

City of Guyton, Georgia

Working Together to Make a Difference



Minutes of the Guyton City Council Meeting held on Tuesday, April 12, 2016 at Guyton City Hall at 7:00 pm.

Present: Mayor Jeff Lariscy, Councilmen Steve Collins, Councilmen Franklin Goldwire, Councilmen Michael Johnson, City Attorney Ray Smith, City Manager Robert Black, City Clerk Lauree Morris as well as citizens.

Mayor Lariscy called the meeting to order. Councilmen Franklin Goldwire offered the invocation preceded by a moment of repose for those who may practice some other faith. The pledge of allegiance was said.

Mayor Lariscy asked for consideration to approve the Agenda. Councilmen Goldwire so moved. Councilmen Collins seconded, and the motion passed.

Councilmen Johnson made a motion to approve the Minutes of the March 22, 2016 meeting and Councilmen Goldwire seconded. Motion carried.

PLANNING AND ZONING: No report.

LEISURE SERVICES COMMISSION: Chairmen Robert Hunter said that line dancing participation is down as is bingo. He addressed the council regarding the recent locking of the restrooms at the Public Safety Complex. He stated he felt slighted in that he, as Leisure Service Commission chair, was not informed of the lock changing, room locking and/or provided with keys to the restrooms. He told the council that he found out about this when folks using the grounds called because they could not access the restrooms. Mayor Lariscy apologized for the confusion but then addressed the issue with the rooms not being secure. It was discussed that the City's Public Works crew maintains the restrooms along with all of their other duties. Chairman Hunter stated that he has stocked and picked up in the restrooms, at least the one on the Leisure Service wing. After discussion, the Mayor stated that there is a better way to process this matter; that he and council will review this to ensure the groups utilizing the rooms have access and are held accountable.

HISTORIC PRESERVATION COMMITTEE: Chairwoman Pearl Boynes stated that the Memory Garden lights are still an issue that they are working to resolve. They are also working toward a sign for the Memory Garden. She stressed the need for continued publicity for the purchase of bricks as there is still ample space remaining. She also stated that the committee members now have t-shirts. She informed the council that Lucy Powell had a forester examine the oak at the Guyton Cemetery. They were told the oak is about 220 years old. They will be obtaining signage highlighting the significance of the tree. She reminded everyone about the upcoming Ice Cream Social, which will be on Thursday, June 16 [not June 9 as previously scheduled]. She requested that she be contacted if folks want to donate homemade ice cream for the event. Mrs. Boynes shared with the council that their committee discussed the importance of having a Guyton beautification day for city-wide clean up. They also discussed the importance of having a street/roadway adoption program for cleanup and accountability as there is trash around the city that needs to be picked up on a regular basis.

City of Guyton, Georgia

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No other committee reports were provided.

OLD BUSINESS:

Mayor Lariscy addressed the discussion on the waste water treatment plant. This subject matter will be addressed in reference to other Old Business items.

Manager Black called for discussion and approval of refinance on revenue bond for waste water treatment plant. After a brief discussion, Councilmen Collins moved that we table this matter until we obtain the final project figures from Hofstadter & Associates. Councilmen Johnson seconded and the motion to table was approved.

Mayor Lariscy called for the award of the Division I bid for the waste water treatment plant to BRW Construction Group in the amount of \$2,377,687.71. This will be awarding the contract for the first division of our treatment plant. It was discussed that the bid totals as presented do not total the project cost so there was a short break from the meeting in order for the Mayor to phone Carl Hofstadter to verify cost. After speaking with Mr. Hofstadter, the Mayor informed council that incidentals exist that are not on the bids. After discussion, Councilmen Johnson moved that we award the bid as stated. Councilmen Goldwire seconded. Councilmen Collins stated that we need a contingency in the bid that states the City is in charge of and obtains the proceeds from the sale of timber on the property. The motion was amended by Councilmen Collins to award the Division I bid for the waste water treatment plant to BRW Construction Group in the amount of \$2,377,687.71 with the stipulation that the City of Guyton sells and obtains all timber proceeds. Councilmen Johnson seconded and the amended motion passed. Attorney Smith stated that the timber sale notice would need to be put out to bid/notice published in a matter of days.

Mayor Lariscy called for an approval of a change order for Division I bid for the waste water treatment plant to BRW Construction Group in the amount of \$76,004.92. After discussion, Councilmen Goldwire made a motion to approve the change order as stated. Councilmen Johnson seconded and the matter was approved.

Mayor Lariscy called for the award of the Division II bid for the waste water treatment plant to BRW Construction Group in the amount of \$643,171.50. After discussion, Councilmen Johnson moved to approve the award. Councilmen Collins seconded and the matter was approved.

Mayor Lariscy called for the award of the Division III bid for the waste water treatment plant to Douglas Electric & Plumbing Company in the amount of \$635,787.75. After discussion, Councilmen Goldwire moved to approve the award. Councilmen Johnson seconded and the matter was approved.

Mayor Lariscy called for a review of the water tank maintenance bids for water tank # 2 (Magnolia at 3rd) and selection of vendor. After some discussion, Councilmen Johnson moved to accept the bid of Leary Construction in the amount of \$17,900. Councilmen Goldwire seconded and the matter passed. A discussion ensued on whether the work was warrantied, and Mike O'Neal, the Public Works Superintendent, stated he had not reviewed the proposals. As council is concerned with warranty, and Mr. O'Neal believes American Tank is the company offering the best services, the previous motion

City of Guyton, Georgia

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was rescinded. Councilmen Goldwire moved that this matter be tabled until the April 26 meeting allowing for additional time to review the warranty issue. Councilmen Johnson seconded and the motion to table was approved.

City Manager Black called for the second reading and adoption of Amendment to Fire Rescue Fees Ordinance. Councilmen Johnson so moved and Councilmen Goldwire seconded. After discussion on how this would affect our citizen's pockets and the fact that we have until June to provide information to the County for billing, Councilmen Collins moved that we table the second reading and adoption until after the budget workshop. Councilmen Johnson seconded and the motion was approved.

Mayor Lariscy led a discussion regarding SPLOST. He stated that he did not receive a lot of feedback. He also stated that at the joint meeting later this week, he will present the following breakdown for the City of Guyton capital outlay: 30% each for roads, streets, lanes; public safety; and, water and sewer; and 5% for both recreation and technical. The Mayor stated that we only received about 1/3 of the funds expected from the last referendum, so we should continue to expect about the same rate of return moving forward. Regarding projects, it was discussed that we need to look at our most used facilities and to remember that SPLOST is only for capital outlay and not repairs.

Mayor Lariscy led a discussion regarding candidates to fill Councilmen Eaton's remaining term and selection of same. The Mayor apologized for just uploading the interviews for review. Councilmen Johnson moved to appoint Joseph Lee to the post. Councilmen Goldwire seconded. Councilmen Collins and the Mayor opposed. Motion did not carry. Councilmen Collins moved to nominate Marshall Reiser due to his accounting background. After no seconds to the motion, it was laid on the table. Councilmen Johnson moved to table this matter until the next meeting. Council Collins seconded and the motion to table passed.

City Manager Black called for consideration to adopt the Statewide Mutual Aid and Assistance Agreement in conjunction with Georgia Emergency Management Act. Effingham County Assistant Fire Chief Joe Hughes was present to address the Council. He confirmed that this agreement simplifies matters in the event of an emergency. Councilmen Johnson moved to accept the agreement; Councilmen Collins seconded and the matter passed.

Mayor Lariscy led a discussion and approval of compensation package for Robert C. Black, City Manager. The Mayor clarified that this package is to compensate Mr. Black for the fifteen (15) weeks that he worked forty hours a week, but was only paid for twenty hours a week. Councilmen Collins called for a motion to approve a compensation package in the amount of \$6,675 for Robert C. Black. Councilmen Johnson seconded and the matter was approved.

NEW BUSINESS:

Manager Black provided an update on the commercial insurance policy, which was just renewed. The renewal is a 3% increase of last year's premium. Attorney Smith asked that we please look into Georgia Municipal Association coverage.

City of Guyton, Georgia

Working Together to Make a Difference



Manager Black called for an update on the franchise agreement with Georgia Power, which is to be renewed by May 2016. Attorney Smith has reviewed the agreement and will contact the company to see if we can obtain an extension as there are items we would like to see included in the agreement, which are absent.

Manager Black called for a discussion on right-of-way permits. Councilmen Goldwire moved to table this discussion until the April 26 council meeting. Councilmen Johnson seconded and the motion passed.

Councilmen Goldwire provided the following financial report regarding our beginning and ending bank balances as of 3/31/2016: for cash on hand, the balances were \$241,837.89 and \$342,499.25; for the contingency account, the balances were \$539,966.77.

Councilmen Johnson did not have a report for streets and lanes. Citizens voiced their concerns about trash in the city and clogged storm drains. Manager Black informed the citizens that the city is broken down into zones and cleaned a zone at a time. Pearl Boynes stated that if they are told what the zones are, they can solicit cleanup help within the areas.

Councilmen Collins provided a water and sewer report by stating he is happy to say that our waste water treatment plant is on the way.

No report for recreation and city property.

Director Kelphe Lundy provided a police report and Chief Gary Jarriel provided a fire report. Robert Hunter thanked the police and fire for assisting with the Easter Egg Hunt, not just attending.

The dates to remember were recapped by Mayor Lariscy as follows:

- Saturday, April 16, 8 am through 2 pm – Spring Sale on the Trail
- Saturday, April 16, 10 am through 4 pm – Olde Effingham Days Festival
- Wednesday, April 20, 4 pm – Guyton Municipal Court
- Tuesday, April 26, 7 pm – City Council Meeting
- Tuesday, May 10, 7 pm – City Council Meeting
- Wednesday, May 18, 4 pm – Guyton Municipal Court
- Tuesday, May 24, 7 pm – City Council Meeting
- Monday, May 30 – City Hall closed for Memorial Day
- Thursday, June 16 – Ice Cream Social [not 6/9]

Councilmen Goldwire added the Parent University date for Saturday, April 16.

For the legal report, Attorney Smith stated he is still seeking a quicker date on the Barrow appeal hearing.

Mayor Lariscy called for additional comments relating to the Agenda. After none, Councilmen Collins moved that we adjourn into Executive Session [personnel and litigation]. Councilmen Johnson

City of Guyton, Georgia

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seconded, and the motion was approved by all.

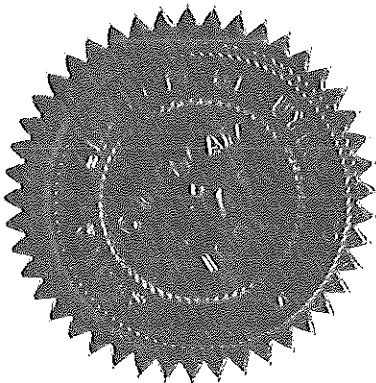
After returning from Executive Session into Regular Session as moved by Councilmen Johnson, seconded by Councilmen Goldwire and approved by all, the Council briefly discussed a pending litigation matter. Councilmen Collins made a motion to accept the settlement agreement with Farmers & Merchants Bank regarding Mossy Hollow subdivision. Said motion was seconded by Councilmen Johnson and approved, (Said agreement approved on April 12, 2016 and consisting of three pages.)

After no additional business, comments or votes, Mayor Lariscy called for a motion to adjourn the meeting. Councilmen Goldwire made the motion, which was seconded by Councilmen Johnson and approved. Meeting adjourned.

Lauree Morris
Lauree Morris, City Clerk

Jeff Lariscy
Jeff Lariscy, Mayor

1 a true copy of the same being annexed to.



STATE OF GEORGIA

COUNTY OF EFFINGHAM

This settlement agreement made and entered into this 12 day of April, 2016, by and between the City of Guyton, Georgia, an incorporated Georgia Municipality, situate lying and being in Effingham County, Georgia, hereinafter "City" and Farmers & Merchants Bank, a banking institution organized and existing under the laws of the State of Georgia and having its principal office and place of business in Bulloch County, Georgia, hereinafter "Bank"

WITNESSETH THAT:

WHEREAS, there is located within the City of Guyton a certain subdivision known as Mossy Hollow Subdivision, which was planned and laid out on or about the year 2008, and;

WHEREAS, said subdivision was originally owned by Triad Development, Inc., and financed through certain participation loans made to the said Triad Development, Inc. by the Bank of Newington and Farmers & Merchants Bank, and;

WHEREAS, the development of the subdivision experienced various difficulties which have resulted in no lots being sold and the property ultimately foreclosed and lying fallow for several years, and;

WHEREAS, the City of Guyton has previously, on about October 27, 2008, received an anti litem notice on behalf of Triad Development, Inc., which ultimately resulted in a settlement agreement whereby the City of Guyton resolved the claims of Triad growing out of its development of Mossy Hollow subdivision by the purchase of a sanitary lift station on property know as lot number 3A of Archer Place Subdivision and all piping associated therewith which connects the same to Guyton's wastewater treatment system, generally running between HWY 17 and Mossy Hollow Subdivision, and;

WHEREAS, subsequent to said settlement, certain litigation ensued between the Bank of Newington and Farmers & Merchants Bank involving this property, and;

WHEREAS, on or about October 28, 2011, the City of Guyton received a second anti litem notice regarding claims of the Bank of Newington, contending that the City of Guyton had failed to provide water and sewer services to Mossy Hollow Subdivision as provided in a certain letter of intent between Triad Development, Inc. and the City of Guyton, dated November 12, 2004, and;

WHEREAS, the aforesaid litigation between the Bank of Newington and Farmers & Merchants Bank has been fully settled and resolved, which resolution placed the full fee simple title to the entirety of Mossy Hollow Subdivision in Farmers & Merchants Bank, and;

WHEREAS, Farmers & Merchants Bank has since applied to the City of Guyton for water and sewer service within said subdivision, and has also notified the City of Guyton of its intent to sue the City of Guyton under said letter of intent between Triad Development, Inc. and the City of Guyton, and;

WHEREAS, the City of Guyton has declined to issue the same until a full resolution of all of its obligations under the aforesaid letter of intent between the City of Guyton and Triad Development, Inc., dated November 12, 2004, can be achieved as well as a full resolution of all issues surrounding responsibility for all infrastructure of Mossy Hollow Subdivision.

NOW THEREFORE, in consequence of the above recitals and for and in consideration of the mutual promises, covenants and undertakings contained herein, as well as the benefits flowing from the resolution and the ending of controversy, City and Bank agree as follows:

1. Bank acknowledges to City that Bank is the sole owner of Mossy Hollow Subdivision and that Bank knows of no other person or entity claiming any interest in said subdivision, and is aware of no state of facts that would place a reasonable person on inquiry that any other person or entity might make or pursue any such claim.
2. Bank acknowledges that City has certain subdivision regulations, bonding requirements and warranty periods for subdivision improvements and agrees that all infrastructure in Mossy Hollow Subdivision, including, but not limited to roads, streets, freshwater lines, wastewater lines and street lighting, shall be the sole and exclusive responsibility of Bank, until the same are transferred to a successor in interest or dedicated to City. Bank acknowledges that said infrastructure is in need of certain repairs and maintenance. Bank agrees that, before the City issues any building permits for the subdivision, Bank or its successor in interest will be responsible for all maintenance and repairs necessary to bring the existing infrastructure into compliance with the City of Guyton regulations and standards as they exist on the date of this agreement.
3. City, upon application, and subject only to the limitations contained in paragraph 5 hereof, shall furnish water and sewer services for up to two hundred (200) single family residences in the subdivision in accordance with its ordinances and in accordance with all rates, charges and fees applicable pursuant to City's ordinances in place at the time each permit is issued.
4. Bank hereby waives any and all acceptances or approvals that it or its predecessors have, had or may have had to any infrastructure or improvement in Mossy Hollow Subdivision and agrees to begin the improvement and dedication process anew.

5. Bank agrees that it will not apply for more than thirty five (35) single family water and sewer taps within the first twelve (12) months of this agreement.

6. City and Bank agree that this settlement agreement shall fully satisfy any and all obligations which either of them now claim or could have claimed under the letter of intent between Triad Development, Inc. and City November 12, 2004, and that this agreement is accepted by both Bank and City in full novation thereof and that neither Bank nor City shall make any further claims under said letter of intent.

7. Bank is entitled to assign any and all of the rights, covenants and promises made or granted to Bank under this agreement, including but not limited to City's promise to furnish and approve water and sewer services for up to thirty five single family residences in the subdivision within the first twelve (12) months after this agreement is executed, so long as the assignee thereof agrees in writing to fully assume all of the responsibilities, covenants and promises of Bank to the full extent of said assignment.

8. The recitals in this agreement are incorporated into the body hereof as an integral of this agreement.

IN WITNESS WHEREOF, City and Bank have caused this agreement to be executed by their dually authorized public and corporate officials on the day and year first above written.

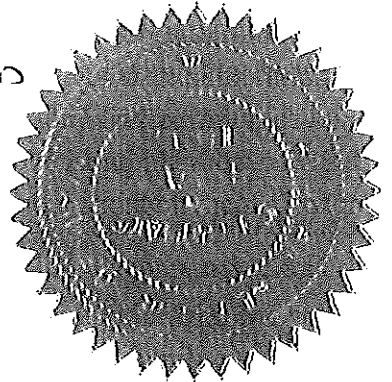
Approved

Ray C. Smith, City Attorney

City of Guyton, Georgia

By: J. Langley 04-12-2016
Mayor

Attest: Sandra Morris
City Clerk



Farmers & Merchants Bank

By: _____

Its:

Attest: _____

Its: