



5:45 p.m. - Public Hearing - to discuss a requested conditional use for Enmarket Truck Stop on East Highway 80

September 4, 2018

6:00 p.m. Pooler City Hall

AGENDA

Meeting Called to Order
Invocation
Pledge of Allegiance
Approval of minutes of previous meeting as printed

Report from the Standing Committees:

Finance	Councilman Wall
Public Safety	Councilman Royal
Street/Drainage	Councilwoman Benton
Water/Sewer	Councilman Olliff
Recreation	Councilwoman Black
Building/Zoning	Councilman Allen

OLD BUSINESS

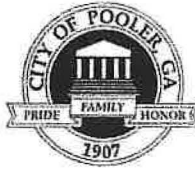
1. Request for Sunday sales of alcoholic beverages at Bootleggers

NEW BUSINESS

1. Resolution regarding transfer of property to State of Georgia for GBI facility
2. Conditional use for Enmarket Truck Stop on East Highway 80
3. Preliminary construction plan for Forest Lakes, Phase 8
4. Site plan for Savannah Port Logistics Center, Building A
5. Construction plan for South Access Road Improvements
6. Alcoholic beverage license for Jacob Heider at The Chromatic Dragon Restaurant
7. Alcoholic beverage license for Rajan Patel at Taco Stache Restaurant
8. Special event permit for farmers/flea market at Shepherd Living
9. First Reading on amendment to utilities ordinance
10. First Reading on outdoor burning ordinance

MOTION FOR EXECUTIVE SESSION - to discuss personnel, legal and real estate matters

MOTION FOR ADJOURNMENT



CITY OF POOLER

**100 Southwest Highway 80
Pooler, Georgia 31322
(912) 748-7261
www.pooler-ga.gov**

**Mayor
Michael F. Lamb**

CITY COUNCIL

**Bruce Allen
Rebecca C. Benton
Shannon Black
Larry Olliff
Mike Royal
Stevie E. Wall**

Robert H. Byrd, Jr. - City Manager

Steve Scheer - City Attorney

September 4, 2018

Ms. Shannon Black
Council Member
City of Pooler
100 SW Hwy 80
Pooler GA 31322

Re: Enmarket Truck Stop Highway 80 East – Item Number Two (New Business) –
September 4, 2018

Dear Councilperson Black,

You asked for my legal opinion as to whether or not you should recuse yourself on Item 2, New Business, on the agenda for the City Council meeting of September 4, 2018.

You have no direct financial interest in the matter. Therefore, there is no reason to recuse yourself.

Yours very truly,

Steven E. Scheer
City Attorney

SES/als

September 4, 2018

Approved 9/11/18 

MINUTES

The regular meeting of the Pooler City Council was held on September 4, 2018. Mayor Mike Lamb called the meeting to order at 6:00 p.m. Present were Councilman Bruce Allen, Councilwoman Rebecca Benton, Councilwoman Shannon Black, Councilman Larry Olliff and Councilman Stevie Wall. City Manager Robbie Byrd, Finance Officer Chris Lightle and City Attorney Steve Scheer were also present.

The invocation was given by Councilman Allen and the Pledge of Allegiance was led by Councilwoman Black.

The minutes of the previous meeting were approved as printed upon a motion by Councilman Olliff, seconded by Councilwoman Benton, with no opposition.

Report from the Standing Committees:

FINANCE

Councilman Wall presented bills in excess of \$1500.00 for payment and made a motion to pay, subject to funds. Motion was seconded by Councilwoman Benton and passed without opposition.

PUBLIC SAFETY

Councilman Wall reported that the fire department responded to 381 calls in August, totaling 2835 for the year and that the police department responded to 1241 calls since the last meeting, totaling 19,857 for the year.

STREET/DRAINAGE

Councilwoman Benton reported that the street department picked up trash throughout the City, performed road repairs on Magnolia Drive, Garden Acres Way, Longleaf Circle, Creekside Drive and Raindance Road, trimmed back trees blocking stop signs at Parsons and Gray Street, Moore Avenue and Rothwell, Beatty and First Street, Chestnut and Symons Street and Sikes and Cliff Drive, performed road repairs on Whatley and Rogers Street, performed sidewalk repair at 105 Raindance Road, assisted the water department with repair at 406 Cliff Drive, performed shoulder repair on Pooler Parkway and swept 40 miles of streets. Further, that the drainage department performed routine maintenance and various work orders, continued digging all roadside ditches within Miller Pines Subdivision, repaired the sidewalk on Silver Brook Circle where an inlet box was repaired, mowed and maintained a total of 5.6 miles of ditches, Savannah River Utilities continued work on northside of Highway 80 and continued working on the crossing at Quacco Canal/Quacco Road and picked up trash in designated areas.

WATER/SEWER

Councilman Olliff reported that the water department inspected 26 new construction meters, repaired two (2) leaking water mains, changed out or repaired 40 non-functioning meters, capped and abandoned the lateral on Sullivan Place, coordinated the annual maintenance of well and valve stations, notified 62 residents of continuous water usage in an effort to reduce bill adjustments/water loss, witnessed the testing and certification of 18 backflow preventers and performed 364 line locates requested by the Utility Protection Center. Further, that EOM responded to one (1) grinder pump call, four (4) sewer leaks/repairs and performed maintenance on lift stations and at the wastewater treatment plant.

RECREATION

Councilwoman Black reported that practice for all fall youth sports continues as well as gymnastics and dance classes.

BUILDING/ZONING

Councilman Allen reported that four (4) single-family residential and two (2) commercial permits were issued since the last meeting, with 251 inspections performed.

Under OLD BUSINESS the following was discussed:

1. Request for Sunday sales of alcoholic beverages at Bootleggers

The item was tabled at the last meeting to allow the inspector to determine if the establishment meets the requirements for Sunday sales. Mr. Scheer stated that if Sunday sales are approved, the "non-conforming" use will go away and the establishment will be considered a restaurant. Further, that if at the end of the year the sales of prepared meals is not 50% of the gross sales, the establishment would no longer be considered a restaurant, and since the "non-conforming" use would no longer be valid, the establishment would not be allowed to operate as a bar/lounge. The petitioner was not present at the time the item was discussed and Councilman Olliff made a motion to move the item to the end of the agenda. Motion was seconded by Councilman Wall and passed without opposition.

The item was brought back up for discussion at the end of the meeting and due to the petitioner not being aware of the aforementioned and not being present at the meeting, Councilman Wall made a motion to table the item. Motion was seconded by Councilwoman Benton and passed without opposition.

Under NEW BUSINESS the following was discussed:

1. Resolution regarding transfer of property to State of Georgia for GBI facility

Mr. Byrd presented an amended resolution to transfer an additional .51 acre portion of property to the State of Georgia for their regional crime lab facility. Councilman Wall made a motion, seconded by Councilman Olliff, to approve the resolution as printed. Motion passed without opposition.

2. Conditional use for Enmarket Truck Stop on East Highway 80

A public hearing was held prior. Doug Carroll of Enmark Stations, Inc. stated that the construction of a convenience store with fuel pumps and a separate diesel pump island for large trucks is proposed on property recently purchased on East Highway 80 at Old Louisville Road. Councilman Wall stated that traffic on Highway 80 in the vicinity is backed up every day and with a full access proposed, it will only add to the problem and be nearly impossible to make a left turn into or out of the truck stop. Further, that a Parkers truck stop was recently approved at the southeast corner of Pine Barren Road and Highway 80, noting that there will be an increased amount of truck traffic. Councilwoman Benton questioned whether an agreement had been reached with the adjacent property owner to improve the traffic pattern on Old Louisville Road. Mr. Carroll replied that there is ongoing discussion but no agreement has been reached, adding that this matter can be discussed during the site plan approval process, if the conditional use is granted. After further discussion, Councilman Wall made a motion to table the request. Motion was seconded by Councilman Olliff and passed without opposition.

3. Preliminary construction plan for Forest Lakes, Phase 8

Phase 8 of Forest Lakes consists of 40 single family residential lots on a 23 acre parcel. Councilwoman Benton questioned the status of the drainage improvements. Travis Burke of Coleman Company stated that the ponds have been lowered and that additional ponds are planned in this phase. Councilwoman Benton made a motion, seconded by Councilwoman Black, to approve the plan, contingent upon NRCS approval. Motion passed without opposition.

4. Site plan for Savannah Port Logistics Center, Building A

The intent is to construct a 1,075,200 sq. ft. warehouse on property off S. H. Morgan Parkway on Wildcat Dam Road. Mr. Byrd stated that an agreement with the developer and the adjacent church is proposed but not yet signed. George Seabrooks, representing St. John Devine Church, stated that the details of the agreement are being worked on by their attorney. Councilman Wall questioned the status of the traffic light on Highway 80 at Sangrena Drive. Travis Burke of Coleman Company replied that he is working with the Georgia Department of Transportation and is confident that the light will be warranted, with the proposed Building B. Councilwoman Benton made a motion to approve the site plan, contingent upon the agreement between the developer and St. John Devine Church being signed, the traffic signal on Highway 80 at Sangrena Drive being installed prior to the certificate of occupancy being issued, EPD and NRCS approval and \$71,625.00 being paid into the tree fund. Motion was seconded by Councilman Wall and passed without opposition.

5. Construction plan for South Access Road Improvements

Travis Burke of Coleman Company presented a construction plan for 1,730 linear feet of roadway to allow private, limited access from S.H. Morgan Parkway to the Georgia Central right-of-way for the Savannah Port Logistics Center. Councilwoman Benton made a motion, seconded by Councilwoman Black, to approve the plan. Motion passed without opposition.

6. Alcoholic beverage license for Jacob Heider at The Chromatic Dragon Restaurant

Jacob Heider submitted an application to serve alcoholic beverages at The Chromatic Dragon Restaurant located at 400 Pooler Parkway. Mr. Byrd stated that Police Chief Ashley Brown has performed the background investigation and recommends approval. Councilman Wall made a motion to approve the license, to include Sunday sales. Motion was seconded by Councilman Olliff and passed with Councilman Allen in opposition.

7. Alcoholic beverage license for Rajan Patel at Taco Stache Restaurant

Rajan Patel submitted an application to serve alcoholic beverages at Taco Stache to be located at 100 Blue Moon Crossing, Suite 113. Mr. Byrd stated that Police Chief Ashley Brown has performed the background investigation. Chief Brown stated that misrepresentations were made on the application and he recommends denial. Councilman Wall made a motion to deny the application. Motion was seconded by Councilwoman Benton and passed without opposition.

8. Special event permit for farmers/flea market at Shepherd Living

Mr. Byrd presented a special event permit application for a farmers/flea market to be held every other Saturday at Shepherd Living at 101 Shepherd Way, stating that the request also includes to pay the \$300.00 fee annually, instead of for each day of the event, due to them not charging vendors to participate. Councilman Wall made a motion to approve the permit and the \$300.00 annual fee, contingent upon the number of vendors being limited to 15. Motion was seconded by Councilman Olliff and passed without opposition.

9. First Reading on amendment to utilities ordinance

Mr. Byrd presented an amendment to the utilities ordinance to update the uses (categories) for the aid to construction fees. Councilman Olliff made a motion to approve the amendment on First Reading. Motion was seconded by Councilwoman Benton and passed without opposition.

10. First Reading on outdoor burning ordinance

Mr. Byrd presented an ordinance to require air curtain destroyers to be used when land is cleared. Councilman Wall made a motion to approve the ordinance on First Reading. Motion was seconded by Councilman Allen and passed without opposition. Councilman Olliff questioned the distance required for residential fires, noting that 50 feet from a structure or 25 feet from the property line may need to be reduced as some residential lots are smaller than others. Mayor Lamb stated that the fire chief will review this and make a recommendation prior to the second reading of the ordinance.

Councilman Allen made a motion to adjourn to Executive Session at approximately 7:01 p.m. to discuss personnel, legal and real estate matters. Motion was seconded by Councilwoman Black and passed without opposition.

Mayor Lamb called the meeting back to order at 7:14 p.m.

There being no further business to discuss, Councilman Allen made a motion to adjourn at approximately 7:14 p.m. Motion was seconded by Councilwoman Benton and passed without opposition.

Respectfully submitted,



Maribeth Lindler
City Clerk



Mayor

Public Hearing

A public hearing was held prior to the regular City Council meeting on September 4, 2018. Mayor Mike Lamb called the hearing to order at 5:45 p.m. Present were Councilman Bruce Allen, Councilwoman Rebecca Benton, Councilwoman Shannon Black, Councilman Larry Olliff and Councilman Stevie Wall. City Manager Robbie Byrd, Finance Officer Chris Lightle and City Attorney Steve Scheer were also present.

The purpose of the hearing was to discuss a requested conditional use for an Enmarket Truck Stop on East Highway 80. Doug Carroll of Enmark Stations Inc. presented the request to allow a convenience store with fuel pumps and a separate diesel pump island for large trucks on property recently purchased on East Highway 80 at Old Louisville Road. W. H. Johnson, representing the adjacent Pooler Distribution Center, presented a proposed plan for traffic improvements on Old Louisville Road, stating that his client is not opposed to the conditional use.

There being no further discussion, the hearing was adjourned at approximately 5:50 p.m.

STATE OF GEORGIA)

COUNTY OF CHATHAM)

AFFIDAVIT

Before an officer duly authorized to administer oaths appeared Michael F. Lamb, who, after being duly sworn, deposes and on oath states the following:

- (1) I am competent to make this Affidavit and have personal knowledge of the matters set forth herein.
- (2) Pursuant to my duties as Mayor, I was the presiding officer of a meeting of the Pooler City Council held on the 4th day of Sept., 2018. A portion of said meeting was closed to the public.
- (3) It is my understanding that O.C.G.A. § 50-14-4(b) provides as follows:
When any meeting of an agency is closed to the public pursuant to subsection (a) of this Code section, the person presiding over such meeting or, if the agency's policy so provides, each member of the governing body of the agency attending such meeting, shall execute and file with the official minutes of the meeting a notarized affidavit stating under oath that the subject matter of the meeting or the closed portion thereof was devoted to matters within the exceptions provided by law and identifying the specific relevant exception.
- (4) The subject matter of said meeting, or the closed portion thereof, was devoted to matters within exceptions to public disclosure provided by law. Those specific relevant exceptions are identified as follows:
 - D. Meeting to discuss or vote to enter into a contract to purchase, dispose of, or lease property subject to approval in a subsequent public vote as provided in Georgia Code section 50-14-3(b)(1)(D).
 - F. Meeting to discuss or deliberate upon the appointment, employment, compensation, hiring, disciplinary action or dismissal, or periodic evaluation or rating of a public officer or employee as provided in Georgia Code section 50-14-3(b)(2).
 - H. Pursuant to the attorney-client privilege and as provided by Georgia Code section 50-14-2(1), a meeting otherwise required to be open was closed to the public in order to consult and meet with legal counsel pertaining to pending or potential litigation, settlement, claims, administrative proceedings, or other judicial actions brought by or against the agency or any officer or employee or in which the agency or any officer or employee may be directly involved and the matter discussed was _____.

This Affidavit is executed for the purpose of complying with the mandate of O.C.G.A. § 50-14-4(b) and is to be filed with the official minutes for the aforementioned meeting.

This 4th day of Sept., 2018.

Michael F. Lamb
Michael F. Lamb

Sworn to and subscribed before me
this 4th day of Sept, 2018.

Maribeth Lindler
Notary Public

