

CITY OF ST. MARYS, GEORGIA

PUBLIC HEARING
“Dalah Atrash, Inc. D/B/A Kick Back Café”
April 23, 2007
5:45 p.m.

CITY COUNCIL MEETING
6:00 p.m.

“AMENDED”
AGENDA

- I. CALL TO ORDER**
- II. INVOCATION** - *City Manager William P. Shanahan, Jr.*
- III. PLEDGE OF ALLEGIANCE**
- IV. ROLL CALL** **QUORUM: YES X NO ___**
- V. APPROVAL OF MINUTES:** *April 9, 2007 Regular City Council Meeting Minutes*
PRESENTATION:
FINANCE DIRECTOR’S REPORT
HISTORIC PRESERVATION COMMISSION REPORT
- VI. GRANTING AUDIENCE TO THE PUBLIC:**
- VII. OLD BUSINESS:**
- A. KICK BACK CAFÉ ALCOHOL LICENSE.....TAB “A”**
- VIII. NEW BUSINESS:**
- A. BUDGET ORDINANCE: *Fire Department Grant FY06*.....TAB “B”**
- B. DOWNTOWN MULTI-MEDIA CENTER: *Authorization for Interim Service*...TAB “C”**
- C. POINT PETER WWTP: *Authorization for Mayor to Sign Contract*.....TAB “D”**
- D. NAVAL SUBMARINE BASE M.O.U.: *Mutual Fire Support*.....TAB “E”**
- E. MAY 28, 2007 CITY COUNCIL MEETING: *Rescheduled to May, 21, 2007***
- F. PURCHASE OF NEW VEHICLE: *Public Works Non-budgeted Item*.....TAB “F”**
- G. Public Safety Discussion: Councilman DeLoughy (ADDED)**
- IX. REPORT OF AUTHORITIES, BOARDS, COMMISSIONS & COMMITTEES:**
- A. PLANNING DIRECTOR’S REPORT.....TAB “G”**
- 1. SPECIAL USE: Request of Carrie Ann Hollis for a Special Use Permit for use of Tax Map #135T-149 as a ‘Home Day Care’ Facility. **(Postponed 4/9/07)****

2. **VARIANCE DENIAL APPEAL**: James and Cynthia Sattler, 900 Dilworth request a 5 feet north side yard variance and east rear yard variance of 5 feet for a parcel identified as S35-04-005A.

B. **HOSPITAL AUTHORITY BOARD**:.....TAB “H”
Kyle Lewis and Chuck Lanham’s Term Expirations and Martha Bailey’s Resignation

C. **PLANNING COMMITTEE REPORT**:.....TAB “I”

1. **TRANSFER**: ST. MARYS ROAD AT SCRUBBY BLUFF ROAD AND I-95

D. **WATER/SEWER COMMITTEE REPORT**

X. **REPORT OF MAYOR**:

XI **REPORT OF CITY MANAGER**:

XII. **GRANTING AUDIENCE TO THE PUBLIC**

XIII. **EXECUTIVE SESSION**: *Personnel & Legal (ADDED)*

XIV. **ADJOURNMENT**:

**CITY OF ST. MARYS, GEORGIA
CITY COUNCIL MEETING**

April 23, 2007

6:00 P.M.

MINUTES

The Mayor and City Council for the City of St. Marys, Georgia met for its regular City Council session on Monday, April 23, 2007 in the Council Chamber at City Hall.

PRESENT WERE:

Mayor Rowland Eskridge
Councilmember Gary Blount
Councilmember William DeLoughy
Councilmember Larry Johnson
Councilmember Jerry Lockhart
Councilwoman Gull Weaver
Councilmember LJ Williams

CITY OFFICIALS PRESENT:

William Shanahan, City Manager
Gary A. Bacon, City Attorney
Max Tinsley, Planning Director
Wiley King, Building Director
Tim Hatch, Police Chief
Bobby Marr, Public Works Director
Alyce Thornhill, Economic Development Director
Robby Horton, Fire Chief
Gene Rudy, IT Director
Lt. Roger Wooten, Sergeant-At-Arms

CALL TO ORDER

Mayor Eskridge called the City Council Meeting to order at 6:00 P.M. The City Manager William Shanahan, Jr. gave the invocation. Mayor Eskridge led the audience in the pledge of allegiance. Council roll call indicated a quorum of council members present for the meeting.

APPROVAL OF MINUTES: *April 9, 2007 Regular City Council Meeting Minutes*

Councilmember Weaver made a motion to approve the minutes as presented. Councilmember DeLoughy seconded the motion. Voting was unanimous in favor of the motion.

PRESENTATION:

HISTORIC PRESERVATION COMMISSION REPORT

Jerry Whitaker, Chairperson HPC presented a slide show of recently built non-historic homes and renovated historic homes within the district by private owners and investors totaling between \$8-9 million. Last year, 49 Certificates of Appropriateness were issued covering everything as simple as signs to new construction. Part of the Commission's mission is to protect the integrity of the historic district and historic homes, to be committed to and continue to assist in the revitalization of the downtown historic district. New construction is reviewed to insure that it

fits certain guidelines within the district. Renovations, additions and modifications of historic homes are reviewed for compliance with strict standards. Mr. Whitaker announced the Georgia Alliance Preservation Commission Spring Training session will be held on April 27 – 28, 2007 at 1 p.m. to 4 p.m. in the First Presbyterian Church.

FINANCE DIRECTOR'S REPORT

The Finance Director presented the 8-month report and stated that property tax collections to date were 97% totaling \$2,635,950.63 and over \$1.0 million in reimbursements collected since last year. A copy of the Finance report is attached as part of the minutes.

“CHANGE THE ORDER OF BUSINESS”

1. Planning Director's Report

Councilmember Blount made a motion to move the Planning Director's Report under “Presentations”. Councilmember Johnson seconded the motion. Voting was unanimous in favor of the motion.

“AGENDA ADDITION”

1. St. Marys Elementary School

Councilmember Weaver made a motion to add St. Marys Elementary School to the agenda under “Presentations”. Councilmember DeLoughy seconded the motion. Voting was unanimous in favor of the motion

PLANNING DIRECTORS REPORT - Postponed 4/9/07 (CHANGE OF ORDER)

1. SPECIAL USE: Request of Carrie Ann Hollis for a Special Use Permit for use of Tax Map #135T-149 as a ‘Home Day Care’ Facility. Mayor Eskridge commented that he spoke with Attorney Charlie Smith, who stated that City approval is not needed because it was against the covenants, which could not be overridden. Therefore, the covenants would stand. Mr. Smith also told the Mayor that Ms. Hollis was notified that this issue went against the covenants and the developer was the only one that could change covenants, not the City. The City Attorney stated that according to the ordinance, the covenants would need to be reviewed to determine whether City Council could approve the permit. Mayor Eskridge advised Ms. Hollis to contact an attorney if she wished to continue. The Planning Director stated that this issue was denied by the developer Baytown Construction because there is no homeowners association.

Ms. Hollis stated that the covenants were filed in October 2005 and her house was contracted to be built in March 2006, however the covenants were not given to her until after the closing. She further stated that she spoke at length with Developer Oscar Wells from March through September, who advised her to come to the City for permission and if it was approved, he would not have a problem.

Councilmember Weaver made a motion to deny the special use request. Councilmember DeLoughy seconded the motion. Following much discussion, voting was unanimous in favor of the motion.

2. **VARIANCE DENIAL APPEAL**: James and Cynthia Sattler, 900 Dilworth request a 5 feet north side yard variance and east rear yard variance of 5 feet for a parcel identified as S35-04-005A. The Planning Director stated that the variance was for a workshop building on the property and since the denial other information is available. Staff recommended sending this issue to the Planning Commission to review the new information.

Councilmember Weaver made a motion to send the Sattler's request back to the Planning Commission for review and recommendation. Councilmember Blount seconded the motion. Voting was unanimous in favor of the motion.

ST. MARY ELEMENTARY SCHOOL (ADDED)

Gary Blount, Assistant Superintendent presented the architectural rendering of the new St. Marys Elementary School. Many citizens questioned the additional traffic on Osborne, reusing the existing brick, a play area while under construction, safety issues and why the City was not given the opportunity to discuss an alternate location for the school.

GRANTING AUDIENCE TO THE PUBLIC:

Dave Schmitz, resident addressed the new school, his displeasure with Comcast's cable reception and replies received.

Christy Ann Mooney, resident addressed the safety of children at North River Causeway and Marsh Cove because of motorcyclists speeding on the causeway. A school bus stop is at the corner of the intersection and she fears a fatal accident involving a child or fisherman in the area. Ms. Mooney requests the speed limit be reduced on the road. She also addressed the unsightliness of garbage cans being left out and the amount of cars parked at each residence.

Reeney Adams, resident addressed the school entrance on Osborne Street with consideration to the amount of green space and suggested changing the traffic flow.

OLD BUSINESS:

A. KICK BACK CAFÉ ALCOHOL LICENSE

The City Manager stated that Dalah Atrash, Inc D/B/A Kick Back Café requests approval for a beer and wine alcohol license for consumption on-premises with food. At the last meeting, Council approved advertising for a public hearing on April 23, 2007 at 5:45 P.M. in the Council Chamber at City Hall. The public hearing was duly advertised in the newspaper and held prior to this evening's Council meeting. The City Manager and Staff recommended approval of the alcohol license contingent upon completion of the interior changes, prior to the building inspector and fire marshals final inspections approving the modifications.

KICK BACK CAFÉ ALCOHOL LICENSE (CON'T.)

Councilmember DeLoughy made a motion to approve the Kick Back Café alcohol license contingent upon final inspections by Staff. Councilmember Weaver seconded the motion. Voting was unanimous in favor of the motion.

NEW BUSINESS:

A. BUDGET ORDINANCE: *Fire Department Grant FY06*

The City Manager stated that the purpose of the ordinance was to increase funds for the purchase of equipment. Grant funds were received from the Department of Homeland Security FY2006; however, the equipment was purchased in FY2007. An increase in revenue and expenditures is needed to cover the cost. The City Manager recommended approval.

Councilmember Johnson made a motion to approve the Fire Department budget ordinance. Councilmember DeLoughy seconded the motion. Voting was unanimous in favor of the motion.

Mayor Eskridge commended the firefighters for a job well done with the wild fires and requested a brief update by the Fire Chief. The Fire Chief stated that small spot fires were contained and the larger fire was 45% contained. Federal firefighters have arrived and have taken over the scene.

B. DOWNTOWN MULTI-MEDIA CENTER: *Authorization for Interim Service*

The City Manager stated that the interim service is to authorize Millard, Inc. to contract with Cape Dixson Associates Incorporated in the amount of \$10,950 to provide programming and schematic design consultation pending finalization of project scope and execution of final agreement. The waterfront multiuse facility was relocated from its original intended location to the vacant lot at the corner of Bartlett Street and St. Marys Street. By moving to the location, the building was modified to allow for the addition of an enclosed banquet/reception area. Due to these changes, additional work was required by the subconsultant (CDAI) that was not covered by their original contract scope. Approval of these services would allow the consultant to proceed with the programming and schematic design for the facility. The City Manager recommended approval.

Councilmember Weaver made a motion to approve the authorization for interim services for the Downtown Multi-Media Center. Councilmember DeLoughy seconded the motion. Voting was recorded as follows:

FOR
Councilmember Blount
Councilmember DeLoughy
Councilmember Lockhart
Councilmember Weaver
Councilmember Williams

OPPOSED
Councilmember Johnson

C. POINT PETER WWTP: *Authorization for Mayor to Sign Contract*

The City Manager stated that Council authorization is needed for the Mayor and the City Clerk to sign the contracts on behalf of the City for the Point Peter WWTP Upgrade project to 1.8 MGD. City Council has already approved the contract amount submitted by Haskell for the construction of the plant upgrades. However, the approval was pending the City Attorneys review of the contract documents. The City Attorney has reviewed the contract documents and has given his approval. The City Manager recommended approval.

Councilmember Weaver made a motion to authorize the Mayor and City Clerk to sign the Pt. Peter Wastewater Treatment Plant contract on behalf of the City. Councilmember DeLoughy seconded the motion. Voting was unanimous in favor of the motion.

D. NAVAL SUBMARINE BASE M.O.U.: *Mutual Fire Support*

The City Manager stated that both the St. Marys Fire Department and the Kings Bay Fire Department have historically provided assistance to one another in the form of Firefighting assistance and Training. This agreement is to maintain a formal commitment between the two Departments for assistance and reaffirming the standing agreement that has existed for many years. The City Manager, City Attorney and Georgia Inter-local Risk Management Agency (GIRMA) recommended approval of the agreement.

Councilmember Johnson made a motion to approve the Memorandum of Understanding (M.O.U.) for mutual fire support between the Naval Submarine Base and the City. Councilmember Weaver seconded the motion. Voting was unanimous in favor of the motion.

E. MAY 28, 2007 CITY COUNCIL MEETING: *Rescheduled to May, 21, 2007*

Mayor Eskridge stated that the May 28th council meeting needs to be rescheduled because it is a holiday.

Councilmember Weaver made a motion to reschedule the meeting to Tuesday, May 29, 2007. Councilmember Johnson seconded the motion. Voting was unanimous in favor of the motion.

F. PURCHASE OF NEW VEHICLE: *Public Works Non-budgeted Item*

The City Manager stated that Council authorization is needed for the Water/Sewer Department to purchase a new non-budgeted Ford Ranger to replace unit #300. The Water/Sewer Department would like to purchase a new vehicle to replace a 1987 Chevy Pickup with 190,000+ miles. The vehicle would be purchased with the remaining funds left in the capital improvements line under vehicles (505 44100 54.2200). After all of the vehicles were purchased from the account, approximately \$10,884.00 remains. A new Ranger would cost approximately \$10,752.00 which is a quote received from the

PURCHASE OF NEW VEHICLE (CON'T.)

previous low bidder. Estimated delivery time is 4-8 weeks. The City Manager recommended approval.

Councilmember DeLoughy made a motion to approve the purchase of the new vehicle for the Public Works Department. Councilmember Johnson seconded the motion. Voting was unanimous in favor of the motion.

G. PUBLIC SAFETY DISCUSSION: Councilman DeLoughy (ADDED)

Councilmember DeLoughy expressed safety concerns regarding the plane crash last weekend. He stated that a plane went down approximately 150 yards from where children were playing, which was in the proximity of End Time Church and Cumberland Oaks. The pilot was commended for doing a great job saving herself and keeping others safe with no injury or loss of property. Councilmember DeLoughy is very concerned that more of these types of accidents will continue to happen with development of the area, jeopardizing the safety of a more citizens.

REPORT OF AUTHORITIES, BOARDS, COMMISSIONS & COMMITTEES:

A. PLANNING DIRECTORS REPORT (MOVED TO PRESENTATION)

1. **SPECIAL USE:** Request of Carrie Ann Hollis for a Special Use Permit for use of Tax Map #135T-149 as a 'Home Day Care' Facility. **(Postponed 4/9/07)**
2. **VARIANCE DENIAL APPEAL:** James and Cynthia Sattler, 900 Dilworth request a 5 feet north side yard variance and east rear yard variance of 5 feet for a parcel identified as S35-04-005A.

B. HOSPITAL AUTHORITY BOARD:

Kyle Lewis and Chuck Lanham's Term Expirations and Martha Bailey's Resignation
Mayor Eskridge stated that there were two term expirations and one resignation on the Hospital Authority Board. Voting was recorded as follows:

- *Betty Roberts: Council Members Lockhart, Williams, Blount and Johnson
- *Kyle Lewis: Council Members Lockhart, Williams, Blount, Johnson, DeLoughy and Weaver
- *Camay Howell: Council Members Blount, Williams, Weaver and Johnson
- Sandy Feller: Council Members Johnson and DeLoughy
- Chuck Lanham: Council Members Lockhart, DeLoughy and Weaver

Following much discussion, Councilmember Blount made a motion to appoint the top three candidates: Betty Roberts, Kyle Lewis and Camay Howell to the Hospital Authority Board. Councilmember Williams seconded the motion. Voting was recorded as follows:

FOR
Councilmember Blount
Councilmember Johnson
Councilmember Lockhart
Councilmember Williams

OPPOSED
Councilmember DeLoughy
Councilmember Weaver

C. PLANNING COMMITTEE REPORT

Councilmember Lockhart stated that the Committee met on April 16, 2007 to discuss Scrubby Bluff Road leading to Wyman Westberry's property that was deannexed and the covenants ordinance. The City owns the right-of-way but no other property from Interstate 95, west for a quarter mile. Many accidents have occurred in this area and the City's departments are being dispatched to take care of the incidents. When Kingsland needs to make improvements to driveways, they need permission from the City before proceeding. The Committee recommended moving the St Marys city limits sign back from the quarter mile marker sign to the middle of the Interstate 95 overpass and proceed with this project.

1. TRANSFER: ST. MARYS ROAD AT SCRUBBY BLUFF ROAD AND I-95

Councilmember Weaver made a motion to proceed with the transfer of property at Scrubby Bluff Road to the City of Kingsland. Councilmember DeLoughy seconded the motion. Voting was unanimous in favor of the motion.

Councilmember Lockhart stated that the Committee discussed the covenants issue with the childcare facility and the City's rights and privileges to enforce covenants. The Planning Director was asked to review the current ordinance and recommend changes to the Committee to help alleviate the problems of the City being capable to enforce covenants on private property.

The Planning Director addressed the current ordinance which requires the City to enforce covenants. The Committee recommended taking out this section so the City is **not** required to enforce the many different subdivision covenants and the ones that are no longer valid. Other attorneys are interpreting the existing ordinance differently. The City Attorney suggested a statement to include the following: The City will not approve action against current covenant or enforce the covenant. When a zoning request is made a requirement will be to provide a copy of current covenants.

The City Attorney stated that code section 110-9 addresses the most restrictive or that imposing the higher standards shall govern the requirements of any other lawfully adopted rules, regulation, deed restrictions, ordinances or covenant, which only applies to special use permits. Covenants are approved when filing the subdivision, giving the Planning Board the opportunity to say "no" when approving a special use because it conflicts with the subdivision. The City Attorney further stated that in order to protect the City, a statement should be added to the special permit section stating the City would not go against a covenant or enforce the covenants. Council Members, the City Attorney and the Planning Director discussed the interpretation and wording of the current ordinance and possible amendments.

D. WATER/SEWER COMMITTEE REPORT

Councilmember Blount stated the Water and Sewer Committee met today to discuss the possible purchase or rental of portable plants, rental of a belt filter press and curbside recycling. He further stated that Lannie Brant, Camden County Solid Waste Director

brought a proposal from Stateline for garbage pick up, bulk items, curbside recycling and white goods for an estimate of \$9.92 per household beginning July 1st. Currently, the City provides garbage services including yard waste but not recycling at \$13.60 per household. Yard waste services will continue to be provided by the City for little or no additional cost increase to the current charge. However final numbers and equipment costs are not complete. This issue will come back before Council for any final action. The Committee also discussed alternative wastewater treatment options because of the current situation with developers. The City is looking into portable waste treatment facilities and a belt filter press at the Weed Street Plant.

REPORT OF MAYOR:

- April 16, 2007: Attended the Planning/Property Committee meeting
 - April 17, 18 & 20, 2007: Attended the FY08 Budget Workshops
 - April 23, 2007: Attended the Water/Sewer Committee meeting
- Mayor Eskridge read the City calendar of meetings, events and activities.

REPORT OF CITY MANAGER:

- Reviewing loan information for water/sewer plant to recommend to Council
- FY08 Proposed Budget Hearing on May 14 & May 29, 2007 at 5:30 p.m. in the Council Chamber at City Hall
- The St. Marys Fire Department was thanked for assisting with the fires.
- The Aquatic Center opens soon. Lifeguards and staff were hired and are in the process of training. These years' season passes have superseded last years thus far.

GRANTING AUDIENCE TO THE PUBLIC:

Rosemary Rillo, resident expressed concerns about Comcast's service problems and lack of customer relations communication. Ms. Rillo addressed deed restrictions, covenants and homeowners associations by stating that the City and public should not be involved in covenant enforcement. It is for association members and homeowners to take it to the Superior Court, which is enforced by the Superior Court Judge. Covenants are recorded before the property deeds.

Councilmember Weaver stated that if citizens continue to have problems with Comcast they should be referred to the City Manager's office.

Dave Schmitz, resident asked for the date of the referendum vote and what it referenced. Mr. Schmitz commented that local government does a good job most of time and could not say that they were not trying. However, in the last two years, everyone knew what the rule was supposed to say and how to interpret it until some high powered attorneys came to argue that it is not worded right. Since each attorney interprets it differently, obviously it is not clear. He further commented that a possible study could be done to allow someone to review and update the rules.

Councilmember DeLoughy stated that things change as a community changes. Councilmember Blount stated that ordinance are reviewed frequently to update the terminology, law changes and

environment changes. Mayor Eskridge stated that the referendum will be voted on June 19, 2007 to allow “St. Marys to Establish a Redevelopment Area.” Then, if St. Marys decides they want to do a Tax Allocation District (TAD) they could, but they do not have to do the TAD. The City Attorney stated that on the ordinance issue it is the very same factual pattern that was interpreted in a letter by Attorney Charlie Smith.

Christy Ann Mooney, resident commented on Marsh Cove’s covenants being 7-8 years old that no one is following or is it valid. The most pressing problem is yard trash in the neighborhood and the amount of boats, trailers, weight machines and vehicles parked at one residence which is for sale.

The City Manager stated that he will visit the area.

Stewart Saltonstall, resident thanked all those who participated in St. Marys Clean-Up and requested cigarette receptacles and extra garbage receptacles around town.

Councilmember Blount made a motion to approve and execute the contracts as presented. Councilmember Weaver seconded the motion. Councilmember Blount withdrew the motion to approve the contract. Councilmember Weaver withdrew the seconded to the motion.

“AGENDA ADDITION”

1. Mill Creek Subdivision Contract

Councilmember Weaver made a motion to add the Mill Creek Subdivision Contract to the agenda. Councilmember DeLoughy seconded the motion. Voting was unanimous in favor of the motion.

MILL CREEK SUBDIVISION: Contract (ADDED)

Councilmember Blount made a motion to authorize the Mayor and City Clerk to execute the contract upon review and approval by the Mayor and City Manager, and to move forward with this project immediately. Councilmember Weaver seconded the motion. Voting was unanimous in favor of the motion.

EXECUTIVE SESSION: Personnel & Legal (ADDED)

Councilmember Blount made a motion to adjourn to executive session to personnel. Councilmember DeLoughy seconded the motion. Voting was unanimous in favor of the motion.

The Mayor and Council adjourned to executive session at 7:59 P.M., returning at 8:30 P.M. with Mayor Eskridge calling the Council meeting back to order.

“AGENDA ADDITIONS”

- 1. Traffic Signalization Contracts: Winding Road at Kings Bay Road and St. Marys Road at Scrubby Bluff Road**

Councilmember Johnson made a motion to add the items to the agenda.
Councilmember Weaver seconded the motion. Voting was unanimous in favor of the motion.

PERSONNEL

Councilmember DeLoughy made a motion to extend the City Manager's contract for one year. Councilmember Johnson seconded the motion. Voting was unanimous in favor of the motion.

Councilmember Weaver made a motion to appoint Max Tinsley to the Assistant City Manager position effective July 1, 2007. Councilmember DeLoughy seconded the motion. Voting was unanimous in favor of the motion

LEGAL

No official action was taken at this time.

TRAFFIC SIGNALIZATION CONTRACTS: Winding Road at Kings Bay Road and St. Marys Road at Scrubby Bluff Road (ADDED)

Councilmember Blount made a motion to authorize the Mayor and City Clerk to execute the traffic signalization contracts upon review and approval by the Mayor and City Manager. Councilmember Weaver seconded the motion. Voting was unanimous in favor of the motion.

ADJOURNMENT:

Councilmember Blount made a motion for adjournment. Councilmember Johnson seconded the motion. Mayor Eskridge declared the meeting adjourned at 8:35 P.M.

Respectfully submitted,

Darlene M. Roellig, City Clerk