

MINUTES
CITY OF MCDONOUGH
CITY COUNCIL MEETING
CITY HALL-136 KEYS FERRY STREET
SEPTEMBER 19, 2016
6:00 PM

The Regular Meeting of the City of McDonough City Council was held on Monday, September 19, 2016, at 6:00 p.m.

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

The City Clerk, Ms. Janis Price called the roll as follows:

Mayor Billy Copeland	Present
Mayor Pro Tem Roger Pruitt	Present
Councilmember Craig Elrod	Present
Councilmember Benjamin Pruett	(Arrived shortly after the meeting began)
Councilmember Rufus Stewart	Present
Councilmember Kamali Varner	(Arrived shortly after the meeting began)
Councilmember Sandra Vincent	Present

Others in attendance for the meeting were: City Administrator, Mr. Keith Dickerson; City Clerk, Ms. Janis Price; Police Chief, Mr. Preston Dorsey; Fire Chief, Mr. Steve Morgan; Finance Director, Mr. Mike Clark; Executive Assistant, Ms. Trisha Colpetzer; and IT Services Director, Mr. Steve Sikes. Mayor Copeland also recognized Mr. Tom Gehl with GMA, and Representative and Mrs. Brian Strickland, who were in attendance.

Councilmember Craig Elrod led the Pledge to the Flag; and Councilmember Rufus Stewart gave the Invocation.

Mayor Copeland called for a motion to approve the Agenda, with the removal of Item 6C, from the Consent Agenda for discussion. Mayor Pro Tem Pruitt motioned, and Councilmember Stewart seconded. The vote was five in favor. Those voting in favor were Mayor Copeland; Mayor Pro Tem Pruitt; Councilmember Elrod; Councilmember Stewart; and Councilmember Vincent. (Councilmembers Pruett and Varner were not present for the vote.)

6. Approval of the Consent Agenda
 - A. Approval to award bid proposal to SmartWave Technologies for the City's

WiFi and Microwave Network Project. The installation cost at \$130,462.50 will be paid from SPLOST IV funds. (Area includes: The Square, Alexander Park, Big Springs Park, Rufus Stewart Park, and Richard Craig Park)

- B. Approval of CCR Environmental, Inc.'s "Watershed Assessment Fieldwork Proposal", and authorization for the Mayor to execute same, for the performance of biological and habitat monitoring and preparation of a watershed study to be submitted to the EPD- a requirement under the City's Phase II MS4 stormwater permit. The cost estimate for the project is \$16,115.00 (lump sum), to be paid from the FY17 Stormwater budget (additional and/or out of scope work to be billed on an hourly basis, but only if approved, in advance, by Mayor and Council).The project manager for the study will be G. Ben Turnipseed Engineers, Inc.
- C. Approval to pay the August invoice from Attorney James E. Elliott, Jr. for legal services to the City of McDonough Board of Ethics in the amount of \$1,580.26, which will be paid from the City Attorney's budget.
- D. Approval of the minutes from the September 1, 2016 Workshop.
- E. Approval of a Local Government Lighting Project Agreement (LGLPA) between The City and the GA Department of Transportation in order for the roundabout lighting to be installed as part of the McDonough Parkway @ Sr 20 Project- P.I. No. 0013531. Under the terms of the LGLPA, The City's responsibilities Include: energy, operation and maintenance of the system; authorization for Mayor to sign all pertaining documents and adoption of a resolution memorializing this agreement.

Councilmember Vincent discussed the invoices for the services of Attorney Jim Elliott, Jr., as Special Counsel to the Ethics Board for the City of McDonough; and questioned if the City will pay the legal expenditures related to Ms. Vincent retaining counsel to represent her in defense of a pending Ethics complaint; due to the fact that the majority of the questions asked related to the entire Mayor and Council. In the absence of the City Attorney at the meeting, City Administrator, Mr. Keith Dickerson relayed the opinion that the decision regarding the payment of legal expenses for Ms. Vincent would be left up to Mayor and Council.

Councilmember Vincent stated for the record that she did not believe that the issue should have progressed to this point, because the allegation against her is central to her not meeting with a citizen. She shared her opinion that based on the laws that govern the Oath of Office and the Constitution of the State of Georgia, she has not violated her oath by refusing to meet with a citizen with whom she felt the environment could become hostile. After further discussion, Councilmember Vincent agreed that the issue of payment for legal representation should be revisited with the City Attorney.

Councilmember Vincent stated that one of the concerns that emerged at the hearing was the fact that the governing body voted to purchase property, which would allow an entrance into Alexander Park. That was an action on the part of Mayor and Council, not an individual action. And she also stated that there was a refusal to get an answer on whether or not it was legal for a person to vote on property near their home; in their subdivision; or around their family's community. And so, Councilmember Vincent wanted to go on record again as saying that she did request that our City Attorney make a ruling on that particular issue. Councilmember Vincent is of the opinion that it's not a material interest based on her understanding of the law, but she did what was appropriate in accordance with the City's Ethics Ordinance; and that is to request a ruling from the City Attorney. That ruling has not been made, and the actions of Councilperson Notti in the vote to acquire the entrance into Alexander Park is now being put to her charge.

And so, Councilmember Vincent has all of these ethics issues that are out there with her name on it, that she is being charged with, but they're really concerns from actions taken by this body and not one Councilmember.

Mayor Copeland suggested that the discussion be continued when the City Attorney is present at the next meeting on October 6th; and asked if Ms. Vincent had any objection. Ms. Vincent responded that she had no objection with one caveat; that there is a continuance of the Ethics Hearing scheduled for Monday, September 26th, that was scheduled to allow Ms. Vincent to retain legal counsel to represent her to defend the complaint.

Councilmember Vincent stated that she would retain counsel to represent her at the continued hearing on the 26th, because she is taking these allegations very seriously. She said that the complaint which is based on refusing to meet with a citizen could result in her being asked to step down from her elected position, and suggested that the entire Council should take that into consideration.

Hearing no motion to move forward, Mayor Copeland stated that the issue would be revisited for discussion at the October 6th meeting.

Mayor Copeland called for a motion to approve the Consent Agenda, with the removal of Item 6C; and correcting Item 6D, the September 1, 2016 Minutes to reflect that Councilmember Pruett seconded the Georgia Power Resolution. Councilmember Stewart motioned, and Mayor Pro Tem Pruitt seconded. The vote was six in favor. Those voting in favor were Mayor Copeland; Mayor Pro Tem Pruitt; Councilmember Elrod; Councilmember Pruett; Councilmember Stewart; and Councilmember Vincent. (Councilmember Varner was not present for the vote.)

Mayor Copeland invited Mr. Tom Gehl, Director of Government Relations for Georgia Municipal Association (GMA) to present the "Champion of Georgia's Cities" Award to

Representative Brian Strickland, which was presented on an archival map of the City of McDonough. After the award was presented, Representative Strickland offered his acceptance and appreciation, for which he shared the credit with Mayor and Council.

Mayor and Council then joined Mr. Gehl in applauding the achievements of Representative Strickland, and commemorated the moment with a photograph.

Mayor Copeland recognized Ms. Dolly Moses, who was in attendance for the meeting as he read the Proclamation for Payroll Week into the record of the Meeting. Ms. Moses discussed the local chapter of the Atlanta Payroll Association's monthly meetings to discuss compliance issues, as well as their efforts to educate students on how to understand their paychecks.

Mayor Copeland recognized the following Proclamations, and called for a motion to make them all an official part of the Minutes of the Meeting:

Constitution Week

Payroll Week

Tabernacle of Praise Church International

Shiloh Baptist Church Family Life Center Day

National Surgical Technologist Week

The Reforming Church 5th Year Anniversary

Mayor Pro Tem Pruitt motioned, and Councilmember Stewart seconded. The vote was seven in favor.

Councilmember Vincent stated for the record that her intent for removing Item 6C from the Consent Agenda for discussion was not to withhold payment of the invoice that had been presented for Mr. Jim Elliott.

Mayor Copeland called for a motion to approve payment of the August invoice from Attorney James E. Elliott, Jr for legal services to the City of McDonough Board of Ethics in the amount of \$1,580.26 which will be paid from the City Attorney's budget.

Mayor Pro Tem Pruitt motioned, and Councilmember Elrod seconded. The vote was seven in favor.

Community Development Director, Mr. Rodney Heard reviewed the following rezoning petitions and zoning map amendments:

Rezoning Petition – Zoning Map Amendment

A. Case #160701

Applicant(s): **Humberto Fallas on behalf of Fallas Family Vision**

Petition Request: OI (Office Institutional)

Existing Zoning: RM-75 (Multi-Family Residential)

Address: 69 Griffin Street Council District: 3, Craig Elrod

Land Lot(s) 134 of the 7th District 0.401 +/- total acres

City Council Meeting **(Workshop (9/1/16) and Public Hearing (9/19/16))**

Mr. Heard offered a Power Point presentation regarding the Fallas Family Vision application and reviewed the plans for the project. Dr. Fallas was in attendance for the meeting, and he discussed his plans to restore and enhance the building, while preserving its historic value in the City. Councilmembers Elrod, Vincent and Stewart each thanked Dr. Fallas for his investment in the City of McDonough. Councilmember Vincent also suggested that Dr. Fallas contact the DDA regarding programs that are available.

Mayor Copeland opened the Public Hearing. No one spoke in favor; and no one spoke in opposition. Mayor Copeland closed the Public Hearing.

Councilmember Elrod motioned to approve the rezoning request for case number 160701, from the existing zoning of RM-75, to OI, to include the approval of Ordinance 16-09-19001(Z); and Councilmember Stewart seconded. The vote was seven in favor.

B. Case #160703

Applicant(s): Foxdale Development on behalf of Iris Lake Village

Petition Request: RM-75 (Multi-Family Residential) Conditional Use w/ new conditions

Existing Zoning: RM-75 (Multi-Family Residential) Conditional Use w/ conditions

Address: Iris Lake Village Road – Iris Lake Subdivision

Council District: 3, Craig Elrod

Land Lot(s) 168 of the 7th District 23.887 +/- total acres

City Council Meeting (Workshop (9/1/16) and Public Hearing (9/19/16))

Mr. Heard presented and reviewed the application for case number 160703, for Foxdale Development on behalf of Iris Lake Village. The application requests to rezone a portion of the subject property from RM-75 Conditional Use with conditions, to RM-75 Conditional Use with new conditions. Mr. Jinsong Yang and Mr. Michael McAdams from FoxDale Development were present at the meeting and discussed the plan for the development. Discussion ensued regarding the proposed changes, as well as the existing structures within the development.

- Sidewalks will be on both sides of the street
- As homes are completed, sidewalks will be put in
- Total of 128 homes
- One Homeowners' Association will maintain entire subdivision
- Homeowners' Association has just been formed

Councilmember Vincent stated that the establishment of an HOA was in the original plan for the conditions of the site, and she wanted to make sure that all issues regarding the structure, transference and timeline for transference were established within the community.

Councilmember Elrod thanked the applicants for their investment and their time on this project.

Mayor Copeland opened the Public Hearing. No one spoke in favor; and no one spoke in opposition. Mayor Copeland closed the Public Hearing.

Mayor Copeland called for a motion to postpone the vote on case number 160703, until October 6, 2016 meeting. Councilmember Elrod motioned, and Mayor Pro Tem Pruitt seconded. The vote was seven in favor.

Concept Plan Review Petition – Zoning Requirement

C. Case #160723

Applicant(s): **David Pollack on behalf of U-Haul Company of Western Georgia**

Petition Request: Concept Plan Review per stipulations outlined in ORD 04-04-05004(A)(Z)

Existing Zoning: M-1 (Light Industrial)

Address: 2055 Avalon Parkway

Council District: 4, Kam Varner

Land Lot(s) 195 & 196 of the 7th District 20.0 +/- total acres

City Council Meeting **(Workshop (9/1/16) and Public Review (9/19/16))**

Mr. Heard reviewed the Concept Plan for case number 160723. Mr. David Pollack and Mr. John Scoville were present on behalf of the applicant, U-Haul Company of West Georgia, and addressed Mayor and Council regarding the plan.

- Business will provide storage warehouse and equipment rental
- Stone wall and split-fence rail will match the area
- Compatibility with the design in the neighborhood
- Business offers propane as an alternate fuel source to reduce carbon footprint

Councilmembers Varner and Stewart thanked the representatives of U-Haul for their investment in the City of McDonough. Councilmember Vincent suggested that the representatives should discuss the job tax program with the City Planner; and asked how the City of McDonough's geraniums could be advertised on the side of the U-Haul trucks.

Mayor Copeland called for a motion to approve the Concept Plan. Councilmember Varner motioned, and Councilmember Stewart seconded. The vote was seven in favor.

There were no public comments.

Mayor Copeland called for a motion to enter Executive Session for Real Estate O.C.G.A. 50-14-3 (b)(1). Mayor Pro Tem Pruitt motioned, and Councilmember Elrod seconded. The vote was seven in favor.

Mayor Copeland called for a motion to return to Regular Session. Councilmember Stewart motioned, and Mayor Pro Tem Pruitt seconded. The vote was seven in favor.

Councilmember Benjamin Pruett motioned to approve a settlement not to exceed \$8,000, with Mercer and Company, against the City for a property damage claim located at 16 Hampton Street, in McDonough; and Mayor Pro Tem Pruitt seconded. The vote was six in favor. Those voting in favor were Mayor Copeland; Mayor Pro Tem Pruitt; Councilmember Pruett;

Councilmember Stewart; Councilmember Varner; and Councilmember Vincent.
Councilmember Elrod abstained.

City Administrator, Mr. Keith Dickerson commented that after the City's recent change in ISO Rating from 4, to 2, that the insurance company had reimbursed the City \$27,247 as a result. He also said that he would be away from City Hall on the coming Thursday and Friday.

City Clerk, Ms. Janis Price asked Mayor and Council to check their calendars for an afternoon in October for a possible half-day retreat with Department Heads. She also reminded everyone that the HMA Quarterly Dinner will be held on Thursday, October 13th.

Councilmember Vincent reminded everyone that the City of McDonough Jerk Festival will hold the first Walk To End Alzheimer's, on Saturday, September 24th, at Alexander Park, with registration starting at 8:00 a.m. She also noted that this year will be the tenth anniversary of the Jerk Festival in McDonough. She asked everyone on Council and in attendance for the meeting to come out and show their support for the event.

Councilmember Elrod thanked everyone for their attendance at the meeting, both in person and online. He also offered his personal gratitude to Beau and Julia Kelley for their donation of the first mini library at Big Spring Park, as well as to the Public Works Department employees for the installation.

Councilmember Stewart reiterated the sentiments of Councilmember Elrod about the benefits of the mini library, and said he is aware of citizens who are already making use of the book kiosk.

Councilmember Varner said that she will be unable to attend the City Council Workshop scheduled for October 6, 2016, because she is scheduled to speak at a Youth Leadership Summit, at Middle Georgia College.

Mayor Copeland called for a motion to adjourn. Mayor Pro Tem Pruitt motioned, and Councilmember Elrod seconded. All stood in favor.

The meeting was adjourned at 8:05 p.m.

Janis E. Price
City Clerk

OPEN MEETINGS COMPLIANCE NOTICE: This is a regularly scheduled meeting of Mayor and Council of the City of McDonough duly noticed pursuant to the requirements of the Georgia Open Meetings Law (O.C.G.A. § 50-14-1, et seq). Notice of the meeting was published in the Henry Herald on December 30, 2015; and a copy of the meeting schedule was posted at City Hall and on the City's website, as required by law.