

MINUTES

City Council

Monday, July 19, 2010 – 7:00 p.m.

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

Devotional & Pledge of Allegiance: Mayor Holder offered the opening prayer and invited everyone to join in the Pledge of Allegiance to the flag.

Roll Call:

City Council: Mayor Holder presided. **Members of Council:** Councilmember Bethune, Councilmember Jones, Councilmember Kicklighter, Councilmember Motes, Councilmember Shuman and Councilmember Spilliards. **Councilmember Hall absent.**

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

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.

Presentation: Mayor Holder presented to Chief Lyons a proclamation proclaiming Tuesday, August 3, 2010 as "National Night Out" in Garden City, Georgia.

Chief Lyons thanked City Council for their support. He said we are competing this year for an award. He invited everyone to attend "National Night Out" on August 3rd in the old Gaster Lumber parking lot.

Introduction: Chief Lyons introduced K-9 Officer Lutz and Garden City's new K-9 dog, Barras. He said Barras is 18 months old and is a Holland Sheppard. He said the cost of \$10,300 for Barras was paid by confiscated drug money. He said all the equipment, food, etc. for Barras is paid from seized assets.

Receive Board & Commission Reports:

Planning Director presented the Board of Appeals/Planning Commission Minutes dated 7/13/10.

Mayor Holder recognized State Representative Bob Bryant.

Representation Bryant said it is a pleasure to be here tonight. He said I am here on behalf of several constituents in my district. He said I will talk later on the matter.

Conduct Public Hearings:

PC-1007, Rezoning/Zoning Amendment: Mayor Holder opened the public hearing on a request by Darren Niven representing property owner Beaver's Movies & Music Inc., to rezone 4820 Augusta Road from C2 to C2BW. (PIN No. 6-0013-04-041). He said the Board of Zoning Appeals/Planning Commission recommends denial.

Mayor Holder asked if there was anyone who wished to speak in favor of the rezoning request. He said public comment will be limited to three minutes per speaker.

Mr. Larry Niven said I am one of the owners of the Beaver's Movies & Music, Inc., property. He said we are requesting the rezoning so that potential buyers interested in locating retail and convenience stores on the property will have a choice if they choose to sell beer/wine. He said the issue is if you want higher end retailers to locate there they will need to be given the opportunity to sell beer/wine. He said you all granted Piggly Wiggly permission to sell beer/wine and I don't think it has caused a major crime wave in the area. He said you already have it zoned along Highway 21 for restaurants to serve beer/wine.

Ms. Debra Niven said I am one of the owners of the Beaver's Movies & Music, Inc., property. She said I reside in Southbridge now, but I lived and operated a business in Garden City for 34 years. She said we had a growing and thriving business that brought revenue to the City. She said we are requesting the rezoning to make the property more attractive to buyers. She said I moved to Southbridge 10 years ago, but we still have friends and family in Garden City. She said I don't want to see Garden City passed by, because I care about Garden City's future. She said if beer, wine and liquor are the root of all evil then why is liquor being sold right next to this brand new building. She said is it going to cause a crime wave in Southbridge? She said I don't think it will, so why not give an investor the opportunity to have a choice on whether they sell beer/wine. She said we should have the freedom to sell our property at fair market value.

Mr. Darren Niven said I am one of the owners of the Beaver's Movies & Music, Inc., property. He said I grew up in Garden City and always considered it my hometown. He said I operated Beavers for 21 years and a vast majority of customers favored the change to sell beer/wine. He said we are asking for an opportunity to allow the prospective buyer of the property to have a choice. He said look at the progress with the new city hall. He said I live in Southbridge and I don't know if it would be good for Southbridge if Garden City can't move forward.

Ms. Pam Coleman said I live across the street from Beaver's on Highway 21. She said it would be nice to have a convenience store there. She said it would offer jobs to the area.

Mr. Curtis Stokes said I live across the street from Beaver's on Highway 21. He said I believe it would be a good thing for Garden City.

Ms. Marie Stokes said I have lived in Garden City since 1993 on Highway 21 and I believe a convenience store would be good.

Mayor Holder asked if there was anyone who wished to speak against the rezoning request. He said public comment will be limited to three minutes per speaker.

State Representative Bob Bryant said I am not against small business, but I was contacted by several of my constituents on Varnedoe Avenue. He said the people who live in the area do not desire to have beer/wine sold in their backyards. He said they would like to see the zoning change denied for beer/wine.

Ms. Misty Selph, 2622 Woodlawn Avenue, said I am opposed to the rezoning. She said this council and the council's before have set the course that the railroad track divides where beer/wine is sold on Highway 21. She said the rezoning does not meet your future land use plan objectives. She said this will also set a precedent in what can come in my area. She said we need to protect our residential neighborhoods and I am opposed to the rezoning.

Mr. Lawrence Harris said this does not meet the law of 1,000 feet from schools and I am opposed to the rezoning.

J.J. Bellemare, 141 Rommel Avenue, said I was a customer of Beaver's and enjoyed doing business with Beaver's. He said it is located next to a school and not an appropriate spot for a business to sell beer/wine. He said the proposal went before your Board of Appeals, but your school board members didn't know about it. He said you have not said how you all stand on the issue. He said I am opposed to the rezoning.

Ms. Denise Krasp, 8 Varnedoe Avenue, said you have an aging neighborhood and I would like to see you all preserve the area so the elderly can continue to live without threat. She said I witness an incident at the Enmark between two homeless guys and the police had to be called. She said we do not need that in our backyards. She said there have been five homes around us burglarized and we need to protect our senior citizens. She said I am opposed to the rezoning.

Mr. Ronnie Edwards, Forest Oaks Subdivision, said I have lived on Winoca for forty-two years and never had any problems until the BP and Piggly Wiggly started selling beer/wine. He said people walk through our neighborhood and litter it with beer cans. He said allowing the zoning change so another store can come into the area to sell beer/wine is not good change.

Ms. Baxter said I have lived all my life in Garden City and I am totally against the rezoning, because it is too close to the two schools and churches on Highway 21.

Mr. Johnson said I was just looking at the wording on your city seal - Faith, Freedom, Family, Fairness, and Future. He said the rezoning to allow beer/wine will divide the family structure, take away money from the family, and will cause panhandling. He said too much freedom can create bondage. He said I am opposed to the rezoning.

Reverend Monroe said these people said they moved out of Garden City. He said we have little to no residential development in Garden City. He said we need more residential development, not businesses. He said they said it will bring jobs to the area. He said we need jobs that create a higher education level and higher skills. He said Garden City used to be the second largest city next to Savannah, but now Pooler is larger than we are, because of their residential development. He said I am opposed to the rezoning.

Mayor Holder closed the public hearing on PC1007.

PC1008, Rezoning/Zoning Amendment: Mayor Holder opened the public hearing to receive public comment on a request by the City of Garden City to amend the Code of Ordinances to revise the dimension and size requirements for lots within Garden City that utilize non-public water and on-site sewage systems. The Board of Zoning Appeals/ Planning Commission recommends approval.

Mayor Holder asked if there were any questions or comments. There being no questions of comments, Mayor Holder closed the public hearing on PC1008.

City Council Minutes: Upon motion by Councilmember Jones, seconded by Councilmember Kicklighter, City Council voted unanimously to approve the minutes dated 6/21/10.

Receive Staff Reports:

Planning Director presented the Planning & Economic Development Department's Monthly Status Report.

Human Resources Director presented the Human Resources Department's Monthly Status Report.

Finance Director presented the Finance Department's Monthly Status Report.

IT Director presented the Information Technology Department's Monthly Status Report.

Recreation Director presented the Parks & Recreation Department's Monthly Status Report.

City Manager presented the Public Works Department's Monthly Status Report.

Water Operations Director presented the Water Operations Department's 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:

First Reading, Amendment to Backflow Preventer Ordinance: Clerk of Council read for the first reading an ordinance to amend the Code of Ordinances of Garden City, Georgia, as amended, to restate Code Section 82-234 relating to the inspection of backflow preventers to require certification of the proper installation of same, and to authorize the City to inspect and/or repair backflow preventers where the property owner fails to do so after receiving written notice from the City requiring same; 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 backflow preventer ordinance on the first reading.

Councilmember Jones 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 backflow preventer ordinance.

Second Reading, Amendment to Backflow Preventer Ordinance: Clerk of Council read for the second reading an ordinance to amend the Code of Ordinances of Garden City, Georgia, as amended, to restate Code Section 82-234 relating to the inspection of backflow preventers to require certification of the proper installation of same, and to authorize the City to inspect and/or repair backflow preventers where the property owner fails to do so after receiving written notice from the City requiring same; to repeal all ordinances in conflict herewith; to provide an effective date; and for other purposes.

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

Resolution, Amendment to FY10 Budget: Mayor Holder presented a resolution to amend the FY10 General Operating Fund to adjust for the difference between the original budget and presently projected revenues and expenditures for certain of the City's various budgets.

City Manager said we have seen our revenue stream lowered due to the economy. He said staff went through the budget and reduced the expenditures to \$664,846.

Upon motion by Councilmember Kicklighter, seconded by Councilmember Shuman, City Council voted unanimously to adopt the FY10 Budget Amendment Resolution.

Town Center: City Manager presented the following items for council's consideration.

Town Center Master Plan: Upon motion by Councilmember Jones, seconded by Councilmember Bethune, City Council voted unanimously to approve the master plan for the Town Center.

Master Developer's Agreement Extension: Upon motion by Councilmember Jones, seconded by Councilmember Kicklighter, City Council voted unanimously to approve extending the master developer's agreement.

Adjournment: Upon motion by Councilmember Jones, seconded by Councilmember Kicklighter, City Council voted unanimously to adjourn at 8:30 p.m.

Transcribed by Rhonda Ferrell-Bowles, Clerk of Council

Adopted: August 16, 2010