

REGULAR MEETING – CAIRO MAYOR & COUNCIL – JANUARY 12, 2009

The January 12, 2009 Regular Meeting was called to order at 6:00 p.m. in the Council Room at City Hall with Mayor Richard VanLandingham presiding. Present were Mayor Pro Tem James H. Douglas, Council Members Ernest W. Cloud, Jr., Kermit V. Gilliard, Jr., Robert L. Gwaltney, and Lannis Thornton. Staff Members in attendance were City Manager Chris Addleton, City Attorney Thomas L. Lehman, City Clerk Carolyn B. Lee, Exec. Asst. Donna Young, Human Resources Director Carolyn Meades, Building Official Brian Hayes, and Finance Director Miriam Faircloth. Cairo Messenger Editor, Randy Wind, was also in attendance.

INVOCATION: The Invocation was given by Mayor VanLandingham.

APPOINTMENT OF MAYOR PRO-TEM FOR CALENDAR YEAR 2009: Mayor VanLandingham remarked that it had been decided last year to allow Councilman Cloud to serve as Mayor Pro Tem in 2009, as he had decided it would be his last year in office. Motion was made by Councilman Douglas to appoint Councilman Cloud as Mayor Pro-Tem, seconded by Councilman Gwaltney, and passed by all Council Members, except Councilman Cloud who abstained from voting.

APPROVAL OF MINUTES: Minutes of the December 8, 2009 Regular Meeting were approved as submitted upon motion by Councilman Cloud, seconded by Councilman Gwaltney, and passed unanimously by all Council Members.

DELEGATIONS: None

SPECIAL EVENTS: None

OLD BUSINESS:

Ordinance to Amend the Code of Ordinances to Create an Identity Theft Program by Adding a new Article V Entitled “Identity Theft Prevention” to Chapter 2 entitled “Administration.” (Ordinance was introduced at the December 8, 2008 meeting). After review, motion was made by Councilman Cloud to adopt the ordinance. Motion was seconded by Councilman Douglas and passed unanimously by all Council Members.

Ordinance to Amend the Code of Ordinances to Establish Due Compensation Applicable to Telegraph or Telephone Companies by Adopting a new Article VI entitled “Telephone Fees” of Chapter 14 entitled “Occupation Taxes and Regulations.” (Ordinance was introduced at the December 8, 2008 meeting). After review, motion was made by Councilman Thornton to adopt the ordinance. Motion was seconded by Councilman Douglas and passed unanimously by all Council Members.

Participant Services Contract between Electric Cities of Georgia, Inc. and the City of Cairo (Spinoff of Distribution Business and Marketing Services Units from MEAG). After review, motion was made by Councilman Cloud to approve the agreement. Motion was seconded by Councilman Gilliard and passed unanimously by all Council Members.

Resolution of the City of Cairo Approving the Participant Services Agreement with Electric Cities of Georgia, Inc. After review, motion was made by Councilman Douglas to approve the resolution. Motion was seconded by Councilman Cloud and passed unanimously by all Council Members.

NEW BUSINESS:

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Audit for FY 2007-2008. Mr. Tom Carmichael of Bowen Phillips, & Carmichael, LLP had presented the FY 2007-08 Audit Report (to become a part of these minutes) to the Finance Committee prior to the meeting. Presenting a summary of fund expenses, revenues, and balances, he commented that the general fund was operating with an ending balance of \$4,198.00 as compared to \$3,513.00 in 2006-07. Revenues and expenses had increased in the General, Water/Sewer, Electric, and Cable Funds, with an increase in net assets at year end in the Water/Sewer and Electric Funds and a net deficit in the Cable Fund (depreciation included). During the fiscal year, a one-time assessment of approximately \$500,000 was recorded in the Electric Fund as an expenditure. Capital assets had increased and Long-Term Debt had decreased. Mr. Carmichael noted that there had been new risk assessment standards put in place this year that required auditors to gain an expanded understanding of the entity and its environment, internal control design and implementation, and more rigorous risk assessments. Mayor VanLandingham noted that the Finance Committee had gone over the report and thanked Councilman Douglas for clarifying some information and expressed hope for continued improvement. Motion was made by Councilman Cloud to accept the Audit Report, seconded by Councilman Gwaltney, and passed unanimously by all Council Members.

Changes to Personnel Policy Regarding Employee Vacation. Human Resources Director Meades presented four options, along with comparisons from other cities, for changes to the City's employee vacation policy. A part of the recommended changes was to allow newly-hired employees, who sometimes have to wait as long as two years to take personal leave, to have some leave made available earlier. Mayor VanLandingham asked for discussion but recommended sending the information to the Personnel Committee for a recommendation at the next meeting. Councilman Douglas was concerned with how changes would impact the present budget, especially in the Police and Fire Departments and noted that four weeks vacation had been eliminated several years ago. He inquired what the term "dump" meant with regard to employees already earning vacation time, with City Clerk Lee explaining that presently vacation is earned in one year and available on January 1st of the next year. Under some of the proposed options, the change from calculating based on years of service as of January 1st to earning vacation on a monthly basis would require a "dump" on January 1st of leave time previously earned before changing to another method. Councilman Douglas requested to have a copy of the current personnel policy sent to him. Councilman Thornton asked if it was recommended that a certain number of hours could be carried over to the next year, with Ms. Meades responding affirmatively. Mayor VanLandingham suggested requiring a new employee to work a certain number of months before earning leave and considering four hours per month rather than eight. He requested to know the total number of days of leave (medical, vacation, etc.) that an employee could take off work during the year. City Manager Addleton was requested to bring the information back to the Council as well as how the changes would impact the budget.

Finance Report for Month of November, 2008. Councilman Douglas reported that the Finance Committee was working with Finance Director Faircloth to design a simpler report. Motion was made by Councilman Douglas to approve the report, seconded by Councilman Cloud, and passed unanimously by all Council Members.

Public Hearing for Conditional Use Permit for Residence in the Central Business District (CBD) at 413 North Broad Street (Tax Map C20 – Parcel 13) – Al Rocuant, Applicant/Owner. Mr. Rocuant was present and stated that he had purchased and completely gutted the "eyesore" one year ago; but the market was presently soft, making it hard to sell. It was handicapped-equipped and located close to him, and his 80-year old father (Ramiro Rocuant) needed a place to live. Ms. Louise McRae, who owned adjoining property, was present and stated that she did not want the residence there, as she had experienced problems with renters in the past and also felt that it would de-value her property. Mr. Rocuant stated that he had requested a conditional use permit

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and not a zoning change, but that he was not opposed to a “temporary” conditional use permit. After comments, the Public Hearing was closed.

Application for Conditional Use Permit for Residence in the Central Business District (CBD) at 413 North Broad Street (Tax Map C20 – Parcel 13) – Al Rocuant, Applicant/Owner. (The SOWEGA RDC had recommended approval of the permit, while the Cairo Planning Commission had recommended denial due to Mr. Rocuant not being present at the meeting to answer questions). After discussion, motion was made by Councilman Douglas to approve the conditional use permit with the stipulation that only Mr. Rocuant’s father reside in the building. Motion was seconded by Councilman Cloud and passed unanimously by all Council Members.

Public Hearing for Conditional Use Permit for Assisted Living/Family Personal Care Home in the Single Family Residential District (R-1A) at 396 7th Ave., SE (Tax Map C28 – Parcel 60) – Ventrisha and Jerome Mollins, Applicants – Jean Samford, Owner. Mr. Mollins was present and stated that he and his wife wished to use the residence to house four to six elderly people who were not totally disabled but needed minor assistance. He added that he already had a facility of that type located at 685 Westbrooks Street. Ms. Louise McRae, who owned rental property in the area, was opposed because she felt it would be hard to rent her property. Ms. Frances Hood, whose back yard joined the property, was also opposed. Ms. Laura Nichols, who rented a house across the street to elderly people, stated that the renters were concerned for their well-being. She added that if the owner did not live in the home, it was a commercial endeavor. She was reminded that the permit would be limited to the conditional use requested. Mr. Mollins confirmed that the residents would not be mentally disabled, but would have physical disabilities. Another area property owner, Ms. Ann Mills, also voiced her opposition to the permit. After comments, the Public Hearing was closed.

Application for Conditional Use Permit for Assisted Living/Family Personal Care Home in the Single Family Residential District (R-1A) at 396 7th Ave., SE (Tax Map C28 – Parcel 60) – Ventrisha and Jerome Mollins, Applicants – Jean Samford, Owner. (Both the SOWEGA RDC and the Cairo Planning Commission had recommended approval of the permit). After discussion, motion was made by Councilman Thornton to approve the conditional use permit. Motion was seconded by Councilman Cloud and passed with Council Members Cloud, Thornton, and Gilliard voting in favor and Council Members Douglas and Gwaltney voting against.

Public Hearing for Renewal of a Hardship Variance Application to Permit the Temporary Placement of a Camper Trailer at 629 4th St., SE (Tax Map C28 – Parcel 37) – Ms. Merle Fain, Owner/Applicant. Mr. Bill Fain, Ms. Fain’s son, was present and stated he had been living there for three years and that his mother still needed him to care for her. There were no other public comments, so the Public Hearing was closed.

Application for Renewal of a Hardship Variance Application to Permit the Temporary Placement of a Camper Trailer at 629 4th St., SE (Tax Map C28 – Parcel 37) – Ms. Merle Fain, Owner/Applicant. (The Cairo Planning Commission had recommended renewal of the variance). After review, motion was made by Councilman Gwaltney to approve the variance. Motion was seconded by Councilman Gilliard and passed unanimously by all Council Members.

Public Hearing for Renewal of a Hardship Variance Application to Permit the Temporary Placement of a Camper Trailer at 507 Woodlawn Drive, NE (Tax Map C26 – Parcel 25) – Ms. Cindy Cromer, Owner/Applicant. Ms. Cromer was present and stated that her mother had Alzheimer’s disease and had lived in the trailer for two years. The permit had avoided their

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having to place her in a nursing home. There were no other public comments, so the Public Hearing was closed.

Application for Renewal of a Hardship Variance Application to Permit the Temporary Placement of a Camper Trailer at 507 Woodlawn Drive, NE (Tax Map C26 – Parcel 25) – Ms. Cindy Cromer, Owner/Applicant. (The Cairo Planning Commission had recommended renewal of the variance). After review, motion was made by Councilman Douglas to approve the variance. Motion was seconded by Councilman Cloud and passed unanimously by all Council Members.

Downtown Cairo Master Plan. Mr. Charlie Johnson and Mr. David Malcolm of Wood & Partner, Inc. were present to unveil their Downtown Master Plan to revitalize the downtown area. They had previously submitted the plan to the Downtown Development Authority members whose input had been utilized in the design. Mr. Johnson noted the steps involved in the six-month development of the master plan and presented a summary booklet. He recommended that the Phase I starting point begin at M. L. King and South Broad and continue northward. His firm had focused on ways to bring business growth and attract more people to the area. Plan designs were traditional and included improvement for streetscapes, pedestrian walkways, street lane changes (upon coordination with the State Highway Dept., park and open space needs, and preservation of historic buildings. He noted that the Downtown Development Authority would make recommendations on the long-term project, determine cost for the various phases, and set timetables. In closing he added that grants might be available, possibly through the Department of Transportation, and having the master plan would be beneficial in filing applications. Council discussed, with Councilman Cloud noting that the plan would be considered at the next meeting of the Authority.

Rescheduling of the February 9th Regular Council Meeting due to a Conflict with the Annual Chamber of Commerce Banquet. After discussion, motion was made by Councilman Cloud to reschedule the meeting to Tuesday, February 10th. Motion was seconded by Councilman Douglas and passed unanimously by all Council Members.

Set Qualifying Fees for November 3, 2009 General Election and Advertise Publishing of Fees. (Mayor - \$244.80; Councilman – Districts 2 and 4 - \$219.60). After review, motion was made by Councilman Douglas to approve the fees and advertising. Motion was seconded by Councilman Cloud and passed unanimously by all Council Members.

Participation in the GMA “If I were Mayor, I Would” Contest for Sixth-Grade Students. After discussion, motion was made by Councilman Thornton to participate. Motion was seconded by Councilman Douglas and passed unanimously by all Council Members.

Request by the Grady County 4-H Shotgun Team to Use the Range at the LAS Site on Wight Road for the Third Consecutive Year (February 5th through the middle of May, with the club to provide insurance and liability waivers). After discussion, motion was made by Councilman Cloud to approve the request. Motion was seconded by Councilman Gilliard and passed unanimously by all Council Members.

Alcoholic Beverage Application (Beer, Retail Consumption) for Holly S. Hammond d/b/a the Bar-B-Q Barn at 2201 Highway 84 East. After discussion, motion was made by Councilman Douglas to approve the application. Motion was seconded by Councilman Cloud and passed unanimously by all Council Members.

Second Amendment to the Declaration of Trust – The Municipal Competitive Trust. City Manager Addleton advised that the amendment would create a New Generation Funding

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Account. It would also authorize the naming of two individuals at the City to make decisions involving deposits or withdrawals from accounts established under the Trust. After discussion, motion was made by Councilman Douglas to approve the amendment. Motion was seconded by Councilman Gwaltney and passed unanimously by all Council Members.

Resolution for Second Amendment Incumbency and Signatory Certificate – The Municipal Competitive Trust. MEAG had requested confirmation of the two individuals authorized by the City to communicate to MEAG Power the decisions of the City concerning both deposits and withdrawals from any of the City's sub-accounts created by the Municipal Competitive Trust. After discussion, motion was made by Councilman Cloud to authorize the Finance Director (Miriam Faircloth) and the City Manager (Chris Addleton) as the City's authorized officials. Motion was seconded by Councilman Thornton and passed unanimously by all Council Members. Councilman Douglas requested and received confirmation that the two officials would have to have Council authority.

Voluntary Deposits into the Municipal Competitive Trust (discussed at the December 8, 2008 meeting). City Manager Addleton recommended retaining a portion of the monthly credits to begin in January 2009 in the New Generation Trust Account to hedge against any cost overruns related to the Vogtle expansion and to retain a portion in the Flexible Operating Account to be allocated to debt reduction. Council discussed whether to allocate dollar amounts or percentages. After discussion, motion was made by Councilman Cloud to allocate 50% of the estimated annual disbursement of \$1,295,861 into the Competitive Trust Operating Account and 50% into the New Generation Account. Motion was seconded by Councilman Douglas and passed unanimously by all Council Members. Councilman Douglas also made motion to take the allocation into the Municipal Competitive Trust Account out each month the first year to pay down debt on the Industrial Park property and to consider it again in the second year. Motion was seconded by Councilman Gwaltney and passed unanimously by all Council Members.

Incumbency and Signatory Certificate for Municipal Competitive Trust Election Form Defeasance/Retire Telecommunication Debt. City Manager Addleton noted that the new certificate was necessary due to the retirement of former Finance Director Cecil Rash. After review, motion was made by Councilman Douglas to authorize the Finance Director (Miriam Faircloth) to replace Mr. Rash as an authorized official. Motion was seconded by Councilman Cloud and passed unanimously by all Council Members.

2009 Agreement Between the City of Cairo and Ronald A. Hall for Rental of 37.5 Acres of Land at the Airport (\$30 per acre). After discussion, motion was made by Councilman Thornton to approve the agreement at last year's rate of \$30.00 per acre. Motion was seconded by Councilman Cloud and passed with Council Members Cloud, Gilliard, Gwaltney, and Thornton voting in favor of the motion. Councilman Douglas abstained due to a conflict. It was agreed to inform Mr. Hall that the Council would look at market prices next year and consider raising the rental fee.

Supplemental Agreement between CSX Transportation and the City for Ingress/Egress of Equipment to be Used for the Removal of an Existing Building on CSX Property (Shed on R/W). City Manager Addleton advised that the agreement was necessary to complete demolition of the EJD buildings. After discussion, motion was made by Councilman Gwaltney to approve the agreement. Motion was seconded by Councilman Thornton and passed unanimously by all Council Members.

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Resolution for Supplemental Lease (10-years) with Georgia Municipal Association for the Rosenbaum Aerial Fire Truck. After discussion, motion was made by Councilman Thornton to approve the resolution. Motion was seconded by Councilman Gwaltney and passed unanimously by all Council Members.

Appointment/Reappointment to the City of Cairo Ethics Committee. After discussion, motion was made by Councilman Douglas to reappoint Mr. Ike Powell to another term expiring on January 31, 2012. Motion was seconded by Councilman Cloud and passed unanimously by all Council Members.

Participation in Georgia Cities Week – April 19-25, 2009. After discussion, motion was made by Councilman Thornton to participate. Motion was seconded by Councilman Douglas and passed unanimously by all Council Members. Mayor VanLandingham suggested making plans to participate more actively in 2009.

Budget Calendar for Fiscal Year 2009-2010. After discussion, motion was made by Councilman Douglas to approve the calendar. Motion was seconded by Councilman Cloud and passed unanimously by all Council Members. It was agreed to schedule a budget workshop for January 29th following the regular Council meeting.

Design Proposal for Alternative Numbers 1 and 4 for the Northwest Roadway. Mr. Bryant King of DRMP presented more detailed information and construction (30%) plans for Alternatives No. 1 (Extension of 9th St. through Forest Lawn Cemetery to 11th Ave., NW) and No. 4 (Reconstruction of 6th Ave., NW) while answering questions from the Council. He advised that Option No. 1 would not require acquisition of property but had some design issues. It would require the road to have a 15 MPH speed limit due to the sharp curve, as well as speed bumps, guardrail at house, utility relocation, reconstruction of some driveways, and landscape buffer in the area between the wall and the road. Councilman Cloud asked if there would be enough room in that area for a building, possibly a fire substation, but learned that there would be only 20-25 feet between the wall and the road. Alternative No. 1 was estimated at around \$141,223.45 with a 15% contingency. Alternative No. 4 would consist of reconstruction of 6th Ave., NW by raising the road and adding larger pipes to improve drainage at a projected cost around \$331,910.07 (\$230,023.80 for stormwater drainage and \$101,886.27 for the roadway). He had looked at other alternatives that should save about \$10,000 to \$15,000 by reducing the elevation of 6th Ave. to two feet rather than two and one-half feet, leaving existing pipes in place and extending them on the north side of the road. Three 72-inch diameter pipes would also be added under 6th Ave. in the area west of 9th Street to handle water flow to the Parker's Mill tributary. This plan would not help the flooding south of 6th Ave. where the mobile homes were but would have no adverse effect either. According to Mr. King the existing drain had failed under a 10-year event and possibly in smaller events. The master plan did not recommend street improvement to handle more than a 25-year flood event; however with this plan, during a 100-year event the area at 6th Ave. and 8th St. would flood, but the area at 6th Ave. and 9th St. should not. In areas west of 9th St. and north of 6th Ave, there would be some improvement with flooding issues; but the problem south of 6th Ave. would not see much improvement. Council discussed the cost of acquisition of properties that would still flood versus the cost of improvements, with Councilman Thornton stating that he did not think all those owners would want to leave their properties. Mayor VanLandingham pointed out that buying the properties would be a long-term solution and could be less costly as well. Mr. King noted that it would not address the access issue for some residents whose homes did not flood. When asked if he thought a holding pond would be beneficial, he did not recommend one in that area due to much of the area being in the flood zone. He added that the railroad acted as a dam causing water to back up over the road, and there were not enough culverts in place there. Councilman Douglas asked how the improvements related to the

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overall master plan and if Alternative No. 1 was chosen, would No. 4 still have to be done in the master plan. Mr. King stated that either alternative was viable, but if Alternative No. 1 was chosen to address the safety issue, No. 4 stormwater improvements would move down on the list but should still be done. Councilman Cloud was concerned how the 6th Ave. improvements would adversely impact the areas south of the railroad. Councilman Gilliard felt that Alternative No. 1 would increase traffic on 11th Ave., NW and create a safety concern for traffic and pedestrians. He believed that curbing and sidewalks would have to be added and should be considered in the overall cost of the project. Mr. King expressed his belief that Alternative No. 4 would provide the minimum level of service by making structural improvement of the roads to have access in a 25-year flood event. After discussion, motion was made by Councilman Thornton to approve Alternative No. 1 (Extension of 9th St. to 11th Ave., NW). Motion was seconded by Councilman Cloud and failed, with Council Member Thornton and Cloud voting in favor of the motion and Council Members Douglas, Gilliard, and Gwaltney voting against. Motion was made by Councilman Douglas to approve Alternative No. 4 (Reconstruction of 6th Ave., NW). Motion was seconded by Councilman Gilliard and passed, with Council Members Douglas, Gilliard, and Gwaltney voting in favor of the motion and Council Members Cloud and Thornton voting against. Council Members Cloud and Thornton expressed their doubts to Mr. King that the improvements would work. City Manager Addleton was requested to come back with a plan for funding the project. He noted that SPLOST funds could probably be used for one-half of costs and other projects delayed to pay the balance. Mr. King added that three or four months would be needed for obtaining permits and that grants might also be considered to help with costs.

Alcoholic Beverage Application (Retail Beer, Consumption on Premises) for Van Albert Powell at 88 Market Street, NE. After discussion, motion was made by Councilman Douglas to approve the application. Motion was seconded by Councilman Gwaltney and passed with Council Members Douglas, Gilliard, Gwaltney, and Thornton voting in favor of the motion. Councilman Cloud had stepped out of the room for a moment and did not vote.

REPORTS:

- a. **Cairo Police Department – November 2008**
- b. **Cairo Code Enforcement – December 2008**
- c. **Cairo Code Enforcement – 2008 Yearly Report**
- d. **Cairo Code Enforcement – 2008 by Month**
- e. **Cairo Fire Department Report – December 2008**

It was noted that the Rescue/Standby calls were related to life flights at Grady General Hospital.

- f. **Overtime Report – December 2008**

CITY MANAGER'S REPORT: None

OTHER BUSINESS:

a. **Update on Crosswalk at Cairo High School.** City Manager Addleton advised that a letter had been received from DOT confirming that they would move the crosswalk to the south side of the intersection. He was requested by Council to ask DOT to provide crosswalks on both the north and south sides.

REPORTS FROM MAYOR AND COUNCIL:

- a. Council Members were reminded to let Admin. Asst. Young know if they planned to

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attend the MEAG dinner at the One Ninety One Club while in Atlanta.

b. Councilman Cloud submitted a list of 11 properties in District 2 to consider for nuisance abatement and offered to meet with Building Official Hayes to help locate the lots.

EXECUTIVE SESSION: None

ADJOURN: There being no further business, the meeting was adjourned.

APPROVED:

**RICHARD VANLANDINGHAM
MAYOR**

ATTEST:

**CAROLYN B. LEE
CITY CLERK**