MINUTES
City of McDonough
City Council Meeting
McKibben Chambers City Hall
136 Keys Ferry Street
May 22, 2023
6:00 PM

The Regular Scheduled Meeting of the City of McDonough City Council was held on Monday, May 22, 2023, at 6:00 p.m.

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

The City Clerk called roll for the meeting, as follows:

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

Others in attendance: City Administrator, Steve Morgan; City Attorney, Emilia Walker; City Clerk, Christy Taylor; Police Chief, Ken Noble; Fire Chief, Dave Williams; (Interim) Community Development Director, Andrew Baker; (Interim) Finance Director, Deborah Upshaw; Public Works Director, Billy VonDenBosch; Technology Services Director, Brian Linton; Financial Consultant, Mike Clark; Building Official, Mark Dobson; and Open Records Officer, Kathy Owens.

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

Mayor Vincent called for a motion to approve the agenda with the addition of Item 8A, approval of an Ordinance Promoting Public Welfare and Safety, and Amending Title 8, Health and Safety, of the City of McDonough Code of Ordinances. Councilmember Burt motioned and Councilmember Stewart seconded. The vote was six in favor. Those voting in favor were Mayor Vincent, Councilmember Burt, Councilmember Reeves, Councilmember Stewart, Councilmember Thomas, and Councilmember Varner. Mayor Pro Tem Pruett was not present.

Ms. Taylor sounded the Consent Agenda, as follows:

A. Public Works **Brandon Williams, Assistant Director**

Approval of proposal from CaJenn Construction Rehab Services Inc, to install 48 linear feet of 30-inch cured-in-place-pipeline at 18 Depot Street, at a cost of $24,004.00. The existing 30-inch corrugated metal pipe has multiple defects and is in need of rehabilitation. Funding Source: 506-5.4970.52.3850 Stormwater Management

B. Public Works – Wastewater Plant **Jeremy Newton, Plant Manager**

Approval to pay Invoice 2215-002, from All South Constructors, Inc., for rehab work on 2 ABW Filters

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

There were no public comments.

Mr. Neil Hawkins with Life Athletics came to the meeting to present the Mayor, Councilmember Stewart, and the City of McDonough with plaques of appreciation for the City-sponsored basketball camp that more than 200 students attended at Rufus Stewart Park.

The Mayor and Council presented the Proclamation Celebrating the 97th Birthday of James Andrew Brown, Sr., to Mr. Brown and several members of his family.

The Mayor and Council presented the Proclamation recognizing National Public Works Week to Public Works Director, Billy VonDenBosch.

The Mayor and Council presented a Proclamation of Gratitude to the Leadership Henry Class of 2023. After the Proclamation was presented, Leadership Henry Class of 2023 and sponsors presented several hand-painted rocking chairs to the Henry County community as a part of their "Keep Henry Rocking" campaign.

Mayor Vincent called for a motion to authorize the signing of the annual Memorandum of Understanding to the Georgia Department of Community Affairs to retain the accreditation for Main Street. Councilmember Burt motioned and Councilmember Reeves seconded. The vote was six in favor. Those voting in favor were Mayor Vincent, Councilmember Burt, Councilmember Reeves, Councilmember Stewart, Councilmember Thomas, and Councilmember Varner. Mayor Pro Tem Pruett was not present.

Interim Finance Director Deborah Upshaw and Finance Consultant, Mike Clark presented the request for the adoption of Resolution 23-05-22, approving a Final Budget Amendment for the year ended June 30, 2022. Discussion ensued.

Mayor Vincent called for a motion to adopt the Resolution as presented. Councilmember Stewart motioned and Councilmember Reeves seconded. The vote was six in favor. Those voting in favor were Mayor Vincent, Councilmember Burt, Councilmember Reeves, Councilmember Stewart, Councilmember Thomas, and Councilmember Varner. Mayor Pro Tem Pruett was not present.

Community Development **Andrew Baker**

Preliminary Plat Review, Chapter 16.12 Procedure, Section 16.12.060 (A-D)
Applicant(s): Falcon Design Consultants
Petition Request: Approval of Preliminary Plat
Development: Crown Summit
Location: McDonough Pkwy.
Postponed from the 4/17/23 & 5/4/23 Council Meeting

Mr. Andrew Baker presented the preliminary plat review for the Crown Summit Development. He noted that the zoning for the property was approved in 2006, to include R-50 and R-75 residential units. Mr. Baker offered that after concerns regarding the proposed project were raised, a virtual Town Hall Meeting was held for District 2; so that any questions could be answered. Some of the proposed conditions which are recommended, as follows:

- Not more than 234 homes with 22 homes being R-75 and 212 homes zoned R-50
- Developer with work with Community staff to ensure that individual lot/house construction is adequate to prevent cars from impeding the sidewalk.
- Retention areas will be heavily landscaped and include wrought-iron type fencing.
- A pavilion area large enough to accommodate large groups/families.
- Enlarge club house to accommodate gatherings/meetings.
- Developer has sold frontage along the property in preparation of future road-widening.

The Applicant, Mr. Adam Mitchell was in attendance for the meeting, and he reviewed a Power Point Presentation about the proposed project:

- Property was rezoned in 2004/2005, from RA-200 to R-75/R-50.
- Site construction was approved in September of 2007, for 249 lots, by developer Crown Properties, Ltd.
- In 2013, Drapac Capital Partners purchased the property following foreclosure on Crown Properties, Ltd.
- In 2018, Drapac sold 1.4 acres to the Henry County Department of Transportation for the McDonough Parkway extension.
- While many of the lots are zoned R-50, more than 70 percent of those are larger than the minimum square footage required by R-60.
- The developer has gone through five reviews to get to this point.
- The developer agreed with the proposed conditions.

Discussion ensued. Councilmember Thomas expressed her concerns that this is a 19-year-old project; and she asked that there be discussions on how to avoid these issues in the future. She suggested that there should be a statute of limitations on the developers on the timeline to complete a project; or they should have to resubmit application for proposed developments. She suggested that developers be required to commence work within a six to 18-month period, after approval; and that all be completed within a two to three-year period.

Councilmember Reeves agreed with Councilmember Thomas that there should be a timeline for developments. He confirmed with the Developer and the Community Development Department that all the conditions have been agreed upon; and they each confirmed that they have.

Mayor Vincent thanked Mr. Mitchell for all his efforts in this development. She asked that the capacity of the clubhouse be conducive to the number of homes in the development. Additionally, she discussed the community's concern about approving single family residential, and then the whole neighborhood turns into rental properties. She asked if the developer has considered rental caps; and Mr. Mitchell said they have not considered that at this time. Discussion continued.

Councilmember Burt motioned to approve the Preliminary Plat with conditions, and Councilmember Reeves seconded. The vote was five in favor. Those voting in favor were Mayor Vincent, Councilmember Burt, Councilmember Reeves, Councilmember Stewart, and Councilmember Varner. Councilmember Thomas voted in opposition. Mayor Pro Tem Pruett was not present for the meeting.

Community Development **Andrew Baker**
Case #230309 District 3: Scott Reeves
Applicant: Buddy Kelley for Racetrack Rd.-Iris Lake Rd. Convenience Store
Address: 632 Racetrack Rd.
Request: To rezone property to C-3 (Highway Commercial)
Zoning: RA-200 (Residential Agricultural)
Land Lot(s) 168 of the 7th District 3.99 +/- total acres
MPC Workshop (4/11/23)
MCC Workshop (5/4/23)
MPC Public Review (5/9/23)
MCC Public Hearing & Vote (5/22/23)

Mr. Baker presented case 230309, a petition to rezone the property located at 632 Racetrack Road, from RA-200 (Residential Agricultural), to C-3 (Highway Commercial), to allow for a gas station, convenience store and restaurant with a drive-thru. Mr. Baker noted that while staff recommends approval with conditions, the Planning Commission voted unanimously to recommend denial of the project, as there is a gas station on the opposite corner from the property. Mr. Baker requested that the vote be deferred to the June 20, 2023, City Council Meeting, to allow for a thorough review of the conditions by the Applicant.

Attorney Andrew Welch was in attendance on behalf of the Applicant, and he reviewed a Power Point Presentation for the proposed project:

- The property is located at the corner of Racetrack Road and Iris Lake Road.
- The 3.99-acre parcel is currently zoned RA-200, for single-family residences.
- The request is for C-3 zoning, which is required for a fuel station/convenience store and restaurant.
- There will be a 50-foot undisturbed buffer on the west and south sides of the property.
- There will be an entrance on Racetrack Road and another on Iris Lake Road.
- The proposed sign height has been lowered to no more than six feet, as was requested by Council.

Discussion ensued. Councilmember Thomas asked about any costs to the City to provide sewer to the property. Public Works Director Billy VonDenBosch explained that a sewer line extension would involve setting manholes, boring under the roundabout, and obtaining easements to tie into an available sewer line; however, those costs would fall to the Developer and not the City. Councilmember Reeves verified that no chain link fencing will be added to detention ponds; and Mr. Welch agreed that wrought iron fencing was in the conditions. Mayor Vincent suggested that colors of plantings or artwork could be added to reflect "the Geranium City".

Mayor Vincent opened the Public Hearing. No one spoke in opposition. Ms. Hannah Rutledge spoke in support. Mayor Vincent closed the Public Hearing.

Councilmember Reeves made a motion to defer the vote on case number 230309, until the June 20, 2023, City Council Meeting; and Councilmember Thomas seconded. The vote was six in favor. Those voting in favor were Mayor Vincent, Councilmember Burt, Councilmember Reeves, Councilmember Stewart, Councilmember Thomas, and Councilmember Varner. Mayor Pro Tem Pruett was not present.

Attorney Walker offered the first reading of an Ordinance Amending Title 5, Business Occupation Taxes, Administrative Fees and Regulatory Fees, of the City Code of Ordinances, adding a New Chapter 5.26, Mobile Food Vendors and Promoting Public Health and Safety. Ms. Walker explained that the Ordinance includes three categories: Mobile Food Vendors; Push Carts; and Temporary Food Establishments, requiring registration with the City through the Community Development Department. Prohibited conduct such as "on private property" and right of way prohibitions are addressed in the Ordinance; and licensing requirements and associated fee schedules are also outlined.

Executive Session (if needed) for: Litigation O.C.G.A. 50-14-2
Real Estate O.C.G.A. 50-14-3 (b)(1)
Personnel O.C.G.A. 50-14-3 (b)(2)

Mayor Vincent called for a motion to go into Executive Session for Real Estate O.C.G.A. 50-14-3 (b)(1); Personnel O.C.G.A. 50-14-3 (b)(2); and Litigation O.C.G.A. 50-14-2. Councilmember Burt motioned and Councilmember Reeves seconded. The vote was six in favor. Those voting in favor were Mayor Vincent, Councilmember Burt, Councilmember Reeves, Councilmember Stewart, Councilmember Thomas, and Councilmember Varner. Mayor Pro Tem Pruett was not present.

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

Councilmember Reeves made a motion to authorize the Mayor to implement a Police nightshift differential salary increase within the confines of the current allocated budget; and Councilmember Thomas seconded. The vote was six in favor. Those voting in favor were

Mayor Vincent, Councilmember Burt, Councilmember Reeves, Councilmember Stewart, Councilmember Thomas, and Councilmember Varner. Mayor Pro Tem Pruett was not present.

Mayor Vincent called for a motion to approve the May 4, 2023, City Council Workshop Minutes. Councilmember Stewart motioned and Councilmember Thomas seconded. There were five in favor. Those voting in favor were Councilmember Burt, Councilmember Reeves, Councilmember Stewart, Councilmember Thomas, and Councilmember Varner. Mayor Vincent abstained from voting as she was not present for the May 4 Workshop; and Mayor Pro Tem Pruett was not present at the meeting.

Mayor Vincent adjourned the meeting at 9:36 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 21, 2022; and a copy the meeting schedule was posted at City Hall and on the City's website, as required by law.