

REGULAR MEETING – CAIRO MAYOR & COUNCIL – APRIL 27, 2009

The April 27, 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 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, City Clerk Carolyn B. Lee, Executive Assistant Donna Young, and Building Official Brian Hayes. Cairo Messenger Editor Randy Wind was also in attendance.

INVOCATION: The Invocation was given by Mayor VanLandingham.

APPROVAL OF MINUTES:

Minutes of the April 13, 2009 Regular Meeting were approved as submitted upon motion by Councilman Thornton, seconded by Councilman Gwaltney, and passed unanimously by all Council Members.

DELEGATIONS:

SPECIAL EVENTS:

Edward Thomas – Request Use of City-owned Lot on 4th St., SW on May 30, 2009 from 9:00 a.m. to 5:00 p.m. for Gospel Program & Bar-B-Q. After review motion was made by Councilman Thornton to approve the request. Motion was seconded by Councilman Cloud, who clarified that the permit would not allow use of the bridge except for foot traffic, and passed unanimously by all Council Members.

OLD BUSINESS:

NEW BUSINESS:

Public Hearing – Conditional Use Request for Home Occupation (Custom Frame Business) located at 1205 5th St., NW in R-1A Zone (Tax Map C11- Parcel 66) – Todd & Donna Gainous, Applicants. Mr. Todd Gainous addressed the Council stating that they were not asking for a zoning change, but for a conditional use permit to operate a home occupation based on his wife's framing hobby. She was closing her business downtown to cut overhead costs and anticipated having only a few customers per week by appointment only. He added that there would be no alterations made, no deliveries by suppliers, no danger to children, no affect on property values, and no signs. He stated that they appreciated the well-established neighborhood and did not feel the permit would be setting a precedent, as the conditional use restrictions were set in place to consider each application individually. He compared it to people who sell Avon or bake cakes in their home. Adding that they were even willing to operate the business on a trial basis for a certain time frame to prove it would not be detrimental, he asked the Council to consider what was already in place in the ordinance.

Ms. Leanne Derby, 701 14th Ave., NW, opposed the conditional use and asked Mr. Gainous if there would be advertising done, flyers distributed, and glass recycled; with Mr. Gainous responding that there would be no advertising or flyers and all glass would be recycled.

Mr. Robert Sellers, 900 Quail Run, acted as spokesman for a number of area residents opposing the request. A petition of signatures opposing the permit had been presented to the Council. Mr. Sellers stated that streets in the family-oriented neighborhood were not sufficient for traffic; and Mrs. Martha Ruth Elkins presented pictures of some streets, noting deterioration and pot holes. He added that they were not in favor of any income producing home business for personal gain and did not want their taxes to go up due to devaluation of other property. Mayor VanLandingham explained that ordinance provisions were in place for conditional uses and asked Mr. Sellers how he felt about a

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home occupation where his neighbor keep his children for a fee or taught piano lessons. He was also asked by Councilman Gilliard if he was opposed to Mr. Broome's insurance business being in his home, or a seamstress located in Westgate subdivision. Mr. Sellers thought it was "nit-picking" and said that it was up to the City to regulate that, while reiterating that he was opposed to any home business that generated money.

Ms. Frankie Strickland, 698 12th Ave., NW stated that there was nothing personal against the applicants, but she was worried about the traffic and safety of neighborhood children.

Mr. Henley Ward, 1141 5th St., NW, was not in favor and thought it would be setting a precedent for other undesirable activities.

Mrs. Elaine Sasser, 411 11th Ave., NW, referred to an assisted living facility located on 11th Ave., NW which had resulted in many complaints due to undesirable activities in the area, adding that they were afraid to take a chance on anything else that they had no control over. Residents were encouraged to report any complaints regarding the group home so they could be documented but were also reminded that this was a separate issue.

Mrs. Martha Ruth Elkins, 1133 11th Ave., NW, also opposed the conditional use. After comments, the Public Hearing was closed.

Conditional Use Request for Home Occupation (Custom Frame Business) located at 1205 5th St., NW in R-1A Zone (Tax Map C11- Parcel 66) – Todd & Donna Gainous, Applicants. It was noted that both the SOWEGA RDC and the Cairo Planning Commission voted to recommend approval of the permit. Councilman Douglas inquired of Attorney Lehman if there would be an option to place a time restraint on the permit to allow for a trial period. Attorney Lehman advised that it was not authorized by ordinance and thought that it could not be done without the Gainous' consent. Mr. Gainous stated that he was willing to be put on a trial basis but preferred that it be for at least 18 months rather than 12 months. After discussion, motion was made by Councilman Thornton to deny the conditional use permit. Motion was seconded by Councilman Gilliard and passed with Council Members Thornton, Gilliard, and Douglas voting in favor of the motion to deny. Councilman Gwaltney opposed the motion, and Councilman Cloud abstained from voting.

Introduction of Ordinance to Amend Article III entitled "Manufactured Home Parks and Travel Trailer Parks Regulations" of Chapter 22, "Zoning." City Manager Addleton advised that the ordinance had been reviewed and minimum standards had been set considering this type development as a PUD (Planned Unit Development). Councilman Douglas asked if RV rentals would be incorporated into the plan, or was it to be only owner-occupied rentals. Councilman Cloud referred to a friend who owned an RV park in Louisiana which had been a "win-win" for the developer and the community. After discussion, motion was made by Councilman Douglas to amend the ordinance that was introduced to prohibit the rental of RV's, requiring that rental spots be restricted for RV owner-occupancy only, seconded by Councilman Cloud and passed unanimously by all Council Members. (Ordinance to be considered for adoption at the May 11th meeting).

Conditional Use Permit for an RV Park to be located off Alton Hall Road, NE and IGA Way in an I-1 Zone – Valley Pines Land Corp, Owner – David McQuary, Applicant. City Manager Addleton advised that the sewer could be gravity-fed to the PFG lift station, eliminating the need for the Hall station. Cost to the developer would be around \$77,000 and \$20,000 to the City (excluding surveying, engineering and legal fees). The sewer would benefit the RV Park as well as the subdivision north of Highway 84. Council Members discussed, asking questions regarding buffering and the access on IGA Way. Mr. McQuary agreed to provide buffering as flagged by the City. Attorney Lehman advised that access through IGA Way could probably not be restricted. Council Members suggested using another location for an exit. After discussion, motion was made by Councilman Douglas to approve the conditional use permit subject to the elimination of access at

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the west end of IGA Way, moving the access west to a point as close as possible to the end of Lot 76; with the developer to pay for installation of an engineered and approved sewer and water system in the park and subject to compliance with the ordinance as well as the amendment upon formal adoption. Motion was seconded by Councilman Gwaltney and passed unanimously by all Council Members.

Stormwater Master Plan. Mr. Bryant King of DRMP was present to update the Council on the Master Plan and provided prioritization and cost information on the proposed improvements. Some improvements discussed were replacement of culverts, holding ponds, raising roadbeds, and purchase of homes in flood zones. Mr. King solicited the Council's comments before proceeding to finalize the plan.

Introduction of Ordinance to Set Minimum Requirements for Insurance Coverage for Taxi Cabs. Ordinance to set limits at \$100,000-\$300,000-\$50,000 was introduced and will be considered for adoption at the May 11th meeting.

Installation of Water & Sewer by City Crews for The Haven on Broad. City Manager Addleton had provided the developer a fully-burdened cost estimate (\$3,431.58 for material; \$1,500 for water line labor; and \$2,250 for sewer line labor) for the City to install 460 feet of water and sewer pipe along the north property line of the development as previously requested; however, the work would not be done before the end of June. Councilman Douglas commented that the City had too many projects already, and he thought the City had gotten out of doing this type of work. Councilman Gwaltney asked Rev. Johnny Moore if he had obtained other estimates to have a private contractor go ahead and do the work, with Rev. Moore responding that he was not sure what those estimates were. After discussion, motion was made by Councilman Cloud to allow City crews to install the water and sewer. Motion was seconded by Councilman Thornton and passed with Council Members Cloud, Thornton, and Gilliard voting in favor, and Council Members Gwaltney and Douglas opposing. City Manager Addleton advised that if the work could not be done by the end of June, he may have to do some redirection.

Membership in the Golden Triangle RC&D and Appointment of Member to the Board. City Manager Addleton stated that the membership fee had been waived, and he could see an advantage to becoming a member of the group if they would apply for grants. Mrs. April Reckford, landscape architect, had requested to be appointed as the City's representative. Council discussed whether or not a City-appointed board member could make commitments for the City, comparing the position to that of the RDC board member. After discussion, motion was made by Councilman Douglas to try the membership for a one-year period and also to appoint Mrs. Reckford as board member and pay her mileage to meetings. Motion was seconded by Councilman Gilliard, with Councilman Cloud asking that reimbursements also be approved for meals at meetings for which Mrs. Reckford might be required to pay. Motion passed unanimously by all Council Members, and it was also agreed to request copies of minutes of the board meetings.

MEAG Power Projects 2008 Year-end Settlement Refund. Motion was made by Councilman Cloud to place the refund in the Municipal Competitive Trust Flexible Operating Account – Short Term Portfolio. Councilman Douglas seconded the motion with the amendment to make the selection permanent until otherwise notified in writing. Motion passed unanimously by all Council Members.

OTHER BUSINESS:

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Purchase of Tractor with Side-Arm Mower and Consider Financing through Boston Tractor Company or Georgia Municipal Association (GMA). City Manager Addleton reported that three bids had been received for the tractor, with City staff having tried out all the tractors and preferring the John Deere. Boston Tractor Company of Boston, Ga. had submitted the lowest bid in the amount of \$88,000 (\$73,800 budgeted). He recommended budgeting and financing for 3 years at 2.9% with 20% down payment. After discussion, motion was made by Councilman Douglas to purchase the Tractor from Boston Tractor Company with a 20% down payment for three years at the lowest attainable rate, whether it was with Boston Tractor Co., or GMA. Motion was seconded by Councilman Gwaltney and passed unanimously by all Council Members.

CITY MANAGER'S REPORT:

City Manager Addleton reported:

- 1.) He would be submitting a Fire Mutual Aid Agreement at the next meeting.
- 2.) The new knuckle boom truck should be in service the following Wednesday.
- 3.) The motor on the mosquito sprayer was being repaired and should be back in service soon.
- 4.) \$6,200 had been raised by the City's Relay for Life Team, and he commended the team led by Human Resources Director Carolyn Meades. It was agreed to present a resolution of appreciation to Ms. Meades.
- 5.) Regarding the three projects submitted for stimulus funding, the 17th Ave., NW project was not approved for funding in the first phase. The DCA application for the 6th Ave., NW stormwater improvement project was in process and was to be submitted by June 1st, with a good chance of receiving stimulus money. A statewide total of 599 applications had been made to GEFA, with only 52 fundable, of which Cairo's 1.5M west side water well project was one. \$1,050,000 of the amount would be forgiven, and would not have to be paid from bond funds. He saw no problems with the loan application which would allow the well and elevated tank to both be built at the same time.
- 6.) He reported that the 6th Ave. and 7th Ave. storm water projects would be bid at the same time, but could be awarded separately, with the 6th Ave., SE to be completed while school is out for the summer.

REPORTS FROM MAYOR & COUNCIL:

Mayor VanLandingham reported that he had received requests to lower the speed limit to 30 MPH on Broad Street from Highway 84 to Highway 111 South. After discussion, motion was made by Councilman Gwaltney to submit this request to the State DOT, seconded by Councilman Thornton, and passed unanimously by all Council Members.

EXECUTIVE SESSION:

At 8:25 p.m., motion was made by Councilman Gwaltney to enter into Executive Session to consult and meet with legal council (pertaining to pending or potential litigation, settlement, claims, administrative proceedings, or other judicial actions brought or to be brought by or against the board or an officer or employee or in which the officer or employee may be directly involved. (O.C.G.A. § 50-14-2)). Motion was seconded by Councilman Thornton, and passed unanimously by all Council Members.

At 8:30 p.m., motion was made by Councilman Gwaltney to close the Executive Session, seconded by Councilman Gilliard, and passed unanimously by all Council Members.

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

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APPROVED:

RICHARD VANLANDINGHAM
MAYOR

ATTEST:

CAROLYN B. LEE
CITY CLERK