



CITY OF ST. MARYS, GEORGIA

July 16, 2012

TSPLOST PRESENTATIONS

5:00 p.m.

CAMDEN COUNTY CHAMBER OF COMMERCE

5:22 p.m.

STOP BALLOT COMMITTEE, LLC

PUBLIC HEARING
ALCOHOL LICENSE

“The Survival Shops, LLC”

5:45 p.m.

CITY COUNCIL MEETING

6:00 p.m.

AGENDA

- I. CALL TO ORDER**
- II. INVOCATION:** *Councilmember Howell*
- III. PLEDGE OF ALLEGIANCE**
- IV. ROLL CALL** **QUORUM: YES___ NO___**
- V. APPROVAL OF MINUTES:** *July 2, 2012 Regular City Council Meeting Minutes*
- VI. PRESENTATION:**
 - BOARD APPOINTMENTS**
 - 1. Library Board: *(White & Norris)7/31/12*
- VII. SET CONSENT AGENDA**
- VIII. APPROVAL OF THE AGENDA**
- IX. GRANTING AUDIENCE TO THE PUBLIC:**
- X. OLD BUSINESS:**
 - A. THE SURVIVAL SHOPS NEW ALCOHOL LICENSE:**TAB “A”
The Survival Shops’ Alcohol License to manufacture and taste testing of beer and wine for on-premise consumption, without food
- XI. NEW BUSINESS:**
 - A. JAMES VALIGURA’S WATER BILL:** *Council Direction*TAB “B”
Request for credit by Mr. Valigura on his water bill

- B. **AIRPORT AUTHORITY LEASE RENEGOTIATION:**.....TAB “C”
Renegotiation of lease with Airport Authority
- C. **TRAVEL POLICY: Per Diem**.....TAB “D”
To adopt changes to the Travel Policy by revising the per diem rate for overnight travel. The revised rate would be based on the Meals and Incidental Expenses (M&IE) rate for the area of travel.
- D. **FIRE DEPARTMENT POSITIONS:**TAB “E”
To request permission to fill two full-time SAFER Firefighter positions
- E. **GEORGIA ENVIRONMENTAL FINANCE AUTHORITY AGREEMENT & RESOLUTION:**
Georgia Fund Loan.....TAB “F”
Authorize the Mayor to sign the documents
- F. **TRANSPORTATION ENHANCEMENT GRANT:**TAB “G”
Approve contract with Thomas and Hutton for professional Services related to the TE Grant administered by Georgia Department of Transportation for the St. Marys Intracoastal Gateway walkway.
- G. **MCDOWELL PROPERTY TRANSFER: Property Owners Request**TAB “H”
Consideration of a request by adjacent property owners to individually purchase parts of the Miller, Park and Paper Streets
- H. **CITY MANAGER’S REVIEW:** *Mayor DeLoughy*

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

- A. **PLANNING DIRECTOR’S REPORT**TAB “I”
 - 1. **REZONING:** Clyde A. Chapman, Jr. is requesting rezoning of Parcels S34-03-001 and S34-03-006 to be rezoned from the present R-4 zoning to C-1.
 - 2. **REVERSE SUBDIVISION:** Clyde A. Chapman, Jr. is requesting approval for a six lot to on lot minor final plat, located in Block 33 off Meeting Street. Parcel numbers S34-03-001 and S34-03-006 (rezoned parcels) added to existing previously rezoned parcels S34-03-002, S34-03-003, S34-03-004 and S34-03-005.
- B. **CITY CALENDAR:** *City Clerk*

XIII. REPORT OF MAYOR:

XIV. GRANTING AUDIENCE TO THE PUBLIC

MAYOR AND COUNCIL COMMENTS

CITY MANAGER’S COMMENTS

XV. EXECUTIVE SESSION:

XVI. ADJOURNMENT:

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

July 2, 2012

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, July 2, 2012 in the Council Chamber at City Hall.

PRESENT WERE:

Mayor William DeLoughy
Councilmember Jim Gant
Councilmember John Morrissey
Councilmember Keith Post
Councilmember Sidney Howell
Councilmember Nancy Stasinis

ABSENT WERE:

Councilmember Greg Bird
Gary Moore, City Attorney

CITY OFFICIALS PRESENT:

Steven S. Crowell, Jr., City Manager
Roger Weaver, Planning Director
Tim Hatch, Police Chief
Bobby Marr, Public Works Director
Robby Horton, Fire Chief
Jennifer Brown, Finance Director
Marsha Hershberger, Asst. Finance Director
Donna Folsom, HR Director
Artie Jones, Econ. Dev. Director

CALL TO ORDER:

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

APPROVAL OF MINUTES: *June 18, 2012 Regular City Council Meeting Minutes*

Councilmember Stasinis made a motion to approve the June 18, 2012 regular City Council meeting minutes. Councilmember Gant seconded the motion. Voting was recorded as follows:

FOR

Councilmember Stasinis
Councilmember Gant
Councilmember Morrissey
Councilmember Post

ABSTAINED

Councilmember Howell

PRESENTATION:

BOARD TERM EXPIRATION/VACANCY ANNOUNCEMENTS

1. Coastal RDC Historic Preservation Advisory Council: (*Westberry*)7/28/12
2. Library Board: (*White & Norris*)7/31/12
3. Ethics Board (*Attorney's Resignation*) Bar Association Appointment

BOARD APPOINTMENT

1. Oak Grove Cemetery Authority: (*Vacancy*)

Councilmember Post made a motion to nominate Caroline Frasca for the Oak Grove Cemetery Authority vacancy. Councilmember Stasinis seconded the motion. Voting was unanimous in favor of the motion.

After Mrs. Frasca's appointment to the Oak Grove Cemetery Authority, Councilmember Stasinis brought up Kay Westberry's upcoming term expiration on the Coastal RDC Historic Preservation Advisory Council.

Councilmember Stasinis made a motion to nominate Kay Westberry for the Coastal RDC Historic Preservation Advisory Council. Councilmember Howell seconded the motion. Voting was unanimous in favor of the motion.

SET CONSENT AGENDA (*):

Councilmember Morrissey made a motion to set the consent agenda as New Business A and C. Councilmember Gant seconded the motion. Voting was unanimous in favor of the motion.

APPROVAL OF THE AGENDA:

Councilmember Post moved to approve the agenda as presented. Councilmember Stasinis seconded the motion. Voting was unanimous in favor of the motion.

GRANTING AUDIENCE TO THE PUBLIC:

Jim Valigura (616 Kings Way; St. Marys): Mr. Valigura spoke about his April 2012 water bill, and how excessively high it was to his normal bill. He spoke with the Water Department. They recommended he run a test on his sprinkler system while they ran a test on the water meter. Both tests came back fine. He is asking the Mayor and Council for assistance on the issue. Mr. Crowell recommended that this be put on the upcoming agenda, so that more information can be gathered and distributed to everyone. Mayor DeLoughy agreed.

Charlotte Bartzack (Cardinal Circle East; St. Marys): Mrs. Bartzack asked for an update on the Orange Hall renovations. Mayor DeLoughy asked that Roger Weaver, the Planning Director, give an update later in the meeting.

Sam Colville (210 Overlook Lane; St. Marys): Mr. Colville spoke about the Cumberland Harbour resolution. He wanted to emphasize that there is urgency in bringing this litigation to conclusion, because of the hardship it is creating for some residents. Mayor DeLoughy stated that it is being worked on, and that the resolution is the next step in the process.

OLD BUSINESS:

There was no "Old Business" for Council consideration at this time.

NEW BUSINESS:

A. THE SURVIVAL SHOPS NEW ALCOHOL LICENSE (*): *Public Hearing*

Council consideration to schedule and advertise a public hearing on Monday, July 16th at 5:45 p.m. for a new alcohol license.

Councilmember Morrissey made a motion to approve the scheduling and advertising of a public hearing on Monday, July 16th at 5:45 p.m. for The Survival Shop's new alcohol license. Councilmember Gant seconded the motion. Voting was unanimous in favor of the motion.

B. GEORGIA DEPARTMENT OF LABOR CAREER CENTER: *Lease Agreement*

To authorize the Mayor to enter into a lease agreement with GDOL

Councilmember Morrissey asked that Artie Jones, Economic Development Director, speak about the GA Department of Labor (DOL) Career Center. Mr. Jones spoke about how the moving of the Career Center came about, and it moving to 406 Osborne St. The facility needed some renovations, and those improvements were made with a few minor ones left to be completed. A lease agreement was worked out - the first year there would be no rent charged, but on July 1, 2013 the rent will be \$1000 a month for a year. At that time the lease can be extended if the DOL chooses to do so. Mayor DeLoughy spoke about the help of the Cities of Woodbine, Kingsland, and Camden County in making this happen. Council spoke about the improvements to the facility and commended Mr. Jones on his work on this project.

Councilmember Gant moved to approve the lease agreement for the GA Department of Labor Career Center. Councilmember Howell seconded the motion. Voting was unanimous in favor of the motion.

C. RESOLUTION (*): *Cumberland Harbour Bonds*

Consideration of a Resolution Restating Council's Demand for Lexon Insurance Company and Bond Safeguard Insurance Company to perform their obligations under the various bonds issued by them in connection with Cumberland Harbour Subdivision.

Councilmember Morrissey made a motion to approve the resolution restating Council's demand for Lexon Insurance Company and Bond Safeguard Insurance Company to perform their obligations under the various bonds issued by them in connection with Cumberland

Harbour Subdivision. Councilmember Gant seconded the motion. Voting was unanimous in favor of the motion.

REPORT OF AUTHORITIES, BOARDS, COMMISSIONS & COMMITTEES:

A. FINANCE DIRECTOR'S REPORT: *Finance Director*

The Finance Director presented the 11-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.

During the report Councilmember Gant asked about identifying projects for SPLOST 6. Mr. Crowell stated that those projects were already identified, and there is \$1 million worth of funds left over. Those funds may be needed for the Gaines Davis project, so if funds are remaining after that project then it can be discussed how the remaining funds can be used.

B. CITY CALENDAR: *Deputy City Clerk*

The City Clerk announced the upcoming events, activities and meetings for July 4 through July 16, 2012.

REPORT OF MAYOR:

Mayor DeLoughy asked Roger Weaver to give an update on the Orange Hall renovations. Mr. Weaver stated that the bid packets were being put together. All renovations, including the painting of the building, will be done in accordance to the Secretary of Interior Standards for Historic Preservation, as well as with the EPA requirements for lead-based paint removal. Mr. Weaver also spoke about the tentative timeframe of the project. Mr. Crowell added that other projects, such as the renovations to City Hall and the Fire Department façade, are being worked on to be sent out for bids.

Mr. Weaver than gave an update on the dock at the Gateway property. He described the items that needed to be repaired. He and the grant coordinator are working on a plan to get the work done and the use of money from the insurance and grants to make the appropriate repairs. He commended DNR for their helpfulness in working with the City on this and other projects.

Bobby Marr, the Public Works Director, spoke about the damage to the Pavilion Dock and Wheeler St. Boat Ramp Dock, as well as the fireworks barge. Mr. Marr has been speaking with the insurance company on meeting their requirements to process the claim. He also discussed the difficulty they have faced repairing the floating barge in the past, and the limited number of dock builders in the area.

Mr. Marr also gave an update on the storm cleanup effort. The debris from Beryl has been collected and is in the process of being disposed of. Debby was mostly a rain event, so there were areas of flooding. He stated that there is concern about the water that is still coming down the St. Marys River, but stated that the City has a wide marsh basin so he does not believe it will be a concern. Mr. Marr later noted the City's drainage ditches, and how they held up to the accumulation of water. Mayor DeLoughy stated that he and the City Manager spoke with the

County's Emergency Management Agency, and they do not think the flooding from the river will be a problem in the City. Mr. Crowell also brought up a recommendation that Florida made an Emergency Declaration for Beryl in Jacksonville. He stated it may be worth the City drafting a letter to see if there are any opportunities for help with the damage the City had from the storm. Mayor DeLoughy said he thought it would be worthwhile. The Council commended various departments on their work during the storms.

- Local Option Sales Tax (LOST) negotiations will be with the county on Thursday at 8:30 p.m. at the Emergency Management Authority (EMA) Building in Kingsland.
- Bi-national Park Dedication is being held on Wednesday from 1 p.m. to 3 p.m. with Congressman Kingston.
- Mayor DeLoughy stated that there would be fireworks at the festival.

GRANTING AUDIENCE TO THE PUBLIC:

Bob Nutter (521 Moeckel Place; St. Marys): Mr. Nutter had a question concerning the Gateway Dock and whether it would allow access on both sides during all tides after the renovations. Mr. Weaver said it would. In regards to Orange Hall, he had a question about the shutters. Mr. Weaver stated that the shutters on the building were not original, and spoke about getting shutters made to historic preservation standards. Mr. Nutter then asked if SPLOST funds could be used to get proper shutters, and Mr. Crowell answered that it could. Mr. Nutter than noted that he does not believe that the City will have an issue with the high waters from the river.

MAYOR AND COUNCIL COMMENTS:

There was no "Comments" at this time.

CITY MANAGER'S COMMENTS:

There was no "Comments" at this time.

EXECUTIVE SESSION:

There was no "Executive Session" at this time.

ADJOURNMENT:

Councilmember Howell made a motion for adjournment. Councilmember Stasinis seconded the motion. Voting was unanimous in favor of the motion. Mayor DeLoughy declared the meeting adjourned at 5:49 p.m.

Respectfully submitted,

Nicole Goebel, Deputy City Clerk

Arlene C. Norris

PO Box 223
St. Marys GA 31558

912-882-5562
acnorris@tds.net

July 10, 2012

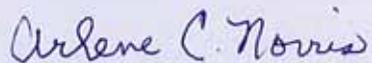
Mayor Bill Deloughy
City Hall
St. Marys, Georgia

Dear Mayor Deloughy,

I am interested in continuing to serve on the St. Marys City Library Board. Please consider reappointing me to this Board.

I have served as president for the past three years and pledge to work very hard as a member of this Board. I would continue to be diligent in my duties. I would appreciate your consideration.

Sincerely,



Arlene C. Norris

CITY COUNCIL MEETING

July 16, 2012

TITLE: THE SURVIVAL SHOPS, LLC: *New Alcohol License*

PURPOSE: Discuss the Survival Shops' Alcohol License to manufacture and taste testing of beer and wine for on-premise consumption, without food.

RECOMMENDATION: The City Clerk recommends withdrawing the application and refunding the fees collected.

HISTORY/ANALYSIS: At the last meeting, City Council approved advertising for a public hearing which was duly posted in the Tribune & Georgian, and held prior to this evening's Council meeting. Mr. Schmidt is leasing the building located at 2014 Osborne Road to sample beer and wine produced at home as part of his retail business.

Special Agent Thomas Brown, Department of Revenue Alcohol Tobacco Division notified the City Clerk's office that an Alcohol License cannot be issued to the business for production or manufacturing of beer and wine for taste testing. The following Georgia Codes address requirements:

O.C.G.A. § 3-3-1. Declaration of business of manufacturing, selling, and other dealings in alcoholic beverages as privilege subject to regulatory requirements
The businesses of manufacturing, distributing, selling, handling, and otherwise dealing in or possessing alcoholic beverages are declared to be privileges in this state and not rights; however, such privileges shall not be exercised except in accordance with the licensing, regulatory, and revenue requirements of this title.

O.C.G.A. § 3-3-3. Licenses required to distribute, sell, or otherwise deal in alcoholic beverages; display of licenses

(a) No person shall manufacture, distribute, sell, handle, or possess for sale, or otherwise deal in, alcoholic beverages without first obtaining all applicable licenses required by this title.

(b) Each person holding a license issued pursuant to this title shall display the license prominently at all times on the premises for which the license is issued.

Furthermore, they do not meet the local, state or federal requirements as a brew pub, which must adhere to bottling and labeling regulations.

O.C.G.A. § 3-1-2 (3) "Brewpub" means any eating establishment in which beer or **malt beverages** are manufactured or brewed, subject to the barrel production limitation prescribed in Code Section 3-5-36 for retail consumption on the premises and solely in draft form. As used in this article, the term "eating establishment" means an establishment which is licensed to sell distilled spirits, **malt beverages**, or wines and which derives at least 50 percent of its total annual gross food and beverage sales from the sale of prepared meals or food.

State statute addresses production of beer and wine for **personal** use only.

O.C.G.A § 3-6-3. Household production

(a) A head of a household may produce 200 gallons of wine in any one calendar year to be consumed within his own household without any requirement to be licensed for such purpose. Wine so produced shall not be subject to any excise tax imposed by this chapter.

(b) For purposes of this Code section, a single individual who is not a dependent of another person for purposes of Georgia income taxation shall be considered a head of a household.

O.C.G.A. § 3-5-4. Production of malt beverages by a head of household for consumption within own household

(a) A head of a household may produce 50 gallons of malt beverages in any one calendar year to be consumed within his or her own household without any requirement to be licensed for such purpose. No malt beverages produced under this subsection shall be sold or offered for sale. Malt beverages so produced shall not be subject to any excise tax imposed by this chapter.

(b) For purposes of this Code section, a single person who is not a dependent of another person for purposes of Georgia income taxation shall be considered a head of a household.

Department

Director: _____

Charlene M. Roellig

City

Manager: _____

CITY COUNCIL MEETING
July 16, 2012

TITLE: MR. JAMES VALIGURA WATER BILL

PURPOSE: Request for credit by Mr. James Valigura on his water bill

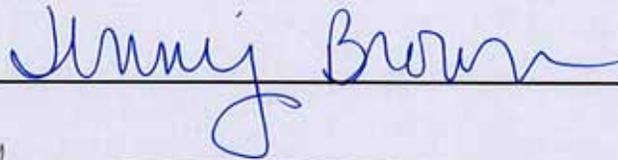
RECOMMENDATION: Offer a payment plan on the account.

HISTORY/ANALYSIS:

Mr. Valigura's bill averages \$57 to \$80 per month, and for the month of April 2012 his bill was \$260.68. He contacted the water department regarding the high bill and staff stated that a sprinkler system or a water softener could possibly be the cause. Mr. Valigura stated he had a sprinkler system. Staff recommended that he test each zone to help identify any leaks. Staff also advised him that he could request a flow test be done to ensure the meter was working properly. He requested a flow test to be performed on his meter.

Mr. Valigura performed a test on his sprinkler system. (Attached are his results) City Staff performed a flow test on the water meter and found it to be in proper working order. All the water that was billed to Mr. Valigura ran through the meter. His bill for the month of May dropped to \$123.40 and June dropped to \$86.56. Mr. Valigura is requesting a credit for the high usage bill.

**Department
Director:**



**City
Manager:**



Jim and Maryanne Valigura

From: Jim and Maryanne Valigura [valigura@tds.net]
Sent: Monday, June 04, 2012 8:14 PM
To: Maryanne Valigura
Subject: Water usage during test of the sprinkler system.

Following the receipt of an exorbitant water bill we received for the month of April, I went to discuss the bill with the nice lady at the water department where we pay the bill. The bill was for the period 8 March 2012 through 7 April 2012. After listening to my complaint, she dispatched a person to take a reading of our meter. She asked if I would like the meter to be pulled and tested and I said yes, because there had to be a mistake since the average usage for the preceding 8 months was approximately 5,000. She stated that a sprinkler system and water softener are the two principle causes for high water bills and guessed that I might a major leak in the sprinkler system.. She said that I should test it taking readings for each zone, as that might help identify the zone where the leak must be.

This is to document the results of the test I performed today on my sprinkler system.

First, I made sure that there was no water being used and took the meter reading. It was 21304(0).

I then set the sprinkler system to run on Zone 1 for 10 minutes. I then reread the meter. It was 21320. I assume the 16 sprinkler heads in this zone had spread 160 gallons during that ten minute test.

I then set the sprinkler system to run on Zone 2 for 10 minutes and then reread the meter. It was 21331 indicating Zone 2, with 6 sprinkler heads, had used 90 gallons for that ten minute test.

Finally, I set the sprinkler system to run on Zone 3 for 10 minutes and then reread the meter. It was 21338, indicating Zone 3, with 8 small sprinkler heads, had used 70 gallons for that ten minute test.

So the total amount of water consumed during the total 30 minute test was 320 gallons.

When I did run the sprinkler system, it was for 30 minutes per zone, so these results must be multiplied by 3 in order to calculate the water usage during a normal sprinkler session – $320 \times 3 = 960$ gallons

Having set my control to run on Mondays and Fridays only, a total of 9 sprinkler days occurred during the above mentioned billing period. This would indicate the monthly usage could only be a maximum Of 9×960 , or 8640 gallons for watering the lawn. Assuming 100 gallons per day for personal hygiene, cooking, etc., this would add an additional 3100 gallons for a total Of 11,740 gallons. This compares favorably to the same period a year ago when 10,000 Gallons were consumed.

I am now convinced that the water meter that was removed for testing was defective.

NAME SERVICE ADDRESS

JAMES VALIGURA 616 KINGS WAY

5/30/2012 10:48 AM lwright 05-25-2012 PER #29 & #35 FLOW TEST PASSED * PUT OLD METER BACK IN HOUSE METER 100 GALLONS TEST METER 99.7 GALLONS * NO ADJUSTMENT DUE * CUSTOMER WILL BE BILLED \$25.00 FEE
5/14/2012 04:21 PM rbordenkirch CUST ASKED FOR FLOW TEST - EVEN WHEN USING SPRINKLERS USAGE NOT THIS HIGH
4/19/2012 04:09 PM kwinn HIGH USAGE BUT METER NOT SPINNING PER METER TECH(201900
3/23/2012 11:23 AM kwinn HIGH USAGE BUT METER NOT SPINNING PER METER TECH(168500
6/21/2011 04:35 PM kwinn HIGH USAGE BUT METER NOT SPINNING PER METER TECH(106700
12/20/2010 11:05 AM kwinn HIGH USAGE BUT METER NOT SPINNING PER METER TECH(
10/27/2010 02:06 PM lwright \$125.94 CREDIT REQUEST TOWARD 09.01.2010 & 10.01.2010 BILLS ++++++
10.11.10 MWS#9446 FLOW TEST REQUESTED 10.27.2010 MWS#9446 FAILED FLOW TEST MTR READ 100 GALLONS TESTER READ 97.7 GALLONS INSTALLED NEW MTR SER#7624432 OLD MTR READING 35300 & REPLACED 2 GASKET'S*CUSTOMER IS DUE AN ADJUSTMENT.
10/11/2010 00:25 PM rbordenkirch CUST CONCERNED ABOUT IRREGULAR USAGE - REQUESTS FLOW TEST - MWS 9446
8/26/2010 00:20 PM lwright \$154.28 credit request (\$77.14 water & \$77.14 sewer) Per MWS#9378 customer's meter failed flow test.
6/21/2010 07:28 PM lwright MWS#9378 MTR FLOW TEST RESULTS HOUSE METER = 100 GAL TEST METER = 97.6 GALLONS * CUSTOMER IS DUE AN ADJUSTMENT *
5/24/2010 05:09 PM kwinn HIGH CONSUMPTION BUT HAS NO LEAK PER METER TECH(1126500
1/25/2010 kwinn HIGH CONSUMPTION BUT HAS NO LEAK PER METER TECH
11/25/2009 kwinn HIGH USAGE BUT HAS NO LEAK PER METER TECH
CX: 7/20/2009 Conversion Note HIGH USAGE BUT HAS NO LEAK PER METER TECHNICIAN
CX: 10/23/2008 Conversion Note HIGH USAGE BUT HAS NO LEAK PER METER TECHNICIAN
CX: 9/21/2005 DEP Conversion Note ***DEPOSIT APPLIED TO ACCT OCTOBER 2005*****
CX: 4/11/2005 ADJ Conversion Note IRRIGATION VALVE BROKE
CX: 7/28/2004 NTE Conversion Note NO LEAK
CX: 5/19/1999 APP Conversion Note APP # 19272
CX: 4/8/1999 TAP Conversion Note W/S TAP INSTL 4/8/99, #2733, MTR S/N 2440817

Account Number - 15-02320-01 VALIGURA, JAMES Service Address: 616 KINGS WAY
 Service: 100 103 WTR-RES/IN >65 Meter: 7624432

Month	Date	Read		Total	Demand		Reading		Occupant
		Previous	Current	Consumption	Read	Consumption	Flag	Source	
Year : 2012 Total 6									
Jun	06/08/2012	210000	213600	3600			Regular	Hand Held	01
May	05/10/2012	194300	210000	15700			Regular	Hand Held	01
Apr	04/10/2012	152400	194300	41900			Regular	Hand Held	01
Mar	03/13/2012	144500	152400	7900			Regular	Hand Held	01
Feb	02/13/2012	141300	144500	3200			Regular	Hand Held	01
Jan	01/11/2012	138500	141300	2800			Regular	Hand Held	01
Year : 2011 Total 6									
Dec	12/12/2011	135900	138500	2600			Regular	Hand Held	01
Nov	11/11/2011	131500	135900	4400			Regular	Hand Held	01
Oct	10/10/2011	126300	131500	5200			Regular	Hand Held	01
Sep	09/12/2011	119100	126300	7200			Regular	Hand Held	01
Aug	08/09/2011	112900	119100	6200			Regular	Hand Held	01
Jul	07/12/2011	99300	112900	13600			Regular	Hand Held	01
				Avg 9525					

Account Number - 15-02320-01 VALIGURA, JAMES Service Address: 616 KINGS WAY

Date	Packet	Type	Receipt #	Reference	Debits	Credits	Balance
07/01/2012	007250	Bill		5/07- 6/06 07/20	86.56		86.56
06/19/2012	007188	Payment	218954	4983		123.40	0.00
06/01/2012	007126	Bill		4/07- 5/07 06/20	123.40		123.40
05/14/2012	007076	Payment	211684	4969		260.68	0.00
05/01/2012	007019	Bill		3/08- 4/07 05/21	260.68		260.68
04/18/2012	006975	Payment	206887	4951		82.52	0.00
04/01/2012	006910	Bill		2/07- 3/08 04/20	82.52		82.52
03/15/2012	006822	Payment	199738	4936		59.74	0.00
03/01/2012	006772	Bill		1/08- 2/07 03/20	59.74		59.74
02/21/2012	006743	Payment	194889	4917		57.90	0.00
02/01/2012	006677	Bill		12/09- 1/08 02/21	57.90		57.90
01/20/2012	006642	Payment	189082	4904		56.98	0.00
01/01/2012	006578	Bill		11/09-12/09 01/20	56.98		56.98
12/19/2011	006562	Payment	179195	4885		65.24	0.00
12/01/2011	006505	Bill		10/10-11/09 12/20	65.24		65.24
11/18/2011	006477	Payment	170253	4868		68.90	0.00
11/01/2011	006417	Bill		9/10-10/10 11/21	68.90		68.90
10/19/2011	006385	Payment	163774	4855		78.86	0.00
10/01/2011	006322	Bill		8/11- 9/10 10/20	78.86		78.86
09/20/2011	006277	Payment	158329	4836		73.62	0.00
09/01/2011	006196	Bill		7/12- 8/11 09/20	73.62		73.62
08/16/2011	006146	Payment	150904	4822		112.38	0.00
08/01/2011	006084	Bill		6/12- 7/12 08/22	112.38		112.38
07/19/2011	006052	Payment	145944	4800		174.74	0.00
07/01/2011	005979	Bill		5/13- 6/12 07/20	174.74		174.74

CITY COUNCIL MEETING

July 16, 2012

TITLE:

Airport Authority Lease Renegotiation.

PURPOSE:

Renegotiation of lease with Airport Authority.

RECOMMENDATION:

Determine contract term; identify issues to be renegotiated; and select an individual/committee to conduct such renegotiation.

HISTORY/ANALYSIS:

Direction from City Council on how to proceed regarding the request from the Airport Authority to renegotiate their lease with the City in regard to the Airport. Staff is in disagreement with the expiration term of the lease as explained in the attached letters.

The Airport Authority has indicated the three items they would like to renegotiate (summarizing): Evergreen Clause (contract term); liability insurance requirements; and "requiring the City to handle all leasing of Airport property." There may be other items the City may want to renegotiate as well. I specifically requested of the Airport Authority to advise me of at which meeting the above decisions were made by the Airport Authority; however, I have not yet received that information.

I think we are still within the contract terms and therefore it is up to the City Council to decide whether they want to renegotiate some, any or all, provisions in the current lease with the Airport Authority. I believe the Airport Authority's position is that the lease is set to expire and the entire lease provisions are subject to renegotiation.

Council's direction if, and how, you wish to proceed with renegotiation is being requested.

Department Director:

City Manager _____

Steven S. Crowell, Jr.

St. Marys Airport Authority
P.O. Box 5002
St. Marys, Georgia 31558

June 27, 2012

Steven S. Crowell, Jr.
City Manager
City of St. Marys
418 Osborne Street
St. Marys, Georgia 31558

Re: Lease of airport property between Airport Authority and City of St. Marys

Dear Mr. Crowell:

On behalf of the St. Marys Airport Authority ("the Authority") I am responding to your letter of June 21, 2012 to Jay Stanford.

We are not in agreement with your interpretation or the City Attorney's interpretation of Section 2 of the above referenced lease. The lease contains specific language that states "[t]he lease shall be automatically **renewed annually** at the same terms and conditions as set forth herein, unless either party shall serve notice upon the other of their desire to review, renegotiate, or terminate the lease". We have provided the City timely notice of the Authority's desire to renegotiate certain terms of the lease.

The phrase "renewed annually" cannot be disregarded by the parties in the interpretation of the term of the lease. In our opinion there are only two possible interpretations that can be applied to this phrase. The first is that the phrase "renewed annually" changed the term of the lease to an annual lease after its initial two-year period. The second interpretation is that such phrase provides either party the right to annually terminate the lease or the right to annually require the other party to review or renegotiate the terms of the lease. Pursuant to either interpretation, the Authority's timely notice of its desire to negotiate certain terms of the lease requires the City to negotiate a new lease with the Authority.

It is the desire of the Authority to address the following three issues:

1. Section 2, discuss replacing the Evergreen Clause with a fixed term;

2. Section 10, delete the requirement for the Authority to maintain liability insurance;
and
3. Section 13, require the City to handle all leasing of Airport property.

If a new lease is not agreed to by the expiration date of July 26, 2012, the Authority will consider the negotiations at impasse with respect to any of the above issues not mutually agreed to. In that event, the Authority will continue to manage the Airport pursuant to any new terms and conditions agreed upon, the remaining terms of current lease not a subject to these negotiations and the By-Laws of St. Marys Airport Authority.

Please let me know the dates you have available to begin our negotiations. Our negotiating committee is comprised of Frank Frasca and me.

Respectfully yours,
J. Frank Drane



CITY OF ST. MARYS
418 OSBORNE STREET
ST. MARYS, GEORGIA 31558
TELEPHONE: 912/510-4041
FAX: 912/510-4013

June 21, 2012

Jay Stanford
Chairman
St. Marys Airport Authority
1720 Point Peter Road
St. Marys, Georgia 31558

Dear Jay:

I am responding to your (undated) letter (attached) advising the City of the Airport Authority's intent not to agree to an automatic renewal of the lease between the City of St. Marys (the "City") and the St. Marys Airport Authority (the "Authority").

Based on my review of Section 2 of the referenced lease (pertinent page include), I interpret the renewal term to be for a period of two years, not one year. The lease expired on July 2011 and was automatically renewed on July 26, 2011 for a period of **two years**; therefore, the current lease will not expire until July 26, 2013. Based on my consultation with the City Attorney, it is my opinion that the current lease is valid.

Should you wish to have the City Council consider renegotiating the current lease, I would appreciate a letter so indicating, identifying the issues to be renegotiated. Upon receipt of the referenced letter, I will seek direction from the City Council as to whether they are willing to renegotiate the lease. In your letter it would be helpful if you would reference the date of the Airport Authority meeting at which direction was given to renegotiate the lease and the issues to be negotiated. Again, it is my opinion that the City Council will need to agree to such renegotiation.

Please feel free to contact me if I can provide additional information.

Sincerely,

Steven S. Crowell, Jr.
City Manager

CC: St. Marys City Council
Attorney Gary Moore

Office of the City Manager

Voice: (912) 510-4043 Fax (912) 510-4013 E-mail: steve.crowell@stmarysga.gov

received 5/31/12
SSES

Steve Crowell
418 Osborne St.
St. Marys, GA
31558

This is to inform the City of St. Marys that the St. Marys Airport Authority does not agree to an automatic renewal its current lease, dated July 27, 2009, of the St. Marys Airport property from the City of St. Marys. This lease is scheduled to expire at Midnight July 26, 2012 and automatically renew for a one-year term on July 27, 2012 unless either party objects and serves notice upon the other of its intention to review, renegotiate or terminate such lease

It is the intention of the St. Marys Airport Authority to renegotiate the terms of its current lease referenced above.



Jay Stanford

Airport Authority Chairman

STATE OF GEORGIA
COUNTY OF CAMDEN

LEASE AGREEMENT

THIS LEASE AGREEMENT ("Lease") made the 27th day of July 2009, by and between the CITY OF ST. MARYS, GEORGIA, a municipal corporation (hereinafter "Lessor") and the ST. MARYS AIRPORT AUTHORITY (hereinafter "Lessee").

WITNESSETH

-1-

That for and in consideration of the rents, covenants and conditions on the part of the Lessee, its successors and assigns, Lessor leases to Lessee, its successors and assigns, all that lot, tract or parcel of land lying and being in the City of St. Marys, 29th G.M. District, Camden County Georgia and being generally known as the St. Marys Airport, a more complete and detailed description being attached hereto, labeled Exhibit "A", and by such reference made a part hereof ("Premises"), less and except that portion of the portion of the property containing the Lessor's fire training area, shown on Exhibit "B" attached hereto.

-2-

The term of this lease shall be 2 years, which term shall commence on the 27th day of July 2009 and shall terminate at 12:00 o'clock midnight on the 26th day of July 2011. The lease shall be automatically renewed annually at the same terms and conditions as set forth herein, unless either party shall serve notice upon the other of their desire to review, renegotiate, or terminate the lease. Such notice must be given, in writing, at least sixty (60) days prior to the scheduled date of termination. This lease is subject to any early termination that might occur as described within section 3 or 9 of this lease.

-3-

This lease shall immediately terminate, without further action or notice, thirty (30) days after Lessee is given notice by the Federal Aviation Administration that a replacement airport has been constructed and will become operable within said thirty (30) day period and that the St. Marys Airport will then be closed.

-4-

The rental shall be \$10.00 per year, payable in advance on the first day of each calendar year. Lessee assumes all operational duties and obligations with relation to the premises and buildings and/or improvements that may hereafter be erected and/or standing thereon during the term of this lease, and also the maintenance and operation thereof, and also the use and manner of use thereof, so that, no matter from what source arising, if anything shall be ordered or required to be done in or about premises and/or the buildings thereon, that all shall be done and fulfilled at sole expense and liability of Lessee without any expense, liability, or obligation whatsoever to Lessor. Lessee shall obtain prior written consent from Lessor before making any capital improvements to the premises.

Lessor shall provide notice to Lessee of Lessor's intent to provide any repairs, improvements, or maintenance during the term of this Lease. After prior notification, if Lessor expends any funds for repairs or improvements to maintain and/or operate the premises and buildings, Lessor shall notify Lessee in writing, and Lessee shall reimburse Lessor within thirty (30) days for any expenses incurred.

-5-

Lessee shall use the leased premises solely for the purpose of the operation of a general aviation airport facility. Property shall not be used for long term storage of automobiles, nautical

craft, mobile homes and recreational vehicles, (long term defined as greater than 2 weeks) unless in a designated parking area.

-6-

Lessee shall pay or cause to be paid all charges for air conditioning, heat, water, gas, electricity, light, telephone, or any other communication or utility service used in, rendered, or supplied for the operation of the premises throughout the term of this Lease, and shall indemnify Lessor and hold it harmless against any liability or damages on such account. Lessee shall obtain prior written consent before making any capital improvements to the premises.

-7-

Lessee shall present Lessor with a current financial statement certified by the Lessee's treasurer within 30 days from the end of each calendar quarter and, if requested, the most recent month end statement within two (2) business days of any request.

-8-

Lessee agrees to promptly observe, comply with, and execute, at its cost and expense, all present and future laws, rules, requirements, orders, directions, directives, resolutions, ordinances and regulations of the State of Georgia, the City of St. Marys, the United States, and of any and all governmental authorities or agencies, including the Federal Aviation Administration, and of all municipal departments, bureaus or boards. This Lease is accepted by the Lessee as subject to the rules, regulations and orders which may be promulgated from time to time by any government agency during national emergency. Lessee expressly agrees to abide with such rules, regulations, orders, resolutions, directives, and directions, including when directed by the FAA the closure or relocation of the airport facility and cessation of all operations.

-9-

In the event of a breach of this Lease by Lessee, Lessor shall notify Lessee of said breach in writing. If the breach of the Lease is not corrected within forty-five (45) days after receipt of the

written notice, Lessor may terminate the Lease immediately. Lessee may petition Lessor for a reasonable extension of time in which to make the correction. Lessor shall not unreasonably deny said petition.

-10-

Within thirty (30) days after the date of inception of this lease, Lessee shall obtain and shall keep and maintain in full force during the term of this Lease and any renewal thereof, a public liability insurance policy to protect against liability which may arise from accident or injury on the Leased Premises in the amount of not less than \$1,000,000 combined single limit. Lessor shall be named as additional insured under said policy. Lessee, without demand and within thirty (30) days of inception of said policy, shall furnish a copy of the policy to Lessor. Lessee shall indemnify and hold harmless Lessor from any claims or demands of any nature due to the action or omission of Lessee or its officers, agents, or employees.

-11-

If any portion of the premises is sublet, Lessee shall require sublessee to maintain liability insurance with respects to sublet premises, sublessees employees, and agents of sublessees. Such policies shall name Lessor and Lessee as additionally insureds and shall have limits of at least \$1,000,000 for any one incident. Sublessee, without demand and within thirty (30) days of inception of said policy, shall furnish a copy of the policy to Lessor and Lessee.

-12-

Lessee agrees to perform all duties imposed by law on Lessor, and during continuance of this lease to act in all respects whatsoever as the party entitled to and responsible for the operation and management of the leased premises.

-13-

Neither this Lease nor any interest therein whether legal or equitable, shall be assigned, alienated, pledged or hypothecated voluntarily or by operation of law, nor shall premises be

sublet or affected in any way in whole or in part without written consent of Lessor having previously thereto been obtained, but Lessee shall at all times throughout this Lease term remain liable for the performance of its obligations hereunder.

-14-

In the event any action is brought at law or in equity in relation to this Lease, the losing party will pay the prevailing party's reasonable attorney's fees and related litigation expenses.

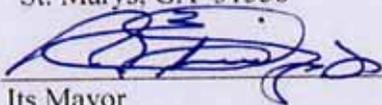
-15-

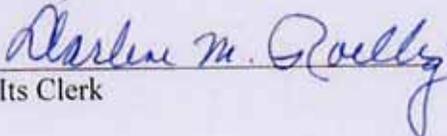
All notices hereunder shall be in writing and shall be mailed to opposing party by certified mail, return receipt requested, at the addresses set forth below. Notice shall be deemed to have been given at the time of receipt of the certified mail.

-16-

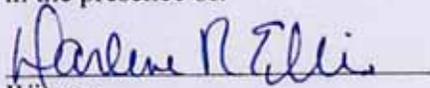
If any term, covenant, condition, or provision herein shall be held to be invalid by any court of competent jurisdiction, such invalidity shall not affect this Lease and the remainder of this Lease shall remain in full force and effect.

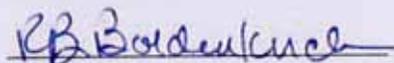
CITY OF ST. MARYS, GEORGIA
418 Osborne St.
St. Marys, GA 31558

By: 
Its Mayor

Attest: 
Its Clerk

Signed, sealed and delivered.
in the presence of:

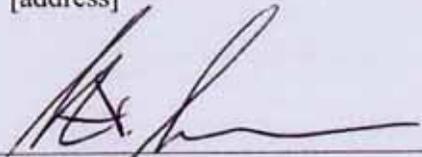

Witness

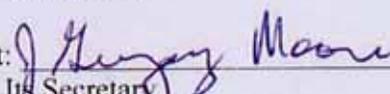



My Commission Expires June 22, 2012

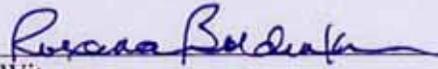
ST. MARYS AIRPORT AUTHORITY
P.O. Box 5002
ST. MARYS GA 31558

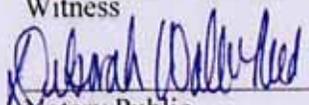
[address]

By: 
Its Chairman

Attest: 
Its Secretary

Signed, sealed and delivered
in the presence of:


Witness


Notary Public
Notary Public, Camden County, Georgia
My Commission Expires Oct. 18, 2011

family members received during the activities, and showed photos of the parking signs that were posted.

Mayor Eskridge and Mr. Agee discussed the location of the no parking signs. Councilmember Bird questioned the number citations that were issued. The City Manager stated that despite having 13,000 to 15,000 vehicles parked downtown, only 34 parking tickets were issued for safety violations.

The Mayor and Councilmember's discussed the location of the no parking signs, the lack of parking accommodations, safety issues for emergency vehicles, advertising the issuance of tickets and the correct forum for adjudication.

***CONSENT AGENDA**

Councilmember DeLoughy made a motion to approve Old Business "A" and New Business "A" to the consent agenda. Councilmember Weaver seconded the motion. Voting was unanimous in favor of the motion.

OLD BUSINESS:

A. *AIRPORT LEASE

To enter into a lease agreement with the Airport Authority as lessee of the St Marys Airport property.

Councilmember DeLoughy made a motion to approve the airport lease. Councilmember Weaver seconded the motion. Voting was unanimous in favor of the motion.

B. BAIT SHOP: Update/Direction

To discuss issues concerning Bait Shop.

The City Manager stated the Lease for the Bait Shop located in the Howard Gilman Waterfront Park expires at the end of July. Currently the St Marys Yacht Club holds the lease and had presented a proposal to the Property Committee for review. Two meetings were held with representatives from the Fishing community and Boating community to gather input. Advertising for the RFP for the bait shop or best opportunity would be a natural next step.

Councilmember Trader made a motion to issue an RFP for all options for the best use. Councilmember Hase seconded the motion.

Mayor and Councilmember's discussed the stability of the bait shop, best use of the facility and the change of the terms with last year's bid. Following much discussion, voting was as follows:

CITY COUNCIL MEETING

July 16, 2012

TITLE: Travel Policy

PURPOSE: To adopt changes to the Travel Policy revising the per diem rate for overnight travel. The revised rate would be based on the Meals and Incidental Expenses (M&IE) rate for the area of travel.

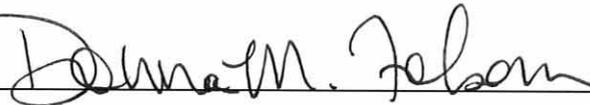
RECOMMENDATION: Staff recommends approval

HISTORY:

The per diem rate for overnight travel has not changed in several years. When traveling to larger metropolitan areas, costs for meals and incidentals often exceed the current established rate of \$35 per day. For example, the current GSA per diem rate for Atlanta is \$56. The revised rate would be based on the Meals and Incidental Expenses (M&IE) rate for the area of travel. These rates are established by the U.S. General Services Administration (GSA) and are adjusted annually. Current rates can be found at www.gsa.gov/perdiem. Pursuant to the personnel policy, the proposed changes were posted for 14 days to allow for employee comments.

Department

Director:



City

Manager:



CITY OF ST. MARYS	Number: Policy 36
REVISED: March 8, 2004	Page 1 of 4
SECTION: General	Original Date: January 12, 2004
TITLE: Travel and Expenses	Approved By: St. Marys City Council

Policy Statement: The City of St. Marys will bear the cost of all reasonable and authorized expenses incurred by employees while traveling out of the City or within the City while on official business.

Application: All City employees

Responsibilities:

(1) Authorization - All out of town City travel at the expense of the City, including conference registration fees, must be approved by the Department Head and City Manager prior to the time such expenses are incurred. Such approval shall be obtained on the authorized "Request for Travel Expense Advancement/Reimbursement" form.

(2) Expenses - The following list of expense classification is for information and guidance of employees in determining expenses, which are appropriate when traveling on City business. The list is intended as a guide and is not necessarily inclusive. Discretion is allowed. The City Manager may approve other travel expenses in order to provide for unusual circumstances. Employees are expected to show good judgment in matter of travel expense and have proper regard for economy in the conduct of business away from the City.

[a] Transportation: Tourist class airplane passage will be considered for out-of-state travel and cases within the state when time restraints require air travel. City vehicles, rather than personal vehicles, are to be used for out-of-city trips. Business related cab fare, shuttle service, or public transportation fees will be reimbursed. The expense of gas and/or other routine supplies will be reimbursed. Receipts for such payments must be furnished in order for reimbursement. Use of personal cars for out-of-city trips may be approved by the City Manager when the use of the City vehicle is not available or is not practical. When this mode of travel is approved, the city will pay POV miles at the General Services Administration (GSA) approved rate published in federal travel regulation amendments of the Federal Register. This is a fluctuating rate that is normally set in February or March of each year. Distance traveled is assessed by utilizing an Internet service for point to point travel. An additional 20 miles per day is added to accommodate travel in the vicinity of the travel destination. Travelers have the option to claim actual miles based on odometer readings. If actual miles are to be the basis for the mileage, a signed written statement must accompany the travel liquidation form. If the actual mile method exceeds the City's estimate by 100 miles, a written statement must accompany the travel liquidation from that addresses the difference with justification. The cost of air travel and car rentals will be paid based on receipt documentation. Fuel receipts for travel in a rented car are required for travel liquidation. Receipts for travel in a City owned vehicle are required for travel liquidation.

CITY OF ST. MARYS	Number: Policy 36
REVISED: March 8, 2004	Page 2 of 4
SECTION: General	Original Date: January 12, 2004
TITLE: Travel and Expenses	Approved By: St. Marys City Council

[b] Lodging: Expenses will be allowed for adequate lodging. Receipt for lodging must be provided. Lodging cost shall not include personal phone calls, movies, or room service.

[c] Per Diem: Shall cover meals, tips, and all other incidental expenses. No receipt required.

[d] Telephone: Charges will be allowed for official calls only.

[e] Registration Fees: Fees charged for registration at any convention, seminar, school, and so forth, are allowable. Registration fees, when possible, should be paid in advance.

[f] Overnight Parking: Fees and charges incurred during time of travel are acceptable. Receipts required.

(3) Advance and Reimbursement:

[a] Travel Advances: In order to reduce the volume of liquidations that require reimbursements to the City, travel advances will be limited to 80% of the estimated travel cost. In the event that the 80% advance creates a hardship on the employee, Department Heads can recommend a 100% advance when submitting the travel request form to the City Manager for approval.

[b] Reimbursements: May be made once the travel event has been completed, and the Travel-Expense form has been fully completed and turned into the Finance Director's Office. It is the responsibility of each Department Head to assure that this system is properly implemented in his/her Department. These forms should be turned into the Finance Director's Office within ten (10) working days from the time of travel. All cash advances should be settled with the Finance Office within that time period.

(4) Local Expenses: Expenses incurred in the City will be handled by reimbursement. Receipts should be submitted and approved by the Department Head and/or Finance Director through the purchase order process. Once the request for payment has been submitted and approved, they will be placed in line for payment.

(5) City Council: For the purpose of implementing these policies, members of the City Council shall be considered employees of the City of St. Marys and subject to these travel procedures.

CITY OF ST. MARYS	Number: Policy 36
REVISED: March 8, 2004	Page 3 of 4
SECTION: General	Original Date: January 12, 2004
TITLE: Travel and Expenses	Approved By: St. Marys City Council

Per Diem Travel Policy: The Council of the City of St. Marys recognizes that travel and conference attendance on behalf of the City is necessary and desirable in the proper and official pursuit of City business. To this end, and to effect a uniform policy regarding related to expenses, the following shall constitute the official policy for the City of St. Marys for all authorized official City travel.

A. SECTION I - AUTHORIZED CITY TRAVEL

- 1) City Council, City Manager and all employees shall be paid per diem of \$35 for each night which involves an overnight stay away from the City. Any employee that travels out of town for one day shall be reimbursed up to \$20.00 for meals, when receipts are provided upon return from travel. As per state law, elected officials may be reimbursed for actual expenses incurred in lieu of per diem, when receipts are provided upon return from travel. All city employees and officials shall be entitled to receive per diem while traveling overnight on City business. Reimbursement may be based on either actual meal costs or per diem. In either case, reimbursement may not exceed the M&IE (Meals and Incidental Expenses) rate for the area of travel. These rates are established by the GSA and are adjusted annually. Current rates can be found at www.gsa.gov/perdiem. Any employee that travels out of town for one day shall be reimbursed up to \$20 for meals when receipts are provided upon return from travel.
- 2) The per diem shall cover meals, tips, and all other incidentals expenses.
- 3) The City shall pay actual air or rail transportation cost, computed at tourist class rates, plus cab fares to and from airport and all other incidental cab fare.
- 4) The City shall pay actual hotel room cost and conference registration fees. Hotel cost shall not include personal phone calls, movies, or room service.
- 5) If any employee of the City chooses to drive his/her personal car out of the state, he/she may do so and be paid actual mileage not to exceed the cost of airfare. However, in such an instance, he/she shall defray all costs connected with the travel to and from the meeting and per diem shall begin the first day of the meeting or the day prior for meetings which begin at such an hour that a day-of-the-meeting arrival is not possible, and shall be paid through the last day of the meeting or through the day following the meeting where the concluding banquet or conference session is at night (this is based upon the theory that air transportation is sufficient to get anywhere within the continental United States in one day of travel).
- 6) When a personal car is used on relatively short trips, at the option of the City, the City shall pay the authorized rate per mile for the use thereof.

CITY OF ST. MARYS	Number: Policy 36
REVISED: March 8, 2004	Page 4 of 4
SECTION: General	Original Date: January 12, 2004
TITLE: Travel and Expenses	Approved By: St. Marys City Council

B. SECTION II - ACTUAL EXPENSES

For all travel not included in Section I, actual expenses shall be itemized on an official expense form available from the Finance Director and signed by the appropriate City department head prior to submission to the City Manager for final approval. Travel in personal vehicles shall be computed at the authorized rate as set each year. A City car shall be utilized when available.

C. SECTION III - DEVIATIONS

The City Manager is authorized to permit deviations in such cases, as strict interpretation hereof would work an undue hardship on a representative of the City attending a conference on behalf of the City.

CITY COUNCIL MEETING

July 16, 2012

TITLE: FIRE DEPARTMENT POSITIONS

PURPOSE: To request permission to fill two full-time SAFER Firefighter positions.

RECOMMENDATION: It is the recommendation of the Fire Chief to fill the positions.

HISTORY/ANALYSIS: In March, Council granted approval to fill a full-time vacancy when a second vacancy became open. During interviews, all firefighter candidates were made aware of the fact that their employment was contingent upon SAFER Grant funding and/or extensions. When these positions were discussed at the budget workshop, Council decided to postpone, due to the SAFER Grant expiring in August. Since that time, confirmation has been received from the SAFER Grant to extend the Fire Department's period of performance to mid-March.

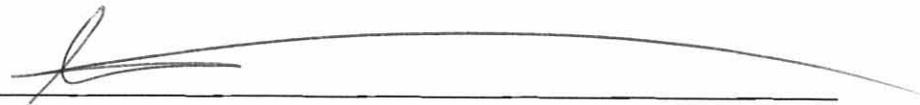
The impact of not filling the positions is creating a hardship on the Department's overtime. If these two positions were filled, budget levels could be maintained at normal monthly percentage rates.

Department Director:



City

Manager:



CITY COUNCIL MEETING

July 16, 2012

TITLE: GEFA AGREEMENT & RESOLUTION: *Georgia Fund Loan*

PURPOSE: Authorize the Mayor to sign the documents.

RECOMMENDATION: Approval.

HISTORY/ANALYSIS:

The Council approved a GEFA loan to make necessary changes to Lift Station #13 and Weed Street Bypass. Due to delays in the project beyond our control, the GEFA agreement and resolution have to be amended. Attached are the amended documents that extend the completion date of the project to November 1, 2012.

Department

Director: _____

Jenny Boren

City

Manager: _____

[Signature]



Nathan Deal
Governor

GEORGIA ENVIRONMENTAL FINANCE AUTHORITY

Kevin Clark
Executive Director

June 8, 2012

Ms. Jennifer Brown
Finance Director
City of St. Marys
418 Osborne Street
St. Marys, GA 31558

Re: City of St. Marys 2010-L26WQ

Dear Ms. Brown:

Enclosed are the modification documents regarding the Georgia Fund loan agreement with the Georgia Environmental Finance Authority (GEFA) and the city of St. Marys. GEFA is pleased to provide you the following enclosed materials:

- 1) Three originals of the Modification of Promissory Note and Loan Agreement;
 - a. Exhibit A - Description of Project;
 - b. Exhibit E - Opinion of Borrower's Counsel
 - c. Exhibit F - Resolution of Governing Body

In order to execute these modification documents in a timely manner, please read the following instructions:

MODIFICATION OF PROMISSORY NOTE AND LOAN AGREEMENT

Each copy is an original counterpart and each must be executed. Please have the appropriate official sign each document and the appropriate person attest the signature. Once signed, return all **three** agreements. We will then return your counterpart to you.

EXHIBIT E – OPINION OF BORROWER'S COUNSEL

Exhibit E is a sample letter that must be prepared by your local government's attorney. This letter ensures that the modification documents have been properly reviewed by the local government's attorney. On the signature page of the Modification of Promissory Note and Loan Agreement, the local government's attorney must sign where indicated that the loan modification documents are "Approved as to form."

EXHIBIT F – RESOLUTION OF GOVERNING BODY

This resolution gives authorization to the chief elected official to execute the loan modification documents, and any and all other documents. This resolution must be submitted along with the signed loan modification documents. The same elected official given authorization to sign the loan modification documents within the resolution must also sign the loan modification documents.

When all documents have been completed, please return them to GEFA. Please let me know if we can be of further assistance to you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Arlene Durrrah', written over a circular stamp or mark.

Arlene Durrrah
Program Manager

AD:jr

Enclosures

cc: Mr. Robbie Cheek, P&A Engineering, Inc.

MODIFICATION OF PROMISSORY NOTE AND LOAN AGREEMENT

THIS MODIFICATION OF PROMISSORY NOTE AND LOAN AGREEMENT (this "**Modification**") dated _____, 20____, by and between CITY OF ST. MARYS, Georgia, a Georgia public body corporate and politic (the "Borrower"), and the Georgia Environmental Finance Authority, a Georgia public corporation (the "Lender").

Statement of Facts

A. The Lender and the Borrower are parties to that certain Contract for Financing Environmental Facilities and for Other Services, dated JULY 22, 2011, as amended prior to the date hereof (as so amended, the "Loan Agreement"; all capitalized terms used in this Modification but not defined herein have the meanings given in the Loan Agreement), pursuant to which the Lender made a loan to the Borrower in accordance with the terms and conditions thereof. The Borrower's obligation to repay such loan is evidenced by that certain Promissory Note, dated JUNE 29, 2011, as amended prior to the date hereof (as so amended, the "Note").

B. The Lender and the Borrower desire to modify the Loan Agreement and Note in certain respects in accordance with the terms and conditions set forth herein.

NOW, THEREFORE, in consideration of the promises, the covenants and agreements contained herein, and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the Lender and the Borrower further agree as follows:

Statement of Terms

1. Amendments of Note. Subject to the fulfillment of the conditions precedent to the effectiveness of this Modification that are set forth below, the Note is hereby amended as follows:

Accrued interest on this Note shall be payable monthly on the first day of each calendar month until the first day of the calendar month following the earlier of (1) the Completion Date (as defined in the hereinafter defined Loan Agreement), (2) November 1, 2012, or (3) the date that the loan evidenced by this Note is fully disbursed (the "**Amortization Commencement Date**"). Principal of and interest on this Note shall be payable in Two-Hundred Thirty-Nine (239) consecutive monthly installments equal to the Installment Amount (as hereinafter defined), commencing on the first day of the calendar month following the Amortization Commencement Date, and continuing to be due on the first day of each succeeding calendar month thereafter, together with a final installment equal to the entire remaining unpaid principal balance of and all accrued

interest on this Note, which shall be due and payable on the date that is TWENTY (20) years from the Amortization Commencement Date (the “**Maturity Date**”).

2. Amendments of Loan Agreement. Subject to the fulfillment of the conditions precedent to the effectiveness of this Modification that are set forth below, the Loan Agreement is hereby amended as follows:

Section 2 (a) of the Loan Agreement is hereby amended and restated to read as follows: “The Lender agrees to advance to the Borrower, on or prior to the earlier of (1) the Completion Date (as hereinafter defined), (2) November 1, 2012, or (3) the date that the loan evidenced by this Note is fully disbursed, the Loan in a principal amount of up to \$1,215,000 which Loan may be disbursed in one or more advances but each such disbursement shall reduce the Lender’s loan commitment hereunder and any sums advanced hereunder may not be repaid and then re-borrowed.”

Exhibit A is amended and restated to read as written in the attached Exhibit A.

3. No Other Waivers or Amendments. Except for the amendments expressly set forth and referred to in Section 1 and 2 above, the Note and the Loan Agreement shall remain unchanged and in full force and effect. Nothing in this Modification is intended, or shall be construed, to constitute a novation or an accord and satisfaction of any of the obligations created by the Note.

4. Representations and Warranties. To induce the Lender to enter into this Modification, the Borrower does hereby warrant, represent, and covenant to the Lender that: (a) each representation or warranty of the Borrower set forth in the Loan Agreement is hereby restated and reaffirmed as true and correct on and as of the date hereof as if such representation or warranty were made on and as of the date hereof (except to the extent that any such representation or warranty expressly relates to a prior specific date or period), and no Event of Default has occurred and is continuing as of this date under the Loan Agreement; and (b) the Borrower has the power and is duly authorized to enter into, deliver, and perform this Modification, and this Modification is the legal, valid, and binding obligation of the Borrower enforceable against it in accordance with its terms.

5. Conditions Precedent to Effectiveness of this Modification. The effectiveness of this Modification is subject to the truth and accuracy in all material respects of the representations and warranties of the Borrower contained in Section 4 above and to the fulfillment of the following additional conditions precedent:

a. the Lender shall have received one or more counterparts of this Modification duly executed and delivered by the Borrower; and

b. the Lender shall have received (1) a certified copy of the resolution adopted by the Borrower’s governing body, substantially in the form of Exhibit E attached hereto, and (2) a signed opinion of counsel to the Borrower, substantially in the form of Exhibit F attached hereto.

6. Counterparts. This Modification may be executed in multiple counterparts, each of which shall be deemed to be an original and all of which when taken together shall constitute one and the same instrument.

IN WITNESS WHEREOF, the parties hereto have caused this Modification to be duly executed and delivered as of the date specified at the beginning hereof

CITY OF ST. MARYS

Approved as to form:

Signature: _____

By: _____
Borrower's Attorney

Print Name: _____

Title: _____

(SEAL)

Attest Signature: _____

Print Name: _____

Title: _____

**GEORGIA ENVIRONMENTAL FINANCE
AUTHORITY**

Signature: _____

Kevin Clark
Executive Director

ENERGY • LAND • WATER
(SEAL)

DESCRIPTION OF THE PROJECT

SCOPE OF WORK

Recipient: CITY OF ST. MARYS

Loan Number: 2010-L26WQ

The work to be performed under this project shall consist of furnishing all labor, materials, tools, equipment and incidentals required to construct complete in place and ready to operate the following:

- Selective demolition of the existing Lift Station No. 13.
- Retrofitted the existing Lift Station No. 13 into a new receiving sanitary sewer manhole for the new Lift Station No. 13.
- Installation of the new Lift Station No. 13 which will consist of with a new duplex submersible lift station with wet well, above ground piping, valves, controls, and associated appurtenances.
- Re-routing the existing Lift Station No. 15 force main into the new receiving manhole at the new Lift Station No. 13.
- Connect the new discharge piping from the new Lift Station No. 13 into the existing force main to Pt. Peter Waste Water Treatment Facility.
- Selective demolition of the existing Lift Station No. 6 which includes re-fitting Lift Station No. 6 with new pumps, controls and associated appurtenances,
- Installation of a new Lift Station 6 force main to the new Lift Station No. 13 receiving manhole.
- In-place abandonment of the existing Lift Station No. 6 force main.
- Selective demolition of piping and valves at existing Lift Station No. 7.
- Installation of a new Lift Station 7 force main to the new Lift Station No. 13 receiving manhole.
- In-place abandonment of the existing Lift Station 7 force main.

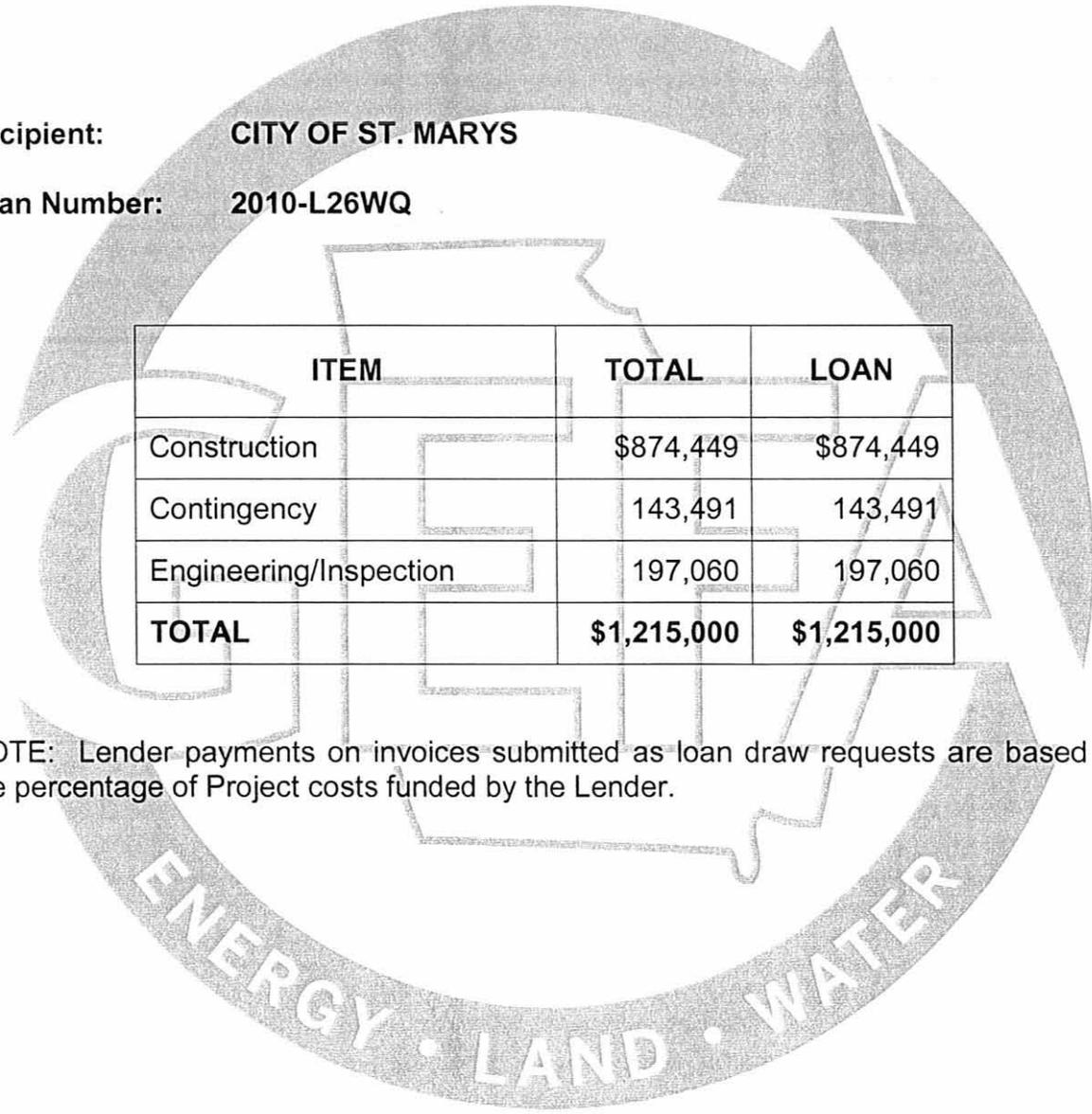
Construction of the Weed Street WWTP bypass which includes the installation of a duplex grinder station and the installation of a new force main from the existing No. 1B Lift Station to existing gravity sewer system supplying Lift Station No. 11.

DESCRIPTION OF THE PROJECT

PROJECT BUDGET

Recipient: CITY OF ST. MARYS

Loan Number: 2010-L26WQ



ITEM	TOTAL	LOAN
Construction	\$874,449	\$874,449
Contingency	143,491	143,491
Engineering/Inspection	197,060	197,060
TOTAL	\$1,215,000	\$1,215,000

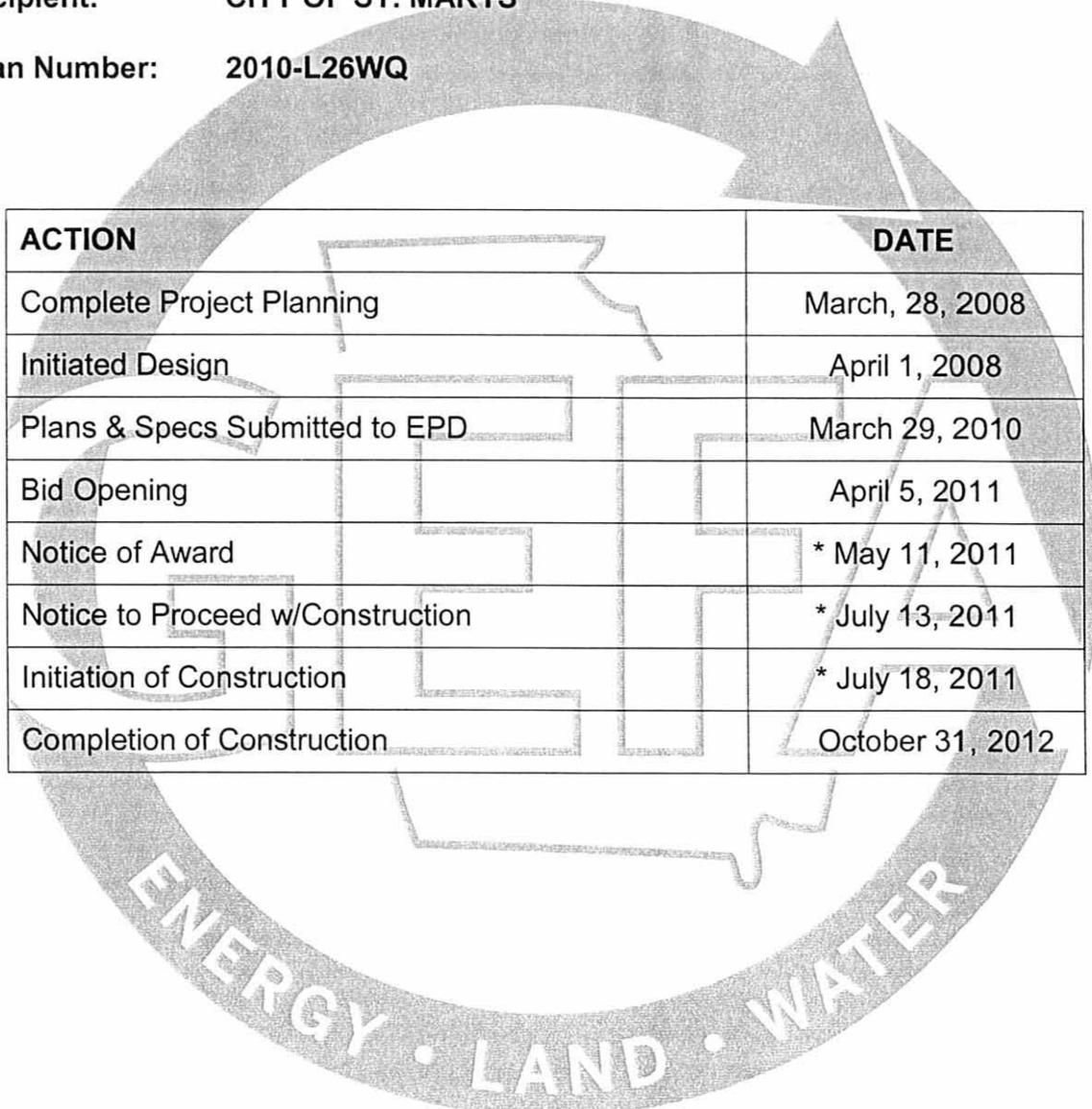
NOTE: Lender payments on invoices submitted as loan draw requests are based on the percentage of Project costs funded by the Lender.

DESCRIPTION OF THE PROJECT

PROJECT SCHEDULE

Recipient: CITY OF ST. MARYS

Loan Number: 2010-L26WQ



ACTION	DATE
Complete Project Planning	March, 28, 2008
Initiated Design	April 1, 2008
Plans & Specs Submitted to EPD	March 29, 2010
Bid Opening	April 5, 2011
Notice of Award	* May 11, 2011
Notice to Proceed w/Construction	* July 13, 2011
Initiation of Construction	* July 18, 2011
Completion of Construction	October 31, 2012

OPINION OF BORROWER'S COUNSEL
(Please furnish this form on Attorneys Letterhead)

Date

Georgia Environmental Finance Authority
233 Peachtree Street, N.E.
Harris Tower, Suite 900
Atlanta, GA 30303

Ladies and Gentlemen:

A legal opinion of Taylor, Odachowski, Schmidt, Crossland, LLC was delivered to you, dated June 30, 2011 (the "Closing Opinion"), relating to the Contract for Financing Environmental Facilities and for Other Services (the "Loan Agreement"), dated July 22, 2011 between CITY OF ST. MARYS (the "Borrower") and the Georgia Environmental Finance Authority (the "Lender"), and the Promissory Note (the "Note"), dated June 29, 2011, of the Borrower. As counsel for the Borrower, I have examined the original of the Modification of Promissory Note and Loan Agreement (the "Modification"), between the Borrower and the Lender, the proceedings taken by the Borrower to authorize the Modification, the Closing Opinion, and such other documents, records, and proceedings as I have deemed relevant or material to render this opinion. Based upon such examination, I hereby reconfirm as of the date hereof the opinions contained in the Closing Opinion, subject to the modification that all references to the Note and the Loan Agreement (as defined in the Closing Opinion) shall be deemed to include a reference to the Modification. Nothing has come to my attention, after due investigation, that in any way might question the continuing validity and accuracy of the Closing Opinion, as modified above.

Very truly yours,

Signature

Printed Name

Date

EXTRACT OF MINUTES
RESOLUTION OF GOVERNING BODY

Recipient: CITY OF ST. MARYS

Loan Number: 2010-L26WQ

At a duly called meeting of the governing body of the Borrower identified above (the "Borrower") held on the _____ day of _____, _____, the following resolution was introduced and adopted.

WHEREAS, the Borrower has borrowed \$1,215,000 from the Georgia Environmental Finance Authority (the "Lender"), pursuant to the terms of a Contract for Financing Environmental Facilities and for Other Services (the "Loan Agreement"), dated July 22, 2011, between the Borrower and the Lender; and

WHEREAS, the Borrower's obligation to repay the loan made pursuant to the Loan Agreement is evidenced by a Promissory Note (the "Note"), dated June 29, 2011, of the Borrower; and

WHEREAS, the Borrower and the Lender have determined to amend and modify the Note and the Loan Agreement, pursuant to the terms of a Modification of Promissory Note and Loan Agreement (the "Modification") between the Borrower and the Lender, the form of which has been presented to this meeting;

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borrower that the form, terms, and conditions and the execution, delivery, and performance of the Modification are hereby approved and authorized.

BE IT FURTHER RESOLVED by the governing body of the Borrower that the terms of the Modification are in the best interests of the Borrower, and the governing body of the Borrower designates and authorizes the following persons to execute and deliver, and to attest, respectively, the Modification, and any related documents necessary to the consummation of the transactions contemplated by the Modification.

(Name of Person to Execute Documents)

(Title)

(Name of Person to Attest Documents)

(Title)

The undersigned further certifies that the above resolution has not been repealed or amended and remains in full force and effect.

Date: _____

Secretary/Clerk

(SEAL)

CITY COUNCIL MEETING

July 16, 2012

NEW BUSINESS: Approve Contract for Professional Services

PURPOSE: Approve Contract with Thomas and Hutton for professional Services related to the Transportation Enhancement Grant (T/E) administered by GA DOT for the St. Marys Intracoastal Gateway walkway.

RECOMMENDATION: Staff recommends approval of an award for professional services to Thomas and Hutton in the amount of \$61,100.

HISTORY/ANALYSIS: A 300,000 Transportation Grant was awarded to the City for specific use of extending the existing Waterfront Park details along the bulkhead at the St. Marys Intracoastal Gateway site. As part of this acceptance of this grant, City Council agreed to a \$50,000 local match with \$25,000 as in-kind services, and \$25,000 from either the budget or capital reserve at the appropriate time and/or budget year.

The Planning Department, in conjunction with Finance, requested bids from prequalified GaDOT consultants, using the GaDOT list as the guide. It should be noted that there are no GaDOT approved engineers in the City or County.

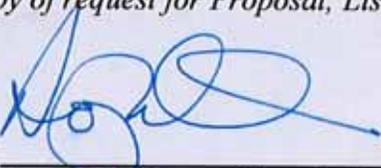
Of the 7 firms solicited, only one responded. This firm, Thomas and Hutton proposed a fee of \$61,100 for the design and environmental work required as part of the T/E grant and related GaDOT regulations. I met with representatives of Thomas and Hutton and reviewed their proposal in detail, looking at all aspects of the work to be accomplished. During this review, it was noted that over half of the fee was for Federal and State environmental clearances. These are required regardless of the size of the grant, or the scope. The fact this is a disturbed urban site does not change the need for the clearances in a form acceptable to GaDOT.

The details for the walkway will match the details submitted as part of the grant and the existing Howard Gilman Park.

The City has worked with Thomas and Hutton in the past and have had no concerns related to their work and their work product.

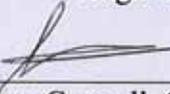
ATTACHMENTS: *Copy of request for Proposal, List of queried consultants, Proposal from Thomas and Hutton.*

Department Director:



Roger A. Weaver, Planning & Building Director

City Manager:



Steve Crowell, City Manager

THOMAS & HUTTON

1503 NEWCASTLE STREET, SUITE A
BRUNSWICK, GA 31520 | 912.466.0536
WWW.THOMASANDHUTTON.COM

June 5, 2012

Mr. Roger Weaver
Planning and Building Director
City of St. Marys
418 Osbourne Street
St. Marys, GA 31558

Re: St. Marys Multi-Use Transportation Pathway
Phase III
St. Marys, Camden County, Georgia
Letter Agreement for Services

Dear Mr. Weaver:

Thank you for requesting our engineering services for the St. Marys Multi-Use Transportation Pathway Phase II, located in St. Marys, Georgia.

We understand that the project consists of the following scope of services:

General

The project generally consists of the development of a pedestrian path along St. Marys Street and a newly-acquired waterfront property where there are currently no safe or accessible sidewalks. The project will begin by connecting to the end of the existing multi-use path located at the corner of Ready Street and St. Marys Street and it will traverse the new City owned waterfront property providing safe pedestrian access. The project will also include the design and installation of a wall/rail along the existing bulkhead on the new property as well as multiple benches, a trellis and new site lighting. The project will utilize the same design and materials as was used in the previous phases of construction. There is an existing dock on the property; this proposal does not include any analysis of or renovations/improvements to the dock facility. It is assumed that the existing headwall to be retrofitted is structurally sound; this proposal does not include any analysis of existing headwall.

The project is funded with a Transportation Enhancement (TE) Grant and City matching funds; therefore, the project shall be designed, permitted and constructed in accordance with the requirements set forth by the TE Grant and by Georgia Department of Transportation (GDOT) standard specifications. Currently GDOT has contracted Moreland Altobelli (MA) to review and approve all TE documents for conformance with TE and GDOT requirements prior to GDOT approval.

To help ensure the project is within budget, the design plans will be developed with a base bid and add alternates that may be considered for construction depending on the received bids.

Owner's Initials

 Consultant's Initials

Concept Validation / Concept Report Phase

The first step in the project will be to evaluate the current proposed concept route/scope limits to determine if the limits are still appropriate and can be constructed within the project budget. As this project is not located along a state route, a mandatory Concept Team Meeting is not required. However, we will hold a meeting with City representatives to review the preliminary project concept and determine any special requirements or changes that may need to be considered as well as any possible opportunities or constraints. Once the preliminary concept is developed, a field review with the City representatives will be completed to verify preliminary concept. Additional information obtained during the field reviews will be reviewed with the City and based on comments a final updated concept report will be prepared. Any changes or alternates to the preliminary concept plan derived from the field review will be addressed and reflected within the Concept Report documents and exhibits that will be prepared and submitted to MA and GDOT. A conceptual cost estimate will be required as part of the Concept Report submittal and therefore, will be prepared and submitted to MA and GDOT for the proposed improvements.

Environmental / Special Studies

Upon GDOT approval of the concept report, we will begin the Categorical Exclusion (CE) process for the project. The special studies required by GDOT for approval of the CE will be completed and submitted for review and approval. Comments from GDOT will be addressed twice per study as part of this scope; additional comments will be handled as an additional service. The required special studies and their description are listed below:

- Air Quality Assessment – FHWA and GDOT require an air quality evaluation for completion of the CE document. Based on the proposed improvements, an Air Quality Impact Assessment indicating no impacts is anticipated for this project. The document, stating that the project is not located in an ozone non-attainment area and that there are no anticipated increases in Mobile Source Air Toxics from this project, will be prepared and submitted to MA for review and approval prior to submittal to GDOT and FHWA for approval. Based on the nature of the project, the scope does not include any air quality modeling. Should modeling be required for approval of the air quality assessment, it will be handled as an additional service.
- Noise Assessment – GDOT requires a noise assessment for completion of the CE document. Based on the proposed improvements, it is anticipated that there will be no adverse impacts due to this project. A Noise Impact Assessment stating as such will be prepared and submitted to MA for review and approval prior to submittal to GDOT and FHWA for approval. Based on the nature of this project, the scope does not include any noise modeling. Should modeling be required for approval of the noise assessment, it will be handled as an additional service.
- Environmental UST / Hazardous Waste Assessment – It is not anticipated that any Environmental UST / Hazardous Waste sites are within the project corridor. The CE document will be prepared based on this assumption. Should it be determined there are environmental UST / hazardous waste sites within the project corridor the appropriate reports will be handled as an additional service.

____ Owner's Initials

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Letter Agreement for Services
June 5, 2012
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- History and Archaeology Report – A report investigating the presence of historical or archaeological sites and/or artifacts is required for the CE document. This report will be reviewed by FHWA, SHPO and GDOT for approval. Based on the information contained within the City's request for proposals, it does not appear that there are historical or archaeological sites within this project's corridor. The Section 106 worksheet for TE projects will be completed and submitted to MA for review and approval prior to submittal to GDOT, SHPO and FHWA for approval. If field reconnaissance and/or a full archaeology findings report in accordance with a Phase 1 survey will be required for the approval of the history and archaeology reports it will be completed as an additional service.
- Wetland Delineation and Verification – All waters of the state (previously delineated and new) will be delineated and verified by the U.S. Army Corps of Engineers (USACE). A jurisdictional determination request will be submitted to USACE for verification. The approved jurisdictional determination will be used to determine any required buffers and/or buffer impacts. It is anticipated that there will be no buffer or wetland/marsh impacts.
- Threatened & Endangered Species Survey – This document is required for completion of the CE document and shall include the review of information regarding known occurrences of state and federally protected species, a survey of the project corridor to determine presence and/or absence of species listed within Camden County and preparation of the necessary report for submittal to the reviewing agencies.
- Ecology Report Preparation – This document is required for completion of the CE document. Upon completion of all necessary field work, the ecology worksheet for review of TE projects will be prepared in accordance with the GDOT Environmental Procedures Manual. The report will include a description of jurisdictional water, threatened and endangered species, essential fish habitat, invasive species, etc. as required by GDOT. This report will be submitted for review and approval by MA and GDOT.

It is not anticipated that there are any historical, archaeological and/or ecological resources that will be impacted by this project. If during the project any work in addition to that which is described in this proposal is required, it will be handled as an additional service.

Database Preparation

A topographic and wetland survey of the project corridor will be completed. The survey of the route will be completed using a combination of conventional survey equipment and Global Positioning System (GPS) technology. All wetlands and waters of the state will be located based off of flags placed in the field to demark such features. The topographic survey will include location of buildings, road, sidewalks, drainage structures and surface appurtenances of underground utilities (i.e. water, gas, power, fiber optic, cable and telephone) within the project limits. The base mapping will be provided to the City for review and comment once the work has been completed. While at this time it is our understanding that the City owns all the property located within the project corridor, should areas of concern arise during the survey process, we will notify the City of

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potential right of way needs. At this time it is anticipated that no easements or right of way will be required for this project and therefore boundary surveys and easement plat preparation for individual parcels is not included in this scope of work. Survey deliverable will consist of an Autocad base file showing existing property lines, approximate road rights-of-way and topographic and wetland information. A computerized digital terrain model will be developed using AutoCAD design software.

Geotechnical Soil Survey and Pavement Recommendations

It is not anticipated that a Geotechnical report will be required for approval. No cost associated with this has been included in this proposal.

Design

Based on the approved Concept Report, recommendations set forth in the environmental green sheet and database, the project will be designed as directed by the City using AASHTO guidelines and GDOT design standards for trails and pathways. It is anticipated that the trail will be constructed of red brick and tabby to conform to the construction materials of the previous phases of construction. Additional design features to be included in the plans include multiple benches, a fence/wall constructed of brick and wrought iron to be attached to the existing headwall, a trellis and site lighting. The plans are anticipated to consist of special grading sheets, drainage, signing, marking, erosion control, typical cross sections, structures (as defined herein) and details as coordinated with the City. Through coordination with the City, the base bid and alternates will be established during the development of the construction plans. The construction drawings will be presented to the City and GDOT for review and comment at the preliminary and final levels respectively. This project will be completed in a single phase and one set of construction plans will be prepared for the project. It is anticipated that the lighting plans will be completed by Georgia Power and therefore lighting design is not included in this proposal. Comments will be addressed once for each of the submittals. Any comments addressed beyond this will be billed as an additional service. This proposal does not include any analysis of or renovations/improvements to the existing dock facility. This proposal does not include any analysis of existing headwall. An engineer's opinions of cost will be provided with each submittal. Utilities along the route will be contacted and their location and interferences will be coordinated as they are identified. Design for relocation of existing utilities is not anticipated and therefore is not a part of the scope for this project. The technical specifications for the project shall be the current GDOT standard specifications and any required special provisions. Landscaping services are not described in the City's TE application and therefore are not included in this scope. Assistance in preparing the appropriate utility coordination letters, ADA letters, Property Agreements and Right of Way Certifications to meet the guidelines for the TE grant will be completed during the design phase. This scope includes two meetings with the City during the design process, once during preliminary plan phase and once during final plan phase.

Assistance During Bidding

The Consultant will assist the City during the bidding process of the project. The Consultant will prepare the bid form and a project description for use by the City in advertising and bidding the project. The Consultant will attend the pre-bid conference and assist the City in answering technical questions related to the plans. The Consultant

Owner's Initials

_____
Consultant's Initials

will then review the bids for the project and provide a recommendation to the City regarding award of the project.

Construction Services

Based on the TE agreement it is the local sponsor's responsibility for construction observation and monitoring. Once the project has been awarded, we will assist the City during the construction phase of the project. We will attend the pre-construction conference for the project and review the shop drawings and monthly pay request for the project and recommend approval of these items by the City. These construction phase services are not resident construction phase services. The Consultant will make periodic site visits during the course of the construction to determine if the construction is progressing in a manner consistent with the plans and specifications for the project. In order to establish a budget for the construction phase services it was assumed the construction time for the project would be approximately 12 weeks and that the project field representative would spend on average two hours per week on the job site. If more time is needed, the Consultant will notify the owner and additional funds will need to be authorized by the owner to continue the construction phase services. Once construction has been completed, a final project site visit will be made and a recommendation on final payment will be sent to the City. Record drawings for the pathway will be compiled based on information supplied by the Contractor and Construction Personnel. No field surveys will be provided as a part of the record drawings but can be completed as an additional service if requested by the City.

The required water quality monitoring to comply with the National Pollutant Discharge Elimination System (NPDES) will be performed by the contractor and will be included in the contractor's bid. Material testing services are not included as part of this contract.

We propose that payment for our services will be as follows:

<u>Phase</u>	<u>Fee Structure</u>	<u>Fee or Time & Expense Budget</u>
Concept Development	Fixed Fee - Budget	\$ 5,500.00
Environmental	Fixed Fee - Budget	\$ 18,500.00
Survey Services	Fixed Fee - Budget	\$ 1,600.00
Design	Fixed Fee - Budget	\$ 22,500.00
Bid Assistance	Fixed Fee - Budget	\$ 3,000.00
Construction Observation	Fixed Fee - Budget	\$ 10,000.00
	Total Project Budget	\$ 61,100.00

The above fee arrangements are on the basis of prompt payment of our invoices and the orderly and continuous progress of the Project through construction.

We anticipate commencement of our work within ten (10) calendar days from receipt of your authorization to proceed with completion within the agreed upon time frame established with City of St. Marys, Thomas & Hutton, GDOT and Moreland Altobelli representatives.

____ Owner's Initials

 Consultant's Initials

Mr. Roger Weaver
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This proposal between the City of St. Marys (Owner), and Thomas & Hutton Engineering Co. ("Consultant" or "Thomas & Hutton"), consisting of the Scope of Services, General Provisions, Engineering Services Rate Sheet, and this letter with authorized signatures, represents the entire understanding between you and us with respect to the Project. This agreement may only be modified in writing if signed by both of us.

Thomas & Hutton will begin work on this project upon receipt of an executed contract.

It is our understanding that no work will commence until written authorization is provided to us by you for the Project.

In addition, we have included a copy of our statement of qualifications for the proposed TE project. The package contains general information relating to the Thomas & Hutton team's experience and firm qualifications in the area of Transportation Enhancement projects and recreational trail design and how they will benefit the City of St. Marys.

If the arrangements set forth in these documents are acceptable to you, *please sign and initial the enclosed documents in the spaces provided below and return to us.* This proposal will be open for acceptance until July 6, 2012, unless changed by us in writing.

We appreciate the opportunity to prepare this proposal and look forward to working with you on the project.

The parties agree and acknowledge that any of the parties hereto may execute this agreement by electronic signature, and the other party may rely upon such electronic signature as an original record of signature.

Very truly yours,

THOMAS & HUTTON ENGINEERING CO.

By


Charles J. Ezelle, P.E.
Principal / Brunswick Regional Manager

By


Doyle D. Kelley, Jr., P.E.
Principal / Project Manager

CJE, DDK, Jr./kts

____ Owner's Initials

 Consultant's Initials

Mr. Roger Weaver
Planning and Building Director
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Enclosures: General Provisions
Consulting Services Rate Sheet

ACCEPTED: _____, 2012

By _____

TITLE

_____ Owner's Initials

 Consultant's Initials

PAYMENT FOR SERVICES

For services rendered, Owner shall pay Consultant as outlined in the Letter Agreement for Services.

Payment for services on the basis of "Time & Expense" shall be paid in accordance with the schedule of charges attached hereto.

Project related costs for printing, reproductions, materials, and travel will be billed as reimbursable expenses.

Projects will be billed monthly or at the completion of the work, whichever comes sooner, with payment due upon receipt. Payment shall be considered overdue after forty-five (45) days from date of invoice, with interest charged at a monthly rate of 1.5 percent (18 percent annual rate).

Consultant reserves the right to suspend work hereunder or any other work to be performed by Consultant for Owner or any of its affiliates under a separate agreement or agreements with Consultant in the event of delinquent payment by Owner to Consultant hereunder or in the event of delinquent payment by Owner or its affiliates to Consultant under a separate agreement or agreements. For all purposes hereof, affiliate shall mean (i) in the case of an individual, any relative of any person listed among the following, (ii) any officer, director, trustee, partner, manager, employee or holder of 5 percent or more of any class of the voting securities of or equity interest in the Owner; (iii) any corporation, partnership, limited liability company, trust or other entity controlling, controlled by or under common control with the Owner; or (iv) any officer, director, trustee, partner, manager, employee or holder of 5 percent or more of the outstanding voting securities of any corporation, partnership, limited liability company, trust or other entity controlling, controlled by, or under common control with the Owner.

OWNERSHIP OF INSTRUMENTS OF SERVICE

All reports, drawings, specifications, computer files, field data, notes and other documents and instruments prepared by Consultant as instruments of service shall remain the property of the Consultant. The Consultant shall retain all common law, statutory, and other reserved rights, including, without limitation, the copyrights thereto. The Consultant shall retain these records for a period of two (2) years following their completion during which period paper copies will be made available to the Project Owner at reasonable times.

OWNER'S RESPONSIBILITIES

A. Access

Owner shall make provisions for the Consultant to enter upon public and private lands as required to perform such work as surveys and inspections in development of the Project.

B. Owner's Representative

The Owner shall designate in writing one person to act as Owner's Representative with respect to the work to be performed under this Agreement. This Representative shall have complete authority to transmit instructions, receive information, interpret, and define Owner's policy and decisions, with respect to the product, materials, equipment, elements, and systems pertinent to the work covered by this Agreement.

C. Fees

The Owner is responsible for payment of fees associated with the project. Such fees include permit review and application fees, impact fees, and capacity fees. The Consultant will notify the Owner regarding the amount of fees and timing of payment.

CONSULTANT'S RESPONSIBILITIES

The professional services performed under this Agreement, as defined in the scope, shall be consistent with sound engineering practices and shall incorporate federal, state, and local regulations and standards that are applicable at the time the Consultant rendered his services.

Consultant will strive to perform services under this Agreement in a manner consistent with that level of care and skill ordinarily exercised by members of the profession currently practicing in the area under similar conditions. No other representation, expressed or implied, and no warranty or guarantee is included or intended in the Agreement, or in any report, opinion, document, or otherwise.

MISCELLANEOUS

A. Opinions of Probable Costs

Since the Consultant has no control over the cost of labor, materials, or equipment, or over the Contractor's methods of determining prices, or over competitive bidding or market conditions, his opinions of probable construction costs provided for herein are to be made on the basis of his experience and qualifications. These opinions represent his best judgment as a design professional familiar with the construction industry.

However, the Consultant cannot and does not guarantee that proposals, bids, or the construction cost will not vary from opinions of probable construction costs prepared by him.

B. CADD Files

Information supplied to the Consultant for use on the project will be in AutoCAD 2008 format or later version. Translation of files or entering data into a compatible format is beyond the scope of the contract. CADD files generated by the Consultant will be in accordance with the Consultant's CADD specifications.

C. Limits of Liability

Services to be performed by the Consultant under this Agreement are intended solely for the benefit of the Owner. Nothing contained herein shall confer any rights upon or create any duties on the part of the Consultant toward any person or persons not a party to this Agreement including, but not limited to, any contractor, subcontractor, supplier, or the agents, officers, employees, insurers, or sureties of any of them.

The Owner agrees to limit the Consultant's and its employees' liability to the Owner and to all construction Contractors and Subcontractors on the project, due to the Consultant's negligent acts, errors, or omissions, such that the total aggregate liability of the Consultant to those named shall not exceed \$50,000 or the Consultant's total fee for services rendered on the project described in this contract, whichever is greater. This liability cap may be increased by mutual consent of both parties and in exchange for additional compensation.

D. Acts of Others

The Consultant shall not be responsible for the means, methods, techniques, sequences, or procedures of construction selected by Contractor(s) or the safety precautions and programs incident to the work of Contractor(s). Consultant shall not be responsible for the failure of Contractor(s) to perform the work in accordance with the Contract Documents.

The Consultant shall not be responsible for the acts or omissions of any Contractor, or sub-contractor, or any of the Contractor(s)' or sub-contractors' agents, or employees or any other persons (except Consultant's own employees and

Owner's Initials



Consultant's Initials

agents) at the site or otherwise performing any of the Contractor(s)' work. However, nothing contained herein shall be construed to release Consultant from liability for failure to perform properly the duties undertaken by Consultant in the Contract Documents.

The Consultant shall not be responsible for the acts, omissions, means, methods, or specifications of other design professionals involved in the project. **Unless specifically stated otherwise, the Consultant's work and responsibility under this Contract terminates at the building pad or within five (5) feet of the building, whichever is greater, for any proposed building shown on the plans. The Owner/Architect/Contractor is responsible for compliance with codes, regulations, manufacturer specifications, and construction methods related to the building structure. In no circumstance is the Consultant responsible for any portion of the building, especially as it relates to moisture or mold.**

E. Applications for Permits and Certificates Requested on Behalf of Owner

The Owner shall indemnify and hold the Consultant harmless from and against any and all judgments, losses, damages, and expenses (including attorney fees and defense costs) arising from or related to claims by third parties to challenge the issuance of permits or certificates for the Project by agencies with jurisdiction in the premises. Defense costs shall include the time and expenses of the Consultant's personnel to assist in the defense of the issuance of the permit or certificate.

F. Termination

Either party may terminate this Agreement by seven (7) days written notice in the event of substantial failure to perform in accordance with the terms hereof by the one party through no fault of the other party. The Consultant shall be paid for services performed to the date of termination, including reimbursements then due.

G. Abandoned or Suspended Work

If any work performed by the Consultant is abandoned or suspended in whole or in part by the Owner, other than for default by the Consultant, the Consultant shall be paid for services performed prior to receipt of a written notice from the Owner of such abandonment or suspension in an amount equal to work performed as of the date of abandonment or suspension.

H. Signage

Owner agrees to allow Consultant to place a sign on the job site during construction. The sign will indicate that the Consultant performed site design. Consultant is responsible for the sign installation and removal.

I. Additional Services of Consultant

If authorized by Owner in writing, Consultant shall furnish or obtain from others, Additional Services of the following types that are not considered normal or customary Basic Services.

1. Revising previously accepted studies, reports, design documents, or Contract Documents when such revisions are due to causes beyond Consultant's control.
2. Furnish the services of special consultant for other than the civil or structural engineering defined in the scope of services. Special services include services such as mechanical or electrical engineering, geotechnical exploration, underwater investigation, laboratory testing, and inspections of samples, materials, and equipment.

3. Preparing to serve or serving as a consultant or witness for Owner in any litigation, public hearing, or other legal or administrative proceeding involving the project.
4. Defending the issuance of any permit or certificate for the project. Services for the defense against third party actions opposing or appealing the issuance of any permit or certificate for the Project will commence with receipt of notification of the action.
5. Services after completion of the Construction Phase, such as inspections during any equipment, material, or construction guarantee period and reporting observed discrepancies under guarantees called for in any contract for the project.
6. If requested by Owner and agreed to in writing, a Resident Project Representative will be furnished and will act as directed by Consultant in order to assist in observing performance of the work of Contractor(s). Through more extensive on-site observations of the work in progress by the Resident Project Representative, Consultant shall endeavor to provide further protection for the Owner against defects and deficiencies in the work of Contractor(s). However, the furnishing of such representation will not make Consultant responsible for construction means, methods, techniques, sequences, procedures, or for safety precautions or programs, or for Contractor(s), failure to perform their work in accordance with the Contract Documents.

J. Amendment

This Agreement for Services can be amended by addenda if agreed to in writing and signed by both parties.

____ Owner's Initials

 Consultant's Initials



THOMAS & HUTTON

Consulting Services On A Time And Expense Basis

February 1, 2012

Thomas & Hutton provides services on a time and expense basis as follows:

- This basis includes allowance for direct salary expenses and for direct non-salary expenses. It also provides for services we may subcontract to others.
- Direct salary expenses are generally based upon our payroll costs. The payroll costs include the cost of salaries and wages (including sick leave, vacation, and holiday pay) for time directly chargeable to the project; plus unemployment, excise, payroll taxes, and contributions for social security, employment compensation insurance, retirement benefits, and medical and insurance benefits.

The current hourly rate charges for each skill position for 2012 are as follows:

Hourly Rate	Engineer	Survey	Landscape	GIS	Quality Control	Business/ Administrative
\$ 180.00	Consultant	Consultant	Consultant	Consultant	Consultant	
\$ 160.00	Senior Manager	Senior Manager Survey Party (3-Men)	Senior Manager	Senior Manager	Senior Manager	Senior Manager
\$ 150.00	Project Manager V Project Engineer V	Survey Manager V Project Surveyor V	Landscape Architect V	GIS Manager V		
\$ 135.00	Project Manager IV Project Engineer IV	Survey Manager IV Project Surveyor IV	Landscape Architect IV	GIS Manager IV		Software/Computer Consultant IV
\$ 125.00	Project Manager III Project Engineer III	Survey Manager III Project Surveyor III	Landscape Architect III	GIS Manager III		Software/Computer Consultant III
\$ 120.00	Project Manager II Project Engineer II	Survey Manager II Project Surveyor II	Landscape Architect II	GIS Manager II	Construction Administrator II	Software/Computer Consultant II
\$ 115.00	Project Manager I Project Engineer I	Survey Manager I Project Surveyor I	Landscape Architect I	GIS Manager I	Construction Administrator I	Software/Computer Consultant I
\$ 105.00	Designer IV Engineering Technician IV	Staff Surveyor IV Survey Field Supervisor Survey Party (2-Men)	Landscape Designer IV	GIS Analyst IV	Field Representative V	
\$ 95.00	Designer III Engineering Technician III	Staff Surveyor III	Landscape Designer III	GIS Analyst III	Field Representative IV	
\$ 90.00	Designer II Engineering Technician II	Staff Surveyor II	Landscape Designer II	GIS Analyst II	Field Representative III	
\$ 85.00	Designer I Engineering Technician I	Survey Party (1-Man) Staff Surveyor I	Landscape Designer I	GIS Analyst I	Field Representative II	Permit Coordinator II, Admin IV
\$ 80.00	CADD Technician III	Survey Technician III	Landscape Technician III	GIS Technician III		Permit Coordinator I
\$ 75.00	CADD Technician II	Survey Technician II	Landscape Technician II	GIS Technician II		Admin III
\$ 70.00	CADD Technician I	Survey Technician I	Landscape Technician I	GIS Technician I		Admin II
\$ 65.00					Field Representative I	Admin I
\$ 60.00						
\$ 335.00	Expert Witness					

- When warranted, overtime will be charged for any non-salary employees. Overtime hours will be billed at 1-1/2 times the individuals charge rate.
- Direct non-salary (reimbursable) expenses, including printing, reproduction, air travel, lodging, and meals are billed at cost. Travel in company or private vehicles will be billed at \$0.605 per mile and may be revised based on fuel pricing. Outside consultant fees will be billed at 1.15 times the cost.
- All rates and charges are effective through January 1, 2013, including printing, reproductions, materials, and travel and are subject to change at that time. New rates and costs will become immediately effective to contracts in effect at the time of rate changes.
- Boats with a length of 17 feet and greater shall be billed at a rate of \$160 per day. Boats with a length less than 17 feet shall be billed at a rate of \$90 per day.

Owner's Initials

Consultant's Initials

CITY COUNCIL MEETING

July 16, 2012

NEW BUSINESS: Consideration of a request by adjacent property owners to individually purchase parts the Miller Street Park and the Paper Street.

PURPOSE: For Council to advise the property owners that they would receive favorable consideration of this idea should the property owners expend funds to provide the necessary survey drawing, appraisals, deed preparation and recording and other items related to this request.

RECOMMENDATION: Staff recommends approval for the property owners to proceed with the paperwork for this request.

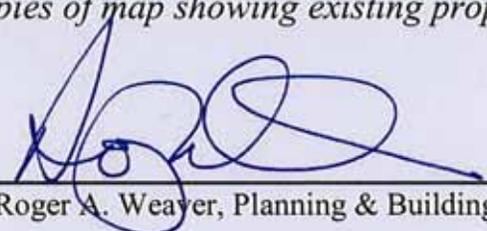
HISTORY/ANALYSIS: This is a continuation of a prior request. The property owners would like to have access to the marsh area to keep it clean and maintained. The property in question was donated to the City about two years ago. The property by itself is not buildable, and even if the paper street ROW was added to the parcel, it still would not be buildable. Its only potential use would be as a vest pocket park.

However, if there is the possibility of the residents purchasing these parcels (see attached diagrams) there would be a small increase in value to their parcels, plus the maintenance of the marsh in this area would be handled by the property owners. A utility easement, maintenance, and access easement for the existing water and sewer lines would be retained by the City

In the past, Council has approved the 'sale' of unbuildable parcels to adjacent property owners for a cost equivalent to the total cost of the survey, subdivision process, deed preparation and filing at the courthouse (total estimated to be \$2500). The land was donated to the City at no cost.

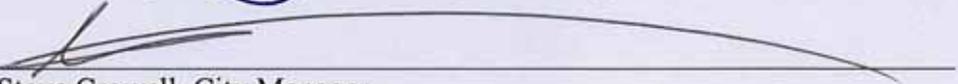
ATTACHMENTS: *Copies of map showing existing properties, and proposed new properties.*

Department Director:



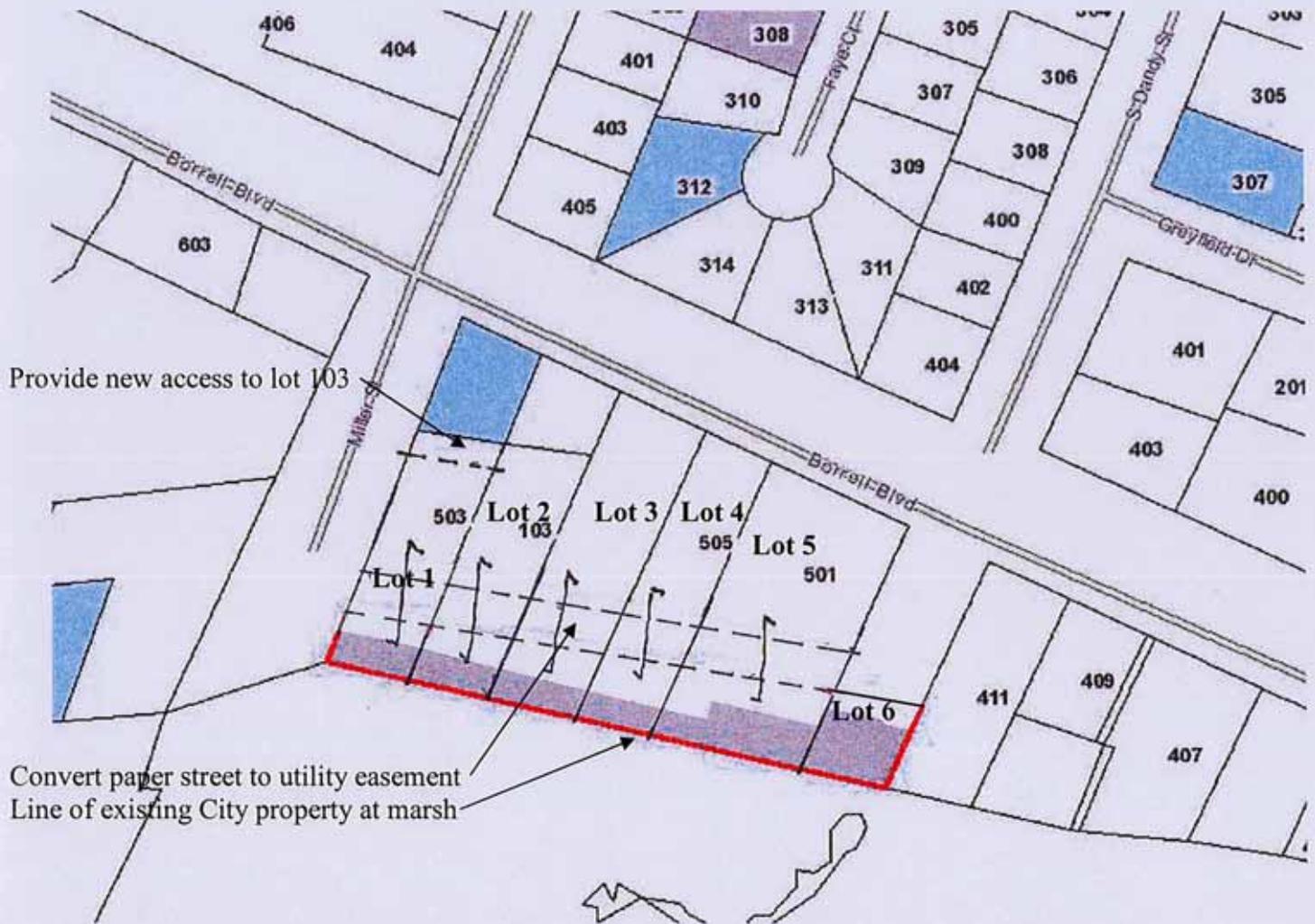
Roger A. Weaver, Planning & Building Director

City Manager:



Steve Crowell, City Manager

CITY COUNCIL MEETING



PROPOSED PLAN AFTER ALL APPROVALS, etc.

1. This request by the property owners would require changing the paper street to a dedicated utility easement, and then extending the property lines to the marsh end of the existing city owned parcel.
2. Access to '103' that is presently via the paper street would be relocated via a dedicated access easement on the far side of '503'.
3. Costs for the survey, appraisal, recording, and reverse subdivision would be by the property owners.
4. This would be a reverse subdivision in that there are presently 6 lots prior to this request, and there would still be 6 lots, with lot 6 combined with the end of S. Dandy Street.

CITY COUNCIL MEETING



EXISTING PLAN

SHADED AREA IS CITY PROPERTY

CITY COUNCIL MEETING

Dear Mr. Weaver,

My sister, Letta S. Parrott and I own the property located at 505 Borell Blvd. There is a small strip of land behind the property that borders the city right of way and the marsh. I understand it was once owned by the Mc Dowell family, but now it is owned by the city.

We would like to obtain the property for the purpose of clearing the underbrush and maintaining it. We understand that there would be City and DNR regulations as to how this could be done.

We would greatly appreciate your attention to this matter.

Sincerely,
Kathryn S. Joyce
P.O. Box 281
St. Marys, Ga. 31558

(912) 882-4682

CITY COUNCIL MEETING

July 16, 2012

NEW BUSINESS: REZONING FOR CLYDE A. CHAPMAN

PURPOSE: – Clyde A. Chapman, Jr. of St. Marys, GA is requesting rezoning of Parcels S34-03-001 & S34-03-006 to be rezoned from the present R-4 zoning to C-1.

RECOMMENDATION: Staff recommends approval of the request of Mr. Chapman for rezoning and reverse subdivision using one combined motion as consistent with the Planning Commission vote.

The Planning Commission voted to recommend that Council approve the above request as submitted. The vote was (4) to approve, (0) to deny. One Planning Commission member was not in attendance.

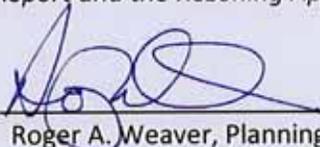
HISTORY/ANALYSIS:

These two lots submitted by the applicant for rezoning are contiguous with the present C-1 Zoning of other properties that Mr. Chapman owns. Due to the requirement that there be an adequate buffer between residential and commercial properties, most of these two parcels will be within the buffer zone.

Mr. Chapman has submitted a site development plan for review by staff indicating the proposed use of the combined parcels.

ATTACHMENTS: *Staff Report and the Rezoning Application & Plats.*

Department Director:



Roger A. Weaver, Planning & Building Director

City Manager:



Steve Crowell, City Manager

Zoning Proposal Review Questions

Chapman Rezoning

1. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.

Use is suitable.

2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.

No adverse effects.

3. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.

Proposal is a reasonable economic use.

4. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools.

No burden.

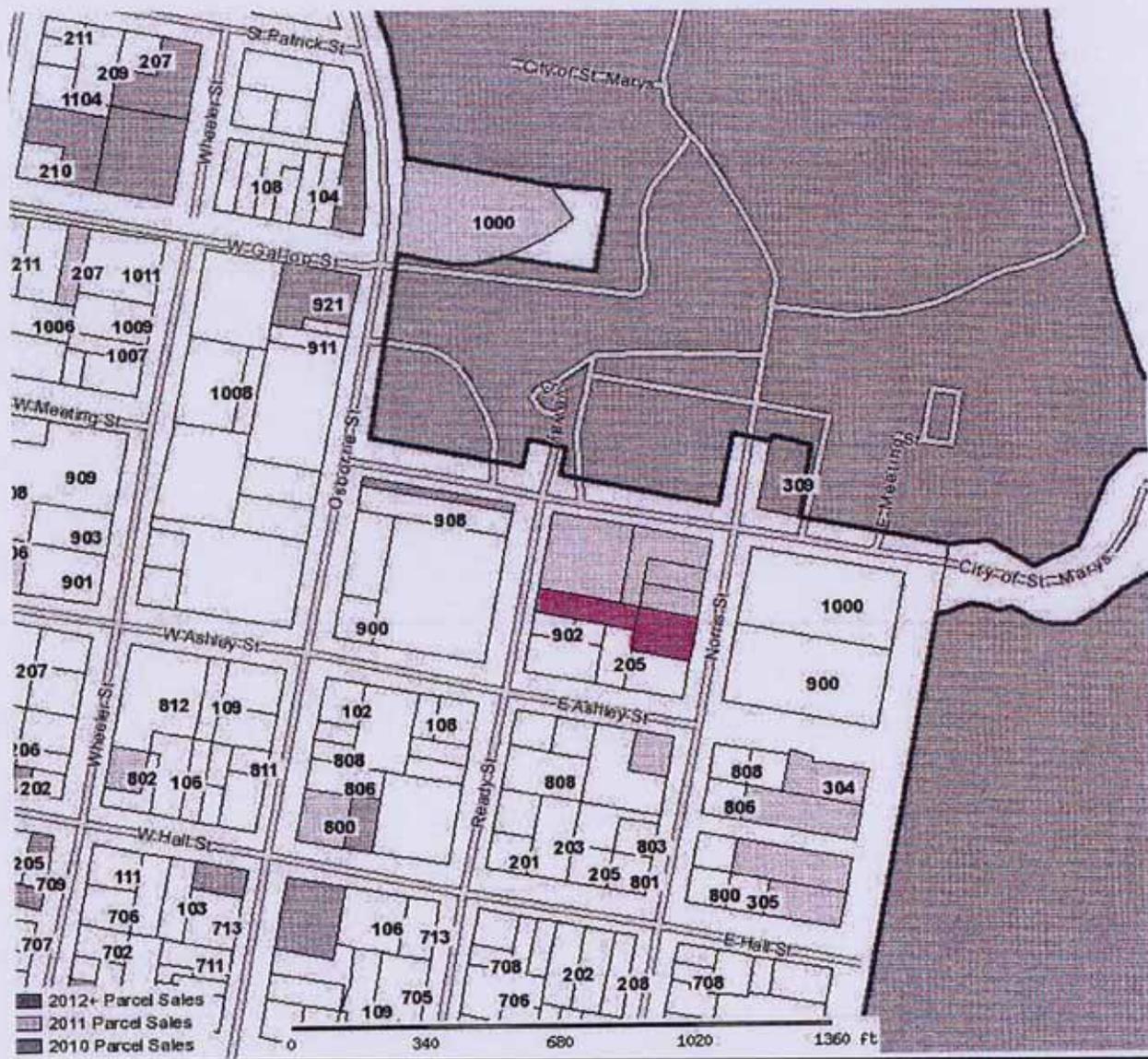
5. If the local government has an adopted land use plan, whether the zoning proposal is in conformity with the policy and intent of the land use plan.

This is consistent with our comprehensive plan.

6. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

None.

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The RED area is the two parcels to be rezoned from R-4 to C-1. The light grey immediately above the red is C-1 zoning, also owned by Mr. Chapman.

REQUEST FOR A FINAL PLAT FOR A REVERSE SUBDIVISION
FIVE LOTS INTO ONE LOT FOR CHAPMAN

APPLICANT: Clyde A. Chapman, Jr.
 10141 Colerain Road
 St. Marys, GA 31558

APPLICANT REQUEST and LOCATION OF PROPERTY: Applicant requests **Approval** from the City of St. Marys for:

REVERSE SUBDIVISION: Clyde A. Chapman, Jr., 10141 Colerain Road, St. Marys, GA 31558 is requesting approval for a five lot to one lot minor final plat, located in Block 33 off of Meeting Street, Parcel numbers S34-03-001, S34-03-002, S34-03-004, S34-03-005 & S34-03-006. Parcels S34-03-003, S34-03-004 and S34-03-005 are presently zoned C-1. The other two lots are the subject of a rezoning request at the same time.

<u>MEETING DATES:</u>	Planning Commission June 26, 2012	City Council July 16, 2012
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APPLICANT'S REQUEST: The applicant requests the city approve the Final Plat on this REVERSE subdivision.

STAFF RECOMMENDATION: Staff recommends approval of this request.

ANALYSIS: The applicant requests to combine all of the parcels into one larger parcel.

Final Plat Requirements:

1. The final subdivision plat shall be presented in India Ink on tracing cloth or reproducible Mylar as well as presentation of the following:
 - a. Notation of any self-imposed restrictions; and locations of any building lines proposed to be established in this manner, if required by the Planning Commission in accordance with chapter 36 of the City of St. Marys Code of Ordinances.
 - b. Lots numbered as approved by the County Tax Assessor.
 - c. All monuments erected, corners, and other points established in the field in their proper place. The material of which the monuments, corner, or other points are made shall be noted at the representation there of or by legend, except that lot corners need not be shown. The legend for metal monuments shall indicate the kind of metal, the diameter, length, and weight per lineal foot of the monuments.
2. Preparation of the final subdivision plat shall be prepared by a land surveyor or professional engineer licensed by the state.
3. This will create one large lot from two smaller lots, and it is in the best interest of the City and Applicant that this be approved.

PLANNING COMMISSION RECOMMENDATIONS: The Planning Commission is scheduled to meet Tuesday, June 26, 2012 to consider this application.

Action taken: Approved (X) Denied () Postponed ()

CITY COUNCIL RECOMMENDATION: The City Council is scheduled to meet on Monday, July 16, 2012 to consider the Planning Commission's recommendation.

Action taken: Approved () Denied () Postponed ()

Zoning FINAL PLAT Subdivision Review Questions

Reverse Subdivision

1. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.

Use is suitable

2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.

No adverse effect

3. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.

Use is reasonable as presently zoned, with the caveat that the rezoning of the two rear parcels is approved by the PC and CC.

4. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools.

Use will not cause a burden.

5. If the local government has an adopted land use plan, whether the zoning proposal is in conformity with the policy and intent of the land use plan.

Use is in conformance with past and present land use plans

6. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

No existing or changing conditions

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CITY OF ST. MARYS
418 OSBORNE STREET
ST. MARYS, GEORGIA 31558

MINUTES for PUBLIC HEARING and REGULAR MEETING

St. Marys, Planning Commission
Tuesday, June 26, 2012
City Hall Council Chambers

PUBLIC HEARING

The meeting was called to order at 5:30PM.

The following committee members were present: Charlotte Bartzack, Arlene Norris, Doug Cooper and Royal Weaver. Larry Johnson was not in attendance.

Roger Weaver and Michele Wood represented the Planning Department.

Charlotte Bartzack, as Vice Chair, called the meeting to order.

The following items were heard in Public Session at a Public Hearing held Tuesday, June 26, 2012 at 5:30 PM in City Hall Council Chambers, 418 Osborne Street, St. Marys, GA 31558.

1. **REZONING:** - Clyde A. Chapman, Jr., 10141 Colerain Road, St. Marys, GA 31558 is requesting rezoning of Parcels S34-03-001 & S34-03-006 to be rezoned from the present R-4 zoning to C-1.

Jeff Foster, AKM Surveying, represented Mr. Chapman and presented his rezoning request to the Planning Commission. Mr. Foster stated Mr. Chapman is requesting to rezone the two parcels noted to be rezoned C-1 as the other parcels noted in the reverse subdivision request.

Carl Jenkins, 205 Ashley Street, requested to speak to the Planning Commission. Mr. Jenkins stated he had no problem with combining the five lots. However, he would like to see the two properties requested for rezoning to C-1, remain residential. These two parcels about his residential property.

Ricky Heidgerken, 110 Salt Trace Drive, requested to speak. Mr. Heidgerken was interested in the process of rezoning in St. Marys. He questioned if the request to rezone was for marketability or was there a particular use in mind? He also questioned if the applicant could rezone the property without a plan for the property. Roger Weaver addressed the question and presented the plan submitted to the Planning Commission to the public to view. Roger Weaver explained the plan had not been reviewed and approved by Public Works as of yet. However, the plan did show the proposed use as 3,000 sq. feet of retail, parking and open storage for boats. Roger Weaver stated, according to the plans, all the significant trees will remain on the lot.

Walt Nothesis, St. Marys Realty, questioned if the plans showed the proper buffer between the commercial and existing residential. Roger Weaver stated that regardless of the drawing a buffer would have to be placed between Mr. Chapman's property and the residential properties per the ordinance.

Clyde Chapman, the applicant, requested to speak. Mr. Chapman stated if he lived behind the property, he too would be concerned as to what was going to be built there. Mr. Chapman stated he would be planting shrubs to meet the buffer requirements. Mr. Chapman reviewed his plans with the audience. He explained that the bait shop, located at 815 Osborne, will be relocating to the site and stated that for every tree he removes from the site, he will be planting five in its place on property he owns on Colerain Road. Roger Weaver asked Mr. Chapman what his intention was with the property abutting Mr. Jenkins property. Mr. Chapman stated his purpose in purchasing the residential property was to square off his entire property at that location. Mr. Chapman stated he presently has no use intended for the residential parcels he is rezoning and plans combining with the remainder parcels. Roger Weaver explained Mr. Chapman is presently under a Cease & Desist order. Roger Weaver stated his purpose in issuing the Cease & Desist order was for Mr. Chapman to provide a plan for the proposed use for this site. Roger Weaver explained the Planning Commission could make their decision based on the plans submitted with the understanding if anything should change, Mr. Chapman would have to present his new plan to the Planning Commission for approval.

2. **REVERSE SUBDIVISION** – Clyde A. Chapman, Jr., 10141 Colerain Road, St. Marys, GA 31558 is requesting approval for a five lot to one lot minor final plat, located in Block 33 off of Meeting Street, Parcel numbers S34-03-001, S34-03-002, S34-03-004, S34-03-005 & S34-03-006. Parcels S34-03-003, S34-03-004 and S34-03-005 are presently zoned C-1.

Jeff Foster, AKM Surveying, represented Mr. Chapman's and presented his request to the Planning Commission to combine the five parcels noted above to one lot.

3. **VARIANCE:** - William T. Jenkins, 909 Ann Street, St. Marys, GA 31558 is requesting approval for the reduction of a side yard variance of 8' (15'0" Required, 7'0" Requested) to add a pool and enclosure and to construct a new carport. The applicant is also requesting a rear yard variance of 18' (25'0" Required, 7'0" Requested) that will be required to construct the new carport as well. The property is zoned R-1, Tax Parcel S27-04-005.

Mr. Jenkins presented his request to the Planning Commission. Mr. Jenkins reviewed his plans with the Planning Commission and explained that the lots are narrow with most property owners in the area being required to have variances to place structures within their side yards. Ms. Bartzack questioned Mr. Weaver that when the structure is built it will be similar to the property lines as other structures in the area. Being the home was constructed when the side yard setbacks were less, there were many structures built near the property line. Roger Weaver stated there is no real uniformity in regard to the structures. There were no comments or questions from the public.

4. **VARIANCE:** Paul W. Popa, 800 Ann Street, St. Marys, GA 31558 is requesting approval for the a side yard setback of 10'(15' Required, 5' Requested) and a rear yard setback of 5'(15' Required, 10' Requested) at 800 Ann Street to replace an existing storage. The property is zoned R-1, Tax Parcel S31-07-006.

Mr. Popa presented his request to the Planning Commission. Mr. Popa explained he was replacing an existing shed with a new shed of the same size. Mr. Popa stated the person who constructed the original shed was required to remove part of the shed at that time of construction due to the shed being placed within the setbacks which were less than what are required under the present ordinance. There were no comments or questions from the public.

Motion to Adjourn Public Hearing - Motion was made by Arlene Norris to adjourn the Public Hearing: Second by Royal Weaver. Voting was unanimous in favor of the motion.

REGULAR MEETING

Approval of Minutes of May 22, 2012 Planning Commission Meeting & June 5, 2012 Special Called Planning Commission Meeting – Motion was made by Doug Cooper to approve the minutes as submitted; Second by Royal Weaver. The vote was (4) to approve, (0) to deny.

Old Business - None

New Business

1. **REZONING:** - Clyde A. Chapman, Jr., 10141 Colerain Road, St. Marys, GA 31558 is requesting rezoning of Parcels S34-03-001 & S34-03-006 to be rezoned from the present R-4 zoning to C-1.

A motion was made by Doug Cooper to approve the rezoning and reverse subdivision request for Mr. Chapman; Second by Royal Weaver. Voting was unanimous in favor of the motion.

2. **REVERSE SUBDIVISION** – Clyde A. Chapman, Jr., 10141 Colerain Road, St. Marys, GA 31558 is requesting approval for a five lot to one lot minor final plat, located in Block 33 off of Meeting Street, Parcel numbers S34-03-001, S34-03-002, S34-03-004, S34-03-005 & S34-03-006. Parcels S34-03-003, S34-03-004 and S34-03-005 are presently zoned C-1.

The request was approved with the rezoning request as noted above.

3. **VARIANCE:** - William T. Jenkins, 909 Ann Street, St. Marys, GA 31558 is requesting approval for the reduction of a side yard variance of 8' (15'0" Required, 7'0" Requested) to add a pool and enclosure and to construct a new carport. The applicant is also requesting a rear yard variance of 18' (25'0" Required, 7'0" Requested) that will be required to construct the new carport as well. The property is zoned R-1, Tax Parcel S27-04-005.

Royal Weaver made a motion to approve the request as submitted; Second by Arlene Norris. Voting was unanimous in favor of the motion.

4. **VARIANCE:** Paul W. Popa, 800 Ann Street, St. Marys, GA 31558 is requesting approval for the a side yard setback of 10' (15' Required, 5' Requested) and a rear yard setback of 5' (15' Required, 10' Requested) at 800 Ann Street to replace an existing storage. The property is zoned R-1, Tax Parcel S31-07-006.

Doug Cooper made a motion to approve the request; Second by Royal Weaver. Voting was unanimous in favor of the motion.

Granting Audience to the Public: No Comments.

Discussion:

- **Redden Appeal** - Roger Weaver informed the Planning Commission members that City Council upheld their decision to deny the Redden variance appeal at the June 4, 2012 City Council meeting.
- **Modular, Mobile & Manufactured Home Definitions Text Amendment** – Roger Weaver explained to the Planning Commission members the text amendment has been forwarded to the City Attorney for review.

Motion to Adjourn Regular Meeting – *Motion to adjourn the regular meeting by Royal Weaver; Second by Arlene Norris. Voting was unanimous in favor of the motion. The meeting adjourned at 6:14 PM.*



CITY OF ST. MARYS
418 OSBORNE STREET
ST. MARYS, GEORGIA 31558

TELEPHONE: 912-510-4000 FAX: 912-882-5506
PLANNING AND ZONING DEPARTMENT: 912-510-4032

June 28, 2012

Clyde A Chapman, Jr.
10141 Colerain Road
St. Marys, GA 31558

RE: REZONING: - Clyde A. Chapman, Jr., 10141 Colerain Road, St. Marys, GA 31558 is requesting rezoning of Parcels S34-03-001 & S34-03-006 to be rezoned from the present R-4 zoning to C-1.

Dear Property Owner:

Your request for REZONING approval of the property noted above has been approved by the Planning Commission on Tuesday, June 26, 2012 from R-4 zoning to C-1.

The City Council Meeting to review your project is scheduled for July 16, 2012 at 6:00 PM in Council Chambers. You or your authorized representative should plan to attend this meeting to answer any questions that Council may have in regard to your application.

Should you have any questions on the above, please contact this office at 912-510-4025.

Sincerely,

Michele Wood, Asst. Planner
City of St. Marys

Zoning Proposal Review Questions

Chapman Rezoning

1. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.

Use is suitable.

2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.

No adverse effects.

3. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.

Proposal is a reasonable economic use.

4. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools.

No burden.

5. If the local government has an adopted land use plan, whether the zoning proposal is in conformity with the policy and intent of the land use plan.

This is consistent with our comprehensive plan.

6. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

None.

####



CITY OF ST. MARYS
 418 OSBORNE STREET
 ST. MARYS, GEORGIA 31558

TELEPHONE: 912-510-4000 FAX: 912-882-5506
 PLANNING AND ZONING DEPARTMENT: 912-510-4032

APPLICATION FOR REZONING

APPLICANT: After completely reading this form, the applicant should answer each item as completely as possible. Please print or type. The Planning Director will assist you if necessary.

This is a request for an Amendment to the Official Zoning Map of the City of St. Marys. Please read Section VI of Zoning Ordinance 110, which applies to your proposal. Section VI will answer most of the questions you may have.

1. Applicant (Your Name): Clyde A. Chapman, Jr. Daytime Phone: 269-9421 email: _____
 Mailing Address 10141 Colerain Rd., St. Marys, Ga. Zip: 31558
2. Location of Property to be rezoned: Block 33, City of St. Marys
 Street Ready + Norris Tax Map and Parcel Number: 534 03 001 + 006
3. Is this rezoning due to annexation? YES NO
4. Total Parcel area to be rezoned (size of parcel in square feet): 32,450 square feet
5. Present Zoning: R-4 Abutting zones (list all zones that touch the parcel): C-1 + R-4
6. Proposed Zoning: C-1
7. Are any special use(s) or variance(s) or covenant(s) or prior rezoning(s) present on the parcel? YES NO
 If 'YES', list type and date: _____
8. The following data shall be attached as applicable:
 Detailed site development plan, including survey data, wetlands, marsh, and other existing condition data.
 Written report for PD rezoning, including all data required by Ordinance.
9. Proposed use (reasons for the rezoning request): To construct waterfront facilities pertaining to normal boating activities.
10. Do you have legal possession of the parcel (s) proposed for this rezoning? YES NO
 (If 'NO' then this application cannot be processed until an application is received for all parcels intended to be rezoned.)
11. Owner's Name (if different from Applicant*): _____
 Address: _____ Zip: _____ Daytime Phone: _____
 (* If applicant is different from Owner, a legal authorization to represent the Owner must be attached to this application.)

I understand that the City of St. Marys will not process this application until I have submitted all required materials on or before the date of the approved schedule, which shall be not less than 32 days prior to the regularly scheduled and advertised monthly Planning Commission Public Hearing. Planning Commission Public Hearings are held on the fourth Tuesday of each month at 5:30 PM in Council Chambers. The recommendation of the Planning Commission is forwarded to City Council for their review at the next regularly scheduled meeting following the Planning Commission meeting.

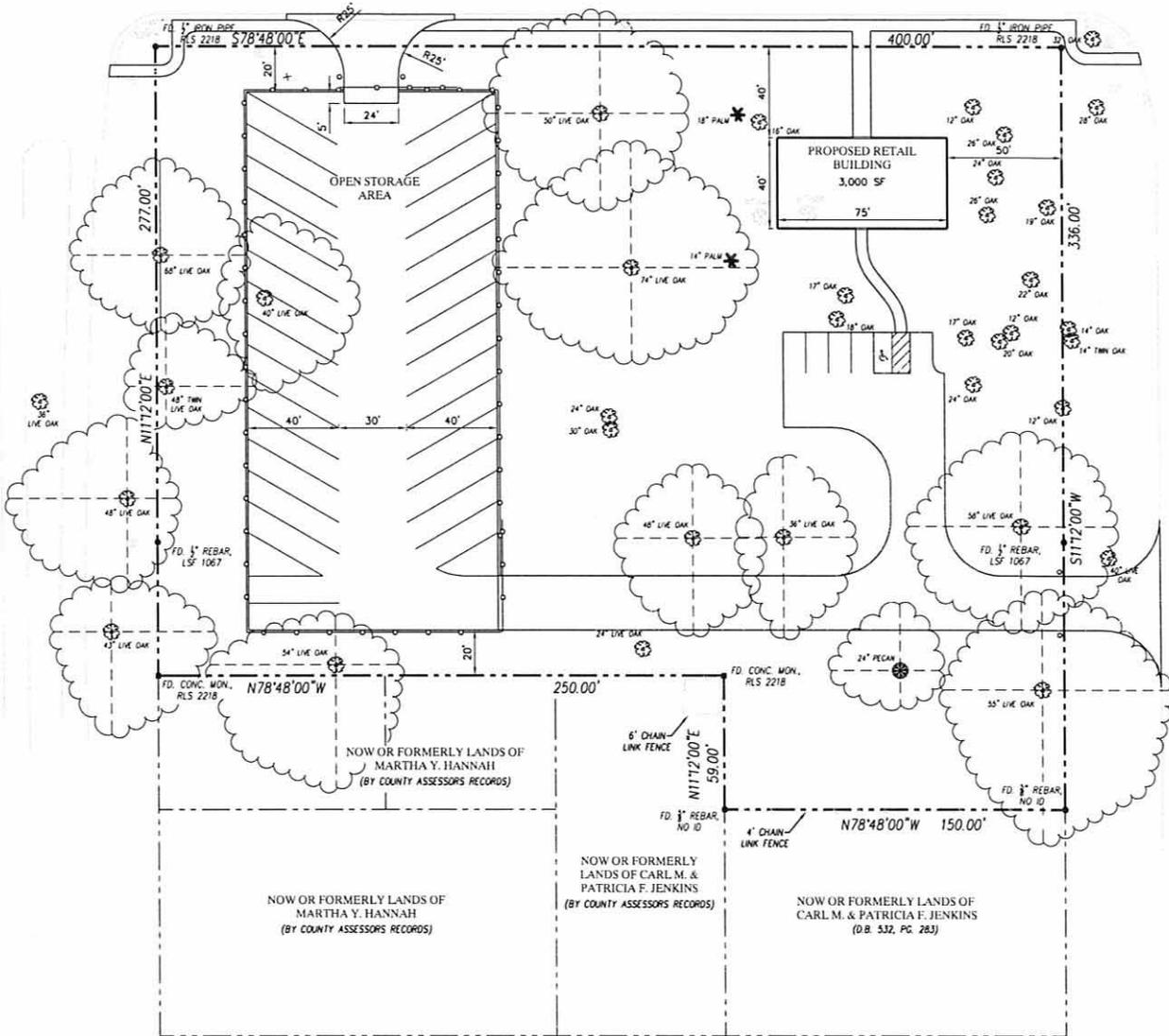
Signed: Clyde A. Chapman, Jr. Date: 5/30/12

(Printed Name: Clyde A. Chapman, Jr.)

MEETING STREET
(100' RIGHT-OF-WAY - PAVED)

READY STREET
(100' RIGHT-OF-WAY - PAVED)

NORRIS STREET
(100' RIGHT-OF-WAY - PAVED)



ASHLEY STREET



P&A ENGINEERING, INC.
Civil Engineering - Site Planning

112B NORTH GROSS ROAD
KINGSLAND, GEORGIA 31548
PHONE (912) 673-8575

MEETING STREET PROJECT

SITE PLAN

DATE: 5/30/12	SCALE: 1"=80'
DRAWN BY: JPM	FIGURE: 1

CITY COUNCIL MEETING

July 16, 2012

NEW BUSINESS: REVERSE SUBDIVISION FOR CLYDE A. CHAPMAN

PURPOSE: – Clyde A. Chapman, Jr. is requesting approval for a six lot to one lot minor final plat, located in Block 33 off of Meeting Street. Parcel numbers S34-03-001 and S34-03-006 (rezoned parcels) added to existing previously rezoned parcels S34-03-002, S34-03-003, S34-03-004 and S34-03-005.

RECOMMENDATION: Staff recommends approval of the request of Mr. Chapman for rezoning and reverse subdivision using one combined motion as consistent with the Planning Commission vote.

The Planning Commission voted to recommend that Council approve the above request as submitted. The vote was (4) to approve, (0) to deny. One Planning Commission member was not in attendance.

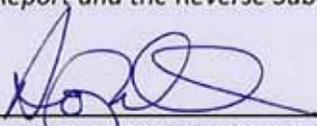
HISTORY/ANALYSIS:

The reverse subdivision covers the original parcels (4) plus the new parcels (2) for a total of 6. With the approval of the two parcels being rezoned from R-4 to C-1, the applicant wishes to combine all five parcels into one parcel.

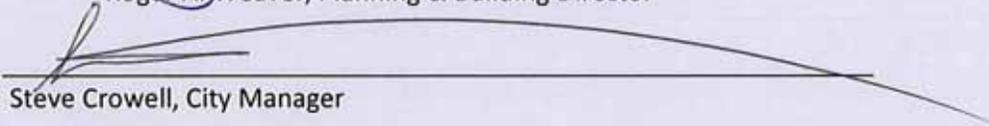
Mr. Chapman has submitted a site development plan for review by staff indicating the proposed use of the combined parcels.

ATTACHMENTS: *Staff Report and the Reverse Subdivision Application & Plats.*

Department Director: _____


Roger A. Weaver, Planning & Building Director

City Manager: _____


Steve Crowell, City Manager

REQUEST FOR A REZONING FOR CLYDE A. CHAPMAN, JR.

APPLICANT: Clyde A. Chapman, Jr.
10141 Colerain Road
St. Marys, GA 31558

APPLICANT REQUEST and LOCATION OF PROPERTY: Applicant requests **Approval** from the City of St. Marys for:

REZONING – Clyde A. Chapman, Jr., 10141 Colerain Road, St. Marys, GA 31558 is requesting rezoning of Parcels S34-03-001 & S34-03-006 to be rezoned from the present R-4 zoning to C-1.

<u>MEETING DATES:</u>	Planning Commission	City Council
	June 26, 2012	July 16, 2012

STAFF RECOMMENDATION: Staff recommends approval of this request.

ANALYSIS: Clyde A. Chapman, Jr., 10141 Colerain Road, St. Marys, GA 31558 is seeking to rezone Parcels S34-03-001 & S34-03-006 from the present R-4 to C-1 zoning.

These two lots are contiguous with the present C-1 Zoning of other properties that Mr. Chapman owns. Due to the requirement that there be an adequate buffer between residential and commercial properties, most of these two parcels will be within the buffer zone.

No plans were submitted as part of this request. However, Mr. Chapman is still under a valid and current cease and desist order for any work on these parcels until after receipt and approval of a site development plan, that will show uses and bulk of the proposed project.

PLANNING COMMISSION RECOMMENDATIONS: The Planning Commission is scheduled to meet Tuesday, June 26, 2012 to consider this application.

Action taken: Approved (X) Denied () Postponed ()

CITY COUNCIL RECOMMENDATION: The City Council is scheduled to meet on Monday, July 16, 2012 to consider the Planning Commission's recommendation.

Action taken: Approved () Denied () Postponed ()

Zoning Proposal Review Questions

Chapman Rezoning

1. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.

Use is suitable.

2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.

No adverse effects.

3. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.

Proposal is a reasonable economic use.

4. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools.

No burden.

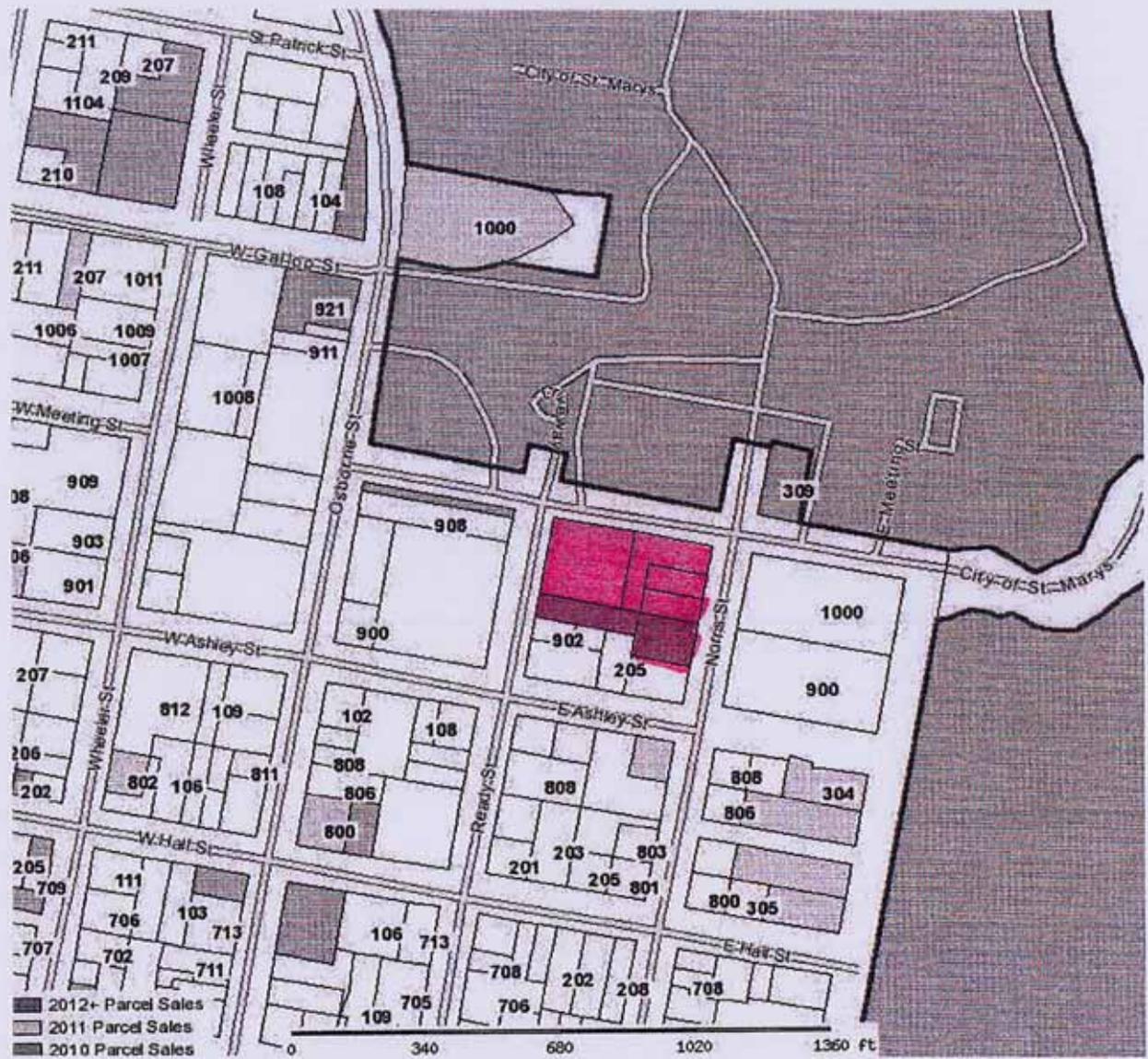
5. If the local government has an adopted land use plan, whether the zoning proposal is in conformity with the policy and intent of the land use plan.

This is consistent with our comprehensive plan.

6. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

None.

####



RED AREA will be the entire area after reverse subdivision is reviewed and approved.

REQUEST FOR A FINAL PLAT FOR A REVERSE SUBDIVISION
FIVE LOTS INTO ONE LOT FOR CHAPMAN

APPLICANT: Clyde A. Chapman, Jr.
 10141 Colerain Road
 St. Marys, GA 31558

APPLICANT REQUEST and LOCATION OF PROPERTY: Applicant requests **Approval** from the City of St. Marys for:

REVERSE SUBDIVISION: Clyde A. Chapman, Jr., 10141 Colerain Road, St. Marys, GA 31558 is requesting approval for a five lot to one lot minor final plat, located in Block 33 off of Meeting Street, Parcel numbers S34-03-001, S34-03-002, S34-03-004, S34-03-005 & S34-03-006. Parcels S34-03-003, S34-03-004 and S34-03-005 are presently zoned C-1. The other two lots are the subject of a rezoning request at the same time.

<u>MEETING DATES:</u>	Planning Commission June 26, 2012	City Council July 16, 2012
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APPLICANT'S REQUEST: The applicant requests the city approve the Final Plat on this REVERSE subdivision.

STAFF RECOMMENDATION: Staff recommends approval of this request.

ANALYSIS: The applicant requests to combine all of the parcels into one larger parcel.

Final Plat Requirements:

1. The final subdivision plat shall be presented in India Ink on tracing cloth or reproducible Mylar as well as presentation of the following:
 - a. Notation of any self-imposed restrictions; and locations of any building lines proposed to be established in this manner, if required by the Planning Commission in accordance with chapter 36 of the City of St. Marys Code of Ordinances.
 - b. Lots numbered as approved by the County Tax Assessor.
 - c. All monuments erected, corners, and other points established in the field in their proper place. The material of which the monuments, corner, or other points are made shall be noted at the representation there of or by legend, except that lot corners need not be shown. The legend for metal monuments shall indicate the kind of metal, the diameter, length, and weight per lineal foot of the monuments.
2. Preparation of the final subdivision plat shall be prepared by a land surveyor or professional engineer licensed by the state.
3. This will create one large lot from two smaller lots, and it is in the best interest of the City and Applicant that this be approved.

PLANNING COMMISSION RECOMMENDATIONS: The Planning Commission is scheduled to meet Tuesday, June 26, 2012 to consider this application.

Action taken: Approved (X) Denied () Postponed ()

CITY COUNCIL RECOMMENDATION: The City Council is scheduled to meet on Monday, July 16, 2012 to consider the Planning Commission's recommendation.

Action taken: Approved () Denied () Postponed ()

Zoning FINAL PLAT Subdivision Review Questions

Reverse Subdivision

1. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.

Use is suitable

2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.

No adverse effect

3. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.

Use is reasonable as presently zoned, with the caveat that the rezoning of the two rear parcels is approved by the PC and CC.

4. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools.

Use will not cause a burden.

5. If the local government has an adopted land use plan, whether the zoning proposal is in conformity with the policy and intent of the land use plan.

Use is in conformance with past and present land use plans

6. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

No existing or changing conditions

####



CITY OF ST. MARYS
418 OSBORNE STREET
ST. MARYS, GEORGIA 31558

MINUTES for PUBLIC HEARING and REGULAR MEETING

St. Marys, Planning Commission
Tuesday, June 26, 2012
City Hall Council Chambers

PUBLIC HEARING

The meeting was called to order at 5:30PM.

The following committee members were present: Charlotte Bartzack, Arlene Norris, Doug Cooper and Royal Weaver. Larry Johnson was not in attendance.

Roger Weaver and Michele Wood represented the Planning Department.

Charlotte Bartzack, as Vice Chair, called the meeting to order.

The following items were heard in Public Session at a Public Hearing held Tuesday, June 26, 2012 at 5:30 PM in City Hall Council Chambers, 418 Osborne Street, St. Marys, GA 31558.

1. **REZONING:** - Clyde A. Chapman, Jr., 10141 Colerain Road, St. Marys, GA 31558 is requesting rezoning of Parcels S34-03-001 & S34-03-006 to be rezoned from the present R-4 zoning to C-1.

Jeff Foster, AKM Surveying, represented Mr. Chapman and presented his rezoning request to the Planning Commission. Mr. Foster stated Mr. Chapman is requesting to rezone the two parcels noted to be rezoned C-1 as the other parcels noted in the reverse subdivision request.

Carl Jenkins, 205 Ashley Street, requested to speak to the Planning Commission. Mr. Jenkins stated he had no problem with combining the five lots. However, he would like to see the two properties requested for rezoning to C-1, remain residential. These two parcels about his residential property.

Ricky Heidgerken, 110 Salt Trace Drive, requested to speak. Mr. Heidgerken was interested in the process of rezoning in St. Marys. He questioned if the request to rezone was for marketability or was there a particular use in mind? He also questioned if the applicant could rezone the property without a plan for the property. Roger Weaver addressed the question and presented the plan submitted to the Planning Commission to the public to view. Roger Weaver explained the plan had not been reviewed and approved by Public Works as of yet. However, the plan did show the proposed use as 3,000 sq. feet of retail, parking and open storage for boats. Roger Weaver stated, according to the plans, all the significant trees will remain on the lot.

Walt Nothesis, St. Marys Realty, questioned if the plans showed the proper buffer between the commercial and existing residential. Roger Weaver stated that regardless of the drawing a buffer would have to be placed between Mr. Chapman's property and the residential properties per the ordinance.

Clyde Chapman, the applicant, requested to speak. Mr. Chapman stated if he lived behind the property, he too would be concerned as to what was going to be built there. Mr. Chapman stated he would be planting shrubs to meet the buffer requirements. Mr. Chapman reviewed his plans with the audience. He explained that the bait shop, located at 815 Osborne, will be relocating to the site and stated that for every tree he removes from the site, he will be planting five in its place on property he owns on Colerain Road. Roger Weaver asked Mr. Chapman what his intention was with the property abutting Mr. Jenkins property. Mr. Chapman stated his purpose in purchasing the residential property was to square off his entire property at that location. Mr. Chapman stated he presently has no use intended for the residential parcels he is rezoning and plans combining with the remainder parcels. Roger Weaver explained Mr. Chapman is presently under a Cease & Desist order. Roger Weaver stated his purpose in issuing the Cease & Desist order was for Mr. Chapman to provide a plan for the proposed use for this site. Roger Weaver explained the Planning Commission could make their decision based on the plans submitted with the understanding if anything should change, Mr. Chapman would have to present his new plan to the Planning Commission for approval.

2. **REVERSE SUBDIVISION** – Clyde A. Chapman, Jr., 10141 Colerain Road, St. Marys, GA 31558 is requesting approval for a five lot to one lot minor final plat, located in Block 33 off of Meeting Street, Parcel numbers S34-03-001, S34-03-002, S34-03-004, S34-03-005 & S34-03-006. Parcels S34-03-003, S34-03-004 and S34-03-005 are presently zoned C-1.

Jeff Foster, AKM Surveying, represented Mr. Chapman's and presented his request to the Planning Commission to combine the five parcels noted above to one lot.

3. **VARIANCE:** - William T. Jenkins, 909 Ann Street, St. Marys, GA 31558 is requesting approval for the reduction of a side yard variance of 8' (15'0" Required, 7'0" Requested) to add a pool and enclosure and to construct a new carport. The applicant is also requesting a rear yard variance of 18' (25'0" Required, 7'0" Requested) that will be required to construct the new carport as well. The property is zoned R-1, Tax Parcel S27-04-005.

Mr. Jenkins presented his request to the Planning Commission. Mr. Jenkins reviewed his plans with the Planning Commission and explained that the lots are narrow with most property owners in the area being required to have variances to place structures within their side yards. Ms. Bartzack questioned Mr. Weaver that when the structure is built it will be similar to the property lines as other structures in the area. Being the home was constructed when the side yard setbacks were less, there were many structures built near the property line. Roger Weaver stated there is no real uniformity in regard to the structures. There were no comments or questions from the public.

4. **VARIANCE:** Paul W. Popa, 800 Ann Street, St. Marys, GA 31558 is requesting approval for the a side yard setback of 10' (15' Required, 5' Requested) and a rear yard setback of 5' (15' Required, 10' Requested) at 800 Ann Street to replace an existing storage. The property is zoned R-1, Tax Parcel S31-07-006.

Mr. Popa presented his request to the Planning Commission. Mr. Popa explained he was replacing an existing shed with a new shed of the same size. Mr. Popa stated the person who constructed the original shed was required to remove part of the shed at that time of construction due to the shed being placed within the setbacks which were less than what are required under the present ordinance. There were no comments or questions from the public.

Motion to Adjourn Public Hearing - Motion was made by Arlene Norris to adjourn the Public Hearing: Second by Royal Weaver. Voting was unanimous in favor of the motion.

REGULAR MEETING

Approval of Minutes of May 22, 2012 Planning Commission Meeting & June 5, 2012 Special Called Planning Commission Meeting – Motion was made by Doug Cooper to approve the minutes as submitted; Second by Royal Weaver. The vote was (4) to approve, (0) to deny.

Old Business - None

New Business

1. **REZONING:** - Clyde A. Chapman, Jr., 10141 Colerain Road, St. Marys, GA 31558 is requesting rezoning of Parcels S34-03-001 & S34-03-006 to be rezoned from the present R-4 zoning to C-1.

A motion was made by Doug Cooper to approve the rezoning and reverse subdivision request for Mr. Chapman; Second by Royal Weaver. Voting was unanimous in favor of the motion.

2. **REVERSE SUBDIVISION** – Clyde A. Chapman, Jr., 10141 Colerain Road, St. Marys, GA 31558 is requesting approval for a five lot to one lot minor final plat, located in Block 33 off of Meeting Street, Parcel numbers S34-03-001, S34-03-002, S34-03-004, S34-03-005 & S34-03-006. Parcels S34-03-003, S34-03-004 and S34-03-005 are presently zoned C-1.

The request was approved with the rezoning request as noted above.

3. **VARIANCE:** - William T. Jenkins, 909 Ann Street, St. Marys, GA 31558 is requesting approval for the reduction of a side yard variance of 8' (15'0" Required, 7'0" Requested) to add a pool and enclosure and to construct a new carport. The applicant is also requesting a rear yard variance of 18' (25'0" Required, 7'0" Requested) that will be required to construct the new carport as well. The property is zoned R-1, Tax Parcel S27-04-005.

Royal Weaver made a motion to approve the request as submitted; Second by Arlene Norris. Voting was unanimous in favor of the motion.

4. **VARIANCE:** Paul W. Popa, 800 Ann Street, St. Marys, GA 31558 is requesting approval for the a side yard setback of 10'(15' Required, 5' Requested) and a rear yard setback of 5'(15' Required, 10' Requested) at 800 Ann Street to replace an existing storage. The property is zoned R-1, Tax Parcel S31-07-006.

Doug Cooper made a motion to approve the request; Second by Royal Weaver. Voting was unanimous in favor of the motion.

Granting Audience to the Public: No Comments.

Discussion:

- **Redden Appeal** - Roger Weaver informed the Planning Commission members that City Council upheld their decision to deny the Redden variance appeal at the June 4, 2012 City Council meeting.
- **Modular, Mobile & Manufactured Home Definitions Text Amendment** – Roger Weaver explained to the Planning Commission members the text amendment has been forwarded to the City Attorney for review.

Motion to Adjourn Regular Meeting – *Motion to adjourn the regular meeting by Royal Weaver; Second by Arlene Norris. Voting was unanimous in favor of the motion. The meeting adjourned at 6:14 PM.*



CITY OF ST. MARYS
418 OSBORNE STREET
ST. MARYS, GEORGIA 31558

TELEPHONE: 912-510-4000 FAX: 912-882-5506
PLANNING AND ZONING DEPARTMENT: 912-510-4032

June 28, 2012

Clyde A Chapman, Jr.
10141 Colerain Road
St. Marys, GA 31558

RE: REVERSE SUBDIVISION – Clyde A. Chapman, Jr., 10141 Colerain Road, St. Marys, GA 31558 is requesting approval for a five lot to one lot minor final plat, located in Block 33 off of Meeting Street, Parcel numbers S34-03-001, S34-03-002, S34-03-004, S34-03-005 & S34-03-006. Parcels S34-03-003, S34-03-004 and S34-03-005 are presently zoned C-1.

Dear Property Owner:

Your request for FINAL approval of a Reverse Subdivision of a 5 lot to a 1 lot subdivision as noted above was approved at the June 26, 2012 Planning Commission.

City Council approval is required for FINAL PLAT REVIEW Applications. The City Council will meet on July 16, 2012 at 6:00 PM in the City Hall Council Chambers at 418 Osborne Street to review and discuss this application.

You or your authorized representative are required to attend this meeting to answer any questions that the City Council or Public may have in regard to your application.

Should you have any questions on the above, please contact this office at 912-510-4025.

Sincerely,

Michele Wood, Assistant Planner
City of St. Marys

REQUEST FOR A FINAL PLAT FOR A REVERSE SUBDIVISION
FIVE LOTS INTO ONE LOT FOR CHAPMAN

APPLICANT: Clyde A. Chapman, Jr.
 10141 Colerain Road
 St. Marys, GA 31558

APPLICANT REQUEST and LOCATION OF PROPERTY: Applicant requests **Approval** from the City of St. Marys for:

REVERSE SUBDIVISION: Clyde A. Chapman, Jr., 10141 Colerain Road, St. Marys, GA 31558 is requesting approval for a five lot to one lot minor final plat, located in Block 33 off of Meeting Street, Parcel numbers S34-03-001, S34-03-002, S34-03-004, S34-03-005 & S34-03-006. Parcels S34-03-003, S34-03-004 and S34-03-005 are presently zoned C-1. The other two lots are the subject of a rezoning request at the same time.

<u>MEETING DATES:</u>	Planning Commission June 26, 2012	City Council July 16, 2012
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APPLICANT'S REQUEST: The applicant requests the city approve the Final Plat on this REVERSE subdivision.

STAFF RECOMMENDATION: Staff recommends approval of this request.

ANALYSIS: The applicant requests to combine all of the parcels into one larger parcel.

Final Plat Requirements:

1. The final subdivision plat shall be presented in India Ink on tracing cloth or reproducible Mylar as well as presentation of the following:
 - a. Notation of any self-imposed restrictions; and locations of any building lines proposed to be established in this manner, if required by the Planning Commission in accordance with chapter 36 of the City of St. Marys Code of Ordinances.
 - b. Lots numbered as approved by the County Tax Assessor.
 - c. All monuments erected, corners, and other points established in the field in their proper place. The material of which the monuments, corner, or other points are made shall be noted at the representation there of or by legend, except that lot corners need not be shown. The legend for metal monuments shall indicate the kind of metal, the diameter, length, and weight per lineal foot of the monuments.
2. Preparation of the final subdivision plat shall be prepared by a land surveyor or professional engineer licensed by the state.
3. This will create one large lot from two smaller lots, and it is in the best interest of the City and Applicant that this be approved.

PLANNING COMMISSION RECOMMENDATIONS: The Planning Commission is scheduled to meet Tuesday, June 26, 2012 to consider this application.

Action taken: Approved (X) Denied () Postponed ()

CITY COUNCIL RECOMMENDATION: The City Council is scheduled to meet on Monday, July 16, 2012 to consider the Planning Commission's recommendation.

Action taken: Approved () Denied () Postponed ()

Zoning FINAL PLAT Subdivision Review Questions

Reverse Subdivision

1. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.

Use is suitable

2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.

No adverse effect

3. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.

Use is reasonable as presently zoned, with the caveat that the rezoning of the two rear parcels is approved by the PC and CC.

4. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools.

Use will not cause a burden.

5. If the local government has an adopted land use plan, whether the zoning proposal is in conformity with the policy and intent of the land use plan.

Use is in conformance with past and present land use plans

6. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

No existing or changing conditions

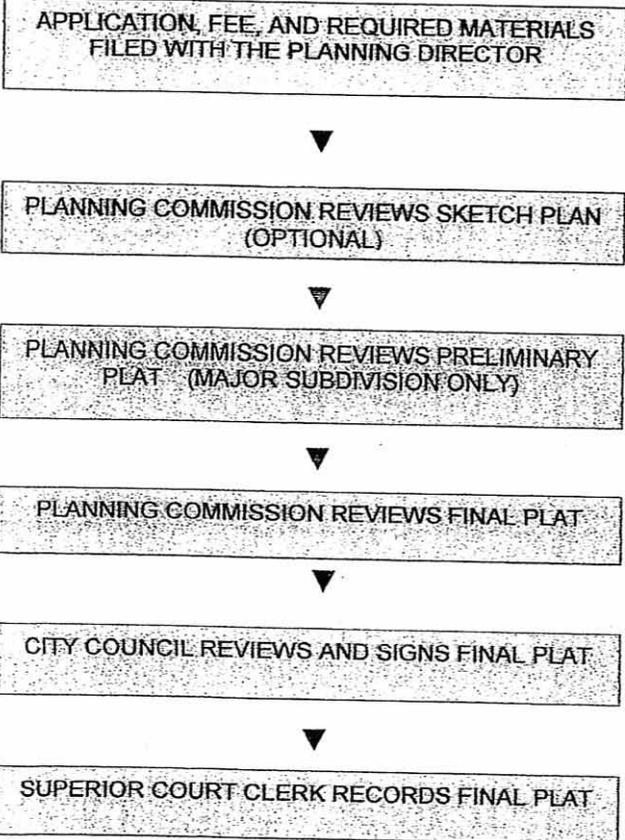
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APPLICATION FOR SUBDIVISION - CITY OF ST. MARYS, GEORGIA

APPLICANT: READ **PART A** COMPLETELY. THEN ANSWER EACH ITEM IN **PART B**. PLEASE PRINT OR TYPE. DO NOT WRITE IN **PART C**. THE BUILDING DEPARTMENT WILL HELP YOU, IF NECESSARY. FAILURE TO SUPPLY COMPLETE INFORMATION WILL RESULT IN PLAT DISAPPROVAL. YOU MUST FILE THIS APPLICATION AND ALL REQUIRED MATERIALS WITH THE BUILDING DEPARTMENT AT LEAST 16 DAYS PRIOR TO THE PLANNING COMMISSION MEETING AT WHICH IT WILL BE CONSIDERED.

PART A - GENERAL INFORMATION

YOU ARE ENCOURAGED TO READ ARTICLES THREE THROUGH SIX OF THE SUBDIVISION REGULATIONS OF THE CITY OF ST. MARYS. THESE ARTICLES DESCRIBE THE STANDARDS EACH SUBDIVISION MUST MEET AND EXPLAIN THE PROCEDURES THE CITY WILL FOLLOW TO REVIEW YOUR PROPOSED PLAT. THE SKETCH BELOW SHOWS THESE STEPS FOR A TYPICAL PLAT. (See Section 122 for filing fees and Section 128 for exceptions.)



YOU SHOULD ALSO BE AWARE OF THESE IMPORTANT REQUIREMENTS:

1. NO WORK TO OPEN THE PROPOSED SUBDIVISION SHALL BEGIN (WITH THE EXCEPTION OF CLEARING UNDERBRUSH FOR SURVEYING OR ENGINEERING PURPOSES) UNTIL THE PRELIMINARY PLAT HAS BEEN APPROVED AND ANY REQUIRED PERMITS OBTAINED. APPROVAL VALID FOR ONE YEAR FROM DATE OF RECEIPT OF PERMIT.
2. NO LOTS SHALL BE SOLD UNTIL THE FINAL PLAT HAS BEEN APPROVED.
3. THE FINAL PLAT SHALL BE APPROVED ONLY IF ALL APPLICABLE REQUIREMENTS OF THE SUBDIVISION REGULATIONS AND OTHER REGULATIONS HAVE BEEN MET, ALL BONDS ACTIVATED AND WRITTEN AUTHORIZATION OF AVAILABILITY OF SEWER AND WATER SERVICE IS RECEIVED FROM THE DEPARTMENT OF ENVIRONMENTAL PROTECTION (EDP), THE GEORGIA DEPARTMENT OF NATURAL RESOURCES AND THE CITY OF ST. MARYS, GEORGIA.

PART B - APPLICANT ONLY

1. YOUR NAME: Clyde A. Chapman, Jr.
ADDRESS: 10141 Colerain Road
St. Marys, Ga. ZIP 31558
PHONE NUMBER: 729-5000 EMAIL _____
2. OWNER'S NAME: (IF NOT YOU) _____
ADDRESS _____ ZIP _____
3. WHAT IS YOUR INTEREST IF YOU ARE NOT THE OWNER? AGENT _____
4. NAME OF PROPOSED SUBDIVISION Block 33
5. LOCATION OF PROPOSED SUBDIVISION Block 33
NEIGHBORHOOD City of St. Marys
STREET Meeting Street
PARCEL # _____ LOT # _____ ZONING MAP # S34
6. PRESENT ZONING CLASSIFICATION C-1
7. NUMBER OF PROPOSED LOTS 1
8. AREA OF PROPOSED SUBDIVISION 2.75 ACRES
9. PLEASE ATTACH THE FOLLOWING ITEMS TO THIS APPLICATION. THE APPLICATION WILL NOT BE CONSIDERED COMPLETE AND CANNOT BE PROCESSED UNTIL YOU HAVE DONE SO:
 - PRELIMINARY PLAT (ORIGINAL AND 21 COPIES)
 - VICINITY MAP
 - LIST OF ADJOINING PROPERTY OWNERS AND THEIR TAX PARCEL #'S AND ADDRESSES
 - CONSTRUCTION PLANS (IF APPLICABLE)
10. YOU MUST RECEIVE THE FOLLOWING ENDORSEMENTS OF YOUR PLAT BEFORE THIS APPLICATION MAY BE PROCESSED:
 - THE ENVIRONMENTAL PROTECTION DIVISION OF THE GEORGIA DEPARTMENT OF NATURAL RESOURCES
 - THE COUNTY SOIL AND CONSERVATION SERVICE
 - THE CITY ENGINEER
11. SIGNED [Signature] DATE 5/30/12

PART C - BUILDING DEPARTMENT ONLY

1. DATE APPLICATION WAS FILED _____
2. WAS THIS AT LEAST 16 DAYS BEFORE THE PLANNING COMMISSION MEETING AT WHICH IT WILL BE REVIEWED? YES NO
3. CHECKED BY [Signature]
4. THIS SUBDIVISION IS _____ MAJOR MINOR
5. ARE PRELIMINARY PLAT AND APPLICATION COMPLETE YES NO (SEE SUBDIVISION CHECKLIST)
6. CORRECT FEE PAID YES NO DOES NOT APPLY
AMOUNT \$ 250.00
7. DATE PRELIMINARY PLAT REVIEWED BY PLANNING COMMISSION 6/26/12
APPROVED DISAPPROVED _____
CONDITIONS OF APPROVAL OR REASONS FOR DISAPPROVAL _____