

The Mayor and Council met for a called meeting.

Those Present:	John Howard	Mayor
	Wayne Adcock	Vice-Mayor
	Lee Malcom	Council Member
	Myoshia Crawford	Council Member
	Ross Bradley	Council Member
	Larry Bradley	Council Member
	Nathan Little	Council Member
	David Dickinson	Council Member
	Logan Propes	City Administrator
	Debbie Kirk	City Clerk
	Russell Preston	City Attorney
	Paul Rosenthal	City Attorney
	Jesse Couch	City Attorney
Absent:	Norman Garrett	Council Member
Staff Present:	Beth Thompson, Rodney Middlebrooks, Patrick Kelley	
Visitors:	Sadie Krawczyk, Chris Bailey, Beverly Harrison, R.V. Watts, Marsha Jackson, Patrice Broughton, Geraldine Smith, Andrew Kenneson	

I. CALL TO ORDER – JOHN HOWARD

1. Roll Call

Mayor Howard noted that Council Member Norman Garrett, Council Member Myoshia Crawford, and Council Member Nathan Little were absent. There was a quorum.

Mayor John Howard stated that there is one item of business before Council for this Called Meeting at 5:30 pm. It is to hear the appeal of FRMV, Inc., who has appealed the decision of Patrick Kelley, our Code Enforcement Officer, wherein Mr. Kelley revoked two alcohol licenses of FRMV, Inc. d/b/a Fuzions Bar and Grill at 806 North Broad Street, Monroe.

Mayor Howard explained as to procedural background it appears that by way of a letter from Patrick Kelley on February 15, 2018, Mr. Kelley revoked Alcohol Licenses Numbers #35606 and #35607 for FRMV, Inc. c/o Willis Michael Brown, d/b/a/ Fuzions Bar and Grill at 806 North Broad Street, Monroe pursuant to City of Monroe Ordinance 6-17(a). Mr. Willis Michael Brown filed a timely written appeal of that decision on February 23, 2018. Today we are hearing that requested appeal in accordance with City of Monroe Ordinance Section 6-18. I asked the Clerk to provide each Council Member with a copy of Sections 6-17 and 6-18 at your desk so you could have it before you tonight.

The relevant portions of Section 6-18 that govern our hearing today state as follows:

- 1) The appellant, who is FRMV, Inc., has the right to be represented by an attorney at their own expense.
- 2) The appellant has the right to present evidence and cross examine witnesses.
- 3) The appellant has the burden of proof on this appeal.
- 4) Before hearing the appeal each of us Council must sign an affidavit that we do not have any financial interest in the outcome of the appeal and that we are not related to any owner of FRMV, Inc. The Clerk has prepared this affidavit and left one at each of your seats. If you will please sign and give those to Beverly she will collect them from you.
- 5) We as Mayor and Council will decide the issues on this appeal by majority vote. Once a vote is taken, the Code Officer will transmit the official results of our decision on this appeal to the appellant with 15 days.

Since this is a quasi-judicial proceeding in form, I have taken the liberty to ask the City Attorney's office to provide me with guidance as to how the proceeding should be conducted. Their office provided me with the general outline of an appropriate judicial-styled proceeding that would allow for the appellant to be fully heard on the matter and for the Council to properly consider the matter. The outline they provided me is akin to how a trial would be conducted in Walton County Superior Court before a judge and jury.

The outline of the process that we will follow here today is as follows:

- 1) First, the Appellant or their representative will be allowed to provide an opening statement regarding this appeal, should they so desire. This opening statement is not the time to receive testimony and / or documentary evidence.
- 2) Next, the City's staff by way of the City Attorney's office will be allowed to provide an opening statement, should they so desire. Again, this opening statement is not the time to receive testimony and / or documentary evidence.
- 3) Next, we will receive evidence. At this time the Appellant can present any witnesses that it wishes to present. All witnesses should take an oath to tell the truth prior to providing testimony. During this time the Appellant can also present any documentary evidence that it would like us to consider. Formal judicial evidentiary rules concerning documentary evidence will not be observed. We will receive any evidence that the appellant would like us to consider.
 - a. First we will receive evidence from the Appellant. Any witnesses presented by the Appellant will be subject to cross examination by the City.
 - b. After the Appellant has presented all of the evidence that it wishes to, the City can produce witnesses or documentary evidence as well, should it wish to. Any witnesses presented by the City will be subject to cross examination by the Appellant.
- 4) Once all the evidence has been received, I will close the evidence-receiving portion of the hearing. At that time the parties will be allowed to make any closing remarks should they so desire. Since the Appellant bears the burden of proof in this appeal, they will have the opportunity to begin and conclude the closing remarks. This is they can speak first, then the City can speak, and then they can speak again if they desire.

That is the process we will follow this evening. Are there any questions from the Appellant regarding the process we will follow? Any questions from the City? Any questions from any member of Council? Then we will proceed.

II. NEW BUSINESS

1. Alcohol License Revocation Appeal

The Appellant, Willie Michael Brown, gave his opening statement. He stated that he has been in the restaurant business for over eighteen years, and has owned Fuzions for over nine years. He stated that this is a total misunderstanding. He was approached by Rejimon Mathew wanting to purchase the restaurant, but no sale took place. Mr. Mathew has been working the last year trying to learn the business. Mr. Brown stated there was a breakdown in communication. He explained that Mr. Mathew applied for a license, but he already had one. He doesn't know how to prove he owns his business other than the fact that he is there every day.

City Attorney Paul Rosenthal gave an opening statement. He stated that Mr. Brown sold FRMV, Inc., and there are two events on which to base that sale. Mr. Rosenthal stated that evidence shows that FRMV, Inc. sold all assets on December 16, 2016, but continued to report sales as being the owner. It appears that Rejimon Mathews bought FRMV assets, owns, and operates the business. Additionally, on August 24, 2017 FRMV, Inc. was dissolved per the Secretary of the States Office. There was fraudulent information given when applying for the 2018 license, and we will provide information to support those charges.

City Attorney Paul Rosenthal swore in Willie Michael Brown.

Mr. Brown stated that Rejimon Mathew was added to the lease, but his own name was never taken off of the lease. He stated that the sale documents were drawn up, but never executed. It was only discussed, but never fully sold. Mr. Brown stated that he would need to check with his CPA about the corporation being dissolved. He passed around some vendor invoices, contracts, and documents for Mayor and Council to review.

Council Member Nathan Little arrived at 5:47 pm.

City Attorney Paul Rosenthal swore in Ned Shore.

Ned Shore stated that he has helped Mr. Brown with the business through the years. He expressed confusion about the entity being dissolved by the state. He stated as of January 20th the state was still accepting income tax. Mr. Shore stated that Rejimon Mathew is not the owner, there has not been a final sale.

City Attorney Paul Rosenthal reserved the right to cross examine the witness at a later time.

City Attorney Paul Rosenthal swore in Ashley Lundy.

Ashley Lundy stated that she has been a bartender at Fuzions for eight years. She stated that Reggie was trying to learn the business, but Mike was still in charge.

City Attorney Rosenthal cross examined Ms. Lundy. He questioned her duties, the weekly schedule, the busiest days, lowest and highest close-out amounts for the busy days, weekly close-out amounts, and the latest large event that took place. Mr. Rosenthal also questioned her about alcohol orders, and distributors.

Ms. Lundy stated that she was in charge of the money, trash, placing orders, and cooking. She explained that for the last three months the restaurant has been opening on Tuesday, Thursday, Friday, and Saturday. Ms. Lundy estimated the close-out for Fridays and Saturdays to be between \$1,000 and \$1,500, and for a national event around \$3,500. She stated there was a Halloween event in 2017, but she didn't think it was a national event and could not remember who performed. Ms. Lundy discussed the alcohol distributors and explained that she does not actually place the orders.

Council Member Myoshia Crawford arrived at 5:56 pm.

City Attorney Jesse Couch handed out documents / exhibits.

City Attorney Paul Rosenthal cross examined Willie Michael Brown. He questioned who the deejay was for the Halloween party in October of 2017. He questioned Mr. Brown as to whether it was his signature and handwriting on several documents. He also questioned the name on the documents, and if the documents were filled out correctly to the best of his knowledge. Mr. Rosenthal had such questions on documents dealing with Occupational Tax Application, Occupational Tax Certificate for Beer & Wine Pouring, and Occupational Tax Certificate for Spirituous Liquors. Mr. Rosenthal questioned whether Mr. Brown was aware the license is non-transferable, and ineffective upon change of ownership. He asked Mr. Brown if he was aware that when he signed the documents he was swearing under oath that the information was correct. He pointed out where it states this on the application, and on the licenses. Mr. Rosenthal questioned the First Amendment to Lease Agreement with Pay-B, Inc. signed in 2014, extending his lease until December 2019. He also questioned the Assignment and Assumption of Lease Agreement with Rejimon Mathew signed in December 2016. Mr. Rosenthal questioned Mr. Brown about payments received from Mr. Mathew: did he receive a \$100,000 towards the purchase of assets, then receive another \$50,000, and did he receive \$10,000 in December 2017, which would leave a balance of \$15,000 owed to Mr. Brown.

Mr. Brown answered that he was the deejay for the party. He stated that all of the signatures and initials on the documents were his. He answered that he filled out all the paperwork to the best of his knowledge. Mr. Brown stated that he was aware that the licenses could not be transferred, but since he still owned the restaurant they had not been transferred. He stated that the information he provided on the application was correct. Mr. Brown answered that it was his signature and initials on both of the lease agreement documents. He stated that he added Reggie to the lease, but did not remove himself from the lease. Mr. Brown stated that he did receive payments totaling \$160,000, but Mr. Mathew had not paid the remainder. He has not sold the assets of FRMV; he does not consider it sold until the balance has been paid in full.

City Attorney Paul Rosenthal stated that the City would not be calling any witnesses.

Mayor Howard stated that the evidence portion of the meeting would be closed, and they would now hear the closing remarks.

Willie Michael Brown gave his closing statement. He stated himself to be a regular country boy, who has been in the restaurant business for 18 years. He has just been trying to run a business and support his family. He was looking at selling his business to have more time with his family. Reggie paid the money towards the purchase, but then asked for the money back. He stated that the lease shows he signed over the lease, and that is not the case. He is still obligated for the lease with Mr. Thakkar for two more years.

City Attorney Paul Rosenthal gave his closing statement. He stated that Mr. Brown sold the assets in December 2016. Mr. Brown provided fraudulent documentation to the City by continuing to report that he still owned the business. Mr. Brown admitted to receiving \$160,000

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from Mr. Mathew towards the assets in FRMV. Mr. Rosenthal stated that Code Officer Patrick Kelley was correct in terminating his alcohol license. He stated that Council should uphold Mr. Kelley's decision.

To uphold the decision of Mr. Kelley to revoke the alcohol licenses of FRMV, Inc. Appeal denied.

Passed Unanimously

III. ADJOURN

*Motion by Dickinson, seconded by Malcom.
Passed Unanimously.*



MAYOR



CITY CLERK

MAYOR AND COUNCIL MEETING MARCH 13, 2018 6:00 P.M.

The Mayor and Council met for their regular meeting.

Those Present:	John Howard	Mayor
	Wayne Adcock	Vice-Mayor
	Lee Malcom	Council Member
	Myoshia Crawford	Council Member
	Ross Bradley	Council Member
	Larry Bradley	Council Member
	Nathan Little	Council Member
	David Dickinson	Council Member
	Logan Propes	City Administrator
	Debbie Kirk	City Clerk
	Russell Preston	City Attorney
	Paul Rosenthal	City Attorney
	Jesse Couch	City Attorney

Absent: Norman Garrett Council Member

Staff Present: Danny Smith, Keith Glass, Beth Thompson, Rodney Middlebrooks, Patrick Kelley

Visitors: Sadie Krawczyk, Chris Bailey, Beverly Harrison, Beth Thompson, R.V. Watts, Marsha Jackson, Patrice Broughton, Geraldine Smith, Peter McReynolds, Andrew Kenneson, Harold Patterson, Duane Wilson, Sed Farrukh Khan, Katie Evon, Braeden Evon, Mike Newsum, Evan Newsum, Jamie Higginbotham, Grant Higginbotham, Walter R. Cox, Jr.

I. CALL TO ORDER – JOHN HOWARD

1. Invocation

Reverend Patricia Merchant, Saint Alban's Episcopal Church, gave the invocation.

2. Roll Call

Mayor Howard noted that Council Member Norman Garrett was absent. There was a quorum.

3. Approval of Agenda

To approve the agenda as presented.

*Motion by L Bradley, seconded by R. Bradley.
Passed Unanimously*

4. Approval of Consent Agenda

- a. February 6, 2018 Council Minutes
- b. February 13, 2018 Council Minutes
- c. February 19, 2018 Council Minutes
- d. Scrivener's Error on Rezone of Vine Street – To correct error on December 12, 2017 Council Minutes, removing the recommended condition of 8 foot on center evergreens that are a minimum of 20 gallons with berm behind rear facing lots on Vine Street from the motion; and restating the 45 feet of non-buildable bermed buffer along Vine Street condition of the motion.
- e. February 19, 2018 Executive Session Minutes
- f. February 20, 2018 Planning Commission Minutes
- g. February 27, 2018 Historic Preservation Commission Minutes
- h. Hangar Maintenance – Hangars & Doors Unlimited to repair the existing 16 t-hangars for \$25,775.00. (Recommended for Council approval by Airport Committee March 6, 2018)
- i. Hangar Build Contract – To contract with Barge Design Solutions for the turn key build of an 8-unit t-hangar for \$18,904.00. (Recommended for Council approval by Airport Committee March 6, 2018)
- j. Hangar Rate Increase – To increase the t-hangar monthly lease rates to \$250 for the interior units and \$300 for the end units. (Recommended for Council approval by Airport Committee March 6, 2018)
- k. Purchase – Street Sweeper – To purchase from Environmental Products of Georgia for \$249,964.00. (Recommended for Council approval by Public Works Committee March 6, 2018)
- l. Purchase – Gas Main Extension Materials for Mountain Creek Church Road – To purchase from Consolidated Pipe & Supply for \$16,676.60. (Recommended for Council approval by Utilities Committee March 6, 2018)
- m. Approval – Out of State Travel for Telecom – To send Brian Thompson to Huntsville, Alabama on March 21, 2018 to attend the Mid-South Communities Fiber Forum. (Recommended for Council approval by Utilities Committee March 6, 2018)
- n. Purchase – K-9 and Out of State Training – To purchase two dual-purpose canines and send two officers to the Alabama Canine Law Enforcement Officer Training Center in Northport, Alabama for a total cost of \$30,014.00. (Recommended for Council approval by Public Safety Committee March 6, 2018)

To approve the consent agenda as presented.

*Motion by Adcock, seconded by Little.
Passed Unanimously*

II. PUBLIC FORUM**1. Public Comments**

Ms. Geraldine Smith stated there needs to be a crackdown on store owners who are prejudiced and racist. She stated that she gets mistreated, and followed around inside the stores like she is going to steal something. Ms. Smith discussed bushes, trees, and flowers that hang over sidewalks needing to be trimmed. She stated there are sidewalks that should be fixed or replaced. She stated that the Chevron across from Chestnut has tried to cheat her by charging too much for a stamp, and there are other stores doing things to her as well.

2. Public Hearing**a. Rezone – 406 East Spring Street**

Code Enforcement Officer Patrick Kelley presented the application for rezone of this property from M1 to B3. He stated the acreage is .26 and the property has 80 feet of road frontage on East Spring Street. Mr. Kelley stated the proposed use is commercial for the first floor, with loft space above. The Code Office and Planning Commission recommend the request be approved.

The Mayor declared the meeting open for the purpose of public input.

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Mr. Peter McReynolds, property owner, spoke in favor of the rezone. He explained the property has been through multiple owners, different uses, and sat abandoned for a while. He is working with an architect from Athens. Mr. McReynolds stated the tenant will be moving his business from Atlanta, and will be living in the loft area above.

There were no other public comments; Mayor Howard declared that portion of the meeting closed.

No Action.

b. Rezone – 1020 North Broad Street

Code Enforcement Officer Patrick Kelley presented the application for rezone of this property from B2 to B3. Mr. Kelley stated the acreage is 1.18 and the property has 147.71 feet of road frontage on North Broad Street. The Code Office and Planning Commission recommend the request be approved.

Council Member Larry Bradley questioned the recommendation of the future land use plan for the property to be residential.

Mr. Kelley answered that the property is commercial at this time, even though it is listed as residential on the future land use plan. He explained that the North East Georgia Regional Commission helped make the map in 2006, which needs to be updated. The City continues the process of these updates with zoning map updates and comprehensive plan updates.

Council Member Lee Malcom clarified that the property is surrounded by B3 and B2 Zoning.

Mr. Kelley explained that B3 Zoning is a more appropriate zoning, because it is a highway business corridor zoning.

Mayor Howard questioned how this takes the corridor overlay district into consideration, with no parking in the front.

Mr. Kelley answered that any potential business would be required to comply with the CDO requirements listed in Section 643 of the Zoning Ordinance.

The Mayor declared the meeting open for the purpose of public input.

Mr. Syed Farrukh Khan, with ATF Enterprises, spoke in favor of the rezone. He explained that he wants the property rezoned for business.

There were no other public comments; Mayor Howard declared that portion of the meeting closed.

No Action.

c. Zoning Ordinance Code Text Amendment

Code Enforcement Officer Patrick Kelley explained the purpose of this public hearing is to comply with Georgia zoning procedures law for the text amendments, but no action is required during the public hearing. The text amendments address: sign setbacks, residential floor area, inconsistent sign regulations, and minimum single family residential standards for R2 Zoning. It also changes the use of M1 Zoning from conditional to permitted, allowing the location of emergency management services in this zone without a public hearing. Mr. Kelley stated that the animal portion of the amendment was removed, and will be brought back before Council next month.

The Mayor declared the meeting open for the purpose of public input.

There were no public comments; Mayor Howard declared that portion of the meeting closed.

No Action.

III. NEW BUSINESS

1. Rezone – 406 East Spring Street

To approve the rezone.

*Motion by L. Bradley, seconded by Dickinson.
Passed Unanimously.*

2. Rezone – 1020 North Broad Street

Council Member Lee Malcom questioned the requirements for a car lot in the overlay corridor.

Code Enforcement Officer Patrick Kelley stated he would need to see a plan first. He explained that outdoor storage and car lots may have a carve-out for the storage of inventory. There would be aesthetic upgrades, with a limited selection of materials. Mr. Kelley stated there have been numerous conversations with the property owner referencing these requirements.

Council Member Wayne Adcock stated that he would like to see a plan, before moving forward with the rezone.

Mr. Kelley explained there is not a plan currently. A car lot was only one of the many possible uses for the property.

Council Member Larry Bradley questioned whether there is already a proposed use for the land.

Mr. Kelley answered that there are only possible potential uses at this time.

Mr. Farrukh explained he also owns the property next door, and it is already zoned as B3.

Council and staff further discussed the zoning of the surrounding properties.

To approve the rezone, with the plans conforming to the Corridor Overlay District.

*Motion by Malcom, seconded by L. Bradley.
Passed Unanimously.*

3. 1st Reading – Zoning Ordinance Code Text Amendment

City Attorney Paul Rosenthal presented the first reading of the ordinance.

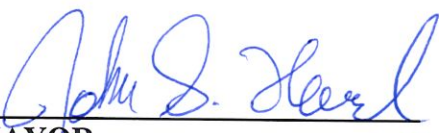
4. Resolution – Georgia Cities Week, April 22 – 28, 2018

To adopt the resolution proclaiming the week of April 22nd Georgia Cities Week.

*Motion by L. Bradley, seconded by Malcom.
Passed Unanimously.*

IV. ADJOURN

*Motion by Adcock, seconded by R. Bradley.
Passed Unanimously.*


MAYOR


CITY CLERK