

## MINUTES

### City Council

**Monday, November 20, 2017 - 6:00 p.m.**

**Call to Order:** Mayor Bethune welcomed everyone and called the meeting to order at 6:00 p.m.

**Opening:** Bruce Campbell, Pastor of the Oak Grove Missionary Baptist Church (and also Councilmember of the Garden City City Council) gave the invocation and Mayor Bethune invited everyone to join in the pledge of allegiance to the flag.

**Roll Call:** The roll call conducted by Jennifer Scholl, substituting for the absent Clerk of Council, reflected the following:

**Council Members Present:** Mayor Don Bethune, Bruce Campbell, Rosetta Cody, Marcia Daniel, Bessie Kicklighter, Debbie Ruiz, and Kim Tice.

**Council Members Absent:** None.

**Staff Present:** Ron Feldner, City Manager; James P. Gerard, City Attorney; Ben Brengman, IT Director; David L. Lyons, Chief of Police; Corbin Medeiros, Fire Chief; Jackie Jackson, Special Projects Coordinator; Ron Alexander, Planning Director; Charles Draeger, Water Operations Director; and Benny Googe, Public Works Director.

**Staff Absent:** Rhonda Ferrell-Bowles, Clerk of Council; Pam Franklin, Human Resources Director; and, Cliff Ducey, Recreation Director.

**Opening:** Mayor Bethune announced that City Council had held a Pre-Agenda Session prior to the meeting whereat no decisions or votes were made.

**Presentation of Proclamation to Retiring Chief of Police David Lyons:** The Mayor presented Chief Lyons with a proclamation on behalf of City Council recognizing the Chief for his fifteen (15) years of service as the City's Chief of Police, expressing how much he will be missed by City Council and the officers in the police department, and wishing him and his wife, Cathy, good fortune. The Chief expressed how fortunate he was to have city managers, councilmembers, and police officers who bought into his method for running the City's Police Department. He also gave a special thanks to his wife, Cathy, for tolerating all of the family

sacrifices which the Chief made during his tenure in order to perform his job for the City to the best of his ability.

### **Update on CSX Railroad Crossing Blockages:**

Before entertaining any public comments, the Mayor provided the public with a summary of the meeting which he and other City representatives had with a number of CSX representatives on November 14, 2017, at City Hall for the purpose of finding a solution to the recent road blockages in excess of an hour occurring at crossings located in two areas of the City, one being the crossings in residential neighborhoods located on The Oaks, Wheathill Road, Priscilla D. Thomas Way, Big Hill Road, and the other being the crossing located in the commercial area on Telfair Road. With respect to the blockages in the residential areas, the Mayor reported that a possible solution had been proposed by the City Manager at the meeting which was now being considered by CSX. With respect to the blockages on Telfair Road, the Mayor reported that CSX attributes them to increased business at Georgia Ports Authority and increased port traffic, and indicates that blockages of at least 50 minutes should be expected at the crossing each business day between 2 pm o'clock and 4 pm o'clock. The Mayor reported that he told the CSX representatives at the meeting that the City would not tolerate such an arrangement which puts a burden on area businesses and truck drivers who are trying to drop off freight. Since the meeting, the Mayor indicated that he has been receiving many complaints about railroad blockages of an hour or more from the School Board and school parents who are being prevented from transporting students to and from school. He also reported an incident which occurred earlier in the day involving CSX leaving a three-quarter mile long line of railroad cars with no locomotive engine blocking Big Hill Road for over two and one-half hours during which time no Big Hill Road resident could go to and from home. The Mayor indicated that such occurrences are unacceptable in that they are discouraging potential residential development within the City.

The City Manager explained that his proposal to the CSX representatives at last week's meeting was to consider holding and stopping incoming trains North of Gulfstream Road to alleviate blockages that occur South of Highway 307 and North of Highway 80 which are the residential areas in Garden City West of Highway 21. He indicated that so long as the rail traffic is temporarily confined to North of Gulfstream road, car traffic can still utilize the overpasses on Jimmy Deloach Parkway, I-95, Highway 21, and Highway 30 to avoid being blocked or cut-off from residential and commercial areas by trains traveling under such major highways. He reported that CSX is currently studying the proposal and will be contacting the City within the next two weeks as to the feasibility of the plan of action.

The City Attorney added that the City's legal remedies are severely limited. Fines imposed by ordinance do not work. He indicated that he had been in contact with a number of legislators about effecting some changes to current laws, but no concrete proposals have been made as of yet.

**Formal Public Comments:** Mayor Bethune announced that no formal requests for public

comment had been made prior to the meeting.

**Informal Public Comments:** Mayor Bethune then gave an opportunity for informal comments by anyone who wanted to speak informally about a subject other than road blockages by the railroad. There being none, the Mayor then opened the floor to anyone who wanted to comment on the current issues with the railroad.

Silvia Swann, a resident at 85 Varnedoe Avenue, reported that in early November, she got a call for help from her mother living on Big Hill Road who did not have a way of getting her children to school because the school bus had been prevented from picking-up the children by reason of a CSX train blocking the entrance into the Big Hill neighborhood. By driving on private property to get around the blockage, Ms. Swann delivered the children herself to the school where they were one hour late. A similar road blockage of an hour in duration occurred later that same day. She reported that there was a road blockage at the same spot today for over two hours during which time she witnessed residents, including children, crawling under the railroad cars to get across the tracks.

JoAnn Jones, a resident leasing property at 350 Priscilla D. Thomas Way, stated that she has battled with CSX for over 16 years and that the only time she got results was when she sued the railroad. She also complained about the difficulty with complying with the railroad's standard procedure of reporting on-line blockages to the railroad while sitting in cars stopped by a train. She asked if the City was imposing a fine on the railroad for blocking the track. She also reported seeing children crawl under stalled railroad cars in order to get home after school.

Pam Eichols, a resident at 221 Priscilla D. Thomas Way, reported a blockage of Priscilla D. Thomas between 10:15 a.m. o'clock and 11:30 a.m. today which caused her to be late for taking her daughter to a noontime doctor's appointment. When she called CSX to ask how long the blockage would last, the CSX representative answering the phone stated that the duration of the blockage was unknown as well as the whereabouts of the train's brakeman.

Charles Swann, a resident living at 411 Big Hill Road, reported that in the middle of the day he has witnessed locomotives disconnecting from trains blocking the road, going across Highway 307 to perform switching operations, and then returning after extended periods of time. He suggested that the railroad be contacted about performing the switching operations further down the tracks to minimize the frequency of road blockages.

Natalyn Bates Morris, a resident living at 209 Priscilla D. Thomas Way, thanked City Council for following-up on last meeting's complaints about the railroad, and urged the City to continue fighting. She commented that the only way to get the railroad to do something about the problem is to hold them accountable.

Tim Burns, Transportation Director for the Board of Education, came forward and recommended that the City stress to CSX the seriousness of the road blockages with respect to special

needs/medically fragile students who cannot medically afford to sit on a school bus for hours at a railroad crossing.

Rosalind Nathaniel, also associated with the school system's Transportation Department, commented that the Board of Education cannot do its job of educating students until CSX does its job of making sure that school buses are not delayed on the way to school by train blockages at railroad crossings. She indicated that the Board of Education will enthusiastically respond to the City's calls for assistance in getting the road blockage issue resolved.

In responding to the comments, the Mayor related his own experience of calling CSX's "800" number and being instructed by a recording to report on-line any blockage issues. He further commented that the Garden City Police Department was delivering to the home office of CSX in Jacksonville, Florida, a citation for violating the City's road blockage ordinance with respect to today's blockage on Big Hill Road for over two and one-half hours. The City Attorney added that the railroad has always paid the fine associated with violating the ordinance ahead of the court date so as to avoid having to face the City's Municipal Court Judge. He said that there was a jurisdictional limit with respect to the fine amount which cannot exceed \$1,000.00. He stated that the City's ability to bring a suit against CSX for creating a public nuisance was trumped or pre-empted by federal law, and that the avenue for being granted relief by a court for the road blockage issue is very narrow. The Mayor wrapped up his comments by urging residents not to crawl under stalled railroad cars to cross the railroad tracks. He assured the public that the City was going to take care of the problem. He reiterated that the City's meeting with CSX was productive, but that it is incumbent on CSX to make good on its pledge to be a good neighbor where they operate by identifying and implementing operational changes so that the prolonged railroad crossing blockages are reduced to 15 minutes.

### **Public Hearings:**

1. Public Comment on FY 2018 City Budget.

City Manager Ron Feldner then presented for public comment the City's FY 2018 budget which begins January 1, 2018. His overview of the budget highlighted the following:

A. General Fund.

- (1) The General Fund balance shall increase 1% in FY 2018.
- (2) The City shall not utilize existing reserves in the General Fund to fund departmental operational line items in FY 2018. Certain supplemental funds to be used for capital purchases will be allocated by Council after periodically reviewing the City's financial performance during 2018 and determining whether the City's financial position is conducive to

undertaking and implementing certain capital projects which have been identified for consideration such as computer equipment and security cameras.

- (3) In FY 2018, the City shall maintain a maximum staffing level of 119 full-time equivalent positions which is unchanged from 2017. As of the end of October, the City staff was at 110 full-time positions. In 2017, the City had an outside consultant perform a comprehensive job classification and pay study analysis which was utilized in 2018 budget deliberations to set the compensation program for city employees.
- (4) Approximately two-thirds of the \$9,000,000.00 making up the General Fund comes from taxing mechanisms such as property ad valorem taxes (16%) and the local option sales tax (34%). Operational line items in the General Fund total approximately \$7.8 million. Capital line items specifically identified in the General Fund for funding in 2018 total approximately \$ 200,000.00, with potential capital line items for Council's consideration during 2018 totaling \$1,400,000.00.

B. The Enterprise Funds.

- (1) The Fire Protection Budget is funded to the extent of 30% by fire protection fees; the remainder is funded by other sources of money that come in, including General Fund transfers. The budget shows a 4% increase in FY 2018.
- (2) The Stormwater Management Budget is primarily funded by stormwater management fees which bring in almost \$900,000.00 per year.
- (3) The Sanitation Budget is similar, if not the same, in 2018 as compared to 2017.
- (4) The Water and Sewer Fund continues to operate on a very financially sound basis as revenues continue to come in as the City's thriving business community uses increased water and sewer services. A major component and expense of the water and sewer operation is the debt that the City incurred over the last several years to complete several different projects which enhance the system operation of both utilities throughout various parts of the City. In order to fund such expense, Council looked at 2018 projected revenues as well as the City's customer base for the consumption of water and the discharge of sewer, and opted to increase the water and sewer bill or rates for the year by about 3% (a residential customer using 5,000 gallons of water per month will be experiencing an

increase from \$49.50 per month in 2017 to \$51.00 in 2018). This small incremental increase is consistent with what the City has previously done in order to maintain the sound financial footing that the City has been on for several years. The City's commercial and residential water and sewer rates are still very competitive with our neighboring communities.

C. SPLOST.

The Splost Fund takes care of the City's major capital needs each year. The most significant expense out of this fund, about half of the money each year, goes to the City Hall debt service payment. Other miscellaneous expenses out of the fund include those for road improvements, public safety vehicles, and development projects at Town Center.

Upon the City Manager's asking for questions or comments from the public or City Council, the only comment came from Mayor Bethune who thanked the City Manager and his staff for doing an outstanding job on the budget's preparation.

There being no further questions or comments about the City's FY2018 Budget, the public hearing thereon was closed by Mayor Bethune.

**City Council Minutes:** Upon motion by Councilmember Campbell and seconded by Councilmember Cody, City Council voted unanimously to approve the City Council Workshop Synopsis dated November 13, 2017, and the minutes of the City Council Meeting on November 6, 2017.

**Staff Reports:**

Ron Alexander, the City's Director of Planning and Economic Development, gave his departmental report for the month of October. He indicated that at the October 10, 2017, meeting of the Board of Zoning of Zoning Appeals/Planning Commission four (4) matters were considered by the Planning Commission and no matters were considered by the Board of Zoning Appeals. During October, the Building Department issued 27 permits for various items pertaining to site infrastructure and vertical construction activities, and approximately 78 onsite inspections and 40 plan reviews were performed in connection with the issued permits to ensure compliance with the civil, environmental, building, fire, mechanical, electrical, and plumbing codes and ordinances adopted by the State or City. He reported that there had been another 45 meetings to discuss a variety of issues concerning building related matters such as plans, codes, ordinances, and procedures, and also approximately 14 hours of in house and field training. In the role of Fire Marshall, Mr. Alexander reported that during October there were approximately 50 onsite fire inspections and approximately 20 in-office fire protection reviews of planned projects pertaining to fire protection planning prior to permitting. In the area of flood plain management, Mr. Alexander reported performing approximately 30 site inspections and 20 plan

reviews in connection with development in the City's Special Flood Plain Areas.

Charles Draeger, the City's Director of Water Operations presented the Water&Sewer Report for October, indicating that there had been 224 service requests for the month generating 257 work orders which were primarily for city-initiated meter re-reads and water turn on/off services. He reported that 26,484,000 gallons of drinking water were consumed during the month which equates to daily consumption of 85,400 gallons.

Chief David Lyons presented the Police Department's monthly status report for October. He indicated that there had been a total of 2,189 calls for service in the month, and a total of 20,863 service calls since January 1. He reported that during the month, his Department had written 734 traffic citations, 172 written warnings, and 8 commercial vehicle unit citations. He reported that the most frequently committed criminal offence for the month was burglary primarily targeting unattended and unlocked automobiles. He further reported 694 cases (634 traffic matters and 60 criminal cases) having been handled by the Municipal Court during the month. As for items of interest, he related to Council his sitting on the hiring committee for the new Chatham County Police Department, attending the "State of the Port Address" on October 25, and attending the 100<sup>th</sup> celebration dinner for the NAACP. As for the Department's code enforcement efforts, the Chief reported his department's issuance of 62 fifteen-day notices, 10 city ordinance citations, and 68 rollout car violations. After completing his report, Councilmember Kicklighter echoed the sentiment of the other councilmembers by thanking the Chief for everything he has done for the City during the last 15 years.

Chief Medeiros presented the Fire Department's monthly status report for October, reporting 186 calls for service during such time, 118 of which were first responder calls. He stated that during October, personnel in the Department had undergone 746 hours of training which equates to an average of 46.65 hours of training per firefighter. On August 16, the Chief attended a meeting at the Georgia Port Authority about how to address potential terrorist attacks. During the month, the Department participated in several live burn training scenarios with the Port Wentworth Fire Department; gave POST certified emergency medical responder training to officers from the Garden City Police Department and the Georgia Port Authority Police Department; met with the Garden City Youth Council for the purpose of demonstrating firefighting techniques and fire drills; continued the Senior Center blood pressure checks; and helped out with the City's Public Safety Day.

#### **City Manager Updates:**

1. The City Manager expressed his thanks and gratitude to Chief Lyons for providing him throughout the years with valuable advice, insight, and guidance which enabled him to better perform the duties associated with his job. He also wanted to thank the Chief for the professionalism which the Chief has exhibited during the last couple of months in connection with smoothly transitioning the police department into its next phase of operations under the new leadership of Gil Ballard.

**Items for Consideration:**

- 1. Resolution, GMA-GIRMA Firefighter's Cancer Benefit Program: A Resolution by the Mayor and Council of Garden City, Georgia, authorizing the City Manager to execute the GIRMA Fund election form to add membership in a fund of GIRMA for participation in the firefighter's cancer benefit program.**

Upon a motion being made by Councilmember Campbell and seconded by Councilmember Cody to adopt the Resolution as read by the Clerk, discussion ensued. The City Manager explained that the resolution was a product of the recently passed state legislation requiring that each city provide insurance coverage for a cancer diagnosis to each firefighter who has served as a firefighter with the city's fire department for 12 consecutive months. The Georgia Municipal Association has identified to its members, such as Garden City, a carrier that can be utilized for making the insurance benefit available to qualified firefighters.

Upon a vote being taken on the pending motion, the motion unanimously passed and the Resolution adopted.

- 2. Resolution, NextSite Retail Consulting Agreement: A resolution authorizing Garden, Georgia, to enter into an agreement with NextSite, LLC, for providing research, marketing, and consulting services aimed at recruiting new commercial development and re-development for certain sites/corridors within Garden City, and for other purposes.**

Upon a motion being made by Councilmember Campbell and seconded by Councilmember Cody to adopt the Resolution as read by the Clerk, discussion ensued: The City Manager explained that Garden City, as a Georgia Power community, has been provided the opportunity to contract for a three-year term with Georgia Power's affiliate, NextSite, LLC, a leading retail consulting firm, to provide in depth research, analysis, marketing, and consulting services for the purpose of devising methods to proactively recruit new commercial development and re-development within six (6) selected sites/corridors of the City. Since the City has been searching for a consulting firm to get information out about Garden City to potential retail businesses who may consider re-locating to the City, the NextSite contract offer, if accepted by the City, would accomplish that goal. He added that Georgia Power has a vested interest in making the contract arrangement successful in that it is looking to add new Garden City business customers. Councilmember Kicklighter stated that she would usually be against hiring costly consultants which accomplish little for the City, but because of NextSite's discounted service fee, the relatively short contract period, and NextSite's special relationship with Georgia Power, she would be in favor of adopting the Resolution.

Upon a vote being taken on the pending motion, the motion unanimously passed and the Resolution was adopted.

**3. Resolution - Write-off of 2010-2011 Utility Accounts Receivable Deemed Uncollectible:**

Upon a motion being made by Councilmember Kicklighter and seconded by Councilmember Cody to adopt the Resolution as read by the Clerk, discussion ensued. The City Manager indicated that the Resolution authorizes the write-off of that portion of the City's 2010-2011 utility bills totaling \$32,021.15 which the City's collection company has identified as older than six years overdue and uncollectible under the write-off policy adopted by City Council. The City Manager indicated that despite the write-off, the City's collection rate is still at the high level of 97%.

Upon a vote being taken on the pending motion, the motion unanimously passed and the Resolution was adopted.

Upon noting the late appearance of the Deputy Assistant Superintendent of Schools, Vanessa Miller-Kaigler, who had wanted to comment on the recent railroad crossing blockages, the Mayor welcomed Ms. Kaigler to come forward and address Council and the public. Ms. Kaigler stated that the delays in getting children to school because of the blockages are impacting the children's ability to take advantage of pre-school activities such eating breakfast and are also impacting special need students who should not be confined to a school bus for extended periods of time. On behalf of the School Board, she offered Garden City whatever assistance the City needs to resolve the road blockage issue with CSX.

Before entertaining a motion to adjourn the meeting, Mayor Bethune wanted to thank Jackie Jackson for organizing the City's first Public Safety Day, and also wanted to remind the residents that there would be a Thanksgiving meal served at the Senior Center tomorrow.

**Adjournment:** There being no further business before Council, Mayor Bethune asked for a motion to adjourn the meeting. Upon motion being made by Councilmember Kicklighter and seconded by Councilmember Cody, City Council adjourned the meeting at 7:20 p.m. o'clock.