

**MINUTES
WORK SESSION
WARE COUNTY BOARD OF COMMISSIONERS
MONDAY, JULY 10, 2023
3:30 p.m.**

The Ware County Board of Commissioners held a Work Session, Monday, July 10, 2023 at 3:30 p.m. in the Ware County Commission Chambers, 305 Oak Street, Suite 201 Waycross, Georgia 31501 with Chairman Elmer Thrift presiding.

CALL TO ORDER	Chairman Elmer Thrift
COMMISSIONERS PRESENT	Commissioner Steve Barnard, Commissioner Leonard Burse, Commissioner Jerry Pope, and Commissioner Timmy Lucas
COMMISSIONERS ABSENT	None
STAFF PRESENT	County Manager Scott Moye; Assistant County Attorney Jennifer Herzog; County Clerk Melinda Brooks
PRESS	Danny Bartlett
INVOCATION	The Invocation was given by Danny Bartlett
PLEDGE OF ALLEGIANCE	The Pledge of Allegiance was led by Chairman Elmer Thrift
GUEST SPEAKER(S):	None

AGENDA ITEMS:

A. Library Boiler Replacement

County Manager Moye informed the Commission this item up for approval is for the replacement of the boiler at the library. It's a piece of equipment that has needed to be changed for quite some time. When SPLOST didn't pass the first two times, the money wasn't available. The boiler was installed when the building was constructed. Due to the rusted pipes from the humidity, two different vendors have said they will not repair it because they cannot warranty the work. Trane gave a quote using the same federal coop program that the courthouse HVAC units were purchased through. The quote includes a new boiler and part of the installation for \$56,213.

The Chairman asked if there was a quote from any other vendor. County Manager Moye said there was not, and that was because this unit was priced through a coop program which has been bid before for certain items, including the boiler.

Commissioner Barnard asked if this was the total price. CM Moyer said this is a total price and includes a warranty for materials and labor for one year (12 months). He also pointed out that the paperwork says the proposal is valid 30 days from June 8, 2023. He verified with the Trane representative that this proposal would still be good for another 2-3 weeks.

Commissioner Barnard asked how long it would take to receive a bid from a vendor if the Commission were to bid this item. CM Moyer said at least 60 days to allow time to draw up the specs and advertise the bid. Commissioner Pope asked if this Trane program is similar to the state contract pricing program for buying cars for the Sheriff's Office. CM Moyer said it is. This federal purchasing cooperative is part of a national contract, and the items have been pre-bid. This is the same pricing that the state agencies receive. Commissioner Pope then asked if there have been any problems with Trane. CM Moyer responded that there have been a couple of hiccups with one of the AC units that was replaced at the courthouse, but only because they retrofitted it to the area where the old system had been. It is now working perfectly.

Commissioner Burse asked if the rust had caused a problem with the hot water pad and other piping. CM Moyer said it had not. He said the representatives from Trane inspected the existing system and is building this boiler to the specs to fit this system and replacing everything that needs to be replaced.

The Chairman asked if there was time to bid this item and have it installed before winter. CM Moyer said that it would take at least two months to get bids before the Commission before approval. Commissioner Lucas spoke up about the coop price no longer being available. CM Moyer said this price is only good for another two to three weeks before Trane would have to prepare another proposal due to increasing prices.

Added to Regular Meeting Agenda

- B. Resolution 2023-24: Approve Public Defender Contract for First Half of FY 2024**
County Manager Moyer explained that this is a contract that the Commission approves every six months to fund the Public Defender's Office. The cost for six months is \$106,745.76 which breaks down to \$17,790.96 per month. This amount covers salaries, insurance, social security, and other personnel costs. In addition, there is a monthly amount of \$1,925.26 which goes towards equipment, furnishings, office supplies, and related costs. This is a six-month contract. There will be another six-month contract to approve for the second half of the fiscal year.

Commissioner Barnard asked how much funding the State provides. CM Moyer said the amount should be listed in the packet with the contract. Commissioner Lucas spoke up (*reading from the contract*) said the State provides a little over \$209 for the salaries portion. Commissioner Pope asked if this contract is comparable to the current contract, and CM Moyer said it is. Commissioner Barnard asked how the amount is determined for each county in the judicial circuit. CM Moyer said it is based on the number of cases and pro rata share based on the population.

Added to Regular Meeting Agenda

C. Regional TSPLOST Project Reconsideration

Chairman Thrift said he had asked for this to be added to the agenda for discussion and possible action to reconsider adding the planning process for a perimeter road design. He said he would like to get the perimeter road (on the south side) back on the agenda, and in order to do that, the County would have to pledge \$10 million of the Regional TSPLOST. Commissioner Barnard asked if the project submission deadline was July 14. County Manager Moyer said that the project list had to be turned in by Friday (4 days). Commissioner Barnard said there was no time to meet with the city to get them to go in on this project and get a signed resolution in that short of a time frame. The Chairman asked the County Manager if the City had responded to this proposed change to the Regional TSPLOST Project. CM Moyer said he had not heard from anyone at the City regarding this change. Commissioner Barnard asked if the City had returned the Overpass Resolution with signatures. CM Moyer answered in the affirmative.

Chairman Thrift asked if the Commission had any comments. Commissioner Burse stated he agreed that a perimeter road is needed in this community. He is aware that a study was done several years ago by Wolverton but thought that company suggested a different route. He asked the County Manager to clarify that. CM Moyer stated that it's the same basic route. The study was based on truck traffic to find where most of it was originating which was the north, west, and south sides. A breakdown was given of which segments of the bypass road would have a larger volume of traffic than others. Commissioner Burse reiterated that there is a need for a perimeter road as the traffic is not going away. But with only a three- or four-day time frame to get it on the Regional TSPLOST list, he feels like time is too short especially with this being an opportunity that is presented only once every 10 years and the previously approved list and appropriate documents already being in place to be submitted. However, he hopes that this Commission can get the ball rolling and tap into federal and state funding. Commissioner Lucas voiced concerns about losing tax dollars if traffic is rerouted around the outskirts of the businesses. The Chairman said that gas stations, restaurants, and hotels would be built along the perimeter road, and County may see more tax dollars. Commissioner Burse stated he understood Commissioner Lucas's concerns, but the main intent of a perimeter road is to divert truck traffic. A bypass road will not deter patrons who were planning to spend money in the community anyway.

Commissioner Pope spoke up and said the Wolverton study showed the container truck traffic from the port of Savannah (which is steadily building), needs to be moved from Blackshear through Jamestown and on to Corridor Z. This was a result of a number of traffic studies. He then said to follow up with Commissioner Barnard's statement that the Commission had gone through the LMIG process agreed to a list. They then worked on the new local SPLOST list for paving and drainage as well as a CDBG repaving list for Jamestown. They unanimously voted on a TSPLOST list. It has all been turned in and is on the regional portal, so that everyone in the local 18 counties can look at it. He added that during all of that process of working on and agreeing to these lists, the bypass road was never mentioned. He stated that he agreed that Ware County needs a perimeter road, but it's too complicated and too expensive to try to grab money away from these programs which are needed also. It will cost over \$90 million. He feels like it can be done, but he is not for taking it away from these other lists.

Commissioner Lucas mentioned to the Commission that not only are there only three or four days left to submit a new project, but a new resolution from the City would also be needed. County Manager Moye said a modified list would have to be turned in by Friday. The City would be responsible for turning in its own. The City and the County would have to budget money separately. Commissioner Lucas asked about fronting the \$10 million. CM Moye said that would be dependent upon how the TSPLOST was funded, and GDOT would have to help fund the project due to the overall cost. Commissioner Barnard reminded the Commission that the Regional TPSLOST has to pass before any of this becomes a reality.

D. Cornelius Road Paving Improvement

Chairman Thrift explained this is a road in Manor that is paved a few hundred feet on both ends. There are about 35 semi-trucks traveling this road daily carrying produce, so he feels like the County needs to pave the road. He asked the Commissioners if they had any objections. He said he thought the Cornelius family had helped to pay for part of the previous paving, they would help with this part. Commissioner Pope asked how much of the half million dollar cost they planned to cover. The Chairman said he didn't know. *(At this time, Commissioners Barnard and Lucas said they had heard their business was on the market to be sold.)* He said Mr. Cornelius said to let him know how much it would be to pave it. Once the job is bid and the cost is known, the County can find out how much he wants to pay towards the paving; whether it's a half, a third, or some other amount.

Commissioner Pope suggested closing and abandoning the portion of the road past the church and let them prepare the road how they want it. He stated that half a million dollars is a lot to spend for the benefit of one person. The Chairman stated there are two business located on that portion of dirt road. The Cornelius Farms are on one end, and the Moore Farms are on the other end. Commissioner Burse spoke up and reminded the Commission of the conversations during the TSPLOST List decisions, and that there are many citizens "*in the mud*" who have been asking for help on their roads for several years. He does appreciate the business provided by both farms. Maybe, if they are willing to help pay for most or all of the paving or take over the road from the County something can be worked out. But the County can't do this to serve only one or two houses on this road. He asked the Chairman if this request came from "them". The Chairman said that Mr. Moore wanted to pave it. Commissioner Pope asked the County Manager if he had a letter requesting the paving. The CM said he did not. The Chairman said he received a call and went to look at the road.

Commissioner Lucas asked if the Cornelius and Moore families would come speak to the Commission. Chairman Thrift said the Moore family told him to bid it out because they wanted to know the cost of paving, and they would pay a portion of it. That was all that was said to him. The Chairman told them he would bring it to the table to see what could be done.

E. Property Tax Payment Refund Request

Commissioner Burse told the Commission this is a unique situation. This property was left to Mrs. Tarber's husband. He (and then she) paid taxes on it for about 50 years only to find out they didn't own the property. After talking with the County Assessor's office and the County Attorney, Commissioner Burse found out that the property owner can

only recoup up to three years from the County. By the same token, if a landowner has not been billed for previous years, the County can only collect for three years. He pointed out that this is due to State law not a County ordinance. As much as he would like to reimburse a citizen in a situation like this, the law has been set. He wanted to bring this issue before the Commission to make the public aware. He asked Deputy Chief Appraiser Billy Carter to explain in better detail. Mr. Carter said the error was discovered when the real owner of the property conveyed the property to someone else. What appears to have happened over 20 years ago is that the property was put in Mr. Tarber's name in lieu of a will being filed which should not have transferred ownership. Corrections have been made. The amount of time that the property was assessed in Mr. Tarber's name and tax payment received from him and his wife was about 22 years.

Commissioner Pope asked if the family had been refunded all that the law allows. Mr. Carter advised that they had been refunded the standard three years as allowed by the statute. There was a request on improper documentation on a sketch that was done back in 1999, and the County was not allowed access into the property to correct that information. When the County was finally allowed access, a correction was made. When the current owner did a deed and sold the property, the issue was brought to light. The County was able to recoup the three years of taxes from the proper landowner that was refunded to Mrs. Tarber.

Commissioner Burse stated he appreciated the effort put forth by Deputy Chief Appraiser Billy Carter and the County Attorney to help him understand this process. He referenced O.C.G.A. 48-5-380 as the statute that prevents the more than three years being billed or refunded at a later date. There have been some court cases in the state that upheld this law. He strongly advised all taxpayers and citizens to make sure they own the property that is listed on their tax bill.

Chairman Thrift asked Mr. Carter if this error occurred through a will. Mr. Carter said he can't pinpoint all of the details as this happened before he was employed with the County. He explained that there are three ways to transfer ownership of property: 1) deed 2) final order by a judge 3) year's support. Whoever handled the deed work for this piece of property was given a will that said the property went to Mr. Tarver, but there are no legal deeds or other documents showing that it was supposed to go in his name. The Chairman asked if a will had been found. Mr. Carter said there was a will from Mr. Tarber's mother from a long time ago. The property should have remained in her name, as far as he can tell, and should never have been transferred to Mr. Tarber. (*Although now it appears that Mr. D. K. Moses was always the proper owner.*) When Mr. Tarber passed away, Mrs. Tarber filed for year's support, and her attorney included this property on the list of ownership. At that point, property owners have an opportunity to make property returns to find out what they do or do not own.

Commissioner Burse asked the County Attorney if anything had been left out. Attorney Herzog said that everything had pretty much been covered. She felt there were probably numerous opportunities, since this problem started in the 1970s, where it could have been caught by either the taxpayer, their Council that originally handled the will, or their Council that handled the year support when her husband passed in the early 2000s. It would not have been caught by someone at the Tax Assessor's office unless a property

return was filed by the Moses family. She agreed that it was unfortunate, but the County has to operate within the confines of the law.

F. Appointment – Ware County DFCS Board

County Manager Moye explained to the Commission that he received an email from Cathy Cason, Director of Ware County DFCS, requesting for the Commission to make 2 appointments to the Board. The first is needed as Shelli Tyre has resigned due to being appointed principal of Ware County Middle School. Ms. Cason has recommended Mary Alice Aldridge to finish her term which will expire June 30, 2024. The second is because Betty Lee's term ended June 30, 2023, and she does not wish to be reappointed. Ms. Cason recommended Debi Jones to be appointed in her place for a full four-year term which will expire June 30, 2027.

Commissioner Pope asked if Ms. Aldridge could be reappointed to a full four-year term after this partial term expires. CM Moye said she could. Commissioner Lucas said he felt these were two very good choices.

Added to Regular Meeting Agenda

COUNTY MANAGER ITEMS: None

COMMISSIONER ITEMS:

Commissioner Burse offered congratulation to Tax Commissioner Roger Collins on being elected president of the Georgia Association of Tax Officials at the recent annual conference. Commissioner Pope gave Moye permission to get flag pole working at the library. He got with the maintenance department and the fire department and got new American and Georgia flags installed. The lights are working. CM Moye said temporary spotlights were installed. Protocol requires that the flagpole stays lit because the flags are flown 24 hours a day. He is working with Georgia Power to get a spotlight put on it which will also light up the front of the library and offer security. Commissioner Burse asked to clarify that the American and State flags are the only flags that will be flown. CM Moye said that was correct.

Commissioner Burse asked Recreation Department Director Lance Adamson to give an update on the Bailey Street Pool. Director Adamson said the pool is scheduled to open Saturday, July 15. There were issues getting the pump running which are due it only being used a couple of months each year. Security is in place. Commissioner Burse asked the County Manager if the reduced time would be reflected in the contract. CM Moye said it would. He said the final date the pool would be open is August 5.

Chairman Thrift asked Commissioner Lucas how things are going at the library. He said things are going well. The local and regional board are diverse. Commissioner Barnard asked if there was a new director yet. Commissioner Lucas said there was and asked board member, Evelyn Denton to elaborate further. Mrs. Denton said that Gina Martin is the interim director that has been appointed until a new one can be hired. The board has just completed a new job description for the new director which will be released soon. She stated Ms. Martin is a temporary interim director for the month of July only. Steve Wigham will be the interim director until a new director is hired, hopefully in September. Commissioner Barnard asked if the State or the Library Trustees hires the director. Mrs. Denton said the Library Board of Trustees does the hiring, they

had to come up with a new job description to turn over to the Human Resources Department over the State Library for review before advertising the position. Commissioner Burse asked if she could tell the Commission what was changed in the job description versus what was removed. She said *"no some of was just to say hey this is what Waycross looks like, to say this is what the temperatures are. Like an introductory paragraph was put in there to make it appealing to the person that might be coming to our area. Then ... also we kept the same qualifications. So nothing's really changed other than to make it where the person that is applying understands more of what they're getting."* The Chairman thanked Mrs. Denton.

Commissioner Lucas gave kudos to the Sheriff's office for the recent drug bust that was written up in the newspaper. All Commissioners agreed that is carrying out the job it is designed to do.

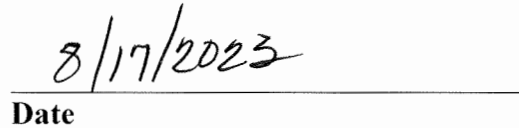
ADJOURN:

A motion was made by Commissioner Pope to adjourn the Work Session, with Commissioner Barnard seconding the motion at 4:23 p.m. The motion passed unanimously.

Date proposed to be approved: August 14, 2023


Elmer Thrift, Chairman


Melinda L. Brooks, County Clerk


Date