. Director Shubert said in the early 2000s the County used to require dedicating half of the distance it takes to get to 60 feet to dirt ditches. But the Attorney General stopped that practice and stating the County has to buy that land. He said the projects would have to be worked one by one. He suggested surveying the entire length of the County owned portion of Paschall Road and start with the problem area first. The remainder of the road would be ready for future work. That way it would be known how many houses would be affected and how much property would have to be purchased. The general rule of thumb is 60 feet with dirt ditches, and 50 feet for curb and gutter right of way. In the past, the County would do 80 feet and try to reach a 4 to 1 front slope and a 4 to 1 back slope and a five feet shoulder. With an 80 feet right of way and a two-and-a-half feet deep ditch, there would be one foot left over on each side on the back slope. Now the requirement is back to 60 feet and the slopes have been reduced to 3 to 1. The problems in the past have been with two-and-a-half feet deep ditches without the slopes. People can't mow these ditches, and they will fuss. Director Shubert reiterated that the State requires the County acquire or purchase the right of way.

Chairman Thrift asked about stopping at the cattle gap because of that being a private portion of the road. Director Shubert said he has documentation in his office that legal easement was given to the county for the right to maintain the roadway. He said if Paschall Road is improved, no one would need to go to the cattle gap end. He also said to pave it, some land would have to be purchased or condemned due to the lack of drainage issues with the water having nowhere to go. He asked Public Works Director Michael Brooks if Smith Road is the only way to send the water out. Mr. Brooks said there is a ditch at the next curve that carries it back to Kettle Creek. However, Kettle Creek is maxed out with the 84 project and others (*project names inaudible*). Director Shubert said that had been the purpose of the 80 feet right of way in the past to help that water seep out.

**ADJOURN**

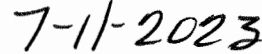
A motion was made by Commissioner Burse to adjourn the Called Meeting at 11:00 a.m., with Commissioner Pope seconding the motion. The motion passed unanimously.

Date proposed to be approved: July 10, 2023

**ATTEST:**

  
Melinda L. Brooks, County Clerk

  
Elmer Thrift, Chairman

  
Date

**[SEAL]**