



**CITY OF ST. MARYS, GEORGIA**

**March 18, 2013**

**MARITIME HERITAGE DISTRICT PUBLIC WORK SESSION**

**5:00 p.m.**

**CITY COUNCIL MEETING**

**6:00 p.m.**

**AGENDA**

- I. **CALL TO ORDER**
- II. **INVOCATION:** *Councilmember Post*
- III. **PLEDGE OF ALLEGIANCE**
- IV. **ROLL CALL** **QUORUM: YES\_\_\_ NO\_\_\_**
- V. **APPROVAL OF MINUTES:** *March 4, 2013 Regular City Council Meeting Minutes*
- VI. **PRESENTATION:**
  - GEORGIA POWER:** JOEL HANNER
  - DISTINGUISHED BUDGET AWARD-GOVERNMENT FINANCE OFFICERS ASSOCIATION**
  - ST. MARYS SUBMARINE MUSEUM ANNUAL REPORT:** *Bill Carreira, Chairman*
  - HISTORIC PRESERVATION COMMISSION ANNUAL REPORT:** *Kay Westberry, Chairman*
  - JOINT PROCLAMATION CHILD ABUSE PREVENTION MONTH**
  - JOINT PROCLAMATION 2013 EARTH HOUR**
  - BOARD APPOINTMENTS**  
Downtown Development Authority (Root, Landreth) 3/28/13 Term Expirations
- VII. **SET CONSENT AGENDA**
- VIII. **APPROVAL OF THE AGENDA**
- IX. **GRANTING AUDIENCE TO THE PUBLIC:**
- X. **OLD BUSINESS:**

- A. **CONSIDER SETTLEMENT AGREEMENT REGARDING CUMBERLAND HARBOUR BOND LITIGATION:** ..... TAB “A”  
*Consideration of Agreement*

**EXECUTIVE SESSION: Pending Litigation**

- B. **JANITORIAL SERVICE CONTRACT:** ..... TAB “B”  
*To authorize the Mayor to enter into a contract with Spotless Cleaning*

**XI. NEW BUSINESS:**

- A. **CONSIDER CHANGE TO APPEAL PROCESS FOR ZONING DECISIONS:** ..... TAB “C”  
*Request authorization to remove the opportunity for aggrieved persons to appeal the decision made by City Council on an appeal from a decision of the Planning Commission*

- B. **BAIT SHOP LEASE EXTENSION:** ..... TAB “D”

- C. **BUDGET ORDINANCE:** ..... TAB “E”  
*Police Consolidation Feasibility Study*

- D. **CAMERA READY COMMUNITY SIGNAGE REQUEST:** ..... TAB “F”  
*Request authorization to erect and fund “A Camera Ready Community” signs*

- E. **GAINES DAVIS SEWER PROJECT UPDATE:** ..... TAB “G”

- F. **STREET LIGHT INSTALLATION REQUEST:** ..... TAB “H”  
*Request authorization for Georgia Power to install street light at 112 Wendy Lane*

- G. **CITY OF ST. MARYS GOALS:** ..... TAB “I”  
*Request to prioritize goals for the City*

- H. **2<sup>ND</sup> QUARTER TOWN HALL MEETING:** ..... TAB “J”  
*To schedule the 2<sup>nd</sup> Quarter Town Hall Meeting for Thursday, April 4, 2013 at 6:00 p.m.*

- I. **CLIMATE ADAPTATION & MITIGATION GRANT REQUEST:** ..... TAB “K”  
*Request permission to investigate potential City sponsorship of an application for a climate study*

**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. 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**  
**March 4, 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, March 4, 2013 in the Council Chamber at City Hall.

**PRESENT WERE:**

Mayor William DeLoughy  
Councilmember Greg Bird  
Councilmember Jim Gant  
Councilmember Sidney Howell  
Councilmember Keith Post  
Councilmember Nancy Stasinis

**ABSENT WERE:**

Councilmember John Morrissey

**CITY OFFICIALS PRESENT:**

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

**CALL TO ORDER:**

Mayor DeLoughy called the City Council Meeting to order at 6:00 p.m. Mayor DeLoughy 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:** *February 4, 2013 Regular City Council Meeting Minutes*  
Councilmember Gant moved to approve the February 4, 2013 regular City Council meeting minutes. Councilmember Post seconded the motion. Voting was recorded as follows:

FOR  
Councilmember Gant  
Councilmember Howell  
Councilmember Post  
Councilmember Stasinis

ABSTAINED  
Councilmember Bird

*February 21, 2013 Special Called City Council Meeting Minutes*  
Councilmember Howell moved to approve the February 21, 2013 Special Called City Council meeting minutes. Councilmember Stasinis seconded the motion. Voting was recorded as follows:

FOR  
Councilmember Bird  
Councilmember Howell  
Councilmember Stasinis

ABSTAINED  
Councilmember Gant  
Councilmember Post

*February 21, 2013 Executive Session Minutes*

Councilmember Howell moved to approve the February 21, 2013 Executive Session City Council meeting minutes. Councilmember Stasinis seconded the motion. Voting was recorded as follows:

FOR  
Councilmember Bird  
Councilmember Howell  
Councilmember Stasinis

ABSTAINED  
Councilmember Gant  
Councilmember Post

**PRESENTATION:**

CITY EMPLOYEE RECOGNITION: *Jeff Berg*

Mayor DeLoughy recognized Jeff Berg for being selected as the “Overall Winner” and “Landscape Winner” in the 2012 Showcase Camden County Photo Contest for his photograph of “Sunset over St. Marys River”. Mr. Berg was recognized at the Camden County Commissioner’s Meeting on February 12, 2013. Mayor DeLoughy also recognized Mr. Berg for the outstanding job he does in taking care of Howard Gilman Memorial Park. Mr. Berg donated a copy of his prize winning photograph to the City of St. Marys.

BOARD TERM EXPIRATIONS (ANNOUNCEMENT):

Mayor DeLoughy announced the upcoming vacancies on the Downtown Development Authority (*Craig Root & Terry Landreth*) 3/28/13

BOARD APPOINTMENTS:

St. Marys Convention & Visitors Bureau Authority (Lee, Neff, Ryan, Carroll & Haney)  
Appointments were recorded as follows:

APPOINTMENTS  
Barbara Ryan (At-Large)

CITY COUNCIL  
Councilmember Bird, Post #1

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

Councilmember Stasinis moved to approve the consent agenda as New Business F, H, I and J. Councilmember Gant seconded the motion. Voting was unanimous in favor of the motion.

**APPROVAL OF THE AGENDA:**

Councilmember Post moved to approve the agenda with an addition of item N under New Business to include “Recognition of Coach Jeff Heron”. Councilmember Howell seconded the motion. Voting was unanimous in favor of the motion.

**GRANTING AUDIENCE TO THE PUBLIC:**

*Diane Lustenader, 1210 Osborne Road:* Ms. Lustenader is a member of the 2013 Camden Leadership Class. She announced their public service project was to fund one room at Camden House for \$2,500.00 by selling \$10.00 raffle tickets. The drawing will be held at Lilliston Ford in Kingsland on April 18, 2013.

*Alex Kearns 902, Ann Street:* Ms. Kearns thanked the City for their support of the Sea Level Rise Symposium. Ms. Kearns commented that the facilitators were impressed with the quality of questions and attendance. Ms. Kearns announced the St. Marys River Clean-up on March 16, 2013 at Howard Gilman Memorial Park and Earth Hour on March 23, 2013.

Councilmember Gant referenced a grant mentioned at the symposium that might be available to the City of St. Marys. Mayor DeLoughy stated that Roger Weaver will review the criteria for the grant.

*Irene Johnson, 138 Woodvalley Drive, Kingsland, Georgia:* Ms. Johnson (J&K Quality Cleaning Solutions, LLC.) stated she had concerns regarding the bidding process that was held on January 21, 2013.

**OLD BUSINESS: None**

**NEW BUSINESS**

**A. ROAD BASE DISCUSSION:**

To adopt a policy restricting road base materials approved by Georgia Department of Transportation

Councilmember Gant made a motion to adopt policy utilizing road base materials that is approved for state and federal highway projects within the City. Councilmember Stasinis seconded the motion. Voting was unanimous in favor of the motion.

**B. POLICE AND FIRE DEPARTMENT TASK FORCE UPDATES:**

Councilmember Bird, Gant and Morrissey

Councilmember Bird gave an overview of the growth, plans, challenges and status of the City. Councilmember Bird stated the studies are an opportunity to ascertain cost saving measures and will enable to the City to better serve the community. Councilmember Bird stated the preliminary work is going well and that the study will assist the City in reviewing the services of the County as well.

**C. FEASIBILITY STUDY ON LAW ENFORCEMENT:**

To authorize ICMA to perform a joint City/County Law Enforcement Feasibility Study in an amount not to exceed \$33,300 for the City

Councilmember Bird made a motion to approve the Feasibility Study with ICMA on Law Enforcement in an amount not to exceed \$33,300. Councilmember Gant seconded the motion. Councilmember Gant stated that Council understands the concerns of the citizens. He also stated that ICMA are well qualified experts. Councilmember Bird stated that the Police Department's budget is approximately 2.5 million.

Mayor DeLoughy stated Council may want to review comments at the City Goal Setting Session to ensure citizens want to move forward with the studies. Councilmember Gant stated it was important to have ICMA conduct a presentation on their report. Councilmember Gant amended the motion to approve the joint City/County Feasibility Study with ICMA on Law Enforcement for 35,300 which includes the presentation fee for the City. Councilmember Post seconded the motion. Voting was unanimous in favor of the motion.

**D. SAFER GRANT FIRE DEPARTMENT PERSONNEL:**

Safer Grant expires and request funding for three full-time positions and three part-time positions.

Councilmember Post made a motion to approve the budget ordinance for three full-time and three part-time positions until the end of June for this budget year. Councilmember Gant seconded the motion and moved for discussion. Councilmember Stasinis stated that the study will provide a review of the department. Councilmember Post stated it was important to fund the positions since Council had approved the study. Voting was unanimous in favor of the motion.

**E. MARITIME HERITAGE DISTRICT OVERLAY WORK SESSION:**

Request to schedule a work session for public discussion

The Mayor and City Council scheduled a Maritime Heritage District Overlay Work Session for Monday, March 18, 2013 at 5:00 p.m.

**F. BUDGET CALENDAR (\*): *Budget FY 2014***

Councilmember Stasinis made a motion to approve the Budget Calendar for FY 2014 Budget. Councilmember Gant seconded the motion. Voting was unanimous in favor of the motion.

**G. ST. MARYS AQUATIC CENTER MOU (ST. MARYS & PSA):**

To authorize the City Manager to sign an addendum to the MOU with the Public Service Authority (PSA)

Councilmember Stasinis made a motion to authorize the City Manager to sign an addendum to the Memorandum of Understanding with the Camden County Public Service Authority (PSA). Councilmember Gant seconded the motion. Voting was unanimous in favor of the motion.

**H. BUDGET ORDINANCE (\*): Fire Service Consolidation Feasibility Study**

Councilmember Stasinis made a motion to approve the Budget Ordinance for the joint City/County Fire Service Consolidation Feasibility Study. Councilmember Gant seconded the motion. Voting was unanimous in favor of the motion.

**I. BUDGET ORDINANCE (\*): Derelict Boat Removal**

Councilmember Stasinis made a motion to approve the Budget Ordinance for Derelict Boat Removal. Councilmember Gant seconded the motion. Voting was unanimous in favor of the motion.

**J. BUDGET ORDINANCE (\*):**

Insurance Reimbursement for the Fire at the Point Peter Water Treatment Plant

Councilmember Stasinis made a motion to approve the Budget Ordinance for Insurance Reimbursement for the fire at Point Peter Water Treatment Plant. Councilmember Gant seconded the motion. Voting was unanimous in favor of the motion.

**K. JANITORIAL SERVICE CONTRACT:**

To authorize the Mayor to enter into a contract with Spotless Cleaning Service

Councilmember Bird stated the process should be reviewed and then returned to Council. Councilmember Howell made a motion to reject all the bids and have the Finance Department conduct the bid process again. Councilmember Stasinis seconded the motion for discussion. Councilmember Bird commented that he would like the City Manager to review the process and ascertain what happened. The City Manager commented that the bid was already reviewed by him and he thought clarification might be needed on numbers referenced earlier by J & K Quality Cleaning Solutions, LLC.

Councilmember Howell rescinded his motion. Councilmember Bird made a motion to have the City Manager review the process and return to the next City Council meeting. Councilmember Post seconded the motion. Voting was unanimous in favor of the motion.

**L. MCGARVEY'S WEE PUB:**

St. Patrick's Day Special Event

Councilmember Bird made a motion to approve McGarvey's Wee Pub St. Patrick's Day Special Event on Sunday, March 17, 2013. Councilmember Gant seconded the motion. Voting was unanimous in favor of the motion.

**M. WASHINGTON, D.C. FLY-IN:**

Councilmember Bird made a motion to have Mayor DeLoughy and Councilmember Gant attend the Washington, D.C. Fly-In. Councilmember Post seconded the motion. Voting was unanimous in favor of the motion.

**N. RECOGNITION FOR COACH JEFF HERON:**

Approval requested for Mayor DeLoughy to sign a joint proclamation with Kingsland, Woodbine and Camden County to recognize Coach Jeff Heron for his dedication to Camden County.

Councilmember Post stated that Coach Jeff Heron is relocating out of Camden County and he would like to make a motion for Mayor DeLoughy to sign a joint proclamation with Kingsland, Woodbine and Camden County to designate Saturday, March 16, 2013 as Coach Jeff Heron Day. Councilmember Post stated that there will be a celebration for Coach Heron on Saturday, March 16, 2013. Councilmember Bird seconded the motion. Voting was unanimous in favor of the motion.

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

### **A. FINANCE DIRECTOR'S REPORT:**

The Finance Director, Jennifer Brown, presented the 7-month financial report on revenues and expenditures for the General, Tourism, SPLOST, Water & Sewer, Solid Waste, and Aquatic Center Funds. A copy of the report is attached as part of the official minutes.

### **B. CITY CALENDAR:** *City Clerk*

The City Clerk announced the upcoming events, activities and meetings up to March 18, 2013.

### **REPORT OF MAYOR:**

Mayor DeLoughy gave an overview of the Atlanta Fly-In stating it was very productive. Mayor DeLoughy stated they were able to educate people in Atlanta on the SpacePort project. Mayor DeLoughy stated there were funding alternatives addressed regarding a tourist attraction at exit 3. Mayor DeLoughy reminded everyone of the Goal Setting Session on Tuesday and Thursday, March 5<sup>th</sup> and 7<sup>th</sup> from 4:00 p.m. to 8:00 p.m. at the Senior Center.

Mayor DeLoughy stated the Sea Level Symposium was very informative. Mayor DeLoughy stated he went to see Colorblind and that Camden County has a vast pool of talent.

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

*Dave Schmitz, 112 New Hammock Circle:* Mr. Schmitz referenced the consolidation efforts of the City in the past and commented that the City appeared to be moving in that direction again.

### **MAYOR AND COUNCIL COMMENTS:**

Councilmember Post stated he was concerned with the how the trustees appeared to be marketing the Mill property. Councilmember Post commented that the City should initiate correspondence with the trustees requesting a status update on the property. Councilmember Howell requested an update on Evergreen Solution Compensation Study. Councilmember Howell stated he has only received a spreadsheet and wanted to know if the City Manager has received any other documentation on the study. The City Manager commented that he was not pleased with the progress thus far and that the City was in communication with them.

Councilmember Post thanked Angela Wigger (Tourism) for the Bike Ride Across Georgia event which was a success. Mayor DeLoughy commented that members of Council had been attending events to educate the public on SPLOST VII.

**ADJOURNMENT:**

Councilmember Bird made a motion for adjournment. Councilmember Gant seconded the motion. Mayor DeLoughy declared the meeting adjourned at 7:17 p.m.

Respectfully submitted,

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Deborah Walker-Reed, City Clerk

DRAFT

*Joint Proclamation*  
*of the City of St. Marys, City of Kingsland, City of Woodbine,*  
*Camden County Board of County Commissioners*  
*& the St. Marys EarthKeepers*

**Declaring March 23, 2013, Earth Hour 2013, beginning  
at 8:30 p.m. for 1 hour**

**WHEREAS**, Earth Hour is a global call to action to every individual, every business and every community to stand up, take responsibility and get involved in working towards a sustainable future, and;

**WHEREAS**, our community is deeply concerned about the future health and well-being of our planet and is committed to energy efficiency and natural resource conservation and;

**WHEREAS**, 7,001 cities and towns in 152 countries worldwide switched off their nonessential lights for Earth Hour 2012, sending a powerful message and ushering in a new era with members going beyond the hour to commit to lasting action for the planet, thus demonstrating that great things can be achieved when people come together for a common cause, and;

**WHEREAS**, *March 23, 2013 at 8:30 p.m.*, local time, the World Wildlife Fund is asking individuals, businesses, governments and organizations around the world to turn off non-essential lighting for one hour, Earth Hour, to make a global statement of concern about climate change and to demonstrate their commitment to finding solutions and to go beyond the hour, to think about what else we can all do to make a difference when the lights turn back on, and;

**NOW, THEREFORE, BE IT RESOLVED** that the City of St. Marys, City of Kingsland, City of Woodbine, Camden County Board of County Commissioners and the St. Marys EarthKeepers hereby declare by Joint Proclamation March 23, 2013, beginning at 8:30 p.m., for one hour, **Earth Hour 2013**.

***Together, we can make a difference.***

**RESOLVED** this \_\_\_\_ day of March, 2013.

**St. Marys EarthKeepers**

\_\_\_\_\_  
Chair

**City of St. Marys**

\_\_\_\_\_  
Mayor

**Camden County Board of County Commissioners**

\_\_\_\_\_  
Chair

**City of Kingsland**

\_\_\_\_\_  
Mayor

**City of Woodbine**

\_\_\_\_\_  
Mayor

Child Abuse Prevention Month Proclamation

WHEREAS, child abuse and neglect is a complex and ongoing problem in our society,  
affecting many children in Camden County and across the United States; and  
WHEREAS, every child is entitled to be loved, cared for, nurtured, to feel secure, and to be free  
from verbal, sexual, emotional and physical abuse, and neglect; and  
WHEREAS, it is the responsibility of every adult who comes in contact with a child to  
protect that child's inalienable right to a safe and nurturing childhood; and  
WHEREAS, Camden County has dedicated individuals and organizations, such as the Camden County  
CASA program, who work daily to counter the problem of child maltreatment and to help parents obtain  
the assistance they need; and  
WHEREAS, our communities are stronger when all citizens become aware of child  
abuse prevention and become involved in supporting parents to raise their children  
in a safe and nurturing environment; and  
WHEREAS, effective child abuse prevention programs succeed because of partnerships  
among families, social service agencies, schools, religious and civic organizations, the military  
community, law enforcement agencies, and the business community;  
WHEREAS all citizens, community agencies, faith organizations, and businesses will work to  
increase their efforts to support families  
NOW, THEREFORE, BE IT RESOLVED, that the leaders of Camden County hereby proclaim the month of  
April 2013, to be

**CHILD ABUSE PREVENTION MONTH**

The leaders of our community commend this observance during April 2013  
to the citizens of Camden County.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

*Downtown Development  
Authority Appointment*





CITY OF ST. MARYS  
BOARD VOLUNTEER APPLICATION

Date: 3-11-13

Board interested in serving on: Downtown Development Authority

Name: JERRY R. BRANDON

Address: 105 Osborne St.

City, State, and Zip: St. Marys GA 31558

Contact Phone Numbers: (912) 882-3242 cell: (406) 426-0060

E-mail Address: gailabrandon@tds.net

Describe your current qualifications for the position including education, skills, abilities, and work experience:

Knowledge of downtown issues (past Mayor)  
Post-Graduate education (Ph.D. Chemistry)  
Operator 3 businesses 24 years (Riverview Hotel)

Describe why you are interested in serving on this board?:

I believe my intimate knowledge of and  
interest in downtown issues will allow  
me to enhance the goals of the DPA.

Describe any prior or current business and/or personal relationships which might present a conflict of interest in potential representation of the City on this board:

Riverview Hotel, Seagle's Restaurant and  
Lounge, but I don't feel any conflict  
of interest

Signature: JR Brandon

\* Please submit application to: City Clerk's Office, 418 Osborne Street, St. Marys, Georgia 31558



CITY OF ST. MARYS  
BOARD VOLUNTEER APPLICATION

Date: 4 March 2013

Board interested in serving on: Downtown Development Authority

Name: Terry M. Landreth

Address: 210 N. Woodvalley Drive

City, State, and Zip: Kingsland, GA 31548

Contact Phone Numbers: 912-576-9696

E-mail Address: terry@camdenbikes.com

Describe your current qualifications for the position including education, skills, abilities, and work experience:

Owner of Camden Bicycle Center at 1929 Osborne Rd in St. Marys. Retired U.S. Navy - Master Chief Petty Officer, Board member of the Georgia Coast Rail-Trail

Describe why you are interested in serving on this board?: Currently a DDA board member, requesting continued service. I want to serve on the DDA board because I am interested in seeing the improved growth of current businesses in St. Marys. I also want to help improve business climate and actively seek new businesses.

Describe any prior or current business and/or personal relationships which might present a conflict of interest in potential representation of the City on this board:

None

Signature: \_\_\_\_\_

\* Please submit application to: City Clerk's Office, 418 Osborne Street, St. Marys, Georgia 31558



CITY OF ST. MARYS  
BOARD VOLUNTEER APPLICATION

Date: March 11, 2013

Board interested in serving on: DOWNTOWN DEVELOPMENT AUTHORITY

Name: JOHN S. MYERS

Address: 104 Bryant St., E

City, State, and Zip: St. Marys, GA 31558

Contact Phone Numbers: 882-2332

E-mail Address: jsmpc@tds.net

Describe your current qualifications for the position including education, skills, abilities, and work experience:

JD 1984 Mercer University Downtown business owner since 1988

Lifelong resident of St. Marys

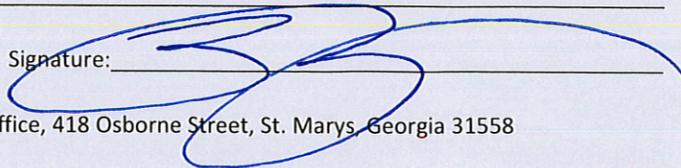
Downtown resident since 1988

Describe why you are interested in serving on this board?:

See above response

Describe any prior or current business and/or personal relationships which might present a conflict of interest in potential representation of the City on this board:

Current member of Ethics Board

Signature: 

\* Please submit application to: City Clerk's Office, 418 Osborne Street, St. Marys, Georgia 31558



CITY OF ST. MARYS  
BOARD VOLUNTEER APPLICATION

Date: 3/14/2013

Board interested in serving on: DDA

Name: David Reilly

Address: 1062 Greenwillow Dr

City, State, and Zip: ST Marys, GA 31558

Contact Phone Numbers: (912) 882 7207 / (912) 467-3692 (c)

E-mail Address: daveyrn0343@yahoo.com

Describe your current qualifications for the position including education, skills, abilities, and work experience:

Recently completed 8 years with VT-Group as Logistics Manager (6 years) + Program Manager (2 yrs) for Base Operating Service Contract. BSEE, MSME<sup>Education</sup>, MBA

Describe why you are interested in serving on this board?:

I am a long time resident of ST Marys + have either lived or owned property since 1985. I chose to retire here + I am ~~am~~ deeply interested in the city's growth + vitality

Describe any prior or current business and/or personal relationships which might present a conflict of interest in potential representation of the City on this board:

I know of no business or personal relationships that may create a conflict of interests

Signature: [Signature]

\* Please submit application to: City Clerk's Office, 418 Osborne Street, St. Marys, Georgia 31558

Resume submitted upon request!

[Signature]  
3/14/2013

**CITY COUNCIL MEETING**

**March 18, 2013**

**TITLE:** CONSIDER SETTLEMENT REGARDING CUMBERLAND HARBOUR BOND LITIGATION

**PURPOSE:** Consideration of Agreement pertaining to Cumberland Harbour

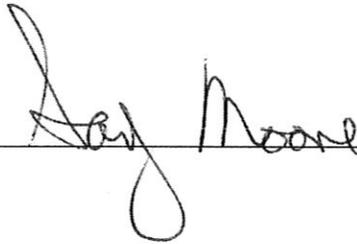
**RECOMMENDATION:** The City Attorney recommends reviewing the agreement.

**HISTORY:** At the City Council meeting held on Monday, January 7, 2013, City Council approved a settlement in principal in regards to the cases against Bond Safeguard and Lexon. The original settlement agreement was pertaining to Cumberland Harbour Phases 1, 3, 5, 7, 8, 9, 10, 11 and 12.

This new settlement agreement now includes settlement with M3 American Investments and covers all phases including Phase 13.

**City**

**Attorney:**

A handwritten signature in black ink, appearing to read "Ray Moore", is written over a horizontal line. The signature is cursive and somewhat stylized.

**City**

**Manager:**

## **CITY COUNCIL MEETING**

March 18, 2013

**TITLE:** Award of Janitorial Bids

**PURPOSE:** To award a bid for janitorial services.

**RECOMMENDATION:** Award bid to Spotless Cleaning.

**HISTORY/ANALYSIS:** City Council directed the City Manager to again review the bids for janitorial services after J&K Quality Cleaning (J&K) expressed a concern at the March 4, 2013 City Council meeting that their low bid of \$29,116 was not included as one of the bid alternatives.

I have included a memorandum from Amy Peebles regarding her conversations regarding this matter. Director of Finance Jennifer Brown and I met in person with two representatives from J&K Quality Cleaning.

The \$29,116 bid by J&K did not include supplies as specifically referenced by the bid documents. J&K apparently stated that they would be willing to honor their bid amount at the \$29,116 amount (even though said amount did not include supplies). Additionally, as further discussed below, there was an error in the calculations for one area on the bid, which J&K now wants to correct.

Both Spotless and J&K made an obvious calculation error on their bids. Instead of calculating the Senior Center costs on a quarterly basis, both vendors calculated the information on a monthly basis. Apparently the unit prices were accurate; however, the extension (multiplying by 4 instead of 12) was not correct. Additionally, the "extension column" for J&K apparently did not include the amount for supplies.

It was staff's original understanding that J&K wanted to correct their extension column (of the bids) to include supplies. Staff was under this impression until, as I stated in the Council meeting, that the comment was made by J&K that they intended to honor the initial 29,116 bid (which did not include cleaning supplies)

as though cleaning supplies were included. This is not a change in their bid in my opinion, since the math in the columns was incorrect. I think there was some miscommunication between staff and J&K on the above point. In my discussions with the J&K representatives, it became apparent that they wanted to correct the above referenced math error and keep their original \$29,116 bid (i.e. without supplies added). I know this is confusing, but essentially, J&K made a mistake in their math, but is willing to honor their bid (which resulted from the inclusion of supplies error) which would be to the City's benefit.

Allowing J&K to correct their math error provides a base bid of \$26,499 and a total bid (with the alternatives) of \$33,779. Spotless' total bid is \$35,400. J&K would have the lowest bid by about \$1,629 (approximately 4.80%); **HOWEVER**, since Spotless is a local vendor, taking advantage of the local vendor preference (which has a 5% difference parameter) Spotless could "match" the bid of J&K. It is my understanding that Spotless does desire to invoke the local vendor preference and match the J&K bid.

Based upon the local vendor preference adopted by Council, and the desire of Spotless to match the J&K bid, I recommend awarding the janitorial services bid to Spotless Cleaning.

An alternative is to reject all the bids and start over, but since the information provided in the bids are correct (just the math is wrong) to do so, in my opinion, would be unfair to, and perhaps challengeable by, the bidders. All bidders were allowed to correct their obvious math errors.

I have directed that some other clarification needs to be made to our bidding process, including, but not limited to: including a statement that our bids are not final until a contract is awarded by the City Council (I think this is obvious, but clarification would be useful); that our bidding procedures, including identification of an appeal process, be clarified in writing; and that any clarifying meetings between vendors and staff be recorded or attended by at least two people.

**Department Director:** \_\_\_\_\_

**City Manager:**  \_\_\_\_\_



# MEMORANDUM

**To:** Jennifer Brown

**From:** Amy Peeples

**Date:** March 11, 2013

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The table below represents the bid tabulation for the bids received for the Janitorial Service Contract.

J & K has a City of Kingsland Business License and operates out of a home office located at Kingsland at 138 Woodvalley Drive. They intend to operate out of 708 Osborne Street if awarded the contract.

Spotless Cleaning Service has a City of St. Marys Business License and operates out of a home office located in St. Marys at 1068 Greenwillow Drive.

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	<b>J &amp; K Quality Cleaning</b>	<b>Spotless Cleaning</b>	<b>Diversified Industrial</b>	<b>Diamond Clean</b>
<b>Base Bid Amount</b>	\$26,499	\$33,000	\$53,430	\$55,734
Alternate - City Mgr - Mayor (5 days per week)	\$3,640	\$1,200	\$3,600	\$5,250
Alternate - Water Dept. (5 days per week)	\$3,640	\$1,200	\$2,700	\$5,250
	<b>\$33,779</b>	<b>\$35,400</b>	<b>\$59,730</b>	<b>\$66,234</b>

---

Janitorial Services Contract

Bid Opened 02/21/2013 at 2:00 PM

Statement by Amy Peeples typed 03/05/2013

K

Sarah and I were present at the bid opening. I opened the bids and read them and Sarah wrote the names and amounts down on the bid form. J & K had the lowest base bid of \$29,116 and their alternates were \$3640.00 for the City Manager office and \$3640.00 for the Water Department. Spotless Cleaning had the next lowest with a base bid of \$34,200.00 and alternate bid of \$1200.00 for the City Manager office and \$1200.00 for the Water Department. Spotless had also included with their bid an alternate for three day cleaning of the alternates for \$900 each.

I brought the bids back to my office and began to review them. I reviewed the bid for J & K services and found that when you multiply the bid amounts for the specified time frame to get the yearly amount, it was not correct. Every Department was calculated wrong.

I also reviewed the next lowest bid for Spotless Cleaning Services. Their bid also had an incorrect calculation, but for the Senior Center only.

I showed Jennifer Brown the bid tabulation form and the errors in the calculations for both vendors and we discussed what we thought needed to be done. We also discussed the fact that J & K had a St. Marys address on the bid documents but did not include a business license. I called our Planning and Building Department and they could not find a business license for them. We checked by business name and also by each owner's name. When we pulled the address up in our Utility Billing software, it was listed as Doc's Chicken and Waffles. I called Kingsland and left a message for Yvonne to see if maybe they had a license in Kingsland. I never received a call back. After much discussion we decided to have each of them come in to clarify their calculations.

I called J & K and spoke to Ms. Kitchen. I asked her if she could come in because I needed to clarify their calculation and also asked them to bring a copy of their business license. She said she would be there and we set up an appointment for the next day, Friday February 22. Ms. Kitchen and Ms. Johnson came to the meeting. I showed them the problem with the calculation and Ms. Johnson said she had copied down the wrong amounts for the Yearly bid amount. The sheet she was copying her bid amounts from had cut off the amount she needed to use and did not include supplies. She showed me the part of the form that should have been written in for the yearly amounts. We also discussed the Senior Center which is only cleaned quarterly. I showed Ms. Johnson where it should only have been multiplied 4 times and not 12. We went over this for a bit and she had a flash drive with her and asked if we could look at a file on it where she came up with her figures. Ms. Johnson said the Senior Center amount was correct because she had taken the total and divided by 12 to get the monthly billing amount. I asked her again if she was sure because I didn't think it was right and she said it was. I told her I would need her to correct her bid form and initial the amount that the bid should have been. She added \$1145.00 to the base yearly bid making the total base bid \$30,261.00. She also added \$300.00 to the alternate bid and

initialed it. I told both ladies that this was not an offer of award that we were only trying to get the amounts corrected so we have accurate figures to compare.

At the same meeting, Ms. Kitchen gave me the business license and I noticed that it had expired in December of 2012. I also noticed that it was not the same address as was listed on the bid document. Ms. Kitchen said they operate out of their home in Kingsland and if awarded the contract the employees would meet and leave from the address listed on the bid document. I told her I thought she was still the lowest but that Spotless Cleaning had done the same thing and I would have to have him come in and correct his also. (I was thinking that with Spotless being a St. Marys business, I wasn't sure if his correction would put him within the 5% range for local vendor preference.)

She said that there had to be something wrong with the business license and was going to check on it. She called me back later that afternoon to see how late I would be at the office so she could bring me the license. It told her she didn't have to come all the way back down here and to fax the license to me. I received the faxed business license with the expiration date of 12/31/2013. Ms. Kitchen called to make sure I had received it.

I called Jose' Soler and asked if he could come in and clarify his amount for the Senior Center. Jose' was not able to come in on Friday, but came on Monday morning. He met with Jennifer initially since I was helping someone else. She showed him the problem and brought him in my office when I was done with the previous person. We showed him the Senior Center bid and he said he had calculated the amount x 12 and it should have been x4. He corrected and initialed the amount. We talked about the alternate bid and he said he didn't think those offices needed cleaning five days per week and that is why he submitted the 3 day alternate as well. Jennifer asked him to give us a price for just one day per week for the alternates. He wrote in on the alternate bid sheet, \$25.00 per month or \$300 per year for each.

The corrected amounts were J & K base bid \$30261.00 and alternate \$7580.00 (five days). The corrected amounts for Spotless were \$33,000.00 base bid and alternate of \$2400.00 (five days). J & K is lowest if you go with the base bid. Spotless is lowest if you go with the alternates.

JANITORIAL BID  
02/21/2013 2:00 PM

W/O

W/Personnel

	J & K QUALITY CLEANING		J & K QUALITY CLEANING		SPOTLESS CLEANING		SPOTLESS CLEANING	
	Original Bid	Corrected	Original Bid	Corrected	Original Bid	Corrected	Original Bid	Corrected
City Hall	\$ 5,460.00	\$ 5,460.00	\$ 6,000.00	\$ 6,000.00	\$ 6,000.00	\$ 6,000.00	\$ 6,000.00	\$ 6,000.00
*Senior Center	\$ 4,000.00	\$ 4,000.00	\$ 1,800.00	\$ 1,800.00	\$ 1,800.00	\$ 600.00	\$ 600.00	\$ 600.00
Planning-Building-IT-HR	\$ 728.00	\$ 728.00	\$ 2,400.00	\$ 2,400.00	\$ 2,400.00	\$ 2,400.00	\$ 2,400.00	\$ 2,400.00
Economic Development	\$ 364.00	\$ 364.00	\$ 2,400.00	\$ 2,400.00	\$ 2,400.00	\$ 2,400.00	\$ 2,400.00	\$ 2,400.00
St. Marys Library	\$ 3,276.00	\$ 3,276.00	\$ 4,800.00	\$ 4,800.00	\$ 4,800.00	\$ 4,800.00	\$ 4,800.00	\$ 4,800.00
Orange Hall Restrooms	\$ 1,820.00	\$ 1,820.00	\$ 1,200.00	\$ 1,200.00	\$ 1,200.00	\$ 1,200.00	\$ 1,200.00	\$ 1,200.00
Public Works	\$ 3,640.00	\$ 3,640.00	\$ 6,000.00	\$ 6,000.00	\$ 6,000.00	\$ 6,000.00	\$ 6,000.00	\$ 6,000.00
Police Department	\$ 4,368.00	\$ 4,368.00	\$ 3,600.00	\$ 3,600.00	\$ 3,600.00	\$ 3,600.00	\$ 3,600.00	\$ 3,600.00
U.S. Coast Guard	\$ 5,460.00	\$ 5,460.00	\$ 6,000.00	\$ 6,000.00	\$ 6,000.00	\$ 6,000.00	\$ 6,000.00	\$ 6,000.00
Correct Clerical Error	\$	\$ 1,145.00						
<b>TOTAL YEARLY</b>	\$ (29,116.00)	\$ 30,261.00	\$ 34,200.00	\$ 34,200.00	\$ 34,200.00	\$ 33,000.00	\$ 33,000.00	\$ 33,000.00
City Manager Mayor Office areas - 5 days	\$ 3,640.00	\$ 3,640.00	\$ 1,200.00	\$ 1,200.00	\$ 1,200.00	\$ 1,200.00	\$ 1,200.00	\$ 1,200.00
Water Department - 5 days	\$ 3,640.00	\$ 3,640.00	\$ 1,200.00	\$ 1,200.00	\$ 1,200.00	\$ 1,200.00	\$ 1,200.00	\$ 1,200.00
Correct Clerical Error	\$	\$ 300.00						
	\$ 36,396.00	\$ 37,841.00	\$ 36,600.00	\$ 36,600.00	\$ 36,600.00	\$ 35,400.00	\$ 35,400.00	\$ 35,400.00

- 2616.08

33,779.32

✓



02/11/2013

**JANITORIAL SERVICES CONTRACT**

**ADDENDUM #2**

**ALTERNATE BID FORM – CITY HALL**

Please bid these areas separate

Building	MONTHLY Bid Amount per Specified time frame	Yearly Bid Amount
City Hall – City Manager/Mayor office areas Monthly	3 per week \$ 75.00 1 per week OR \$ 25.00 5 per week \$ 100.00	\$ 900.00 300.00 bid \$ 1200.00
City Hall – Water Department Area Monthly	3 per week \$ 75.00 OR 5 per week \$ 100.00	\$ 900.00 \$ 1200.00
	Total Yearly Bid	3 per week / 800.00 OR 5 per week \$ 2400.00

## BID FORM – JANITORIAL SERVICES

Spotless

Building	Bid Amount per Specified time frame	Yearly Bid Amount
City Hall <b>Monthly</b>	\$ 500.00	\$ 6000.00
Senior Center <b>Quarter</b>	\$ 150.00	<del>\$ 1800.00</del> 600.00 <i>DB</i>
Planning-Building-IT-HR <b>Monthly</b>	\$ 200.00	\$ 2400.00
Economic Development <b>Monthly</b>	\$ 200.00	\$ 2400.00
St. Marys Library <b>Monthly</b>	\$ 400.00	\$ 4800.00
Orange Hall Restrooms <b>Monthly</b>	\$ 100.00	\$ 1200.00
Public Works <b>Monthly</b>	\$ 500.00	\$ 6000.00
Police Department <b>Monthly</b>	\$ 300.00	\$ 3600.00
U. S. Coast Guard <b>Monthly</b>	\$ 500.00	\$ 6000.00
	Total Yearly Bid	<del>33,000</del> \$ <u>34,200</u>



02/11/2013

JANITORIAL SERVICES CONTRACT

ADDENDUM #2

**ALTERNATE BID FORM – CITY HALL**

Please bid these areas separate

Building	Bid Amount per Specified time frame	Yearly Bid Amount
City Hall – City Manager/Mayor office areas Monthly	\$ 315.83	\$ 3640.00
City Hall – Water Department Area Monthly	\$ 315.83	\$ 3640.00
	Total Yearly Bid	\$ 7280.00 w/o supplies
		+300.00 supplies <u>7580.00 total</u>

## BID FORM – JANITORIAL SERVICES

J & K

Building	Bid Amount per Specified time frame	Yearly Bid Amount
City Hall Monthly	\$ 467.50	\$ 5460.00
Senior Center Quarter	\$ 345.83	\$ 4000.00
Planning-Building-IT-HR Monthly	\$ 67.75	\$ 728.00
Economic Development Monthly	\$ 35.33	\$ 364.00
St. Marys Library Monthly	\$ 283.42	\$ 3276.00
Orange Hall Restrooms Monthly	\$ 164.17	\$ 1820.00
Public Works Monthly	\$ 315.83	\$ 3640.00
Police Department Monthly	\$ 374.42	\$ 4368.00
U. S. Coast Guard Monthly	\$ 467.50	\$ 5460.00
	Total Yearly Bid	\$ 29,116.00

8  
 + 1145.00 for supplies  
30,261.00 total 8



CITY OF ST. MARYS  
418 OSBORNE STREET  
ST. MARYS, GEORGIA 31558  
TELEPHONE: 912/510-4045  
FAX: 912/510-4012

**JANITORIAL SERVICE CONTRACT**  
**TERMS: March 2013 – March 2014**

This Agreement is entered into by and between Spotless Cleaning Service, 1068 Greenwillow Dr., St. Marys, Ga. 31558, and the City of St. Marys, (“City”), a Georgia Municipal Corporation, located at 418 Osborne St., St. Marys, Georgia.

This Agreement is for a term of one (1) year, commencing on March \_\_, 2013 and terminating on March \_\_, 2014. This agreement may be reviewed each year with four one-year renewal options, provided that funds are available in the City’s budget.

Spotless Cleaning Service agrees to provide the janitorial service for various department facilities in our City buildings. This Agreement is for the services as determined by the terms and conditions of the Invitation to Bid. As proposed, the required services are detailed on the attached specifications for the City of St. Marys Janitorial Services. Prior to issuance of Notice of Award by the City, Spotless Cleaning Service shall submit proof to the City of all required licenses and submit proof of liability insurance with a minimum of \$ 100,000.00 coverage.

The City of St. Marys agrees to remit payments to Spotless Cleaning Service on a bi-weekly basis as follows:

\$1,299.20 (25 payments) and \$1,299.00 (1 payment) for a total of \$33,779.00 per year as quoted in the bid documents, commencing on March \_\_, 2013 for the term of the contract.

Spotless Cleaning Service shall indemnify and hold harmless the City of St. Marys, its employees, officers, and agents against any cause of action, loss, liability, damage, cost or expense of any nature whatsoever arising out of or relating to any breach by Spotless Cleaning Service under this Agreement, any negligent act or omission committed by Spotless Cleaning Service in the course of this Agreement, or any misrepresentation made by Spotless Cleaning Service during the term of this Agreement. Spotless Cleaning Service shall maintain compliance with O.C.G.A. § 13-10-91 and shall attach to this Agreement required affidavit(s) pursuant to the "Georgia Security and Immigration Compliance Act" of 2006.

Both parties agree that termination of this contract may occur with 14 days written notice, by either party.

Both parties agree to the aforementioned terms of this contract by signing below.

Spotless Cleaning Service

City of St. Marys

\_\_\_\_\_  
Jose' L. Soler, Owner  
Spotless Cleaning Service

\_\_\_\_\_  
William T. DeLoughy  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Attested by  
Deborah Walker-Reed  
City Clerk

**CITY COUNCIL MEETING**  
**March 18, 2013**

**TITLE:** REPEAL OF SECTION 110-165 OF THE ZONING ORDINANCE

**PURPOSE:** To remove the opportunity for aggrieved persons to appeal the decision made by the City Council on an appeal from a decision of the Planning Commission.

**RECOMMENDATION:** City Attorney recommends that this amendment be approved.

**HISTORY/ANALYSIS:** Decisions made by the Zoning Administrator on administrative matters are appealable to the Planning Commission (§ 110-161). The Planning Commission's decisions are in turn appealable to the City Council (§ 110-162). The latter section states that: "The city council decision is final."

Notwithstanding the finality provision, § 110-165 in its present form was approved in 1994. That section is confusing and contradictory but in essence seems to allow an appeal of the decision of the City Council on these administrative issues to the Camden County Superior Court. For that reason, § 110-165 should be amended to make clear how such appeals are to be taken.

However, there is a threshold public policy issue to be decided. That issue is whether a third appeal is desirable. On one hand is the argument that more appeals make a just outcome more likely. The counter arguments are that additional appeals needlessly delay implementation of a decision and that additional appeals are costly to both sides. Litigating in Superior Court (not to mention the Court of Appeals and Supreme Court of Georgia if additional appeals are taken) requires both sides to employ legal counsel. I am presenting this issue for Council decision since its resolution has a budget impact.

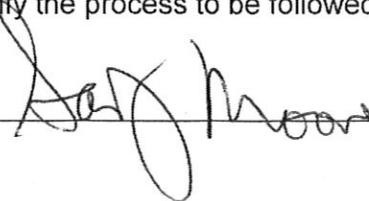
Georgia law does not require that we provide for appeals from these administrative decisions. An example of the kind of decision that is appealed under this section is the variance decision in the Redden case.

Whatever action we take on this issue will not stop lawsuits by persons who feel that their constitutional rights have been violated (as sometimes happens in rezoning decisions) or who contend that the City Council has not performed its legal duties. Those actions can be addressed in the courts apart from this ordinance section.

If the council does not desire to retain these appeals, The attached amendment will achieve that goal.

If the council does desire to retain these appeals, I will prepare an amendment to the code section to clarify the process to be followed.

City Attorney: \_\_\_\_\_



# STEIN & GUY, P.C.

LAWYERS AND COUNSELORS

POST OFFICE BOX 5130  
ST. MARYS, GEORGIA 31558  
TELEPHONE: 912/729-3635 FAX: 912/729-2248

JAMES E. STEIN, LAWYER  
ROBERT W. GUY, JR., LAWYER\*

\*ALSO ADMITTED IN FL

E-MAIL ADDRESS: STEIN3@TDS.NET  
PHYSICAL ADDRESS FOR OVERNIGHT DELIVERY:  
52 CAMDEN WOODS PARKWAY  
KINGSLAND, GEORGIA 31548

February 1, 2013

Re: February 4, 2013 City Council Meeting  
Agenda Item L  
Consider Change To Appeal Process for Zoning Decisions

Dear Mayor and Council:

Due process is simply defined as the legal requirement that government must respect all of the legal rights that are owed to a person and that is fundamental fairness. The party should be given ample opportunity to be heard and present their side of the case.

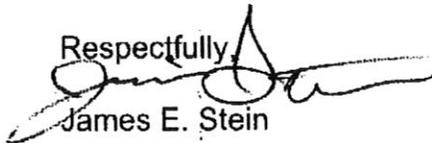
When a person is limited in what may or may not be done with their property the same should ultimately be in a competent tribunal having the knowledge of the law. Fundamental fairness dictates that the aggrieved party shall have any question of rights established by statute ultimately decided by a court competent to understand the law and basic rights afforded by the law.

As stated, aside from all "due process" means fundamental fairness and substantial justice. Due process is addressed in the Georgia Constitution and applies to all parties.

It is urged and contended that limitation of rights that are available to a party that may have a contention that the act or acts are warranted is not in keeping with governmental protections afforded.

The government (City) should be protecting rights instead of limiting rights. That is an implied duty of government owed to parties affected.

Respectfully, it is contended that the City should allow such appeal and should correct the City's instructions for the same to be correct and in compliance with the law. That is not the current situation as Judge Scarlett pointed out. The incorrect appeal instructions should be corrected and not limited.

Respectfully,  
  
James E. Stein

Jes/C  
cc: Steve Crowell

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

9 At the regular meeting of the St. Marys City Council, held in the St. Marys City  
10 Hall, St. Marys, Georgia:

11 Present:

12 William DeLoughy, Mayor  
13 Greg Bird, Councilman, Post 1  
14 Nancy Stasinis, Councilwoman, Post 2  
15 Jim Gant, Councilman, Post 3  
16 Keith Post, Councilman, Post 4  
17 John Morrissey, Councilman, Post 5  
18 Sidney Howell, Councilman, Post 6

19  
20 On motion of \_\_\_\_\_, which carried  
21 \_\_\_\_\_, the following Ordinance amendment was adopted:

22  
23 AN AMENDMENT TO THE CITY OF ST. MARYS, GEORGIA ZONING  
24 ORDINANCE, SECTION 110-165 TO PROVIDE FOR THE REPEAL OF  
25 THAT SECTION AND FOR OTHER PURPOSES AS SET FORTH  
26 THEREIN.

27  
28 Be it, and it is, hereby ordained by the Mayor and Council of the City of St. Marys, this  
29 day of \_\_\_\_\_, 2013 that section \_\_\_\_\_ of the Code of Ordinances,  
30 City of St. Marys, Georgia is hereby amended to read as follows:

31  
32 Sec. 110-165. Reserved.

33  
34 **This Amendment** repealing the above code section shall become effective upon  
35 passage.

36  
37 **ST. MARYS CITY COUNCIL**  
38 **ST. MARYS, GEORGIA**

39  
40  
41  
42 \_\_\_\_\_  
43 BILL DELOUGHY, MAYOR

44 ATTEST:

45  
46 \_\_\_\_\_

1 DEBORAH WALKER-REED, CITY CLERK  
2 CITY OF ST. MARYS, GEORGIA

3  
4  
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6 **Sec. 110-165. Reserved. Court review of city council action.**

7           ~~Any person(s) aggrieved by any decision of the city council may make an~~  
8 ~~appeal to the Superior Court. Said appeals to the Superior Court shall be the~~  
9 ~~same as an appeal to the Superior Court from any decision made by the Court of~~  
10 ~~the Ordinary and as specified in Chapter 6-2 of the Code of Georgia. The appeal~~  
11 ~~must be made to the court within thirty days after the city council decision.~~  
12 ~~Otherwise, its decision is final. Request must be made for a jury trial within 30~~  
13 ~~days after filing for appeal before the Superior Court.~~

**CITY COUNCIL MEETING**  
**March 18, 2013**

**TITLE:** BAIT SHOP

**PURPOSE:** Facility Rental

**RECOMMENDATION:** Approval.

**HISTORY/ANALYSIS:** The city entered into a rental agreement with Joe Williams on November 14, 2011 for the bait shop at the waterfront park. In September 2012, Council agreed to an addendum to reduce the rent to \$250.00

The current lease ended in November with the option of a one year extension. Mr. Williams would like to continue to rent the facility from the City at the current amount. One option would be to reduce the rent by \$50.00 per month if the current lessee would be willing to activate and maintain for the public his current Wi-Fi capability (which would be available in the park and for a portion of the harbor).

**Department**

**Director:** \_\_\_\_\_

*Jenny Brown*

**City**

**Manager:** \_\_\_\_\_

*[Signature]*



CITY OF ST. MARYS  
418 OSBORNE STREET  
ST. MARYS, GEORGIA 31558  
TELEPHONE: 912/510-4045  
FAX: 912/510-4012

Addendum #1

This document is in reference to the Commercial Lease Agreement between the City of St. Marys and Joe Williams, for a term beginning on the 14<sup>th</sup> day of November, 2011 and ending on the 13<sup>th</sup> day of November, 2012.

On the 6<sup>th</sup> day of August, 2012, City Council voted to make the following changes to the current lease agreement in paragraph #3 – Rental, as follows:

Rental

3. Tenant shall pay City of St. Marys City Hall, 418 Osborne St., St. Marys, Georgia, or at such address as the City shall from time to time otherwise designate, promptly on the first day of each month in advance, during all terms of this Lease, a monthly rental of \$ 250.00.

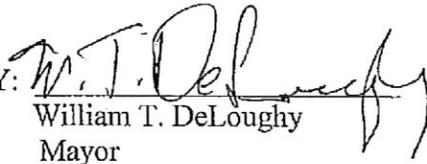
No other terms or conditions of the Agreement are changed as a result of this addendum.

Signed this 17<sup>th</sup> day of September, 2012.

CITY:

CITY OF ST. MARYS, GEORGIA

BY:

  
William T. DeLoughy  
Mayor

TENANT:



Joe Williams

STATE OF GEORGIA

COUNTY OF CAMDEN

COMMERCIAL LEASE AGREEMENT

THIS AGREEMENT, made this 19<sup>th</sup> of September, 2011 by and between The CITY OF ST. MARYS ("City") a Georgia municipal corporation, and Joe Williams ("Tenant").

WITNESSETH:

PREMISES

1. That City, for and in consideration of the rents, covenants, agreements and stipulations hereinafter mentioned, reserved, and contained, to be paid, kept and performed by Tenant, has leased and rented, and by these presents does lease and rent unto Tenant, and Tenant hereby leases and take upon the terms and conditions which hereinafter appear, the following described property (hereinafter "Premises"), to wit: 120 St. Marys Street, St. Marys, Camden County, Georgia, according to the present system of naming streets and number building in said County.

TERM

2. Tenant shall have and hold Premises for a term beginning on the 14<sup>th</sup> day, NOV., 2011 and ending on the 13<sup>th</sup> day of Nov, 2012 and at termination, is negotiable for a new term of one (1) year depending upon budget availability. The City shall have the option to renew the Contract for additional terms on a one (1) year basis by giving the Tenant written notice of the renewal decision at least sixty (60) days prior to the expiration of the initial term or renewal term. Renewal will depend upon budget availability. Pursuant to O.C.G.A. Section 50-5-64, this Contract shall not be deemed to create a debt of the State for the payment of any sum beyond the fiscal year of execution or, in the event of a renewal, beyond the fiscal year of such renewal.

RENTAL

3. Tenant shall pay City at St. Marys City Hall, 418 Osborne St., St. Marys, Georgia, or at such address as the City shall from time to time otherwise designate, promptly on the first day of each month in advance, during all terms of this Lease, a monthly rental of \$350.00. If Tenant makes a profit over \$1200.00 in a 30 day period he then will pay the City 10% of any profit over the \$1200.00.

## USE OF PREMISES

4. Premises shall be used exclusively and specifically for the operations of a business, which will sell concessions and not for any other purpose. Premises shall not be used for any illegal purposes; or in any manner to create any nuisance or trespass; or in any manner to vitiate the insurance or increase the rate of insurance on Premises. Tenant shall obtain and maintain all federal and state licenses necessary to engage in the sale of bait.

## OBLIGATIONS OF TENANT

- A. Use Premises \_\_\_\_\_.
- A. Assist City with promotions by distributing City flyers and surveys as requested.
- B. Gather feedback from waterfront visitors and provide periodic updates to the City.
- B. Notify City of any issues at the waterfront and Gilman Park, including but not limited to, suspicious activities and safety concerns.
- C. Operate the Premises a minimum of five (5) days per week (excluding emergency situations).
- D. Maintain a reasonable selection and inventory of concessions to be sold.
- E. Maintain interior of Premises.
- F. Obtain and maintain all federal and state licenses necessary to engage in the sale of concessions.
- G. Obtain and maintain required Certificate of Insurance coverage.
- H. Coordinate with City prior to any and all waterfront events to ensure compliance with all rules and laws and to communicate logistics.
- I. Meet with City periodically to discuss progress and concerns.

## OBLIGATION OF CITY

- A. Maintain exterior of Premises.
- B. Provide City permits to Tenant for operation of Premises conditioned upon eligibility of Tenant to receive permits.
- C. Share with Tenant results of any surveys or feedback regarding operation of Premises.
- D. Allow Tenant to utilize City transient dock for various waterfront events upon approval from City Manager or his/her designee prior to each individual event.
- E. Meet with Tenant periodically to discuss progress.
- F. Maintain exterior repairs of Premises.
- G. Continue to repair and maintain adjacent City grounds.

#### ABANDONMENT OF PREMISES

5. Tenant shall not abandon or vacate the Premises during any term of this Agreement and shall use Premises only for the aforesaid purpose herein leased until the expiration of the final term hereof.

#### DEFECTIVE CONDITIONS AND REPAIRS

6. Tenant accepts Premises in its present condition and as suited for the uses intended by Tenant. Tenant shall promptly report in writing to City any defective condition known to Tenant which City is required to repair, and failure to so report such defects shall make Tenant responsible to City for any liability incurred by City by reason of such defects. Tenant shall return Premises to City at the expiration or prior to termination of the term of this Agreement in as good condition and repair as when first received, natural wear and tear or damage from natural disasters excepted.

#### TERMINATION OF AGREEMENT

7. Either party may terminate this Agreement upon ninety (90) days written notice.

#### DESTRUCTION OF, OR DAMAGE TO, PREMISES. CONDEMNATION

8. If Premises are totally destroyed by natural disaster, this Agreement shall terminate as of the date of such destruction and all proceeds due City shall be accounted for as of that date. If Premises are damaged but not destroyed due to natural disaster, City shall use its best efforts to restore Premises to substantially the same condition as before damage as quickly as practicable. In the case of damage that shall interrupt normal operation of Premises by Tenant, proceeds due City shall cease during the time period in which Tenant is unable to use the Premises as outlined in this Agreement. Proceeds due City shall resume once Tenant operates Premises again. If the whole of Premises is condemned or deemed unusable by any legally constituted authority for any public use or purpose, then this Agreement shall cease from the time when possession thereof is taken by public authorities.

## INDEMNITY

9. Tenant agrees to protect and save City harmless from any and all claims for injuries to property or person resulting from death or injury to any person or persons upon the Premises, except those injuries caused by the City's sole negligence or willful act and to carry general public liability insurance in the amount of \$1,000,000.00 to protect both Tenant and City. Tenant shall obtain, maintain and furnish to City a certificate showing the City as an additional, named insured.

## ASSIGNMENT AND SUBLETTING

10. Tenant shall not sublease any portion or all of Premises or assign any interest hereunder to any third party.

## REMOVAL OF FIXTURES

11. Tenant may, prior to the expiration of this Agreement or any extension thereof, remove any personal property, fixtures, and equipment which Tenant has placed in Premises. Tenant shall repair all damage to Premises caused by such removal.

## DEFAULT, CANCELLATION OF AGREEMENT

12. In the event the Tenant defaults on any obligation as set forth under this Agreement, City shall give written notice of the default to Tenant. If the default is not cured within thirty (30) days of receipt of notice, City shall have the right to reenter and repossess Premises and remove all persons and effects there from, and the Agreement shall be deemed terminated.

13. In the event City defaults on any obligation as set forth under this Agreement, Tenant shall give written notice of the default to City. If the default is not cured within thirty (30) days of receipt of notice, Tenant shall have the right to abandon the Premises, shall not be liable to the City for any further profit sharing or rental payment, and the Agreement shall be deemed terminated.

## EXTERIOR SIGNS

14. Tenant shall place no signs upon exterior walls, grounds, or roof of Premises without express approval by City Manager. Any signs placed upon Premises by Tenant shall be maintained by Tenant.

#### APPLICABLE LAW

15. This validity of this Agreement, the construction of its term and the interpretation of the rights and duties of the parties will be governed by and construed in accordance with the laws of the State of Georgia.

#### NO ESTATE IN LAND

16. This Agreement shall constitute a landlord and tenant relationship and shall not create an estate in land in favor of Tenant. This Agreement shall not be recorded without prior consent by both parties.

#### HOLDING OVER

17. If Tenant remains in possession of Premises after expiration of the term thereof, with City's acquiescence, and without any express agreement of parties, Tenant shall be a Tenant at will at rental rate and obligations in effect at the end of Agreement, and there shall be no renewal of this Agreement by operation of law.

#### INDEMNIFICATION

18. Each party shall indemnify and hold harmless the other, its employees, officers, and agents against any cause of action, loss, liability, damage, cost of expense of any nature whatsoever, whether accrued, absolute, contingent or otherwise, including, without limitation, attorney's fees and cost, arising out of or relating to any breach by a respective party of any representation, warranty or covenant in this Agreement, any negligent act or omission committed by the respective party in the course of this Agreement or any misrepresentation made by the respective party during the term of this Agreement. This indemnity shall not require any party to indemnify the other for loss caused by the indemnitee's sole act or negligence.

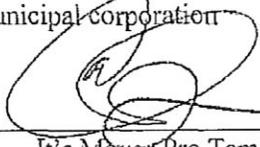
#### ENTIRE AGREEMENT

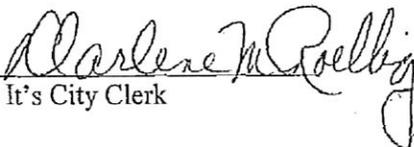
19. This Agreement contains the entire agreement of the parties hereto and no representations, inducements, promises or agreements, oral or otherwise, between the parties, not embodied herein, shall be of any force or effect.

IN WITNESS WHEREOF, the parties herein have hereunto set their hands and seals or caused this instrument to be executed through authorized officials in their name, in triplicate, the day and year first above written.

CITY:

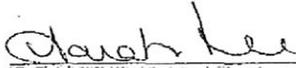
CITY OF ST. MARYS, GEORGIA  
A municipal corporation

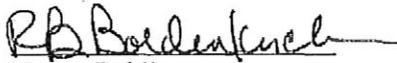
By:   
It's Mayor Pro Tem

Attest:   
It's City Clerk

(SEAL)

Signed, sealed and delivered  
In the presence of:

  
Witness

  
Notary Public

Notary Public, Camden County, Georgia  
My Commission Expires June 22, 2012

TENANT:

  
Joe Williams



Signed, sealed and delivered  
In the presence of:

  
Witness

*Kimberly Drummond*  
Notary Public



O.C.G.A. § 50-36-1(e)(2) Affidavit

By executing this affidavit under oath, as an applicant for a(n) Contract  
[type of public benefit], as referenced in O.C.G.A. § 50-36-1, from  
City of St. Marys [name of government entity], the undersigned applicant  
verifies one of the following with respect to my application for a public benefit:

- 1)  I am a United States citizen.
- 2)  I am a legal permanent resident of the United States.
- 3)  I am a qualified alien or non-immigrant under the Federal Immigration and Nationality Act with an alien number issued by the Department of Homeland Security or other federal immigration agency.

My alien number issued by the Department of Homeland Security or other federal immigration agency is: \_\_\_\_\_.

The undersigned applicant also hereby verifies that he or she is 18 years of age or older and has provided at least one secure and verifiable document, as required by O.C.G.A. § 50-36-1(e)(1), with this affidavit.

The secure and verifiable document provided with this affidavit can best be classified as:  
Driver's License

In making the above representation under oath, I understand that any person who knowingly and willfully makes a false, fictitious, or fraudulent statement or representation in an affidavit shall be guilty of a violation of O.C.G.A. § 16-10-20, and face criminal penalties as allowed by such criminal statute.

Executed in St. Marys (city), Georgia (state).

Joe Williams  
Signature of Applicant

Joe Williams  
Printed Name of Applicant

SUBSCRIBED AND SWORN  
BEFORE ME ON THIS THE  
28<sup>th</sup> DAY OF October, 2011

Kimberly Adcock  
NOTARY PUBLIC

My Commission Expires:



**Private Employer Exemption Affidavit Pursuant To O.C.G.A. § 36-60-6(d)**

By executing this affidavit, the undersigned private employer verifies that it is exempt from compliance with O.C.G.A. § 36-60-6, stating affirmatively that the individual, firm or corporation employs fewer than eleven employees and therefore, is not required to register with and/or utilize the federal work authorization program commonly known as E-Verify, or any subsequent replacement program, in accordance with the applicable provisions and deadlines established in O.C.G.A. § 13-10-90.

Joe Williams  
Signature of Exempt Private Employer

Joe Williams  
Printed Name of Exempt Private Employer

I hereby declare under penalty of perjury that the foregoing is true and correct.

Executed on Oct. 28, 2011 in St. Mary's (city), GA (state).

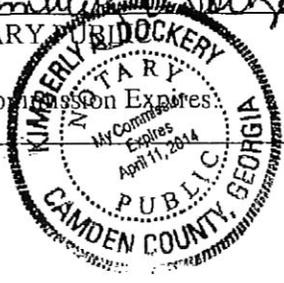
Sarah Lee  
Signature of Authorized Officer or Agent

Sarah Lee  
Printed Name and Title of Authorized Officer or Agent

SUBSCRIBED AND SWORN BEFORE ME  
ON THIS THE 28<sup>th</sup> DAY OF October, 2011.

Kimberly Pridockery  
NOTARY

My Commission Expires: \_\_\_\_\_



O.C.G.A. § 50-36-1(e)(2) Affidavit

By executing this affidavit under oath, as an applicant for a(n) Contract  
[type of public benefit], as referenced in O.C.G.A. § 50-36-1, from  
\_\_\_\_\_ [name of government entity], the undersigned applicant  
verifies one of the following with respect to my application for a public benefit:

- 1) X I am a United States citizen.
- 2) X I am a legal permanent resident of the United States.
- 3) \_\_\_\_\_ I am a qualified alien or non-immigrant under the Federal Immigration and Nationality Act with an alien number issued by the Department of Homeland Security or other federal immigration agency.

My alien number issued by the Department of Homeland Security or other federal immigration agency is: \_\_\_\_\_.

The undersigned applicant also hereby verifies that he or she is 18 years of age or older and has provided at least one secure and verifiable document, as required by O.C.G.A. § 50-36-1(e)(1), with this affidavit.

The secure and verifiable document provided with this affidavit can best be classified as:  
Drivers License

In making the above representation under oath, I understand that any person who knowingly and willfully makes a false, fictitious, or fraudulent statement or representation in an affidavit shall be guilty of a violation of O.C.G.A. § 16-10-20, and face criminal penalties as allowed by such criminal statute.

Executed in St. Marys (city), GA (state).

Tamara J Russell  
Signature of Applicant

Tamara J Russell  
Printed Name of Applicant

SUBSCRIBED AND SWORN  
BEFORE ME ON THIS THE  
28th DAY OF October, 2011

Kimberly A. Sockery  
NOTARY PUBLIC

My Commission Expires



**Private Employer Exemption Affidavit Pursuant To O.C.G.A. § 36-60-6(d)**

By executing this affidavit, the undersigned private employer verifies that it is exempt from compliance with O.C.G.A. § 36-60-6, stating affirmatively that the individual, firm or corporation employs fewer than eleven employees and therefore, is not required to register with and/or utilize the federal work authorization program commonly known as E-Verify, or any subsequent replacement program, in accordance with the applicable provisions and deadlines established in O.C.G.A. § 13-10-90.

Tamara Russell

Signature of Exempt Private Employer

Tamara J. Russell

Printed Name of Exempt Private Employer

I hereby declare under penalty of perjury that the foregoing is true and correct.

Executed on Oct, 28, 2011 in Stacey's (city), GA (state).

Sarah Lee

Signature of Authorized Officer or Agent

Sarah Lee

Printed Name and Title of Authorized Officer or Agent

SUBSCRIBED AND SWORN BEFORE ME  
ON THIS THE 28<sup>th</sup> DAY OF October, 2011.

Kimberly A. Dockery  
NOTARY PUBLIC

My Commission Expires \_\_\_\_\_



**CITY COUNCIL MEETING**

**TITLE: Budget Ordinance: Law Enforcement Service Feasibility Study**

**PURPOSE:** Amend the FY13 Budget to provide funds for a feasibility study

**RECOMMENDATION:** Approval.

**HISTORY/ANALYSIS:** On March 4, 2013 Council approved for \$35,300 to be used to perform a joint City/County Law Enforcement feasibility study. The \$35,300 is the City's portion of the study fee. Staff suggests that funding for the study be taken out of Fund Equity in the General Fund. It is necessary to amend the FY13 budget to provide funds for this study.

**Department  
Director:** \_\_\_\_\_

*Jenny Brown*

**City  
Manager:** \_\_\_\_\_

*[Signature]*

AN ORDINANCE TO AMEND THE FISCAL YEAR 2013  
BUDGET ORDINANCE, CITY OF ST. MARYS, GEORGIA

BE IT AND IT IS HEREBY ORDAINED by the Mayor and Council of the City of St. Marys, Georgia in regular session lawfully assembled for City purposes:

That it is necessary to amend the FY13 Budget to provide funds for a joint City/County Law Enforcement Feasibility Study as approved by Council.

That the above transaction can be fulfilled by changing the following budget accounts in the General Fund:

<u>Budget Account</u>	<u>Adopted Budget</u>	<u>Net Change</u>	<u>Proposed</u>
100-51100-52.1240 Other Purchased Services	\$ 20,850	+ \$ 35,300	\$ 56,150
100-38.0001 Fund Equity	\$ 203,687	+ \$ 35,300	\$ 238,987

ADOPTED in legal assembly this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

CITY OF ST. MARYS, GEORGIA

By: \_\_\_\_\_  
William T. DeLoughy, Its Mayor

Attest: \_\_\_\_\_  
Deborah Walker-Reed, Its City Clerk

## CITY COUNCIL MEETING

**DATE:** March 18, 2013

**TITLE:** "A Camera Ready Community" Signage Request

**PURPOSE:** To authorize erection and funding of "A Camera Ready Community" signage.

**RECOMMENDATION:** Approval

**HISTORY/ANALYSIS:** I have received a request from the Coastal Georgia Film Alliance (the "Film Alliance") to authorize erection of "A Camera Ready Community" sign on the three decorative "Welcome to St. Marys" signs we have at the entrances to the City.

In addition to authorizing the attachment of the reference signs to our welcome signs, it is my understanding that the Film Alliance is also requesting the City to pay for the signs. The cost of signs would be approximately \$270 (digital print over wood signs) to \$780 (sand blasted urethane signs) per sign.

The Film Alliance thinks the signage will assist in letting people know of the availability and interest of St. Marys in working with film producers. It is my understanding that representatives from the Film Alliance will attend the Council meeting to provide any additional information Council may need.

**Department Director:** \_\_\_\_\_

**City Manager:** \_\_\_\_\_

**CITY COUNCIL MEETING**

**DATE:** March 18, 2013

**TITLE:** Status report on Gaines Davis

**PURPOSE:** To provide a status report on Gaines Davis.

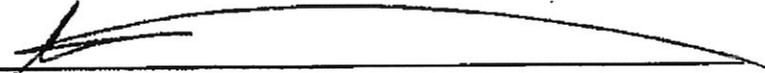
**RECOMMENDATION:** Information purposes only.

**HISTORY/ANALYSIS:** Council Member Post requested and update on Gaines Davis sewer installation. Attached is a memo providing the update.

**Department Director:**



**City Manager:**



# THOMAS & HUTTON

50 PARK OF COMMERCE WAY | POST OFFICE BOX 2727  
SAVANNAH, GA 31402-2727 | 912.234.5300  
WWW.THOMASANDHUTTON.COM

## MEMORANDUM

TO: Mr. Bobby Marr

FROM: Chris Stovall, P.E. 

RE: Gaines Davis Area Sewer System Improvements Project Update

DATE: March 13, 2013

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The following is a quick update and project summary on the referenced project.

**Plans and Specifications:** are at 95% completion and will be submitted for a final City review by March 18. After final review, we should only need a few more days to revise plans and then updates of permits will occur for EPD and Erosion Control. As these are only updates, there should not be any delays in receiving the go-ahead for bidding if the City so desires. Under the latest proposed design, the force mains will be outside of the Spur 40 right of way. This will save time and expense of obtaining any additional DOT permits.

**Gravity Sewer:** All gravity mains have been shifted to the center of streets and the streets will be re-paved after sewer line installation. This has the benefit of reducing the number of easements needed and lessens the conflicts with the new fiber optic cables that have recently been installed in the community.

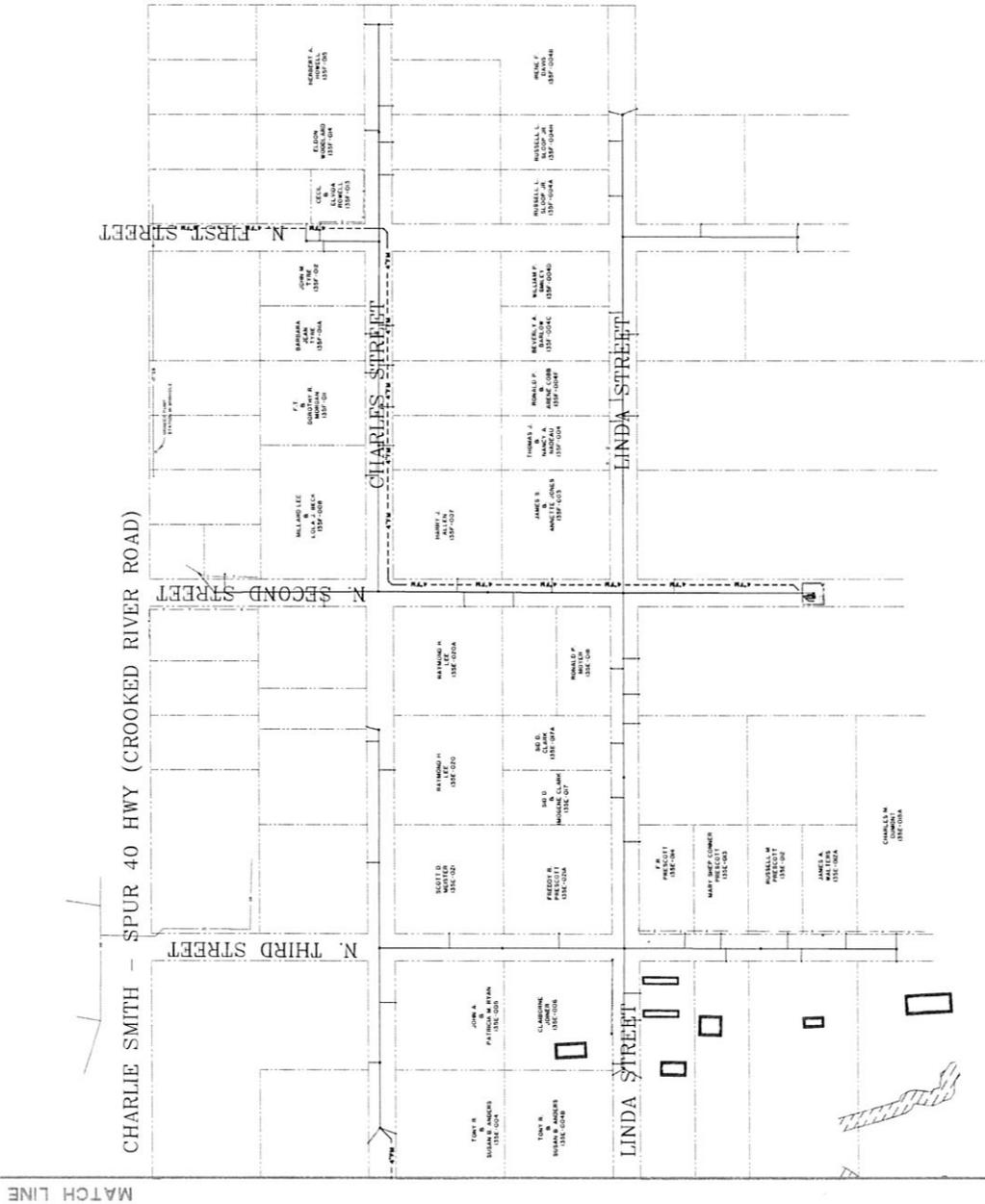
**Pump Stations:** we have been able to reduce the proposed pump stations from five to four by adding one additional easement on the church/school on 8<sup>th</sup> Street (which they are agreeable to provide). There will be three standard pump stations (one at the bottom of 8<sup>th</sup> Street, one at the bottom of 2<sup>nd</sup> Street, and one at the dead-end of Alice Street) and one smaller grinder type package pump station (at the bottom of 4<sup>th</sup> Street). Information on station capacity and force main size:

- 8<sup>th</sup> Street: 90 gpm, 4-inch fm
- Alice Street: 80 gpm, 4-inch fm
- 4<sup>th</sup> Street: 15 gpm, 2-inch fm
- 2<sup>nd</sup> Street: 195 gpm, 4-inch fm

**Easements:** There will be 10 easements in total for sewer lines, plus acquisition of the 8<sup>th</sup> Street pump station site. The other three pump stations will be constructed within the existing City r/w at the end of the respective streets. A list of easements is as follows:

- Jowers – 25' wide x ~ 103'
- Connors – 25' wide x ~ 82'
- Trailer Park tract – 25' wide x ~397'
- Church property – 25' & 30' wide x ~560', 50'x50' pump station site
- Rogers/Rogers – 12.5' wide x ~187' each property, sewer splitting property line
- Edwards – 25' wide x ~180'
- Miller – 25' wide x ~180'
- Commercial (Davis) tract behind Spur 40 north of 4<sup>th</sup> Street – 20' wide x 300'

Upon approval of final alignments, our surveyor will complete the plats within two weeks.





**CITY COUNCIL MEETING**

**March 18, 2013**

**TITLE:** STREET LIGHT INSTALLATION – 112 WENDY LANE

**PURPOSE:** To authorize GA Power to install a street light at 112 Wendy Lane for the amount of \$319.57 (materials and installation) and a recurring monthly charge of \$13.25.

**RECOMMENDATION:** Approval.

**HISTORY/ANALYSIS:**

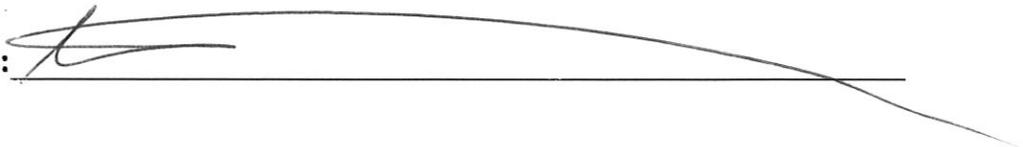
A request has been submitted by Mr. Michael Pruitt for a street light to be installed at 112 Wendy Lane. Mr. Pruitt is concerned because of break-ins in the surrounding area and feels that a street light would help to deter potential criminal activity. Currently, there are two existing street lights on this street. One is located at the beginning of Wendy Lane where it intersects with Palmetto Street and the other is about halfway down the street. The distance between the existing streets lights is 321 feet. The distance between the last existing street light and the requested street light is approximately 278 feet. Since the overhead power line does not extend to the end of the street, a new pole would need to be set by GA Power. The upfront cost for GA Power to furnish and install the pole and street light is \$319.57. Afterwards, there would be a recurring monthly charge of \$13.25.

Funding for this installation would come from the Highways and Streets budget for street lighting.

**Department**

**Director:**  \_\_\_\_\_

**City**

**Manager:**  \_\_\_\_\_

To Whom It May Concern,

There Have Been A ~~RASH~~ RASH OF BREAK  
INS ON DOUGLAS DR. AND THE SURROUNDING  
AREA, TO INCLUDE ONE OF MY NEIGHBORS. I  
AM HUSBAND FIRST BUT A SUBMARINER SECOND  
AND UNFORTUNATELY I SPEND ALOT OF  
TIME OUT AT SEA. I AM CONCERNED ABOUT  
HOW DARK MY STREET GETS AT NIGHT. IT  
AND SINCE ALL OF THE BREAK INS I HAVE  
ONLY BECOME MORE CONCERNED. NOT SO MUCH  
FOR MY SAFETY, BUT FOR THE SAFETY OF  
MY FAMILY WHILE I AM AT SEA. I WOULD  
APPRECIATE ANY ATTENTION THAT I COULD RECEIVE  
IN THIS MANNER. ADDRESS: 112 WENDY LN

SANT MARYS GA 31558

PHONE #: 912 467 9345

WIFE'S PHONE

MICHAEL G. PRYOR IF AT SEA: 912 409 2118

~~M. G. PRYOR~~

## **Bobby Marr**

---

**From:** Christopher Cox  
**Sent:** Tuesday, February 19, 2013 10:24 PM  
**To:** Bobby Marr  
**Subject:** FW: 112 Wendy Lane

Bobby,  
Below is the pricing to install the light on Wendy Lane.

---

**From:** Holcombe, Mark A. [MAHOLCOM@southernco.com]  
**Sent:** Monday, February 18, 2013 3:31 PM  
**To:** Christopher Cox  
**Cc:** Bridger, James L.  
**Subject:** 112 Wendy Lane

Mr. Cox,  
As per our conversation:

- 1) 150W HPS: \$ 13.25 Monthly
  - 2) Upfront Charge for pole: \$319.57
- Please let me know if you decide to do this and I will turn it over to the region to install it.

Thanks,  
Mark Holcombe GPC Outdoor Lighting  
Office: 912-448-1343  
Cell: 912-547-0659  
Fax: 912-448-1309

# CITY COUNCIL MEETING

**DATE:** March 18, 2013

**TITLE:** City of St. Marys Goals

**PURPOSE:** To prioritize goals for the City.

**RECOMMENDATION:** Provide direction.

**HISTORY/ANALYSIS:** Per Council direction, attached is the revised (from both nights) SWOT analysis and goals. City Council wanted to discuss how to proceed with prioritizing the goals and developing strategies to address the identified goals. I have also attached the goals from a similar exercise from 2010 for your information.

Generally, I would say the focus areas of the goals were:

1. Economic Development: retaining and attracting businesses and jobs to St. Marys (to include marketing and promoting the City).
2. Ensure the financial viability of St. Marys.
3. Identify a vision for St. Marys.
4. Improve the image of St. Marys.
5. Encourage citizen engagement and participation on City issues (this includes the civility and discord issues, as well as reaching out to diverse groups within St. Marys).
6. Support and improve relationships (connections) with Kings Bay Naval Base (to include continuing to work with the Base, BRAC, JLUS, etc.).
7. Improve development opportunities in St. Marys (including related to land, water, harbor, waterfront, downtown, and entire City).

I think it would be helpful if Council could identify the top 3 or 4 goals (which does not preclude action on other goals). Staff could also set up a community meeting to solicit strategies to accomplish the top 3 or 4 identified goals. Additionally we could put on our website the opportunity for citizens to provide suggested strategies for all of the goals.

**Department Director:** \_\_\_\_\_

**City Manager:** \_\_\_\_\_



## Goals from the Goals Setting Session: March 5, 2013

1. Attract new businesses to St. Marys (7 votes).

Implementation Strategies	Timeframe	Assigned To
1.)Implement Way finding program.		
2.)Develop marketing program.		

2. Retain existing businesses in St. Marys.

Implementation Strategies	Timeframe	Assigned To

3. Encourage a healthy diverse mix (i.e. residential, commercial, light industrial) of development in the City of St. Marys (5 votes).

Implementation Strategies	Timeframe	Assigned To

4. Address aging infrastructure within the City of St. Marys (4 votes).

Implementation Strategies	Timeframe	Assigned To



5. Attract more people to St. Marys (downtown and entire City of St. Marys) (3 votes).

Implementation Strategies	Timeframe	Assigned To

6. Encourage development of vacant properties in St. Marys, specifically the Mill property and the Gateway property (3 votes).

Implementation Strategies	Timeframe	Assigned To

7. Relocate the Airport (2 votes to do so; 1 vote not to do so).

Implementation Strategies	Timeframe	Assigned To

8. Develop a vision for the City of St. Marys (2 votes).

Implementation Strategies	Timeframe	Assigned To

9. Ensure the financial viability to the City of St. Marys.

Implementation Strategies	Timeframe	Assigned To
1.) Pay off debt (1 vote).		
2.) Increase tax base		
3.) Expand borders		



10. Develop a positive image for the City of St. Marys (1 vote).

Implementation Strategies	Timeframe	Assigned To

11. Continue efforts to better take advantage of water side opportunities in the City of St. Marys.

Implementation Strategies	Timeframe	Assigned To

12. Continue efforts to manage “water side” of the City of St. Marys.

Implementation Strategies	Timeframe	Assigned To
1.)Develop harbor management and access plan.		
2.)Develop a master (comprehensive)plan for development of the waterfront.		
3.)Develop a master (comprehensive) plan for development of the entire City of St. Marys.		

13. Maintain long term viability of the City of St. Marys.

Implementation Strategies	Timeframe	Assigned To
1.)Address sea level rise challenges.		



14. Improve the appearance of the City.

Implementation Strategies	Timeframe	Assigned To
1.)Clean up trash (exit 1 was noted as a priority).		
2.)Continue to remove dilapidated structures.		

15. Increase community involvement (engagement of citizens in/on City issues).

Implementation Strategies	Timeframe	Assigned To

16. Develop a legacy of the City of St. Marys.

Implementation Strategies	Timeframe	Assigned To

17. Increase employment opportunities for citizens.

Implementation Strategies	Timeframe	Assigned To

18. Increase recreational opportunities for youth.

Implementation Strategies	Timeframe	Assigned To



19. Ensure that appropriate attention is given to prior actions and decisions (i.e. history) on issues in order not to repeat prior mistakes.

Implementation Strategies	Timeframe	Assigned To

20. Breakdown cultural discord (i.e. develop strategies to educate citizens on the need for appropriate growth and positive change).

Implementation Strategies	Timeframe	Assigned To

21. Enhance the residential aspects of City of St. Marys.

Implementation Strategies	Timeframe	Assigned To

22. Support and improve relationships (connections) with Naval Submarine Base Kings Bay.

Implementation Strategies	Timeframe	Assigned To

23. Improve citizen engagement and participation in various City of St. Marys events (this includes reaching out to diverse groups).

Implementation Strategies	Timeframe	Assigned To

## Strengths

1. Sub Museum
2. Roads
3. Faith based groups
4. Civic organizations
5. Great programs/golf courses
6. Great festivals
7. Library
8. Dedicated workforce
9. Our people
10. Dog park
11. Involved community
12. Exit 1 off Intracoastal
13. Climate
14. Culture – Character – Ambiance
15. Cost of living
16. Development potential
17. Retirees
18. Waterfront
19. Exit 1 off I-95
20. Airport
21. School system
22. Navy Base
23. Historical District
24. Cumberland Island
25. We have a safe harbor
26. Senior Center
27. Orange Hall
28. Proximity to ports
29. Transportation (i.e. I-95)
30. Authorized barge port
31. Proximity to Jacksonville
32. Access to good health care
33. Crooked River State Park
34. Cultural Arts
35. Film friendly attitude
36. Natural environment
37. Cemetery
38. More golf cart friendly
39. Appreciation for history
40. St. Marys Aquatic Center
41. St. Marys Railroad
42. US Navy Base
43. Docks

## Weaknesses

1. Demographics
2. Lack of youth opportunities
3. Subsidized housing (i.e. high number of)
4. Lack of military housing
5. Lack of jobs
6. No technical college campus
7. Aging population
8. Affordable public transportation
9. Water/sewer rates
10. Lack of business
11. Too many hard surfaces (e.g. concrete medians)
12. Internet image (e.g. Topix)
13. Dumping ground for boats
14. Poor reputation among some boaters
15. Neglect on water side
16. Declining tax base
17. Aging infrastructure
18. Mill site
19. Midtown
20. Midtown
21. Closed St. Marys gate
22. Lack of critical mass downtown
23. Trash by exits and in the community
24. Apathy (of some citizens)
25. Cultural discord
26. Exit 1 view
27. Apathy by residents of gated community
28. City's lack of diversity/inclusiveness
29. Cultural diversity
30. Crime
31. Lack of local business support
32. Sand gnats
33. Lack of organized recreational opportunities
34. Overall discord
35. Limited store hours
36. Lack of marketing \$\$\$
37. Gated vs. non-gated (more engaged)

## Opportunities

1. Property adjacent to St. Marys Aquatic Center
2. GDOT awareness (of the City)
3. Dog Park
4. To define ourselves outside of the City
5. Education
6. Civic groups
7. Revitalization of Downtown
8. Increased missions at Base
9. Coast Guard opportunities
10. Military Enterprise Zone
11. Joint Land Use Study (of Base and surrounding cities)
12. Space Port
13. Gateway property
14. Available capacity water/sewer
15. Mill property
16. Vacant property
17. Undeveloped property
18. Existing Airport
19. Available land
20. Tall Ships
21. War of 1812 recognition
22. Public/Private opportunities
23. Faith Based partnership opportunities
24. Partnership opportunities with the Base
25. Tourism/eco-tourism
26. Weed Street plant site
27. Enhanced sports opportunities
28. Harbor/waterfront
29. Film opportunities
30. Community theatre
31. Cultural tourism
32. Farmers Market (keep business opportunities in St. Marys)
33. Greenway/bike trails
34. Kingsland Theme Park
35. Cumberland Island visitors center/museum
36. River access
37. Collect back taxes
38. Diving opportunities
39. I95 proximity to
40. Wilderness walking trail
41. Ability to work with other cities and county
42. Cumberland Island
43. Cumberland Harbour Ownership

## Threats

1. Lose opportunities to accomplish things
2. Declining revenue
3. Proximity to Jacksonville (crime/economic development)
4. Jacksonville water resources
5. Loss of Coast Guard Station
6. Terrorism
7. Environmental concerns (Mill Site)
8. State overregulation
9. Vacant buildings
10. Lack of citizen involvement
11. Aging infrastructure
12. Mother nature
13. Declining businesses in the City
14. Water and sewer
15. Federal Government
16. Base Relocation and Closure (BRAC)/Sequestration
17. Hurricane
18. Sea level rise
19. Lack of jobs
20. Lack of adequate evacuation routes
21. Competition small/boating communities
22. If Park Service leaves
23. Lack of mental health resources
24. "Defeatist " attitude (by some citizens)
25. Over commercialization of channel/harbor (potential)
26. Shrimping industry has disappeared
27. Abandoned vehicles
28. Delinquent property tax
29. Cul-de-sac City
30. Loss of Sub Fleet
31. Economy
32. Lack of Leadership

**City of St. Marys  
2010 Priorities**

Issue: <b>OPTIMIZING EXPERTISE OF PSA</b>		
Goal: <i>Achieve cost savings to taxpayers while maintaining services</i>		
<b>Benchmarks for Success</b>	<b>Timeframe</b>	<b>Action Leaders</b>
PSA Concept Adoption	March	Mayor
PSA collaboration	April	Committee Chair
Targets for PSA	April	Selected Committee
Public Relations Campaign	April	

Issue: <b>CONSOLIDATION OF SERVICES</b>		
Goal: <i>Analyze services and benefits realized</i>		
<b>Benchmarks for Success</b>	<b>Timeframe</b>	<b>Action Leaders</b>
Cost Analysis/identify common areas of services	12 months	Council/ other cities/county
"In House" consolidation		Council
SR 964	?	State
Tourism with Kingsland		St. Marys and Kingsland
Capitalize on benefits of each entity		
Assure St. Marys has representation on consolidated Boards		

Issue: <b>OPTIMIZE TOURISM AND DOWNTOWN DEVELOPMENT AUTHORITY/ECONOMIC DEVELOPMENT EFFORTS</b>		
Goal: <i>Realize better value for dollars invested</i>		
<b>Benchmarks for Success</b>	<b>Timeframe</b>	<b>Action Leaders</b>
Concept given to Council	March	City Manager
Develop Plan	April	
Implement	May/June	

Issue: <b>ANNEXATIONS</b>		
Goal: <i>Consolidate borders</i>		
Benchmarks for success	Timeframe	Action Leaders
Identify areas and number of households	3 months	P & B
Meet with Exit 1 property owners	Every 3 months	Mayor/Council
Council discussion/approval	1 year	Council
Fees for services in non-annexed areas	1 year	Council

Issue: <b>LACK OF DEFINED CITY VISION</b>		
Goal: <i>Identify who we are, where we are going and how we are going to get there</i>		
<b>Benchmarks for Success</b>	<b>Timeframe</b>	<b>Action Leaders</b>
Develop consensus of Council to fund visioning process	May	Mayor/Council
Create vision with stakeholders/facilitator	September	
Communicate the results	November	
Set priorities and targets	December	
Review and adopt changes	Annually	

Issue: <b>DECLINING TAXES/DIGEST VALUE VERSUS REVENUES</b>		
Goal: <i>Identify new sources of revenues</i>		
<b>Benchmarks for Success</b>	<b>Timeframe</b>	<b>Action Leaders</b>
Annexing property	1 year	Council
SR 964	?	State
Fees for services	1 year	Council, depending on annexation
Pursue new businesses	On going	DDA/JDA/IDA
Market airport property for big business/mixed use		DDA/JDA/IDA
Millage rate	As needed	
Reduce service levels (parody in services)	As needed	

Issue: <b>FINANCIAL CATASTROPHE PLAN</b>		
Goal: <i>Build fund equity to six month reserves</i>		
<b>Benchmarks for Success</b>	<b>Timeframe</b>	<b>Action Leaders</b>
Develop fall back budget	ASAP	Council/Finance
Eliminate services by priorities	When necessary	
Generate cash	On going	

**CITY COUNCIL MEETING**  
**March 18, 2013**

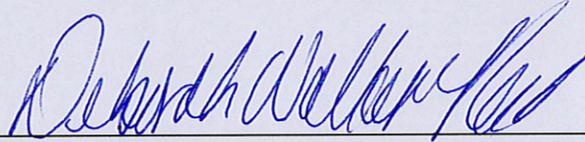
**TITLE:** 2<sup>nd</sup> Quarter Town Hall Meeting

**PURPOSE:** To schedule a Town Hall Meeting for Thursday, April 4, 2013.

**RECOMMENDATION:** Schedule a meeting to comply with the City's Code of Ordinance.

**HISTORY/ANALYSIS:** A "Town Meeting" designated and advertised as such will be held at 6:00 p.m. on the first Thursday of each quarter (January, April, July and October) which is not a City recognized holiday, to solicit input and requests from the general public. The issues coming before the town meeting will require no formal agenda.

**Department  
Director:**



**City  
Manager:**



# CITY COUNCIL MEETING

March 18, 2013

**NEW BUSINESS:** Investigate the possibility of receiving a grant for the Study of Climate Adaptation through the Georgia Sea Grant program of the UGA School of Marine Programs.

**PURPOSE:** To request permission of City Council to investigate our participation in a Georgia Sea Grant program to study climate adaptation as it relates to the City of St. Marys.

**RECOMMENDATION:** Planning Staff recommends approval to investigate this grant opportunity.

**HISTORY/ANALYSIS:** At a sea level rise seminar held in St. Marys on February 28, 2013, a grant opportunity was mentioned to study the effects of Climate Adaptation as it relates to the City and its downtown area.

This study will investigate the pros and cons of the impact of sea level rise on our built infrastructure – both historic and non-historic. Although there is ever changing data relating to this volatile issue, the City needs to be pro-active in our future planning for sea level rise as it relates to floor elevation above the flood/surge elevation, protection (if even possible) of our historic structures, protection of City structures/infrastructure in general and other aspects that may result from a rise in sea level.

Current estimates are for an increase of 9” +/- in the next 30 years and 2 feet to 3 feet in 100 years. The City has been in existence for over 200 years, surviving hurricanes, wars, and floods in our traditional downtown area. To continue to survive, the City needs to identify options to accommodate the additional elevation of water that could be caused by sea level rise along our waterfront. In the event this issue does not arise in the future (a positive outlook), the City will at least be prepared for additional flooding (the negative outlook).

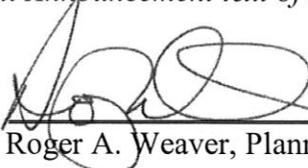
At this time, I am endeavoring to determine what our ‘match’ will be. The grant requires a 50/50 match. However, I have been verbally advised that the City match would be 10% in-kind over a two year period, with 40% by the UGA School of Marine Programs. The other 50% will be provided by NOAA up to a maximum of \$100,000. This needs written confirmation.

The grant – if the match can be worked out – is due by email on April 19, 2013 at 5:00. There will probably be other actions necessary for Council to approve.

This request is only for authorization to INVESTIGATE the grant opportunity.

**ATTACHMENTS:** *Copy of letter to Mr. Hopkinson of the GA Sea Grant Program; Copy of the Full Announcement text of the Grant (14 pages).*

**Department Director:**

  
\_\_\_\_\_  
Roger A. Weaver, Planning Director

**City Manager:**

  
\_\_\_\_\_  
Steve Crowell, Jr., City Manager



**CITY OF ST. MARYS**

418 OSBORNE STREET  
ST. MARYS, GEORGIA 31558

**PLANNING AND ZONING DEPARTMENT**

TELEPHONE: 912-510-4032

Roger A. Weaver, Planning Director \*\*\* roger.weaver@stmarysga.gov

Charles Hopkinson  
Georgia Sea Grant  
School of Marine Programs  
220 Marine Sciences Building  
Athens, GA 30602-3636

March 11, 2013

**VIA EMAIL**

RE: Sea Grant Opportunity for Climate Adaptation Study for the City of St. Marys

Dear Mr. Hopkinson:

As a result of you and your associates excellent presentation on sea level rise on 28 February, 2013, the City is interested in proceeding in the application for funding for a Climate Adaptation Study for the City of St. Marys.

As you know, St. Marys is a very old and historic City, with a lot of buildings built at ground level. Surge and Sea level rise will definitely have an impact on these older buildings. A study of our City will be hugely advantageous to other similar older cities with a large inventory of buildings built before any studies were even thought of.

Historic districts are typically subject to surge flooding, and maintaining their historic integrity and fabric is an area of concern that needs to be addressed. The City is interested in partnering with UGA and the Georgia Sea Grant Program in investigating and quantifying our strengths and weaknesses in the event of a surge and its sea level rise change in height.

I am a little concerned about the 50-50 match. The City cannot provide in-kind services that would get anywhere near 50%. Does UGA provide 40% of this in-kind services amount? I recall that one of the team noted that the City would need to come up with 10% in-kind over a two year period, and I believe we can handle that.

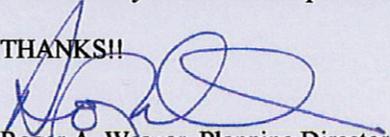
Let me know your thoughts, and how to proceed, such as:

- Will you do the application?
- Will we need a resolution passed by Council?
- Do our other Community Groups – such as the Earthkeepers – need to weigh in as well - for support as well as for a portion of the in-kind match?

As you could tell from the attendance at the meeting that a large group of our citizenry (150+) is concerned about this issue (*as an aside, the City only had 25 people attend a goal setting public hearing the following week*).

I will initially be the contact person for this opportunity.

THANKS!!

  
Roger A. Weaver, Planning Director  
City of St. Marys

Cc: Steve Crowell, Jr., City Manager  
Alex Kearns, St. Marys Earthkeepers

## FULL ANNOUNCEMENT TEXT

### I. Funding Opportunity Description

#### A. Program Objective

The NOAA National Sea Grant College Program was established by Congress to promote responsible use and conservation of the Nation's ocean, coastal, and Great Lakes resources. Sea Grant carries out NOAA's mission of stewardship of our country's oceans and atmospheres through a broadly based network of universities.

This climate adaptation initiative is designed to support action to prepare for the current and predicted impacts of climate variability and change on America's coastal communities. Applications to this competition must propose projects that identify and address the vulnerabilities a coastal community may face in adapting to climate change. These projects are expected to produce demonstrable outcomes by the end of the project period. Projects must be carried out in active partnership with local (county or municipal) leadership, and should include cooperation with relevant state, NOAA, and other Federal agencies, or other organizations, as appropriate.

This Federal funding opportunity supports NOAA's Next Generation Strategic Plan (<http://www.ppi.noaa.gov/ngsp/>) mission goals of:

1) Climate Adaptation and Mitigation Goal - Mitigation And Adaptation Choices Supported By Sustained, Reliable, And Timely Climate Services - Coastal resource managers incorporate a greater understanding of the risks of sea level rise, changes in Great Lakes hydrology and water levels, and other climate impacts to reduce the vulnerability of coastal communities and ecosystem resources

2) Resilient Coastal Communities and Economies Goal - Resilient coastal communities that can adapt to the impacts of hazards and climate change - An increase in the percentage of U.S. coastal states and territories demonstrating annual improvements in resilience to coastal and climate hazards.

Projects submitted under this funding opportunity must contribute to achieving at least one of the following National Sea Grant performance measures:

1. Number of communities that implemented sustainable economic and environmental development practices and policies (e.g., land-use planning, working waterfronts, energy efficiency, climate change planning, smart growth measures, green infrastructure) as a result of Sea Grant activities by 2017.

2. Number of communities that implemented hazard resiliency practices to prepare for, respond to or minimize coastal hazardous events as a result of Sea Grant activities by 2017.

For the purposes of this call, a "coastal community" refers to a local jurisdiction (such as county or municipal) with authority to act on the adaptation activities proposed. It does not refer to non-jurisdictional communities such as communities of interest or practice.

#### B. Program Priorities

It is a programmatic priority for this competition to fund technical assistance projects for coastal community climate adaptation where:

a) the outcomes of the project improve the capacity of a specific coastal community (i.e., coastal county or coastal city as defined in section A) identified by name in the proposal to adapt to climate change, which may include adaptation to economic, ecological, or cultural changes (e.g. ecosystem shifts, endangered species, extreme weather, fisheries, historic sites, infrastructure, ocean acidification, tourism, water level changes, water supply issues);

b) the involved community is cohesive enough to have a formal planning or governing body with legal authority to act on the adaptation activities proposed;

c) the involved community contributes non-federal matching funds (which may be in-kind support);

d) individuals representing the community's leadership are active participants in appropriate components of the project;

e) community leadership commits in writing to consider incorporating the results of the project into master plans, ordinances, or other community planning instruments, or implementing the results of the project in other concrete ways specified in the proposal;

f) the project may serve as a model for other communities to carry out climate adaptation.

It is not a programmatic priority to fund projects intended to influence the rate or severity of climate change (climate mitigation), unless they also serve to help a community adapt to predicted impacts of climate change. It is not a programmatic priority to fund research on how to adapt to climate impacts, except as a necessary component of a project that identifies and/or implements climate adaptation actions. It is not a programmatic priority to fund projects not tied to a specific community, or tied to non-jurisdictional communities such as communities of interest or practice.

#### C. Program Authority

33 U.S.C. 1121 et seq.

## II. Award Information

#### A. Funding Availability

Sea Grant expects to have available up to \$1,000,000 for climate adaptation efforts for FY 2013-2014, pending Congressional appropriation. Each individual proposal may request a total of up to \$100,000 in federal funding for a project period ending January 31, 2015.

#### B. Project/Award Period

The anticipated start date is July 1, 2013, with projects to be completed January 31, 2015. Projects are expected to be completed within the timeline of the proposal, and are not eligible for automatic no-cost extension under expanded authorities.

#### C. Type of Funding Instrument

Applications selected for funding will be funded through grants or cooperative agreements. We will use cooperative agreements if the proposed project includes substantial NOAA involvement as described in the award. Examples of substantial NOAA involvement may include non-compensated collaboration in research or approval of key stages in the project before subsequent steps are undertaken.

### III. Eligibility Information

#### A. Eligible Applicants

The following entities are eligible to apply to this funding opportunity: Sea Grant Programs (Colleges, Institutions, and Coherent Area Programs). A given proposal may involve two or more Sea Grant programs working in collaboration, but the federal request may not exceed \$100,000 in federal funds per Sea Grant program.

Other interested parties are encouraged to work with the Sea Grant programs in their region to explore opportunities for partnering. Contact information for all Sea Grant programs can be found at <http://seagrants.noaa.gov/other/programsdirectors.html> or may also be obtained by contacting the Agency Contact listed in Section VII.

#### B. Cost Sharing or Matching Requirement

Non-federal matching funds equal to at least 50 percent of the federal funding request must be provided. In-kind contributions can count towards this matching requirement.

#### C. Other Criteria that Affect Eligibility

None

### IV. Application and Submission Information

#### A. Address to Request Application Package

Proposals must be submitted electronically, via Grants.gov (<http://www.grants.gov>), addressing opportunity number NOAA-OAR-SG-2013-2003664. The application package is available on Grants.gov. Eligible applicants who can prove they do not have access to the internet should contact the Agency Contact listed in Section VII.

A Title Page template, Sea Grant 90-2 form, Sea Grant 90-4 form (OMB Control No. 0648-0362) and NEPA questionnaire (OMB Control No. 0648-0538) are available at <http://www.seagrant.noaa.gov/funding/forms.html> or may be requested from the Agency Contact listed in section VII.

#### B. Content and Form of Application

Applications must adhere to the provisions under Format Requirements and Content Requirements below. Applications received that deviate from content and format requirements, or those received after the deadline, will not be reviewed.

An individual Sea Grant Program can submit proposals through Grants.gov for this competition. Submissions involving two or more Sea Grant Programs should be assembled as single proposals with a designated program responsible for the proposals and other partnering programs listed as subcontractors.

**Format Requirements:** All application materials should be composed in Portable Document Format (PDF) or a common word processing format, and when printed out should meet all format requirements. All pages must be single- or double-spaced, printed or typed in at least 12-point font, and printable on 8.5-inch x 11-inch paper, with 1-inch margins.

**Content Requirements:** Brevity will assist reviewers and program staff in dealing effectively with proposals. Therefore, the Project Description may not exceed 12 pages. Tables and visual materials, including charts, graphs, maps, photographs and other pictorial presentations are included in the 12-page limit.

The signed title page, project summary, references, budgets and budget notes, current and pending support sections, letters of support, and vitae do not count towards the 12-page limit. All information needed for review of the proposal should be included in the main text; no appendices are permitted.

For each proposal the following information must be included:

- a. **Project Summary (two-page maximum):** The project summary must not exceed two pages and should succinctly describe what is being proposed and the project's essential elements. The project summary must include: (a) Title: Use the exact title as it appears in the rest of the application; (b) Investigators: List the names and affiliations of each investigator

who will significantly contribute to the project, starting with the Principal Investigator(s); (c) Funding request for each year of the project, including the amounts and sources of matching funds; (d) Project Period: Start and completion dates. Proposals must request a start of date July 1, 2013; and (e) a one-page maximum Project Abstract: This abstract must include the rationale for the project, the scientific or technical objectives and/or hypotheses to be tested, and a brief summary of work and accomplishments to be completed to be used for public dissemination. A Sea Grant Form 90-2 may be found at <http://www.seagrants.noaa.gov/funding/forms.html> and may be used for this purpose.

b. Project description (12-page maximum):

(1) Introduction/background/justification: This section should include a clear statement of the climate adaptation work to be undertaken for each proposed project. In addition, the project's goals, objectives, activities should be succinctly stated. A description of the project's community partner and the Sea Grant program's existing capacity to meet that community's needs should be included. Subjects that the investigator(s) must include in this section are: (i) current state of knowledge of problem or issue and justification for proposed work; (ii) contributions that the project will make to the community adaptation; (iii) contributions the project will make toward addressing the problems identified in the appropriate Sea Grant Strategic Plan or Regional Research and Information Plan, and (iv) how replicable the project may be for other communities.

(2) General Work Plan and Milestones: Include as appropriate: Provide a specific, measurable, time-bound work plan for these activities. This should include objectives to be achieved, questions to be addressed, how the objectives relate to the program priorities listed in Section I.B, evaluation criteria, and role of all project personnel. Describe specific goals and objectives, activities, and deliverables including publications, presentations, and public education. If the project calls for the use of outside consultants who have not yet been selected, the selection criteria must be included here.

This section must also describe how the community extension, outreach or other parts of the overall project will be integrated to effectively lead to the desired result. It must also discuss how the success of the project (i.e., objectives, timelines, milestones) will be measured and reported.

This section must include a target value for the performance measure listed in section I.A. The Sea Grant program will be expected to incorporate this performance measure and target into its strategic plan.

This section must also include at least one milestone (a significant activity to be performed or objective to be achieved).

(3) Outcome: Describe how the results of the project will benefit stakeholders (e.g., local coastal communities, public and private sectors). Specifically, describe the project outcomes or benefits that will contribute to improving climate adaptation in the partner coastal community, and if the benefits can be extended to other coastal communities. Identify the planned outcomes in objective, quantifiable terms. The outcome should be a description of the desired end state to be achieved (for example, the desired changes adopted by the partner community), not just a description of the activities to be performed. Describe how the project outcomes will enhance community adaptation. If appropriate, describe how the outcomes will affect an identified regional, state, or national climate adaptation priority. Describe how the outcomes of the project will be measured and reported.

(4) Coordination with other program elements: Describe any coordination with other agency programs or ongoing research or extension efforts. Describe any other proposals or outside activities that are essential to the success of this proposal. This includes description of the coordination with various elements within and between participating Sea Grant programs and with other partners outside Sea Grant.

c. References and literature citations: This section does not count towards the 12-page maximum.

d. Budget and matching funds justification: Applications must reflect the total budget necessary to accomplish the project. There must be a separate budget for each year of the project as well as a cumulative budget for the entire project. Applicants are to use the Sea Grant Budget Form 90-4 (OMB Control No. 0648-0362, available at <http://www.seagrants.noaa.gov/funding/forms.html>). Subcontracts must have a separate budget page. The appropriateness of all matching funds (including in-kind contributions) will be determined on the basis of guidance provided in applicable federal cost principles, and applicants will be bound by the percentage of matching funds in the grant award. Applicants must provide justification for all budget items in sufficient detail to enable review of the appropriateness of the funding requested. Pay special attention to any travel or supply budgets and provide details. This section does not count towards the 12-page maximum.

e. Current and pending support: Applicants must provide information on all current and pending climate support for ongoing projects and proposals, including subsequent funding in the case of continuing grants. The proposed project and all other projects or activities requiring a portion of time of the principal investigator and other senior personnel must be included. The relationship between the proposed project and these other projects must be described, and the number of person-months per year to be devoted to the projects must be stated. This section does not count towards the 12-page maximum.

f. Letter(s) of support: Applicants must provide a letter of commitment from the partner community; letters of support from other stakeholders may be included. This section does not count towards the 12-page maximum.

g. Vitae (2 pages maximum per investigator). This section does not count towards the 12-page maximum.

h. Standard application forms: The following standard application forms are available through grants.gov: CD511, SF424, SF424A, SF424B. They are mandatory for a proposal application. This section does not count towards the 12-page maximum.

i. NOAA NEPA Questionnaire: As part of this application process, certain questions from "The Environmental Compliance Questionnaire for NOAA Federal Financial Assistance Applicants" (OMB Control No. 0648-0538) must be answered. This NEPA Questionnaire form is available at <http://www.seagrant.noaa.gov/funding/forms.html>. All applicants need to fill in sections A, B, C, D, E, and F. If a question from one of these sections is not applicable to your project, you should answer "not applicable" or "NA" rather than leaving blank. This does not count against the 12-page limit. Failure to complete all of the indicated questions will result in the application being considered incomplete, and the application will be rejected without further review.

#### C. Submission Dates and Times

Applications are due to Grants.gov by 5:00 p.m. eastern April 19, 2013. The timeliness of applications received through Grants.gov will be determined by the date and time indicator included when applications are submitted. Hard copy applications will be date and time stamped when they are received. Applications received after the deadline will be rejected without further consideration.

#### D. Intergovernmental Review

Applications under this Program are not subject to Executive Order 12372, "Intergovernmental Review of Federal Programs."

#### E. Funding Restrictions

No special restrictions apply.

#### F. Other Submission Requirements

Proposals must be submitted through Grants.gov. If an eligible applicant can prove he/she does not have internet access, contact the Agency Contact listed in section VII for submission instructions.

## V. Application Review Information

### A. Evaluation Criteria

1. Importance and/or relevance and applicability of proposed project to the National Sea Grant program goals (maximum 20 points): This ascertains whether there is intrinsic value in the proposed work and/or relevance to NOAA, federal, regional, State, or local activities. For this competition, this ascertains:

(a) the degree of impact of the proposed work will further adaptation to climate change, contribute to environmental sustainability, and advance the state of the industry, science, or state-of-the-art methods for climate adaptation; and

(b) the degree to which the proposal includes a concrete, unambiguous outcome, and has a good chance of achieving that outcome (including meeting stated performance measure targets). Examples of this could include successful outcomes from previous similar grants.

2. Technical/scientific merit (maximum 20 points): This assesses whether the approach is technically sound and/or innovative, if the methods are appropriate, and whether there are clear project goals and objectives. For this competition, this ascertains:

(a) the quality of the work plan;

(b) if the proposal includes all components (research, outreach, extension, etc) necessary to achieve the desired outcome. Is there an effective plan for integrating all components;

(c) if the proposal includes a way to objectively determine its success at achieving its outcomes.

3. Overall qualifications of applicants (maximum 15 points): This ascertains whether the applicant and others on the team possess the necessary education, experience, training, facilities, and administrative resources to accomplish the project. If the proposal includes the use of outside consultants that have not yet been identified, this criterion includes how clearly the selection factors for the outside consultants are set out, and the expected qualifications of the consultants based on those selection factors.

4. Project costs (maximum 20 points): The budget is evaluated to determine if it is realistic and commensurate with the project needs and time-frame (5 points). For this competition, this criterion includes the relative amount of match that the partner community

pledges to the project as a demonstration of the community's commitment to the project, taking into account the size of the community (15 points).

5. Outreach and education (maximum 25 points): Assesses whether this project provides a focused and effective education and outreach strategy regarding NOAA's mission to protect the Nation's natural resources. For this competition this ascertains:

(a) if the proposal includes a clear and objective work plan for outreach strategy and specific activities to maximize dissemination of results to stakeholders (10 points);

(b) the level of active participation by the partner community in the project (10 points); and

(c) the ability of the project to serve as a model for other communities (5 points).

#### B. Review and Selection Process

An initial administrative review is conducted to determine compliance with requirements and completeness of the application.

All complete and timely proposals will be subjected to technical peer review by the National Sea Grant Office based on the evaluation criteria. Evaluation will be by a review panel of government, academic, NGO and/or private sector scientists and managers. Scores will be provided by each member of the panel based on the evaluation criteria contained in this request for proposals. The Program Coordinator will review the ranking of the proposals and the review panel comments and make recommendations to the Selecting Official. Awards will be made in rank order unless a proposal is justified to be selected out of rank based upon one or more of the selection factors described in the next section.

#### C. Selection Factors

The Selecting Official shall recommend to the NOAA Grants Officer to award in rank order unless a proposal is justified to be selected out of rank based upon one or more of the following factors:

1. Availability of funding
2. Balance and distribution of funds
  - a. Geographically
  - b. By type of institutions
  - c. By type of partners
  - d. By research areas

e. By project types

3. Duplication of other projects funded or considered for funding by NOAA or other agencies

4. Program priorities and policy factors as given in section I.B

5. Applicant's prior award performance

6. Partnerships and/or Participation of targeted groups

7. Adequacy of information necessary for NOAA staff to make a National Environmental Protection Act (NEPA) determination and draft necessary documentation before recommendations for funding are made to the Grants Officer.

Consequently, awards may not necessarily be made to the highest-scored proposals. Investigators may be asked to modify objectives, work plans, or budgets prior to approval of the award. Subsequent administrative processing will be in accordance with current NOAA grants procedures. A summary statement of the technical review by the peer panel will be provided to each applicant of a proposal.

D. Anticipated Announcement and Award Dates

Subject to the availability of funds, awards are expected to be made by July 1, 2013. Projects must be completed by January 31, 2015.

VI. Award Administration Information

A. Award Notices

Successful applicants will receive notification that the application has been recommended for funding to the NOAA Grants Management Division. This notification is not an authorization to begin performance of the project. Official notification of funding, signed by the NOAA Grants Officer, is the authorizing document that allows the project to begin. Notification will be issued to the Authorizing Official and the Principle Investigator of the project either electronically via Grants Online or in hard copy. Unsuccessful applicants will be notified that their proposal was not selected for recommendation.

To enable the use of a universal identifier and to enhance the quality of information available to the public as required by the Federal Funding Accountability and Transparency Act of 2006, to the extent applicable, any proposal awarded in response to this announcement will be required to use the Central Contractor Registration and Dun and Bradstreet Universal Numbering System and be subject to reporting requirements, as identified in OMB guidance published at 2 CFR Parts 25, 170 (2010), <http://ecfr.gpoaccess.gov/cgi/t/text/text->

idx?c=ecfr&tpl=/ecfrbrowse/Title02/2cfr25\_main\_02.tpl,  
http://ecfr.gpoaccess.gov/cgi/t/text/text-  
idx?c=ecfr&tpl=/ecfrbrowse/Title02/2cfr170\_main\_02.tpl

## B. Administrative and National Policy Requirements

### 1. DEPARTMENT OF COMMERCE PRE-AWARD NOTIFICATION REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS -

Administrative and national policy requirements for all Department of Commerce awards are contained in the Department of Commerce Pre-Award Notification Requirements for Grants and Cooperative Agreements contained in the Federal Register notice of December 17, 2012 (77 FR 74634). A copy of the notice may be obtained at <http://www.gpoaccess.gov/fr/search.html> .

2. LIMITATION OF LIABILITY - In no event will NOAA or the Department of Commerce be responsible for proposal preparation costs. Publication of this announcement does not oblige NOAA to award any specific project or to obligate any available funds.

3. NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) - NOAA must analyze the potential environmental impacts, as required by the National Environmental Policy Act (NEPA), for applicant projects or proposals which are seeking NOAA federal funding opportunities. Detailed information on NOAA compliance with NEPA can be found at the following NOAA NEPA website: <http://www.nepa.noaa.gov> , including our NOAA Administrative Order 216-6 for NEPA, [http://www.nepa.noaa.gov/NAO216\\_6.pdf](http://www.nepa.noaa.gov/NAO216_6.pdf), and the Council on Environmental Quality implementation regulations, <http://www.whitehouse.gov/administration/eop/ceq/initiatives/nepa>. Consequently, as part of an applicant's package, and under their description of their program activities, applicants are required to provide detailed information on the activities to be conducted, locations, sites, species and habitat to be affected, possible construction activities, and any environmental concerns that may exist (e.g., the use and disposal of hazardous or toxic chemicals, introduction of non-indigenous species, impacts to endangered and threatened species, aquaculture projects, and impacts to coral reef systems). In addition to providing specific information that will serve as the basis for any required impact analyses, applicants may also be requested to assist NOAA in drafting of an environmental assessment, if NOAA determines an assessment is required. Applicants will also be required to cooperate with NOAA in identifying feasible measures to reduce or avoid any identified adverse environmental impacts of their proposal. The failure to do so shall be grounds for not selecting an application. In some cases if additional information is required after an application is selected, funds can be withheld by the Grants Officer under a special award condition requiring the recipient to submit additional environmental compliance information

sufficient to enable NOAA to make an assessment on any impacts that a project may have on the environment.

4. UNPAID OR DELINQUENT TAX LIABILITY - In accordance with current Federal appropriations law, NOAA will provide a successful corporate applicant a form to be completed by its authorized representatives certifying that the corporation has no

Federally-assessed unpaid or delinquent tax liability or recent felony criminal convictions under any Federal law.

#### C. Reporting

Award recipients will be required to submit financial and performance (technical) reports to the State Sea Grant Program for reporting requirements. These reports are to be submitted electronically, unless the recipient does not have proven Internet access, in which case hard copy submissions may be accepted; however, no facsimiles will be accepted. After consultation between the Principal Investigator(s) and the State Sea Grant Program staff, reports are to be submitted electronically by State Sea Grant Program staff via Grants.gov.

The Federal Funding Accountability and Transparency Act of 2006 includes a requirement for awardees of applicable Federal grants to report information about first-tier subawards and executive compensation under Federal assistance awards issued in FY 2011 or later. All awardees of applicable grants and cooperative agreements are required to report to the Federal Subaward Reporting System (FSRS) available at [www.FSRS.gov](http://www.FSRS.gov) on all subawards over \$25,000.

#### VII. Agency Contacts

Requests for information regarding the NOAA Sea Grant Community Climate Adaptation Initiative 2013 should be directed to Dr. Joshua Brown 301-734-1271; via e-mail at [oar.hq.sg.competitions@noaa.gov](mailto:oar.hq.sg.competitions@noaa.gov); Mailing Address: NOAA Sea Grant; 1315 East-West Highway, SSMC3, R/SG; Silver Spring, MD 20910.

Questions about this funding opportunity may be sent to [oar.hq.sg.competitions@noaa.gov](mailto:oar.hq.sg.competitions@noaa.gov).

#### VIII. Other Information

Data Sharing Plan: Environmental data and information collected and/or created under NOAA grants/ cooperative agreements must be made visible, accessible, and independently understandable to general users, free of charge or at minimal cost, in a timely manner (typically no later than two (2) years after the data are collected or created), except where

limited by law, regulation, policy or security requirements. 1. Unless otherwise noted in the federal funding announcement, a Data/Information Sharing Plan of no more than two pages shall be required. A typical plan should include descriptions of the types of environmental data and information created during the course of the project; the tentative date by which data will be shared; the standards to be used for data/metadata format and content; policies addressing data stewardship and preservation; procedures for providing access, sharing, and security; and prior experience in publishing such data. The Data/Information Sharing Plan will be reviewed as part of the NOAA Standard Evaluation Criteria, Item 1 -- Importance and/or Relevance and Applicability of Proposed Project to the Mission Goals. 2. The Data/Information Sharing Plan (and any subsequent revisions or updates) must be made publicly available at time of award and, thereafter, will be posted with the published data. 3. Failing to share environmental data and information in accordance with the submitted Data/Information Sharing Plan may lead to disallowed costs and be considered by NOAA when making future award decisions. If your proposed activities do not generate any environmental data, your application is still required to have a data sharing plan. Such a data sharing plan could include the statement that "this project will not generate any environmental data." NOAA Data Sharing requirements can be found at <https://www.nosc.noaa.gov/EDMC/documents/EDMC-PD-DSP.pdf>