



July 23, 2013

CITY OF MORROW, GEORGIA
Regular Meeting
Action Minutes

7:30 pm

CALL TO ORDER: Mayor Burke
PLEDGE OF ALLEGIANCE: All
INVOCATION: Mayor Burke

1. **ROLL CALL**

2. **APPROVAL OF MEETING AGENDA:**

1. Mayor Pro Tem Ferguson requested to add the appointment of outside legal counsel on the Variance request by Crown Communities.

MOTION AND VOTE: Mayor Pro Tem Ferguson moved to approve the Meeting Agenda as amended. Councilman Huie seconded the motion. The motion passed with Mayor Burke voting yes which broke a tie vote of 2 to 2 with Councilwoman Bridges and Councilman Slaton voting in opposition.

3. **CONSENT AGENDA:**

1. Approval of the July 9, 2013 Regular Meeting Minutes.
2. Approval of the Hecht Walker invoice #5618 in the amount of \$6,818.60 for the period June, 2013.

MOTION AND VOTE: Councilwoman Bridges moved to approve the Consent Agenda. Mayor Pro Tem Ferguson seconded the motion. The motion passed unanimously.

4. **REPORTS AND PRESENTATIONS:**

1. Report update on the success of "Tip-a-Cop" by Captain Tatroe.
2. Financial Update by Finance Officer Dan Defnall.

5. **PUBLIC HEARINGS:**

1. **PUBLIC HEARING on Millage Rate for 2013**

A Public Hearing on the approval of an Ordinance of the Mayor and Council of the City of Morrow, Georgia to set and declare the Tax Millage Rate in the City of Morrow, Georgia for Calendar Year 2013 and setting forth certain information regarding Rolled Back Rates; and for other purposes. *(Presented by City Manager, Jeff Eady)*

2. **PUBLIC HEARING on a Variance Request from Crown Communities, Inc.**

A Public Hearing on a Variance Request by Crown Communities, Inc. The applicant, Crown Communities, Inc., requests a variance from *Section 905A RS-80* which outlines allowable building materials for single-family residential dwelling units within the RS-80 zoning district. The applicant is requesting to allow additional building materials: cement fiberboard siding, with vinyl accents allowed only in soffits, gables, eaves, fascia board, and shutters, which are currently not allowed by City Code. The subject property is zoned RS-80 and located on the south side of Old Rex Morrow Road, south of Trammell Road, Morrow, GA 30260, also known as the Brookwood Estates Subdivision. This Public Hearing was postponed at the June 25, 2013 Council Meeting. *(Presented by Brecca Johnson, Senior Planner)*

6. **FIRST PRESENTATION:** None

7. **PUBLIC COMMENT – AGENDA ITEMS:**

8. **OLD BUSINESS:**

1. Approval or Denial of a Variance Request by Crown Communities, Inc. from *Section 905A RS-80* which outlines allowable building materials for single-family residential dwelling units within the RS-80 zoning district. The applicant is requesting to allow additional building materials: cement fiberboard siding, with vinyl accents allowed only in soffits, gables, eaves, fascia board, and shutters, which are currently not allowed by City Code. The subject property is zoned RS-80 and located on the south side of Old Rex Morrow Road, south of Trammell Road, Morrow, GA 30260, also known as the Brookwood Estates Subdivision. *(Presented by Brecca Johnson, Senior Planner)*

MOTION AND VOTE: Mayor Pro Tem Ferguson moved to postpone the item in order to give the residents an opportunity to have input since a language barrier exists. Councilman Bob Huie asked if Mayor Pro Tem Ferguson would amend his motion to postpone the item until the next Council Meeting on August 13th.

AMENDED MOTION: Mayor Pro Tem Ferguson amended the motion to postpone the item until the next Council Meeting on August 13, 2013 in order to give the residents an opportunity to have input since a language barrier exists.

SECOND: Councilman Bob Huie seconded the amended motion and asked the requestor to make a concerted effort to get input from not only the residents, but especially those involved in the HOA.

Mayor Burke asked if there was any discussion.

Councilwoman Bridges asked Mayor Pro Tem Ferguson if he would further amend his motion to state this will be the last time the item will be postponed. Mayor Pro Tem Ferguson stated we do not know what will happen at the next meeting and he did not want to hold the council to that decision.

VOTE: The amended motion passed 3 to 1 with Councilwoman Bridges voting in opposition.

2. An Ordinance to amend Title 9, Chapter 4, Article C of the City of Morrow Code of Ordinances: Coin-Operated Amusement Devices; To provide for Codification; To Repeal Conflicting Ordinances; To provide an Effective Date; and for other purposes.

(Presented by Jon Jordan with Morrow's City Attorney, Hecht Walker Law)

MOTION AND VOTE: Mayor Pro Tem Ferguson moved to approve the item. Councilwoman Bridges seconded the motion. The motion passed unanimously.

9. **NEW BUSINESS:**

1. Approval of an Audit Engagement Letter with Mauldin & Jenkins, CPA, LLC for the fiscal year 2013 audit. *(Presented by Dan Defnall, Finance Officer)*

MOTION AND VOTE: Councilman Huie moved to approve the item. Mayor Pro Tem Ferguson seconded the motion. The motion passed unanimously.

2. Approval of a Second Version to Second Amendment to Purchase and Sale Agreement by and between the Downtown Development Authority of the City of Morrow, Georgia (Seller) and Ant Savings Corporation, A Florida Corporation (Purchaser) regarding the Chevron site property located at 6459 Jonesboro Road, Morrow, GA (Parcel ID: 12114C A006 and 12114C A001).

(Presented by Jon Jordan with Morrow's City Attorney, Hecht Walker Law)

MOTION AND VOTE: Councilwoman Bridges moved to approve the Second Version to the Second Amendment to the Purchase and Sale Agreement. Councilman Bob Huie seconded the motion. The motion passed unanimously.

MOTION AND VOTE: Councilwoman Bridges further moved to authorize the Mayor and the DDA Chairperson, with assistance from the City Attorney or Real Estate Counsel, to negotiate and execute documents on behalf of the City and the DDA in regard to the priority rights of the liens and loan obligations with regard to the \$50,000 note obligation with other creditors from this point forward. Councilman Huie seconded the motion. The motion passed with Mayor Burke voting yes which broke a tie vote of 2 to 2 with Councilwoman Bridges and Councilman Huie voting in opposition.

10. **GENERAL COMMENTS:**

11. **ADJOURNMENT:**

MOTION AND VOTE: Councilman Huie moved to adjourn the meeting. Councilwoman Bridges seconded the motion. The motion passed unanimously and the meeting was adjourned at 8:12 pm.