

MINUTES

City Council

Monday, November 17, 2008 – 7:00 p.m.

Members of Council: Mayor Pro-tem Holder presided. **City Council Members:** Bowen Jones, Bessie Kicklighter, Durward Motes, Misty Selph and Judy Shuman.

Members Absent: Andy Quinney, Mayor and Gwyn Hall, Council Member

Staff Present: Brian Johnson, City Administrator; Rhonda Ferrell-Bowles, Clerk of Council; James P. Gerard, City Attorney; Pam Franklin, HR Director; Clara Rouse, Finance Director; David Lyons, Chief of Police; Jimmy Crosby, Fire Chief; Charles Draeger, Water/Sewer Director; Cliff Ducey, Recreation Director and Corey Sally, Assistant Finance Director.

Staff Absent: Nathan Mai-Lombardo, Planning Director and Randall Griffin, Public Works Director.

Visitors: See attached sign-in sheet.

Opening: Mayor Pro-tem Holder welcomed everyone to the meeting. Councilmember Jones offered the opening prayer and Mayor Pro-tem Holder led City Council in the pledge to the flag.

Mayor Pro-tem Holder said Mayor Quinney and Councilmember Hall are not here tonight due to illness.

Mayor Pro-tem Holder said City Council held a Pre-Agenda Session prior to tonight's meeting. He said no decisions were made during the Pre-Agenda Session.

Public Hearings:

FY09 Operating & Capital Budget: City Administrator presented an overview of the FY09 Operating & Capital Budget for public comment. He said the FY09 Budget will go before City Council for adoption at the December 1st meeting.

City Administrator said the City has gone through a restructuring of its personnel. He said personnel has been moved and added in areas that Mayor and Council felt they were needed to better serve the City. He said the police department is the largest department in the City. He said the other the departments generally have an even distribution of personnel. He said the pay increases are evenly distributed across the board. He said the Police Department's pay scale has been increased in an effort to be competitive with Savannah and the Georgia Ports Authority. He said we are adding an in-house IT Administrator and personnel in the Planning Department to oversee the City's regulatory requirements.

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City Administrator explained the City is broken up into several areas. He said we have the general government which includes Legislative, Executive, Finance and Human Resources Departments. He said Public Safety consists of the Police Department, Fire Department and Emergency Management. He said the Public Works Department includes the Vehicle Service Center and then we have the Water/Sewer Department.

City Administrator gave an overview of the Confiscated Assets Funds, Hotel/Motel Fund and the Tourism Fund. He said monies from the Tourism Fund will be spent toward the placement of the Dotson House.

City Administrator gave an overview of the water/sewer enterprise fund and sanitation fund.

City Administrator said we must present a balanced budget with the funds broken down within the budget. He said the Finance Director and her staff forecast the revenues. He said given the current economic circumstances we are leaving the revenues collected from the local option sales tax at about what we collected this year. He said most of the increase in revenues is from the proposed occupational tax increase. He said we are leaving the sales tax about where it is now. He said we feel comfortable with our proposed revenue projections. He said we have a very conservative budget.

City Administrator said the Water/Sewer Fund is our biggest fund. He said this fund keeps the water flowing, collects the wastewater and includes the billing. He said revenues are derived from metered water, sewer, and tap fees.

City Administrator said it will probably be two and half years before the City receives any SPLOST money from the County. He said we don't have a capital improvement projects budget, because we fund our capital improvement projects such as police cars, drainage projects, etc. through the SPOST Fund.

City Administrator said the New City Hall construction is underway and the City has partnered with a private development group on the Town Center. He said the City will have to carry debt service at some point in 2009 until we recoup the costs associated with the town center development from our private partners.

City Administrator said we are not looking at much difference between the FY08 Budget and the proposed FY09 Budget.

There being no questions or comments, Mayor Pro-tem Holder closed the public hearing on the FY09 Budget.

Stormwater Utilities Rates: Mayor Pro-tem Holder opened a public hearing to receive public comment on the implementation of the Stormwater Management Program and Stormwater Utility Fees.

City Administrator said City Council has been looking at the Stormwater Management Program for a year and a half. He said the City has been facing a dilemma on drainage and stormwater for years. He said the City brought in consultants to assist with addressing this dilemma. He said we have had several public hearings on the stormwater management program and gone through an assessment period.

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Mr. Robert Dunlap said I own a business on Highway 80 and I feel this is an unfair disadvantage on business owners. He said it is especially unfair to small business owners. He said I feel we are classed the same as large business owners. He said my property doesn't drain into Garden City, because my business is located on the outskirts of town.

Mr. Ron Feldman of Ecological Solutions said we performed a breakdown of the user fees and it is evenly distributed. He said I will look into Mr. Dunlaps concerns.

Mr. Roger Yancy, Headmaster of Savannah Christian said our property does not drain any water into Garden City, because we have retention ponds and wetlands. He said we are interested in finding out the amount of credits we will receive because we are proactive in stormwater management.

Mr. Greg Reid said I am representing Ms. Velma Harward, 1522 Old Dean Forest Road. He said Ms. Harward designed the property to flow from the front to the back so the stormwater runoff would go into Horseshoe Canal. He said I lease the property and the fee will be an expense passed onto to me and I would like more time to consider what I can do to receive credits.

City Administrator said there is no set time. He said our website has a copy of the credit manual which outlines things you can do to receive credits.

Mr. Ron Feldman said credit applications will be accepted until June 30, 2009. He said there is a grace period and credits will retro back. He said I have talked with Ms. Harward regarding the credits she may be eligible to receive.

Councilmember Selph asked if the credit applications are available to the residents as well.

City Administrator said yes, there are things residents can do to receive credits.

There being no further questions or comments, Mayor Pro-tem Holder closed the public hearing on the Stormwater Utilities Rates.

PC0862, Zoning Text Amendment: Mayor Pro-tem Holder opened a public hearing to receive public comment on an ordinance to amend the code of ordinances of Garden City, Georgia, as amended by amending zoning code Chapter 90, Article V, relating to off street parking and loading facilities, of the purpose of restricting parking on front yards of residentially zoned properties to driveways; to repeal all ordinances in conflict herewith; to provide an effective date; and for other purposes. He said the Planning Commission and Staff recommend approval.

City Administrator said this ordinance relates to off street parking where property owners are using their front yards to sale cars. He said this ordinance is still a work in progress.

There being no further questions or comments, Mayor Pro-tem Holder closed the public hearing on PC0862.

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City Council Minutes: Upon motion by Councilmember Jones, seconded by Councilmember Selph, City Council voted unanimously to approve the minutes from the November 3, 2008 meeting of City Council.

Zoning & Building Committee Report: Mayor Pro-tem Holder asked Councilmember Motes to give the Zoning & Building Committee Report in Councilmember Hall's absence.

Second Reading, Fence Ordinance: Councilmember Motes asked the Clerk of Council to read the second reading of the fence ordinance. He said staff recommends approval of the ordinance.

Clerk of Council read for the second reading an ordinance to amend the Code of Ordinances of Garden City, Georgia, as amended, by amending the method for processing permits for the erection of fences and walls; to change from eight feet to six feet the maximum height for side and back yard walls and fences on residentially zoned properties; to repeal all ordinances in conflict herewith; to provide an effective date; and for other purposes.

Upon motion by Councilmember Kicklighter, seconded by Councilmember Jones, City Council voted unanimously to adopt the fence ordinance on the second reading.

Second Reading, Tree Protection & Landscape Ordinance: Councilmember Motes asked the Clerk of Council to read the second reading of the tree protection and landscape ordinance. He said staff recommends approval of the ordinance.

Clerk of Council read for the second reading an ordinance to amend the Code of Ordinances of Garden City, Georgia, as amended, by amending the tree protection and landscaping ordinance at Article V in Chapter 90 and of said code for the purposes of clarifying the requirements for obtaining a tree removal permit and for paying a fee therefor; to repeal all ordinances in conflict herewith; to provide an effective date; and for other purposes.

Upon motion by Councilmember Jones, seconded by Councilmember Selph, City Council voted unanimously to adopt the tree protection and landscape ordinance on the second reading.

Second Reading, Zoning Text Amendment: Councilmember Motes asked the Clerk of Council to read the zoning text amendment for the second reading.

Clerk of Council read for the second reading an ordinance to amend the zoning ordinance and map of Garden City, Georgia, as amended; to rezone certain properties owned by Adyle P. Hudgins, Harry and George Kyriakides, John N. Constantine, John A. Usher, Mark R. Usher, and Alan D. Usher, Larry A. and Judy M. Shuman, Edgar L.T. Gay and E. Lane Curlee, III, as Co-Trustees of the Sally M. Linkenhoker irrevocable trust U/A/D May 31, 2004, Garden city Retail Investors, the State of Georgia, and Garden City, Georgia, to a mixed use or "M" zoning classification; to repeal all ordinances in conflict herewith; to provide an effective date; and for other purposes.

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Attorney Robert McCorkle said I represent the Retail Investors and I would like to submit and read for the record a constitutional amendment to the zoning amendment. (See attached constitutional amendment)

Attorney McCorkle said we thought we had an agreement to remove the retail investors' property from the zoning text amendment and we learned this morning that the City would not be removing the property from the zoning text amendment. He said on behalf of my client I am requesting that their property not be rezone.

Councilmember Jones made a motion, seconded by Councilmember Selph to adopt the zoning text amendment ordinance. Councilmember Jones, Councilmember Kicklighter, Councilmember Motes and Councilmember Selph voted in favor with Councilmember Shuman abstaining from the vote.

Personnel, Finance & Administration Committee Report: Councilmember Shuman gave a routine report. She said the water/sewer department is currently recruiting for an administrative assistant.

Parks & Recreation Committee Report: Councilmember Selph gave a routine report. She said this year's Rebel Bowl was a huge success. She said the City's Annual Tree Lighting Ceremony will be held on Saturday, December 6th. She said the festivities will kick-off at 6:00 p.m. in Volunteer Park for the lighting of the City's Christmas tree and then the festivities will continue at 6:30 p.m. at The Park at Sharon Park with the arrival of Santa, Christmas Carols, etc. She encouraged everyone to attend.

Fire Committee Report: Councilmember Motes said from November 3rd – November 17th the Fire Department responded to 11 calls with an average response time of 5.40 minutes.

Police Committee Report: Councilmember Kicklighter gave a routine report. She said the Police Department will host the Senior Center Dinner on Friday night. She said the Chief will give a report on his trip to Israel. She said the Toy Run will be held on November 22nd beginning at 11:00 a.m. at Patrick's Uniform on Highway 80 and ending at the Island Grill in Port Wentworth.

Public Works Committee Report: Mayor Pro-tem Holder said I have nothing new to report tonight.

Water/Sewer Committee Report: Councilmember Jones said everything is fine in the water/sewer department. He said we received a GEFA loan for upgrades to our wastewater treatment facilities.

City Administrator Report:

Second Reading, Stormwater Utilities Enterprise Fund Ordinance: City Administrator asked the Clerk of Council to read the second reading of the Stormwater Utilities Enterprise Fund Ordinance. He said this ordinance establishes a dedicated stormwater utilities fund.

Clerk of Council read for the second an ordinance to amend Chapter 30, Article V, pertaining to stormwater management, as amended so as to establish a stormwater utility; to provide for definition; to provide for an enterprise fund; to provide for scope of responsibility; to establish user fees; to

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provide for enforcement and inspections; to repeal all ordinances in conflict herewith; to provide an effective date; and for other purposes.

Upon motion by Councilmember Selph, seconded by Councilmember Kicklighter, City Council voted unanimously to adopt the stormwater utilities enterprise fund ordinance on the second reading.

Councilmember Kicklighter said when you establish an enterprise fund the monies have to be used for that purpose.

First Reading, Occupational Tax Ordinance: City Administrator asked the Clerk of Council to read the first reading of the occupational tax ordinance.

Clerk of Council read for the first reading an ordinance to amend Chapter 22, Article II, of the code of ordinances of Garden City, Georgia, as amended, entitled "Occupational Taxes and Regulatory Fees" by defining therein the terms "Broker," "Freight Forwarder," "Leasing Company," "Motor Contract Carrier," and "Motor Common Carrier"; by changing the occupational schedule and tax cap; by clarifying the exempt status of motor common carriers under said article; by providing for interest at the monthly rate of 1.5 percent on delinquent occupational tax accounts; to repeal conflicting ordinances herewith; to provide an effective date; and for other purposes.

Upon motion by Councilmember Kicklighter, seconded by Councilmember Jones, City Council voted unanimously to approve the occupational tax ordinance on the first reading.

Resolution, GEFA Loan 2008-L25WQ, Wastewater Treatment Facilities Upgrades: City Administrator said we have a resolution to designate and authorize Brian L. Johnson, City Administrator to execute the loan agreement, the note and any related documents necessary to the consummation of the transactions contemplated by loan agreement #2008-L25WQ.

Upon motion by Councilmember Kicklighter, seconded by Councilmember Shuman, City Council voted unanimously to adopt the resolution.

City Administrator said the National Guard is in the process of demolishing the Old Georgia State Patrol building. He said the property should be cleared in about a week and the State will begin the first phase of the contamination remediation process. He said once the State has completed their portion the City will begin the second phase. He said the site has to be cleaned to a level that EPD will grant it Brownsfield status.

City Attorney Report: City Attorney said I have nothing new to report tonight.

Mayor Pro-tem Report: Mayor Pro-tem Holder thanked everyone for attending the meeting.

Adjournment: Upon motion by Councilmember Jones, seconded by Councilmember Selph, City Council voted unanimously to adjourn at 8:10 p.m.

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(Absent)

Andy Quinney, Mayor

(Absent)

Gwyn Hall, Councilmember

Bessie Kicklighter, Councilmember

Misty Selph, Councilmember

Tennyson Holder, Mayor Pro-tem

Bowen Jones, Councilmember

Durward Motes, Councilmember

Judy Shuman, Councilmember

Rhonda Ferrell-Bowles
Clerk of Council