come to morrow

MORROW, GEORGIA

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CITY OF MORROW

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Work Session Agenda

CITY OF MORROW, GEORGIA

MAYOR AND CITY COUNCIL MEMBERS

Mayor Jeffrey A. DeTar
Mayor Pro Tem Jeanell Bridges
Councilwoman Hang Tran
Councilman Larry Ferguson
Councilman Christopher Mills

February 23, 2016 **Work Session** **6:30 pm**

General Discussions

1. Representative Michael Glanton-Discussion on the possibility of creating voting districts within the city of Morrow.

Discussion of Business Items on the Agenda

1. NEW BUSINESS:

1. ORDINANCE

A RESOLUTION TO APPROVE CONTINUED INVESTIGATION OF OPTIONS FOR THE DELIVERY OF EMERGENCY COMMUNICATION SERVICES AND KEEPING E911 WITHIN THE CITY OF MORROW

(Presented by: City Manager Sylvia Redic)

2. ORDINANCE

AN EMERGENCY ORDINANCE TO APPROVE A MORATORIUM ON THE ERECTION OR INSTALLATION OF, OR THE CITY OF MORROW'S ACCEPTANCE OF APPLICATIONS TO ERECT OR INSTALL, SIGNS MEASURING OVER THIRTY-FIVE (35) SQUARE FEET IN SIZE, OR INCORPORATING ELECTRONIC MESSAGING EQUIPMENT, OR BEING MORE THAN TWENTY (20) FEET TALL FROM THE BASE TO THE TOP.

(Presented by: City Manager Sylvia Redic)

Attorney Invoices

1. Attorney Lewis Brisbois Bisgaard & Smith invoice # 1612549 dated January 31, 2016 in the amount of $1,733.00 for period of November 17, 2015-December 18, 2015

2. Attorney Lewis Brisbois Bisgaard & Smith invoice # 1612550 dated January 31, 2016 in the amount of $306.00 for period of December 7, 2015- December 10, 2015

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Meeting Agenda

CITY OF MORROW, GEORGIA

MAYOR AND CITY COUNCIL MEMBERS

Mayor Jeffrey A. DeTar
Mayor Pro Tem Jeanell Bridges
Councilwoman Hang Tran
Councilman Larry Ferguson
Councilman Christopher Mills

Regular Meeting

February 23, 2016 **Agenda** **7:30 pm**

CALL TO ORDER: Mayor Jeffrey A. Detar
PLEDGE OF ALLEGIANCE: All
MOMENT OF SILENCE: Mayor Jeffrey A. Detar

1. ROLL CALL:

2. CONSENT AGENDA:

1. Approval of February 9, 2016 Regular Meeting Minutes
2. Approval of February 9, 2016 Work Session Minutes

3. MEETING AGENDA:

1. Approval of February 23, 2016 Meeting Agenda.
2. Approval of attorney Fincher Denmark & Minnifield invoice # 2886 dated January 13, 2016 in the amount of $3,479.94 for period December 1, 2015- December 31, 2015 for Aviation Fuel Tax
3. Approval of attorney Fincher Denmark & Minnifield invoice # 2892 dated January 14, 2016 in the amount of $18,160.73 for period November 30, 2015- December 31, 2015

4. REWARDS AND RECOGNITIONS:

1. Winners of City of Morrow's Backyard BBQ 2015
   a. 1st Place for Pork
      Fat Basters

   b. 1st Place for Ribs
      Kelsey's Krew

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c. 1st Place for Chicken
Kelsey's Krew

5. APPOINTMENTS

1. Art Committee
    a. Council Representative(s)
    b. Staff Representative
    c. Citizen Representative
        1. Shirley Watterson

6. PUBLIC COMMENTS ON AGENDA ITEMS:

Public Comments on Agenda Items are limited to only the discussion of new business items on tonight's Agenda. Please fill out a comment card and turn it into the City Clerk if you wish to make a comment.

7. NEW BUSINESS:

1. ORDINANCE

A RESOLUTION TO APPROVE CONTINUED INVESTIGATION OF OPTIONS FOR THE DELIVERY OF EMERGENCY COMMUNICATION SERVICES AND KEEPING E911 WITHIN THE CITY OF MORROW

(Presented by: City Manager Sylvia Redic)

2. ORDINANCE

AN EMERGENCY ORDINANCE TO APPROVE A MORATORIUM ON THE ERECTION OR INSTALLATION OF, OR THE CITY OF MORROW'S ACCEPTANCE OF APPLICATIONS TO ERECT OR INSTALL, SIGNS MEASURING OVER THIRTY-FIVE (35) SQUARE FEET IN SIZE, OR INCORPORATING ELECTRONIC MESSAGING EQUIPMENT, OR BEING MORE THAN TWENTY (20) FEET TALL FROM THE BASE TO THE TOP.

(Presented by: City Manager Sylvia Redic)

8. GENERAL COMMENTS:

General Comments are any comment that you want to make during Council Meeting. Please fill out a comment card and turn it into the City Clerk if you wish to make a comment.

9. <u>ADJOURNMENT</u>:

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Regular Meeting & Work Session Minutes

CITY OF MORROW, GEORGIA
MAYOR AND CITY COUNCILMEMBERS

Mayor Jeffrey DeTar
Mayor Pro Tem Jeanell Bridges
Councilwoman Hang Tran
Councilman Larry Ferguson
Councilman Christopher Mills

Regular Meeting

February 9, 2016 **Minutes** **7:33 pm**

Mayor Jeffrey DeTar called the Regular Council Meeting of the Morrow City Council to order at 7:33 pm on February 9, 2016. The meeting took place in the Council Chambers of the Morrow Municipal Complex located at: 1500 Morrow Road, Morrow, GA, 30260.

Mayor Jeffrey DeTar asked everyone to stand for the Pledge of Allegiance followed by a moment of silent reflection.

ROLL CALL:

Mayor Jeffrey DeTar asked **Interim City Clerk Yasmin Julio** to call the roll.

Interim City Clerk Yasmin Julio called the roll and those present were **Mayor Jeffrey DeTar, Mayor Pro Tem Jeanell Bridges, Councilman Larry Ferguson, and Councilman Christopher Mills. Councilwoman Hang Tran** had an excused absence. She stated there was a quorum present.

CONSENT AGENDA:

Mayor Jeffrey DeTar called for a motion to approve the consent agenda.

MOTION AND VOTE: **Councilwoman Jeanell Bridges** made the motion to approve the consent agenda seconded by **Councilman Larry Ferguson**. The motion passed unanimously.

MEETING AGENDA:

Mayor Jeffrey DeTar called for a motion to approve February 9, 2016 Meeting Agenda.

MOTION AND VOTE: **Councilwoman Jeanell Bridges** made the motion to approve the agenda with the removal of New Business item 2, seconded by **Councilman Christopher Mills**. During discussion **Councilman Larry Ferguson** moved to amend the motion by adding "and terminate the IGA with the county for 911 services." to Old business item 3 within title, seconded by **Councilman Chris Mills.** The

motion to accept the amendment passed unanimously. The main motion with amendments passed unanimously.

PUBLIC COMMENTS ON AGENDA ITEMS:

Mayor Jeffrey DeTar asked **Interim City Clerk Yasmin Julio** for public comments on Agenda Item.

Interim City Clerk Yasmin Julio stated there were no public comments on agenda items.

NEW BUSINESS:

Mayor Jeffrey DeTar asked **Interim City Clerk Yasmin Julio** to read the item in this section.

Interim City Clerk Yasmin Julio read the following item:

1. Resolution

A RESOLUTION TO AMEND THE CITY OF MORROW POSITION CLASSIFICATION PLAN AND PAY SCALE.
(Presented by City Manager Sylvia Redic)

City Manager Sylvia Redic stated that this resolution is a recommendation to Mayor and Council to change the position classification plan and pay scale.

MOTION AND VOTE: **Mayor Pro Tem Jeanell Bridges** made a motion, seconded by **Councilman Chris Mills**. **Mayor Jeffrey DeTar** called for a vote, the motion did not pass with a vote of 2-1 with **Mayor Pro Tem Jeanell Bridges** and **Councilman Chris Mills** for and **Councilman Larry Ferguson** against.

OLD BUSINESS:

Mayor Jeffrey DeTar asked **Interim City Clerk Yasmin Julio** to read the item in this section.

Interim City Clerk Yasmin Julio read the following item:

1. Second Reading of Ordinance

AN ORDINANCE AMENDING THE CITY BUDGET FOR FINANCIAL YEAR 2015-2016 FOR THE CITY OF MORROW; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES
(Presented by Accounting Manager Emory McHugh)

Accounting Manager Emory McHugh advised that this was merely a housekeeping measure.

Mayor Jeffrey DeTar called for a motion on this Ordinance.

MOTION AND VOTE: **Mayor Pro Tem Jeanell Bridges** made a motion to approve this ordinance, seconded by **Councilman Larry Ferguson**. The motion passed unanimously.

Mayor Jeffrey DeTar asked **Interim City Clerk Yasmin Julio** to read the next item in this section.

Interim City Clerk Yasmin Julio read the following item:

2. Second Reading of Ordinance

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF MORROW, GEORGIA; TO AMEND TITLE 2, GENERAL GOVERNMENT, CHAPTER 1, GOVERNING BODY, SECTION 2-1-1, REGULAR MEETINGS, SPECIAL MEETINGS TO ALLOW FOR ADDITIONAL MEETING TIMES FOR THE COUNCIL TO CONDUCT OFFICIAL BUSINESS; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN ADOPTION DATE; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

(Presented by City Manager Sylvia Redic)

City Manager Sylvia Redic advised council that the request for this resolution was made by **Mayor Jeffrey DeTar**.

Mayor Jeffrey DeTar called for a motion on this Ordinance.

MOTION AND VOTE: **Mayor Pro Tem Jeanell Bridges** made a motion, seconded by **Councilman Larry Ferguson**. **Mayor Jeffrey DeTar** called for a vote, the motion did not pass with a vote of 1-2 with **Mayor Pro Tem Jeanell Bridges** for and **Councilman Chris Mills** and **Councilman Larry Ferguson** against.

Mayor Jeffrey DeTar asked **Interim City Clerk Yasmin Julio** read the next item in this section.

Interim City Clerk Yasmin Julio read the following item:

3. Resolution E-911

A RESOLUTION TO STUDY KEEPING E-911 WITHIN THE CITY OF MORROW AND TERMINATE THE IGA WITH THE COUNTY FOR 911 SERVICES.

(Presented by City Manager Sylvia Redic)

Mayor Jeffrey DeTar called for a motion on this Resolution.

MOTION AND VOTE: **Councilman Chris Mills** made a motion, seconded by **Councilman Chris Mills**. **Mayor Jeffrey DeTar** called for a vote, the motion did not pass with a vote of 2-1 with **Mayor Pro Tem Jeanell Bridges** and **Councilman Chris Mills** for and **Councilman Larry Ferguson** against.

GENERAL COMMENTS:

Citizens Comments:

Wayne Collins

Staff Comments:

City Manager Sylvia Redic

Council members Comments:

Mayor Pro Tem Jeanell Bridges
Councilman Christopher Mills
Councilman Larry Ferguson
Mayor Jeffrey DeTar

ADJOURNMENT:

Mayor Jeffrey DeTar called for a motion to adjourn the February 9, 2016 Regular Council Meeting.

MOTION AND VOTE: **Councilman Larry Ferguson** made a motion, seconded by **Mayor Pro Tem Jeanell Bridges**. The motion passed unanimously.

The Regular Council Meeting was adjourned at 8:13 pm.

Approved this 23rd day of February, 2016.

CITY OF MORROW, GEORGIA

Attest

_____
Jeffrey A. DeTar, Mayor

_____
Yasmin Julio, Interim City Clerk

Seal

CITY OF MORROW, GEORGIA
MAYOR AND CITY COUNCIL MEMBERS

Mayor Jeffrey A. DeTar
Mayor Pro Tem Jeanell Bridges
Councilwoman Hang Tran
Councilman Larry Ferguson
Councilman Christopher Mills

February 9, 2016 **Work Session Minutes** **5:37 pm**

Mayor Jeffrey DeTar called the Work Session to order at 5:37 pm on February 9, 2016. The meeting took place in the Community Room of the Morrow Municipal Complex located at: 1500 Morrow Road, Morrow, GA, 30260.

Those present were **Mayor Jeffrey DeTar, Mayor Pro Tem Jeanell Bridges, Councilman Larry Ferguson, and Councilman Christopher Mills. Councilman Mills** arrived at 6:34pm. **Councilwoman Hang Tran** had an excused absence.

General Discussions

1. Public Works Discussion
   - Interstate Lights
   - Marquee digital signs

2. Art Projects with Clayton State

3. Billboard Agreement

4. Morrow Center
   - Fee Schedule
   - Incentive Plan
   - Booking Guidelines
   - HVAC

5. Olde Town Morrow

6. CCMA Meeting locations

7. Public Comments during Council Meetings

8. Draft Ordinance- Cancelling Meetings

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Discussion of Business Items on the Agenda

1. NEW BUSINESS:

1. Resolution- Position Classification Plan and Pay Scale Recommendation

A RESOLUTION TO AMEND THE CITY OF MORROW POSITION CLASSIFICATION PLAN AND PAY SCALE.

(Presented by Accounting Manager Emory McHugh)

2. OLD BUSINESS:

1. Second Reading of Ordinance

AN ORDINANCE AMENDING THE CITY BUDGET FOR FINANCIAL YEAR 2015-2016 FOR THE CITY OF MORROW; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

(Presented by Accounting Manager Emory McHugh)

2. Second Reading of Ordinance

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF MORROW, GEORGIA; TO AMEND TITLE 2, GENERAL GOVERNMENT, CHAPTER 1, GOVERNING BODY, SECTION 2-1-1, REGULAR MEETINGS, SPECIAL MEETINGS TO ALLOW FOR ADDITIONAL MEETING TIMES FOR THE COUNCIL TO CONDUCT OFFICIAL BUSINESS; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN ADOPTION DATE; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

(Presented by City Manager Sylvia Redic)

The Work Session was adjourned at 7:18pm**.**

Approved this 23rd day of February, 2016.

Attest **CITY OF MORROW, GEORGIA**

_____ _____

Yasmin Julio, Interim City Clerk **Jeffrey A. DeTar, Mayor**

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Resolution- E-911

State of Georgia
County of Clayton

Resolution 2016-

A RESOLUTION TO APPROVE CONTINUED INVESTIGATION OF OPTIONS FOR THE DELIVERY OF EMERGENCY COMMUNICATION SERVICES AND KEEPING E911 WITHIN THE CITY OF MORROW

WHEREAS: The City of Morrow desires to investigate any and all options that may or may not lead to a decision to keep E911 services within the City of Morrow;

WHEREAS: The Intergovernmental Agreement approved on November 10, 2015, between the City of Morrow and Clayton County for E911 services will remain in place until such a time as the Morrow Mayor and Council have satisfactorily concluded their investigation into the matter;

WHEREAS: New information obtained after the agreement was approved foretold that the service delivery offered by Clayton County may not fit the service needs of the City of Morrow;

WHEREAS: Therefore, in order to move forward in the best interest of the citizens of the City of Morrow, the Morrow Mayor and Council will further investigate the options for delivering E911 Services to the community;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of Morrow, Georgia that the Morrow Mayor and Council will continue to investigate the service delivery of Emergency Communication Services.

Be it resolved this 23rd day of February 2016.

_____
Jeffrey A. DeTar, Mayor

Attest:

_____
Yasmin Julio
Interim City Clerk
(Seal)

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Ordinance- Moratorium

STATE OF GEORGIA

CITY OF MORROW

ORDINANCE NO. _____

AN EMERGENCY ORDINANCE TO APPROVE A MORATORIUM ON THE ERECTION OR INSTALLATION OF, OR THE CITY OF MORROW'S ACCEPTANCE OF APPLICATIONS TO ERECT OR INSTALL, SIGNS MEASURING OVER THIRTY-FIVE (35) SQUARE FEET IN SIZE, OR INCORPORATING ELECTRONIC MESSAGING EQUIPMENT, OR BEING MORE THAN TWENTY (20) FEET TALL FROM THE BASE TO THE TOP.

WHEREAS, the governing body of the City of Morrow, Georgia ("City") is the Mayor and City Council; and

WHEREAS, the City encompasses several sensitive areas; and

WHEREAS, the City endeavors to protect its scenic character through undertaking proper controls on development; and

WHEREAS, the City regulates signage for purposes of protecting public safety in addition to the City's aesthetic interests; and

WHEREAS, in June 2015, the U.S. Supreme Court, in *Reed v. Gilbert, Az.*, 135 S. Ct. 2218 (2015), issued an opinion regarding the constitutionality of content-based sign regulations; and

WHEREAS, based upon its review of the Court's decision in *Reed v. Gilbert, Az.*, the City desires to review its ordinances to determine whether they are constitutionally sound; and

WHEREAS, the City seeks to maintain the status quo while evaluating whether it is necessary to revise and/or readopt its sign ordinances and, if necessary, undertaking to expeditiously revise and/or readopt its sign regulations; and

WHEREAS, the City Council seeks to prevent any Signs, Title 8, Planning and Development, Chapter 5, Signs, Section 8-5-2, Definitions, measuring over thirty-five (35) square feet in size, or incorporating electronic messaging equipment, or being more than twenty (20) feet tall from the base to the top, from being erected during this period of evaluation and/or revision of the sign regulations.

BE IT AND IT IS HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MORROW, GEORGIA and by the authority thereof:

The Mayor and Council do hereby impose a moratorium of ninety (90) days, on the erection or installation of, or the City's acceptance of applications to erect or install, Signs, as defined in as defined in Title 8, Planning and Development, Chapter 5, Signs, Section 8-5-2, Definitions of the City's Code of Ordinances, measuring more than thirty-five (35) square feet in size, or incorporating electronic messaging equipment, or being more than twenty (20) feet tall from the base to the top, in order to maintain the status quo while City officials expeditiously undertake a review of the City's sign regulations. During the course of this moratorium, City officials are directed to cease accepting applications to erect or install any Sign that would be larger than thirty-five (35) square feet in size, or incorporating electronic messaging equipment, or being more than twenty (20) feet tall from the base to the top. This is a temporary emergency measure and shall be in place only until such time as the Mayor and Council have duly adopted a new or revised set of sign regulations or until the expiration of ninety (90) days, whichever comes first.

SECTION I

IMPOSITION OF MORATORIUM

(a) There is hereby imposed a moratorium on the erection or installation of, or the acceptance by the staff of the City of applications to erect or install Signs, measuring over thirty-

five (35) square feet in size, or incorporating electronic messaging equipment, or being more than twenty (20) feet tall from the base to the top.

(b) This moratorium shall be effective as of the date of its adoption.

(c) This moratorium shall have no effect upon approvals or permits previously issued or as to development plans previously approved by the City. The provisions of this Ordinance shall not affect the issuance of permits or site plan reviews that have received preliminary or final approval by the City on or before the effective date of this Ordinance.

(d) As of the effective date of this Ordinance, no applications to erect signs will be accepted by any employee or officer of the City with respect to any property in the City, and any application so accepted for filing will be deemed in error, null and void and of no effect whatsoever and shall constitute no assurance whatsoever of any right to engage in any act, and any action in reliance on any such permit shall be unreasonable.

(e) However, notwithstanding the foregoing, a written application, including verified supporting data, documents, and facts, may be made which specifically requests a review by the Mayor and Council at a scheduled meeting of any facts or circumstances which the applicant feels substantiates a claim for the grant of an exemption from this Moratorium either by virtue of an existing vested right to proceed under the existing laws and regulations, or by virtue of exigent or emergency circumstances.

(f) The following procedures shall be put in place immediately. Under *Cannon v. Clayton County,* 255 Ga. 63, 335 S.E.2d 294 (1985); *Meeks v. City of Buford*, 275 Ga. 585, 571 S.E.2d 369 (2002); *City of Duluth v. Riverbroke Props.*, 233 Ga. App. 46, 502 S.E.2d 806 (1998), the Supreme Court stated, "Where a landowner makes a substantial change in position by expenditures and reliance on the probability of the issuance of a building permit, based upon an existing zoning ordinance and the assurances of zoning officials, he acquires vested rights and is

entitled to have the permit issued despite a change in the zoning ordinance which would otherwise preclude the issuance of a permit." Pursuant to this case, the City recognizes that, unknown to the City, de facto vesting may have occurred. The following procedures are established to provide exemptions from the moratorium where vesting has occurred:

a. A written application, including verified supporting data, documents and facts, may be made requesting a review by the Mayor and Council at a scheduled meeting of any facts or circumstances which the applicant feels substantiates a claim for vesting and the grant of an exemption.

SECTION II.

(a) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are and were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

(b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Chapter is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

SECTION III.

(a) This Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City.

(b) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise

unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

(c) The effective date of this Ordinance shall be the date of adoption unless otherwise stated herein.

(d) All Ordinances or parts of Ordinances in conflict with this Ordinance are, to the extent of such conflict, hereby repealed.

(e) The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

SO ORDAINED this the ____ day of _____, 2016.

CITY OF MORROW, GEORGIA

_____

JEFF DETAR, Mayor

Attest:

_____

YASMIN JULIO, Interim City Clerk

(Seal)

APPROVED AS TO FORM:

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140 **STEVEN M. FINCHER**, City Attorney