

**MINUTES  
PUBLIC HEARING  
WARE COUNTY BOARD OF COMMISSIONERS  
MONDAY DECEMBER 11, 2023  
4:30 p.m.**

**The Ware County Board of Commissioners held a Public Hearing, Monday, December 11, 2023 at 4:30 p.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 (via telephone), Commissioner Jerry Pope
<b>COMMISSIONERS ABSENT</b>	None
<b>STAFF PRESENT</b>	County Manager Scott Moye; Assistant County Attorney Jennifer Dorminey Herzog
<b>PRESS</b>	Danny Bartlett - WJH
<b>INVOCATION</b>	The invocation was waived from Work Session
<b>PLEDGE OF ALLEGIANCE</b>	The Pledge of Allegiance was waived from Work Session

**Call to Order:**

Chairman Thrift called to order the public hearing for multiple applications.  
1<sup>st</sup> application is a request to close and abandon a portion of Dyson Road.  
2<sup>nd</sup> application is a request to close and abandon a portion of Pond Avenue.  
3<sup>rd</sup> application is a request to close and abandon an unnamed road that runs from Varnadore Road to Waters Road.

Chairman Thrift asked if there is any discussion or questions on the application.

**Road Closure/Abandonment Request – Dyson Road**

Will Harvey has requested to close and abandon Dyson Road from US 82/Albany Highway to the end of the owner’s property at the curve.

Mr. Harvey told the Commission that he owns both sides of that portion of Dyson Road and wants to close it for through traffic only. He stated he has had several conversations with neighbors of adjoining properties.

Commissioner Barnard asked Mr. Harvey what was his plan for people who will come to the dead end and start dumping trash. He admitted it would be a challenge as people are already dumping trash on the road because it isn’t well traveled, and he has spent a lot of time cleaning up the road. He stated he believes a lot of the through traffic comes from Highway 82. He has come into contact with people who come off the main highway and are just

wandering through. Commissioner Barnard said his daughter and son-in-law owned this piece of property previously, and they had the same problem with people dumping their trash on the property. They had said if the road was closed that the property would become a literal “county dump” because more people would sneak in and throw out garbage at the dead end. Mr. Harvey stated that he has intentions of building a home out there, and he goes out there every week. He winds up cleaning up every time he is there, even if it is just beer cans that people discard as they are out riding.

Commissioner Burse asked Mr. Harvey how long he has owned the property. He stated he has owned it since May of this year. Commissioner Burse then asked him if he was aware of the potential for litter at the time of the purchase. He answered that he knew he would have some work to do as far as cleaning up. Commissioner Burse told him that dumping of trash isn’t exclusive to the County that it occurs in the City as well. He explained that the workers at the City found out that by looking through the trash, sometimes there would be items identifying whose trash was dumped. Mr. Harvey agreed, but at this time he has a dishwasher and plenty of furniture on both sides of the road. They also dump tires, and he has to properly dispose of these items. Commissioner Burse said he doesn’t know the answer, but maybe one day someone will leave something that can be tracked back to the owner.

Chairman Thrift asked if there was any opposition to the road being closed. He informed those wishing to speak that they would be given a time limit of five (5) minutes each.

**Opposition:**

Debra Giddens – She adamantly opposed the lack of access for everyone, but she was especially concerned for emergency vehicles and timber harvesting.

Josh Eason – He doesn’t live there now, but he said it would be a burden to have to travel to Vic Davis Road.

Tommy Dyson – He stated he has lived on Dyson Road for 75 years and travels it every day. He does not want it closed.

Cary Dyson Thomas – She and her husband live on this road and travel it every day. They do not want this road closed.

Chuck Thomas – He lives on the opposite end of Dyson Road. If that end of Dyson Road closes, the trash will be thrown out on his end. He does not want the road closed.

Commissioner Burse asked the Chairman if there are any signs regarding no trash dumping. Chairman Thrift stated signs don’t help. He has furniture and other trash dumped near his house all the time.

County Engineer/Assistant County Manager Brandon Wallace asked if the fines for illegal trash dumping could be increased. The Chairman stated that he and the manager have discussed placing some dump sites in the County. Once those are in place, the fines could be increased, and that may stop the illegal dumping on personal property.

Mr. Will Harvey stated he didn't realize that the residents of the opposite end of Dyson Road traveled on his end of Dyson Road, so he feels he wasn't thorough with his contacting of neighbors. He did state that the water draining from Corridor Z comes down the ditch and dumps onto Dyson Road as there is no culvert there which may be a GDOT issue. He said there are a couple of older culverts on down the road that don't seem to be effective anymore as they are washed out. The ditches have recently been pulled which helped.

**Added to Regular Meeting Agenda**

**Road Closure/Abandonment Request – Pond Avenue**

This is a request by Teramore Development, LLC, representing landowner adjoining both sides of a 118.23 feet portion of Pond Avenue (sometimes known as Pond Street) in Manor.

Engineer Pete Schoenauer of Tidewater Engineering told the Commission he is assisting Teramore Development LLC in constructing a new Dollar General off Suwannee Chapel Road. He stated soil testing showed that soil on site is not appropriate for a septic system, so they had to purchase a piece of adjoining property to install a septic system. He is asking to close a portion of Pond Avenue to run a pipe from the store to the septic system. It is a 118 feet section where they own both sides of the road.

Chairman Thrift stated the road wasn't open. Engineer Keith stated it is not and has no access to any property for anyone. The Chairman mentioned that the whole road might could be closed. He asked Planning and Codes Director if the County owns the road. Director Shubert stated that it is an old right of way. He said there is some drainage and a water meter (for Manor) on that right of way. He said instead of trying to get drainage easements, they decided it would be best to close that portion of the road in case the County ever needs to get to the water meter or drainage area. He showed on the map where the septic system would be located in relation to the store and parking lot.

Commissioner Barnard asked if there would have to be a retention pond. Director Shubert stated that Dollar General builds a retention pond for every store. He showed the location of the pond on the map. The Chairman asked if it would be a dry pond. The engineer stated it would be a dry pond would drain after 24-48 hours.

Commissioner Pope asked if any part of Pond Avenue has ever been opened. Director Shubert stated that it has not.

**Added to Regular Meeting Agenda**

**Road Closure/Abandonment Request – Unnamed Road Between Varnadore Rd & Waters Rd**

The landowner, Billy Lee, owns both sides of the road is requesting closure of this road.

Mr. Lee told the Commission that access is available on Waters Road and Varnadore Road. Chairman Thrift asked Mr. Lee if he would give the County access of about 50 feet on the end near Varnadore Road to turn a school bus around. Mr. Lee said he doesn't have a problem giving whatever is needed make a turnaround there. He said all of the residents are about 80 years of age. He said he installed a camera, and a school bus hasn't been down that road in a while. There have been some hunters, but he doesn't want that. He just wants to

close that road off. The Chairman asked the County Engineer how much would be needed for a turnaround point. County Engineer Wallace said a 75 feet turning radius should work. Mr. Lee said he didn't have a problem with the County taking no more than is needed.

The Chairman asked if there was any opposition. There was none.

Commissioner Pope asked if the County owned the road, or if there is a prescriptive easement. Director Shubert stated the best he can tell is that it is a prescriptive easement, and this is an unnamed road. He said probably at some point a road grader went down the road and has continued to do so. He said he believes the plat states that the right of way varies which means the right of way goes where the ditches go. He believes this to be a prescriptive easement. If the ditches get narrower, so does the right of way. Commissioner Pope clarified that the County does not own the road, and Director Shubert said no. Commissioner Pope said the purpose of the request is to allow the applicant to obtain ownership of the right of way. He wanted to know how the County to give back something that it does not own. Director Shubert said that the County deeds its rights back to the owner; not through a physical land deed, but a quitclaim deed. Commissioner Pope clarified that County doesn't deed the title to the property. Director Shubert reiterated that the County deeds its rights to the property. Commissioner Pope asked if anyone can come along later and claim that property was given to them by parents. Director Shubert said we have a right to give our easement. County has a right to maintain it. If the Commission votes to approve it, the County has a right to deed it to adjoining landowners which is what our County ordinance says. If someone comes along later and claims ownership that would be a lawsuit between that person and Mr. Lee. Commissioner Pope asked if this request is approved, would the County be out of any future dispute. In other words, we could put a sign up stating don't call us if this needs grading. Director Shubert said yes.

Assistant County Attorney Jennifer Herzog stated that road closure process is outlined in Georgia statutory law. It is appropriate in cases where we aren't sure of ownership of the road, if there is any claim to the County having owned the road, or having graded the road, or anything of that nature, it would be appropriate in those circumstances.

The landowner, Billy Lee, came back to the podium. He told the Commission that the property has been in his family for many years. He said he is 72, and his granddaddy had it whom he never knew. He bought it from his uncle around 2019. He doesn't know of anyone who could make a claim to it because it has been in his family as long as he can remember.

The Chairman asked if there was anyone who opposed it. There was no one.

#### **Added to Regular Meeting Agenda**

Director Shubert stated there isn't another item to be heard, but he wanted to clarify for the record. There had been a variance for the Commission to hear that was advertised in the newspaper and on our website. The applicant sent an email to Director Shubert rescinding the application, so that is why this item isn't on the agenda. He wanted that on the record so that it would be know why it wasn't heard.

#### **CLOSURE**

Commissioner Barnard made a motion to close the public hearing, with Commissioner Pope seconding.

Roll Call Vote:

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

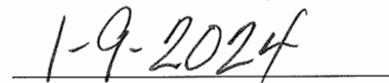
The public hearing was closed at 5:03 p. m.

Date proposed to be approved: January 8, 2024.

  
Elmer Thrift, Chairman

**ATTEST:**

  
Melinda L. Brooks, County Clerk

  
Date

