

**MINUTES OF THE REGULAR MEETING OF THE CRISP COUNTY BOARD OF
COMMISSIONERS HELD ON APRIL 10, 2018**

OPENING CEREMONIES

Chairman Sam Farrow, Jr. called the meeting to order at 9:00 a.m. in Room 305 of the Crisp County Government Center with Commissioners A. James Nance, Wallace Mathis, Larry Felton, and J. R. Dowdy, III in attendance. Carl Gamble gave the invocation and Administrator Patton led the audience in the Pledge of Allegiance to the Flag of the United States of America. Chairman Farrow welcomed all in attendance.

APPROVAL OF MINUTES

Motion was made by Mr. Felton to approve the regular meeting minutes of March 13, 2018, seconded by Mr. Dowdy, motion carried unanimously.

APPROVE NATIONAL CRIME VICTIMS' RIGHTS WEEK PROCLAMATION

Belinda Griffin and Jamel Mejia, crime victim advocates with the District Attorney's Office, thanked the commissioners for having them and passing the National Crime Victims' Rights Week Proclamation. Administrator Patton read the proclamation proclaiming the week of April 8 through April 14, 2018 as Crime Victims' Rights Week in Crisp County and reaffirm the county's commitment to creating a victim service and criminal justice response that assists all victims of crime throughout the year. **Motion was made by Mr. Mathis to approve the National Crime Victims' Rights Week Proclamation, seconded by Mr. Felton, motion carried unanimously.**

REPORT ON NATIONAL AUTISM WEEK

Monica Mitchell, Downtown Main Street Director, stated that Main Street will be helping with the autism stroll that will be held on April 21st at the walking track behind the hospital; present today are some parents and grandparents of some of the local children that have been diagnosed with autism. She stated that April is national autism awareness month, they have been promoting this effort for the last few years, and she never realized how many people were affected until she became involved in this. She encouraged everyone to come to the stroll or other events planned and show their support. She presented each of the commissioners with an autism pin. Heather Culpepper stated that she appreciates all the support for autism and wants all to help spread the awareness.

MAYOR AND COUNTY RECOGNITION DAY FOR NATIONAL SERVICE

Administrator Patton read the proclamation proclaiming April 3, 2018 as National Service Recognition Day and encourage residents to recognize the positive impact of national service in our county, to thank those who serve, and to find ways to give back to their communities. **Motion was made by Mr. Nance to approve Mayor and County Recognition Day for National Service, seconded by Mr. Felton, motion carried unanimously.**

LIFELINK PROCLAMATION

Administrator Patton read the LifeLink National Donate Life Month Proclamation proclaiming April 2018 as donate life month and to honor all those who made the decision to give the gift of life and focus attention on the extreme need for organ, eye and tissue donation and to encourage all residents to sign up on Georgia's Donor Registry. **Motion was made by Mr. Nance to approve the National Donate Life Month Proclamation, seconded by Mr. Dowdy, motion carried unanimously.**

SHERIFF HANCOCK'S UPDATE AND REPORT

Sheriff Hancock reported that four years ago when he took office one of his main goals was for this agency to become certified and accredited; they have completed the process and have been notified that the accreditation board has accredited the Crisp County Sheriff's Office. There are only 22 sheriff departments in the state of Georgia that has this certification. He brought a check for \$89,863.00 for federal housing for last month and also a check from FEMA for about \$138,000 for work that was performed during the storms last year. In his report, he advised that they served 183 warrants, 165 civil papers and 95 subpoenas and transported 228 inmates back and forth during court. The traffic division wrote 710 citations, 59 warnings, arrested 1, had 22 drug arrests and worked 29 accidents. He stated that they have several cars that have a good many miles so they are trying to work on some ways to be able to purchase some cars through SPLOST and other funds. They housed 2188 days for US Marshals and 121 days for Cordele Police Department. In the animal report they picked up 40 animals and had 58 animal assistance calls. In the E-911 activity, 3,124 calls were received during the month of March. He advised that week it is National Telecommunications Week and his department is doing several things for the ladies that operate that radio 24 hours a day. Also the Task Force worked on 283 cases last month.

APPROVE FORD MOTOR CREDIT APPLICATION FOR LEASE PRUCHASE OF TWO POLICE INTERCEPTORS

Sheriff Hancock reported that they had presented a proposal to lease two vehicles for the two new deputies hired for the hospital division and instead of paying the money at one time they will be paying the lease with commissary funds this first year. He would like to enter into this contract with Ford Motor Credit for the two vehicles. Mrs. Leverett advised that the total amount is around \$73,000.00. **Motion was made by Mr. Nance to approve the lease purchase finance proposal from Ford Motor Credit Application as presented, seconded by Mr. Felton, motion carried unanimously.**

PUBLIC WORK'S REPORT

Public Works Director Carl Gamble reported that they are still working on some of the bridge projects, the contractor will be moving in to finish the roads on our priority list when the weather is better; also they are working on this year's priority list, Lakeshore Drive, which will be bid out shortly, and they are working on some projects at the landfill. Also the fence is up and complete at the ball complex and the pool on 5th Street has been removed and filled in except for one wall. The CDBG water project on Hwy. 280 is progressing. Commissioner Mathis thanked him and his department for putting the gravel on some of the roads, also he ask that he look at Musselwhite Road as there is a bad place on this road that needs some attention.

FIRE CHIEF'S REPORT

Fire Chief Jonathan Windham reported that they worked 83 calls last month which included two structure fires, two vehicle fires, six motor vehicle accidents, 8 grass and woods fires, 23 medical calls, and 41 alarms and others. They installed 4 smoke detectors, two house signs; they toured Drexel Chemical, continue to read with the students at the primary school, and worked on the teen maze at the high school. He also stated that they were on two Fox News stories last month, one was the reading at the school with the firefighters and the other one was his "death" nine years ago.

PUBLIC HEARING – REQUEST FROM COMMODITY DISTRIBUTION SYSTEMS, LLC TO REZONE A PARCEL OF PROPERTY LOCATED AT 158 SOUTH CONEY ROAD

Chairman Farrow opened the Public Hearing request from Commodity Distribution Systems, LLC. Connie Youngblood, Planning Director, reported that this is a Public Hearing for a rezoning from Commodity Distribution Systems, LLC to rezone a parcel of property from RS2, Single Family Residential, to I, Industrial, for the purpose of a railroad car storage area. Property is located at 158 South Coney Road. She showed on the map the property which is the four acre tract that is being requested to be rezoned. She advised that the county had a major rezoning in 2000, and Johnny Floyd had a timber company at the location that was grandfathered in at that time, as anything that is in existence prior to our rezoning is allowed to stay under the grandfathered clause. She stated that if that business closes longer than six months without being sold with the intention of starting up the same business, it loses its grandfathered clause. Mr. Basner has purchased the property which includes the office and pavement along where the rail spur runs, and the storage of the rail cars will be there. Mr. Basner advised that the trains roughly come through about three times a day going to Sumter County to deliver cars. The empty cars, currently 26, of the railroad right-of-way he will be using will stay there for 240 days. The railroad uses the Genesee & Wyoming Heart of Georgia; he will have nothing to do with that until they bring cars in for storage and move the others out; those cars have been there almost 90 days already. Mrs. Youngblood advised that the future land use map of the Comprehensive Plan, which is a guideline for the Commissioners to go by when making rezoning decisions, shows the area as rural, which is the majority of the county. Mr. Basner advised that the property has been a railroad since 1887 and various Federal Railroad Acts from 1875 to current protect railroad right-of-ways, and state, local, and municipal governments have no right to zoning of those railways and also no police power; consequently it is miss-zoned as RS2 as his railroad track doesn't conform to anything in the RS2 zone, also the railroad track has never been abandoned, Mr. Floyd is still in the office building as he has never been out of business just maybe quit handling wood. The only zoning that this conforms to in the county code is Industrial, and it states in that code the two things that he intends to do with the line - railroad car storage, and railroad lines, yards, and stations, he conforms to both of those. He is asking it to be rezoned as for a conforming use, which is Industrial. He intends to do nothing else than what he is doing now with 26 hopper bottom empty storage cars, brakes locked and flagged by Southeast Rail Cars as to their safety. Also he advised that they also carry \$2 million worth of liability insurance on the railroad; he has completed renovating the property. Chairman Farrow reminded all that no decision will be made today and the request is just for the storage of cars and if anything changes with the property they will have to come back for another rezoning. He also stated that we will give everyone an equal opportunity to speak for or against the rezoning. He asked if anyone else would like to speak in favor of the request. A man from Southeast Railcar, the company storing the cars on the property, stated they have a rail car repair facility close to Plains, and they needed storage sites for holding empty cars to help with their business so they can bring in more cars to work on and store. They have also become a contractor for Genesee &

Wyoming, which is the Heart of Georgia now, and he has another location that is certified to work on the cars. Gail Henningfeld asked if they were planning on adding any more railcars to the 26 they mentioned, and Mr. Basner advised that is all he can take on this site. He advised that he has found six comparable railroad sites in the county, four are zoned industrial and the question is conforming. Herbert Gladdin stated that it sounds like a good use for the land and is producing taxes, and he is for the rezoning. Neidra Myers advised that she owns a piece of property that is on the corner of Coney Road and Ferry Landing Road and she asked if this railroad car storage will affect her property value having it so close to her property; will the taxes go up or down. Chairman Farrow advised that if the property value goes down then the taxes go down and vice versa. She asked if the boxes would remain empty, and Mr. Basner replied they would remain empty also the company does not put anything that is hazardous in any storage cars. Mrs. Myers asked if it is changed from Residential to Industrial will they still be able to put mobile homes out there. Mrs. Youngblood advised that only the four acres is being changed to Industrial and this would not affect any other property. Kenny Wade advised that he is for the rezoning; he doesn't think it will hurt anything out there, it has already been there four months, and he lives on the other side of the road from the tracks. Someone stated that if the rail cars have been there for that long under that use, why wasn't it grandfathered in when you did the rezoning; Mrs. Youngblood advised that the use at that time was not for railcar storage, she stated that you do not do a blanket rezoning for an Industrial zone because anything could go there that could be detrimental to the area. Mr. Basner read a letter dated 2/12/15 from the Georgia Department of Transportation advising that they were selling their surplus properties, which included the Crisp County property, as it was excess railroad right-of-way; he bought it as railroad right-of-way. Chairman Farrow then asked if anyone would like to speak against the re-zoning. Gary Huffman, who lives on the southwest corner of Ferry Landing Road, stated they have made major renovations and improvements to their home along with other people in that area, and he thinks the home values will be reduced and already reducing home values with the cars that are sitting there for a couple of months. He stated that the entrance to the proposed rezoning industrial site is 264 feet from the corner of his house; it is not about the property owner, it is about the property. He read an article dated 4/4/18 from US News and World Report, CNN, stating that 10 million pounds of bio waste has been sitting in more than 200 abandoned railroad cars in Alabama, and the people in this town said it smells like dead bodies. He asked if we get an industrial site, will they be able to store anything there; he thinks they can or Mr. Basner or Southeast Railcar could sell their businesses and then what could the other people put in. He believes this type of request would be classified as spot zoning. He passed out to the commissioners a Comprehensive Plan of Crisp County, Town of Arabi, and the City of Cordele and he thinks this was approved in 2009, and he believes this is what we should be rezoning to. He read what an industrial zoning and other zoning could include and also included is the lake area and the vision here is to maintain Lake Blackshear's lakefront reputation as among the most desirable residential areas in the region by preserving attractive visual characteristics and environmental quality and Gum Creek is close to the proposed rezoning property. If anything gets into Gum Creek, it contaminates Gum Creek and our lake. Also the last bullet in the plan, Development Strategy-Implementation Measures, and regarding Veterans Memorial is regulation of land use on surrounding/adjoining properties, and if we are not in this area, we are at least adjoining properties. He is asking the commissioners to say no and to not change the zoning at 158 South Coney Road from RS1 to I. He also advised that he has a good many signatures asking the commissioners to say no to this request. Robert Powell stated that he is also opposed to this request as some years ago; the homeowners engaged the University of Georgia to come down and invited all the county commissioners, chamber and others to a meeting to determine what everyone thought of the counties around here. At that time one of the points that came out of this meeting is that Crisp County was known as the trash county, you commissioners have done a great job of eliminating that problem by

removing all the containers around the county. He advised that the railroad industry has an extreme problem county wide with an abundance of railroad cars with no place to put them. Do we want to become the dumping place for more railcars and we will be a dumping ground again for obsolete equipment with no place to go; it is not only the railcars but these containers are major problems. Let's keep our county and look to the future, the lake is very precious to him and the cleanest lake in the state; any kind of runoff into Gum Creek is going to be a problem. He asked why we have to store cars that are being repaired in Plains, Georgia; let's protect the environment that we have. He thinks the property values will probably go down when you put an industrial site beside the kind of homes that are on Ferry Landing Road. If the lake gets some contamination, the values on that property are going to go down; we are experiencing tremendous value increase on the lake now. Jerry Carney stated that he is not in favor of storing rail cars in that particular area, and as past chairman of the Planning and Zoning Commission, he had Mr. Basner request a change in his property in regards to putting up a particular building, we do put strong restrictions on what people can do but we do want people to utilize the property they have within the concepts of the zoning that they have. They did approve the building with the exception of not having any kind of chemicals or anything that would get into the watershed. So it might be worth looking back at those minutes because of the fact that there was a strong environmental issue associated with that property, not only as the box cars that are there now but also a potential use of the Industrial zoning that could jeopardize; bottom line is we should be very cautious of changing any area to Industrial zoning. The other thing he would like to speak to is litigation, he has heard it said that they are going to litigate this and it seems pretty complicated based on what Mr. Basner says of whether or not he has what right to what property that adjoins that area; we should take a look at that. These people here are saying pay the bill, they are the ones that provide the money to this county through the taxes, and they are saying if it is necessary, spend my tax money in order to keep this consistent with the area that is there; he doesn't think rezoning this is worth the risk to the neighborhood, to the zoning, and commissioners to consider the fundamental plan that the commissioners have and that was signed as an important piece to developing of this county. Johnny Floyd stated he opened the wood yard in 1973, the part we are talking about today was part of the Seaboard Coastline Railroad, the section house set on this site and today this house sits further down Ferry Landing Road; they built the wood yard on the site where the State of Georgia owned when they bought out the short line railroad. He operated the wood yard with a concentration of trucks and trains in and out and he had no problems or complaints at all. There are several nice homes that have been built since he had his wood yard, and he doesn't see any change of how it is going to affect property tax or anything else than it did back then. He has no problem with the request. Mr. Basner stated that he would like to correct Mr. Carney in that they didn't erect a building, they asked for a variance so he could put siding on a building that Mr. Floyd has used for a shop area; the building was on the tax parcel but not on the deeded parcel, it sets on another tract of land and has nothing to do with this as he never ask for any zoning variances on this 4.02 acres, it was on the adjacent 13 acres. Mr. Carney advised that the issue was the environmental, not the building. The Southeast Railcar representative stated that there is more of a risk that the railroad derails a car into the lake than there is these cars sitting there empty; these people bought the land knowing the railroad was coming through there and running. Mr. Basner advised that in association of the licensing agreement he has with Southeast Railroad, they are indemnified up to about \$2.5 million and he also is indemnified at \$2 million, so if there is any sort of a problem, they are covering their selves with liability even though they do not foresee any problems. Joel Owens stated that he remodeled the house Mr. Huffman lives in now and when he did this he thought this house had tremendous potential to be a beautiful landmark for Crisp County, and they put the highest conveyance this county has ever seen on the surrounding perimeter of Coney Road and Ferry Landing. He also has sold several lots out in this area that people are planning on building homes there in the next few years

and they purchased it with the knowledge that Crisp County had approved this conveyance so that they would be protected. Also, if there is not anything that is going to change what are they doing right now, why are we here? Bringing in railcars and hooking up railcars makes tremendous noise; this would be a detriment and he thinks there are other places that this can go. He stated that there is no reason to approve something that is going to be in the middle of the state park and the highest covenant neighborhood in Crisp County; it is not a good idea. No one else wanted to speak, so Chairman Farrow closed the public hearing.

APPROVE AND ADOPT UPDATED VEHICLE PREVENTIVE MAINTENANCE POLICY AND PROCEDURES FOR RURAL TRANSPORTATION PROGRAM

Motion was made by Mr. Nance to approve and adopt the updated Vehicle Preventive Maintenance Policy and Procedures for Rural Transportation Program, seconded by Mr. Felton, motion carried unanimously.

FINANCIAL REPORT

Mrs. Leverett reported that today's packet includes a preliminary report on the major funds of the County as of March 31, 2018. The General and three major Special Revenue funds combined brings YTD totals to just over \$15 million in revenues and \$13.2 million in expenditures leaving a positive 11% revenue over expenditure balance of \$1.8 million. Water Fund YTD revenue total is \$497,311 and YTD expenditures are at \$358,254 leaving net income just over \$5,000 at \$139,057. The USDA Bonds are current at \$1,364,598 million. In the Landfill Fund YTD accrued revenue at \$1.4 million and expenditures of \$1.1 million leave this fund with a net operating income of \$281,072. The GEFA Loans are current at \$2.8 million. In the cash on hand report, we ended the month with \$12.8 million in the General and Special Revenue Funds combined, \$4.7 million in the proprietary funds and \$6.3 million in the SPLOST & TSPLOST funds giving a countywide total of \$23.9 million. For the 2005 SPLOST Issue, to date we have now expensed or obligated \$24.7 million and for the 2011 SPLOST Issue, we have appropriated \$22.3 million of the \$23.2 million collected. For the 2017 SPLOST Issue, Distribution No. 2 for \$290,370 dropped under the average amount received for the retail reporting months of February included in the previous issue by 11%. Also on the updated schedule on our L.O.S.T distributions even with an extra percentage point on the distribution method, this month's receipt of \$142,290 is up only a half of percentage point over March of 2017. In the CDBG Revolving Loan Fund report, we ended with a total outstanding balance of \$2.3 million for all these accounts. The final report shows the expended percentage of appropriations for each individual department and the total for each fund; all departments and divisions should be at 75% of their annual allowances. Overall, preliminary numbers show General and Special Revenue Funds at 80%, Water Fund and Landfill Fund within budget at 55% and 67% respectively.

DISCUSS PICKENS POOL

Mrs. Leverett reported that currently in order to keep Pickens Pool clean and maintaining the water level like it should, they have to run the water day and night as the pool is dropping several inches a day. This will cost us somewhere between \$9,000 - \$10,000 a year in electric bills just to keep the water level to where the cleaning equipment will be able to function. She advised that replacing Pickens Pool is one of the projects on the new SPLOST that has not been voted on yet, so we don't have funding available under SPLOST to replace the pool, but we do have an opportunity to apply for a grant to help pay for the

pool. Mr. Bozeman received a price of about \$265,000 to replace the pool; we have \$220,000 in the 2017 SPLOST for replacement of the pool. We would like to apply for the grant and if we receive the grant we will have to do the project. She would like to propose that the General Fund advance the match on the grant to the new SPLOST Fund, and when the money comes in we can allow the 2017 SPLOST to reimburse the General Fund. This would allow us to go ahead and replace the pool. The money would come from the Land and Water Conservation Fund. **Motion was made by Mr. Nance to submit a Pre-application for funding from the Land and Water Conservation Fund to replace Pickens Pool and if received to allow the General Fund to pay the match on the grant until the SPLOST Funds are available to reimburse the General Fund and adopt the Resolution, seconded by Mr. Mathis, motion carried unanimously.**

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GO INTO EXECUTIVE SESSION

Motion was made by Mr. Felton to go into Executive Session to discuss personnel, litigation and property, seconded by Mr. Dowdy, motion carried with all commissioners agreeing to go into Executive Session.

COME OUT OF EXECUTIVE SESSION

Motion was made by Mr. Mathis to come out of Executive Session, seconded by Mr. Nance, motion carried with all commissioners agreeing to come out of Executive Session.

REAPPOINT BOARD MEMBER TO MIDDLE FLINT BEHAVIORIAL HEALTH BOARD

Motion was made by Mr. Felton to reappoint David Fallin to the Middle Flint Behavioral Health Board, seconded by Mr. Dowdy, motion carried unanimously.

ADJOURNMENT

Motion was made by Mr. Dowdy to adjourn the meeting at 12:25 p.m., seconded by Mr. Felton, motion carried unanimously.

Sam Farrow, Jr., Chairman

Tom Patton, Administrator