



**BOARD OF MAYOR AND COMMISSIONERS
WORK SESSION
JULY 15TH, 2020
5:30 p.m.
VIA ZOOM**

MINUTES

Members Present: Jonathan Elmore, Mayor
Brian Fisher, Mayor Pro Tem
Lisa Shortell, Commissioner
Lionel Laratte, Commissioner
Dee Merriam, Commissioner

Staff Present: Patrick Bryant, City Manager
Paul Hanebuth, Asst. City Manager
Shannon Powell, Asst. City Manager
Rebecca Long, Communications Manager
Gina Hill, City Clerk
Stephen Quinn, City Attorney

Item #1 Meeting Called to Order

Item #2 Adoption of Agenda

- Commissioner Laratte made a motion to amend the agenda to remove item #4 and add an item to discuss a proposal from Long Engineering. Commissioner Shortell seconded. All ayes.
- Mayor Pro Tem Fisher moved to adopt the agenda as amended. Commissioner Shortell seconded. All ayes.

Mayor Elmore explained there would be a special called work session scheduled to discuss just the draft historic preservation guidelines.

Item #3 **Berkeley Village Annexation**

The residents of Berkeley Village have petitioned the city for annexation.

City Manager Bryant explained the steps residents of Berkeley Village have taken to apply for annexation. He added that an analysis shows there would be no negative impact on the city's finances or services. Attorney Stephen Quinn described the process moving forward. He said at the next regular meeting, the BOMC would vote to confirm the application was received and complete. Mayor Elmore felt this is great news and he's glad they want to be in the city. All the commissioners agreed.

Joe Anziano is pleased to welcome Berkeley Village into the city. He had a question about the Planning and Zoning Board's role and Mr. Bryant responded. Candace Jones asked that the finance impact statement for this annexation be posted on the city's website. Members of the BOMC supported doing so.

Item #4

Historic Preservation Guidelines

A draft of the new guidelines will be presented.

This item was replaced by discussion of a proposal by Long Engineering. City Manager Bryant explained Long Engineering's current role in the project to develop the city-owned four acres in downtown and the need to have the area surveyed before moving forward. He added this would be voted on at the next regular meeting. Commissioner Shortell pointed out that this firm is already working with the Downtown Development Authority (DDA) on stormwater issues. She asked about how it would be funded. Mr. Bryant said that has yet to be determined but there are various ways to pay. Commissioner Merriam ask about when that would be determined. She also had questions about topography and utilities.

Item #5

Ordinance to Regulate 5G Equipment Installation

City Manager Bryant said the state has already taken their own measures to regulate 5G. Assistant City Manager Hanebuth explained that legislation allowed 5G companies to install equipment in local rights of way. This ordinance is a way for local governments to establish ground rules for these companies. Mr. Hanebuth went into more detail about certain aspects of the draft ordinance. In response to a question from Commissioner Laratte, City Attorney Stephen Quinn explained that the state has establishes default rules and cities only have a small amount of leeway in making their own. Commissioner Shortell said she's been following this issue and thanked the Georgia Municipal Association (GMA) for their efforts in negotiating on cities' behalf. There was discussion about rules and regulations surrounding 5G. Mr. Quinn gave an overview of the issue and some history. Mr. Bryant said the first of three readings will be at the next regular meeting. The ordinance could change during the process of the three readings. Mr. Fisher requests seeing redlined versions so they can keep track of what's changed.

Item #6

Non-Discrimination Ordinance

City Manager Bryant said this would be the statement of zero tolerance for discrimination, something other surrounding cities have done. The city's draft ordinance was crafted from a version City Attorney Stephen Quinn did for another city. Mr. Quinn explained the legal basis for these ordinances and what could happen if they're violated. Questions for the BOMC to consider are who do you want to protect against discrimination and in what context. Also Mr. Quinn said to consider how it would be regulated and who would enforce that. He went on to give some scenarios to consider and offered to do a worksheet to help guide the BOMC in their decision making. There was a discussion about how to move forward and whether or not a draft ordinance should be mostly

complete before the readings or tweaked along the way. The group agrees to have a draft before readings.

- Item #7 **Amendment to Ordinance to Regulate Payment of Sanitation Fees**
Proposed addition to Chapter 9 of the Code of Ordinances to clarify the definition of "business unit" as it applies to co-working spaces.

City Manager Bryant explained that co-working spaces was a situation staff had not considered when crafting the new sanitation fee guidelines. Assistant City Manager Hanebuth went into more detail. Members of the BOMC were supportive.

- Item #8 **Abandonment of Right of Way**
Investigations show that the building at 2858 Franklin Street encroaches into an alleyway owned by the city. To enable the sale of the property, the owner, W.T. Mann, LLC, requests the city abandon the property.

City Manager Bryant outlined the situation at this address. He said the BOMC needs to consider the request to abandon the right of way. The petitioner would then have the chance to purchase it from the city. City Attorney Quinn gave more clarification. Mayor Elmore said he's upset this happened in the first place and he'd like to see the city's alleys become a unique feature. Details of the building and encroachment were discussed as were various options like easements. Members of the BOMC are reluctant to abandon property. There was an interruption in audio. Mayor Elmore suggested putting it on the agenda for the next regular meeting in hopes any questions and issues could get worked out before then.

- Item #9 Public Comment

Bruce Mueller commented that he is the prospective buyer of the property mentioned above. He explained his take on the situation and suggested the addition that encroaches on city property be removed by the current owner. Mr. Mueller and Mayor Elmore discussed more details of the building. Other members of the BOMC thanked Mr. Mueller for being on the call. Joe Anziano thanked the BOMC and Mr. Mueller for trying to solve the problem. Erika Brown thanked the BOMC for protecting the city. She asked them to also protect the historic regulations because what one property owner does affects neighbors too. Candace Jones said there will be similar situations to deal with in the future and it's important to set the right precedent with this case. She added the goal is to preserve public access. Bob Means had a question about the sanitation ordinance and coworking spaces and how that affects his business. City Manager Bryant responded.

- Item #10 Adjournment
Commissioner Shortell moved to adjourn. Mayor Pro Tem Fisher seconded. All ayes.

APPROVED THIS 24th DAY OF AUGUST 2020



Jonathan Elmore, Mayor

ATTEST:



Gina Hill, City Clerk