

AGENDA
FEBRUARY 05, 2018
CITY OF SENOIA
MEETING OF MAYOR AND COUNCIL
505 HOWARD ROAD
7:00 PM

VISITORS: Harry Ramos, Pat Eichorst, Colleen Allerdice, Lu Nations- Miller, Frank Zeidler, Chester Cannady, Richard Ferry, Paula & Scott Moore, Sheilda Hayes, Carlotta & Curtis Murray, Gail Downs, Susan Mobley, Vernon Boswell, Stacy Fisher, Bob Hynd, Mike Foy, Michael Rimi, Kevin Brooks, Suzanne Pengelly, Steven Gulas and Bill Tyre.

STAFF: Andrew Whalen, Harold Simmons, Chief Edens, James McCue, Dina Rimi and Amanda Edens
FULL COUNCIL PRESENT

1. CALL TO ORDER/WELCOME VISITORS

All stood for the Pledge of Allegiance. Mayor Fisher then declared this to be an open meeting duty convened under the Open Meetings Law after receiving confirmation from the Community Development Director that all legal requirements have been met.

2. PUBLIC HEARING- Rezoning at 291 Morgan Street-Residential from R40 to RH

A. Comments from Community Development Director

Ms. Rimi explained that this address came before the Mayor and Council in 2017 for a variance to the rear and front setbacks. At that time the variance application was denied and the applicant was instructed to apply for a rezoning. Mr. Boswell (applicant) has since received an administrative variance for the rear setbacks and is now looking for approval to have his property rezoned from R-40 to RH, which will bring his front setbacks into compliance. When heard by the Planning Commission, motion was made to recommend approval.

B. Comments from Applicant-None

C. Comments from Public-None

D. Council Comment and Action

Mayor Fisher made motion to approve the rezoning of 291 Morgan Street from R-40 to RH and was 2nd by Councilman Eichorst. Motion carried unanimously.

3. CLAIMS AGAINST THE CITY-None

4. APPROVAL OF JANUARY 08, 2017 CITY COUNCIL MEETING MINUTES

Councilman Grover made motion to approve the January 8, 2018 meeting minutes as presented & was 2nd by Councilman Graham. Motion carried unanimously.

5. ADMINISTRATIVE/FISCAL MATTERS

A. Resolution 18-04 Appointment to Ethics Board

City Manager Harold Simmons asked that that names that are presented on Resolution No. 18-04 be accepted by the Mayor and Council to serve on the Senoia Ethics Board. Mayor Fisher

asked for public comment and there was none. Mayor Fisher then made motion to approve the appointments to the Senoia Ethics Board as presented & was 2nd by Councilman Pearman. Motion carried unanimously.

B. Resolution 18-05 – Acquisition of Easements for the Multi-Use Cumberland Trail Project
City Attorney Andrew Whalen informed Mayor and Council that under the new laws for *Land Owners Bill of Rights*, there are now certain procedures that the City needs to comply with regarding the acquisition of property. The first step in the procedures is for the City to adopt a resolution which is being done tonight. The second step is for the appraiser to negotiate with the property owners. If approved tonight the City will be able to move forward with the process. Mayor Fisher invited public comment and with none, made motion to approve Resolution No. 18-05 and was 2nd by Councilman Graham. Motion carried unanimously.

C. Curtis & Carlotta Murray – APPEAL – HPC Denial of a PVC Fence

Ms. Rimi informed Mayor and Council that in May of 2017 Mr. and Ms. Murray originally applied for a Certificate of Appropriateness for a four foot wooden fence which was approved by the Historical Preservation Commission. In November 2017 Code Enforcement Officer James McCue brought to my attention that the applicant built a PVC fence at their address. I called the applicant and informed them that this type of fence was not permitted in the Historic Overlay at which time the applicant decided to appeal staff's decision to deny the C.O.A. and have it heard by the Historic Preservation Commission during their December 2017 meeting. The appeal was denied by the HPC and the applicant requested to have an appeal heard by Mayor and Council. Mr. Murray explained that he did apply for a white picket wooden fence and then decided to use PVC due to the minimal upkeep that is required, further stating that several homes have this type of fence in the Historic Overlay. Mr. Murray stated he was not aware of the restrictions that did not allow PVC fencing and that the fence looks like a wooden fence. Councilman Grover clarified that the applicant admitted to reading the ordinance and after building the fence, there were three city officials that instructed him to not build the PVC fence, but yet he continued to do so. Mr. Murray stated that there is nothing in the ordinance that states PVC is not allowed. Councilman Grover stated that the ordinance lists the permitted materials and the only reason that chain link is listed is because metal is allowed and chain link is a type of metal.

Mr. Murray stated that there is a chain link fence around the detention pond and according to Coweta County Ordinance it is supposed to be 6 foot tall. Mayor Fisher stated those rules are for Coweta County and does not apply to the City of Senoia. Mr. Simmons stated before the fence was finished he had a conversation with Mr. Murry and Mr. Murray was instructed to stop building the fence. Mr. Murray stated that he never spoke to Mr. Simmons, he only spoke to his wife. Mr. Simmons reminded Mr. Murray of the conversation they had on the phone and again, Mr. Murray denied ever speaking to Mr. Simmons. Mayor Fisher stated that even though the fence looks good, the ordinance is very clear on what material is allowed.

Councilman Pearman stated that the ordinance says the materials shall be metal, stone masonry or wood, adding that the word *shall* in any application of regulation means compliance is mandatory. Mr. Simmons informed the Mayor and Council that the fence is also located in the City right of way. Carlotta Murray stated that there are other PVC fences and vinyl fencing, including a home on Main Street. Councilman Grover stated that The Murrays had a chance to

stop and send the materials back but they decided to continue and that is where he loses compassion for the applicant. Mayor Fisher stated that chain link fences have come before Council in the past and that applicants had to remove it. Councilman Graham stated that he is not in favor of the fence as the Murrays were told that fences consisting of PVC material was not approved in the Overlay, the fence is located in the right of way and the Murrays continued to build the fence and ignore instruction of city staff. Mr. Murray asked where he is supposed to move his fence to and was told by Councilman Grover the setbacks are 20 feet off of Johnson Street and 15 off of Middle Street. Former Code Enforcement Officer Bob Werner informed all that the chain link fence used by the City is per storm water regulations for all detention ponds. Councilman Graham called the item to question and made motion to deny the appeal to allow the PVC fence at 170 Johnson Street. Motion was 2nd by Councilman Pearman and carried unanimously. Councilman Pearman then made motion that the applicant has 30 days for the removal of the fence. Motion was 2nd by Councilman Grover and carried unanimously.

6. UNFINISHED BUSINESS

A. 2nd Read Ord. 17-12 Amendment to Chapter 40-124 Land Development for Off Street Parking

After Ms. Rimi reviewed the changes to the Off-Street Parking Ordinance Councilman Pearman made a motion to approve the 2nd Read to Ordinance 17-12 & was 2nd by Councilman Grover. Motion carried unanimously.

7. NEW BUSINESS

A. Consider Preliminary Plat 90 Main Street

Steven Gulas explained to Mayor and Council that the realignment of these two properties will allow the applicant to build commercial buildings on the property facing Main Street and relocate the parking lot to the rear of the other lot. Councilman Eichorst inquired to the location of the equipment during the construction process. Mr. Gulas stated that the materials will be located at a different site during the construction process to allow city employees the use of the newly constructed parking lot. Mayor Fisher asked for comments from the public and there were none. Councilman Grover made motion to approve the preliminary plat as presented and was 2nd by Councilman Eichorst. Motion carried unanimously.

B. Consider Preliminary Plat Keg Creek Landing

Ms. Rimi explained that the Preliminary Plat for Keg Creek mirrors the Conceptual Plat that Mayor and Council approved in 2017. The only discrepancy is that the multi-use trail connecting Pod A to Horseshoe Bend is not shown on the plat. Staff is requesting that the Preliminary Plat is approved with the requirement that the multi-use trail is shown on the construction drawings. Mayor Fisher asked for any public comments. Sheilda Hayes suggested that the City consider a roundabout to help traffic at the intersection of Johnson and Seavy Streets. Councilman Eichorst made a motion to approve the Preliminary Plat for Keg Creek with the requirement that the multi-use trail is to be shown on the construction drawings. Motion was 2nd by Councilman Grover and carried unanimously.

C. Consider Development Agreement for Keg Creek Landing

Ms. Rimi reviewed the conditions of the Agreement. Mayor Fisher invited public comment and there was none. Councilman Pearman then made a motion to approve the Development Agreement for the Keg Creek Landing Subdivision as presented and was 2nd by Councilman Grover. Motion carried unanimously.

D. Warranty Deed Heritage Pointe Part 2 Phases 2 & 3 Right of Way Acceptance

Ms. Rimi is requesting that Mayor and Council approve the Right of Way Acceptance for Heritage Pointe Part 2 Phase 2 & 3. Mayor Fisher made motion to approve the Warranty Deed for Heritage Pointe Part 2 Phases 2 & 3 and was 2nd by Councilman Graham. Motion carried unanimously.

E. Warranty Deed Fieldstone Estates Phases 2 & 3 Right of Way Acceptance

Ms. Rimi is requesting that Mayor and Council approve the Right of Way Acceptance for Fieldstone Estates Phases 2 & 3. Councilman Graham made motion to approve the Warranty Deed for Fieldstone Estates Part 2 Phases 2 & 3 and was 2nd by Councilman Eichorst. Motion carried unanimously.

8. APPEARANCES FROM THE FLOOR

Sheilda Hayes stated that she would like to see the City develop a site within the city limits to honor the City's military veterans.

9. ANNOUNCEMENTS-None

10. ADJOURN

Mayor Fisher made motion to adjourn the February 5, 2018 City Council and was 2nd by Councilman Pearman. Motion carried unanimously.