



CITY OF ST. MARYS, GEORGIA

April 6, 2009

**SECOND QUARTER TOWN MEETING
CITY COUNCIL MEETING**

6:00 p.m.

AGENDA

I. CALL TO ORDER

II. INVOCATION: *Councilmember Hase*

III. PLEDGE OF ALLEGIANCE

IV. ROLL CALL

QUORUM: YES NO

V. APPROVAL OF MINUTES: *March 23, 2009 Regular City Council Meeting Minutes
March 23, 2009 Public Hearing "Fins Liquor, Inc. D/B/A Fins
Liquor Store"*

PRESENTATION:

DOWNTOWN DEVELOPMENT AUTHORITY: *Two Appointments*

EMPLOYEE OF THE MONTH RECOGNITION: *Christopher Cox, Mary Meyer & Roxana
Bordenkircher*

PROCLAMATION: *Georgia Cities Week*

FINANCE DIRECTOR'S REPORT

APPROVAL OF THE AGENDA

VI. GRANTING AUDIENCE TO THE PUBLIC

VII. OLD BUSINESS:

**A. FINS LIQUOR, INC:.....TAB "A"
Appeal Council's decision to deny a new alcohol license**

VIII. NEW BUSINESS:

**A. MAINTENANCE AGREEMENT:.....TAB "B"
Consideration to approve a service agreement for the copy machine in City Hall**

**B. FY09 BUDGET ORDINANCE AMENDMENT:.....TAB "C"
Consideration to implement changes to the FY09 Budget.**

- C. **CONSIDERATION TO FILL VACANT POSITIONS IN THE PUBLIC WORKS, WATER AND SEWER DEPARTMENT:**.....TAB “D”
Consideration to proceed with hiring for the vacant position any Public Works, Water and Sewer Department positions that become vacant to maintain the current level of staffing.

- D. **GMA LOAN:**.....TAB “E”
Procurement of a loan from Georgia Municipal Association to purchase financial software.

- E. **PERSONNEL POLICY: Paid Leave**.....TAB “F”
To revise the current leave policy to lower the maximum accrual of paid leave from 720 hours to 240 hours, to create a catastrophic leave bank and to allow public safety employees to accrue leave differently than regular 8-hour employees.

- F. **STORM WATER MASTER PLAN PROJECT 2:**.....TAB “G”
To select P&A Engineering, Inc. to provide engineering services for the design and construction administration of the Storm Water Master Plan Project 2 – Group C – Downtown Waterfront Drainage Improvements.

- G. **JJ&G TASK ORDER#21 –AMENDMENT #1: Pt. Peter WWTP**.....TAB “H”
To provide for the post-construction, follow-up monitoring and reporting as required by the U.S. Army Corps of Engineers Permit (#200701063) for the marsh crossing of the 28-inch effluent force main that was installed for the Point Peter WWTP upgrade to 1.8 million gallons per day.

- H. **WATERFRONT PAVILION RENOVATIONS**.....TAB “I”
Consideration to award the renovation contract to Coastal Construction, Inc.

- J. **CANTRELL REAL ESTATE, INC. APPRAISAL AGREEMENT**.....TAB “J”
To approve the appraisal agreement for a portion of 1,880.76 acres of unimproved land referred to as Little Pasture SW/Q Billyville Road & Interstate 95, Woodbine, Camden County, Georgia.

- IX. **REPORT OF AUTHORITIES, BOARDS, COMMISSIONS & COMMITTEES:**
- X. **REPORT OF MAYOR:**
- XI **REPORT OF CITY MANAGER:**
- XII. **GRANTING AUDIENCE TO THE PUBLIC**
- XIII. **EXECUTIVE SESSION:**
- XIV. **ADJOURNMENT:**

CITY OF ST. MARYS, GEORGIA
CITY COUNCIL MEETING
APRIL 6, 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, April 6, 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
Jennifer Brown, Finance Director
Roger Weaver, Planning Director
Tim Hatch, Police Chief
Roger Wooten, Asst. Police Chief
Bobby Marr, Public Works Director
Marsha Hershberger, Asst. Finance Director
Alyce Thornhill, Eco. Develop. Director
Janet Brinko, Tourism Director
Richard Riggle, Sergeant-At-Arms

CALL TO ORDER

Mayor Eskridge called the City Council Meeting and Second Quarter Town Meeting to order at 6:00 p.m. Councilmember Hase 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 23, 2009 Regular City Council Meeting Minutes*
March 23, 2009 Public Hearing "Fins Liquor, Inc. D/B/A Fins
Liquor Store"

Councilmember Weaver made a motion to approve the March 23, 2009 regular City Council meeting minutes. Councilmember DeLoughy seconded the motion.

Councilmember Bird stated that in Item "D" he questioned whether the city could enter into an agreement with RS&H without following the proper bidding procedures for a new contract. City Manager responded that 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. Voting was unanimous in favor of the motion and to correct the minutes as stated.

March 23, 2009 Alcohol License Public Hearings

Councilmember Weaver made a motion to approve the March 23, 2009 Alcohol License Public Hearing minutes for Fins Liquor, Inc. Councilmember Trader seconded the motion. Voting was unanimous in favor of the motion.

PRESENTATION:

DOWNTOWN DEVELOPMENT AUTHORITY: *Two Appointments*

Councilmember DeLoughy made a motion to nominate Craig Root and Tom Monahan to the Downtown Development Authority. Councilmember Weaver seconded the motion. Voting was unanimous in favor of the motion.

EMPLOYEE OF THE MONTH RECOGNITION: *Christopher Cox, Mary Meyer & Roxana Bordenkircher*

The Public Works Director recognized Chris Cox as Public Works Employee and City Employee for the month of December. Chris Cox identified a sewer spill on private property for immediate action and resolution before it became an environmental event.

Mary Myer was recognized by the Public Works Director as Public Works Employee and City Employee for the month of January. Many citizen accolades were received for the care and time Mary has given to the beautification of the Waterfront Park.

The Finance Director recognized Roxana Bordenkircher as the Finance Employee and City Employee for the month of February. Roxana is a Customer Service Representative in the Water Department who is always kind and courteous even when dealing with disgruntled citizens.

PROCLAMATION: *Georgia Cities Week*

Mayor Eskridge read the proclamation and proclaimed the week of April 19-25, 2009 as “*Georgia Cities Week*”, in the City of St. Marys, Georgia. The Mayor urged all citizens to support the celebration and participate in the corresponding activities.

FINANCE DIRECTOR’S REPORT

The Finance Director presented the 8-months financial reports for General, Local Option Sales Tax (LOST), Water/Sewer, Solid Waste, Tourism, Special Purpose Local Option Sales Tax (SPLOST) and Aquatic Center. A copy of the report is attached as part of the minutes.

APPROVAL OF THE AGENDA

Councilmember Weaver made a motion to approve the agenda as submitted. Councilmember Trader seconded the motion. Voting was unanimous in favor of the motion.

GRANTING AUDIENCE TO THE PUBLIC & TOWN MEETING

Mayor Eskridge opened the floor for public comment for the town meeting portion of the meeting.

Dean Privett, spoke regarding Fins Liquor and commented that the survey has been changed to reflect the correct street names.

Randall Dockery, pastor of Church of God of Prophecy requested denial of Fins Liquor alcohol license for the location on Charlie Smith Highway. He felt it was Council's right to deny the license based on the crime activity in the area that violates the city ordinances.

John Smith, resident spoke against granting Fins Liquor an alcohol license.

Robert Burns, resident spoke out against granting Fins Liquor an alcohol license and how the business would affect the community.

Mike McClosky, property owner for the proposed liquor store, expressed concerns about his time and financial investment in the business. Mr. McClosky did not understand why the license has not been approved when Fins Liquor meets all of the requirements of the ordinance. He stated he has invested time and money in the area and wants Council to play by the rules.

Doug Vaught, spoke about the differences between the financial investment of Fins Liquor and the life-long community investment of families. Mr. Vaught expressed concerns about having a liquor store in the same area as the new senior center, and suggested consideration of a moratorium on liquor sales in St. Marys.

Sidney Howell, stated he spoke with the Chief of Police, who said the area where Fins Liquor would be located has the highest crime rate in the area.

Doran Womack, pastor of Point Peter Baptist Church spoke about the crime in the area around the proposed business and the church.

Fred Busby, resident felt that Mr. McClosky would not leave the area if the liquor license was not approved.

Robert Burns, stated that many alcohol establishments were already in St. Marys and other types of businesses should be attracted. Mr. Burns also spoke about his vested interest in the community.

OLD BUSINESS:

A. FINS LIQUOR, INC: *Appeal Council's decision to deny a new alcohol license*

Mr. McGee, attorney for Fins Liquor addressed Council regarding the appeal and stated that an amended survey has been submitted with the street names corrected.

Councilmember Hase made a motion to deny the appeal. Councilmember Trader seconded the motion. Councilmember Hase stated that it is a privilege to obtain an alcohol license because it is a highly regulated substance in the State of Georgia. Council's judgment is passed because there are differences of opinions on how the alcohol ordinance can be interpreted. It is very important that Council verifies that all criteria are met, rules and

regulations are followed and whether the location is in the best interest of the community.

Councilmember Trader discussed the distances indicated on the new survey and ordinance requirements being a straight line to the nearest public sidewalk.

Dean Privett stated that another suggested route was measured but there was an embankment issue.

Councilmember Hase stated that this discussion makes her point. There is no perfect ordinance. Things have been discovered that need to be changed and interpretation plays a huge role. The surveyor had several different lines showing the distance because of interpretation. This is the reason elected officials must use their judgment on what is best in these types of situations.

Councilmember DeLoughy questioned Mr. Privett on the rules and guidelines being followed when making paths. Was it the safest, shortest and consistent with the ordinance in the past?

Dean Privett responded that a person should take the most physical, safe and direct route to occupy the premises. Another hypothesis was to cut across with the possibility of going through a landscaped island with oak trees and parked cars. Cutting across the parking lot and the embankment was not safe. When he first read the ordinance, going out the door and across the parking lot was the shortest most direct route to walk but the embankment remains an issue. There were different ways to interpret the ordinance, but, traveling the most direct route takes you as the crow flies, which is not always the safest or most direct way to walk when it cannot be physically occupied. Many streets were looked at for crossing but there were no crosswalks, and no matter where someone crossed, it would be the same distance east or west.

Councilmember Bird stated that people do not walk as the crow flies. They are sent across the major highways to the appropriate sidewalks and crosswalks because it is the safest route for pedestrians in traffic, not jaywalking.

Councilmember Weaver stated that another business is close to a church and the distance was measured down the sidewalk to the front of the church. Every application should be treated and measured the same.

Councilmember Bird commented that there were many establishments in close proximity to churches. Charlie Smith Highway is the City's road of commerce and an institution wants to come in as commerce. He is glad to have a church in the district, but it is a business district. A four lane highway, with a zone in the center, needs to be crossed to get across the street.

Councilmember Hase commented that much emphasis has been put on grandfathering in locations to be licensed. It should be taken into account that the church was established in a residential area thirty seven years ago.

Councilmember Johnson commented that the appeal fee should be refunded to the appellant

since this is his second time before Council. It was mentioned by Councilmember Hase in the past, it is Council's discretion and requirement to make decisions to allow or deny alcohol licenses.

Councilmember Hase commented that the alcohol ordinance has been debated back and forth for many years and amended many times. The objective in the 90's, was to not have one establishment after another as a traditional community outside the base gates. If it continues down this path it is what St. Marys will have. Councilmember Hase recommended that the Public Safety Committee go back and review to protect the integrity of this small town community and not a traditional military community strip.

Councilmember Bird commented that this is a package store license and the military receives a considerable discount to purchase alcohol on the base. If it were a strip mall, there would be all types of activities besides alcohol in the establishments for consumption.

Following much discussion, voting was recorded as follows:

For
Councilmember Hase
Councilmember Johnson
Councilmember Trader

Opposed
Councilmember Bird
Councilmember DeLoughy
Councilmember Weaver

Mayor Eskridge broke the tie by voting to deny the appeal.

Councilmember Bird moved to refund the \$100.00 fee. Councilmember Weaver seconded the motion. Voting was unanimous in favor of the motion.

NEW BUSINESS:

A. MAINTENANCE AGREEMENT: *Consideration to approve a service agreement for the copy machine in City Hall*

Councilmember Trader made a motion to approve the agreement. Councilmember Weaver seconded the motion. Councilmember Weaver expressed concerns about paying for a maintenance agreement when a new copier is purchased every two years. Councilmember Weaver suggested other options for next year. Voting was unanimous in favor of the motion.

B. FY09 BUDGET ORDINANCE AMENDMENT: *Consideration to implement changes to the FY09 Budget*

Councilmember Weaver made a motion to approve the budget ordinance as presented. Councilmember Trader seconded the motion. Voting was unanimous in favor of the motion.

C. CONSIDERATION TO FILL VACANT POSITIONS IN THE PUBLIC WORKS, WATER & SEWER DEPARTMENT: *Consideration to proceed with hiring for the vacant position for*

any Public Works, Water and Sewer Department positions that become vacant to maintain the current level of staffing

Councilmember Trader made a motion to approve filling these positions and maintaining the current staffing levels as budgeted. Councilmember DeLoughy seconded the motion. Councilmember's discussed removing the hiring freeze as long as employee staffing levels remain the same as were budgeted this year and next year, with no new positions added. Following much discussion, voting was unanimous in favor of the motion.

D. GMA LOAN: *Procurement of a loan from Georgia Municipal Association to purchase financial software*

Councilmember Johnson made a motion to approve the loan. Councilmember Weaver seconded the motion. Voting was unanimous in favor of the motion.

E. PERSONNEL POLICY: *To revise the current leave policy to lower the maximum accrual of paid leave from 720 hours to 240 hours, to create a catastrophic leave bank and to allow public safety employees to accrue leave based on the amount of hours worked yearly.*

Councilmember Trader made a motion to approve the policy. Councilmember Hase seconded the motion.

Councilmember Hase amended the motion to have the Police Department accrue leave according to the chart and the Fire Department would be able to swap days. Councilmember Trader seconded the motion for discussion purposes.

Councilmember Bird explained that the Fire Department could swap days and accrue a massive amount of leave because they would not need to use leave time.

Following much discussion, Councilmember Trader amended the original motion to approve the paid leave policy as presented with the exception of removing the Fire Department which will remain the same as they currently exist, add custodial parent to grandparents and to direct the City Manager to create a method to reduce high leave balances. Councilmember Hase seconded the amended motion. Voting was unanimous in favor of the motion.

F. STORM WATER MASTER PLAN PROJECT 2: *To select P&A Engineering, Inc. to provide engineering services for the design and construction administration of the Storm Water Master Plan Project 2 – Group C – Downtown Waterfront Drainage Improvements*

Councilmember Hase moved to approve the agreement. Councilmember Weaver seconded the motion. Voting was unanimous in favor of the motion.

G. JJ&G TASK ORDER #21-AMENDMENT #1: *To provide for the post-construction, follow-up monitoring and reporting as required by the U.S. Army Corps of Engineers Permit (#200701063) for the marsh crossing of the 28-inch effluent force main that was installed for the Point Peter WWTP upgrade to 1.8 million gallons per day*

Councilmember Trader moved to approve the agreement. Councilmember DeLoughy seconded the motion. Councilmember's discussed the monitoring twice a year at a cost of \$3,700 until it is restored. Voting was unanimous in favor of the motion.

H. WATERFRONT PAVILION RENOVATIONS: *Consideration to award the renovation contract to Coastal Construction, Inc. in the amount of \$29,574.*

Councilmember Weaver made a motion to approve the contract. Councilmember DeLoughy seconded the motion. Councilmember's discussed the materials that will be used. Voting was unanimous in favor of the motion.

I. CANTRELL REAL ESTATE, INC. APPRAISAL AGREEMENT: *To approve the appraisal agreement for a portion of 1,880.76 acres of unimproved land referred to as Little Pasture SW/Q Billyville Road & Interstate 95, Woodbine, Camden County, Georgia.*

Councilmember DeLoughy made a motion to approve the agreement. Councilmember Trader seconded the motion. Councilmember Bird requested that the letter from the Department of Interior dated December 11, 2006 is included in the official record with their recommendation not to use site one. Councilmember Hase responded that this decision was already made and it was totally off the subject. Councilmember Bird stated for the record that moneys were being diverted, which were earmarked for the airport for maintenance and safety to perform the appraisals. Mayor Eskridge commented on the whole parcel being appraised instead of just the 400+ acres, which was an error. Councilmember DeLoughy called for the question, voting was recorded as follows:

For
Councilmember DeLoughy
Councilmember Hase
Councilmember Trader
Councilmember Weaver

Opposed
Councilmember Bird
Councilmember Johnson

REPORT OF AUTHORITIES, BOARDS, COMMISSIONS & COMMITTEES:

Councilmember DeLoughy reported that the Finance Committee met this evening to review the financial revenues and expenses for the last eight months. The financials looked better than expected and the city will still run a deficit of \$500, 000 - \$750,000 a year. City staff did a great job bringing numbers down. The Committee discussed removing the freeze, leveling off with the current employees and moving forward with the budget. A meeting was scheduled on June 8th before the council meeting. Sun Trust presented proposals for management of funds for the bond issue and for a new credit card, which staff was directed to review and present findings.

Councilmember Hase urged the Committee to pursue using credit cards for purchasing to eliminate paperwork and time. She recommended getting alternative proposals.

REPORT OF MAYOR:

March 25, 2009 – Meeting with Edwards Engineering

March 26, 2009 – Spoke at the Southeast Georgia Hospital ribbon cutting

March 30, 2009 – Met with National Association for the Advancement of Colored People (NAACP) representative to discuss ways to help repeat offenders work and stay out of prison

April 1, 2009 – Attended the ribbon cutting on Base for Family Services and spoke with parents regarding school rezoning.

Councilmember Trader commented that children could reside at an out of zone school, but transportation will not be provided by the school district. Mayor Eskridge stated that a waiver must be submitted and approved for attendance at the school. Councilmember Weaver stated that she has contacted the Board of Education (BOE) regarding Sugarmill because it affects children who live on the north side of Colerain Road and can walk safely to Mary Lee Clark Elementary (MLCES). Those children will be bused to Crooked River Elementary and Sugarmill will lose the sense of community. Many people are upset because they live in Sugarmill and their children would attend Crooked River Elementary.

April 2, 2009 – Attended a boutique opening on Spur 40

April 6, 2009 – Attended the Finance Committee meeting

Mayor Eskridge read the calendar of events, activities and meeting for the next two weeks.

REPORT OF CITY MANAGER:

Economic Development facilitated a class on priming your business in today's market, which was a free one hour seminar. The class was well received this week by many small businesses in St. Marys. This was the first of a two part series.

The Finance Department is working with the Budget and almost all changes have been made. SPLOST reimbursement for man hours, equipment and vehicle usage has been billed at over \$400,000.00.

Human Resources has scheduled a Health Fair on October 23rd and it will be held at the Camden County Recreation Center. Planning has begun to create a joint effort between the municipalities to pool our resources and make this a much more beneficial event for all of our employees. There are still many details to be worked out, but it is looking good.

The Senior Center is waiting on the closing of the new building.

Public Works

1. Completed sidewalk repairs on Borrell Boulevard
2. Completed work on Lift Station #9
3. Completed work on air line repairs at the Weed Street WWTP.
4. Held preconstruction meeting and public hearing for the Mickler Drive Bridge Project.

Planning & Building

1. Completed Site Development review of Brant Creek (196 Units)
2. Building Permit drawings scheduled for submission on April 6, 2009

3. Completed site development review of Fox Run (10 units)
4. Building permit drawings reviewed and permit ready for pickup

The Tourism Director Janet Brinko will visit Birmingham, Alabama with St. Marys Railroad regarding a possible visit to St. Marys by Thomas the Train with SMRR picking up the tab.

Police Department

1. Planning to hold a bicycle rodeo prior to the end of year school closing. Chief Hatch stated that the principal at Mary Lee Clark is very interested in this project.
2. Chief Hatch is looking at the red light camera programs.

Fire Department

1. The Fire Department is still testing fire hydrants.
2. The rain has held up the pace on completion of this project, but they are still plugging along.
3. The Volunteer Picture Drive has reached the point where they are making a profit.
4. The month of March was our busiest month on record with 172 calls for service and prior to March, January was the busiest with 150 calls.
5. Painting has begun on the outside of Station 2 (Dandy Street), hopefully over the next few weeks we will be able to finish the project and the appearance will improve.

Councilmember Weaver asked for the public's understanding and patience when the Mickler Drive Bridge is being repaired and closed to through traffic for 270 days.

GRANTING AUDIENCE TO THE PUBLIC:

Dave Schmidt, expressed concerns that he must have misunderstood Councilmember Hase's negative comments regarding areas around military bases. Councilmember Hase stated that she loved the Navy. Mr. Schmidt further commented that Comcast is still substandard.

EXECUTIVE SESSION:

There was no "Executive Session" at this time.

ADJOURNMENT:

Councilmember DeLoughy made a motion for adjournment. Councilmember Bird seconded the motion. Mayor Eskridge declared the meeting adjourned at 8:13 p.m.

Respectfully submitted,

Darlene M. Roellig, City Clerk