

# City of Guyton, Georgia

*Working Together to Make a Difference*



**CITY COUNCIL MEETING - September 10, 2019**

## **MINUTES**

### ***ITEM OF BUSINESS***

### ***ACTION REQUESTED OF COUNCIL***

#### ***1. Call to Order***

Mayor Lariscy, 7:00pm

All of Council was in attendance, along with City Attorney Smith, City Clerk Bruton, and citizens.

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

#### ***3. Invocation***

Mayor Lariscy led the Invocation.

#### ***4. Pledge of Allegiance***

Councilman Goldwire led the Pledge of Allegiance.

#### ***5. Approval of Agenda***

Consideration to approve the Agenda

Council discussed amending the agenda to add items 11D. Queen's Court bid opening, and 11E. Discussion regarding the Old School Gym. Councilman Goldwire made a motion to approve the amended agenda, seconded by Councilman Lee. Motion carried.

#### ***6. Approval of Minutes***

Consideration and approval of the meeting minutes for the following: August 13, 2019, Public Hearing August 21, 2019, Public Hearing (1) August 29, 2019, Public Hearing (2) August 29, 2019, August 30, 2019

A motion to approve the August 13, 2019 minutes was made by Councilman Collins, seconded by Councilman Johnson. Motion carried.

A motion to approve the August 21, 2019 minutes was made by Councilman Collins, seconded by Councilman Lee. Motion carried.

A motion to approve the August 29, 2019 minutes from the 10:00AM meeting was made by Councilman Goldwire, seconded by Councilman Collins. Motion carried.

A motion to approve the August 29, 2019 minutes from the 7:00PM meeting was made by Councilman Collins. Councilman Johnson stated he did not see the list of dilapidated projects in the City that the additional property tax would be used for. Councilman Collins stated that the funds could not be "earmarked" that way. Mayor Lariscy agreed and stated that using the funds for dilapidated projects is the intent, but those projects would need to be discussed with an amendment. Councilman Johnson stated that was his intent. Councilman Goldwire seconded the motion to approve the minutes. Councilman Collins, Councilman Goldwire, Councilman Lee, and Mayor Lariscy all voted in favor of the minutes, which Councilman Johnson voting opposed. Motion carried.

A discussion took place regarding the August 30, 2019 minutes. Councilman Collins stated he had a concern about the language of the motion to adopt the 3.655 millage rate it was not advertised that way and he was concerned a citizen could read these minutes and think the funds were earmarked for specific projects. City Attorney Smith advised that the minutes accurately reflect what was stated at the meeting. A citizen asked why the motion wasn't amended at the meeting, and Councilman Collins stated that it should have been. A motion to accept was made by Councilman Johnson, seconded by Councilman Goldwire. Councilman Johnson, Councilman Lee, Councilman Goldwire, and Mayor Lariscy all voted in favor of the minutes with Councilman Collins voting opposed. Motion carried.

***7. Planning & Zoning- No report.***

***8. Historic Preservation- No report.***

***9. Other Committee Reports- Consideration for Annexation of Parcel # 03190013 into the City limits***

Mayor Lariscy informed those in attendance that this property is located on Brogdon Road, and the property owner owns one piece of property in the city limits and one outside the city limits. Councilman Goldwire recused himself from the discussion and left the room due to a conflict of interest. Councilman Collins asked how many acres this property has, and Mr. Jim Presnell, the realtor representative for the property owners, stated he was approximately 5 acres total. Councilman Collins then stated that before they could subdivide the property, they would have to abide by the subdivision ordinance and go before the planning and zoning committee. City Attorney Smith advised that if they annex into the City, they would have to start the subdivision and rezoning process over, as it appeared they had started the process already with Effingham County. Mr. Presnell stated he understood. Councilman Collins stated there is already a flooding issue out there, and an engineer would have to review the run-off. There was then a discussion regarding whether the City had sewer service in the area. Councilman Collins stated that even if Council approves the annexation, the planning and zoning board and/or Council could still deny future requests. Mr. Presnell stated



that he understood. Councilman Collins made a motion to approve the annexation request, seconded by Councilman Johnson. Motion carried. Councilman Goldwire then returned to the room.

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

### **10. Old Business**

#### **A. Mayor Lariscy**

Employee of the Month

Mayor Lariscy stated the Councilman Johnson recommended the Employee of the Month program. He then stated he would like to select Ms. Alison Bruton as the first Employee of the Month based on her work with personnel during the potential storm, and doing an admirable job in the absence of a City Manager and consulting with Council. Councilman Lee asked if there was anything in writing on how the employees will be selected. Mayor Lariscy stated he will coordinate with Councilman Johnson and City Clerk Bruton to put together a policy and select the next employee.

#### **B. Mayor Lariscy**

Discussion and consideration of Fire Service Agreement between the City of Guyton and Effingham County

Mayor Lariscy stated there was an issue with the addition of Item 15 on the agreement which stated the City could operate a department in conjunction with Effingham County. In this case, the City would be secondary to Effingham County and not have primary coverage at all, which is against state code. Councilman Collins stated this was not on the original contract that Council approved, and asked if City Attorney Smith added it. City Attorney Smith stated that he did. Mayor Lariscy then stated that the agreement can be in effect for one year, and at any point the City can send a 180-day letter ending the contract. After further discussion, City Attorney Smith advised you could strike item 15 and nothing changes. A citizen asked if the department did close for a year, who would pay to bring it back. This citizen then added that it would cost more on the citizens to bring the department back. Councilman Lee stated it would be up to the citizens whether to bring it back or not. It was then asked of Council if they planned to sell the two vehicles that the City was still paying on. Councilman Lee stated that Council might sell those. Councilman Collins made a motion to table this discussion until after Council could review in executive session. Councilman Johnson seconded the motion and the motion carried.

#### **C. Councilman Collins**

Discussion regarding Jim Young/Planter's non-payment and insurance company release

Mayor Lariscy and Councilman Goldwire left the room due to a conflict of interest. Councilman Collins then asked City Attorney Smith if he had an update. City Attorney Smith stated that the insurance company has been using this release for years, but he has told them that Council won't sign this agreement. City Attorney Smith added that he



was working with them to write another agreement and provided a copy to Council. Councilman Collins asked him to review the changes. City Attorney Smith stated it is basically their agreement, just not a general release. He then reviewed the changes with Council. City Attorney Smith requested Council approve this format for the release, then he will add the site specific areas of damage. After some discussion, Councilman Collins made a motion to approve the format for the release, seconded by Councilman Lee. Motion carried.

**D. Mayor Lariscy**

Consideration to approve agreement with J&T Environmental to provide licensed operator for WWTP and water system

Mayor Lariscy stated there was no signed agreement currently with J&T. He requested to move forward for an additional 30 days with the current operations and understanding of adopted bid. Councilman Johnson made a motion to approve, seconded by Councilman Goldwire. Motion carried.

**E. Mayor Lariscy**

Discussion regarding resurfacing project on South Central Blvd. (Old Main Street) and ride-share property

Mayor Lariscy stated that the engineer has said Old Main Street would be problematic to widen, but that the project would continue to be researched. He added that part of the road appeared to be state property, and that staff will be getting clarification. City Attorney Smith advised that if the road is state property, the city could not pave it, unless given permission under an easement. Councilman Johnson then stated he would talk to Effingham County about paving the remainder of the road. Mayor Lariscy then stated the city limit sign needed to be moved as well.

**F. Mayor Lariscy**

Consideration and approval of plat for Phase VI of Whitesville

Councilman Collins stated that the engineer has provided his assessment on the new phase and everything is in order. Councilman Johnson stated that the pipe that goes under the road is lower than the ditches, which will cause sitting water. He provided pictures to Council. Councilman Collins asked Councilman Johnson if he had a proposed correction to the problem. Councilman Johnson stated the ditches need to be dug out and graded correctly. Councilman Collins asked Mayor Lariscy to read the letter from the city engineer, in which he recommended approval of the plat. Councilman Collins made a motion to approve the plat contingent on the drainage issues being addressed. A citizen asked who would be reviewing the drainage. Mayor Lariscy stated that Councilman Johnson, Councilman Collins, Public Works, and the city engineer would be reviewing the area. There was no second to the motion. Councilman Johnson made a motion to approve the plat once the drainage issues had been fixed. Mr. Scott Thompson asked why he didn't just deny the plat until the changes are made, and Councilman Johnson stated that would be better, so he amended his motion to deny the plat until the drainage issue with fixed. Councilman Collins asked if Councilman



Johnson was going to be the engineer, or if he was going to ask Mr. Parker. After further discussion of the plat and photos provided by Councilman Johnson, Councilman Goldwire seconded Councilman Johnson's motion. Councilman Lee, Councilman Johnson, and Councilman Goldwire voted in favor of the motion with Councilman Collins voting opposed. Councilman Collins clarified that he is voting opposed because the city engineer has already given a report on the area and said there were no issues.

**G. Mayor Lariscy**

Update regarding liability for 303 Anderson Street culvert replacement

City Attorney Smith stated if the culvert is in the right of way and failed during normal service, then the City is responsible. If the culvert was damaged by the property owners or residents, then they are responsible. Councilman Collins stated that the culvert is crushed on either side like it was driven over. Councilman Johnson stated he had photos from the property and that the city could just dig out the ditch on either side and it won't require the culvert to be replaced. Councilman Goldwire asked how you determine liability, and City Attorney Smith advised you make a reasonable assessment, and it comes down to what you can prove in court. Councilman Collins asked if the city obtained bids for this work, and Councilman Johnson stated that there was a bid received, but he believed Public Works could do the work. There was a discussion amongst Council and citizens regarding the best way to move forward. Mayor Lariscy stated the Interim Public Works Superintendent will review the situation and discuss with the city engineer if necessary.

**H. Councilman Johnson**

Discussion and consideration of JCB equipment contract

Councilman Johnson said that there has been a lot of discussion regarding the need to dig out ditches in the city. He added that with the hydradig equipment from JCB, they would come train our guys and they are the only ones in the country that make this equipment. Mr. Russ Deen asked how much the equipment is, and Councilman Johnson responded that the cost is \$189,766.00 for the tractor and attachments. Mr. Deen then asked if it was smart to purchase this with the current debt the city has. Councilman Johnson stated the purchase would be made with SPLOST funds. Mr. Scott Thompson asked how much the city is paying now for similar work that this equipment would be used for, and Councilman Johnson stated he wasn't sure. Councilman Collins stated he believed it was none. There was a discussion regarding the overgrowth of bushes and trees into the city right of ways, and that most was the responsibility of the property owners. Councilman Johnson stated that the roots are on personal property, but they are overgrown into the right of ways. Councilman Collins stated he was not interested in this equipment, and stated a mini excavator would suffice for what the city needs. Councilman Johnson then added that Public Works could use this equipment to assist with plumbing repairs as well, and Mr. Scott Thompson expressed his disbelief that the equipment would get into tight spaces necessary to make certain repairs. Interim Public Works Superintendent Jacob Ford stated he thought this was a nice piece of equipment, it is just very expensive. He added that currently the city has no



equipment that they can utilize for certain jobs, and that he has obtained other quotes for mini excavators with the lowest quote being around \$50,000.00. Councilman Lee made a motion to discuss the equipment with Interim Public Works Superintendent Ford to move forward because the ditches need attention. Mr. Scott Thompson asked what the closest city is that has this same piece of equipment, and Councilman Collins stated that Macon has it. Councilman Lee restated his motion to meet with Mr. Ford to review the other bids received to determine the best equipment to move forward, and Councilman Johnson seconded the motion. Motion carried.

**I. Councilman Johnson** Discussion regarding water/sewer taps for Mossy Hollow Subdivision

Councilman Johnson stated that City Attorney Smith sent him an email with information pertaining to Mossy Hollow. He said the property was owned by Merchant's Bank, and before that it was owned by Triad, so the agreement for the water/sewer taps isn't with the current owners and the City should not be bound to it. City Attorney Smith stated that the agreement was sold with the property. Councilman Johnson argued that you couldn't hold future Council's to agreements, but City Attorney Smith said that you could with matters of legislation. Councilman Johnson then said that the agreement said they were promised 37 taps within that first year, but they never built, again arguing that the city was no longer bound to the agreement. Councilman Collins stated that the property was annexed into the city limits in 2008 with the agreement to allow water/sewer taps and then it was purchased with that guarantee. Councilman Johnson then asked about the denial of water/sewer taps for the property at 4 Hidden Creek Drive. Councilman Collins stated that those taps have not been denied. A discussion followed regarding the Hidden Creek property. Councilman Collins stated that the city is permitted for up to 250,000 gallons a day, so at this current time, applications for water/sewer taps could be approved, but the City can't control what the EPD will do and that could change. He then added that the former City Manager Daniel Hofman denied the applications. After some discussion, Mr. Brett Bennett informed Council that they were off topic from what was on the agenda. Councilman Johnson asked City Attorney Smith if the city is still bound by the agreement for Mossy Hollow since the property was sold, and City Attorney Smith advised that the city is still bound. Councilman Johnson then asked why he has to pay for a tap when the tap is already on the property. City Attorney Smith asked him to clarify if the tap is on the property or in the right of way. Councilman Johnson stated it was on the property. Mayor Lariscy indicated Council was off topic again, and Councilman Collins stated that applications that have been submitted to him that were complete and met City requirements have not been denied.

**11. New Business**

- A. Mayor Lariscy** Consideration to appoint Mrs. Alison Bruton as Interim City Manager and to adjust compensation accordingly



Mayor Lariscy that through the city's last several attempts at hiring a City Manager, Ms. Bruton has pulled the city through each time while still juggling the City Clerk responsibilities. Councilman Johnson made a motion to table 11 A and 11 B and leave the decision to the new Council that will be in office in January. Councilman Lee stated this needed to be discussed in executive session. Mr. Russ Deen stated that putting this on hold for 5 months is crazy. Mr. Scott Thompson then asked if they were the Councilmen that voted to reinstate an officer that lied. Councilman Lee stated that was off topic and made a motion to table this until after executive session. Councilman Collins seconded the motion, and the motion carried.

**B. Mayor Lariscy**

Consideration to employ Mr. Richard Zapal as Police Chief for the City of Guyton

Mayor Lariscy had a copy of Mr. Zapal's resume for Council to review. He reminded Council that he was the candidate chosen by the hiring board. Mr. Russ Deen addressed Council and stated that he was on the hiring board, and Mr. Zapal was the prime candidate. Councilman Johnson stated that this needed to wait for the new Council, and then the hiring board needs to bring two candidates to Council. After some discussion, Councilman Collins made a motion to hire Mr. Zapal. Ms. Tamela Mydell addressed Council and said that some of the other candidates may have been top notch, but now they are gone. Mayor Lariscy stated that the hiring board unanimously approved Mr. Zapal, and to change the hiring procedure would require a change in the personnel policy and city charter which would take months. Mayor Lariscy then stated that a motion has been made to hire Mr. Zapal. A citizen addressed Council stating that the city would be blessed to have someone with his experience. Councilman Lee stated for clarification that he was on the hiring board for this position, and of the three interviewed, Mr. Zapal was the best one. After the interviews he found out that there were other applicants, and out of those applicants, he didn't feel Mr. Zapal was the best one. Mr. Andy Harville addressed Council and said that you aren't guaranteed an interview just because you apply for a position. Mr. Scott Thompson asked who narrowed down the list of applicants, and was told that it was Mayor Lariscy and former City Manager Hofman. Mr. Thompson asked if that was normal procedure, and he was told by Councilman Lee that it was. Mr. Thompson then made a comment about Councilman Johnson and Councilman Lee wanting to go against procedure, which caused a disagreement. Mr. Andy Harville then stated that on the night of the appeal for the demotion of Mr. Coppola, ECSO made a drug bust on HWY 119 in the city limits. After further discussion, Mayor Lariscy reminded Council there is a motion to hire Mr. Zapal by Councilman Collins. Mayor Lariscy seconded the motion. Councilman Collins and Mayor Lariscy voted in favor of the motion, with Councilman Johnson, Councilman Lee, and Councilman Goldwire voting opposed. The motion failed. Mr. Andy Harville asked if Council will interview the others now, and Mayor Lariscy stated the process would have to completely restart.

**C. Citizen Request**

Discussion regarding ditch at 408 Samuel Smalls Sr. Ave.



Ms. Diann Hicklen asked what the City was going to do about this ditch. She said it was going to be included in the CDBG project, but that grant fell through. She stated they dug out of the ditch themselves, but that they have had flooding in the house in the past. Councilman Johnson stated this is something that could be fixed with the equipment he discussed earlier. Councilman Collins stated that the yard is lower than the road, and that the city engineer has reviewed this area and stated that another culvert pipe is needed. Councilman Collins also said that 1-2 years ago, he made a motion to replace the culvert pipes along 4th Street but it was voted down by Council. Councilman Johnson said that he denied it because it was a pipe system and they need a box culvert. Councilman Collins made a motion to hire the city engineer to review this for a third time and make a recommendation to move forward. Councilman Johnson seconded the motion with the addition of looking at all of the pipes in the area. Motion carried.

**D. Mayor Lariscy**

Opening and discussion of sealed bids for Queen's Court

Councilman Collins asked if anyone on Council was aware of this RFP. Councilman Johnson stated that he brought the area to Mr. Hofman's attention, but did not request the RFP. After some discussion, Council decided not to open the bids because no one on Council was aware of the request.

**E. Councilman Lee**

Discussion regarding Old School Gym window bid request

Councilman Lee stated there have been no bids received for the replacement of the gym windows. Mayor Lariscy stated that staff needed to confirm is the building was listed on the historic register to determine if more modern windows could be installed.

**12. Reports from Committees**

Legal

City Attorney Smith

City Attorney Smith advised he needed to discuss matters in executive session.

Finance & Taxes

Councilman Goldwire

Councilman Goldwire stated there was no report this evening, but if citizens had questions, they could reach out to Ms. Bruton at City Hall.

Streets & Lanes

Councilman Johnson

Councilman Johnson stated he had no report.

Water & Sewage

Councilman Collins

Councilman Collins stated that the city is permitted for 250,000 gallons a day, and at this time all taps should be approved if you go through the correct application process.

Recreation & City Property

Councilman Lee

Councilman Lee stated that the basketball court replacement is currently underway. He also added that there was someone working on the sign as well.

Police Department

Interim Chief Coppola

No one was in attendance from the Police Department, so Mayor Lariscy reviewed the report.



Fire Department  
Interim Chief Huntley gave the report.

Interim Chief Huntley

### **13. *Dates to Remember***

**\*\*October 7th, last day of voter registration\*\***  
Tuesday, October 8, 7pm - City Council Meeting  
Monday, October 14 - Early Voting begins  
Saturday, October 19, 8am-2pm - Sale on the Trail  
Saturday, October 26 - CASA Superhero Run  
Thursday, October 31 - Fall Festival  
Friday, November 1 - Early Voting ends  
Tuesday, November 5 - Election Day!  
Wednesday, November 6, 4pm - Guyton Municipal Court  
Tuesday, November 12, 7pm - City Council Meeting  
Thursday, November 28 - City Hall Closed, Thanksgiving  
Friday, November 29 - City Hall Closed  
Sunday, December 1 - Caboose Lighting Event

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

Councilman Johnson made a motion to adjourn, seconded by Councilman Lee. Motion carried.

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

Executive session was held to discuss personnel and litigation.

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

Councilman Johnson made a motion to open the meeting into regular session, seconded by Councilman Lee. Motion carried.

Councilman Collins made a motion to strike item 15 from the fire services agreement, and to sign the agreement to send to the County. The motion was seconded by Councilman Johnson, and the motion carried.

Councilman Collins made a motion to appoint Ms. Alison Bruton as the Interim City Manager at the current budgeted salary for City Manager. The motion was seconded by Councilman Goldwire, and the motion carried.

### **18. *Adjournment***

Councilman Collins made a motion to adjourn, seconded by Councilman Johnson. The motion carried and the meeting was adjourned.



  
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Jeff Lariscy, Mayor



  
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Alison Bruton, City Clerk