

**JULY 6, 2015
CITY OF SENOIA
MEETING OF MAYOR AND COUNCIL
505 HOWARD ROAD
7:00 PM**

VISITORS: Jodi & Michael Couch, Ken Hazelton, Ken Ezell, Bill Tyre, Don Rehman, Jean Shell, Ray & Tammy Adams, Brenda Hughes, Pat Eichorst, Stephanie & Kylie Grover, Stacy Fisher, Cathie & Ronnie Kirkland, Bryon Knutson, Ray & Lynn Stanelle, Doris & Richard Chappell, Grace Wilson, Karen Allen, Emmett, Nathan & Matthew Bennett, Danny Harrison, Gail Noble, Leslie Neville, Sophie Boynton, Marcia & Logan Williamson, Andy Welch, Karen & Mitch Lange, Laura Dzwigalski, Donna Harrell, Robin Allgood, Tammy Golden, Betty Cookman, Dina & Michael Rimi, Joe & Shelda Hayes, Suzanne Helfman, Matt Nelms, Jessica Shaw, Lynn Wendt, Jim Schuyler, Earl Godwin, Seth Zimmerman, Jennifer Robinson, Noel Mayer, Jennifer Cannon, John Thompson, Mr. & Mrs. Gary Baumgartner, Evan & Susan Stitt, Adam & Tijuana Grissom, Mary Provost, Barbara Spradlin, Sarah Campbell, Jacob & Eric DeCesare, Jose & JoAnn Nieves, Lavoryous Robinson, Meghen Ramey, Joy Vandiver and Chad Harshbarger.

FULL COUNCIL PRESENT

1. CALL TO ORDER/WELCOME VISITORS

Mayor Owens called the meeting to order and all stood for the Pledge of Allegiance. Mayor Owens then 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.

2. APPROVAL OF JUNE 15, 2015 CITY COUNCIL MINUTES

C. Grover made motion to approve the June 15, 2015 City Council minutes as presented & was 2nd by Mayor Owens. Motion carried unanimously.

3. CLAIMS AGAINST THE CITY-None

4. ADMINISTRATIVE/FISCAL MATTERS

A. Beez Freeze-Zoning Request

Representing business owners Marcia Williamson and Cathie Kirkland, Attorney Andrew Welch is asking Council to reconsider a letter dated June 16, 2015 sent by the City Manager informing his clients that the temporary COA issued to them by HPC on June 9, 2015 to operate *Beez Freeze* was in violation of City Ordinance and is void. Mr. Welch disagrees with the code sections that were cited, provided a "Notice of Appeal" and asked Council to use their authority and instruct the City Manager to rescind the letter. City Attorney Andrew Whalen stated that this is not an appeals hearing and the matter up for discussion is about rescinding the original letter. Mr. Ferry is recommending that Council honor the temporary COA granted by the HPC on June 9, 2015 for a period of 90-days ending

September 11, 2015. Mayor Owens stated that there is no one person or group at fault and agrees with the 90-day temporary COA. C. Fisher informed all that immediately after the issuance, the City took responsibility and rendered a decision that the conditions to grant the COA did not exist; and Council is mandated to act on all ordinances. C. Fisher also reminded all that an "appeal" is not just action for denials but for approvals as well, adding that he would like to see the public as interested in storm water or utility rates as they are with this subject. C. Fisher feels the media has received only one-side of this story. After short discussion, C. Fisher made motion that Council award the 90-day temporary COA to the Breez Freeze until September 11, 2015 providing that no further improvements are made to the site. Motion was 2nd by C. Eichorst and carried unanimously. Comments consisted of:

Noel Mayer stating that his family visits 2-3 times a week and asks that it stay.

Karen Allen has been a resident in the Historic District 25-years and states that other businesses have some of the same issues pointed at Beez Freeze & wants it to stay.

Ronnie Kirkland stated that "a wrong must be corrected" and wants Beez Freeze to stay.

Don Rehman commented that City action was "cruel & unusual punishment" to the business and is in favor of it remaining. **Jennifer Robinson** feels it's "who you are, who you know and how much money one has" as to what's accepted. **Brenda Hughes** feels there is nothing wrong with the business and wants it to remain permanently. **Doris Chappell** is furious as to how the owners have been treated, adding Council is hearing the public tonight and wants Beez Freeze left alone.

B. Laptop Computer Purchase

At 4 to 5 year's old, Mayor Owens made motion to contact Sophicity for the purchase of 6 new laptop computers for the City Manager and full Council. Motion was 2nd by C. Fisher and carried unanimously.

5. UNFINISHED BUSINESS-None

6. NEW BUSINESS

A. Matt's Pizza-Sidewalk Request-Alcohol Ordinance §6.56 Part C

Matt Nelms of Matt's Pizza is requesting to serve alcohol at his sidewalk tables and would like approval of a special permit to work in conjunction with his current beer and wine license. Mr. Nelms provided a picture of the chain railing that he is planning. C. Eichorst asked if the railing could be placed along the planter and was told yes. Mr. Ferry added that the policy calls for a minimum 6-foot pedestrian space, signs will need to be placed stating "No alcohol beyond this point", all outside alcohol must be served in glasses and there will be a yearly permit fee of \$100. C. Fisher asked if cans would be allowed outdoors & was told there would be no cans, bottles or cups allowed. C. Fisher stated that he hopes this works in a responsible fashion. C. Eichorst asked what steps are taken for violations & was told there are a series of steps from the initial letter of violation up to removal of the license.

Mr. Whalen added that the sidewalk area will be considered a part of the premises. **Brenda Hughes** is opposed to alcohol on the streets and the same was voiced by **Jennifer Robinson**. C. Fisher then made motion to approve the permit for sidewalk alcohol sales on premises at Matt's Pizza & was 2nd by C. Grover. Motion carried unanimously.

B. CCR Proposal-Biological Monitoring

Mayor Owens made motion to approve the proposal received from CCR for the required biological monitoring at a cost of \$5,795.00. Motion was 2nd by C. Eichorst and carried unanimously.

C. Stalwart Films-Travis Street Closing

Seth Zimmerman of Stalwart Films asks Council to approve their request to close Travis Street from Pylant to Baggerly Way on July 8th between the hours of 3-9:00 PM for a 4 to 5 hour shoot. C. Fisher asked if the business owners have been notified & was told yes and Chief Edens has no concerns. Mayor Owens asked if there could be intermittent traffic control & was told that they hope to. **Jennifer Robinson** is concerned with traffic flow. **Brenda Hughes** states that the film industry should not be able to close anything. Doris Chappell added she is opposed to any streets being closed and will not follow order if hers is closed. C. Graham informed all that his address on Morgan Street was affected by a prior street closing and when told to "stay off the street" he told them "No" and suggested that residents contact Location Manager Mike Riley who will work with them. Ms. Chappell then asked how much Stalwart is paying the City and was told by Mayor Owens "nothing". Ms. Chappell then told Council that if your residents say no to the closings then you should abide by their wishes and the City should be paid something! C. Grover informed all that decisions by Council are made for best of the entire community and if there are those that don't agree they should run for office and "replace us". **Ray Stanelle's** opinion is that Stalwart should be compensating the City in some way. C. Fisher stated that those who are directly affected are being compensated and unlike public opinion, the film company does not have "carte blanche" in Senoia to do as they please. Once **Gail Nobel** understood the area requested to be closed, Ms. Nobel's opinion is that there should be no issues. After short discussion, Mayor Owens made motion to approve the Travis Street closing as requested on Wednesday, July 8th. C. Eichorst asked that the motion be amended to require intermittent traffic. With no amendment to original motion, C. Fisher 2nd original motion and motion carried unanimously.

7. APPEARANCES FROM THE FLOOR-None

8. ANNOUNCEMENTS

- Mayor and Council Called Meeting on Water Projects and Utility Rate Tuesday, July 7, 2015 at 7:00 PM-505 Howard Road/Municipal Complex
- End of Summer Fireworks Saturday, August 1st at Marimac Lakes Park

9. ADJOURN

Mayor Owens made motion to adjourn the July 6, 2015 City Council meeting & was 2nd by C. Grover. Motion carried unanimously.