

**FEBRUARY 15, 2016
CITY OF SENOIA
MEETING OF MAYOR AND COUNCIL
505 HOWARD ROAD
7:00 PM**

VISITORS: Ken Etzell, Don Rehman, Gail Downs, Dub Pearman, Dan Crocker, Jerry Powell, Mike & Deana Rimi, Bill Wood, Joseph Zueck, Greg Price, Mary Provost, Rod Wright, Dianne Cleveland, Lu Nations, Ken & Jodi White, Kent Clouse, John Thompson, Sarah Campbell, Norman Koenighaus and Mr. & Mrs. Baumgartner.

COUNCIL PRESENT: Owens, Graham, Eichorst and Fisher

COUNCIL ABSENT: Grover

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. PUBLIC HEARING-Proposed Rezoning of 0.846 AC on the Northeastern Corner of the Intersection of Horseshoe Bend and Johnson Street from Residential (R40) to Residential Historic (RH) for the purpose of developing three (3) residential lots.

A. Comments from Applicant

Builder Rod Wright is asking Council to approve a variance of 6.5 ft. on a side yard setback at and approve the rezoning of three parcels from R-40 to RH of Phase 2/Johnson Crossing. Mr. Wright then presented pictures of the current property, its proximity to adjacent property and numerous views from Johnson Street and Horseshoe Bend. Mr. Wright will be responsible for laying the water lines and once the sewer is installed it will be conveyed to the City. Then Mr. Wright presented similar pictures of what he is planning to build and stated that he will work closely with HPC for their approval.

B. Comments from City Manager

With options to approve as presented, demolish the structure or deny application, Mr. Ferry informed all that the Planning Commission actions were to deny only due to they are not authorized to grant variances.

C. Comments from Public-None

D. Council Comment and Action

Councilman Fisher commends Mr. Wright for wanting to upgrade and save the structure and is willing to grant the variance contingent on HPC approval as is C. Graham

3. APPROVAL OF FEBRUARY 1, 2016 CITY COUNCIL MINUTES

C. Fisher made motion to approve the February 1, 2016 Council minutes as presented & was 2nd by C. Eichorst. Motion carried unanimously.

APPROVAL OF FEBRUARY 11, 2016 CALLED COUNCIL MEETING MINUTES

Mayor Owens made motion to approve the February 11, 2016 Called Council meeting minutes as presented & was 2nd by C. Fisher. Motion carried unanimously.

4. CLAIMS AGAINST THE CITY-None

5. ADMINISTRATIVE/FISCAL MATTERS

A. 2nd Read- Stormwater Utility Ordinance

Mayor Owens began that the City has always utilized a “3-minute” rule on public comment but is willing to allow more time for comment.

Mr. Ferry referenced changes since the 1st read to include §70-150 (4) i. Ending the last sentence at.....”user fee charge imposed on the property.” And the omission of the end of that sentence “.....and the utility accounts associated with that property”. Another correction to the Ordinance is the numbering was duplicated at §70-148 (number only listed twice-not content). The 2nd 70-148 will be removed and numerically corrected. **Don Rehman of Heritage Pointe** feel sit is not appropriate to bill renters and the fee should be the responsibility of the homeowner. Mr. Rehman recommends the schedule of rates be included on the City website and was told by C. Eichorst that we have plans to do just that. Finally, Mr. Rehman feels it is inappropriate to back bill up to 3 years as currently written and suggests the time period be changed to 3-months. City Attorney Andrew Whalen stated that the wording of 3-years is standard practice. After short discussion, Mayor Owens made motion to approve the 2nd Read of the Stormwater Utility Ordinance with the indicated changes & was 2nd by C. Graham. Motion carried unanimously.

B. Resolution No. 16-03-Set Stormwater Utility Rate

Mr. Ferry informed all that Resolution No. 16-03 establishes the utility rate at \$5.00, the billing cycle (accrued June 2016 for July 1st billing) and utility credits. The Resolution also reinforces much of the wording of the Ordinance. **Don Rehman of Heritage Pointe** has objections to the current resolution on the grounds that property owners of undeveloped land are not being charged, further stating just because there is no impervious surface does not mean there is no run off. Mr. Ferry stated that undeveloped land can also aid in the protection and cleansing of these areas and recommends moving forward. After short discussion, Mayor Owens made mention to approve Resolution No. 16-03 setting the stormwater utility rate and billing cycle. Motion was 2nd by C. Fisher and carried unanimously.

C. Amendment to the Contract with Keck & Wood for the Ivy Ridge Trail

Mr. Ferry explained that this project was delayed as we have been waiting on the transportation funding bill that just passed. The amendment that is being requested is due to re-routing of the trail which will now begin at Autumn Creek to the Seavy Street Park. The increase is \$65,000 of which our local match will increase to \$35,000. The additional scope items include design of a bridge substructure crossing Keg Creek, a boardwalk over wetland areas, geotechnical exploration for the substructure and a hydraulic study. **Don Rehman of Heritage Pointe** asked for the difference in local match and where this money will be funded from. C. Graham stated that the monies will be funded thru where they were initially allocated from which was SPLOST. Mr. Rehman suggested using the money now on improvements to the intersection at Heritage

Pointe and Rockaway Road. C. Graham informed Mr. Rehman that SPLOST money can only be used for its initial allocation and cannot be moved to another project. C. Graham then made motion to approve the amendment to the Keck and Wood contract as presented & was 2nd by C. Eichorst. Motion carried unanimously.

6. UNFINISHED BUSINESS-None

7. NEW BUSINESS

A. Proposal from Senoia Area Baseball for Parade

Greg Price & Joe Zueck of Senoia Area Baseball League asked Council to approve plans for their Opening Day parade scheduled for Saturday, March 26th at 9:00 AM. Mr. Price stated that the route will remain the same. With Chief Edens having no issues with the route, Mayor Owens made motion to approve the parade and route scheduled for 9:00 AM on Saturday, March 26th. Motion was 2nd by C. Fisher and carried unanimously.

B. Proposal from A Better Way Ministries to Amend the Development Agreement

In the absence of an updated Hydrology Report for lots 6 & 7 of the property located off of Stallings Road, C. Graham made motion to table action on the amendment to the Development Agreement until said report is submitted to the City for review. Motion was 2nd by C. Eichorst and carried unanimously.

C. 1st Read-Utility Accommodations Ordinance

City Attorney Andrew Whalen explained that there are a few companies working throughout Georgia asking to use public right-of-ways to build infrastructure for the small cell-distributed antennae systems on power poles and running fiber optic cable in the right-of-way. Mr. Whalen continued that this Ordinance provides a means of regulation. C. Graham asked if this is a way to protect our rights in the protection of our right of ways & was told by Mr. Whalen yes, and also an opportunity to collect revenues. After short discussion, Mayor Owens made motion to approve the 1st read of the Utility Accommodations Ordinance & was 2nd by C. Fisher. Motion carried unanimously.

D. Proposed Road Closing on June 26, 2016 for DDA Sponsored Event

Gail Downs of the DDA asked Council to approve plans for their sponsored event consisting of a 60 piece orchestra and dinner under the stars on Main (25 tables @ 10 per table). Ms. Downs would like approval to close Main Street from Gin to Johnson and Seavy from Barnes to Baggerly from 11 AM to 11 PM on Sunday, June 26th. Ms. Downs introduced Ken White who has been doing out door presentations such as this for over 30 years, adding that reservations will be taken at \$50.00 per seat and the orchestra is planned to stage at Seavy and Main. C. Fisher then asked Mr. White if the event is for profit and was told yes. C. Eichorst asked what is done with residents who show up without reservations and was told that seating would be provided along the sides of the event. **Bill Wood of Katie Lou's Café** stated that Sunday is a "key revenue day" for them and asked that the street not be closed before 4:00 PM when they close. Mr. Ferry stated that he has not received detailed information regarding the event as the application has not been completed yet, which should answer any questions Council and the public may have. C. Graham asked if alcohol would be sold and was told no. C. Fisher stated that the 12 hour

closure is not feasible and would like to hold off and review will be done once the application is received. The Church on Main Street and Sunday night service needs to be looked at as well. General consensus is that DDA complete the event application and bring back for consideration

8. APPEARANCES FROM THE FLOOR-None

9. ANNOUNCEMENTS-None

10. ADJOURN

Mayor Owens made motion to adjourn the February 15, 2016 City Council meeting & was 2nd by C. Eichorst. Motion carried unanimously.

Respectfully submitted,

Larry M. Owens, Mayor

Debra J. Volk, City Clerk