



CITY OF KINGSLAND, GEORGIA

CITY COUNCIL

MINUTES • AUGUST 13, 2018

Regular Meeting

City Council Chamber

6:00 PM

107 South Lee Street - City Hall, Kingsland, GA 31548

I. CALL TO ORDER AND WELCOME GUESTS

Mayor Smith called the meeting to order at 6:00 PM.

II. INVOCATION AND PLEDGE TO THE FLAG

1. Pastor Matthew Pettus -

Pastor Matthew Pettus gave the Invocation and led the audience in The Pledge to the Flag.

III. ROLL CALL

Kenneth E Smith Sr
James McClain
Charles Grayson Day Jr.
James W Galloway
Michael J McClain

Mayor
Mayor Pro Tem
Councilman
Councilman
Councilman

IV. CONSENT DOCKET

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Charles Grayson Day Jr., Councilman
SECONDER:	James W Galloway, Councilman
AYES:	McClain, Day Jr., Galloway, McClain

- A. Approve the Council Minutes of the last regular Council Meeting
 1. City Council - Regular Meeting - Jul 23, 2018 6:00 PM -
- B. Approve the Agenda as Presented
- C. Approve the Payments of Accounts Payable as Due and Funds Available

V. GRANTING AUDIENCE TO THE PUBLIC

Mr. Howard Davis, 230 South Lee Street. Mr. Howard reported he is a business owner and would like to vent. Mr. Davis stated that he is tired of speaking with Habitat for Humanity. People leave things and it is turning into a junk pile. Councilman Davis asked that Code Enforcement contact him.

Ms. Stephanie Gay, County Oaks RV Park addressed the Mayor and City Council. Ms. Gay stated that Ms. Gwen Mungin agreed to a change in her water bill; and in 2017 the council again decided in her favor. Ms. Gay stated a small business cannot sustain a water bill of over \$1,000 a month.

Reverend Mac Knight, Sr. Pastor and Chairman of Concerned Citizens of Camden County addressed the Mayor and City Council. Pastor Knight congratulated Fire Chief Smith on his appointment and thanked Chief Griffis and the Kingsland Police Department for it's handling of a recent traffic accident. Pastor Knight again addressed his concerns with the lack of answers from the Mayor and Council. Pastor Knight also singled out Linda O'Shaughnessy, City Clerk and Mr. Lee Spell, City Manager for not answering his questions.

Mayor Smith reminded Pastor Knight that due to the nature of the incident we have been told not to respond regarding an on-going investigation.

Mr. Bernard Baker, Camden County, Mr. Asher Tobey 107 Donegal Lane, Mr. Timothy Besset, Woodbine, Ms. Marcie Butler, Reverend James Ham, Mr. Nelson Cummings 233 Woodbridge Road, Ms. Cailee Wright, 115 Pineneedle Circle all addressed the Mayor and City Council regarding their concerns with the lack of communication and justice regarding the Tony Green incident.

Reverend Matthew Pettus, 601 Lake Jordan Boulevard addressed the Mayor and City Council. Pastor Pettus stated he has been a part of this community since 1999 and he knew Tony Green. Pastor Pettus stated he always looks for solutions and stated that Mayor Smith and Chief Griffis have helped him out in the past by sending police officers to speak with his youth and young adults at his church. The officers and youth have had dialogs which were very positive. Pastor Pettus stated we need to teach our children not to walk in fear but in compassion and bridge divides by unification and training on both sides. He would love to see Kingsland as an example for our nation.

Ms. Yolanda Ramsey, Honeysuckle Road, addressed the Mayor and City Council and stated she had received her tax bill which had increased and asked why the Mayor did not freeze the tax bills for those affected by Irma as he stated.

VI. OLD BUSINESS

Councilman Galloway made a motion to bring the items back to the floor. Councilman Day seconded the motion. The motion carried unanimously.

1. Approval Of: Memorandum of Understanding Establishing a Cooperative Partnership Between the Camden County Board of Commissioners and the City of Kingsland, Georgia for Providing Onsite Clinical Medical Services by Camden County to Employees of the City of Kingsland -

The Clinic reports 66 individual employees and 25 dependents have visited the clinic for a total of 426 visits. Clinic representatives are available to answer any questions you may have. *Staff recommends approval.*

RESULT:	APPROVED [UNANIMOUS]
MOVER:	James McClain, Mayor Pro Tem
SECONDER:	James W Galloway, Councilman
AYES:	McClain, Day Jr., Galloway, McClain

2. Adoption Of: Ordinance #2018-06 to Amend Water/Sewer Ordinance for Lodging Class -

To reinstate Hotel/Motel, RV Parks, and Bed & Breakfast Water, Sewer, Tap Fees, and Capital Recovery rates under a uniform Lodging Class and to allow for a certain number of gallons to be included in the minimum base rate.

Councilman Jim McClain made a motion to deny reconsideration of Item 2 that was unanimously decided by prior council to create a new lodging and classification of RV Parks. Councilman Mike McClain seconded the motion.

Mayor Smith asked for discussion.

Councilman Day stated that council agreed to table this item until they had a chance to speak with the bond attorney and engineer, and we need to have this discussion.

Councilman Galloway stated that the bond attorney ruling says we cannot do this, correct? Councilman Day stated yes, that is correct and asked if council could not call the attorney and engineer as agreed upon. Mayor Smith asked to have the call placed.

Mr. Roger Murray, bond lawyer, Atlanta and Mr. Mark Gaitland, Consultant Engineer, Carter & Sloope who have both worked with the city for many years were placed on a conference call. Councilman Day asked Mr. Murray if the agreement separating the RV Park was against the terms of our bond. Mr. Murray stated, "yes, that is correct". Mr. Murray stated that charging a RV Park for one meter instead of each lot is unreasonable. The amendment would separate the water bills into reasonable classes and not violate the equal protection clause of the Georgia Constitution.

Councilman Day asked Mr. Murray legally what the city could do in this kind of a situation. Mr. Murray stated that there are no exceptions to the classifications and equal protection under the constitutional provision. Councilman Day asked Mr. Murray if the city could do a usage change and was told yes as long as everyone is treated the same.

Councilman Jim McClain stated this rate structure goes back thirty-five years and feels a rate study would be a good idea but he is not ready to impact the city's RV customers.

Councilman Galloway stated that we should not have separated the classes and felt we needed to listen to the bond attorney, Councilman Galloway said he is in favor of a classification study.

Mr. Lee Spell, City Manager stated there is no agreement in writing with Country Oaks RV park it was a verbal agreement with a prior administration and without something in writing approved by council he can not honor a verbal agreement. Mr. Spell stated that the bond attorney has stated that the city violated the bond agreement.

Councilman Mike McClain stated he was in favor of a classification study and would like to have truck stops added to it.

Councilman Jim McClain stated he would like to repeat his motion to deny reconsideration of Item 2. Councilman Mike McClain seconded the motion. The vote was: Jim McClain - yes, Mike McClain - yes, James Galloway - no, Grayson Day - no. Mayor Smith voted yes because of a tie vote. The motion passed.

Councilman Day stated that our bond attorney is a learned scholar who told us we could not do this.

Councilman Galloway stated that council should never have separated the classes. He requested an RFP go out and be back in time to award before the October 1st. budget.

RESULT:	DENIED [2 TO 2]
MOVER:	James McClain, Mayor Pro Tem
SECONDER:	Michael J McClain, Councilman
AYES:	McClain, McClain
NAYS:	Day Jr., Galloway

VII. PLANNING AND ZONING

1. Approval Of: 5' Side Variance -

Ms. Joyce Braun is requesting a 5' side setback variance to build a one car garage to take the place of an existing carport. Property is located at 149 W. Woodhaven Drive. Zoning is R-1. *Planning Commission recommends approval.*

RESULT: APPROVED [UNANIMOUS]
MOVER: James McClain, Mayor Pro Tem
SECONDER: Charles Grayson Day Jr., Councilman
AYES: McClain, Day Jr., Galloway, McClain

2. Approval Of: Lake Victoria III Final Plat for 5.37 Acres, 11 Lots -

Preliminary Plat was previously approved by council in 2007. *Planning Commission recommends approval with an up-to-date sewer survey and letter of credit.*

Motion was approved with Planning Commission's recommendation for an up-to-date sewer survey and letter of credit.

RESULT: APPROVED [UNANIMOUS]
MOVER: James W Galloway, Councilman
SECONDER: Michael J McClain, Councilman
AYES: McClain, Day Jr., Galloway, McClain

3. Approval Of: Utility Easement Landing at Crooked River -

Utility Easement between City of Kingsland and BH Kingsland LLC (Landing at Crooked River) for sewer service to Walkabout Campground. *Planning Commission recommends approval.*

RESULT: APPROVED [UNANIMOUS]
MOVER: James McClain, Mayor Pro Tem
SECONDER: James W Galloway, Councilman
AYES: McClain, Day Jr., Galloway, McClain

4. Approval Of: Variance for St. Vincent Health Clinic -

Reduction in signage setback to allow (1) directional ground sign with an overall height of 5' 6" to be installed near property entrances. This property is zoned C-3, located at 1375 E. King Avenue, Kingsland, GA 31548. *Planning Commission recommends approval.*

RESULT: APPROVED [UNANIMOUS]
MOVER: Michael J McClain, Councilman
SECONDER: Charles Grayson Day Jr., Councilman
AYES: McClain, Day Jr., Galloway, McClain

5. Approval Of: Variance for Evergreen Missionary Baptist Church -

Variance to allow (3) post and panel signs to be installed on the property. This parcel is zoned R-1, and is adjacent to 1365 Kinlaw Road, Kingsland, GA. 31548. *Planning Commission recommends approval.*

RESULT: **APPROVED [UNANIMOUS]**
MOVER: James McClain, Mayor Pro Tem
SECONDER: Charles Grayson Day Jr., Councilman
AYES: McClain, Day Jr., Galloway, McClain

VIII. NEW BUSINESS

1. Approval Of: Bid Award for Water Tank Maintenance Services Including the Installation and Maintenance of PAX (Or Equivalent) Mixers for the Purpose of Improving Water Quality and Residual Control in Each Tank. -

Council awarded the Annual Water Tank Maintenance bid to Suez/Utility Services Inc. at the July 9th meeting, this award is for the installation of PAX Mixers in each tank for a one time cost of \$89,049.00. *Staff recommends SUEZ/Utility Service Co., Inc.*

RESULT: **APPROVED [UNANIMOUS]**
MOVER: James McClain, Mayor Pro Tem
SECONDER: James W Galloway, Councilman
AYES: McClain, Day Jr., Galloway, McClain

2. Approval Of: 2018-2019 School Resource Officer Service Agreement - Police Chief Darryl Griffis

Service agreement between the City of Kingsland and Camden County Board of Education to provide for three (3) school resource officers, the contract amount reflects the requested increase to cover recent salary adjustments in the Police Department. *Staff recommends approval.*

RESULT: **APPROVED [UNANIMOUS]**
MOVER: James W Galloway, Councilman
SECONDER: Michael J McClain, Councilman
AYES: McClain, Day Jr., Galloway, McClain

3. Approval Of: 2018-2018 Watershed Monitoring Scope of Work and Budget -

Scope of Work and Budget for year four of the Watershed Protection Plan Monitoring submitted by Nutter & Associates to implement required 2018-2019 annual reporting pursuant to the approved February 2012 Watershed Protection Plan. *Staff recommends approval.*

RESULT: APPROVED [UNANIMOUS]
MOVER: James McClain, Mayor Pro Tem
SECONDER: Charles Grayson Day Jr., Councilman
AYES: McClain, Day Jr., Galloway, McClain

4. Approval Of: Rental Agreement and Rate Structure for the Rental of City Facilities -

Council approved the rental of certain city facilities for public use on August 28, 2017. A survey of comparable private facility rental rates has been updated and the suggested city rental rates are included on the attached application form. *Staff recommends approval.*

Mayor Smith stated that based on the study he felt that the City of Kingsland's rental fee was the highest rate and did not think that was fair.

RESULT: APPROVED [UNANIMOUS]
MOVER: Michael J McClain, Councilman
SECONDER: James W Galloway, Councilman
AYES: McClain, Day Jr., Galloway, McClain

IX. EXECUTIVE SESSION

Councilman Day made a motion to enter into Executive Session. Councilman Galloway seconded the motion. The motion carried.

Executive Session began at 8:24 PM.

1. Personnel Issue -

At 9:10 PM Councilman Day made a motion to reconvene. Councilman Mike McClain seconded the motion. The motion carried.

Mayor Smith stated that no votes were taken in the Executive Session.

X. MAYOR AND COUNCIL ANNOUNCEMENT

None

XI. ADJOURNED

Councilman Mike McClain made a motion to adjourn. Councilman Day seconded the motion. The motion carried.

The meeting adjourned at: 8:11 PM.

Kenneth E. Smith, Sr., Mayor

ATTEST:

Linda M. O'Shaughnessy, City Clerk