



**CITY OF ST. MARYS, GEORGIA**

**June 17, 2013**

**CITY COUNCIL MEETING**

**6:00 P.M.**

**AMENDED AGENDA (Revised 06/17/2013)**

- I. **CALL TO ORDER**
- II. **INVOCATION:** *Councilmember Keith Post*
- III. **PLEDGE OF ALLEGIANCE**
- IV. **ROLL CALL** **QUORUM: YES X NO \_\_\_\_\_**
- V. **APPROVAL OF MINUTES:** *June 3, 2013 Public Hearing Meeting Minutes*  
*June 3, 2013 Regular City Council Meeting Minutes*
- VI. **PRESENTATION:**  
**TEAM ST. MARYS-CAMDEN COUNTY SOFTBALL CHALLENGE:**  
*Mayor William T. DeLoughy*
- VII. **SET CONSENT AGENDA**
- VIII. **APPROVAL OF THE AGENDA**
- IX. **GRANTING AUDIENCE TO THE PUBLIC**
- X. **OLD BUSINESS:**
  - A. **PROPOSED AGREEMENT WITH HOSPITAL AUTHORITY:** *Mayor William T. DeLoughy*
  - B. **CAMDEN FILM COMMISSION:** *Councilmember Keith Post (Removed)*
- XI. **NEW BUSINESS:**
  1. **SPECIAL USE PERMIT-RECYCLING FACILITY (ERNEST QUINTAL):** **(Moved)**  
*Roger Weaver*  
*Mr. Ernest Quintal is requesting a Special Use Permit to locate a general recycling business on Point Peter Road, north of Industrial Drive*
  - A. **REQUEST AUTHORIZATION TO HIRE TWO POLICE OFFICERS (ST. MARYS POLICE DEPARTMENT):**  
*Request authorization to hire two full-time St. Marys Police Officers*
  - B. **CHANGE ORDER REQUEST (GATEWAY) TRANSPORTATION ENHANCEMENT GRANT:**  
*Request authorization for a change order for archaeology at the Gateway portion of the Transportation Enhancement Grant in the amount of \$4,300*
  - C. **NEW ORDINANCE-DOCKING AND WATERFRONT ACCESS :** *Roger Weaver*

*Request approval for a new ordinance to authorize the St. Marys Police Department to enforce docking and access at the waterfront docks*

- D. NEW ORDINANCE-ANNEX PARCEL #121-007E (JACK GROSS):** Roger Weaver  
*Request authorization to annex by the 100% method parcel #121-007E owned by Mr. Jack Gross as C-2(Highway Commercial Zone) at his request*

**XII. REPORT OF AUTHORITIES, BOARDS, COMMISSIONS & COMMITTEES:**

- A. CITY CALENDAR:** *City Clerk*

**XIII. REPORT OF MAYOR**

**XIV. GRANTING AUDIENCE TO THE PUBLIC**

MAYOR AND COUNCIL COMMENTS

CITY MANAGER'S COMMENTS

**XV. EXECUTIVE SESSION**

**XVI. ADJOURNMENT**

**This is a tentative agenda and is subject to change. Please check with City Hall prior to the Meeting for any revisions.**

**CITY COUNCIL MEETING**  
**June 17, 2013**  
**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, June 17, 2013 in the Council Chamber at City Hall.

**PRESENT WERE:**

Mayor William T. DeLoughy  
Councilmember Greg Bird  
Councilmember Jim Gant  
Councilmember Sidney Howell  
Councilmember John Morrissey  
Councilmember Keith Post  
Councilmember Nancy Stasinis

**CITY OFFICIALS PRESENT:**

Gary Moore, City Attorney  
Steven S. Crowell, City Manager  
Jennifer Brown, Finance Director  
Donna Folsom, Human Resources Director  
Timothy Hatch, Police Chief  
Artie Jones III, Economic Director  
Bobby Marr, Public Works Director  
Robby Horton, Fire Chief  
Roger Weaver, Planning Director

**CALL TO ORDER:**

Mayor DeLoughy called the City Council Meeting to order at 6:00 p.m. Councilmember Keith Post gave the invocation. Mayor DeLoughy led the audience in the pledge of allegiance. Council roll call indicated a quorum of Council members present for the meeting.

**APPROVAL OF MINUTES:** *June 3, 2013 Public Hearing Meeting Minutes*

Councilmember Stasinis moved to approve the June 3, 2013 Public Hearing meeting minutes. Councilmember Howell seconded the motion. Voting was unanimous in favor of the motion.

*June 3, 2013 Regular City Council Meeting Minutes*

Councilmember Stasinis moved to approve the June 3, 2013 Regular City Council meeting minutes. Councilmember Howell seconded the motion. Councilmember Morrissey moved for discussion and stated the two parentheses were added to item C (Adoption of Compensation & Classification Plan) after the City Council meeting for clarification. Voting was unanimous in favor of the motion.

**PRESENTATION:**

**TEAM ST. MARYS-CAMDEN COUNTY SOFTBALL CHALLENGE:** Mayor William T. DeLoughy

Mayor DeLoughy presented Certificates of Appreciation to Team St. Marys for their dedication, hard work and generous donation of time in the Camden County Softball Challenge. This is the third year St. Marys has participated in the county-wide event to support Justin's Miracle Field. The members of Team St. Marys are as follows:

Andrew Allen	Jeremy Allen	Tanya Belin
Patricia Chapa	Cory Cohn	Jeff Foster
Nicole Goebel	Daniel Heisner	Gabriel Lechuga
Hillary Lechuga	Stacy Maysonet	Terry Sanders
Patrick Shores	Staci Tucker	Kim Yarborough
Artie Jones, II	Deborah Walker-Reed	Mayor William T. DeLoughy

**SET CONSENT AGENDA (\*):**

Councilmember Stasinis moved to approve the consent agenda as New Business A and B. Councilmember Gant seconded the motion and moved for discussion. Councilmember Gant stated the Gateway Change Order Request under New Business item B pertains to an archaeological requirement for the federal government. Voting was unanimous in favor of the motion.

**APPROVAL OF THE AGENDA:**

Councilmember Post made a motion to approve the agenda with the following two revisions: Remove item B (Camden Film Commission) under Old Business and move item D (Special Use Permit Recycling Facility-Ernest Quintal) as item #1 under New Business. Councilmember Gant seconded the motion. Voting was unanimous in favor of the motion.

**GRANTING AUDIENCE TO THE PUBLIC:**

*Attorney Jim Stein, 52 Camden Woods Parkway, Kingsland, Georgia:* Attorney Stein stated he was representing the Hospital Authority and had two signed copies of an agreement which was previously given to Attorney Gary Moore. Attorney Stein asked Council to give their consideration to the agreement. Attorney Stein stated if the agreement was not approved, Hospital Authority would need to move forward with the case in court.

Attorney Stein stated the City has a voice in what takes place at the Hospital Authority. He also stated the Hospital Authority would like to continue moving forward with their activities under the by-laws. Attorney Stein referenced the Hospital Authority inquiry concerning appointments for the board. Mayor DeLoughy stated the City had received letters of interest for the Hospital Authority.

*Tom Canning, 410 Point Peter Place:* Mr. Canning referenced several concerns with the Special Use Recycling Permit request submitted to the City. Mr. Canning briefly mentioned the required eight foot fencing that would need to be enforced on at least three sides, storage plans at the rear of the property, tree covered areas not usable under code and the impact of trucks to the traffic pattern. Mr. Canning mentioned the following notations in reference to the road at the specified location: narrow width of the road, no shoulders, no passing zone, 40 mph posted speed limit and no turn lane. Mr. Canning stated that no standard truck would be able to make the turn into a business without crossing over the line. He also referenced traffic patterns and fatalities of two lane roads.

Beatrice Crouse, 600 Carrack Court: Mrs. Crouse stated she was unaware of any public notice sign posted for a junk yard in that area. Mrs. Crouse referenced the large public notice signs utilized in Florida to inform the public of meetings. Mrs. Crouse stated she drives daily through the area, has lived in St. Marys for over twenty years and is against this type of business in the area.

Michael Craig, 144 Cherry Point Drive: Mr. Craig stated the business location is too close to the children's playground and homes.

Roger Rillo, 605 Wheeler Street: Mr. Rillo mentioned all the improvements currently in progress to enhance the area including the ones at Cumberland Harbour. Mr. Rillo stated the business might be better suited inside the industrial park versus on the outer edge. Mr. Rillo asked Council to consider area subdivisions, restaurants, residents and safety in their decision.

Jerry Smith, 2492 Douglas Drive: Mr. Smith mentioned traffic patterns along the road have already increased along with bike riders and people walking. Mr. Smith stated he walks the road, has lived in St. Marys 25 years and did not see a public notice sign. He also mentioned that public notice signs are usually large and mentioned that a small sign like that one can be deceiving. Mr. Smith stated he is against the permitting of this business and safety should be considered.

Justin Moore, 390 Powderhorn Road: Mr. Moore stated he is against the permitting of the business for safety, noise and environmental reasons.

Beth Straub, 2595 Douglas Drive: Mrs. Straub stated she did not see a public notice sign. Mrs. Straub stated the permit should not be granted. She referenced children's safety in the area. Mrs. Straub noted the increase in business revenue for the City but also noted the adverse effect on property values in the area. Mrs. Straub stated the business would eventually decrease the tax base for the City.

Joe Lembo, 212 Barkentine Drive: Mr. Lembo referenced the master plan for the City and the decision future home owners and businesses make before relocating to an area. Mr. Lembo stated these types of businesses are usually located near the interstate or in industrial areas to provide easy access on and off the highway.

Skip Swain, 200 Barkentine Drive: Mr. Swain stated he is in agreement with the comments voiced before him concerning the Special Use Permit. Mr. Swain mentioned a similar permit issued in the City of Kingsland and the adverse outcome from it.

Wilfried Stein, 16 Point Peter Place: Mr. Stein stated residents of Point Peter are against the issuance of the Special Use Permit.

Dave Schmitz, 112 New Hammock Circle: Mr. Schmitz stated the business would not be located near his residence. He asked Council to consider their response if the request had been made near Osprey Cove and the proposed Rebirth Project.

Jodi Myers, 979 Point Peter Road: Mr. Myers stated he manages a truck repair business on Point Peter Road. Mr. Myers referenced all trucks in that area cross the center line but stated citizens should be aware of the trucks.

**OLD BUSINESS:**

**A. PROPOSED AGREEMENT WITH HOSPITAL AUTHORITY:** Mayor William T. DeLoughy

Attorney Gary Moore referenced the 2007 Consent Order from the Superior Court Judge stating the proceeds from the sale of the convalescent center are to be utilized for indigent care in the community. Attorney Moore stated that the Hospital Authority contacted the City for assistance in having the order changed so the proceeds are no longer subject to that description. Attorney Moore gave a brief overview of the agreement sent to the Hospital Authority and the counter-offer agreement signed by the Hospital Authority and presented to Council by Attorney Stein.

Attorney Moore reviewed the following four options available to the City:

- 1) The City could insist on the original agreement sent to the Hospital Authority.
- 2) The City could agree to the counter-off agreement submitted by the Hospital Authority.
- 3) The City could choose to do nothing and oppose not to enter into either of the contracts and to oppose the changes in 2007 Consent Order.
- 4) The City could choose not to sign any of the agreements but agree to cooperate with changes to the Consent Order that the Hospital Authority is seeking.

Councilmember Bird asked Attorney Moore if a fifth option was possible and if the order could be set aside. Attorney Moore stated if the two parties came to an agreement regarding the lawsuit, the Hospital Authority could request the order be set aside. Attorney Moore stated the Judge would rule on the request. Councilmember Gant stated he would like to see the monetary funds from the Hospital Authority utilized to enhance the lives of all seniors in the community and not just those at the Senior Center.

Councilmember Gant made a motion to deny entering into the counter-offer agreement as presented from the St. Marys Hospital Authority. Councilmember Stasinis seconded the motion. Councilmember Morrissey moved for discussion. Councilmember Morrissey mentioned the programs and improvements the Hospital Authority has funded at the Senior Center. He also noted that Council did not receive the agreement until Thursday afternoon. Councilmember Morrissey stated he would like the City and the Hospital Authority to come to an agreement.

Attorney Moore mentioned the lawsuit served on the City and the June 20, 2013 deadline to present a decision. Attorney Moore referenced the initial agreement the City sent to the Hospital Authority and the counter-offer submitted by the Hospital Authority. Councilmember Bird gave a brief overview of the differences between senior care and indigent care referenced in the law. Councilmember Bird mentioned Council's concern for all seniors in the community but stated the Hospital Authority was not spending money on indigent care. Mayor DeLoughy stated it appeared that the money was a funding source for healthcare at the hospital.

Attorney Moore gave a brief overview regarding the law if a hospital is sold. Attorney Moore stated the issue was complicated. He also mentioned the Hospital Authority's position that the convalescence center was not technically a hospital. Attorney Stein stated

the Hospital Authority welcomed feedback from the City. Attorney Stein referenced a process by which a committee from the Senior Center would submit recommendations to the City which would be forwarded to the Hospital Authority.

Councilmember Bird commented that the Hospital Authority could assist in resolving the issue by dropping the lawsuit against the City and working to resolve the indigent care issue with the State of Georgia. Councilmember Bird stated the City and Hospital Authority should be working to resolve the issue out of court. Attorney Stein stated the lawsuit against the City was an avenue to allow everyone to work together. Councilmember Stasinis asked Attorney Stein about any concerns they had with the original agreement sent to them. Attorney Stein stated the original agreement did not address the 2007 Consent Order.

Attorney Moore mentioned that the Judge does not have to agree, even if the two parties come to a compromise. Attorney Moore stated that is possible some party besides the Hospital Authority and the City would be arguing the case before the Judge. Attorney Moore referenced the original agreement sent to the Hospital Authority which stated that the City would assist them in their case to change the 2007 Consent Order if they agreed to certain stipulations. Attorney Moore asked if the motion could be amended to include “and express to the court that we support what the Hospital Authority is trying to accomplish”.

Councilmember Bird asked if the amended motion will protect the City and the Senior Center. Attorney Moore stated the amended motion would not necessarily protect the Senior Center but if the motion was approved, the City would not enter into any agreement. Attorney Moore stated the City would contact the court and convey they are in support of changing the 2007 Consent Order so it is not restricted by the Hospital Authority Law. Attorney Moore stated that would allow the funds to be utilized for senior citizen care by the Hospital Authority.

Mayor DeLoughy stated the City has supported the Hospital Authority and the City presented an agreement with percentages for support for the Senior Center.

Councilmember Gant amended his motion to deny entering into the counter-offer agreement as presented by the St. Marys Hospital Authority. The City will express to the court their support of the Hospital Authority in the modification request of the 2007 Consent Order. Councilmember Stasinis seconded the motion. Voting was recorded as follows:

<u>FOR</u>	<u>ABSTAINED</u>
Councilmember Bird	Councilmember Howell
Councilmember Gant	
Councilmember Morrissey	
Councilmember Post	
Councilmember Stasinis	

**B. CAMDEN FILM COMMISSION:** Councilmember Keith Post (Removed)

**NEW BUSINESS:**

**1. SPECIAL USE PERMIT-RECYCLING FACILITY (ERNEST QUINTAL):** (Moved)

Mr. Ernest Quintal is requesting a Special Use Permit to locate a general recycling business on Point Peter Road, north of Industrial Drive

The Planning Director gave an overview of the Planning Commission meeting including the process for posting public signs and conducting public meetings. Mr. Weaver mentioned four options available to Council.

Councilmember Morrissey made a motion for Council to refer the Special Use Permit request back to the Planning Commission so residential comments could be considered. Councilmember Post seconded the motion. Councilmember Morrissey moved for discussion. Councilmember Morrissey requested that Mr. Quintal address some of the concerns voiced by residents.

Mr. Quintal referenced receiving his business license in 1994. Mr. Quintal gave an overview of the type of business he would operate including the number of trucks entering the property and how merchandise would be loaded into containers. Councilmember Gant requested that the Planning Director inform the Planning Commission to have the business submit a traffic engineer study completed to ascertain if turn lanes would be required for trucks. Councilmember Gant also stated his concern for how the property would appear to residents and potential home owners.

Councilmember Howell requested clarification from Mr. Quintal on the difference between recycling and salvage. Mr. Quintal stated salvaging is when you removed items with a vehicle identification number and sell it. Councilmember Bird mentioned the City should be consistent in the requirements to all businesses. Councilmember Gant stated he was concerned about the safety of the residents in the areas. Councilmember Morrissey requested the Mr. Weaver submit all the questions from the residents to the Planning Commission. Voting was unanimous in favor of the motion.

Mr. Weaver announced the reposting and advertising of another public meeting before the Planning Commission meeting on the fourth Tuesday in July.

**A. REQUEST AUTHORIZATION TO HIRE TWO POLICE OFFICERS (ST. MARYS POLICE DEPARTMENT) (\*): Request authorization to hire two full-time St. Marys Police Officers**

Councilmember Stasinis made a motion to authorize the hiring of two full-time St. Marys Police Officers. Councilmember Gant seconded the motion. Voting was unanimous in favor of the motion.

**B. CHANGE ORDER REQUEST (GATEWAY) TRANSPORTATION ENHANCEMENT GRANT (\*): Request authorization for a change order for archaeology at the Gateway portion of the Transportation Enhancement Grant in the amount of \$4,300**

Councilmember Stasinis made a motion to approve the Gateway Change Order Request for the Transportation Enhancement Grant in the amount of \$4,300.00. Councilmember Gant seconded the motion. Voting was unanimous in favor of the motion.

**C. NEW ORDINANCE-DOCKING AND WATERFRONT ACCESS : Roger Weaver  
Request approval for a new ordinance to authorize the St. Marys Police Department to enforce docking and access at the waterfront docks**

Council Gant made a motion to approve the Docking and Waterfront Access Ordinance. Councilmember Howell seconded the motion. Mayor DeLoughy stated the signage at the waterfront is confusing. Councilmember Morrissey stated paragraph eight is redundant and lines 33 and 34 were a little confusing. Councilmember Gant amended his motion to approve the Docking and Waterfront Access Ordinance to include revisions regarding paragraph eight and lines 33 and 34 by adding the words "except for". Councilmember Howell seconded the motion. Voting was unanimous in favor of the motion.

- D. NEW ORDINANCE-ANNEX PARCEL #121-007E (JACK GROSS):** Roger Weaver  
Request authorization to annex by the 100% method parcel #121-007E owned by Mr. Jack Gross as C-2(Highway Commercial Zone) at his request

Councilmember Post made a motion to annex parcel #121-007E owned by Jack Gross as C-2 (Highway Commercial Zone) into the City by 100% method provided there are no objections from the County. Councilmember Stasinis seconded the motion. Voting was unanimous in favor of the motion.

#### **REPORT OF AUTHORITIES, BOARDS, COMMISSIONS & COMMITTEES:**

- A. **CITY CALENDAR:** *City Clerk*

The City Clerk announced the upcoming events, activities and meetings up to July 1, 2013.

#### **REPORT OF MAYOR:**

Mayor DeLoughy congratulated Angela Wigger on the Starry Nights program presented and stated it was one of the best conducted so far. Mayor DeLoughy gave a brief overview of the programs that Southern Dixie Railroad would like to bring to St. Marys.

#### **GRANTING AUDIENCE TO THE PUBLIC:**

*Larry White, 102 Sylvia's Court:* Mr. White commented that funding from the Hospital Authority for the senior meals at the Senior Center would cease in the next month. Mayor DeLoughy stated that the agreement presented by the City addressed those concerns.

*Doug Vaught, 130 Plank Lane:* Mr. Vaught wanted to know if there was a plan in place just in case the Hospital Authority no longer funded the meals at the Senior Center. The City Manager stated that was covered in the FY 2014 Budget.

*Roger Rillo, 605 Wheeler Street:* Mr. Rillo commented that violations in the City have increased since Officer Bilaal Muhammed was no longer in Code Enforcement. Mr. Rillo stated that issues are not being addressed. Mr. Rillo requested that Council reconsider that position.

*Beatrice Crouse, 600 Carrack Court:* Mrs. Crouse apologized to Council for comments made out of turn.

*Tom Canning, 410 Point Peter Place:* Mr. Canning stated he also noticed areas in the City that require attention since the Code Enforcement position has not been filled. Mr.

Canning requested that the City be proactive instead of reactive on the violations in the City.

**MAYOR AND COUNCIL COMMENTS:**

There were no comments at this time.

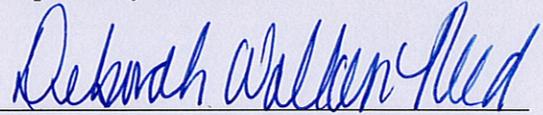
**EXECUTIVE SESSION:**

There was no "Executive Session" at this time.

**ADJOURNMENT:**

Councilmember Bird made a motion for adjournment. Councilmember Howell seconded the motion. Mayor DeLoughy declared the meeting adjourned at 8:02 p.m.

Respectfully submitted,



Deborah Walker-Reed, City Clerk