

A G E N D A
City Council Meeting
Tuesday, June 20, 2023 – 6:00 p.m.

➤ **OPENING**

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

➤ **FORMAL PUBLIC COMMENT**

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.

➤ RECEIPT OF INFORMAL PUBLIC COMMENT

- **Procedure:** To best manage this meeting section, 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.

➤ PUBLIC HEARINGS

- **Charter Amendment - City Council Salaries:** Receipt of public comment on an ordinance amending the Charter for the City of Garden City, Georgia, to increase the monthly salary of City Councilmembers from \$500 to \$1,000 while increasing the Mayor's monthly salary from \$800 to \$1,300.
- **PC2325 – Zoning Procedures Law (HB 1405):** Receipt of public comment on an ordinance to amend the Code of Ordinances of Garden City, Georgia, and the Zoning Ordinance to bring the ordinances in compliance with changes to the zoning procedures law implemented by the HB 1405 (Georgia Laws Act 881).
- **Alcoholic Beverage License Application (La Favorita Mexican Grocery):** Receipt of public comment on an alcoholic beverage license application made by Giovanny Lares to sell beer and/or malt beverages at La Favorita Mexican Grocery, LLC, 1550 Dean Forest Road, Garden City.

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

- Consider the minutes from the June 5th Pre-Agenda Session and City Council Minutes, and June 12th Workshop minutes.

City Manager's Report

- Staff reports are included with the agenda packet.
- Updates and announcements

➤ ITEMS FOR CONSIDERATION

- **Ordinance – Charter Amendment (City Council Salaries):** An ordinance amending the Charter for the City of Garden City, Georgia, approved April 19, 1973, as amended, to increase the monthly salary of City Councilmembers from \$500 to \$1,000 while increasing the Mayor's monthly salary from \$800 to \$1,300; to acknowledge the proper advertisement of notice of intent to amend the Charter of Garden City, Georgia; to authorize the Mayor to execute all documents necessary to effectuate the purposes of said ordinance; to authorize the Clerk of Council to attest signatures and affix the official seal of the City as necessary; to provide for severability; to repeal inconsistent ordinances; to provide for an effective date.
- **Ordinance – Zoning Procedures Laws (HB 1405):** An ordinance to amend the Code of Ordinances of Garden City, Georgia, and the zoning ordinance to bring the ordinances in compliance with changes to the zoning procedures law implemented by HB 1405 (Georgia Laws Act 881).
- **Resolution – CHA Consulting, Inc., Professional Services Agreement (New Recreation Complex):** A resolution authorizing the City Manager to execute an agreement for professional services, including a cost budget and time schedule, with CHA Consulting, Inc., to provide architectural and engineering services for the planning, design, permitting, bid selection, and construction administration for the new multi-purpose recreation complex on the City-owned Haynes Elementary School site off of US Highway 80 in Garden City, Georgia.
- **Resolution – P/8 Strategic Garden City, LLC Dedication of Right of Way for Intersection Improvements:** A resolution authorizing Garden City, Georgia, to accept the dedication by P/8 Strategic Garden City, LLC, of right of way between Dean Forest Road and Old Dean Forest Road for use in connection with traffic improvements constructed by P/8 Strategic Garden City, LLC, at the intersection of Dean Forest Road and Pine Meadows Drive pursuant to that September 18, 2020, development agreement by and between P/8 Strategic Garden City, LLC, and Garden City, Georgia, in connection with the development of a 61.2-acre tract by P/8 Strategic Garden City, LLC, on the southeast side of Old Dean Forest Road approximately 290 feet northeast of Interstate 16.
- **Resolution – Ad Valorem Tax Rate for 2023:** A resolution of the Mayor and Council to set the ad valorem tax rate of Garden City for the fiscal year 2023.
- **Resolution – City Manager's First Amendment to Employment Agreement:** A resolution by the Mayor and City Council to approve the first amendment of the employment agreement between the City and Scott Robider, City Manager.

- **Resolution – City Council Summer Meeting Schedule:** A resolution to amend the regular meeting schedule of the Garden City City Council for the period of July 1, 2023 through September 30, 2023.
- **Alcoholic Beverage License Application (La Favorita Mexican Grocery):** Consideration of an alcoholic beverage license application made by Giovanny Lares to sell beer and/or malt beverages at La Favorita Mexican Grocery, LLC, 1550 Dean Forest Road, Garden City.

➤ **ADJOURN**

ORDINANCE 2023-

AN ORDINANCE AMENDING THE CHARTER FOR THE CITY OF GARDEN CITY, GEORGIA, (“CITY”) APPROVED APRIL 17, 1973 (Ga. Laws 1973, P. 3581), AS AMENDED, TO INCREASE THE MONTHLY SALARY OF CITY COUNCILMEMBERS FROM \$500.00 TO 1,000.00 WHILE INCREASING THE MAYOR’S MONTHLY SALARY FROM \$800.00 TO \$1,300.00; TO ACKNOWLEDGE THE PROPER ADVERTISEMENT OF NOTICE OF INTENT TO AMEND THE CHARTER OF GARDEN CITY, GEORGIA; TO AUTHORIZE THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE THE PURPOSES OF SAID ORDINANCE; TO AUTHORIZE THE CLERK OF COUNCIL TO ATTEST SIGNATURES AND AFFIX THE OFFICIAL SEAL OF THE CITY AS NECESSARY; TO PROVIDE FOR SEVERABILITY; TO REPEAL INCONSISTENT ORDINANCES; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, Garden City, Georgia (the “City”), is a municipal corporation duly organized and existing under the laws of the State of Georgia and is vested with all the rights, powers, and privileges incident to municipal corporations in the State of Georgia, and within the corporate limits of the City; and,

WHEREAS, in accordance with Official Code of Georgia Annotated Section 36-35-4, the City intends to amend its Charter to increase the monthly salary of City Councilmembers from \$500.00 to \$1,000.00 while increasing the Mayor’s monthly salary from \$800.00 to \$1,300.00, said increase being commensurate with the work done by Mayor and Council in and for the City; and,

WHEREAS, the expenses reimbursement procedure covered by the Charter and Code of Ordinances for the Mayor and Council shall not be changed; and,

WHEREAS, such salary increase is not being taken during the period of time beginning with the date that candidates for election to membership on the Garden City Mayor and Council may first qualify and ending with the date members of the Mayor and Council take office following their election; and,

WHEREAS, an increase in salary would make Garden City, Georgia competitive with surrounding jurisdictions;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of Garden City, Georgia, and it is hereby ordained by the authority of same:

Section 1. Section 2.04 of the Charter of Garden City, Georgia, as amended, is hereby deleted in its entirety and replaced with the following:

“2.04. Compensation and Expenses.

- (a) The Mayor shall receive monthly compensation in the amount of \$1,300.00 and Councilmembers shall each receive monthly compensation in the amount of \$1,000.00 for their respective services which may thereafter be increased or decreased by ordinance passed pursuant to the applicable provisions of the Official Code of Georgia Annotated.
- (b) The Mayor and Councilmembers shall receive their actual and necessary expenses incurred in the performance of their duties of office.”

Section 2. The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section 3. This Ordinance shall be adopted pursuant to the provisions of Official Code of Georgia Annotated Section 36-35-3 at two regularly scheduled consecutive meetings and after compliance with all of the provisions of the Municipal Home Rule Act of 1965, as amended.

Section 4. A copy of the proposed amendment to the Charter of Garden City, Georgia, shall be filed in the Office of the Clerk of Council for Garden City, Georgia, and in the Office of the Clerk of the Superior Court of Chatham County, Georgia, and a “Notice of Proposed Amendment to the Charter of Garden City, Georgia” attached hereto and marked as Exhibit A and made a part of this Ordinance shall be published in the official organ of Chatham County, Georgia, or in a newspaper of general circulation in Garden City once a week for three (3) consecutive weeks within a period of 60 days immediately preceding the Ordinance’s final adoption, and a copy of the said advertisement shall be attached to the Ordinance prior to its final adoption by the Mayor and Council.

Section 5. In the event that any phrase, clause, sentence, paragraph or section of this Ordinance 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 Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections shall remain valid, constitutional, enforceable, and of full force and effect.

Section 6. All ordinances or parts of ordinances in conflict herewith are

hereby repealed.

Section 7. The Mayor is hereby authorized to sign all documents and to perform all other acts necessary to effectuate this Ordinance on behalf of the City. The City's Clerk of Council is authorized to execute, attest to, and seal any document which may be necessary to effectuate this Ordinance.

Section 8. A copy of this Ordinance, upon its final adoption, together with a copy of the newspaper advertisement providing public notice of the Charter amendment as required by Official Code of Georgia Annotated Section 36-35-3(b)(1), and an affidavit of a duly authorized representative of the newspaper publication in which the notice was published to the effect that the notice was actually published as provided for by the above-mentioned section of the Official Code of Georgia Annotated, shall be filed with the Georgia Secretary of State's Office and with the Office of the Clerk of the Superior Court of Chatham County, Georgia. The effective date of this Ordinance shall be the date of the later of the dates of such filings with the Office of the Georgia Secretary of State and the Office of the Clerk of the Superior Court of Chatham County, Georgia, and the date of the taking of office of those elected at the next regular municipal election which is held immediately following the date of the final adoption of the Ordinance.

ADOPTED THIS _____ day of July, 2023.

RHONDA FERRELL-BOWLES
Clerk of Council

RECEIVED AND APPROVED THIS _____ day of July, 2023.

BRUCE CAMPBELL, Mayor

Read first time:

Read second time and passed:

EXHIBIT A

STATE OF GEORGIA)
)
COUNTY OF CHATHAM)

NOTICE OF PROPOSED AMENDMENT TO THE CHARTER OF
GARDEN CITY, GEORGIA

Notice is hereby given that the Mayor and Council of Garden City, Georgia, intends to pass an Ordinance to amend the Charter for Garden City, Georgia, approved April 17, 1973 (Ga. Laws 1973, p. 3581), as amended, to increase the monthly salary of City Councilmembers from \$500.00 to 1,000.00 while increasing the Mayor's monthly salary from \$800.00 to \$1,300.00; to acknowledge the proper advertisement of a Notice of Intent to Amend the Charter of Garden City, Georgia; to authorize the Mayor to execute all documents necessary to effectuate the purposes of said Ordinance; to authorize the Clerk of Council to attest signatures and affix the official seal of the City as necessary; to provide for severability; to repeal inconsistent ordinances; to provide for an effective date; and for other purposes. A copy of the proposed Charter amendment is on file with the Office of the Clerk of Council for Garden City, Georgia, and in the Office of the Clerk of the Superior Court of Chatham County, Georgia, for the purpose of examination and inspection by the public. The Garden City Clerk of Council shall furnish anyone, upon written request, a copy of the proposed Charter amendment.

The Mayor and Council of Garden City, Georgia, will conduct a public hearing on the above-mentioned proposed Charter amendment on June 20, 2023, at 6:00 p.m. o'clock, in the Garden City Hall Council Chambers, 100 Central Avenue, Garden City, Georgia. All parties who have rights or interests which may be affected are hereby notified of the time and place of the hearing and should attend in order to be heard. The proposed Charter amendment will be first read at the regularly scheduled meeting of Mayor and Council on June 20, 2023, at 6:00 p.m. o'clock, and then, if approved on the first reading, shall be read a second time and finally adopted at the following regularly scheduled meeting of Mayor and Council on July 17, 2023, at 6:00 p.m. o'clock.

Dated this 16th day of May, 2023.

RHONDA FERRELL-BOWLES
Clerk of Council for Garden City, GA
Garden City City Hall
100 Central Avenue
Garden City, Georgia 31405



GARDEN CITY
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PLANNING &
ECONOMIC DEVELOPMENT

MEMORANDUM

To: Garden City Planning Commission & Board of Appeals
From: Denise R. Grabowski, AICP, LEED AP, Planning Manager Consultant
Date: June 8, 2023
Re: PC 2325 – Zoning Text Amendments

The City Attorney has prepared the following text amendment in accordance with recent changes to state law, as cited in his cover memo below.

The purpose of the text amendment is to bring the City's zoning ordinance in compliance with the changes to the Zoning Procedures Law implemented by Georgia House Bill 1405. The changes include, but are not limited to, giving the Planning Commission 60 days instead of 30 days to make re-zoning recommendations to Mayor and Council; changing advance notice requirements to 30 days for all zoning hearings before the Planning Commission, City Council, and Board of Appeals; setting forth methods for appealing zoning decisions made by City Council, Planning Commission, and the Board of Appeals; requiring special notice and hearing provisions for changes to zoning ordinances that revise single-family residential classifications and definitions so as to authorize multi-family residential property uses; providing examples of conditional zoning by Mayor and Council; and requiring all meetings of the Consolidated Zoning Board of Appeals/Planning Commission be recorded.



912-1275-0721

City of Garden City

100 Central Avenue, Garden City, Georgia 31405

Phone: 912.966.7777 Fax: 912.966.2735

Email: Occtax@gardencity-ga.gov

APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE

2023

Date Filed: 7-20-2022

For the Year: 7022

Expires at December 31 of the above year.

Type of License (check all that apply)

<input type="checkbox"/> Spirituous Liquors (package)	\$2,722.00	<input checked="" type="checkbox"/> Beer and/or malt beverages	\$682.00
<input type="checkbox"/> Spirituous Liquors (by the drink)	\$2,722.00	<input type="checkbox"/> Wines	\$236.00
<input checked="" type="checkbox"/> Advertising Cost	\$75.00	<u>95.00 (2022 rate)</u>	

TOTAL: \$ 682.00

Business Information

Business Name: La Favorita Mexican Grocery LLC

D/B/A/ (if applicable): _____

Business Address: 1550 Dean Forest Road Business Phone: 912-349-3468

Mailing Address: _____ Emergency Phone: _____
(If different from Business Address)

City: Garden City State: GA Zip Code: 31408

Business Email Address: Lafavoritagrocery@gmail.com

What other kinds of business will be conducted at this location? NONE

List all persons with a financial interest in the business:

(For corporations, include all stockholders who own more than 10% of the outstanding stock of the corporation.)

Name	Address	% Ownership
<u>Giovanny Lores</u>	<u>155 Smith ave, Garden City, 31408</u>	<u>100%</u>

Has any person having an interest in said business been convicted of any violation of law other than a traffic violation? Served time in prison, or other correctional institution? Yes No

If Yes, describe circumstances: _____

THIS PAGE FOR OFFICE USE ONLY

Application received by: Jody Jones Date: 1/13/23

POLICE DEPARTMENT REVIEW

Fingerprinted by: OK for license JAS Date: _____

Separate report submitted to the City Administrator:

R. C. Miller Date: 6/7/2023
Police Chief

Public Hearing held on: _____

Date advertised in Savannah Morning News: _____

Action of Council: Approval Denial

License(s) Issued: _____ Date: _____

SYNOPSIS

Pre-Agenda Session Monday, June 5, 2023 – 5:30 p.m.

Call to Order: Mayor Campbell called the pre-agenda session to order at approximately 5:30 p.m. and gave the opening prayer.

Mayor's Updates: Mayor Campbell reported on the expansion of the CAT bus stops, the temporary site for housing the recreation department, while the new gym complex is being built.

City Manager's Updates: The City Manager said there is a memo in the agenda packet containing dates and times for you to select from for scheduling the FY24 budget workshop.

City Council Items: The City Attorney explained the process for the Ethics Complaint.

City Council's Updates: Councilmember Daniel asked about the vehicle/truck charging station project before the Planning Commission. The City Manager gave an overview of the proposed project.

Review of Council Agenda Items: The City Manager gave an overview of the agenda items for consideration.

Adjournment: Given no other to discuss, the City Council adjourned the pre-agenda session at approximately 5:53 p.m.

Transcribed & submitted by: The Clerk of Council

Accepted & approved by: The City Council 6-20-23

MINUTES

City Council Meeting Monday, June 5, 2023 – 6:00 p.m.

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

Opening: Councilmember Hall gave the invocation, and Mayor Campbell led the City Council in the pledge of allegiance to the flag.

Public Comment: No speakers.

City Council Minutes: Councilmember Tice motioned to approve the May 15th pre-agenda session minutes and city council meeting minutes. The motion was seconded by Councilmember Daniel and passed without opposition.

City Manager's Report: The City Manager briefed the City Council on the walk-through at the Woodville Thompkins temporary housing site for the recreation department until the new facility is built. He said the Board of Education will demo the old gym by the end of the month.

Items for Consideration

Resolution – City Council Meeting Schedule Amendment: The Clerk of Council read the heading of a resolution to amend the regular meeting schedule of the Garden City City Council to eliminate the June 19, 2023, regular city council meeting due to the Juneteenth holiday; and to establish a meeting of the City Council on June 20, 2023.

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

Ethics Complaint: Councilmember Hall motioned to affirm the Ethics Committee's decision to dismiss the complaint. The motion was seconded by Councilmember Daniel and passed without opposition.

Executive Session: Councilmember Daniel made a motion to enter an executive session pursuant to O.C.G.A. Section 50-14-3(b)(2) for the purpose of discussing or deliberating upon the appointment, employment, compensation, hiring, disciplinary action, or dismissal, or periodic evaluation or rating of a public officer or employee. Councilmember Lassiter seconded the motion to enter the executive session at approximately 6:10 p.m.

Transcribed & submitted by: The Clerk of Council

Accepted & approved by: The City Council 6-20-23

SYNOPSIS
City Council Workshop
Monday, June 12, 2023 – 5:30 p.m.

Call to Order: Mayor Campbell called the workshop to order at approximately 5:30 p.m., and Councilmember Daniel gave the invocation.

Attendees

Council Members: Mayor Bruce Campbell, Mayor Pro-tem Marcia Daniel, Councilmember Gwyn Hall, Councilmember Richard Lassiter (via Zoom), 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; Mike Dick, Fire Chief; Gil Ballard, Police Chief; Chris Snider, Systems Administrator, and Carlos Nevarez, Fire Marshall.

Mayor's Updates: Mayor Campbell reported that he signed the closing papers today for the sale of the gym and stadium.

City Council's Updates/Items

Charter Recommendation: The City Council discussed and relayed (verbally and in writing) various updates to the Charter to the City Manager and City Attorney that they would like to see done. The City Manager said we would need another meeting to review the changes proposed. The City Attorney said this would have to go to the State since you are considering changing the Mayor Pro-tem process.

CAT Board Member Nominee: Councilmember Morris said she would like to see a city council member serve on the CAT Board. She expressed her concerns about the City's current representative.

Mayor Campbell stated that he didn't have a problem with the City's current representative on the CAT Board.

City Attorney stated that Viola Bell would give a report to the city council at a council meeting when she served on the CAT Board. Councilmember Morris said our current representative should report to us at a council meeting so we will know what's going on.

Mayor Campbell stated that he agreed that our CAT representative should be giving a report at a council meeting. He said that our current representative went into serving on the CAT Board because he was not given any instructions. Councilmember Morris noted that may have been the case when he came into the position, but he has been serving for four years. She pointed out that the residents need to be kept informed. Councilmember Lassiter said he is willing to serve on the CAT Board.

Millage Rate / Ad Valorem Taxes: The City Manager stated that we are adopting the rollback rate. Councilmember Morris and Councilmember Lassiter expressed concerns about rolling back the millage rate and wanted to look at increasing the millage rate.

The Finance Director explained the adoption process of the millage rate and stated that it is too late to increase it for the 2023 tax year. She said the City Manager and City Council would have had to start the process earlier to hold the three public hearings required to increase the millage.

The City Manager stated that this is something that we will need to look at in January 2024. He said we need to increase the millage rate to move the city forward so we can meet our needs.

Councilmember Tice pointed out that we are still getting more money even though we are rolling back the millage rate because of the growth in the digest.

Waste Management Increase: The City Manager stated that we are breaking even and recommends that the increase be passed to the customers. The City Attorney said that this increase is in their contract, and they are entitled to it.

The City Manager stated that we have not increased the water/sewer rates in three years, so we are looking at an increase for 2024.

Councilmember Hall said he would like to see the numbers run on the Waste Management increase to see what it would be for the City to absorb the increase for the next couple of months. He said we don't generally increase rates in election years. The City Manager said we would run the numbers and let you know.

City Manager's Updates

FY24 Budget Workshop: The City Council recommended holding the FY24 budget workshop on September 22nd from 9:00 a.m. until 12:00 p.m.

The City Attorney stated that the charter amendment to increase the City Council's salaries and the ordinance for the new zoning procedures would be on the June 20th council agenda.

Executive Sessions

An executive session pursuant to O.C.G.A Section 50-14-3(b)(1)(A) to discuss or vote to authorize negotiations to purchase, dispose of, or lease property.

An executive session pursuant to O.C.G.A Section 50-14-3(b)(2) to discuss or deliberate upon the appointment, employment, compensation, hiring, disciplinary action or dismissal, or periodic evaluation or rating of a public office or employee.

Councilmember Tice motioned to enter the executive sessions at approximately 6:55 p.m. The motion was seconded by Councilmember Hall and passed without opposition.

Transcribed & submitted by: The Clerk of Council

Accepted & approved by: The City Council on 6/20/23



Garden City Fire Marshal's Office

100 Central Avenue
Garden City, GA 31405



REPORT TO MAYOR AND CITY COUNCIL

TO: THE HONORABLE MAYOR AND CITY COUNCIL

DATE: June 2, 2023

SUBJECT: *Fire Department May 2023 Report*

Report in Brief

The Fire Department Monthly Status Report includes an extensive summary of the monthly activity of the divisions within the Department. This report also provides information regarding key items of interest and / or activities throughout the month.

The operations detail contained in this report is for the month of May 2023 and all related information is current as of May 31, 2023.

Prepared by: Michele Johnson
Title Assistant Fire Chief

Reviewed by: Mike Dick
Title Chief of Fire

Scott Robider, City Manager

Attachment(s)



Garden City Fire Marshal's Office

100 Central Avenue
Garden City, GA 31405



Calls for Service in May 2023

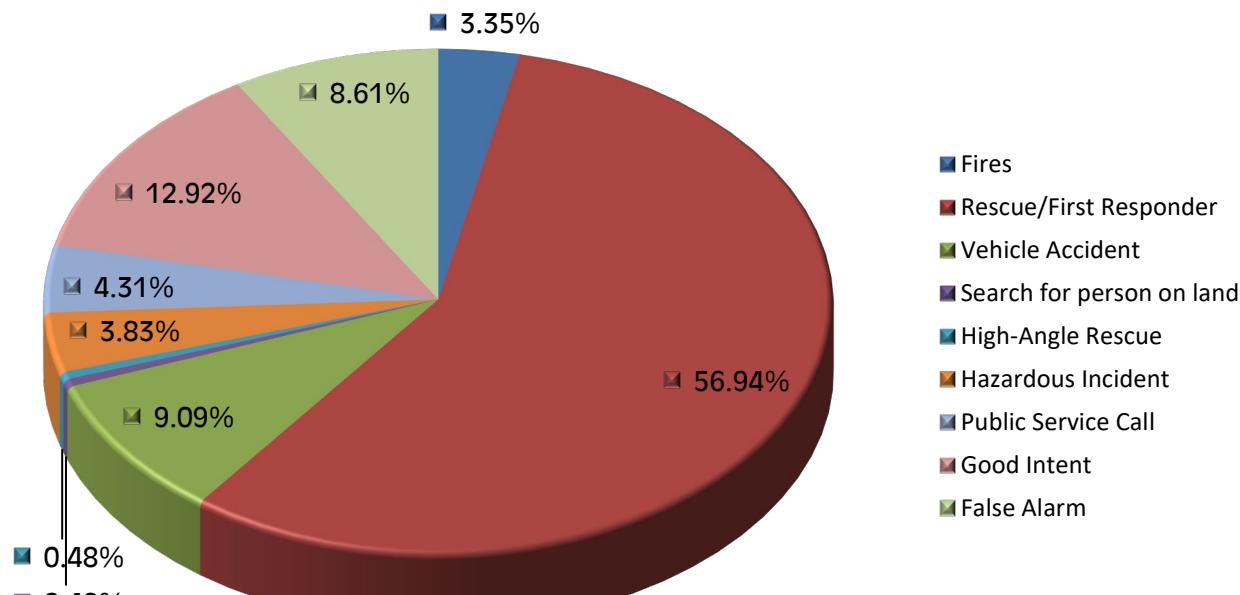
There was a total of 209 calls for service in the month of May 2023.

Current month's calls included:

Incident Type:

Fire in structure other than building	1	First Responder	119
Incinerator overload/malfunction	1	Vehicle Accident	19
Trash or rubbish fire	1	Search for person on land	1
Road freight or transport vehicle fire	1	High-angle rescue	1
Rail vehicle fire	1	Hazardous Incident	8
Brush or brush/grass mixture fire	1	Service call	9
Outside storage fire	1	Good Intent	27
		False Alarm	18

May 2023 Fire Service Calls





Garden City Fire Marshal's Office

100 Central Avenue
Garden City, GA 31405



Department Activities/Events

Department Training

In May, fire personnel reported a total of 425 hours of training resulting in an average of 13.71 hours of training per Firefighter and a total of 2,569 for the year.

Chief Dick attended CEMA's Pre-Hurricane Season Meeting on May 17th at the Coastal Georgia Botanical Gardens. Topics of discussion included debris management, critical facilities, priority routes, re-entry teams, staging areas, hurricane response timeline and curfew.

On May 23rd, Chief Johnson attended the annual Pipeline Safety Program training in Savannah. This is a necessary HAZMAT training related to natural gas emergencies.

Chief Dick instructed Water Rescue Technician class on May 24th and 25th. It was held at Morgan's Bridge near the Bryan and Chatham County line on Highway 204. There were 8 participants from Chatham Emergency Services and 3 from Bryan County.

Department Activities/Events

The Fire Department had one new firefighter start during the month of May which fills the second of the three new positions.

Annual ladder testing was completed on May 16th by Command Fire Apparatus Testing. This is important to complete each year to ensure the safety of the equipment.

The Fire Department has acquired MREs and a pallet of water to begin preparations for hurricane season. All Emergency Management supplies are housed at City Hall in a secure area.

The annual GBI audit was held on May 25th at Station 2. This audit is to make sure the Fire Department is following all necessary laws and regulations as it relates to the fingerprinting and background checks for firefighters.

Beginning May 30th, the Fire Department started the annual CPAT testing. This is where all firefighters are given a physical agility test to ensure they are in the proper condition to successfully do their jobs.



Garden City Fire Marshal's Office

100 Central Avenue
Garden City, GA 31405



GARDEN CITY

The Fire Department was able to obtain a \$10,000 grant from Berkshire Hathaway Energy. These funds will be used to send a few firefighters at a time to the Florida Fire College of the South in Jacksonville for LNG (liquid natural gas) training.

Community Relations

On May 9th, the Fire Department participated in the Georgia Cities Week event at City Hall. Two classes were hosted (3rd & 5th grade) from each of Garden City's elementary schools. An engine was on display and Sparky the Dog was also there. Captain Hornick spoke about how fire service works, went around the engine and described the various parts, and took questions from the students.

On the evenings of May 16th, 17th, & 18th, Fire Department staff conducted Heartsaver CPR courses to summer camp counselors at Savannah Christian Prep School. There were 26 total students that became certified.

On May 20th, the Fire Marshal's office sponsored a Fire Prevention Community Blitz in District 2. This included Griffin Avenue, Talmadge Avenue, Governor Street, 13th Street, Woodlawn Avenue, and Highway 80.

The Garden City Fire Department installed a smoke alarm at a home on Azalea Avenue on May 22nd per the resident's request.

The Fire Chief and Fire Marshal attended the Planning Commission meeting on May 23rd regarding the potential for Voltera Electric Vehicle Charging Station to be located on Highway 80.



Garden City Fire Marshal's Office

100 Central Avenue
Garden City, GA 31405



GARDEN CITY

Apparatus

Apparatus	Year/Make/Model	Status
Engine 21	2016 Pierce Pumper	In service – nothing to note at this time
Engine 22	2016 Pierce Pumper	In service – Needs head gasket replaced and coolant leak
Engine 23 (Reserve 22)	2000 E-One Pumper	Out of service – Needs a new ABS module, still waiting for part
Engine 24 (Service 21)	1995 E-One Pumper	Out of service – Needs a new transmission but unable to locate parts due to age of apparatus
Tender 22	2015 Kenworth Tanker	In service – no AC, going in the shop as soon as front-line trucks are out
Truck 22 (ladder)	2003 E-One Ladder Truck	In service – oil leak, due for provisional maintenance, wiring has been updated, getting seats repaired



Garden City Fire Marshal's Office

100 Central Avenue
Garden City, GA 31405



Fire Marshal

In May, the GCFMO continued to work on annual inspections in the city. No major violations were found during inspections. All businesses on Beasley Road, Bell Road, Buckhalter Road, and Ogeechee Road have been inspected in May. We're still working with owners to correct violations. GCFM taught CPR and Fire Aid training to 26 students/volunteers at Savannah Christian Prep School. The city is starting to charge for CPR classes due to price increases and equipment replacement needs. Currently, we have CPR Training scheduled for the first Saturday of every month for residents. There hasn't been much interest so we would like to advertise more or offer free classes. On May 20th, GCFR performed a community blitz to offer smoke alarms in the Woodlawn Terrace Community. We will be back in District 3 on Old Louisville Road, Junction Avenue, and Heidt Avenue in June.

Inspections

Annual Inspection (initial inspection):	33
RE-Inspection:	52
Certificate of Occupancy:	04
Consultation Site Visit:	04
Fire Protection Equipment Inspection:	08
Occupational Tax Certificate (new tenant):	04
Total number of Inspections:	104

Plan Review

138 Prosperity Drive Sprinkler Office	3hrs
139 Prosperity Drive Sprinkler Office	3hrs
Racetrac Site Plan	4hrs
Racetrac Building Plan	6hrs
5195 Ogeechee Road Site Plan	4hrs
4103 8 th Street Building Plan	6hrs
Kelly Hill Road Warehouse Building	4hrs
8433 Old Louisville Road Fire Alarm	4hrs
4835 Old Louisville Road	4hrs



Garden City Fire Marshal's Office

100 Central Avenue
Garden City, GA 31405



Regulatory Fees: (Collected)

May Fees Processed:	\$6,525.00
Donations from Private Sources:	\$8,500.00

Looking Ahead

- Working on FY2024 budget
- Broadening the community outreach with continued programs such as community CPR classes, the smoke detector program, and Close Before you Doze.
- Pursuing various grants for department equipment
- Continue progress on aggressive training schedule to bring all department personnel up to required standards

REPORT TO MAYOR AND CITY COUNCIL

AGENDA ITEM

TO: THE HONORABLE MAYOR AND CITY COUNCIL

DATE: 06-12-2023

SUBJECT: POLICE DEPARTMENT MONTHLY STATUS REPORT

Report in Brief

The Police Department Monthly Status Report includes a summary of the monthly activities of the Department. This report also provides information regarding key items of interest and/or activities throughout the month.

The operations detail contained in this report is for the month of May 2023.

Prepared by: Jeri Varnum
Title: Executive Assistant/Accreditation Manager

Reviewed by: Gilbert C. Ballard
Title: Chief of Police

Scott Robider, City Manager

Attachment(s)



Police Department - May 2023 Status Report

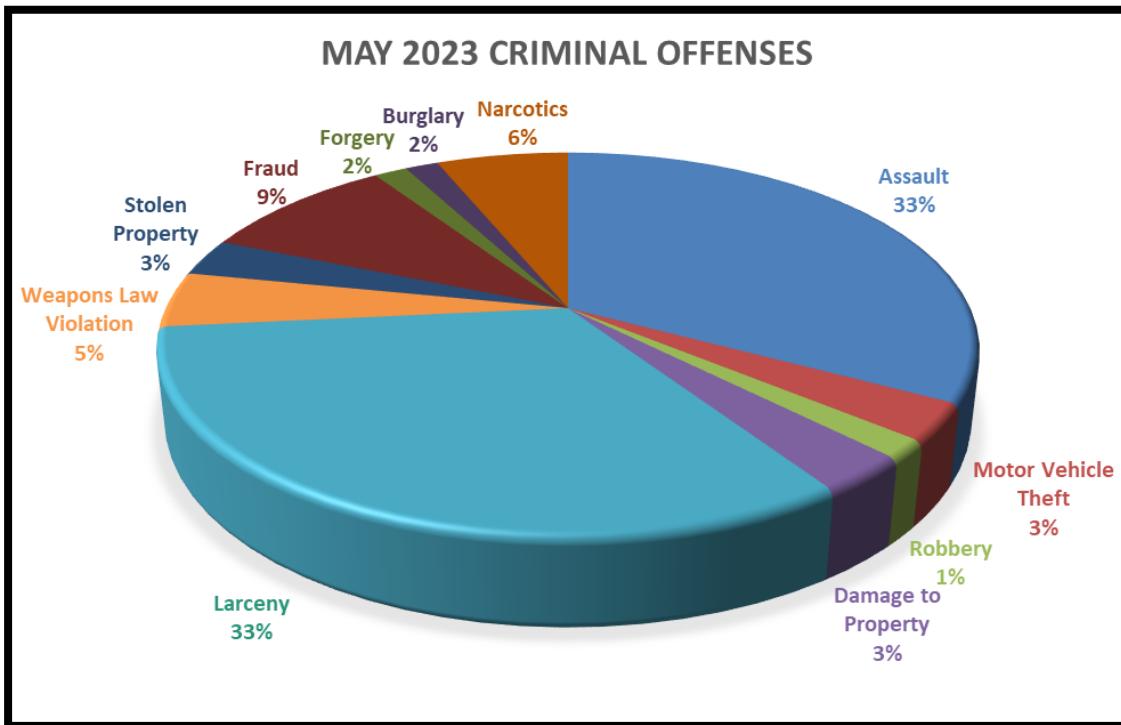
Calls for Service

There were a total of 1,152 calls for service and self-initiated activity in the month of May 2023, for a total of 8,061 calls for service year to date.

Adult & Juvenile Arrest/Charge Summary

Adult Arrests - 87 Juvenile Arrests - 2

Offenses	Assault	21	Burglary	1	Damage to Property	2
	Forgery	1	Fraud	6	Larceny	21
	Motor Vehicle Theft	2	Narcotics	4	Robbery	1
	Stolen Property	2	Weapons Violation	3		

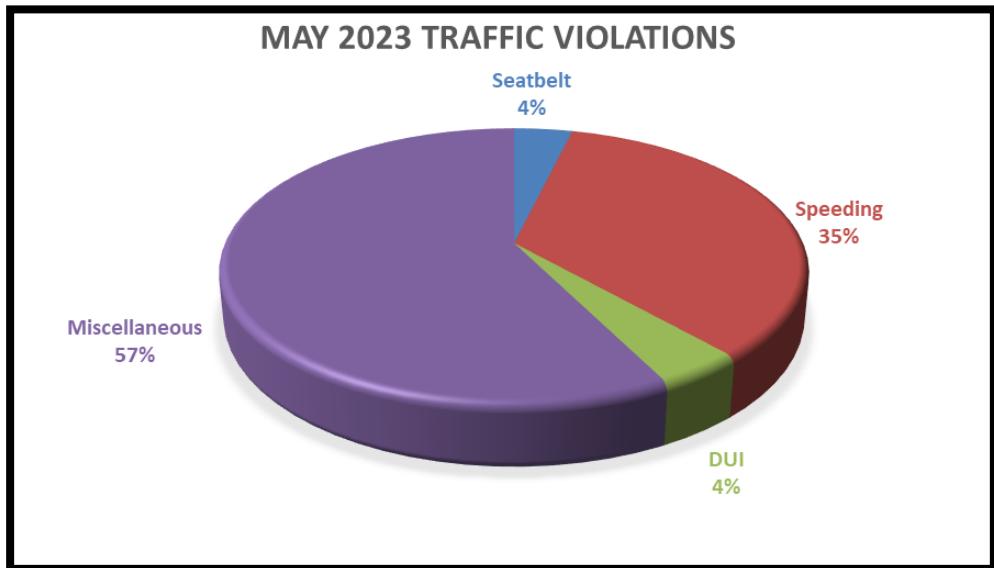


Current Month's Criminal Violations by District

	Daniel District 1	Ruiz District 2	Morris District 3	Lassiter, Jr. District 4	Tice District 5
Assault	5	2	4	1	9
Burglary	1	0	0	4	0
Damage to Property	0	0	0	0	2
Forgery	1	0	0	0	0
Fraud	1	1	1	0	3
Larceny	4	2	3	0	8
MV Theft	1	0	0	0	1
Narcotics	2	1	0	0	1
Robbery	0	0	1	0	0
Stolen Property	0	1	1	0	0
Weapons Violation	0	2	1	0	0

Traffic Violations There were 609 traffic violations in May, 74 of which were commercial vehicle citations. A total of 5,064 traffic violations have been written for 2023.

<u>Traffic Violations Issued</u>	Speeding Violations	192	Fatalities	0
	Seat Belt Violations	21	Written Warnings	54
	DUI Citations	23	Miscellaneous Citations	319



Accidents

Total Accident Reports	63
Public Roadway Accidents	47

Private Property Accidents 16

Open Records Requests The Garden City Records Department received and processed 298 Open Records requests for May. A total of 1,344 Open Records Requests have been processed in 2023.

Training During the month of May 2023, police personnel reported a total of 166 hours of training. Some of the training classes the officers attended during the month of May were: pistol re-qualification, shotgun re-qualification, rifle re-qualification, Taser 7, Criminal Procedure, Civil Defense Terrorism, and Critical Tasks.

Items of Interest for May 2023

- Our annual web-based CALEA review occurred in May. Everything reviewed was found in compliance. Garden City Police Department is one of only 28 municipal law enforcement agencies in the state of Georgia that are Nationally Accredited. This is a great accomplishment for our entire team.
- On May 3rd, Lieutenant Shane Glasco was recognized for his DUI enforcement efforts at the 19th Annual Golden Shields Honors at the Mother's Against Drunk Driving (MADD) awards. Garden City PD also received an agency award.
- The Garden City Police Department participated in the 200 Club Run for Heroes in Pooler on May 6th. The support the 200 Club provides to all first responders and their families is amazing.
- On May 9th, the Police Department participated in the celebration of Georgia Cities Week with Gould Elementary and Garden City Elementary schools.

REPORT TO MAYOR AND CITY COUNCIL**AGENDA ITEM**

TO: THE HONORABLE MAYOR AND CITY COUNCIL **DATE: June 13, 2023**

CT: Human Resources Department Report for May 2023

Report in Brief

Attached is the Human Resources Department's Month-End Report for May.

Prepared by: Yolanda Irizarry

Title: Human Resources Director

Reviewed by: _____

Title _____

City Manager

Garden City
Human Resources Department
May Month-End Report

Recruitment/Positions Filled

In addition to the continuous recruitment of Police Officers/Police Officer Recruits and Firefighters, the City has job opportunities for a Water and Sewer Repair Technician.

New Hires

The City welcomed three (3) new hires during the month of May; one individual was hired into the Fire Department as Firefighters, the other individual was hired into the Police Department as Police Officer, and the third individual was hired into Court as a Clerk of Court.

Promotions/Milestones

There were eight (8) promotions during the month of May, all promotions were into the Fire Department. The individuals were promoted to Firefighters Engineers.

Employment Terminations

There were two (2) separations from employment: both separations were from the Police Department.

City Employment

The City ends the month of May with 105 full-time employees.

Additional Personnel Information Including Part-Time Employees

This report normally covers the count for full- and part-time employees. Included in the count below for City employees is part-time regularly scheduled, temporary, part-time, casual/summer help (persons that have other employment and work as needed), along with full-time employees.

May	
TOTAL EMPLOYEES:	119
FULL-TIME ONLY:	105
CONTRACTOR/TEMP:	0
PART-TIME:	6
PART-TIME/CASUAL -SEASONAL	8

Employee Turnover Data Per Month

Month	Percent
January	0%
February	4%
March	1.9%
April	1.9%
May	1.9%
June	%
July	%
August	%
September	%
October	%
November	%
December	%

Garden City Personnel Data

New Hires – 2023

REPORT TO MAYOR AND CITY COUNCIL**AGENDA ITEM**

TO: THE HONORABLE MAYOR AND CITY COUNCIL DATE: 6/14/23
SUBJECT: *Technology Department Report for the Month of May*

Report in Brief

The Technology and Building Department, Monthly Status Report, includes information to inform the public and the City Council better.

Prepared by: Chris Snider
Title Information Technology Director

Attachment(s)

Technology Report

- Two Desktop replacement
- Two new laptops deployed

Building Maintenance

- City Hall Employee Gate Completed

REPORT TO MAYOR AND CITY COUNCIL

AGENDA ITEM

TO: THE HONORABLE MAYOR AND CITY COUNCIL **DATE:** 06/08/2023

SUBJECT: *Department of Public Works*

Report in Brief

The Public Works Department Monthly Status Report includes an extensive summary of the monthly activity of all divisions within the Department. This report also provides information regarding key projects and/or activities throughout the month.

The operations detail contained in this report is for the month of May and all project related information is current as of 05/31/2023.

Prepared by: Lynnette S. Hymes
Title Executive Administrative Assistant

Reviewed by: Clifton Davis
Title Public Works Director

C. Scott Robider, City Manager

Attachment(s)

Department of Public Works



**Public Works Department
Monthly Status Report
Summary – May 2023**

Operations & Maintenance:

Public Works personnel completed 18 **Resident Requests**, and 444 **Work Orders** for the month of May.

Resident Request – Every time a request for Public Works service is made by phone call, written request, email request, or an actual one-on-one request to a PW employee, a “**Resident Request**” is generated. This builds a computerized record of all requests made.

Work Order – A “**work order**” is created each time a work crew or individual is assigned a task either because of service requests, pre-planned maintenance projects, or by other situations as they arise. This produces a database of work accomplished and the time and materials it took to do the work.

Storm Drainage:

- Ditch/Canal Maintenance: Dug – 2,994 ft., Cut – 13,954 ft.

Streets:

- Street Repairs – Driveway Demo & Repair: Removed Culvert pipe and reset. Location: 304 Olmstead Place. Remove Culvert pipe and reset. Location: 306 Olmstead Place. Remove Culvert and reset. Location: 308 Olmstead Place. Demo & repair curbing and driveway. Location: 37 Bishop Avenue. Total \$ 13,900.00
- Street Sweeper Mileage – Out of Service.
- Signs: Multiple Knockdowns/replacements - 30

Mixed Dry Trash Collection by City and Disposal:

- 76.57 Tons Collected Total Mixed Dry Trash (\$7,192.50) - YTD
- 76.57 Tons Collected YTD taken to Savannah Regional Landfill

Trees: One Pine Tree removed. Stump(s) ground down. Location: 39 Rommel Avenue. One Sweet Gum Tree removed. One stump ground down. All debris cleaned up and removed. Location: 68 Russell Avenue. Total – \$ 2,575.00.

REPORT TO MAYOR AND CITY COUNCIL

AGENDA ITEM

TO: THE HONORABLE MAYOR AND CITY COUNCIL

DATE: June 1, 2023

SUBJECT: *Planning and Economic Development Permitting and Inspections Monthly Status Report*

Report in Brief

The Department of Planning and Economic Development Monthly Status Report includes a summary of the monthly activities and projects of permitting and inspections within the department. This report also provides information regarding key items of interest and/or activities throughout the month.

The operations detail contained in this report is for May 2023 and all related information is current as of June 1, 2023.

Prepared by: Tonya Roper
Title Staff

Reviewed by: _____
Title _____

Scott Robider; City Manager

Attachment(s)

- Code Enforcement

Planning and Economic Development Department

Status Report

Summary – May 2023

Permits

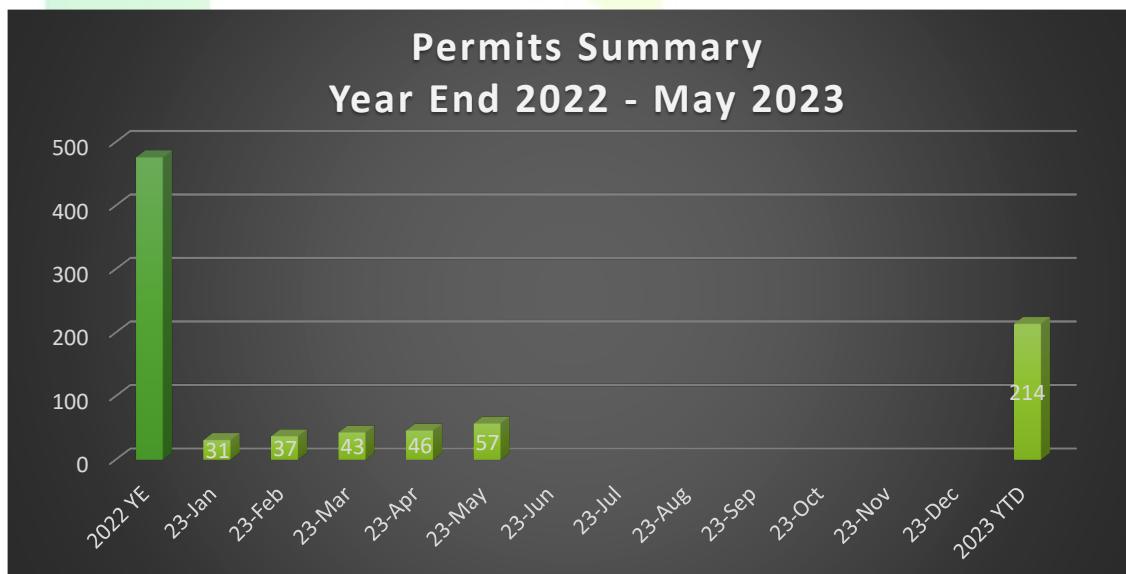
There were 57 permits issued during the month. *They included:*

New Construction Building Permits

Renovation/Expansion Building Permits

Miscellaneous Permits

The graph below is a visual summary of the permits issued.



	<u>Number of Permits</u>
2022 Year End	476
Jan-23	31
Feb-23	37
Mar-23	43
Apr-23	46
May-23	57
Jun-23	
Jul-23	
Aug-23	
Sep-23	
Oct-23	
Nov-23	
Dec-23	
2023 YTD	214

Inspections

Inspections scheduled included:

- 12 Business License
- 49 Mechanical/Electrical/Plumbing
- 47 Building
- 08 Site (Property/Development/Preliminary/Demolition)

Code Enforcement Activity

- 49 Courtesy Notice of Violations Issued
- 00 Signs
- 00 Sanitation Citations (Enforcement Ceased per CM)
- 50 Re-Inspections
- 44 Cases Closed (Compliance or Dismissed)
- 17 Vehicles Tagged Derelict or tagged for tow
- 01 Vehicles Towed
- 12 Vehicles Move by Owner or brought into compliance
- 05 Court Citations
- 15 Miscellaneous Inspections (Checking zoning, business license, permits)
- 03 Housing codes
- 01 Cease and Desist orders obtained
- 00 Warrants and Court Orders obtained
- 14 Properties that the City worked on (including cutting, cleaning, securing) and billed
- 01 Code Enforcement condemnations (placards posted – including unfit, unsecure, unsafe)
- 27 RI/ Inspection fees imposed
- 01 Stormwater Inspections
- 05 Stop Work Order Issues

New Business Licenses Issued
May 2023

Name	Address	Business Type
Signs of the South Inc	5507 Export Blvd	Sign Manufacturing
DuraServ Corp.	5516 Export Blvd, Suite D	Other Building Equipment
Material Handling Inc	2830 US Hwy 80 W	Industrial Truck, Tractor
Performance Team/Hudd Transportation	2148 Dean Forest Rd.	General Freight Trucking
Performance Team/Hudd Transportation	2470 Dean Forest Rd.	General Freight Trucking
Optix LLC	420 Telfair Rd.	General Warehousing
Flavors Kitchen and Cocktails LLC	4021 Augusta Rd.	Full-Service Restaurant
Washington Enterprises of Georgia, LLC	527 Hwy 80	General Freight Trucking
Smart Shop 21 Inc.	4928 Ogeechee Rd.	Convenience Store

Business Licenses

Year End 2022 - May 2023



	<u>New Businesses</u>
2022 Year End	66
Jan-23	8
Feb-23	5
Mar-23	12
Apr-23	7
May-23	9
Jun-23	
Jul-23	
Aug-23	
Sep-23	
Oct-23	
Nov-23	
Dec-23	
2023 YTD	41

Memorandum

To: Scott Robider
From: Benji Selph – Code Officer
Date: 6/1/2023
Re: Council Report

The Code Enforcement Unit activity report for May 2023 is as follows:

Signs- 00

Sanitation Citations-00

Courtesy Notices and Violation Notices- 49

Re-inspections- 50

Cases Closed (Compliance or dismissed)- 44

Vehicles Tagged Derelict or tagged for tow- 17

Vehicles Towed- 01

Vehicles MBO or brought into compliance- 12

Court Citations- 05

Misc. Inspections (including zoning inspections, tax cert checks, permit checks, routine insps)- 15

Housing Codes- 03

Cease and Desist Orders obtained: 01

Warrants and Court Orders obtained: 00

Properties that the City worked on (including cutting, cleaning, securing) and billed- 14

CE Condemnations (Placards posted- including for unfit, unsecure, unsafe): 01

RI/Inspection Fees Imposed: 27

Stormwater Inspections: 01

Stop Work Order Issues: 05

Parks & Recreation 2023 May Report



Pictured above is the new temporary home of the Garden City Parks and Rec office and Gymnasium. Lower Woodville Tompkins School Gym 402 Market Street.

TO: THE HONORABLE MAYOR AND CITY COUNCIL **DATE:** June 8th 2023
SUBJECT: Parks & Recreation 2023 May Report

Report in Brief

The Parks & Recreation Monthly Status Report includes a summary of the monthly activities and projects of all divisions within the Department.

The operations detail contained in this report is for the Month of May 2023 and all related information is current as of June 8, 2023.

Parks & Recreation Department Status Report Summary - May 2023

Adult Programs Senior Center



- *During May we had an averaged 40 Senior Citizens per day at the Senior Center.*
- *We served 690 Senior Center meals in May.*
- *In May Judy Roundtree had 20 of our Seniors enjoy an evening out to eat together.*
- *This month Seniors are bringing in their Wedding photos to share and keeping cool with plenty of lemonade and watermelon.*

*Our Garden City Senior Citizens
enjoying lunch at the Deloach's a pond house May 12th.*

Sports Programs/Activities

During the month of May, 175 Youths participated in Garden City's Parks and Rec Youth Programs.

➤ **Upcoming Sports Programs/Events Garden City Camp Eagle Sumer Day Cam**
May 30 – July 28th



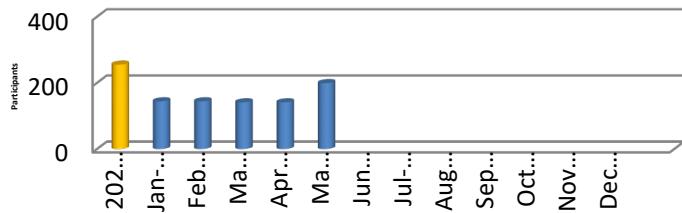
• **Camp Eagle Registration**

**Register at Garden City
Gym Monday –Friday
8:30am – 5pm (Check,
Money Order, Credit/ Debit
Card only)**

912-966-7788

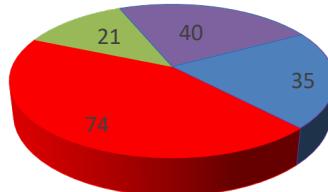
➤ ***Fun at Camp Eagle Summer Day Camp May 2023***

**Recreation Programs/Activities Participation
Summary
May 2023**



*The graphs
are visual
summaries of
the number of
participants in
Garden City's
Recreation*

May Participation 2023



■ Baseball ■ Camp Eagle ■ Gymnastics ■ Basketball

Prepared by: Cliff Ducey
Title Parks & Recreation Director

REPORT TO MAYOR AND CITY COUNCIL**AGENDA ITEM**

TO: THE HONORABLE MAYOR AND CITY COUNCIL **DATE:** 06/08/2023

SUBJECT: *Water and Sewer Operations Monthly Status Report*

Report in Brief -

The Water and Sewer Operations Department Monthly Status Report includes an extensive summary of the monthly activity of all divisions within the Department. This report also provides information regarding key projects and/or activities throughout the month.

The operations detail contained in this report is for the month of May and all project related information is current as of 05/31/2023.

Prepared by: Lynnette S. Hymes
Title Executive Administrative Assistant

Reviewed by: Jon Bayer
Title Director of Water and Sewer Operations

C. Scott Robider, City Manager

Attachment(s)

Department of Water and Sewer Operations



Water Operations & Maintenance:

141 Service Orders, 24 Work Orders

33.8 million Gallons of Drinking Water for the Month of May 2023

Hydrant Services: 23

Water Line Services: 17

Located Services: 109

Utility Services:

- Meter Services: 30
- Connects: 35
- Disconnects: 49
- Delinquent Disconnects: 89

* Maintenance Services consist of repairs made for leaks at the meter, register repairs, box or lid replacements, as well as, requested cleaning services for apartments.

Sewer Operations and Maintenance:

- Gravity Main/Manhole Services: 57
- Lateral/Blockage Services: 11
- Sanitary Sewer Overflow Event: 0

Wastewater Treatment Plant and Water System:

EXECUTIVE SUMMARY

- The treatment plant received a total of 4.2 inches of rain during the month and treated 35.0 million gallons.
- The max EFF daily flow for the treatment plant was 2.15 MGD recorded on May 27, 2023.
- The water system withdrew a total of 33.8 MG from well facilities and purchased 0.81 MG from the Savannah Southbridge System (Town Center Water System) and 0.10 MG from Savannah I&D (Prosperity Drive)
- Monthly drinking water bacteriological sampling completed = passed
- Monthly water and wastewater reporting submitted to State = no violations

ORDINANCE 2023-

AN ORDINANCE AMENDING THE CHARTER FOR THE CITY OF GARDEN CITY, GEORGIA, (“CITY”) APPROVED APRIL 17, 1973 (Ga. Laws 1973, P. 3581), AS AMENDED, TO INCREASE THE MONTHLY SALARY OF CITY COUNCILMEMBERS FROM \$500.00 TO 1,000.00 WHILE INCREASING THE MAYOR’S MONTHLY SALARY FROM \$800.00 TO \$1,300.00; TO ACKNOWLEDGE THE PROPER ADVERTISEMENT OF NOTICE OF INTENT TO AMEND THE CHARTER OF GARDEN CITY, GEORGIA; TO AUTHORIZE THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE THE PURPOSES OF SAID ORDINANCE; TO AUTHORIZE THE CLERK OF COUNCIL TO ATTEST SIGNATURES AND AFFIX THE OFFICIAL SEAL OF THE CITY AS NECESSARY; TO PROVIDE FOR SEVERABILITY; TO REPEAL INCONSISTENT ORDINANCES; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, Garden City, Georgia (the “City”), is a municipal corporation duly organized and existing under the laws of the State of Georgia and is vested with all the rights, powers, and privileges incident to municipal corporations in the State of Georgia, and within the corporate limits of the City; and,

WHEREAS, in accordance with Official Code of Georgia Annotated Section 36-35-4, the City intends to amend its Charter to increase the monthly salary of City Councilmembers from \$500.00 to \$1,000.00 while increasing the Mayor’s monthly salary from \$800.00 to \$1,300.00, said increase being commensurate with the work done by Mayor and Council in and for the City; and,

WHEREAS, the expenses reimbursement procedure covered by the Charter and Code of Ordinances for the Mayor and Council shall not be changed; and,

WHEREAS, such salary increase is not being taken during the period of time beginning with the date that candidates for election to membership on the Garden City Mayor and Council may first qualify and ending with the date members of the Mayor and Council take office following their election; and,

WHEREAS, an increase in salary would make Garden City, Georgia competitive with surrounding jurisdictions;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of Garden City, Georgia, and it is hereby ordained by the authority of same:

Section 1. Section 2.04 of the Charter of Garden City, Georgia, as amended, is hereby deleted in its entirety and replaced with the following:

“2.04. Compensation and Expenses.

- (a) The Mayor shall receive monthly compensation in the amount of \$1,300.00 and Councilmembers shall each receive monthly compensation in the amount of \$1,000.00 for their respective services which may thereafter be increased or decreased by ordinance passed pursuant to the applicable provisions of the Official Code of Georgia Annotated.
- (b) The Mayor and Councilmembers shall receive their actual and necessary expenses incurred in the performance of their duties of office.”

Section 2. The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section 3. This Ordinance shall be adopted pursuant to the provisions of Official Code of Georgia Annotated Section 36-35-3 at two regularly scheduled consecutive meetings and after compliance with all of the provisions of the Municipal Home Rule Act of 1965, as amended.

Section 4. A copy of the proposed amendment to the Charter of Garden City, Georgia, shall be filed in the Office of the Clerk of Council for Garden City, Georgia, and in the Office of the Clerk of the Superior Court of Chatham County, Georgia, and a “Notice of Proposed Amendment to the Charter of Garden City, Georgia” attached hereto and marked as Exhibit A and made a part of this Ordinance shall be published in the official organ of Chatham County, Georgia, or in a newspaper of general circulation in Garden City once a week for three (3) consecutive weeks within a period of 60 days immediately preceding the Ordinance’s final adoption, and a copy of the said advertisement shall be attached to the Ordinance prior to its final adoption by the Mayor and Council.

Section 5. In the event that any phrase, clause, sentence, paragraph or section of this Ordinance 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 Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections shall remain valid, constitutional, enforceable, and of full force and effect.

Section 6. All ordinances or parts of ordinances in conflict herewith are

hereby repealed.

Section 7. The Mayor is hereby authorized to sign all documents and to perform all other acts necessary to effectuate this Ordinance on behalf of the City. The City's Clerk of Council is authorized to execute, attest to, and seal any document which may be necessary to effectuate this Ordinance.

Section 8. A copy of this Ordinance, upon its final adoption, together with a copy of the newspaper advertisement providing public notice of the Charter amendment as required by Official Code of Georgia Annotated Section 36-35-3(b)(1), and an affidavit of a duly authorized representative of the newspaper publication in which the notice was published to the effect that the notice was actually published as provided for by the above-mentioned section of the Official Code of Georgia Annotated, shall be filed with the Georgia Secretary of State's Office and with the Office of the Clerk of the Superior Court of Chatham County, Georgia. The effective date of this Ordinance shall be the date of the later of the dates of such filings with the Office of the Georgia Secretary of State and the Office of the Clerk of the Superior Court of Chatham County, Georgia, and the date of the taking of office of those elected at the next regular municipal election which is held immediately following the date of the final adoption of the Ordinance.

ADOPTED THIS _____ day of July, 2023.

RHONDA FERRELL-BOWLES
Clerk of Council

RECEIVED AND APPROVED THIS _____ day of July, 2023.

BRUCE CAMPBELL, Mayor

Read first time:

Read second time and passed:

EXHIBIT A

STATE OF GEORGIA)
)
COUNTY OF CHATHAM)

NOTICE OF PROPOSED AMENDMENT TO THE CHARTER OF
GARDEN CITY, GEORGIA

Notice is hereby given that the Mayor and Council of Garden City, Georgia, intends to pass an Ordinance to amend the Charter for Garden City, Georgia, approved April 17, 1973 (Ga. Laws 1973, p. 3581), as amended, to increase the monthly salary of City Councilmembers from \$500.00 to 1,000.00 while increasing the Mayor's monthly salary from \$800.00 to \$1,300.00; to acknowledge the proper advertisement of a Notice of Intent to Amend the Charter of Garden City, Georgia; to authorize the Mayor to execute all documents necessary to effectuate the purposes of said Ordinance; to authorize the Clerk of Council to attest signatures and affix the official seal of the City as necessary; to provide for severability; to repeal inconsistent ordinances; to provide for an effective date; and for other purposes. A copy of the proposed Charter amendment is on file with the Office of the Clerk of Council for Garden City, Georgia, and in the Office of the Clerk of the Superior Court of Chatham County, Georgia, for the purpose of examination and inspection by the public. The Garden City Clerk of Council shall furnish anyone, upon written request, a copy of the proposed Charter amendment.

The Mayor and Council of Garden City, Georgia, will conduct a public hearing on the above-mentioned proposed Charter amendment on June 20, 2023, at 6:00 p.m. o'clock, in the Garden City Hall Council Chambers, 100 Central Avenue, Garden City, Georgia. All parties who have rights or interests which may be affected are hereby notified of the time and place of the hearing and should attend in order to be heard. The proposed Charter amendment will be first read at the regularly scheduled meeting of Mayor and Council on June 20, 2023, at 6:00 p.m. o'clock, and then, if approved on the first reading, shall be read a second time and finally adopted at the following regularly scheduled meeting of Mayor and Council on July 17, 2023, at 6:00 p.m. o'clock.

Dated this 16th day of May, 2023.

RHONDA FERRELL-BOWLES
Clerk of Council for Garden City, GA
Garden City City Hall
100 Central Avenue
Garden City, Georgia 31405

ORDINANCE NO. 2023-

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF GARDEN CITY, GEORGIA, AND THE ZONING ORDINANCE TO BRING THE ORDINANCES IN COMPLIANCE WITH CHANGES TO THE ZONING PROCEDURES LAW IMPLEMENTED BY HB 1405 (GEORGIA LAWS ACT 881); TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH; AND FOR OTHER LAWFUL PURPOSES.

WHEREAS, Garden City, Georgia (the “City”), is a municipal corporation duly organized and existing under the laws of the State of Georgia; and,

WHEREAS, the duly elected governing authority of the City is the Mayor and Council thereof (the “City Council”); and,

WHEREAS, pursuant to City’s Charter, the City Council is authorized to adopt ordinances and amendments it deems necessary, expedient, or helpful for the health, welfare, safety, comfort, and well-being of the inhabitants of the City; and,

WHEREAS, the Georgia General Assembly passed 2022 Georgia Laws Act 881 (H.B. 1405) during the 2021-2022 Regular Session, and said Act was signed by the Governor on May 13, 2022, which instituted material changes of the Georgia Zoning Procedure Law; and,

WHEREAS, it is necessary to amend the City’s Zoning Ordinance to conform to the changes in the Zoning Procedures Law; and,

WHEREAS, municipalities are required to come into compliance with the amended procedures by July 1, 2023; and,

WHEREAS, the Mayor and City Council of Garden City finds that this text amendment to the City’s Zoning Ordinance is in the best interest of the public, health, safety, and welfare.

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

Section 1. Chapter 90, Article VII, Division 1, Subsection 90-201(a) of the Code of Ordinances of Garden City, Georgia, as amended, entitled “Zoning; Administration; Generally; Amendments to the Chapter or Zoning Map; Generally” is deleted in its entirety and replaced by the following to require that the Planning Commission submit its report within **sixty (60) days**, instead of **thirty (30) days**, after receiving an amendment proposal for review:

“Sec. 90-201. Amendments to Chapter or Zoning Map.

(a) *Generally.* This Chapter, including the zoning map, may be amended by the Mayor and Council on their own motion, on petition, or on recommendation of the Planning Commission, but no amendment shall become effective unless it shall have been proposed by or shall first have been submitted to the Planning Commission for review and recommendation. The Planning Commission shall prepare and submit its recommendations to Mayor and Council within forty-five (45) days after receiving a fully completed re-zoning application for review; otherwise, such application shall be deemed approved by the Planning Commission. Before enacting an amendment to this Chapter, the Mayor and Council shall give public hearing thereon as set forth in this Code Section.”

Section 2. Chapter 90, Article VII, Subsection 90-201(b) of the Code of Ordinances of Garden City, Georgia, as amended, entitled “Zoning; Administration; Generally; Amendments to the Chapter or Zoning Map; Application and Posting of Property,” is deleted in its entirety and replaced by the following to require that the Director of Planning and Economic Development process all zoning map and text amendments; to require that the applicant and owner of property sought to be re-zoned, if any, be mailed a notice of the public hearings to be held thereon at least **thirty (30) days**, instead of **seven (7) days**, in advance thereto; and to erect a sign on any property sought to be re-zoned to advertise the zoning change as set forth therein at least **thirty (30) days**, instead of **fifteen (15) days**, before any public hearings thereon:

“(b) Application and Posting of Property.

(1) *Filing and Processing of Applications.* Applications for amendment of this Chapter may be in the form of proposals for amendments to the text of this Chapter or proposals for amendments to the zoning map. Such applications shall give the reasons for requesting change of the text or zoning map which would support the purposes of the City’s zoning program. A property owner shall not file a rezoning petition for a map or text amendment affecting the same parcel more often than six months from the date of denial of any rezoning request for the same property by the Mayor and Council, or within six months of the date of a recommendation by the Planning Commission for denial of an application affecting the same parcel. All previous applications for a text or map amendment affecting the same premises shall be listed. All applications shall be submitted to the Director for Planning and Economic Development who shall transmit them to the Planning Commission and schedule the necessary public hearings thereon. The applicant and the owner of the property sought to be re-zoned, if any, shall be mailed notice of the public hearings to be held thereon at least thirty (30) days in advance thereto.

- (2) *Signing of Application.* All applications shall be signed and shall state the name and address of the applicant who must be the owner of the property or the authorized agent or attorney for the owner of the property. If the applicant is the agent of the owner, then the agent shall file, simultaneously with the petition, a notarized letter signed by the owner authorizing the agent to file on his/her/its behalf. No application shall be accepted which fails to meet these requirements.
- (3) *Application for Text Amendment.* In the case of a text amendment, the application shall set forth the new text to be added and the existing text to be deleted.
- (4) *Application for Map Amendment.* An application for a map amendment shall include the following information and a scaled map, plat, or sketch, which shall be attached to the application form required. The map, plat or sketch shall show the property referred to in the application and all adjoining lots or parcels of land which are also under the same ownership. The required information shall include:
 - a. A legal description of the land by lot, block, and subdivision designation, or, if none, by metes and bounds;
 - b. The property identification number from the tax records of the county;
 - c. The present zoning classification and the classification proposed for such land;
 - d. The name and address of the owners of the land; and,
 - e. The present and proposed land uses of the property petitioned for rezoning, and all adjoining properties if under the same ownership.
- (5) *Posting of Property.* At least thirty (30) days prior to the scheduled date of a public hearing on an application for a map amendment, the City shall erect a sign on the land proposed to be reclassified. Such sign shall be erected within ten (10') feet of whatever boundary line of such land abuts the most traveled public road. If no public road abuts thereon, then such sign shall be erected to face in such a manner as may be most readily seen by the public. The lower edge of the sign face shall be of sufficient height to be read from the roadway. The sign shall show the rezoning application number, the present zoning classification, the proposed zoning classification, the scheduled date, time and place of the public hearing, and the telephone number to call for further information. If the land sought to be rezoned lies within more than one block as shown on a plat recorded in the land records of the county, additional signs shall be placed to give general area coverage.

Section 3. Chapter 90, Article VII, Division 1, Subsection 90-201(c), of the Code of Ordinances of Garden City, Georgia, as amended, entitled "Zoning; Administration; Generally; Amendments to the Chapter or Zoning Map; Hearing" is deleted in its entirety and replaced by the following to require that notice of a public hearing on any zoning map or text amendment be

published at least **thirty (30) days**, instead of **fifteen (15) days**, in advance of the hearing, and to require that notice of a public hearing on any zoning map be mailed in all interested parties at least **thirty (30) days**, instead of **seven (7) days**, before the hearing:

“(c) *Hearing*.”

- (1) *Publication of Notice.* Before the Planning Commission makes a recommendation on a proposed amendment and before the Mayor and Council takes any action on a proposed amendment, each shall hold a public hearing thereon. Notice of the time and place of the Planning Commission meeting (both for recommendations and public hearing) and the City Council public hearing shall be given at least thirty (30) days prior to the public hearing and shall be published as required by State law in a newspaper of general circulation within the City. Such notice shall state the rezoning application number and shall contain a summary of the proposed amendment if a text amendment, and in the case of a map amendment the notice shall contain the location of the property, the name of the owner and the proposed change of classification (i.e., the present zoning classification of the subject property and the proposed zoning classification of the subject property).
- (2) *Mailing of Notice to Interested Parties.* The Director of Planning and Economic Development shall also give notice of a proposed zoning map amendment and the public hearings thereon to all owners of record of properties located adjacent to or across a public right-of-way from the property being proposed for rezoning. Said notice shall be given to each adjoining property owner by first class mail, with proof of mailing obtained from the post office. Proof of mailing means either a first class certificate of mailing or a first class certified mail receipt; proof of delivery is not required. Only owners reflected on the records of the Chatham County Tax Assessor as of the date of the application shall be entitled to mailed notice. Said notice must be mailed at least thirty (30) days prior to the dates of said scheduled public hearings.”

Section 4. Chapter 90, Article VII, Division 1, Subsection 90-201(d) of the Code of Ordinances of Garden City, Georgia, as amended, entitled “Zoning; Administration; Generally; Amendments to the Chapter or Zoning Map; Conduct of Hearing” is amended by adding the following Paragraph (11) thereto to require that all proceedings of the Planning Commission or the City Council, as applicable, shall be recorded on tape or other media, and that the recording of the proceeding shall be retained in conformance with the City’s retention schedule:

- “(11) All proceedings of the Planning Commission or the City Council, as applicable, shall be recorded on tape or other media. The recording of the

proceeding shall be retained in conformance with the City's retention schedule.”

Section 5. Chapter 90, Article VII, Division 1, Subsection 90-201 of the Code of Ordinances of Garden City, Georgia, as amended, entitled “Amendments to the Chapter or Zoning Map” is amended to add the following Subsection (f) entitled “Decision of Mayor and Council” to set forth the alternatives available to Mayor and Council when making a zoning decision pursuant to in Section 36-66-3 of the Official Code of Georgia Annotated:

“(f) Decision of Mayor and Council:

(1) Mayor and Council may choose to adopt or reject or modify the Planning Commission’s recommendation, or the business may be tabled for additional study at the next regular Council meeting.

(2) In approving the rezoning of a property, Mayor and Council may impose conditions of approval that it deems necessary to make the requested action acceptable and consistent with the purposes of this Chapter and of the zoning districts involved, to ameliorate negative issues identified through evaluation of the standards governing consideration of a rezoning or to further the goals and objectives of any City adopted plan. Such conditions may consist of any of the following:

- a. restrictions as to what land uses or activities shall be allowed;
- b. dedication of required rights-of-way to the City where insufficient amounts or none exist;
- c. setback requirements from any lot line;
- d. specified or prohibited locations for buildings, parking, loading, or storage areas or other land uses;
- e. driveway curb cut restrictions;
- f. maximum building heights or other dimensions;
- g. special drainage or erosion provisions;
- h. landscaping or planted areas which may include the location, type, and maintenance of plant materials;
- i. fences, walls, berms or other landscaping or buffering provisions or protective measures;
- j. preservation of existing trees or planting of new trees or other vegetation;
- k. special measures to alleviate undesirable views, light, glare noise, dust, or odor;
- l. permitted hours of operation;
- m. architectural style or materials; and,

- n. any other requirements that Mayor and Council may deem appropriate and necessary as a condition of rezoning approval in furtherance of the public health, safety, or welfare.

Such conditions of approval shall be in effect as long as the zoning in effect and shall be required of the property owner and all subsequent owners as a condition of their use of the property.”

Section 6. Chapter 90, Article VII, Division 1, Subsection 90-201, of the Code of Ordinances of Garden City, Georgia, as amended, entitled “Amendments to the Chapter or Zoning Map” is amended to add the following Subsection (g) entitled “Appeals to Superior Court” to set forth the method for appealing any zoning decision of Mayor and Council as defined in Section 36-66-3 of the Official Code of Georgia Annotated:

“(g) *Appeals to Superior Court.* Any appeal of, or legal challenge to the Mayor and Council’s final decision regarding a zoning decision as defined in Section 36-66-3 of the Official Code of Georgia Annotated shall be pursued as required by law in the superior court by way of a *de novo* review by the said court wherein such review shall bring up the whole record from the City and all competent evidence shall be admissible in the trial thereof, whether adduced in the City’s rezoning process or not, and employing the presumption that the Mayor and Council’s zoning decision is valid and can be overcome substantively by a petitioner showing by clear and convincing evidence that the zoning classification is a significant detriment to the petitioner and is insubstantially related to the public health, safety morality, or general welfare.”

Section 7. Chapter 90, Article VII, Division1, of the Code of Ordinances of Garden City, Georgia, as amended, entitled “Zoning; Administration; Generally” is amended by adding the following Code Section 90-205 providing for additional public notice and hearings for zoning amendments revising one or more zoning classifications or definitions relating to single-family residential users of property to authorize multifamily uses pursuant to such classifications or definitions, or to grant blanket permission, under certain or all circumstances for property owners to deviate from the existing zoning requirements of a single-family residential zoning:

“Sec. 90-205. Additional Public Notice and Hearings Required for Zoning Amendments Revising One or More Zoning Classifications or Definitions Relating to Single-Family Residential Users of Property to Authorize Multifamily Uses Pursuant to such Classifications or Definitions, or to Grant Blanket Permission, under certain or all circumstances for Property Owners to Deviate from the Existing Zoning Requirements of a Single-Family Residential Zoning.

Notwithstanding any provision of this Chapter to the contrary, when a proposed zoning decision relates to an amendment of the City’s zoning ordinance to revise

one or more zoning classifications or definitions relating to single-family residential users of property so as to authorize multifamily uses of property pursuant to such classifications or definitions, or to grant blanket permission, under certain or all circumstances, for property owners to deviate from the existing zoning requirements of a single-family residential zoning, such zoning decision must be adopted in the following manner:

- (a) The zoning decision shall be adopted at two regular meetings of the Mayor and Council during a period of not less than twenty-one (21) days apart; and,
- (b) Prior to the first meeting provided for in subparagraph (a) of this Section, at least two public hearings shall be held on the proposed action. Such public hearings shall be held at least three months and not more than nine months prior to the date of final action on the zoning decision. Furthermore, at least one of the public hearings must be held between the hours of 5:00 p.m. o'clock and 8:00 p.m. o'clock. The hearings required by this paragraph shall be in addition to any hearing required under Code Section 90-201 (c). The City shall give notice of such hearing by (i) posting notice on each affected premises in the manner prescribed by Code Section 90-201 (b)(5); provided, however, that when more than 500 parcels are affected, posting notice is required every 500 feet in the affected area; and, (ii) publishing in a newspaper of general circulation within the territorial boundaries of the City a notice of each hearing at least fifteen (15) days and not more than forty (45) days prior to the date of the hearing. Both the posted notice and the published notice shall include a prominent statement that the proposed zoning decision relates to or will authorize multifamily uses or give blanket permission to the property owner to deviate from the zoning requirements of a single-family residential zoning of property in classification previously relating to single-family residential uses. The published notice shall be at least nine column inches in size and shall not be in the classified advertising section of the newspaper. The notice shall state that a copy of the proposed amendment is on file in the Office of the Clerk of Council and in the Office of the Clerk of the Superior Court of Chatham County, Georgia, for the purpose of examination and inspection by the public. The City shall furnish anyone, upon written request, a copy of the proposed amendment, at no cost.
- (c) The provisions of this Code Section 90-205 shall also apply to any zoning decisions that provide for the abolition of all single-family residential zoning classifications within the territorial boundaries of the City, or zoning decisions that result in the rezoning of all property zoned for single-family residential uses within the territorial boundaries of the City to multifamily residential uses of property.

(d) The provisions of this Code Section 90-205 shall not apply to zoning decisions for the rezoning of property from a single-family residential use of property to a multifamily residential use of property when the rezoning is initiated by the owner or authorized agent of the owner of such property.”

Section 8. Chapter 90, Article VII, Division 1, of the Code of Ordinances of Garden City, Georgia, as amended, entitled “Zoning; Administration; Generally” is amended to add the following Section 90-206 entitled Procedures for Processing Applications to the Planning Commission for the Approval of Development or Site Plans; Methods for Providing Public Notice of such Applications and the Hearings thereon; Conducting Hearings on Applications; Timing of Decisions; and Method for Appealing Decisions.

“Sec. 90-206. Procedures for Processing Applications to the Planning Commission for the Approval of Development or Site Plans; Methods for Providing Public Notice of Such Applications and the Hearings Thereon; Conducting Hearings on Applications; Timing of Decisions; and Method for Appealing Decisions.

(a) *Applications.* Applications for the approval of all development or site plans by the Planning Commission as required by and pursuant to any code section set forth in Chapter 90 of the Garden City Code including, but not limited to Code Sections 90-43 and 90-48, shall be filed on forms provided by the Director of Planning and Economic Development and processed in accordance with the schedule set out by said Director. The Director shall transmit the application and the development or site plan to the Planning Commission and schedule a public hearing thereon. The owner of the property that is the subject of the application shall be mailed notice of the public hearing at least thirty (30) days prior to the hearing.

(b) *Published and Posted Notice.* Due notice of the public hearing shall be published in the newspaper of general circulation within the City. The notice advertising the hearing on the development or site plan shall contain the information set forth in Code Section 90-206 (d) and shall be published at least 30 days prior to the date of the hearing. The cost of the advertisement shall be borne by the applicant. The Director of Planning and Economic Development shall also post, at least thirty (30) days prior to the Planning Commission’s public hearing, a sign on the property for which the development or site plan applies. Such sign shall be erected within ten (10') feet of whatever boundary line of such land abuts the most traveled public road. If no public road abuts thereon, then such sign shall be erected to face in such a manner as may be most readily seen by the public. The lower edge of the sign face shall be of sufficient height to be read from the roadway. The sign shall contain the above-mentioned published information. If the subject property lies within more than

one block as shown on a plat recorded in the land records of the county, additional signs shall be placed to give general area coverage.

- (c) *Letters to Adjacent Property Owners.* The Director of Planning and Economic Development shall also give notice of the development or site plan application and the public hearing thereon to the owner of record of properties adjoining the property for which said application is made or sought. Said notice shall be given to each adjoining property owner by first class mail, with proof of mailing obtained from the post office. Proof of mailing means either a first class certificate of mailing or a first class certified mail receipt; proof of delivery is not required. Only owners reflected on the records of the Chatham County Tax Assessor as of the date of the application shall be entitled to mailed notice. In determining the adjoining property owners, road, street, or railroad rights-of-way shall be disregarded. Said notice must be mailed at least thirty (30) days prior to the date of said scheduled public hearing.
- (d) *Information in Notice.* The notice required herein to be published, posted, and to be served upon adjacent property owners shall contain the following information:
 - (1) Name and address of the applicant and the application number;
 - (2) Address and location of the property;
 - (3) Purpose of the application;
 - (4) Current zoning of the property for which the development or site plan approval is sought;
 - (5) How the development or site plan can be inspected; and,
 - (6) The date, time, and place of the public hearing on said development or site plan.
- (e) *Conduct of Hearing.* All public hearings of the Planning Commission shall be conducted in accordance with the provisions of Garden City Code Section 2-186.
- (f) *Decision.* The Planning Commission shall approve or disapprove a site or development plan within a reasonable time but in no event more than sixty (60) days from the date of the public hearing.
- (g) *Appeals to Superior Court.* Recourse from a decision of the Planning Commission on a development or site plan shall be through appellate review by the Superior Court pursuant to its appellate jurisdiction from a lower judicatory body and shall be brought by way of a petition for said review as provided for in Title 5 of the Official Code of Georgia Annotated. Such matter shall be reviewed on the record which shall be brought to the Superior Court

as provided in Title 5. All such appeals shall be brought within thirty (30) days of the written decision of the Planning Commission. The Chairman of Consolidated Zoning Board of Appeals/Planning Commission shall have authority to prove or issue any form of certificate necessary to perfect the petition described in Title 5 for review. The City's Director of Planning and Economic Development shall have authority to accept service of such petition on behalf of the Planning Commission during normal business hours at the City's City Hall, and the Mayor shall have authority to accept service of the petition on behalf of the City during the same times and place. The appeal shall stay all legal proceedings in furtherance of the matter appealed from or challenged unless the Mayor and Council and/or Planning Commission certifies that, by reason of the facts stated in the certificate, a stay would cause imminent peril to life or property.”

Section 9. Chapter 90, Article VII, Division 2, Code Section 90-214 of the Code of Ordinances of Garden City, Georgia, as amended, entitled “Zoning; Administration; Division 2; Board of Appeals; Filing of Appeal” is deleted in its entirety and replaced with the following:

“Sec. 90-214. Filing of Appeal.

Applications. Applications for special use permits, appeals or variances must be filed on forms provided by the Director of Planning and Economic Development and processed in accordance with the schedule set out by the Director. A site plan prepared and signed by a state licensed surveyor or engineer shall be submitted with all variance applications unless the Director of Planning and Economic Development determines that such a site plan will not meaningfully assist the consideration by the Board of Appeals of the application. The Director of Planning and Economic Development shall forthwith transmit to the Board of Appeals all documents constituting the record upon which the action appealed from was taken. The owner of the property that is the subject of the application shall be mailed notice of the public hearing at least thirty (30) days prior to the hearing.”

Section 10. Chapter 90, Article VII, Division 2, Code Section 90-215 of the Code of Ordinances of Garden City, Georgia, as amended, entitled “Zoning; Administration; Board of Appeals; Notice of Hearing” is deleted in its entirety and replaced with the following:

“Sec. 20-215. Notice of Hearing.

(a) *Published and Posted Notice.* Due notice of the public hearing pursuant to this Section shall be published in the newspaper of general circulation within the City. The notice advertising the hearing on the special use, appeal, or variance shall contain the information set forth in Code Section 90-215 (c) and shall be published at least thirty (30) days prior to the date of the hearing. The cost of the advertisement shall be borne

by the applicant. The Director of Planning and Economic Development shall also post, at least thirty (30) days prior to the Board of Appeals' public hearing, a sign on the property for which the special use, appeal, or variance applies. Such sign shall be erected within ten (10') feet of whatever boundary line of such land abuts the most traveled public road. If no public road abuts thereon, then such sign shall be erected to face in such a manner as may be most readily seen by the public. The lower edge of the sign face shall be of sufficient height to be read from the roadway. The sign shall contain the above-mentioned published information. If the subject property lies within more than one block as shown on a plat recorded in the land records of the county, additional signs shall be placed to give general area coverage.

(b) *Letters to Adjacent Property Owners.* The Director of Planning and Economic Development shall also give notice of the special use, appeal, or variance and the public hearing thereon to the owner of record of properties adjoining the property for which said special use, appeal or variance is being pursued or sought. Said notice shall be given to each adjoining property owner by first class mail, with proof of mailing obtained from the post office. Proof of mailing means either a first class certificate of mailing or a first class certified mail receipt; proof of delivery is not required. Only owners reflected on the records of the tax assessors as of the date of the application shall be entitled to mailed notice. In determining the adjoining property owners, road, street, or railroad rights-of-way shall be disregarded. Said notice must be mailed at least thirty (30) days prior to the date of said scheduled public hearing.

(c) *Information in Notice.* The notice required herein to be published and to be served upon adjacent property owners shall contain the following information:

- (1) Name and address of the applicant and the application number;
- (2) Address and location of the property for which the appeal or variance is sought;
- (3) Current zoning of the property for which the special use, appeal or variance is sought;
- (4) The special use or variance requested or the subject matter of the appeal and the reason for the requested special use, variance, or the appeal; and,
- (5) The date, time, and place of the public hearing on said requested appeal or variance.

Section 11. Chapter 90, Article VII, Division 2, of the Code of Ordinances of Garden City, Georgia, as amended, entitled "Zoning; Administration; Board of Appeals" is amended by adding the following Code Section 90-219 entitled "Conduct of Hearing":

"Sec. 90-219. Conduct of Hearing.

(d) *Conduct of Hearing.* All public hearings of the Board of Appeals shall be conducted in accordance with the provisions of Garden City Code Section 2-186.

Section 12. Chapter 90, Article VII, Division 2, of the Code of Ordinances of Garden City, Georgia, as amended, entitle “Zoning; Administration; Board of Appeals” is amended by adding the following Code Section 90-220 entitled “Appeals to Superior Court” to set forth the method for appealing any zoning decision of the Board of Appeals:

“Sec. 90-220. Appeals to Superior Court.

Recourse from a final decision of the Board of Appeals on a special use permit, variance, or appeal shall be through appellate review by the Superior Court pursuant to its appellate jurisdiction from a lower judicatory body and shall be brought by way of a petition for said review as provided for in Title 5 of the Official Code of Georgia Annotated. Such matter shall be reviewed on the record which shall be brought to the Superior Court as provided in Title 5. All such appeals shall be brought within thirty (30) days of the written decision of the Board of Appeals. The Chairman of Consolidated Zoning Board of Appeals/Planning Commission shall have authority to prove or issue any form of certificate necessary to perfect the petition described in Title 5 for review. The City’s Director of Planning and Economic Development shall have authority to accept service of such petition on behalf of the Board of Appeals during normal business hours at the City’s City Hall, and the Mayor shall have authority to accept service of the petition on behalf of the City during the same times and place. The appeal shall stay all legal proceedings in furtherance of the matter appealed from or challenged unless the Mayor and Council and/or Board of Appeals certifies that, by reason of the facts stated in the certificate, a stay would cause imminent peril to life or property.”

Section 13. Chapter 2, Article IV, Division 5, Section 2-186, of the Code of Ordinances of Garden City, Georgia, as amended, entitled “Administration; Boards and Commissions; Consolidated Board of Zoning Appeals/Planning Commission; Conduct of Hearings Before the Consolidated Zoning Board of Appeals/Planning Commission” is amended by adding the following Paragraph (j) thereto to require that all proceedings of the Consolidated Zoning Board of Appeals/Planning Commission shall be recorded on tape or other media, and that the recording of the proceeding shall be retained in conformance with the City’s retention schedule:

“(j) All proceedings of the Consolidated Board of Zoning Appeals/Planning Commission shall be recorded on tape or other media. The recording of the proceeding shall be retained in conformance with the City’s retention schedule.”

Section 14. If any provision of this Chapter is for any reason held by any court of competent jurisdiction to be unenforceable, such provision or portion thereof shall be deemed separate, distinct, and independent of all other provisions and such holding shall not affect the validity of the remaining portions of this Chapter.

Section 15. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 16. This ordinance shall become effective on the date of passage.

ADOPTED this the _____ day of June, 2023 by the Mayor and Council of the City of Garden City, Georgia.

RHONDA FERRELL-BOWLES,
Clerk of Council

RECEIVED AND APPROVED THIS _____ day of June, 2023.

BRUCE CAMPBELL, Mayor

Read first time:

Read second time and passed:

RESOLUTION

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT FOR PROFESSIONAL SERVICES, INCLUDING A COST BUDGET AND TIME SCHEDULE, WITH CHA CONSULTING, INC., TO PROVIDE ARCHITECTURAL AND ENGINEERING SERVICES FOR THE PLANNING, DESIGN, PERMITTING, BID SELECTION, AND CONSTRUCTION ADMINISTRATION FOR THE NEW MULTI-PURPOSE RECREATION COMPLEX ON THE CITY-OWNED HAYNES ELEMENTARY SCHOOL SITE OFF OF US HIGHWAY 80 IN GARDEN CITY, GEORGIA, AND FOR OTHER PURPOSES.

WHEREAS, on April 17, 2023, the Mayor and Council passed a resolution accepting the proposal of CHA Consulting, Inc., to provide architectural and engineering services for the planning, design, permitting, bid selection, and construction administration for the construction of the multi-purpose recreation complex on the City's Haynes Elementary School site measuring 13.43 acres, more or less, located off of Highway 80 in Garden City, Georgia (Tax Parcel 6-0018-01-001) (the "Project") for the estimated cost of \$964,200.00; and authorizing the City Manager to negotiate an Agreement for Professional Services with CHA Consulting, Inc., containing the terms and conditions set forth in the contractor's proposal as well as in the City's initial Request for Proposal Package which was used to solicit proposals for the Project: and,

WHEREAS, the Agreement for Professional Services attached hereto as Exhibit "A" is the product of the negotiations between the City Manager and CHA Consulting, Inc., providing for the Project to be performed in the following independent five consecutive contract phases totaling \$922,000.00 during the indicated periods of time upon the City's issuance of work orders therefor: (1) Phase 1 – Project Kickoff and Data Collection (\$56,000.00; 12 weeks), (2) Phase 2 – Design and Construction Documents (\$609,000.00; 26 weeks), (3) Phase 3 – Permitting (\$17,250.00; 8 weeks), (4) Phase 4 – Bidding Assistance (\$20,000.00; six months), and (5) Construction Administration (\$219,750.00; 12 months), and, also providing for a "Clerk of the Works" to assist with Project communications during the construction phase at the cost of \$44,200.00 (10 hours/week x 52 weeks x \$85/hour);

WHEREAS, the Agreement for Professional Services sets forth adequate provisions for matters such as contractor standard of care, contract defaults (terminable by the City upon seven (7) days written notice to contractor), insurance, indemnification for contractor negligence, the use of subconsultants, and dispute resolution;

WHEREAS, the Mayor and Council have found the Agreement for Professional Services to best ensure that the contracted consulting services will be of professional quality, technical accurate, and timely completed; and,

WHEREAS, the Mayor and Council are authorized to enter into the Agreement for Professional Services pursuant to the Constitution and laws of the State of Georgia;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of Garden City, Georgia, and it is hereby resolved:

1. The City shall enter into the Agreement for Professional Services with CHA Consulting, Inc., attached hereto as Exhibit "A" for the provision of architectural and engineering services in connection with the planning, design, permitting, bid selection, and construction administration for the building of a multi-purpose recreation complex on the City's Haynes Elementary School site.
2. The City Manager is hereby authorized to execute, on behalf of the City, the said Agreement of Professional Service attached hereto as Exhibit "A" in the name of the City, with the Clerk of Council's attestation to said Manager's signature.

SO RESOLVED this 20th day of June, 2023.

RHONDA FERRELL-BOWLES, Clerk of Council

RECEIVED AND APPROVED this 20th day of June, 2023.

BRUCE CAMPBELL, Mayor

EXHIBIT "A"

CHA

AGREEMENT FOR PROFESSIONAL SERVICES

THIS AGREEMENT is made this 1st day of June, 2023, by and between CHA Consulting, Inc., with its principal place of business at 575 Broadway, Albany, New York 12207 (hereinafter "CHA") and City of Garden City, with an office located at 100 Central Avenue, Savannah, Georgia 31405 (hereinafter "Client").

Client and CHA, for the consideration hereinafter set forth, hereby agree as follows:

1. Services of CHA

- (a) CHA agrees to provide the professional services described in Exhibit A (hereinafter the "Services") attached hereto and incorporated herein with respect to Garden City Gym Complex Design & Construction Administration (hereinafter the "Project").
- (b) Any activities or Services not included within the scope of the Services will be considered "Extra Services" and will require additional compensation.
- (c) CHA is responsible for the professional quality, technical accuracy, timely completion and coordination of all designs, drawings, specifications, reports, and other services furnished by CHA under this Agreement. CHA shall, without additional compensation, correct or revise any errors, omissions or other deficiencies in its design, drawings, specifications, reports and other services, unless such corrective action is directly attributable to deficiencies in Client-furnished information. In the case of an omission, CHA shall be responsible only for the additional cost, if any, compared with what the cost of work would have been if it were included in the initial estimates of cost.

2. Schedule of Services

CHA shall use reasonable diligence and expediency consistent with sound professional practices to complete the Services in a timely fashion so as to meet Client's requirements. If Client requests significant modifications or changes in the scope or requests Extra Services, the time for performance shall be correspondingly adjusted. If the parties have agreed to a specific Project schedule and specific milestone dates, such information shall be set forth in Exhibit B attached hereto.

3. Responsibilities of Client

- (a) Client shall furnish or make available to CHA any and all of its records, maps, or other data which are pertinent to CHA's work. CHA shall be entitled to use and rely upon, without reverification, the accuracy, reliability and completeness of said records, maps and all other data provided by Client or its employees, agents, officers, or consultants in conjunction with CHA's performance of the Services. Client shall authorize and assist CHA in obtaining any such pertinent information from other public and private sources. When requested by CHA, the Client shall furnish all reasonable assistance necessary for CHA to perform appropriate site investigations.
- (b) Client shall provide all criteria and full information as to the Client's requirements for the Project; designate a person to act with authority on the Client's behalf in respect to all aspects of the Project; examine and respond promptly to CHA's submittals; and give prompt written notice to CHA whenever the Client observes or otherwise becomes aware of any defect in the work.
- (c) Client shall notify CHA promptly of all known or suspected Hazardous Material at the site, of any contamination of the site by Hazardous Materials, and of any other conditions requiring special care, and provide CHA with any available documents describing the nature, location and extent of such materials, contamination or conditions.

4. Compensation

- (a) As compensation for the performance of the Services, Client shall pay CHA its fees and expenses in accordance with Exhibit C.

(b) Client shall reimburse CHA for any application and/or permit fees paid for securing approval of authorities having jurisdiction over the Project.

(c) Invoices will be rendered monthly for Services performed and expenses incurred during the previous month. Supporting documentation and additional detail will be provided upon Client's request. Payments are due at the address appearing on the invoice within 30 days following the invoice date. Invoices not paid within 30 days will accrue interest from the 31st day at the rate of 1% per month (12% per annum). Any late payment will be applied first to interest and then to the oldest outstanding balance due. If Client contests an invoice, Client may withhold only the contested portion and must timely pay the undisputed portion.

(d) In the event that Client disputes any portion of an invoice submitted by CHA, Client shall notify CHA within fourteen (14) days of the invoice date, identify the cause of the disagreement, and timely pay any amounts not in dispute. The parties agree to use their best efforts to resolve the dispute within thirty (30) days of Client's notice to CHA. Client's failure to dispute an invoice within fourteen (14) days of the invoice date shall be deemed a waiver of all claims pertaining to that invoice.

5. Termination

(a) This Agreement may be terminated by either party upon not less than seven (7) days written notice should the other party substantially fail to perform in accordance with the terms of this Agreement through no fault of the party initiating the termination. Client's failure to make payments when due for Services and expenses shall be deemed a material failure permitting CHA to terminate this Agreement.

(b) In the event of termination of this Agreement not caused by the fault of CHA, CHA shall be compensated for Services performed and expenses incurred prior to the date of termination along with all reasonable and necessary expenses attributable to such termination.

(c) Notwithstanding the foregoing, this Agreement shall not terminate for cause if the party in default begins to correct its substantial failure to perform within seven (7) days of receipt of written notice of said substantial failure. Following commencement of the cure, the party in default shall diligently continue to cure within thirty (30) days of the receipt of written notice.

6. Suspension

If CHA fails to receive payment when due for Services and expenses, CHA may, upon seven (7) days written notice to Client, suspend performance of the services without further notice. Upon a suspension of Services, CHA shall have no liability to the Client for delay or damage caused by such suspension.

7. Estimates of Costs and Schedules

CHA's estimate of construction costs and schedules are for budget and planning assistance purposes only. Cost and schedule estimates are based on CHA's professional judgment of the requirements known at the time of the Agreement. Accordingly, CHA does not guarantee that proposals, bids or actual costs will not vary from opinions, evaluation or studies submitted by CHA to Client.

8. Relationship of Parties

CHA is, and shall at all times during the term of this Agreement be, an independent contractor of Client. This Agreement and the relationship of the parties shall not be deemed to create or be one of employment, agency, partnership, joint venture or any other association.

9. Use of Documents

All documents produced by CHA pursuant to this Agreement are instruments of service and shall remain CHA's property. Submission or distribution of any said instruments of service to meet statutory or regulatory requirements or for other purposes in connection with the Project shall not constitute publication or otherwise affect CHA's reserved rights with respect to said documents. Provided that the Client meets its obligations under this Agreement including, but not limited to, payment, CHA shall grant to the Client a nonexclusive

license to use said instruments of service, and shall provide the Client with reproducible copies of Schematic Design, Design Development and final Bidding Drawings, and copies of reports, cost estimates, specifications, and other final documents that Client may request. Documents or computerized materials provided to Client are for Client's use only, for the purposes disclosed to CHA, and Client shall not transfer them to others or use them or permit them to be used for an extension of Services or any other project or purpose for which they were not prepared, without CHA's express written consent. If this Agreement shall be terminated prior to completion of CHA's Services, the Client shall pay a licensing fee to CHA for the Client's continued use of CHA's drawings, plans or other documents for purposes of the Project. Client and CHA agree to indemnify and defend one another for any unauthorized use of any document or computerized materials.

10. Designated Representative

Both parties shall designate specific individuals to act as their respective representatives for this Project. Such individuals shall have authority to transmit instructions, receive information and render decisions relative to the Project on behalf of each respective party.

11. Standard of Care

The standard of care for all professional engineering and related Services performed or furnished by CHA under this Agreement will be the care and skill ordinarily used by the members of CHA's profession practicing under similar conditions at the same time and in the same locality. There are no expressed or implied warranties, including the implied warranties of merchantability and fitness for a particular purpose, not specified herein.

12. Jobsite Safety

Neither the professional activities of CHA, nor the presence of CHA or their employees and/or sub-consultants at the construction site, shall relieve Client and any other entity of their obligations, duties and responsibilities including, but not limited to, construction means, methods, sequence, techniques or procedures necessary for performing, superintending or coordinating all portions of the Work or construction in accordance with the Contract Documents and any health or safety precautions required by any regulatory agencies. CHA and their personnel have no authority to exercise any control over any construction contractor or entity or their employees in connection with their work or any health or safety precautions. The Client agrees that the contractor(s) is solely responsible for jobsite safety and warrants that this intent shall be made evident in the Client's Agreement with the contractor(s).

13. Test Results

Test results apply only to materials actually tested and represent the condition of the tested material only at the time of testing. There are no expressed or implied warranties made or intended by CHA as to the applicability of test results for other than our purposes for preparation of the study or for any time beyond the actual field and laboratory testing. Unless otherwise stated in writing, the Client assumes responsibility for determining whether the quantity and the nature of the services ordered is adequate and sufficient for the Client's intended purposes.

14. Insurance

(a) CHA shall procure and maintain: (a) worker's compensation and employer's liability insurance in accordance with requirements of the state in which the Services are being performed; (b) commercial

general liability insurance (including contractual and contractor's protective liability coverage) with combined single limits of \$1,000,000 per occurrence for bodily injury and property damage; (c) automobile liability coverage including owned and hired vehicles with a combined single limit of \$1,000,000 per occurrence for bodily injury and property damage; and (d) professional liability insurance in the amount of \$2,000,000 per claim.

(b) Upon reasonable notice, Client shall provide CHA with copies of the certificates of insurance necessary to demonstrate that all contractors, subcontractors, independent contractors and others on the site have appropriate insurance coverage, including but not limited to commercial general liability, worker's compensation, disability and, where applicable, professional liability coverage.

15. Indemnification

(a) CHA shall indemnify and hold harmless Client, its officers, directors, shareholders, partners, agents and employees from and against those damages and costs (including reasonable attorney's fees) that Client is legally obligated to pay as a result of a third party claim concerning the death or bodily injury to any person or the destruction or damage to any property, but only to the extent caused by the negligent act, error or omission of CHA subject to any limitations of liability contained in this Agreement. In no event shall the indemnification obligation extend beyond the date when the institution of legal or equitable proceedings for professional negligence would be barred by any applicable statute of repose or statute of limitations.

(b) To the extent permitted by the laws of the State of Georgia, Client shall indemnify and hold harmless CHA, its officers, directors, shareholders, partners, agents and employees from and against those damages and costs (including reasonable attorney's fees) that CHA is legally obligated to pay as a result of a third party claim concerning the death or bodily injury to any person or the destruction or damage to any property, but only to the extent caused by the negligent act, error or omission of Client occurring in connection with the performance by CHA of its Services for the Project under this Agreement.

16. Limitation on Liability

The total liability of CHA and its partners, officers, directors, shareholders, employees and agents to Client and any one claiming by, through or under Client for any and all injuries, claims, losses, expenses or damages whatsoever arising out of, or in any way related to, the Services of this Agreement from any cause or causes whatsoever including, but not limited to, negligence, errors, omissions, strict liability or breach of contract shall not exceed the total compensation received by CHA under this Agreement or the total amount of \$2,000,000, whichever is greater.

17. Assignment of Rights

This Agreement is binding on the heirs, successors, and assigns of the parties hereto. This Agreement may not be assigned by Client or CHA without the prior written consent of the other.

18. Use of Subconsultants

CHA may use independent professional associates, consultants or subcontractors in the performance of a portion of the Services subject to Client's approval which cannot be unreasonably withheld.

19. Third Party Beneficiary

The Services to be performed by CHA are intended solely for the benefit of Client and no benefit is conferred on, nor any contractual relationship established with any person or entity not a party to this Agreement. No such person or entity shall be entitled to rely on CHA's performance of its Services hereunder. No right to assert a claim against CHA, its officers, employees, agents or consultants shall accrue to any third party as a result of this Agreement or the performance or non-performance of CHA's Services hereunder.

20. Waiver of Consequential Damages

In no event shall CHA be liable to Client or the Client to CHA for consequential or indirect damages, including but not limited to, loss of profits or revenue, loss of use of equipment, loss of production, additional expenses incurred in the use of the equipment and facilities and claims of customers of the Client. This disclaimer shall apply to consequential damages based upon any cause of action whatsoever asserted including ones arising out of any breach of contract, warranty, guarantee, products liability, negligence, tort, strict liability, or any other cause pertaining to the performance or non-performance of the contract by Client/CHA.

21. Mediation

The parties, as a condition precedent to commencing litigation (other than for the non-payment of CHA's fees), shall endeavor to resolve their claims by mediation which shall be in accordance with the Construction Industry Mediation Rules of the American Arbitration Association currently in effect. Request for mediation shall be filed in writing with the other party to the contract and with the American Arbitration Association.

22. Electronic Media

Data, words, graphical representations and drawings that are stored on electronic media such as computer disks and magnetic tape, or which are transmitted electronically, may be subject to uncontrollable alteration. Client agrees it may only justifiably rely upon the final hardcopy materials bearing the consultant's original signature and seal.

23. No Waiver

No waiver by CHA or Client of any power, right or remedy hereunder or under applicable law with respect to any event or occurrence shall prevent the subsequent exercise of such power, right or remedy with respect to any other or subsequent occurrence.

24. Severability and Reformation

Any provision or part thereof of this Agreement held to be void or unenforceable under any law shall be deemed stricken, and all remaining provisions shall continue to be valid and binding upon the parties. The parties agree that this Agreement shall be reformed to replace such stricken provision or part thereof with a valid and enforceable provision which comes as close as possible to expressing the intention of the stricken provision.

25. Integration & Amendments

This Agreement represents the entire understanding of the parties as to those matters contained herein. No prior oral or written understanding shall be of any force or effect with respect to those matters. This Agreement shall not be amended, modified, supplemented or rescinded in any manner except by written agreement executed by the parties.

26. Force Majeure

CHA shall not be liable for any failure to perform or delay in the performance of the Services due to circumstances beyond its control, including, but not limited to: (1) strikes, lockouts, work slowdowns or stoppages; (2) Acts of God; or (3) failure of Client to furnish information in a timely manner.

27. Choice of Law/Jurisdiction

This Agreement shall be governed by and construed in accordance with the law of the state where the project is located.

28. No Personal Liability

Notwithstanding any other provision of this Agreement to the contrary, CHA's officers, directors, shareholders, partners, employees, or agents shall not be personally liable, regardless of the cause of action asserted including breach of contract, warranty, guarantee, products liability, negligence, tort, strict liability, or any other cause pertaining to CHA's performance or non-performance of the Agreement. Client will look solely to CHA for its remedy for any claim arising out of or related to this Agreement.

29. Notices

Any and all notices provided for under this Agreement shall be in writing and shall be deemed to have been sufficiently given if personally delivered or if mailed, postage prepaid, by certified or return receipt requested mail addressed to the parties at the addresses set forth above in the preamble. Notice given by certified mail shall be deemed complete on the third business day after mailing.

30. Representations

Each party represents and warrants to the other that:

- (a) It is duly organized and validly existing in the jurisdiction of its organization and has all the necessary power and authority to execute, deliver and perform this Agreement.
- (b) The execution, delivery and performance of this Agreement has received all necessary partnership, corporate or other approvals, and does not conflict with any law, regulation, order, contract or instrument to which such party is bound.
- (c) The individual signing on its behalf is duly authorized to execute this Agreement to legally bind such party.

IN WITNESS WHEREOF, the parties have entered into this Agreement as of the date set forth above.

	CHA	CLIENT
By		By _____
Name	<u>Edward O'Hara</u>	Name _____
Title	<u>Vice President</u>	Title _____
Date:	<u>June 1, 2023</u>	Date: _____

Rev. 03/17



May 26, 2023

Scott Robider, City Manager
City of Garden City
100 Central Avenue
Savannah, Georgia 31405

**Subject: Proposal for Professional Services
Garden City Gym Complex Design and Construction Administration
CHA Proposal No. X74307-P2**

Dear Mr. Robider:

CHA Consulting, Inc. (CHA) is pleased to provide this fee proposal to provide professional architectural and engineering services for the planning, design, bidding, and construction administration of the proposed Garden City Gym Complex. Our understanding of the project and proposed scope of services is based on recent completion of a design study for the gym complex and is summarized below.

PROJECT TEAM

- CHA – Planning, Sports Design, Sports Architecture, Civil Engineering, Project Management
- Hussey Gay Bell – Architecture and Structural Engineering
- Sustainable Design Concepts – Electrical Engineering
- Delta Engineering – Mechanical and Plumbing Engineering
- Terracon – Geotechnical Engineering
- Atlas Surveying – Topographic Surveying

PROJECT UNDERSTANDING

CHA recently completed a public engagement process and conceptual design study for a new gymnasium/community building and athletic complex to replace the existing Garden City Recreation Complex, which includes the Garden City Gym and Stadium. Based on the preferred site concept plan attached to this proposal, our understanding is that the project scope of work includes the following proposed project elements:

- Two-court gymnasium/community center;
 - Support spaces include locker rooms, concessions, restrooms, a multi-purpose community room, kitchen to support the community room, fitness center, and City offices;
- Synthetic turf field striped for football and soccer with bleacher seating and LED sports lighting;
- Community pool and spray ground;
- Restroom/concession building;
- Outdoor sport courts;
- Playground;
- Picnic Pavilion;
- Walking trail;

- Perimeter security fencing around the complex; and
- Paved access road and parking area

In addition to the project elements list above, we understand that the gym/community center may include a potential partnership with Frank Callen Boys & Girls Club, which will need about 10,000-sf of flexible space in the building. Also, the City office space will need to include space for a Garden City Police substation. Finally, we understand the recently approved Industrial Gardens development will provide access to the project site via an extension of Alfred Street. That development will also include capacity in its stormwater ponds to manage the stormwater runoff volume from the Garden City Gym Complex.

PROJECT CONSTRUCTION BUDGET

Our conceptual budget estimate for construction of the proposed improvements is \$12,965,000 with the following general breakdown:

Demolition/Earthwork.....	\$367,000
Site Utilities.....	\$310,000
Sitework/Paving/Landscaping	\$575,000
Playing Field.....	\$1,074,000
Buildings (Gym/Community Ctr., Concessions, Pump House)	\$7,010,000
Site Amenities (Courts, Pool, Spray Ground, Playground)	\$1,036,000
General Conditions (8%).....	\$622,000
Design & Construction Contingencies (15%)	\$1,556,000
Construction Manager Fee (4%).....	<u>\$415,000</u>
TOTAL.....	\$12,965,000

EXHIBIT A - SCOPE OF SERVICES

CHA envisions that our scope of services will include the following components:

Phase 1 – Project Kickoff and Data Collection

Following receipt of Notice to Proceed from the City, CHA will schedule and conduct a Project Kickoff meeting with City staff to review the project master plan and proposed site and building program. The intent of the kickoff meeting will be to confirm the required project elements, project schedule, and project budget.

Geotechnical Investigation

Our geotechnical subconsultant, Terracon, will advance a series of soil borings around the project site and collect soil samples for testing to evaluate the existing subgrade conditions and depth to ground water. Terracon will provide foundation design recommendations for the project buildings and provide pavement section recommendations for the project access road and parking lot.

Wetlands Investigation

Wetlands Scientists from Terracon will also perform a reconnaissance of the project site to identify potential jurisdictional wetlands and other jurisdictional waters of the US. If Terracon identifies jurisdictional areas on-site, they will map them and submit a request for jurisdictional determination to the US Army Corps of Engineers Savannah District for review and approval. At this time, we do not anticipate the presence of wetlands within the

project footprint, however Terracon will map all jurisdictional areas on the project site and our site design will avoid those areas to the extent practicable.

Topographic Survey

CHA, through our surveying subconsultant, Atlas Surveying, will prepare a topographic survey of the existing conditions at the project site to provide a base map for the project design drawings.

Phase 2 – Design and Construction Documents

Following the completion of the data collection efforts, the CHA team will provide normal A/E professional services (schematic design, design development, and construction documents) for the project. Our proposed scope of services will be as follows:

- Prepare schematic design plans for review and approval by the City. The schematic plans will be based on the approved site concept plan and will identify the building floor plans and elevations, as well as general site layout, grading, and utilities.
- Meet with the City to review the schematic design plans and gather comments.
- Present a schematic design progress update to City Council at a regular City Council meeting.
- Upon approval of the schematic design plans, the CHA team will initiate the design development phase of project design. The design development documents will be prepared based on the approved schematic design plans and will include:
 - Civil design to include – site layout plans, paving, grading, and drainage plans, site utility plans, and erosion and sedimentation control plans;
 - Sports design to include the synthetic turf field, athletic court, fencing, sidewalks, and athletic equipment;
 - Landscape design of the playground, walking trail, site walks, and site landscaping;
 - Architectural design of the project buildings to include building plans, elevations, and sections;
 - Structural design to include foundations, framing, and structural details;
 - Electrical design for the project buildings, sports lighting, and site lighting;
 - Mechanical and plumbing design for the project buildings; and
 - Draft technical specifications
- Meet with the City to review the Design Development plans and draft specifications and gather comments.
- Present a design development progress update to City Council at a regular City Council meeting.
- Provide professional opinion of probable construction costs (OPC) at each phase of design. CHA will submit OPC's with the schematic design, design development, and final construction drawings.
- Following a review of the design development plans by the City, the CHA team will evaluate the comments received and make the appropriate revisions or dispositions to resolve or respond to the comments. The response resolution will involve the update and advancement of the design development plans to a 90% construction documents for project permitting. In addition to the components developed for the design development submission, the 90% construction documents will also include general notes, project specific notes, and appropriate details.
- Upon approval of the 90% construction documents by the City, the CHA team will prepare a GMP Bid Set (plans and technical specifications) for solicitation of a Guaranteed Maximum Price (GMP) from the Construction Manager.
- Present a GMP Bid Set progress update to City Council at a regular City Council meeting.

Phase 3 – Permitting

The CHA team will secure the necessary permits for the land disturbing activities associated with this project. This will include preparing a General Development Plan application and submittal of the 90% Permit Set to Garden City's Office of Planning, Zoning and Building for review. CHA will also submit a NOI for NPDES permitting through the Georgia Soil & Water Conservation Commission.

In addition to the site permits, the CHA team will also submit the 90% Permit Set to the City's Building Inspector for review and approval.

Phase 4 – Bidding Assistance

CHA understands that the City would like to use the Construction Manager at Risk (CMR) project delivery method for this project. During preliminary stages of design, CHA will prepare a Request for Qualifications for the City to advertise for selection of a CMR. CHA will assist the city with review of the CMR submissions and with interviews of the shortlisted CMR teams.

Once the City selects a CMR to provide preconstruction services, CHA will participate in a cost reconciliation review meeting with the City and the CMR at the design development stage. Our participation will include comparing the CMR cost estimate with CHA's design OPC and providing comments on the CMR's cost estimate.

During GMP development, our bidding assistance services will include:

1. Responding to Requests for Clarification (RFCs) from the CMR and subcontractors
2. Conducting a Pre-GMP meeting with the CMR and subcontractors
3. Participating in a GMP cost reconciliation review meeting with the City and the CMR, and
4. Assisting the County with reviews of the draft and final GMPs

Phase 5 - Construction Administration

Our basic construction administration services will include:

1. Conducting a Pre-Construction Meeting
2. Responding to Requests for Information (RFIs) during construction
3. Reviewing shop drawings, and
4. Inspecting the project site on a bi-weekly basis during construction for an estimated total of 24 construction site visits (e.g., 12-month construction period)

Construction inspections will be scheduled on a bi-weekly basis; however the frequency of inspections may be increased during periods of heavy construction activity and may be decreased during periods of limited construction activity.

Additional Services

As an additional service, CHA can provide a "Clerk of the Works" to assist with project communications during construction. The Clerk of the Works will be a central point for all project communications and will help with the following:

- Distributing project meeting agendas and after-meeting minutes;
- Developing a weekly project update for reporting to City Council;
- Routing project RFIs and submittals to the appropriate designer for review and distributing responses;



- Tagging key submittals for City review (e.g., color selections, building graphics and signage, etc.);

We have included three (3) updates to City Council at public City Council meetings in our design services above. We understand that the City does not anticipate any other community meetings as part of this project. If the City determines the need for additional meetings with City Council or the Rossignol Hill Neighborhood, CHA can assist the City with these meetings as an additional service.

EXHIBIT B - SCHEDULE

CHA proposes the following schedule for this project.

Phase 1 – Project Kickoff and Data Collection (12 weeks)	May 26 – August 18, 2023
Phase 2 – Design and Construction Documents (26 weeks)	June 15 – December 15, 2023
Phase 3 – Permitting (8 weeks)	November 15, 2023 – January 15, 2024
Phase 4 - Bidding Assistance:	
CMR Selection	July 15 – September 15, 2023
GMP Development	November 15, 2023 – January 15, 2024
Phase 5 - Construction Administration (12 months)	January 15, 2024 – January 15, 2025

EXHIBIT C - COMPENSATION

CHA proposes to be compensated lump sum amounts for our proposed scope of services based on the following fee schedule. Project related expenses (e.g., printing and reproduction of documents) are included in the fees:

BASIC SERVICES:

Phase 1 – Project Kickoff and Data Collection (6%)	\$56,000
Phase 2 – Design and Construction Documents (66%)	\$609,000
Phase 3 – Permitting (2%)	\$17,250
Phase 4 -- Bidding Assistance (2%)	\$20,000
<u>Phase 5 - Construction Administration (24%)</u>	<u>\$219,750</u>
BASIC SERVICES SUBTOTAL	\$922,000

ADDITIONAL SERVICES:

Clerk of the Works (10 hours/week x 52 weeks x \$85/hour)	\$44,200
<u>Additional Meetings</u>	<u>upon request</u>
TOTAL	\$964,200

We very much appreciate the opportunity to provide this proposal and continue our partnership with Garden City. Should you have any questions regarding our scope of services or proposed fee, please do not hesitate to contact me at (912) 335-8366 or pgraham@chacompanies.com.

Sincerely yours,



Patrick N. Graham, PE
Senior Project Manager



Edward O'Hara, RLA
Sports Market Leader/Vice President

PG/pg



A RESOLUTION AUTHORIZING GARDEN CITY, GEORGIA, TO ACCEPT THE DEDICATION BY P/8 STRATEGIC GARDEN CITY, LLC, OF RIGHT OF WAY BETWEEN DEAN FOREST ROAD AND OLD DEAN FOREST ROAD FOR USE IN CONNECTION WITH TRAFFIC IMPROVEMENTS CONSTRUCTED BY P/8 STRATEGIC GARDEN CITY, LLC, AT THE INTERSECTION OF DEAN FOREST ROAD AND PINE MEADOWS DRIVE PURSUANT THAT CERTAIN SEPTEMBER 18, 2020, DEVELOPMENT AGREEMENT BY AND BETWEEN P/8 STRATEGIC GARDEN CITY, LLC, AND GARDEN CITY, GEORGIA, IN CONNECTION WITH THE DEVELOPMENT OF A 61.2 ACRE TRACT BY P/8 STRATEGIC GARDEN CITY, LLC, ON THE SOUTHEAST SIDE OF OLD DEAN FOREST ROAD APPROXIMATELY 290 FEET NORTHEAST OF INTERSTATE 16; AND FOR OTHER PURPOSES.

WHEREAS, on September 18, 2020, P/8 Strategic Garden City Holdings, LLC, and Garden City, Georgia, entered into a Development Agreement in connection with the company's development of approximately 61.2 acres on the Southeast side of Old Dean Forest Road approximately 290 feet Northeast of Interstate 16, known as Lot 1, 2, & 3, Dean Forest Commercial Subdivision and a private access road known as "Nick Drive," as shown on a subdivision map dated January 25, 1989, prepared by Vincent Helmly, Georgia, Registered Land Surveyor No. 1882, and recorded in the Office of the Clerk of the Superior Court of Chatham County, Georgia, in Subdivision Map Book 10-S, Page 50, having a Chatham County, Georgia, Tax Parcel Identification Numbers of 6-0989-04-002B, 6-0989-04-002, and 6-0989-04-002A (the "Property") and the Newton Bourguin Tract having Chatham County, Georgia, Tax Parcel Identification Number 6-0989-04-002; and,

WHEREAS, in February 2021, P/8 Strategic Garden City Holdings, LLC, assigned its rights and obligations under the Development Agreement to P/8 Strategic Garden City, LLC (the "Developer");

WHEREAS, the Development Agreement obligates the Developer to install a traffic light at the intersection of Dean Forest Road and Pine Meadow Drive (if approved by Georgia Department of Transportation ["GDOT"]) and to make certain "Intersection Improvements" including, but not limited to, any improvements or changes to Old Dean Forest Road, Airport Park Drive, and Pine Meadow Drive which GDOT may require, and to dedicate such completed and approved improvements to either GDOT or the City as GDOT may determine; and,

WHEREAS, the Intersection Improvements to be dedicated to the City as determined by GDOT have been completed, and have been satisfactorily inspected by the Developer's design engineer as well as the City's engineer with respect to the road improvements' materials, workmanship, quality of construction and compliance with applicable plans, specifications, building codes, and ordinances; and,

WHEREAS, the Developer has prepared that certain Deed of Dedication of Road

Right-of-Way attached hereto as Exhibit "A" effecting the above-mentioned dedication of the Intersection Improvements to the City; and,

WHEREAS, the Development Agreement obligates the Developer to warrant the dedicated Intersection Improvements to be free of construction and material defects for a period of one (1) year from the date of the City's inspection of same, said warranty providing that any faulty construction or material defect in the Intersection Improvements discovered during the warranty period shall be repaired or replaced by the Developer at its sole expense, and obligating the Developer to furnish the City a letter of credit or a performance bond to secure the foregoing warranty in an amount equal to the estimated value of the Intersection Improvements, in a form approved by the City;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF GARDEN CITY, GEORGIA, AND IT IS HEREBY RESOLVED that the City of Garden City, Georgia, accept the above-mentioned dedication of the Intersection Improvements by P/8 Strategic Garden City, LLC, for public right-of-way use pursuant to the Deed of Dedication of Road Right-of-Way attached hereto as Exhibit "A" conditioned on Developer (a) providing a written warranty to the City warranting the Intersection Improvements to be free of construction and material defects for a period of one (1) year from the date of the City's inspection of same and providing that any faulty construction or material defect in the Intersection Improvements discovered during the warranty period shall be repaired or replaced by the Developer at its sole expense, and (b) furnishing the City a letter of credit or a performance bond to secure the foregoing warranty in an amount equal to the estimated value of the Intersection Improvements, in a form approved by the City.

BE IT FURTHER RESOLVED that the City Manager execute the Deed of Dedication of Road Right-of Way to evidence the City's acceptance of same.

The effective date of this Resolution shall be when approved by the Mayor and Council.

SO RESOLVED this 20th day of June, 2023.

RHONDA FERRELL-BOWLES,
Clerk of Council

Received and approved this 20th day of June, 2023.

BRUCE CAMPBELL, Mayor

EXHIBIT "A"

After Recording Return to:
James P. Gerard, Oliver Maner LLP
218 West State Street
Savannah, Georgia 31401

STATE OF GEORGIA)
)
)
COUNTY OF CHATHAM)

DEED OF DEDICATION OF ROAD RIGHT-OF-WAY

THIS INDENTURE made this _____ day of June, 2023, by and between P8/STRATEGIC GARDEN CITY, LLC, a Delaware liability company, hereinafter referred to as "Grantor", and GARDEN CITY, GEORGIA, a municipality chartered and existing under the laws of the State of Georgia, hereinafter referred to as "Grantee" (the words "Grantor" and "Grantee" to include their respective successors and assigns).

WITNESSETH:

FOR AND IN CONSIDERATION of the sum of Ten Dollars in hand paid and other good and valuable consideration delivered to Grantor by Grantee at and before the execution, sealing and delivery hereof, the receipt and sufficiency of which is hereby acknowledged, Grantor, has, and hereby does, grant, bargain, sell and convey unto Grantee the following described right-of-way parcel constituting a portion of the intersection of Old Dean Forest Road (60' R/W (Public)) and Pine Meadows Drive (R/W Varies (Public)) in Garden City, Chatham County, Georgia:

All that certain parcel of land situate, lying, and being in the 7th G.M. District of Chatham County, Georgia, in the City of Garden City, shown and designated as "Garden City Acquired Right-of Way #2" through a portion of Tract Two on that certain Right-of-Way Exhibit entitled "An Acquired Right-of-Way Exhibit of Tract P8, a Portion of Dean Forest Tract Located Between Dean Forest Road and Old Dean Forest Road, 7th G.M. District, Garden City, Chatham County, Georgia," dated April 10, 2023, and prepared by Coleman Company, Inc., said Right-of-Way Exhibit being attached hereto as Exhibit 1 and made a part hereof for better

determining the metes, bounds, courses, and distances of the right-of-way parcel being conveyed herein which is described therein as follows:

Commencing at a point located at the intersection of the western right-of-way line of Old Dean Forest Road and the southern right-of-way line of Highway 307 (Dean Forest Road), and run thence along the right-of-way line of Dean Forest Road, along a curve to the right having an arc distance of 397.15 feet, a radius of 2924.79 feet, a chord bearing of S33°17'25"W and a chord distance of 396.84 feet to a right-of-way concrete monument; running thence through a portion of Tract Two, now or formerly of P8/Strategic Garden City, LLC, S09°18'37"E for a distance of 37.17 feet to a right-of-way concrete monument; running thence along a curve to the right having an arc distance of 20.53 feet, a radius of 3780.00 feet, a chord bearing of S48°51'32"E and a chord distance of 20.53 feet to a right-of-way concrete monument, being the Point of Beginning; continuing thence along a curve to the right having an arc of 75.81 feet, a radius of 3780.00 feet, a chord bearing of S48°07'44"E and a chord distance of 75.81 feet to a 1" iron pipe; running thence N42°31'18"E for a distance of 10.00 feet to a 1"iron pipe; running thence S55°19'36"E for a distance of 35.77 feet to a 1"iron pipe; running thence N55°43'37"E for a distance of 33.39 feet to a 1"iron pipe; running thence along the right-of-way of Old Dean Forest Road along a curve to the right having an arc of 182.89 feet, a radius of 1161.60 feet, a chord bearing of S27°47'36"W and a chord distance of 182.70 feet to a 1"iron pipe; running thence along the property line of now or formerly of Dean Forest Baptist Church, N47°32'52"W for a distance of 162.25 feet to a right-of-way concrete monument, and running thence N41°09'12"E for a distance of 128.68 feet to the Point of Beginning; and containing 0.468 acres or 20,387 square feet.

This Deed is given in connection with that certain Development Agreement dated September 18, 2020, by and between P8/Strategic Garden City Holdings, LLC, and Garden City, Georgia, as assigned by P8/Strategic Garden City Holdings, LLC, to P8/Strategic Garden City, LLC, pursuant to that certain Assignment, Consent and Recognition Agreement dated February ___, 2021, by and between Garden City, Georgia, P8/Strategic Garden City, LLC, P8/Strategic Garden City Holdings, LLC, and Bank OZK, LLC, wherein Grantor agrees to warrant that the above-described right-of-way parcel being conveyed herein shall be free of construction and material defects for a period of one (1) year of completion.

TO HAVE AND TO HOLD said right-of-way parcel, together with any and all of the rights, easements, members, and appurtenances thereof, to the same being, belonging, or in anywise appertaining to the only proper use, benefit and behoof of Grantee, forever, in fee simple.

GRANTOR warrants that it has full right, power, and authority to make the conveyances herein and shall warrant and forever defend the right and title to the above described tract or parcel of land unto Grantee against the claims of all persons whomsoever.

IN WITNESS WHEREOF, Grantor has hereunto executed these presents under seal this day and year first above written.

P8/STRATEGIC GARDEN CITY, LLC, a Georgia limited liability company

By: _____
Bob E. Burdell, Authorized Signatory

Signed, sealed, and delivered this
____ day of June, 2023, in the
in the presence of:

Witness

Notary Public

ACCEPTED BY:
GARDEN CITY, GEORGIA

By: _____
C. Scott Robider, City Manager

Date: June ___, 2023

STATE OF GEORGIA
COUNTY OF CHATHAM

**A RESOLUTION OF THE MAYOR AND COUNCIL OF GARDEN CITY, GEORGIA,
TO SET THE AD VALOREM TAX RATE OF GARDEN CITY
FOR THE FISCAL YEAR 2023; AND OTHER PURPOSES.**

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

SECTION (1): The ad valorem tax rate for Garden City, Georgia, for the 2023 fiscal year on property subject to ad valorem taxation by the City is hereby fixed at 2.761 mills on forty percent (40%) of each \$1,000.00 of property subject to ad valorem tax by the City.

SECTION (2): Said rate of 2.761 mills on forty percent (40%) of each \$1,000.00 of taxable property shall be levied for general government purposes.

ADOPTED BY the Mayor and Council of the City of Garden City, Georgia, this 20th day of June 2023, in open session.

RHONDA FERRELL-BOWLES,
Clerk of Council

Received and approved this 20th day of June 2023.

BRUCE CAMPBELL, Mayor

STATE OF GEORGIA)
)
COUNTY OF CHATHAM)

RESOLUTION

WHEREAS, C. Scott Robider is the appointed City Manager of Garden City, Georgia, and serves under an Employment Agreement between the City and himself dated March 7, 2022; and,

WHEREAS, the City recently conducted an annual performance evaluation of the City Manager which has resulted in the two parties determining the need for the Employment Agreement to be amended; and,

WHEREAS, the parties have reached an agreement concerning the changes to the Employment Agreement and have incorporated such changes into that certain First Amendment to Employment Agreement which was drafted by the City Attorney and delivered to the Clerk of Council for formal review by City Council; and,

WHEREAS, the City Manager and the members of City Council have reviewed the above-mentioned First Amendment to Employment Agreement, find it to be consistent with their prior discussions, and presently desire to confirm the Amendment by formal action being taken thereon;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Garden City, Georgia, that the First Amendment to Employment Agreement between the City and C. Scott Robider as drafted by the City Attorney and on file with the Clerk of Council is hereby approved, and the Mayor and the Clerk of Council are hereby authorized to enter into said Amendment on behalf of the City as of this date.

This the _____ day of June, 2023.

RHONDA FERRELL-BOWLES
Clerk of Council

Received and approved this _____ day of June, 2023.

BRUCE CAMPBELL, Mayor

GARDEN CITY RESOLUTION

A resolution to amend the regular meeting schedule of the Garden City City Council for the period of July 1, 2023, through September 30, 2023.

WHEREAS, it is desirous of amending the regular meeting schedule of the Garden City Council for the period of July 1, 2023, through September 30, 2023; and

WHEREAS, an amendment to the regular meeting schedule of the Garden City Council is not detrimental to the proper and diligent administration of the City; and

WHEREAS, an amended meeting schedule is proposed as follows:

<u>Item</u>	<u>Date</u>	<u>Action</u>
Regularly Scheduled Meeting	July 3, 2023	Canceled
Regularly Scheduled Meeting	July 17, 2023	Affirmed
Regularly Scheduled Meeting	August 7, 2023	Canceled
Regularly Scheduled Meeting	August 21, 2023	Affirmed
Regularly Scheduled Meeting	September 4, 2023	Canceled
Regularly Scheduled Meeting	September 18, 2022	Affirmed

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of Garden City, Georgia, in regular session assembled, that they do hereby approve and amend the regular meeting schedule of the Garden City Council as herein described for the period of July 1, 2023, through September 30, 2023.

ADOPTED BY the Mayor and Council of the City of Garden City, Georgia, this 20th day of June 2023 in open session.

Rhonda Ferrell-Bowles,
Clerk of Council

Received and approved this 20th day of June 2022.

Bruce Campbell, Mayor