MINUTES

City Council

Monday, November 16, 2009 – 7:00 p.m.

Call to Order: Mayor Holder welcomed everyone and called the meeting to order at 7:00 p.m.

Devotional & Pledge: Councilmember Spilliards offered the opening prayer and Mayor Holder led City Council in the Pledge of Allegiance to the flag.

Roll Call:
Council Members Present: Mayor Tennyson Holder, Gwyn Hall, Bowen Jones, Bessie Kicklighter, Durward Motes, Misty Selph, Judy Shuman and Jimmy Spilliards.

Staff Present: Brian Johnson, City Manager; Rhonda Ferrell-Bowles, Clerk of Council; James P. Gerard, City Attorney; Clara Rouse, Finance Director; Pam Franklin, HR Director; Ben Brengman, IT Director; Nathan Mai-Lombardo, Planning Director; David Lyons, Chief of Police; Randall Griffin, Public Works Director; Charles Draeger, Water Operations Director; Cliff Ducey, Parks & Recreation Director and Jimmy Crosby, Fire Chief.

Mayor Holder said City Council held a Pre-Agenda Session prior to tonight's meeting. He said no decisions were made during the Pre-Agenda Session.

Receive Boards & Commission Reports:
Planning Director presented the Planning Commission/Board of Appeals Minutes dated 11/10/09.

Councilmember Jones presented the Beautification Committee Minutes dated 11/9/09. He said due to the lack of participation the Beautification Committee will not be holding the Holiday Tour of Homes this year.

Public Hearings:
PC0928, Zoning Map Amendment: Mayor Holder opened the public hearing to receive public comment on request by Nathan Dzendzel representing property owner Helen Miltiades to rezone 1469 Dean Forest Road and 1471 Dean Forest Road from R-A to an M "Mixed Use" zoning district.

Nathan Dzendzel said I represent Ms. Miltiades and we are requesting the property to be rezoned from R-A to M "Mixed Use". He said the property next to her property has an office on it and the properties across from her property have businesses located on them. He said her property will be worth more if it is rezoned to an "M" zoning district.

Mr. Ollie Rollinger said I am opposed to the rezoning and feel you have opened Pandora's Box. He said there was an article in today's newspaper regarding the rezoning along Dean Forest Road. He said a year ago residents met with the City Manager and we told him that we didn't' want the properties piece milled. He said we would like for you not to rezone the property, but we know you will do it anyway.

Ms. Colleen Eaton said she received a letter regarding her rollout cart not being pushed up to the road.

Mayor Holder said the public hearing is on the rezoning and the floor is not open to discuss matters not pertaining to the rezoning.

Ms. Ann Sapp said the rezoning doesn't affect anyone, but the residents that live there. She said you would not like it if it was your property and anything could go there.

There being no further questions or comments, Mayor Holder closed the public hearing on PC0928.

PC0918, Annexation/Zoning Map Amendment: Mayor Holder opened the public hearing to receive public comment on a request to rezone unincorporated properties located on Ogeechee Road owned by David Butler Enterprises, LLC. The City of Garden City requests to rezone the following properties from a Chatham County zoning district, to a Garden City zoning district. The properties for consideration at 4925 Ogeechee Road and 4927 Ogeechee Road.

Mayor Holder asked if there were any questions or comments on PC0918. There being no questions or comments, Mayor Holder closed the public hearing on PC0918.

Alcoholic Beverage License Application: Mayor Holder of the public hearing to receive public comment on an alcoholic beverage license application by T. Darren Niven to sell wines, beer and/or malt beverages at Beaver's Movies & Music Inc., 4820 Augusta Road, Garden City, Georgia.

Mayor Holder asked if there were any questions or comments on the alcoholic beverage license application by Darren Niven. There being no questions or comments, Mayor Holder closed the public hearing.

Alcoholic Beverage License Application: Mayor Holder opened the public hearing to receive of public comment on an alcoholic beverage license application by Shi He Huang to sell wines, beer and/or malt beverages at Famous Asian Restaurant, Inc., 1450 Dean Forest Road Suite A, Garden City, Georgia.

Mayor Holder asked if there were any questions or comments on the alcoholic beverage license application by Shi He Huang. There being no questions or comments, Mayor Holder closed the public hearing.

Alcoholic Beverages License Manager's Application: Mayor Holder opened the public hearing to receive public comment on an alcoholic beverage license manager's application by Fei Chan Huang to sell wines, beer and/or malt beverages at Famous Asian Restaurant, Inc., 1450 Dean Forest Road Suite A, Garden City, Georgia 31408.

Mayor Holder asked if there were any questions or comments on the alcoholic beverage license application by Fei Chan Huang. There being no questions or comments, Mayor Holder closed the public hearing.

FY2010 Budget Presentation/Public Hearing: City Manager presented the Recommended 2010 Budget to City Council.

City Manager asked if there were any questions or comments from City Council or the audience.

Mr. Tony Eicholz said I represent Chatham City Apartments and I have a question on the Fire Protection Fees. He asked if there will be a base rate and how will multi-family units be figured.

City Manager said City Council has not determined the dollar figure yet.

Mr. Ollie Rollinger said a lot of our citizens are on social security and have set incomes and you all keep adding to people's bills. He said I would like to ask that you all keep in mind that you have an aging population here on fixed incomes.

Mr. Rollinger referred to the City's Comp Plan regarding fee base operations and asked if everyone knew that the City is already imposing impact fees and one of them is for police protection.

Mr. Rollinger said my mother-in-law still wishes to talk about the letter she received.

Mayor Holder said she can come to city hall and talk with staff about her issue.

City Manager said ask her to contact me.

Mr. Don Bethune inquired why the city doesn't grind up the dry trash and offer it to the residents. He also inquired if the city recycled the metal they collect.

City Manager said we have tried grinding the dry trash before and no one wants it. He said it does not offer that much of a cost savings. He said we do not collect metal.

Mayor Holder said we tried it before and it didn't work out.

Mr. Bethune asked if the funding for a ladder truck and new station would come out of the revenue generated from the fire protection fee.

City Manager said the revenue generated from the fire protection fee can only be used for the fire department. He said the money cannot be used to generate revenues.

Ms. Diane Whitehurst asked if volunteer firefighters would still be needed.

City Manager said volunteer firefighters would still be needed.

Councilmember Selph said the fire protection fee would not eliminate the volunteers.

Ms. Kristen Everson said I am not a resident of Garden City, but I am a homeowner. She asked if the fire protection fee will be based on square footage or on all the buildings located on the property.

City Manager said it will be based on the habitable structure. He said we will not going to add dog houses, sheds etc.

Ms. Everson asked if someone will come by and measure the square footage.

City Manager said it will be measured just like if you were selling your house.

Ms. Nancy Tyson said I don't see any money allocated for installing water/sewer to this area. She said we were promised water and sewer when we were annexed into Garden City. She said you have 5 million in savings and inquired why some of that money could not be used.

City Manager said the State mandates that we maintain a rainy day fund. He said there is a plan to extend our infrastructure to this area, but it takes time.

There being no further questions or comments, Mayor Holder closed the public hearing on the FY2010 Budget.

City Council Minutes: Upon motion by Councilmember Jones, seconded by Councilmember Hall, City Council voted unanimously to approve the minutes dated 11/2/09.

Mayor Holder recessed the meeting at 8:30 p.m. for a five minute recess.

Mayor Holder reconvened the meeting at 8:35 p.m.

Staff Reports:
Planning Director presented the Planning & Economic Development Department's Monthly Status Report.
Director of Human Resources presented the Human Resources Department's Monthly Status Report.
Director of Finance presented the Finance Department's Monthly Status Report.
Director of Information Technology presented the IS/IT Department's Monthly Status Report.
Director of Parks & Recreation presented the Parks & Recreation Department's Monthly Status Report.
Director of Public Works presented the Public Works Department's Monthly Status Report.
Director of Water/Sewer presented the Water Operations Monthly Status Report.
Fire Chief presented the Fire Department's Monthly Status Report.
Chief of Police presented the Police Department's Monthly Status Report.

Items for Consideration:
Annexation Ordinance – David Ross Enterprises, LLC: Mayor Holder said we have the first reading of an ordinance to annex property owned by David Ross Butler Enterprises, LLC, into the City of Garden City, Georgia, pursuant to Title 36, Chapter 36, Article 2, of the Official Code of Georgia Annotated (the "100%" method"); to rezone said property to a "C-2" zoning classification; to repeal all ordinances in conflict herewith; to provide an effective date; and for other purposes.

Upon motion by Councilmember Kicklighter, seconded by Councilmember Jones, City Council voted unanimously to approve the annexation ordinance on the first reading.

Upon motion by Councilmember Kicklighter, seconded by Councilmember Jones, City Council voted unanimously to suspend the rules of council and hold the second reading of the annexation ordinance.

Mayor Holder said we have the second reading of an ordinance to annex property owned by David Ross Butler Enterprises, LLC, into the City of Garden City, Georgia, pursuant to Title 36, Chapter 36, Article 2, of the Official Code of Georgia Annotated (the "100%" method"); to rezone said property to a "C-2" zoning classification; to repeal all ordinances in conflict herewith; to provide an effective date; and for other purposes.

Upon motion by Councilmember Jones, seconded by Councilmember Hall, City Council voted unanimously to adopt the annexation ordinance on the second reading.

Erosion & Sedimentation Ordinance: Mayor Holder said we have the first reading of an ordinance to amend the Code of Ordinances of Garden City, Georgia as amended, to amend Chapter 30, Article III, entitled "Soil Erosion and Sedimentation Control Regulations"; to repeal all ordinances in conflict herewith; to provide an effective date; and for other purposes.

Upon motion by Councilmember Jones, seconded by Councilmember Kicklighter, City Council voted unanimously to approve the erosion and sedimentation ordinance on the first reading.

Upon motion by Councilmember Kicklighter, seconded by Councilmember Hall, City Council voted unanimously to suspend the rules of council and hold the second reading of the erosion and sedimentation ordinance.

Mayor Holder said we have the second reading of an ordinance to amend the Code of Ordinances of Garden City, Georgia as amended, to amend Chapter 30, Article III, entitled "Soil Erosion and Sedimentation Control Regulations"; to repeal all ordinances in conflict herewith; to provide an effective date; and for other purposes.

Upon motion by Councilmember Kicklighter, seconded by Councilmember Hall, City Council voted unanimously to adopt the erosion and sedimentation ordinance on the second reading.

Annual Contract, Water, Sewer, & Storm Line Repair: Mayor Holder said we have the consideration of awarding the annual contract for water, sewer, and storm line repairs to the low bidder Savannah River Utilities in the amount of $462,800.00.

City Manager said the contractor's unit prices are in the contract and would apply if an emergency occurred. He said this is to ensure that the City is not taken advantage of during an emergency. He said this is a progressive move.

Upon motion by Councilmember Jones, seconded by Councilmember Hall, City Council voted unanimously to approve awarding the annual contract for water, sewer and storm line repairs to the low bidder Savannah River Utilities in the amount of $462,800.00.

Councilmember Jones said we received five bids.

Mayor Holder thanked everyone for attending the meeting. He invited everyone to attend the City's Annual Tree Lighting Ceremony and Christmas in the Park on December 5th.

Adjournment: Upon motion by Councilmember Jones, seconded by Councilmember Hall, City Council voted unanimously to adjourn at 9:10 p.m.