

# MINUTES

## City Council

**Tuesday, January 22, 2008 – 7:00 p.m.**

**Present:** Mayor Andy Quinney presided. **Members of Council:** Misty Bethune, Tennyson Holder, Bowen Jones, Bessie Kicklighter, Durward Motes, and Judy Shuman.

**Members Absent:** Gwyn Hall, Councilmember

**Staff Present:** Brian Johnson, City Administrator; Rhonda Ferrell, Clerk of Council; James P. Gerard, City Attorney; Pam Franklin, Human Resources Director; Clara Rouse, Finance Director; Nathan Mai-Lombardo, Planning Director; David Lyons, Chief of Police; Jimmy Crosby, Fire Chief; Cliff Ducey, Recreation Director, Randall Griffin, Public Works Director and Charles Draeger, Water/Sewer Director.

**Visitors:** See attached sign-in sheet.

**Opening:** Mayor Quinney welcomed everyone to the meeting. Mayor Quinney offered the opening prayer and led City Council in the pledge to the flag.

Mayor Quinney said City Council held a Pre-Agenda Session prior to tonight's meeting. He said no decisions were made during the pre-agenda session only the items on the agenda were discussed.

**Public Hearings:**

**PC0774, Zoning Map Amendment:** Mayor Quinney opened the public hearing to receive public comment on a request by Randall Mullally, property owner to rezone 3804 Old Louisville Road from R-2 to C-1.

Planning Director said the Planning Commission recommends approval of Mr. Mullally's rezoning request.

Mayor Quinney asked if there was anyone who wished to speak in favor of the rezoning request.

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Mr. Mullally said I spoke with the Planning Director and City Administrator and everyone thought the “C” zoning would be good.

Mayor Quinney asked if there was anyone who wished to speak against the rezoning request.

There being no further comments or questions, Mayor Quinney closed the public hearing on PC0774.

**PC0776, Zoning Map Amendment:** Mayor Quinney opened the public hearing to receive public comment on a request by Wilbur E. New, property owner to rezone the N.E. corner of Old Louisville Road and Heidt Avenue from R-2 to C-1.

Planning Director said Mr. New’s property is adjacent to Mr. Mullally’s property. He said the Planning Commission recommends approval.

Mayor Quinney asked if there was anyone who wished to speak in favor of the rezoning request.

Mr. New said I invested in the property 25 years ago. He said I have a potential buyer for the property who wants to put a pressure washer business on the property. He said I talked with the Planning Director and City Administrator and they felt the C-1 zoning would be good.

Mayor Quinney asked if there was anyone who wished to speak against the rezoning request.

There being no further comments or questions, Mayor Quinney closed the public hearing.

**PC0775, Zoning Map Amendment:** Mayor Quinney opened the public hearing to receive public comment on a request by Robert Beck to rezone 0 Dean Forest Road, Part of TCT 2 from R-1 to I-2.

Planning Director said Mr. Beck’s property is completely surrounded by “I” zoning. He said the Planning Commission recommends approval.

Mayor Quinney asked if there was anyone who wished to speak in favor of the rezoning request.

Ms. Riser said I represent Mr. Beck and we are requesting the rezoning be approved.

Councilmember Jones asked how will you get to the property.

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Ms. Riser said by Beasley Road.

Mayor Quinney asked if there was anyone who wished to speak against the rezoning request.

There being no further comments or questions, Mayor Quinney closed the public hearing.

**Alcoholic Beverage License Application:** Mayor Quinney opened the public hearing to receive public comment on an application by Fred J. Hughes to sell beer and/or malt beverages at H & H of Savannah, 1320 Highway 80 West, Garden City, Georgia.

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

**City Council Minutes:** Upon motion by Councilmember Jones, seconded by Councilmember Bethune, City Council voted unanimously to approve the minutes from the December 17, 2007 meeting of council.

**Amendment to the Agenda:** Upon motion by Councilmember Jones, seconded by Councilmember Holder, City Council voted unanimously to amend the agenda to include an amendment correcting the recently passed water and sewer rate ordinance.

City Attorney said it is important that we do this tonight, because the new billing rates go into effect this month.

**Zoning & Building Committee Report:**

**PC0770, Minor Subdivision Request:** Councilmember Kicklighter said we have for consideration a request by Calvin Howard, property owner for a minor subdivision of 519 Sharon Park Drive. She said the Committee recommends approval.

Upon motion by Councilmember Kicklighter, seconded by Councilmember Shuman, City Council voted unanimously to approve the minor subdivision request.

**PC0771, Plan Review:** Councilmember Kicklighter said we have for consideration a request by Mark Gordon, representing property owner Work Ward Enterprises, Inc., for plan review of Lot 189, Silk Hope Farms in a P-I-1 zoning district. She said the Committee recommends approval.

Upon motion by Councilmember Kicklighter, seconded by Councilmember Shuman, City Council voted unanimously to approve the plan.

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**PC0775, Zoning Map Amendment:** Councilmember Kicklighter asked the clerk of council to read the rezoning request.

Clerk of Council read a request by Robert Beck to rezone 0 Dean Forest Road, Part of TCT 2 from R-1 to I-2.

Upon motion by Councilmember Kicklighter, seconded by Councilmember Holder, City Council voted unanimously to approve the rezoning request on the first reading.

Councilmember Kicklighter made a motion, seconded by Councilmember Shuman to suspend the rules of council to hold the second reading. City Council voted unanimously to suspend the rules of council and hold the second reading.

Clerk of Council read for the second reading a request by Robert Beck to rezone 0 Dean Forest Road, Part of TCT 2 from R-1 to I-2.

Upon motion by Councilmember Kicklighter, seconded by Councilmember Bethune, City Council voted unanimously to approve the rezoning request on the second reading.

**PC0777, Plan Review:** Councilmember Kicklighter said we have for consideration a request by Kevin Pfoutz, representing property owner Robert Kutchev for a plan review of 315 Highway 80. She said the Committee recommends approval.

Upon motion by Councilmember Kicklighter, seconded by Councilmember Motes, City Council voted unanimously to approve the plan review.

**PC0778, Plan Review:** Councilmember Kicklighter said we have for consideration a request by Bruce M. Carlson, Architect representing property owner O'Reilly Automotive, Inc., for a plan review of 0 August Road. She said the Committee recommends approval.

Upon motion by Councilmember Kicklighter, seconded by Councilmember Bethune, City Council voted unanimously to approve the plan review.

**PC0779, Ordinance to no longer require site plan approval by Mayor and Council:** Councilmember Kicklighter asked the Clerk of Council to read the first reading of the ordinance.

Clerk of Council read for the first reading an ordinance to amend the Code of Ordinances of Garden City, Georgia as amended, by amending Chapter 90, Article II, Section 90-48, and Chapter 90, Article IV, Section 90-102, to no longer require final approval by the

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Mayor and Council of site plans submitted under code section 90-48; to repeal all ordinances in conflict herewith; to provide an effective date; and for other purposes.

Upon motion by Councilmember Kicklighter, seconded by Councilmember Shuman, City Council voted unanimously to approve the ordinance to no longer require site plan approval by Mayor and Council on the first reading.

Councilmember Kicklighter made a motion, seconded by Councilmember Bethune to suspend the rules of council to hold the second reading. City Council voted unanimously to suspend the rules of council and hold the second reading.

Clerk of Council read for the second reading an ordinance to amend the Code of Ordinances of Garden City, Georgia as amended, by amending Chapter 90, Article II, Section 90-48, and Chapter 90, Article IV, Section 90-102, to no longer require final approval by the Mayor and Council of site plans submitted under code section 90-48; to repeal all ordinances in conflict herewith; to provide an effective date; and for other purposes.

Upon motion by Councilmember Kicklighter, seconded by Councilmember Shuman, City Council voted unanimously to approve the ordinance to no longer require site plan approval by Mayor and Council on the second reading.

Councilmember Kicklighter said we passed this ordinance a couple of years ago, but we didn't have a Brian or a Nathan at that time and we needed to approve everything.

**PC0780, Ordinance to create a consolidated Planning Commission/Board of Zoning Appeals:** Councilmember Kicklighter asked the Clerk of Council to read the first reading of the ordinance.

Clerk of Council read for the first reading an ordinance to amend the Code of Ordinances of Garden City to create a consolidated Planning Commission/Board of Zoning Appeals to carry out all of the powers and duties currently exercised by the City's Board of Zoning Appeals and Planning Commission; to establish the powers and duties of the consolidated board; to establish the terms of membership on the consolidated board; to disqualify the membership of the consolidated board from compensation for services rendered; to provide reimbursement for necessary expenses incurred by board members; to provide an effective date; to repeal all ordinances in conflict herewith; and for other purposes.

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

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City Attorney said we cannot hold the second reading of the ordinance, because the ordinance requires us to appoint the board members tonight and we do not have those members in place.

Councilmember Kicklighter said staff thought it would be more beneficial to combine the boards.

Councilmember Jones said the people who serve on the board will be fully trained.

Mayor Quinney said we are having a hard time getting people to serve. He said I may get Brother Roy Crager involved, because we need people who know what is going on.

**PC0781, Ordinance to require approval of the Planning Commission for all outdoor advertising and separate use signs:** Councilmember Kicklighter asked the Clerk of Council to read the first reading of the ordinance.

Clerk of Council read for the first reading an ordinance to amend the Code of Ordinances by amending Chapter 90, Article VI, Section 90-158, for the purpose of requiring the approval of Planning Commission for all outdoor advertising and separate use signs; to repeal all ordinances in conflict herewith; to provide an effective date; and for other purposes.

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

Councilmember Kicklighter made a motion, seconded by Councilmember Holder, to suspend the rules of council to hold the second reading of the ordinance. City Council voted unanimously to suspend the rules of council and hold the second reading.

Clerk of Council read for the second reading an ordinance to amend the Code of Ordinances by amending Chapter 90, Article VI, Section 90-158, for the purpose of requiring the approval of Planning Commission for all outdoor advertising and separate use signs; to repeal all ordinances in conflict herewith; to provide an effective date; and for other purposes.

Upon motion by Councilmember Kicklighter, seconded by Councilmember Bethune, City Council voted unanimously to approve the ordinance on the second reading.

Councilmember Kicklighter said I am not sure why we are adopting this ordinance.

Planning Director said this is a safeguard and to ensure oversight of signs that are so visible. He said this is to make sure that the signs meet all the requirements and fit with the character of the area they are to be placed in.

**PC0783, Ordinance to amend Chapter 18 “Buildings & Building Regulations:** Councilmember Kicklighter asked the Clerk of Council to read the ordinance for the first reading.

Clerk of Council read for the first reading an ordinance to amend the Code of Ordinances of Garden City, as amended, to amend Chapter 18 entitled “Buildings and Building Regulations” for the purpose of re-establishing permit procedures and enforcement, and for clarifying the City’s liability for Code Enforcement; to repeal all ordinances in conflict herewith; and provide an effective date; and for other purposes.

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

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

Clerk of Council read for the second reading an ordinance to amend the Code of Ordinances of Garden City, as amended, to amend Chapter 18 entitled “Buildings and Building Regulations” for the purpose of re-establishing permit procedures and enforcement, and for clarifying the City’s liability for Code Enforcement; to repeal all ordinances in conflict herewith; and provide an effective date; and for other purposes.

Upon motion by Councilmember Kicklighter, seconded by Councilmember Shuman, City Council voted unanimously to approve the ordinance on the second reading.

**Second Reading, Tree & Landscape Ordinance:** Councilmember Kicklighter made a motion, seconded by Councilmember Holder to approve the amended Tree & Landscape Ordinance on the second reading. Councilmember Holder, Councilmember Jones, Councilmember Kicklighter and Councilmember Motes voted in favor with Councilmember Bethune and Councilmember Shuman opposed.

**Personnel, Finance & Administration Committee Report:** Councilmember Shuman said I have nothing new to report.

**Parks & Recreation Committee Report:** Mayor Quinney asked Councilmember Bethune to give the Parks & Recreation Committee Report in Councilmember Hall’s absence.

Councilmember Bethune gave a routine committee report. She said basketball season is off to a good start.

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**Fire Committee Report:** Councilmember Bethune recognized Fire Chief Jimmy Crosby.

Fire Chief said he is happy to be on board and thanked everyone.

Councilmember Bethune gave a routine committee report.

**Police Committee Report:**

**Alcoholic Beverage License Application:** Councilmember Motes said we have for consideration an application by Fred J. Hughes to sell beer and/or malt beverages at H&H of Savannah, 1320 Highway 80 West, Garden City, Georgia.

Upon motion by Councilmember Motes, seconded by Councilmember Holder, City Council voted unanimously to approve the alcoholic beverage license application.

Councilmember Motes gave a routine committee report.

Mayor Quinney asked everyone to applaud the police chief, because he rode in the MLK Day parade.

**Public Works Committee Report:** Councilmember Holder said the public works department is performing general maintenance.

**Water/Sewer Committee Report:**

**Amendment Correcting Recently Passed Water & Sewer Rate Ordinance:** Councilmember Jones said we have for consideration an amendment correcting the recently passed water and sewer rate ordinance.

City Attorney said this amendment deals with clerical corrections to the water and sewer ordinance passed last month.

Councilmember Jones asked the Clerk of Council to read the first reading of the ordinance.

Clerk of Council read for the first reading an ordinance to amend Chapter 82, relating to utilities, by adding a section 82-184 to Article V thereof providing for the termination of utility service due to non-payment and referencing said section in section 82-33(b) of Article II thereof; by changing the reference to "Consumer" in section 82-176(c) to "Property Owner"; to change the reference to code section 82-177 in code section 82-180 to code section 82-178; to repeal all ordinances in conflict herewith; to provide an effective date; and for other purposes.

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

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

Clerk of Council read for the second reading an ordinance to amend Chapter 82, relating to utilities, by adding a section 82-184 to Article V thereof providing for the termination of utility service due to non-payment and referencing said section in section 82-33(b) of Article II thereof; by changing the reference to "Consumer" in section 82-176(c) to "Property Owner"; to change the reference to code section 82-177 in code section 82-180 to code section 82-178; to repeal all ordinances in conflict herewith; to provide an effective date; and for other purposes.

Upon motion by Councilmember Jones, seconded by Councilmember Holder, City Council voted unanimously to approve the ordinance amendment on the second reading.

Councilmember Jones said the rehab work is almost complete. He said we had a sewer line collapse on Rommel Avenue. He said repairs are being made to the line.

Mayor Quinney said Main Street is being resurfaced because of our City Administrator and Public Works Director's efforts. He thanked the City Administrator and Public Works Director for getting DOT to resurface the road.

**City Administrator Report:**

**Agreement for the purchase and sale of real estate:** City Administrator said we have for consideration an agreement to purchase property owned by Pamela Vickery at 1436 Massey Road, Garden City, Georgia.

Upon motion by Councilmember Kicklighter, seconded by Councilmember Holder, City Council voted unanimously to approve the agreement to purchase the property owned by Pamela Vickery at 1436 Massey Road, Garden City, Georgia.

City Administrator reminded everyone of the Town Center/New City Hall meeting on January 31, 2008 at 7:00 p.m. in the council chambers.

**City Attorney Report:** City Attorney said I have nothing new to report.

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**Mayor Report:**

**Appointment of Mayor Pro-tem:** Upon motion by Councilmember Bethune, seconded by Councilmember Shuman, City Council voted unanimously to elect Councilmember Tennyson Holder as Mayor Pro-tem for a two year term.

**Appointment of President of Council:** Upon motion by Councilmember Jones, seconded by Councilmember Bethune, City Council voted unanimously to elect Councilmember Judy Shuman as President of Council for a two year term.

**Appointment of Municipal Court Judge:** Upon motion by Councilmember Jones, seconded by Councilmember Holder, City Council voted unanimously to appoint Tom Edenfield as Municipal Court Judge to serve for one year.

**Appointment of Municipal Court Judge Pro-tem:** Upon motion by Councilmember Holder, seconded by Councilmember Bethune, City Council voted unanimously to appoint Doug Andrews as Municipal Court Judge Pro-tem to serve for one year.

**Appointment of City Attorney:** Upon motion by Councilmember Bethune, seconded by Councilmember Motes, City Council voted unanimously to appoint James P. Gerard as City Attorney to serve for one year.

**Appointment of Clerk of Council:** Upon motion by Councilmember Holder, seconded by Councilmember Shuman, City Council voted unanimously to appoint Rhonda Ferrell as Clerk of Council to serve for one year.

**Garden City Tourism Board Appointments:** Upon motion by Councilmember Holder, seconded by Councilmember Kicklighter, City Council voted unanimously to reconfirm the Mayor's appointment to the tourism board.

Upon motion by Councilmember Holder, seconded by Councilmember Shuman, City Council voted unanimously to reconfirm the joint mayor and city council's appointment to the tourism board.

**Beautification Committee Appointment:** Upon motion by Councilmember Kicklighter, seconded by Councilmember Bethune, City Council voted unanimously to appoint Barbara Gunn to serve as a member of the beautification committee.

Mayor Quinney said city officials will be leaving on Friday going to Atlanta to attend the GMA Mayors' Day Conference. He said I appreciate council's working together and I am very excited about the new town center.

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**Adjournment:** Upon motion by Councilmember Holder, seconded by Councilmember Bethune, City Council voted unanimously to adjourn at 7:40 p.m.

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Andy Quinney, Mayor

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Tennyson Holder, Mayor Pro-tem

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Judy Shuman, President of Council

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Misty Bethune, Councilmember

(Absent)

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Gwyn Hall, Councilmember

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Bowen Jones, Councilmember

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Bessie Kicklighter, Councilmember

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Durward Motes, Councilmember

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Rhonda Ferrell, Clerk of Council

