



June 25, 2013 **CITY OF MORROW, GEORGIA** 7:30 pm
Regular Meeting
Action Minutes

CALL TO ORDER: Mayor Burke
PLEDGE OF ALLEGIANCE: All
INVOCATION: Mayor Burke

1. **ROLL CALL**
2. **APPROVAL OF MEETING AGENDA:**

MOTION AND VOTE: Councilwoman Jeanell Bridges moved to approve the Meeting Agenda. Councilman Bob Huie Seconded the motion. The motion passed unanimously by those in attendance.

3. **CONSENT AGENDA:**
 1. Approval of the June 11, 2013 Regular Council Meeting Minutes.
 2. Approval of Hecht Walker invoice #5507 dated June 5, 2013 for the period May, 2013 in the amount of \$7,361.00.

MOTION AND VOTE: Councilwoman Jeanell Bridges moved to approve the Consent Agenda. Councilman Bob Huie seconded the motion. The motion passed unanimously by those in attendance.

4. **REPORTS AND PRESENTATIONS:**
 1. Financial Update – Dan Defnall
5. **PUBLIC HEARING on Annual Budget for Fiscal Year 2014**

An Ordinance entitled an Ordinance to amend the Code of Ordinances of the City of Morrow, Georgia, as it pertains to the recommendation, approval, and adoption of an Annual Budget for the Fiscal Year 2014, beginning July 1, 2013 and ending June 30 2014; to allocate Revenues and Expenditures for that period for the operation and enhancement of the various services delivered by the City to its citizens; for the health and well-being of the residents and businesses of the City of Morrow; and for other purposes. *(Presented by Jeff Eady, City Manager)*

6. **PUBLIC HEARING on a Variance Request from Crown Communities, Inc.**

A Public Hearing on a Variance Request by Crown Communities, Inc. The applicant, Crown Communities, Inc., requests a variance from *Section 905A RS-80* which outlines allowable building materials for single-family residential dwelling units within the RS-80 zoning district. The applicant is requesting to allow additional building materials: cement fiberboard siding, with vinyl accents allowed only in soffits, gables, eaves, fascia board, and shutters, which are currently not allowed by City Code. The subject property is zoned RS-80 and located on the south side of Old Rex Morrow Road, south of Trammell Road, Morrow, GA 30260, also known as the Brookwood Estates Subdivision.

(Presented by Brecca Johnson, Senior Planner)

7. **FIRST PRESENTATION:** None

8. **PUBLIC COMMENT – AGENDA ITEMS:**

9. **NEW BUSINESS:**

1. Approval or Denial of a Variance Request by Crown Communities, Inc. from Section *905A RS-80* which outlines allowable building materials for single-family residential dwelling units within the RS-80 zoning district. The applicant is requesting to allow additional building materials: cement fiberboard siding, with vinyl accents allowed only in soffits, gables, eaves, fascia board, and shutters, which are currently not allowed by City Code. The subject property is zoned RS-80 and located on the south side of Old Rex Morrow Road, south of Trammell Road, Morrow, GA 30260, also known as the Brookwood Estates Subdivision.

(Presented by Brecca Johnson, Senior Planner)

MOTION AND VOTE: Councilwoman Jeanell Bridges moved to deny the variance request. Councilman Bob Huie seconded the motion. The motion failed 2 to 1 with Mayor Pro Tem Larry Ferguson voting in opposition

MOTION AND VOTE: Mayor Pro Tem Larry Ferguson moved to postpone the decision on the variance request until the next meeting, July 9, 2013, to allow the variance seeker to solicit input from surrounding homeowners to hear how they feel. After clarification by Sr. Planner Brecca Johnson that the City would need to meet a 15 day advertising requirement for the Variance Hearing, the time limit Mayor Pro Tem Larry Ferguson amended the meeting date to July 23, 2013. Councilwoman Bridges seconded the motion. The motion passed unanimously by those in attendance. The variance requestor was encouraged to have surrounding homeowners come to the next hearing to speak in support of the variance request in addition to a signed petition.

2. Approval of a Resolution of the City of Morrow to Amend the Personnel Rules and Regulations of the City of Morrow with regards to Conditions of Employment; To repeal conflicting provisions; To establish an effective date; and for other purposes.

(Presented by Jeff Eady, City Manager)

MOTION AND VOTE: Councilwoman Jeanell Bridges moved to approve the item. Mayor Pro Tem Larry Ferguson seconded the motion. The motion passed unanimously by those in attendance.

9. **EXECUTIVE SESSION** – (To discuss real estate transactions on the Chevron Site)

MOTION AND VOTE: Councilwoman Jeanell Bridges moved to adjourn into Executive Session to discuss a real estate transaction. Councilman Bob Huie seconded the motion. The motion passed unanimously by those in attendance and the meeting was adjourned into Executive Session at 8:28 pm.

ADJOURN EXECUTIVE SESSION

MOTION AND VOTE: Councilman Bob Huie moved to adjourn the Executive Session. Councilwoman Jeanell Bridges seconded the motion. The motion passed unanimously by those in attendance and the Executive Session was adjourned at 10:25 pm.

RECONVENE REGULAR MEETING

MOTION AND VOTE: Councilwoman Jeanell Bridges moved to reconvene the regular meeting and continue with New Business. Mayor Pro Tem Larry Ferguson seconded the motion. The motion passed unanimously and the meeting was reconvened at 10:30 pm.

NEW BUSINESS - continued:

2. Approval of a Purchase and Sales Agreement (PSA) from Ant Savings regarding the Chevron site property located at 6459 Jonesboro Road, Morrow, GA (Parcel ID: 12114C A006 and 12114C A001). *(Presented by Greg Hecht, City Attorney)*

MOTION AND VOTE: Councilman Bob Huie moved to approve the item per the following language provided and read by City Attorney, Greg Hecht:

Re: Ant Savings Acquisition

“Move the City approves the Purchase and Sale Agreement for the Chevron Site which provides for a \$450,000 purchase amount with \$50,000 of said amount being extinguished if certain conditions are met, with an incorporated First Amendment with additional paragraphs to the Amendment as follows:

Paragraph 3. In addition to all other terms agreed to in the Purchase and Sale Agreement and this First Amendment, Purchaser shall not be granted a building permit until the initial note, Exhibit B, is paid in full by the Purchaser. Purchaser may pursue applicable permits for the project, but Purchaser maintains no right to permits and maintains no claim for any permit issuance until the initial note, Exhibit B, is paid in full and timely according to the Incorporated Amortization Schedule, Exhibit C.

Paragraph 4. The present curb cut on Southlake Plaza Drive shall be closed in the planning process. However, Purchaser will be granted a curb cut further west on Southlake Plaza Drive.

Paragraph 5. Should the Purchaser default in any manner, the Purchaser shall be responsible for the attorneys’ fees and costs of the Seller in the pursuit of any and all legal and equitable remedies against the Purchaser.”

SECOND AND VOTE: Councilwoman Jeanell seconded the motion. The motion was unanimously approved by those in attendance.

10. **OLD BUSINESS:**

1. An Ordinance entitled an Ordinance to amend the Code of Ordinances of the City of Morrow, Georgia, as it pertains to the recommendation, approval, and adoption of an Annual Budget for the Fiscal Year 2014, beginning July 1, 2013 and ending June 30 2014; to allocate Revenues and Expenditures for that period for the operation and enhancement of the various services delivered by the City to its citizens; for the health and well-being of the residents and businesses of the City of Morrow; and for other purposes. *(Presented by Jeff Eady, City Manager)*

MOTION AND VOTE: Councilwoman Jeanell Bridges moved to approve the item. Mayor Pro Tem Larry Ferguson seconded the motion. The motion was unanimously approved by those in attendance.

11. **GENERAL COMMENTS:**

12. **ADJOURNMENT:**

MOTION AND VOTE: Councilwoman Jeanell Bridges moved to adjourn the meeting. Councilman Bob Huie seconded the motion. The motion passed unanimously by those in attendance and the meeting was adjourned at 10:37 pm.

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