



CITY OF PORT WENTWORTH

CITY COUNCIL

OCTOBER 27, 2022

Council Meeting Room

Regular Meeting

7:00 PM

7224 GA HIGHWAY 21
PORT WENTWORTH, GA 31407

1. CALL MEETING TO ORDER

Mayor Gary Norton called the meeting to order.

2. PRAYER AND PLEDGE OF ALLEGIANCE

Council Member Rufus Bright led in prayer and the Pledge of Allegiance.

3. ROLL CALL - CLERK OF COUNCIL

Attendee Name	Title	Status	Arrived
Gary Norton	Mayor	Present	
Thomas Barbee	Mayor Pro Tem	Present	
Jo Smith	Council Member	Present	
Gabrielle Nelson	Council Member	Present	
Mark Stephens	Council Member	Present	
Rufus Bright	Council Member	Present	
Glenn Jones	Council Member	Present	

4. APPROVAL OF AGENDA

A.

RESULT: APPROVED [UNANIMOUS]
MOVER: Glenn Jones, Council Member
SECONDER: Rufus Bright, Council Member
AYES: Barbee, Smith, Nelson, Stephens, Bright, Jones

5. RECOGNITION OF SPECIAL GUESTS

6. PUBLIC COMMENTS - REGISTERED SPEAKERS

A. Willie Johnson

Willie Johnson spoke on the following topic(s):

- Community Infrastructure
- Warehouses
- Rezoning

B. Janet Hester

Janet Hester spoke on the following topic(s):

- Selling of Hester Farms
- Historic Designation
- Industrial Rezoning

C. Lynette Hohnerlein

Lynette Hohnerlein spoke on the following topic(s):

- Rezoning

D. Trevor Ferguson

Trevor Ferguson spoke on the following topic(s):

- Town Hall
- Complaint against a City Employee
- Horizon Rezoning
- Water Meters

E. Kellie Powell

Kellie Powell spoke on the following topic(s):

- Water Meter
- Planning Commission

F. Lauree Morris

Lauree Morris spoke on the following topic(s):

- Planning Commission

G. Georgia Benton

Georgia Benton spoke on the following topic(s):

- Voting (TSPLOST)
- Minutes
- Planning Commission

H. Joe Matz

Joe Matz spoke on the following topic(s):

- Waste RFP

I. Avril Roy-Smith

Avril Roy-Smith spoke on the following topic(s):

- Planning Commission

7. ELECTIONS & APPOINTMENTS

A. Planning and Zoning Board Appointments

Councilman Barbee made the motion to relieve Lauree Morris from the planning commission and appoint Christopher Gray, Nishant Randerwala, Charlene Middleton, and Sean Register, and it was second by Councilman Bright.

Councilwoman Smith explained that having Sean Register on the board could be a conflict of interest because the most controversial issues deal with warehouses and he has an industrial business so he would have to recuse himself from a lot of the votes. He is also on the Bryan County development authority and their job is to bring in business, and there has always been a conflict on the planning commission between the pro

business/warehouse and the citizens. He is also an ambassador for the Ports who would love to see more warehouses.

Councilman Jones stated that what is being done with the planning commission is similar in structure to other cities planning commissions such as Savannah and Pooler.

Council Member Nelson stated that she was unaware of the time change and stated that she does not want to rob someone else of that opportunity because for her personally she would have not be able to serve with that time change in place. She also apologized to the individuals that she recommended to the board because she did not tell them about the time change(being that she did not know). She also explained that she knew and understood that other places meet during the day as well.

Council Member Smith stated that it also limits the public ability to attend which is extremely important.

Council Member Stephens asked how long was City Hall opened past five during a month, and Mr. Davis said none except for meetings. Council Member Stephen and Mr. Davis explained that with the Planning and Council meetings its about three to five nights a month if not more due to other events. Mr. Davis stated that the goal was to depoliticize the board. Mr. Davis also explained that professionalism includes communication, collaboration, and working as a team.

Council Member Smith stated that it is also arguable that it was a disproportionate response. She also asked if they could discuss other individuals to add to the board such as Trevor Ferguson and Avril Roy- Smith because their resumes are impressive and they always attend. However, Mr. Davis said that there were only 4 seats available.

RESULT:	APPROVED [5 TO 1]
MOVER:	Thomas Barbee, Mayor Pro Tem
SECONDER:	Rufus Bright, Council Member
AYES:	Barbee, Nelson, Stephens, Bright, Jones
NAYS:	Smith

8. ADOPTION OF MINUTES

A. Regular Council Meeting Minutes - September 22, 2022

1.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mark Stephens, Council Member
SECONDER:	Thomas Barbee, Mayor Pro Tem
AYES:	Barbee, Smith, Nelson, Stephens, Bright, Jones

9. COMMUNICATIONS & PETITIONS

A. Comprehensive Plan Review – Horizon Planners

Paul Leblanc discussed the Comprehensive Plan Review by sharing a presentation with the Council and Citizens. Mr. Leblanc explained that the Comprehensive Plan is a citizen involved effort to chart the future of the city, establish a vision, in study and assess community issues, it is also a guide while zoning is land-use law. He also explained that Georgia DCA requires an update to the plan every five years to be a qualified local government for financial assistance, grant eligibility, etc. Some of the issues that were found included poor public input and vision- low survey response, broad goals, work program is not clearly tied to goals and objectives, character areas-have no background

information/ justification is unclear. He also discussed topic area issues that included housing, transportation, coastal vulnerability, economic development, broadband, work program. The recommendations discussed in the presentation included civic engagement, future land use planning, and focus areas. He stated that in the report that was given there was a lot more detail, and that the Comprehensive Plan should be for the community not just something that satisfy state requirements. Also, because of the new zoning ordinance update it would be beneficial to have a Comp Plan that looks at the community and identifies what you want the community to be and talks about the issues and how to address them.

Council Member Nelson expressed the city's appreciation to Horizon for putting the work in. She also explained that she believes that we have voices that will now speak up and make sure that everyone is protected and treated fairly.

B. Clearwater Solutions Update

Mr. Davis explained to council that a notice was served to Clearwater of breach of contract and after assessments were done of the waste water treatment plant an addendum was filed to the breach. The response to the addendum is currently being reviewed by both legal and staff and no decisions have been made on the final breach of contract. He asked council to consider a thirty day enhanced spending authority to handle some repairs during this time frame and for the contractor that we have brought in to manage the waste water treatment plant during this time, this is also because most of the repairs at the plant cost more than twenty- five thousand dollars.

Councilman Jones stated that he has met with Mr. Davis a few times on the matter and as he stated today there are still findings to be found, therefore, he made a motion to amend Clearwater's contract to allow them 1 year once the suspension is over to give staff and Clearwater ample amount of time to go through the findings and at the end of the year if we still aren't happy then we move forward. It was second by Councilwoman Smith. Mr. Davis explained to Council that he didn't believe that they could unilaterally change the contract. The City Attorney then explained that would be a material change that would reopen negotiations and open the actual contract and if they say no then we would still be under the original contract, right now we are within a thirty day cure period and review of their proposals for all of the cure, which is what the contracts allows us to do. Making changes to the contract in this time period could have some long range consequences. Councilman Jones stated that we do this after the cure period, and the city attorney asked that the council table the motion and the vote until after executive session so that he could answer his question thoroughly. Councilman Jones stated that he knows that contracts can be amended and that he agrees with him that nothing should be done during the cure period, however, this could be more long range because we just received their response and we are only a few days away from the suspension being over.

Councilwoman Smith stated that she believes that they understand the seriousness of it , being that they may lose their entire contract. Therefore, she has no problem give them another shot.

Councilman Stephens explained that we have been going back and forth with them since last year when there was a spill the Councilwoman Nelson had to alert everyone about. The remedy then was a month to month until the end of the year- that should have been a sign to get your act together. After that a three year contract was given, however, there was complaints from citizens about them not doing their job, and ruining our equipment. They swore at the podium that they would hire people, but they ended up losing people instead. When is enough enough, because it is time to kick them out and bring someone else in or bring the entire function back into the City.

Mr. Davis asked that we go into executive session before a vote is held because the review is not complete and the summary of the assessment has not been shared with the council so they do not have all of the information.

Councilman Jones stated you do not go into executive sessions to speak on things like that because the public needs to hear this, unless speaking of legalities. The City Attorney stated that the reason he asked for executive session was because this could potentially be litigation.

Councilwoman Nelson stated that she just wanted to hear the results and get all of the information needed before making a decision.

With the motion on the floor Council Members Bright, Barbee, Jones, and Smith voted Yes, and Council Members Nelson and Stephens voted No.

Following the Vote Councilman Stephens made a motion to go into executive session to discuss Clearwater Second by Councilwoman Nelson, the vote was unanimous.

Councilman Stephens made a motion to reconvene and it was second by Councilman Barbee.

Councilman Barbee made a motion to rescind the vote to amend Clearwater's contract that was made before going into executive sessions and to wait until the cure period is over, and it was second by Councilman Jones. The vote was unanimous.

10. COMMITTEE REPORTS

A.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Rufus Bright, Council Member
SECONDER:	Mark Stephens, Council Member
AYES:	Barbee, Smith, Nelson, Stephens, Bright, Jones

11. CONSENT AGENDA

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mark Stephens, Council Member
SECONDER:	Thomas Barbee, Mayor Pro Tem
AYES:	Barbee, Smith, Nelson, Stephens, Bright, Jones

A. Resolution Retired Educators

Mrs. Roberts from the Retired Educators Association accepted the proclamation that was adopted by council. Mrs. Roberts also recognized Mrs. Georgia Benton as a retired educator as well and thanked the City of Port Wentworth for the honor of being able to receive the proclamation, letting everyone know that they are still helping the children through volunteer work to make sure that they get the best education.

B. Garden City Automatic Aid

12. UNFINISHED BUSINESS

13. NEW BUSINESS

A. Donation of Houlihan Bridge Boat Ramp

Mayor Norton explained that one of the International Paper vice presidents from corporate was the their mill site and he started talking to him about the boat ramp and the lease was coming up in November of that year, so he asked if International Paper would consider giving the boat ramp to the city and he said consider it done. He stated

that conversation was two years ago and our City Attorney has worked out the contract now, and it will belong to the city from here on out.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Glenn Jones, Council Member
SECONDER:	Mark Stephens, Council Member
AYES:	Barbee, Smith, Nelson, Stephens, Bright, Jones

B. Real Estate Sale

Mr. Davis explained to council that this was a vacant lot that is .39 acres on South Coastal Highway. There is an unsolicited offer on this property by the neighboring property that owns 408 and 410, and they are offering thirty thousand dollars. This property is not large enough for us to use now or in the future.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Thomas Barbee, Mayor Pro Tem
SECONDER:	Rufus Bright, Council Member
AYES:	Barbee, Smith, Nelson, Stephens, Bright, Jones

C. RFP 22-0921 Sanitation

The two companies bid strictly on what was put out in the RFP. The City Manager explained that the concerns that were brought up from Waste Pro were not common knowledge, and that they have reviewed the contract with Republic. He also explained that this was a performance based RFP, and it had a very strict schedule, a mandatory pre-bid, all of the bids were sealed and opened together, and there was a question period but these questions and concerns about yard waste and MSW were never raised. Mr. Davis stated that his recommendation is to approve it for Atlantic, and if approved there is still a contract phase, so if there needs to be an adjustment to the actual bid price we can still do that based on the new information if its true.

Councilman Barbee stated that we should give each individual the opportunity to have things verified, and Mr. Davis said if it is true we merely modify what they've put forth in their proposal.

Councilman Bright asked if this new information would make the bids reopen, and the city attorney explained that we can still consider their proposal or we could table this until the next meeting until we verify and get more information.

Councilman Jones stated that it has already been bid and everyone has already saw the opposition's bid, and if you reopen the bid it can create a numerical nightmare.

Councilman Bright made a motion to go forward with the recommendation and it was second by Councilman Stephens.

RESULT:	APPROVED [5 TO 1]
MOVER:	Rufus Bright, Council Member
SECONDER:	Mark Stephens, Council Member
AYES:	Smith, Nelson, Stephens, Bright, Jones
NAYS:	Barbee

- D. Site Plan Review Application submitted by Felipe Toledo, P.E., Thomas & Hutton of behalf of LRE Crossgate North, LLC., for PIN # 7-0035-01-007 (Northeast corner of Crossgate Rd & Jimmy Deloach Parkway) for a Specific Development Site Plan to allow a warehouse development (NFI Crossgate Industrial Park) in a P-I-1 (Planned Industrial) Zoning District

Michael Landsburg Chief Development Officer with NFI came before council again and gave a brief background and history of NFI. He also explained that this was not apart of a rezoning or a moratorium. He explained that the rezoning was approved back in 2019 and that what's before council now is the site specific plan for that area.

Councilman Barbee said that it was approved by the planning commission with conditions, and asked if one of them was a left turning lane. Mr. Landsburg said that was discussed as well as other minor engineer concerns since then they have met with staff and addressed those concerns, with the left turn lane they stated that they were ok to do that and they have a no left turn coming out of the site.

Councilman Stephens asked the Public Works Director if all of the conditions that were brought up on the 10th have been addressed and satisfied, and Mr. Senati stated that all except the water sewer agreement. Councilman Barbee asked if that was going to stop them from being able to build and Mr. Senati said no.

Councilwoman Nelson said that when he stated that they were involved in the community it stuck out to her because we do need community partners and would love to see it happen with them. She also said that if they are doing something within the city let the community know so then maybe the opinions on warehouses will change. She also explained that the impact fees is another determining factor as well, and Councilwoman Smith stated that she would like them to focus on Port Wentworth and figure out what our community needs.

Councilman Jones wanted to know if they were widening that road to get a left turn lane and who was going to fund the left turn lane, Mr. Landsburg said that they would be putting in the lane and used the maps presented to council to show how the lane will fit.

Councilman Barbee made a motion to approve with the left hand turning lane and it was second by Mark Stephens.

Councilman Jones stated that when the lane is put in that it should be cement ready.

RESULT:	APPROVED [5 TO 1]
AYES:	Barbee, Smith, Stephens, Bright, Jones
NAYS:	Nelson

- E. Ethics Ordinance-1st Reading

Councilman Barbee explained that each city and municipalities have what's called home rule and we can take what we have and make it better, the last ethics ordinance was voted on in 2017 and it has been available for those that would like to read it. Councilwoman Nelson explained that this ordinance will allow us to be recognized by the state through GMA as a city of ethics, and this will also allow council to hold themselves accountable as well.

- F. Zoning Map Amendment Application submitted by David Smith, Kimley-Horn, on behalf of Joseph H. Honerlein, for PIN # 70976 01012B (640 Highway 30) to Rezone from RA (Residential Agriculture) to P-C-3 (Planned General Business) Zoning District for the purpose of a Convenience Store / Fuel Service Station (Parker's kitchen) 1st Reading

Mr. Windsor with Parker's Company discussed the purpose of the rezoning to a PC3 which would be for a convenient store.

Councilwoman Nelson stated that she is curious about that area and wanted to know if there were any other homes in that area who are adverse to this.

Mr. Jeffers explained that he joins the property and all he asked for is a fifty foot buffer, which they have agreed to.

Councilman Stephens stated that he lives in that area and everyday around rush hour it is packed, and putting a gas station there will exacerbate the problem.

Councilman Jones explained that when Effingham opens up their connecting street then Parkers may end up going on their side, and when it comes to the trucks the city cannot stop them due to the street being a state street. He then asked the representatives from Parker's if they were planning on doing diesel for trucks. The representative said they draw up a number of concepts to see what fits the area best and found that diesel wouldn't be good so what was before them was a standard C store. He also explained that the project is proposed for 2025 because that is when the Effingham Parkway is supposed to be completed. The property is currently under contract and before they continue they have to get it properly zoned for the purpose of their use.

The real estate representative for Parker's stated that seventy percent of the pass by trips, these are trips that are already on highway 30 we won't be generating more traffic, and a portion of those trips won't even enter the roundabout because those headed to Effingham will access Effingham Parkway through the right out on their street.

Mr. Davis explained that the Planning Commission unanimously denied this based on the traffic and access. He also stated that they were asking for a PC3 which will allow them to maneuver around the actual commercial standards. The real estate representative stated that it wasn't denied, but it was recommended for denial and they were advised to apply for a PC3 by City of Port Wentworth staff, but they are okay with doing the C3.

Councilwoman Smith asked if they were a franchise and was told no.

Councilwoman Nelson asked if we could wait until TSPLOST passes because we would be adding to traffic and what if TSPLOST doesn't pass, then funds will have to be relocated.

Mr. Davis pointed out that there was another access issue with the property owner who spoke against the development, and he believes that more discussion needs to be had.

Mrs. Lynette Hohnerlein stated that the only property owner next to her is Mr. Jeffers and he didn't speak in opposition, and Mr. Davis said that he didn't have his notes in front of him but he would provide the council with those notes before the next meeting.

14. RESOLUTIONS/ORDINANCES/PROCLAMATIONS

15. EXECUTIVE SESSION

Before going into executive session the following motion was made:

Councilman Barbee made a motion to change the Regular Council Meeting date from November 15, 2022 to November 7, 2022 and it was second by Councilman Bright. The vote was unanimous.

Councilman Stephens made a motion to go into executive session and it was second by Councilman Barbee. The vote was unanimous.

Councilman Bright made a motion to reconvene and it was second by Councilman Barbee. The vote was unanimous.

Councilman Barbee made a motion to increase all of the city workers pay by 7.5% and it was second by Councilwoman Smith. The vote was unanimous.

Councilman Stephens made a motion to accept the offer made by the Hester's at the price agreed to for the 66 acres on Monteith and it was second by Councilman Bright. The vote was unanimous.

Councilman Bright made a motion to adjourn and it was second by Councilman Stephens. The vote was unanimous.

- A. Personnel
- B. Litigation
- C. Real Estate

16. ADJOURNMENT

There being no further business, Councilman Bright made a motion to adjourn and it was second by Councilman Stephens. The vote was unanimous.

Mayor Gary Norton

The foregoing minutes are true and correct and approved by me on this _____ day of _____, 2022.

ATTEST:

Zahnay Smoak, Clerk of Council