

A G E N D A
City Council Meeting
Monday, May 2, 2022 – 6:00 p.m.

➤ **OPENING**

- **Call to Order**
- **Invocation**
- **Pledge of Allegiance**
- **Roll Call**
- **Presentations:**

➤ **FORMAL PUBLIC COMMENT:**

- **Presentation of the SR 21 Access Management Report by Savannah Metropolitan Planning Commission Representatives.**

Formal Public Comment – City Council Agenda Protocol

The City of Garden City has identified this portion of the meeting to allow individuals an opportunity to formally address the City Council on issues of importance. Garden City requires that individuals who desire to formally address the City Council submit a written request form outlining the subject matter that they intend to discuss so that they can be placed on the meeting agenda. Members of the public desiring to be placed on the agenda to present or address matters to the City Council must submit a formal ***“REQUEST TO BE PLACED ON THE CITY COUNCIL AGENDA”*** form to the Office of the City Manager at least 10 days prior to the requested City Council meeting date that you wish to speak. City Council meetings are held on the first and third Monday of each month so the request must be submitted no later than 5:00 pm on the Friday which constitutes 10 days prior. The request can be done in person, regular mail, fax or e-mail and the speaker should obtain acknowledgement of the request from the City to demonstrate that the 10 day requirement has been met. The request form may be obtained from the Office of the City Manager and on the City's website www.gardencity-ga.gov. The request should state the name of the individual(s) desiring to be heard and the subject matter to be presented to City Council. Requests may be referred at the discretion of the City Manager, to appropriate staff for mediation prior to being placed on the public agenda. Please be advised the completion of a request form does not entitle the speaker to be added to the agenda.

➤ **PUBLIC HEARINGS** – No public hearings

Speaking to a Public Hearing Item Protocol

In the interests of time and to ensure fairness of all persons who appear before the City Council to speak for or against a public hearing item, speakers will be limited to three (3) minutes each to address City Council except as described herein. One speaker for the Petitioner may address the City Council for no more than 10 minutes, unless extended by the Mayor. In an effort help the City Council and the general public to better understand the issues, the Mayor may request that a City staff member address the City Council from the podium. Speakers from the general public may only speak when recognized by the Mayor during the public hearing. Speakers will be asked to come to the podium to address the City Council for three (3) minutes and they shall state their name and resident address for the record.

Speakers addressing City Council on a public hearing item should coordinate comments to respect City Council's time limits. Groups should select a spokesperson to present the major points that summarize their position and opinions. Speakers are urged to be brief and non-repetitive with their comments. Comments shall specifically address the public hearing item before the City Council, and the speaker shall maintain appropriate tone and decorum when addressing the City Council. City Council may ask questions of the applicant, speakers, or staff during these proceedings only for the purpose of clarifying information. The speaker shall not direct derogatory comments to any individual, organization, or business. At the conclusion of the three (3) minute time period, the speaker will be notified that his/her time has elapsed and the next speaker will be recognized to come forward to the podium and address the City Council. Once the public hearing is closed on an item, there will be no further opportunity for formal or informal public input at a City Council meeting.

***PROCEDURES FOR CONDUCTING PUBLIC HEARINGS ON PROPOSED ZONING DECISIONS BEFORE
GARDEN CITY'S MAYOR AND COUNCIL AND STANDARDS GOVERNING THE EXERCISE OF
CITY COUNCIL'S ZONING POWER***

Procedures for Conducting Public Hearings on Proposed Zoning Decisions:

All public hearings conducted by the Mayor and Council on Garden City, Georgia, on proposed zoning decisions shall be conducted as follows:

- (1) All public hearings by the Mayor and Council on zoning amendments shall be chaired by the Mayor.
- (2) The Mayor shall open the hearing by stating the specific zoning amendment being considered at the public hearing and further stating that printed copies of the adopted standards governing the exercise of the Mayor and Council's zoning power and the procedures governing the hearing are available to the public.
- (3) The Director of the City's Planning and Zoning Department shall advise the Mayor and Council of the recommendation of the Planning Commission when applicable.
- (4) The Mayor shall determine the number of attendees who desire to testify or present evidence at the hearing.
- (5) When there is a large number of individuals wishing to testify at a hearing, the Mayor may invoke time limits on individual speakers. In such cases, these time limits shall apply to all speakers. Proponents, including the petitioner or the petitioner's agent requesting the zoning decision, shall have no less than ten (10) minutes for the presentation of data, evidence, and expert opinions; opponents of the proposed decision shall have an equal minimum period of time. The Mayor may grant additional time; provided, however, an equal period of time shall be granted both sides.
- (6) The petitioner requesting such zoning decision, or the applicant's agent, shall be recognized first and shall be permitted to present and explain the request for the zoning decision. Thereafter, all individuals who so desire shall be permitted to speak in favor of the zoning decision.
- (7) After all individuals have had an opportunity to speak in accordance with subparagraph (6) above, those individuals present at the public hearing who wish to speak in opposition to the requested zoning decision shall have an opportunity to speak.
- (8) The Mayor may limit repetitious comments in the interest of time and may call for a show of hands of those persons present in favor of or opposed to the proposed decision.
- (9) It shall be the duty of the Mayor to maintain decorum and to assure the public hearing on the proposed decision is conducted in a fair and orderly manner.
- (10) Once all parties have concluded their testimony, the Mayor shall adjourn the public hearing.

Standards Governing the Exercise of The Zoning Powers of Garden City's Mayor and Council:

Prior to making a zoning amendment, the Mayor and Council shall evaluate the merits of a proposed amendment according to the following criteria:

- (1) Is this request a logical extension of a zoning boundary which would improve the pattern of uses in the general area?
- (2) Is this spot zoning and generally unrelated to either existing zoning or the pattern of development of the area?
- (3) Could traffic created by the proposed use or other uses permissible under the zoning sought traverse established single-family neighborhoods on minor streets, leading to congestion, noise, and traffic hazards?
- (4) Will this request place irreversible limitations or cause material detriment on the area similarly zoned as it is or on future plans for it?
- (5) Is there an imminent need for the rezoning and is the property likely to be used for the use requested?
- (6) Would the proposed use precipitate similar requests which would generate or accelerate adverse land use changes in the zone or neighborhood?

➤ Approval of City Council Minutes

- Consideration of April 18, 2022, Pre-Agenda Session Minutes and Council Meeting Minutes.

City Manager's Report

- Updates and announcements

➤ ITEMS FOR CONSIDERATION

- **Ordinance, Zoning Text Amendment (RV services & trailer sales in mix-use districts):** An ordinance to amend the zoning ordinance of Garden City, Georgia, as amended, to amend paragraph 66A of Section 90-47 (B) to permit the repair of trucks, manufactured homes, recreational vehicles, and trailers in mixed-use (M) zoning districts within the City conditioned upon approval by the Board of Zoning Appeals; to amend paragraph 72A of Section 90-47 (B) to permit recreational vehicle sales in mixed-use (M) zoning districts within the City conditioned upon approval by the Board of Zoning Appeals.
- **Ordinance, Stop Sign Intersections:** An Ordinance to amend the Code of Ordinances for Garden City, Georgia, as amended, to amend Code Section 78-8 and Article VI of Appendix B, which is incorporated therein by reference, to provide for stop signs for traffic traveling north, east, and west at the intersections of Nelson Avenue & Azalea Avenue and Talmadge Avenue & Old Louisville Road; to provide for stop signs for traffic traveling east, north, and south at the intersections of Camellia Avenue & Azalea Avenue; Lee Avenue & Redmond Avenue, and Varnedoe Avenue & Russell Avenue; to provide for stop signs for traffic traveling in all directions at the intersection of Varnedoe Avenue & Rommel Avenue.
- **Resolution, Major Subdivision Request (CenterPoint Logistics Park):** A resolution approving the final major subdivision plat for the subdivision of a 72.81-acre tract located at 0 Travis Field Road into seven lots owned by CenterPoint Kahn Garden City LLC.
- **Resolution, Moratorium (Industrial Rezoning):** A resolution imposing a moratorium for a period not to exceed six (6) months on the re-zoning of any property to an industrial zoning classification or district while the city considers changes to its zoning ordinances.
- **Resolution, American Rescue Plan Act (ARPA) State & Local Fiscal Recovery Funds (SLRF):** A resolution to approve the use of the Coronavirus Local Fiscal Recovery Funds, allotted to the City under the American Rescue Plan Act, for the replacement of lost public sector revenue for funding government services up to the amount of revenue loss due to the pandemic; to claim the standard allowance of up to \$10 million, not to exceed the total amount of the City's fund allocation, for identifying the City's revenue loss to the United States Treasury Department; to authorized and direct the City Manager and Finance Director to take such administrative steps as are necessary to carry out the terms and intent of this resolution and to provide all compliance activities and reporting as required by the United States Treasury Department to document compliance with the regulations which are issued on the use of such funds.
- **Resolution, Purchase Proposal - 2022 Ford Regular Cab Truck for Parks & Recreation:** A resolution approving the proposal of O.C. Welch Ford of Hardeeville, South Carolina, to sell the City one 2022 Ford F-150 4x2 regular cab truck at the price of \$28,540.00, and to authorize the City Manager to sign the purchase contract or purchase order for the vehicle.

- **Resolution, Purchase Quotes – Lawnmowers for Parks & Recreation:** A resolution approving the price quotes from area lawn machinery vendors for the purchase of a new John Deere Z293M ZTrak Zero Turn Mower from Blanchard Equipment Company at the price of \$10,893.48 and the purchase of a new Exmark Lazer, E Series Zero Turn Mower from Andy's Lawn Machinery at the cost of \$10,995.05.

- **Resolution, Quitclaim Deed for the Unopen Portion of Kisan Drive:** A resolution approving the request made by Lighthouse Baptist Church for quitclaim conveyance from the City for the unopened Kisan Drive right-of-way accessing Kisan Plaza from Dean Forest Road.

➤ RECEIPT OF INFORMAL PUBLIC COMMENT:

- **Procedure:** To best manage this section of the meeting, any person who desires to address the City Council must sign up using the process outlined on the website where this meeting is advertised. Once recognized by the Mayor, the person will be allowed to speak in accordance with the Informal Public Comment – Speaker Protocols outlined below.

Informal Public Comment – Speaker Protocol

The City of Garden City believes that any member of the general public should be afforded the opportunity to address the City Council provided that designated rules are followed by the speaker. Any member of the public who wishes to address the City Council and offer public comment on items within the City Council's jurisdiction, may do so during the Informal Public Comment period of the meeting. However, no formal action will be taken on matters that are not part of the posted agenda. Informal Public Comments are scheduled for a total of fifteen (15) minutes and each person will be limited to three (3) minutes. In order to ensure the opportunity for all those desiring to speak before the Council, there is no yielding of time to another speaker. Speakers not heard during the limited fifteen (15) minute period will be first to present their comments at the next Council meeting. The opportunity to address City Council on a topic of his/her choice shall be used by an individual only one (1) time per month. It may not be used to continue discussion on an agenda item that has already been held as a public hearing. Matters under negotiation, litigation, or related to personnel will not be discussed. If a member of the general public would like to address the City Council during the Informal Public Comment portion of the meeting, please respectfully indicate your desire to address the City Council when the Mayor solicits members of the general public to come forward and speak. You will be recognized by the Mayor and asked to come forward to the podium so that you can address the City Council in accordance with the rules outlined herein. Once the speaker has been recognized to speak, he/she will be given three (3) minutes to address the City Council. The speaker should not attempt to engage the City Council and/or Staff in a discussion/dialogue and the speaker should not ask specific questions with the expectation that an immediate answer will be provided as part of the three (3) minute time frame since that is not the intent of the Informal Public Comment period. If the speaker poses a question or makes a request of the City, the Mayor may refer the issue or request to the City Manager for follow up. At the conclusion of the three (3) minute time period, the speaker will be notified that his/her time has elapsed and the next speaker will be recognized to come forward to the podium and address the City Council. The Mayor may rule out of order any Speaker who uses abusive or indecorous language, if the subject matter does not pertain to the City of Garden City, or if the Speaker(s) attempts to engage the City Council Members in a discussion or dialogue on issues. City Council shall not discuss non-agendized matters because it does not give the public adequate notice. Accordingly, City Council shall be limited to asking factual and clarifying questions of staff, and when appropriate, the Council may consider placing a matter on a future agenda. In addition, it is not reasonable to expect staff to respond to any of a variety of issues on which they may or may not be prepared to respond to on a moment's notice, so the City Manager may respond, or direct staff to respond at a later time.

➤ ADJOURN

SYNOPSIS
Pre-Agenda Session
Monday, April 18, 2022 – 5:30 p.m.

Call to Order: Mayor Bethune called the pre-agenda session to order at approximately 5:30 p.m.

Attendees

Council Members: Mayor Don Bethune, Mayor Pro-tem Bruce Campbell, Councilmember Marcia Daniel, Councilmember Richard Lassiter, Councilmember Natalyn Morris, Councilmember Debbie Ruiz, and Councilmember Kim Tice.

Staff Members: Scott Robider, City Manager; James P. Gerard, City Attorney; Rhonda Ferrell Bowles, Finance Director/Clerk of Council; Gil Ballard, Chief of Police; Mike Dick, Fire Chief; Jon Bayer, Public Works Director; Cliff Ducey, Recreation Director; Yolanda Irizarry, HR Director; and Chris Snider, Systems Administrator.

Review of Council Agenda Items: The City Manager gave an overview of the items on the agenda. He noted that the staff reports had been simplified.

Councilmember Tice asked how the forum went on Friday. The City Manager replied that we had about ten people attend the zoom meeting. He stated that he plans on holding another session soon. He noted that it is an excellent way of connecting with as many people as possible.

Councilmember Morris asked if they were communicating with the city manager only or were they communicating with the mayor and council too. Mayor Bethune replied that they were communicating with the city manager, but I and some other council members attended the zoom meeting. Councilmember Ruiz stated that she attended but just listened.

Mayor Bethune asked Councilmember Morris if she wanted a meeting scheduled with the railroad in her area. Councilmember Morris replied yes if possible. He stated that the railroad has been reluctant in the past about attending meetings, but we can try to get something set up.

The City Manager stated that the meeting held at the senior center with Lee Beckman from GPA and Connor Poe from Norfolk Southern Railroad went well. He stated that Norfolk plans to start taking up the train tracks in the old section of Garden City as soon as a crew is available. He said that once the tracks are up, we will be working with Trails and Rails to create walking trails where the tracks used to be. Mayor Bethune stated that they have to have the tracks up by January 2023.

The City Attorney stated that he spoke with the Federal Railroad Association Office of Safety, and they sent an app that you can use to report railroad crossing blockages. He said there is a threshold to how many you register, which levels an investigation. He stated that our complaint had been referred to the Federal Railroad senior management staff for handling. He noted that he would give the senior-level staff time to see what they do.

Mayor Bethune commended the city manager, recreation staff, and public safety staff for a successful Easter Eggstravaganza event.

The Recreation Director invited the City Council and staff to attend the cookout tomorrow hosted by the senior citizens at Sharon Park.

Councilmember Daniel inquired about the status of the Evergreen Study. The City Manager stated that we have the preliminary study. He noted that the HR Director has to review the compensation update, and any salary adjustments would need to be implemented in phases.

Adjournment: There being no further items to discuss, the Mayor and City Council unanimously adjourned the pre-agenda session at approximately 5:55 p.m.

*Transcribed & submitted by: Clerk of Council
Accepted & approved by: City Council 5/2/22*

MINUTES

City Council Meeting Monday, April 18, 2022 – 6:00 p.m.

Call to Order: Mayor Bethune called the meeting to order at approximately 6:00 p.m.

Opening: Scott Robider, City Manager, gave the invocation, and Mayor Bethune led the City Council to pledge allegiance to the flag.

Roll Call

Council Members: Mayor Don Bethune, Mayor Pro-tem Bruce Campbell, Councilmember Marcia Daniel, Councilmember Richard Lassiter, Councilmember Natalyn Morris, Councilmember Debbie Ruiz, and Councilmember Kim Tice.

Staff Members: Scott Robider, City Manager; James P. Gerard, City Attorney; Rhonda Ferrell Bowles, Finance Director/Clerk of Council; Gil Ballard, Chief of Police; Mike Dick, Fire Chief; Jon Bayer, Public Works Director; Cliff Ducey, Recreation Director; Yolanda Irizarry, HR Director; and Chris Snider, Systems Administrator.

Presentations

2022 Black History Month Elementary Student Art Contest Winner: The City Manager presented a certificate and a city challenge coin to Garden City Elementary Student Charley Lambert, the first-place winner of the black history month art contest.

Proclamation: Mayor Bethune read a proclamation recognizing April 24-30, 2022, as Georgia Cities Week.

Public Hearings

PC2208, Zoning Text Amendment Request: Mayor Bethune opened the public hearing to receive public comment on a request by Graham Moore for a zoning text amendment to modify Section 90-47 (66A) and 90-47 (66B) to allow RV service and RV Trailer Sales in mix-use zoning districts.

The City Manager gave an overview of the zoning text amendment to allow RV service and RV trailer sales in mix-use zoning districts.

There being no speakers for or against the zoning text amendment, Mayor Bethune closed the public hearing.

PC2209, Zoning Map Amendment Request: Mayor Bethune opened the public hearing to receive public comment on a request by Cathy Parlor to rezone two parcels on Kelly Hill Road, 1909 Highway 80 and 2011 Highway 80, from C-2 to I-1 for proposed use as an industrial warehouse.

The City Manager stated that the Planning Commission denied the rezoning request. He noted that the petitioner requested a continuance on the public hearing. City Attorney said that the last day that the public hearing could be held on is June 6, 2022.

Councilmember Daniel motioned to continue the public hearing to a future council meeting no later than June 6th. The motion was seconded by Councilmember Campbell and passed without opposition.

PC2210, Major Subdivision Request: Mayor Bethune opened the public hearing to receive public comment on a request by Brian C. Hollings to amend a major subdivision plat for CenterPoint Logistics Park.

The City Manager stated that this is a minor housekeeping item needed to complete the final plat for the CenterPoint Logistics Park.

Without speakers for or against the request, Mayor Bethune closed the public hearing.

City Council Minutes: Councilmember Campbell motioned to approve the minutes from the April 4th pre-agenda session, city council meeting, and the April 11th workshop synopsis. The motion was seconded by Councilmember Daniel and passed without opposition.

City Manager's Report: The City Manager gave an update on the railroad meeting held at the Senior Center. He stated that Norfolk Southern Railroad plans to have the tracks removed in the old section of Garden City by January 2023. He noted that after the tracks are removed, we will work with Trails and Rails on creating walking trails where the old train tracks used to be.

The City Manager stated that he held his first "Let's Talk" zoom meeting. He noted that the attendance was good, and it's an excellent way to connect with the community. He stated that he plans to hold another "Let's Talk" zoom meeting soon.

Items for Consideration

Resolution, GCPD Drone System: The Clerk of Council read the heading of a resolution approving the expenditure of \$39,981.99 from the 2022 SPLOST Fund Budget for police department capital expenditures for the purchase of an unmanned aerial system, together with all of the hardware and software and accessories therewith, and a three-day training course, from Flymotion, LLC, the lowest quoted vendor.

Councilmember Lassiter motioned to adopt the resolution. The motion was seconded by Councilmember Tice and passed without opposition.

Resolution, GCPD Stalker Radar Trailer: The Clerk of Council read the heading of a resolution approving the expenditure of \$10,792.00 from the 2022 SPLOST Fund Budget for the police department capital expenditures to purchase a Stalker Radar Trailer.

Councilmember Morris motioned to adopt the resolution. The motion was seconded by Councilmember Campbell and passed without opposition.

Informal Public Comment: Mayor Bethune stated that no speakers signed up to address the city council.

Adjournment: There being no further items to discuss, Mayor Bethune called for a motion to adjourn the meeting. Councilmember Lassiter motioned to adjourn the meeting at approximately 6:20 p.m. The motion was seconded by Councilmember Campbell and passed without opposition.

*Transcribed & submitted by: Clerk of Council
Accepted & approved by: City Council 5/2/22*

ORDINANCE 2022-001

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF GARDEN CITY, GEORGIA, AS AMENDED, TO AMEND CODE SECTION 90-47(B) BY ADDING PARAGRAPH 66B PERMITTING THE REPAIR OF RECREATIONAL VEHICLES IN HEAVY INDUSTRIAL (I-2) ZONING DISTRICTS WITHIN THE CITY, AND ALSO PERMITTING THE INDOOR REPAIR OF RECREATIONAL VEHICLES IN MIXED-USE (M) ZONING DISTRICTS WITHIN THE CITY CONDITIONED UPON APPROVAL BY THE BOARD OF ZONING APPEALS; TO AMEND PARAGRAPH 72A OF SECTION 90-47(B) TO PERMIT RECREATIONAL VEHICLE SALES IN MIXED-USE (M) ZONING DISTRICTS WITHIN THE CITY CONDITIONED UPON APPROVAL BY THE BOARD OF ZONING APPEALS; TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

BE IT ORDAINED by the Mayor and Council of Garden City, Georgia, and it is hereby ordained by the authority thereof that:

Section 1: Section 90-47(b) of the City's Code of Ordinances, entitled "Permitted Uses; Provisions Regarding Uses in Zoning Districts" is hereby amended by adding Paragraph (66b) permitting the repair of recreational vehicles in Heavy Industrial (I-2) zoning districts within the City, and also permitting the indoor repair of recreational vehicles in Mixed-Use (M) zoning districts within the City conditioned upon approval by the Board of Zoning Appeals. As added, said Paragraph 66b shall read as follows:

"(66b) Repairing Recreational Vehicles: M(B) & I-2.

Within Mixed-Use (M) zoning districts, all repair activities shall be conducted within an enclosed building on the premises.

Section 2: Section 90-47(a), Paragraph 66a, of the City's Code of Ordinances, entitled "Permitted Uses; Provisions Regarding Uses in Zoning Districts: Repairing Trucks, Manufactured Homes, Recreational Vehicles, and Trailers" is hereby amended to delete therefrom the use of repairing recreational vehicles which shall henceforth be provided for in Paragraph 66b. As amended, said Paragraph 66a shall read as follows:

"(66a) Repairing Trucks, Manufactured Homes, and Trailers: I-2."

Section 3: Section 90-47(b), Paragraph 72a, of the City's Code of Ordinances, entitled "Permitted Uses; Provisions Regarding Uses in Zoning Districts: Recreational Vehicle Sales" is hereby

amended to permit recreational vehicle sales in Mixed-Use (M) zoning districts located within the City conditioned upon approval by the Board of Zoning Appeals. As amended, said Paragraph 72a shall read as follows:

"(72a) *Recreational Vehicle Sales: M (B) & I-2.*"

Section 4. All ordinances or parts of ordinances in conflict therewith are hereby repealed.

Section 5. This ordinance shall become effective on the date of passage.

ADOPTED this the 2nd day of May, 2022.

RHONDA FERRELL-BOWLES
Clerk of Council

RECEIVED AND APPROVED this the 2nd day of May, 2022.

DON BETHUNE
Mayor

Read first time:

Read second time and approved:

ORDINANCE 2022 - 002

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES FOR GARDEN CITY, GEORGIA, AS AMENDED, TO AMEND CODE SECTION 78-8 AND ARTICLE VI OF APPENDIX B WHICH IS INCORPORATED THEREIN BY REFERENCE, TO PROVIDE FOR STOP SIGNS FOR TRAFFIC TRAVELING NORTH, EAST AND WEST AT THE INTERSECTIONS OF NELSON AVENUE & AZALEA AVENUE AND TALMADGE AVENUE & OLD LOUISVILLE ROAD; TO PROVIDE FOR STOP SIGNS FOR TRAFFIC TRAVELING EAST, NORTH, AND SOUTH AT THE INTERSECTIONS OF CAMELLIA AVENUE & AZALEA AVENUE, LEE AVENUE & REDMOND AVENUE, AND VARNEDOE AVENUE & RUSSELL AVENUE; TO PROVIDE FOR STOP SIGNS FOR TRAFFIC TRAVELING IN ALL DIRECTIONS AT THE INTERSECTION OF VARNEDOE AVENUE & ROMMEL AVENUE; TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Be it ordained by the Mayor and Council of Garden City, Georgia, and it is hereby ordained that the Code of Ordinances for Garden City, Georgia, as amended, be amended as follows:

Section 1: That Section 78-8 of the Code of Ordinances of Garden City, Georgia, entitled "Stop Intersections" is hereby amended by modifying Article VI of Appendix B which is incorporated into said Code Section, by changing the designation of the stop intersection at the intersection of Nelson Avenue and Azalea Avenue from one for traffic traveling North to one for traffic traveling North, East, and West so that stop signs shall be erected facing traffic approaching said intersection from the South, East and West. The stop intersection shall be reflected in Article VI of Appendix B as follows:

<u>Name of Street</u>	<u>Through Street</u>	<u>Direction of Travel</u>
Nelson Avenue	Azalea Avenue	North, East, and West

Section 2: That Section 78-8 of the Code of Ordinances of Garden City, Georgia, entitled "Stop Intersections" is hereby amended by modifying Article VI of Appendix B which is incorporated into said Code Section, by changing the designation of the stop intersection at the intersection of Talmadge Avenue and Old Louisville Road from one for traffic traveling North to one for traffic traveling North, East and West so that stop signs shall be erected facing traffic approaching said intersection from the South, East and West. The stop intersection shall be reflected in Article VI of Appendix B as follows:

<u>Name of Street</u>	<u>Through Street</u>	<u>Direction of Travel</u>
Talmadge Avenue	Old Louisville Road	North, East & West

Section 3: That Section 78-8 of the Code of Ordinances of Garden City, Georgia, entitled "Stop Intersections" is hereby amended by modifying Article VI of Appendix B which is incorporated into said Code Section, by changing the designation of the stop intersection at the intersection of Camellia Avenue and Nelson Avenue from one for traffic traveling East to one for traffic traveling East, North, and South so that stop signs shall be erected facing traffic approaching said intersection from the West, North, and South. The stop intersection shall be reflected in Article VI of Appendix B as follows:

<u>Name of Street</u>	<u>Through Street</u>	<u>Direction of Travel</u>
Camellia Avenue	Azalea Avenue	East, North, and South

Section 4: That Section 78-8 of the Code of Ordinances of Garden City, Georgia, entitled "Stop Intersections" is hereby amended by modifying Article VI of Appendix B which is incorporated into said Code Section, by changing the designation of the stop intersection at the intersection of Lee Avenue and

Redmond Avenue from one for traffic traveling East to one for traffic traveling East, North, and South so that stop signs shall be erected facing traffic approaching said intersection from the West, North, and South. The stop intersection shall be reflected in Article VI of Appendix B as follows:

<u>Name of Street</u>	<u>Through Street</u>	<u>Direction of Travel</u>
Lee Avenue	Redmond Avenue	East, North, and South

Section 5: That Section 78-8 of the Code of Ordinances of Garden City, Georgia, entitled "Stop Intersections" is hereby amended by modifying Article VI of Appendix B which is incorporated into said Code Section, by changing the designation of the stop intersection at the intersection of Varnedoe Avenue and Russell Avenue from one for traffic traveling East to one for traffic traveling East, North, and South, so that stop signs shall be erected facing traffic approaching said intersection from the West, North, and South. The stop intersection shall be reflected in Article VI of Appendix B as follows:

<u>Name of Street</u>	<u>Through Street</u>	<u>Direction of Travel</u>
Varnedoe Avenue	Russell Avenue	East, North, & South

Section 6: That Section 78-8 of the Code of Ordinances of Garden City, Georgia, entitled "Stop Intersections" is hereby amended by modifying Article VI of Appendix B which is incorporated into said Code Section, by changing the designation of the stop intersection at the intersection of Varnedoe Avenue and Rommel Avenue from one for traffic traveling North and South to one for traffic traveling in all directions so that stop signs shall be erected facing traffic approaching said intersection from the East, West, North, and South. The stop intersection shall be reflected in Article VI of Appendix B as follows:

<u>Name of Street</u>	<u>Through Street</u>	<u>Direction of Travel</u>
Varnedoe Avenue	Rommel Avenue	East, West, North, and South

Section 7: This Ordinance shall become effective on the date of passage.

Section 8: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Adopted this 2nd day of May, 2022.

Rhonda Ferrell-Bowles, Clerk of Council

Received and Approved this 2nd day of May, 2022.

Don Bethune, Mayor

Read first time: _____

Read second time and passed: _____

Jim Gerard

From: Scott Robider <SRobider@gardencity-ga.gov>
Sent: Thursday, April 14, 2022 4:05 PM
To: Jim Gerard
Subject: New Stop locations for approval by Council

Below are the new areas for stop signs. Thanks

Respectfully,

C. Scott Robider
City Manager
100 Central Avenue | Garden City, GA 31405
P- (912) 210-0862 | P- (912) 966-7770
Srobider@gardencity-ga.gov

Azalea at Nelson - 3 way stop

Camellia at Nelson - 3 way stop

Redmond at Lee - 3 way stop

Varnedoe at Rommel - 4 way stop

Varnedoe at Russell - 3 way stop

Old Louisville at Talmadge - 3 way stop

RESOLUTION

A RESOLUTION OF THE MAYOR AND COUNCIL OF GARDEN CITY, GEORGIA, APPROVING THE FINAL MAJOR SUBDIVISION PLAT FOR THE SUBDIVISION OF A 72.81 ACRE TRACT LOCATED AT 0 TRAVIS FIELD ROAD (CHATHAM COUNTY, GEORGIA PROPERTY TAX IDENTIFICATION NUMBER 6-986-01-005) INTO SEVEN (7) LOTS OWNED BY CENTERPOINT KAHN GARDEN CITY LLC.

WHEREAS, CENTERPOINT KAHN GARDEN CITY LLC (the “Applicant”), is developing a 72.81-acre tract at 0 Travis Field Road in Garden City, Georgia, into seven (7) lots accessible from Travis Field Road for warehouse use to be known as CenterPoint Logistics Park; and,

WHEREAS, on April 5, 2021, the Mayor and Council approved the Applicant’s Preliminary Plan for the subdivision, finding that such plan met all of the applicable criteria set forth in the City’s Code of Ordinances, and was also consistent with the City’s Comprehensive Plan; and,

WHEREAS, Applicant has filed an application for approval of a final subdivision plat (the “Final Plat”) which is consistent with the approved Preliminary Plan with the exception of one minor Plan modification which adds an additional 1.18 acres to Parcel 3 in order to construct an internal access road (the “Application”); and,

WHEREAS, Subsection 70-35(f)(1) of the Garden City Code requires the City’s Planning Commission to review and make recommendations to the Mayor and Council regarding a final subdivision plat; and,

WHEREAS, the specific approval criteria for a final subdivision plat is set forth in Subsection 70-35(b) of the Garden City Code which includes, but is not limited to, information about such matters as (a) tract boundary lines, right-of-way lines of streets, easements and other rights-of-way, with bearings or deflection angles, radii, arcs and central angles of all curves being shown, (b) the name and right-of-way width of each street or other right-of-way; (c) the location, dimensions and purpose of any easement; (d) numbers to identify each lot; and, (e) minimum building setback lines on all lots and other sites; and,

WHEREAS, on April 12, 2022, at 6:00 p.m. o’clock, the City’s Planning Commission held a publicly noticed meeting on the Application and recommended that the Mayor and Council approve same based, in part, upon the verification from the Applicant’s engineer and the City’s Building Official that the Final Plat met all of the requirements set forth in Section 70-35 of the Garden City Code, and that all required improvements had been installed in accordance with the requirements of Chapters 38 and 70 of the Code, and also in accordance with the design criteria approved by the Mayor and Council on the Preliminary Plan; and,

WHEREAS, on April 18, 2022, at 6:00 p.m. o'clock, an advertised public hearing was held by the Mayor and Council on the Final Plat; and,

WHEREAS, the Mayor and Council, upon reviewing the recommendations of the Planning Commission, hearing the statements of the staff and the public, and giving due consideration to the matter, finds and determines as provided below.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of Garden City, as follows:

Section 1. The Mayor and Council of Garden City, Georgia, hereby finds and determines that the Application and the Applicant's Final Plat (including the Applicant's above-mentioned modification to the Preliminary Plan) meets all of the applicable criteria set forth in the Garden City Code.

Section 2. The Mayor and Council of Garden City, Georgia, hereby approves the Application and the Applicant's Final Plat. The Planning Commission shall therefore present the Final Plat to the Clerk of the Superior Court of Chatham County, Georgia, to be recorded.

Section 3. This Resolution shall take effect upon passage.

ADOPTED, this 2nd day of May, 2022.

RHONDA FERRELL-BOWLES, Clerk of Council

RECEIVED AND APPROVED, this 2nd day of May, 2022.

DON BETHUNE, Mayor

RESOLUTION

A RESOLUTION IMPOSING A MORATORIUM FOR A PERIOD NOT TO EXCEED SIX (6) MONTHS ON THE RE-ZONING OF ANY PROPERTY TO AN INDUSTRIAL ZONING CLASSIFICATION OR DISTRICT WHILE THE CITY CONSIDERS CHANGES TO ITS ZONING ORDINANCES; TO REPEAL CONFLICTING RESOLUTIONS; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN ADOPTION DATE AND EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, recent development trends in the Garden City suggest that current trends for industrial use may not be adequately addressed by the current City zoning ordinances; and,

WHEREAS, the Mayor and Council of Garden City is vested with substantial powers, rights and functions to generally regulate the practice, conduct or use of property for the purposes of maintaining health, morals, safety, security, peace, and the general welfare of the City; and,

WHEREAS, Georgia law recognizes that local governments may impose moratoria on zoning decisions, building permits, and other development approvals where exigent circumstances warrant the same pursuant to the case law found at Taylor v. Shetzen, 212 Ga. 101, 90 S.E.2d 572 (1955); Lawson v. Macon, 214 Ga. 278, 104 S.E.2d 425 (1958); and, City of Roswell et al v. Outdoor Systems, Inc., 274 Ga. 130, 549 S.E.2d 90 (2001); and,

WHEREAS, Georgia courts take judicial notice of a local government's inherent ability to impose moratoria on an emergency basis; and,

WHEREAS, the Georgia Supreme Court, in the case of DeKalb County v. Townsend, 243 Ga. 80 (1979), held that, "To justify a moratorium, it must appear first, that the interests of the public generally, as distinguished from those of a particular class, require such interference, and second, that the means are reasonably necessary for the accomplishment of the purpose, and not unduly oppressive upon individuals;" and,

WHEREAS, the Mayor and Council has found that the interests of the public necessitate the enactment of a moratorium for health, safety, morals and general welfare purposes by means which are reasonable and not unduly oppressive; and,

WHEREAS, the Mayor and Council has, as a part of planning, zoning, and growth management, been in review of its zoning ordinances, and has been studying, with concern, the City's best estimates and projections of the anticipated industrial development within Garden City; and,

WHEREAS, the Mayor and Council deems it important to develop its zoning ordinances in a manner which integrates the above-mentioned concerns and therefore considers a moratorium a proper exercise of its police powers; and,

WHEREAS, the Mayor and Council considers it paramount that land use regulation continues in the most orderly and predictable fashion with the least amount of disturbance to landowners and to the citizens of the City; and,

WHEREAS, the Mayor and Council has always had a strong interest in growth management so as to promote the traditional police power goals of health, safety, morals, aesthetics and the general welfare of the community and, in particular, the lessening of traffic on City roads, security of the public from crime and other dangers, promotion of health and general welfare of its citizens, protection of the aesthetic qualities of the City including access to air and light, and facilitation of the adequate provision of transportation and other public requirements; and,

WHEREAS, it is the belief of the Mayor and City Council that the concept of "public welfare" is broad and inclusive; that the values it represents are spiritual as well as physical, aesthetic as well as monetary; and that it is within the power of the Mayor and Council "to determine that a community should be beautiful as well as healthy, spacious as well as clean, well balanced as well as carefully patrolled," Berman v. Parker, 348 U.S. 26, 75 S.Ct.98 (1954); and,

WHEREAS, it is also the opinion of the Mayor and Council that "general welfare" includes the valid public objectives of aesthetics, conservation of the value of existing lands and buildings within the City, making the most appropriate use of resources, preserving neighborhood characteristics, enhancing and protecting the economic well-being of the community, facilitating adequate provision of public services, and the preservation of the resources of the City; and,

WHEREAS, the Mayor and Council is, and has been, interested in developing a cohesive and coherent policy regarding certain uses in the City, and has intended to promote community development through stability, predictability and balanced growth which will further the prosperity of the City as a whole; and,

WHEREAS, the Mayor and City Council is evaluating possible revisions to the City's zoning ordinances with respect to the regulation of industrial development so as to address current development trends; and,

WHEREAS, it is in the best interest of the citizens of the City to place a moratorium on the application and issuance of industrial re-zonings until the review is completed.

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF GARDEN CITY, GEORGIA, in regular meeting assembled and pursuant to lawful authority thereof, as follows:

1. It is hereby determined that the City's zoning ordinances require review as they relate to industrial development; that substantial detriment and irreparable harm may result if further regulation of industrial development is needed and not implemented; that such review requires that there be a cessation of limited duration of all industrial re-zonings; and that it is necessary and in the public's interest to delay, for a reasonable and finite period of time, the

acceptance or processing of any applications for the rezoning of any property to an industrial classification or district to ensure that the design, development, and location of industrial uses are consistent with the long-term planning objectives of the City.

2. There is hereby imposed a moratorium on the acceptance and processing by City staff of rezoning applications for the re-zoning of any property within the City to an industrial classification or district under the current zoning ordinances of the City.

3. The duration of this moratorium shall be until the City adopts amendments to its zoning ordinances to address the above-mentioned concerns, abandons this effort by vote of the Mayor and Council, or until October 29, 2022, whichever date is earliest.

4. This moratorium shall have no effect upon rezoning occurring before the effective date of this Resolution.

5. It is hereby declared to be the intention of the Board that all sections, paragraphs, sentences, clauses and phrases of this Resolution are and were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional. It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Resolution is severable from every other section, paragraph, sentence, clause or phrase therein. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Resolution is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Resolution. In the event that any phrase, clause, sentence, paragraph or section of this Resolution shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Resolution and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Resolution shall remain valid, constitutional, enforceable, and of full force and effect.

6. All Resolutions or parts of Resolutions in conflict with this Resolution are, to the extent of such conflict, hereby repealed.

7. The preamble of this Resolution shall be considered to be and is hereby incorporated by reference as if fully set out herein.

8. The proper officers and agents of the City are hereby authorized to take any and all further actions as may be required in connection with this Resolution.

9. This Resolution shall take effect immediately upon its adoption.

Adopted by the Mayor and Council of Garden City, Georgia, this 2nd day of May, 2022.

RHONDA FERRELL-BOWLES, Clerk of Council

Received and approved this 2nd day of May, 2022.

DON BETHUNE, Mayor

RESOLUTION OF THE MAYOR AND COUNCIL OF GARDEN CITY, GEORGIA, TO APPROVE THE USE OF THE CORONAVIRUS LOCAL FISCAL RECOVERY FUNDS, ALLOTTED TO THE CITY UNDER THE AMERICAN RESCUE PLAN ACT, TO THE REPLACEMENT OF LOST PUBLIC SECTOR REVENUE FOR FUNDING GOVERNMENT SERVICES UP TO THE AMOUNT OF REVENUE LOSS DUE TO THE PANDEMIC; TO CLAIM THE STANDARD ALLOWANCE OF UP TO \$10 MILLION, NOT TO EXCEED THE TOTAL AMOUNT OF THE CITY'S FUND ALLOCATION, FOR IDENTIFYING THE CITY'S REVENUE LOSS TO THE UNITED STATES TREASURY DEPARTMENT; TO AUTHORIZE AND DIRECT THE CITY'S CITY MANAGER AND FINANCE DIRECTOR TO TAKE SUCH ADMINISTRATIVE STEPS AS ARE NECESSARY TO CARRY OUT THE TERMS AND INTENT OF THIS RESOLUTION AND TO PROVIDE ALL COMPLIANCE ACTIVITIES AND REPORTING AS REQUIRED BY THE UNITED STATES TREASURY DEPARTMENT TO DOCUMENT COMPLIANCE WITH THE REGULATIONS WHICH ARE ISSUED ON THE USE OF SUCH FUNDS; AND FOR OTHER PURPOSES.

WHEREAS, in March 2021, Congress adopted the America Rescue Plan Act of 2021 (“ARPA”), also referred to as the COVID-19 Stimulus Package, which appropriated \$350 billion in funding to states and local governments as part of the Coronavirus State and Local Fiscal Recovery Funds (SLFRF) to provide governments the resources needed to respond to the COVID-19 pandemic and its economic effects, and to build a “stronger, more equitable economy during the recovery;” and,

WHEREAS, Garden City, Georgia, has been awarded \$1,627,876.00 in ARPA Funding allocation along with an additional redistribution of \$1,627,875.00, for a total of \$ 3,253,751.00 in ARPA SLFRF funds; and,

WHEREAS, the City Manager signed the Coronavirus State and Local Fiscal Recovery Funds Terms and Conditions Form and the Assurances of Compliance with Title VI of the Civil Rights Act of 1964 Form from the United States Department of Treasury in August 2021 in order to receive the ARPA SLFRF funds; and,

WHEREAS, the United States Department of Treasury has adopted guidance regarding the use of ARPA SLFRF funds; and,

WHEREAS, one of the uses for which ARPA SLFRF funds may be spent is to replace lost public sector revenue, using such funding to provide government services up to the amount of revenue lost due to the pandemic for purposes which include, but are not limited to, (1) the maintenance or pay-go funding of building of infrastructure, including roads, (2) the modernization of cybersecurity, including hardware, software, and the protection of critical infrastructure, (3) health services, (4) environmental remediation, (5) school or educational services, and (6) the provision of police, fire, and other public safety services; and,

WHEREAS, recipients of ARPA SLFRF funds electing to allocate same to the replacement of lost public sector revenue may claim a Standard Allowance of up to \$10 million,

not to exceed the award allocation, as opposed to having to submit to the U.S. Treasury Department a determination of the amount of revenue lost due to the pandemic as calculated by a complex formula to establish up to \$10 million in loss; and,

WHEREAS, Garden City has experienced a revenue loss due to the pandemic in an amount in excess of the amount of ARPA SLFRF funds which have been awarded to it, and has determined that the best use of the funds would be to provide government services;

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF GARDEN CITY, GEORGIA, AND IT IS HEREBY RESOLVED that the City designate its ARPA SLFRF Funds in the total amount of \$3,253,751.00 under the allowable use of replacing public sector revenue lost due to the pandemic through the provision of government services which shall include, but not be limited to, projects for (1) the maintenance or pay-go funding of building of infrastructure, including roads, (2) the modernization of cybersecurity, including hardware, software, and protection of critical infrastructure, (3) health services, (4) environmental remediation, (5) school or educational services, and (6) the provision of police, fire, and other public safety services. The funds shall not be used to make deposits into pension funds; to directly or indirectly offset a reduction in net tax revenue resulting from a change of law, regulation, or administrative interpretation; to make debt service payments; to replenish financial reserves; or to satisfy an obligation arising from a judicial settlement.

BE IT FURHER RESOLVED THAT the City claim the Standard Allowance of up to \$10 million, not to exceed its total award allocation, for identifying its revenue loss to the United States Treasury Department.

BE IT FURHER RESOLVED THAT the City's City Manager and Finance Director are hereby authorized and directed to take such administrative steps as are necessary to carry out the terms and intent of this Resolution and to provide all compliance activities and reporting as required by the United States Treasury Department to document compliance with the regulations which are issued on the use of ARPA SLFRF funds.

Passed, adopted, approved and effective, this _____ day of May, 2022.

**RHONDA FERRELL-BOWLES,
CLERK OF COUNCIL**

Received and approved this _____ day of May, 2022.

**DON BETHUNE,
MAYOR**

GARDEN CITY RESOLUTION

WHEREAS, the City desires to purchase a new 2022 Ford F-150 4x2 Regular Cab Truck for its Parks and Recreation Department which is need of replacing a 2003 maintenance truck with high mileage and frequent repair demands; and,

WHEREAS, the purchase of the above-described truck for the Parks and Recreation Department has been provided for, and identified in, the City's 2022 General Fund Budget for the line item amount of \$26,515.00; and,

WHEREAS, the Parks and Recreation Department solicited price quotes from area dealerships on the above-described vehicle, resulting in the following lowest and most responsible proposal for sale:

<u>Vendor</u>	<u>Vehicle Description</u>	<u>Offering Price</u>
O.C. Welch Ford 4920 Independence Blvd. Hardeeville, SC 29927	2022 F-150 4x2 Regular Cab Truck (6.5' Box) 122" WB XL (F1C)	\$28,540.00

and;

WHEREAS, the Parks and Recreation Department has recommended that the City enter into a purchase contract or purchase order for the above-described vehicle with O.C. Welch Ford for the price quote of \$28,540.00, said amount being both fair and reasonable (being discounted by a government price concession of \$5,000.00);

NOW, THEREFORE, BE IT RESOLVED by the City Council of Garden City, Georgia, that the proposal of O.C. Welch Ford of Hardeeville, South Carolina, to sell the City one (1) 2022 Ford F-150 4x2 Regular Cab Truck at the price of \$28,540.00 be accepted, and that a contract or purchase order for the purchase of the vehicle be negotiated and entered into between the City Manager and the vendor.

BE IT FURTHER RESOLVED that the purchase price for the vehicle be funded through cash from the City's General Fund, the budget for which being amended at mid-year or year-end to increase the amount currently earmarked for such purchase (\$26,515.00) to the actual purchase price of \$28,540.00.

BE IT FURTHER RESOLVED that the City Manager is authorized to sign the purchase contract or purchase order for the vehicle as well as all other documents associated therewith in the name of the City, with the City Clerk's attestation to said City Manager's signature.

Adopted and approved this 2nd day of May, 2022.

RHONDA FERRELL-BOWLES, Clerk of Council

Received and approved this 2nd day of May, 2022.

DON BETHUNE, Mayor

GARDEN CITY RESOLUTION

WHEREAS, the City desires to purchase (1) a new John Deere Z930M ZTrak Zero Turn Mower and (2) a new eXmark Lazer, Series E, Zero Turn Mower (with mulch kit), to add to the Parks and Recreation Department's current fleet of mowers which was depleted during the summer of 2021 due to maintenance issues; and,

WHEREAS, the purchase of the above-described mowers for the Parks and Recreation Department has been provided for, and identified in, the City's 2022 General Fund Budget for the line item amount of \$10,274.00 per mower; and,

WHEREAS, the Parks and Recreation Department solicited price quotes from area lawn machinery vendors, resulting in the following lowest and most responsible proposals for the sale of each mower:

<u>Vendor</u>	<u>Equipment Description</u>	<u>Offering Price</u>
Blanchard Equipment Co. 122 Eason Drive Pooler, GA 31322	John Deere Z293M ZTrak Zero Turn Mower Warranty: 3 yrs./1200 Hrs.	\$10,893.48
Andy's Lawn Machinery 5025 Ogeechee Road Savannah, GA 31405	eXmark Lazer, E Series, Zero Turn Mower (with mulch kit) Warranty: 5 yrs./1500 Hrs.	\$10,995.05

and;

WHEREAS, the Parks and Recreation Department has recommended that the City enter into purchase contracts or purchase orders for the above-described mowers with Blanchard Equipment Co. and Andy's Lawn Machinery for the price quotes of \$10,893.48 and \$10,995.05, respectively, said amounts being both fair and reasonable;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Garden City, Georgia, that the above-stated sale proposals of Blanchard Equipment Co. and Andy's Lawn Machinery to sell the City the above-described mowers be accepted, and that contracts or purchase orders for the purchase of the mowers be negotiated and entered into between the City Manager and the vendors.

BE IT FURTHER RESOLVED that the purchase price for each mower be funded through cash from the City's General Fund, the budget for which being amended at mid-year or year-end to increase the amount currently earmarked for each purchase (\$10,274.00) to the actual sales price for each mower.

BE IT FURTHER RESOLVED that the City Manager is authorized to sign the purchase contracts or purchase orders for the mowers as well as all other documents associated therewith in the name of the City, with the City Clerk's attestation to said City Manager's signature.

Adopted and approved this 2nd day of May, 2022.

RHONDA FERRELL-BOWLES, Clerk of Council

Received and approved this 2nd day of May, 2022.

DON BETHUNE, Mayor

DAVID H. DICKEY
J. GREGORY HODGES
ROBERT W. SCHIVERA (GA & NC)
PATRICK T. O'CONNOR
JAMES P. GERARD
PATRICIA T. PAUL
TIMOTHY D. ROBERTS
LEE A. SUMMERFORD
ANDREW M. WILKES
WILLIAM J. HUNTER
BENJAMIN M. PERKINS (GA & FL)
PAUL H. THRELKELD
JACOB D. MASSEE (GA & CO)
GEORGE T. MAJOR, JR.
T. LAWRENCE EVANS
BRYAN A. SCHIVERA (GA & SC)
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OF COUNSEL

WILLIAM P. FRANKLIN, JR.
JULIAN R. FRIEDMAN
DOUGLAS J. GIORGIO, III

April 26, 2022

Mr. Scott Robider, City Manager
City of Garden City
100 Central Avenue
Garden City, GA 31405

RE: Request made by Lighthouse Baptist Church of Pooler, Inc., for quitclaim conveyance from the City for the unopened Kisan Drive right-of-way accessing Kisan Plaza from Dean Forest Road

Dear Scott:

As you know, the City has been requested to execute a quitclaim deed conveying whatever interest it holds in the unopened Kisan Drive which is shown on the attached City-approved subdivision map for Kisan Plaza as a sixty (60') foot wide right-of-way accessing Kisan Plaza from Dean Forest Road. Based on my research, I have concluded that the City has never claimed or desired any interest in Kisan Drive which was initially laid out by the developers of Kisan Plaza. The purpose of the Church's present request for a quitclaim claim deed conveyance of the road is to simply incorporate the right-of-way into its property which completely surrounds the road.

Before a city executes a quitclaim deed for any unopened right-of-way, a determination is always made as to whether the street or right-of-way was acquired by the city by dedication and, if so, whether the street has been subsequently abandoned by the City and the public. In order for Garden City to have ever acquired Kisan Drive by dedication, there must have been an acceptance of the right-of-way by the City. The fact that a city-approved subdivision map lays out roads running through the subdivision does not effect such a dedication or impose upon a city the burden of maintaining the same for the use of the public. There must be a formal written acceptance of the dedication by the city or evidence that the city impliedly accepted such dedication through the continual improvement and maintenance of the road. In the case of Kisan Drive, Garden City never accepted dedication of the road through either express or implied acceptance: The Mayor and Council never approved any dedication agreement, and Kisan Drive has never been opened, thereby making it impossible for the City to have ever assumed responsibility for the maintenance and repair of same.



218 WEST STATE STREET, SAVANNAH, GEORGIA 31401
TELEPHONE (912) 236-3311

POST OFFICE BOX 10186, SAVANNAH, GEORGIA 31412
FACSIMILE (912) 236-8725

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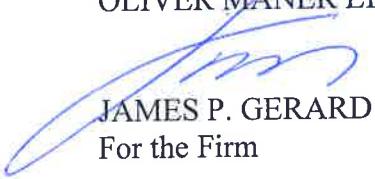
Mr. Scott Robider
Page 2
April 25, 2022

Accordingly, I see no problem with the City conveying a quitclaim deed to the Church for the Kisan Drive right-of-way which is bordered on both sides by the Church's property. The City could request some money for the quitclaim deed, but the law does not require such payment where, as here, the City is conveying something in which it holds no interest. I have enclosed a resolution for your review authorizing the City's execution of such a quitclaim deed in return for the nominal consideration of \$10.00.

In closing, I do want to point out to you that by stating that the City does not have any interest in Kisan Drive, I am not stating that other property owners in Kisan Plaza may still have the right to open and use the road for their private purposes. The City's giving of a quitclaim deed to the Church does not prevent an owner of some nearby property from coming forward and claiming the right to use Kisan Drive in the future. If that happens, the City would, of course, not be liable because the City's quitclaim deed contains no warranties of title and conveys to the Church only whatever rights, if any, the City has in the property. The land dispute would be one between the Church and the third party claimant.

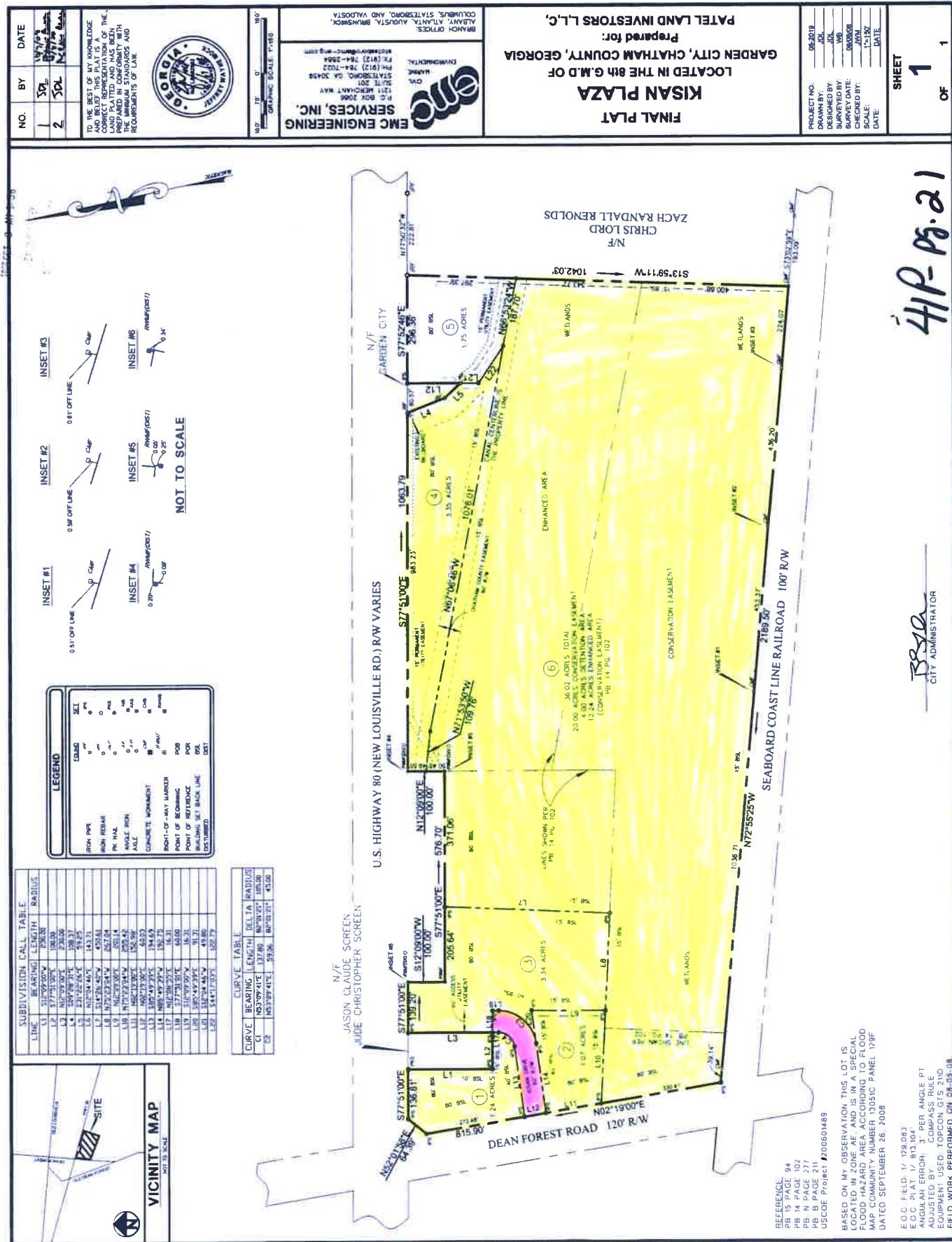
If you have any questions, please call.

Very truly yours,
OLIVER MANER LLP



JAMES P. GERARD
For the Firm

JPG/jlw
Attachments



RESOLUTION

WHEREAS, Lighthouse Baptist Church of Pooler, Inc., a non-profit corporation existing under the laws of the State of Georgia, has requested the City of Garden City, Georgia, to quitclaim whatever interest, if any, it holds in Kisan Drive, shown and designated as a sixty (60') foot wide right-of-way accessing Kisan Plaza from Dean Forest Road on that certain plat of Kisan Plaza dated August 6, 2008, prepared by Jeffrey Wayne Mock, Georgia Registered Land Surveyor No. 002992, and recorded in the Office of the Clerk of the Superior of Chatham County, Georgia, in Plat Record Book 41-P, Page 21; and,

WHEREAS, the public records reflect that the City never expressly or impliedly accepted dedication of the above-mentioned Kisan Drive which was created by the developers of Kisan Plaza for the use and benefit of the owners of the lots within the development as well as the developers themselves, and which has never been opened for use; and,

WHEREAS, the City has determined that the above-described Kisan Drive right-of-way has never been, and will never be, used for any public purpose; and,

WHEREAS, the City has therefore concluded that it has neither any past, present, or anticipated future interest in Kisan Drive and is willing to quitclaim whatever interest it may have in said right-of-way, if any, to Lighthouse Baptist Church of Pooler, Inc., which holds title to the properties located on both sides of the right-of-way; and,

WHEREAS, based on the fact that the City has no interest in said Kisan Drive, it deems the payment of Ten and 00/100 Dollars (\$10.00) by Lighthouse Baptist Church of Pooler, Inc., for its "interest" in Kisan Drive to be more than fair and reasonable;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF GARDEN CITY, GEORGIA, assembled, that the Mayor of Garden City, Georgia, and the Clerk of Council, are hereby authorized and directed to execute a quitclaim deed similar in form to the deed attached hereto as Exhibit "A", transferring all of the City's right, title, interest, and equity, if any, it holds in the above-mentioned Kisan Drive to Lighthouse Baptist Church of Pooler, Inc., in return for the sum of Ten and 00/100 Dollars (\$10.00).

ADOPTED this ____ of May, 2022, in open session.

RHONDA FERRELL-BOWLES
Clerk of Council

Received and approved this ____ day of May, 2022.

DON BETHUNE, Mayor

EXHIBIT "A"

STATE OF GEORGIA)
)
COUNTY OF CHATHAM)

QUITCLAIM DEED

THIS INDENTURE, made this _____ day of May, 2022, between GARDEN CITY, GEORGIA, hereinafter referred to as "Grantor," and LIGHTHOUSE BAPTIST CHURCH OF POOLER, INC., a Georgia non-profit corporation, hereinafter referred to as "Grantee" (the terms "Grantor" and "Grantee" to include their respective successors and assigns).

WHEREAS, on the 2nd day of May, 2022, Grantor, upon petition of Grantee, approved the granting of a Quitclaim Deed conveying whatever interest, if any, it holds to an opened right-of-way shown and designated as a sixty (60') foot wide right-of-way accessing Kisan Plaza (a development located in the southeastern quadrant of the intersection of U.S. Highway 80 and Dean Forest Road in Garden City, Georgia) from Dean Forest Road on that certain plat dated August 6, 2008, prepared by Jeffrey Wayne Mock, Georgia Registered Surveyor No. 002992, and recorded in the Office of the Clerk of the Superior Court of Chatham County, Georgia, in Plat Record Book 41-P, Page 21; and,

WHEREAS, Grantor's approval for the granting of the Quitclaim Deed to the right-of-way is based upon (1) Grantor's never having accepted dedication of the right-of-way; (2) the right-of-way never having been opened; and (3) Grantor's

determination that the right-of-way has never been, and will never be, used for any public purpose; and,

WHEREAS, Grantee holds title to the properties on both sides of the right-of-way for which this quitclaim is being sought from Grantor;

NOW, THEREFORE, this indenture witnesseth that:

Grantor, for and in consideration of the sum of Ten (\$10.00) Dollars and other good and valuable considerations, in hand paid at and before the sealing and delivery of these presents, the receipt and adequacy of which is hereby acknowledged, has bargained, sold, aliened, conveyed, transferred and confirmed, and by these presents does bargain, sell, alien, convey, transfer, confirm, and forever QUITCLAIMS unto the said Grantee, all the right, title, interest, claim, or demand said Grantor has or may have had in and to the following described real property, to-wit:

Commencing at 5/8" iron rebar found at the intersection of the eastern right of way line of Dean Forest Road (GA Hwy 307) (120' R/W) and the northern right of way line of the Seaboard Coastline Railroad (100' R/W); running thence along the aforesaid right of way line of Dean Forest Road N 04°04'53" E a distance of 330.45 feet to a 5/8" iron rebar found; running thence N 04°05'59" E a distance of 152.98 feet to a 5/8" iron rebar found at the intersection of the southern right of way line of Kisan Drive (60' R/W) and the Point of Beginning; running thence from the Point of Beginning along the aforesaid right of way line of Dean Forest Road N 04°00'41" E a distance of 60.04 feet to a 5/8" iron rebar found at the intersection of the northern right of way line of Kisan Drive; leaving thence the aforesaid right of way line of Dean Forest Road and proceeding along the northern right of way line of Kisan Drive S 84°03'18" E a distance of 194.83 feet to a 5/8" iron rebar found; running thence 64.41 feet along the arc of a curve turning to the left, having a radius of 44.99 feet, a chord length of 59.05 feet, and a chord bearing N 54°56'22" E to a point; running thence N 13°52'47" E a distance of 16.33 feet to a 5/8" iron rebar found; running thence S 76°02'24" E a distance of 60.02 feet to a 5/8" iron rebar found at the intersection of the southern right of way line of Kisan Drive; running thence along the aforesaid right of way line of Kisan Drive S 13°56'04" W a distance of 16.30 feet to a 5/8" iron

rebar found; running thence 150.31 feet along the arc of a curve turning to the right, having a radius of 104.99 feet, a chord length of 137.80 feet, and a chord bearing S 54°56'36" W to a point; and running thence N 84°03'24" W a distance of 192.79 feet to the Point of Beginning, having an area of 0.44 acres of land.

TO HAVE AND TO HOLD the said described premises, with all of the rights, members, and appurtenances to the said described premises in anywise appertaining or belonging unto Grantor, so that neither the Grantor, nor any person or persons claiming by, through or under Grantor shall at any time, by any means or ways, have, claim or demand any right, title, or interest to the above-described premises, or appurtenances, or any rights thereof.

This deed is given pursuant to and by authority of a resolution passed at the regular session of the Mayor and Council of Garden City, Georgia, on the 2nd day of May, 2022, attached hereto as Exhibit "A".

IN WITNESS WHEREOF, Grantor hereunto caused these presents to be executed under seal the day and year first above written.

GARDEN CITY, GEORGIA

By: _____
Don Bethune, Mayor

Attest: _____
Rhonda Ferrell-Bowles, Clerk of Council

Signed, sealed, and delivered on
the ____ day of May, 2022, in the
presence of:

Witness

Notary Public