

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, Jack Armstrong, Beth Thompson, Rodney Middlebrooks, Patrick Kelley, Chris Bailey, Sadie Krawczyk, Beverly Harrison, Mike McGuire, Steve Conwell

Visitors: Brad Callender, Chad Gravette, Duane Wilson, Michael Rowell, Simon Illikattil, Franklin Etheridge, Tammy Tew, Jared Campbell

I. CALL TO ORDER – JOHN HOWARD

1. Invocation

Mayor Howard 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 Little, seconded by Malcom.
Passed Unanimously*

4. Approval of Consent Agenda

- a. January 5, 2021 Council Minutes
- b. January 12, 2021 Council Minutes
- c. January 22, 2021 Planning & Code Committee Minutes
- d. January 19, 2021 Planning Commission Minutes
- e. January 26, 2021 Historic Preservation Commission Minutes
- f. December 10, 2020 Downtown Development Authority Minutes
- g. December 22, 2020 Downtown Development Authority Minutes
- h. December 10, 2020 Conventions and Visitors Bureau Minutes
- i. Cy Nunnally Memorial Airport Runway 3/21 Rehabilitation & Paving Project – To contract with Atlanta Paving & Concrete Construction, Inc. for \$888,888.00 as presented. (Recommended for Council approval by Airport Committee February 2, 2021)
- j. Fiber Pricing – To approve the rates as presented. (Recommended for Council approval by Utilities Committee February 2, 2021)
- k. Approval – Sanitary Sewer System Improvements – Alcovy River Outfall – To contract with Mid-South Builders, Inc. for \$1,515,500.00 and an additional 5% contingency fund of \$75,775.00. (Recommended for Council approval by Utilities Committee February 2, 2021)

To approve the consent agenda as presented.

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

II. PUBLIC FORUM

1. Public Comments

No one signed up for public comments.

2. Public Hearing

Council Member David Dickinson recused himself, due to representing Ms. Tew on another matter.

a. Variance – 1360 Armistead Circle

Code Enforcement Officer Patrick Kelley presented the application for a variance of Article IX, Section 910.1(8) of the Zoning Ordinance for garage doors. The applicant Tammy Tew is requesting a variance to allow a street facing garage and driveway, due to the size of the property not allowing a side or rear garage and driveway. He explained the request is keeping with the remainder of the neighborhood standards.

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.

III. OLD BUSINESS

1. Variance – 603 & 606 Alcovy Street

Mayor Howard stated this item was tabled at last month's meeting on January 12, 2021. Patrick Kelly presented the applicant's request for a variance of the property to reduce the size of two proposed lots in the proposed subdivision which is currently zoned R1A with conditions, hereby requesting a Variance of Article VII, Section 700-1 Table 11 lot size of the Zoning Ordinance. The applicant is Duane Wilson of Pinehurst Homes, Inc. This design falls short of the conditional rezone parameters agreed to which reduced the required lot size by granting R1A Zoning with conditions. This rezone was approved on May 8, 2018. The lots should conform to the previous rezone which was granted with conditions. The designer has had over 2 ½ years to modify this design for conformance. This was an approximate 30% reduction in lot size at that time, from 14,000 to 10,000 square feet. The Zoning Ordinance clearly states all lots in R1A Zoning must have a minimum of 10,000 square feet. He stated the recommendation is to deny.

Council Member David Dickinson made a motion to deny the variance. He believes the purpose of the variance was to increase the yield in the subdivision, and it was caused by the applicant, which is not appropriate. Council Member Norman Garrett seconded the motion.

Vice-Mayor Larry Bradley requested for Mr. Dickinson to elaborate on the reason why he wants to deny the variance. He stated most of the lots would be in compliance; there would only be two with small variances, not significant variances. The property owner is willing to put his money into building, and Mr. Bradley doesn't see any harm to the neighborhood or to the City. He questioned what harm would be involved in approving the variance.

Mr. Dickinson answered it is not so much as general harm as it is standards. He discussed Section 1430.6(5) of the Zoning Ordinance. One of the things Council is supposed to take into consideration is whether the special circumstances surrounding the request for the variance are not the result of acts by the applicant. He thinks that is exactly what Council has here. Mr. Dickinson reminded Council that he made the motion to approve the previous rezone, and now he has come back wanting to cut down the size on two of the lots to get more lots in the subdivision. The applicant created the problem and if Council allows it, they will not be able to constitutionally deny the next person that creates a problem by changing the lot sizes drastically. He discussed the application for the lots on Boulevard which was pulled. He is concerned about running into a substantive due process and an equal protection argument from any other applicants, and Council would not be able to defend it.

Council Member Norman Garrett stated that he agrees with Mr. Dickinson, and all Council Members get a vote. They can vote their conscience.

Vice-Mayor Bradley stated he understands and may vote differently; it is the reason he wants further clarification. Most of the variance requests that come to Council are to enable the applicants to do more with less. He discussed variances that were approved for Legends allowing the houses to be closer to the street. The variance on Vine Street allowed a minimum of 8,500 square feet, which allowed more houses in their subdivision. He understands and is not disagreeing with Mr. Dickinson, but wants to understand the purpose of a variance if Council is not going to approve any variances. The purpose of a variance is for the applicant to request a change to the City Code in order for them to do what they are wanting to do with a piece of

MAYOR AND COUNCIL MEETING FEBRUARY 9, 2021 6:00 P.M.

property. He stated if Council is never going to allow that to happen, it cuts down drastically on the number of variances to be looked at.

Council Member Lee Malcom abstained, due to Mr. Wilson being a previous client.

Council Member Ross Bradley questioned the validity of the variance; can Council consider a variance if there was never a plat recorded or a plan done in 2018.

City Attorney Paul Rosenthal answered that Council can consider this variance, but a plat was not done back then. There were some conceptual site plans done. It is appropriate for Council to consider this variance, taking into account the various factors that the Zoning Ordinance lays out to be considered when voting on a variance, as were referenced by Mr. Dickinson. There are about seven or eight particular criteria to be considered by Council, when considering a variance application.

To deny the variance.

*Motion by Dickinson, seconded by Garrett.
Abstaining: Malcom.
Opposed: L. Bradley.
Passed 6-1.*

IV. NEW BUSINESS

Council Member David Dickinson recused himself, due to representing Ms. Tew on another matter.

1. Variance – 1360 Armistead Circle

To approve the variance.

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

2. Application – Beer & Wine Package Sales – M and S Food Mart

To approve the application.

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

3. 1st Reading – Offenses and Miscellaneous Provisions – Possession of Marijuana Ordinance Amendment

City Attorney Paul Rosenthal presented the first reading of the ordinance.

Council Member Norman Garrett questioned the fee attached to one ounce and below of marijuana.

Mr. Rosenthal answered the Ordinance has been cleaned up, but the penalty provision was left the same as it was previously. It refers to the penalties provision of the City Code of Ordinances in Section 111, which mandates that the maximum penalty is \$1,000.00 and six-months confinement as with all other City Ordinance violations. He explained in the City of Monroe Municipal Court and in his office as solicitor they have generally been offering a fine payment of \$750.00 on negotiated pleas for possession of less than an ounce of marijuana, unless there are aggravating circumstances or extenuating circumstances. The maximum allowed penalty still remains \$1,000.00 and six months confinement, as with all other Ordinances. However, standard practice from his office as prosecutor solicitor for Monroe has been to eliminate the requests for confinement of possession charges of less than an ounce of marijuana and simply have a fine payment of \$750.00 on average. Sometimes there are more aggravating circumstances and the negotiated plea request is for the maximum \$1,000.00; sometimes there are extenuating circumstances and the fine recommendation may be less. Mr. Rosenthal stated it is not like the City of Clarkson or the City of Atlanta where they have modified their Ordinances in an effort to decriminalize the marijuana, where there is a maximum of only a \$75.00 fine.

Mr. Garrett questioned the reason the City of Monroe is not looking into doing the same.

Mr. Rosenthal stated that would be a policy decision for the elected officials to address and decide upon, not a decision for the attorneys.

Mayor and Council discussed and agreed that this needs to be revisited.

Mr. Rosenthal explained this is simply a cleanup of the Ordinance, because there was a technical defect in the Ordinance, which got missed. The only purpose tonight is solving a technical defect cleanup. He suggested that staff get together and provide some input and opinions, if it is Council's directive; Chief Watts will certainly have some suggestions and recommendations. A few Cities in the State of Georgia have decriminalized marijuana, but technically there is still a State charge and a Federal charge. He stated in terms of the practical reality of writing Ordinance tickets or tickets for weed, several Cities have decriminalized it to where there is a flat lower fine only, for possession of less than an ounce.

Council Member Tyler Gregory questioned whether State or Federal Statutes could be used during times with extenuating circumstances, if the City were to approve a lower flat fine.

Mr. Rosenthal answered the Federal Statute could not be used, but the discretion to charge a violator of any alleged crime always rests with the officer. The officer has the authority to bring charges under the State Statute if they want to, which is a different path of criminal procedure. The officer has the discretion to either write the ticket under the State charge and bring it to the Monroe Municipal Court; write the ticket under the City Ordinance and bring the charge to Monroe Municipal Court; or write the ticket under the State charge, take out a warrant, and take it to Superior Court. Mr. Rosenthal strongly suggests there be some discussion and communication of positives and negatives with Chief Watts, prior to making any major decisions on the concept.

Council Member Ross Bradley requested that staff proceed with putting the changes together.

4. Renewal – Property and Casualty Insurance

Mayor Howard explained the property and casualty insurance was presented last week for staff's recommendation to approve, but the video and audio froze during the discussion. The Committee failed to get a vote for the recommendation to full Council. Mr. Saville, with Saville Risk Management, explained the renewal details for the property and casualty insurance for 2021. The total premium is \$404,347, which is \$5,434.00 more than last year. He stated the coverage will be moving from State National to Travelers generating significant savings in an insurance market where most Cities and Counties are seeing higher premiums and deductibles. During the time after Mr. Saville's presentation, the video froze and the audio wasn't clear, and the Committee failed to get a vote for a recommendation to full Council from the Committee for approval of the renewal of the property and casualty insurance coverage. Therefore, it has been moved to full Council for approval.

To approve renewal of the property and casualty insurance coverage.

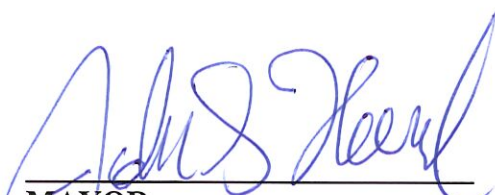
*Motion by R. Bradley, seconded by Little.
Passed Unanimously.*

V. MAYOR'S UPDATE

Mayor John Howard stated the COVID numbers are down a little this week, and Piedmont Walton Hospital is finally getting some breathing room. Mayor Howard will be meeting with Carl Morrow and independent National Guard tomorrow concerning vaccinations. The City of Monroe is on the right path. He requests Council to encourage their constituents to maintain proper hygiene, proper spacing, and wearing masks is appreciated.

VI. ADJOURN

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



MAYOR



CITY CLERK