



CITY OF PORT WENTWORTH

CITY COUNCIL

MARCH 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 Bill Herrin 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	
James L. Coursey, Jr.	City Attorney	Present	
Shanta Scarboro	Clerk of Council	Present	
Brian Harvey	Director of Development Services	Present	
Tiffany Lancaster	Director of Leisure Services	Present	
Jimmy Stewart	Wastewater Treatment Manager	Present	
Matt Libby	Director of Public Safety	Present	
Lee Sherod	Major of Police Department	Present	
Lance Moore	Chief of Fire Operations	Present	
Trent Long	City Engineer	Present	
Jim Vaughn	City Engineer	Present	
Tim Mitchell	Regional Manager	Present	

4. APPROVAL OF AGENDA

Council Member Bill Herrin made a motion to approve the agenda with the following changes:

1. Under **New Business**, add Item #J. Contract with Papa Byrd Band for the 2018 Stand Up For America Day Festival 2018
2. Under **New Business**, add Item #K. Separation and Release Agreement for Phillip Claxton.
3. Under **Executive Session**, add Personnel Matter.

Seconded by Council Member Thomas Barbee. Vote was unanimous for adding items 1 and 3. Council Member Debbie Johnson voted No/Nay against adding item 2.

5. RECOGNITION OF SPECIAL GUESTS

There were none to report.

6. ELECTIONS & APPOINTMENTS

A. Jimmy Coursey - City Attorney

Council Member Paul Fox made a motion to elect James L. Coursey, Jr. as the new City Attorney. Seconded by Council Member Bill Herrin. Vote was unanimous.

The Oath of Office was read by Mayor Gary Norton. Afterwards, Attorney Coursey stated that he was born and raised about a half a mile from City Hall and for him this is like a homecoming. He also thanked Mayor and Council and further stated that he looks forward to a productive working relationship.

7. ADOPTION OF MINUTES

A. City Council - Regular Meeting - Feb 22, 2018 7:00 PM

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

B. City Council - Special Called Meeting - Mar 1, 2018 7:00 PM

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

8. COMMUNICATIONS & PETITIONS

Council Member Linda Smith shared with the public about the No Cost Health Insurance Services sponsored by St. Joseph's/Candler, Georgia Southern University and the 165th Airlift Wing from May 9, through May 19, 2018 from 8:00 a.m. to 5:00 p.m. Locations include the Savannah Civic Center, The Garden City Recreation Center, Savannah State University and Armstrong State University. Free veterinarian services will also be offered on those dates. So mark your calendars for this wonderful opportunity to sign up if you do not have health insurance or are under-insured.

9. COMMITTEE REPORTS

A. Committee Reports

Council Member Bill Herrin made a motion to dispense with the reading of the Committee Reports and make them part of the minutes.

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

10. CONSENT AGENDA

A. Pay Request #1 from Griffin Contracting, Inc., in the Amount of \$59,504.50 for the Phillips Ave Paving Project

11. UNFINISHED BUSINESS

There were none to report.

12. NEW BUSINESS

- A. Agreement with Republic Services for the 2018 Stand Up For America Day Festival

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

- B. Agreement with Daniel Shepard D/B/A DJ Turbo Music for the 2018 Stand Up For America Day Festival

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

- C. Agreement with Royal Restrooms, LLC for the 2018 Stand Up For America Day Festival

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

- D. Contract with M. Reed Kennedy D/B/A Brickhouse Live for the 2018 Stand Up For America Day Festival

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

- E. Contract with Falcon Fireworks for the 2018 Stand Up For America Day Festival

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

- F. Contract with S & S Entertainment Group, Inc. for the 2018 Stand Up For America Day Festival

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

- G. Site Plan Review Application submitted by Ardmore Port Wentworth, LLC., for PIN # 7-0906-04-062 (in the vicinity of Mulberry Ave) for a Specific Development Site Plan to allow a Multi-Family Apartment Development in a M-P-O (Master Plan Overlay) Zoning District.

Public Hearing

Brantley White, Ardmore Residential, was present to answer any questions related to the project.

Murray Marshall, Representative for the BEP Developers for the Rice Hope Community, stated that we are here to discuss if the specific development plan meets all of the City's criteria.

Discussion 1

Council Member Paul Fox asked what Planning and Zoning recommended and if they voted unanimously?

Brian Harvey, Director of Development Services, stated yes, they did.

Discussion 2

Attorney Coursey asked if the permits for the wetlands fulfilled have been accomplished?

Brantley White, Ardmore Residential, answered yes.

Discussion 3

Joscelyn Hutchinson, 503 Lakeside Blvd, spoke against the apartments and rental homes coming into the Rice Hope community. She expressed her concern regarding property value, the fact that a current apartment complex already exists and that Rice Hope is slated for a 3rd apartment complex. Additionally, 28 lots were just sold to a national rental company within the community that the residents were lied to about.

Discussion 4

Council Member Linda Smith asked if the apartment homes on display were a conception or the finished product?

Brantley White, Ardmore Residential, answered that those on display are other projects that they have built and that the City's project is extremely similar.

Discussion 6

Council Member Paul Fox asked are there changes to it?

Brantley White, Ardmore Residential, responded by stating that the color scheme may vary, as well as the clubhouse style. The drawing includes a rooftop deck with a Yoga area, billiards room, etc. Each project we try to improve, so if anything your project will be better than what is displayed.

Discussion 7

Council Member Thomas Barbee asked how many levels will the apartments consist of?

Brantley White, Ardmore Residential, stated that it will be 3 levels.

Discussion 8

Council Member Shari Dyal asked how many homes will there be?

Brantley White, Ardmore Residential, answered by stating that there will be 300 apartments.

Discussion 9

Council Member Debbie Johnson asked Mr. White to explain the rooftop setup and whether or not the residents of Rice Hope will be able to see on top of the rooftop?

Brantley White, Ardmore Residential, replied by stating that over the top of the clubhouse where applicants would come in to apply, in addition to the other amenities such as the pool and the fitness center a rooftop deck will be built on top of the clubhouse where there will be a Yoga area, billiards room, outdoor lounging area, outdoor grill pavilion, etc. Mr. White stated that it will be an upscale apartment community that will come with all of the general amenities. He further went on to explain that the rooftop deck will be on top of the clubhouse which is a one (1) story building, so the residents will not be able to see.

Discussion 10

Council Member Bill Herrin asked if the community will have any elevators and whether or nor handicap regulations will be met?

Brantley White, Ardmore Residential, stated that there will be an elevator in the clubhouse to the rooftop deck and that they do meet all local and federal handicap requirements.

Discussion 11

Council Member Shari Dyal asked a question on behalf of a concerned citizen sitting in the audience... How can it be handicap if it is 3 stories high?

Brantley White, Ardmore Residential, replied that the first floor is completely ADA accessible and there will be specific handicap units, as well as all first floor units being completely handicap adaptable such as using lighter doors.

Discussion 12

Council Member Thomas Barbee posed a question to Murray Marshall asking if this is part of the Master Plan to build behind Publix?

Murray Marshall, Representative for the BEP Developers for the Rice Hope Community, stated that no clearing of the land has started to take place, but that it is planned for the unopened section at Mulberry Blvd.

Discussion 13

Mike Frew, 216 Dogwood Circle, stated that when the original presentation was given to the residents of Rice Hope about 4 years ago it was said at that time the apartments would share the Rice Hope Clubhouse and the amenities that they have and that he wanted that clarified that in a Public Meeting.

Council Member Paul Fox asked Mr. Frew to clarify what he was stating.

Mr. Frew explained that he knows that the apartments will come with their own amenities, but wanted them to clarify that they will not use the amenities that are already established in the Rice Hope Community.

Mr. White stated that it is the understanding of Ardmore that there are so many pool passes for the Rice Hope community pool that they would have the ability to use but that if this is not agreeable to everyone that they will have their own pool.

Murray Marshall stated that access to the pool is not the purview of Council, but that this is something that is up to developers of Rice Hope. He went on to further state that they have an approved project of 4,500 units and that they are nowhere near that level. Mr. Marshall further stated that the apartment project is building their own pool, but that they

also have a limited number of passes to use the other facilities of Rice Hope which are being paid for in the HOA.

Discussion 14

Timothy Fortney, 108 Crabapple Circle, addressed Mayor and Council to express his concern of the impact on the property value for the homeowners in that area and asked if the developer would comment on this.

Brantley White, Ardmore Residential, replied by stating that they are building upscale Class A apartments and that in his opinion it would help property value. Mr. Murray Marshall added that the project is not something

that was brought into the community blind. Again, we have been approved for 4,500 units and they are in an M-P-O Zone and as long as the apartments are on the proper street classification they are eligible to be

there. Furthermore, the developers would not put anything in the community that would devalue the property value and that there are thousands more home sites to develop.

Discussion 15

Council Member Shari Dyal asked if Planning and Zoning gave any consideration to the additional traffic in that area?

Brian Harvey, Director of Development Services, responded by stating that the traffic plan is not required due to parcels of land, roads or utilities being dedicated to the City which makes this a private development.

Council Member Shari Dyal stated that she understands, however believes at some point that we need to discuss with the state the traffic concerns. Mr. Murray Marshall agreed with Councilwoman Dyal and stated that

the Department of Transportation (DOT) has a responsibility to the community and that the developers of Rice Hope would support the City in working with DOT to improve the traffic.

Discussion 16

Attorney Coursey stated that there was a letter sent on March 7, 2018 to the City from Hagan Engineering to address several issues. One of those issues involved Georgia EPD Watershed Protection Certification that was not completed in early March, has this been done?

Barrett Hagan, Hagan Engineering, stated that the permit/certification letter was just received a few days prior to the meeting and that it has been forward to Planning & Zoning.

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

H. Mutual Aid and Assistance Agreement with City of Savannah

Matt Libby, Director of Public Safety, stated that this is an agreement that has to be updated due to the City of Savannah and Chatham County demerger. Port Wentworth had a standing agreement with the Savannah-Chatham County Metropolitan Police Department and so all we are doing is cleaning up and clarifying the language in the agreement. We are now able to ask for, receive and provide new employee services.

Council Member Shari Dyal asked will their be a same agreement with Chatham County?

Matt Libby, responded by stating when and if they ever get enough Police Officers I guess there will be.

Attorney Coursey stated that the "authorized representative" in Item C, Article 2 for the City of Savannah is defined as Chief, but a definition does not appear for the City of Port Wentworth. Should this be included in this agreement?

Matt Libby, replied by stating that the City is ok with the same language that we've had in the past, which will be Directing Officer assigned, but if you would like that added we can send it back. However, the previous Attorney Ray Smith, reviewed the agreement and gave his approval.

Attorney Coursey stated that if Council is ok with that, we can move forward.

Council Member Debbie Johnson stated that the verbiage that needs to be in the agreement should added to cover all basis.

Attorney Coursey further stated that it would not be a bad idea to define who the responsible party is for added protection.

Matt Libby stated that he will forward everything he has to Attorney Coursey and upon his re-write, it will then be sent back to the Chief of the Savannah Metropolitan Police Department.

RESULT:	DELAYED [UNANIMOUS]
MOVER:	Paul Fox, Council Member
SECONDER:	Debbie Johnson, Council Member
AYES:	Fox, Smith, Dyal, Johnson, Herrin, Barbee

- I. 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.

Will Claiborne, The Claiborne Firm, spoke on behalf of his client Mr. Jitendra Patel stating that his client is hopeful that Council will approve his application. Attorney Claiborne also stated that he has spoken with the City's new Attorney, James Coursey, in regards to his client being in compliance with every law, regulation and ordinance on the books. Lastly, Mr. Claiborne availed himself to answer any questions that Mayor and Council may have.

Council Member Paul Fox stated that the reason for the delayed voted was to allow for further discussion and due to the number of persons who spoke against approving Mr. Patel's license.

Attorney Claiborne responded by stating that if he or his client indicated that there was a perception of any disrespect at all he would like to clear that up and hope that they did not send that message.

Council Member Thomas Barbee asked Mr. Patel if he still owns his liquor store on Wilmington Island and in Pooler or if those properties have been flopped?

Mr. Patel responded by stating that Georgia Law only allows a business ownership of two (2) liquor stores and so the Wilmington Island store was just sold as of the first week of November 2017, but that the Pooler location is still open.

Council Member Thomas Barbee went on to further ask Mr. Patel if he was aware that there are already three (3) liquor stores on the North end of town and 21 places where someone can buy liquor?

Mr. Patel said yes.

Council Member Thomas Barbee asked Mr. Patel if he has contacted any restaurants?

Mr. Patel said no.

Attorney Coursey stated that the Item I on the agenda referred to the Planning Commission voting unanimously to approve the application, but that there was no mentioning of the Zoning Board having considered the issue.

Brian Harvey, Director of Development Services, responded by stating that Alcohol Beverage Licenses in Port Wentworth are decided by the Planning Commission.

Attorney Coursey reiterated this statement by asking again, by the Planning Commission only and no issues with respect to the Zoning at all.

Brian Harvey said yes.

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

J. Agreement with Papa Byrd Band for the 2018 Stand Up For America Day Festival

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

K. Ratification of the Separation and Release Agreement for Phillip Claxton

RESULT:	APPROVED [5 TO 1]
MOVER:	Bill Herrin, Council Member
SECONDER:	Linda Smith, Council Member
AYES:	Fox, Smith, Dyal, Herrin, Barbee
NAYS:	Johnson

13. RESOLUTIONS/ORDINANCES/PROCLAMATIONS

There were none to report.

14. EXECUTIVE SESSION

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

Council Member Bill Herrin made a motion reconvene the regular meeting. Seconded by Council Member Paul Fox. Vote was unanimous.

15. PUBLIC COMMENTS - REGISTERED SPEAKERS

Attorney Sheard congratulated the appointment of the new City Attorney, James Coursey. Mr. Sheard stated that he thinks that the City of Port Wentworth will be well served with him as your City Attorney. I've had the privilege of representing Phillip Claxton, for as long as he's been with the City. The parties, Phillip Claxton and the City, realized that it was time to move in a new direction. An amicable agreement has been reached with the new City Attorney. Phillip Claxton would like to thank all of the residents of Port Wentworth who gave him the honor to

serve as City Administrator for over 17 years. I wish Mayor and Council and your new City Attorney the best of luck.

Joseph Dobry, 309 Phillips Avenue, I work for Garden City with Clearwater Solutions and when I get from work at 4:00 p.m. to come home and walk my dog, I see multiple City Public Works employees cruising the streets killing time. I ask isn't there something these guys can be doing, for example the sidewalk on the field near the Stand Up For America Day site. It hasn't been edged in 4 years. Also, the walking track which has a concrete path on the side by Armadale is overgrown that it cannot be seen. Let's get the Public Works guys working instead of cruising the streets killing time.

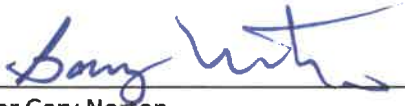
Jud Bowers, 413 Cantyre Street, thanked Mayor and Council for approving Phillip Claxton's Severance Package. He also stated that Mr. Claxton is a brilliant man who did a lot of good work for the City, saved and made a lot of money for this City and was someone who was well respected. I have a question: last year when I served on Council we brought up an Ethics Ordinance. People were pushing it, we wanted it and we voted on it unanimously and part of the Ethics Ordinance was that if someone contributed a \$1,000 or more to your campaign you must refrain from a vote. I understand during the last Council Meeting that there were four (4) members of Council that went against that and voted anyway. I don't understand how you could do that and I would be ashamed if I were you. There is nothing wrong with the petition, but to waive the bond to allow Fred Williams to build a project with no responsibility or throw back if something goes wrong. It seems to me that your loyalty is in the wrong place. Fred Williams may have funded your campaign, but the people voted you in and I am ashamed of you.

Charles Covert, 1238 Highway 30, I have lived there for approximately 27 years. I have come before this body on numerous occasions seeking that the Council Members of the City of Port Wentworth would make a concerted effort in providing the necessary things legally (law wise) and provision of such things such as trash, police, fire, water, sewer. Especially in the areas of the City that were not developed. I was told each time, that we are a small town and we do not have the wherewithal to do that. At that time the City did not, because the subdivisions on the North end and large influx of people did not exist, and very few businesses were present. Now we are seeing the very thing that I stood before this Council and stated which was development is coming and it cannot be stopped. Now you are struggling with concerns regarding apartment buildings, housing and the things that Fred Williams is doing. What I am here for is to say that the City of Port Wentworth, at this point, does have the wherewithal to do more for small businesses. Specifically speaking to the properties located on Highway 30 which are zoned commercial that does not allow small business owners an opportunity to purchase a lot because of its size to start his business. So let's do more to bring in businesses. The last time I came to City Hall I had an opportunity to sit down with Phillip Claxton. I have never been treated more graciously and kindly. He sat down with me without getting all upset and explained to me what was going on. I am not sure what your issues are that you had to part with him, but I think he represented the City of Port Wentworth in a Stand Up for Port Wentworth way.

Randall Matthews, 1 Drakie Court, addressed Mayor and Council regarding the personnel issues between Phillip Claxton and the City of Port Wentworth. There are just some things that I do not understand and I believe that Council Member Bill Herrin said it best during the Prayer and Pledge of Allegiance "Let us not forget who we are and who we represent". Phillip Claxton did an excellent job of that and I do not know what the reason was and why we couldn't put differences aside and work together. He did a lot for this community and we've lost a very valuable resource. I keep hearing from some City Council Members that we need change. I am also a fan of if it's not broke, don't fix it. Mr. Claxton was an excellent resource and now a disservice has been done to this community by separating with him. In the spirit of change I would like to understand more about this topic and why we had to have a separation between this government and Mr. Claxton as City Administrator. So what I intend to do, after hearing why this issue occurred, is seeking legal counsel and petition for a recall petition to find what is wrong with the City Council Members who may have issues, who have failed to perform and have violated the Ethics Ordinance. I do intend to get to the bottom of this matter and I would like to see some change with City Council Members who will be acting in the spirit of this job and in the spirit of the community.

16. ADJOURNMENT

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



Mayor Gary Norton

The foregoing minutes are true and correct and approved by me on this 26th day of April, 2018.

ATTEST:



Shanta M. Scarboro, Clerk of Council