

The Mayor and Council met for their regular meeting.

|                |                  |                    |
|----------------|------------------|--------------------|
| Those Present: | John Howard      | Mayor              |
|                | Larry Bradley    | Vice-Mayor         |
|                | Lee Malcom       | Council Member     |
|                | Myoshia Crawford | Council Member     |
|                | Ross Bradley     | Council Member     |
|                | Norman Garrett   | Council Member     |
|                | Nathan Little    | Council Member     |
|                | David Dickinson  | Council Member     |
|                | Logan Propes     | City Administrator |
|                | Debbie Kirk      | City Clerk         |
|                | Paul Rosenthal   | City Attorney      |

Staff Present: Danny Smith, Jeremiah Still, R.V. Watts, Beth Thompson, Rodney Middlebrooks, Brian Thompson, Patrick Kelley, Chris Bailey, Sadie Krawczyk, Beverly Harrison

Visitors: David Clemons, Les Russell, Thad Gilliam, Joy Gilliam, Judy Jordan, Diana Smith, Cheyenne Smith, Sam Davis, Foley Beach, John Nix, Derek Gwaltney, Cheryl Larson, Sally Fielder, Allisa Abraham, Tom Mayfield, Angela Yarman

## I. CALL TO ORDER – JOHN HOWARD

### 1. Invocation

Archbishop Foley Beach, with the Holy Cross Anglican Church in Loganville, gave the invocation.

### 2. Roll Call

Mayor Howard noted that all Council Members were present. There was a quorum.

### 3. Approval of Agenda

To approve the agenda as presented.

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

### 4. Approval of Consent Agenda

- a. August 4, 2020 Council Minutes
- b. August 6, 2020 Council Minutes
- c. August 11, 2020 Council Minutes
- d. August 11, 2020 Executive Session Minutes
- e. August 18, 2020 Planning Commission Minutes
- f. August 25, 2020 Historic Preservation Commission Minutes
- g. July 9, 2020 Downtown Development Authority Minutes
- h. July 9, 2020 Conventions and Visitors Bureau Minutes
- i. Milledge Avenue & Colley Street One Way Conversion – To convert to one-way streets as presented. (Recommended for Council approval by Public Works Committee September 1, 2020)
- j. Leaf Vacuum Trailer – To purchase from Environmental Products Group for \$84,678.00. (Recommended for Council approval by Public Works Committee September 1, 2020)
- k. Approval – Loganville Water Line Change Order – Approval of Mid-South Builders Change Orders for \$848,518.65, which will be split 50/50 with City of Loganville. (Recommended for Council approval by Utilities Committee September 1, 2020)
- l. Mathews Park Rehabilitation & Additions – Approval of rehab and restoration budget amount of \$175,000.00. (Recommended for Council approval by Parks Committee September 1, 2020)

To approve the consent agenda as presented.

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

**II. PUBLIC PRESENTATION****1. Judy Lewis Jordan Proclamation**

Mayor John Howard discussed Walton County GA Rocks. He explained the group requests anyone who finds a decorated rock to take a picture with the rock, post the picture on Facebook, and then re-hide the rock for someone else to find. He presented a Proclamation as a Community Spirit Award to Ms. Judy Lewis Jordan.

Ms. Judy Lewis Jordan stated she saw the North East Ohio Rocks program on Facebook. She started looking and found a program to join in Newton County. She then decided to start a program in Walton County. Walton County GA Rocks now has 2,300 members in less than two years' time.

*No Action.*

**III. PUBLIC FORUM****1. Public Comments**

Ms. Cheryl Larson, of 501 East Church Street, stated she opposes changing the Code of Ordinances for the Sparrow Hill Inn. They are trying to sell to a drug rehab facility. It is in a residential neighborhood; this is the only commercial building within two blocks. There is a school two blocks down the street and a playground less than two blocks away. She is against the proposed appeal.

Mr. Samuel Davis, of 507 East Church Street, stated his family loves living in Monroe on Church Street. He has three kids and another on the way. He opposes the appeal, and would like more information in regards to the appeal. He is excited about the park and the measures to slow the traffic down. He does not believe a drug rehab facility fits what the homeowners desire on Church Street.

Ms. Sally Fielder, of 414 East Church Street, stated she has lived next door to Sparrow Hill Inn for about 45 years. She is opposed to the drug rehab facility; it does not fit the neighborhood. She believes there are plenty of rehab facilities in Monroe already. She discussed how it would be a nuisance to the Police Department. There needs to be some citizen input on how it will affect them and how they feel.

Ms. Allisa Abraham, of 500 East Church Street, stated she moved into the neighborhood about six years ago. She loves seeing the excitement that has come to Monroe and to Church Street; she would like to see that continue. She opposes the drug rehab facility and asks that Council deny the appeal for a variance. She has teenage boys and wants them to be safe.

Mr. Tom Mayfield, with Sparrow Hill Inn, stated he will reserve his comments until the appeal.

**2. Public Hearing****a. Variance – 828 Harvest Lane**

Code Enforcement Officer Patrick Kelley presented the application for a variance of Section 700.1 Table 11 of the Zoning Ordinance for lot frontage and lot width. The property has an existing and unintentional encroachment of a driveway on two lots that are owned by the same individual. He explained this to be a minor variance on the frontage to allow them to sale the other lot separate from the lot with their home on it. The Code Office and Planning Commission recommend the request be approved.

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

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

*No Action.*

**IV. NEW BUSINESS****1. Variance – 828 Harvest Lane**

To approve the variance.

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

**2. Appointment – Housing Authority**

To reappoint Ruby Cooper to a five (5) year term to expire October 6, 2025.

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

**3. Cable Television Service Discontinuation**

City Administrator Logan Propes stated the previous discussion on the discontinuation of the cable television service is being revisited as requested. Comments from Council have been taken into consideration when trying to render a decision on how to stay solvent in the CATV Fund and also be able to more adequately sell the Utility Revenue Bonds to be more favorable. He stated the revised recommendation from staff is that the City will continue to offer CATV but at a Programming Cost plus an estimated 15%, of which the rates would be set twice annually and automatically based on programming contracts. This would begin on January 1, 2021, with the new proposed rate schedule that is enclosed. Additionally, the City would begin to authorize a sunset of traditional CATV service upon completion of the “Fiber Monroe” telecommunications project and when the customer count drops below 1,000 subscribers. Mr. Propes discussed the proposed price increases and leaving the mini-basic cable price the same.

Council Member Ross Bradley requested an estimated time frame for the Fiber Monroe Project.

Mr. Propes answered Fiber Monroe will be a two to three-year project, once the Bond Funds are secured.

Council Member David Dickinson stated it is important to reiterate to the citizens that the City has got to do something towards continuing to lose money on CATV. Losing between \$1.5 and \$2 million a year cannot go on, because the money has to be subsidized somewhere else in the Utility package. He wants to make sure the citizens understand how much money the City loses by not adjusting the prices on a regular basis; it also imperils the Bond Rating. The percentage could go anywhere from 2% to 5% based on how the City is rated when going to the Bond Market for funds to install the fiber optic network Citywide. The City must show the Bond Market that the economic problem has been corrected; it will save a tremendous amount of money.

Vice-Mayor Larry Bradley questioned whether someone that currently has the City’s internet service would have ample enough internet for streaming, if they choose to drop cable and go to a streaming service.

Mr. Propes answered that the system is already capable of handling the additional streaming, and there are already additional improvements being made.

Council Members Nathan Little stated this would need to be done relatively soon after the notification to give the customers time to prepare and make their decisions. He stated as a matter of record, Council discussed the other options and trying to help the cable customers understand what those options are and help them move to those options if that is what they choose.

Mr. Propes stated if Council approves the change tonight, he will work with Ms. Thompson and get the change notification out to the CATV subscribers immediately. He explained that the City does not have a preferred vendor, but staff are well equipped to help customers transition and still retain the City’s internet service. Most of the CATV subscribers are on the City’s internet service as well. He noted for the record, he researched competitive offerings from Dish Network, Direct TV, and Comcast. A lot of the introductory prices are around \$80.00 to \$95.00, prior to equipment fees and other charges. There are also 12 and 24-month contracts associated with those prices and the customer must sign-up for autopay and paperless billing. The City does not require any of those things for service.

Mr. Little questioned adopting the fee schedule now even though it does not go into effect until January 1, 2021.

Mr. Propes explained adopting the fee schedule now will give the City time to educate the public and it allows the City to show good faith to potential bond buyers for the direction of solvency for the CATV Fund.

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Council Member Norman Garrett questioned how soon the City will be starting on the Bond, and if it could wait a few more meetings.

Mr. Propes answered they are working on the Bond now and hope to get it to the Bond Market by November. He explained they will shop for the Bond in a couple of weeks. However, the City is not discontinuing cable, unless it gets below 1,000 customers. The Fiber Monroe Project will take two to three years to complete, and the City will still offer cable television at a little higher rate. The CATV service will not be discontinued until the customer count reaches below 1,000.

Mayor, Council, and Mr. Propes further discussed the motion and the steps that will be taken.

To adopt the new rate schedule as presented beginning January 1, 2021, referencing the City Administrator's reading of the recommendation to continue offering CATV service at Programming Cost plus an estimated 15% increase, with the rates to be set twice annually and automatically based on programming contracts, and for CATV service to be discontinued once the CATV customer count drops below 1,000.

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

#### **4. Code Officer Appeal – 410 East Church Street**

Code Enforcement Officer Patrick Kelley read the zoning determination letter he sent to Mr. Nix which is dated July 13, 2020. The letter is in regards to the Zoning Ordinance and B-2 Zoning classification.

Mr. Thomas Mitchell, with Carothers & Mitchell, LLC, stated he will be representing the City in this matter. He explained since Mr. Nix threatened litigation, once Mr. Kelley and Mr. Nix have been heard, it would be appropriate for Council to go into executive session. If Council should have any questions that he would be happy to answer them.

City Attorney Paul Rosenthal explained Mr. Mitchell is representing the City, because his office is conflicted out, due to having done work for the Mayfields and Sparrow Hill previously. Therefore, his office doesn't have anything to do with this appeal.

Council Member David Dickinson stated as a point of order, it would be good if the Mayor explained this is an appeal not a rezoning.

Mayor John Howard explained the owners of Sparrow Hill Inn have a potential buyer that is a drug and alcohol rehabilitation facility that is based in North Carolina. Instead of going before the Planning Commission, they are appealing directly to Council.

Attorney John Andrew Nix stated he is representing Pyramid Healthcare, who is the contracted party attempting to purchase this property, subject to getting appropriate use recognition from the Council. He stated it is unusual that they are here in this context. They basically asked for the Zoning Department to provide a zoning letter for clarification as to whether or not their use was allowed in the existing district. They believed it was, but needed the Code Department to agree or disagree. When Mr. Kelley issued his letter stating it was not permitted in the zoning district, the City's Ordinances not Zoning Code allow for his decision to be appealed, which is the reason they are here now. He stated according to the rules, they have approximately 15 minutes to present their case and save any other time possibly for rebuttal. Mr. Nix stated that Derek Gwaltney is going to give a presentation on the facility, Joy Gilliam is going to present, and then he will provide the legal analysis.

Derek Gwaltney, Vice-President of Marketing with Pyramid Healthcare, gave a presentation about their facility and background. He stated Pyramid Healthcare was founded in Altoona, Pennsylvania in 1999. They provide a variety of different services, everything from schools for severely autistic children to outpatient services for those suffering from anxiety and mood disorders, such as depression and trauma, and they also have inpatient substance abuse programs. Mr. Gwaltney discussed some of their other local programs. They want to have another premier program such as Silver Ridge, which is in Asheville, North Carolina, in Monroe. He gave a power point presentation showing their programming at Silver Ridge versus other programs that are in town. The type of person coming to Silver Ridge in Monroe would be a midlife adult, that are required to be 35 years of age, required to be gainfully employed, and required to have some sort of family involvement in their life. It is not the 18-year-old homeless heroin addict, not the

schizophrenic suicidal lockdown patient. Silver Ridge treats doctors, lawyers, and executives; they would not stand for a program not to look immaculate. It will be the best neighbors someone can have; there will be no loud parties, and if someone is out of line, they will be sent home. He explained the facility will have maybe 12 beds, and other programs in town treat more than 40, of all different age groups. Mr. Gwaltney discussed the estate, different therapeutic processes, types of therapy used, and different treatment modalities.

Council Member Lee Malcom questioned whether the facility would be a holding facility.

Mr. Gwaltney answered this would be a residential facility where the patients would spend 30 to 40 days for treatment.

Mr. Dickinson questioned what happens when Silver Ridge doesn't make enough money to keep it going and decides to sell, and that person decides to run things differently. This concerns the neighborhood.

Mr. Gwaltney stated their Asheville location stays 100% full with a waiting list. The demand is here for the program to thrive; most of the people coming to their program are paying out of pocket cash. Pyramid Healthcare owns 64 locations, with 3,000 employees, and haven't sold off any of their programs.

Ms. Joy Gillian stated that she has a personal passion for this program. She has a loved one that was in a very traumatic situation and was at the point of death. They were introduced to Silver Ridge, which is a unique and progressive program. The program is designed for midlife adults and professionals that come and leave by choice, not because they are mandated. The program encourages families to come and visit. She believes this company would be a perfect buyer for Sparrow Hill Inn; she discussed the other business on Church Street. Ms. Gillian stated they wanted to honor their neighbors for being so good to them. There would be very little traffic, no signs in the yard, the property would be maintained extremely well, it is a well-established business, and they would preserve the historic value of the property. The business would also have a positive impact on the City. The families come each week to visit; they will be eating at the restaurants, shopping, and staying in lodging. It would also provide employment opportunities for the citizens of Monroe.

Mr. Nix stated he initially thought that this facility was permitted under B-2 Zoning which includes convalescent care, nursing, rest homes, hospitals, laboratories, personal care homes, family personal care homes, and group personal care homes. They felt their description fit into that category. Unfortunately, the City's Code does not provide definitions for some of the uses, which is not unusual. In absence of a definition, the North American Industry Classification System can be used, which is a national publication. He stated when going to that code and looking under convalescent and looking under categories, this use falls under convalescent. Therefore, they are arguing that their definition is a convalescent home, because it isn't a sanitarium, which is prohibited under the City's Code in this zoning district. He stated when going by the definition of planning on this, the City does not allow this kind of use in the Zoning Code, so the Zoning Code is void of allowing this use anywhere in the City of Monroe. Sanitariums have not been provided as definition of use by the national code since its 2002 publication. He does not think they are a non-use beyond the City limits; this is a use that is viable. Based on the definitions and the fact that they think they fit into the category convalescent without a rezoning, this use is permitted. The interpretation that is being given from the Code Department says that their use is not permitted in the City of Monroe. This means the City of Monroe is prohibiting a use that addresses a protected class. Therefore, there is some federal case law that suggest that the City of Monroe is blocking or not permitting a use that addresses a protected class, which would be handicapped people and people that have drug and alcohol additions that are defined as handicapped under the federal law. Mr. Nix is arguing under the federal housing code that this use has to be permitted. He discussed reading federal cases out of different circuits, which would have a different interpretation as to whether or not this proposal is housing. There are federal cases that do define it as housing that is protected under federal law. It is also an issue for the City to exclude this use, when so many other uses are allowed in B-2. He questioned how this particular use impacts the health, safety, and welfare of the community any more than all of the other uses. There is a viable legal argument that excluding the use is contrary to the law.

Mr. Dickinson questioned the distinction under both the ADA and FHAA that is drawn between an individual who is recovering and an individual who suffers from drug and alcohol abuses but

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isn't recovering. As he understands it, the first is covered under those two acts, but the person who is actively using is not. He questioned who gets to make that decision.

Mr. Nix answered that he does not know how someone makes that call for every individual that is in recovery, whether they fall under classification one or classification two. He believes that medical staff, doctors, psychologists, and psychiatrists make educated calculated decisions about the individuals.

Council Member Norman Garrett questioned how many similar businesses are located on Church Street.

Mr. Nix stated he does not believe there is anything similar, but there are other existing commercial uses in the neighborhood. He feels this business would have less of an impact on the neighborhood than its current use; there will be no functions on the grounds and no signs.

Mr. Garrett questioned whether Council has heard about this previously.

Council Member Ross Bradley stated that he heard it mentioned last week and spoke to a party involved around lunch time today. He thinks it is a great product, but can understand how the direct community could be apprehensive.

Mr. Kelley stated that it was presented to the applicant that the variance option would be the most transparent and visible option, but they opted for this appeal after the decision was made. He encouraged them to exercise the variance option so that it would serve both purposes; it would give the public a notice and if granted, give them what they were looking for.

Mr. Nix stated Mr. Kelley graciously advised him of alternatives, but he differs as to whether a variance is how to proceed. The Code Department took the position that this zoning was not allowed in the zoning district and if a zoning is not allowed in a district, a variance would not be the legal remedy to seek a change in the decision from Council.

Mr. Garrett stated he would like more time to look into what other facilities and businesses are located on Church Street. He would like the item to be put off until next month.

Mr. Mitchell stated it would be appropriate for Council to defer or table the item if Council wishes.

Mr. Bradley stated Mr. Nix has done an eloquent job of explaining why he thinks the interpretation that the Code Department made was incorrect. For Council's knowledge, he asked if Mr. Mitchell wanted to present anything as to why he thinks Mr. Nix is wrong and the Code Department is correct.

Mr. Mitchell stated he would rather advise the Council in that regard in a closed session prior to discussing it in public. He does not feel it would be appropriate to discuss the matter in public without consulting with Council in private first.

To table until next month's meeting.

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

**V.      MAYOR'S UPDATE**

Mayor John Howard stated the Incremental Development Alliance begins tomorrow, which can be signed up for at [incrementaldevelopment.org](http://incrementaldevelopment.org). He thanked Ms. Crawford, Mr. Bailey, Mr. Gravette, and Jimi Martin for all the work they've done at Pilot Park. He stated Angela Yarman is with the Student Success Alliance and the number one supporter of the public schools that is not a member of the school board or a teacher. She loves the kids from Monroe and Walton County, and is the director of United Way. The kickoff is tomorrow at the Chamber Luncheon at 1025 Church, which is formerly Grace Baptist.

**VI.      ADJOURN TO EXECUTIVE SESSION**

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

RETURN TO REGULAR SESSION

I make a motion to approve the purchase of Tract #1 being .680 acres and Tract #3 being .517 acres located on Gray Fox Lane as shown on Plat Book 54, page 24 Walton County, Georgia records with a Map and Parcel #C0740080, commonly known as 598 Gray Fox Lane, Monroe, Georgia for the total purchase price of \$130,500.00 as shown to be the fair market value per the appraisal dated August 25, 2020 by William P. Stone, III with the purchase monies to be taken from the Utility CIP Fund. The City Administrator is hereby authorized to sign any and all documents necessary to effectuate the purchase including entering into a purchase and sale agreement with the seller as drafted and approved by the City Attorney's office.

Motion by R. Bradley, seconded by Little. Passed Unanimously.

VII. ADJOURN

Motion by R. Bradley, seconded by Crawford. Passed Unanimously.

  
MAYOR

  
CITY CLERK

The Mayor and Council met for an Executive Session.

- |                |                  |                    |
|----------------|------------------|--------------------|
| Those Present: | John Howard      | Mayor              |
|                | Larry Bradley    | Vice-Mayor         |
|                | Lee Malcom       | Council Member     |
|                | Myoshia Crawford | Council Member     |
|                | Ross Bradley     | Council Member     |
|                | Norman Garrett   | Council Member     |
|                | Nathan Little    | Council Member     |
|                | David Dickinson  | Council Member     |
|                | Logan Propes     | City Administrator |
|                | Debbie Kirk      | City Clerk         |
|                | Paul Rosenthal   | City Attorney      |

I. Call to Order – John Howard

1. Roll Call

Mayor Howard noted that all Council Members were present. There was a quorum.

II. Real Estate Issue (s)


1. Real Estate Matter

I make a motion to approve the purchase of Tract #1 being .680 acres and Tract #3 being .517 acres located on Gray Fox Lane as shown on Plat Book 54, page 24 Walton County, Georgia records with a Map and Parcel #C0740080, commonly known as 598 Gray Fox Lane, Monroe, Georgia for the total purchase price of \$130,500.00 as shown to be the fair market value per the appraisal dated August 25, 2020 by William P. Stone, III with the purchase monies to be taken from the Utility CIP Fund. The City Administrator is hereby authorized to sign any and all documents necessary to effectuate the purchase including entering into a purchase and sale agreement with the seller as drafted and approved by the City Attorney's office.

Motion by R. Bradley, seconded by Little. Passed Unanimously.

III. Adjourn to Regular Session

Motion by Malcom, seconded by R. Bradley. Passed Unanimously.

  
MAYOR

  
CITY CLERK