

# City of Blue Ridge

480 West First Street • Blue Ridge, Georgia • (706) 632-2091

## CITY COUNCIL MEETING

November 16, 2021

5:00 p.m.

Blue Ridge City Hall

## MINUTES

### Present:

Mayor: Donna Whitener

Council members: Rhonda Haight, Nathan Fitts,

Mike Panter, Robbie Cornelius, Harold Herndon

Zoning, Land Development, and Project Manager: Jeff Stewart

City Clerk: Kelly Crowder

Utility Director: Rebecca Harkins

### 1) Call Meeting to Order

Mayor Donna Whitener called the meeting to order

### 2) Prayer and Pledge of Allegiance

Council member Robbie Cornelius led the prayer and pledge

### 3) Approval of Minutes from Previous Meeting

Council member Rhonda Haight made a motion to approve the September 21, 2021 minutes

Council member Nathan Fitts seconded the motion.

Motion passed.

All in Favor

Council member Rhonda Haight made a motion to approve the October 19, 2021, minutes

Council member Mike Panter seconded the motion.

Motion passed.

All in Favor.

# City of Blue Ridge

480 West First Street • Blue Ridge, Georgia • (706) 632-2091

## 4) Approval of Agenda or Motion to Amend Agenda (if applicable)

Mayor Donna Whitener stated the Jim Robinson approval needed to be added to #6 on the agenda. Also, the Kiker/Ford Final approval needed to be added to the end at #8 they are running late.

Council member Rhonda Haight made a motion to approve those 2 changes

Council member Nathan Fitts seconded the motion.

Motion passed 5-0

All in favor

## **Public Comments (for all speakers who have signed up the previous week):**

### 1) Monthly Downtown Development Authority Update

Cesar Martinez gave the DDA update. He explained that no one currently on the board is interested in being chairman. He said we may need to discuss changing the by-laws.

Karen Stevens is interested in being on the board and to take on parking. She is going to get her application turned in.

### 2) Monthly Blue Ridge Business Association Update

Cesar Martinez gave the BRBA update. He said the signs are up showing where everything in town is located. Light up Blue Ridge is next weekend.

## **Action Agenda Items (Items requiring the approval of the Council):**

### 1. Engineering Procurement – BH

Utility Director Becky Harkins explained getting the RFQ. Mayor Donna Whitener asked if they can give their rates, Mrs. Harkins said they could. Mrs. Harkins explained that 7 packets were sent out and Carter & Sloope are the only one that returned.

Council member Rhonda Haight made a motion to enter a contract for our engineering procurement with Carter & Sloope for 2022-2023.

Council member Nathan Fitts seconded the motion.

Motion passed 5-0

All in Favor

### 2. Rev 3 Solutions treated septic dumping rate – BH

Utility Director Becky Harkins explained \$6.25/1000 gallons for pretreated septic receiving rate Council member Rhonda Haight wanted to know what could be done if there were issues with smell, and if the city could terminate with them.

Council member Nathan Fitts made a motion to approve Rev 3 solutions for the next 30 days and at the next council meeting we can decide if we are going to approve it long term or with conditions.

Council member Mike Panter seconded the motion.

# City of Blue Ridge

480 West First Street • Blue Ridge, Georgia • (706) 632-2091

Motion passed 5-0

All in favor

### 3. ARPA and Premium Pay – DW

Mayor Donna Whitener explained using the American Rescue Plan Act funds for employees like the County and surrounding cities have done. The county did \$3000 for full time employees and \$500 for part time. Council member Rhonda Haight said she had just seen this information the day before, she thought maybe we should look at the budget and possibly give less. Mrs. Haight said there may be other needs that are more pressing. Council member Rhonda Haight first made a motion to table this. Council member Robbie Cornelius said she thinks it should be given to the employees, then council member Mike Panter and Harold Herndon said the same.

Council member Rhonda Haight made a motion to give employees \$3000 and take taxes out of that and this would be in lieu of Christmas bonuses and every employee including Chief Searce is included, part time will receive \$500

Council member Nathan Fitts seconded the motion.

Motion passed 5-0

All in favor

### 4. Depot Street & Railroad crossing storm drainage improvements – DW JS

Zoning, Land Development, and Project Manager Jeff Stewart explained that this project will entail them taking up the railroad tracks, replacing the culver, then putting them back.

Council member Rhonda Haight made a motion to put these out for procurement for both projects.

Council member Nathan Fitts seconded the motion.

Motion passed 5-0

All in favor.

### 5. New Hire to permanent evaluations (3) – BH DW

Council member Nathan Fitts made a motion to make the following employee approvals:

Lawrence Patrick Roberts, water distribution crew make a permanent employee with a .50 raise  
Morgan Morrow, part time water/part time streets make a permanent employee with a .50 raise

Parker Brown, water department make a permanent employee with a .75 raise

Jim Robinson, rehire on as needed bases with a rate of \$28.29/hr.

### **Purchasing Approvals:**

#### 5. Industrial Park grinder – BH

# City of Blue Ridge

480 West First Street • Blue Ridge, Georgia • (706) 632-2091

Council member Rhonda Haight made a motion to approve the grinder in the amount of \$97,000

Council member Mike Panter seconded the motion.

Motion passed 5-0

All in favor

## 6. Depot insulation Go Green Spray Foam \$3,570.75

Council member Nathan Fitts wanted to look at the lease agreement first.

Council member Nathan Fitts made a motion to table this until next month after looking at the lease agreement

Council member Mike Panter seconded the motion.

Motion passed 5-0

All in favor

## 7. Municode Final Code shipment \$2000

Council member Rhonda Haight made a motion to approve the Municode update

Council member Nathan Fitts seconded the motion.

Motion passed 5-0

All in favor

## 8. Robbman Scott Kiker and Wellington Ford Final approval for 200 West 1<sup>st</sup> Street

Wellington Ford and his attorney came up to discuss the final plans. The plans were given out for everyone to look at. Mayor Donna Whitener asked how many units it would be. Attorney answered 56. Council member Mike Panter asked when the property was purchased. The developer said he thought January or February. Mr. Panter stated that they did close based on the Planning and Zoning recommendations. Mr. Ford stated that the renderings were made and paid for off that vote as well. Council member Nathan Fitts stated the approval was for zoning only. Council member Rhonda Haight said she thinks the discrepancy comes because the city entered into a moratorium on 60' buildings and at that time she thinks they actually closed after the moratorium. Attorney said that they may have closed after the moratorium. The attorney stated that on March 10, 2020 the property was rezoned and from that date going forward until closing and since that date there have been significant amount of funds devoted to bringing this project to fruition. Rhonda Haight asked the attorney if they realized that there was a moratorium. The attorney stated that they were told they were grandfathered in. Council member Nathan Fitts asked who told them that. The attorney wanted to clarify that when the moratorium was put into place they then heard about it. When the moratorium was made known to them, they then had discussions with the city attorney, Jeff Stewart, the mayor, he said he also conducted research on GA law. He stated that they were not interested in taking all the resources that they had and force anything down anyone's throats. He stated that Georgia

# City of Blue Ridge

480 West First Street • Blue Ridge, Georgia • (706) 632-2091

law is abundantly clear that when you are rezoned to the extent that you take substantial steps following that (which substantial steps were taken here) you are entitled to whatever it was within that Ordinance. So here CBD is what we were zoned for is a 60' building height. The attorney stated that they are well below the 60' height. Council member Rhonda Haight asked when he got the plans drawn up, if it was after the moratorium. He answered no. Council member Nathan Fitts wanted to know why they did not give the plans to them when they were rezoned. The attorney stated that the development of the plans was launched the moment that the rezone application was submitted. The attorney also stated that nothing has changed from the hand sketch that was presented at the rezone. The height and the size are the same. He said actually there are 2 less units than what was originally presented. Jeff Stewart stated that the moratorium had expired when they bought the property. Council member Rhonda Haight said that since he says he wanted to respect the community, the community has spoken and they don't want 60' buildings. She asked if there was anyway they would work with the city and do 35' buildings. The attorney said that if 35' buildings was in place at the time of this project this would be a completely different story. The attorney stated that through the rumor mill they started hearing that this moratorium was going to be used for the sole purpose of railroading this project. The attorney said that Mr. Fitts had called his client at 10pm at night to let him know about this moratorium. Mr. Fitts said he had never talked to the developer at 10pm at night. Mr. Fitts said he called him after talking to Char Stacy at 3pm during the day. Mr. Ford stated that he did call him late at night. Mr. Fitts said again that he did not call at night. Council member Rhonda Haight wanted to ask a question to clarify that the city attorney, James Balli, sent a letter and the mayor was aware of the letter. Mrs. Haight said the mayor told them 2 months ago that she was unaware of a letter that had been sent. Mayor Donna Whitener said that was a letter that Rhonda Haight claimed that she had sent to this WAMM group. She is not aware of any letter that she sent to this group and she had the minutes pulled for that. Council member Nathan Fitts asked if she was aware that he had the letters and they had already been submitted. Mayor Whitener asked Mr. Fitts what letter he was referring to. Mr. Fitts said the one that Mr. Balli sent. Mayor Whitener told Mr. Fitts that he said that she (the mayor) had sent the letter, and she said she had not sent a letter. Council member Mike Panter wanted to ask what the closing date was. The attorney stated that the closing date was March 3, 2021. The attorney wanted to clarify that they are not suggesting that they are given final approval. He states that there is a process that has to be followed, the first being zoning. That was taken care of March 10, 2020. Then you submit plans and get the approval on sewer and water, then lastly presenting the final plans that consist of the stamped survey. The attorney noted that everything goes along with all of the ordinance like the set back lines. Council member Mike Panter said the closing date for the property was March 3, 2021, then the new height moratorium was September 2021. Council member Rhonda Haight said no, it was put in place in 2020 and it had gone through December to February. Mrs. Haight stated the moratorium was put in to place last December. Mayor Donna Whitener said the rezoning happened on March 3,

# City of Blue Ridge

480 West First Street • Blue Ridge, Georgia • (706) 632-2091

2020, then stated the planning commission made the recommendation on March 3, 2020, and the actual rezoning happened on March 10, 2020. The Attorney said they had already begun to market the building and people had already started to make reservations. The attorney said they have already had 45 reservations out of 56.

A member from the audience came up to the podium and said the problem in her view is when the hotel downtown went up it changed the entire demeanor and personality of the town and we do not need another tall building to add to it.

The attorney came back up to the podium and Council Member Nathan Fitts said the Council had no knowledge of the communication the Attorney had in August 2021 with Mr. Balli. Mr. Fitts said Mayor Donna Whitener also said she had no knowledge of the communication. Mayor Donna Whitener said the communication came from a letter and a conversation Mr. Fitts had with the Developer. Mr. Fitts said he never had a conversation with the developer, he only spoke with Shar Stacey on the phone. Mr. Fitts said Shar called and asked for him to call the developer after they invited him to an open house. Mr. Fitts said the height restrictions were voted on and passed March 9, 2021, and the Moratorium was voted on and passed on October 20, 2020 and lasted 120 days. Council member Rhonda Haight said on March 3, 2020, was when the zoning application was submitted during the zoning and planning meeting. Mr. Fitts said the developers made recommendations to the council during the meeting to approve the zoning. Mrs. Haight said the property went from a C2 (which does not have a lot of restrictions) to a CBD. Mrs. Haight then asked the developer if they would have any retail inside the building and said in the Central Business District it requires a certain amount of commercial. Mayor Donna Whitener asked if a certain percentage of the condos would be rentals. The developer said the mortgage company would not allow all of them to be rentals if there is a mortgage on the property. Council member Rhonda Haight said for it to be solely residential it must face a certain way. The developer said they designed the building to face either way in case this argument came up. He said the Council could choose which way it will face. Council member Mike Panter wanted to clarify that the CBD and the building not being commercial is not the current problem. Council member Nathan Fitts said the zoning is not the issue because it was approved. Mr. Fitts said his issue is this is the first time he has seen the plans and to ask them to vote on something that they are just now receiving the plans on is unacceptable. Mr. Fitts said the second issue is there is so much controversy with this. Mr. Fitts said with the current City Attorney Mr. Balli resigning the city will need a new Attorney and he believes the plans need a legal review by an attorney who is nonbiased and has not been involved in the direction of the project without the Councils approval. Mr. Fitts said he believes it needs to be looked at before the Council votes on it.

Donna Thompson came to the podium and spoke about some of the concerns she had, and dates had noted.

The Attorney said they were under the impression that they had been grandfathered into the zoning ordinance as it existed on the date the application was approved. Council member

# City of Blue Ridge

480 West First Street • Blue Ridge, Georgia • (706) 632-2091

Rhonda Haight wanted to clarify the decision was the city's Attorney, James Balli, opinion who never told the city council and was never voted on. The Attorney then said the letter sent to Mrs. Doss they never knew about it either. He said his law firm never spoke to James Balli until the March 9, 2021, moratorium went into place. The Attorney said they spent a whole year doing serious work doing site analysis and marketing and bringing in tenants who are pre-reserving the condos because they do not look like the hotel downtown. He said people are not buying these so they can work in Blue Ridge, they are buying them so they can escape to Blue Ridge.

Angie Arp then came to the podium to ask questions about her concerns.

The Attorney said the documents are clear. Everything in the survey and the state site plans establishes that they have complied with every ordinance they were required to comply with.

Council member Nathan Fitts asks the Attorney if they knew they were going to bring the plans to the council for final approval why they waited to submit the plans the night of the meeting. The Attorney said they submitted the plans the yesterday, November 15, 2021.

Mr. Ford said he came to the City Council asking for permission for 60 units at a 60-foot height originally. Once they got permission, they began to market the property. They then spent over \$300,000 on the plans. Mr. Ford said the moratorium was not in place when they closed and was not mentioned when they received preliminary approval. Mayor Donna Whitener said she would like to have Utility Director Becky Harkins come out and speak regarding the water and sewer for the property. Mrs. Harkins said she issued a capacity letter the prior week to the development saying the city could serve the required gallons per minute for the water and sewer. Mrs. Harkins said it is not a final approval, they have 180 days to come back with the utility plans and pay their fees. Council Member Nathan Fitts requested to see the final site plans that include the retaining wall and the height for the building.

Council member Rhonda Haight made a motion to table this to consult legal until the regular December meeting.

Council member Nathan Fitts seconded the motion.

Motion passed 4-1

Council member Robbie Cornelius opposed.

## **Discussion Agenda Items (Items for discussion only):**

1. Update on completion of downtown playground – MP  
Council member Mike Panter removed this item.

2. Downtown Garbage – NF

# City of Blue Ridge

---

480 West First Street • Blue Ridge, Georgia • (706) 632-2091

Council member Nathan Fitts said he has had several businesses from downtown reach out regarding them not being able to fit any more trash in their bins. Mr. Fitts said possibly come up with a centralized garbage area for the business to dump their trash.

## Adjournment

Council member Nathan Fitts made a motion to adjourn

Council member Mike Panter seconded the motion.

Motion passed 5-0

All in favor



# City of Blue Ridge

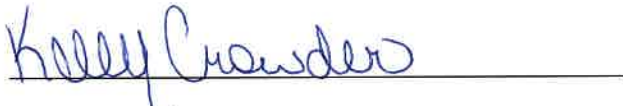
480 West First Street • Blue Ridge, Georgia • (706) 632-2091

A handwritten signature in blue ink, appearing to read "Donna Whitener", written over a horizontal line.

Mayor, Donna Whitener

A handwritten date in blue ink, "December 21, 2021", written over a horizontal line.

Approved

A handwritten signature in blue ink, appearing to read "Kelly Crowder", written over a horizontal line.

City Clerk, Kelly Crowder