

Minutes
Historic Courthouse, Board Chambers, 3rd Floor
225 North Board Street
August 27, 2019

The Thomas County Board of Commissioners met on the above date in a regular scheduled meeting at 6:00 p.m. at the Historic Courthouse, Commission Chambers, with the following board members present:

Wiley Grady, Chairman, Dist. 6

Rev. Jeremy G. Rich, Dist. 1
Kenneth E. Hickey, District 3
Donnie L. Baggett, Dist. 5

Phillip V. Brown, Vice-Chair, Dist. 7

Moses Gross, Dist. 2
Mark NeSmith, Dist. 4
Zippy T. Vonier, Dist. 8

Staff present was County Manager Michael J. Stephenson, County Attorney Bruce Warren, Sheriff Carlton Powell, County Clerk Twink Monahan. Other staff present Tony Bodiford, Public Works Director, Ken Gay, Planning and Zoning Director, Donna Holbert, Zoning Administrator, Alicia Hester, Tax Commissioner, and Celeste Tyler, newly hired County Clerk.

Chairman Grady opened the meetings and Commissioner Rich gave the invocation.

Chairman Grady recognized Commissioner NeSmith who made a motion to approve the minutes of the August 13, 2019 board meeting. The motion was seconded by Vice-Chairman Brown and approved unanimously. Chairman Grady, Vice-Chairman Brown, Commissioners Baggett, Brown, Gross, Hickey, NeSmith, Rich, and Vonier voting aye.

Chairman Grady highlighted the upcoming Citizens' Academy and encouraged the public to register.

Chairman Grady declared a Public Hearing in regards to Applicant Lee Green, Application 19-8-1 – Ag C.U. Chairman Grady also went over the Public Hearing Guidelines.

Chairman Grady recognized applicant Lee Green and attorney Robert Volpe of Hopping Green & Sams, 119 South Monroe St., Tallahassee, FL. Mr. Volpe stated that the application meets the requirements as put forth by Thomas County. Surface mining is a highly regulated process and permits are required at every step of the way. The property would be mined to a depth of 10 to 12 feet. The County buffer requirements are double what is required by the state. It is also a State requirement to bring the property back to the same condition or better, than before the mining began. Mr. Green added that he is proposing to do the same work he has done at his Highway 188 location for more than twenty years, with no regulatory issues.

Chairman Grady asked about trucks hauling on Saturdays. PLUS Commission minutes indicated no hauling on Saturdays. Mr. Green noted the PLUS Commission minutes were incorrect, and he does intend to haul on Saturdays. Chairman Grady asked Mr. Green how many loads per day. Mr. Green responded with an average of 4 loads a day. Commissioner Brown asked if you do have to work on a Saturday when would it be? Lee Green answered as little as possible and only if necessary.

Chairman Grady recognized Larry Williams of 2420 Maddox Rd., Ochlocknee, GA. Mr. Williams stated the roads and bridges were not designed for the use Mr. Green is proposing. There will be more traffic in this area. School buses travel on these roads and the safety of the children is a concern. Additional noise and dust will also be a problem, altering the quality of life. These mining conditions would be for twenty or

years. Surfacing mining destroys the landscaping and environment. Mr. Williams pointed out the petitions provided to the board and encouraged Commissioners to stand up for the people.

Chairman Grady recognized the second speaker opposing the rezoning request; Billie Jo Beverly of 903 McMillan Rd., Ochlocknee, GA. Mrs. Beverly spoke on behalf of individuals with medical concerns. She noted that flare-ups were common with resurfacing. In 1994 many more homes were being built on Maddox Rd., and now there is an established Neighborhood Watch Group. Mrs. Beverly referenced Lonny Kirk (affidavit in agenda packet) who was not able to attend. She expressed his concern over the violations of the Scruggs pit site when Lee Green was contracted with Scruggs – specifically, the lack of a water truck on site, conditions related to the lack of dust control, hours of operation, and damage to McMillan Rd. Mr. Kirk also questioned the exact location of the mining and the whereabouts of the entrances and exits.

Chairman Grady recognized the third speaker opposing the rezoning request; Pam Davis of 1695 Stewart Rd., Thomasville, GA. Mrs. Davis expressed concern of the effects the mining would have downstream at Barnett's Creek. She compared the run-off watershed of Wakulla Springs and Barnett's Creek. The mining will cause an adverse effect to the environment and ecological footprint. This is not about hurting Mr. Green's business. It's just not the best use of the property.

Chairman Grady recognized Mr. Green, Mr. Volpe, and Mr. Brent Griffin of 6544 GA Highway 188 for a rebuttal. Mr. Griffin stated that Mr. Green has mined on his place for 10 to 15 years with no problems. The dust is equivalent to normal dump trucks. He has seen no problems with the wildlife and has spotted deer. Mr. Volpe reiterated that surface mining is a conditional use in the Thomas County Code. He reminded Commissioners that Mr. Green pays a heavy highway use tax that is put back in the roadways. The dust will be regulated as it is prohibited from causing a negative effect to adjacent property. The wildlife is protected by the State. Mr. Green showed a map of the property area to be used at the request of Commissioner Gross. Mr. Green also stated that 90% of the trees were planted to farm. He thanked the Commissioners for their consideration of the request.

Chairman Grady recognized Mr. John Maddox of 436 McMillan Rd., Ochlocknee, GA who stated that he was not on either side. He commented that surface mining is better than chicken houses.

Chairman Grady recognized Commissioner NeSmith who began by thanking the guests for their input into the request of the proposed zoning change and also for the staff who provided recommendations of zoning criteria for the consideration of the Board. Commissioner NeSmith referenced Section 4.300 Conditional Uses and Subsections 4.310 General Provisions and Authority of the Thomas County Ordinance. The words "**may grant conditional use permits**" gives the Board of Commissioners the authority to grant or not grant a conditional use permit based on its interpretation of the proposed zoning changes effect on the location, design, intensity, configuration, and public facility impact. Commissioner NeSmith continued to say that he found four of the seven zoning criteria less than favorable to the proposed zoning change. They are as follows:

#2. Will the proposed conditional use have an undue adverse effect upon adjacent or nearby properties?

My recommendation- This is very subjective to interpretation. In my opinion this proposed change would cause an undue adverse effect upon adjacent or nearby properties by decreasing the properties in value. There is no way a homeowner's property would maintain its current value by being near a surface mining operation and especially one that Mr. Green in his letter to the County

Commissioners dated August 26, 2019 & according to his point #4, intends to be available for operation Monday through Friday, 7am to 5 pm and on weekends as he so desires.

#3. The proposed conditional use is compatible with the existing or planned character of the neighborhood in which it will be located.

My recommendation - This too is a subjective interpretation. In my opinion the correct answer is no. The nearby neighborhood already has one surface mine pit to contend with. I feel sure it was never the intention of the existing subdivision to include in the planned character of their subdivision to be surrounded by surface mines upon having designed and built their homes to be in this neighborhood.

#6. Will the proposed conditional use be served by adequate public facilities and services?

My recommendation - I submit that the granting of this request would require additional public services in the form of road repairs. One surface mine already exists in this area using the same county roads the mining trucks from this operation would use; therefore, the integrity of the county roads in this area would be subjected to early deterioration.

#7. Will the proposed conditional use have an adverse impact on the natural environment?

My recommendation – Yes, a conditional use on this property would have an adverse impact on the natural environment. For surface mining to be accomplished on any piece of property there must be a clear cut of the proposed mining area. Where there is existing forested land this will have some impact on the existing natural environment.

In conclusion, Commissioner NeSmith made a motion to deny the request of a zoning change from Agriculture to Agriculture C.U. The motion was seconded by Commissioner Baggett, and was approved 4-3-1. Chairman Grady, Commissioners Baggett, NeSmith, and Vonier voting aye and Vice Chairman Brown, Commissioners Gross and Rich voting nay. Commissioner Ken Hickey abstained due to a conflict of interest.

Chairman Grady recognized Vice Chairman Brown who made a motion to approve the Resolution to set the 2019 millage rates for all funds. The motion was seconded by Commissioner Baggett and approved 7-0-1. Chairman Grady, Vice-Chairman Brown, Commissioners, Baggett, Gross, Hickey, NeSmith, and Vonier voting aye. Commissioner Rich abstained due to his employment with the Thomas County School System.

RESOLUTION
THOMAS COUNTY BOARD OF COMMISSIONERS
P.O. BOX 920
THOMASVILLE, GEORGIA 31799
August 27, 2019

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of Thomas County, Georgia, sitting for County purposes in a special called meeting and for the purpose of setting millage and levying a tax for 2019, that it be and is hereby ordered that eight and nine hundred thirteen thousandths (8.913) mills on each one dollar of all taxable property in the incorporated areas of said Thomas County, and that it be and is hereby ordered that eight and nine hundred thirteen thousandths (8.913) mills with a roll back of Insurance Premium Tax of one and seven hundred eighty two thousandths (1.782) mills leaving seven and one hundred thirty one thousandths (7.131) mills on each one dollar of all taxable property in the unincorporated area in

said Thomas County, be and the same is hereby levied for Thomas County purposes, said rate to be apportioned for legal purposes of said Thomas County under constitutional limitations of the State of Georgia; and that the Tax Commissioner of Thomas County be, and is hereby instructed to collect the same for said Thomas County purposes, as provided by law; and,

WHEREAS: The proper Legislation was enacted and a referendum was held there under as provided therein on June 16, 1965, at which time the voters of Fire District Number 1 and 2, as described in said Legislation approved said Act creating fire districts in Thomas County and authorizing the Board of Commissioners of Thomas County, Georgia, to levy upon the taxable value of all property within such fire districts for fire protection purposes in said districts.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of Thomas County, Georgia, sitting in regular meeting for County purposes, that it be and it is hereby ordered that three and thirty eight thousandths (3.038) mills upon the taxable value of each one dollar of all property located in said County Fire District 1, and three and thirty seven thousandths (3.037) mills upon taxable value of each one dollar of all property located in said Fire District 2, as described in said act creating Fire Districts in Thomas County, be and the same is hereby levied for the purpose of said County furnishing fire protection services within such district; and that the Tax Commissioner of Thomas County be, and is hereby instructed to collect the same for said purposes by law; and,

WHEREAS: The Board of Commissioners of Thomas County have adopted Resolution dated December 9, 1986, that there is created within Thomas County, Georgia, pursuant to the authority of Article IX, Section II, paragraph VI, of the Constitution of the State of Georgia, of 1983, a special service district to be known as Fire District No. 3 of Thomas County, Georgia.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of Thomas County, Georgia, sitting in regular meeting for County purposes, that it be and it is hereby ordered that two and three hundred twenty nine thousandths (2.329) mills upon the taxable value of each one dollar of all property located in said County Fire District 3, be and the same is hereby levied for the purpose of said County furnishing fire protection services within such district; and that the Tax Commissioner of Thomas County be and is hereby instructed to collect the same for said purpose by law; and,

WHEREAS: The Board of Commissioners of Thomas County have adopted a Resolution dated February 11, 2003 that there is created in Thomas County, pursuant to the authority of Article IX, Section II Paragraph VI of the Constitution of the State of Georgia of 1983, a special service district to be known as Emergency Service District of Thomas County, Georgia.

NOW THEREFORE BE IT RESOLVED, by the board of Commissioners of Thomas County, Georgia, sitting in a regular meeting for County Purposes, that it be and it is hereby ordered that one and seven hundred twenty thousandths (1.720) mills upon the taxable value of each one dollar of all property located in said county Emergency Services District, be and the same is hereby levied for the purpose of said County furnishing emergency services within such district; and that the Tax Commissioner of Thomas County be and is hereby instructed to collect the same for said purpose by law; and,

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of Thomas County, Georgia, that it be and is hereby ordered that said mills above be assessed for State purposes and that the Tax Commissioner of said Thomas County, be instructed to collect the same as provided by law; and,

WHEREAS: the Board of Education of Thomas County, Georgia, having recommended a levy of fourteen and two hundred three thousandths mills (14.203) on all taxable property in said Thomas County, not embraced within the present corporate limits of the City of Thomasville, Georgia, for the support and maintenance of education for County-wide schools, as provided by law for the taxable year of 2019.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of Thomas County, Georgia, sitting in regular meeting that the taxable year 2019 a tax of fourteen and two hundred three thousandths mills (14.203) for the support and maintenance for County-wide schools be levied on each one dollar of all the taxable property in said Thomas County not embraced within the present corporate limits of the City of Thomasville, Georgia, and that the Tax Commissioner of Thomas County, Georgia, be and is hereby instructed to collect the same for the support and maintenance for County-wide schools for the taxable year of 2019 as provided by law.

BE IT FURTHER RESOLVED, that the Tax Commissioner is hereby instructed to set a due date of November 15, 2019 for 2019 taxes.

Signed By: Wiley E. Grady, Chairman

Attest: M. Twink Monahan, County Clerk

Chairman Grady recognized Ronald Cohen of 453 Pig Sauls Rd., Boston, GA. Mr. Cohen asked for assistance from Thomas County Public Works to maintain the driveway on the property adjacent to his. Chairman Grady asked Tony Bodiford, Public Works Director, to assess the situation and report back to the Public Works Committee.

Chairman Grady recognized Commissioner Vonier who made a motion to ratify the diesel purchase made on 8/20/2019 from Petroleum Products at \$1.9058 per gallon. The motion was seconded by Ken Hickey and approved unanimously; Chairman Grady, Vice-Chairman Brown, Commissioners, Baggett, Gross, Hickey, NeSmith, Rich, and Vonier voting aye.

Chairman Grady recognized Commissioner Hickey who made a motion to ratify the roof work for Thomas County Justice Center by Ferguson Metal Building Solutions for \$54,330.65. The motion was seconded by Commissioner Baggett and approved unanimously; Chairman Grady, Vice-Chairman Brown, Commissioners, Baggett, Gross, Hickey, NeSmith, Rich, and Vonier voting aye.

Chairman Grady recognized Commissioner Baggett who made a motion to adjourn. The motion was seconded by Commissioner NeSmith. Motion carried unanimously; Chairman Grady, Vice-Chairman Brown, Commissioners, Baggett, Gross, Hickey, NeSmith, Rich, and Vonier voting aye.

Signed by: Wiley E. Grady, Chairman

ATTEST: Celeste Tyler, County Clerk