





Paul B. Hawkins, MAYOR

CITY COUNCIL MEETING JUNE 9^{TH} , 2020

PRESENT AT CITY HALL: Mayor Paul Hawkins

Jenelle Gordon, City Clerk Craig Stafford, City Attorney

Deputy SGT Grant Porter, Liberty County Sheriff's Office

PRESENT VIA ZOOM: Mayor Pro Tem Palmer Dasher (VIDEO CONFERENCING) Council Member Gail Evans

Council Member Rene Harwell Council Member Donnie Smith Council Member David Edwards Council Member Leigh Smiley

ABSENT: None

- 1. The regularly scheduled meeting of the City of Flemington was called to order by Mayor Paul Hawkins on Tuesday, May 12th, 2020 at 4:36 p.m. in the conference room at City Hall in Flemington, GA. A quorum necessary to conduct business was visibly present via Zoom video conferencing.
- 2. Invocation by Councilman Dasher, followed by the Pledge of Allegiance by Mayor Hawkins.
- 3. Mayor Hawkins welcomed all attendees, both in person and on Zoom. He asked that participants keep their sound muted until they wanted to speak.
- 4. Councilman Edwards motioned to dispense with the reading of the May minutes and accept them as written. Councilman Dasher seconded the motion. All approved. The motion passed.
- 5. SGT Grant Porter was in attendance to provide council with a list of law enforcement statistics for the month of May.
- 6. Mr. Larry Logan and Mr. Robert Dodd from the Liberty County Emergency Management Agency ("LCEMA") were in attendance in person at City Hall to announce the kick off of hurricane season. They lead Council through a PowerPoint presentation which highlighted emergency preparedness, gave recommended disaster supply kit checklists and listed the Shuman Center as the evacuation assembly area ("EEA") location for transport out of Liberty County. They also encouraged participation in the Hurricane Registry for residents with health conditions that would require medical assistance in order to evacuate.
- 7. Mr. Jeff Ricketson from the Liberty Consolidated Planning Commission ('LCPC") came before Council in person at City Hall with two items of business. First,
 - a. Mr. Ricketson presented a request for a new business license for The Healer Dealer, a licensed massage therapist who would be working at The Hydro Bar located at 1705-B East Oglethorpe Hwy. Ms. Ashley Sanders provided all required licensure and accreditation with the state to the LCPC and was present

at City Hall to answer questions posed by Council. Additional signage was not requested. Councilman Edwards made a motion to approve the business license request for The Healer Dealer. Councilwoman Harwell seconded the motion. All approved. The motion passed.

- i. Pursuant to city ordinance, Mayor Hawkins opened the public hearing for the massage therapist at 4:57 p.m. Hearing no public comments, Mayor Hawkins closed the public hearing. Second,
- b. Mr. Ricketson presented a drafted amendment to the City's vehicle ordinance where portions of the ordinance's verbiage was modernized to reflect present day challenges. Councilman Dasher made a motion to adopt the amendment to the vehicle ordinance. The motion was seconded by Councilwoman Evans. All approved. The motion passed.
- 8. Attorney Johnathan Gaskin and his client, Mr. Mike Allen came before Council via Zoom to discuss misunderstandings regarding the denial of installation of septic tanks on the properties he purchased on Old Hines Rd. from Mr. Jody and Mrs. Leigh Smiley. Mr. Gaskin authored a letter to the Council which stated grievances on behalf of his client which was delivered to the City Attorney via email on June 3rd, 2020. The letter stated that it did not serve as an ante litem notification to the City. Mr. Stafford led the discussion and represented the City of Flemington. Mr. Gaskin represented Mr. Allen. Mr. Smiley and Mr. Paul Simonton were also in attendance via Zoom. The following timeline was presented during discussion to clarify the course of events and was generally accepted by all contributors:
 - October 8th, 2019 The final plat for the subdivision of six lots was approved by the Flemington's Council with a reminder that sidewalks installation would be required.
 - December 2019 The Liberty County Department of Public Heath (also referred to as "Environmental Health") made contact with the LCPC regarding a septic tank permit application that was received from Mr. Allen. They explained to Mr. Ricketson that pursuant to State regulations, the subdivision was within 500 feet of a public sewer system and therefore sewer connection was required. Therefore, Environmental Health denied Mr. Allen's septic tank permit.
 - January 8th, 2020 Mr. Allen received a zoning permit from the LCPC for Lot 1 on Old Hines Rd.
 A reminder of the requirement to connect to the public sewer system was annotated on the permit.
 - January 14th, 2020 The City of Hinesville penned a letter to Mayor Hawkins stating that sewer
 was available to the lots on Old Hines Rd. and that hook up to that public system would be
 required. The request for septic tanks on those lots was denied.
 - March 10th, 2020 Mr. Smiley and Mr. Sack attended the regularly scheduled Council meeting to request the use of septic tanks in lieu of grinder pump stations at the six lots on Old Hines Rd. A motion to approve the septic tanks was made, however, the motion did not receive a second.
 - April 14th, 2020 Mr. Mike Allen, accompanied by Attorney Johnathan Gaskin, came before Council via Zoom teleconferencing during the regularly scheduled Council meeting to request the installation of septic tanks on the aforementioned six lots on Old Hines Rd. A motion was made and unanimously carried disallowing the use of septic tanks.
 - May 8th, 2020 Representing the City of Hinesville, Ms. Mardee Sanchez from the LCPC authored a letter to Mr. Sack stating the City of Hinesville had a long-standing practice to require all sewer service to developments be provided by gravity sewer (where available).
 - May 27th, 2020 Mr. Smiley delivered gravity sewer plans to the LCPC, which had been approved and was awaiting final approval from Environmental Health.

Mr. Gaskin shared that his client's main point of contention pertained to the State of Georgia's requirement for sewer connection when within 500 feet of a sewer system, or when if not "feasible" and

asked the Flemington City Council to interpret their understanding of the word. Mr. Gaskin shared that without sewer installation plans, the real estate transaction ultimately terminated between Mr. Allen and his home buyer.

Mr. Smiley articulated his displeasure and frustration regarding the performance of the professionals he hired to follow Flemington's subdivision ordinance requirements.

Mr. Simonton shared that Mr. Gaskin's letter had misquoted him regarding gravity flow sewer installation costs. At the April 14th meeting, the estimate Mr. Simonton relayed came from a telephonic conversation with a notable contractor who gave a "back of the envelope" (ballpark) estimate, site plans unseen.

Mr. Stafford repeatedly stated that the City of Flemington does not own nor operate the sewer system within the City of Flemington and that those systems were owned wholly by the City of Hinesville. Any grievances should be directed to that governing body. He also reiterated that the City of Flemington's ordinances outlining subdivision building requirements had been established and in place well before 2019. Mr. Stafford stated that Council would not attempt to interpret the State's parameters used to determine if connection to a public septic system is "feasible".

The installation costs associated with gravity sewer vs. grinder pump stations vs. septic tanks had been quoted to Council by numerous individuals over the course of numerous meeting dates, without consistency or uniformity.

The Council's collective voice stressed the importance for developers and builders to adhere to the City of Flemington's established subdivision ordinances. **Councilwoman Smiley recused herself from all conversation and voting due to conflict of interest.**

9. Council reviewed the Expense Report for the month of May. Ms. Gordon briefed Council that Flemington's hotel reporting was above average for the state, however, the COVID-19 pandemic caused severe impact to hotel/motel tax remittance nationwide. A draft of the FY21 budget was presented to Council. The \$66,612.00 needed to balance the budget would come from general fund reserves.

10. New Business:

- a. Mr. Stafford reported that the sale of portions of parcels 16 and 18 needed for the signalization in McLarry's Curve had been finalized with GDOT. In order to streamline the closing of those sales, Mr. Stafford introduced a resolution to allow the Mayor to execute the closing documents on behalf of the Council. Councilwoman Smith made a motion to adopt the resolution authorizing the Mayor to sign the closing documents with GDOT on behalf of the Council. Councilman Dasher seconded the motion. All approved. The motion passed.
- b. Mayor Hawkins presented an opportunity to renew the advertisement of the City in the Liberty County magazine. The half page ad would cost \$900.\overline{\top}0. Councilman Dasher made a motion to not renew the ad in the Liberty County magazine. Councilman Edwards seconded the motion. The motion passed 4-2, with Councilwomen Harwell and Smiley voting nay.
- c. Mayor Hawkins then presented to Council the ballot with the nominees for GMA's District 12 seats. Councilwoman Evans made a motion to approve the nominees on the ballot. Councilman Dasher seconded the motion. All approved. The motion passed.

11. Unfinished Business:

a. Mayor Hawkins stated that the Kallquist Drive Survey Phase was nearing completion and that easements were necessary from Ms. Catherine Smiley, whose property would be affected. Ms. C. Smiley had been present via Zoom, however, due to the length of the meeting she disconnected before reaching this part of the Agenda. Councilman Edwards made a motion to table the discussion so the Ms. C. Smiley could attend. Councilwoman Evans seconded the motion. All approved. The motion passed. **Councilwoman Smiley recused herself from all conversation and voting due to conflict of interest.**

- b. Mayor Hawkins informed Council that the solid waste transfer to residents' property tax notices would be delayed until the 2021 tax year. Unbeknownst to Mr. Stafford and himself, the deadline for the transfer had already passed for the 2020 tax year. Mayor Hawkins stated that the transfer onto tax appraisals would need to be done prior to April 2021. When asked why the full solid waste costs were listed on the FY21 budget, the Clerk explained the overlapping fiscal years. The tax year runs January to December. Notices of the appraisals will be sent to residents in May-ish of 2021. The taxes would be collected by Liberty County at the end of 2021 for the 2021 calendar year. Reimbursement for January through June from the City's FY21 would be received during FY22.
- 12. **Adjourn**: Councilman Edwards made a motion to adjourn. The motion was seconded by Councilwoman Smiley. All approved. The motion passed and the meeting adjourned at 7:16 p.m.

Respectfully Prepared and Submitted by:

Jenelle Gordon, City Clerk

Approved by City Council: July 14th, 2020 as written/corrected.



Individuals with disabilities who require certain accommodations in order to allow them to observe and/or participate in this meeting, or who have questions regarding the accessibility of the meeting or the facilities are required to contact the ADA Coordinator at 912-877-3223 promptly to allow the City to make reasonable accommodations for those persons.