

MINUTES*
CITY OF MCDONOUGH
REGULAR COUNCIL MEETING
MAY 1, 2006
7:00 PM

* Minutes are unedited and unofficial.

The regular City Council meeting was held on May 1, 2006, at 7:00 pm with the following members present:

Mayor:	Billy Copeland
Councilmembers:	Monta Brown
	Gail Notti (arrived at 7:15 pm)
	Gina Riffey
	Wayne Smith
	Rufus Stewart
	Sandra Vincent

Mayor Copeland called the meeting to order at 7:00 pm.

Councilmember Stewart gave the invocation and Councilmember Brown lead the pledge to the flag.

Mayor Copeland announced that EDAW will give a public presentation of the plans for the expansion of Alexander Park on May 15, 2006, at 5:00 pm, prior to the regular 7:00 pm Council meeting.

Mayor Copeland asked for a motion for approval of the agenda for the meeting. The motion was made by Councilmember Brown and seconded by Councilmember Smith. The vote was five in favor.

Mayor Copeland asked if there were any changes to the minutes of March 23, 2006. No changes were made. The motion to approve the minutes was made by Councilmember Stewart and seconded by Councilmember Brown. The vote was four in favor with Councilmember Riffey abstaining from voting because she was not present at the March 23 meeting.

Mayor Copeland recognized the Henry County High School NJROTC Air Rifle Team for their first placing in the Naval Division of the Civilian Marksmanship Program National JROTC Air Rifle Championship at Fort Benning with a proclamation and individual certificates.

Mayor Copeland asked Mr. Lee to give a report on the recommendation for Zapollis Pizzeria's request for an alcohol license. Approval of the request was recommended. The motion to approve the license was made by Councilmember Brown and seconded by Councilmember Stewart. The vote was five in favor.

Mayor Copeland asked for a motion for approval of the consent agenda.

Mr. Lee reported that Rodney Heard, Community Development Director, had requested that consent agenda item eight, Little Deer Trail, be removed from the consent agenda because he had not received all paperwork on the item.

The motion to remove consent agenda item eight, Little Deer Trail, and to hear the item during the May 15, 2006, meeting was made by Councilmember Brown. Councilmember Smith seconded. The vote was five in favor.

The motion to approve the seven remaining items on the consent agenda was made by Councilmember Stewart and seconded by Councilmember Brown. The vote was five in favor.

Mayor Copeland asked Mr. Lee to give a report on the Department Organization Ordinance. Mr. Lee asked Mr. Scott Bennett, City Attorney, to speak on the matter. Mr. Bennett reported that the ordinance had been reviewed and two changes had been made. The motion to approve the Department Organization Ordinance was made by Councilmember Smith and seconded by Councilmember Brown. Council Member Vincent asked if Mr. Heard had reviewed the ordinance in its entirety; Mr. Bennett answered yes. Councilmember Smith asked if Mr. Lee's comments had been addressed; Mr. Bennett answered yes. Councilmember Riffey asked for the title of the ordinance to be read into the minutes. The vote to approve was six in favor.

Mayor Copeland announced that some modifications were being made to the Wireless Internet project. The item was moved to the May 15, 2006, meeting.

Mr. Julius Ross, from the County, presented a summarized version of the Joint Comprehensive Plan and answered questions from the Council.

Councilmember Vincent made the motion to approve the transmittal of the resolution to the ARC and the Department of Community Affairs for comments and review. Councilmember Notti seconded. The vote was six in favor.

Mayor Copeland read from minutes of 2004 relative to no contract with a City Architect having previously been made. Mr. Lee had also read the minutes and agreed with the assessment. There was a discussion relative to the matter among the Mayor, Councilmembers, Mr. Bennett, and Mr. Lee.

Councilmember Notti made a motion to move forward with the HOK contract for 2006, with consideration for an in-house City Architect in the future. Councilmember Vincent

seconded the motion. The vote was five in favor and one opposed (Councilmember Smith.)

Mayor Copeland asked Mr. Lee to present the responsibilities of a Recreation Liaison. There was a discussion relative to the matter among the Mayor, Councilmembers, and Mr. Lee.

Councilmember Smith made a motion to approve Mr. Don Cardell, Mayor Copeland's recommendation, as a volunteer recreation coordinator. Councilmember Brown seconded the motion. The vote was six in favor.

Mr. Bennett presented a review of the trespassing ordinance, which he reports conforms to the State ordinance. The motion for approval of the ordinance was made by Councilmember Notti and seconded by Councilmember Stewart. Councilmember Riffey asked that the word military be removed from reference to grave markers so that the ordinance includes all markers. The vote to approve the ordinance, with the deletion of the word military, was six in favor.

Mr. Lee asked for all final plats listed on the agenda to be moved to the May 15, 2006, meeting. Councilmember Stewart made a motion for approval and Councilmember Notti seconded the motion. Councilmember Riffey asked the reason for the delay. Mr. Lee reported that there were minor issues that needed to be covered. Councilmember Smith said that he hoped delays in the future would be prevented in consideration of the applicants. The vote was six in favor.

Residential Development Petition(s);
Annexation with Rezoning with Variance(s) Petitions:

Gerald Hudgins and Mike Horne
Nail Drive and Nail Road vicinity
RA (County) to PUD (City)— RCD, RTD, and RM-75 with variance(s)
Land Lot(s) 177, 192, 208 of the 6th and 7th District
80.78+/- acres

Mike Horne spoke. Mayor Copeland opened the public hearing. Ms. Chris Rogers spoke in opposition. Mayor Copeland closed the public hearing. Councilmember Notti made the motion for approval of annexation of Nail Drive, property Land Lot(s) 177, 192, 208 of the 6th and 7th District, 80.78+/-acres. Councilmember Brown seconded the motion. The vote was five in favor and one opposing (Councilmember Smith.)

Non-Residential Petitions;
Annexation with Rezoning:

Vipul Patel
RM (County) to RTD (City) with Variance(s) (Townhomes)
Land Lot 156 of the 7th District (Hampton Street)
9.121 +/-acres

Mr. Heard reviewed the Community Development Department's recommendation for approval with stipulations. Mayor Copeland opened the public hearing. Ms. Chris Rogers, Mr. Robbie Robinson, Ms. Andi Robinson, and Mr. James Moss spoke in opposition. Mayor Copeland closed the public hearing. Councilmember Notti made a motion for approval of RM (County) to RTD (City) with townhome variance, Land Lot 156 of the 7th District (Hampton Street), 9.121+/- acres. There were no seconds of the motion and it died.

Councilmember Brown made a motion for approval of rezoning for apartments (RM-75). The motion was seconded by Councilmember Stewart. The vote was six in favor.

Annexations:

Kenneth Howell
Nail Drive
RA (County) to RA-200 (City)
Land Lot(s) 177 of the 6th district and 192 of the 7th District
31.055+/- acres

Mr. Heard reviewed the Community Development Department and the Planning Commission's recommendations. Mr. Howell spoke. Mr. Heard suggested that Mrs. Nan Lee work with Mr. Howell to make plans for the site. Mayor Copeland opened the public hearing and Ms. Chris Rogers spoke in opposition. Mayor Copeland closed the public hearing. Councilmember Notti made a motion for approval of the annexation of Nail Drive Land Lot(s) 177 of the 6th district and 192 of the 7th District, 31.055+/- acres. Councilmember Brown seconded the motion. The vote was six in favor. Councilmember Smith asked to be on record that he is concerned with the City limits being expanded without providing water and sewer services.

Mayor Copeland moved special use permits forward on the agenda.

Special Use Permit Request:

Marlon Zachery
Jesus Christ is Lord Ministries
15 Hampton Street
Zoned C-2
Land Lot 134 of 7th District
1.0+/- acres

Note: No Variances requested or advertised

Mr. Heard reviewed the Community Development Department's recommendation of denial based on review of criteria. Mr. Heard reported that the Planning Commission recommends approval with a one year duration stipulation. Councilmember Brown made a motion for approval of a one year special use permit with no variances, as advertised, for 15 Hampton Street. The motion was seconded by Councilmember Notti. The vote was six in favor.

Madeline Laruy
The Caring Place (d/b/a Walnut Creek Manor)
1033 Highway 155 North
Zoned O-I
Land Lot 70 of the 7th District
Tract A: 1.81+/- acres
Tract B: 3.19+/- acres
Note: No variances requested or advertised

Mr. Heard reviewed the Community Development Department's recommendation of denial for expansion. Mr. Heard reviewed the Planning Commission's recommendation for approval with staff recommendations. Ms. Madeline Laruy spoke. Mayor Copeland opened the public hearing. Mr. Robbie Robinson asked for a clarification of the recommendations by the Community Development Department and the Planning Commission. Mayor Copeland closed the public hearing. Councilmember Smith made a motion for approval with conditions of alternative plan. Councilmember Vincent seconded the motion. The vote was six in favor.

Zoning Modification with Variance:

Rainer Park
Bryan Street, Sloan Street, College Street
R-50 with conditions

Postponed until May 15, 2006. Mr. Heard gave a report relative to removal of dead trees in Rainer Park. He reported that a Community Development staff person would be present. Councilmember Brown made a motion to postpone the Rainer Park item until May 15, 2006. Councilmember Notti seconded the motion. The vote was six in favor.

Zoning Modification Request:

Randy Gibby
Iris Lake Subdivision
Racetrack Road and Iris Lake Road vicinity
RM-75 Conditional Use with conditions and variance(s)
Land Lot(s) 153 and 168 of the 7th District
23.887+/-acres

Mr. Heard reviewed the recommendations of the Community Development Department and the Planning Commission. Mr. Randy Gibby spoke and ask for permission to remove the landscape buffer for the purpose of having rear loading garages, as well as permission to have five foot set backs. Mayor Copeland opened the public hearing. Mr. Steve Starvro spoke in opposition. Ms. Chris Rogers asked for clarification on whether the entire development will have rear loading garages. Mayor Copeland closed the public hearing. There was a general discussion among the Councilmembers relative to the size of the amenities area. Councilmember Brown made a motion for approval of the zoning

modification with reductions, as stated in the packet. Councilmember Notti seconded the motion. The vote was six in favor.

Councilmember Vincent spoke about the responsibility of representing citizens by providing appropriate amenities.

Annexation:

Vipul Patel
Hampton Street
Land Lot 156 of 7th District
10.56+/- acres

Mr. Heard reviewed the recommendations of the Community Development Department and the Planning Commission. Mr. Vipul Patel spoke. Mayor Copeland opened the public hearing. Mr. Robbie Robinson asked for clarification of the location. Mayor Copeland closed the public hearing. Councilmember Smith made a motion for approval based on the recommendations of the Planning Commission. Councilmember Stewart seconded the motion. The vote was six in favor.

Non-Residential Petitions;
Annexation with Rezoning:

Vipul Patel
C-2 (County) to C-3 (City) (Village Retail)
Land Lot 156 of the 7th District (Hampton Street)
10.56+/- acres

Mr. Heard reviewed the recommendation of approval by the Community Development Department. He reported that the Planning Commission with master plan requirement and staff recommendations. Councilmember Stewart made a motion to approve the C-2 to C-3 rezoning of Land Lot 156 of the 7th District (Hampton Street), 10.56+/- acres. Councilmember Brown asked for the Planning Commission's recommendations of requiring a development master and concept plan and that there be no development prior to water and sewer connection being added to the motion. Councilmember Smith seconded the motion. The vote was six in favor.

Annexation:

Vipul Patel
261 Hampton Street
Land Lot 156 of 7th District
9.121+/- acres

Mr. Heard reviewed the recommendation of denial by the Community Development Department. Councilmember Vincent asked Mr. Patel if he would consider design changes; Mr. Patel answered yes. Mayor Copeland opened the public hearing. Mr. Robbie Robinson spoke in opposition. Mayor Copeland closed the public hearing. Councilmember Riffey made a motion to approve the annexation of Land Lot 156 of the

7th District, 9.121+/- acres. Councilmember Brown seconded the motion. The vote was six in favor.

Rezoning:

Vipul Patel
RM to RTD with variances
261 Hampton Street
Land Lot 156 of 7th District
9.121+/- acres

Mayor Copeland opened the public hearing. Mr. Robbie Robinson spoke in opposition. Councilmember Brown made a motion to approve rezoning to RTD with no variances and with master plan requirements, as well as conditions of the Community Development Department and the Planning Commission. Councilmember Stewart seconded the motion. The vote was six in favor. Councilmember Smith commented on the footprint of the area. He said that the physical restraints of the area will not allow for the proposed number of houses.

Rezoning:

Vipul Patel
RA-200 to C-3 (Village Retail)
Land Lot 135 of the 7th District (Highway 81 East)
12.160+/- acres

Councilmember Smith made a motion to postpone the item until May 15, 2006. Councilmember Stewart seconded the motion. The vote was six in favor.

James Withers
235 Bryan Street
RM-75 to O-I (Adaptive Re-Use)
Land Lot 134 of 7th District
0.50 acres

Note: No Variances requested or advertised

Mr. Heard reviewed the recommendation of denial by the Community Development Department. He reported that the Planning Commission recommended approval. Mr. James Withers spoke. Mayor Copeland opened the public hearing. Mr. Keith Thomas spoke in favor. Mr. Robbie Robinson asked for clarification on what is to prevent future changes to the lot. Mr. Withers explained that he wants a contingent that he not be allowed to make changes to the lot. Mayor Copeland closed the public hearing. Councilmember Smith spoke about concern in the community that rezoning will open the door for other rezonings. Councilmember Smith made a motion to approve RM-75 to O-I with the conditions that the law firm staff not exceed five employees and a master plan is required. Councilmember Riffey said that we would like to amend the motion to include the requirement of a report on adaptive reuse by the next Council meeting. Councilmember Smith declined amending his motion. Councilmember Riffey made a

substitute motion based on her amendment and Councilmember Notti seconded. The vote was four in favor and two opposing (Councilmembers Smith and Brown.)

Mayor Copeland announced that public comments would be moved up in upcoming agendas.

Mayor Copeland opened the meeting for public comments. Colonel Radcliffe spoke. Ms. Chris Rogers spoke.

Councilmember Stewart made a motion to go into Executive Session to discuss personnel litigation. Councilmember Smith seconded the motion. The vote was six in favor.

There were no reports out of executive session.

There being no further business, Mayor Copeland adjourned the meeting.