

REGULAR MEETING – CAIRO MAYOR & COUNCIL – MARCH 11, 2013

The March 11, 2013 Regular Meeting was called to order at 6:00 p.m. in the Council Room at 101-B North Broad Street with Mayor Richard VanLandingham presiding. Present were Mayor Pro Tem Ernest W. Cloud, Jr., Council Members James H. Douglas, Kermit V. Gilliard, Jr., Robert L. Gwaltney, and Lannis Thornton. Staff Members in attendance were City Manager Chris Addleton, City Attorney Thomas L. Lehman, and City Clerk Carolyn Lee. Cairo Messenger Editor Randy Wind was also in attendance.

INVOCATION: The Invocation was given by Councilman Gilliard.

APPROVAL OF MINUTES:

Regular Council Meeting – February 11, 2013. Motion to approve minutes as submitted was made by Councilman Cloud, seconded by Councilman Thornton, and unanimously approved by all Council Members.

DELEGATIONS: None

SPECIAL EVENTS: None

OLD BUSINESS: None

NEW BUSINESS:

Public Hearing: Rezoning Request from R-1A (Single-Family Residential District) to C-2 (Highway Commercial District) - 50 10th Ave., NW - Tax Map C21, Parcel 8 - Charles and Rhonda Bishop, Owners. Mr. Bishop presented a sketch of the property, stating that he would like to move his furniture store that was currently located downtown to the lot on 10th Ave. At the time of application, he had originally planned for a drug store to be built on the property. He added that there had been no opposition from Mr. Willis, property owner on 1st St., NW, from the Dollars, or from the convenience store owner across the street; adding that the school took no issue with it, and the Chamber remained neutral. With regard to the lot adjoining the Chamber of Commerce, he added that he didn't know if the realtor had informed the Watsons of his plans for commercial development of the lot or not; but that he had been aware of the intent. With regard to safety, he asked for a show of hands if anyone was there who had a child at Northside School and was concerned about a safety issue, with no response from the audience. He had checked residential property values on lots from 2006 to 2011 that were located adjacent to other drug stores bordering residential properties. He had learned that the majority of those had increased in value while those adjacent to his lot had decreased. If zoned commercial, he believed his lot value would increase from somewhere around \$20,000 to \$295,000 while his taxes would go from \$750 to \$15,000 after the business was stocked, with utilities increasing from \$1,000 to \$2,500 per month. Three percent of sales would also come back in sales tax.

Mr. Hank Watson, owner of the lot across the street at 79 10th Ave., NW, stated that he was opposed and would not have allowed the property to diminish to disrepair and then ask for rezoning. He felt the Bishop's building should be torn down or brought up to code, adding that property values in the area had decreased because of the Bishop property. He stated his property was also trashed and had to be repaired when he bought it. Because he had a 4-year old and a 1-year old, he was also concerned for safety. His proposal was that the building be torn down at the owner's expense and for him to try to attract a residential buyer. If unsuccessful for residential use, then involve the neighborhood in terms of the rezoning. If C-2 rezoning was approved, he stated that it would be spot-zoning; and he would pursue legal action. He also proposed that if commercial, it should be C-1A

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with a rendering and agreement as part of the terms of rezoning. In closing, he added that C-2 would not be restrictive enough, and there should be the right business for the right location.

Mr. Johnny Tuggle, of 1255 Crine Blvd., stated his belief that the lot was one of the most prime commercial locations in the city due to the busy intersection, with 22,000 vehicles passing on Highway 84. He did not believe that there would be traffic or safety issues, and that no one would have to use 10th Ave. In closing, he added that WalMart had expanded and two more drug stores built; yet, there was less traffic than before.

Mrs. Martha Ruth Elkins, of 1133 6th St., NW, presented a petition of opposition from the Northwest Neighborhood Association. She stated that 217 signatures had been obtained and read a few of the comments made by petitioners.

Mr. Chuck Thomas, representative of the JDA, stated that the authority had voted unanimously to support the rezoning for a drugstore as part of its mission to promote and support positive economic development in Grady County. He noted that the Piggly Wiggly store had not decreased values or caused safety issues. He asked that opponents use facts when making an argument against rezoning.

Mr. Dennis Walker, owner of two properties at 238 and 240 10th Ave., NW, asked what would be best for Cairo. He stated that it was dangerous going from Highway 84 onto 10th Ave. and that would only be complicated if rezoning was approved. He added that not everyone at Northside School was in favor of rezoning because he had talked to many who were not. He also referred to his father-in-law who was a crossing guard there and had experienced issues with safety. He noted that a nice home was allowed to deteriorate, and that 200 signatures should not be ignored. He suggested that a doctor or attorney's office might be acceptable.

Mr. Larry Bishop, of 62 25th St., NE, stated that he wished for Mr. Charles Bishop to use his time to make further comments. Mr. Charles Bishop stated that people were afraid of change and added that the Regional Commission had always been in favor of approving his rezoning applications. He stated that a furniture store had to be in a C-2 zone. When questioned by Councilman Douglas why it could not be C-1A or C-1, Mr. Bishop responded that it was a conditional use in C-1.

Mr. Steve Walker, owner of property at 1017 1st St., NW, opposed rezoning due to concerns with safety issues, diminished property values, and increased lighting that a business would bring. He felt the School Board members should be present to speak for themselves. He believed there was other C-2 property available elsewhere and felt that traffic would increase with any change to commercial use.

Councilman Douglas asked for clarification on whether a furniture store could locate in a C-1 zone, adding that the lot was not of residential character and never would be again. He stated that he wanted what was best for the community and suggested a compromise to light commercial. Mr. Bishop stated that when it was learned that he proposed that a drugstore locate there, the representatives had been approached by other property owners in town, so his Plan B was for the furniture store. Attorney Lehman advised that Mr. Bishop could withdraw his application for C-2; but if a vote was taken denying the rezoning, he would be required to wait 12 months before re-applying. He added that if a different zoning classification such as light commercial was requested, the same advertisement and public hearing procedure would need to be repeated before a vote was taken. Mr. Bishop requested that his application be withdrawn. Mayor VanLandingham stated that all the comments that had been made, both for and against, were important to the Council. He expressed concerns with the C-2 zone but believed that at some point commercial growth would be extended along Highway 84. He understood the traffic and safety concerns and wanted something positive, but did not believe a property with no value was a positive thing either. Councilman Cloud made motion to close the hearing, seconded by Councilman Gilliard, and passed unanimously by all Council Members.

Rezoning Request from R-1A (Single-Family Residential District) to C-2 (Highway Commercial District) - 50 10th Ave., NW - Tax Map C21, Parcel 8 - Charles and Rhonda

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Bishop, Owners. There was no action taken on the request as Mr. Bishop had withdrawn his application.

Public Hearing: Rezoning Request from R1-A (Single-Family Residential District) to C-2 (Highway Commercial District) - 1018 1st Street N.W. – Tax Map C21, Parcel 7 and 1015 Highway 84 West - Tax Map C21, Parcel 8.1 - Luther B. Dollar, Owner. The public hearing was not held as Mr. Dollar had withdrawn his application earlier in the day.

Rezoning Request from R1-A (Single-Family Residential District) to C-2 (Highway Commercial District) - 1018 1st Street N.W. – Tax Map C21, Parcel 7 and 1015 Highway 84 West - Tax Map C21, Parcel 8.1 - Luther B. Dollar, Owner. No action was taken as Mr. Dollar had withdrawn his application earlier in the day.

2013 Alcoholic Beverage Application Renewals. Applications for the following businesses had been submitted and approved by the Police, Fire, and Building Departments: Cairo Recreation LLC, Harvey's, El Tarasco #2, La Tienda Musivideo, Piggly Wiggly, Shady Rest, Wine Rack, Walgreen's, Zak's, Rite Aid, L&M Food, L&G Foodmart #4, One Convenient Stop #1, One Convenient Stop #4, Susie Q'S #30, Susie Q's #8, Rocky Food Mart, Quick Buys #108, Quick Buys #118, Hiway Bait & Tackle, Cairo Gas & Food Mart, Pizza Hut, Smitty's, Elijah Franklin Post #544, Jose's, Wal-Mart Supercenter, and Cairo IGA LLC. Council Members Douglas & Cloud reported complaints regarding two locations in town and were informed that the State Department of Revenue would investigate those complaints. After discussion, motion to approve the applications submitted was made by Councilman Douglas, seconded by Councilman Cloud, and unanimously approved by all Council Members.

OTHER BUSINESS:

REPORTS:

City Manager Addleton's Report:

1. An agreement was reached with MediaCom for pole attachment fees. Payment was received in the amount of \$65,787.00 for the past three years.
2. Resolutions were sent to Rep. Darlene Taylor opposing Bills 282 and 176. Number 176 never made it to a vote, and Number 282 was defeated.
3. Requested that the Holder Park sign at the driveway entrance off 6th St. be changed to "Jackie Robinson Way". Motion was made by Councilman Cloud to approve the request, seconded by Councilman Douglas, and unanimously approved by all Council Members.
4. Improvements were being made at Davis and Holder Parks, with the Jackie Robinson Ribbon Cutting to be held at the Boys and Girls Club at Holder Park at 10:00 a.m. on the 16th, and an event to also be held on Friday evening the 15th. Generous donations for the park had been received from Musco Lighting (over \$100,000), Scott Seed (\$25,000), and Flowers Bakery (\$25,000), as well as in-kind contributions (\$25,000).

Reports from Mayor & Council:

Councilman Cloud requested that the "Vote Today" signs be removed on M. L. King. Councilman Douglas asked about looking at making 10th Ave., NW a one-way street and right-turn only, with no left turn allowed onto 10th from Highway 84. He suggested that it be discussed with the School Board.

EXECUTIVE SESSION:

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At 6:50 p.m., motion was made by Councilman Douglas to enter into executive session, seconded by Councilman Gilliard, and unanimously approved by all Council Members. The purpose of the session was:

To meet with its attorney to discuss a pending or potential lawsuit, settlement, claim, proceeding or other judicial action brought against or by the city, or any officer or employee of the city, or in which the city or any officer or employee may be directly involved; (O.C.G.A. § 50-14-2(1)), and to discuss or deliberate on the periodic evaluation or rating of a public officer or employee; (O.C.G.A. §50-14-3(b)(4)).

Present for the session were Mayor VanLandingham, Council Members Cloud, Douglas, Gilliard, Gwaltney, and Thornton; City Manager Addleton; City Clerk Lee; and Attorneys Jim Garland and Raleigh Rollins.

At 7:40 p.m., motion was made by Councilman Douglas to close the session, seconded by Councilman Cloud, and unanimously approved by all Council Members.

There was no action taken as a result of the session.

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

APPROVED:

**RICHARD VANLANDINGHAM
MAYOR**

ATTEST:

**CAROLYN B. LEE
CITY CLERK**