

October 14, 2019

The Regular Meeting of the Mayor and Council of the City of Madison was held Monday, October 14, 2019 at 5:30 PM at the City of Madison Public Safety Building Meeting Hall, located at 160 N. Main Street, Suite 400. Present were the following: Mayor Perriman; Mayor Pro Tem Blanton; Council Member DiLetto, Hodges, Joyce, and Peters-Reid; City Manager Nunn; City Clerk Hawk; Planning Director Callahan; Main Street Director Huff. Absent were the following: Finance Officer Stapp and Attorney Carter. The meeting was called to order by Mayor Perriman and he welcomed those in attendance. Opening prayer and Pledge of Allegiance were led by members of Council.

Approval Of Minutes Of Previous Meeting(S)

Blanton moved to approve the minutes from the regular meeting on September 9, 2019. Peters-Reid second. Opportunity for discussion. Approved (4:0 Joyce abstained). Joyce moved to approve the minutes from the work session on October 4, 2019. Peters-Reid second. Opportunity for discussion. Approved, vote unanimous (5:0).

Consent Agenda

Construction Agreement – Mid-State Striping, Inc.

Peters-Reid moved to approve the construction agreement for Mid-State Striping, Inc. Blanton second. Opportunity for discussion. Approved, vote unanimous (5:0).

Zoning Hearings

Public Hearing - Conditional Use - Mark Cheshire (Bug House Pest Control) / R. E. Mason Family, LLLP - 1163 Eatonton Road (M22 025) [C2]

Callahan reviewed the request by Mark Cheshire for a conditional use of Pest Control Services at 1163 Eatonton Road. She said the use would not be detrimental to the public or surrounding neighborhoods. It does appear that the proposed land use is consistent with the comprehensive plan and parking is adequate. Callahan said the use will not add strain on existing infrastructure or significantly increase congestion, noise, or hazards which are all standards for review.

She highlighted that the land use does not appear to be compatible with the community development pattern, specifically the use of C2 zone, which encourages development and redevelopment of neighborhood areas for neighborhood convenience centers. Additionally, it does not appear the proposed land use is similar to permitted land uses in shopping centers.

Callahan reported the Planning and Zoning Commission considered the same standards and recommended approval of Pest Control services at the shopping center, with the condition that the use expire with a change in occupancy.

Mayor Perriman opened the public hearing. Dennis Mitchell spoke in favor of the conditional use and said the business services some of the businesses in the area. Hodges inquired about the need for change. Mitchell said more space is needed for administrative staff. DiLetto asked if Bug House was located in shopping centers in any other town and Mitchell said yes; DiLetto then asked if a zoning hearing had been required and Mitchell said no. Callahan offered clarification regarding the need for a zoning hearing under Madison's ordinance. She explained that some on site storage of chemicals are tagged in shopping centers. Similarly, medical waste is

monitored in shopping centers. DiLetto asserted that Madison is taking the proper action in setting additional shopping center standards.

Hodges moved to approve the conditional use of pest control services facility at M22 025 based on the application, public hearing, and discussion, and considering applicable standards with the following condition: expiration of the conditional use with change in occupancy. Peters-Reid second. Opportunity for discussion. Approved, vote unanimous (5:0).

Legal Matters

Greenspace Commission – Tree Ordinance

Callahan explained that the Tree Ordinance update will make the ordinance easier to read and provides basic updates. The change codifies the tree board name change; allows two of seven commissioners to be non-city residents; clarifies property with no trees already built upon do not require permits unless the property improvement increases by 50%; clarifies the procedure for the removal of dead and unsafe trees. She said the update addresses: root zones and contiguous trees; replaces the complicated tree mapping process; defines the Diameter at Breast Height (DBH); proposes density requirement: includes an edit of four over/under story to eight over/under story; reduces requirement by 20% if a mature tree is retained and 67% if a specimen tree is retained.

She said the proposed ordinance will provide an alternative means for compliance if tree density requirement is not possible on-site, citing an example when McDonalds was rebuilt, and provides language clarification as suggested by the Georgia Forestry Commission. Callahan said financial alternatives are a potential if compliance is a hardship, and permit applications may be submitted and reviewed along with a building permit application.

David Land, chair of the Greenspace Conservation Commission (GCC), addressed the two items council had proposed to strike from the update: specifically, “Provides consideration for protection root zones of certain trees on contiguous property if proposed new construction might harm” and “Provides for review by city official designated by Manger with right to appeal to GCC and city council”.

Regarding the “Provides for review by city official designated by manger with right to appeal to GCC and city council” Land explained that the GCC was proposed as a review board to serve as a buffer rather than a regulatory group, as the GCC deals with similar issues often. Hodges asked who would be designated to review based on the proposed changes. Nunn he would designate whomever as administrative appeals always come to him. Nunn said the ordinance always has little wiggle room and can allow flexibility unless the word “shall” is used.

Nunn expressed concern about the change in language and said it raises concern that there will be a new level of appeals. Land asserted that the ordinance has been enforced on industrial and commercial properties and not residential. Land said he would like to make certain that a piece of property that is being developed does not get stripped of trees. Callahan provided clarification on the current application of the ordinance. She said previously the ordinance was enforced on commercial, industrial, and new residential subdivisions, and cited Saye Creek as an example. Land, staff, and members of Mayor and Council discussed instances that could arise that may require administrative review it was determined that the last five (5) Certificate of Occupancies

that have been issued would be reviewed to determine if they would comply with the proposed tree ordinance.

Land then addressed the proposed addition to the ordinance that caused concern: “Provides consideration for protection root zones of certain trees on contiguous property if proposed new construction might harm” trees on contiguous properties. He asserted that this was a concern addressed by citizens during meetings in which the tree ordinance was discussed. Land read the proposed language in 86-6 b) 5: “In the tree protection zone, the following protective measures shall be applied to the aboveground portion of a tree part of the SDR and to its roots within the critical root zone to include where they extend into adjacent property or where trees part of an approved tree protection plan on adjacent property extend into the subject parcel”.

Hodges asked for clarification on what that would mean during new construction. Land asserted that the new provision would allow citizens to get a tree protection plan for existing trees on their property that might be near property lines. This would allow protection from future construction or development. Blanton asked Land if the protection plan could prevent an adjacent property from moving forward with building of a carport, for example, because of roots from a tree on their neighbors’ property. Land said that would be a question for Attorney Carter but asserted that the proposed ordinance does not say explicitly the tree protection plan must be observed but “should be considered”. Callahan said this portion of the proposed ordinance gave staff pause as it could potentially bring the city into civil actions. It was determined that Attorney Carter would review the proposed changes and speak with other cities who follow a similar ordinance. Perriman asked that the proposed changes appear at a future work session.

Morgan County Historical Society - Contract Update

Hawk explained that the contract update includes a couple of term changes, name changes, and dates the venues will be closed. Blanton moved to approve the updated contract with the Morgan County Historical Society. DiLetto second. Opportunity for discussion. Approved, vote unanimous (5:0)

Contract – Piedmont Designs – Martin Tot Lot

Nunn said the site for Martin Tot Lot is a vacant lot on Whitehall Street. The contract with Piedmont Designs includes an engineering and a standard construction agreement. The lot will include hard elements, a walkway, and equipment for small children. Joyce moved to approve the construction agreement for Martin Tot Lot. Peters-Reid second. Opportunity for discussion. Approved, vote unanimous (5:0)

Contract – Construction Agreement – Piedmont Design - Lambert Park

Nunn said the Construction agreement with Piedmont Design is for Lambert Park at the corner of N. Main and College Dr for \$115,574. The contract is for phase one and includes plans for the three (3) acres acquired over the last few years. In the plan hardscapes, walking paths, sod, and a potential for grills and benches are included. Peters-Reid moved to approve the construction agreement for Lambert Park. Joyce second. Opportunity for discussion. Approved, vote unanimous (5:0)

New Business

LMIG Application

Nunn outlined potential streets for the LMIG application including; Burney Street, College Drive, portions of N. Second St., High Street, and Hanover Drive.

Public Comments

Celia Murray addressed her concerns regarding the volume of traffic through downtown and the historic district. She noted data provided in the 2007 Thoroughfare Plan and referenced in the recent Comprehensive Plan. Top findings from the Thoroughfare Plan was that the sheer volume of traffic is a problem that will only grow worse. She asserted that the city aims to have streets operating at a level of C or better, however they were graded at D when the Major Thoroughfare Plan was completed in 2007. Murray said Georgia Department of Transportation (GDOT) anticipates level of service will continue to decrease and the volume of traffic will increase. She noted the bypass from 83 south to 441 could help, but construction is not set to begin until 2034 at a cost of \$2,000,000. Murray also attributed the deepening of the Port of Savannah to an increase in traffic through Georgia and in turn Madison.

She asserted the biggest obstacle in addressing and changing the traffic patterns is GDOT as the city cannot install a traffic light at dangerous intersection without approval from GDOT. Murray asserted that the historic district, Madison's greatest asset, is being affected by the increased traffic. She asserted that elected officials claim the historic district as an asset and that steps with GDOT are not being made due to a lack in leadership. She proposed new traffic study to update the 2007 Major Thoroughfare Plan. She suggested a moratorium on new development in order to address the traffic concern and lack of infrastructure.

Hodges asked Nunn about the last moratorium put in place by the city. Nunn estimated around 2016 for multifamily homes.

Diletto asserted that the work on the bypass could be sped up but it would require a joint effort on behalf of the county and city. He suggested Murray present her findings to the county as well.

Murray stated that she understands the issues are very difficult to deal with regarding cooperation from GDOT but asserted that Main Street can not handle 27,000 cars a day. Nunn said he believes traffic will not decrease because of a moratorium.

Joyce suggested some of the TSPLOST funds be used to come up with possible solutions or create a new study. Callahan provided a couple of suggestions, and Hodges suggested enforcing the speed limit strictly in the Historic District. DiLetto suggested getting GPS services to suggest a route other than downtown and through the historic district and downtown.

Peters-Reid said truck traffic should be regulated as opposed to other traffic that brings tourist to downtown.

Mary Kay Clyburn, who works at the welcome center, asserted that making it difficult for people to come through town will affect visitors.

Carol Winslow asserted that visitors come to town with the anticipation of no traffic and open parking spaces and suggested encouraging alternate routes via signs.

Chief Bill Ashburn said that other cities, who have encouraged alternate routes, do not get the through traffic and that in turn affects downtown businesses.

Theresa Bishop asserted that the truck traffic needs to be dealt with.

Ed Latham said when school is out traffic is significantly decreased and perhaps encouraging alternate routes could help with historic district/downtown traffic.

Callahan asked Murray if she is suggesting a development moratorium on industry, commercial, or residential. Murray said maybe all of the above. David Land provided thoughts on the traffic issue and said it will not be solved in one night.

Perriman closed by stating the traffic issue is ongoing and has been addressed by every elected official, but we can keep trying.

Adjournment

With no further business, Mayor Perriman adjourned the regular meeting.

Approved: _____

Fred Perriman, Mayor

Attest: _____

Ashley Hawk, City Clerk

Date: _____