



MINUTES
City of McDonough
City Council Workshop
McKibben Chambers City Hall
136 Keys Ferry Street
July 7, 2022
6:00 PM

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

The City Clerk Ms. Christy Taylor called roll for the meeting, as follows:

Mayor Sandra Vincent	Present
Mayor Pro Tem Rufus Stewart	Present
Councilmember Jamal Burt	Present
Councilmember Benjamin Pruett	Present
Councilmember Scott Reeves	Present
Councilmember Vanessa Thomas	Present
Councilmember Kamali Varner	Present

Others in attendance: City Attorney, Mr. Jim Elliott; City Clerk, Ms. Christy Taylor, Police Chief, Mr. Ken Noble; Fire Chief, Mr. Dave Williams; Community Development Director, Mr. Charles Reese; Facilities and Assets Management Director, Mr. Steve Morgan; Finance Director, Mr. Frank Milazi; City Planner, Ms. Diane Johnson; Stormwater Supervisor, Mr. Brandon Williams; Open Records Officer, Ms. Kathy Story; Network Administrator, Mr. Brian Linton; and Executive Assistant, Ms. Joani Clemons.

Councilmember Reeves gave the Invocation; and Councilmember Pruett led the Pledge of Allegiance.

Mayor Vincent called for a motion to approve the Agenda. Councilmember Pruett motioned and Councilmember Burt seconded. The vote was seven in favor.

Public Comments

Mr. Eddy Smith came before Mayor and Council to offer comments regarding the 2022-2023 Budget. Mr. Smith said after he had a meeting to discuss the budget with the Finance Director earlier in the day, he still has three unanswered questions:

- Where is the 1.5% paid to the Henry County Tax Commissioner reflected in the budget?
- What is the dollar value of that 1.5%?

- Is the dollar amount of the 1.5% reflected as revenue and/or expenditures in the budget?

Councilmember Thomas suggested that Mr. Smith should pose his questions to the Henry County Tax Commissioner; and Mr. Smith stated that would require an Open Records Request. After some discussion, Mayor Vincent stated that the City will continue to work with the Henry County Tax Commissioner's Office to provide the information that Mr. Smith is requesting.

Mayor Vincent noted for the record that a Proclamation in Recognition of 2022 Olympic and Paralympic Day had been presented to Olympic Day Event Coordinator, Ms. Kevina Franklin.

Mr. Sam Baker, Henry County Director of Transportation Planning, and Ms. Rebecca Hester with POND gave a presentation on the Henry County Joint Transportation Plan and the Henry County Joint Trails Plan. After the presentation, some discussion ensued. (Copies of the presentation are available electronically or can be reviewed in the City Clerk's Office)

Councilmember Thomas requested that any vote be postponed until the next meeting, to provide more time for the information to be reviewed before a decision is reached. Discussion continued.

Mayor Pro Tem Stewart made a motion to adopt Resolution 22-07-07(1), in support of the Henry County Joint Transportation Plan, and to adopt Resolution 22-07-07(2), in support of the Henry County Trails Plan; and Councilmember Pruett seconded. The vote was six in favor and one in opposition. The motion passed. Those voting in favor were Mayor Vincent, Mayor Pro Tem Stewart, Councilmember Burt, Councilmember Pruett, Councilmember Reeves and Councilmember Varner. Councilmember Thomas voted in opposition.

Finance Director Mr. Frank Milazi discussed Resolution 20-03-30; whereby loans were provided through the Downtown Development Authority (DDA) to assist local businesses during the pandemic. He noted that one qualified business loan had not been completed due to there not being enough members of the DDA to hold a meeting; therefore, he requested that the Mayor and Council authorize the transaction so that the loan process can be completed on behalf of the merchant.

Councilmember Varner made a motion to approve Mayor and Council to authorize the loan transaction, so long as all of the requirements are verified; and Councilmember Thomas seconded. The vote was seven in favor.

Mr. Jimmy Whitaker presented the 2021 Audit for year ending June 30, 2021. (An electronic copy of the audit is available on the City's website or can be reviewed in the City Clerk's Office.)

Facilities and Assets Management Director Mr. Steve Morgan presented the request to authorize the Mayor to accept funding in the amount of \$50,417, through the Georgia Power Electric Transportation Make Ready, for charging system infrastructure. Discussion ensued.

Councilmember Varner made a motion to approve the request to authorize the Mayor to accept the funding of \$50,417, through Georgia Power Electric Transportation Make Ready, for charging system infrastructure; and Councilmember Burt seconded. The vote was seven in favor.

Community Development Director Mr. Charles Reese presented the request to approve amendments to the Zoning Ordinance of the City of McDonough, Zoning Procedures Act,” O.C.G.A., Title 36, Chapter 66, as follows:

- Amend section 17.64.010 to include “automotive car wash (accessory use only)” as a permitted use in C-2 zones; and
- Amend Section 17.68.010 to include “automotive car wash (full service or self- service)” as a permitted use in C-3 zones.

City Attorney Mr. Jim Elliot noted that adopting the resolution will start the process; and that there will be a public hearing prior to any change in the Ordinance.

Mayor Pro Tem Stewart motioned to approve the resolution to initiate amendments to the Zoning Ordinance of the City of McDonough, Zoning Procedures Act, Title 33, Chapter 66, to amend Section 17.64.010, and Section 17.68.010; and Councilmember Reeves seconded. The vote was seven in favor.

Mayor Vincent called for a motion to go into Executive Session for Real Estate O.C.G.A. 50-14-3(b)(1) and for Personnel O.C.G.A. 50-14-3(b)(2). Mayor Pro Tem Stewart motioned and Councilmember Pruett seconded. The vote was seven in favor.

Mayor Vincent called for a motion to go back into Regular Session. Mayor Pro Tem Stewart motioned and Councilmember Pruett seconded. The vote was six in favor. Those voting in favor were Mayor Vincent, Mayor Pro Tem Stewart, Councilmember Burt, Councilmember Reeves, and Councilmember Varner. Councilmember Thomas was not present for the vote.

Councilmember Reeves made a motion to accept the offer of \$30,000, presented by Mr. Terrance Wilson on June 2, 2022, at 10:00 a.m., for the purchase of City-owned property located at 1261 McGarity Road; Mayor Pro Tem Stewart seconded. The vote was seven in favor.

Mayor Pro Tem Stewart said that on July 31, 2022 there will be a back-to-school giveaway at Rufus Stewart Park, and that Henry County Schools will be holding a back-to-school event the same day. He discussed the GMA Convention in Savannah, and noted that he learned a lot through the experience.

Councilmember Burt also expressed that he enjoyed attending the GMA Convention and attending training at the event.

Councilmember Reeves said he learned a lot during training at the convention, in Savannah. He said he also enjoyed the Embrace Training that Mayor and Council attended before the convention.

Councilmember Varner noted that the diverging diamond has been opened off of Exit 218.

Councilmember Thomas shared that she also enjoyed the Georgia Municipal Convention in Savannah. She said she learned a lot, and she hopes that the City of McDonough will soon be able to get the youth more involved in activities. She also discussed learning about grant monies that may be available to help with the City's water infrastructure; and she said she looks forward to the opportunity to attend again next year.

Mayor Vincent called for a motion to approve the June 20, 2022 Special Called Meeting Minutes. Councilmember Burt motioned and Councilmember Pruett seconded. The vote was four in favor. The motion passed. Those voting in favor were Mayor Vincent, Mayor Pro Tem Stewart, Councilmember Pruett and Councilmember Thomas. Councilmember Burt, Councilmember Reeves and Councilmember Varner did not vote, as they were not present for the June 20, 2022 Special Called Meeting.

Mayor Vincent called for a motion to approve the June 20, 2022 City Council Meeting Minutes. Councilmember Pruett motioned and Councilmember Reeves seconded. The vote was seven in favor.

17A. Public Comments (continued):

Mr. Eddy Smith – McDonough, Georgia Code of Ordinances, Section 2.12 –
Vacancy; filling of; forfeiture of office

“The office of Mayor or Councilmember shall become vacant upon:

- (4) the incumbent ceasing to be a resident of the city or the district for which he or she was elected”

Mr. Smith posed the following questions to Mayor and Council:

1. If an incumbent ceases to be a resident, who determines that?

Mayor Vincent said she believes that it is a question of integrity; and, she noted that the Governing Body has been notified by Councilmember Reeves that there is a transition of his residence. She said that the Council receives legal counsel from the City Attorney, who has advised that Mr. Reeves is meeting all of the legal requirements and is transitioning from one location to another location within his district.

City Attorney Jim Elliott answered Mr. Smith's question that the entity who would determine whether or not an elected official has vacated their residence would be the Superior Court, in the

event that there was a challenge regarding any of the requirements. He further offered that there is case law to support that an elected official can temporarily move out of their district or city with the intent of going back to either the same residence or one that meets the same requirements. He added that the requirements of residency are not as crystal clear as one might assume, as it relates to voting or holding elected office.

Mr. Smith then asked about the method by which a citizen could question that determination; and Mayor Vincent replied that an Ethics Complaint would need to be filed with the City, through the City Clerk's Office; whereby a panel would be appointed to review the complaint.

Councilmember Reeves noted that he asked Mr. Smith to come to the meeting to discuss his concern; and Mr. Smith agreed. Mayor Vincent also noted for the record that Councilmember Reeves had discussed his plans prior to making his decision, and the law does allow for temporary movement when there is an intentional move to relocate within a district.

Councilmember Reeves read Georgia Law Code 21-2-217, Rules for Determining Residence: "In determining the residence of a person desiring to register to vote or to qualify for elected office, the following rules shall be followed, so far as they are applicable:

1. The residence of any person shall be held to be in that place in which such person's habitation is fixed, without any present intention of removing therefrom;
2. A person shall not be considered to have lost such person's residence, who leave such person's home and goes into another state, or county, or municipality in this state for temporary purposes only with the intention of returning, unless such person shall register to vote or perform other acts indicating a desire to change such person's citizenship and residence.

Mr. Smith said he believes that case law applies to voting rights; and, he read from the Code of Ordinances, as follows: "The incumbent ceasing to be a resident of the city or of the district for which he or she was elected". Discussion continued.

Councilmember Reeves said he had spoken to Mr. Smith on the phone about the matter, as he is a constituent of District 3 and has been a supporter; and he thanked Mr. Smith for his continued involvement as a concerned citizen.

Mayor Vincent said the City will begin discussions with the County and other Cities regarding the Local Option Sales Tax. She also shared her pleasure in participating in the GMA Convention and training in Savannah, wherein the Governing Body enjoyed the opportunities to network and learn about other Cities.

Prior to the close of the meeting, Councilmember Reeves asked for prayers for the family of Mr. Johnny Rucker, who passed away unexpectedly. Mayor Vincent also remembered the family of former Commissioner Mr. Gary Freedman, who also passed away this week.

Mayor Vincent adjourned the meeting at 8:03 p.m.

Christy L. Taylor,
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 schedule was published in the *Henry Herald* on December 29, 2021; and a copy the meeting schedule was posted at City Hall and on the City's website, as required by law.