

BOARD OF COMMISSIONERS OF CANDLER COUNTY, GEORGIA
AGENDA
REGULAR MEETING
5:00 P.M.
March 18, 2024

1. Call to Order
2. Invocation and *Pledge of Allegiance*
3. Approval of Agenda
4. Executive Session – Personnel
5. Elected Official Vacancy - Appointment
 - a. Consideration of a temporary appointment to serve as the representative of Candler County, Georgia, District 2, on the Candler County Board of Commissioners, until the selection of a representative by voters of District 2 in a special election to be held on May 21, 2024
 - b. Administration of the Oath of Office, Tony Thompson, Probate Judge
6. Citizens wishing to address the Commission – *Citizens will be allowed to address the commission individually for a period of up to 5 minutes.*
 - a. Brandi Payne, Middle Judicial Circuit, Office of the Public Defender
7. Application for Commission approval, permit, or variance –
8. Approval of Minutes –
 - a. March 4, 1st Regular Meeting
9. Old Business
 - a. Consideration of a proposed Noise and Sound Control Ordinance to be enacted by the Board of Commissioners of Candler County
10. New Business
 - a. Consideration of a proposal from EMC Engineering for drainage modifications to Rosemary Church Rd (EMC Project #24-2010) county right-of-way
 - b. Consideration of an amendment to the Candler County Electrical Permit Ordinance
 - c. Consideration of an increase in quantities and budget for the 2023 LMIG project to resurface Fortner Road in the amount of \$80,000.00
11. Report from Chairman
12. Report from County Administrator
13. Report from Attorney
14. Reports from Commissioners
15. Adjournment

Board of Commissioners of Candler County
Monday, March 18, 2024
5:00 p.m.

The Board of Commissioners of Candler County met for the regular monthly meeting on Monday, March 18, 2024, at 5:00 p.m., in the Commissioners' boardroom at 1075 East Hiawatha Street, Suite A, Metter, Georgia. Chairman Glyn Thrift presided with Vice-Chairman Blake Hendrix, Commissioners Gregory Thomas and David Robinson in attendance. Also attending were County Administrator Bryan Aasheim; County Clerk Kellie Lank and County Attorney Kendall Gross.

Jerri Goodman represented the Metter Advertiser.

The following guests attended the meeting: Xavier Winkler, EMS Director; Tony Thompson, Probate Judge; Brad Jones, Curtis Barlow, Frannie Barlow, Norma Willis, Alvon Morales, Brandi Payne, Jeff Register, Emily Register, William Donaldson, Stacy Whitaker, Tim Spencer, Clara Frink, Tre' Ross, Robert Allen, Anne H. Childs, Crystal Rader and Pastor Mike Newman.

Call to Order

Chairman Thrift called the meeting to order at 5:00 p.m.

Invocation and Pledge of Allegiance

Pastor Mike Newman delivered the invocation and Chairman Thrift led *pledge of allegiance*.

Approval of the Agenda

Mr. Aasheim requested the agenda be amended to modify and add the following items:

7. New Business

b. Consideration of an amendment to the Candler County Electrical Permit Ordinance

c. Consideration of an increase in quantities and budget for the 2023 LMIG project to resurface Fortner Road in the amount of \$80,000.00

Commissioner Robinson made a motion to approve the agenda as amended. Commissioner Thomas provided a second to the motion. The motion carried 4-0.

Executive Session – Personnel

At 5:06 p.m. Commissioner Robinson made a motion to enter into executive session for the purpose of discussing: personnel. Commissioner Thomas provided the second to the motion. The motion carried 4-0.

Commissioner Robinson made a motion to exit executive session and return to regular session at 5:19 p.m. Vice-Chairman Hendrix provided the second to the motion. The motion carried 4-0.

Commissioner Robinson made a motion to authorize the Chairman to sign the *closed meeting affidavit* certifying that the executive session was for personnel. Vice-Chairman Hendrix provided the second to the motion. The motion carried 4-0.

Elected Official Vacancy – Appointment

- a. **Consideration of a temporary appointment to serve as the representative of Candler County, Georgia, District 2, on the Candler County Board of Commissioners, until the selection of a representative by voters of District 2 in a special election to be held on May 21, 2024**

Administrator Aasheim and the Commissioners reviewed letters received from parties interested in being appointed to the temporary, vacant position to serve District 2, Candler County. Letters were received from: Jonathan Williamson, who qualified for the special election in District 2; Stacy Whitaker, who qualified for the special election in District 2; Jeff Register, who had not qualified for any position in this election cycle; and Curtis E. Barlow Sr, who qualified for the election and resides in District 1. Administrator Aasheim explained the candidates seeking public office in this election cycle could not be appointed to this position without the impression the Board of Commissioners were showing favoritism one over the other, further, Mr. Barlow could not be selected due to the fact he does not reside within the boundary lines of District 2.

Vice-Chairman Hendrix made a motion to appoint Jeff Register to the vacant seat to serve as the representative of Candler County District 2. Chairman Thrift asked Mr. Register if he would accept the appointment. Mr. Register agreed to the appointment. Commissioner Robinson provided a second to the motion. The motion carried 4-0.

b. Administration of the Oath of Office, Tony Thompson, Probate Judge

Chairman Thrift requested Judge Tony Thompson administer the Oath of Office and swear Mr. Jeff Register in as a Commissioner of Candler County, District 2. Mr. Register swore to uphold the Oath of Office and Loyalty Oath read by Judge Thompson. (Exhibit A)

Chairman Thrift then asked Brother Newman say a prayer over Commissioner Register to make good and wise decisions during his time as a member of the Candler County Board of Commissioners. Commissioner Register took a seat at the board table to participate in this meeting.

Citizens wishing to address the Commission**a. Brandi Payne, Middle Judicial Circuit, Office of the Public Defender**

Administrator Aasheim opened the floor to Ms. Payne to explain the 18.18% increase over FY24 in the Public Defender's Office budget request for FY25. Ms. Payne delivered her presentation. Administrator Aasheim will include this information in the FY25 proposed budget from the Commissioners consideration.

Application for Commission approval, permit or variance –

There were no applications for this meeting.

Approval of the Minutes –**March 4, 2024 1st Regular Meeting minutes**

Commissioner Robinson made a motion to table the approval of the March 4, 2024 minutes. Commissioner Thomas provided the second. The motion carried 5-0.

Old Business

- a. **Consideration of a proposed ordinance for Noise and Sound Control to be enacted by the Board of Commissioners of Candler County, Georgia.**

Administrator Aasheim presented a revised Noise & Sound Control Ordinance that incorporated language added from the original presentation to include special time limits on the July 4th and New Year's Eve Holidays regarding fireworks.

Vice-Chairman Hendrix made a motion to adopt the Candler County Noise & Sound Control Ordinance. Commissioner Thomas provided a second. The motion carried 5-0. (Exhibit B)

New Business

a. Consideration of a proposal from EMC Engineering for drainage modifications to Rosemary Church Rd (EMC Project #24-2010) county right-of-way

Administrator Aasheim presented a proposal for drainage modifications to Rosemary Church Road. The engineering perspective is that this project should be done, but is not an emergency and can be deferred to a later date. He explained that due to recent storms, the County has too many large projects going on at this time and does not have the extra funds on hand to begin this \$95,000.00 project. Administrator Aasheim recommended this project be tabled to a later date.

Robert Allen, owner of the property, approached the Board to express his concerns.

Commissioner Robinson made a motion to table the Consideration of a proposal from EMC Engineering for drainage modifications to Rosemary Church Rd (EMC Project #24-2010) county right-of-way. Commissioner Thomas provided a second. The motion carried 5-0.

b. Consideration of an amendment to the Candler County Electrical Permit Ordinance

Administrator Aasheim presented an amendment to the Candler County Electrical Permit Ordinance for consideration. The existing Electrical Permit Ordinance requires a property owner to obtain a permit prior to connection of a new electrical connection or significant modification of an existing electrical source. This amendment to the existing Electrical Permit Ordinance includes the language to require the property owner obtaining the permit submit additional information related to the electrical contractor and licensing at the time the permit is applied for.

Vice-Chairman Hendrix made a motion to adopt the amendment to the Candler County Electrical Permit Ordinance. Commissioner Thomas provided a second. The motion carried 5-0. (Exhibit C)

c. Consideration of an increase in quantities and budget for the 2023 LMIG project to resurface Fortner Road in the amount of \$80,000.00

Administrator Aasheim requested the Board consider an increase in quantities and budget for the 2023 LMIG project to resurface Fortner Road in the amount of \$80,000.00. The engineer notified Aasheim that during inspection and conversation with Sikes Brothers regarding the Fortner section of the 2023 LMIG project that have discovered that the quantities of items 2, 3, & 4 in the bid are inadequate for the project due to an error, The quantity shortage results in an increase to the project cost of approximately \$80,000.00 or 50%.

Commissioner Thomas made a motion to approve an increase in quantities and budget for the 2023 LMIG project to resurface Fortner Road in the amount of \$80,000.00. Vice-Chairman Hendrix provided a second. The notion carried 5-0.

Report from Chairman

The Chairman welcomed Mr. Jeff Register to the Board.

Report from County Administrator

Administrator Aasheim reported on the following topics:

- The March 19, 2024 Planning and Zoning listening session will be held at 5:30 pm as published in the Metter Advertiser for four weeks. Thus far, three people have requested to speak at this public hearing.
- Working on pipe issues on Hodges Road and Edenfield Road that he is working with Roads Superintendent Lanier. Intends to purchase pipe with General Funds from the pipes budget, 100-4200-53-1106. The repairs will be funded from the TSPLOST account.
- Will look into the cost of additional TVs and cameras in the boardroom.
- Introduced Xavier Winkler to the Board.

Deferred a few minutes of his reporting time to allow Brad Jones to make statements regarding the trash pickup along the County's rights-of-way. Mr. Jones approached the board and made comment that Mr. Steve Powell had sent a photo to him of the amount of trash that the Department of Corrections detail crew had picked up. He then asked the Board to consider sending that picture to the Metter Advertiser, and have an article prepared to make the citizens aware of the amount of litter. And to requests the article encourage the readers to not throw litter out.

Report from the County Attorney

Attorney Gross reported they have completed the Hiawatha Right-of-way. He did not request executive session.

Reports from Commissioners**Commissioner Thomas (District 1)**

Commissioner Thomas said he has received an abundance of calls on the roads. He reported that he did go out to inspect, but met Superintendent Lanier on the road and he had already begun inspecting the road.

Commissioner Robinson (District 3)

Commissioner Robinson reported things were good in his district

Vice-Chairman Hendrix (District 4)

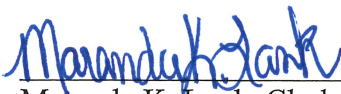
Vice-Chairman Hendrix commended Superintendent Lanier for repairs to Bass Road from beaver damage.

Commissioner Register (District 2)

Commissioner Register thanked the board for selecting him to fill the vacant position in District 2.

Adjournment

Commissioner Thomas moved to adjourn the meeting at 6:08 p.m. Commissioner Register provided the second to the motion. The motion passed 5-0.



Maranda K. Lank, Clerk

Attest



Chairman, Glyn Thrift

BOARD OF COMMISSIONERS OF CANDLER COUNTY

Glyn Thrift
Chairman

Blake Hendrix
Vice-Chairman

Bryan Aasheim
County Administrator

Gregory Thomas
Commissioner

Brad Jones
Commissioner

David Robinson
Commissioner

CLOSED MEETING AFFIDAVIT

STATE OF GEORGIA
COUNTY OF CANDLER

AFFIDAVIT OF CHAIRMAN OR PRESIDING OFFICER

Glyn Thrift, Chairman of the Board of Commissioners of Candler County, being duly sworn, states under oath that the following is true and accurate to the best of his knowledge and belief:

1.
The Board of Commissioners of Candler County met in a duly advertised meeting on March 18, 2024

2.
During such meeting, the Board voted to go into closed session.

3.
The executive session was called to order at 5:06 p.m.

4.
The subject matter of the closed portion of the meeting was devoted to the following matter(s) within the exceptions provided in the open meetings law:

_____ Consultation with the county attorney or other legal counsel to discuss pending or potential litigation, settlement, claims, administrative proceedings, or other judicial actions brought or to be brought by or against the county or any officer or employee or in which the county or any officer or employee may be directly involved as provided in O.C.G.A. 50-14-2(1);

_____ Discussion of tax matters made confidential by state law as provided by O.C.G.A. 50-14-2(2);

_____ Discussion of the future acquisition of real estate as provided by O.C.G.A. 50-14-3(4);

Discussion or deliberation on the appointment, employment, compensation, hiring, disciplinary action or dismissal, or periodic evaluation or rating of a county officer or employee as provided in O.C.G.A. 50-14-3(6);

_____ Other

This 18th day of March 2024.

Sworn to and subscribed before me
this 18th day of March 2024.



Maranda K. Lank
Notary Public

Glyn Thrift
Glyn Thrift, Chairman
Board of Commissioners of Candler County



State of Georgia

OATH OF (MISC.)

STATE OF GEORGIA

COUNTY OF Candler

I, Jeff Register (name),
do solemnly swear (or affirm) that I will duly and faithfully perform all the duties required of me as title, Commissioner of Candler County,
to the best of my ability.

I do further solemnly swear (or affirm) that I am not the holder of any unaccounted for public money due this State, or any political subdivision or authority thereof; that I am not the holder of any office of trust under the government of the United States, any other state, or any foreign state which I am prohibited from holding by the laws of the State of Georgia; and that I am otherwise qualified to hold said office, according to the Constitution and Laws of Georgia; and that I will support the Constitutions of the United States and of this State; and that I will support the Constitutions of the United States and of this State.

SO HELP ME GOD!

Sworn to and subscribed before me, this the
18 day of March, 20 24
Jy Jps

[Signature]
Signature

Judge of Probate Court

(O.C.G.A. 15-10-3)
(O.C.G.A. 45-3-1)

DIRECTIONS

This oath, shall be taken and subscribed before the Judge of the Probate Court and entered on the minutes of the Superior Court as provided in the Official Code of Georgia Annotated.

The loyalty oath required by Code Sections 45-3-11 through 45-3-15 shall apply to all elected officers of this state, including the Governor, constitutional officers, elected officials of any political subdivision of the government of Georgia, and local school board officials (O.C.G.A.45-3-12).



State of Georgia

LOYALTY OATH

STATE OF GEORGIA

COUNTY OF Candler

I, Jeff Register (name)

a citizen of Candler County

and being an employee of Candler County

and the recipient of public funds for services rendered as such employee, do hereby solemnly swear and affirm that I will support the Constitution of the United States and the Constitution of Georgia.

SO HELP ME GOD!

Sworn to and subscribed before me, this the 18 day of March, 2024

Jy Jys-
Judge of the Probate Court

[Signature]
Signature

(O.C.G.A. 45-3-11)
(O.C.G.A. 45-3-12)
(O.C.G.A. 45-3-13)

DIRECTIONS

This oath, when taken, must be attached to the oath of office and filed therewith as required by law.
The loyalty oath required by Code Sections 45-3-11 through 45-3-15 shall apply to all elected officers of this state, including the Governor, constitutional officers, elected officials of any political subdivision of the government of Georgia, and local school board officials (O.C.G.A. 45-3-12).

NOISE AND SOUND CONTROL

1.1 - Title.

This ordinance shall be entitled and called the "Noise and Sound Control Ordinance".

2.1 - Purpose.

It is declared to be the public policy and purpose of the Board of Commissioners of Candler County, Georgia ("governing authority") to utilize its police powers to protect and promote the health, safety, and general welfare of the people of Candler County, Georgia ("County"). The governing authority recognizes that its citizens derive numerous economic and personal benefits from the use of devices that emit noises and sounds. There are, nonetheless, measurable damages and injuries to the environment and to the public health which may be directly attributable to excessive, loud, persistent unnecessary, and/or unusually disturbing noise or sound, which has a detrimental effect on the health and welfare of the citizenry and an individual's right to peaceful and quiet enjoyment. Accordingly, the governing authority finds that this ordinance is necessary for the immediate preservation of the peace, health, safety, welfare, and prosperity of the citizens of the county. However, nothing in this ordinance is intended to deter individuals from lawfully exercising the individual right to freedom of speech or any other freedom guaranteed under the Constitutions of the United States of America or of the State of Georgia.

The provisions of this ordinance shall apply in the unincorporated areas of the County.

3.1 - General prohibition.

It shall be unlawful for any person at any time to operate or use, or cause or allow the operation or use of, a radio, a tape player, compact disk player, DVD player, a MP3 player, a cellular telephone, a computer, a speaker, an amplifier, or any other similar device or machine, so as to create, produce, maintain or amplify any noise that is plainly audible at a distance of 100 feet or more from the point of origin of the noise or sound.

4.1 - Specific prohibitions.

In addition to the general prohibition of this ordinance, the following acts, when done so as to create, produce, maintain or amplify a noise or sound that is plainly audible at a distance of 100 feet or more from the point of origin of the noise or sound, are deemed to be a violation of this ordinance:

- (a) Sounding any horn or signaling device in or on any automobile, motorcycle, or other vehicle on a public road or street or in a public place, except as a danger warning;
- (b) Operating or using any musical instrument on any day between the hours of 11:00 p.m. and 7:00 a.m.;
- (c) Yelling, shouting, hooting, whistling, or singing in or on a public road or street, or in a public place, on any day between the hours of 11:00 p.m. and 7:00 a.m.;
- (d) Blowing any steam whistle that is attached to any stationary boiler, except to give notice of the time to begin or stop work or as a warning of fire or danger;
- (e) Discharging into the open air the exhaust of any steam engine, internal combustion engine or motor-boat, except through a muffler or other device which effectively prevents excessive noise or sound therefrom;
- (f) Creating or maintaining of a noise or sound on any public road or street adjacent to any school, institution of learning, place of worship, hospital or nursing home; or
- (g) Operation of any airplane, helicopter, and other flying machine and device, unless the noise or sound therefrom is in connection with a take-off and landing from a licensed public or private airport, heliport or helipad, or unless the noise or sound is associated with the crop-dusting of commercial agriculture.

5.1 - Firework Activities

It shall be lawful for any person, firm, corporation, association or partnership to use or ignite or cause to be ignited any consumer fireworks on January 1st, July 3rd,

July 4th, and December 31st of each year after the time of 10:00 a.m. and up to and included the time of 11:59 p.m.; and on January 1st of each year beginning at the time of 12:00 midnight and up to and included the ending time of 1:00 a.m. subject to the following exceptions:

- (a) In any location where such person, firm, corporation, association, or partnership is not lawfully present or is not otherwise lawfully permitted to use or ignite or cause to be ignited any consumer fireworks;
- (b) In any location where such person, firm, corporation, association, or partnership is not lawfully present or is not otherwise lawfully permitted to use or ignite or cause to be ignited any consumer fireworks;
- (c) Within 100 yards of an electric plant; water treatment plant; waste-water treatment plant; a facility engaged in the retail sale of gasoline or other flammable or combustible liquids or gases where the volume stored is in excess of 500 gallons for the purpose of retail sale; a facility engaged in the production, refining, processing, or blending of any flammable or combustible liquids or gases for retail purposes; any public or private electric substation; or a jail or prison;
- (d) Within 100 yards of the boundaries of any public use air facility provided for under Title 6 of the Georgia Code or any public use landing area or platform marked and designed for landing use by helicopters;
- (e) Within any park, historic site, recreational area, or other property which is owned by or operated by, for, or under the custody and control of a governing authority of a county or municipal corporation;
- (f) Within any park, historic site, recreational area, or other property which is owned by or operated by, for, or under the custody and control of the State of Georgia, except pursuant to any rules and regulations of the agency or department having control of such property which may allow for such use or ignition of consumer fireworks;
- (g) Within 100 yards of a hospital, nursing home, or other health care facility regulated under Chapter 7 of Title 31; provided, however, that an owner or operator of such facility may use or ignite or cause to be ignited consumer fireworks on the property of such facility or may grant written permission to any person, firm, corporation, association, or partnership to use or ignite or cause to be ignited consumer fireworks on the property of such facility; or

- (h) While under the influence of alcohol or any drug or any combination of alcohol and any drug to the extent that it is less safe or unlawful for such person to ignite consumer fireworks as provided for in Code Section 25-10-2.1.

6.1 - Exceptions.

The prohibitions of this ordinance shall not apply to:

- (a) Any noise or sound made for the purpose of alerting persons to the existence of an emergency or any noise or sound that is made in the performance of emergency work;
- (b) Any noise or sound emanating from any school activity or event or any organized athletic activity or event, including but not limited to any game, match, practice and performance;
- (c) Any noise or sound made by law enforcement personnel or a public employee in the performance of a public function or duty;
- (d) Any noise or sound made by domestic animals;
- (e) Any noise or sound made by a burglar or vehicle alarm;
- (f) Any noise or sound made by any religious worship activity, chime or bell produced from or by a church or other house of worship;
- (g) Any noise or sound emanating from any activity, concert, event, festival or performance as may be permitted by the governing authority or its designee;
- (h) Any noise or sound produced by radio, tape player, or other mechanical noise or sound making device or instrument from within a motor vehicle on a street or highway, which noise or sound is controlled by the O.C.G.A. § 40-6-14, as amended;
- (i) Any noise or sound created or produced in connection with any government construction, demolition or maintenance project or any utility company construction, demolition or maintenance project;
- (j) Any noise or sound emitted by a lawn mower, edger, trimmer,

blower, power-driven hedge shear, and other lawn maintenance equipment when such noise or sound occurs on any day between the hours of 6:00 a.m. and 10:00 p.m.;

(k) Any noise or sound emitting by any watercraft upon any watercourse, lake, pond, creek, river, or swamp when operated in accordance with applicable Georgia laws; and

(l) Any noise or sound emitted by any machinery used in the ordinary course of a commercial or industrial business on any day between the hours of 6:00 a.m. and 10:00 p.m.

7.1 - Preemption.

This ordinance shall not apply to any activity, noise or sound otherwise permitted by state or federal law.

8.1 - Enforcement.

The sheriff and his or her deputies, and any code enforcement officer of the county, is authorized to enforce the provisions of this ordinance.

9.1 - Penalties.

Any person who violates any provision of this ordinance shall be punishable by a fine not exceed a fine of \$1,000.00, or six months' imprisonment, or both; provided that, the judge shall probate not less than 120 days of any sentence imposed, except as otherwise provided by general law, and shall not exceed the maximum punishment specified by the ordinance. In the event a sentence is revoked, a defendant shall not serve more than 60 days in a county jail. Jurisdiction for citations issued under this ordinance shall lie with the Magistrate Court and/or State Court of Candler County.

10.1 - Enumeration.

The activities, noises and sounds contained in this ordinance, among others, shall constitute a violation of this ordinance, but such enumeration shall not be deemed to be exclusive.

Adopted, approved and enacted this 18 day of March, 2024, at the called Meeting of the Board of Commissioners of Candler County.

CANDLER COUNTY BOARD OF
COMMISSIONERS



By: *Glyn Thrift*
Glyn Thrift, Chairman

Attest: *Maramba K. Lank*
Kellie Lank, Clerk

STATE OF GEORGIA**COUNTY OF CANDLER****AMENDMENT TO THE CANDLER COUNTY
CANDLER COUNTY ELECTRICAL PERMIT ORDINANCE**

WHEREAS, the Board of Commissioners of Candler County is charged with the responsibility of protecting the health, safety and welfare of the citizens of Candler County and as such, is authorized to enact ordinances governing activities and properties in the unincorporated areas of Candler County, Georgia;

WHEREAS, the Board of Commissioners finds that regulations concerning the use and occupancy of certain structures is in the best interests of the citizens of Candler County;

WHEREAS, in order to more effectively and efficiently enforce the Candler County Electrical Permit Ordinance, the Board of Commissioners desires to amend the Candler County Electrical Permit Ordinance and;


NOW THEREFORE, be it resolved by the Candler County Board of Commissioners that the Candler County Code of Ordinances, entitled "Candler County Electrical Permit Ordinance," is hereby amended to include the following:

- (A) Article Three, Section 2, is hereby amended to include the following: "(8) personal or business name of the entity to perform services on site, the electrical license number for such individual or entity, a copy of a valid electrical license for such individual, and a copy of a valid business license for such individual or entity."

Adopted, approved and enacted this 18th day of March, 2024, at the Regular Meeting of the Board of Commissioners of Candler County.

CANDLER COUNTY BOARD OF COMMISSIONERS



By: 
Glyn Thrift, Chairman

Attest: 
Kellie Lank, Clerk