

MINUTES

City of Carrollton Mayor and Council Meeting

June 1, 2015

4:30 p.m.

Public Safety Complex, Court/Council Chambers, 115 West Center Street,
Carrollton, Georgia

I. CALL TO ORDER

The Mayor and Council met in regular session on Monday, June 1, 2015 in the Public Safety Annex Building, 115 West Center Street, Carrollton, Georgia. Mayor Pro Tem Mandy Maierhofer called the meeting to order at 4:30 p.m. Members present: Mayor Pro Tem Mandy Maierhofer, Councilmember Gerald Byrd, Councilmember Mike Patterson, and Councilmember Jim Watters. Members absent: Mayor Garner.

II. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Pro Tem Maierhofer.

III. INVOCATION

Ms. Annie Boykin offered the invocation.

IV. MINUTES (May 4, 2015)

Motion by Councilmember Patterson, seconded by Councilmember Watters to approve the Minutes of the May 4, 2015 meeting. (Motion passed 4-0, Mayor Garner absent).

V. CITIZEN COMMENTS

Mr. Jimmy Dothard, the uncle of the late Ken Dothard, advised that he was disappointed with the Carrollton Police Department. He stated that he and others are not satisfied with answers that are being given to them by the Police Department. In addition, Mr. Dothard advised that he has concerns over the way that blacks are being treated by the police and stated that he feels that the Carrollton Police Department needs sensitivity training. Mr. Dothard also voiced concerns over certain equipment that the Police Department is using. He advised that he is in favor of a non-violent resolution.

City Manager Coleman advised Mr. Dothard that the Georgia Bureau of Investigations is investigating this matter and the investigation is ongoing. Mr. Dothard also requested that more black police officers be hired. Councilmember Byrd stated that he wants answers to the same questions that Mr. Dothard mentioned. Councilmember Byrd suggested that we evaluate our current programs which are being used and suggested no Christmas bonus for those employees who have been written up for discipline measures.

Ms. Annie Boykin requested a traffic signal on 27 near the WPA gym.

Bishop Samuel Mercer, pastor of Mt. Zion Church, stated that he supports the truth and he requested that the late Mr. Ken Dothard's reputation be respected during the investigation, as with any other individual.

Ms. Audrey Smith, a local advocate of the "Say No to Drugs Program", advised that she would like to obtain more permits from the Police Department to organize walks more often. She

advised that the annual walk would be held in September this year to coincide with “Drug Awareness Month”. Councilmember Watters advised that he would like to participate in the walk this year.

Ms. Kimberly Armond, a Newnan resident, advised that she was a witness to an accident near the AMP during Cinco de Mayo. She expressed concerns about drunk drivers during the holidays and suggested a designated driver program.

Mr. Bobby Freeman of 918 Alamama Street advised that he is an advocate for justice for the black community. He stated that he was pulled over by a Police Officer previously and was disrespected. Mr. Freeman stated that he talked with Police Chief Joel Richards about the incident and the officer was reprimanded.

Mr. Jimmy Dothard notified those in attendance of the upcoming “A Day of Love” event which will be held at the AMP on Sunday, June 7th from 5:00 p.m. – 7:00 p.m. Mr. Dothard advised that the theme of the event is peace.

VI. ITEMS OF DISCUSSION

1. Conditional Use Permit Request

Request: Erect 110-foot wireless monopole 30 feet from east property line

Property Location: 340 Tom Reeve Drive

Petitioner: DC Realty, LLC dba Fogo Data Centers

City Planner Lynne Miller presented to the Mayor for their consideration a request from property owner DC Realty LLC, dba Fogo Data Centers for a conditional use permit to erect a 110-foot wireless communication monopole approximately 30 feet from their east property line at 340 Tom Reeve Drive. City Planner Miller advised that said property consists of approximately 1.0 acre, located in Land Lot 66, 10th District, Carroll County.

The City of Carrollton Unified Development Ordinance requires 72.5-foot setback for a 110-foot tower; therefore a conditional use permit is requested.

City Planner Miller advised that the purpose of the wireless monopole is to provide point-to-point internet to the city schools and other customers. City Planner Miller advised that the City of Carrollton Unified Development Ordinance requires 72.5-foot setback for a 110-foot tower; therefore a conditional use permit is requested.

City Planner Miller explained that ordinarily, the UDO requires City Board of Development Appeals action for proposed variances. However, the UDO’s cell tower regulations (Specifically, UDO Section 5.05.05 – Approval Procedures) require Conditional Use Permits, recommended by the Planning Commission and then approved by the City Council, much like Rezoning Applications, when the proposed cell tower has conformity issues.

City Planner Miller stated that the Planning Commission has recommended approval of the request with the following conditions:

- 1) Design, construction, operation and maintenance of the monopole shall meet or exceed all current standards and regulations of the FAA, FCC and any other agencies of the federal or State government with authority over Wireless Communication Facilities.
- 2) Limit the height of the proposed monopole to one hundred ten (110) feet, excluding antenna, which may extend an additional 20 feet.
- 3) Provide landscape buffers between the monopole and east property line, and between the monopole and on-site buildings, driveways and parking.

Councilmember Byrd inquired as to what the proposed wireless pole would look like and requested photographs of same. Mr. Rick Haney, owner of the property where the proposed wireless monopole would be installed, advised that unfortunately, he did not have photos, but that the wireless pole would look similar to other cell phone towers. Councilmember Byrd advised that he did not want another wireless pole installed in the city.

At this time, Mayor Pro Tem Maierhofer inquired as to the wishes of the Council on the matter.

Motion by Councilmember Patterson, seconded by Councilmember Watters to approve the conditional use permit request to erect a 110-foot wireless monopole 30 feet from east property line with conditions as presented. (Motion passed 3-1, Councilmember Byrd opposed and Mayor Garner absent).

2. Resolution 05-2015: Reaffirm and Designate Cable Franchise Fee

City Manager Coleman advised that in 2007, the Georgia General Assembly adopted and the Governor signed into law the "Consumer Choice for Television Act" (O.C.G.A. § 36-76-1 et seq). This law gave cable companies the ability to use local right of ways to offer services through a franchise issued under one of three options (as follows):

1. State issued franchise
2. Local franchise
3. Operate under the identical terms of a current locally issued franchise

City Manager Coleman stated that the 2007 law (O.C.G.A. § 36-76-6) also allowed local governments to charge franchise fees of up to five percent (5%) for the use of local rights-of-way and infrastructure for those cable providers opting to enter a local franchise agreement. City Manager Coleman advised that prior to the adoption of the new law; the City charged a franchise fee of five percent (5%) through individual written agreements with cable providers. Providers (Charter and Comcast Cable) at that time, opted for the State issued franchise in 2008. City Manager Coleman stated that the City still collects the five percent (5%) franchise fee, but under the State issued franchise.

City Manager Coleman advised that as listed in our Ordinances today, the Cable Communications Code does not reflect a five percent (5%) franchise fee for cable providers, but does state that cable television franchise agreements are on file in the office of the City Clerk. However, as mentioned earlier, Charter and Comcast now operate under the State issued franchise agreement, and their respective prior local agreements with the City are now expired

City Manager Coleman advised that staff recommends adoption of Resolution 5-2015 which will reaffirm and formally designate the five percent (5%) franchise fee of which the City is currently collecting. **Motion by Councilmember Maierhofer, seconded by Councilmember Patterson to adopt Resolution 05-2015: Reaffirm and Designate Five Percent (5%) Cable Franchise Fee. (Motion passed 4-0, Mayor Garner absent).**

3. Georgia Department of Natural Resources Grant Resolution

City Manager Coleman advised the Mayor and Council that the City has been awarded a \$5,325.00 grant from Georgia Department of Natural Resources to conduct a historic resources survey of downtown Carrollton, In-Town South, and Maple Street neighborhoods. City Manager Coleman stated that approval of a resolution accepting the grant is required by GA DNR. **Motion by Councilmember Byrd, seconded by Councilmember Patterson to approve a resolution to accept a grant from Georgia Department of Natural Resources in the amount of \$5,325.00 for a historic resources survey of downtown Carrollton, In-Town South, and Maple Street neighborhoods. (Motion passed 4-0, Mayor Garner absent).**

4. Keep Carroll Beautiful Presentation

Mr. Fred Eady made a presentation regarding the services that Keep Carroll Beautiful provides to the community. In addition, Mr. Eady requested that the City consider matching the \$10,000 funding that the County currently provides.

5. FY 2015-2015 Budget Public Hearing

A public hearing was held regarding the proposed FY 2014-2015 Budget. City Manager Coleman advised that this presentation is for the purpose of conducting a public hearing on the proposed budget as required by Georgia State Law. City Manager Coleman stated the following information regarding the proposed budget:

The proposed FY 2015-2016 General Fund Operating Budget of **\$20,945,279** represents an overall increase of **\$817,959 or 4%** over the FY 2014-2015 Budget of **\$20,177,320**.

The proposed FY 2015-2016 Water Fund Operating Budget of **\$15,162,481** represents an overall increase of **\$519,998 or 4%** over the FY 2014-2015 Budget of **\$14,642,483**.

The proposed FY 2015-2016 Sanitation Fund Operating Budget of **\$4,626,517** represents an overall increase of **\$137,673 or 3%** over the FY 2014-2015 Budget of **\$4,538,844**.

At this time, City Manager Coleman discussed several areas of the budget, including that revenue items throughout the General Fund continue to show mixed results as it pertains to the economic recovery. City Manager Coleman stated that some line items continue to decline, while others have stabilized and are beginning to show signs of recovery.

City Manager Coleman advised that the proposed budget does not include a millage rate increase, noting that the millage rate has not increased since 1993.

In addition, City Manager Coleman stated that the proposed budget includes a Cost of Living Adjustment (COLA) for satisfactory city employees. City Manager Coleman also advised that the group health insurance premiums are forecast to increase 12% for FY 2015-2016 and that contributions to the City's retirement plan are forecast to be at or slightly above the current year levels.

City Manager Coleman advised that property/liability insurance premiums are projected to decrease by 14% due to increased building, vehicle and equipment, and liability coverage exposure.

City Manager Coleman advised that energy costs continue to be a challenge for the City and that current retail price levels for gasoline are \$2.59 per gallon. In addition, City Manager Coleman stated that the cost of energy for our facilities (electrical, natural gas) continues to be a challenge for the City's budget. City Manager Coleman advised that staff strives to ensure our operations are as energy efficient as possible.

City Manager Coleman advised that other highlights of the proposed FY 2014-2015 Budget include the following:

- \$10,000 – rotational replacement of City computers
- \$1,000,000 – paving/resurfacing/repair of City streets
- \$300,035 – operating budget of the Neva Lomason (West Georgia Regional) Library
- \$106,392 – two (2) additional police officer positions

City Manager Coleman stated that final consideration and adoption of the proposed FY 2015-2016 Budget will be on the Agenda for the July 7, 2014 Mayor and Council meeting.

VII. MAYOR AND COUNCIL ANNOUNCEMENTS

Councilmember Gerald Byrd invited those in attendance to the “A Day of Love” event which will be held on Sunday, June 7th from 5:00 p.m. – 7:00 p.m. at the AMP.

VIII. CITY MANAGER ANNOUNCEMENTS

There were none.

IX. ADJOURN

There being no additional business to address, the meeting adjourned at 5:28 p.m.

The Agenda for Mayor and Council Meetings is available for review in the City Manager’s Office, 315 Bradley Street, Carrollton, Georgia and the City’s website, www.carrollton-ga.gov after 4:00 p.m. on the Friday prior to Council Meeting. The City complies with the Americans with Disabilities Act (ADA). If you will need special assistance at this meeting, the City will try to accommodate you in every reasonable manner. Please call (770) 830-2000 from 8:30 a.m. to 5:00 p.m. Monday through Friday at least 48 hours prior to the meeting. A summary of Agenda items acted upon is available within 48 hours of the meeting at the address and website listed above. Minutes to any previous meeting (once adopted) are available upon request or available at the website listed above.