

AGENDA

City of Carrollton Mayor and Council Special Called Meeting

**September 12, 2016
6:00 p.m.**

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

- I. **CALL TO ORDER**

- II. **PLEDGE OF ALLEGIANCE**

- III. **INVOCATION**

- IV. **CITIZEN COMMENTS**
(Please state your name and address for the record and limit comments to three minutes.)

- V. **MINUTES (August 1, 2016)** 1-4

- VI. **APPROVAL OF AGENDA ITEMS FOR CONSIDERATION**
 - 1. **Proclamation: University of West Georgia Day** 5
 - 2. **Certificates of Recognition: 2015-2016 State Championships in the Sports of Gymnastics, Swimming, and Track** 6
 - 3. **Proclamation: In honor of Mrs. June Maxwell** 7
 - 4. **Resolution 21-2016 - Unified Development Ordinance Amendment (Multi-Family Density)** 8-11
 - 5. **Resolution 22-2016 - Unified Development Ordinance Amendment (Planning Commission Composition)** 12-14
 - 6. **Resolution 23-2016 - Unified Development Ordinance Amendment (Modular Structures)** 15-18
 - 7. **Resolution 24-2016 - Carrollton Corridor Development and Beautification Committee** 19-21
 - 8. **Reconsideration of Billboard Lease: Fairway Outdoor Advertising** 22-25
 - 9. **Esco Way/Frashier Road Property Transfer to Payroll Development Auth.** 26-29
 - 10. **Basin Repairs at Water Treatment Plant** 30

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12. Appointment: Planning Commission (1) 32

VII. MAYOR AND COUNCIL ANNOUNCEMENTS

VIII. CITY MANAGER ANNOUNCEMENTS

IX. ADJOURN

The Agenda for each 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 five (5) business days prior to a Mayor and Council 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 at or the City's website, www.carrollton-ga.gov. The City complies with the Americans with Disabilities Act (ADA). If you will need special assistance at a 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.

MINUTES

City of Carrollton Mayor and Council Meeting

August 1, 2016

6:00 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 regular session on Monday, August 1, 2016, in the Public Safety Complex, Court/Council Chambers, 115 West Center Street, Carrollton, Georgia. Mayor Pro-Tem Gerald Byrd called the meeting to order at 6:05 p.m. Members present: Mayor Pro-Tem Gerald Byrd, Councilmember Jim Watters, and Councilmember Rory Wojcik. Members absent: Councilmember Met Lane. (Mayor Walt Hollingsworth arrived at a later time).

II. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by members of Boy Scout Troup 138.

Clerk Note: At this time, Mayor Hollingsworth arrived for the meeting and Mayor Pro-Tem Byrd turned the meeting over to Mayor Hollingsworth.

III. INVOCATION

The invocation was given by Mr. Fred O'Neal.

IV. CITIZEN COMMENTS

Mr. Mitt Conerly of Metro West Board of Realtors directed concerns regarding the Agenda item pertaining to the Single-Family Housing Study. Mr. Conerly also advised that contrary to what was recently published in the newspaper, there is no housing boom in Carrollton and City staff should consider checking with neighboring cities such as Newnan which has had 250 new construction permits and Coweta Unincorporated which has had 310 permits, with the combined total being 560 permits issued. Mr. Conerly advised that 31 housing permits for the first part of the year is more of a bust than a boom when compared to other neighboring cities during the same period. Mr. Conerly also expressed concern regarding reduction of multi-family density.

Mr. Dwayne Hicks of Metro West Board of Realtors stated that he concurred with Mr. Conerly's comments. Mr. Hicks suggested that the City pause on issuing resolutions which harm the housing industry.

Mr. Nolan Tipton, a student at the Arts for All, Inc./Institute of the Imagination, requested to the Mayor and Council that he be allowed to sell popsicles at a popsicle stand in town. City Manager Tim Grizzard stated that maybe the City Attorney could look into the possibility.

Ms. Gladys North complained about shrubbery/growth near Austin Avenue which affects traffic in her neighborhood.

Councilmember Byrd recognized Mr. Richard Newell of Blue Water Ropes. Councilmember Byrd stated that years ago Mr. Newell had inquired about a dog park and that there was now a dog park on Longview Street. Councilmember Byrd thanked Mr. Newell for his vision.

V. MINUTES (July 11, 2016)

Motion by Councilmember Byrd, seconded by Councilmember Wojcik to approve the minutes of the July 11, 2016 meeting. (Motion passed 4-0, Councilmember Lane absent).

VI. APPROVAL OF AGENDA ITEMS FOR CONSIDERATION

City Manager Tim Grizzard advised that he would like to add two additional items to the Agenda as follows: Item 8 - Billboard Lease (Fairway Outdoor Advertising)

Item 9 - Purchase of 2013 Police Interceptor Vehicle

Clerk Note: Approval of the Agenda items for consideration and the additional items as amended was unanimously approved by the Mayor and Council.

1. Water and Wastewater Awards

Operations Manager Tony Richardson advised that the Carrollton Water Treatment Facility earned the Georgia Association of Water Professional's "Gold Award". The Gold Award recognizes water facilities that demonstrate perfection in compliance. In addition, Operations Manager Richardson stated that the Wastewater Treatment Facility has earned the Georgia Association of Water Professional's "Platinum Award" for complete and consistent LAS permit compliance for the past nine consecutive years. The Platinum Award recognizes facilities that demonstrate a perfect compliance record for five or more consecutive years. These awards highlight the dedication and devotion of the individuals within each department as well as other supporting departments such as Facilities Maintenance, Public Works, Systems Upkeep, and Engineering.

2. Resolution: 20-2016 - Fire Protection Requirements Amendment

Fire Chief Jimmy Bearden presented to the Mayor and Council for their consideration Resolution 20-2016 – Fire Protection Requirements Amendment. Fire Chief Bearden stated that the proposed resolution would address the following: fire apparatus access roads, sprinkler systems, fire alarm systems, fire hydrants, construction materials, inspections, and unsafe buildings. Councilmember Wojcik inquired as to how rental properties are enforced. Fire Chief Bearden stated that the Fire Department has a full time Fire Marshall that oversees those matters. Fire Chief Bearden stated that he would like to continue the current codes being used with the proposed additions contained in the resolution. Mayor Hollingsworth inquired as to whether the resolution would be retroactive or only going forward. Fire Chief Bearden stated that it would be for new construction only.

Motion by Councilmember Wojcik, seconded by Councilmember Watters to approve Resolution 20-2016 – Fire Protection Requirements Amendment. (Motion passed 4-0, Councilmember Lane absent).

3. Resolution: 21-2016 - Unified Development Ordinance Amendment

Community Development Director Erica Studdard presented to the Mayor and Council for their consideration Resolution 21-2016 – Unified Development Ordinance Amendment. Community Development Director Studdard stated that proposed changes to the Unified Development Ordinance include the following: **Section 2.01.02 - Residential Zoning Districts** – R-M, Residential Multifamily (Maximum 6 units per acre, unless a special use permit is obtained allowing a greater density). This district is intended to provide an area for moderate and high-density residential development. The regulations for this district are designed to provide areas for apartment complexes and other high-density residential development. In addition, Community Development Director Studdard advised that proposed changes to **Section 4.02.03 Design Standards for Multifamily Developments** include the following: **Density** - The density of any multifamily development shall not exceed six (6) units per acre, unless a special use permit

pursuant to Section 2.04.24(B) is obtained from the Mayor and City Council allowing a greater density. **Unit defined** – For purposes of multifamily development, each unit shall have a kitchen and no unit shall exceed four bedrooms. Community Development Director Studdard advised that the Planning Commission unanimously approved the UDO amendment at their meeting in June. **Motion by Councilmember Watters, seconded by Councilmember Wojcik to approve Resolution 21-2016, Unified Development Ordinance Amendment as presented.**

Mayor Hollingsworth stated that he felt there was not enough information to vote on the matter and he would like to have more discussions on the proposed Unified Development Ordinance Amendment at a Work Session.

Motion by Mayor Hollingsworth, seconded by Councilmember Byrd to substitute the previous motion on the matter and table Resolution 21-2016 – Unified Development Ordinance Amendment to the September 12, 2016 Mayor and Council Meeting. (Motion passed 4-0, Councilmember Lane absent).

4. Budget Update/Millage Rate Certification Process

Finance Director Jim Triplett presented financial highlights on the City's Budget for fiscal year ending June 30, 2016. In addition, Finance Director Triplett discussed the upcoming millage rate certification process.

5. Single-Family Housing Study

City Manager Grizzard inquired to the Mayor and Council as to whether they wanted to move forward with a Single-Family Housing Study. Councilmember Watters suggested that City Manager Grizzard determine which company to use in conducting the study. Councilmember Wojcik stated that he would like to review and discuss the RFP's for the Single-Family Housing Study during the next Work Session.

6. Appointment: Pension Committee Secretary

City Manager Tim Grizzard advised that with the upcoming departure of Human Resource Director Libby Duke, appointment of a Pension Committee Secretary is necessary. City Manager Grizzard stated that it is his recommendation that Finance Director/City Clerk Jim Triplett be appointed to that position.

Motion by Councilmember Byrd, seconded by Councilmember Watters to appoint Finance Director Jim Triplett as Pension Committee Secretary. (Motion passed 4-0, Councilmember Lane absent).

7. Appointments: Carrollton Area Convention & Visitors Bureau (2)

Motion by Councilmember Wojcik, seconded by Councilmember Watters to reappoint Mike Hart and Chris Duffey to new terms on the Carrollton Area Convention and Visitors Bureau (terms expiring June 30, 2019). (Motion passed, 4-0, Councilmember Lane absent).

8. Billboard Lease: Fairway Outdoor Advertising

City Manager Grizzard advised the Mayor and Council that the lease for the billboard adjacent to the Water Filter Plant was up for renewal. City Manager Grizzard stated that Fairway Outdoor Advertising, owners of the billboard, have requested to continue the lease and pay the City \$300.00 per month. Water Superintendent Connie Nelms presented various problems that have been experienced regarding the billboard.

Motion by Councilmember Watters, seconded by Councilmember Wojcik to discontinue the billboard lease with Fairway Outdoor Advertising. (Motion passed, 4-0, Councilmember Lane absent).

9. Police Vehicle Purchase: 2013 Ford Taurus Police Interceptor

City Manager Grizzard presented to the Mayor and Council for their consideration a request from Police Chief Joel Richards to purchase a 2013 Ford Taurus Police Interceptor sedan equipped

with lights and siren. The vehicle is located at Pioneer Ford and has a sticker price of \$34,600, but Pioneer is willing to sell the vehicle for \$21,500.

Motion by Wojcik, seconded by Councilmember Byrd to purchase a 2013 Ford Taurus Police Interceptor vehicle equipped with lights and siren from Pioneer Ford in the amount of \$21,500. (Motion passed 4-0, Councilmember Lane absent).

VII. MAYOR AND COUNCIL ANNOUNCEMENTS

Councilmember Gerald Byrd thanked Housing Authority Director Charles Griffin for his work on existing projects as well as his involvement with the C.H.I.P. Grant Program. Councilmember Byrd inquired about scholarships for people who cannot afford the Carrollton Parks, Recreation and Cultural Arts Department programs. Councilmember Byrd also thanked City staff for their work in making Carrollton a better place to live. In addition, Councilmember Byrd discussed the Enterprise Zone wherein individuals with past felony records would be able to become employed. Councilmember Byrd also thanked staff for the recent demolition of old homes and repair of potholes on River Drive and Burson Avenue. Councilmember Byrd also expressed appreciation to City staff for the installation of speed bumps at 5th and 6th Streets.

Councilmember Wojcik expressed appreciation to City staff members for all they do. Councilmember Wojcik also thanked the Mayor and Council for transparency and open discussion and the direction that they are headed.

Councilmember Watters stated that he would like to recognize Human Resource Director Libby Duke. Council Watters stated that Ms. Duke's resignation would be a big loss to the City.

Councilmember Byrd recognized Human Resource Director Libby Duke for her incredible work and stated that he will certainly miss her.

Councilmember Byrd expressed condolences to the family of the late Mitchell Williamson. Councilmember Byrd stated that he would like to see a name plate placed on a bench on the square in honor of Mitchell's memory.

Mayor Hollingsworth expressed appreciation to all City staff members.

VIII. CITY MANAGER ANNOUNCEMENTS

City Manager Tim Grizzard stated that Libby Duke had been with the City over fourteen years and she will certainly be missed. City Manager Grizzard also expressed sympathy to Lucetta Williamson for the recent loss of her son, Mitchell Williamson. City Manager Grizzard thanked everyone for their prayers for his wife.

IX. ADJOURN

There being no additional business to address, the meeting adjourned at 7:35 p.m.

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Office of the Mayor
Carrollton, Georgia

Proclamation

UNIVERSITY OF WEST GEORGIA DAY
September 17, 2016

WHEREAS: The City of Carrollton Mayor and Council recommended that the City of Carrollton establish a University of West Georgia Day to acknowledge its contributions to the City of Carrollton as a leading university in higher education; and

WHEREAS: The University of West Georgia, founded in 1906, is a learning ground offering more than 85 programs of study to more than 13,000 students, awarding accredited baccalaureate, master's, specialist, and doctorate degrees; and

WHEREAS: The University's rich history shows an unwavering commitment to enabling students, faculty, and staff to realize their full potential through academic engagement, supportive services, professional development, and a caring, student-centered community; and

WHEREAS: UWG continues to be a staple in the community, contributing to a thriving local economy and offering significant contributions to the City of Carrollton and its residents; and

WHEREAS: UWG is nationally and regionally recognized for its quality education, exceptional leadership, and service to humanity.

NOW, THEREFORE, I, Walt Hollingsworth, Mayor of the City of Carrollton, do hereby proclaim September 17, 2016 as:

UNIVERSITY OF WEST GEORGIA DAY

and thank the University for its exemplary academics and dedication to the success of its students.



In witness whereof, I have hereunto set my hand and caused the seal to be affixed on this 12th day of September in the year of our Lord, two-thousand and sixteen.

Walt Hollingsworth, Mayor

City of Carrollton

Office of the Mayor
Carrollton, Georgia

Certificate of
Recognition

**Carrollton Parks and Recreation Department
2015-2016 State and Regional Championships**

It is with great pleasure and tremendous pride that the Mayor and City Council of the City of Carrollton, express our sincere congratulations to our 2015-2016 State and Regional Champions in the sports of gymnastics, swimming, and track for the Carrollton Parks and Recreation Department.

They are to be commended for a long and successful season and we are proud of the record you have earned with dedication, enthusiasm, and willingness to work hard, as well as the fine publicity you have brought to our community.

Therefore, we are pleased to publicly commend our Carrollton athletes for their fine efforts and present this Certificate of Recognition as an expression of the affection and admiration from the Mayor and Council and all the citizens of The City of Carrollton, Georgia.



In witness whereof I have hereunto set my hand and caused the seal to be affixed.

Mayor

Date: September 12, 2016

City of Carrollton

Office of the Mayor
Carrollton, Georgia

Proclamation
"June Maxwell Day"

WHEREAS, June Maxwell was born August 18, 1931, and was a graduate of Roopville High School; and

WHEREAS, June Maxwell was married to Billy Maxwell for 65 years, prior to his death in 2006; and she is the mother of 6 children, the grandmother of 14 grandchildren, and the great grandmother of 5 great grandchildren; and

WHEREAS, June Maxwell is a member of Oak Grove Baptist Church where she has taught (and is still teaching) the 3-year old Sunday School Class for the past 50 years; and

WHEREAS, June Maxwell (known to many as Mama June) started cooking pre-game meals every Friday for the Central Lions Football Team, which consisted of a traditional fried chicken dinner, when her oldest son played football; and she has since cooked for approximately 4,000 players and coaches for over 40 years; and

WHEREAS, In addition to her volunteer work and many contributions to the Central High School Football Team, June Maxwell has dedicated numerous hours of her time as a volunteer at the local Soup Kitchen and the homeless shelter; and it is well known by many that "no one in need of help is ever turned away from "Mama June"; and

WHEREAS, in recognition of June Maxwell's dedication to Central High School and her many contributions to our community, the road in front of Central High School was named "June Maxwell Honorary Road"; and

WHEREAS, June Maxwell has been a powerful influence for good in this community and she has earned and justly deserves this public recognition and the Mayor and City Council of the City of Carrollton, Georgia consider it an honor to pay tribute to June Maxwell; and

NOW, THEREFORE, by virtue of the authority vested in me as Mayor, I do hereby proclaim **September 12, 2016** as:

"June Maxwell Day"

in Carrollton, Georgia, and on behalf of the City Council and all of our citizens, we express appreciation to Mrs. Maxwell for her loyal years of service to this community and extend our best wishes for her happiness and prosperity in the years to come.



Walt Hollingsworth, Mayor

Gerald Byrd, Mayor Pro Tem

RESOLUTION 21-2016

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF CARROLLTON, STATE OF GEORGIA, TO AMEND SECTION 2.01.02 (“RESIDENTIAL ZONING DISTRICTS”) AND SECTION 4.02.03 (“DESIGN STANDARDS FOR MULTIFAMILY DEVELOPMENTS”) OF THE UNIFIED DEVELOPMENT ORDINANCE OF THE CITY OF CARROLLTON WITH RESPECT TO THE DENISTY OF MULTI-FAMILY PROJECTS

WHEREAS, on January 4, 2016, the Mayor and City Council of Carrollton, Georgia adopted Resolution 05-2016, which resolution imposed a six-month moratorium on the acceptance of plans and applications for apartments and the issuance of land disturbance and building permits for apartments; and

WHEREAS, the purpose of the moratorium was to allow the City of Carrollton an opportunity to study the current mix of housing stock within the City, projections as to the future mix of housing stock within the City, and the impacts of same, and to make recommendations as to the zoning and regulation of multi-family housing within the City; and

WHEREAS, the City retained a consultant to make such a study, and the study has been completed; and

WHEREAS, the consultant has determined that the City has a far greater percentage of multi-family housing – in relation to single-family housing – than other cities of comparable size and characteristics, including other such cities with college campuses; and

WHEREAS, the consultant has also determined that – at its current rate of growth – the percentage of multi-family housing – in relation to single-family housing – will continue to increase and could even approach or exceed fifty percent of the City’s housing stock, placing the City at or near the highest such percentage when compared to other cities of comparable size and characteristics; and

WHEREAS, the consultant has also determined that multi-family housing has a disproportionate impact on City resources and services, and that the cost of providing City services to multi-family housing exceeds the corresponding ad valorem tax revenue produced by multi-family housing; and

WHEREAS, the Mayor and City Council of Carrollton, Georgia find it in the public interest not to eliminate the development of future multi-family housing altogether, but rather to limit the density of such developments.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council of Carrollton do hereby amend Section 2.01.02 (“Residential Zoning Districts”) and Section 4.02.03 (“Design Standards for Multifamily Developments”) of the City of Carrollton Unified Development Ordinance as follows:

2.01.02 Residential Zoning Districts

The following residential zoning districts are established:

...

- G. R-M, Residential Multifamily (Maximum 6 units per acre, unless a special use permit is obtained allowing a greater density). This district is intended to provide an area for moderate- and high-density residential development. The regulations for this district are designed to provide areas for apartment complexes and other high-density residential development.

...

4.02.03 Design Standards for Multifamily Developments

...

- E. Density. The density of any multifamily development shall not exceed six (6) units per acre, unless a special use permit pursuant to Section 2.04.24(B) is obtained from the Mayor and City Council allowing a greater density.
- F. "Unit" defined. For purposes of multifamily development, each unit shall have a kitchen and no unit shall exceed four (4) bedrooms.

ADOPTED this 30th day of June, 2016.

MAYOR AND CITY COUNCIL OF CARROLLTON

Mayor, City of Carrollton

Clerk, City of Carrollton

CITY OF CARROLLTON PLANNING COMMISSION

Date: July 12, 2016	Unified Development Ordinance Amendments
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Applicant: City of Carrollton
Request: Reduce the maximum allowable multi-family density from 10 units per acre to 6 units per acre, unless the development is treated as a Special Use; and define multifamily “unit” as having one kitchen and no more than four bedrooms.
Ward: All Wards

STAFF RECOMMENDATION:

Staff recommends approval of these amendments.

PLANNING COMMISSION MOTION AND RECOMMENDATION:

The Planning Commission conducted a public hearing on the following proposed amendments to the Unified Development Ordinance:

2.01.02 Residential Zoning Districts

The following residential zoning districts are established:

...

G. R-M , Residential Multifamily (Maximum ~~10~~ 6 units per acre, unless a special use permit is obtained allowing a greater density. This district is intended to provide an area for moderate- and high-density residential development. The regulations for this district are designed to provide areas for apartment complexes and other high-density residential development.

...

4.02.03 Design Standards for Multifamily Developments

...

E. Density. The density of any multifamily development shall not exceed six (6) units per acre, unless a special use permit pursuant to Section 2.04.24(B) is obtained from the Mayor and City Council allowing a greater density.

F. “Unit” defined. For purposes of multifamily development, each unit shall have a kitchen and no unit shall exceed four (4) bedrooms.

PLANNING COMMISSION VOTE ON MOTION

NAME	YEA	NAY	ABSTAIN	NAME	YEA	NAY	ABSTAIN
Bill Dees, Chair <i>Absent</i>				Kenny Bryan <i>Absent</i>			
Jason Smith, Vice-Chair <i>Present</i>	X			Cara Herzog <i>Present</i>	X		
Joe Neal <i>Present</i>	X			Jim Naughton <i>Absent</i>			
Scott Duncan <i>Absent</i>				John Jackson <i>Present</i>		X	
Casey Vance <i>Present</i>	X						
				TOTAL VOTES	4	1	0

Present: Vice Chair Jason Smith, and Commissioners Joe Neal, Casey Vance, Cara Herzog & John Jackson

Absent: Chair William Dees, James Naughton, Scott Duncan, and Kenny Bryan.

Speaking in Favor: City Attorney Chuck Conerly presented the proposed amendments.

Speaking in Opposition: None.

RESOLUTION 22-2016

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF CARROLLTON, STATE OF GEORGIA, TO AMEND SECTION 8.01.02 (“MEMBERSHIP”) OF THE UNIFIED DEVELOPMENT ORDINANCE TO INCREASE THE NUMBER OF MEMBERS OF THE CITY OF CARROLLTON PLANNING COMMISSION, TO ALLOW THE MAYOR AND CITY COUNCIL TO APPOINT UP TO THREE MEMBERS TO THE CITY OF CARROLLTON PLANNING COMMISSION WHO DO NOT LIVE IN THE CITY, AND TO REMOVE FROM THE PLANNING COMMISSION ANY MEMBER WHO MISSES MORE THAN TWO (2) MEETINGS IN ANY CALENDAR YEAR

WHEREAS, on September 10, 2007, the Mayor and City Council adopted a Unified Development Ordinance (hereinafter the “UDO”), which consolidated and amended certain chapters, articles, provisions, and appendices in the Code of Ordinances, City of Carrollton, Georgia that govern the use and development of real property within the City of Carrollton; and

WHEREAS, Section 8.01.00 (“City of Carrollton Planning Commission”) of the UDO provides for the creation and establishment of the City of Carrollton Planning Commission (hereinafter “Planning Commission”); and

WHEREAS, Section 8.01.02 (“Membership”) of the UDO sets forth the qualifications to serve on the Planning Commission and the process for the removal of members of the Planning Commission; and

WHEREAS, Section 8.01.02 (“Membership”) of the UDO currently requires all members of the Planning Commission to live in the City of Carrollton and allows the Mayor and City Council to remove members for cause; and

WHEREAS, the Mayor and City Council believe that there may be people who – because of their education, training, or experience – would be valuable members of the Planning Commission but are disqualified from serving because they reside outside the City of Carrollton; and

WHEREAS, the Mayor and City Council have also been made aware that some members of the Planning Commission have missed several meetings and that – in some instances – their absence has resulted in the inability of the Planning Commission to have a quorum; and

WHEREAS, the Mayor and City Council find it in the public interest to amend Section 8.01.02 of the UDO to increase to ten (10) the number of members of the Planning Commission, to allow the Mayor and City Council to appoint up to three members to the Planning Commission who do not live in the city, and to remove from the Planning Commission any member who misses more than two (2) meetings in any calendar year.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council of Carrollton do hereby amend Section 8.01.02 of the UDO as follows:

8.01.00 - CITY OF CARROLLTON PLANNING COMMISSION

8.01.02 - Membership

The Planning Commission shall consist of ten (10) members, seven (7) of which must live in the City of Carrollton. Members shall be appointed by the Mayor and City Council, and the terms of the members shall be for three (3) years. Any vacancy in membership shall be filled for the unexpired term by the Mayor and City Council, who shall have the authority to remove any member who misses more than two (2) meetings in any calendar year or for other cause, on written charges, after a public hearing. All members shall serve without compensation but may be reimbursed for actual expenses incurred in connection with their official duties.

ADOPTED this 12th day of September, 2016.

MAYOR AND CITY COUNCIL OF CARROLLTON

Mayor, City of Carrollton

Clerk, City of Carrollton

CITY OF CARROLLTON PLANNING COMMISSION

Date: August 9, 2016

Unified Development Ordinance Amendment

Applicant: City of Carrollton
Request: Increase to ten (10) the number of members of the Planning Commission, to allow the Mayor and City Council to appoint up to three members to the Planning Commission who do not live in the city, and to remove from the Planning Commission any member who misses more than two (2) meetings in any calendar year.
Ward: All Wards

PLANNING COMMISSION MOTION AND RECOMMENDATION:

The Planning Commission conducted a public hearing on the above proposed amendments to the Unified Development Ordinance. After much discussion the following changes were recommended for approval.

8.01.00 City of Carrollton Planning Commission

8.01.02 Membership

The Planning Commission shall consist of ~~nine (9)~~ ten (10) members. ~~Members shall live in the City of Carrollton and be appointed by the Mayor and City Council. The Mayor and City Council shall appoint members that live in the City of Carrollton with the exception of current serving nonresident members whereas these members shall have the opportunity for reappointment.~~ The terms of the members shall be for three (3) years. Any vacancy in membership shall be filled for the unexpired term by the Mayor and City Council, who shall have the authority to remove any member ~~for cause, on written charges, after a public hearing, who misses more than three (3) consecutive meetings within his or her three year term or for other cause, on written charges, after a public hearing.~~ All members shall serve without compensation but may be reimbursed for actual expenses incurred in connection with their official duties.

PLANNING COMMISSION VOTE ON MOTION

NAME	YEA	NAY	ABSTAIN	NAME	YEA	NAY	ABSTAIN
Bill Dees, Chair <i>Present</i>	X			Kenny Bryan <i>Present</i>	X		
Jason Smith, Vice-Chair <i>Absent</i>				Cara Herzog <i>Absent</i>			
Joe Neal <i>Present</i>	X			Jim Naughton <i>Present</i>	X		
Scott Duncan <i>Present</i>	X			John Jackson <i>Present</i>	X		
Casey Vance <i>Present</i>	X						
				TOTAL VOTES	7	0	0

Present: Chair William Dees , and Commissioners Joe Neal, Casey Vance, Scott Duncan, Kenny Bryan, Jim Naughton & John Jackson

Absent: Vice Chair Jason Smith and Commissioner Cara Herzog

Speaking in Favor: Community Development Director Erica Studdard presented the proposed amendments.

Speaking in Opposition: None.

RESOLUTION 23-2016

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF CARROLLTON, STATE OF GEORGIA, TO AMEND SECTION 2.04.24 (“SPECIAL USE”) OF THE UNIFIED DEVELOPMENT ORDINANCE OF THE CITY OF CARROLLTON TO ALLOW FOR LIMITED USES OF MODULAR STRUCTURES WITH A SPECIAL USE PERMIT ISSUED BY THE MAYOR AND COUNCIL

WHEREAS, the City of Carrollton Unified Development Ordinance (hereinafter “UDO”) allows modular homes and modular structures only in certain zoning districts or only for certain specified uses; and

WHEREAS, on December 14, 2015, the Mayor and City Council of Carrollton amended the UDO to allow modular structures for accessory uses ancillary to religious worship, but only with a Special Use Permit issued by the Mayor and City Council; and

WHEREAS, since then, the City has been approached about the possibility of using modular structures for commercial purposes; and

WHEREAS, the Mayor and City Council find it in the public interest to allow modular structures for certain uses but to continue to limit the use of modular structures to certain zones and specified uses.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council of Carrollton do hereby amend Section 2.04.24 (“Special Use”) as follows:

2.04.24 - Special Use

- A. Special Use: A use permitted only upon showing that such use in a specified location complies with the conditions and standards for the location or operation of such use as specified in the Unified Development Ordinance and only after authorization by the Mayor and City Council.

- B. Special Use Permit: A permit issued by the Mayor and City Council stating that the special use meets all conditions set forth in local ordinances.
 - 1 An application for a Special Use Permit shall be submitted on forms provided by the Planning and Development Department and shall be advertised in the same manner as applications for rezoning. Public hearings will be held in the same manner as applications for rezoning are conducted. All requests shall be accompanied by the application fee as established by the Mayor and City Council, as well as, plats and all data specified by the Special Use Permit application form.

2. Procedural requirements for obtaining a Special Use Permit are set forth in Article 10 and ultimately requires a recommendation by the Carrollton Planning Commission followed by approval from the Mayor and City Council.

C. Modular Structures: Modular structures may be used in the C-2 and C-3 zoning districts, but only with a Special Use Permit issued by the Mayor and City Council pursuant to Section 2.04.24(B) and only for the following uses: retail sales and service, restaurant, professional office, coin laundry/dry cleaning drop-off, broadcasting or production studio, research facility, bakery, day care, or semi-public halls, clubs, and lodges. As used herein, the term "modular structure" shall mean a factory-fabricated, transportable building consisting of units designed to be incorporated at a building site and placed on a permanent foundation. Any such modular structure shall be built to current building codes and inspected by a registered professional engineer in the factory where it was built. At the time of application for the Special Use Permit, the applicant shall provide a certification from manufacturer stamped by a professional engineer licensed in the State of Georgia.

ADOPTED this 12th day of September, 2016.

MAYOR AND CITY COUNCIL OF CARROLLTON

Mayor, City of Carrollton

Clerk, City of Carrollton

CITY OF CARROLLTON PLANNING COMMISSION

Date: August 9, 2016

Unified Development Ordinance Amendment

Applicant: City of Carrollton

Request: Include modular structures in the C-2 and C-3 zoning districts, but only with a Special Use Permit issued by the Mayor and City Council pursuant to Section 2.04.24(B) and only for the following uses: retail sales and service, restaurant, professional office, coin laundry/dry cleaning drop-off, broadcasting or production studio, research facility bakery, day care, or semi-public halls, clubs, and lodges. As used herein, the term “modular structure” shall mean a factory-fabricated, transportable building consisting of units designed to be incorporated at a building site and placed on a permanent foundation. Any such modular structure shall be built to current building codes and inspected by a registered professional engineer in the factory where it was built. At the time of application for the Special Use Permit, the applicant shall provide a certification from the manufacturer stamped by a professional engineer licensed in the State of Georgia.

Ward: All Wards

PLANNING COMMISSION MOTION AND RECOMMENDATION:

The Planning Commission conducted a public hearing on the following proposed amendments to the Unified Development Ordinance:

2.04.24 - Special Use

- A. Special Use: A use permitted only upon showing that such use in a specified location complies with the conditions and standards for the location or operation of such use as specified in the Unified Development Ordinance and only after authorization by the Mayor and City Council.
- B. Special Use Permit: A permit issued by the Mayor and City Council stating that the special use meets all conditions set forth in local ordinances.
 - 1. An application for a Special Use Permit shall be submitted on forms provided by the Planning and Development Department and shall be advertised in the same manner as applications for rezoning. Public hearings will be held in the same manner as applications for rezoning are conducted. All requests shall be accompanied by the application fee as established by the Mayor and City Council, as well as, plats and all data specified by the Special Use Permit application form.
 - 2. Procedural requirements for obtaining a Special Use Permit are set forth in Article 10 and ultimately requires a recommendation by the Carrollton Planning Commission followed by approval from the Mayor and City Council.
- C. Modular Structures: Modular structures may be used in the C-2 and C-3 zoning districts, but only with a Special Use Permit issued by the Mayor and City Council pursuant to Section 2.04.24(B) and only for the following uses: retail sales and service, restaurant, professional office, coin laundry/dry cleaning drop-off, broadcasting or production studio, research facility, bakery, day care, or semi-public halls, clubs, and lodges. As used herein, the term “modular structure” shall mean a factory-fabricated, transportable building consisting of units designed to be incorporated at a building site and placed on a permanent foundation. Any such modular structure shall be built to current building codes and inspected by a registered professional engineer in the factory where it was built. At the time of application for the Special Use Permit, the applicant shall provide a certification from manufacturer stamped by a professional engineer licensed in the State of Georgia.

PLANNING COMMISSION VOTE ON MOTION

NAME	YEA	NAY	ABSTAIN	NAME	YEA	NAY	ABSTAIN
Bill Dees, Chair <i>Present</i>		X		Kenny Bryan <i>Present</i>		X	
Jason Smith, Vice-Chair <i>Absent</i>				Cara Herzog <i>Absent</i>			
Joe Neal <i>Present</i>		X		Jim Naughton <i>Present</i>		X	
Scott Duncan <i>Present</i>		X		John Jackson <i>Present</i>		X	
Casey Vance <i>Present</i>		X					
				TOTAL VOTES	0	7	0

Present: Chair William Dees , and Commissioners Joe Neal, Casey Vance, Scott Duncan, Kenny Bryan, Jim Naughton & John Jackson

Absent: Vice Chair Jason Smith and Commissioner Cara Herzog

Speaking in Favor: Community Development Director Erica Studdard presented the proposed amendments.

Speaking in Opposition: None.



MEMORANDUM

Date: September 2, 2016
To: City of Carrollton Mayor and Council
From: Erica Studdard, Community Development Director
Re: Resolution 24-2016: "Carrollton Corridor Development and Beautification Committee"

Please find attached for your consideration, Resolution 24-2016 creating the "Carrollton Corridor Development and Beautification Committee".

City Staff met last month with Councilmember Lane and Councilmember Wojcik to discuss the formation of a committee to address several major corridors leading into the City. We all feel that these corridors are the first impressions visitors, new residents and potential businesses see and are most likely to be the areas of greatest development and growth.

Major Corridors:

- Georgia Highways 61/166 from the east (commonly referred to as Bankhead Highway).
- Georgia Highway 166 from the west (commonly referred to as Maple Street).
- Georgia Highway 16 from the northwest (commonly referred to as Alabama Street).
- U.S. Highway 27 from the north and south (commonly referred to as North Park Street and South Park Street, respectively).

Essentially this committee would be tasked with creating a redevelopment plan which will include the studying of existing conditions and evaluating alternatives for the major corridors and advising the Mayor and Council on recommended action.

Resolution 24-2016 outlines in detail the Creation, Purpose, Composition of the Membership, Initial Members, and the Organization rules, staff, and finances of the "Carrollton Corridor Development and Beautification Committee".

Thank you and if you should have any questions, please feel free to ask.

Attachment

RESOLUTION 24-2016

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF CARROLLTON, STATE OF GEORGIA, TO CREATE THE “CARROLLTON CORRIDOR DEVELOPMENT AND BEAUTIFICATION COMMITTEE”

WHEREAS, the City of Carrollton has several major corridors leading into the City, including Georgia Highways 61/166 from the east (commonly referred to as Bankhead Highway), Georgia Highway 166 from the west (commonly referred to as Maple Street), Georgia Highway 16 from the northwest (commonly referred to as Alabama Street), and U.S. Highway 27 from the north and south (commonly referred to as North Park Street and South Park Street, respectively); and

WHEREAS, these corridors are likely to be the areas of greatest development and growth in the future; and

WHEREAS, these corridors are also the “gateways” into the City of Carrollton, often serving as a first impression to visitors and potential new residents and businesses; and

WHEREAS, the Mayor and City Council find it in the public interest to encourage and foster development along these corridors, while maintaining and enhancing the beauty of our city and the quality of life for our citizens; and

WHEREAS, the Mayor and City Council find it in the public interest to establish the “Carrollton Corridor Development and Beautification Committee,” the purpose of which is to promote and encourage the development and beautification of the major corridors leading into the City of Carrollton, including but not limited to investigating and studying existing conditions, considering and evaluating alternatives, and making recommendations to the Mayor and City Council as to further action

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council of Carrollton do hereby establish and create the “Carrollton Corridor Development and Beautification Committee,” as follows:

1. **Creation**. There is hereby created and established a committee to be known as the “Carrollton Corridor Development and Beautification Committee” (hereinafter the “Committee”).

2. **Purpose**. The Committee shall be an advisory committee to the Mayor and City Council of Carrollton. The purpose of the Committee is to promote and encourage the development and beautification of the major corridors leading into the City of Carrollton, including but not limited to Georgia Highways 61/166 from the east (commonly referred to as Bankhead Highway), Georgia Highway 166 from the west (commonly referred to as Maple Street), Georgia Highway 16 from the northwest (commonly referred to as Alabama Street),

and U.S. Highway 27 from the north and south (commonly referred to as North Park Street and South Park Street, respectively). In this regard, the Committee is authorized to investigate and study existing conditions, consider and evaluate alternatives, and make recommendations to the Mayor and City Council as to further action.

3. Composition and Membership. The Committee shall consist of not more than twelve members, and shall include two members of the Mayor and City Council, the City Attorney, the Director of the City of Carrollton Department of Community Development, and a representative of the Carroll County Chamber of Commerce. The remaining committee members shall be appointed based on their education, training, expertise, or demonstrated interest and involvement in business, economic and community development, the arts, streetscapes, architecture, landscaping, engineering, or beautification and recycling programs. Members shall be appointed by the Mayor and City Council, with one-third of the members serving initial one-year terms, one-third of the members serving initial two-year terms, and one-third of the members serving initial three-year terms. Following the initial terms, the terms of the members shall be for three years without limitation as to the number of consecutive terms. Any vacancy in membership shall be filled for the unexpired term by the Mayor and City Council, who shall have the authority to remove any member for any reason. All members shall serve without compensation but may be reimbursed for actual expenses incurred in connection with their official duties.

3. Initial Members. The initial members of the Committee shall be: Met Lane, Rory Wojcik, Chuck Conerly, and Erica Studdard for three-year terms; Andy Camp, Mike Patterson, Michelle Morgan, and John Sammon for two-year terms; and Sandra Houston, David Godwin, April Harris, and Luke Wojcik for one-year terms.

4. Organization, rules, staff, and finances. The Committee shall elect a chairman from among its members. The term of the chairman shall be one year with eligibility for reelection. The Committee may appoint a secretary who may be an officer or employee of the municipality. The Committee may make its own rules of procedure and determine its time of meeting. Expenditures of the Committee, exclusive of gifts, shall be within the amounts appropriated for the purpose by the Mayor and City Council.

ADOPTED this 12th day of September, 2016.

MAYOR AND CITY COUNCIL OF CARROLLTON

Mayor, City of Carrollton

Clerk, City of Carrollton



MEMORANDUM

TO: The Mayor and Council

FROM:  Timothy C. Grizzard, P.E., City Manager

SUBJECT: Reconsideration of Billboard Lease - Fairway Outdoor Advertising

DATE: September 1, 2016

As you will recall, at your meeting on August 1, 2016 you voted not to approve the three-year lease for the billboard located adjacent to the Water Filter Plant.

Councilmember Byrd has advised that he has received numerous phone calls requesting that the Mayor and Council reconsider the matter and approve the lease of the billboard. Fairway Outdoor Advertising, the owner of the billboard, has offered to pay the City \$300.00 per month during the lease period.

This agenda item will be presented to you for your reconsideration at your meeting on September 12, 2016.

Thank you.

Attachments

State of Georgia
County of Carroll

MEMORANDUM OF LEASE # G26

This Memorandum of Lease (the "Memorandum"), dated this 1st day of August, 2016, evidences that Lease Agreement (herein referred to as the "Lease") was made and entered into by and between **The City of Carrollton** and **FMO Real Estate, LLC** as Lessee, dated this 1st day of August, 2016, the terms and conditions of which are incorporated herein by reference.

Such Lease provides in part that the Lessor leases to the Lessee certain property located in the County of Carroll, State of GA and being more particularly described or shown on Tax map C02-0320001, attached hereto and incorporated herein by reference, for a term commencing on 08/08/2016, and ending 08/07/2019, unless extended by the terms of the lease agreement.

IN WITNESS WHEREOF, the parties have executed and sealed this Memorandum as of the day and year first written above.

Witness

Lessor

Notary Acknowledgment

State of _____
County of _____

Personally appeared before me, _____ and made oath that he/she saw the within named _____ sign, seal and as their own act and deed, deliver the within written lease, and that _____ with _____ witnessed the execution whereof.

Sworn before me this _____ day of _____, 2016.

My Commission Expires: _____
Notary Public

SEAL

=====

Witness

Lessee: FMO Real Estate, LLC
Richard J. Zecchino

Notary Acknowledgment

State of Michigan
County of Ingham

Personally appeared before me, _____ of the state and county aforesaid, personally appeared **Richard J. Zecchino**, with whom I am personally acquainted, and who, upon oath, acknowledged himself to be **VP and General Counsel** of the **FMO Real Estate, LLC**, the within named bargainer, a corporation, and that he as such Vice President, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by himself as Vice President.

Witness my hand and seal, at office in Lansing, Michigan, this _____ day of _____, 2016.

My Commission Expires: _____
Notary Public

SEAL



FAIRWAY OUTDOOR ADVERTISING
LEASE AGREEMENT

Lease # G26

THIS AGREEMENT, made this 1st day of August, 20 16, by and between FMO REAL ESTATE, LLC ("Lessee"), whose address is:
500 Colonial Center Parkway, Suite 160, Roswell, GA 30076 and
The City of Carrollton ("Lessor"), whose address is:
315 Bradley Street, Carrollton, GA 30117

WITNESSETH:

1. **DEMISE:** Lessor hereby leases and demises to Lessee the following described property ("Property") for the purpose of erecting, operating, maintaining, repairing, modifying and reconstructing outdoor advertising structures, together with any advertising, equipment and accessories that Lessee may desire to place thereon ("Structures"), and Lessor covenants and warrants to Lessee: a) the quiet enjoyment of the Property during the term of this Lease; ~~b) that Lessor shall ensure, and be responsible for maintaining, an unobstructed view of the Structures from conditions present or arising on or around the Property, now or in the future;~~ and c) that Lessor shall not enter into any agreement for or conditioned upon the removal of Lessee's Structures. The Property is located in the City County of Carrollton in the State of Georgia, and is more particularly described as:
Existing Structure # G26 Address: N. Park Street, Carrollton, GA 30117
Tax Parcel # C02-0320001

Lessor also hereby grants to Lessee the following easements over the Property and adjacent property owned or controlled by Lessor: a) an easement for reasonable access to Lessee's Structures; b) an easement to maintain an unobstructed view of the advertising copy on the Structures by passing motorists and pedestrians, including, but not limited to, the right to trim and remove any trees and other vegetation as often as Lessee in its sole discretion deems appropriate to prevent obstructions; and, c) an easement to connect utilities to Lessee's Structures.

2. **TERM:** This Lease is for a term of three years, commencing on the 8th day of August, 2016, and shall continue in full force and effect and be automatically extended ~~for a like term (the "Extended Term"), and thereafter automatically~~ for successive like terms (each a "Successive Term"); however, ~~after the initial Extended Term,~~ Lessor and Lessee shall each have the right to terminate this Lease Agreement by giving notice of termination to the other as provided for herein at least ninety (90) days in advance of the next Successive Term.

3. **RENT:** Rent shall commence on the later of completion of the Structure or commencement of the term and shall be the amount of ~~\$2,400~~ \$3,600, payable in monthly installments of ~~\$200.00~~ 300.00 per annum.

4. **STRUCTURES:** All Structures erected by or for the Lessee or its predecessors-in-interest on the Property shall at all times be and remain the property of the Lessee and, with the exception of the foundation, may be removed by the Lessee before or within a reasonable time of termination or expiration of this Lease Agreement, notwithstanding that such Structures are intended by Lessor and Lessee to be permanently affixed to the Property. Similarly, all license and permit rights relating to the use of the Property for outdoor advertising purposes are ~~and shall at all times be and remain~~ the property of the Lessee. If Lessee requires additional permits or approvals to conduct its business, Lessee has the right to, and Lessor's permission to, obtain the same and Lessor covenants and warrants that it shall cooperate fully with Lessee and shall execute all instruments necessary or appropriate in the matter. and shall remain so during the term of this lease.

5. **REPRESENTATIONS:** Lessor represents that it is the owner or the authorized agent of the owner of the Property and has full authority to enter into this Lease Agreement as or on behalf of owner. If ownership of the Property changes, Lessor shall notify Lessee within thirty (30) days of such change and shall furnish the new owner with a copy of this Lease Agreement. Throughout the term of this Lease, Lessor covenants not to lease, sell, transfer, assign or otherwise alienate the Property and/or the Lease, or any portion thereof, to any person or entity who competes with Lessee in the outdoor advertising and/or ground lease acquisition industries.

6. **CANCELLATION:** If, in Lessee's sole opinion: a) the view of the advertising copy on any Structure becomes obstructed; b) the Property cannot be safely used for the erection, maintenance or operation of any Structure for any reason; c) the value of any Structure is substantially diminished, in the sole judgment of the Lessee, for any reason; d) the Lessee is unable to obtain, maintain or continue in force any necessary permit for the erection, use or maintenance of any Structure as originally erected; or, e) the use of any Structure, as originally erected, is prevented by law or by exercise of any governmental power; then Lessee may, at its option, either: (i) reduce and abate rent in proportion to the impact or loss that such occurrence has upon the value of Lessee's Structure for so long as such occurrence continues; or, (ii) cancel this Lease Agreement and receive a refund of any prepaid rent, prorated as of the date of cancellation.

7. **INDEMNIFICATION:** Lessee shall indemnify and hold Lessor harmless from all injuries to the Property or third person caused by Lessee, Lessee's employees, agents, licensees and contractors. ~~Lessor shall indemnify and hold Lessee harmless from all injuries to Structures or third persons caused by Lessor, Lessor's employees, agents, licensees and contractors.~~

~~8. **CONDEMNATION:** In the event that all or any part of the Property is acquired or sought to be acquired by any entity or person possessing or acting on behalf of any entity possessing the power of eminent domain, whether by condemnation or sale in lieu thereof, Lessee shall be entitled, in its sole and absolute discretion, to: a) contest the acquisition; b) reconstruct any of its Structures on the remaining property of the Lessor; and/or, c) recover damages and compensation for the fair market value of its leasehold and Structures taken or impacted by the acquisition.~~

8 p. **ASSIGNMENT:** This Lease Agreement is binding upon the heirs, successors and assigns of both Lessor and Lessee, with the exception of any termination rights of Lessor set forth in this Lease Agreement or any addendum or subsequent amendment, which rights may only be exercised by the original Lessor (whose name is set forth at the top of this lease) and not by or for the benefit of any entity with the power of eminent domain. Lessor agrees not to terminate or assign this lease for the benefit of any competitor of Lessee without Lessee's written permission. Lessee shall have the absolute right to assign its rights under this Lease Agreement.

~~10. **RIGHT OF FIRST REFUSAL:** If, during the term of this Lease Agreement (including any extensions or renewals thereof), or within 90 days after termination of this Lease Agreement, Lessor shall make or receive an offer to lease, license, convey, grant an easement, sell, or otherwise alienate all or any portion of the Property (an "Offer"), Lessor grants Lessee a right of first refusal ("ROFR") to enter into a new relationship with Lessor at the same price and on the same terms as contained in the Offer. Lessor shall deliver to Lessee (in the manner set forth in paragraph 11 of the Lease Agreement) a copy of the Offer within five (5) days of Lessor's receipt of the same. Lessee shall have thirty (30) days to exercise its ROFR by providing notice to Lessor within the ROFR period. In the event Lessee does not timely exercise its ROFR, the ROFR shall be deemed not exercised; provided, however, if Lessor does not lease, license, convey, grant an easement, sell, or otherwise alienate the Property to the purchaser identified in the Offer, or if the terms of the Offer should change prior to closing, the ROFR period shall automatically renew and Lessor shall deliver a copy of the Offer as amended or any new Offer to Lessee to begin the new ROFR period.~~

9 **NOTICE:** Any notice ("Notice") to Lessor or Lessee described in this Lease Agreement in order to be effective must be in writing and sent certified mail, return receipt requested, or via a nationally recognized Next-Day courier service, and then shall only be effective upon the earlier of a) the date that said Notice is delivered and received by a person at the address specified in the Agreement; or, b) the date that is three (3) days after mailing (postage prepaid) by certified mail, return receipt requested, to such address; provided that in either case Notice shall be delivered to such other address as Lessor or Lessee, as the case may be, has previously designated in writing and provided to the other by Notice as set forth herein.

10 **MEMORANDUM OF LEASE:** Lessor agrees that this Lease Agreement may be recorded.

11 **MISCELLANEOUS:** In the event of litigation between Lessor and Lessee predicated upon this Lease Agreement, the prevailing party shall be entitled to recover its reasonable attorneys' fees and costs, provided, however, that Lessee shall first be given written Notice of default as set forth herein, and shall have failed to cure such default within thirty (30) days of receipt of said Notice. Neither Lessor nor Lessee shall be bound by any terms, conditions or oral representations that are not set forth in this Lease Agreement. The law of the state in which the Property is located shall govern. This Lease Agreement (and any addendum) represents the entire agreement of Lessee and Lessor with respect to the Structures and the Property.

12 **ADDENDUM:** There is is not an addendum attached to this Lease Agreement and incorporated by this reference (check one).

FMO REAL ESTATE, LLC

Name of Lessor or Authorized Representative

By: _____
Corporate Vice President

By: _____

print name

Soc. Sec. or FEIN# _____

Approved By: _____
General Manager

Lessor's Phone # _____

Witness (1)

Witness (1)

Witness (2)

Witness (2)



MEMORANDUM

TO: The Mayor and Council

FROM:  Timothy C. Grizzard, P.E., City Manager

SUBJECT: Esco Way/Frashier Road Property Transfer to Payroll Development Auth.

DATE: September 1, 2016

The City of Carrollton owns approximately 117 acres between Esco Way and Frashier Road which is shown on Attachment 'A'. This property was purchased with both City of Carrollton and Carroll County Funds. Although title is in the City's name, the property is rightfully owned by both entities.

The City paid \$332,058.77 for the property on April 3, 2013. Carroll County reimbursed the City \$150,000.00 for the property on June 21, 2013. Carroll County also performed significant grading work on the property. The City also invested approximately \$50,000 in erosion control measures. The intent was for the City and County to share expense and ownership equally. The investment from each entity appears to be approximately equal. The total investment in the property is therefore, approximately \$4,000 per acre.

Jordon Trucking has approached the County and City about expanding its operation on to approximately 10 acres across Frashier Road on this property. Jordon currently has a thriving business that fronts both Highway 61 and Frashier Road. The expansion would be just across Frashier from the current Jordon location. The location is shown on the Attachment 'B'. Jordon Trucking, along with the Payroll Development Authority, have recommended that Jordon pay \$10,000 per acre for the property for a total of \$100,000.

If you choose to support this venture, the Mayor and Council need to vote to transfer the property to the Payroll Development Authority. The payment from Jordon Trucking will be to the Authority who will then transfer the funds equally to the City and County. You may also wish to transfer the entire 117 acre tract at this time. This could make it easier to sell off the property in the future.

Mayor and Council
September 1, 2016
Page - 2

Finally, we recommend that the road identified on Attachment 'B' be installed as a joint venture with the City and County. The City would pay for stone, asphalt and storm piping and the County would perform the installation.

Attachments



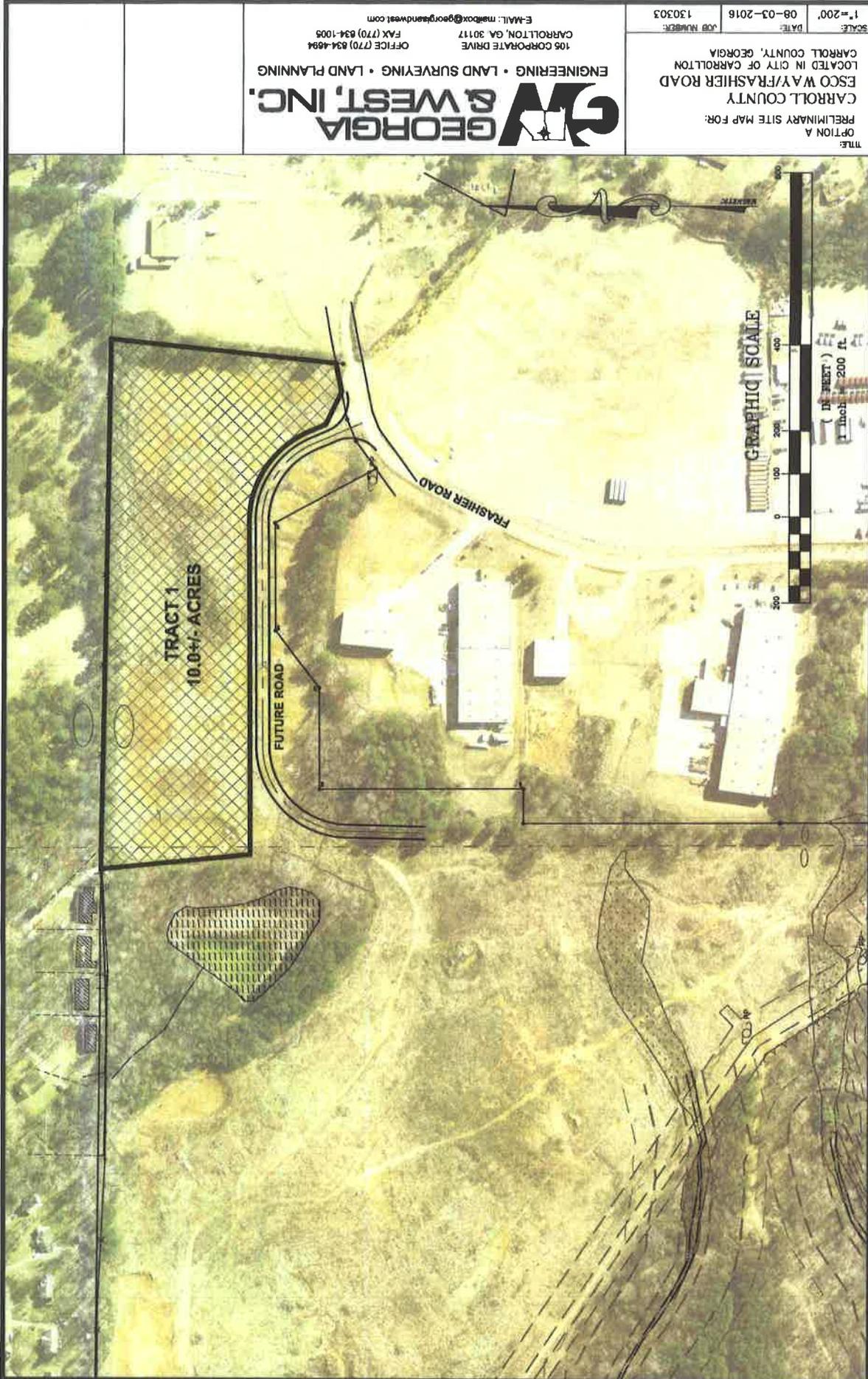
NOTE:
PROPERTY LINES
SHOWN PER CARROLL
COUNTY GIS MAPS
AND SHOULD BE
CONSIDERED APPROXIMATE.



ATTACHMENT "A"

SCALE: AS SHOWN DATE: 09-01-16





O:\PROJECT FOLDERS\2013\130303 - WGT ATHLETIC COMPLEX-ESCO WAY\DWG\130303 PRELIM FOR JORDAN LOT (2016-08-03).dwg, 08/20/16 5:32:47 PM

TITLE: PRELIMINARY SITE MAP FOR:
 CARROLL COUNTY
 ESCO WAY/FRASIER ROAD
 LOCATED IN CITY OF CARROLLTON
 CARROLL COUNTY, GEORGIA
 SCALE: 1" = 200'
 DATE: 08-03-2016
 JOB NUMBER: 130303

GEORGIA
& WEST, INC.
 ENGINEERING • LAND SURVEYING • LAND PLANNING
 105 CORPORATE DRIVE
 CARROLLTON, GA 30117
 OFFICE (770) 834-4894
 FAX (770) 834-1005
 E-MAIL: mabook@georgiawest.com

315 Bradley Street
Carrollton, Georgia 30117

City Hall (770) 830-2000



P.O. Box 1949
Carrollton, Georgia 30112

Fax (770) 830-2025

MEMORANDUM

To: The Mayor and City Council

From: Tony Richardson

Date: August 31, 2016

Subject: Water Treatment Plant Concrete Restoration

As you know, the City of Carrollton owns and operates a 12 million gallon per day water treatment facility at 1001 North Park Street for the purpose of supplying safe drinking water. The vessels within this facility are mostly of reinforced concrete construction. Some of the older portions of this facility have developed fractures within the concrete structure. There are a total of four basins of concern two of which were constructed in 1972 and two that were constructed during the 1950s.

In August of 2015 the City commissioned a study of the integrity of these four concrete basins. TEC Services performed a structural condition assessment and provided us with a report of the conditions observed and detailed recommendations for restoration.

It would be impossible to repair all four basins at once and maintain operations. It would be difficult to meet production demands while performing repairs on two basins. Repairs involve draining, cleaning, and blasting to prepare the surface for application of a cementitious layer followed by a spray application of a two part epoxy coating. The effectiveness of the materials recommended for use are dependent upon temperature and humidity and in our climate are most effective when applied in late spring or early fall.

In order to complete the restoration of the basins our approach is to complete the restoration of one basin each year for the next four years. This will allow the necessary repairs to be made without interruption in water services. Bids for completing one of the basins were received from four contractors as follows:

Industrial Furnace Company	\$254,159.00
Utility Service Company	\$241,250.00
Mopac Building Services	\$228,209.20
GRC-Stonewater	\$153,000.00

City staff requests that you award the Water Treatment Facility Basin Restoration Project Phase 1 to GRC – Stonewater in the amount of \$153,000.00. Funds for this project are included in the current Water Filter Plant budget.

315 Bradley Street
Carrollton, Georgia 30117

City Hall (770) 830-2000



P.O. Box 1949
Carrollton, Georgia 30112

Fax (770) 830-2025

MEMORANDUM

To: The Mayor and City Council

From: Tony Richardson

Date: August 31, 2016

Subject: Lake Carroll Spillway Improvements

On July 19, 2016 The City of Carrollton received notification from the Georgia Department of Natural Resources that the Lake Carroll Dam was reclassified from a Category I dam to a Category II (low hazard) dam and therefore revoked the Category I dam Permit No. 022-005-00568 in its entirety.

This notification stated that although this dam is no longer subject to the requirements for Category I dams the Georgia Safe Dams Act it is still important to properly maintain the structure to protect the people and property downstream.

In response to the notification from the state, city staff solicited bids from local contractors for the rehabilitation of the concrete spillway to include replacement of the dilapidated section of the concrete spillway and stabilization of the spillway discharge with DOT Type 1 stone. Bids were received as follows;

GRC-Stonewater - \$91,350.00
Georgia-Alabama Woodlands, Inc. - \$88,500.00
McIntosh Specialty Services, LLC. – \$74,670.00

Lake Carroll is one of three reservoirs that supplies water to the Carrollton water treatment facility for the production of drinking water. Therefore it is in our own interest as well to maintain this structure. City staff requests that you award this project to McIntosh Specialty Services, LLC with the low bid of \$74,670.00.

This project if approved, will be scheduled to commence concurrently with the FEMA funded projects that require Lake Carroll pool level to be reduced in order to effect repairs.



MEMORANDUM

TO: The Mayor and Council
FROM:  Timothy C. Grizzard, P.E., City Manager
RE: Planning Commission Appointment (1)
DATE: September 1, 2016

As you are aware, the Planning Commission voted to recommend approval of the Unified Development Ordinance change of Planning Commission membership from nine (9) members to ten (10) members.

Ms. Sandra (Penny) Houston has previously served on the Planning Commission and has agreed to serve again if appointed by the Mayor and Council. If appointed, Ms. Houston's term will begin immediately and will expire December 31, 2018.

This agenda item will be presented for your consideration at your September 12, 2016 meeting. If you have any questions, please let me know.

Thank you.