



CITY OF PORT WENTWORTH

CITY COUNCIL

FEBRUARY 22, 2018

Council Meeting Room

Regular Meeting

7:00 PM

305 SOUTH COASTAL HIGHWAY
PORT WENTWORTH, GA 31407

1. CALL MEETING TO ORDER

Mayor Gary Norton called the meeting to order.

2. PRAYER AND PLEDGE OF ALLEGIANCE

Council Member Thomas Barbee led in Prayer and the Pledge of Allegiance.

3. ROLL CALL - CLERK OF COUNCIL

Attendee Name	Title	Status	Arrived
Gary Norton	Mayor	Present	
Paul Fox	Council Member	Present	
Linda Smith	Council Member	Present	
Shari Dyal	Council Member	Present	
Debbie Johnson	Council Member	Present	
Bill Herrin	Council Member	Present	
Thomas Barbee	Council Member	Present	
Phillip Claxton	City Administrator	Present	
Ray Smith	City Attorney	Present	
Shanta Scarboro	Clerk of Council	Present	
Brian Harvey	Director of Development Services	Present	
Tiffany Lancaster	Director of Leisure Services	Present	
Matt Libby	Director of Public Safety	Present	
Jimmy Stewart	Wastewater Treatment Manager	Present	
Lee Sherrod	Police Major	Present	
Tom Chamberlain	Police Sergeant	Present	
Lance Moore	Chief of Fire Operations	Present	

4. APPROVAL OF AGENDA

Council Member Linda Smith made a motion to approve the agenda with the following changes:

1. Under **Resolutions/Ordinances/Proclamations**, add Item #T - Ordinance No, 18-10, Budget Adjustment FY18, GMA Lease Agreement, First Reading

2. Under **Resolutions/Ordinances/Proclamations**, add Item #U - Ordinance No, 18-10, Budget Adjustment FY18, GMA Lease Agreement, Second Reading

Seconded by Council Member Bill Herrin. Vote was unanimous.

5. RECOGNITION OF SPECIAL GUESTS

There were none to report.

6. ELECTIONS & APPOINTMENTS

A. Planning Commission Candidates

Council Member Bill Herrin made a motion to elect Maurice Rahn, Andy Quinney and Wanda Rolf as the new members of the Planning Commission. Seconded by Council Member Linda Smith. Vote was unanimous.

7. ADOPTION OF MINUTES

A. City Council - Regular Meeting - Jan 25, 2018 12:00 AM

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Linda Smith, Council Member
SECONDER:	Thomas Barbee, Council Member
AYES:	Norton, Fox, Smith, Dyal, Johnson, Herrin, Barbee

B. Executive Session - January 25, 2018

Council Member Bill Herrin made a motion to approve the minutes of the February 22, 2018 Executive Session. Seconded by Council Member Thomas Barbee. Vote was unanimous.

8. COMMUNICATIONS & PETITIONS

There were none to report.

9. COMMITTEE REPORTS

A. Committee Reports

Council Member Paul Fox met with Major Lee Sherrod, of the Port Wentworth Police Department, to discuss having more community policing. Council Member Paul Fox stated that he would like to see our officers engaged with the public and with the kids. He also asked a question that was addressed to Chief Libby and Major Sherrod; if there is a way that he along with the two of them and the Mayor could go into the school and have a talk with these kids in an assembly to let them know if they hear something or see something don't be afraid? Council Member Paul Fox further explained his great concern with kids that have stated that they've reported things and nothing is being done. Councilman Fox believes that as a City with everything that's happened we need to reach out and let these kids know there are resources.

In response to Council Member Paul Fox's question Chief Libby stated that he would suggest contacting the school board due to the school system already having a curriculum and plan in place. Chief Libby stated that he would mention Council Member Paul Fox's concerns to Chief Enoch during their next meeting.

Council Member Debbie Johnson stated her concern of stepping on the Board of Education Chief because of the resource officers in the schools.

In response to Council Member Debbie Johnson's concern, Chief Libby stated that Port Wentworth schools do not have resource officers due to staffing issues within the county-wide district and because our schools are not as troublesome as some of the other schools.

RESULT:	APPROVED [UNANIMOUS]
AYES:	Norton, Fox, Smith, Dyal, Johnson, Herrin, Barbee

10. CONSENT AGENDA

A. BRW Construction Co. Pay Request No. 2

11. UNFINISHED BUSINESS

There were none to report.

12. NEW BUSINESS

- A. Alcoholic Beverage License Application submitted by Jitendra Patel for a Package Shop License for Riya Beverage 2 LLC., (6 Magnolia Boulevard) located in a M-P-O (Master Plan Overlay) Zoning District.

Discussion 1

Randy Rouser, owner of Rice Hope Liquor Store located in the Publix Plaza at 7938 Highway 21, spoke against approving the liquor license for a Package Shop for Riya Beverage 2, LLC submitted by Jitendra Patel due to it being less than 1 quarter of a mile away from his location and because of the concern of the number of liquor stores that already exist off Highway 21.

Discussion 2

Mehul Patel, was present to speak on the application. He stated that "with our application we submitted a survey within the state and we are within the state law of more than 500 yards from another existing liquor store. We will not just be a liquor store, we will have more retail space."

Council Member Bill Herrin asked "retail for what?"

Mehul Patel, responded by stating "we have 3,500 square feet of retail space and Edward Jones is talking with us to move from there current location because they want to be more visible on the highway. We are working with a couple of other people, but so far Edward Jones has shown the most interest."

Council Member Paul Fox stated his concern of "since we already have 3 liquor stores within a 3 mile stretch it seems that everything is drawn to Rice Creek School. We need to protect our schools and if we keep giving liquor licenses that close to the school, I understand you are within the law, it's just too many too close to the school."

Council Member Debbie Johnson stated that "we are looking to protect our children and the things that they get into; and crossing over that pedestrian bridge all they will see is liquor stores going to school."

Mehul Patel addressed there concerns by stating that the school is more than 500 yards away from where he is considering placing the liquor store on the end by Dollar General. The location will not be on the side of the main entrance to Rice Hope.

Council Member Bill Herrin clarified the location of the package shop, by stating that you will be on the side of the Village at Rice Hope Apartments across from Dollar General.

Discussion 3

Council Member Shari Dyal voiced her concern of if approved, Riya Beverage 2 would make liquor store number 4, so just how profitable will you be? "My fear is that you will go in for say 6 months, can't make a profit, then you will close your doors then we will have an empty building sitting there."

Mehul Patel responded by stating, "I will be putting in close to 2 million dollars in that shopping center."

Discussion 4

Neshan Randavall, owner of the Beverage Warehouse next to Food Lion, stated "we live in the Rice Hope neighborhood and with this addition that neighborhood will have two liquor stores; one at the front of the school the other by the school. Do we really require two liquor stores right by the school?"

Sharon Bush, 71 Tiller Way, suggested in summary to deny the license and put the property to better use for the community.

Daniel Edwards, 207 Turnberry Street, stated "so I do believe that we should bring new businesses to Port Wentworth, but definitely not another liquor store right next to a school. I think that property should be used for something for the betterment of the community not liquor. I've had plenty of friends die from DUI's. We don't need another liquor store."

Discussion 5

Council Member Bill Herrin asked "what was the Planning Commission's view on this? There's no approval or disapproval or anything."

Brian Harvey, Director of Development Services, stated that the Planning Commission voted unanimously to approve this application.

Doug Tomlinson, 222 Phillips Avenue, stated "I totally disapprove of this. I mean we have enough liquor stores to float a battle ship around here. We don't need anymore. We can look at the police reports and see how many DUI's we've got."

Discussion 6

Council Member Debbie Johnson posed a question to Chief Libby that aren't we already doing sting operations of the liquor stores?

Chief Libby responded by stating that "yes ma'am we are, for every person that is licensed within City Limits of Port Wentworth we already run multiple sting operations throughout the year for cigarettes and tobacco."

Council Member Debbie Johnson, responded by stating "so we are adding more man power to another liquor store?"

Chief Libby, "yes ma'am, it would be one more."

Discussion 7

Eddie Smith, 828 Barnsley Road, stated that "I think we need to think about the legality of this. You know the right or wrong of this thing. Because we can't stop people from opening businesses just because we think kids are going to go in there and drink. We need to not sale to anyone under the age of 21."

Council Member Debbie Johnson, responded by stating "I understand what you said Mr. Smith and most of us live in these communities and this is our asset and this is what we want in our community and we want to protect our children. And I understand you made a valid point, what if someone wanted to open two shoe stores? So this is something we really need to look into and talk about because both sides are passionate about kids, but we also want our businesses."

Discussion 8

Council Member Paul Fox addressed Mehul Patel and stated "I understand what you are saying and I am not saying that I am going to vote against it. I'm worried that we have so many. I have a question for you, let's just say that its passed. What are you going to do to ensure that someone don't leave you liquor store drunk or serve a minor?"

Mehul Patel, stated "sir I have other convenient stores and other liquor stores and we have services in place that we can refuse to serve people who we believe are drunk. They can be refused. You can go to our stores and try them. There's a study that's been done on that. Don't base you decision on what other businesses like mine are saying. I'm just trying to bring more revenue to the City and create more business."

Council Member Linda Smith, asked the attorney how we stand on the matter?

Discussion 9

Diana Rusk, 11 Raintree Way, expressed her feelings that the City does not a liquor store that close to the school and where that congestion and traffic is.

Council Member Paul Fox added "that when people are commenting please be respectful, don't interrupt them, don't do an outburst, I think that's disrespectful. Please be polite to the people that are speaking. We're trying to handle business and these people have a legitimate concern and with everybody talking it's hard to understand and follow what we are doing."

Janet Hester, 440 Meinhard Road, stated in summary "first of all I would like to address the concerns regarding the fact that if you give one person a liquor license for a package shop you have to give everybody that comes. I disagree with that, that's not a matter of legal, in my opinion. Not every license that is petitioned to you has to be allowed. We as the citizens get to choose what we want in our community."

Brenda Bouleware, 1 Horne Place, suggested that the City supersede federal law with implementing an ordinance.

Rashwan Bush, 71 Tiller Way, stated in summary "my issue, I have 7 year old twin girls. Going to a school that's surrounded by liquor stores is an issue for their safety. It just opens up so many possibilities around a school."

Discussion 10

Council Member Debbie Johnson deferred to the City Attorney for the legal aspect of the matter.

City Attorney Ray Smith, stated "The sale of alcoholic beverages within the State is regulated at several levels. It's regulated at the State level for persons desiring to sale alcohol to have a State license and the local license comes from here and in your licensing ordinance you need to look through the decisional criteria and decide strictly upon those criteria."

Discussion 11

Council Member Debbie Johnson, asked "so are you saying that when they came before the Planning and Zoning they met all the criteria?"

Brian Harvey, stated "yes ma'am, they did have a properly completed application, they did pass the public safety checks, they did supply the record for references and they did pay all the fees."

Phillip Claxton, City Administrator, asked "and they did meet the state requirement for the distance from the school?"

Brian Harvey, replied by stating "yes sir."

Council Member Paul Fox, stated "Mayor I would like to make a motion to pull this off and talk about it more instead of making a hasty decision, where we've had a lot of people speak against it." Seconded by Council Member Debbie Johnson. Vote was unanimous.

RESULT:	DELAYED [6 TO 1]
MOVER:	Paul Fox, Council Member
SECONDER:	Debbie Johnson, Council Member
AYES:	Norton, Fox, Smith, Dyal, Johnson, Herrin
NAYS:	Barbee

- B. Site Plan Review Application submitted by Jitendra Patel for PIN #: 7-0906-04-031 (6 Magnolia Boulevard) for a General Development Site Plan to allow a Liquor Store in a M-P-O (Master Plan Overlay) Zoning District.

Discussion 1

Council Member Bill Herrin posed the question, "since this is going to be delayed is there a need to have another reading on this?"

Phillip Claxton, stated "this is the site plan for the building and a motion was just passed to delay to the alcohol license. This agenda item is for the structure that the applicant intends to build and all of its facilities. It's appropriate at this time that you hear that."

Discussion 2

Council Member Thomas Barbee asked Mehul Patel "if he has decided on a restaurant?"

Mehul Patel stated that "we are open to see who wants to come in. I've talked with a couple of Subway owners and we talked with Jalepenos, but they do not want to come."

Discussion 3

Murray Marshall, representative of Rice Hope, stated in summary "that this site plan is in the Rice Hop MPO and we have reviewed some of the plan, but we don't have an official application. What I have seen is that it will be very attractive. It will be built to the architectural standards of the Rice Hope covenant and ask you please to give it good consideration."

Council Member Debbie Johnson asked "does Rice Hope approve of having a liquor store in their neighborhood?"

Murray Marshall, responded by stating "there's one there already next to the Publix. My feeling is if it meets the state requirements and it meets the zoning ordinance, it's not my jurisdiction to say no you can't put that kind of business in there."

Discussion 4

Council Member Thomas Barbee ask Murray Marshall "if the Pump N' Go is still good?"

Murray Marshall stated in summary "that the Pump N' Go is under construction and it has about 9,000 square feet of retail space in a second building. It will have the same connections as the Dollar General with the white picket fence and the brick columns on the Highway 21 frontage and eventually it will connect all the way down with the same brick piers and the white fence as the Rice Hope is now."

Council Member Paul Fox made a motion to approve the site plan. Seconded by Council Member Thomas Barbee. Vote was unanimous.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Paul Fox, Council Member
SECONDER:	Thomas Barbee, Council Member
AYES:	Norton, Fox, Smith, Dyal, Johnson, Herrin, Barbee

- C. Site Plan Review Application submitted by Maupin Engineering, on behalf of Rick Lee for PIN #: 7-0035-01-002 (6232 Highway 21) for a Specific Development Site Plan to allow an Office Addition in a P-C-3 (Planned Community Business) Zoning District.

Discussion 1

Ben McKay with Maulpin Engineering was present to answer any questions on the site plan.

Council Member Thomas Barbee asked "what's the add on of the space?"

Ben McKay responded by stating that it's just an add on to the existing building.

Mayor Norton asked if it's encompassed in the footage you have right now, nothing new?

Ben McaKay stated "no sir, nothing new. No new pave or impervious space."

Discussion 2

Phillip Claxton, City Administrator, asked Mr. McKay "can you present your application sir of what you are trying to do?"

Ben McKay, responded by stating "Cargo Group has an existing warehouse and they wanted to increase the warehouse space by moving their existing office space outside. So they are taking a section of their existing paved area to be an exterior office space. They are also re-arranging their gates to help get some of the traffic off of Highway 21. So they are getting three entrance gates and one exit gate for the three lanes coming in to try to improve some of the backup. That's basically what the project entails."

Council Member Thomas Barbee made a motion to approve. Seconded by Council Member Linda Smith. Vote was unanimous.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Thomas Barbee, Council Member
SECONDER:	Linda Smith, Council Member
AYES:	Norton, Fox, Smith, Dyal, Johnson, Herrin, Barbee

- D. Spectrum Realty Company, LLC dba Sprint, Appleby Watertank Lease Amendment

Council Member Bill Herrin made the statement "this water tank will be bringing the City approximately \$34,000 per year for Sprint to use there towers so I certainly recommend approval." Council Member Bill Herrin made a motion approve. Seconded by Council member Paul Fox. Vote was unanimous.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Bill Herrin, Council Member
SECONDER:	Paul Fox, Council Member
AYES:	Norton, Fox, Smith, Dyal, Johnson, Herrin, Barbee

- E. Subdivision Application submitted by Michael Hussey, Sundial Land Surveying, PC., on behalf of Fox Haven Properties, LLC, for PIN #: 7-0978-01-025 (Roseberry Circle) located in a P-RIP (Planned Residential Institutional) Zoning District for a Final Plat of a Major Subdivision (St. Augustine Town Homes) for the purpose of Townhomes

Fred Williams, was present to answer any questions about the subdivision application.

Discussion 1

Brenda Bouleware, 1 Horne Place, asked the question "has the bond been paid?"

Brian Harvey, asked "if she was referring to the surety bond?"

Brenda Bouleware stated "yes."

Brian Harvey stated that "the surety bond has not been paid."

Council Member Thomas Barbee asked "was this particular applicant under this surety bond, or was this something that's already been in the works since about a year now? I thought he was grand-fathered in?"

Brian Harvey stated "not that I am aware of. This particular subdivision was done after about September 2015 and the subdivision regulations required the bonding."

Council Member Shari Dyal asked "on a normal project like this is the bond usually paid prior to this point or is it usually paid after this point?"

Brian Harvey, stated "in the current subdivision regulation 17-02 it is specified to be paid at the time of final plat approval."

Discussion 2

Mayor Norton asked that the Attorney speak on this item.

Attorney Ray Smith stated "this is one that I worked up for you. You have the opinion letter before you. It is my understanding under your current Ethics Ordinance there would be a number of disqualifications on this particular application. And I understand that number of disqualifications might reduce you to less than a quorum. There are some pretty specific provisions in Georgia Law with regard to conflict of interest in zoning actions your Ethics Ordinance closely tracks Georgia Law, but it deviates from it in that it refers to political contributions and political contributions under the ordinance of course take away the power of the officials to vote. If that is going to cause disqualifications, then I am going to have to recommend that you follow the procedure that is set out in the state law that I believe would be the correct one and that would be to apply to the Superior Court of Chatham County for the appointment of a Special Masters, who would hold a hearing, make a recommendation to this body and at that time any disqualifications should be removed. Any questions?"

Discussion 3

Council Member Linda Smith went on record to say that the City just received an award for the Ethics Ordinance.

Council Member Bill Herrin stated to Mr. Williams "that the people who wrote the ordinance were not from downtown. They were from Newport, and Rice Creek, Rice Hope and we sat in and we had public hearings and all this. This also happens to be some of your backers that brought this Ethics to the Council. And we worked this out, and so we all voted for it. So, you are getting on to your own people."

Council Member Debbie Johnson addressed Council Member Bill Herrin's statement by saying "when we made that committee it was Mr. Claxton and Mr. Barbee who made that ordinance. I sat in and my gripe was the first time we had a meeting that you already came up with that ordinance, that ethics ordinance and before I could even say anything about it, it was already done. Ok, so that's how it went. My problem with it was to rescind the ordinance because we didn't have professionals doing it. We didn't have professionals doing it and it was an ordinance put together because of the upskirt scandal. Just something to appease. It was quickly done and hastily done and it was not done in a professional manner."

Council Member Linda Smith went on record to state "I remember Ms. Johnson looking at me while I was sitting on that front row and pointed to me and told me this is going to pass."

Council Member Debbie Johnson responded by stating "you are a complete liar. I have never pointed at anybody."

Council Member Linda Smith went on record to state "I do not lie."

Council Member Thomas Barbee made a motion to suspend the rule for an Ethics Ordinance, Section 26.5, Section D so we can move forward with this situation. Seconded by Council Member Debbie Johnson.

Discussion 4

Daniel Edwards, 207 Turnberry Street, asked that people be more professional in a manner of the such.

Brenda Boulware, 1 Horne Place, went on record to state that she was present when Council Member Debbie Johnson pointed her finger and said "this is gonna happen" that

Linda Smith is "not a liar" and "I really take offense at that and I hope eventually she will apologize."

Council Member Debbie Johnson's response to Ms. Boulware's statement was that "I won't and Brenda Smith is a liar too."

Ms. Boulware went on to state that, it is her opinion that to rescind an ordinance that was passed unanimously just so that it will accommodate this person or that person is manipulating the system and that the ordinance was passed and it was passed unanimously.

Council Member Paul Fox stated "that when that was passed he brought it up before it came out here that we should not have people sitting on Council or anybody working for this City should not have been on that committee. I don't care if it were Phillip Claxton, Thomas Barbee, Ms. Johnson. GMA has a proven Ethics; tried and proven, written by professionals. I asked at that time why can't we adopt the GMA and I was told we want to put our own things in there. Ok, they put there own things in it, when I ran one of my things was I want a progressive City. I want to work and represent a City that wants to grow, not set here and die. I have an issue with 17-02, I had an issue back when the Ethics Ordinance came up. I made it be known. Did they put it in the minutes can't guarantee that because, Mr. Barbee and I both had to go to the person who use to sit in that chair and tell her this wasn't in there. Ok, I objected, not out here, no I didn't, but I objected in there and anybody that would tell you the truth would tell you that I asked."

Brenda Bouleware asked "but did it pass unanimously?"

Council Member Paul Fox, responded "yes it did."

Council Member Thomas Barbee stated "all our Government procedures are governed by parliamentary procedures, and once again I'd like to make a motion to suspend Section 26.5, Section D of the Ethics Ordinance. It is legal and it is a parliamentary procedure. Your Honor, all of our Governing bodies are governed by parliamentary procedures. I make a motion again." Seconded by Council Member Debbie Johnson.

Discussion 5

Mayor Norton, asked if anyone else wanted to speak?

Tim Holbrook, 407 Turnberry Street, addressed Mayor and Council to stated that he wanted to go on record in summary to state that "we need to learn from the lessons of the past and don't go back to the past. 15-15 was patterned after ordinances taken from a template from Garden City, Richmond Hill and some other municipalities which bond in cash. There is no substitute for cash."

Discussion 6

Council Member Bill Herrin stated that "it was his understanding that once construction is completed the bond is returned and so the builder doesn't lose anything."

Council Member Shari Dyal stated that "it actually reads you have to have it for two years after completed before the bond is returned. That is what 17-02 says. 15-15 says 5 years."

Fred Williams addressed Mayor and Council to ask for a motion to rescind both ordinances. It was his opinion that this would clear things out and allow Mayor and Council to start from scratch, have an open meeting to discuss things and pass something the City can go forward with.

Janet Hester, 440 Meinhard Road, asked Mayor and Council to be reminded of their responsibility to be frugal and cost minded. And further asked that when those who build in Port Wentworth benefit financially from their subdivisions that they also bear a proportionate amount of responsibility for the poor quality of work, if that turns out to be

the case so that they and whomever is living there pays for that and not all of the residents.

Discussion 7

City Attorney Ray Smith, reminded Mayor and Council of the two paths they could take regarding the ordinance before they made a motion by stating "in the first path if you request a Special Masters whether you change the ordinance or not that moves Mr. Williams forward.

City Administrator stated that "what the Attorney would like you to do, on one path, is to make a motion to ask him to request a Superior Court for a Special Masters. If you do that, then that gives Mr. Williams a path forward and in one regard handles it tonight."

City Attorney Ray Smith responded by stating "that is correct. You asked me to look at it and determine whether or not if the disqualifications would stop Mr. Williams and the answer is, under the current state of the Ethics Ordinance, yes it probably would if there had been that many political contributions. Georgia Law, however does provide a path. It's not a clear path, but the legislator has legislated on conflict of interest and zoning actions. The primary difference between the legislation that's passed and our Ethics Ordinance is State Ethics Laws do not take away the power to vote because of campaign contributions. It takes away the power to vote because of ownership of beneficial interest. However, Chapter 66A, I believe it is, of the Official Code, Title 36, of the Official Code of Georgia provides that where there is a conflict in zoning action the conflict can be cleared by an application by the governing body to the Judge of Superior Court in the County where land lies, where upon a Special Masters is appointed. The Special Master holds a hearing and makes a recommendation to the governing body. Once they receive the recommendation of the Special Masters then, even the disqualification or the conflict that will result from actual ownership of property that's being rezoned is removed. So the Special Masters path allows you to proceed in the way that State Law allows you to proceed for conflict of interest in zoning matters."

Council Member Paul Fox asked the Attorney "if we go the route you just explained, will that allow him to move forward and start his building?"

City Attorney Smith responded by stating "what it would do is to allow a clear path ahead so that a Special Masters could be appointed, then you would be able to vote as to allow this to be cleared."

Council Member Paul Fox made a motion to approve Item #E and waive the bond requirement. Seconded by Council Member Shari Dyal.

RESULT:	APPROVED [5 TO 2]
MOVER:	Paul Fox, Council Member
SECONDER:	Shari Dyal, Council Member
AYES:	Norton, Fox, Dyal, Johnson, Barbee
NAYS:	Smith, Herrin

13. RESOLUTIONS/ORDINANCES/PROCLAMATIONS

- A. Resolution No. 18-01 - Resolution Urging The Georgia General Assembly To Oppose De-Annexation Legislation To Create New Municipalities; Providing For Severability, Repealing Inconsistent Resolutions, Providing An Effective Date, And For Other Purposes.

RESULT: APPROVED [UNANIMOUS]
MOVER: Bill Herrin, Council Member
SECONDER: Paul Fox, Council Member
AYES: Norton, Fox, Smith, Dyal, Johnson, Herrin, Barbee

- B. Ordinance No. 18-01, Budget Adjustment FY18, Correction Adjustments, First Reading

RESULT: APPROVED [UNANIMOUS]
MOVER: Paul Fox, Council Member
SECONDER: Bill Herrin, Council Member
AYES: Norton, Fox, Smith, Dyal, Johnson, Herrin, Barbee

- C. Ordinance No. 18-01, Budget Adjustment FY18, Correction Adjustments, Second Reading

RESULT: APPROVED [UNANIMOUS]
MOVER: Bill Herrin, Council Member
SECONDER: Paul Fox, Council Member
AYES: Norton, Fox, Smith, Dyal, Johnson, Herrin, Barbee

- D. Ordinance No. 18-02, Budget Adjustment FY18, Leisure Services Overtime, First Reading

RESULT: APPROVED [UNANIMOUS]
MOVER: Bill Herrin, Council Member
SECONDER: Linda Smith, Council Member
AYES: Norton, Fox, Smith, Dyal, Johnson, Herrin, Barbee

- E. Ordinance No. 18-02, Budget Adjustment FY18, Leisure Services Overtime, Second Reading

RESULT: APPROVED [UNANIMOUS]
MOVER: Thomas Barbee, Council Member
SECONDER: Bill Herrin, Council Member
AYES: Norton, Fox, Smith, Dyal, Johnson, Herrin, Barbee

- F. Ordinance No. 18-03, Budget Adjustment FY18, Police Overtime, First Reading

RESULT: APPROVED [UNANIMOUS]
MOVER: Paul Fox, Council Member
SECONDER: Bill Herrin, Council Member
AYES: Norton, Fox, Smith, Dyal, Johnson, Herrin, Barbee

- G. Ordinance No. 18-03, Budget Adjustment FY18, Police Overtime, Second Reading

RESULT: APPROVED [UNANIMOUS]
MOVER: Bill Herrin, Council Member
SECONDER: Thomas Barbee, Council Member
AYES: Norton, Fox, Smith, Dyal, Johnson, Herrin, Barbee

- H. Ordinance No. 18-04, Budget Adjustment FY18, Vehicle Repairs & Maintenance, First Reading (100.3200.522201)

RESULT: APPROVED [UNANIMOUS]
MOVER: Bill Herrin, Council Member
SECONDER: Shari Dyal, Council Member
AYES: Norton, Fox, Smith, Dyal, Johnson, Herrin, Barbee

- I. Ordinance No. 18-04, Budget Adjustment FY18, Vehicle Repairs & Maintenance, Second Reading (100.3200.522201)

RESULT: APPROVED [UNANIMOUS]
MOVER: Bill Herrin, Council Member
SECONDER: Paul Fox, Council Member
AYES: Norton, Fox, Smith, Dyal, Johnson, Herrin, Barbee

- J. Ordinance No. 18-05, Budget Adjustment FY18, Police Vehicles, First Reading

RESULT: APPROVED [UNANIMOUS]
MOVER: Bill Herrin, Council Member
SECONDER: Paul Fox, Council Member
AYES: Norton, Fox, Smith, Dyal, Johnson, Herrin, Barbee

- K. Ordinance No. 18-05, Budget Adjustment FY18, Police Vehicles, Second Reading

RESULT: APPROVED [UNANIMOUS]
MOVER: Bill Herrin, Council Member
SECONDER: Linda Smith, Council Member
AYES: Norton, Fox, Smith, Dyal, Johnson, Herrin, Barbee

- L. Ordinance No. 18-06, Budget Adjustment FY18, Insurance, First Reading
Council Member Paul Fox asked "what is the total dollar figure cost to the City for this?"
City Administrator responded by stating that is roughly \$65,000.

RESULT: APPROVED [UNANIMOUS]
MOVER: Paul Fox, Council Member
SECONDER: Shari Dyal, Council Member
AYES: Norton, Fox, Smith, Dyal, Johnson, Herrin, Barbee

- M. Ordinance No. 18-06, Budget Adjustment FY18, Insurance, Second Reading

RESULT: APPROVED [UNANIMOUS]
MOVER: Bill Herrin, Council Member
SECONDER: Paul Fox, Council Member
AYES: Norton, Fox, Smith, Dyal, Johnson, Herrin, Barbee

- N. Ordinance No. 18-07, Burn Ordinance Repeal for Chapter 20 (Streets and Sidewalks), Section 20-1 (Burning In Streets, Sidewalks, etc.) of the City of Port Wentworth Charter, First Reading

City Attorney Ray Smith asked that the agenda item be amended slightly, due to the fact that we are not amending the Charter, but the Code of Ordinance.

Council Member Thomas Barbee stated that this is being amended for the entire City, correct?

RESULT: APPROVED [UNANIMOUS]
MOVER: Bill Herrin, Council Member
SECONDER: Paul Fox, Council Member
AYES: Norton, Fox, Smith, Dyal, Johnson, Herrin, Barbee

- O. Ordinance No. 18-07, Burn Ordinance Repeal for Chapter 20 (Streets and Sidewalks), Section 20-1 (Burning In Streets, Sidewalks, etc.) of the City of Port Wentworth Charter, Second Reading

RESULT: APPROVED [UNANIMOUS]
MOVER: Bill Herrin, Council Member
SECONDER: Paul Fox, Council Member
AYES: Norton, Fox, Smith, Dyal, Johnson, Herrin, Barbee

- P. Ordinance No. 18-08, Burn Ordinance Amendment for Chapter 8 (Fire Prevention and Protection), Article 1 (In General) of the City of Port Wentworth Charter, First Reading

RESULT: APPROVED [UNANIMOUS]
MOVER: Bill Herrin, Council Member
SECONDER: Debbie Johnson, Council Member
AYES: Norton, Fox, Smith, Dyal, Johnson, Herrin, Barbee

- Q. Ordinance No. 18-08, Burn Ordinance Amendment for Chapter 8 (Fire Prevention and Protection), Article 1 (In General) of the City of Port Wentworth Charter, Second Reading.

RESULT: APPROVED [UNANIMOUS]
MOVER: Bill Herrin, Council Member
SECONDER: Debbie Johnson, Council Member
AYES: Norton, Fox, Smith, Dyal, Johnson, Herrin, Barbee

- R. Ordinance No. 18-09, Rescind Ordinance No. 17-02, Amendment to Appendix B "Zoning Ordinance," Section XV "Subdivision Regulations" of the Official Code of the City of Port Wentworth, Georgia, First Reading

Murray Marshall asked Mayor and Council to elaborate on Ordinance No. 17-02.

Brian Harvey responded to Mr. Marshall's request by stating that "the current Ordinance 17-02 is an Ordinance that went into effect in February 2017 that rescinded certain sections of Ordinance No. 15-15 and this proposal would be to rescind 17-02."

City Attorney Ray Smith stated "if you look very carefully at Ordinance No., 17-02, it is a Second Amendment to your Subdivision Regulations that has to do with what's to be bonded, when it's to be bonded and the amount. The First Amendment is basically Ordinance No. 15-15 that existed in 2008 amendment those regulations, then Ordinance 17-02 amended those same regulations again. I suggest that by your March meeting I could assist Mr. Harvey in getting all of this together so that you can see the comparisons and get an idea of what you want to amend and what you don't want to amend. Because you are looking at a fairly complicated subject; you are looking at whether or not subdividers are going to be required to post bonds."

Council Member Shari Dyal stated that the hold time on the bonds went from 2008 of 1 year to Ordinance No. 15-15 of 5 years to Ordinance No. 17-02 of 2 years.

Murray Marshall expressed his concerns that if Ordinance No. 17-02 is rescinded then we would be right back to the stipulations of Ordinance No. 15-15. He further asked that nothing be done related to this issue until it is well advertised to the developers.

Council Member Paul Fox expressed his concern that the citizens are not represented in this and that it needs to happen and that he disagrees with these ordinances where the citizens are not involved.

City Attorney Ray Smith stated "I think that this is the path of wisdom, because what I have seen of these two ordinances is that they probably would not constitute a zoning action under the zoning procedures law but they would be standing very close to the flames. Here the safe path is to have the public hearing."

Council Member Bill Herrin made a motion to delay this item until a workshop is done. Seconded by Council Member Shari Dyal. Vote was unanimous.

RESULT: DELAYED [UNANIMOUS]
MOVER: Bill Herrin, Council Member
SECONDER: Shari Dyal, Council Member
AYES: Norton, Fox, Smith, Dyal, Johnson, Herrin, Barbee

- S. Ordinance No. 18-09, Rescind Ordinance No. 17-02, Amendment to Appendix B "Zoning Ordinance," Section XV "Subdivision Regulations" of the Official Code of the City of Port Wentworth, Georgia, Second Reading

RESULT: DELAYED [UNANIMOUS]
MOVER: Bill Herrin, Council Member
SECONDER: Shari Dyal, Council Member
AYES: Norton, Fox, Smith, Dyal, Johnson, Herrin, Barbee

- T. Ordinance No. 18-10, Budget Adjustment FY18, GMA Lease Agreement, First Reading

RESULT: APPROVED [UNANIMOUS]
MOVER: Bill Herrin, Council Member
SECONDER: Linda Smith, Council Member
AYES: Norton, Fox, Smith, Dyal, Johnson, Herrin, Barbee

- U. Ordinance No. 18-10, Budget Adjustment FY18, GMA Lease Agreement, Second Reading

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Bill Herrin, Council Member
SECONDER:	Linda Smith, Council Member
AYES:	Norton, Fox, Smith, Dyal, Johnson, Herrin, Barbee

14. EXECUTIVE SESSION

Council Member Bill Herrin made a motion to adjourn into Executive Session for the purpose of Pending Litigation. Seconded by Council Member Paul Fox. Vote was unanimous.

Council Member Thomas Barbee made a motion to adjourn the Executive Session and reconvene the regular meeting. Seconded by Council Member Paul Fox. Vote was unanimous.

15. PUBLIC COMMENTS - REGISTERED SPEAKERS

Janet Hester, 440 Meinhard Road, commended the City on hiring the new Attorney and stated that she has been impressed with his direction on being able to state Georgia Law.

Brenda Boulware, 1 Horne Place, asked for each City Council Member to declare the amount of campaign contributions that has been given to them by Fred Williams.

Tim Holbrook, 407 Turnberry Street, stated to Mayor and Council that he appreciates all that they do and asked that they continue to progress and not regress.

16. ADJOURNMENT


There being no further business, Council Member Bill Herrin made a motion to adjourn. Seconded by Council Member Thomas Barbee. Vote was unanimous.



Mayor Gary Norton

The foregoing minutes are true and correct and approved by me on this 22nd day of March, 2018.

ATTEST:



Shanta M. Scarboro, Clerk of Council