

**Minutes of Called Meeting**  
**Elbert County Board of Commissioners**  
**Thursday, April 22, 2021**

Chairman Lee Vaughn called the meeting to order. Present were Chairman Vaughn, Vice Chairman Freddie Jones, Commissioner Kenneth Ashworth, Commissioner Chris Alexander, Commissioner Casey Freeman, Jr., County Administrator Bob Thomas, County Attorney Bill Daughtry, County Clerk Tamara Butler and CFO Phil Pitts. Commissioner Horace Harper was absent.

After the pledge to the United States flag the invocation was given by Mr. Daughtry.

**Adoption of the Agenda.** Chairman Vaughn asked for a motion to amend the agenda to add 7a) Discussion and approval to open a new account for funds from the American Rescue Plan Act of 2021. Commissioner Ashworth made the motion to approve the agenda as amended. Commissioner Jones seconded the motion. The motion passed 4-0.

**Discussion and approval of a Beer & Wine license for Dale Lyman, Lake Russell Vineyard, Inc. located at 2401 Pine Ridge Drive, Elberton.** All requirements have been met. Commissioner Alexander made a motion to approve this application. Commissioner Freeman seconded the motion. The motion passed 4-0.

**Discussion and approval of a Beer & Wine license for Clifton Martin, “Ain’t It Guud” restaurant located at 3563 Calhoun Falls Hwy, Elberton.** All requirements have been met. Commissioner Freeman made a motion to approve this application. Commissioner Alexander seconded the motion. The motion passed 4-0.

**Request from Freddie Baker and Winston Heard to address the Board regarding the American Rescue Plan Act funding for Elbert County.** Mr. Freddie Baker introduced Mr. Heard, Elbert County native and ECCHS graduate and spokesman for the Elberton/Elbert County Coalition of Non-Profits, a group of non-profit organizations. Mr. Heard asked Commissioners for approximately 10% of the \$5.08 million that is to be allocated to Elbert County and the Cities of Elberton and Bowman and is based on population. Mr. Heard went on to say that African Americans make up 41% of the City of Elberton’s population and 31% of the county’s. Mr. Heard said the requested funding would replace lost revenues of the coalition due to COVID19.

**Request from Ben Maxwell to appeal the “Cease and Desist” order from Code Enforcement regarding his property on Quill Road.** Attorney Robert Johnson, by the request of Ben Maxwell, addressed the Board to present issues about his case.

- The “Cease and Desist” order issued to Mr. Maxwell is vague as to what he can and cannot do on his property.
- He denies any illegal activity on his property.
- He denies charging fees or making a profit.
- He is engaged in a family-oriented recreational activity.
- He denies any commercial purpose of any kind and challenges any code enforcement evidence to try to establish he is engaged as such.
- He controls activities and has gates to control access.

Mr. Thomas stated the “Cease and Desist” order was issued because of evidence found that this property is used as an “outdoor commercial activity” which is only allowed in an Agricultural district after a conditional use application is submitted and approved. Mr. Allen Hulme stated he had talked to Mr. Maxwell on several occasions and went over the violations with him. What instigated the order were photos of an event to be held at Mr. Maxwell’s property showing an amount for entry fees. The event was ultimately moved to another location. This led Mr. Hulme to look for other evidence of what might be going on at the property for which he found evidence of fees being charged. Mr. Maxwell has stated time and again that he did not charge a fee. Mr. Daughtry addressed the legal aspect of the order and stated Mr. Maxwell was given due process by meeting with Mr. Hulme and the meeting that was held in February before the Board of Commissioners. Also, this meeting being held to hear his appeal is his due process according to the law. Mr. Daughtry stated this activity is not allowed under our zoning ordinance until a “conditional use” permit is obtained and respectfully asked the Commissioners to uphold the “Cease and Desist” order Mr. Hulme submitted. Commissioner Ashworth made the motion to uphold the order as given by Mr. Hulme. Commissioner Jones seconded the motion. The motion passed. 4-0.

**Discussion and approval to open a new account for funds from the American Rescue Plan Act of 2021.** Mr. Pitts stated that we do have a Multi-Grant Account fund but asked for approval to set up a separate account due to the size of the funds. Commissioner Freeman made a motion to approve. Commissioner Alexander seconded the motion. The motion passed 4-0.

**Public Comments.** There were no comments.

**Adjournment.** Commissioner Ashworth made a motion to adjourn. Commissioner Alexander seconded. The motion passed 4-0.