

CITY OF MORROW, GEORGIA
MINUTES OF REGULAR MEETING
July 23, 2013 – 7:30 pm

Note: These are summary minutes. For anyone who would like the full dialogue of the meeting, CDs are available in the City Clerk's office through the open records act.

Mayor Burke called the regular meeting of the Morrow City Council to order at 7:30 pm. The meeting took place in the Council Chambers of the Morrow Municipal Complex, 1500 Morrow Road, Morrow, GA, 30260.

City Clerk Evyonne Browning called the roll and those present were Mayor JB Burke, Councilwoman Jeanell Bridges, Councilman Virlyn Slaton, Councilman C.R. Huie, and Mayor Pro Tem Larry Ferguson. She stated there was a quorum present.

Mayor Burke asked everyone to stand for the Pledge of Allegiance followed by a moment of silent reflection.

APPROVAL OF MEETING AGENDA

Mayor Burke called for a motion.

1. Mayor Pro Tem Ferguson requested to add the appointment of outside legal counsel on the Variance request by Crown Communities.

MOTION AND VOTE: Mayor Pro Tem Ferguson moved to approve the Meeting Agenda as amended. Councilman Huie seconded the motion. The motion passed with Mayor Burke voting yes which broke a tie vote of 2 to 2 with Councilwoman Bridges and Councilman Slaton voting in opposition.

CONSENT AGENDA:

City Clerk Evyonne Browning read the following Consent Agenda Items:

1. Approval of the July 9, 2013 Regular Meeting Minutes.
2. Approval of the Hecht Walker invoice #5618 in the amount of \$6,818.60 for the period June, 2013.

Mayor Burke called for a motion.

MOTION AND VOTE: Councilwoman Bridges moved to approve the Consent Agenda. Mayor Pro Tem Ferguson seconded the motion. The motion passed unanimously.

REPORTS AND PRESENTATIONS:

1. Report update on the success of "Tip-a-Cop" by Captain Tatroe.
2. Financial Update by Finance Officer Dan Defnall.

PUBLIC HEARING on Annual Budget for Fiscal Year 2014

City Clerk Evyonne Browning read the following Public Hearing Item:

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.

Mayor Burke declared the Public Hearing open and **City Manager Jeff Eady** presented the item.

Mayor Burke called for any comments on the Public Hearing item. Hearing none, Mayor Burke declared the Public Hearing on the Millage Rate closed.

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

Note: Jon Jordan with Hecht Walker left the room during the public hearing as the firm has a conflict of interest.

City Clerk Evyonne Browning read the following Public Hearing Item:

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.

(The Public Hearing held on June 25, 2013 was postponed to tonight's meeting.)

Mayor Burke declared the Public Hearing open.

Brecca Johnson, Senior Planner presented the variance request by going through all the points of the code during a power point presentation. She stated that staff and the Planning and Zoning Board recommend denial.

Mayor Burke asked the applicant if he wanted to make any statements.

The Applicant asked if the council would allow him more time so that he could make contact with the homeowners. He had the letter translated into Vietnamese and he did not get the finished letter until this Friday.

Mayor Burke asked if anyone wanted to speak on behalf of the application. There were none.

Mayor Burke asked if anyone wanted to speak against the application. There were none.

Mayor Burke declared the Public Hearing on the Variance Request by Crown Communities was closed.

FIRST PRESENTATION:

PUBLIC COMMENT – AGENDA ITEMS:

Mayor Burke asked if anyone wanted to comment on tonight's agenda items. There were none.

OLD BUSINESS:

City Clerk Evyonne Browning read the following old business item:

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 Brookwood Estates Subdivision.

Brecca Johnson, Sr. Planner presented the item and affirmed that staff and the Planning and Zoning Board recommend denial.

Mayor Burke called for a motion.

MOTION AND VOTE: Mayor Pro Tem Ferguson moved to postpone the item in order to give the residents an opportunity to have input since a language barrier exists. Councilman Bob Huie asked if Mayor Pro Tem Ferguson would amend his motion to postpone the item until the next Council Meeting on August 13th.

AMENDED MOTION: Mayor Pro Tem Ferguson amended the motion to postpone the item until the next Council Meeting on August 13, 2013 in order to give the residents an opportunity to have input since a language barrier exists.

Mayor Burke called for a second on the amended motion.

SECOND: Councilman Bob Huie seconded the amended motion and asked the requestor to make a concerted effort to get input from not only the residents, but especially those involved in the HOA.

Mayor Burke asked if there was any discussion.

Councilwoman Bridges asked Mayor Pro Tem Ferguson if he would further amend his motion to state this will be the last time the item will be postponed. Mayor Pro Tem Ferguson stated we do not know what will happen at the next meeting and he did not want to hold the council to that decision.

Mayor Burke called for a motion, second and then a vote.

VOTE: The amended motion passed 3 to 1 with Councilwoman Bridges voting in opposition.

City Clerk Evyonne Browning read the following old business item:

2. An Ordinance to amend Title 9, Chapter 4, Article C of the City of Morrow Code of Ordinances: Coin-Operated Amusement Devices; To provide for Codification; To Repeal Conflicting Ordinances; To provide an Effective Date; and for other purposes.

Jon Jordan with Morrow's City Attorney, Hecht Walker Law, presented the item.

Mayor Burke called for a motion, second, and then a vote.

MOTION AND VOTE: Mayor Pro Tem Ferguson moved to approve the item. Councilwoman Bridges seconded the motion. The motion passed unanimously.

NEW BUSINESS:

City Clerk Evyonne Browning read the following new business item:

1. Approval of an Audit Engagement Letter with Mauldin & Jenkins, CPA, LLC for the fiscal year 2013 audit.

Dan Defnall, Finance Officer presented the item.

Mayor Burke called for a motion, second, and then a vote.

MOTION AND VOTE: Councilman Huie moved to approve the item. Mayor Pro Tem Ferguson seconded the motion. The motion passed unanimously.

City Clerk Evyonne Browning read the following new business item:

2. Approval of a Second Version to Second Amendment to Purchase and Sale Agreement by and between the Downtown Development Authority of the City of Morrow, Georgia (Seller) and Ant Savings Corporation, A Florida Corporation (Purchaser) regarding the Chevron site property located at 6459 Jonesboro Road, Morrow, GA (Parcel ID: 12114C A006 and 12114C A001).

Jon Jordan with Morrow's City Attorney, Hecht Walker Law, and **Rod Mullice** with Newmark Knight Properties presented the item.

Mayor Burke called for a motion, second, and then a vote on the first part of the item.

MOTION AND VOTE: Councilwoman Bridges moved to approve the Second Version to the Second Amendment to the Purchase and Sale Agreement. Councilman Bob Huie seconded the motion. The motion passed unanimously.

Mayor Burke called for a motion, second, and then a vote on the second part of the item.

MOTION AND VOTE: Councilwoman Bridges further moved to authorize the Mayor and the DDA Chairperson, with assistance from the City Attorney or Real Estate Counsel, to negotiate and execute documents on behalf of the City and the DDA in regard to the priority rights of the liens and loan obligations with regard to the \$50,000 note obligation with other creditors from this point forward. Councilman Huie seconded the motion. The motion passed with Mayor Burke voting yes which broke a tie vote of 2 to 2 with Mayor Pro Tem Ferguson and Councilman Slaton voting in opposition.

GENERAL COMMENTS:

Mayor Burke asked if the citizens or business owners had any comments.

Mike Twomey wanted to remind everyone of the Tomato Sandwich Party the 1st Saturday in August from 5- 7:30 pm to support the Good Shepherd Clinic. He further wanted to remind everyone that there will be a huge conference at Clayton State University this coming week where 21 nations will be represented. Make them feel welcome if you see them.

Mayor Burke asked if the City Manager had any comments.

Jeff Eady welcomed Captain Tatroe back from the Police Academy and then congratulated Chief Leighty on his nomination for "Chief of the Year." He also congratulated all of the PD for a great job with the Tip A Cop event.

Mayor Burke asked if the Council had any comments.

Councilwoman Bridges Also congratulated Chief Leighty on the Tip A Cop promotion and also welcomed Captain Tatroe back.

Councilman Huie welcomed Captain Greg Tatroe back from the Police Academy.

Mayor Pro Tem Ferguson shared a Study from Georgia Tech on Clayton County's Strategic Economic Development Plan and encouraged citizens to get a copy and read it.

ADJOURNMENT:

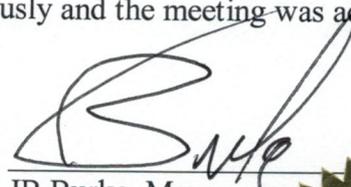
Mayor Burke called for a motion to adjourn.

MOTION AND VOTE: Councilman Huie moved to adjourn the meeting. Councilwoman Bridges seconded the motion. The motion passed unanimously and the meeting was adjourned at 8:12 pm.

Approved this 13th day of August, 2013.

Attest:


Evyonne Browning, City Clerk
(Seal)


JB Burke, Mayor

