



MINUTES
CITY OF MCDONOUGH
CITY COUNCIL MEETING
CITY HALL – 136 KEYS FERRY STREET
FEBRUARY 15, 2021
6:00 PM

The Regular Scheduled Meeting of the City of McDonough City Council was held on Monday, February 15, 2021, at 6:00 p.m.

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

Mayor Copeland confirmed with the City Clerk that the meeting was properly advertised.

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

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

Others in attendance were: City Administrator, Mr. Preston Dorsey; City Attorney, Mr. Jim Elliott; City Clerk, Ms. Janis Price; Major Paul Honcharik; Deputy Fire Chief, Mr. Dave Williams; Finance Director, Mr. Mike Clark; Public Works Director, Mr. Ronnie Thompson; Building Official, Mr. Mark Dobson; Community Development, Ms. Tina Tebo; and Network Administrator, Mr. Brian Linton.

Mayor Copeland called for a motion to approve the Agenda subject to the deletion of Item 6A and the postponement of Item 9C. Councilmember R. Pruitt motioned and Councilmember Stewart seconded. The vote was five in favor. Those voting in favor were Mayor Copeland, Councilmember B. Pruett, Councilmember R. Pruitt, Councilmember Stewart and Councilmember Vincent. Mayor Pro Tem Elrod and Councilmember Varner were not present at the meeting.

Councilmember B. Pruett led the Pledge to the Flag; and the Reverend Doctor Bert Neal, Pastor of Wesley Chapel United Methodist Church gave the Invocation.

6. Consent Agenda

Community Development

A. Approval of a Development Agreement between the City of McDonough and

TRG Geranium Park, LLC which includes Exhibit A, Exhibit B, Exhibit C, and Exhibit D; authorization for the Mayor to sign the document.

- B. Approval of a contract between City of McDonough and McLeRoy, Inc. for the construction of the Jonesboro Road Park at a cost of \$640,000.00 plus 10% contingency; authorization for the Mayor to sign contract/agreement and other related documents.
- C. Adoption of a Resolution to amend/eliminate zoning districts that accommodate the development of multi-family housing within the City limits by repealing City's Zoning Ordinance, Sections 17.40, 17.44 and 17.48.
- D. Approval of Councilmember Varner's appointees:

Stanley Head	Planning Commission
Vanessa Thomas	Board of Zoning Appeals
Sylvia Holmes	Historic Preservation Commission

Public Safety

- E. Approval to purchase for the Fire Department a 2021 Chevrolet Tahoe from Bellamy Strickland for \$48,150.00 which will be paid from Impact Fees; Authorization for the Mayor to sign all related documents.

Mayor Copeland called for a motion to approve the Consent Agenda with the deletion of Item 6A. Councilmember Stewart motioned and Councilmember R. Pruitt seconded. The vote was five in favor. Those voting in favor were Mayor Copeland, Councilmember B. Pruett, Councilmember R. Pruitt, Councilmember Stewart and Councilmember Vincent. Mayor Pro Tem Elrod and Councilmember Varner were not present for the meeting.

Ms. Price read the Proclamation for Career and Technical Education Month. Ms. Emily Cheng and Ms. Nidi Ramon were in attendance for the meeting to accept the Proclamation. Ms. Cheng read a brief presentation about the Health Occupations Students of America Organization (HOSA).

Ms. Price read the Proclamation for National FFA Week and presented it to two student representatives from Eagle's Landing Middle School and Eagle's Landing High School, who were in attendance for the meeting. Both students thanked Mayor and Council for their support of the Future Farmers of America.

Mayor Copeland called for a motion to make the Proclamation for Career and Technical Education Month and the Proclamation for National FFA Week an official part of the minutes of the meeting. Councilmember Stewart motioned and Councilmember R. Pruitt seconded. The vote was five in favor. Those voting in favor were Mayor Copeland, Councilmember B. Pruett, Councilmember R. Pruitt, Councilmember Stewart and Councilmember Vincent. Mayor Pro Tem Elrod and Councilmember Varner were not in attendance for the meeting.

Mr. Eddy Smith discussed tax collections for the City of McDonough by the Henry County Tax Commissioner's Office. He reviewed information that was provided to him

through an Open Records Request with the County relative to the tax collections for the City. Some of the information he shared is listed as follows:

- The Tax Commissioner has not had discussions with any member of the McDonough City Council regarding the 1.5% withheld of collected City taxes.
- The original negotiations for this agreement took place over 20 years ago and has been in place and remained unchanged since that time.
- The agreement is in accordance with current state laws.
- There are no limits as to what these dollars can be used for.

Discussion ensued. Mayor Copeland pointed out that the fee is optional and that some 48 County Tax Commissioners in Georgia do not accept fees for collecting City taxes. He also noted that there was a time when the fee was eliminated for the City of McDonough through negotiations with the County when Former Mayor Richard Craig was in office.

Councilmember Vincent confirmed for the record that the City of McDonough does not make a direct payment to the Tax Commissioner; and that the County reduces the City's net tax payment by the 1.5% that is collected for City taxes. Further she added that the funds that the Tax Commissioner receives for collecting the City's taxes is significantly less than what it would cost the City to employ the staff and obtain the software it would require to do so. She suggested that there needs to be a direct conversation with the Tax Commissioner regarding any concerns related to tax collections and find out if there is an opportunity to negotiate the percentage for collecting City taxes.

City Administrator Mr. Preston Dorsey said he has spoken with Henry County Tax Commissioner Mr. Michael Harris related to the use of the funds issued for collecting taxes for the City of McDonough. Mr. Harris said the funds are used for birthday parties, college tuition reimbursement, staff bonuses and office supplies, adding that he is following suit with the practices of the previous Tax Commissioner.

- 9. Community Development Items** **Mr. Eric Pitts**
Preliminary Plat Review, Chapter 16.12 Procedure, Section 16.12.060
(A-D)
Applicant(s): Blue River Development
CC District 3: Craig Elrod
Petition Request: Approval of Preliminary Plat
Development: Barrett Farms Subdivision
Location: Lake Dow Road (Parcel #123-01025000)
Zoning: R-75 (Single Family Residential) with conditions per ORD #19-05-02001(A)(Z)

Ms. Tina Tebo with the Community Development Department discussed the preliminary plat review for the proposed Barrett Farms Subdivision. Building Official, Mr. Mark Dodson was also in attendance for the meeting, and he noted that there have been multiple reviews for this project, which have been approved by staff.

Mr. John Palmer was in attendance on behalf of the Applicant, and he briefly addressed Mayor and Council about the proposed project. Some discussion ensued. Councilmember Vincent shared concerns about voting on the proposed project in District 3, without Mayor Pro Tem Elrod being present. During the conversation, Mayor Pro Tem Elrod sent an electronic message to Mr. Preston Dorsey advising that he has no objection with the case moving forward.

Mayor Copeland called for a motion for approval of the preliminary plat. Councilmember B. Pruett motioned. No second to the motion was made. The motion died. This item will come back for consideration at the March 4, 2021, City Council Workshop.

B. Administrative Variance Request

Applicant: Chad McElroy on behalf of TGC Group

CC District 4: Kam Varner

Development/Project: Extended Stay America (Avalon Ct.)

Request(s): Variance for a four (4) story hotel with an average roof surface height to be 42' 9 1/4".

CDD Recommendation: Approval (Refer to 12/22/2020 stamped documents)

City Code Section(s): 17.96.020

Zoning: C-3 w/conditions per ORD #20-01-21001(Z)

Ms. Tebo briefly reviewed the Administrative Variance Request. Mr. Eric Pitts was not present in person; however, he called in for the meeting via telephone. Mr. Pitts said that the request has been reviewed and that it falls within the allowable variance.

The Applicant, Mr. Chad McElroy was present on behalf of TGC Group, and he briefly addressed Mayor and Council regarding the request for variance for a four-story hotel with an average roof surface height to be 42' 9 1/4".

Mayor Copeland called for a motion on the variance request, and no motion was put forth.

This item will come back for consideration at the March 4, 2021, City Council Workshop.

C. Case Number: 190302 (Rezoning)

City Council District 3: CM Craig Elrod

Address/Location: North Racetrack Road & East Travis Dr.

Petition Request: Blue River Development for Symphony Park

Request: To rezone property from RA-200 (Residential Agricultural) to R-50 (Single Family Residential), RTD (Residential Townhouse District), RM-75 (Multi-Family Residential) and 1.5 +/- acres allocated for development of a Public Safety Facility.

Existing Zoning: RA-200 (Residential Agricultural) with conditions per ORD #04-09-13001(A)(Z)

Tax Parcels ID(s): 107-01034000, #107-01001000 & #107-01034001)

Land Lot(s) 153 of the 7th District

107.88 +/- total acres
MPC Workshop (9/15/20) SPECIAL CALLED
MPC Public Review (10/13/20)
MCC Workshop (10/1/20)
MCC Public Hearing (10/19/20) POSTPONED
MCC Public Hearing (11/16/20) POSTPONED
MCC Public Hearing (12/14/20) POSTPONED
MCC Public Hearing (1/19/21) POSTPONED
MCC Public Hearing (2/15/21)

This item was postponed at the request of the Applicant until the March 4, 2021, City Council Workshop.

D. Case # 200703

District 2: CM Sandra Vincent

Brent Benson for Highway 42 Townhomes

Address: Hwy. 42 N. & McDonough Pkwy.

Request: To rezone property to RTD (Residential Townhouse District).

Zoning: C-3 (Highway Commercial) with conditions per Ordinance #03-12-290003(A)(Z) & #03-12-290004(A)(Z)

Land Lot(s) 93, 100 & 101 of the 7th District

6.49 +/- total acres

MPC Workshop (10/13/20)

MPC Public Review (11/10/20) *SPECIAL CALLED*

MCC Workshop (11/5/20)

MCC Public Hearing (11/16/20)

MCC Vote (12/14/20) POSTPONED

MCC Vote (01/04/21) POSTPONED

MCC Vote (01/19/21) POSTPONED

MCC Vote (02/15/21)

Councilmember Vincent stated that she has received several concerns from citizens related to the proposed townhome project, which those citizens would like to share directly with the Developer. Mr. John Palmer was in attendance on behalf of the Applicant, and he said he will be happy to meet with Ms. Vincent as well as any citizens regarding their concerns. He asked that the proposed project be placed on the March 4, 2021, City Council Workshop Agenda.

This item will come back for consideration at the March 4, 2021, City Council Workshop.

Finance Director Mr. Mike Clark introduced Mr. Bill Ross with Ross & Associates, who discussed the Capital Improvements Element Update for the City of McDonough. He said that this is an annual report which is a summary of the financial situation from the past year, along with a Work Program that sets out proposed uses for Impact Fees over the next five years. Mr. Ross said that impact fees are built-in costs for new

developments which are paid by builders when building permits are obtained, and that those costs are ultimately passed on to the purchaser of the property.

Mayor Copeland opened the Public Hearing. Ms. Vanessa Thomas commented that the City needs to be mindful of any fees being passed on to homeowners. Mr. Clayton Cart shared concerns that the City of McDonough does not collect transportation impact fees, and he suggested that collecting transportation fees should be considered moving forward. After the Mayor asked if anyone else would like to speak during the public hearing and no one responded, he closed the Public Hearing.

Councilmember Vincent offered the clarification that impact fees are passed on to homeowners at the time of purchase and are built in to the total costs of the home or property.

Mayor Copeland called for a motion to approve the adoption of a Resolution authorizing the transmittal of the Draft Annual Update Report for 2020, for the City's Capital Improvement Element related to the City's Impact Fee Program to the Atlanta Regional Commission (ARC), for regional and state review. Councilmember R. Pruitt motioned and Councilmember Vincent seconded. The vote was five in favor. Those voting in favor were Mayor Copeland, Councilmember B. Pruett, Councilmember R. Pruitt, Councilmember Stewart and Councilmember Vincent. Mayor Pro Tem Elrod and Councilmember Varner were not in attendance for the meeting.

Mayor Copeland called for a motion to approve the February 4, 2021, City Council Workshop Minutes. Councilmember Stewart motioned and Councilmember B. Pruett seconded. The vote was four in favor. The motion passed. Those voting in favor were Councilmember B. Pruett, Councilmember R. Pruitt, Councilmember Stewart and Councilmember Vincent. Mayor Copeland did not vote as he was not in attendance for the February 4, 2021, City Council Workshop. Mayor Pro Tem Elrod and Councilmember Varner were not present at the meeting.

Councilmember Vincent discussed the continuing crisis as it relates to the Coronavirus, and she shared her concerns over the continuing spread of the virus in the City of McDonough. She discussed the need for all citizens to adhere to mask-wearing guidelines from the Centers for Disease Control (CDC), and she said business owners and their patrons should be mandated to utilize masks in an effort to circumvent further transmission of the virus. Ms. Vincent said that there have been too many deaths and serious illness in McDonough with the vaccine not readily available to all. She added that she has been working with Councilmember Stewart in an attempt to bring more vaccine sites to the City.

Councilmember Vincent further expressed continued concerns relative to holding public meetings in lieu of virtual meetings during the pandemic. She said it is important for leaders to lead in a time when people are fearful. She said the City should be holding

virtual meetings now that Zoom calls and other virtual meeting platforms are being utilized for other purposes. She also said she would like to enlist assistance from an epidemiologist on how to deal with “hot spots” in the City, since the numbers are rising despite having the current measures in place as guided by the CDC.

Mayor Copeland said that the City has taken many measures to ensure that citizens are aware to wash their hands, social distance and wear their masks to prevent the spread of the virus; however, he does not believe that can be mandated. He said that it is a personal responsibility within the hearts of citizens to protect themselves as well as others, and that he too is very troubled by the hot spots in the City.

Mayor Copeland noted that for the first time in four months, the numbers of cases had slowed in the previous week; and that he hoped we are now headed in the right direction. He also offered that Publix will now be offering vaccines to those who are eligible to receive it, as well.

Councilmember Vincent said that conversations about how to deal with the virus need be held among Council about strategies on how to move forward; and that has not happened. She said that although she has a career in Public Health, she does not believe she is being heard on this issue. She said that as the leaders of McDonough, it is the City Council who will be held accountable for how this pandemic is handled.

There were no unscheduled public comments.

Mayor Copeland called for a motion to go into Executive Session for Litigation O.C.G.A. 50-14-2, and for Personnel O.C.G.A. 50-14-3(b)(2). Councilmember R. Pruitt motioned and Councilmember Stewart seconded. The vote was five in favor. Those voting in favor were Mayor Copeland, Councilmember B. Pruett, Councilmember R. Pruitt, Councilmember Stewart and Councilmember Vincent. Mayor Pro Tem Elrod and Councilmember Varner were not present for the meeting.

Mayor Copeland called for a motion to go back into the Regular Meeting. Councilmember R. Pruitt motioned and Councilmember Stewart seconded. The vote was five in favor. Those voting in favor were Mayor Copeland, Councilmember B. Pruett, Councilmember R. Pruitt, Councilmember Stewart and Councilmember Vincent. Mayor Pro Tem Elrod and Councilmember Varner were not present for the meeting.

Councilmember Vincent motioned to approve the appointment of Mr. Tim Haley as the Solicitor of the Court, and Ms. Andrea Boyd as Solicitor Pro Tem. Councilmember Stewart seconded. The vote was five in favor. Those voting in favor were Mayor Copeland, Councilmember B. Pruett, Councilmember R. Pruitt, Councilmember Stewart and Councilmember Vincent. Mayor Pro Tem Elrod and Councilmember Varner were not present for the meeting.

Councilmember Stewart motioned to appoint Mr. Charles Reese, as the Community Development Director, at a salary of \$90,000.00. Councilmember R. Pruitt seconded. The vote was four in favor and one in opposition. The motion passed. Those voting in favor were Councilmember B. Pruett, Councilmember R. Pruitt, Councilmember Stewart and Councilmember Vincent. Mayor Copeland voted in opposition. Mayor Pro Tem Elrod and Councilmember Varner were not present for the meeting.

Ms. Price said that notifications have been sent out that due to warnings of black ice from the National Weather Service, City Hall will open at 10:00 a.m., in the morning.

Councilmember Vincent thanked the City staff and all of the volunteers who made the Clean-Up Day in District 2, on February 6, 2021, a tremendous success. She said that the items collected ranged from old tires to furniture and trash, that filled a 30-yard container from Republic. She said that dumping has become a significant issue in the area, and that she will be discussing a scrap tire Ordinance with the City Attorney in the near future.

Councilmember Stewart also commented on the continuing Covid-19 pandemic, and he said there a need educate the public and to lead by example.

Mayor Copeland also talked about the success of the District 2 Clean-Up Day, and he applauded Councilmember Vincent for her efforts and the success of the event.

Mayor Copeland adjourned the meeting at 8:04 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 30, 2020; and a copy of the schedule was posted at City Hall and on the City's website, as required by law.