

REGULAR MEETING – CAIRO MAYOR & COUNCIL – FEBRUARY 12, 2018

The February 12, 2018 Regular Meeting was called to order at 6:00 p.m. in the Council Room at 101-B North Broad Street by Mayor Booker T. Gainor. Present were Mayor Pro tem Robert L. Gwaltney and Council Members Demario J. Byrden, Jerry L. Cox, James H. Douglas, and Lannis Thornton. Staff Members present were City Manager Chris Addleton, City Attorney Thomas L. Lehman, City Clerk Carolyn Lee, and Construction/Landfill Director Raymond Stokes. Also in attendance were Cairo Messenger Editor, Randy Wind, and Times Enterprise Reporter, Jordan Barela.

INVOCATION: The Invocation was given by Councilman Thornton.

APPROVAL OF MINUTES:

Regular Meeting – January 8, 2018. Motion to approve the minutes as submitted was made by Councilman Gwaltney, seconded by Councilman Thornton, and unanimously approved by all Council Members.

DELEGATIONS:

Betsy McGriff, Archway Partnership – Train Depot Design Presentation. Meirav Goldhour, an Archway Partnership Graduate Assistant, presented a floorplan proposal for the future use of the train depot. She showed the floorplan broken into sections depicting a larger entrance space/reception area, office space, a local shop, a large conference room, a breakroom, a heating kitchen, a multi-purpose space, a storage space, additional restroom facilities, more exits, and added windows for more natural light. She noted that the ramps and stairs would also need rehabilitation. *(These minutes were amended on February 26th to add wording that the presentation was done through video-conferencing).*

SPECIAL EVENTS:

Special Event Permit for Christ Gospel Church – Gospel Concert in the Park (Azalea Park) on May 5, 2018, from 12:00 Noon to 5:00 p.m. – Alexis Forrest and Orlena Williams, Applicants. After review, motion was made by Councilman Cox to approve the event, seconded by Councilman Byrden, and unanimously approved by all Council Members.

OLD BUSINESS:

NEW BUSINESS:

Appeal by David Miller to the Mayor and Council regarding the Building Official's Decision on Protective Screening at the Clark Funeral Home property. (Councilman Cox refrained from any participation in this appeal, as he had family property located next to the property being discussed.) Mr. Miller, 27 4th Ave., SW, sought action by the City Council to require Clark Funeral Home to provide screening on their property on 4th Ave., SW where burial vaults and equipment were being stored. Mr. Miller's property was located across the street from the Funeral Home, and because the two properties did not abut directly, Building Official Hayes' interpretation of the Code was that the City could not require screening.

Mr. Miller handed out two pamphlets of information that included pictures of the property to the Mayor and Council Members. He referred to Section 22-22(a) of the Zoning Code of Ordinances entitled "Protective Screening – Residential Buffers" that addressed protective screening for residential areas adjacent to or near nonresidential areas. It required a commercial property abutting directly upon a residentially-zoned district to have a buffer/screening.

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Mr. Miller stated that his residence was directly across the street from two empty lots owned by Clark Funeral Home, and it abutted the street that separated the residential and commercial zones. He added that the use of the lots changed in 2008 to an unsightly storage yard. He stated that he had talked to the owner who had indicated that he may install a fence but had not done so. In talking to the City's building official, he was told that the City could not make the owner install a buffer. He had also met with City Attorney Lehman and City Manager Addleton where the definitions of the terms "adjacent" and "adjoining" were discussed, and he left that meeting with the impression that the attorney agreed that screening was needed. However, he had later received a letter from Atty. Lehman stating that, due to additional information that he had obtained since the meeting, he advised that he believed that the City could not force the business to erect screening, as the Zoning Code further defined adjacent residential property, as "property that abuts directly upon a residentially-zoned district." He further explained that if the property was zoned today, screening would be required. Atty. Lehman had also learned that the current Code was adopted in January, 2001; and prior to that, different zoning rules applied that did not require screening. Mr. Miller believed that the regulations in the current code were conflicting, and that there had been a change of land use in 2008. He also expressed his belief that there was a conspiracy by three City officials against him. Mr. Miller referred to Code Section 7.31 (Cemeteries) that provided that no burial vaults were permitted above ground; adding that he had to see them from his house, and that they should be moved or even a small fence erected.

Councilman Byrden stated that he knew about the "grandfather rule" but asked if there was any reason that the business should not have to comply with screening? Atty. Lehman explained that the ordinance uses the word "adjacent" in a general way; and that the property was purchased in the late nineteen sixties and was zoned commercial when the new code was adopted. He added that if the equipment was used in conducting the funeral business, it could be allowed on the property. With regard to a change in land use in 2008, Atty. Lehman responded that there was no change in the use of the land. He added that if there was a violation of an ordinance, and someone did not comply, the only thing the Mayor and Council could do would be to have someone cited to Municipal Court. Councilman Byrden asked if you couldn't make someone do something, what was the use of ordinances. Atty. Lehman responded that you cannot further define after the fact, adding that he interpreted the law as he saw it, whether he liked it or not. There was no action taken as a result of the hearing.

Bids for Airport Partial Parallel Taxiway, Apron, and T-Hangar Taxiway and Slab Project - Phase 1- Schedule A; and Electrical and Signage for Parallel Taxiway - Phase 1 - Schedule B; and Corporate Hangar Taxiway and Slab - Phase 2 – Schedule A. City Manager Addleton advised that Croy Engineering had recommended that the bids for schedule A, Phases 1 and 2 be rejected and re-bid, as they were above the preliminary cost estimate. They also recommended accepting the low bid for Phase 1- Schedule B for electrical and signage from Trinity Electrical Services, in the amount of \$42,795.40, contingent upon the receipt of the aviation project grant. After discussion on the length of time the bid would be good, motion was made by Councilman Cox to reject bids as recommended and re-advertise, as well as accepting the low bid for electrical services from Trinity Electrical Services in the amount of \$42,795.40, contingent on receipt of the grant. Motion was seconded by Councilman Douglas and passed unanimously by all Council Members.

Resolution to Modify GEFA Promissory Note and Loan Agreement for AMI Water Meter Project to Change Construction Completion Date. City Manager Addleton advised that the completion date of the project needed to be changed from December, 2017 to May, 2018. After review, motion to approve the resolution was made by Councilman Douglas, seconded by Councilman Byrden, and unanimously approved by all Council Members.

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Waste Water Treatment Plant (WWTP) Dewatering Facility Project Bid. City Manager Addleton advised that four bid packets had been sent out, but only one bid was received, that from Schmidt Environmental Construction, in the amount of \$939,200.00. \$450,000 was budgeted in the current fiscal year, with the balance to be budgeted in the next year. The bid had been carefully scrutinized, and the same contractor had replaced the WWTP Bar Screen and had performed well. City Manager Addleton explained that the current belt press had surpassed its current life some time ago and had incurred high maintenance costs. It was also undersized in capacity and could not be operated at temperatures under 40 degrees. The plan was to place the new one into a metal structure so that it could be heated when needed. Construction/Landfill Director Raymond Stokes was present and stated that, if approved, they would negotiate with the contractor to offset some of the costs by in-house labor, estimated cost offset in the \$50,000 to \$75,000 range. He advised that the WWTP was currently one of the highest users of water in the City, but they wished to be able to re-use the used water instead. Councilman Cox asked if the contractor would do a change order, learning that negotiations for that could not begin until the bid was awarded. Councilman Thornton expressed that he did not like the fact that only one bid was received. Councilman Cox asked if it was the best price that could be done, learning that the bid amount was in line with others. After discussion, motion was made by Councilman Douglas to accept the bid of \$939,200.00 from Schmidt Environmental Construction. Motion was seconded by Councilman Cox, and passed by a 4 to 1 vote, with Council Members Byrden, Cox, Douglas, and Gwaltney voting in favor and Councilman Thornton voting against the motion.

Request from City of Stockbridge for Resolution in Support of Georgia Municipal Association Legislative Policy Regarding De-Annexation Legislation to Create New Municipalities. After review, motion was made by Councilman Douglas to table the item until more information was obtained from GMA. Motion was seconded by Councilman Thornton and unanimously approved by all Council Members.

Judicial Alternatives of Georgia (JAG) Probation Services Agreement (Expires December 31, 2022). Atty. Lehman had read the contract prior to the meeting. After review, motion was made by Councilman Thornton to approve the contract, seconded by Councilman Gwaltney, and unanimously approved by all Council Members.

Alcoholic Beverage Application, New Business – Karen A. Holder dba Home Slice Pizza – Beer, Retail Consumption on Premises, 735 US Hwy 84 E – Karen Holder, Applicant. After review, motion was made by Councilman Douglas to approve the application, seconded by Councilman Thornton, and unanimously approved by all Council Members.

Alcoholic Beverage Application, Change of Ownership – Kayra P LLC – dba L & M Food Market – Beer and Wine, Package Retail, 1001 5th St., NE – Atulkumar Patel, Applicant. After review, motion was made by Councilman Douglas to approve the application, seconded by Councilman Cox, and unanimously approved by all Council Members.

OTHER BUSINESS:

Reports:

1.) Departmental Reports for the Month of January, 2017. Councilman Cox commented on citations written, the 911 report, and the reduction of comp time by employees.

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2.) Finance Reports for the Months of September, October, and November, 2017.

Councilman Douglas advised that the reports were reviewed in the Finance Committee meeting. He made motion to approve the reports, seconded by Councilman Byrden, and unanimously approved by all Council Members.

3.) City Manager:

- Budget Workshop set for Feb. 26th following the regular meeting.

4.) Reports from Mayor and Council:

- Councilman Gwaltney reported a hole still at Buchanan and Brookwood Dr.
- Councilman Gwaltney reported the street washed out farther up on Brookwood Dr.
- Councilman Cox reported the hole was back at 11th Ave., NW & 5th St., NW.
- Councilman Cox reported a big hole at 11th Ave., NE and 5th St., NE.
- Councilman Byrden reported that stop signs were hard to see on 1st St., SW at 9th Ave. and at Pine Circle.
- Councilman Byrden commented on the sign for the intersection of Broad & MLK.
- Councilman Douglas asked Atty. Lehman to check to see if there would be any restrictions should the train depot ever be sold.

Mayor Gainor appointed Councilman Douglas and Councilman Byrden to the Finance Committee.

ADJOURN: Motion was made by Councilman Thornton to adjourn, seconded by Councilman Gwaltney, and unanimously approved by all Council Members.

APPROVED:

ATTEST:

BOOKER T. GAINOR, MAYOR

CAROLYN B. LEE, CITY CLERK