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**Regular Meeting – April 16, 2024**

**6:30 P.M.**

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**INVOCATION AND PLEDGE-** Councilmember Patterson led the invocation. Mayor Krause led the Pledge of Allegiance.

**CALL TO ORDER** – Mayor Krause called the meeting to order at 6:30 p.m.

Roll Call

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

Also Present: City Attorney Jody Campbell, Acting City Clerk Ashya Fambrough, and PD Personnel.

Mayor Krause requested the agenda be amended to add an Executive Session to discuss potential or pending litigation. Councilmember Penn made a motion to amend the agenda to include an Executive Session to discuss potential or pending litigation. Councilmember Patterson seconded the motion and the motion passed 5-0. Yes votes: Bogenrieder, Burnette, Patterson, Penn, and Terilli.

### **MINUTE APPROVAL**

**1. April 2, 2024 Work Session Minutes**

Councilmember Terilli made a motion to approve the April 2, 2024 Work Session Minutes. Councilmember Bogenrieder seconded the motion and the motion passed 5-0. Yes votes: Bogenrieder, Burnette, Patterson, Penn, and Terilli.

### **VOTING ITEMS**

**1. New Business Application:**

**Statham Billiards LLC, Ashishkumar Patel, 904 Tradition Way, Jefferson, GA, 30549/2085 Atlanta HWY, Statham, GA, 30666.**

Counselor Campbell noted that there are three different applications and approvals that will be needed for this Item and Item 2. Mr. Ashishmukar Patel was present to speak on behalf of Statham Billiards. The previous owner had 17 games: 9 gaming machines, 6 pool tables, and 2 dart boards. Counselor Campbell explained that there is a maximum of 6 gaming machines per city code 10-99. Mr. Patel explained that there are 3 parties involved in ownership of the machines: the GA Lottery, location licensee, and master license. Counselor Campbell noted that the gaming license cannot be issued until the master license is on file with the city. He further explained that in the early 2000s the state set regulations for gaming machines and cities and counties can further

regulate. Councilmember Patterson asked if the license needs to be on file before approval. Counselor Campbell explained that it can be approved but the games cannot be placed until it is obtained and there are severe consequences for any violations by the state. Councilmember Burnette asked if alcohol is by the drink only; to which Mr. Patel confirmed yes. Councilmember Patterson made a motion to approve the occupational tax license for Statham Billiards. Councilmember Penn seconded the motion and the motion passed 4-1. Yes votes: Bogenrieder, Patterson, Penn, and Terilli. No Votes: Burnette. Councilmember Bogenrieder made a motion to approve the alcohol license for Statham Billiards. Councilmember Terilli seconded the motion and the motion passed 4-1. Yes votes: Bogenrieder, Patterson, Penn, and Terilli. No Votes: Burnette. Councilmember Terilli made a motion to approve the gaming license for Statham Billiards. Councilmember Bogenrieder seconded the motion and the motion passed 3-2. Yes votes: Bogenrieder, Patterson, and Terilli. No Votes: Burnette and Penn.

**2. New Business Application:**

**ASR Gas INC, Muhammad Kamran Hussain, 4601 Ash Tree Street, Snellville, GA, 30039 /1937 Atlanta HWY SE, Statham, GA, 30666**

Counselor Campbell explained that the alcohol license being considered is for package sell of beer and wine. There is not criminal background on file so the alcohol license cannot be approved yet. Councilmember Patterson made a motion to table all three items until the next work session. Councilmember Terilli seconded the motion and the motion passed 5-0. Yes votes: Bogenrieder, Burnette, Patterson, Penn, and Terilli.

**3. AUDIO/VISUAL UPGRADE for Community Center 336 Jefferson Road, Statham, GA, 30666.**

Counselor Campbell noted that he has reviewed the bids from both ADL Network Solutions and Reboot. He noted that City Administrator Cheryl Venable feels that both companies are able to serve the needs of the city. Reboot's bid was \$1,000.00 higher than ADL's. Councilmember Patterson made a motion to approve ADL and authorize the mayor to sign all documents required to execute. Councilmember Bogenrieder seconded the motion. Councilmember Terilli abstained due to being friends with one of the owners. The motion passed 4-0. Yes votes: Bogenrieder, Burnette, Patterson, and Penn.

**4. Proclamation for Cities Week.**

Councilmember Penn made a motion to approve the signing of the proclamation for GA Cities Week. Councilmember Patterson seconded the motion and the motion passed 5-0. Yes Votes: Bogenrieder, Burnette, Patterson, Penn, and Terilli. Councilmember Bogenrieder noted "City" should be "Cities" for correction in the minutes.

**5. Decorum and Meeting Procedures.**

Councilmember Terilli made a motion to approve the Decorum Ordinance. Councilmember Bogenrieder seconded the motion and the motion passed 5-0. Yes votes: Bogenrieder, Burnette, Patterson, Penn, and Terilli.

6. **R-23-04 Rezoning (Tabled from the January 30, 2024 Regular Meeting):** 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).

Counselor Campbell explained that the applicants are requesting a stay of the rezoning agreement. Per state law, rezones have to be voted on within 12 months of application. A stay allows a pause in the time. He has reviewed the draft agreement. The stay is being requested while sewer capacity issues are being worked through and it will hold their place in line. If the application is denied, no rezone can be considered on that property for one calendar year of the denial vote. The applicant will withdraw the rezone application if the stay agreement is denied. Counselor Campbell recommends Council approve or deny they stay. Councilmember Penn made a motion to reject the stay. Councilmember Patterson seconded the motion and the motion passed 4-1. Yes votes: Burnette, Patterson, Penn, and Terilli. No votes: Bogenrieder. Counselor Campbell noted that the rezone application will stand withdrawn by the applicant.

#### **7. DR Horton/Lakes of Statham Agreement.**

Counselor Campbell explained there was an issue with the easement and waterline on the plat, part of which is underwater. D.R. Horton will move the waterline with a contribution from the city. The total cost of the work will be over \$100,000.00. He participated in the drafting of the agreement, and it is approved to form. EMI had approved the plans as of 4:30 p.m. No water taps have been granted since the issue began. No certificates of occupancy (CO's) will be granted until the work is completed per the contract. Councilmember Terilli asked who will review the work. It will be reviewed by EMI. Councilmember Burnette asked about the timeframe. Counselor Campbell noted that costs and availability of materials will play a part, but they will want to complete because they cannot get the CO's until it is complete. Councilmember Patterson made a motion to approve the agreement and authorize the mayor to sign. Councilmember Burnette seconded the motion and the motion passed 5-0. Yes votes: Bogenrieder, Burnette, Patterson, Penn, and Terilli.

### **EXECUTIVE SESSION**

**1. 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 maybe directly involved and the matter discussed was pending or potential litigation.**

At 7:05 p.m. Councilmember Penn made a motion to enter Executive Session to discuss pending or potential litigation. Councilmember Burnette seconded the motion and the motion passed 5-0. Yes votes: Bogenrieder, Burnette, Patterson, Penn, and Terilli. The Executive Session ended at 7:25 p.m. with Councilmember Penn making the motion to exit. Councilmember Burnette seconded the motion and the motion passed 5-0. Yes votes: Bogenrieder, Burnette, Patterson, Penn, and Terilli.

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 7:26 p.m., Mayor Krause asked for a motion to adjourn the meeting. Councilmember Penn made a motion to adjourn. Councilmember Terilli seconded, and the motion passed 5-0. Yes votes: Bogenrieder, Burnette, Patterson, Penn, and Terilli.