

MINUTES
CITY OF MCDONOUGH
CITY COUNCIL MEETING
CITY HALL – JULY 15, 2019
6:00 PM

The Regular Scheduled Meeting of the City of McDonough City Council was held on Monday, July 15 2019, at 6:00 p.m.

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

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

Mayor Billy Copeland	Present
Mayor Pro Tem Kamali Varner	Present
Councilmember Craig Elrod	Present
Councilmember Benjamin Pruett	Present
Councilmember Roger Pruitt	Present
Councilmember Rufus Stewart	Present
Councilmember Sandra Vincent	Present

Others in attendance were: City Administrator, Mr. Keith Dickerson; City Clerk, Ms. Janis Price; Attorney, Mr. Jim Elliott; Police Chief, Mr. Preston Dorsey; Fire Chief, Mr. Steve Morgan; Community Development Director, Mr. Rodney Heard; Finance Director, Mr. Mike Clark; Public Works Director, Mr. Ronnie Thompson; Executive Assistant, Ms. Euretha L. Olokodana; and Executive Assistant, Ms. Trisha Colpetzer.

Mayor Copeland called for a motion to approve the Agenda. Councilmember Stewart motioned and Councilmember Pruitt seconded. The vote was seven in favor.

Councilmember Pruett led the Pledge to the Flag.

The Reverend Bert Neal, Pastor of Wesley Chapel United Methodist Church gave the Invocation.

6. Consent Agenda

- A. Approval to allow Southern Flow, Inc.to replace the existing radio telemetry equipment at the Water Treatment Plant. This upgrade is needed because the equipment is currently nonfunctional. The \$69,723.00 cost will be paid from the Water Treatment Plant budget.
- B. Approval of an Administrative Variance by the Community Development Director for the applicant, Alpesh Patel, on behalf of Homewood Suites. Development/Project: Homewood Suites (231 Avalon Court)
Request(s): Said application is for the following item pertaining to “As-built Conditions” -

#190701 Front Yard Setback: Reduction from 40' to 37', within the 10% reduction threshold allowed by Chapter 17.96, to the subject property per as-built conditions. CDD Recommendation: Approval (Refer to 07/03/19 stamped documents) City Code Section(s): 17.96.020 and 18.07.090

Mayor Copeland called for a motion to approve the Consent Agenda. Councilmember Pruitt motioned and Councilmember Stewart seconded. The vote was seven in favor.

7. Public Comments

Ms. Leslie Erwin, Attorney, regarding 49 Hampton Street

Ms. Erwin did not attend the meeting.

City Administrator Mr. Keith Dickerson discussed the proposed rollback of the millage rate to 3.806:

- Advertised full rollback on millage rate from 4.083 to 3.806
- Rollback of 3.95%
- City of McDonough is the first in Henry County to break \$1,000,000,000 assessed value in the Digest

Mr. Dickerson also reviewed some of the budget process for the citizens in attendance at the meeting:

- Department Heads put together their individual budgets and “wish list” items
- Finance Director and City Administrator review the information with Departments
- Capital Items have been purchased in recent years
- Taxes are a secondary income to Local Option Sales Tax (LOST)
- City has a large enough tax base to possibly increase the Moody’s Rating
- Budget is reviewed annually and brought before Mayor and Council for approval

Mayor Copeland opened the Public Hearing.

1. Ms. Annette O’Banion spoke in favor:

- Ms. O’Banion has been a business owner in the City for 21 years
- Thank you for a tax cut

No one spoke in opposition.

Mayor Copeland closed the Public Hearing.

Mayor Copeland called for a motion to approve the Ordinance to adopt the 2019 Millage Rate for the City of McDonough, at 3.806. Councilmember Vincent motioned and Councilmember Stewart seconded. The vote was seven in favor.

9. Community Development Items

Mr. Rodney Heard A.

Case Number: 190506 **ForCAST Real Estate Development (Matt**

Boone)

City Council District: 4, CM Kam Varner

Address/Location: NE Quadrant of Exit 218, I-75 Corridor (East Activity Center Node)

1.68 +/- total acres per assembly of identified tracts

Petition Request: Annex with Lateral Rezoning to C-2 (Central Commercial) –
City Land Lot(s) 162 of the 7th District
Existing Zoning: C-2 (General Commercial) - County
Tax Parcel ID: 075-01017000 & 075-01018000
MPC Workshop (06/11/19) MPC Public Review (07/09/19)
MCC Workshop (07/01/19)
MCC Public Hearing (07/15/19) for Annexation
MCC Public Hearing (07/15/19) for Zoning

Community Development Director, Mr. Rodney Heard reviewed case number 190506, for annexation with lateral rezoning to C-2 (Central Commercial) - City. The Applicant, Mr. Matt Boone was in attendance at the meeting. He addressed Mayor and Council regarding the proposed project, and some discussion ensued:

- Proposed redevelopment of the Old Ruby Tuesday's site
- Goal is to create a first-class retail opportunity
- Designed to increase circulation and car access around the site
- Sidewalks are included in the site
- Mr. Boone is not able to publically disclose tenant information at this time, but he would be happy to meet with Mayor and Council in a non-public forum to answer any questions
- Proposed plans to develop the adjacent Waffle House site
- Mix of a retail/restaurant and service tenants
- There is an automotive service component to the project
- Design standards are better in the City
- Total investment to develop both parcels is approximately \$7.5 million

Mayor Copeland said he understood that there is a non-disclosure agreement involved; however, he is not comfortable not knowing what development is being considered for the property. Mr. Boone reiterated his willingness to share the information with Mayor and Council in a non-public forum. Discussion ensued.

Councilmember Vincent asked Attorney Jim Elliott if the City would have any opportunities to provide further input if the parcel is annexed; and Mr. Elliott said that if the property is annexed, all permitted uses within the C-2 zoning will be available to the property owner. Mr. Heard pointed out that prior to any construction, a Master Development Plan would be utilized to layout the buildings, connectivity points and parking areas. Discussion continued.

Mayor Pro Tem Varner said that she has received numerous phone calls from concerned citizens who are not interested in having another automotive service building in McDonough; therefore, she was not comfortable with voting on the annexation at the meeting.

Mayor Copeland opened the Annexation Public Hearing.

1. Ms. Annette O'Banion spoke in favor:
 - Property is currently zoned C-2 in the county

- Corridor looks terrible on that side of the road as it is
- City would have an opportunity to have some control with annexation
- At this point, the Developer can put whatever they would like with the current zoning with the County

Ms. Carolyn Ingram spoke in opposition:

- Not a City resident but lives in Henry County
- Troubled by secrets about projects
- Counted more than 40 oil change facilities in McDonough on Google

Mr. Jonathon Bergan spoke in opposition:

- We need more sit-down places
- We do not need another oil change place in McDonough
- A better option would be a Cheesecake Factory

Ms. Vanessa Thomas spoke in opposition:

- What is the rush?
- We don't need another automotive place
- Ms. Thomas moved to be within the City of McDonough
- Please delay your decision

Mayor Copeland closed the Public Hearing.

Mayor Pro Tem Varner motioned to postpone the decision on annexation to the August 1, 2019 City Council Workshop Meeting; and Councilmember Vincent seconded. The vote was seven in favor.

Prior to the vote, Councilmember Vincent asked that a meeting be planned with the Applicant and Mayor and Council to discuss the details of the proposed project.

Mayor Copeland confirmed with Mr. Elliott that no public hearing would be needed on the rezoning at this time.

B. Project Status Update (Edits per discussions at 07/01/19 MCC Workshop)

CDD Economic Catalyst & Sustainability - Town Center & Main Street Districts

Element: Exterior Façade & Streetscapes - Public Art Programming

- Review of modifications to the duties of the Committee emphasizing the role as advisors providing recommendations and guiding/shepherding projects via administration of the Public Art Program per direction of the City Council.
- Addition of "Cultural" to the Design Themes for city's Public Art Portfolio

- Continued study of the Town Center (2040 HC & Cities Joint Comp Plan) & Main Street District (2018 Update) to outline a matrix for determination of additional Public Art sites with thematic designs that align with the city's Quality of Life & Beautification Programs.

Mr. Heard presented information about the Project Status Update relative to Exterior Façade & Streetscapes – Public Art Programming. He discussed forming an advisory committee to provide guidance for art projects within the City:

- Consider forming an advisory committee to the City Council
- Projects will be guided by the City Council
- Focus is to guide developments towards successful outcomes
- Added Cultural under design themes
- Mr. Heard presented an example of more public art that has been constructed in the City, which could be construed as a structure on a concrete base; and as such it does not fall within the guidelines of the City Code, Title 17
- Guidelines will offer checks and balances

Councilmember Vincent suggested researching the processes of other Cities who are erecting statues and constructing public art. She also suggested looking at the public safety concerns from the outset in order to provide proper guidance to artists moving forward.

Councilmember Elrod reiterated the need to have something in place to provide guidance in art projects, and Mr. Heard said he plans to bring it back at the next Workshop meeting. Councilmember Vincent said that a Public Arts Ordinance had been discussed approximately four years ago, and she said that Ordinance needs to be on the books.

This item will come back for further consideration at the August 1, 2019, City Council Workshop.

City Responses to Objection of Annexations by Henry County BOC

C. Case 180733 Village at McDonough Parkway, Double Eagle Land Development

C-1 (Neighborhood Commercial) & R-3 (Single Family Residential, detached) - County to RM-75 (Multi-Family Residential) & RTD (Residential Townhome District) – City

Mr. Heard discussed the County's objection to the proposed annexation in case 180733:

- The City received an objection to annexation from the County
- Packet includes a proposed acknowledgement of the County's objection, but does not waive the City's rights in the processes for consideration
- Applicant can reevaluate the design layout with a focus on conservation to align with the City's vision
- Applicant will have to go through the entire process with the City

Discussion ensued. Councilmember Vincent shared her concerns that it could appear that the City has blessed the project, and her understanding is that the public has no interest in this project. She said as the representative of District 2, she is uncomfortable because it has the feel of going under the radar.

Councilmember Elrod questioned if an acknowledgement is required, and Mr. Dickerson stated that the City needs to clarify its stance on the proposed project. Councilmember Pruett questioned why a rebuttal would be necessary. Mr. Heard explained that the acknowledgement is simply part of the process to acknowledge the County's position while reserving the City's right to deny the annexation.

Councilmember Vincent said that as the District 2 representative, she cannot support the project as presented; and she asked what the appropriate response would be at this time. Mr. Elliott advised that no action would be necessary if the City chooses not to move forward with the project as presented; alternatively, he said the issue could be resolved with a motion to reject the proposed project.

Councilmember Vincent motioned for the City to reject the proposed resolution by Double Eagle Land Development and Henry County regarding the proposed land use as it relates to the Village at McDonough Parkway, in case number 180733; and Councilmember Pruett seconded. The vote was seven in favor.

D. Case 190205 Campground Road Development, General Holdings Unlimited LLC

R-1 (Single Family Residential, detached) - County to R-75 (Single Family Residential) - City

Councilmember Elrod stated the request for case number 190205, for annexation into the City. He said that the purpose of the discussion is to allow the Applicant to restart the annexation process.

Councilmember Elrod motioned to send approval to the County and the Developer to restart the annexation process in case number 190205; and Councilmember Stewart seconded. The vote was seven in favor.

Mr. Dickerson discussed a proposed Downtown Entertainment Ordinance:

- Allow business owners who are licensed to sell alcohol, to dispense 16-ounce alcoholic beverages into designated cups
- Patrons could carry the alcoholic beverages out onto the sidewalks within the district area, but not onto the City Square
- The Square is leased from the County
- Henry County parks do not allow alcohol

Councilmember Elrod asked about any cities closer to the size and geography to McDonough who have this type of allowance in place. Mr. Dickerson said that some

cities like Stockbridge and Newnan have allowances for alcohol in specified areas during designated times.

Councilmember Elrod reviewed the proposed ordinance which would include allowing these types of alcohol sales Monday through Saturday until 11:00 p.m., with no sales on Sundays. Alcohol would have to be purchased by a licensed business owner, dispensed into a designated 16-ounce cup, and patrons would be confined to specified areas within the Downtown Entertainment District.

Councilmember Vincent questioned how to police or prevent people from entering the center square with alcohol. Mr. Dickerson said there would have to be an agreement with the County regarding the city square.

Mayor Copeland agreed that there would be hardships in policing alcohol on the square, and he shared his concerns about the example this may set for McDonough. He said he has researched 24 other cities with Entertainment Districts with varying results, and he would like more time to think about the proposed Ordinance. Councilmember Vincent added that the City would need to ensure that no state laws would be violated by establishing an entertainment district in the proximity of any place of worship.

Councilmember Pruett said he has received a tremendous response from business owners who support establishing a Downtown Entertainment District, and he asked about other options for consideration. Mr. Dickerson said that a special-use permit may be an option to consider.

Councilmember Pruitt said that policing is also a concern for him. He said that once the can of worms is opened, we can't go back. He said he would prefer considerations for special events instead of opening it up year-round.

Councilmember Elrod said he believes it would be worth studying how a special-use permit would work. He said he realizes that the topic is controversial and the Council should not snap to make a decision. He said he would like to gather more information and get additional feedback, and he stressed the importance of continuing to work on the options for the Downtown Entertainment District.

Councilmember Stewart wanted to make sure that the children in the City are protected.

This discussion will come back for further consideration at a later date.

Mayor Copeland called for a motion to approve the July 1, 2019, City Council Workshop Minutes. Councilmember Pruitt motioned and Councilmember Elrod seconded. The vote was six in favor. Those voting in favor were Mayor Copeland, Councilmember Elrod, Councilmember Pruett, Councilmember Pruitt, Councilmember Stewart and Councilmember Vincent. Mayor Pro Tem Varner did not vote because she was not in attendance for the July 1, 2019 Workshop.

12. **Unscheduled Public Comments**

(1.) Mr. Tyron Williams, Georgia Elite Sports

- Thank you to Mayor Pro Tem Varner and Mr. Dickerson for your support
- Summer Series reading program is ongoing at the library
- Just returned from Vision trip to Space Museum in Huntsville, AL
- Just completed the three-on-three basketball tournament
- We have record numbers of NFL flag football players
- Mr. Williams presented photographs of fencing problems and he asked that something be done to repair the damage
- Cars are being driven onto the fields causing damage
- This is the only park in the County without a way to lock the fields up
- He also asked if the area could be patrolled more often to make sure the fields are better protected

Mayor Copeland said that he would ask Mr. Dickerson to look into the issues with the fence.

(2.) Ms. Annette O'Banion

- Does the City have a list of high priority targets of properties to annex?
- Would like for the City to keep a living list of properties it would like to annex
- Ten years ago and beyond, people have been drinking alcohol at events on the square
- With an Entertainment District, at least the City would have some control
- Please consider the price of a special-use permit for business owners
- Congratulations on SPLOST list, and thank you for making it about 87 percent public safety and transportation

Mr. Dickerson said that there is no actual list but there are areas selected to be considered for annexation relative to the Comprehensive Plan. There is a list of areas that were considered for annexation for improvements, but there are also commercial possibilities that should be considered.

13. **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 Copeland called for a motion to go into Executive Session for Litigation, O.C.G.A. 50-14-2. Councilmember Pruitt motioned and Councilmember Elrod seconded. The vote was seven in favor.

Mayor Copeland called for a motion to go back into Regular Session. Councilmember Stewart motioned and Councilmember Pruitt seconded. The vote was seven in favor.

Mayor Copeland said there was one Action Item to report from Executive Session. Councilmember Pruett motioned to approve the Resolution to authorize the City of McDonough, Georgia to adopt a Capital Improvement Project List to be funded through the implementation of a one percent (1%) SPLOST as permitted by Georgia Law, as set forth in O.C.G.A. § 43-8-110 ET SEQ.; authorizing the Mayor and Clerk of the City of McDonough to execute the Intergovernmental Agreement concerning the distribution of the SPLOST proceeds. Councilmember Elrod seconded. The vote was seven in favor.

Ms. Price said that the tentative date for the quarterly HMA Dinner to be hosted by the City of Locust Grove is August 15, 2019.

There were no further comments.

Mayor Copeland called for a motion to adjourn. Councilmember Stewart motioned and Councilmember Pruitt seconded. All stood in favor.

The meeting adjourned at 9:08 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 schedule was published in the *Henry Herald* on December 26, 2018; and a copy the meeting schedule was posted at City Hall and on the City's website, as required by law.