

MINUTES
City of Carrollton Mayor and Council
Special Called Meeting
December 14, 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 a Special Called Meeting on Monday, December 14, 2015 at 4:30 p.m. in the Public Safety Annex Building, 115 West Center Street, Carrollton, Georgia. Mayor Garner called the meeting to order at 4:30 p.m. Members present: Mayor Wayne Garner, Councilmember Gerald Byrd, Councilmember Mandy Maierhofer, and Councilmember Jim Watters. (Councilmember Ward II seat vacated by Mike Patterson on September 4, 2015 to qualify for the Mayor seat in the November election).

II. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Garner.

III. INVOCATION

Ms. Annie Boykin offered the invocation.

IV. MINUTES (October 5, 2015)

Motion by Councilmember Maierhofer, seconded by Councilmember Byrd to approve the Minutes of the October 5, 2015 meeting. (Motion passed 4-0, Councilmember Ward II Seat vacant.)

V. CITIZEN COMMENTS

There were none.

VI. ITEMS OF DISCUSSION

1. Advantage Carroll 2020

Mr. Daniel Jackson, Vice President and CEO of the Chamber of Commerce, presented to the Mayor and Council for their consideration a request from Mr. Loy Howard, Chairman of Carroll Tomorrow, for a five (5) year commitment from the City of Carrollton to assist in continuing the Advantage Carroll 2020 Program. Mr. Jackson explained that Advantage Carroll is a business action plan administered by Carroll Tomorrow that focuses on economic development, workforce education and development, community development, and leadership development for Carroll County. Mr. Jackson advised that the projected cost of the program for the next five (5) years is \$3,800,000. Mr. Jackson stated that Mr. Howard is requesting a commitment of \$400,000 (80,000 per year for 5 years) from the City of Carrollton. City Manager Coleman advised that the City has participated in the program for the past several years and it is funded on the City's part by hotel-motel taxes. **Motion by Council Maierhofer, seconded by Councilmember Watters to approve renewal of the City's commitment to Advantage Carroll 2020 for the next five years in the amount of \$80,000 per year. (Motion passed 4-0, Councilmember Ward II Seat vacant.)**

2. Resolution 07-2015: Amendment to Unified Development Ordinance

City Planner Lynne Miller presented to the Mayor and Council for their consideration Resolution 07-2015: Amendment to the Unified Development Ordinance (Modular Structures). Resolution 07-2015 contains a change to the Unified Development Ordinance (UDO) that would allow under certain circumstances the use of approved “modular structures” for religious purposes within the city. The proposed change adds a new sub-section and requires that approval of each application be through a “special use permit” and would require approval of the Mayor and Council. City Planner Miller advised that the Planning Commission has recommended denial of the proposed amendment.

At this time Mayor Garner opened the Public Hearing for citizens input. Those speaking in favor: Pastor Lewis Askew. Those speaking opposed: None. At this time Mayor Garner closed the Public Hearing and inquired as to the wishes of the Council. **Motion by Councilmember Byrd, seconded by Councilmember Watters to approve Resolution 07-2015: Amendment to Unified Development Ordinance to allow under certain circumstances the use of approved “modular structures” for religious purposes within the city. (Motion passed 4-0, Councilmember Ward II Seat vacant.)**

3. Resolution 08-2015: Complete Streets Policy

City Manager Casey Coleman presented to the Mayor and Council for their consideration, Resolution 08-2015: Complete Streets Policy. City Manager Coleman advised that the City already informally follows these strategies and principles contained in the resolution in attempt to make Carrollton a more pedestrian friendly community. City Manager Coleman stated that examples include installation of bicycle lanes on South Street and the sidewalk repair and maintenance program the City continues to fund using SPLOST dollars. City Manager Coleman advised that the policy strengthens the City’s commitment to continue to consider all uses in the planning, design, construction, and maintenance of City roadways. The policy does not, however, place any additional requirements on the City or a private developer above and beyond the existing design standards for building and/or maintaining roadways. City Manager Coleman advised that adopting a Complete Streets Policy will strengthen the City’s position with certain grant applications and acknowledgments, including recognition as a “Bicycle Friendly Community.” City Manager Coleman stated that the Friends of the Carrollton GreenBelt would like to move forward with the application for recognition pending the adoption of the Complete Street Policy. **Motion by Councilmember Maierhofer, seconded by Councilmember Watters to approve Resolution 08-2015: Complete Streets Policy. (Motion passed 4-0, Councilmember Ward II Seat vacant.)**

4. Resolution 10-2015: Taking of Easement for GreenBelt through Eminent Domain

Assistant City Manager Tim Grizzard presented to the Mayor and Council for their consideration Resolution 10-2015: Taking of Easement for GreenBelt through Eminent Domain. Assistant City Manager Grizzard advised that construction of the GreenBelt requires that the City obtain easements across numerous properties throughout the City. In addition, Assistant City Manager Grizzard stated that so far we have been able to obtain these easements in most cases as a gift to the City and in some cases as a purchase. Assistant City Manager Grizzard informed the Mayor and Council that the laws of the State of Georgia allow the City to exercise Eminent Domain and take ownership of a property or easement when the owner or owners refuse to sell. Assistant City Manager Grizzard advised that the power of Eminent Domain requires that the City have the property or easement appraised and that the owner be fairly compensated accordingly.

Assistant City Manager Grizzard advised that at the end of Chaucer Lane, just off Newnan Road (near Christ Fellowship Church), there is a property that is required for the completion of the GreenBelt. This property belongs to Better Investments, LLC of Cary, NC. Assistant City Manager Grizzard advised that attempts have been made in good faith to negotiate with the

owners of this property who have refused the City's offer of \$13,000 for the easement. The appraised value of the easement is \$3,100. Assistant City Manager Grizzard stated that the additional money offered was made to avoid the condemnation process and associated expense and the representative of Better Investments has declined the offer. **Motion by Mayor Garner, seconded by Councilmember Watters to approve Resolution 10-2015: Taking of Easement for GreenBelt through Eminent Domain. (Motion passed 4-0, Councilmember Ward II Seat vacant.)**

5. Rezoning Request:

**Rezone 12.39 acres from R-M, C-2 and R-15 to Planned Development – Residential
Property Location: 0, 305, 309, 315, 319 and 333 Foster Street and 122 Park Lane
Petitioners: Student Quarters Campus Walk, LLC**

City Planner Lynne Miller presented to the Mayor and Council for their consideration a request to rezone 12.39 acres located at 0, 305, 209, 315, 319 and 333 Foster Street; and 122 Park Lane from R-M, C-2, and R-15 to Planned Development – Residential. City Planner Miller advised that the petitioner currently has 8 student housing buildings (288 bed count) on Foster Street and tear them down and replace with new student housing buildings. The petitioner also intends to expand the property by purchasing additional properties to the East and North of the existing structure. The Planning Commission recommended approval of the rezoning with the following conditions:

- 1) All submittal documents must agree and are binding - The site plan, building rendering, and floor plans shall all be coordinated and agree. All three are binding as conditions of zoning.
- 2) Exterior building material – All buildings to be wood frame construction with cement board or cement shingle (Hardy Plank) siding, and/or brick, stone or stucco siding. No vinyl siding shall be allowed, except that window trim may be vinyl.
- 3) Individual utility meters -- Each residential unit shall have individual utility meters and services. Each unit shall have a separate sanitary sewer lateral that does not combine to a common header until it exits the building for a distance of four feet. Developer shall pay all water and sewer tap fees at a rate equal to or greater than the rate in place when the 2014 Water and Sewer Revenue Bonds were issued.
- 4) Buffering – Provide suitable buffer between this project and adjacent residential use, per Section 4.07.05 of the Carrollton Unified Development Ordinance. Buffers may be (a) natural buffer strips at least 50 feet wide, (b) landscape buffers at least three feet high, capable of growing to six foot height within three years; or (c) landscape buffer at least ten feet wide with six foot high fencing as described in our UDO. City staff may require additional plantings to achieve a uniform buffer strip.

Also buffer the perennial and intermittent streams to Georgia DNR and City of Carrollton standards.

- 5) Trash disposal -- Landlord shall furnish City-approved trash container and recycling container, to be located to the satisfaction of the City Engineer. Individual hobo type containers will not be allowed. This project must be served by either a dumpster type can or a compactor. Easy access to said container by the City garbage truck must be designed into this project.
- 6) Tenant requirements -- No window air-conditioning units, outdoor cooking, outside drying of clothes, or any maintenance, washing or detailing of vehicles shall be permitted. No garage, estate, rummage or similar sales shall be permitted. Nothing shall hang from outside of windows.
- 7) Parking -- The developer is responsible for providing parking for each residential unit. One space per bedroom is required. The developer may either build said parking on his

property or may construct parking on another, adjacent site, at his expense. If he provides parking on another property, it must be contiguous to the proposed site and there must be a written, recordable agreement for the parking that is acceptable to the City engineering staff. There shall also be handicapped parking spaces that comply with the ADA code. **None of the required parking may be located on the public right of way.**

- 8) Curb Cuts – Extended curb lines are not allowed into the city street. The existing curb line cannot be changed such that it narrows the existing street. The location and width of curb cuts and driveways are subject to the final approval of the City Engineer who may require their redesign at his discretion. The City Engineer may also require a Traffic Study for this development.
- 9) Stormwater Management --- Stormwater mitigation shall comply with all Federal, State, and Local laws and ordinances. All environmental permitting shall be obtained before construction of new units can begin.
- 10) Infrastructure Upgrades – All infrastructure upgrades will be at the expense of the Developer.
- 11) Future development or changes -- Any future development or significant change proposed within this Planned Development shall require approval of the City of Carrollton Planning Commission as a Planned Development amendment.
- 12) Student Tenancy – The development shall rent to students only, who can show current University of West Georgia student identification.
- 13) Bed Count – This development shall be limited to 530 beds.

City Planner Miller reiterated that the current bed count is 288 and with approval of the zoning, the bed count would increase to 530 beds.

At this time Mayor Garner opened the Public Hearing for citizens input. Those speaking in favor: Attorney David Mecklin, 403 Briarwood Drive, Carrollton, spoke in favor on behalf of the petitioner. Mr. Mecklin advised that the request included the demolition and reconstruction of Campus Walk. Mr. Mecklin pointed out that this was not a change in land use on the complex, as the apartments are already there, but to take down the existing apartments and build new apartments. Mr. Mecklin stated that in order to pay for the demolition and reconstructions of these apartments, the plan would need to include more beds than Campus Walk currently has. Mr. Mecklin noted that the proposal includes the removal of several blighted housing on Foster Street and Park Lane and replacing them with new buildings.

Mr. Mecklin commented on the proximity of Campus Walk to the University of West Georgia (UWG) and the Baptist Student Union. Mr. Mecklin stated the convenience would continue to promote a walker friendly environment.

Councilmember Maierhofer inquired to the number of beds allowed presently under the current zoning. Mr. Mecklin answered that if the additional properties on Foster Street and Park Lane were changed to multi-family zoning, the plan analysis would allow a 496 bed count.

Councilmember Maierhofer inquired where the developer resided and why he chose Carrollton. The developer (Andy Feinour) was present and stated that he lived in Atlanta and reported that his company targeted purchasing properties in communities with a growing University.

Those speaking opposed:

Met Lane, 214 Habersham Place spoke opposed to the rezoning. Mr. Lane requested the rezoning consideration be tabled until the next Council to address. Mr. Lane expressed concern

over the high number of student housing in Carrollton. Mr. Lane reported he had met with UWG President Kyle Marrero and based on his impression of their conversation regarding the matter, the UWG does not see a need for additional student housing.

Councilmember Byrd inquired if the rezoning request was denied, if the developer would still rebuild Campus Walk. Mr. Mecklin responded that by voting this request down, the Council was also voting down the rezoning of the additional properties and he was not certain it would be economically feasible to build if additional units (beds) could not be built.

Mayor Garner reminded the Council that they were challenged with their duties for the remainder of this year.

Rory Wojcik, 112 Lisa Lane spoke opposed to the rezoning, citing other housing developments the developer had built were of low quality.

At this time Mayor Garner closed the Public Hearing and inquired to the wishes of the Council.

A motion was made by Councilmember Byrd to table the request with the motion failing due to lack of a second on the motion.

A motion was offered by Mayor Garner to approve the request with the motion failing due to lack of a second on the motion.

A lengthy discussion ensued regarding the number of beds that would be satisfactory for the petitioner and the Council. City Attorney Chuck Conerly reminded those in attendance that any site plan for the development that was approved at the meeting was binding. At this time, ***motion by Councilmember Watters, seconded by Councilmember Byrd to reject (deny) the request. Those voting in favor: Councilmember Watters and Councilmember Byrd. Those voting opposed: Councilmember Maierhofer and Mayor Garner. (Motion dies due to a tie vote of 2-2, Councilmember Ward II Seat vacant.)***

Mayor Garner stated that the Council was at an impasse and had three options. 1) Approve the rezoning as it stands. 2) Deny the rezoning, which would disallow any future rezoning request for one year. Or, 3) Table the request for the next Mayor and Council to consider.

Mayor Garner again inquired to the wishes of the Council. ***Motion by Councilmember Maierhofer, seconded by Councilmember Byrd to table the request to rezone 0, 305, 309, 315, 319 and 333 Foster Street; and 122 Park Lane from R-M, C-2, and R-15, to Planned Development – Residential until the next meeting of the Mayor and Council. (Motion passed, 4-0, Councilmember Ward II Seat vacant.)***

6. Water Bill Roundup

City Manager Casey Coleman advised that he had received a request by Councilmember Maierhofer and Ms. Melanie McLendon, Chairperson for the Carrollton City Schools Education Foundation, for the City's participation in the "Water Bill Roundup Program". Ms. McLendon spoke to the Mayor and Council on behalf of the program and explained that the Education Foundation is a nonprofit organization that awards money to teachers through instructional classroom grants for gifted, at risk, and special needs children; while also administering a number of scholarship programs for city school students. Ms. Julianne Foster, Executive Director of the Carrollton City Schools Education Foundation, further explained the program and advised that funds were sometimes distributed on an as needed basis in certain situations.

City Manager Coleman explained that the Water Bill Roundup Program is a program that allows our water customers to roundup their monthly utility bill to the next full dollar amount (or greater) with the excess going to the foundation. City Manager Coleman advised that participation is strictly voluntary for water customers and no one is required to participate. ***Motion by***

Councilmember Maierhofer seconded by Councilmember Byrd to approve the City's partition in the Water Bill Roundup Program. (Motion passed 4-0, Councilmember Ward II Seat vacant.)

7. Lakeshore Tennis Courts

City Manager Casey Coleman presented to the Mayor and Council for their consideration two proposal for repairing/rebuilding the tennis courts located at Lakeshore Park. City Manager Coleman advised that the proposals are to resurface four (4) of the tennis courts and completely remove and rebuild the remaining two (2). City Manager Coleman stated that the tennis courts are very popular and are in use day and night. City Manager Coleman noted that the tennis courts have been deteriorating for the past several years and our parks maintenance personnel are no longer able to repair them. In addition, upon closer inspection it was found that the deterioration appears to have accelerated as of late, to the point that they are difficult to play on. City Manager Coleman advised that the proposals received are as follows:

Signature Tennis Courts, Inc.	\$ 88,400.00
Irvin Tennis Courts, Inc.	\$104,500.00

City Manager Coleman noted that Carrollton Parks, Recreation, and Cultural Arts Director Peter Maierhofer has checked references and both companies have acceptable job performance. Therefore, it is staff's recommendation that the contract be awarded to the low bidder, Signature Tennis Courts, Inc. in the amount of \$ 88,400.00. **Motion by Councilmember Byrd, seconded by Councilmember Watters to award the contract for repair of the tennis courts located at Lakeshore Park to the low bidder, Signature Tennis Courts, in the amount of \$88,400. (Motion passed 4-0, Councilmember Ward II Seat vacant.)**

8. Proposed Library Remodel/Expansion

City Manager Casey Coleman advised that he had received a request from Ms. Roni Tewksbury, Director of the West Georgia Regional Library, for funding from the City for the much discussed library remodel/expansion. City Manager Coleman advised that Ms. Tewksbury estimates the cost for the project is \$4,400,000. In addition, City Manager Coleman stated that Director Tewksbury stated that she has applied for a \$2,000,000 grant from the State of Georgia and that Carroll County has agreed to fund \$500,000 towards the project. City Manager Coleman advised that Ms. Tewksbury is requesting the balance deficient of \$1,900,000 from the City of Carrollton.

At this time, Ms. Tewksbury appeared before the Mayor and Council regarding the request and advised that the library was built in 1967 and was in serious need of remodeling/expansion. Ms. Tewksbury advised that the library currently contains 23,000 sq. ft. and the proposed renovations/additions would allow the library to have 30,000 + total square footage. Ms. Tewksbury explained the proposed renovations/additions of the library and presented renderings of the changes for the Mayor and Council's review. **Being no further discussion regarding the matter, motion by Councilmember Maierhofer, seconded by Councilmember Byrd to approve the City's contribution of \$1, 900,000 towards the library renovations/additions contingent upon the libraries grant approval by the State. (Motion passed 3-1, Councilmember Watters abstained, Councilmember Ward II Seat vacant.)**

9. Appointment: Carrollton Payroll Development Authority (1)

Motion by Mayor Garner, seconded by Councilmember Byrd to reappoint Tim Warren to a term on the Carrollton Payroll Development Authority. (Motion passed 4-0, Councilmember Ward II Seat vacant.)

10. Executive Session: Personnel Matter

Mayor Garner announced that the Council would not be entering Executive Session to discuss a personnel matter, but would instead discuss the personnel matter in the public.

Mayor Garner requested the Council consider giving City Manager Coleman an additional four (4) years of service to his retirement benefit in the same manner as the Council had approved additional years of service given to Assistant City Manager Grizzard a few years ago. Mayor Garner pointed out that City Manager Coleman had been instrumental in the accomplishments of our City in the last 12 years and felt it only fitting to reward him for his leadership that far exceeded expectations. Being no further discussion, ***motion by Councilmember Maierhofer, seconded by Mayor Garner to approve giving City Manager Coleman an additional four (4) years of service to his retirement benefit. (Motion passed 4-0, Councilmember Ward II Seat vacant.)***

At this time, Mayor Garner presented Resolution 09-2015 to be submitted to the Georgia Municipal Association reflecting the formal approval of the Mayor and Council giving four (4) years of additional service credit to City Manager Coleman's retirement regardless of termination date. Being no further discussion, ***motion by Councilmember Maierhofer, seconded by Councilmember Watters to approve/adopt Resolution 09-2015 giving City Manager Casey Coleman an additional four (4) years of service to his retirement benefit regardless of termination date. (Motion passed 4-0, Councilmember Ward II Seat vacant.)***

VII. MAYOR AND COUNCIL ANNOUNCEMENTS

Councilmember Gerald Byrd expressed appreciation to Mayor Garner and advised that he had learned a lot from him. Councilmember Byrd also thanked city staff for their hard work.

Councilmember Watters thanked Mayor Garner and Councilmember Maierhofer for their service. He advised that he came on the Council kicking and screaming to begin with, but then sat back and found out there was a lot he needed to learn. Councilmember Watters thanked Mayor Garner for his leadership.

Councilmember Maierhofer advised that she had learned a lot from being on the Council and has loved it for the most part. In addition, Councilmember Maierhofer expressed appreciation to city staff.

VIII. CITY MANAGER ANNOUNCEMENTS

City Manager Coleman advised that he would certainly miss Mayor Garner and Councilmember Maierhofer. City Manager Coleman stated that they were both great mentors and they have done a great job representing the City and have been instrumental in moving Carrollton forward the past 12 years.

IX. ADJOURN

There being no additional business to discuss, the meeting was adjourned at 5:45 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.