



CITY OF ST. MARYS, GEORGIA
March 23, 2009

COUNCIL WORK SESSION
4:00 p.m.

PUBLIC HEARING
“Fins Liquor, Inc. D/B/A Fins Liquor Store”
5:00 p.m.

CITY COUNCIL MEETING
6:00 p.m.

AGENDA

- I. CALL TO ORDER**
- II. INVOCATION: *City Manager Bill Shanahan***
- III. PLEDGE OF ALLEGIANCE**
- IV. ROLL CALL** **QUORUM: YES X NO _____**
- V. APPROVAL OF MINUTES: *March 9, 2009 Regular City Council Meeting Minutes***

PRESENTATION:

DOWNTOWN DEVELOPMENT AUTHORITY: *Two Upcoming Term Expirations*

APPROVAL OF THE AGENDA

- VI. GRANTING AUDIENCE TO THE PUBLIC**
- VII. OLD BUSINESS:**
 - A. FINS LIQUOR, INC NEW ALCOHOL LICENSE:.....TAB “A”
*Consideration to approve an application for a new liquor license.***
- VIII. NEW BUSINESS:**
 - A. ALCOHOL ORDINANCE:.....TAB “B”
*Discussion for consideration of revisions to Public Safety-Police Committee***
 - B. MILITARY ZONE DESIGNATION:.....TAB “C”**

To request Military Zone Designation for Census Tract 106 for the City of St Marys from the Department of Community Affairs.

- C. **PROPOSED RESOLUTION TO FREEZE PROPERTY TAX ASSESSMENTS: ... TAB "D"**
Discuss recent property tax assessments performed by the county and approve the proposed resolution (POSTPONED)

- D. **REYNOLDS, SMITH & HILL, INC.:..... TAB "E"**
Supplemental Agreement #1 to the Master Consulting Services Agreement regarding the airport

- E. **CONSIDERATION TO FILL A CSR VACANCY AT THE POLICE DEPARTMENT.. TAB "F"**
To seek permission to advertise, interview and fill the part-time customer service position at the Police Department

IX. REPORT OF AUTHORITIES, BOARDS, COMMISSIONS & COMMITTEES:

- A. **PLANNING DIRECTOR'S REPORT..... TAB "G"**
 - 1. **Special Use Permit**, Darryl Dukes, Camden Auto Sales, requests a Special Use Permit to place a used car lot at 2110 Osborne Road.

B. WATER/SEWER COMMITTEE REPORT

X. REPORT OF MAYOR

XI REPORT OF CITY MANAGER

XII. GRANTING AUDIENCE TO THE PUBLIC

XIII. EXECUTIVE SESSION: Legal

XIV. ADJOURNMENT

CITY OF ST. MARYS, GEORGIA
PUBLIC HEARING
“Fins Liquor, Inc. D/B/A Fins Liquor Store”

March 23, 2009
5:00 p.m.

MINUTES

The Mayor and City Council for the City of St. Marys, Georgia met in a Public Hearing on Monday, March 23, 2009 in the Council Chamber at City Hall.

PRESENT WERE:

Mayor Rowland Eskridge
Councilmember Greg Bird
Councilmember William DeLoughy
Councilmember Deborah Hase
Councilmember Larry Johnson
Councilmember Chuck Trader
Councilmember Gull Weaver

CITY OFFICIALS PRESENT:

William Shanahan, City Manager
Amanda Blackledge, City Attorney
Tim Hatch, Police Chief
Bobby Marr, Public Works Director
Roger Weaver, Planning Director
Robby Horton, Fire Chief
Jennifer Brown, Finance Director
Alyce Thornhill, Economic Dev. Director
Bilal Muhammad, City Marshal
Richard Riggle, Sergeant-At-Arms

CALL TO ORDER

Mayor Eskridge called the public hearing to order at 5:00 p.m., and stated the purpose of the public hearing was to receive public comments in regards to Fins Liquor, Inc. D/B/A Fins Liquor Store. The floor was opened to the public for questions and/or comments.

GRANTING AUDIENCE TO THE PUBLIC

Randall Dockery, Sr. Pastor Church of God Prophecy spoke in opposition of the location of the business. The church community is not against free enterprise or denying persons the right to sell alcohol. Reverend Dockery referenced Alcohol Beverage Ordinance Section 10-18 (4), “The operation of the licensee's business in such a manner as to constitute a threat to public

safety, welfare or health or in such a manner as to constitute a public nuisance or the operation of a licensed business where violations of federal, state or local laws or ordinances frequently or regularly occur. “

Reggie Whitehurst, resident and member of Church of God Prophecy commented that the assistant pastor lives behind the church. It is a high crime area and to have this business at this location would only increase crime. There are services at the church at least five days a week that children attend. Mr. Whitehouse requested that Council oppose approval of the license at the location.

Richard Watson, resident who has never seen anyone with an open container of alcohol by his home on Pine Street. Mr. Watson named other businesses selling liquor in the vicinity without any problems. New businesses create jobs and revenues. Drugs were the main problem on the street but they do not bother anyone either.

John Smith, resident spoke about St. Marys being a great town to raise kids and what would be left if morals were taken out.

Robert Burns, resident questioned whether Council would want these types of revenues and jobs next to their homes. Children walk by everyday to the middle school and encounter people who are intoxicated. The police force is good, but they cannot be there all the time.

Lori Wooten, member of Church of God Prophecy youth group spoke about a friend battling alcohol abuse every day. She invited her friend to come to Church because it offers a strong support group that stand by each other and will help with the problem.

James Arndt, member of Church of God Prophecy and father commented that everyone has rights to open a business and earn money. However, certain standards should be set for children and family. Mr. Arndt requested denial of the alcohol license because of its location.

Kim Dockery, member of Church of God Prophecy and Pastor's spouse spoke about the active youth program, great congregation and not lowering standards so crime does not increase. Community involvement needs to continue, especially for people who do not live in St. Marys but want to open businesses. Mrs. Dockery further spoke in opposition to the location of the business.

Damian Gonzales, resident addressed Council regarding the number of package stores opening in the county, people walking on Martha Drive with open containers and the majority of citizens not wanting a package store in this location.

Roseanne Gonzales, resident and member of Church of God Prophecy commented that she did not want to be afraid of going to church because there are people breaking into the cars and homes because of alcohol.

Lisa Hunter, resident stated that there are facilities who sell alcohol every day. She does not want to see her daughter to grow up to be an alcoholic. Ms. Hunter requested denial of the license because of the location.

Baker McGee, attorney for Fins Liquor, Inc. stated that the State has set out the rules and the City has adopted an ordinance for a license. He understands the concerns of the church but the owners have a right to open the business as long as they comply with the state and local statutes. Mr. McGee urged Council to consider carefully carrying out the law.

Paul Pulliam, former resident and police officer understands the concerns with the liquor store for people drinking on the street, but the state would shut the business down if this were to happen.

Doug Vaught, resident stated that he has seen people on Nancy Drive and Church Street with open containers and suggested a moratorium on how many alcohol licenses should be issued.

Randall Dockery, pastor of Church of God Prophecy reiterated Alcohol Beverage Ordinance Section 10-18 (4) and stated that he polices the church property for open containers that were thrown in the ditch. Reverend Dockery also read the Council Oath of Office as follows:
I do solemnly affirm that I will truly perform to the best of my abilities the duties of Council Member; by adopting and enforcing such measures as in my judgment shall be best calculated; to promote the general welfare of the inhabitants of the City of St. Marys, and the common interest thereof. So Help Me God.

Robert Burns, member of Church of God Prophecy stated that we are not talking about responsible people. These are people with lower inhibitions, bringing more alcohol consumption into our county. There are many stores that were vacant, why not use one in another location. Mr. Burns urged Council to look at the best interest of the people of St. Marys.

Richard Watson, resident stated that people were already driving on the roads full of alcohol, and they frequent the liquor stores to buy more.

ADJOURNMENT

Mayor Eskridge declared the public hearing closed at 5:44 p.m.

Respectfully submitted,

Darlene M. Roellig, City Clerk

CITY OF ST. MARYS, GEORGIA
CITY COUNCIL MEETING
March 23, 2009
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, March 23, 2009 in the Council Chamber at City Hall.

PRESENT WERE:

Mayor Rowland Eskridge
Councilmember Greg Bird
Councilmember William DeLoughy
Councilmember Deborah Hase
Councilmember Larry Johnson
Councilmember Chuck Trader
Councilmember Gull Weaver

CITY OFFICIALS PRESENT:

William Shanahan, City Manager
Amanda Blackledge, City Attorney
Roger Weaver, Planning Director
Tim Hatch, Police Chief
Bobby Marr, Public Works Director
Robby Horton, Fire Chief
Jennifer Brown, Finance Director
Alyce Thornhill, Economic Dev. Director
Bilal Muhammad, City Marshal
Richard Riggle, Sergeant-At-Arms

CALL TO ORDER

Mayor Eskridge called the City Council Meeting to order at 6:00 p.m. City Manager Bill Shanahan 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: *March 9, 2009 Regular City Council Meeting Minutes*

Councilmember Hase made a motion to approve the March 9, 2009 regular City Council meeting minutes with the amended changes on page 7. Councilmember Weaver seconded the motion. Councilmember DeLoughy corrected the spelling of Whitehouse to “*Whitehurst*.” Voting was unanimous in favor of the motion.

PRESENTATION:

DOWNTOWN DEVELOPMENT AUTHORITY: *Two Upcoming Term Expirations*

Mayor Eskridge announced two term expirations on the DDA in March, and anyone interested in an appointment should provide a letter of intent to the City Clerk.

APPROVAL OF THE AGENDA

Councilmember Weaver made a motion to approve the agenda and remove Item "C". Councilmember DeLoughy seconded the motion. Voting was unanimous in favor of the motion.

GRANTING AUDIENCE TO THE PUBLIC:

There were no questions and/or comments from the public at this time.

OLD BUSINESS:

A. FINS LIQUOR, INC NEW ALCOHOL LICENSE:

Consideration to approve an application for a new liquor license.

Councilmember Weaver made a motion to approve the license with a caveat to review, three months after the business is opened, as to whether there was an increase in public drunkenness and impact on crimes in the neighborhood to quantify current statistics. Councilmember DeLoughy seconded the motion.

Councilmember Hase requested clarification on whether granting the license would be dependent on the investigation of the statistical analysis. Councilmember Weaver clarified that the motion was to grant the license and look at it in three months to see if it was causing a public nuisance.

Councilmember Hase requested a legal opinion from the City Attorney on the caveat being legal. The City Attorney stated that the basic motion was to approve the license. In addition, it is legal to perform a review in three months on whether or not there is a reason to revoke the license.

Councilmember Hase stated for the record that if it was all about meeting certain criteria in the ordinance, Council has already found considerable flaws. Why would it even come to City Council for a decision? It does, because judgment and discernment is involved in a highly controlled substance, which is alcohol. If no judgment or discernment was involved, staff would make those decisions about licenses for regular businesses and building permits. Council is required to have a higher level of judgment and discernment. Plus, we have heard from the people.

Councilmember DeLoughy stated that there is no basis legally as to not grant the request. Judgment and discernment needs to have something to base it on, not on what could happen.

Councilmember Bird commented that he appreciates the church and the public's position. He further commented that Council has a responsibility to oversee the entire community, its citizens, children and businesses. When the community was smaller there were still issues with drugs, alcohol and spousal abuse and a number of other problems but the percentages were considerably smaller. Council's job is not to decide which businesses should or should not be here, if they are legally constituted of the state, and meet the requirements of this community as they put forth application. It is not Council's job to determine whether

businesses will be successful or fail , but to make certain standards were met. Many other establishments within the community serve alcohol on premises, this is a package store. There is no win - win situation for either party but he is thankful that a church is right around the corner because it creates character within a community. Whether the business is successful or not is dependent on how they perform and serve their constituency. No one knows if there will be repercussions from the business because there is no business there that has that record. No one wants to see irresponsible people out in the community. He abhorrer's alcohol abuse and people who are incapable of driving should be put in jail by the Police Chief and our fine officers.

Councilmember Trader stated there were a number of issued that needed to be addressed with the alcohol ordinance. He further stated that he will deny the license due to a technicality in accordance with Section 10.9. The application was inaccurate because the streets were not named correctly on a document from an engineer that the applicant hired.

Voting was recorded as follows:

FOR
Councilmember Bird
Councilmember DeLoughy
Councilmember Weaver

OPPOSED
Councilmember Hase
Councilmember Johnson
Councilmember Trader
Mayor Eskridge

Mayor Eskridge stated that the reason for the denial was in accordance with Section 10-18 (4) as follows:

The operation of the licensee's business in such a manner as to constitute a threat to public safety, welfare or health or in such a manner as to constitute a public nuisance or the operation of a licensed business where violations of federal, state or local laws or ordinances frequently or regularly occur.

NEW BUSINESS:

A. *ALCOHOL ORDINANCE:

Discussion for consideration of revisions to Public Safety-Police Committee

Items A, B and E were added to a consent agenda and identified with an asterisk (*).

Councilmember DeLoughy made a motion to send the alcohol ordinance to the Public-Safety Police Committee for review. Councilmember Weaver seconded the motion. Voting was unanimous in favor of the motion.

B. *MILITARY ZONE DESIGNATION:

To request Military Zone Designation for Census Tract 106 for the City of St. Marys from the Department of Community Affairs.

Councilmember DeLoughy made a motion to approve the Military Zone Destination. Councilmember Weaver seconded the motion. Voting was unanimous in favor of the motion.

C. PROPOSED RESOLUTION TO FREEZE PROPERTY TAX ASSESSMENTS:

Discuss recent property tax assessments performed by the county and approve the proposed resolution (POSTPONED from 3/9/09)

This item was removed from the agenda.

D. REYNOLDS, SMITH & HILL, INC.:

Supplemental Agreement #1 to the Master Consulting Services Agreement regarding the airport.

Councilmember Hase made a motion to approve the supplemental agreement #1 to the Master Consulting Services Agreement between the City of St. Marys and Reynolds, Hill & Smith, Inc. (RS&H). Councilmember Trader seconded the motion.

Councilmember Bird questioned the agreement with RS&H because another engineering firm was awarded the bid on behalf of the City and Airport Authority. RS&H's agreement was terminated in 2007, and bringing them back without following the proper bidding procedures for a new contract, places the City in a difficult position with the current engineer. He stated for the record that he did not have a problem with RS&H because they were a reputable firm with quality work.

The City Manager stated that Robert Company was hired to perform the Capital Improvement Plan (CIP) and daily management of the airport through the direction of the Airport Authority. RS&H is a professional agency. The decision to use RS&H was based on their prior experience. Also, the City is not required to go through the bidding process. Both the DOT and FAA confirmed that the City could continue to use the original engineering firm RS&H without going out to bid. Following much discussion, voting was recorded as follows.

FOR

Councilmember Hase
Councilmember DeLoughy
Councilmember Trader
Councilmember Weaver

OPPOSED

Councilmember Bird
Councilmember Johnson

E. *CONSIDERATION TO FILL A CSR VACANCY AT THE POLICE DEPARTMENT

To seek permission to advertise, interview and fill the part-time customer service position at the Police Department

Councilmember DeLoughy made a motion to approve filling the CSR vacancy in the Police Department. Councilmember Weaver seconded the motion. Voting was unanimous in favor of the motion.

REPORT OF AUTHORITIES, BOARDS, COMMISSIONS & COMMITTEES:

A. PLANNING DIRECTOR'S REPORT

- 1. Special Use Permit**, Darryl Dukes, Camden Auto Sales, requests a Special Use Permit to place a used car lot at 2110 Osborne Road, zoned C1. The Planning Commission recommended approval with the understanding that there were to be no more than three cars for sale at a time and install an eight foot privacy fence at the rear of the property.

Councilmember Weaver made a motion to approve the Special Use Permit for Camden Auto Sales. Councilmember Bird seconded the motion. Voting was unanimous in favor of the motion.

B. WATER/SEWER COMMITTEE REPORT

Councilmember Trader stated that Jordan, Jones & Goulding (JJ&G) made a presentation on status of the Water/Sewer Master Plan, and a meeting would be scheduled after the Committee reviewed the material.

REPORT OF MAYOR:

March 11, 2009 – Attended the Regional Development Center meeting in Richmond Hill
March 12, 2009 – Attended the Public Service Authority Board meeting
March 17, 2009 – Attended the county workshop on tax valuation
March 19, 2009 – Interviewed by a college student
March 23, 2009 – Attended the Council Work Session

Mayor Eskridge read the calendar of events, activities and meetings.

REPORT OF CITY MANAGER:

- The City Manager announced that the Police Department's website was available to all citizens at www.smpd.org.
- Congressmen Kingston's office requested answers to questions regarding the airport.
- Council will receive questions from the high school on leadership.

GRANTING AUDIENCE TO THE PUBLIC:

Barbara Ryan, resident thanked everyone who helped with the river cleanup. There were over 150 people in attendance and two tons of garbage was picked up. Ms. Ryan commented that prior arrangements were made with Advance Disposal to separate the cleanup garbage and 45 bags of recyclables were put out for pickup. However, a city employee dumped the plastic bags that held the recyclables in with regular garbage because they did not know about the prior arrangements.

Randall Dockery, pastor of Church of God Prophecy thanked Council for listening to their convictions.

Doug Vaught, resident announced that the Camden Watchdog Group was meeting on March 30th at Heritage Bank Community Building to discuss taxes and information could be found on their website at www.camdenwatchdog.org.

Keith Post, resident thanked the City for their help on the Georgia Return to Service. There was a statewide art project associated with the return to services that involved 180 school districts and judging was hosted at the DDA building, Orange Hall and the Presbyterian Church depending on the grade level. A commemorative art book was presented to the Economic Development Director because of the DDA's role in making the project a success.

EXECUTIVE SESSION: Legal

Councilmember DeLoughy made a motion to adjourn to executive session to discuss legal. Councilmember Trader seconded the motion. Voting was unanimous in favor of the motion.

The Mayor and Council adjourned to executive session at 6:39 p.m., returning at 6:51 p.m. with Mayor Eskridge calling the Council meeting back to order.

PERSONNEL/REAL ESTATE/LEGAL

No official action was taken at this time.

ADJOURNMENT:

Councilmember DeLoughy made a motion for adjournment. Councilmember Bird seconded the motion. Mayor Eskridge declared the meeting adjourned at 6:52p.m.

Respectfully submitted,

Darlene M. Roellig, City Clerk