



LOVETT LAW
September 16, 2019

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Via Certified Mail & First-Class Mail

Screven County, Georgia
Mr. Rick Jordan, County Manager
Mr. Randy Hagan, Zoning Administrator

Screven County Board of Commissioners
Mr. Will Boyd, Chairman
Mr. J.C. Warren, Vice-Chairman
Mr. Edwin Lovett, Commissioner
Ms. Rosa Romeo, Commissioner
Mr. Mike Dixon, Commissioner
Mr. Michael McBride, Commissioner
Mr. John Triplett, Commissioner

Screven County Administrative Building
216 Mims Road
Sylvania, Georgia 30467



Certified Mail Receipt: 7017 0530 0000 8740

Re: Atlantic Waste Services, Inc.

Dear Screven County, Georgia

On July 9, 2019, the Screven County Board of Commissioners voted to pass "a moratorium to review our solid waste management plan." No written resolution or ordinance was approved memorializing the moratorium, or the period of time, thus, making the moratorium ultra vires, null and void. Seventy (70) days has elapsed and nothing has been done to review the 2008 – 2018 Joint Solid Waste Management Plan or adopt a new plan. Any attempt to delay Atlantic Waste Services, Inc.'s application for a conditional use permit in order to adopt a solid waste management plan in the future is a pretext designed to erect excessive regulation on Atlantic's siting and operation of municipal solid waste landfill. Such action of this commission would violate Atlantic's due process right to have the law which exists at the time of the application applied prospectively, as opposed to the retroactively application as guaranteed by our State and Federal

A Limited Liability Company

Constitutions. Fourteenth Amendment of U.S. Constitution and Ga. Const. Act I, Sect 3. Para.1.; Southern States Bartow County, Inc. et al v. Riverwood Farm Homeowners Association 300 Ga. 609, 797 S.E. 2d 468 (2017); (holding vested right to application of law existing at time zoning requested.); Recycle & Recover, Inc. v. Georgia Board of Natural Resources, 266 Ga. 253, 466 S.E. 2d 197 (1996).

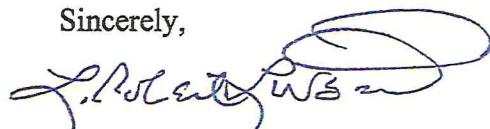
Such an attempt to cause delay or erect illegitimate regulatory barriers to Atlantic Waste Services, Inc.'s right to the unfettered use and enjoyment of its property violates Atlantic's procedural and substantive due process of rights guaranteed by the Fourteenth Amendment of the Constitution. It also constitutes arbitrary and capricious action by the exercise of the county's legislative and police powers. The law in Georgia is well established that the county cannot deny Atlantic's application for conditional use based on "generalized fears" of landfills. Fulton County, Georgia v. Bartenfeld, 266 Ga. 253, 466 S.E.2d 197 (1996).

Finally, the county's action or inaction in denying Atlantic's application for conditional use permit without payment of "just compensation" for the temporary and permanent taking of its property interest and interference with its contractual rights violates the Fifth Amendment of the U.S. Constitution, Just Compensation Clause. Such violations give right to file claims in federal court. See Knick v. Township of Scott, Pennsylvania, 2019 WL 2552486, ____ U.S. ____, ____ S. Ct ____ (2019) (decided June 21, 2019)

Atlantic Waste Services, Inc. will be aggrieved by any violation of its constitutional rights as stated herein giving rise to all available remedies at law and equity. Since state law prohibits suing public officials in their "official capacity" Atlantic will be forced to sue each official or administrator in their "individual capacity" or personally to seek legal redress. O.C.G.A. §50-21-51; See also, Lathrop v. Deal, 301 Ga. 408. 801 SE 2d 867 (2017). Atlantic Waste Services, Inc. does not desire to engage in litigation of form, especially given this development in Georgia law, and is agreeable to any mutually reasonable resolution without resorting to litigation.

Govern yourselves accordingly.

Sincerely,



L. Robert Lovett

Cc: Ms. Lori Boulineau, Screven County Clerk
recept@planters.net

Mr. Burke Wall, Atlantic Waste Services, LLC
Mr. Ben Wall, Atlantic Waste Services, LLC

Bcc: Steve Harbin, PE
Michael Biers, PE