

**MINUTES OF
SPECIAL CALLED CITY COUNCIL MEETING
GLENNVILLE CITY HALL
THURSDAY, October 23, 2025
1:15 P.M.**

The special called meeting was held in the City Hall Conference room on

Present: Bernie Weaver, Mayor
Tammy Waters, Mayor ProTem
Justin McLeod, Councilmember
Marcus H. Nobles III, Councilmember
Cynthia Miller, Councilmember
Emily Mixon, City Manager
Delilah Bryant, City Clerk
Hugh McCullough, City Attorney
Rob Fravel, Public Works Director
Wesley Kicklighter, Police Chief
Dale Barnard, Fire Chief

I. CALL TO ORDER

Mayor Weaver called the meeting to order.

II. DISCUSSION / APPROVAL OF THE AGENDA

Mayor Weaver asked for a motion to approve the agenda as presented. A motion was made by Councilmember Nobles, seconded by Councilmember Waters and it passed unanimously.

III. DISCUSSION TO AMEND CHAPTER 22, ARTICLE 2, SECTION 32, OPEN BURNING.

Mayor Weaver turned the discussion over to City Attorney, Hugh McCullough. Attorney McCullough stated: "There has been some confusion about what is going on about the open burning and what we are trying to accomplish. I wanted to discuss it while I have everybody assembled and seek guidance or direction which you want to provide. First off our open burn ordinance was originally enacted in 1982 when the code of ordinances was created. About 5 years ago we redid our code of ordinances and it was brought forward. In the original ordinance in Section A: No open fires would be allowed in the City of Glennville except with the exception listed in Section B, there could be open fires to burn leaves and limbs and debris of that nature. The pile could be no larger than 6 feet in diameter and 4 feet high and specifically excluded C. Stumps, tree trunks and limbs from land clearing along with other exceptions. That is what we had until 2024, no sure exactly when, had a couple of instances where we had contractors clearing up some big piles and we stopped them because of the ordinance at the time. An ordinance was prepared and subsection C was approved in August of 2024. It provided that an additional exception for land clearing could be done if the person used an air curtain destructor as long as

they met the recommendations. It draws in the smoke. It says that stumps, tree trunks, logs and large brush and limbs from land clearing as long as the air curtain is used. We stopped two or 3 different folks from burning around town when this was done. We didn't hear anything else about this until sometime in September of last year. It was brought to my attention that Kim Lynn, the head forester at forestry at Georgia Forestry Commission in Reidsville, is required to issue the permits that are required by the state. We had a meeting here with Kim Lynn, Stan Dansby, City Manager, Dale Barnard, Fire Chief and myself. They brought some documents and state statutes that he thought that the State was the only one that could issue permits and City could not stop him from burning and I respectfully disagreed with him and showed him some additional information that I had that said we could do it. We couldn't stop them from burning but we could enforce additional requirements in the City of Glennville. We had a more or less cordial conversation for probably an hour to hour and half. When it was concluded he left, and we thought that we had reached an agreement about the state and the city ordinance and was in conjunction with each other. We heard nothing else about it until the morning of March 27, 2025, Chief Barnard received a call from Richard Lynn who had taken Kim Lynn's position and he told him we are out here at the Knight's property and fixing to strike a match to it in about 15 minutes. At this time Chief Barnard went to the property and the fire was blazing. Which Chief Barnard said they were in violation, and said it was a burn and it was huge and that day the smoke was very thick and almost impenetrable, it engulfed the whole area, there were a whole lot of pictures that were taken, it encompassed the Glennville Head Start, some houses surrounding it, including David Andrews house and the Recreation Department. When Chief Barnard advised about the violations, they said they were going to burn this, and there were some more that needed to be burnt and they were going to burn until they burnt it all and he had a paper signed by the Attorney General that said he could burn. Shortly after that we left and I advised you when I was asked for my opinion, the forestry commission wrongly interpreted by the law, and our ordinance was followed and they were required to follow our ordinance and that it should be attested in court. I could have been wrong but I didn't think that I was and that was the way to find out. You authorized and instructed me to obtain a restraining order to prevent further obstruction of our ordinance. With those instructions I filed suit on April 14, 2025 with a temporary restraining order and an injunction. A temporary restraining order was granted. A restraining order holds everything in place till we have a chance to look into it. The restraining order was active immediately upon the filling of the petition on April 14th. The hearing was conducted on May 6th 2025 at the close of that hearing, the Knights were represented by John Harvey and a very good lawyer whose office is located in Savannah. We had a hearing that was very thorough and they presented their arguments and we did the same. Judge Hendrix was the Judge assigned to the case. So, he wanted to take it under advisement and study it a little bit and so he had it a couple of weeks and then he contacts Mr. Harvey and myself, and explained that he wanted to submit some additional argument in writing that we both did. He wanted to get a copy of the transcript and go through that. His final order was that the City's Ordinance was valid and the defendant was subject to constraints of the ordinance and we filed that the city statute could not come in and prevent the burning, but added some additional requirements, which was valid, and issued a restraining order from any further burning in violation of that ordinance. That was issued on July 28th. At the same time in early September, Chief Barnard contacted me and he had been contacted by one of the Knight's not sure if was Ashley or Wendell, about wanting to burn some understory of some planted pine trees that they have. The original order as it originally was had some burning in your yard a 6-foot pile by 4-foot pile of limbs and leaves and then we had the one for burning stumps, logs and limbs with the air curtain destructor but we didn't have anything in between that would cover that. So, I drafted an amendment in late September and the first draft provided for the understory of trees and wanted it

to include cultivated trees. So that was presented to you ahead of time and you voted on it in the October meeting. So now we have in our burn ordinance the 6'x6'x4' piles, the stumps and logs with the air curtain destroyer and where you can burn under certain conditions such as the understory of pine trees and the agricultural fields or pastures. Then shortly after that, Ms. Mixon, was instructed to prepare another amendment, not sure where it came from, to go to the burn ordinance, the language was in contradiction of the air curtain destructor. I told her you can't do that. You can't have in this section that you can do one thing but down at the bottom saying that you can't do it. If the desires are to do away with the air curtain destructor, we could go back and eliminate section C. that way there would no contradictory language in the same ordinance. In spite of that you still have the injunction that regards these particular lands. My question is to you, is we need to make a concise, I have talked to Mayor Weaver, Councilmember Nobles a couple of times, Councilmember McLeod. I do not think that I have talked to Councilmember Miller or Councilmember Waters. I thought that it was important to have this meeting because we have contradictory things going on, where we can all get together at one time and let me tell you what I see as the problem and what I think needs to be done, so that is why we are here."

Mayor Weaver stated, "So on this, you are saying the first thing is we have to do, is do away with the injunction."

Attorney McCullough stated, "Somebody does".

Mayor Weaver asked if there were any questions and asked Council Member Nobles if he had any questions.

Councilmember Nobles stated, "Sure, we could change our codes in spite of whatever the suggestions were? Correct?"

Attorney McCullough stated, "Yes, you are not enjoined from doing anything."

Councilmember Nobles stated, "It seems to me, we might have a solution to this. I think what most of the council wants is we don't want to inhibit folks from doing agriculture land or agriculture activities. So, we just need to make an exception for agriculture land and agriculture activities, then let it fall under the state permitting, and let Georgia Forestry Commission give them the permits. Wouldn't that solve everything."

Attorney McCullough replied, "For some people it would. If it was solvent for the people like the Head Start building that had no warning and they were completely engulfed, and they had to call the parents to come pick up the kids because they couldn't stay in that environment. Or the gentleman whose fence caught on fire from the fire."

Councilmember Nobles commented, "I think those events were an anomaly, I don't think that it would be a routine issue. I think that once the big piles are cleared up at top of the hill, I don't imagine them having to have a big burn for a long time, because that was from clearing. So, I imagine they would be happy to coordinate with the Head Start when they are about to do something. That could be worked around. I just don't want to do something to inhibit citizens that have pecan orchards and stuff like that inside the city, or growing trees."

Attorney McCullough replied, "What we have does not do that."

Councilmember Miller asked, "I want to ask this, so these burnings have taken place around the residents, right? So, what about these people, I know in Ward 1 we have the nursing home, so I mean are we taking all that into consideration. Because I know the last time it was a big deal, you had to do all this running back and forth and all the paperwork to put things in place. You did a lot for us to change it. Why are we changing it now?"

Attorney McCullough replied, "There are some requirements and I don't have any committed to memory, but there are requirements that the state has. I think there were environmental conditions going on at the time and don't know what else. What the judge ruled was that our ordinance did not prevent the burn, it just put additional requirements on it before it could be done. The ordinance that we have is not invalid so the question is do you want to do away with it or not, that is the question".

Councilmember Nobles stated, "Instead of do away with it, just amend it so that it doesn't affect folks that have agriculture activities."

Attorney McCullough replied, "The only way to burn is to do away with our ..."

Councilmember Nobles replied, "We can't write an exception for particular zoned type property."

Attorney McCullough replied, "The ordinance does not apply to the zoning of it, it applies to the actual burning. What you are burning, like the difference is like burning up a field as opposed to a pile of stumps and logs. The type and amount of smoke it generates."

Councilmember Nobles replied, "So you are saying that it has to cover all the properties throughout the city regardless how it is zoned. So, we can't carve out an ag piece versus a commercial piece, or R1A, R2A. So, basically that would be a bad idea or wrong."

Attorney McCullough responded, "Well, you are not going to have many places where they have pushed up a pile of stumps."

Councilmember Nobles replied, "The goal is to figure out that people who are doing farming or tree harvesting are not having to pay extra money for fire curtains and wait which causes them trouble. Which I don't think that the burning has created many smoke problems over times except these one or two instances. It's not a continual problem, so I think we need to figure out a way to protect our farmers and people that are growing stuff."

Attorney McCullough responded, "That is really something for y'all to hash out, I didn't get elected to anything."

Mayor Weaver asked, "So we couldn't make events specific, not encompassed, because it's hard to make a rule that covers everything. I'm saying there is room in there so that the fire chief and people who want to burn can get together and come up with some particulars, just make it event specific."

Attorney McCullough responded, "We could try to do that."

Councilmember Waters stated, "I agree with what Marc said, I don't think that we should inhibit agricultural property. "

Councilmember Nobles responded, "Is there an easy fix to this, can we do one or two lines to change or is it a big ordeal to change? I should probably ask a lawyer that."

Attorney McCullough responded, "There is not an easy fix for what you did to this."

Councilmember Nobles responded, "Probably nobody up here planned for any of our growing folks to have problems. I know we don't need to have smoke around daycares either. I have lived here 18 years and I have noticed smoke problems maybe 2 times. I think what we have here is overkill. What would you suggest is the easiest fix?"

Attorney McCullough stated, "I do not know counselor."

Mayor Weaver asked, "Could you work on obtaining language that will allow for us to deal with each event."

Attorney McCullough stated, "If you give me a little time to come up with something. I could try to come up with something and present it to you. But it seems to me this is being pushed awful fast and hard and without a lot of direction. I did what I was asked to do in September, and that wasn't good enough and now being asked to get something else done. Asking Ms. Mixon to do something and she did her best and sent it to me. It wouldn't pass my specifications."

Councilmember Nobles stated, "Let me explain this and I did not understand until the other day when Mr. Knight explained to me. There are time restraints here, they have to meet the deadlines for replanting and to burn this stuff off and they have to spray. They have to wait 30 days to burn and then after that they start their process of replanting. Our not fixing this properly, could cause somebody some serious problems. Let me ask this, could we suspend the whole ordinance temporarily and let everyone get Georgia Forestry permits until we can come back with something that will fall through better and work it out down the road."

Attorney McCullough said, "Suspending an ordinance?"

Councilmember Nobles said "I might not be using the right terms."

Attorney McCullough said, "This is still not our issue but the restraining order is in place".

Councilmember Nobles said, "Folks will still have to get a Georgia Forestry permit, I'm not sure what to do about the restraining order. But if the ordinance is suspended maybe the restraining order would be inapplicable."

Councilmember Miller asked, "So you are saying just throw this away?"

Councilmember Nobles responded, "No just suspend it".

Attorney McCullough responded, "I'm not familiar with any other cities that have done that. I can check with my good friends at the general counsel office at GMA, that I have spoken to many times about other issues and see if they have some recommendations."

Mayor Weaver asked, "So at such time that you might could do that, we could come back together at another called meeting or the regular meeting according to however long it takes."

Councilmember Nobles asked, "In short of that can we delete 1(c) under B and delete C. where someone would not have to get a curtain, so they could still burn stuff that had been cleared."

Attorney McCullough replied. "Well, if that is what you wanted to do it would have been more efficient to have done that in March, than 4 months of litigation and work and a win, then say never mind."

Councilmember Nobles respond, "I agree, I feel like I made a mistake, I apologize to the Knight's and anyone else that may have been affected."

Councilmember Waters stated, "I feel that way too."

Councilmember Nobles stated, "Maybe we need to try to delete Section C, seems like that would solve our problem. If we could do that and re-address from there. What do you think?"

Attorney McCullough stated, "We could bring that up at the next meeting and vote on it."

Mayor Weaver stated, "You can check with the GMA counsel in the meantime regarding what we are attempting to do, to see if they have an opinion and it is favorable to what we are trying to do."

Councilmember Nobles stated, "I would suggest if GMA doesn't see anything directly contradicting telling us we shouldn't do it. We should ask you to work up a plan to delete those 2 things and we have a called meeting Monday or Tuesday and get this wrapped up."

Attorney McCullough replied, "It is Thursday, I am not going to tell you that I will have anything ready for you by Monday or Tuesday. "

Councilmember Nobles, "Whenever you can next week but I mean deleting is not as hard to write."

Attorney McCullough stated, "Doing the work behind it is, when you go do things shorthanded, short sided, then you want to go back because afterwards is where your problems lie."

Councilmember Nobles responded, "Well correction has got be done, we have time pressure on us."

Councilmember Miller asked, "Do you think you can have it ready after our next council meeting."

Attorney McCullough stated, "Yes we have two weeks."

Mayor Weaver stated, "Actually a little longer because we have rescheduled council meeting because of the election day, it will not be until the 13th. That will give some additional time."

Attorney McCullough, "Not only do you have my time restraints, but I know you don't believe this but I have a couple of other things to do. Also, I have to deal with my good friends at GMA, they have a whole state to try to help. But they are usually very responsive and there are two guys in that department and I am on very good basis with both of them. They have always been very helpful and prompt to my requests. I can't commit them to something until I talk to them. I know one of them is out of the office this week."

Councilmember Nobles stated, "If they think deleting those provisions is wrong or suspending the whole ordinance is wrong. Ask them for a suggestion that would solve our problem. I am hoping that they will let us delete the provisions, that seems like the best way. But maybe they can help us if there is a problem."

Mayor Weaver, "I noticed that Ashley and Wendell Knight are here, would you like to say something?"

Ashley Knight responded, "Yes sir, we talked about time restraints on this stuff, its not something that has just started in the last 6 months or since we went to court in Claxton, we have been working on this clear cut for 2 years trying to get it replanted. Agriculture and civil culture fall up under a whole different thing. It is already state rule, its different than residential, in timber there is not enough money to incur that kind of cost. The way this whole ordinance was written was a huge umbrella. You look up the definition of land clearing, when I get through clearing land it is as smooth as this floor is right here, I can put a house on it or whatever I want on it. That land is not clear. Mr. Stan, Mr. Marc and Mr. Dale have all been out there, there are stumps everywhere. The stumps will eventually rot. The piles are from the logging, there is nothing more than tree tops that were cut off, that can't go to the mill, limbs that were broken, and other such things, the stumps are intact in the ground. This in nothing more than an excess pile of logging debris and it has to be dealt with. It has grown back up high. When we started this if we could have burnt right then, we would have already had trees back in there. It was sprayed and when we did try to burn it, we took all the precautions necessary. We went through the forestry and fire breaks were cut and plowed everywhere. We waited 3 ½ months before a match was ever lit. They were waiting on the right wind to come in so that could keep the smoke away from town, away from the park, away from Hwy 144 and 23 where it was not hazardous to anybody. We waited that long for it to happen. They tell us when we can burn. We just don't say hey, we going down there to light it today. We have to wait for wind direction to be right and sometimes it takes a while. You know I run a school bus, other than that man calling that day, which he was required to do by the state to let the city know because it is in the city limits. You couldn't see smoke anywhere, and as far as all the smoke at the Head Start, Richard had the kids out there doing a class. I don't know where the big ordeal came from. We live next to Fort Stewart, they burn all the time, that is a federal post we are right next to them. It hasn't ever bothered anybody. Sure, it might be a nuisance against the town, but you are talking one every 15 years, you have to do a burn of this size, when you cut them down, you got to clear up and get replanted. We all grow different things majority of the timberland and ag land is in our ward. There are certain stipulations that we have to go by. It's in our CRP program, we turn our Ag land into timberland. It has trees planted on it. There are 4800 trees sitting on his 8 acres not counting the rest. There are certain times in the contracts that we have to do certain things or they cut our money off. Planting season is amongst us right now. It is November to February. We paid the man to drone spray the last time to kill all the underbrush to burn it, you wait 30 days from when he sprays it. It has got to be planted by February and then it starts running

into your summer months, the tree success rate is not that high. That is the time crunch that we are on. Its not just something that we started yesterday we have been working on it for 2 years. That is a long time. Like Marc said this was not ever anything that was looked into real deep when it was made. It covers everything, but you can't have that when you come into Agriculture land, you have contracts on this stuff and if you don't abide by contracts, you lose money. I don't know why its so hard to put a simple sentence in there for something governed by the state and just exempt Agriculture land altogether. You know we farm cotton, trees, and pecans. There are all kinds of things that people grow, we just happen to grow timber. Why is it so difficult that we could put in a simple sentence to exempt agriculture and go with it? Reidsville doesn't have a problem with it. When there was a hotel being built in Reidsville, Forestry was on site. Right across from the hospital and they didn't have an air destructor. Now I'm \$1500 deep on one drone spraying that was wasted, \$2500 deep for going to court about it and now we are going to be another \$1500 deep because I have to have a man come spray it again, before I can burn it this time. It gets expensive and I don't have any trees in the dirt generating money. I don't understand why this can't be a simple fix".

Mayor Weaver asked, "You okay Wendell? Some good points were made right there."

Councilmember Nobles said, "Thank you for your conversation, you did better than I did."

Wendell Knight stated, "I'm just tired of it costing me money. Its not costing the city any money but every time the city says something it costs me money. That isn't right. There ought to be a solution somehow and there is. A lawyer friend of mine walked into this office one time and he had books all over the wall. I said there are all kinds of laws there. His friend said, yes there has never been a law made that cannot be changed. Its just a matter of change. People have to want to change it."

Councilmember Miller stated, "I don't think that it is a problem changing it and getting it done. It's that it can't just happen overnight. Once we come back to our next council meeting after the election and everything else. I think that will be the appropriate time for us to address this situation. I have no problem with it but Hugh has worked hard to put in place what he has put in place. I think all being fair to him we have a right to wait. We have to wait on him. We can't just do what we want to do. This is not Burger King. He has to do what he has to do and then we have to do what we have to do. We aren't against you at all. After the election this is the appropriate time to make this go forth."

Wendell Knight responded, "Now is a good time to get a lot of things done."

Ashley Knight asked, "Why can't we do what Marc suggested and just put a temporary hold on that particular ordinance regarding the destructor. Because like I say if you start it today. I am still 30 days out before I can burn, but no sense in me tying more money up having a drone spray that on the chance that it may or may not get tabled again."

Councilmember Miller stated, "Because we are going by what our City Lawyer is saying to us that he is going to get more information to make sure that he is not doing anything or making sure that everything in place, where we won't have to do this again and come back to the table to change it again. So, we are going to wait on him and once he gives us the go-ahead we trust him so we are going to do what we need to do. But we just can't that at this moment."

Wendell Knight stated, "I know it didn't change overnight and will not change again overnight. I understand this, but just keep the ball rolling."

Attorney McCullough stated, "I think that was the purpose of this meeting is.

Mayor Weaver agreed.

ADJOURN

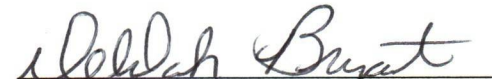
With all items being handled, Mayor Weaver adjourned the meeting.

AFFIRMATION

We affirm that these minutes are correct and true to form as presented to Mayor and City Council on November 13, 2025.



Bernie Weaver, Mayor


Delilah Bryant, City Clerk