

City of Mansfield

AGENDA

City Council Meeting Agenda
January 13, 2020 – 7:00 p.m.
Mansfield Community House
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- I. Call to Order:
- II. Agenda Approval:
- III. Invocation & Pledge of Allegiance:
- IV. Citizen's Comments on Agenda: *Limited to Agenda Items only for 5 minutes each*
- V. Newton County Sheriff Report: *Deputy Michael Gregg*
- VI. Approval of Minutes:
 - a. December 9, 2019 Council Meeting Minutes
- VII. New Business:
 - a. Elect Mayor Pro Tempore for 2020
 - b. Appointment of City Clerk/Treasurer
 - c. Appointment of City Attorney
 - d. Appointment of Planning Commission
 - e. Consider Variance request by Mr. Whitehead
 - f. Approve McSwain Services contract renewal
 - g. Approve agreement to purchase excess reserve capacity from the City of Washington
 - h. Newton Trail Kiosk Placement
 - e1. *Whitehead Rezoning*
- VIII. Citizen's Comments on Non-Agenda Items: *Limited to 5 minutes each*
- IX. Adjournment:

City of Mansfield

MINUTES

City Council Meeting Minutes
January 13, 2020 – 7:00 p.m.
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PRESENT: GW Davis Jr, Bryan Hale, Austin Mitchell, Perry Lunsford, Blair Northen

ABSENT: Helen Robertson

OTHERS PRESENT: Ken & Kim Whitehead, Mary Ann Davis, Miranda Hale, John Napoli, Kory Wilson, Ashley Hollingsworth, Joey Baker, Matt Clark, Greg & Vicki Cowan, Elsie Smith, Walter Tuggle

The meeting was called to order at 7:00 PM.

The honorable Mayor GW Davis Jr welcomed everyone to the meeting and reminded them that the work sessions are now being held a week in advance on Mondays before the council meetings. This should give everyone plenty of time to talk to your council person, of choice, about concerns you may have.

Councilman Austin Mitchell made the motion to approve the agenda and the honorable mayor pro tempore Perry Lunsford gave the second. All council present voted 'aye'. The motion passed 4/0.

Mr. Walter Tuggle gave the invocation and the honorable Mayor GW Davis Jr lead the pledge of allegiance.

There were no citizen comments on agenda items.

There was no Newton County sheriff deputy present to give the Mansfield report, however, the honorable mayor GW Davis Jr commented on them having a bigger presence in town over the last couple of weeks.

Councilman Austin Mitchell made the motion to approve the December 9, 2019 Council Meeting Minutes and the honorable mayor pro tempore Perry Lunsford gave the second. All council present voted 'aye'. The motion passed 4/0.

Councilman Austin Mitchell nominated Councilman Perry Lunsford as Mayor Pro Tempore for 2020 and Councilman Blair Northen gave the second. Councilpersons Blair Northen, Austin Mitchell, and Bryan Hale voted 'aye'. The motion passed 3/0.

Mayor Pro Tempore Perry Lunsford made the motion to appoint Jeana T Hyde as City Clerk/Treasurer and Councilman Austin Mitchell gave the second. Councilman Blair Northen ask to abstain from the vote siting he was not aware this would be on the agenda and due to things discussed of a sensitive nature.

The honorable Mayor GW Davis Jr informed Councilman Northen that we could abstain or simply vote no. Councilman Northen chose to abstain. Councilman Bryan Hale, Councilman Austin Mitchell, and Mayor Pro Tempore Perry Lunsford voted 'aye'. The motion passed 3/0.

Mayor Pro Tempore Perry Lunsford made the motion to appoint Mr. Scott Cole as the City Attorney and Councilman Austin Mitchell gave the second. All council present voted 'aye'. The motion passed 4/0.

Councilman Austin Mitchell made the motion to affirm for 6 months to the Planning Commission Mr. Bill Robertson and Mr. Chris Fulmer. Mayor pro tempore Perry Lunsford gave the second. All council present voted 'aye'. The motion passed 4/0.

At this time the honorable Mayor GW Davis Jr asked for a motion to amend the agenda to add VII. New Business: Item e1. Rezone request by Mr. Whitehead. Councilman Blair Northen made the motion and Councilman Austin Mitchell gave the second. All council present voted 'aye'. The motion passed 4/0.

Councilman Austin Mitchell made the motion to approve the variance request made by Mr. Whitehead and Councilman Blair Northen gave the second. There was a brief discussion with Mayor Davis stating that things would have gone smoother if the process had been done differently. All council present voted 'aye'. The motion passed 4/0.

The honorable Mayor GW Davis Jr read the Planning Commission's recommendation regarding Mr. Whitehead's rezoning request to rezone 3130 Main St from Conservative Residential (CR) to Business (B) which indicated that the commission recommends the rezone request as-long-as the issue of the lot size is resolved. The honorable Mayor GW Davis Jr opened the podium to citizen's comments, being none, mayor pro tempore Perry Lunsford made the motion to approve the rezoning request and Councilman Austin Mitchell gave the second. All council present voted 'aye'. The motion passed 4/0.

Councilman Blair Northen made the motion to approve the McSwain Services contract and mayor pro tempore Perry Lunsford gave the second. All council present voted 'aye'. The motion passed 4/0.

Mayor pro tempore Perry Lunsford made the motion to approve the agreement to purchase the City of Mansfield's excess reserve capacity from the City of Washington and Councilman Austin Mitchell gave the second. All council present voted 'aye'. The motion passed 4/0.

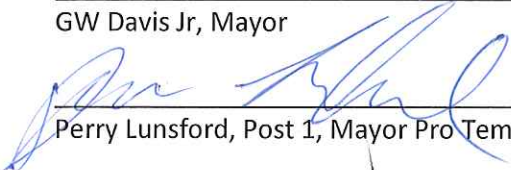
The honorable Mayor GW Davis Jr explained that the Newton Trail Kiosk placement did not need an action tonight, but he wanted to start a discussion on it. There is an eagle scout who wants to build and place the kiosk on the trail for his project. It would be at his expense, time, and effort. The discussion tonight is on the placement of the kiosk. Councilman Blair Northen suggested placing it near the old depot or possibly at the trail where it meets Beaver Park. All council present thought the placement near the depot would be ideal. Councilman Austin Mitchell asked how long before the Eagle Scout needed to know something, stating he could be in a time crunch. With no more discussion, Councilman Austin Mitchell made the motion to place the kiosk east of the depot, about 70 yards off Highway 11. Councilman Blair Northen gave the second. All council present voted 'aye'. The motion passed 4/0.

Mr. Joey Baker, 70 Sixth Ave, asked what the status of the internet service is. The honorable Mayor GW Davis Jr told him that he was not sure what is going on, but that AT&T has started providing something similar and he has subscribed to it. He said he is getting good speeds. The honorable mayor also commented that it is a shame when “the people who need it the most are the ones who are denied it the most”. Mayor pro tempore Perry Lunsford said it is a hot topic in the general assembly.

Mayor pro tempore Perry Lunsford made the motion to adjourn the meeting and Councilman Blair Northen gave the second. All council present voted ‘aye’. The motion passed 4/0.

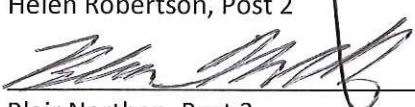
The meeting adjourned at 7:45 PM.

GW Davis Jr, Mayor



Perry Lunsford, Post 1, Mayor Pro Tempore

Helen Robertson, Post 2



Blair Northen, Post 3



Austin Mitchell, Post 4



Bryan Hale, Post 5

City of Mansfield

Planning Commission Report

Planning Commission Members

- Marty Smallwood – Chair
- Greg Goins - Secretary
- Bill Robertson
- Chris Fulmer
- JR Kinard

Business Item: Rezoning Request by Mr. Ken Whitehead, owner

Parcel: Tax Parcel # M00000001600

Size: .45 acres

Location: 3130 Main Street Mansfield, Georgia 30055

The planning commission was presented with a request for a zoning change on the parcel of property described above. The owner wished to change the property from Conservative Residential (CR) to Business (B). The owner provided documentation, including an original letter of interest, a zoning map change request, a site plan, and a map showing how the requested change integrated in and complied with the city's future land plan. These were all examined by commission members. Additionally, the planning commission reviewed the land use map and the entire Mansfield Zoning Ordinance in its most recent version. Commission members paid careful attention to the six standards enumerated below as criteria against which the zoning request was to be judged.

- a. Whether the zoning proposal will permit a use that is suitable in view of the use and development of the adjacent and nearby property;
- b. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;
- c. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned;
- d. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools;
- e. If there is an adopted plan, whether the proposed amendment is in conformity with the policy and intent of the land use plan; and,
- f. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

After review of said documents, and answers provided by the owner in the public hearing (see the planning commission meeting minutes), the members believe the request adequately meets or aligns with

four, potentially five, of the six criteria. (Item c.) is the anomaly, as the property clearly had, and continues to have value as currently zoned (CR). However, the proposed change and subsequent use of said property is suitable, as much of the surrounding property is either already zoned for business, retail or municipal use (item a.) The intended use does not reasonably seem to pose a negative impact on the adjacent residential property, nor would it foreseeably cause harm or excessive wear to local governmental infrastructure (items b., d.). Additionally, the proposed change and intended use seems to comport with the city's long-term land use plan, and future potential growth of the downtown area (item e.) One existing condition (item f.), for further review, is the issue of lot size. The zoning ordinance requires a lot zoned for business be a minimum of 20,000 ft². A lot size of .45 acres (the amount provided for the property on the application) equates to 19,602 ft², and thus would be short of the minimum requirement. The commission did not think this was a disqualifier. However, it would require a variance from the city council as well as the zoning change currently under consideration.

Recommendation

It is therefore the recommendation of the planning commission that the zoning change request be approved, with the understanding that the issue of the lot size be resolved, and if necessary, remedial action taken in the form of a variance.

City of Mansfield

Planning Commission Meeting – December 9, 2019 at 6:00 pm

Business Item: Rezoning Request by Mr. Ken Whitehead, owner

Parcel: Tax Parcel # M00000001600

Size: .45 acres

Location: 3130 Main Street Mansfield, Georgia 30055

Meeting Minutes

This meeting is as fact-finding meeting with regard to the above-mentioned parcel and the rezoning request associated therewith.

Meeting called to Order by Marty Smallwood, Chair.

Planning Commission Members were introduced:

- Marty Smallwood – Chair
- Greg Goins - Secretary
- Chris Fulmer
- JR Kinard
- Bill Robertson (absent)

Reason for meeting:

To consider the rezoning request by Mr. Ken Whitehead, owner of the parcel in question.

Public Comment:

Initially, there were no comments or questions from the attendees. However, later in the meeting, a citizen came in and asked if the house was to be used as both a residence as well as a business. The answer was no. It will be used only as a business.

Planning Commission Questions

Having concluded the public comment portion of the meeting, the Chair asked Mr. Whitehead to come to the podium, and answer questions from planning commission members. The following is a summary of the Q&A that followed.

1. Question – What is the purpose of the building?

Answer – it will be a full-service real estate office, a place for my business's office. It was built to ADA compliance.

2. Question – Why did you wait till the structure was built to ask for rezoning?

Answer – It was a financial decision. I did make my intentions known in a letter dated in late 2018.

3. Question – Are you still planning to have parking in front? Do you intend on the parking on the side to be paved?

Answer – In front, at most a circular drive, or maybe just brick pavers as a walkway. On the side, we would like for the parking to be paved.

4. Question – What would your hours be?

Answer – Banker's hours. I would have no employees there other than a receptionist. It will be a safe place for clients to meet with a broker.

5. Question – What are the long-term goals for the property?

Answer – To become a part of the community. And to help restore and revive some of what has been lost here over time.

6. Question – In the documents you provided, are you indicating that you have an alleyway access?

Answer – No. Those originals were older drawings which showed alleyways. The county told me those have been closed. The newer documents provided do not show them. There is no alleyway access.

7. Question – What was plan B if the zoning request was denied?

Answer – There really was no plan B. I initially made my interest known in 2018. I had hoped that, starting early, if there were problems, I would have been made aware and could have fixed them then, if possible.

Commission Deliberations

Finding no more questions, the Chair moved the planning commission briefly into executive session to discuss the Q&A, and to review the six standards provided in the Mansfield Zoning Ordinance. After review, the commission reconvened in the public meeting. The commission raised an additional question about the lot size and whether or not it met the minimum size (20,000 ft²) for business use. If not, it was noted the city council would also have to issue a variance in addition to the proposed zoning change.

Commission Decision

At the conclusion of deliberations, the Chair called for a vote of the planning commission with regard to its recommendation on the zoning request. The commission members in attendance voted unanimously to recommend approval of the requested change to the city council, with the understanding that the issue of the lot size needed clarification, and if need be, further action.

There being no other business, the meeting of the planning commission was adjourned.

CITY OF MANSFIELD

VARIANCE / ZONING REQUEST

DATE: 9/17/19

Case No: _____ (Assigned by City)
Name of Applicant: KEN WHITEHEAD
Address of Property: 3130 MAIN ST. MANSFIELD.
Tax Parcel: MOD400000001600

Request: RURAL REAL ESTATE PROS
MANSFIELD - OFFICE.

Purpose of Request: TO BRING PROPERTY INTO THE Long
RANGE PLAN FOR BUSINESS.
DISTRICT USE.

Size of Property: .45

Present Zoning: RESIDENTIAL

Potential Effects on Town: OFFICE SPACE.
FULL SERVICE REAL ESTATE.

Planning Commission
Recommendation: _____

Options:

Attach Important Documents:

SEE ORIGINAL ATTACHED
LETTER OF INTENT DATED
12-31-18 AND JOE PLAN
SUBMITTED

Greetings Mansfield BOC,

12-31-18

I have recently been able to complete the purchase of 3130 Main St. I would like to construct a model residential home within the footprint of the existing dwelling on this site. It will function as my office. Our goal is to assist the town of Mansfield in its efforts to restore and revitalize the business district and facilitate the sell and purchase of homes, businesses and land within the 30055 Zip code.

I would like to be able to complete this project and have a certificate of occupancy on or before 2020. The goal is to initially complete the office/dwelling to ADA and Fire Marshall requirements. Install new landscaping. Parking spaces to conform to ADA as well.

I am still considering an upstairs option with the builders at this time.

The parcel is currently located within the City of Mansfield's long range plan for their business district. It would be cost effective if I could complete the construction of the structure and then rezone the parcel if necessary. I have attached a current plat map of the parcel and initial plans for the structure.

I am ready to have the existing home completely demolished and removed from this site as soon as we can get the permitting for the complete project through all necessary departments.

I look forward to getting started with this project and hope to be an asset to your community.

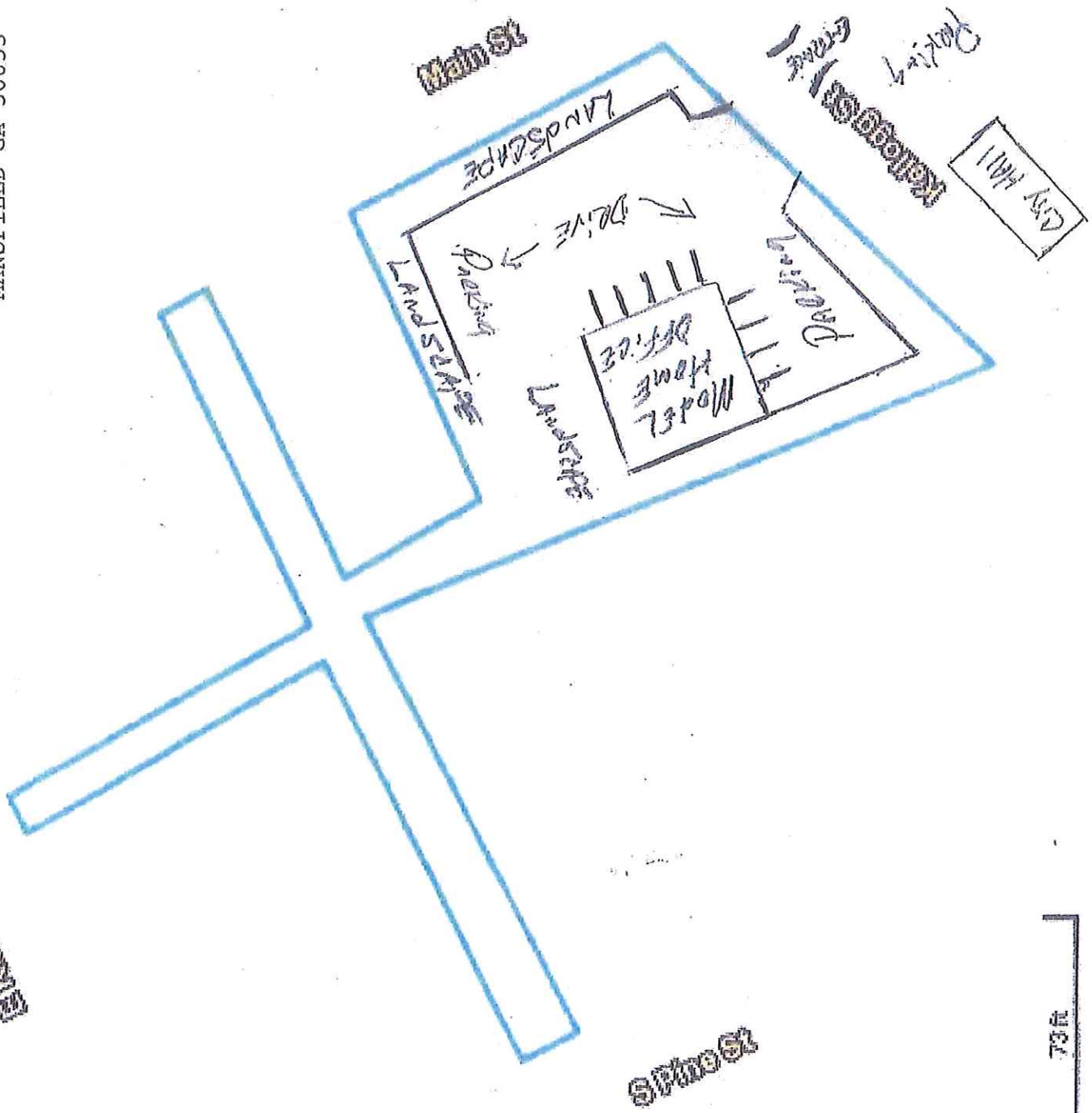
If anyone on a board or council has any questions or input for me please don't hesitate to call or request a meeting.

Best Regards,



Ken Whitehead Realtor®
Rural Real Estate Pros
Broker/Owner
404-308-6933 Cell
770-385-0530 Home

SITE PLAN
PID# M004000000016000
3130 MAIN STREET
MANSFIELD GA 30055



3130 MAIN STREET

73 ft

MCSWAIN SERVICES
1060 THORNWOOD CIRCLE
COVINGTON GEORGIA 30016

Office: e-Mail mcswainf@Bellsouth.net
Frank's Cell 404-272-5989- Mac's Cell 404-483-4437

Invoice No. 19-803

December 26, 2019

Your PO No. 01012020WSF

To: City of Mansfield
P.O. Box 35
Mansfield Georgia 30055

Chlorinator / Sulphonator Service Contract Renewal For; Calendar Year 2020 .
Contract No. MSC-2460
For WWPC Plant

Covers Chlorinator, Sulphonator, both Injectors and Chlorine and Sulphonator Cylinder Units, Chlorine and Sulphonator Supply Tubing, all necessary maintenance parts, labor and trips. Includes ALL necessary Cylinders Gas Chlorine, ALL necessary Cylinders Sulphor Dioxide. Includes The Annual Detector Test for Chlorine/SO2 Detection operation. Also includes a [Hold Harmless Agreement]


Tax Exempt
Total = \$ 3250.00

Thank You !

Office:
email: mcswainf@bellsouth.net
Frank's Cell: 404-272-5989 Mac's Cell 404-483-4437

PS :
PLEASE NOTE: All Terms and Conditions Shall Remain The Same :

MCSWAIN SERVICES personel shall provide service and repair to the covered equipment listed below at regular six months intervals, or as requested by you, in order to maintain the proper operation of the covered equipment. We shall provide all regular maintenance Parts, Labor and Trips necessary to maintain the proper operation of the covered equipment, But shall not include any parts or equipment that has been subjected to mis-use alteration or accidents or acts of God or any other un-natural cause. The City of Mansfield, Georgia shall hold harmless McSwain Services should any mis-haps occur. We Shall provide training on the safe operation of the equipment at your request at no additional charge.

Sincerely,
Frank McSwain  / Date 12-26-19
For MCSWAIN SERVICES

Accepted By:  / Date 1-13-20
For City of Mansfield, Georgia 30055

Approved in 1/13/2020
Council Meeting
JH

505.52.3851 (E)
Contract Svcs
CK# 1964 WIS Fund