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PUBLIC HEARING & WORK SESSION

NOVEMBER 5, 2020

6:30 P.M.

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## CALL TO ORDER

Roll Call

## PLEDGE OF ALLEGIANCE

## PUBLIC HEARING

1. **R-20-01:** Mrs. Kurtz Moore Estate and Jack Rivers Stapleton Estate, property owners and applicants, by Timothy Casper of Macas Development, seek to rezone 75.52 acres (Map/Parcels ST05/029 and ST05/030) (541 and 546 Moore Drive) fronting on Moore Drive and the south side of Atlanta Highway SE from SR-1 (Suburban Residential 1) District to UR (Urban Residential) District. Proposed use: Single-family detached subdivision (197 lots/homes).

## DISCUSSION ITEMS

1. **Alcoholic Beverage Ordinance, First Reading:** An Ordinance to amend the City of Statham Alcohol License Fee Schedule pursuant to Section 6-12 of Chapter 6 of the Code of Ordinances.
2. **Occupational Tax Ordinance, First Reading:** An Ordinance to amend the City of Statham Occupation Tax Fee Schedule pursuant to Section 34-30 of Chapter 34 of the Code of Ordinances.

## CITIZEN INPUT

## MINUTE APPROVAL

1. October 20, 2020 Regular Meeting Minutes

## EXECUTIVE SESSION

Pursuant to the attorney-client privilege and as provided by Georgia Code section 50-14-2(1), a meeting otherwise required to be open was closed to the public in order to consult and meet with legal counsel pertaining to pending or potential litigation, settlement, claims, administrative proceedings, or other judicial actions brought or to be brought by or against the agency or any officer or employee or in which the agency or any officer or employee may be directly involved and the matter discussed was **pending or potential litigation**.

## ADJOURN

## April Plank

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**From:** matthew sullins <mattsullins@gmail.com>  
**Sent:** Friday, October 30, 2020 1:37 PM  
**To:** April Plank  
**Cc:** chris.maddox@renasant.com; Joe Piper; Jerry Weitz  
**Subject:** Re: City of Statham Plan for Moore Property

- 1) I added in a note about tying into the existing water line along Hwy 29/Railroad Street
- 2) I labeled the creek intermittent
- 3) I add strips of open space between the lots for pedestrian access
- 4) And I updated the notes on the right side per the clients request
- 5) Removed the buffer that was shown on the South side of the banks property along Hwy 29.

I think this covers everything.

Please let me know if you have any questions.

Matt

On Fri, Oct 30, 2020 at 1:08 PM April Plank <[aplank@cityofstatham.com](mailto:aplank@cityofstatham.com)> wrote:

Hi Matt,

Could you let us know what changes were made from the last set of plans from last week until the plans you dropped off today? Thank you so much!

April Plank

City of Statham

327 Jefferson St.

Statham, GA 30666

(770) 725-5455 ext. 2014

[www.cityofstatham.com](http://www.cityofstatham.com)

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**From:** matthew sullins <[mattsullins@gmail.com](mailto:mattsullins@gmail.com)>  
**Sent:** Thursday, October 29, 2020 3:57 PM  
**To:** April Plank <[aplank@cityofstatham.com](mailto:aplank@cityofstatham.com)>  
**Cc:** [chris.maddox@renasant.com](mailto:chris.maddox@renasant.com); Joe Piper <[jpiper@cityofstatham.com](mailto:jpiper@cityofstatham.com)>; Jerry Weitz <[jweitz@bellsouth.net](mailto:jweitz@bellsouth.net)>  
**Subject:** Re: City of Statham Plan for Moore Property

CITY OF STATHAM  
COUNTY OF BARROW  
STATE OF GEORGIA

**ORDINANCE**

AN ORDINANCE TO AMEND THE CITY OF STATHAM ALCOHOL LICENSE FEE SCALE PURSUANT TO SECTION 6-12 OF CHAPTER 6 OF THE CODE OF ORDINANCES OF THE CITY OF STATHAM; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Statham Code of Ordinances provides for the sale of malt beverages, wine, and distilled spirits within the municipal limits of the City; and

WHEREAS, Chapter 6 of the Code of Ordinances for the City of Statham outlines and describes various licenses that applicants may obtain from the City; and

WHEREAS, Section 6-12 of the Code of Ordinances for the City of Statham prescribes that the Mayor and City Council shall fix the fee scale for alcohol licensing; and

WHEREAS, it is in the best interest of the health and wellbeing of the citizens of the City of Statham that the alcohol license fee scale be amended to add additional fees for retail package stores and catering businesses

NOW, THEREFORE, THE MAYOR AND CITY COUNCIL OF THE CITY OF STATHAM, GEORGIA do hereby ordain as follows:

1. The Fee Scale for Alcohol Licenses is hereby amended as follows:

| <b><u>LICENSE TYPE</u></b>                                | <b><u>LICENSE FEE</u></b>    |
|---|------------------------------|
| Beer and/or Wine – Consumption on Premises                | \$500.00 each / \$1,000 both |
| Beer and/or Wine – Retail Package                         | \$500.00 each / \$1,000 both |
| Distilled Spirits – By the drink, Consumption on Premises | \$3,000.00                   |
| Distilled Spirits – Retail Package                        | \$5,000.00                   |
| Licensed Alcohol Service – Caterer                        | \$100.00                     |

2. Any reference to occupational tax licensing fees included in any other ordinance, including Section 34-29, are hereby deleted.

3. This ordinance shall be effective ten (10) days after adoption by the City Council.

SO ORDAINED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.

\_\_\_\_\_  
Joe Piper, Mayor

ATTEST:

\_\_\_\_\_  
Sandra Bennett, City Clerk

Approved as to form:

\_\_\_\_\_  
Jody Charles Campbell, City Attorney

### Alcohol License Fees

| City of Statham Application Type            | Current Fee | Proposed Fee | Barrow Co.    | Winder      | Athens        |
|---|-------------|--------------|---------------|-------------|---------------|
| Beer & Wine Consumption                     | \$ 500.00   | \$ 500 each  | \$ 1,000 each | \$ 500 each | \$ 450 each   |
| Beer & Wine Package Sales                   | \$ 500.00   | \$ 500 each  | \$ 1,000 each | \$ 500 each | \$ 1,000 each |
| Tavern                                      | \$ 500.00   | n/a          | n/a           | n/a         | n/a           |
| Liquor by the Drink Consumption on Premises | \$ 3,000.00 | \$ 3,000.00  | \$ 4,000.00   | \$ 2,500.00 | \$ 1,500.00   |
| Retail Liquor Package Store                 | n/a         | \$ 5,000.00  | \$ 2,000.00   | \$ 5,000.00 | \$ 5,000.00   |
| Wholesale Liquor                            | n/a         | n/a          | \$ 5,000.00   | \$ 5,000.00 | \$ 5,000.00   |
| Wholesale Beer and/or Wine                  | n/a         | n/a          | \$ 1,000 each | \$ 5,000.00 | \$ 1,140 each |
| Special Event Facility                      | n/a         | n/a          | n/a           | \$ 50.00    | n/a           |
| Licensed Alcoholic Beverage Caterer         | n/a         | \$ 100.00    | \$ 1,000.00   | \$ 50.00    | \$ 600.00     |
| Brew Pubs                                   | n/a         | n/a          | n/a           | \$ 500.00   | n/a           |
| Brew Pub Operator                           | n/a         | n/a          | \$ 1,000.00   | n/a         | \$ 600.00     |
| Vintner/Manufacturer of Wine                | n/a         | n/a          | \$ 2,000.00   | \$ 5,000.00 | \$ 600.00     |
| Distiller/Manufacturer of Distilled Spirits | n/a         | n/a          | \$ 3,000.00   | \$ 5,000.00 | \$ 5,000.00   |
| Brewer/manufacturer of Malt Beverages       | n/a         | n/a          | \$ 1,000.00   | \$ 5,000.00 | \$ 2,600.00   |

CITY OF STATHAM  
COUNTY OF BARROW  
STATE OF GEORGIA

**ORDINANCE**

AN ORDINANCE TO AMEND THE CITY OF STATHAM OCCUPATIONAL TAX FEE SCALE PURSUANT TO SECTION 34-30 OF CHAPTER 30 OF THE CODE OF ORDINANCES OF THE CITY OF STATHAM; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Statham Code of Ordinances provides for occupational business licenses and home business licenses to be obtained within the municipal limits of the City; and

WHEREAS, Chapter 34 of the Code of Ordinances for the City of Statham outlines and describes various business licenses that applicants may obtain from the City; and

WHEREAS, Section 34-30 of the Code of Ordinances for the City of Statham prescribes that the Mayor and City Council shall fix the fee scale for occupational taxes; and

WHEREAS, it is in the best interest of the health and wellbeing of the citizens of the City of Statham that the occupational tax fee scale be amended.

NOW, THEREFORE, THE MAYOR AND CITY COUNCIL OF THE CITY OF STATHAM, GEORGIA do hereby ordain as follows:

1. Fee Scale for Business Licenses is hereby amended as follows:

| <b><u>LICENSE TYPE</u></b> | <b><u>LICENSE FEE</u></b> |
|----------------------------|---------------------------|
| Home Business              | \$75.00                   |
| Occupational License       | \$50.00 base fee plus:    |
| 1-10 employees             | \$200.00                  |
| 11-20 employees            | \$450.00                  |
| 21-50 employees            | \$700.00                  |
| 51 or more employees       | Call for rate             |

2. Any reference to occupational tax licensing fees included in any other ordinance, including Section 34-29, are hereby deleted.
3. All ordinances, parts of ordinances, or regulations in direct conflict with this ordinance are hereby repealed.
4. This ordinance shall be effective ten (10) days after adoption by the City Council.

SO ORDAINED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2020.

\_\_\_\_\_  
Joe Piper, Mayor

ATTEST:

\_\_\_\_\_  
Sandra Bennett, City Clerk

Approved as to form:

\_\_\_\_\_  
Jody Charles Campbell, City Attorney

Occupational Tax Fee Schedule (Business License)

| Application Type            | Current Fee                                      | Proposed Fee                      | Winder      | Auburn   | Athens            |
|-----------------------------|--|-----------------------------------|-------------|--|-------------------|
| Home Business               | \$30.00 base fee plus # of employees             | \$ 75.00 flat rate                | \$ 75.00    | \$50.00 base fee plus \$20.00 per employee up to 10. Call for rate for 11 or more. | \$ 100.00         |
| <u>Occupational License</u> |  |                                   |             |  |                   |
| 1-10 employees              | \$ 30.00 base fee plus:<br>\$ 25.00 per employee | \$ 50.00 base fee plus:<br>200.00 | \$ 165.00   |  |                   |
| 11-20 employees             | \$ 10.00 per employee                            | \$ 450.00                         | \$ 250.00   |  | \$ 590.00         |
| 21-50 employees             |  | \$ 700.00                         | \$ 500.00   |  | \$ 830-\$ 1,009   |
| 51 or more                  |  | call for rate                     | \$ 750.00   |  | \$ 1,279.00       |
| 0-5 employees               | n/a  | n/a                               | \$ 1,000.00 |  | \$ 1,279-\$ 1,699 |
| 6-10 employees              | n/a  | n/a                               | \$ 1,500.00 |  | \$ 2,088-\$ 4,007 |
| 11-20 employees             | n/a  | n/a                               |             |  |                   |
| 21-30 employees             | n/a  | n/a                               |             |  |                   |
| 31-50 employees             | n/a  | n/a                               |             |  |                   |
| 51 plus                     | n/a  | n/a                               |             |  |                   |





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PUBLIC HEARING & REGULAR MEETING

OCTOBER 20, 2020

7:00 P.M.

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## CALL TO ORDER

Mayor Piper called the meeting to order at 7:00 p.m.

### Roll Call

Present: Mayor Piper and Council Members Crawley, Lyle, McCormic, Thrasher, Venable

Also present: Sandra Bennett, City Clerk; Ira Underwood, Police Chief and Jody Campbell, City Attorney

## PLEDGE OF ALLEGIANCE

Mayor Piper led the Pledge of Allegiance and thanked everyone who has or does serve the armed forces.

## PUBLIC HEARING

Mayor Piper opened the public hearing at 7:01 p.m. He explained the 4.003 millage rollback rate. There was no discussion from Council or from the public. At 7:03 p.m., Councilmember Venable made a motion to close the public hearing. Councilmember Crawley seconded, and the vote was unanimous.

1. **Millage Rate** – The 2020 millage rate is 4.193 as determined by the 2020 County Tax Digest and approved by City Council. The millage rollback rate for the tax year 2021 is 4.003.

## VOTING ITEMS

Applicant T.J. Gay and attorney Stanton Porter presented a more detailed plan for items V-20-01 and V-20-02. It was discussed by most councilmembers, and questions were asked about the flood lines. Councilmember McCormic stated he visited the property and saw pictures of flooding and voiced his concern of potential flooding. Councilmember Crawley discussed FEMA and how FEMA determines flood zones. Councilmembers Thrasher and Lyle also had concerns with flooding, and Councilmember Venable asked about lot sizes. Councilmember Thrasher made a motion to deny both variance requests V-20-01 and V-20-02. Councilmember Lyle seconded the motion, and the motion passed unanimously.

1. **V-20-01** Laurene Hall Estate, Shirley McElroy, co-executor, as property owner, T. J. Gay, applicant, seek a variance to the Statham Unified Development Code, Article 2, "Zoning Districts and Official Zoning Map," Section 2-205, "SR-2, Suburban Residential-2 Zoning District," to reduce the required front principal building setback from 30 feet to 20 feet for property (2.678 acres) (Map/Parcel ST04/088) fronting on the east side of 2<sup>nd</sup> Street (State Route 211) and the north side of Lakewood Drive. Proposed use: Single-family detached subdivision (3 lots/homes)
2. **V-20-02** Laurene Hall Estate, Shirley McElroy, co-executor, as property owner, and T. J. Gay, applicant, seek a variance to the Statham Unified Development Code, Article 4, "Overlay

## DRAFT

Districts,” Division I, “Water Supply Watersheds,” Section 4-109, “Regulations for Small Water Supply Watersheds,” to reduce the required minimum impervious surface setback of 150 feet and minimum required buffer of 100 feet from the stream on the property feet for property (2.678 acres) (Map/Parcel ST04/088) fronting on the east side of 2<sup>nd</sup> Street (State Route 211) and the north side of Lakewood Drive. Proposed use: Single-family detached subdivision (3 lots/homes).

3. **Millage Rate** - To approve the millage rollback rate of 4.003 for the tax year 2021. Statham tax bills will be due 90 days after mail date.

Councilmember Crawley made a motion to approve the millage rollback rate of 4.003 for the tax year 2021. Councilmember McCormic seconded, and the motion passed unanimously.

### MINUTE APPROVAL

1. October 5, 2020 Work Session Minutes

Councilmember Crawley made a motion to approve the minutes from the October 5, 2020 Work Session. Councilmember McCormic seconded, and the motion passed unanimously.

Added Citizen Input: Betty Kinney asked to speak and reported that the ALS walk raised \$1,755.00. She thanked Statham for their support and the use of the park.

**EXECUTIVE SESSION** - Pursuant to the attorney-client privilege and as provided by Georgia Code section 50-14-2(1), a meeting otherwise required to be open was closed to the public in order to consult and meet with legal counsel pertaining to pending or potential litigation, settlement, claims, administrative proceedings, or other judicial actions brought or to be brought by or against the agency or any officer or employee or in which the agency or any officer or employee may be directly involved and the matter discussed was **pending or potential litigation**.

At 7:42 p.m., Councilmember Thrasher made a motion to enter Executive Session. Councilmember Venable seconded, and the motion passed unanimously.

At 7:54 p.m., Councilmember McCormic made a motion to exit executive session. Councilmember Thrasher seconded, and the motion passed unanimously.

City Attorney announced that pending litigation was discussed, but no votes were taken regarding that matter. The Mayor and Council also discussed or authorized negotiations to purchase, dispose of or lease property in Executive Session.

Councilmember Crawley made a motion to sell 1921 Broad Street for \$120,000.00 to Martha Mitchem. Councilmember McCormic seconded, and the motion passed unanimously.

Chief Underwood verbally provided a Statham Police Department monthly report. The report included the numbers of arrests, confiscations, traffic tickets and other police business. Halloween night festivities was also covered, and it was stated that the City has been receiving a lot of help to cover this event.

### ADJOURN

At 8:10 p.m., Councilmember Thrasher made a motion to adjourn the meeting. Councilmember Crawley seconded, and the motion passed unanimously.