



CITY COUNCIL Regular Meeting – Minutes

December 19, 2022 at 6:00 PM | Pooler City Hall | 100 US Hwy 80 SW, Pooler, GA
31322

I. ROLL CALL/DECLARATION OF QUORUM

Present: Rebecca C. Benton, Mayor
Tom Hutcherson, Mayor Pro Tem
Shannon Black, Councilmember
Aaron Higgins, Councilmember
Stevie Wall, Councilmember
Karen Williams, Councilmember
Robert Byrd, City Manager
Craig Call, City Attorney
Chris Lightle, Finance Officer
Kiley Fusco, Clerk of Council

Absent: John Wilcher, Councilmember
Steve Scheer, City Attorney

II. CALL TO ORDER

Mayor Rebecca Benton called the meeting to order at 6:00 p.m.

III. INVOCATION

Pastor Micah Ellington of Rothwell Baptist Church gave the invocation.

IV. PLEDGE OF ALLEGIANCE

Pastor Micah Ellington led the pledge.

V. ANNOUNCEMENTS

VI. CONSENT AGENDA

City Manager Robert Byrd presented the consent agenda for consideration.

A. **City Council Meeting Minutes of December 5, 2022**

B. **Special Event Permit Application for OTG Certified Car Club on July 8, 2023**

- C. **Temporary / Special Event (Dispensing Alcohol) Permit Application for Sam Patel on December 31, 2022**
- D. **Department Reports**
 - 1. **Public Works**
 - 2. **Finance**
 - 3. **Fire**
 - 4. **Police**
 - 5. **Recreation**
 - 6. **Planning & Zoning**

Councilmember Aaron Higgins moved to approve the consent agenda.

Motion to Approve; PASSED (UNANIMOUS)

MOVER: Higgins

SECONDER: Williams

AYES: Black, Higgins, Hutcherson, Wall, Williams

NAYS:

Councilmember Aaron Higgins made a motion to amend the agenda by moving item "Zoning Buffer Requirement Variance for 1707 Old Dean Forest Road" from Old Business to New Business.

Motion to Amend; PASSED (UNANIMOUS)

MOVER: Higgins

SECONDER: Williams

AYES: Black, Higgins, Hutcherson, Wall, Williams

NAYS:

Councilmember Aaron Higgins made a motion to amend the agenda by adding item "Wrecker Service Agreement" to New Business.

Motion to Amend; PASSED (UNANIMOUS)

MOVER: Higgins

SECONDER: Williams

AYES: Black, Higgins, Hutcherson, Wall, Williams

NAYS:

VII. ORDINANCES, PROCLAMATIONS, RESOLUTIONS

A. **Resolution R2022-12.A - To Approve the Fiscal Year 2023 Budget**
(*Second Reading*)

City Manager Robert Byrd presented the resolution for consideration.
Councilmember Stevie Wall moved to approve the second reading of
Resolution R2022-12.A - To Approve the Fiscal Year 2023 Budget.

Motion to Approve; PASSED (UNANIMOUS)

MOVER: Wall

SECONDER: Higgins

AYES: Black, Higgins, Hutcherson, Wall, Williams

NAYS:

B. **Resolution R2022-12.B - 2023 City Holidays**

City Manager Robert Byrd presented the resolution for consideration.
Councilmember Karen Williams moved to approve Resolution R2022-12.B -
2023 City Holidays.

Motion to Approve; PASSED (UNANIMOUS)

MOVER: Williams

SECONDER: Higgins

AYES: Black, Higgins, Hutcherson, Wall, Williams

NAYS:

C. **Resolution R2022-12.C - 2023 City Events**

City Manager Robert Byrd presented the resolution for consideration.
Councilmember Aaron Higgins moved to approve Resolution R2022-12.C -
2023 City Events.

Motion to Approve; PASSED (UNANIMOUS)

MOVER: Higgins

SECONDER: Black

AYES: Black, Higgins, Hutcherson, Wall, Williams

NAYS:

D. **Resolution R2022-12.D - Authorization to Proceed with Acquisitions
and Condemnations for the Quacco Road Widening Project**

City Manager Robert Byrd presented the resolution for consideration.
Councilmember Stevie Wall moved to approve Resolution R2022-12.D -
Authorization to Proceed with Acquisitions and Condemnations for the
Quacco Road Widening Project.

Motion to Approve; PASSED (UNANIMOUS)

MOVER: Wall

SECONDER: Black

AYES: Black, Higgins, Hutcherson, Wall, Williams

NAYS:

E. **Resolution 2022-12.E - To Approve a Distribution of Local Option Sales Tax (LOST) Proceeds**

Councilmember Karen Williams moved to approve Resolution 2022-12.E - To Approve a Distribution of Local Option Sales Tax (LOST) Proceeds.

Motion to Approve; PASSED (UNANIMOUS)

MOVER: Williams

SECONDER: Higgins

AYES: Black, Higgins, Hutcherson, Wall, Williams

NAYS:

VIII. OLD BUSINESS

A. **Site Plan for 125 Distribution Drive**

City Manager Robert Byrd presented the site plan for consideration. Patrick Warner was present on behalf of the petitioner to answer questions.

Councilmember Aaron Higgins moved to approve the Site Plan for 125 Distribution Drive subject to the recording of the stormwater agreement prior to a preconstruction meeting.

Motion to Approve with Stipulations; PASSED (UNANIMOUS)

MOVER: Higgins

SECONDER: Hutcherson

AYES: Black, Higgins, Hutcherson, Wall, Williams

NAYS:

B. **Zoning Map Amendment for 100 Commerce Court from C-P to C-2**

City Manager Robert Byrd presented the amendment for consideration.

David Hornsby was present on behalf of the petitioner to request a postponement. Councilmember Aaron Higgins moved to postpone the Zoning Map Amendment for 100 Commerce Court from C-P to C-2 until the January 17, 2023 City Council Meeting.

Motion to Postpone; PASSED (UNANIMOUS)

MOVER: Higgins

SECONDER: Williams

AYES: Black, Higgins, Hutcherson, Wall, Williams

NAYS:

IX. NEW BUSINESS

A. **Zoning Map Amendment for a 0.74-Acre Lot on the Corner of South Rogers and Tietgen Streets from C-1 to Main Street Overlay District**
(Public Hearing, Action)

City Manager Robert Byrd presented the amendment for consideration. Holly Young was present on behalf the petitioner to answer questions. Mayor Rebecca Benton opened and closed the public hearing without comment. Councilmember Aaron Higgins, upon review of the criteria, moved to approve the Zoning Map Amendment for a 0.74-Acre Lot on the Corner of South Rogers and Tietgen Streets from C-1 to Main Street Overlay District.

Motion to Approve; PASSED (UNANIMOUS)

MOVER: Higgins

SECONDER: Black

AYES: Black, Higgins, Hutcherson, Wall, Williams

NAYS:

B. **Zoning Map Amendment for SDP Acquisitions (Oglethorpe Speedway and Surrounding Properties AKA Country Homes) from RA-2 to I-1**
(Public Hearing, Action)

City Manager Robert Byrd presented the amendment for consideration. Harold Yellin, Bob Burdell, Greg Coleman, Chris Marsengill, and John Young were present to answer questions. Mayor Rebecca Benton opened the public hearing. Harold Yellin asked all those present in the audience in favor of the amendment to show their support by standing after which John Young added that 93 of the 95 property owners had sold. Tammy D. Edenfield N. Luna represented her daughter, resident Rebecca L. Arias-Luna, via cellular phone and expressed their reasons for not selling their property to date. Mayor Rebecca Benton closed the public hearing. Councilmember Aaron Higgins, upon review of the criteria, moved to approve the Zoning Map Amendment for SDP Acquisitions (Oglethorpe Speedway and Surrounding Properties AKA Country Homes) from RA-2 to I-1 with the following conditions on the rezoning:

1. Continued access to Raymond Road through the aforementioned property
2. Discontinued access to Dublin Road through the aforementioned property

Motion to Approve with Stipulations; PASSED (UNANIMOUS)

MOVER: Higgins

SECONDER: Williams

AYES: Black, Higgins, Hutcherson, Wall, Williams

NAYS:

C. **Conditional Use Request for Goodwill Industries to Operate an Apparel Demanufacturing Business at 111 Coleman Boulevard, Suite 300** *(Public Hearing, Action)*

City Manager Robert Byrd presented the request for consideration. Jason Marsh was present on behalf of the petitioner to answer questions. Mayor Rebecca Benton opened and closed the public hearing without comment. Councilmember Karen Williams moved to approve the Conditional Use Request for Goodwill Industries to Operate an Apparel Demanufacturing Business at 111 Coleman Boulevard, Suite 300.

Motion to Approve; PASSED (UNANIMOUS)

MOVER: Williams

SECONDER: Hutcherson

AYES: Black, Higgins, Hutcherson, Wall, Williams

NAYS:

D. **Height Variance Request for Big Shot Golf Driving Range in Mosaic Retail Center at Pooler Parkway** *(Public Hearing, Action)*

City Manager Robert Byrd presented the variance for consideration. CC BGS Savannah, LLC was present on behalf of the petitioner to answer questions. Mayor Rebecca Benton opened the public hearing. Resident John Hayden expressed his concern regarding potentially setting a precedent for future height variances for signage. City Attorney Craig Call replied that a sign ordinance is in place and that each variance is considered on its own merit. Chief Wade Simmons added that the variance request is for poles, not signs, and that Pooler Fire-Rescue has both the equipment and training to address any potential incidents at the requested variance height. Mayor Rebecca Benton closed the public hearing. Councilmember Aaron Higgins, upon review of the criteria, moved to approve the Height Variance Request (not to exceed 175') for Big Shot Golf Driving Range in Mosaic Retail Center at Pooler Parkway.

Motion to Approve; PASSED (UNANIMOUS)

MOVER: Higgins

SECONDER: Black

AYES: Black, Higgins, Hutcherson, Wall, Williams

NAYS:

E. **Front Yard Building Setback Variance for a Proposed American Pet Resort Located in the Clear Lake Reserve Development** *(Public Hearing, Action)*

City Manager Robert Byrd presented the variance for consideration. Bob McCann was present on behalf of the petitioner to answer questions. Mayor Rebecca Benton opened and closed the public hearing without comment. Councilmember Karen Williams, upon review of the criteria, moved to approve the Front Yard Building Setback Variance for a Proposed American

Pet Resort Located in the Clear Lake Reserve Development.

Motion to Approve; PASSED (UNANIMOUS)

MOVER: Williams

SECONDER: Higgins

AYES: Black, Higgins, Hutcherson, Wall, Williams

NAYS:

F. **Site Plan for Arden Senior Living at Pine Barren Road**

City Manager Robert Byrd presented the site plan for consideration. C.J. Chance was present on behalf of the petitioner to answer questions.

Councilmember Aaron Higgins moved to approve the Site Plan for Arden Senior Living at Pine Barren Road subject to the following conditions:

1. Plans for site access must attain site plan approval; Certificate of Occupancy will not be issued until approved site access has been constructed and accepted
2. Plans for water service must attain site plan approval; Certificate of Occupancy will not be issued until approved water system has been constructed and accepted
3. City ordinance for 6' wide sidewalks is followed
4. Recording of the stormwater agreement prior to a preconstruction meeting

Motion to Approve with Stipulations; PASSED (UNANIMOUS)

MOVER: Higgins

SECONDER: Williams

AYES: Black, Higgins, Hutcherson, Wall, Williams

NAYS:

G. **Site Plan for the Davis Group Development (Pooler One) at Pine Barren Road**

City Manager Robert Byrd presented the site plan for consideration. C.J. Chance was present on behalf of the petitioner to answer questions.

Councilmember Karen Williams moved to approve the Site Plan for the Davis Group Development (Pooler One) at Pine Barren Road subject to the following conditions:

1. The design engineer shall work with the City of Pooler Water Department to address water main locations. The main shall be modified such that it is acceptable to the City Public Works Department.

2. Per City Staff, the City will be responsible for handling the design and timing of the Pooler Parkway & Pine Barren Road intersection. The lighting plan shall be permitted under the scope of the building permit and shall be submitted when available and demonstrate that the City's illumination standards have been achieved. All lighting standards shall be met prior to the issuance of a certificate of occupancy.
3. The sidewalks shall be 6' wide. The Morgan Family PUD does not have any language regarding sidewalk width. Therefore, the City of Pooler standards apply. Plans shall be resubmitted and accepted by the City prior to the preconstruction meeting.
4. Recording of the stormwater agreement prior to a preconstruction meeting.

Motion to Approve with Stipulations; PASSED (4-1)

MOVER: Williams

SECONDER: Hutcherson

AYES: Black, Higgins, Hutcherson, Williams

NAYS: Wall

H. **Sales & Use Tax Refund Engagement Agreement with Tax Specialists of Georgia-Southeast, LLC**

City Manager Robert Byrd presented the agreement for consideration.

Councilmember Stevie Wall moved to approve the Sales & Use Tax Refund Engagement Agreement with Tax Specialists of Georgia-Southeast, LLC.

Motion to Approve; PASSED (UNANIMOUS)

MOVER: Wall

SECONDER: Higgins

AYES: Black, Higgins, Hutcherson, Wall, Williams

NAYS:

I. **Water Line Cost Sharing Agreement Between the City of Pooler and Clear Lake (GA) Owner I, LLC**

City Manager Robert Byrd presented the agreement for consideration.

Councilmember Stevie Wall moved to approve the Water Line Cost Sharing Agreement Between the City of Pooler and Clear Lake (GA) Owner I, LLC in the amount of \$178,481.90, subject to City Attorney approval.

Motion to Approve; PASSED (UNANIMOUS)

MOVER: Wall

SECONDER: Higgins

AYES: Black, Higgins, Hutcherson, Wall, Williams

NAYS:

J. **Fire Aerial Ladder Sale Agreement with Liberty County**

City Manager Robert Byrd presented the agreement for consideration. Chief Wade Simmons reviewed the sale. Councilmember Karen Williams moved to approve the Fire Aerial Ladder Sale Agreement with Liberty County in the amount of \$45,000.

Motion to Approve; PASSED (UNANIMOUS)

MOVER: Williams

SECONDER: Higgins

AYES: Black, Higgins, Hutcherson, Wall, Williams

NAYS:

K. **Zoning Buffer Requirement Variance for 1707 Old Dean Forest Road**

City Manager Robert Byrd presented the variance for consideration. Jerry Hubach and Jessica Vick were present to answer questions. Councilmember Aaron Higgins, upon review of the criteria, moved to approve the Zoning Buffer Requirement Variance for 1707 Old Dean Forest Road.

Motion to Approve; PASSED (UNANIMOUS)

MOVER: Higgins

SECONDER: Hutcherson

AYES: Black, Higgins, Hutcherson, Wall, Williams

NAYS:

L. **Wrecker Service Agreement**

Councilmember Aaron Higgins moved to approve the Wrecker Service Agreement subject to City Attorney approval.

Motion to Approve; PASSED (UNANIMOUS)

MOVER: Higgins

SECONDER: Williams

AYES: Black, Higgins, Hutcherson, Wall, Williams

NAYS:

M. **Agreement with Holland & Knight for Legal Counsel Related to State Funding**

Councilmember Aaron Higgins moved to approve the Engagement Agreement with Holland & Knight for Legal Counsel Related to Library Funding not to exceed \$50,000.

Motion to Approve; PASSED (UNANIMOUS)

MOVER: Higgins

SECONDER: Hutcherson

AYES: Black, Higgins, Hutcherson, Wall, Williams

NAYS:

X. EXECUTIVE SESSION

With no further public business to conduct, Councilmember Aaron Higgins moved to enter Executive Session. Council entered Executive Session at 7:48 p.m.

Motion to Enter Executive Session; PASSED (UNANIMOUS)

MOVER: Higgins

SECONDER: Hutcherson

AYES: Black, Higgins, Hutcherson, Wall, Williams

NAYS:

Mayor Rebecca C. Benton called the meeting back to order at 8:46 p.m.

Councilmember Karen Williams moved to amend the agenda by adding "Resolution 2022-12.E - To Approve a Distribution of Local Option Sales Tax (LOST) Proceeds" to Ordinances, Proclamations, & Resolutions.

Motion to Amend; PASSED (UNANIMOUS)

MOVER: Williams

SECONDER: Higgins

AYES: Black, Higgins, Hutcherson, Wall, Williams

NAYS:

Councilmember Aaron Higgins moved to amend the agenda by adding "Agreement with Holland & Knight for Legal Counsel Related to Library Funding" to New Business.

Motion to Amend; PASSED (UNANIMOUS)

MOVER: Higgins

SECONDER: Hutcherson

AYES: Black, Higgins, Hutcherson, Wall, Williams

NAYS:

XI. ADJOURNMENT

Councilmember Aaron Higgins moved to adjourn the meeting.

Motion to Adjourn; PASSED (UNANIMOUS)

MOVER: Higgins

SECONDER: Williams

AYES: Black, Higgins, Hutcherson, Wall, Williams

NAYS:

The meeting adjourned at 8:51 p.m.

The foregoing minutes are true and correct and approved by me on this _____ day of _____, 2023.

Rebecca C. Benton, Mayor

Attest:

Kiley Fusco, Clerk of Council