

# City of Guyton, Georgia

*Working Together to Make a Difference*



**CITY COUNCIL MEETING - November 12, 2019**

## **MINUTES**

***ITEM OF BUSINESS***

***ACTION REQUESTED OF COUNCIL***

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**1. *Call to Order***

Mayor Lariscy, 7:00pm

Councilman Goldwire was not in attendance of the meeting.

**2. *Moment of Repose for Those Who Practice Some Other Faith***

**3. *Invocation***

An Invocation was led by Councilman Collins.

**4. *Pledge of Allegiance***

The Pledge of Allegiance was led by Councilman Johnson.

**5. *Approval of Agenda***

Consideration to approve the Agenda

Councilman Collins made a motion to amend the agenda to remove items 7, 11L, and 11M, stating that the Planning and Zoning Committee was not given all of the correct documentation when they met to discuss the subdivision of those properties. Mr. Hofman has been in contact with the developers to inform them of the information needed. Mr. Lon Harden, Chairman of the Planning and Zoning Board, asked why the Committee was not informed of this issue. Councilman Collins stated that this was determined today, and he said contact should have been made through the City Manager's office. Councilman Collins then explained to Mr. Harden what information was missing. Councilman Johnson seconded the motion, and the motion carried.

Councilman Collins then made a motion to approve the agenda as amended, seconded by Councilman Lee. Motion carried.

**6. *Approval of Minutes***

Consideration and approval of the meeting minutes from the October 8, 2019 Council Meeting, and approval of the meeting minutes from the October 28, 2019 Council Meeting

Councilman Collins made a motion to approve the minutes from October 8, 2019, seconded by Councilman Johnson. Motion carried.

Councilman Johnson made a motion to approve the minutes from October 28, 2019, seconded by Councilman Lee. Motion carried.

### **7. Planning & Zoning**

Recommendation regarding the subdivision request for 4 Hidden Creek and the subdivision request for the Habitat for Humanity property on 4th Street Ext.

Removed per amended agenda.

### **8. Historic Preservation**

Ms. Pearl addressed Council stating that the Luminary Service will be held December 10, 2019 at 5:30pm. She added that the Committee attended a career day event at GSU and spoke to a few of the students that were interested in assisting with the Highland Park historic marker. She also asked about lights on the walking trail, to which Mayor Lariscy stated Council would discuss later in the meeting, and then asked about blighted property in the City.

### **9. Other Committee Reports**

**Per Request-** Consideration and acceptance of Mossy Hollow infrastructure and roads

City Attorney Smith stated that Mr. Warren Ratchford had provided the deeds and paperwork, and there are a couple of things that need to be changed. City Attorney Smith stated he would alert Mr. Ratchford of the changes needed. There was a discussion between City Attorney Smith and Council regarding the language regarding easements and right-of-ways. Councilman Collins asked about the bond requirements, which should be 10% of the total. City Attorney Smith stated he believed that to be correct, and would review with Mr. Ratchford. Councilman Collins stated that Greenland Developers has done a great job on the subdivision and went above and beyond what was required. Mr. Wilson Burns addressed Council stating that the setbacks on the original plat of Mossy Hollow were incorrect, so the surveyor has created a new plat with the only change being the setbacks, which will now match the Guyton zoning ordinance. Councilman Collins stated for clarification that the plat has already been accepted and is recorded at the Courthouse, and nothing from the plat is changing, other than the setbacks. Mr. Burns then explained that some builders that were interested in buying lots wanted to build strictly starter homes, but the builder that they have accepted will be building a mix of homes, starter homes and larger homes. The larger setbacks are causing issues for the larger homes, which is why the setbacks need to be changed to meet the zoning ordinance. After some discussion, Councilman Collins made a motion to accept the streets, begin the one year warranty period, and accept the plat with the corrected setbacks. City Attorney Smith stated that the motion include the acceptance would be based on obtaining the corrected deeds from Mr. Ratchford. Councilman Johnson seconded the motion adding that the developer also

put up the street signs, which Councilman Collins agreed to. Mr. Burns then stated that the signs have been replaced. Councilman Collins then stated that that is part of the subdivision ordinance. After a call to vote, the motion carried.

**ALL PUBLIC COMMENTS WILL BE LIMITED TO AGENDA ITEMS ONLY**

**10. Old Business**

**A. Mayor Lariscy**                      Employee of the Month

Mayor Lariscy stated that he has not received a nomination for Employee of the Month. Councilman Johnson stated that he and Mayor Lariscy have not worked on an official policy, but Councilman Johnson suggested nominating Brantley Horton. Councilman Lee stated he believed the City should appoint Calvin Nesmith. After some discussion, Councilman Lee made a motion to appoint Calvin Nesmith as the Employee of the Month, seconded by Councilman Johnson. Motion carried.

**B. Councilman Johnson**              Discussion regarding utilization of Effingham County jail inmates

Councilman Johnson stated that he is working with the City Manager and Interim Public Works Superintendent Jacob Ford to get the training needed to have the inmates to assist with the streets and lanes duties. Councilman Johnson made a motion to have the City Manager move forward with this process, seconded by Councilman Lee. Motion carried.

**C. City Manager Hofman**            Consideration for an on-site demonstration of the JCB Hydradig

City Manager Hofman stated that JCB is willing to allow for an on-site demonstration of the Hydradig, and only requires a \$250 transportation fee, \$500 total. A citizen in attendance asked Mr. Hofman to remind citizens which piece of equipment this is. Mr. Hofman stated this was the \$160,000.00 wheeled excavator, and gave some additional information. Councilman Collins asked how long we would have the equipment, and Mr. Hofman stated he was not sure. Councilman Collins stated that if the City would get \$500 worth of work out of the equipment, then he is all for the demonstration. Mr. Hofman stated that he plans to record the work being done, and this would be a good chance to see if this a good fit for the City. Councilman Collins made a motion to approve, seconded by Councilman Lee. Motion carried.

**D. City Manager Hofman**            Opening LMIG sealed bids

Mr. Hofman had to step out to get the sealed bid. Councilman Collins asked Mayor Lariscy to speak about Calvin Nesmith, the Employee of the Month. Mayor Lariscy spoke for a moment about how kind and upbeat Calvin is, as well as being employed with the city since 1989, and Councilman Collins added that he knows almost every person and where every water line is.

Mr. Hofman returned with the sealed bid. Mayor Lariscy stated that one bid was received from Preferred Materials totaling \$99,873.00 which meets LMIG requirements. Councilman Johnson made a motion to accept the bid, seconded by Councilman Lee. Motion carried.

## **11. New Business**

- A. City Manager Hofman**      Consideration to adopt a resolution to apply for the recreation trails program through Georgia Department of Natural Resources

City Manager Hofman stated that the resolution would have to be adopted by Council to apply for a grant for the trail along Central Blvd. This grant would cover lights for the trail, outlets, picnic tables, and repairing the trail where the concrete has been damaged. There is a 20% match for the grant once awarded. Mayor Lariscy asked if there was a projected amount, and Mr. Hofman stated that the total is roughly \$80,000.00, but this would be over a year down the road. Councilman Johnson asked if this would be for all of the trails in Guyton, or just the walking trail, and Mr. Hofman stated it would be the walking trail. Councilman Collins made a motion to approve, seconded by Councilman Lee. Motion carried.

- B. City Manager Hofman**      Consideration of contract with Mr. Albert Perkins for farming/baling spray fields

City Manager Hofman explained that the fields don't need to be cut down due to the season. Mr. Perkins is willing to do the baling for free, he just wants the hay bales as payment. This contract guarantees that if he plants to seed now, that he will be able to cut and collect the hay bales. Mr. Hofman stated that he has collaborated with the city engineer on this contract. Councilman Lee asked if he is going to use the city equipment, and Mr. Hofman stated that he would and would be responsible for maintaining the equipment to a certain degree. A citizen asked if this was put out for bids, and Mr. Hofman stated that the City had trouble finding someone to cut and bale the hay previously and are currently paying someone to do it. Mr. Perkins would be doing the work for free, and would collect the hay bales. Councilman Collins asked if the seed has been planted, and Mr. Hofman stated that it has not. Mr. Perkins will plant the seed, but wanted to have the contract signed first to guarantee that he would be able to cut and collect the hay as well. Councilman Collins stated that he reviewed the original contract, but has not seen the revised contract. Mr. Hofman stated that the engineer did address Councilman Collins' concerns in this revised copy, as well as other addressing Mr. Perkins' concerns. Mayor Lariscy asked City Attorney Smith if there were any liability issues in this agreement, and City Attorney Smith stated that he was looking at the agreement for the first time. Councilman Collins asked if the agreement could be accepted tonight contingent on City Attorney Smith's approval, which would grant him some additional time to review. Councilman Collins explained that time is of the essence. After some discussion, Councilman Collins made a motion to approve the

agreement contingent on approval by City Attorney Smith, seconded by Councilman Johnson. Motion carried.

**C. Mayor Lariscy** Consideration and approval of compensation for Mr. Hofman as provided in the municipal ordinances and policies

Councilman Collins asked if this needed to be discussed in executive session, which City Attorney Smith stated it did because it involved personnel. Councilman Collins then made a motion to discuss this in executive session, seconded by Councilman Johnson. Motion carried.

**D. Mayor Lariscy** Discussion as to the role of City Manager

Mayor Lariscy stated that recently there have been some differences of opinion on how the City Manager should manage employees of the City and how Council should act with both the City Manager and employees. Mayor Lariscy stated that he understands the policy to be that the City Manager acts as the go-between for all actions between Council and employees, meaning if Council needs something from an employee, they go to the City Manager, not to the employee. He added that this has not been the case and there have been some issues where city officials have been involved with employees at a level that the policies don't ascribe to. Mayor Lariscy then asked City Attorney Smith's opinion, and he agreed with the Mayor's explanation going into more depth by reading the ordinances. Mayor Lariscy clarified that any action or information required from an employee would need to go to Mr. Hofman. Mayor Lariscy then stated that he wanted this to be the procedure moving forward by Council. He asked if Council was amenable to that, and Councilman Collins stated if that is the ordinance, then that is what should happen. Mayor Lariscy stated that he wanted it for public record that Council agrees and will abide by the ordinance. Council agreed.

**E. Councilman Johnson** Discussion regarding slowing down traffic at 6th Ave and Church Street

Councilman Johnson stated that there is an issue with speeding between 5th and 6th Street on Church Street. He added that he has spoken to the Interim Chief regarding this issue, and since the City can't run radar, we can cite drivers for running stop signs, so he recommends making both intersections 4-way stops. This will be safer for individuals at the playground and going to the store on the corner. Councilman Johnson made a motion to make both intersections 4-way stops, seconded by Councilman Collins. Motion carried. Councilman Collins then stated as a point of clarification, based on the ordinance read previously, Councilman Johnson would go to the City Manager with this and then the City Manager would speak to the Interim Chief. Mayor Lariscy confirmed that is correct.

**F. Councilman Johnson** Discussion regarding hiring GWES engineering to assist with fixing WWTP spray field issues

Councilman Johnson stated that the city should get a second opinion regarding the sprayfields at the WWTP, because Mr. Parker is working towards new sprayfields and not telling the City what to do with the old ones, and because he wants the City to move forward with going to Springfield. Mayor Lariscy clarified that Mr. Parker isn't the one suggesting to merge with Springfield, that suggestion came directly from the EPD. Councilman Johnson stated that the EPD hasn't sent a letter stating that, and Mayor Lariscy stated that they probably wouldn't. Councilman Collins stated that the City should meet with the EPD and Springfield to discuss everything. Councilman Johnson stated the City should still get a second opinion. Mayor Lariscy recommended discussing this in executive session. Councilman Johnson made a motion to discuss in executive session, seconded by Councilman Collins. Motion carried.

**G. City Manager Hofman** Discussion regarding creating a committee for TSPLOST priorities

After an explanation of TSPLOST by City Manager Hofman, Council agreed that Councilman Johnson would serve on the committee as the Streets/Lanes Chairperson on Council, along with Interim Public Works Superintendent Jacob Ford, and each Councilman will nominate a committee member to participate. The committee would be responsible for ranking streets in the city that need attention.

**H. Councilman Lee** Consideration for creation of a new City Charter

Councilman Lee stated that Council has talked about changing things in the charter previously, but nothing has moved forward. Mayor Lariscy agreed, and stated that requested changes need to be presented. Councilman Collins stated that the incoming new Council should be involved. City Attorney Smith stated that some things could be changed, but most changes would have to go through the State. After some discussion, Council was in agreement that this will be a work in progress to prepare to send to the state next year.

**I. City Manager Hofman** Renewal of State Mutual Aid Agreement

City Manager Hofman stated this was on the agenda at the request of Chief Hodges. Chief Hodges addressed Council explaining the agreement, stating that Springfield has approved it, and it will go before Rincon and the County next week. Mayor Lariscy stated that Council discussed and approved this last year. Councilman Johnson made a motion to approve the agreement, seconded by Councilman Lee. When the Mayor called for a vote, Councilman Johnson and Councilman Lee voted in favor of the motion, with Councilman Collins abstaining due to not having read the agreement. The motion carried.

**J. City Manager Hofman** Annexation of 379 Brogdon Road into the City Limits



City Manager Hofman stated that Mr. Hines had previously had a water tap on the property, and there was also a sewer tap but it had never been used as the property had a septic tank previously. The property is not in the City limits, so Mr. Hines needs to get a permit from the County to put a home on the property, and they are requiring something from the City stating there is water and sewer services. Councilman Lee then stated that Mr. Hines would actually like to bring his property into the City limits. City Manager Hofman then continued that the sewer tap for the property has never been used, and is assuming the tap was installed during a CDBG grant. Councilman Collins stated that the water/sewer services could be provided to the property without being in the City limits, Mr. Hines would just have to apply for the connection, then the City would need to confirm that taps were there. Councilman Lee then asked Mr. Hines if he wanted to annex his property into the City limits. Mr. Hines stated that part of the property is in the City. City Attorney Smith informed Council of the steps that need to be taken for a property annexation. Mayor Lariscy stated that in the city of out of the city, we can go ahead with the water/sewer connection. Council was in agreement that Mr. Hines simply needed to apply for the water/sewer connection, then can pursue annexation separately by completing the appropriate applications and submitting a letter with the request.

**K. City Manager Hofman**      Consideration for removal of 96 Simmons Street (TMN: G0070007E00) from the City Limits

Ms. Keyes, from the Effingham County Tax Assessor's office, addressed Council regarding the property in question. She stated that she has spoken with City Manager Hofman and Mr. Holmes about the property. Currently, their system shows Mr. Holmes' property is shown as being in the city limits. In 2005 the properties around Mr. Holmes' property were shown as being in the city limits, and in 2006 they were not. She stated they didn't have any documentation of the change, but surmised that something had to have taken place in 2005/2006 to cause the change. There was discussion between Ms. Keyes and Council regarding their system and the other properties in the area. City Attorney Smith stated that if the property was annexed, there should be a record in the minutes. City Clerk Bruton informed Council that on the maps provided by GIS, this area is marked out of the City limits, which has added to the confusion. Ms. Keyes stated that those maps could have incorrect information. Councilman Collins asked if this property receives water/sewer services from the City. After some discussion, Councilman Lee stated he receives city water, but has a septic tank. Councilman Collins asked what the next step for de-annexation is, and City Attorney Smith stated he was not sure because he doesn't handle this often, and he will review. Mr. Leroy Holmes then approached Council and restated the information already presented, and asked why he has to pay city taxes if everything around him doesn't. There was a lengthy discussion between Council and Mr. Holmes. City Attorney Smith stated that the minutes from the City needs to be reviewed. Mr. Holmes stated that the tax office only needs a letter from the City to correct this issue. City Clerk Bruton stated that Mr. Holmes wasn't billed for the City taxes until 2004; previously he had only been billed the County taxes. Mayor

Lariscy stated that City Attorney Smith would need to review the situation and advise the City on the letter needed, and city staff would review the minutes.

- L. City Manager Hofman** Consideration for approval of the proposed subdivision of property located at 4 Hidden Creek Drive, G0100002

Item removed per amended agenda.

- M. City Manager Hofman** Consideration for approval of the proposed subdivision of property located on 4th Street Ext., G0170006

Item removed per amended agenda.

- N. City Manager Hofman** Discussion regarding sending of effluent to Springfield

City Manager Hofman stated that he spoke to the City Manager and Mayor of Springfield, and they stated they would be willing to take effluent from the City, and seemed more willing to do that than to move forward with the suggestion from the EPD. They have the capacity with their current infrastructure. Councilman Collins asked if they knew what their current issues are with pumping into Ebenezer Creek, and Mr. Hofman stated that they did. Councilman Collins stated he believed it would be a great idea to get the EPD to come for a meeting to discuss the issues, because the City has a report ready to go and has spent enough money to move forward with new sprayfields, but they are saying we should look into merging with Springfield. City Attorney Smith stated that the City has gone through years of litigation to “un-marry” Guyton from Springfield. Councilman Collins stated that he understands that, but the concern is that the EPD will have to approve the new sprayfields, and if they are encouraging the City to move to the Ogeechee River, they may deny the new sprayfields and the time and money will be wasted. A meeting with all the parties would be the best way forward. Mayor Lariscy asked if Councilman Collins would be willing to orchestrate that meeting with the EPD and Springfield, and include Mr. Hofman on the planning. Councilman Collins agreed. Councilman Johnson stated he believed Mr. Hofman had already had conversations with both parties, and Mayor Lariscy stated this would put everyone in the same room at the same time. Councilman Collins stated that City Attorney Smith and the city engineer would need to be apart of that meeting as well. Councilman Collins stated he would alert Council of the meeting once finalized.

- O. City Manager Hofman** Discussion regarding report by Wesley Parker regarding sprayfields

Councilman Collins stated this would be a great way to call the meeting, by informing them that the City has this report ready to go, but would like to speak to EPD directly about it, and ask why they want this report when they are encouraging us to go a different direction. City Manager Hofman stated that the EPD wants the report now, they



don't want to wait. Councilman Collins stated he disagrees with giving them the report now and wants to wait for the meeting. Councilman Lee stated he wants to give them the report now, because he has talked to Mr. Parker about this, and according to that conversation, Mr. Parker said the EPD wasn't commanding the city to do anything, that it was just a suggestion, and that the EPD will work with the city if the city moves forward with the sprayfields. Councilman Collins stated that in the conversations he has had with Mr. Parker and the EPD, no such promises were made. Councilman Lee stated the Mr. Parker had come to his house at 7:00 on the previous Saturday to discuss this, and added that the report should have already been sent and approved. A citizen asked why Mr. Parker was not in attendance, and stated that he should be here to clear things up. There was further discussion between Council. Mayor Lariscy recommended providing the report to the EPD and requesting the meeting then. Councilman Johnson made a motion to send the report to the EPD and schedule a meeting to discuss their recommendation. The motion was seconded by Mayor Lariscy. Councilman Collins asked to clarify the motion. Councilman Johnson stated that the motion is to send the report from Mr. Parker to the EPD, and to inform them verbally and in writing that we request a meeting to discuss their recommendation to merge with Springfield. Mayor Lariscy called for a vote, and the motion carried.

**P. City Clerk Bruton** Request regarding unused vacation time

Mayor Lariscy stated that City Clerk Bruton is requesting a payout of unused vacation hours, and asked City Attorney Smith if that was allowable per the policy. City Attorney Smith stated he would review if Council wanted to continue the meeting.

**Q. Councilman Collins** Discussion regarding reimbursement of water/sewer tap fees to Mr. Schel Paulk based on rate approved in 2001 Minutes

Mayor Lariscy reviewed the invoice presented to Council and the minutes from 2001. Councilman Johnson recommended looking back at the records to see what the City has paid out, to verify the total is correct. City Clerk Bruton advised that staff is reviewing. Mayor Lariscy recommended approving the reimbursement contingent on the verification by city staff. Councilman Collins made a motion to approve contingent on the verification by city staff. Mayor Lariscy seconded the motion due to no second being made. When the vote was called, Mayor Lariscy and Councilman Collins voted in favor, with Councilman Johnson and Councilman Lee voting opposed. Councilman Johnson made a motion to table this discussion until the verification can be made. Councilman Lee seconded the motion. Mayor Lariscy called for the vote. Councilman Johnson and Councilman Lee voted in favor with Councilman Collins and Mayor Lariscy voting opposed.

City Attorney Smith spoke to Council about the personnel policy for vacation accrual. He read the section 6.4.2(c) pertaining to the request of City Clerk Bruton. He advised that the unused hours could be paid out to Ms. Bruton. Councilman Collins made a motion to

pay Ms. Bruton for the unused vacation hours, seconded by Councilman Lee. Motion carried.

Returning back to item Q, Mayor Lariscy stated that both motions have died. Councilman Collins stated the City has already agreed to pay them, so all the staff needs to do is confirm the information. Councilman Johnson stated that is the information he wants to see before approving it. There was a discussion amongst Council regarding the information. Mayor Lariscy stated he would like to reimburse Mr. Paulk as soon as the staff can confirm the information, instead of waiting for another meeting of Council. Councilman Collins made a motion to proceed with the payment once the information has been confirmed by city staff, seconded by Mayor Lariscy. Councilman Collins asked if the City needed to re-vote on this topic since this was already approved by Council before. Councilman Johnson stated that he just wanted to make sure the information is correct. A citizen asked Councilman Johnson if he didn't trust his City Manager to do the job, and Councilman Johnson stated that the City Manager doesn't know anything about this because he wasn't here in 2001. The citizen then clarified if he trusted him to gather the information correctly, and Councilman Johnson stated that he had made his statement and was standing by it. City Clerk Bruton suggested amending the motion to state that once the information is gathered, it will be sent out to Council to do a poll via email. Mayor Lariscy stated that he was going to amend the motion to state that once the information is gathered, it will be sent out for Council to be aware. Councilman Collins seconded the amended motion. Councilman Collins and Mayor Lariscy voted in favor of the motion, with Councilman Johnson and Councilman Lee voting opposed.

**R. Councilman Collins**

Discussion regarding repair to the Delarae  
Subdivision sign

Councilman Collins stated that the Delarae sign was vandalised a few months ago, and that City Clerk Bruton had obtained a quote to repair the sign and had sent that out to Council previously. City Clerk Bruton informed Council the quote came from Thompson and Thompson Service Group, the same business that replaced the sign at Highland Park, and that the quote was in the packets provided to Council. Mayor Lariscy clarified with City Attorney Smith that because the sign was in the City right-of-way, that the City needed to repair the sign. A motion was made by Councilman Collins to move forward with the repair of the sign. Councilman Johnson asked what the sign at Highland Park was made of which was followed by a discussion. Mayor Lariscy seconded the motion to accept the bid. A citizen asked if the city owns the sign, and City Attorney Smith stated that because it was in the right-of-way, the City would need to repair it. Councilman Johnson asked if the sign could be moved to the side instead of being in the middle of the entrance. City Attorney Smith stated that has never been done before and he isn't sure why Council would. Councilman Collins asked what the purpose of moving the sign would be, because the sign is in an "island" with landscaping. Councilman Johnson stated he was just curious. Mayor Lariscy called for a vote and the motion carried.



Tuesday, December 10, 5:30pm - Luminary Service  
Tuesday, December 10, 7pm - City Council Meeting  
Tuesday, December 24 - City Hall Closed, Christmas Eve  
Wednesday, December 25 - City Hall Closed, Christmas Day

A citizen asked if the early voting for the runoff election, which led to a discussion regarding early voting dates, location, and absentee ballots.

**15. Adjournment from Regular Session into Executive Session**

A motion to adjourn was made by Councilman Johnson, seconded by Councilman Collins.

**16. Executive Session (as needed)**

Executive session was held to discuss litigation and personnel.

**17. Adjournment of Executive Session back into Regular Session**

A motion to open the meeting into Regular Session was carried and the meeting was opened. Mayor Lariscy stated there was no further business that needed to be discussed. Councilman Collins made a motion to adjourn the meeting, seconded by Mayor Lariscy. When the vote was called, Councilman Collins and Mayor Lariscy voted in favor with Councilman Johnson voting opposed stating he wanted to speak to the GWES representative. Councilman Collins excused himself from the meeting, along with Mayor Lariscy stating he wasn't feeling well.

Due to lack of quorum, the meeting was ended.

**18. Adjournment**

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Jeff Lariscy, Mayor

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City Clerk/City Manager