

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

➤ **OPENING**

- **Call to Order**
- **Invocation: Pastor Gwyn Hall from Mt. Moriah Baptist Church of Savannah**
- **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](http://www.gardencity-ga.gov). The request should state the name of the individual(s) desiring to be heard and the subject matter to be presented to City Council. Requests may be referred at the discretion of the City Manager, to appropriate staff for mediation prior to being placed on the public agenda. Please be advised the completion of a request form does not entitle the speaker to be added to the agenda.

➤ **PUBLIC HEARINGS: No public hearings**

**Speaking to a Public Hearing Item Protocol**

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

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

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

**Procedures for Conducting Public Hearings on Proposed Zoning Decisions:**

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

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

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

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

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

➤ **Approval of City Council Minutes**

- Consideration of May 16, 2022, Pre-Agenda Session Minutes and Council Meeting Minutes.

**City Manager's Report**

- Updates and announcements

➤ **ITEMS FOR CONSIDERATION**

- **Ordinance, Zoning Map Amendment:** An ordinance to amend the zoning ordinance and map of Garden City, Georgia, as amended, to rezone certain properties owned by HUP Investments, LLC, located at 0 Dean Forest Road and 103 Prosperity Drive in Garden City, Georgia, from their present zoning classification of "P-C-2A" to an "I-1" zoning classification.
- **Resolution, Town Center Master Plan Amendment:** A resolution by the Mayor and Council to approve an amendment to the Master Plan for the City's Town Center development on Dean Forest Road in Garden City, Georgia, changing the use of Block 3 of said development from commercial retail/office space to multifamily residential.
- **Resolution, Tapestry Park Development First Amendment to Development Agreement & Addendum:** A resolution by the Mayor and Council to authorize the City Manager to execute the First Amendment to the Development Agreement as to Block 3, Town Center, Garden City, Georgia, and the First Amendment to Addendum to the Development Agreement as to Block 3, Town Center, Garden City, Georgia.
- **Resolution, 2022 Ad Valorem Tax:** 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 2022.
- **Resolution, GCPD Night Differential Pay, Field Training Officer Supervision Pay, & Restructuring Plan:** A resolution to establish a policy for the night shift differential pay, field training officer supervision pay, and partial implementation of the police department restructuring plan for the employees of the Garden City Police Department.
- **Resolution, Amendment to Regular City Council Meeting Schedule (Juneteenth Holiday):** A resolution to amend the regular meeting schedule of the Garden City City Council; to eliminate the June 20, 2022, regular meeting of the City Council in observance of Juneteenth, and to establish a meeting of the City Council on June 21, 2022.

## ➤ RECEIPT OF INFORMAL PUBLIC COMMENT:

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

### *Informal Public Comment – Speaker Protocol*

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

## ➤ EXECUTIVE SESSION – Real Estate / Property

## ➤ ADJOURN

## SYNOPSIS

### Pre-Agenda Session Monday, May 16, 2022 – 5:30 p.m.

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

#### Attendees

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

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

**Revenue & Expenses Reports as of 4/30/22:** The City Manager asked the City Council if they had any questions or comments about the revenue and expenses for April. There were no questions or comments from the City Council.

**Review of Council Agenda Items:** The City Manager gave an overview of the items on the agenda. He stated that two public hearings, PC2209, and PC2214, had been withdrawn. He noted that the petitioner for PCC2212 has requested a continuance. The City Attorney stated that the continuation should be for no later than July 18<sup>th</sup> council meeting.

**Train Crossing Blockages Update:** The City Attorney stated he was told that someone from the Federal Railroad Association came down to investigate the complaint about the trains blocking the crossing for long periods. He said that he was told that the investigator commented that the blockages were unavoidable due to the way the houses were positioned. He stated that he had reached out to the Federal Railroad Association about the comment made by the investigator but had not heard back.

Councilmember Morris said that she couldn't believe that an investigator could come to that conclusion, and she wanted to see a copy of the investigation report.

The City Manager stated that we were not notified of an investigator being here. The City Attorney noted that the case probably would need to be taken to the next level based on our issues. The City Manager said we are reaching out to Senator Warnock, Senator Ossoff, and Representative Buddy Carter.

Councilmember Lassiter stated that we need to start cracking down on the railroad about the trains causing fires on their right-of-way and getting close to houses. The City Manager said the railroad would not allow us to clean their right-of-way. He stated that we are looking at scheduling a community meeting at the Gym to see if we can get answers from the railroad companies.

Councilmember Morris stated that we've met with them before, and it's getting worse. They are passing the buck. Blockages for long periods are unacceptable. Emergency personnel is not able to get to the residents if needed.

Mayor Bethune stated that the railroad could look at stopping the train short of Highway 307.

Councilmember Daniel stated that we've been fighting this battle with the railroad for many years.

**GDOT Update:** The City Manager stated that State Properties is in the process of approving the realigning of Alfred Street, which should assist with revitalizing the Farm Market.

The City Manager stated that the plans had been approved for the overpass to be built at the Brampton Road connector, which will go directly to the Ports. He noted that this would take many trucks off of Brampton Road. He said this would be a four-year project scheduled to start later this year.

The City Manager stated that the street pavement assessment study is finished. They will summarize all of the results in a chart, which will rate the individual street's paving as high, medium, or low priority.

**Gym Update:** The City Manager stated that the School Board has figured out that they can't do what they need to do, so they want to acquire our gym property again. We have invited them to attend a workshop or council meeting to present their plan, but they have no concrete plan.

The City Manager stated that the County also approached us about building a joint facility, but we haven't heard anything from them.

Councilmember Lassiter asked the City Manager if public works had come up with a schedule. The City Manager replied, no.

There being no other items to discuss, the Mayor and City Council unanimously adjourned the pre-agenda session at 5:58 p.m.

*Transcribed & submitted by: Clerk of Council*

*Accepted & approved by: City Council 6/6/22*

**M I N U T E S**  
**City Council Meeting**  
**Monday, May 16, 2022 – 6:00 p.m.**

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

**Opening:** Mayor Pro-tem Campbell gave the invocation, and Mayor Bethune led the City Council to pledge allegiance to the flag.

**Roll Call:**

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

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

**Public Hearings**

**PC2209, Zoning Map Amendment Request:** The Clerk of Council read a request by Exclusive Grounds Solutions, Inc., to rezone two parcels on Kelly Hill Road, 1909 Highway 80 and 2011 Highway 80, from C-2 to I-1 for proposed use as an industrial warehouse.

Mayor Bethune stated that the petitioner withdrew the request. Therefore, no public hearing was held.

**PC2212, Zoning Map Amendment Request:** The Clerk of Council read a request by Bulloch Corporation, LLC to rezone 2782 Highway 80 from C-2 to I-1 for proposed use as a truck terminal.

The City Manager stated that the petitioner had requested a thirty-day continuance. Councilmember Lassiter made a motion for a continuance no later than July 18<sup>th</sup> council meeting. The motion was seconded by Councilmember Ruiz and passed without opposition.

**PC2213, Zoning Map Amendment Request:** The Clerk of Council read a request by HUP Investments, LLC to rezone two parcels on Dean Forest Road and 103 Prosperity Drive from P-C-2A to I-1 for proposed use as a truck terminal.

The City Manager stated that the Planning Commission supported the request. Mayor Bethune opened the public to receive public comments. He asked if there was anyone to speak in favor of the rezoning request.

Robert McCorkle, Attorney representing the petitioner, stated that the property is located on the corner of Dean Forest Road and Prosperity Drive. He said that access to the property would be off Prosperity Drive instead of Dean Forest Road. He noted that a traffic signal is proposed at Dean Forest Road and Prosperity Drive. He stated that the zoning was in line with the zoning already on Prosperity Drive.

Mayor Bethune stated that most of the property on Prosperity is zoned chiefly I-1. He asked if there was anyone to speak against the request. There being no other speakers, Mayor Bethune closed the public hearing on PC2213.

**PC2214, Zoning Map Amendment Request:** The Clerk of Council read a request by Emerge Savannah, LLC to rezone 1445 Dean Forest Road from R-A to C-2 and I-1 for proposed use as a truck terminal.

Mayor Bethune stated that the petitioner withdrew the request. Therefore, no public hearing was held.

**PC2216, Town Center Master Plan Amendment Request:** The Clerk of Council read a request by Tapestry Park Commercial, LLC request to amend the Town Center Drive Master Plan adopted July 16, 2018, from commercial retail/office to proposed future development as multi-family residential to be located at 125 Town Center Drive.

The City Manager gave an overview of the request. He stated that the Planning Commission supported the request. Mayor Bethune opened the public hearing to receive public comment. He asked if there was anyone to speak in favor of the request.

Mr. Charlie Roberts, Roberts Properties, stated that we request to change from building office buildings to more apartments. He noted that this would be the next phase of Tapestry Park and includes building retail simultaneously.

Mayor Bethune asked if there were any speakers against the request. There being no speakers, Mayor Bethune closed the public hearing.

**City Council Minutes:** Councilmember Lassiter motioned to approve the pre-agenda session minutes and city council minutes from the May 2, 2022 meetings and the May 9, 2022 workshop synopsis. The motion was seconded by Councilmember Tice and passed without opposition.

**City Manager's Report:** The City Manager stated that we continue to work with the railroad on the trains blocking the crossings for long periods. He noted that we are also talking with GPA about the fires caused by the trains on the railroad's right-of-way. He stated that we are continuing to look at the industrial zones.

#### **Items for Consideration**

**Second Reading - Ordinance, Zoning Text Amendment (RV services & trailer sales in mix-use districts):** The Clerk of Council read the second reading of the heading of an ordinance to amend the zoning ordinance of Garden City, Georgia, as amended to amend paragraph 66A of Section 90-47 (B) to permit the repair of trucks, manufactured homes, recreational vehicles, and trailers in mixed-use (M) zoning districts within the City conditioned upon approval by the Board of Zoning Appeals; to amend paragraph 72A of Section 90-47 (B) to permit recreational vehicle sales in mixed-use (M) zoning districts within the City conditioned upon approval by the Board of Zoning Appeals.

Councilmember Lassiter motioned to adopt the ordinance on the second reading. The motion was seconded by Councilmember Daniel and passed without opposition.

**Resolution, Service Delivery Strategy:** The Clerk of Council read the heading of a resolution to approve the City of Garden City to extend the existing service delivery strategy agreement until October 31, 2026; to authorize the mayor to execute a Georgia Department of Community Affairs Form 5 certification for extension of the existing service delivery strategy and any other documentation that may be required for the extension of current Chatham County service delivery strategy.

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

**Resolution, Website Redesign Services:** The Clerk of Council read the heading of a resolution authorizing the City of Garden City to engage the professional services of Granicus, LLC, to redesign and upgrade the City's website and to continue providing hosting, licensing, and support products and services for such website pursuant to a master subscription agreement.

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

**Informal Public Comment:** Mayor Bethune stated that no speakers signed up to address the City Council.

**Adjournment:** There being no other items to discuss, Mayor Bethune called for a motion to adjourn the meeting. Councilmember Lassiter motioned to adjourn the meeting at approximately 6:21 p.m. The motion was seconded by Councilmember Tice and passed without opposition.

*Transcribed & submitted by: Clerk of Council  
Accepted & approved by: City Council 6/6/22*

ORDINANCE NO. 2022-003

AN ORDINANCE TO AMEND THE ZONING ORDINANCE AND MAP OF GARDEN CITY, GEORGIA, AS AMENDED, TO REZONE CERTAIN PROPERTIES OWNED BY HUP INVESTMENTS, LLC, LOCATED AT 0 DEAN FOREST ROAD AND 103 PROSPERITY DRIVE IN GARDEN CITY, GEORGIA (CHATHAM COUNTY TAX PARCEL NUMBERS 6-0988D-02—011, 6-0988D-02-012, AND 6-0988D-02-012A), FROM THEIR PRESENT ZONING CLASSIFICATION OF “P-C-2A” TO AN “I-1” ZONING CLASSIFICATION; TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

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

Section 1: The zoning ordinance and zoning map of Garden City, Georgia, as amended, is amended so that the following described properties presently owned by HUP Investments, LLC, located at 0 Dean Forest Road and 103 Prosperity Drive in Garden City, Georgia, are rezoned from their present “P-C-2A” zoning classification to a zoning classification of “I-1”:

Tract One

All that certain lot, tract or parcel of land situate, lying and being in Garden City, Chatham County, Georgia, known as Lot 2 of a recombination of Lots 2, 3, and 4, Interstate Industrial Park, Phase 2, being a portion of the Lovell Company Tract, upon a plat thereof prepared by Hussey, Gay & Bell dated February 1979, and recorded in the Office of the Clerk of Superior Court of Chatham County, Georgia, in Plat Record Book CC, Folio 173.

Property Identification Number: 6-0988D-02-011

Property Address: 0 Dean Forest Road, Savannah, Georgia 31408

Tract Two

All that certain lot, tract or parcel of land situate, lying and being in Garden City, Chatham County, Georgia, known as Lot 3 of a recombination of Lots 2, 3, and 4, Interstate Industrial Park, Phase 2, being a portion of the Lovell Company Tract, upon a plat thereof prepared by Hussey, Gay & Bell dated February 1979, and recorded in the Office of the Clerk of Superior Court of Chatham County, Georgia, in Plat Record Book CC, Folio 173.

Property Identification Number: 6-0988D-02-012

Property Address: 103 Prosperity Drive, Garden City, Georgia 31408

Tract Three

All that certain lot, tract or parcel of land situate, lying and being in Garden City, Chatham County, Georgia, shown as a “0.47 acre” portion of the Lovell Company Tract, upon a plat thereof prepared by Hussey, Gay & Bell dated July 23, 1974, and recorded in the Office of the Clerk of Superior Court of Chatham County, Georgia, in Plat Record Book X, Folio 279.

Property Identification Number: 6-988D-02-012A

Property Address: 0 Dean Forest Road, Garden City, Georgia 31408

Section 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3. This ordinance shall become effective on the date of passage.

ADOPTED this \_\_\_ day of June, 2022.

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RHONDA FERRELL-BOWLES,  
Clerk of Council

RECEIVED AND APPROVED this the \_\_\_ day of June, 2022.

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DON BETHUNE, Mayor

Read first time: \_\_\_\_\_

Read second time and approved: \_\_\_\_\_

RESOLUTION

WHEREAS, Tapestry Park Commercial, LLC, has applied to the Mayor and Council for approval of an amendment to the Master Plan for the City's Town Center development on Dean Forest Road in Garden City, Georgia, changing the use of Block 3 of said development from commercial retail/office space to multifamily residential; and,

WHEREAS, current market conditions support the development of Block 3 of Town Center for multi-family residential housing which shall increase the value of all properties in Town Center by generating pedestrian activity and economic stimulus to the commercial properties in Town Center; and,

WHEREAS, the City has held the necessary public hearings and has notified the current owners of the properties in the Town Center development as well as the owners of properties adjacent to same about the proposed amendment, with no objections being raised thereto;

NOW, THEREFORE, BE IT RESOLVED, BY THE MAYOR AND CITY COUNCIL OF GARDEN CITY, GEORGIA, as follows:

- (1) Master Plan. The Master Plan for the City's Town Center development on Dean Forest Road in Garden City, Georgia, as initially shown on the Garden City Town Center Master Plan dated July 2010, and as updated on July 16, 2018, is hereby amended by changing the use of Block 3 of said development from commercial retail/office space to multifamily residential. The updated Master Plan is attached hereto as Exhibit "A" and shall forthwith be the official Master Plan for the Garden City Town Center on Dean Forest Road in Garden City, Georgia.
- (2) Future Development. Development inconsistent with the adopted Master Plan shall not be approved unless and until a new or revised Master Plan is adopted through a process whereby City Council determines that such development is compatible with the maintenance of a mixed use Town Center serving and benefiting the City's residents and is appropriate for the surrounding land uses.

ADOPTED this 6<sup>th</sup> day of June, 2022, in open session.

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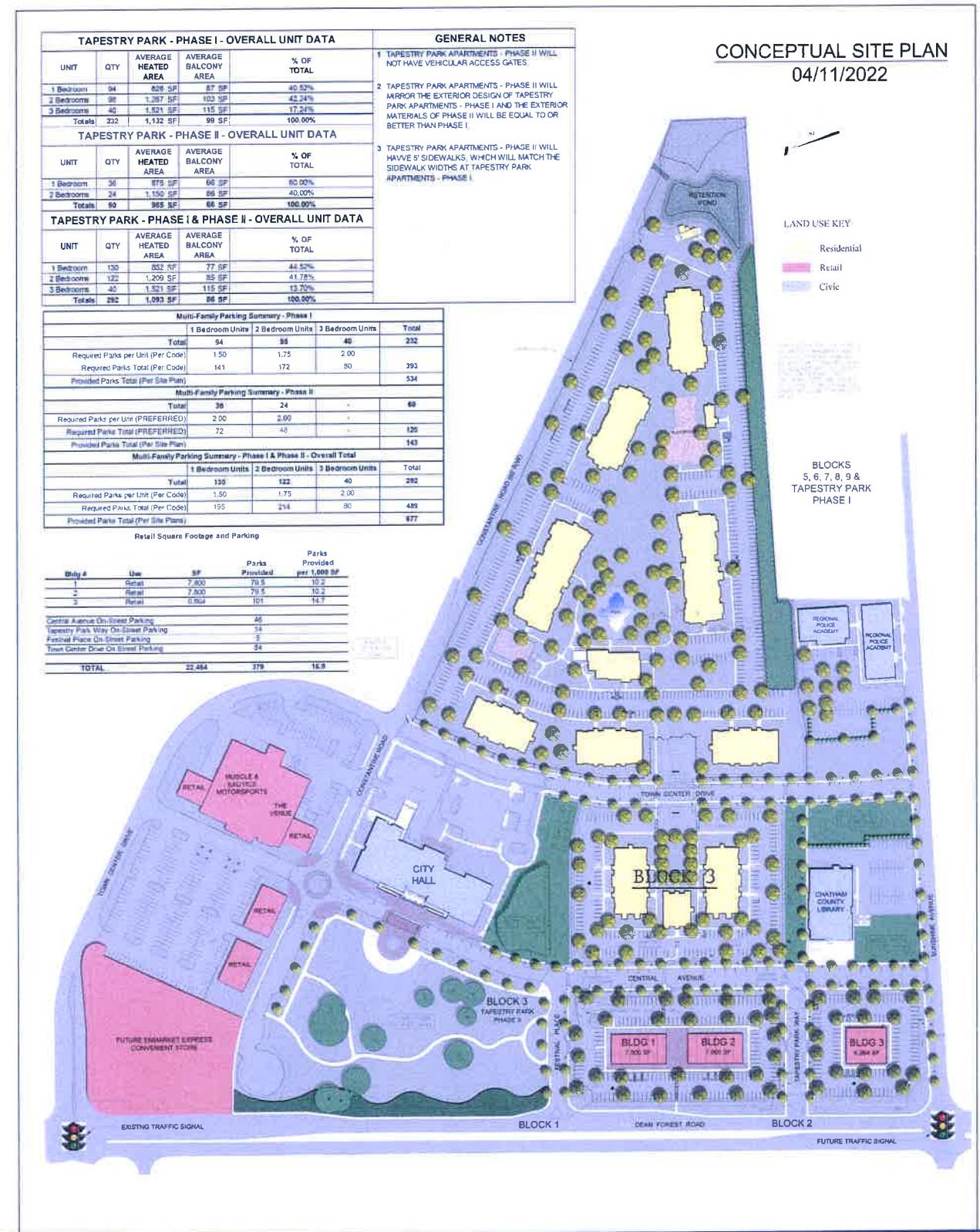
RHONDA FERRELL-BOWLES  
Clerk of Council

RECEIVED AND APPROVED this 6th day of June, 2022.

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DON BETHUNE, Mayor

## EXHIBIT "A"



RESOLUTION

WHEREAS, Garden City, Tapestry Park Apartments, LLC, and Tapestry Park Commercial, LLC, entered into that certain Development Agreement and that certain Addendum to Development Agreement, both dated as of September 20, 2018, pertaining to the development of Garden City Town Center as shown on that certain plat of survey dated July 20, 2016, and recorded in the Office of the Clerk of the Superior Court of Chatham County, Georgia, in Plat Book 50, Page 579 (the "Plat"); and,

WHEREAS, certain real property described in Exhibit "A" of the Development Agreement owned by Tapestry Park Commercial, LLC, was designated for commercial development (the "Commercial Property") by that certain Master Plan for Town Center dated July 2010, as updated on March 30, 2018, and adopted by the Mayor and Council of Garden City, Georgia on July 16, 2018 (the "Master Plan"), and certain real property described in Exhibit "B" of the Development Agreement owned by Tapestry Park Apartments, LLC, was designated for multi-family residential development (the "Apartment Property") by the Master Plan; and,

WHEREAS, since entering into the Development Agreement and the Addendum to Development Agreement, Tapestry Park Commercial, LLC, the current owner of the Commercial Property, has proposed changing the use of Block 3 of the Commercial Property in Town Center ("Block 3") as shown on the Plat (Chatham County, Georgia, Tax Parcel Identification No. 609890182) from commercial retail/office space as shown on the Master Plan to an apartment community composed of sixty (60) apartments, consisting of 36 one-bedroom units and 24 two-bedroom units, with 143 parking places; and,

WHEREAS, current market conditions support the development of Block 3 of Town Center for multi-family residential housing which shall increase the value of all properties in Town Center by generating pedestrian activity and economic stimulus to the Commercial Property; and,

WHEREAS, on June 6, 2022, after holding the necessary public hearings and notifying the current owners of the Apartment Property, the Commercial Property, and the properties adjacent to same, the Mayor and Council approved the application of Tapestry Park Commercial, LLC, to amend the Master Plan to change the use of Block 3 of Town Center from commercial retail/office space to multi-family residential apartments; and,

WHEREAS, the City and Tapestry Park Commercial, LLC, presently desire to amend the Development Agreement and the Addendum to Development Agreement as to Block 3 of Town Center to reflect the change in use for said property;

NOW, THEREFORE, BE IT RESOLVED BY THE MAOR AND COUNCIL OF GARDEN CITY, GEORGIA, meeting in regular session, as follows:

**Section 1.** The First Amendment to Development Agreement as to Block 3, Town Center, Garden City, Chatham County, Georgia, and the First Amendment to Addendum to Development Agreement as to Block 3, Town Center, Garden City, Chatham County, Georgia, attached hereto as Exhibit A and Exhibit B, respectively, are hereby approved.

**Section 2.** The City Manager is authorized to execute the above-mentioned First Amendment to Development Agreement as to Block 3, Town Center, Garden City, Chatham County, Georgia, and the First Amendment to Addendum to Development Agreement as to Block 3, Town Center, Garden City, Chatham County, Georgia.

**Section 3.** This Resolution shall be in full force and effect upon passage.

ADOPTED this 6<sup>th</sup> day of June, 2022, in open session.

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RHONDA FERRELL-BOWLES  
Clerk of Council

RECEIVED AND APPROVED this 6<sup>th</sup> day of June, 2022.

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DON BETHUNE, Mayor

**EXHIBIT A**

FIRST AMENDMENT TO DEVELOPMENT AGREEMENT AS TO BLOCK 3,  
TOWN CENTER, GARDEN CITY, CHATHAM COUNTY, GEORGIA

FIRST AMENDMENT TO DEVELOPMENT AGREEMENT AS TO BLOCK 3, TOWN  
CENTER, GARDEN CITY, CHATHAM COUNTY, GEORGIA

THIS FIRST AMENDMENT TO DEVELOPMENT AGREEMENT AS TO BLOCK 3, TOWN CENTER, GARDEN CITY, CHATHAM COUNTY, GEORGIA (this “First Amendment”), is made and entered into as of the \_\_\_ day of June, 2022 (the “Effective Date”), by and among GARDEN CITY, GEORGIA (the “City”), and TAPESTRY PARK COMMERCIAL, LLC, a Georgia limited liability company (“Tapestry Commercial”).

W I T N E S S E T H:

WHEREAS, the City, Tapestry Park Apartments, LLC, and Tapestry Park Commercial, LLC, entered into that certain Development Agreement dated as of September 20, 2018, pertaining to the development of Garden City Town Center as shown on that certain plat of survey dated July 20, 2016, and recorded in the Office of the Clerk of the Superior Court of Chatham County, Georgia, in Plat Book 50, Page 579 (the “Plat”); and,

WHEREAS, certain real property described in Exhibit “A” of the Development Agreement owned by Tapestry Commercial was designated for commercial development (the “Commercial Property”) by that certain Master Plan for Town Center dated July 2010, as updated on March 30, 2018, and adopted by the Mayor and Council of Garden City, Georgia on July 16, 2018 (the “Master Plan”), and certain real property described in Exhibit “B” of the Development Agreement owned by Tapestry Park Apartments, LLC, was designated for multi-family residential development (the “Apartment Property”) by the Master Plan; and,

WHEREAS, Tapestry Commercial, the current owner of the Commercial Property, presently desires to develop Block 3 of the Commercial Property in Town Center (“Block 3”) as shown on the Plat (Chatham County, Georgia, Tax Parcel Identification No. 609890182) as an apartment community composed of sixty (60) apartments, consisting of 36 one-bedroom units and 24 two-bedroom units, with 143 parking places as shown on the conceptual site plan which is attached hereto as Exhibit “A”, instead of for use as commercial retail/ office space as shown on the Master Plan; and,

WHEREAS, current market conditions support the development of Block 3 of Town Center for multi-family residential housing which shall increase the value of all properties in Town Center by generating pedestrian activity and economic stimulus to the Commercial Property; and,

WHEREAS, on June 6, 2022, after holding the necessary public hearings and notifying the current owners of the Apartment Property, the Commercial Property, and the properties adjacent to same, the Mayor and Council approved the application of Tapestry Park Commercial, LLC, to

amend the Master Plan to change the use of Block 3 of Town Center from commercial retail/office space to multi-family residential apartments; and,

WHEREAS, the parties desire to amend the Development Agreement as to Block 3 of Town Center to reflect the change in use for said property;

NOW, THEREFORE, for and in consideration of the mutual promises, covenants, stipulations and agreements herein contained in this First Amendment, the parties hereby agree as follows:

1. Recitals; Defined Terms. The above recitals are incorporated herein and made a part of this First Amendment. All terms used herein with initial capital letters which are not otherwise defined herein shall have the meanings ascribed to them in the Development Agreement.

2. Property. Notwithstanding anything to the contrary contained in the Development Agreement, from and after the Effective Date, Block 3 of Town Center as shown on the Plat shall be developed as an apartment community instead of for commercial retail/office use.

3. General Development of Block 3, Town Center. Notwithstanding anything to the contrary in this First Amendment, Tapestry Commercial, as the owner of Block 3 of Town Center, agrees that once it has commenced construction of the apartment community on said property, it shall diligently prosecute such construction to completion. If, during construction, Tapestry Commercial deems it necessary to remove the existing sidewalk and associated streetlights connecting Town Center Drive and Central Avenue, it shall, at its sole cost and expense, provide a replacement sidewalk connection between Town Center Drive and Central Avenue, and reinstall the streetlights along the new sidewalk. Issues related to the development of Block 3 involving fill depths and possible settlement monitoring, storm water discharge, and water pressure shall be resolved to the City's reasonable satisfaction prior to the commencement of any construction activities. The development of Block 3 remains subject to review and approval by the City and may be revised in the future through the administrative processes consistent with and subject to the provisions of this First Amendment and the Garden City Code of Ordinances, and as ultimately may be approved by the Mayor and Council. In addition, the parties are mutually desirous of amending that certain Addendum to Development Agreement between the City, Tapestry Park Apartments, LLC, and Tapestry Park Commercial, LLC, dated September 20, 2018, to expand and modify the amended terms of the First Amendment with respect to Block 3 of Town Center.

4. Fees. Notwithstanding the provisions set forth in Paragraph 5 of the Development Agreement, Tapestry Commercial shall pay the City a lump sum amount of Twenty-Five Thousand and 00/100's (\$25,000.00) Dollars to cover the fees for permitting, plan review, inspections, sewer/water tap-ins, and meters, which are associated with developing Block 3 as an apartment community as opposed to commercial retail/office space, said amount being paid at the time Tapestry Commercial is issued the building permits for Block 3. In addition, upon the issuance of the certificate of occupancy for the first completed apartment building on Block 3, Tapestry

Cominercial shall pay the City the lump sum amount of Thirty Thousand and 00/100's (\$30,000.00) Dollars to cover the difference in the cost of providing fire protection to the apartment community as opposed to two commercial retail/ office buildings.

5. Conveyance of Easements for Water Well, Water Line, and Access.

Within sixty (60) days of the execution of this First Amendment, Tapestry Commercial shall execute a conveyance document in similar form to that which is attached hereto as Exhibit "B" conveying, for nominal consideration, an easement for a well site measuring 20' X 20' located on Block 1, Town Center, to be used for the operation and maintenance of a City-owned irrigation well providing non-potable water to the publicly owned green space utilized by the Town Center development located adjacent thereto, and also conveying a fifteen (15') foot wide water line easement for use in surveying, constructing, installing, inspecting, replacing, repairing, and maintaining a City-owned water line running to and from the well site and the Festival Place right of way. Tapestry Commercial shall obtain a release for such conveyance from any lender holding a security interest in said Block 1, said release being in a form reasonably acceptable to the City.

6. Continuing Effect. In all other respects, the Development Agreement is in full force and effect and ratified, as amended hereby, as to Block 3 of Town Center.

7. Section Headings. All section headings are inserted for convenience only and shall not affect the construction or interpretation of this First Amendment.

8. Authority to Execute. The persons executing this First Amendment warrant and represent that they have the authority to execute this First Amendment on behalf of the party for which they are executing this First Amendment. They further warrant and represent that they have the authority to bind their respective party to the performance of its obligations under this First Amendment.

9. Counterparts. This Amendment may be executed in two or more counterparts, each of which shall be deemed an original, but all of which shall be deemed to constitute one instrument. It shall not be necessary that all signatures execute the same counterpart(s) of this First Amendment for this First Amendment to become effective.

SIGNATURE PAGE FOLLOWS

IN WITNESS WHEREOF, the parties hereto have caused this First Amendment to be signed, sealed and delivered as of the Effective Date.

CITY:

**GARDEN CITY, GEORGIA**, a Georgia municipal corporation

By: \_\_\_\_\_ (SEAL)  
Scott Robider, City Manager

TAPESTRY COMMERCIAL:

**TAPESTRY PARK COMMERCIAL, LLC**, a Georgia limited liability company

By: Roberts Properties, Inc., a Georgia corporation,  
its sole member

By: \_\_\_\_\_ (SEAL)  
Charles S. Roberts, President

EXHIBIT "A"

Conceptual Site Plan

| TAPESTRY PARK - PHASE I - OVERALL UNIT DATA |            |                     |                      |                | GENERAL NOTES  |
|---|------------|---------------------|----------------------|----------------|--|
| UNIT  | QTY        | AVERAGE HEATED AREA | AVERAGE BALCONY AREA | % OF TOTAL     |  |
| 1 Bedroom                                   | 94         | 859 SF              | 87 SF                | 40.52%         | 1. TAPESTRY PARK APARTMENTS - PHASE II WILL NOT HAVE VEHICULAR ACCESS GATES.   |
| 2 Bedrooms                                  | 98         | 1,267 SF            | 103 SF               | 42.24%         | 2. TAPESTRY PARK APARTMENTS - PHASE II WILL MIRROR THE EXTERIOR DESIGN OF TAPESTRY PARK APARTMENTS - PHASE I AND THE EXTERIOR MATERIALS OF PHASE II WILL BE EQUAL TO OR BETTER THAN PHASE I. |
| 3 Bedrooms                                  | 40         | 1,521 SF            | 115 SF               | 17.24%         |  |
| <b>Totals</b>                               | <b>232</b> | <b>1,132 SF</b>     | <b>99 SF</b>         | <b>100.00%</b> |  |

| TAPESTRY PARK - PHASE II - OVERALL UNIT DATA |           |                     |                      |                | GENERAL NOTES  |
|--|-----------|---------------------|----------------------|----------------|--|
| UNIT   | QTY       | AVERAGE HEATED AREA | AVERAGE BALCONY AREA | % OF TOTAL     |  |
| 1 Bedroom                                    | 36        | 875 SF              | 68 SF                | 60.00%         | 3. TAPESTRY PARK APARTMENTS - PHASE II WILL HAVE 5' SIDEWALKS, WHICH WILL MATCH THE SIDEWALK WIDTHS AT TAPESTRY PARK APARTMENTS - PHASE I. |
| 2 Bedrooms                                   | 24        | 1,153 SF            | 68 SF                | 40.00%         |  |
| <b>Totals</b>                                | <b>60</b> | <b>965 SF</b>       | <b>68 SF</b>         | <b>100.00%</b> |  |

| TAPESTRY PARK - PHASE I & PHASE II - OVERALL UNIT DATA |            |                     |                      |                | GENERAL NOTES |
|--|------------|---------------------|----------------------|----------------|---------------|
| UNIT   | QTY        | AVERAGE HEATED AREA | AVERAGE BALCONY AREA | % OF TOTAL     |               |
| 1 Bedroom  | 130        | 862 SF              | 77 SF                | 44.52%         |               |
| 2 Bedrooms   | 132        | 1,209 SF            | 65 SF                | 41.76%         |               |
| 3 Bedrooms   | 40         | 1,521 SF            | 115 SF               | 13.70%         |               |
| <b>Totals</b>  | <b>292</b> | <b>1,093 SF</b>     | <b>66 SF</b>         | <b>100.00%</b> |               |

## CONCEPTUAL SITE PLAN

04/11/2022



EXHIBIT "B"

Easement for Water Well, Water Line, and Access

STATE OF GEORGIA )  
 )  
COUNTY OF CHATHAM )

Return to:  
**James P. Gerard  
Oliver Maner LLP  
P. O. Box 10186  
Savannah, GA 31412  
(912) 236-3311**

**EASEMENT FOR WATER**  
**WELL, WATER LINE, AND ACCESS**

THIS INDENTURE, made this \_\_\_\_\_ day of \_\_\_\_\_, 2022, by and between TAPESTRY PARK COMMERCIAL, LLC, a limited liability company organized and existing under the laws of the State of Georgia, as Party of the First Part (the "Grantor" herein), and GARDEN CITY, GEORGIA, a municipal corporation chartered and existing under the laws of the State of Georgia, as Party of the Second Part (the "Grantee" herein);

WITNESSETH:

Grantor, for and in consideration of the sum of Ten and No/100's (\$10.00) Dollars, and other good and valuable considerations, the receipt whereof is hereby acknowledged, does hereby grant and convey unto Grantee, its successors and assigns, a perpetual exclusive easement for the purpose of installing, constructing, operating, maintaining, testing, renewing, expanding, and improving a water well and its appurtenances to be owned by Grantee on and under the following described property:

ALL that tract or parcel of land lying and being in the 7<sup>th</sup> G.M. District of Chatham County, in Garden City, Georgia, containing 0.01 acres, more or less, shown and designated as "WELL SITE" on that certain plat entitled " Easement and Well Plat, Lands of Tapestry Park Commercial LLC, 7<sup>th</sup> G.M. District, Garden City, Chatham County, Georgia," prepared by P. Nathan Brown, Georgia

Registered Land Surveyor No. 3185, and recorded in the Office of the Clerk of the Superior Court of Chatham County, Georgia, in Plat Book \_\_\_, Page \_\_\_, said map being incorporated herein by reference and being made a part hereof for better determining the metes, bounds, courses, and distances of the subject property.

Grantor, for the same above-stated consideration, does hereby grant and convey to Grantee, its successors and assigns, a perpetual exclusive easement to survey, construct, install, inspect, replace, repair, and maintain a Grantee-owned water line, including all of its appurtenances, over and across and under and along that certain fifteen (15') foot-wide property strip designated as "15' WATER LINE EASEMENT" on that certain plat dated January 25, 2021, prepared by P. Nathan Brown, Georgia Registered Land Surveyor No. 3185, and recorded in the Office of the Clerk of the Superior Court of Chatham County, Georgia, in Plat Book \_\_\_\_\_, Page \_\_\_, said plat being incorporated herein by reference and being made part hereof for better determining the metes, bounds, courses, and distances of the easement premises.

The easements conveyed herein shall include all rights and privileges necessary and convenient for the full use and enjoyment of the easement premises including, but not limited to, rights of ingress and egress to and upon the easement premises and the contiguous lands of Grantor. Grantor covenants and agrees not to locate or construct any obstructions, buildings or structures over or within the easement premises and shall not use or cause to be used the easement premises in any way or manner which would create a dangerous condition with respect to the water facilities of Grantee or create any interference with the construction, reconstruction, removal, repair or safe operation and maintenance thereof.

Grantee's failure to exercise any of the rights herein granted shall not be construed as a waiver or abandonment of the right hereafter at any time, and from time-to-time to exercise any or all of the same. Any waiver shall be in writing and signed by the party granting such waiver.

Grantee shall have the right to cut away and keep clear, remove and dispose of all trees and to remove and dispose of all obstructions now or in the future on the easement premises by any person, which removal is necessary for the Grantee's use of the easement premises; provided, however, that the Grantee shall restore the surface area and all permitted landscaping, paving and other permitted improvements to the same condition as existed before such disturbance of the surface area; and, further provided that, if the affected area within the easement premises is natural and has not been improved with landscaping, such areas shall be smoothed to commercial lawn grade and seeded with grass following such disturbances. Except for the rights, privileges, benefits and easements granted herein, Grantor hereby reserves all its right, title and interest in and to the easement premises incident to the fee simple estate thereof and for any and all purposes not inconsistent with Grantor's declaration of the easement for the placement of a Grantee-owned water well, water line, and access.

Grantor does not convey fee simple title to the easement premises, but merely grants the rights, privileges and easements herein above set out.

All covenants, terms, provisions, and conditions hereof shall inure to the benefit of and be binding upon the parties hereto and their respective successors and assigns.

IN WITNESS WHEREOF, Grantor has caused this instrument to be executed and its seal to be affixed hereto on the day and year first above written.

TAPESTRY PARK COMMERCIAL, LLC, Grantor

By: Roberts Properties, Inc., Sole Member of  
Tapestry Park Commercial, LLC

By: \_\_\_\_\_  
Charles S. Roberts,  
President of Roberts Properties, Inc.

Signed, sealed and delivered on this  
\_\_\_\_ day of \_\_\_\_\_, 2022,  
in the presence of:

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Notary Public

**EXHIBIT B**

FIRST AMENDMENT TO ADDENDUM TO DEVELOPMENT AGREEMENT AS TO  
BLOCK 3, TOWN CENTER, GARDEN CITY, CHATHAM COUNTY, GEORGIA

FIRST AMENDMENT TO ADDENDUM TO DEVELOPMENT AGREEMENT AS TO  
BLOCK 3, TOWN CENTER, GARDEN CITY, CHATHAM COUNTY, GEORGIA

THIS FIRST AMENDMENT TO ADDENDUM TO DEVELOPMENT AGREEMENT AS TO BLOCK 3, TOWN CENTER, GARDEN CITY, CHATHAM COUNTY, GEORGIA (this “First Addendum Amendment”), is made by and entered into as of this \_\_\_\_\_ day of June, 2022 (the “Effective Date”), by and among GARDEN CITY, GEORGIA (the “City”), and TAPESTRY PARK COMMERCIAL, LLC, a Georgia limited liability company (“Tapestry Commercial”).

WITNESSETH:

WHEREAS, the City and Tapestry Commercial are mutually desirous of entering into this First Addendum Amendment to expand and modify the terms of the Development Agreement dated as of September 20, 2018, by and between the City, Tapestry Commercial, and Tapestry Park Apartments, LLC, pertaining to the development of Garden City Town Center as shown on that certain plat of survey dated July 20, 2016, and recorded in the Office of the Clerk of the Superior Court of Chatham County, Georgia, in Plat Book 50, Page 579 (the “Plat”), as amended by that certain First Amendment to Development Agreement as to Block 3, Town Center, Garden City, Georgia, dated as of June 6, 2022, by and between the City and Tapestry Commercial which acknowledges the City’s approval on June 6, 2022, of Tapestry Commercial’s application to amend the Master Plan for Town Center dated July 2010, updated on March 30, 2018, and approved by the City on July 16, 2018, to change the use of Block 3 of Town Center from commercial retail/office space to multi-family residential for the development of sixty (60) apartments, consisting of 36 one-bedroom units and 24 two-bedroom units, with 143 parking places, as outlined in the conceptual site plan attached hereto as Exhibit “A”;

NOW, THEREFORE, for and in consideration of the mutual covenants and agreements herein made and intending to be legally bound, the City and Tapestry Commercial hereby agree as follows with respect to the development of Block 3, Town Center, Garden City, Chatham County, Georgia:

1. Recitals. The foregoing recital of facts is hereby incorporated herein to the same extent as if hereinafter fully set forth. The capitalized words and phrases used herein which are not defined herein but which are defined in either the Development Agreement, the First Amendment to Development Agreement as to Block 3, Town Center, or the Addendum to Development Agreement, shall have the meanings subscribed therein.
2. Site Plan. On May 23, 2022, the Garden City Planning Commission and Board of Zoning Appeals approved the site plan for Block 3, Town Center, Garden City, Chatham County, Georgia (“Block 3”), attached hereto as Exhibit “B” and made a part hereof by this reference (the “Site Plan”), the exterior design of the improvements shown on the Site Plan, and any variances

that cannot be administratively approved by the City. Tapestry Commercial shall have the right to make reasonable modifications to the Site Plan, including changes in the square footage of improvements and parking components of the development and the approved exterior designs without additional approval by the Planning Commission in order to comply with field conditions, applicable code requirements, final building design and directives by staff, subject to approval by the City Manager. As used in this First Addendum Amendment, the term "Development" shall mean and refer to the development of Block 3, Town Center, including improvements and land depicted on the Site Plan.

3. Parking, Sidewalks, and Landscape Islands.

- A. Pursuant to a variance granted by the Garden City Board of Zoning Appeals at its meeting on May 23, 2022, Tapestry Commercial shall install sidewalks internal to the apartment community located on Block 3 with a minimum width of five (5) feet, and parking spaces with a minimum depth of eighteen (18) feet.
- B. The parking details for Block 3 are shown on the Site Plan. Paragraphs 3 (F) and 3 (G) of the Addendum to Development Agreement dated September 20, 2018, are hereby amended to no longer provide for shared parking between Block 1, Block 2, and Block 3 of Town Center. Each Block shall independently satisfy the parking requirements set forth in the City Code by providing adequate parking facilities within its own boundary limits.
- C. In order to assure that adequate parking in Block 3 is in close proximity to each breezeway of the apartments, the City's Board of Zoning Appeals, at its May 23, 2022, meeting, waived the City Code's requirement for a landscape island every ninety (90) linear feet and instead requires Tapestry Commercial to install landscape islands adjacent to the end of each sidewalk leading to and from each breezeway at the buildings and in the parking lot. The final location of each landscape island may be changed by Tapestry Commercial from that shown on the approved preliminary site plan without approval by the City's Planning Commission so long as there shall be a landscape island located adjacent to the end of each sidewalk leading to and from each building breezeway. Any change from the approved preliminary site plan shall be included in the landscaping plan to be submitted to the City for administrative approval. At the same meeting, the City's Board of Zoning Appeals granted Tapestry Commercial a variance from the City Code's requirement of having a minimum of one (1) tree internal to a parking lot for every five (5) parking spaces, and instead requires Tapestry Commercial to install one (1) tree in each landscape island located in the parking lot of the Block 3 apartments and adjacent to the end of each sidewalk leading to and from each building breezeway.

4. Building Setbacks and Frontages. In accordance with the Site Plan approved by both the Garden City Planning Commission and the Garden City Board of Zoning Appeals on May 23, 2022, the building setback details and frontages for the buildings constructed on Block 3 are approved as shown.

5. Gated Entries and Perimeter Fencing.

- A. There shall be no gated entrance to the Block 3 apartments.
- B. Decorative black aluminum fencing of five (5) feet in height shall be installed along the perimeter of Block 3 as shown on the Site Plan.

6. Architecture.

A. At its May 23, 2022, meeting, the Planning Commission approved the exterior design of Encore on the Green as shown in the pictures attached hereto as Exhibit "C" as the exterior design for the apartments to be constructed on Block 3. Tapestry Commercial shall have the right to make reasonable modifications to such buildings without requiring further approval by the Planning Commission to allow Tapestry Commercial the ability to comply with field conditions, applicable code requirements, final building design, and directives by staff, subject to approval by the City Manager. In addition, the Board of Zoning Appeals, at its May 23, 2022, meeting, approved the following variances from the City Code with respect to the exterior design of the Block 3 apartments:

- (i) Window frames are not required to be recessed by 2" from the exterior building façade of the apartment buildings;
- (ii) 24" of elevation difference is not required between the sidewalk and the finished floor elevation of the apartment buildings; and,
- (iii) The construction of entry stoops at the apartment buildings is not required.

B. Every apartment unit in the Block 3 apartments shall have a covered balcony. At its May 23, 2022, meeting, the City's Board of Zoning Appeals granted Tapestry Commercial a variance from the City Code's requirement that all apartment balconies have a minimum depth of eight (8) feet, a minimum length of eight (8) feet, and a minimum area of sixty-four (64) square feet, and instead requires Tapestry Commercial to construct all balconies with a minimum depth of six (6) feet, a minimum length of eleven (11) feet, and a minimum area of sixty-six (66) square feet. In addition, a variance was granted allowing the balconies to be screened-in, similar to the balconies at the Tapestry Park Apartments, and allowing the installation of screens on the windows of the apartment buildings to prevent insect intrusion.

7. Intended Use. The City grants Tapestry Commercial the right to develop up to, but not to exceed, the number of apartment units shown on the Site Plan approved by the Planning Commission.

8. Screening Requirements. At its May 23, 2022, meeting, the City's Board of Zoning Appeals granted Tapestry Commercial a variance from the City Code's requirement that all mechanical equipment be located to the side or rear of a structure or on the rooftop, and instead requires Tapestry Commercial to install mechanical equipment such as air conditioning compressors on concrete pads which can be located on all four (4) sides of all the Block 3 apartment buildings. If the mechanical equipment is visible by someone standing on a public street, Tapestry Commercial shall install a three (3) foot tall opaque fence and evergreen hedge next to such mechanical equipment so it is reasonably screened from view from the public street. The installation of hedges that are not 100% opaque is acceptable.

9. Bulk Refuse Containers. At its May 23, 2022, meeting, the City's Board of Zoning Appeals granted Tapestry Commercial a variance from the City Code's requirement that (a) a stationary bulk refuse container with a minimum capacity of four cubic yards be installed for each apartment building which contains more than 4 and less than 13 living units, and (b) a stationary bulk refuse container with a minimum capacity of eight cubic yards be installed for each apartment building which contains more than 16 and less than 31 living units, and instead requires Tapestry Commercial to install two (2) eight cubic yard dumpsters in the locations shown on the Site Plan. The dumpsters shown on the Site Plan shall be surrounded on all four (4) sides by an opaque dumpster enclosure with a swing gate designed to meet the City Code.

10. Signage. Tapestry Commercial shall install a freestanding monument sign on Block 3 in lieu of the office building signs referenced in Paragraph 15 (B) of the Addendum to Development Agreement. The sign shall meet all of the requirements of the City Code.

11. Access. At its May 23, 2022, meeting, the City's Board of Zoning Appeals granted Tapestry Commercial a variance from the City Code's requirement for a second means of ingress/egress to and from the Block 3 apartments off of Town Center Drive by instead requiring adequate fire truck access throughout the Town Center development and the installation of two (2) fire lanes parallel to Central Avenue and Town Center Drive. In addition, the property shall provide inter-parcel connection through the use of pedestrian gates at numerous locations along the perimeter fencing surrounding Block 3 including the installation of two (2) gates on the East side of Block 3 adjacent to Town Center Drive.

12. Miscellaneous. Except as modified by this First Addendum Amendment, the terms and provisions of the Development Agreement, as amended, and the Addendum to Development Agreement shall remain in full force and effect. In the event of any conflict or inconsistency between

this First Addendum Amendment and either the Development Agreement, as amended, or the Addendum to Development Agreement, this First Addendum Amendment shall govern and control. This First Addendum Amendment shall be binding upon and inure to the benefit of the City and Tapestry Commercial and their respective successor and assigns, as well as Tapestry Commercial's successors in title to Block 3 of Town Center, and shall be governed by the laws of the State of Georgia. The First Addendum Amendment may be executed in counterparts, each of which shall be deemed an original and all of which together shall constitute one and the same instrument.

IN WITNESS WHEREOF, the parties hereto have caused this First Addendum Amendment to be signed, sealed and delivered as of the Effective Date.

CITY:

**GARDEN CITY, GEORGIA**, a Georgia municipal corporation

By: \_\_\_\_\_ (SEAL)  
Scott Robider, City Manager

TAPESTRY COMMERCIAL:

**TAPESTRY PARK COMMERCIAL, LLC**, a Georgia limited liability company

By: Roberts Properties, Inc., a Georgia corporation,  
its sole member

By : \_\_\_\_\_ (SEAL)  
Charles S. Roberts, President

EXHIBIT “A”

Conceptual Site Plan

| TAPESTRY PARK - PHASE I - OVERALL UNIT DATA |            |                     |                      |                |
|---|------------|---------------------|----------------------|----------------|
| UNIT  | QTY        | AVERAGE HEATED AREA | AVERAGE BALCONY AREA | % OF TOTAL     |
| 1 Bedroom                                   | 54         | 878 SF              | 87 SF                | 41.52%         |
| 2 Bedrooms                                  | 98         | 1,007 SF            | 103 SF               | 42.24%         |
| 3 Bedrooms                                  | 40         | 1,021 SF            | 115 SF               | 17.24%         |
| <b>Totals:</b>                              | <b>232</b> | <b>1,124 SF</b>     | <b>98 SF</b>         | <b>100.00%</b> |

| TAPESTRY PARK - PHASE II - OVERALL UNIT DATA |           |                     |                      |                |
|--|-----------|---------------------|----------------------|----------------|
| UNIT   | QTY       | AVERAGE HEATED AREA | AVERAGE BALCONY AREA | % OF TOTAL     |
| 1 Bedroom                                    | 36        | 875 SF              | 88 SF                | 63.00%         |
| 2 Bedrooms                                   | 24        | 1,104 SF            | 66 SF                | 40.00%         |
| <b>Totals:</b>                               | <b>60</b> | <b>986 SF</b>       | <b>66 SF</b>         | <b>100.00%</b> |

| TAPESTRY PARK - PHASE I & PHASE II - OVERALL UNIT DATA |            |                     |                      |                |
|--|------------|---------------------|----------------------|----------------|
| UNIT   | QTY        | AVERAGE HEATED AREA | AVERAGE BALCONY AREA | % OF TOTAL     |
| 1 Bedroom  | 130        | 882 SF              | 77 SF                | 44.52%         |
| 2 Bedrooms   | 122        | 1,009 SF            | 88 SF                | 41.78%         |
| 3 Bedrooms   | 40         | 1,021 SF            | 115 SF               | 13.70%         |
| <b>Totals:</b>   | <b>292</b> | <b>1,093 SF</b>     | <b>96 SF</b>         | <b>100.00%</b> |

#### GENERAL NOTES

- 1 TAPESTRY PARK APARTMENTS - PHASE II WILL NOT HAVE VEHICULAR ACCESS GATES.
- 2 TAPESTRY PARK APARTMENTS - PHASE II WILL MIRROR THE EXTERIOR DESIGN OF TAPESTRY PARK APARTMENTS - PHASE I AND THE EXTERIOR MATERIALS OF PHASE II WILL BE EQUAL TO OR BETTER THAN PHASE I.
- 3 TAPESTRY PARK APARTMENTS - PHASE II WILL HAVE 5' SIDEWALKS WHICH WILL MATCH THE SIDEWALK WIDTHS AT TAPESTRY PARK APARTMENTS - PHASE I.

#### CONCEPTUAL SITE PLAN

04/11/2022

##### LAND USE KEY

- Residential
- Retail
- Civic

BLOCKS  
5, 6, 7, 8, 9 &  
TAPESTRY PARK  
PHASE I



#### GARDEN CITY TOWN CENTER MASTER PLAN

Garden City, Georgia

*Creating Communities for Superior Lifestyles*



Roberts Properties, Inc.  
770.394.6000 www.robertsproperties.com  
375 Northridge Road, Suite 350  
Atlanta, Georgia 30339

April 11, 2022

**BARGE**  
GENERAL CONTRACTORS

EXHIBIT “B”

Site Plan

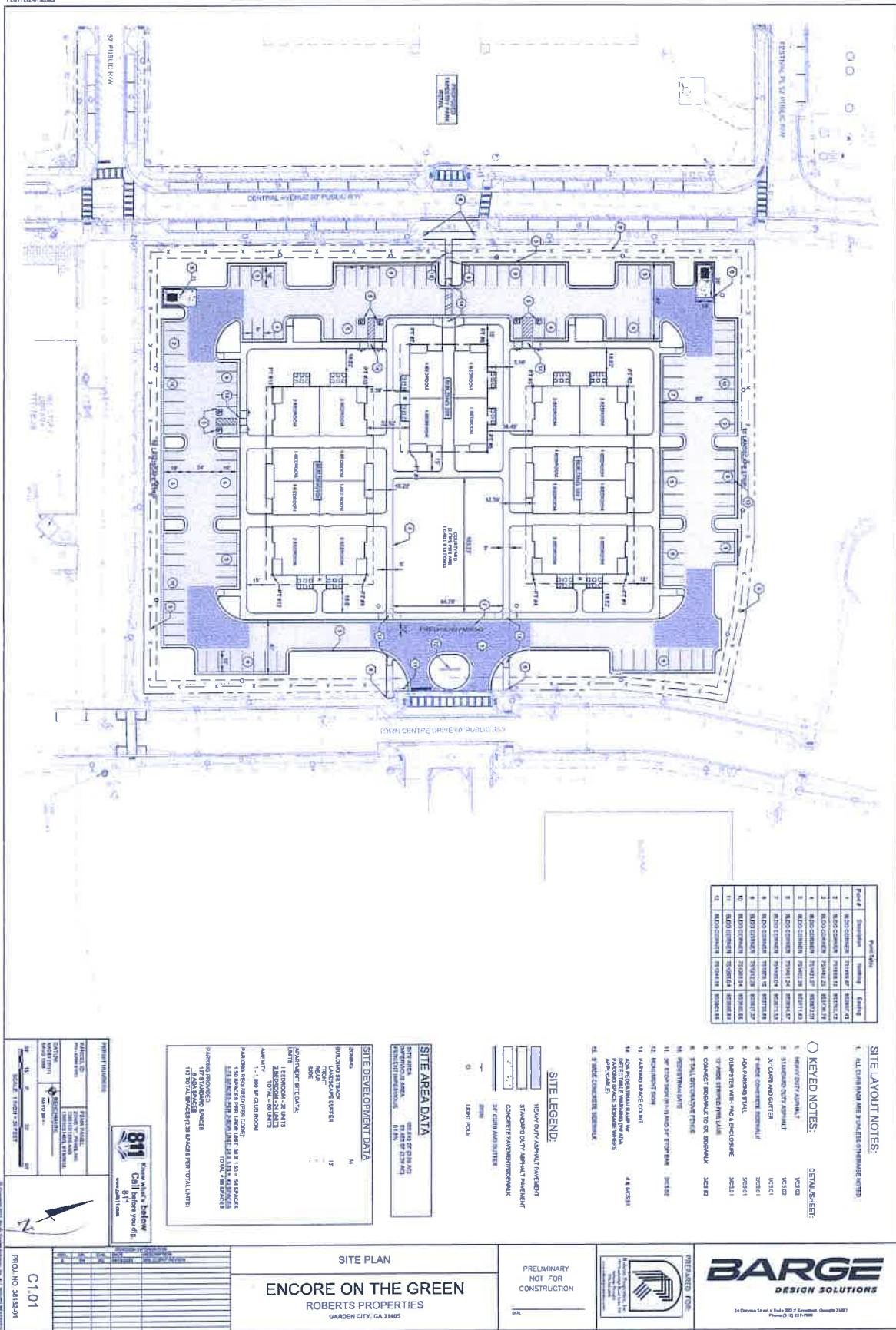


EXHIBIT "C"

Design Plans/Pictures for Encore on the Green







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 2022; 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 2022 fiscal year on property subject to ad valorem taxation by the City is hereby fixed at 3.143 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 3.143 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 6<sup>th</sup> day of June 2022, in open session.

---

RHONDA FERRELL-BOWLES,  
Clerk of Council

Received and approved this 6<sup>th</sup> day of June 2022.

---

DON BETHUNE, Mayor

# RESOLUTION

**A RESOLUTION TO ESTABLISH A POLICY FOR NIGHT SHIFT DIFFERENTIAL PAY AND FIELD TRAINING OFFICER (FTO) SUPERVISION PAY AND PARTIAL IMPLEMENTATION OF THE POLICE DEPARTMENT RESTRUCTURING PLAN FOR THE EMPLOYEES OF THE GARDEN CITY POLICE DEPARTMENT; TO PROVIDE FOR REPEAL OF CONFLICTING RESOLUTIONS; TO PROVIDE AN EFFECTIVE DATE; TO PROVIDE FOR OTHER LAWFUL PURPOSES.**

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

**WHEREAS**, the City of Garden City, Georgia, employs a police department to carry out law enforcement operations in the city on a 24-hour basis; and

**WHEREAS** to provide consideration to those police officers that work the night shift and for those officers assigned as field training officers, the City Manager seeks to implement a policy for Night Shift Differential pay, Field Training Officer supervision pay, and the Partial Implementation of the Police Restructuring Plan; and

**WHEREAS** upon the partial implementation of the Police Restructuring Plan, Shawn Myers shall be appointed to the rank of Captain, and two (2) Lieutenant positions shall be established and approved, contingent upon available funding, for candidates meeting all of the promotional requirements with the promotion of two (2) Sergeants to the rank of Lieutenant within the fourth (4) quarter of 2022.

**WHEREAS**, the Night Shift Differential and FTO Policy, attached hereto as Exhibit "A" and incorporated by reference, shall be adopted and may be revised by a majority vote of the Mayor and Council.

**WHEREAS**, the Police Department Restructuring Plan, attached hereto as Exhibit "B" and incorporated by reference, shall be adopted and may be revised by a majority vote of the Mayor and Council.

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of Garden City, Georgia, in regular session assembled, that the Night Shift Differential and FTO Policy, attached hereto and incorporated by reference, be adopted and effective immediately.

**ADOPTED** this 6<sup>th</sup> day of June 2022.

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Don Bethune, MAYOR

**RECEIVED AND APPROVED** this 6<sup>th</sup> day of June 2022.

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Rhonda Ferrell Bowles, CLERK OF COUNCIL

## **EXHIBIT “A”**

### **NIGHT SHIFT DIFFERENTIAL/FIELD OFFICE TRAINING (FTO) PAY POLICY**

#### **Night Differential Pay**

Night shift differential pay refers to the additional payment to a non-exempt police officer for hours worked outside the hours of 7:00 a.m. to 7:00 p.m. on a routine basis.

It is the responsibility of the Chief of Police to define jobs that are eligible for night shift differential and the rates to be paid. The Chief's responsibility is to communicate to affected employees how night shift differential pay is calculated and what schedules are eligible for the differential. Additionally, each qualifying employee must verify the night differential allocation per shift as required in the time-keeping program. Supervisors are responsible for tracking and verifying employee schedules and hours for those who are eligible for night shift differential. Officers assigned to the night shift only qualify for the payment if they are present and working, as it is not an automatic entitlement.

1. Police officers who work the hours of 7:00 p.m. to 7:00 a.m. will earn night shift differential pay of \$15.00 per 12-hour shift. This is not an hourly benefit but represents a one-time, flat rate.
2. Vacation leave, sick leave, and holiday leave are not eligible for calculating night shift differential pay, as the officer must be physically present to qualify for the benefit.
3. Hourly pay increases shall not be based on the night shift differential rate but on the employee's performance evaluation results. It is not an hourly benefit but a fixed flat rate for the officers who meet the qualifications.

#### **Field Training Officer Pay (FTO)**

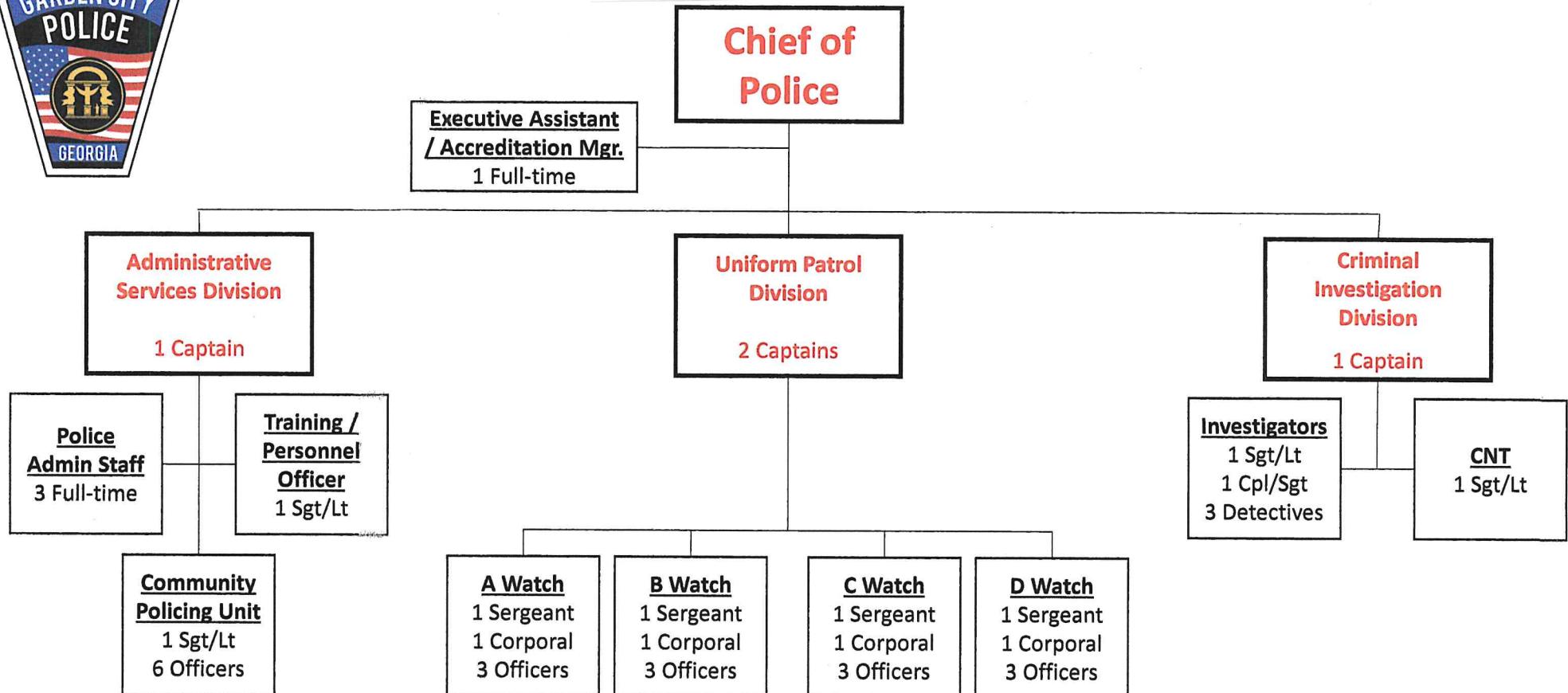
Currently, Field Training Officers (FTOs) are paid a Flat rate of \$30 per 12-hour shift worked, which is a budgeted expense for FY2022. FTOs are not eligible for the payment unless they are present and actively training the new officer on their assigned shift.

Whereas the Garden City Police Department has many new officers requiring full-time training and supervision, the position of an FTO is an essential role in ensuring that new police officers assigned to their care are adequately prepared to perform the essential duties of a Police Officer.

1. The current flat rate of pay for FTO Supervision is \$30 per shift worked.
2. This current rate will remain unchanged for one year (1) from when this Resolution is approved.
3. After the one-year (1) period expires, the flat rate for FTO Supervision will be reduced to \$20 per shift worked.

EXHIBIT "B"

Garden City Police Department Restructuring Plan



2022 As of 4/1/2022

**SWORN (FULL-TIME)**

**39 Funded**

**4**

**NON-SWORN (FULL-TIME)**

**43**

**TOTAL APPROVED POSITIONS**

## **RESOLUTION**

**A RESOLUTION TO AMEND THE REGULAR MEETING SCHEDULE OF THE GARDEN CITY CITY COUNCIL; TO ELIMINATE THE JUNE 20, 2022, REGULAR MEETING OF THE CITY COUNCIL IN OBSERVANCE OF JUNETEENTH, AND TO ESTABLISH A MEETING OF THE CITY COUNCIL ON JUNE 21, 2022.**

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

**WHEREAS**, it is desirous to amend the regular meeting schedule of the Garden City City Council for the period of June 20, 2022, through June 21, 2022; and,

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

**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 City Council as herein described for the period of June 20, 2022, through June 21, 2022.

**ADOPTED** this 6<sup>th</sup> day of June 2022.

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Don Bethune, Mayor

**RECEIVED AND APPROVED** this 6<sup>th</sup> day of June 2022.

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Rhonda Ferrell Bowles, Clerk of Council