

MEETING OF THE MAYOR AND COUNCIL FOR THE CITY OF RICHMOND HILL

Tuesday, May 17, 2016
7:30 P.M.

Richmond Hill City Hall Council Chambers

Present from City Council: Harold Fowler, *Mayor*; Russ Carpenter, *Mayor Pro-Tem*; *Councilmembers:* Johnny Murphy, John Fesperman, Jan Bass

Staff Present: Chris Lovell, *City Manager*; Ursula Lee, *City Clerk*; Billy Reynolds, *Police Chief*; Ralph Catlett, *Fire Chief*; Scott Allison, *Director of Planning & Zoning*; Randy Dykes, *Asst. Planning & Zoning Director*; Ray Smith, *City Attorney*; Bob Whitmarsh, *Finance Director*; Mark Long, *Code Enforcement*; Chris Stovall, *City Engineer*; Harvey Lashley, *Park & Tree Director*

Visitors: Jamie Parker, Ron Elliott, Steve Croy, David Thomas, Charles Way, Danielle Williams, Steve Scholar, Jay Yancey, Monica Hax, Ben Karpf, Marie Walker, Shirley Fountain, Rodney Dickey, Kathy, Tyler, & Nick Schell, Shelby Kalinawsky, Ethen Maikrariz, Bonnie Brett, Louise Meurer

Mayor Fowler called the meeting to order at 7:30 P.M. Councilmember Carpenter gave the invocation. The Pledge of Allegiance was led by Chief Catlett.

1. Approval of Minutes of meeting **May 3, 2016**

Councilmember Murphy made a motion to approve the May 3, 2016 City Council Minutes. The motion was seconded by Councilmember Carpenter. Motion carried in the affirmative by Councilmembers Carpenter, Fesperman, Bass and Murphy.

DEPARTMENTAL REPORTS:

Administration and Personnel: Ursula Lee

Nothing to report.

Public Safety:

Police Department: Chief Billy Reynolds

1. Monthly Report submitted.

Fire Department: Ralph Catlett

1. Monthly Report submitted.

Public Works: Charles Heino, Enviroworx

1. Monthly Report submitted. Mr. Heino told Council that last week they had a failure of a force main. This was a group effort of his department; it took about 12 hours but everything is repaired and working properly. The bulk trash from Ga. Cities Week totaled out at a 101.5 tons.

Mayor Fowler thanked Mr. Heino and his department for the great job they did.

Parks, Recreation and Culture: Harvey Lashley

Nothing to report. Mr. Lashley gave Council a quick update on the trees in the city, detailing the planting and transplanting of trees as well all through the city.

Presentation to Eagle Scout Nicholas James Schell. Mayor Fowler asked Eagle Scout Nicholas James Schell to come forward. Mayor Fowler read the following Proclamation:

PROCLAMATION OF RECOGNITION

Presented to: Nicholas James Schell

In recognition of: Achievement of Eagle Scout Rank

WHEREAS: the Boy Scouts of America was founded on February 8, 1910, and has grown to be a vital force in the development of our youth through its many programs which encourage the ability of its members to do things for themselves and others; and

WHEREAS: one of the major objectives in the Scouting program is to develop citizenship through community involvement, and in addition to working for citizenship merit badges, Scouts are actively involved in community service projects such as Salvation Army Christmas Bag Campaign, clean-up projects, paper drives, civic ceremonies, and parades; and

WHEREAS: we appreciate the achievements and service of Eagle Scout Nicholas James Schell, a resident of this community and a member of Troop 400;

NOW, THEREFORE, I, E. Harold Fowler, Mayor of the City of Richmond Hill, do tender this Proclamation of Recognition to Eagle Scout Schell, for successfully achieving the rank of Eagle Scout.

In Witness Whereof, I have hereunto set my hand and caused the Seal of the City of Richmond Hill, Georgia to be affixed this 17th day of May, 2016.

SEAL

Mayor Fowler and Council congratulated Eagle Scout Nicholas Schell.

Planning, Zoning and Code Enforcement: Scott Allison

1. Approval/Disapproval of a request filed by **C'Mere, LLC.** to amend the master plan of Plantation Village within the Richmond Hill Plantation PD-2. The property is

currently designated as commercial/single family/multi-family and the proposed master plan change includes revising the location, permitted uses, and setback requirements of commercial and single family designations. The property consists of 28.8 acres located on Ford Avenue (SR 144) between Magnolia Manor and Holly Hill. Map 054 Parcel 068-06.

Councilmember Murphy recused himself from this item.

Mr. Allison stated Council has in their packet Minutes from the Planning Commission and Public Hearing meetings, plus application, diagrams, listings of permitted uses, and setbacks for each lot. Mr. Allison gave a review of the screen shots for Mayor and Council noting several revisions to the master plan. Mr. Allison noted there had been a deduction in the amount of single family dwellings and there was a more specific designation of the commercial uses in this development. Mr. Allison stated that Mr. Charles Way and Me. Steven Croy were present to give specific details of developments and their requests.

Mr. Charles Way gave a brief presentation of the commercial areas, including setbacks and the modified lands uses and buffers. As Mr. Allison noted the single family homes were at 160 units, that number has been reduced.

Mr. Steve Croy stated that the way this project has evolved the concept is going to be that of a Square in Savannah. Most of those homes would be 2,500 sq.ft. and be able to include In-law apartment as well. There was a brief discussion of the boat storage location. Mr. Croy and Mr. Way both stated this project has come a long way since it was first presented several years ago.

Councilmember Carpenter made a motion to approve the request filed by C'Mere, LLC. to amend the master plan of Plantation Village within the Richmond Hill Plantation PD-2. The property is currently designated as commercial/single family/multi-family and the proposed master plan change includes revising the location, permitted uses, and setback requirements of commercial and single family designations. The property consists of 28.8 acres located on Ford Avenue (SR 144) between Magnolia Manor and Holly Hill. Map 054 Parcel 068-06. The motion was seconded by Councilmember Bass. Motion carried in the affirmative by Councilmembers Carpenter, Fesperman, and Bass.

Councilmember Murphy returned to the meeting.

2. Approval/Disapproval of a request filed by **Rodney Dickey** for a variance from Article IV Section 7 (d) of the Richmond Hill Zoning Ordinance to allow a 10 foot left side setback instead of the required 20 foot side setback. The property is zoned R-3 Multi-family Residential and is Lot 30 of River Oaks Drive. Map 0601 Parcel 209. Mr. Allison stated the application and presentation given to the Planning Commission is

included in Council's packet. Mr. Allison gave a quick review of River Oaks original plans and showing where lot 30 is located. Mr. Allison noted it was never built on and is a separate lot there is the 20 foot side setback. Mr. Dickey is present to answer any questions.

Mr. Dickey explained to Council his plans for lot 30, showing on the plan where it was located in comparison to the river. Mr. Dickey stated he has a vested interest as a homeowner and developer. Mr. Dickey stated the townhomes would be 3-story buildings that would be similar in look and blend well.

Councilmember Carpenter asked Mr. Dickey how aesthetically these townhomes would compare to the existing condos. Mr. Dickey explained his engineer has designed the townhomes to be very similar in aesthetics to existing condos; especially using same style brick and columns, with screened in porches facing the river. The townhomes will be very upscale with four bedrooms and four full baths. Mr. Dickey noted the first floor would be a two car garage and mudroom with levels above them; it would be up to the owners as to how they would like the third level constructed. The third level could be used as attic space or bedroom with full bath. We have done everything aesthetically to coincide with existing condos.

Mayor Fowler stated they are allowing someone from the River Oaks HOA to speak and address Council.

Mr. Ben Karpf stated he was an attorney for the River Oaks HOA. Mr. Karpf stated they are opposing the granting of the variance and express some of their concerns. Creating a variance is not in line with the ordinance; the side setback is 20 ft. and Mr. Dickey is asking for 10 ft. he has to meet certain standards in order to receive this variance to comply with the city's Code of Ordinances. Mr. Dickey has to show there are unique physical circumstances and conditions and undue hardship on the property. From a legal stand point I submit there is no legal undue hardship; it's not as if Mr. Dickey can't build if he doesn't get the variance. There's nothing preventing him from building townhomes there. The existing condos were built on an overall design and plan. Mr. Dickey's townhomes will not be aesthetically compatible to the existing condos. Mr. Karpf noted we are not stating he can't build there he just needs to comply with the city ordinance as it states. This parcel would not be a part of the existing development and any amenities would have to be worked out with the HOA.

Councilmember Bass asked if not part of existing development then why not complimentary to the development. Mr. Karpf stated he thought the HOA would be in favor of that but it's not a part of original plan and it's different based on what he has presented and again there is no hardship that would require granting of the variance. Mr. Karpf stated that he did think the HOA would be willing to work with Mr. Dickey that would benefit both parties in this instance.

Councilmember Bass stated Mr. Dickey could build 12 townhomes but he has gone down to six; would you rather see twelve cars or six. Mr. Karpf stated he didn't really see where any extra cars would park there would be no room for any additional cars.

Councilmember Murphy stated he would like to see both parties work together and then come back before council. Mr. Karpf stated they have been trying because it is a gated community.

Councilmember Murphy stated you have two things going on: you want to protect people that live there, but you also have property rights to the person that owns the property. Councilmember Murphy stated he thought it would be in the HOA's best interest to have a close working relationship with the property owner that lives inside of your camp that owns property and has property rights. If you both work together I think he's going to have a great investment and would work well for everyone. Mr. Karpf stated he disagreed with Councilmember Murphy the homeowners found out about the variance request by a posted sign on the lot and we're here to state our opposition to protect our rights. The HOA will have to continue working with Mr. Dickey to get this worked out.

Councilmember Murphy asked Mr. Allison what other approvals would come before council regarding this item. Mr. Allison noted you would have building elevations, preliminary plat and final plat approvals. The applicant has been made aware of those items. Mr. Allison noted if the applicant came back with any other deviations that's presented here tonight that would have to go before P & Z again as well as another public hearing.

Councilmember Murphy stated he would rather table this until the next meeting and he would offer his services to work with both the applicant and the HOA to resolve the issues and work out what would be best for all parties.

Mayor Fowler asked Mr. Dickey if this was postponed until the next council meeting did he think there was any way he could work this out with the HOA. Mr. Dickey replied "no" he has been working with HOA since June of 2015; he has met with them 7 times, he has minutes from all 7 meetings, has renderings he has presented to them, they asked that I go back and change items I change them go back and meet with them again and nothing has been acceptable. The bottom line was I received a letter from the previous President of the HOA stating they were not going to accept anything designed in the current configuration. At that point when we started looking at townhomes the variance request was actually reviewed in January, my attorney sent an email to HOA to let them know I was applying for a variance. The development and hardship is also because there is a drainage ditch to the very far right of property; obviously I am trying to stay as far away from that drainage ditch as possible. Also if you look at drawing there is a lagoon in front of the property that is actually part of the drainage system as well. Mr. Dickey stated he was doing everything as humanly possible to complement existing

condos, and also take into consideration the lagoon that is part of the HOA's irrigation system and drainage, also culvert on the very far right that falls on my property but is also part of HOA's management. Mr. Dickey noted the only thing that needs to be done at this point is to sit down and talk about the amenities and the separate HOA. Mr. Dickey stated he did not want a separate HOA; had it been all absorbed and frankly when he purchased the property he thought it was part of the HOA.

Mayor Fowler asked Mr. Dickey again are you willing to wait until the next meeting to try and get this worked out. Mr. Dickey told Mayor Fowler this is the second HOA Board that he is dealing with.

Councilmember Murphy commented you do understand this is a board also and we have a right to approve/disapprove, and also be just as difficult as the HOA to work with. Councilmember Murphy stated that Mayor Fowler is asking to give it one more opportunity.

Councilmember Carpenter told Mr. Dickey they did not need his permission to table this. Mr. Dickey replied that he realized that. Councilmember Carpenter further stated that he really wished both sides could get together and Mr. Dickey has given a lot and let's see what the other side can give.

Mayor Fowler commented that if there is no chance in both sides working it out then there is no need in postponing it.

It was decided Mr. Dickey would postpone for two weeks.

Councilmember Carpenter made a motion to table this item until the next city council meeting. The motion was seconded by Councilmember Bass. Motion carried in the affirmative by Councilmembers Carpenter, Fesperman, Murphy and Bass.

3. Approval/Disapproval of building elevations for **McDonald's** located at 4454 US Highway 17 and zoned C-4 Interchange Commercial. Map 0473 Parcel 006. Mr. Allison stated this is to update their sign. Mr. Allison noted a representative from McDonalds was present to address council.

Ms. Danielle Williams stated she was the architect for McDonald's projects. Ms. Williams noted this is one of their new designs that they are using when they renovate the older McDonalds. We did a few renovations about 18 months ago; this renovation will overhaul the exterior of the building and some remodeling inside; including some new kitchen equipment. Ms. Williams stated the design being used includes brown accent coil wood and bottom would be painted to match. Top would be painted to match the stucco on building and there will be black tile which will make the yellow arch installed on it to pop.

Councilmember Bass made a motion to approve building elevations for McDonald's located at 4454 US Highway 17 and zoned C-4 Interchange Commercial. Map 0473 Parcel 006. Mr. Allison stated this is to update their sign. The motion was seconded by Councilmember Fesperman. Motion carried in the affirmative by Councilmembers Carpenter, Fesperman, Murphy and Bass.

4. Approval/Disapproval of the building sign for **SBG Ink Addiction** located at 4158 US Highway 17. Mr. Allison stated the renderings are in council's packet.

Councilmember Murphy made a motion to approve the building sign for SBG Ink Addiction located at 4158 US Highway 17. The motion was seconded by Councilmember Carpenter. Motion carried in the affirmative by Councilmembers Carpenter, Fesperman, Murphy and Bass.

5. Approval/Disapproval of the building sign for **Consultants in Pain Medicine** located at 2453 US Highway 17, Suite G. Mr. Allison stated the renderings are in council's packet. It's same type as existing signs in Ways Station.

Councilmember Carpenter made a motion to approve the building sign for Consultants in Pain Medicine located at 2453 US Highway 17, Suite G. The motion was seconded by Councilmember Murphy. Motion carried in the affirmative by Councilmembers Carpenter, Fesperman, Murphy and Bass.

6. Approval/Disapproval of the request by **Simcoe at Creekside, LLC** for approval of a Revised Final Plat for Creekside Phase VII located off of Brisbon Road. Mr. Allison stated this was due to Bldg. #11 being offset; this is not uncommon in this situation. There should not be an issue as far as parking. The staff agreed it's better than having to rip out all the plumbing.

Councilmember Murphy made a motion to approve the request by Simcoe at Creekside, LLC for approval of a Revised Final Plat for Creekside Phase VII located off of Brisbon Road. The motion was seconded by Councilmember Bass. Motion carried in the affirmative by Councilmembers Carpenter, Fesperman, Murphy and Bass.

7. Approval/Disapproval of a request by **Jay Davis Yancey** for an alcohol license to sell beer, wine, and liquor for on premises consumption at Steamers / The Local on 17 located at 4040 US Highway 17. Mr. Allison stated that all background checks came back and everything was in order.

Councilmember Murphy made a motion to approve the request by Jay Davis Yancey for an alcohol license to sell beer, wine, and liquor for on premises consumption at Steamers / The Local on 17 located at 4040 US Highway 17. The

motion was seconded by Councilmember Bass. Motion carried in the affirmative by Councilmembers Carpenter, Fesperman, Murphy and Bass.

8. Code Enforcement Report submitted.

Finance Department: Bob Whitmarsh

1. Approve/Disapprove 2015 General Fund Budget Amendments. Mr. Whitmarsh stated this is the annual recommendations from our auditors. The city had a good year even though the purchase of the 51 acres was not in the budget. This will finalize the 2015 budget.

Councilmember Carpenter made a motion to approve the 2015 General Fund Budget Amendments. The motion was seconded by Councilmember Fesperman. Motion carried in the affirmative by Councilmembers Carpenter, Fesperman, Murphy and Bass.

2. Approve/Disapprove 2015 SPLOST Budget Amendments.

Councilmember Bass made a motion to approve the 2015 SPLOST Budget Amendments. The motion was seconded by Councilmember Fesperman. Motion carried in the affirmative by Councilmembers Carpenter, Fesperman, Murphy and Bass.

3. Approve/Disapprove Financial Report for March, 2016.

Councilmember Murphy made a motion to approve the Financial Report for March, 2016. The motion was seconded by Councilmember Carpenter. Motion carried in the affirmative by Councilmembers Carpenter, Fesperman, Murphy and Bass.

UNFINISHED BUSINESS:

CITY MANAGER TOPICS: Chris Lovell

Nothing to report.

COMMUNICATIONS

NEW BUSINESS:

PUBLIC COMMENTS

Councilmember Carpenter made a motion to take a recess for refreshments only. The motion was seconded by Councilmember Murphy. Motion carried in the affirmative by Councilmembers Murphy, Carpenter, Bass and Fesperman.

There being no further business, the meeting adjourned at 8:40 P. M. in a motion by Councilmember Carpenter. Motion was seconded by Councilmember Murphy. Motion carried in the affirmative by Councilmembers Fesperman, Carpenter, Bass and Murphy.

Respectfully submitted,

Ursula Lee
City Clerk

