

The Mayor and Council met for their regular meeting, via Teleconference-Zoom.

Those Present:	John Howard	Mayor
	Larry Bradley	Vice-Mayor
	Lee Malcom	Council Member
	Myoshia Crawford	Council Member
	Ross Bradley	Council Member
	Norman Garrett	Council Member
	Tyler Gregory	Council Member
	Nathan Little	Council Member
	David Dickinson	Council Member
	Logan Propes	City Administrator
	Debbie Kirk	City Clerk
	Russell Preston	City Attorney
	Paul Rosenthal	City Attorney

Staff Present: Danny Smith, Jeremiah Still, R.V. Watts, Beth Thompson, Brian Thompson, Rodney Middlebrooks, Patrick Kelley, Chris Bailey, Sadie Krawczyk, Beverly Harrison, Les Russell. Mike McGuire, Steve Conwell

Visitors: Sharon Swanepoel, Brad Callender, Laura Powell, Jamie Cox, DeAnna Green, Duane Wilson, Rick Huszagh, Troy Ooley, Mary Lynn Thomas, Todd Parker, Jimmy Johnson, Susan Walden,

I. CALL TO ORDER – JOHN HOWARD

1. Invocation

Ms. Laura Powell with the Luther Rice Seminary gave the invocation.

2. Roll Call

Mayor Howard noted that all Council Members were present. There was a quorum.

3. Approval of Agenda

To approve the agenda as presented.

*Motion by R. Bradley, seconded by Little.
Passed Unanimously*

4. Approval of Consent Agenda

- a. December 1, 2020 Council Minutes
- b. December 8, 2020 Council Minutes
- c. December 21, 2020 Council Minutes
- d. December 15, 2020 Planning Commission Minutes
- e. November 12, 2020 Downtown Development Authority Minutes
- f. November 24, 2020 Downtown Development Authority Minutes
- g. November 12, 2020 Conventions and Visitors Bureau Minutes
- h. Approval – 2020/21 LMIG Allocation – To approve as presented. (Recommended for Council approval by Public Works Committee January 5, 2021)

To approve the consent agenda as presented.

*Motion by Dickinson, seconded by Little.
Passed Unanimously*

II. PUBLIC FORUM

1. Public Comments

No one signed up for public comments.

2. Public Hearing**a. Conditional Use – 919 Holly Hill Road**

Code Enforcement Officer Patrick Kelley presented the application for a conditional use of this property to allow the applicant to operate a cottage food business out of her residential kitchen in her home.

The Mayor declared the meeting open for the purpose of public input.

Ms. Jamie Cox stated she would like to continue her in-home business that she started while living in Jackson County. She reviewed the conditions and requirements for having a cottage food business license out of a home according to the Department of Agriculture. The license will also allow her to participate in festivals and functions on the square. Her main focus has been wedding cakes, which are done by delivery only. She stated 99.9% of her business is done by delivery or by mail; there is not any traffic coming to her home. The business does not disrupt the community with a flow of traffic or any parking issues. There cannot be any commercial deliveries or things of that nature.

Mayor Howard read a letter from DeAnna Green. My husband and I live at 973 Holly Hill Road. I would like to speak to express concerns that a number of the residents on Holly Hill Road share. I was planning to provide a written statement listing the names of myself and my neighbors. I would like to elaborate on my concerns, and we have additional concerns that I would like to share at the Council Meeting. The list of fellow neighbors include: Rob and Tiffany Coleman, Rob and Barbara Howard, Elaine Oakes, Joe and Barbara Preston, Don and Gail Smith, John Snow, Jr., and Nicole Wilson.

Ms. DeAnna Green spoke against the conditional use of a cottage food business. She stated there are additional neighbors who also have concerns. Holly Hill has historically been a quiet residential street. The children ride their bicycles in the street and play ball in the cul-de-sac. People in the neighborhood ride golf carts, run, and walk their dogs. Ms. Cox indicates that there won't be an increase in traffic, but she states in her application that she intends to grow her business. Ms. Cox indicates that her driveway will be used if she has a customer pick up, but her driveway is in a very dangerous place located in the center of a sharp curve. Ms. Green stated there has already been issues with parking in the street when they were moving in; they were having some construction and yard maintenance done. There have been several instances where there were near accidents. She stated there are not supposed to be any deliveries, but neighbors have already observed delivery trucks coming often. The Department of Agriculture primarily regulates production of the food items; they don't regulate traffic. She stated the neighbors are fearful that there will be parking on the street, because it is almost impossible to back out of the driveway or they will come to the cul-de-sac to turn around, which will increase traffic on the entire street. This is not the appropriate place for this type of business; it does not fit with the long-term history and character of the street. The property values will be decreased, and it could be a danger. Ms. Green stated a couple of her neighbors have already spoken to Lee Malcom expressing their concerns. One of the neighbors believes there is already a bakery operation at the residence. She and her neighbors don't feel that Holly Hill is the place for this conditional use and hope Council takes that into consideration.

There were no other public comments; Mayor Howard declared that portion of the meeting closed.

No Action.

b. Variance – 603 & 606 Alcovy Street

Code Enforcement Officer Patrick Kelley presented the application of Duane Wilson with Pinehurst Homes, LLC for a variance of Article VII, Section 700.1 Table 11 of the Zoning Ordinance for lot size. The variance will reduce the size of two proposed lots in a proposed subdivision, which is currently zoned R1A with conditions. The Code Office and Planning Commission recommend the request be denied. He stated the reasoning for the denial recommendation is in the background information and the standards for the decision of the variance request are listed.

The Mayor declared the meeting open for the purpose of public input.

Duane Wilson, with Pinehurst Homes, spoke in favor of the variance. He stated the property was rezoned to R1A with conditions in January of 2018. He submitted an engineer platted drawing to the City and Council for the 14-lot subdivision, with the lot dimensions on the plat. The rezone was tabled at the first Council Meeting so conditions could be put in place, and he conceded to those conditions. Almost two years later, he submits to get his land disturbance permit from the City for the final plat but is told the drawing that was already approved had to have a minimum of 10,000 square feet for each lot. Mr. Wilson stated he doesn't understand how it got that far before being discussed. He stated eight of the 14 lots on the plat were less than 8,500 square feet. In the best interest of everyone, he went back to Alcovy Surveying to have it redrawn. The plat now has the 10,000 square foot minimum on all of the lots except for two, which are a little over 8,500 square feet. The properties will be highly desirable, and he doesn't see how it would negatively impact the City.

There were no other public comments; Mayor Howard declared that portion of the meeting closed.

No Action.

c. Variance – 132 Pinecrest Drive

Code Enforcement Officer Patrick Kelley presented the application for a variance of Article VII, Section 700.1 Table 11 of the Zoning Ordinance for setbacks. The applicant Susan Walden is requesting a variance of the second front setback requirement on a corner lot from 30 feet to 10 feet. The Code Office and Planning Commission recommend the request be approved.

The Mayor declared the meeting open for the purpose of public input.

There were no public comments; Mayor Howard declared that portion of the meeting closed.

No Action.

d. Rezone – 201 Bold Springs Avenue

Code Enforcement Officer Patrick Kelley presented the application of Mountain Creek Enterprises, Inc., for rezone of this property from PRD to B2. The Code Office recommends the request be approved to the lowest possible business zoning classification that would accommodate the intended use expressed, which would be B1. The Planning Commission concurred with that recommendation.

The Mayor declared the meeting open for the purpose of public input.

Mr. Rick Huszagh, the property owner, stated he respects the decision of the Commission. He would like to go forward with the B1 Zoning.

There were no other public comments; Mayor Howard declared that portion of the meeting closed.

No Action.

III. NEW BUSINESS

1. Conditional Use – 919 Holly Hill Road

Council Member Ross Bradley questioned the likelihood of anyone coming to the house if 99.9% of her business is delivered.

Ms. Jamie Cox explained she either delivers or mails to her customers. She stated that she understands some of the concerns; she has spoken with some of her neighbors, who have not shown any concerns. She lives in the first home in the neighborhood and no children live near her home. They had a three-car garage built, and there was a little confusion during construction. Her driveway was just expanded, and she backs out of it every day without issues. The deliveries that she has received have been due to COVID. She orders her dog's food through Chewy, and it comes every week. She had deliveries during Christmas, but she does not have business deliveries.

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Mr. Patrick Kelley explained that the conditional use does not allow any pickup or delivery traffic at all; customers would not be permitted to come and go. The Zoning Ordinance states no commercial traffic or parking.

Council Member Lee Malcom questioned whether customers could come to the house to pickup their baked goods.

Mr. Kelley answered no; Ms. Cox must do delivery or shipping, as she stated.

Council Member Tyler Gregory questioned what happens if these conditions are violated.

Mr. Kelley stated a conditional use is a rescindable permission.

City Attorney Paul Rosenthal explained that a conditional use is much different than a rezone. A conditional use is granted for a certain narrow confined purpose, which is conditional. The property may be used for the particular conditional use purposes and if the property is not used as expected or problems arise Council has the authority to rescind the conditional use with a vote.

To approve the conditional use.

*Motion by Garrett, seconded by R. Bradley.
Voting no Malcom.
Passed 7-1.*

2. Variance – 603 & 606 Alcovy Street

Council Member David Dickinson stated he feels there has been a bit of a disconnect about what has happened with the property, and everyone needs to have the same understanding about it. He stated Mr. Wilson was a little off on the dates; it was originally discussed in April of 2018. Council had some concerns at that time, and the item was tabled in order to look into the situation further. The item came back to Council at the May 8, 2018 meeting where the property was rezoned to R1A. It was only a rezone; there was not an approval of a development plan. The Minutes make it very clear that Council did not approve any development plans, any particular number of lots, or sizes of lots. He stated that Council approved the rezone to R1A, with conditions and discussed the imposed conditions. The Minutes state that the final development plan and final plat will come back to the Code Office for approval. He stated apparently it took quite a long time for the final development plan to get configured, which is what came back for approval. The Zoning Ordinance clearly states all lots in a R1A Zoning must have a minimum of 10,000 square feet. Mr. Dickinson has an issue with changing the lot sizes for a higher yield of lots, because it would then have to be done for everyone. There is no other justification for the variance. He believes that the Planning Commission made the right call, and he is opposed to granting the variance for those reasons.

Vice-Mayor Larry Bradley questioned whether Mr. Wilson plans on building the homes or selling the lots to a builder.

Mr. Wilson stated most likely a builder will buy the lots and develop the property.

Council Member Tyler Gregory questioned whether it would be possible to have 13 lots instead of 14 lots.

Mr. Wilson answered that he would take as many as he could get, but 14 is what was originally proposed. His preference would be to stay with 14 lots, for the density and yield.

Council Member Norman Garrett questioned whether 13 lots or 14 lots make a difference on how Mr. Gregory would vote.

Mr. Gregory stated he thought it could be another solution, should the variance not pass.

Mayor, Council, Mr. Kelley, and Mr. Wilson further discussed 13 lots versus the 14 lots and reconfiguring the lots.

Mr. Wilson stated if he wanted 13 lots there would be no reason to go through this process. If he has 13 lots, they can all be 10,000 square foot minimum. He was under the assumption that what

Council was voting on with the rezone was in totality, which included the lot size and the conditions. It was a misunderstanding.

Mr. Dickinson stated Council is having a meeting later this month to discuss some of these things, to get them straightened out, and to get the processes a little clearer. Council cannot set a precedent for others.

Mr. Larry Bradley stated one of the reasons the City has a process for variances is because everybody in every situation cannot be treated exactly the same. One of the criteria referenced is whether the variance would not cause substantial detriment to the public good. He looks at all the variance requests as to whether it would cause a detriment to the good of the neighborhood, the surrounding community, or the City. He stated the reason there are variances period is because everyone cannot be treated exactly the same in every situation; there are going to be exceptions. He questioned what the detriment to approving the variance would be to the neighborhood or the community at large. Council has approved variances right up the street in Legends. Mr. Bradley stated he doesn't rule out a variance because of treating everybody exactly the same. While Council wants to be fair and equitable in all of the decisions, there has to be exceptions made based on circumstances.

Council Member Lee Malcom stated she agrees with Mr. Bradley. When a variance is brought before Council, it gives them an opportunity to assess the particular piece of property. She feels this is a product that is greatly needed. There are no homes available on smaller lots that are quality built. There are a lot of new lots coming on Church Street and in the Stone Creek Subdivision but not right in the City.

Mayor and Council discussed the approved variances in Legends.

Mr. Gregory questioned whether setting a precedent is an issue here or not. He also questioned whether Mr. Wilson would benefit from the upcoming Planning, Zoning, and Code Meeting.

Mayor Howard stated in this particular case it would set a precedent, because it appears to be a choice to make the lots fit. It is not due to topography or engineering. He does think that it might be better as a cohesive unit after that meeting, but the item is on the floor now.

To table the variance until the next monthly meeting.

*Motion by Dickinson, seconded by Garrett.
Passed Unanimously.*

3. Variance – 132 Pinecrest Drive

To approve the variance.

*Motion by Malcom, seconded by Garrett.
Passed Unanimously.*

4. Rezone – 201 Bold Springs Avenue

Vice-Mayor Larry Bradley requested clarification whether the rezone is for B1 Zoning or B2 Zoning.

Mayor Howard explained that Mr. Huszagh stated that he accepted Mr. Kelley's recommendation of B1 Zoning.

To approve the rezone to B1.

*Motion by Dickinson, seconded by R. Bradley.
Passed Unanimously.*

5. Preliminary Plat Approval – 455 Vine Street

Code Enforcement Officer Patrick Kelley presented the Preliminary Plat of the Vine Street Subdivision for approval. The applicant is Joe Dixon with Expo Homes, who offered a revision today which will eliminate two cul-de-sacs. He explained it is an R1A Zoned development with conditions and will be comprised of 221 lots. The preliminary plat is in substantial conformance and can go to design and engineering; it will come back to Council for approval at a later time.

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The plat is in substantial conformance with the Development Regulations, the Zoning Ordinance, and the conditions granted for the rezone.

To approve the Preliminary Plat for the Vine Street Subdivision at 455 Vine Street.

*Motion by Dickinson, seconded by Gregory.
Passed Unanimously.*

6. 2nd Reading – Personnel Policy Ordinance Amendment Regarding Appeal and Grievance Procedures

To approve the ordinance.

*Motion by Malcom, seconded by Little.
Voting no Garrett, Crawford.
Passed 6-2.*

7. Resolution – Open Records Officer

To approve the resolution as presented.

*Motion by Little, seconded by L. Bradley.
Passed Unanimously.*

8. Approval – Election Qualifying Fees

To approve the qualifying fees for the 2021 Election as specified in the Georgia Code.

*Motion by L. Bradley, seconded by Gregory.
Passed Unanimously.*

9. LAP Resolution – CDBG Requirement

To approve the resolution as presented.

*Motion by R. Bradley, seconded by Gregory.
Passed Unanimously.*

10. 2018 CDBG Paving Award for South Madison Avenue

City Administrator Logan Propes presented the paving bids for the 2018 CDBG Project; he has just gotten the recommendation letter from the engineer to approve the bids. He explained there were six bids received for paving sections along South Madison Avenue where sewer line rehabilitation work has been ongoing. The remainder of South Madison Avenue will be paved with LMIG Funds in a separate award. The lowest bid was received from Blount Construction Company, Inc. for the amount of \$356,372.49, which is the recommendation.

To approve the 2018 CDBG paving contract with Blount Construction Company, Inc. for the amount of \$356,372.49.


*Motion by Dickinson, seconded by Malcom.
Passed Unanimously.*

IV. MAYOR'S UPDATE

Mayor John Howard discussed vaccine distribution; Georgia has 555,800 vaccine doses and only 183,870 have been administered. The counts are up, 600 people per 100,000 are testing positive, which is up 13%. Deaths are at 4.7%, which is an 80% increase. He stated the staff at Piedmont Walton is going way above what is expected from them to provide proper care for those battling the virus. The community has really come together; lunches and dinners have been taken care of for the hospital staff. Individuals have raised over \$9,000 to provide snacks at the hospital.

V. ADJOURN

*Motion by R. Bradley, seconded by Crawford.
Passed Unanimously.*


MAYOR


CITY CLERK