

CITY OF STATHAM
MEETING MINUTES
Statham Community Center
327 Jefferson Street, Statham, GA 30666



PUBLIC HEARING & WORK SESSION – January 4, 2024

6:30 P.M.

INVOCATION AND PLEDGE- Mayor Krause called the meeting to order at 6:30 p.m. Mayor Krause led an invocation followed by the Pledge of Allegiance.

CALL TO ORDER

Roll Call

Present: Mayor Krause and Councilmembers Bogenrieder, Burnette, Penn, Patterson, and Terilli

Also Present: City Attorney Jody Campbell, City Clerk Ashya Fambrough, City Accountant Rachel Bemby, Planning and Zoning Consultant Jerry Weitz, Interim City Administrator Cheryl Venable, and PD Personnel.

OATHS OF OFFICE

1. Mayor – Deborah Krause, four-year term. Term expires December 31, 2027.
2. Councilmember – Frank Burnette, four-year term. Term expires December 31, 2027.
3. Councilmember – Tim Terilli, four-year term. Term expires December 31, 2027.
4. Councilmember – Christine Bogenrieder, Partial Term beginning September 7, 2023. Term Expires December 31, 2025.

Chief Magistrate of Barrow County Caroline Power Evans administered the Oath of Office for Mayor Krause and Councilmembers Terilli, Bogenrieder, and Burnette respectively.

VOTE FOR VICE MAYOR- The Vice Mayor vote was conducted by ballot. All five votes were in favor of Councilmember Lee Patterson.

At 6:43 p.m., Mayor Krause asked for a motion to enter into Public Hearing. Councilmember Patterson made a motion to enter into Public Hearing. Councilmember Penn seconded the motion and the motion passed unanimously.

PUBLIC HEARING

1. **R-23-04 Rezoning:** PLG, LLC, c/o Anderson, Tate and Carr, by Melody A. Glouton, applicant, ARJAC Enterprises, Inc., property owner, seeks rezoning from RR, Rural Residential District and SR-2, Suburban Residential District to PUD, Planned Unit Development of 69.59 acres (Map/Parcels ST04/058, 25.074 acres; ST04/059, 26.046 acres; and part of ST04/095B, 18.470 acres) fronting on the north and west side of Jefferson Street across from and north of Bear Creek Middle School. Proposed use: Single-family detached subdivision (123 homes/lots).

City Attorney Campbell reviewed Rezone R-23-04. Jerry Weitz reviewed the staff report and recommends approving with the 19 conditions outlined in the report. Melody Glouton spoke on behalf of her client ARJAC Enterprises, Inc. Kendall King was also present for the project. The project is projected to begin vertical building in 2026. The HOA will be managed by a third party who will also maintain the open spaces and fencing. Street parking will be prohibited. Councilmember Patterson inquired about a traffic study. It is a part of the zoning conditions and will be conducted prior to obtaining a Land Disturbance Permit. Councilmember Patterson inquired about how the project plans to handle the lack of water availability. They do not expect to go vertical until 2026 and will do staggered builds of around 5 houses per month. Per City Attorney Campbell, water availability is expected in 2025. Councilmember Terilli asked for confirmation that the HOA will be turned over to the residents and still be maintained by a 3rd party. This was confirmed by City Attorney Jody Campbell and Kendall King. Mayor Krause opened the floor for citizen input on the rezone. Cathy Bennett spoke against the rezone. She does not feel that 120 more houses are needed and that it will be a burden on the schools. Melody Glouton and Kendall King noted that the rezone aligns with the future land use map and that the Metro Atlanta area, which Barrow County is a part of, needs more housing overall.

At 7:50 p.m., Mayor Krause asked for a motion to close the Public Hearing. Councilmember Penn made a motion to exit the Public Hearing. Councilmember Burnette seconded the motion and the motion passed unanimously.

WORK SESSION

MINUTE APPROVAL

1. December 19, 2023 Regular Meeting Minutes (Provided to Council December 20, 2023)

Councilmember Penn made a motion to approve the December 19, 2023 Regular Meeting Minutes. Councilmember Patterson seconded the motion and the motion passed unanimously with Councilmembers Burnette and Terilli abstaining due to not being on Council at the time of the meeting.

REPORTS

1. Finance Department- Rachel Bemby reviewed the financial report.
2. Police Department- Chief Underwood reviewed the PD Report.
3. Public Works Department- Mayor Krause reviewed the Public Works Report
4. Mayoral Report- Mayor Krause noted that the City Hall lobby hours are now 8 a.m. – 5 p.m. Monday – Friday. Council Meetings will be the 1st and 3rd Tuesdays of the Month at 6: 30 p.m. and will be held in the Community Center. Termite damage was discovered in City Hall and RFPs will be sent out for the repair project. RFPs will be sent out for the city website and the sound system to be used during Council Meetings.

CITIZEN INPUT

- Dwight McCormic spoke about the veto of the sidewalk ordinance.

- Cathy Bennet spoke concerning the Rezone. She feels if this rezone is approved then the Council should consider not approving others because the citizens do not want to become Metro Atlanta as Gwinnett is already moving in.
- Joe Piper requested reimbursement of his legal fees and requested everyone read his reasons for the veto.

UNFINISHED BUSINESS

1. **ARPA** (*Tabled from December 20, 2023 Regular Meeting*): to approve the project list for ARPA funds.

Rachel Bemby noted that as of the last bank statement, the ARPA account totaled \$1,080,417.50. Jody Campbell stated that the project list can be done similarly as to SPLOST and can be on a macro or micro level. Councilmember Penn asked if the funds can be used for park improvements since TSPLOST passed. Rachel Bemby noted that if the Council goes the revenue replacement route then it could but it would require a more complicated form of accounting. Mayor Krause noted that scoping the lines by the elementary school was previously discussed.

NEW BUSINESS

1. **Statham Place Final Plat:** To approve the final plat of Statham Place Subdivision.

Jerry Weitz noted that a bond will be required in conjunction with final plat approval and is expected to be finalized before the Regular Meeting and there are a few Public Works issues to be corrected also. Jody Campbell outlined the Public Works corrections. Logan Moss of MyHomes noted that he has approval from the CFO for the bonds and will have the meets and bounds for easements. Georgia Power removed some lines so that they could do their installation and they are willing to have CO's held until the repairs are completed.

2. **City Committees:** Per City of Statham Code of Ordinances Section 2-52, the mayor shall appoint the standing committees. Each term is for one (1) year beginning January 1, 2024, and will expire December 31, 2024.

Mayor Krause listed the committees as: Finance, Tree and Beautification, Events, Outreach, and Economic Development. They will be headed by Councilmembers Patterson, Terilli, Bogenrieder, Burnette, and Penn respectively.

3. **Year 2024 City Council Meeting Schedule**

Jody Campbell noted that the location needs to be updated to the Statham Community Center before the vote at the Regular Meeting.

- Dwight McCormic formally apologized to Mayor Piper for his earlier outburst during Mayor Piper's citizen input time. He thanked Mayor Piper and his wife for their service. He spoke about the Charter and sidewalks also.

EXECUTIVE SESSION: Meeting to discuss or deliberate upon the appointment, employment, compensation, hiring, disciplinary action or dismissal, or periodic evaluation or rating of a public officer or employee as provided in Georgia Code section 50-14-3(b)(2).

At 7:53 p.m. Councilmember Penn made a motion to enter Executive Session to discuss employment matters. Councilmember Terilli seconded the motion and the motion passed 5-0. Yes votes: Terilli, Bogenrieder, Patterson, Penn, Burnette. Mayor Krause, Councilmembers Terilli, Bogenrieder, Patterson, Penn, Burnette, Ashya Fambrough and Jody Campbell were the persons that attended the closed portion of the executive session. The Executive Session ended at 8:22 p.m. with Councilmember Patterson making the motion to exit. Councilmember Penn seconded the motion and the motion passed 5-0. Yes votes: Terilli, Bogenrieder, Patterson, Penn, Burnette.

City Attorney Campbell stated that all discussions held in Executive Session are protected as Attorney/Client Privilege and that no votes were conducted during the session.

ADJOURN

At 8:22 p.m., Mayor Krause asked for a motion to adjourn the meeting. Councilmember Penn made a motion to adjourn. Councilmember Bogenrieder seconded, and the motion passed unanimously.

EXECUTIVE SESSION AFFIDAVIT

Before an officer duly authorized to administer oaths appeared Debi Krause, who, after being duly sworn, deposes and on oath states the following:

(1) I am competent to make this Affidavit and have personal knowledge of the matters set forth herein.

(2) Pursuant to my duties as Mayor, I was the presiding officer of a meeting of the Statham City Council held on the 4th day of January, 2024. A portion of said meeting was closed to the public.

(3) It is my understanding that O.C.G.A. § 50-14-4(b) provides as follows:

When any meeting of an agency is closed to the public pursuant to subsection (a) of this Code section, the person presiding over such meeting or, if the agency's policy so provides, each member of the governing body of the agency attending such meeting, shall execute and file with the official minutes of the meeting a notarized affidavit stating under oath that the subject matter of the meeting or the closed portion thereof was devoted to matters within the exceptions provided by law and identifying the specific relevant exception.

(4) The subject matter of said meeting, or the closed portion thereof, was devoted to matters within exceptions to public disclosure provided by law. Those specific relevant exceptions are identified as follows: (Using the list below as a guide list in the affidavit only the exceptions actually applicable to the specific closed meeting.)

 A. Meeting to discuss or vote to authorize the settlement of a matter covered by the attorney-client privilege as provided in Georgia Code section 50-14-2(1) and 50-14-3(b)(1)(A). The subject discussed was _____.

 B. Meeting to discuss or vote to authorize negotiations to purchase, dispose of or lease property as provided in Georgia Code section 50-14-3(b)(1)(B).

 C. Meeting to discuss or vote to authorize the ordering of an appraisal related to the acquisition or disposal of real estate as provided in Georgia Code section 50-14-3(b)(1)(C).

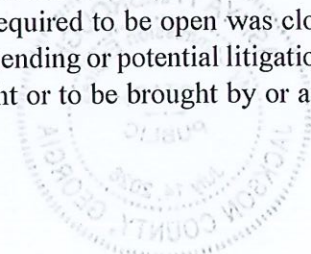
 D. Meeting to discuss or vote to enter into a contract to purchase, dispose of, or lease property subject to approval in a subsequent public vote as provided in Georgia Code section 50-14-3(b)(1)(D).

 E. Meeting to discuss or vote to enter into an option to purchase, dispose of, or lease real estate subject to approval in a subsequent public vote as provided in Georgia Code section 50-14-3(b)(1)(E).

X F. Meeting to discuss or deliberate upon the appointment, employment, compensation, hiring, disciplinary action or dismissal, or periodic evaluation or rating of a public officer or employee as provided in Georgia Code section 50-14-3(b)(2).

 G. Meeting to interview one or more applicants for the position of the executive head of an agency as provided in Georgia Code section 50-14-3(b)(2).

 H. 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



EXECUTIVE SESSION AFFIDAVIT

or any officer or employee may be directly involved and the matter discussed was **pending or potential litigation**.

_____ I. Staff meeting held for investigative purposes under duties or responsibilities imposed by law as provided by Georgia Code section 50-14-3(a)(1).

_____ J. Meeting to consider records or portions of records exempt from public inspection or disclosure pursuant to Article 4 of Chapter 18 of Title 50 of the Georgia Code because there are no reasonable means to consider the record without disclosing the exempt portions.

This Affidavit is executed for the purpose of complying with the mandate of O.C.G.A. § 50-14-4(b) and is to be filed with the official minutes for the aforementioned meeting.

This 4th day of January, 2024.

Wesley Krause
Mayor

[Signature]
Council Member

[Signature]
Council Member

[Signature]
Council Member

[Signature]
Council Member

[Signature]
Council Member

[Signature]
City Attorney

Sworn to and subscribed before me

this 4th day of January, 2024

Ashya J
Notary Public



RESOLUTION OF THE STATHAM CITY COUNCIL

BE IT RESOLVED by the Statham City Council as follows: At the meeting held on the 4th day of January, 2024, the Council entered into closed session for the purpose of discussing Employment. At the close of the discussions, the Council did vote to re-enter into open session and herewith takes the following action in open session:

(1) The actions of the council and the discussions of the same regarding the matter set forth for closed session purposes are hereby ratified.

(2) Each member of this body does hereby confirm that to the best of his or her knowledge, based upon the advice of the City Attorney, the said subject matter of the meeting and of the closed session portion was devoted to matters within the specific relevant exception(s) as set forth above.

(3) The Mayor, or the presiding officer, is hereby authorized and directed to execute an affidavit, with full support of this Council, in order to comply with O.C.G.A. §50-14-4(b).

(4) The affidavit shall be included and filed with the official minutes of the meeting and shall be in a form as required by the statute.

Approved this 4th day of January, 2024.

Attest:


City Clerk


Mayor



