

MINUTES  
CITY OF MCDONOUGH  
CALLED COUNCIL MEETING  
JULY 10, 2006  
7:00 PM

The called meeting of the McDonough City Council was held on Monday, July 10, 2006 at 7:00 p.m. with the following members present:

Mayor:	Billy Copeland
Mayor Pro Tem:	Monta Brown
Councilmember:	Gail Notti
	Wayne Smith
	Rufus Stewart
	Sandra Vincent

Also present for this meeting were City Administrator, James Lee; City Clerk, Janis Price; City Attorney, Scott Bennett; Court Director, Elaine Moore; Fire Chief, Don Crowell; Police Chief, Preston Dorsey; Economic Development Nan Lee; Mayor's assistant, Leslie Balog; Tourism Director, Leslie Chrysler; Wanda Ricks, Iris Sullivan.

Mayor Copeland opened the meeting at 7:00 p.m.

The invocation was given by Councilmember Stewart and Councilmember Vincent led the Pledge to the Flag.

Mayor Copeland asked for the agenda to be amended with the addition of 9A relative to swearing in the Municipal Court Judge and the Judge Pro Tem. Councilmember Vincent asked for the Planning Commission appointment to be added to the agenda. Rodney Heard, Community Development Director, asked for the following item to be added to the agenda: Wildwood at Avalon, and for the following items to be deleted from the agenda:

- Wesley Lakes
- Avalon Development
- Tomlinson Estates

Councilmember Brown motioned to approve the agenda as amended and Councilmember Stewart seconded the motion. The vote was five in favor. Those voting were Councilmember Brown, Councilmember Notti, Councilmember Smith, Councilmember Stewart, and Councilmember Vincent.

Mayor Copeland asked for the approval of the minutes of the May 1, 2006 and the June 16, 2006 meetings. Councilmember Stewart motioned to approve the minutes and Councilmember Brown seconded. The vote was five in favor. Those voting for were Councilmember Brown, Councilmember Notti, Councilmember Smith, Councilmember Stewart and Councilmember Vincent.

Mayor Copeland asked Mr. Lee, City Administrator to present the following Consent Agenda of items from the Workshop Session on June 29<sup>th</sup>, 2006:

1. Heritage Senior Center Swimming Pool Project with the County— proceed with plans subject to the agreement made by the previous administration and Council which gave approval to a 50/50 split of project cost, not to exceed \$250,000.
2. Resolution relative to changing the name of Maxwell Street to Lawrenceville Street.
3. Installation of street lights in the Mountain Brook Subdivision.
4. Traffic light to be installed at State Route 20/81 and Regency Park Drive— The DOT will supply the equipment if the City will install. The estimated cost to the City will be \$60,000 to \$ 65,000. This will be funded from SPLOST revenue.
5. Architectural Façade of single family dwelling at 185 Bryan Street— Home of Joey and Leslie Balog.
6. Approval of preparation of an Ordinance for In-Home Youth Care Facilities that would allow Aletha Adams to operate such a facility in her personal home within the Huntington Ridge Subdivision.

Councilmember Notti asked a question relative to the item concerning the Heritage Senior Center Swimming Pool Project. Councilmember Brown spoke to answer the question. Councilmember Smith motioned to approve the Consent Agenda items and Councilmember Vincent seconded. The vote was five in favor. Those voting were Councilmember Brown, Councilmember Notti, Councilmember Stewart, Councilmember Smith and Councilmember Vincent.

Mayor Copeland opened the floor for public comments and announcements. Mrs. Chris Rogers, who lives on Turner Church Road in McDonough thanked the Council for moving Public Comments/Announcements up on the Agenda. Mrs. Rogers commented on the Bridle Ridge/Bridle Wood subdivision along Lake Dow and Airline Road which was not conforming to the zoning ordinance. She asked the City Council to look into this matter.

Mayor Copeland introduced the new City Clerk, Janis Price. Mayor Copeland then advised Council on the following statistics from the McDonough Fire Department report covering the last six months: 1174 calls were answered, the greatest number of calls were received at midnight and the least number of calls were received between 4:00 a.m. and 6:00 a.m.; the greatest number of alarm calls were received on Friday and least amount of calls are received on Tuesday. Mayor Copeland also announced that the Roberto Clemente World Series will be held July 19 – 23<sup>rd</sup>, 2006.

Mayor Copeland spoke about the process leading up to the Municipal Court Judge and Judge Pro Tem recommendations. Court Director, Elaine Moore reported that Judge Blount, former Municipal Court Judge, had been appointed to the Henry County State Court. She asked that the Council act tonight on recommendations for Municipal Court Judge and Municipal Court Judge Pro Tem. Mr. Lee announced the recommendations for Municipal Court Judge, Mr. Greg Futch and for Municipal Court Judge Pro Tem, Mr. Kenneth Glenn. Mr. Lee gave his approval of both recommendations. Councilmember Brown motioned to approve both recommendations and Councilmember Notti seconded. The vote was five in favor. Those voting were Councilmember Brown, Councilmember Notti, Councilmember Smith, Councilmember Stewart and Councilmember Vincent.

Mayor Copeland swore in Mr. Greg Futch as Municipal Court Judge and in Mr. Kenneth Glenn as Municipal Court Judge Pro Tem.

Police Chief, Preston Dorsey presented a request by Southside Café located at 205 Old Tavern Way for an Alcohol and Beverage License. The owner is Delores Reid... He reported all fees have been paid, all documents have been completed and that the request was ready for approval. Councilmember Brown motioned to approve the Alcohol and Beverage License request and Councilmember Smith seconded. The vote was five in favor. Those voting were Councilmember Brown, Councilmember Notti, Councilmember Smith, Councilmember Stewart and Councilmember Vincent.

City Attorney, Scott Bennett presented a Resolution relative to the procedure for acceptance of street lights. The Resolution states that the City Administrator is vested with the authority to authorize the acceptance of street lights into the city's system on behalf of the Mayor and Council. Councilmember Notti motioned to approve the Resolution and Councilmember Smith seconded. The vote was five in favor. Those voting were Councilmember Brown, Councilmember Notti, Councilmember Stewart, Councilmember Smith and Councilmember Vincent.

Mr. Bennett presented an Ordinance relative to the Façade Review Committee. The Ordinance states that the Community Development Department of the City shall serve as the reviewing agency for the City. Councilmember Notti asked when Council would review the façade request. Mr. Bennett answered that Council would not see the requests unless there was a disagreement between the applicant and the Community Development Department. Councilmember Brown also spoke to provide an answer to the question. Councilmember Notti asked for Councilmember right to bring façade concerns before the Council. Mr. Bennett advised that would not be part of the procedure based on the proposed Ordinance. There was further discussion between Council and Mr. Bennett. Councilmember Smith motioned to approve the Ordinance and Councilmember Brown seconded. The vote was four in favor and one was opposed. Those voting in favor were Councilmember Brown, Councilmember, Councilmember Smith and Councilmember Vincent. Councilmember Notti voted in opposition. Councilmember Notti advised that she had not been present at the Workshop when the matter was discussed and she was concerned that there was no recourse in place. Councilmember Vincent asked Mr. Bennett if the Ordinance has any provision that

would present a Councilmember from asking that a façade concern be brought before the Council. Mr. Bennett answered no, due to the time regulation of façade review and fairness of the process. Councilmember Vincent asked for a mechanism for dealing with Council façade concerns. Mr. Bennett advised that any concerns be taken to the Community Development Department for further discussion. He also advised that if any applicant's façade approval request is denied, the applicant may appeal to the Mayor and City Council in writing and be placed on the next regularly scheduled meeting.

Mr. Bennett presented an Ordinance relative to sending final plats to the Planning Commission. The Ordinance states that the Planning Commission shall have authority to approve final plats, subject to appeal to the Mayor and City Council. Councilmember Smith spoke about the proposed Ordinance being that of the previous technique for final plats. He said that the Ordinance is an effort to make the Council meeting more manageable and to give work back to the Planning Commission. Councilmember Smith motioned to approve the Ordinance and Councilmember Stewart seconded. The vote was five in favor. Those voting were Councilmember Brown, Councilmember Notti, Councilmember Smith, Councilmember Stewart and Council Vincent.

Mr. Lee reviewed the Downtown Development Authority, which is comprised of seven members that serve four years. He reported that four positions needed to be filled.

Mayor Copeland asked each councilmember to submit a nomination:

Councilmember Smith nominated Mike O'Quinn.

Councilmember Brown nominated Kenyatta Bush.

Councilmember Stewart nominated Kathy Glenn.

Councilmember Vincent nominated William Ware.

Mayor Copeland nominated Bill Beshears

Councilmember Notti did not make a nomination.

Councilmember Smith asked if the nominees met the criteria to serve on the DDA. Mr. Lee stated the regulations are that two members must be business owner/operators in the City and be a taxpayer but could live in the County; and two must live in the City of McDonough and be a taxpayer. Mayor Copeland asked for approval of the nominations to be postponed until the July 17<sup>th</sup>, 2006 Council meeting so that confirmation that the nominees meet the stated criteria. Councilmember Brown motioned to approve postponement and Councilmember Stewart seconded. The vote was five in favor. Those voting in favor were Councilmember Brown, Councilmember Notti, Councilmember Stewart, Councilmember Smith and Councilmember Vincent.

Mayor Copeland addressed Councilmember Vincent regarding the Planning Commission's appointment. Councilmember Vincent made a motion to nominate Col. George Fields, from District Two, to replace Mr. Eddie Rosa. Councilmember Smith seconded the motion. The vote was five in favor. Those voting were Councilmember Brown, Councilmember Notti, Councilmember Smith, Councilmember Stewart and Councilmember Vincent.

No Walls Harvest International Ministries

Atlanta/Lawrenceville Street vicinity  
Land Lot 134 of the 7<sup>th</sup> District  
Land Lot(s) 135 of the 7<sup>th</sup> District  
1.0 +/- acres

Mr. Heard reviewed the item and reported that the Planning Commission recommended approval with one year limit and parking lot certification. The applicants, Pastor Gibbs and Mr. Chris Davis, were present and spoke. Councilmember Brown asked how many members are in the church; Pastor Gibbs responded twenty. Councilmember Stewart asked if the Church planned to make a permanent home in McDonough; Pastor Gibbs answered yes. Mayor Copeland opened the Public Hearing. Mrs. Gibbs spoke in favor. No one spoke in opposition. Mayor Copeland closed the Public Hearing. Councilmember Smith motioned to approve the Special Use Permit for No Walls Harvest International Ministries with the conditions of staff and the Planning Commission. Councilmember Vincent seconded. The vote was five in favor. Those voting were Councilmember Brown, Councilmember Notti, Councilmember Stewart, Councilmember Smith and Councilmember Vincent.

RESIDENTIAL DEVELOPMENT: REZONING W/ VARIANCE(S)

Jenny Walker for JHW Properties, L.L.C.

Bridges Rd. & Hampton St.  
Land Lot 133 of the 7<sup>th</sup> District  
3.21 +/- acres

Mr. Heard requested that this item be postponed until the July 17<sup>th</sup>, 2006 meeting. Councilmember Stewart made a motion relative to that request and Councilmember Smith seconded. The vote was five in favor. Those voting were Councilmember Brown, Councilmember Notti, Councilmember Smith, Council Stewart and Councilmember Vincent.

ARCHITECTURAL FAÇADE REVIEW(S):

Sanford McAllister

Waffle House: Racetrack Road and Highway 81 East

Mr. Heard reported that he and Mr. Sanford McAllister, representative from the Waffle House had met with HOK earlier that day. Mr. Heard reviewed the item and showed visuals of local structures relative to the awning covers and landscaping ideas. Mr. Heard also reviewed the conditions of zoning and a plan of the area to address façade and site orientation. Councilmember Brown asked if HOK had approved the proposed yellow banding. Mr. Heard answered yes. Councilmember Notti asked Mr. Heard if he felt like the yellow banding would be a detriment. Mr. Heard answered no because the landscaping would take the focal point away from the yellow banding. Councilmember Brown motioned that the Waffle House architectural façade be approved and

Councilmember Stewart seconded. The vote was five in favor. Those voting were Councilmember Brown, Councilmember Notti, Councilmember Stewart, Councilmember Smith and Councilmember Vincent.

#### Wildwood at Avalon Development

Industrial Blvd. (aka Avalon Blvd.)

Mr. Heard reviewed the item and a map of the area. The applicant, Mr. Charles Ingle, was present and spoke. Mr. Heard reviewed elevation drawings, the developer packet, and photos. Mr. Heard also reviewed HOK's recommendations. Councilmember Notti asked what percentage of the homes would be front loaded. Mr. Heard reviewed the elevation of the rear loading houses. Councilmember Notti asked how many elevation choices there would be. The applicant answered 50 – 60. Councilmember Brown motioned to approve façade per recommendation of staff and HOK. Councilmember Smith seconded. The vote was five in favor. Those voting were Councilmember Brown, Councilmember Notti, Councilmember Smith, Councilmember Stewart and Councilmember Vincent.

#### NON-RESIDENTIAL VARIANCE(S) TO CHAPTER 15.32—LANDSCAPING:

#### Jarrold Yates for Lincoln Properties

Westridge Parkway and Pullen Road vicinity (Avalon POD "S")  
Zoned M-1 with conditions  
Land Lot(s) 223 of the 7<sup>th</sup> District  
25.94 +/- acres

Mr. Heard reviewed item, as well as a map and drawing of the area. Mr. Jarrod Yates was present and spoke. Councilmember Smith motioned to approve the item per staff comments. Councilmember Stewart seconded. The vote was five in favor. Those voting were Councilmember Brown, Councilmember Notti, Councilmember Smith, Councilmember Stewart and Councilmember Vincent.

Councilmember Smith spoke on the need for landscape requirements to be reviewed and established for industrial areas. Mr. Heard reported that would be a topic item of an upcoming Community Development visioning session.

#### NON-RESIDENTIAL REZONING:

#### Dale Moore for Swifty Carwash, LLC (F.K.A. Winner's Circle Carwash)

590 State Route 155 South  
C-3 to M-1 (corrective action per nullification of legal non-conformance)  
Land Lot 197 of the 7<sup>th</sup> District  
1.0 +/- acres

Mr. Heard reviewed the item and displayed exhibits. He reported that the Planning Commission had recommended approval. He reviewed and related minutes from the Planning Commission meeting. The applicant, Mr. Dale Moore, was present and spoke.

Councilmember Stewart praised the corrective actions of the applicant, as did Mayor Copeland and Councilmember Notti. Mayor Copeland opened the public hearing; no one spoke in favor or opposition. Mayor Copeland closed the public hearing. Councilmember Brown motioned to approve the item with staff conditions and Councilmember Stewart seconded. The vote was five in favor. Those voting were Councilmember Brown, Councilmember Notti, Councilmember Smith, Councilmember Stewart and Councilmember Vincent.

**Chuck Sechler for South Point Pavilion II**

State Route 20 West (adjacent to western boundary of Waffle House)  
C-2 with Conditions per Ordinance NO. 04-09-13011(Z) to C-3  
Land Lot 191 of the 7<sup>th</sup> District  
1.09 +/- acres

Mr. Heard requested that this item be postponed until July 17<sup>th</sup>, 2006 meeting so that a thorough review could be completed. Councilmember Smith motioned to approve the request and Councilmember Brown seconded. The vote was five in favor. Those voting were Councilmember Brown, Council Notti, Councilmember Smith, Councilmember Stewart and Councilmember Vincent.

**NON-RESIDENTIAL ANNEXATION WITH REZONING WITH VARIANES(S):**

**Tom Palmer for Hank Aaron Honda**

144 Highway 81 West vicinity  
RA (County) to RA-200 and C-3 (City)  
Land Lot(s) 161 and 162 of the 7<sup>th</sup> District  
64.0 +/- acres

Mr. Heard requested that this item be postponed until the July 17<sup>th</sup>, 2006 meeting. He reviewed the reason for postponement as well as a map of the area, zoning, and landscaping elements. Councilmember Brown motioned to approve the requested postponement and Councilmember Stewart seconded. The vote was five in favor. Those voting were Councilmember Brown, Councilmember Notti, Councilmember Smith, Councilmember Stewart and Councilmember Vincent.

**NON-RESIDENTIAL SPECIAL USE PERMIT (SUP):**

**Karen Jones for Victory Chapel**

389 Keys Ferry Street  
Zoned C-3 with conditions  
Land Lot(s) 135 of the 7<sup>th</sup> District  
1.12 +/- acres

Mr. Heard requested that this item be deleted from the agenda. Councilmember Notti motioned to approve the request and Councilmember Stewart seconded. The vote was

five in favor. Those voting were Councilmember Brown, Councilmember Notti, Councilmember Smith, Councilmember Stewart, and Councilmember Vincent.

Mayor Copeland asked for a motion to into Executive Session. Councilmember Brown made the motion and Councilmember Smith seconded. The vote was five in favor. Those voting were Councilmember Brown, Councilmember Notti, Councilmember Smith, Councilmember Stewart and Councilmember Vincent.

Councilmember Stewart made a motion to come out of Executive Session and Councilmember Smith seconded the motion. The vote was five in favor. Those voting were Councilmember Brown, Council Notti, Councilmember Smith, Councilmember Stewart and Councilmember Vincent.

There were no reports from Executive Session.

Mayor Copeland opened the floor for Council Announcements/Comments.

Councilmember Smith asked Council to remember in our thoughts Councilmember Riffey since she was absent tonight because her husband was in the hospital.

Councilmember Notti asked about the medians and right-of-ways on Jonesboro Road. Mr. Lee reported that the right-of-ways had been certified by the County and the contract would be arriving soon. Councilmember Notti also spoke about the manholes on Jonesboro Road that are raised and are damaging cars. Councilmember Smith also spoke about the problem.

Mr. Heard alerted Council that a large old tree on Lawrenceville Street had been cut down due to damage caused by a grading company. Mr. Heard reported that he is putting together an action plan. He emphasized that, before grading, detailed inspection and tagging of the needed to take place. He reported that this had occurred in the Lawrenceville Street situation but had not been followed through. There was a relative discussion by Mayor and Council.

Mayor Copeland spoke about the wireless internet project on the Square and the notice to residents that are being prepared. Mayor Copeland also spoke about the success of the Fourth of July event on the Square. He expressed his appreciation for the work of the Decorating Committee.

Councilmember Brown praised the wireless internet project.

There being no further business, Councilmember Smith motioned to adjourn the meeting and Councilmember Brown seconded. The meeting was adjourned.

Respectfully submitted by,

Janis E. Price  
City Clerk