

**CITY OF MORROW, GEORGIA
MINUTES OF REGULAR MEETING
June 25, 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 C.R. Huie, and Mayor Pro Tem Larry Ferguson. Councilman Virlyn Slaton was absent. 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.

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.

CONSENT AGENDA:

City Clerk Evyonne Browning read the following Consent Agenda Items:

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.

Mayor Burke called for a motion.

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.

REPORTS AND PRESENTATIONS:

1. Financial Update – 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 closed.

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

Note: City Attorney Greg Hecht left the room during the public hearing as he has a conflict of interest.

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.

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.

The Applicant thanked the Mayor and Council for their consideration of their request and asked for consideration of the variance to substitute additional building materials, such as hardiplank, on the sides and backs of homes they will be building in the Brookwood Estates Subdivision. They stated these materials are more durable and cost efficient, would allow them to build better quality and larger homes that would bring a higher sales value to the area. The current code has a minimum of 1400 square feet and they are looking at building these new homes with an average 3,500 square feet. They stated there is a demand for 4 to 5 bedroom homes and they have built 6 or 7 and they have been all brick, but they are coming in with \$7,000 to \$50,000 under after appraisals, which are costing them money. Some of the homes which back up to this area have hardiplank, but they were built before the code changes.

Councilwoman Bridges asked about the cost difference between hardiplank and stucco.

The Applicant stated they do not use stucco, but added that hardiplank is made out of cement and holds its life well. He has it on his own home.

Mayor ProTem Ferguson stated he attended the Planning and Zoning meeting. He has also driven through the area and accompanying neighborhoods and most of the home are primarily brick, along with stucco, which is not as appealing. He suggested the applicant meet with the current homeowners face and get them to sign a petition to agreement with the changes.

The Applicant also stated that if they cannot get the variance approved, they will have to go back to the 1400 square foot brick homes in order to be cost effective.

Councilman Huie stated if the applicant has to lower the costs by lowering the materials, then we have to be concerned as well... it will affect all neighborhoods.

Councilman Bridges stated we have standards in place...

Mayor Pro Tem Ferguson stated that the standards are less than what we would require when we change the code and we need to allow hardiplank... this product is used by some of the best Architects in the Atlanta area. He also said this would be a strong improvement in our housing in the area.

Mayor Burke asked if anyone wanted to speak on behalf of the variance.

Morrow Resident Cherry Crisp stated she is in support of the variance as the upgrade would be an asset and the homes they are building now are very nice.

Morrow Resident Dorothy Dean asked if the future code will be changed to include these types of products throughout the City. (It was deemed this would have to go through the process along with all other types of products in order to be approved for use in the future updated code)

Mayor Burke asked if anyone wanted to speak in opposition. There were none and Mayor Burke closed the Public Hearing.

FIRST PRESENTATION: None

PUBLIC COMMENT – AGENDA ITEMS:

Mayor Burke made the call for Public Comment on Agenda items. There were none.

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.

Senior Planner Brecca Johnson presented the item.

Mayor Burke called for a motion.

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.

City Manager Jeff Eady presented the item.

Mayor Burke called for a motion.

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.

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

Mayor Burke called for a motion.

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

Mayor Burke called for a motion.

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

Mayor Burke called for a motion.

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).

City Attorney Greg Hecht presented the item.

Mayor Burke called for a motion.

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.

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.

City Manager Jeff Eady presented the item.

Mayor Burke called for a motion.

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.

GENERAL COMMENTS:

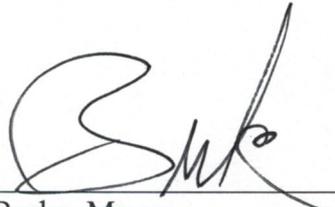
Mayor Burke made the call for General comments. There were none.

ADJOURNMENT:

Mayor Burke called for a motion.

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.

Approved this 9th day of July, 2013.



JB Burke, Mayor

Attest:



Evyonne Browning, City Clerk
(Seal)

