



CITY OF PORT WENTWORTH

CITY COUNCIL

SEPTEMBER 27, 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

Mayor Gary Norton led in Prayer and Council Member Paul Fox led 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	Excused	
Debbie Johnson	Council Member	Present	
Bill Herrin	Council Member	Present	
Thomas Barbee	Council Member	Present	
James L. Courson, Jr.	City Attorney	Present	
Phil Jones	Interim City Administrator	Present	
Shanta Scarborough	Clerk of Council	Present	
Brian Harvey	Director of Development Services	Present	
Matt Libby	Director of Public Safety	Present	
Chris Lee	ClearWater Solutions, LLC	Present	
Lance Moore	Cheif 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 **Executive Session**, add Item# A - Property Acquisition and Item # B - Personnel Matter.

Seconded by Council Member Bill Herrin. Vote was unanimous.

5. RECOGNITION OF SPECIAL GUESTS

There were none to report.

6. ELECTIONS & APPOINTMENTS

There were none to report.

7. ADOPTION OF MINUTES

A. City Council - Regular Meeting - Aug 30, 2018 7:00 PM

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

B. Executive Session - August 30, 2018

Council Member Bill Herrin made a motion to approve the minutes of the August 30, 2018 Executive Session. Seconded by Council Member Paul Fox. Vote was unanimous.

8. COMMUNICATIONS & PETITIONS

Council Member Linda Smith made an announcement regarding the need for Election Poll Workers. Interested persons should contact the Chatham County Board of Elections at 912-201-4378. Poll workers will have to present a photo ID and submit to a background check.

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: Paul Fox, Council Member
AYES: Fox, Smith, Johnson, Herrin, Barbee
EXCUSED: Dyal

10. CONSENT AGENDA

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

- A. Change Order No. 2 from Griffin Contracting, Inc., in the Amount of \$5,416.00 for the Phillips Ave Paving Project
- B. Pay Request No. 7 from Griffin Contracting, Inc., in the amount of \$221,920.96 for the Phillips Ave Paving Project
- C. Renewal for Debris Removal Service

11. UNFINISHED BUSINESS

There was none to report.

12. NEW BUSINESS

- A. Alcoholic Beverage License Application submitted by Chiragkumar Patel for a Beer / Wine License for Pr. Hope Investments (2 Magnolia Blvd) located in a MPO (Master Plan Overlay) Zoning District

Mr. Chiragkumar Patel was present to answer any questions of Mayor and Council.

Council Member Linda Smith asked if the alcohol license submitted by Mr. Patel was approved by Planning Commission?

Brain Harvey, Director of Development Services, answered yes.

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

- B. Site Plan Review Application submitted by Jitendra Patel for PIN # 7-0906-04-031 (6 Magnolia Blvd) for a Specific Development Site Plan to allow a Liquor Store with Retail Spaces in a MPO (Master Plan Overlay) Zoning District

Mr. Jitendra Patel was present to answer any questions of Mayor and Council.

Mr. Patel stated that a conceptual site plan was submitted in February 2018 and that the item on the agenda for approval is more specific.

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

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

- C. 9th Annual Oyster Roast, BBQ and Music Festival

Trisha Growe, President/CEO Port Wentworth Chamber of Commerce, was present to answer any questions of Mayor and Council.

Mrs. Growe stated that this will be the 9th year for the Oyster Roast and that the event has grown to include FREE admission, music and a kids area.

Mrs. Growe also stated that due to the festivals growth and the steady rise in cost to host such an event, a \$25,000.00 sponsorship from the City of Port Wentworth is being requested.

Council Member Paul Fox made the motion to approve this agenda item with the \$25,000.00 sponsorship and permit to sell beer and wine.

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

- D. Purchase of the Renasant Bank - 7224 Highway 21 Port Wentworth, Georgia 31407

1. Motion

Council Member Thomas Barbee announced to the public that the City of Port Wentworth will be forwarding with the purchasing of the Renasant Bank located at 7224 Highway 21 Port Wentworth, Georgia 31407 as the new City Hall. Council agreed to go with the Georgia Municipal Association (GMA) Lease as the best financing option.

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

- E. Danny and Fries Road Conveyance

1. Motion

Attorney James L. Coursey, Jr. spoke on the Danny and Fries Road matter regarding the re-conveyance of each property to the Register family from which it originally came. Those roads will be contained within a larger parcel and the City of Port Wentworth will no longer be responsible for hydrants and things of the sort. Council is asked to consider approving a quit claim deed and re-conveyance of the Danny and Fries Road properties.

Discussion 1

Council Member Bill Herrin asked if this would include Myrtle Drive?

Mr. Coursey stated that Myrtle Drive was never conveyed to the City. No record can be found, only that it is conveyed to the adjacent property.

Discussion 2

Council Member Linda Smith asked when will the remaining homes in that area be torn down?

Sean Register stated that there are only three (3) houses left to be demolished.

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

13. RESOLUTIONS/ORDINANCES/PROCLAMATIONS

- A. Ordinance No. 18-32, Repeal of Zoning Article XI Sections 11.2, 11.3, 11.4, First Reading

Public Hearing

Discussion 1

Murray Marshall, Rice Hope Developer, stated that he is in favor of repealing this part of the Ordinance.

Brian Harvey, Director of Development Services, stated that this will repeal a portion of the Ordinance that pertains to automatic zoning reversions if the property is not used as originally proposed within a certain period of time. However, the City Attorney has determined that basically this will not stand up in a court of the law and so the recommendation is to repeal this Ordinance.

Council Member Paul Fox asked if a property is rezoned, it will stay rezoned and not revert back.

Mr. Harvey responded yes, unless Council takes legislative action to rezone the property.

Discussion 2

Attorney L. Coursey, Jr. turned upon conditional zoning and the problem with the Ordinance focusing on enforceability. He went on to further stated that due to there not being a way to inform the public of the reversion on a property, there is no way to trust the zoning map. Because of this, there is due process and the Ordinance is vague and ambiguous. Georgia Law does refer to conditional zoning but it relates to specific parcels, so Council can place conditions upon rezoning for a period of time and if that particular parcel does not live up to those conditions then it would revert. The problem with the Ordinance as it is written is that it relates to all parcels across the board.

Mayor Norton asked if this would pertain to warehouse also?

Mr. Coursey stated that yes it pertains to all properties.

Discussion 3

Council Member Bill Herrin asked for clarification on what was stated by Mr. Coursey.

Mr. Coursey stated that in short you can place conditions upon the property when you rezone it. It should be parcel specific.

Mayor Norton asked if this will apply to existing properties? Does this automatically revert back to what it was before.

Mr. Coursey stated that no, in this instance the zoning cannot be changed. He went on to also state that this actually involves the Hendley Road matter that was referred to by a constituent during the last City Council Meeting. In essence, there are problems with the enforceability of the Ordinance as it was written. There are no problems with placing conditions upon an applicant or application going forward.

Phil Jones, Interim City Administrator, stated that the only problem is that we do not have conditions stated in our current Ordinance, which needs to be drafted and placed before Council for a vote.

Discussion 4

Murray Marshall stated that the whole concept with putting a time frame on a zoning is detrimental to the property owner trying to sale because of the day to day changes. Conditions discourage the buyer from wanting to buy. This will chill industrial development in this community. And so Mr. Marshall strongly urged Council not to place conditions on zoning.

Council Member Paul Fox made the motion to not place a time constraint on the zoning.

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

- B. Ordinance No. 18-33, Budget Adjustment, First Reading, Georgia Municipal Association (GMA) Lease for the Department of Public Safety Command Vehicle

Public Hearing

Matt Libby, Director of Public Safety, stated that a workshop was held and a packet was made available to those in attendance sharing information on their request for a Command Vehicle. The Department of Public Safety is in desperate need for a Command Vehicle to assist with wild fire matters. This vehicle will help in natural disasters and emergency situations if the City were to be drastically damaged. In an event Public Safety cannot continue operating with the current use of equipment and is often unassisted for two weeks before the Federal Emergency Management Agency (FEMA) can assist. A Georgia Municipal Association (GMA) Lease has been approved for \$16,000.00 a quarter, roughly \$62,000.00 per year for ten (10) years. The purchase price with all the equipment in it is \$560,000.00 inclusive of a 12 year warranty for the box (rear of the vehicle) and all components built by the company - Nomads out of Montana. They have a great track record and ability to provide the necessary equipment which is vital to the Department of Public Safety.

Discussion 1

Council Member Paul Fox asked if we move forward with this how soon will the City be able to get the vehicle?

Chief Libby stated that the projected time frame will be about 8 months from the time approved and the bond is in place from the company. The vehicle will last about 15-20 years.

Discussion 2

Council Member Paul Fox went on to thank Chief Libby and Mr. Phil Jones for bringing out the Command Vehicle from Bryan County so that everyone could see an example up close and personal.

Mayor Gary Norton stated that the vehicle from Bryan County is awesome and that the City will be saving roughly \$120,000.00 per year due to the ClearWater Solutions, LLC contract.

Discussion 3

Mark Stevens, 45 Holly Springs Circle, approached Council to ask if the Command Vehicle will be brand new and if the lease is a straight buy and not an option to buy?

Chief Libby responded by stating, yes sir it is a brand new vehicle built specifically for the Public Safety Department and that the lease is through the GMA Finance Department to whom the City will make payments.

Mayor Gary Norton stated that the City is also in the process of a new communications system that will run up Highway 21 to the county line that will allow the City to sale the fiber optics to local businesses from which the City will get money back.

Council Member Paul Fox stated that when the City had the missing child from the Lakeshore Community, the Police did a wonderful job with a make shift command station. So this unit is needed and will enhance their capabilities.

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

14. EXECUTIVE SESSION

Council Member Bill Herrin made a motion to adjourn into Executive Session for the purpose of discussing Property Acquisition and Personnel Matter. Seconded by Council Member Linda Smith. Vote was unanimous.

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

15. PUBLIC COMMENTS - REGISTERED SPEAKERS

Phil Jones, Interim City Administrator, announced that the advertisements for the Community Development Authority will be placed in the newspaper, on the City website and marquee inviting those that are interested to complete the application packet, submit a resume and letter of intent. Mr. Jones also stated that the Resolution for the Development Authority has been drafted and will be placed before Council for a vote during the October City Council Meeting.

16. ADJOURNMENT

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

Mayor Gary Norton

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

ATTEST:

Shanta M. Scarboro, Clerk of Council

DRAFT