

**MAY 6, 2013
CITY OF SENOIA
MEETING OF MAYOR AND COUNCIL
505 HOWARD ROAD
7:00 PM**

VISITORS: Chuck Eichorst, Sarah Campbell, Ben Nelms, Don Rehman, Suzanne Helfman, Officer Kilgore, Officer Eakin, Officer Bibler, Chief Edens, Vera Adair, Joe Cannin, Joyce Gaglioni, Jean Peck, Chuck Kerpec, John Barrow and Lucille Weston

FULL COUNCIL PRESENT

1. CALL TO ORDER/ WELCOME VISITORS

Mayor Belisle declared this to be an open meeting duly convened under the Open Meetings law after receiving confirmation from the City Clerk that all legal requirements have been met. Mayor Belisle then called the meeting to order, welcomed all and C. Fisher led the Pledge of Allegiance.

• **Municipal Clerks Week Proclamation**

Mayor Belisle read a Proclamation declaring May 5-11, 2013 Municipal Clerks Week and thanked City Clerk Debby Volk for her service to the City.

2. PUBLIC HEARING-Rezone 1.051 Acres from R-40 to OI-7746 GA. Hwy 16

A. Comments from Applicant

Representing property Jeanette McKnight, Vera Adair asked Council to approve the rezoning of the 1.051 acres located on Hwy. 16 from R-40 to OI.

B. Comments from City Administrator

Mr. Ferry stated that the property would be suitable for both GC or OI but Planning Commission recommended OI as they were hesitant on GC zoning with no site plan submitted. Mr. Ferry reminded all that the Future Land Use Map shows OI for this area.

C. Comments from Public-None

D. Council Comment and Action

It was suggested to make the zoning conditional of seeing a site plan but all were reminded by Mr. Whalen that a site plan is not required by ordinance. C. Fisher asked if action has been taken in the past without the presence of a site plan & was told by Mr. Ferry not to his knowledge. C. Grover asked how much buildable land will be left after the 75 ft. buffer is subtracted & was told it will lose 1/3 of the buildable acreage due to buffer. After short discussion, C. Fisher made motion to approve the rezoning of 7746 Hwy. 16 to OI (Office Institutional) & was 2nd by C. Graham. Motion carried unanimously.

3. APPROVAL OF APRIL 15, 2013 CITY COUNCIL MINUTES

C. Grover made motion to approve the April 15, 2013 Council minutes as presented & was 2nd by C. Fisher. Motion carried unanimously.

4. ADMINISTRATIVE/FISCAL MATTERS

A. Waiver of Background Check Fee

Councilman Grover made motion to waive Background Check Fees for County/City supported recreational volunteers & was 2nd by C. Fisher. Motion carried unanimously.

B. Appointment of Mayor Pro Tem

Mayor Belisle made motion to appoint C. Fisher Mayor Pro Tem and was 2nd by C. Grover. Motion carried unanimously. Mayor Belisle thanked C. Grover for his past service in this regard.

5. OLD BUSINESS

A. John Barrow Development Agreement Amendment

Mr. Barrow asked Council to approve delaying the paving at A Better Way until the buildings are complete. C. Fisher asked what is in place now & was told gravel. C. Grover asked when the buildings are scheduled for completion & was told 24 months. Mayor Belisle then read sections of the earlier Development Agreement which verbiage required a road. C. Owens sees no problem and makes motion to grant an extension on the paving providing the project is complete within 24 months. Motion was 2nd by C. Grover and vote to approve was 3-2 with Mayor Belisle and C. Graham opposed. Mr. Ferry asked if a new agreement is warranted & C. Grover made motion to have a contract drawn listing the conditions above & was 2nd by C. Owens. Vote to approve was 3-2 with Mayor Belisle & C. Graham opposed.

6. NEW BUSINESS

A. 1st Read-Ethics Ordinance

Don Rehman of Heritage Pointe stated that he is of the opinion that Section 2.91 is not clear if the proposed ordinance is speaking of a new or existing Board. Mayor Belisle answered that it is very clear the reference is to a new Board. Mr. Rehman then pointed out Section 2.92 of the proposed ordinance establishes a Board appointed by Council where Mayor Belisle answered the expiration of an appointed board is two-years and sees no reason to appoint another without cause. Mr. Rehman feels the proposed ordinance allows the Ethics Board to dismiss what it considers to be frivolous charges and would like dismissal to come at the hands of City Council. C. Fisher stated "then there is no reason for an Ethics Board", adding that anyone who wants to question the ordinance simply needs to watch the news as ordinances such as the one proposed are working everywhere. Mr. Rehman also voiced concerns about the absence of a *whistleblowers* reference and the fact that a complainant cannot challenge. After short discussion Mayor Belisle made motion to approve the 1st Read of the Ethics Ordinance as presented & was 2nd by C. Owens. Motion carried unanimously. Mr. Whalen suggested at some point in the future the City will need to review the ordinance for slight revisions.

B. Street Light-GA. Hwy 85 and Seavy Street

Mayor Belisle made motion to approve the purchase of 1 street light for the intersection of Hwy. 85 & Seavy Street as described. Motion was 2nd by C. Fisher & carried unanimously.

C. Street Closing-Memorial Day Festivities

Mayor Belisle made motion to approve the street closings as presented beginning at 7 AM for the Memorial Day Parade & festivities. Motion was 2nd by C. Graham & carried unanimously.

D. Street Closing-Southern Ground Senoia Social

Mayor Belisle made motion to approve the street closings as presented for the Southern Ground Senoia Social to be held on June 15th from 7 AM-9:30 PM. Motion was 2nd by C. Graham & carried unanimously.

E. Street Closing-Ivy Ridge H.O.A. Block Party

Mayor Belisle made motion to approve the closing of the Ivy Court cul-de-sac for the Ivy Ridge Block Party providing a Certificate of Insurance is received and any neighbors affected are in agreement with the closing. Motion was 2nd by C. Fisher & carried unanimously.

7. APPEARANCES FROM THE FLOOR

Don Rehman of Heritage Pointe asked that Council provide specifics for the Executive Session regarding Real Estate.

8. ANNOUNCEMENTS

- May 27th-Memorial Day Festivities and Evening Fireworks
- Burn Ban-May 1st thru October
- Town Hall with Matt Ramsey May 30th Municipal Complex

**9. EXECUTIVE SESSION UNDER O.C.G.A. §50-14-2 Attorney/Client
EXECUTIVE SESSION UNDER O.C.G.A. §50-14-3 (B) (1) Real Estate**

Mayor Belisle made motion to enter Executive Session under the Georgia Codes for Attorney/Client & Real Estate. Motion was 2nd by C. Owens. To approve motion: Belisle, Fisher, Graham, Grover and Owens

Mayor Belisle made motion to return to regular session & was 2nd by C. Fisher. To approve motion: Belisle, Fisher, Graham, Grover & Owens.

10. ADJOURN

Mayor Belisle made motion to adjourn the May 6, 2013 City Council meeting & was 2nd by C. Owens. Motion carried unanimously.

Respectfully submitted,

Robert K. Belisle, Mayor

Debra J. Volk, City Clerk