

**Minutes**  
**Regular Meeting of the Mayor and Council**  
**City of Chattahoochee Hills, Georgia**  
**November 1, 2016 / 6:30 p.m.**

**Call to Order**

*Mayor Reed called the meeting to order at 6:30 p.m. Councilmembers in attendance were James Stephens, Richard Schmidt, Claire Williams, Faye Godwin, and Don Hayes. All members were present. Also present was City Attorney Rick Lindsey. Mayor Reed led the assembly in the Pledge of Allegiance.*

**Review and Approval of Agenda**

*City Attorney Rick Lindsey requested that the Executive Session be removed from the agenda. Councilmember Hayes requested that Agenda Item No. 16-852, Resolution Adopting Comprehensive Plan Update, be removed from the agenda. Councilmember Schmidt made a motion to approve the agenda as amended. Councilmember Stephens seconded. The motion passed unanimously.*

**Approval of Minutes**

1. Minutes of the Regular Meeting of October 4, 2016  
*Councilmember Hayes made a motion to approve the minutes of the Regular Meeting of October 4, 2016. Councilmember Williams seconded. The motion passed unanimously.*

**Staff Reports**

Financial Update: City Manager Robert Rokovitz

*Mr. Rokovitz thanked the Mayor and Council for allowing him to miss the Work Session in order to attend the Georgia City-Council Management Association Conference. He gave a summary of the financials. Property taxes are coming in slowly. Insurance Premium Tax, Licenses and Permits, and Parking Fees are up compared to last year. Engineering expenses are also up because an engineer consultant has been working on plans for improvements to Rivertown Road at the charter school. A group of University of Georgia engineering students are also working on the project. Fire Chief Brett volunteered on the Hurricane Matthew response team and is being recognized by the Fulton County Board of Commissioners with a proclamation.*

Fire Department Report: Greg Brett

*Chief Brett reported the burn ban has been reinstated because of dry conditions. Earlier today, he attended a meeting regarding Emergency Medical Services response times and a service agreement has been drafted. Part of the agreement will involve a request that the city help with the refunding of costs to the Office of Emergency Services. His monthly printed report includes an ISO explanation and a five-year response comparison. Call volume is increasing.*

**Public Works/Parks Report: Darold Wendlandt**

*Mr. Wendlandt reported that he will be meeting with Yancey Brothers in order to complete the trade-in documents for the old motor grader and wheel loader. The new dump truck is still being built but has a VIN assigned to it, so the financing paperwork should be completed soon. The dump truck will be delivered the second or third week of December. New picnic tables have been set up at Hutcheson Ferry Park and the back field has been cut. He is exploring having a local resident cut hay on the back field at Hutcheson Ferry Park next year.*

**Police Department Report: Stoney Mathis**

*Chief Mathis reported the Police Department is fully staffed with eight Full-Time, two Part-Time and three Reserve Officers. Overtime is down from last year due to a change in scheduling. There were five investigations in October. Other statistics for October were 261 citations, 262 warnings, 28 parking citations, 89 dispatched calls, 25 arrests, and 44 reports. The 4-way stop at Cochran Mill Road and Rivertown Road is being patrolled and "No U-Turn" signs have been ordered.*

**Community Development: Mike Morton**

*Mr. Morton reported that there were 13 permits and two Certificates of Occupancy issued and seventy-three inspections were done in October. Five of the permits were for single family homes. There were two production permits issued in October. There is a trail race being held in Serenbe this Saturday. The South Fulton Parkway planning process took place last month. There were several public participation meetings and there is still opportunity to provide input. He hopes to have Jacobs Engineering, the consultant working on the project, give a presentation on the results of the charrette at Work Session on December 1<sup>st</sup>.*

**Presentations/Proclamations (None)**

**Public Comment**

*There were no public comments.*

**Public Hearings**

*City Attorney Rick Lindsey read the rules for the Public Hearings.*

- 1. Item 16-845:** Public Hearing and Action to Consider an Ordinance for a Variance to the Limitations on the Location of Accessory Structures in the HM-MU (Mixed-Use Hamlet) District – Variance request from John Kane for property located at 35 Swann Ridge.

*Mayor Reed opened the Public Hearing.*

*The following person spoke in favor the item:*

- 1. John Kane, 35 Swann Ridge (applicant) – said the variance is for a garage to be built at his primary residence. The size, shape, and slope of the lot limit the location that the garage can be built. The plans have been approved by the Serenbe Design Review Board.*

*There was no public comment in opposition to the item.*

*City Planner Mike Morton presented the item. He said the pertinent issue is the shape of the lot. The shape combined with the 10-foot building separation requirement limits the location of the proposed garage. He said the five variance criteria have been met, the Planning Commission recommended approval at their October 13<sup>th</sup> Meeting, and staff recommends approval of the variance.*

*Mayor Reed closed the Public Hearing.*

*Councilmember Schmidt made a motion to approve Item No. 16-845. Councilmember Godwin seconded. The motion passed unanimously.*

- 2. Item 16-846:** Public Hearing and Action to Consider an Ordinance for a Variance to the Minimum Side Yard Setback in the RL (Rural) District – Variance request from Aaron and Alicia Strong for property located at 10750 Cedar Grove Road.

*Mayor Reed opened the Public Hearing.*

*The following person spoke in favor of the item:*

- 1. Dwight Thomas, 3460 Enon Road, College Park, GA (applicant on behalf of the property owner) – said he is the builder and apologized for not following the city’s procedures when he realized the building site would need to be moved. Because of the contours of the property, the original site posed a life safety issue. He shifted the building site approximately 15 feet in order to accommodate enough clearance for the driveway and still stay the required distances from the tributaries which run through the property. He said the topography of the property and the streams pose a hardship because it limits buildable area on the property. He tried to engage the neighbor, who is concerned about erosion, and has submitted plans for a retaining wall to address the area of concern.*

*The following person spoke in opposition to the item:*

- 1. Lucius Solomon, Jr., 10700 Cedar Grove Road – said he owns the property next door and has had plans to build a house on his property since 1998. He agrees with the Planning Commission that the variance should not be*

*granted. He said he should not bear the fault of the builder's actions and have property taken from him. He also is concerned about erosion and said he will have to build a retaining wall because of the work done by the builder. The builder also tore up 500 feet of his property line.*

*The following people spoke in rebuttal to the opposition:*

- 1. Alicia Strong, 10750 Cedar Grove Road (property owner) – said that this has been a very stressful process. She and her husband have put everything into this house. They have tried contacting the neighbor with no response and this variance is their only option.*
- 2. Aaron Strong, 10750 Cedar Grove Road (property owner) – said that they are not taking property from anyone, and the fence on the property that Mr. Solomon referred to was already broken before any construction began. He also said they want to be neighborly.*

*City Planner Mike Morton presented the item. He said that a variance application must meet five criteria. He read the definition of Hardship from the Zoning Ordinance. He said it is staff's opinion that the applicant did not prove that there is no other buildable site on the property. Staff does not recommend approval of the variance.*

*Mayor Reed closed the Public Hearing.*

*Councilmember Schmidt made a motion to approve Item No. 16-846. Councilmember Godwin seconded.*

*Mayor Reed said there is a difference between reviewing the materials that were submitted with the application and actually walking the property.*

*Councilmember Schmidt said he had considered purchasing the property several years ago. Because of the topography, he could not do what he planned to do with the property and decided against purchasing it. He said that there is currently a drought and during rainy times, two-thirds of the property is wet. He would hate to see the property become a blight property if the variance is not granted.*

*Councilmember Hayes said variances are supposed to be sought before construction starts, not after.*

*Councilmember Godwin said this was one of the most challenges cases to come before the Council. Codes and regulations are in place for a reason, but it is not always black and white.*

*Councilmember Williams asked Mr. Solomon what had changed that would prevent him to be able to continue with his plans. Mr. Solomon answered that he will need to build a retaining wall on his property because of erosion.*

*Mayor Reed read the following possible variance condition:*

*The applicant will submit revised grading, drainage, and erosion control plans that demonstrate to the satisfaction of the city's reviewing engineer that the development of the subject property will adequately handle runoff flowing on or across the property without detrimental effects to property upstream or downstream of the development. The Stop Work Order currently in place on the property will remain in place until the city's reviewing engineer approves those plans. The city may withhold a Certificate of Occupancy until all grading and construction is shown on those plans is complete and approved by the city's reviewing engineer, and the site is stabilized. All review and inspection costs will be borne by the applicant.*

*Councilmember Schmidt made a motion to amend his motion to approve Item No. 16-846 to include the variance condition read by Mayor Reed. Councilmember Godwin seconded. The motion passed unanimously.*

### **Unfinished Business** (None)

### **New Business**

**1. Item 16-849:** Resolution Appointing Chief Judge of the Municipal Court. *City Manager Robbie Rokovitz said Judge Barfield is retiring in December. Staff, the Mayor, Councilmember Godwin, and Councilmember Stephens were involved in the interview process. Russell Ross is being recommended as Chief Judge effective January 1, 2017. Councilmember Schmidt made a motion to approve Item No. 16-849. Councilmember Stephens seconded. The motion passed unanimously.*

*Mayor Reed read a statement from Mr. Ross thanking the Mayor and Council for the appointment and apologizing for not being able to attend the meeting.*

**2. Item 16-850:** Resolution Appointing Judge Pro Tempore of the Municipal Court. *Mayor Reed presented the item. Bettina Brown is being recommended to serve as Judge Pro Tempore effective January 1, 2017. Councilmember Godwin made a motion to approve Item No. 16-850. Councilmember Williams seconded. The motion passed unanimously.*

*City Attorney Rick Lindsey administered the Oath of Office to Bettina Brown.*

**3. Item 16-851: Approval of Cochran Mill Nature Center Concept Plan.**

*City Planner Mike Morton presented the item. Cochran Mill Nature Center has been operating on property leased from Minerva. Minerva wants to donate the property to Cochran Mill Nature Center and will need to subdivide the property to do so. Submittal of a Concept Plan is the first step in the process. The Concept Plan is for the Cochran Mill Nature Center only and there are no proposed changes to the use. The Planning Commission recommended approval of the Concept Plan with the condition that the plan be amended to show the required district buffers with an average depth of 300 feet and made contingent approval of the Preliminary Plat at the October 19<sup>th</sup> meeting. Councilmember Schmidt made a motion to approve the Item No. 16-851. Councilmember Williams seconded. The motion passed unanimously.*

**4. Item 16-852: Resolution Adopting Comprehensive Plan Update. (Removed from Agenda)**

**5. Item 16-853: Resolution to Adopt the 2016 Fulton County Multi-Jurisdictional Hazard Mitigation Plan**

*Fire Chief Greg Brett presented the item. The document is an update to a five-year plan that is required by law. Adoption of the plan qualifies the city for disaster relief from the Federal and State governments. Councilmember Godwin made a motion to approve Agenda Item No. 16-853. Councilmember Hayes seconded. The motion passed unanimously.*

**Mayor and Council Comments**

*Councilmember Schmidt commended the Public Safety staff for the constant amount of training that their departments go through. He also said he felt good about the variance (Agenda Item No. 16-846) and said that the city will be checking other properties in the future to make sure the issue does not happen again.*

*Mayor Reed said there has been a lot of public discussion regarding the condition of the roads. He said there have been many reasons – equipment that was not capable of doing the work properly, Public Safety being a priority, and the city’s financial situation. The city is now at a point that it can focus on Public Works and the roads. He also commented on the TSPLOST referendum. The current budget allows for approximately \$300,000 per year for paving and road maintenance. TSPLOST would add an additional \$600,000 per year for the roads. He also said it is important to remember most of the sales tax revenue comes from outside of the city.*

**Executive Session**

1. To discuss Legal Matters. (Removed from agenda)

*These minutes are provided as a convenience and service to the public, media, and staff. It is not the intent to transcribe proceedings verbatim. Any reproduction of this summary must include this notice. Public comments are noted and heard by Council, but not quoted. This is an official record of the City of Chattahoochee Hills City Council Meeting proceedings.*

**Adjourn Meeting** *Councilmember Godwin made a motion to adjourn the meeting. Councilmember Williams seconded. The motion passed unanimously and the meeting adjourned at 7:53 p.m.*

**Approved this 6<sup>th</sup> day of December, 2016.**

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**Dana Wicher, City Clerk**

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**Tom Reed, Mayor**

*The City of Chattahoochee Hills Mayor and City Council encourage citizen participation in the government process. Should you by reason of a disability need a special accommodation or need accessibility information, please contact the City Clerk's office at 770-463-8881.*