

REGULAR MEETING – CAIRO MAYOR & COUNCIL – MAY 29, 2008

The regular meeting was called to order at 6:00 p.m. on May 29, 2008 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., and Lannis Thornton. Councilman Robert L. Gwaltney was unable to attend the meeting. Staff members in attendance were City Manager Chris Addleton, City Attorney Thomas L. Lehman, City Clerk Carolyn Lee, Executive Asst. Donna Young, Finance Director Cecil Rash, Building Official Brian Hayes, Energy Services Director Rod Prince, and Fire Engineer David Todd. Cairo Messenger Editor Randy Wind was also in attendance.

INVOCATION – Councilman Thornton gave the Invocation.

APPROVAL OF MINUTES – Minutes of the May 5, 2008 Budget Workshop Meeting were approved as submitted upon motion by Councilman Douglas, seconded by Councilman Thornton, and passed with all Council Members present voting in favor of approval. Minutes of the May 12, 2008 Regular Meeting were approved as submitted upon motion by Councilman Thornton, seconded by Councilman Gilliard, and passed with all Council Members present voting in favor of approval.

DELEGATIONS: None.

SPECIAL EVENTS:

1.) Request from Cairo First Baptist Church for closing of 6th Ave., NW from North Broad St. to the western boundary of the church's property during Vacation Bible School to be held on Sunday, June 1st until Thursday, June 5th from 5:30 p.m. to 9:30 p.m. Motion was made by Councilman Thornton to approve the request. Motion was seconded by Councilman Douglas and passed unanimously by all Council Members present.

OLD BUSINESS:

Ordinance to Amend Zoning, Chapter 22, Division 11 entitled “CBD, Central Business District”. The ordinance was prepared at Council's request to allow residential loft dwellings not only in existing multi-story buildings but also in newly constructed commercial buildings after plan approval. (Ordinance was introduced at the May 12th meeting). After discussion, motion was made by Councilman Douglas to adopt the ordinance. Motion was seconded by Councilman Gilliard and passed unanimously by all Council Members present.

NEW BUSINESS:

Public Hearing – Request for Conditional Use Permit for Retail Sale of Barbecue from Mobile Unit at Movie Gallery, 415 Highway 84 East (C26, Parcel 16) – Vincent Hubbard, Applicant. (Mr. Vincent Hubbard was not present for the hearing but arrived later during the meeting). There were no public comments. Public Hearing was closed.

Conditional Use Permit for Retail Sale of Barbecue from Mobile Unit at Movie Gallery, 415 Highway 84 East (Tax Map C26, Parcel 16) – Vincent Hubbard, Applicant. (Both the SOWEGA RDC and the Cairo Planning Commission had recommended approval of the permit). Motion was made by Councilman Thornton to approve the conditional use permit. Motion was seconded by Councilman Cloud and passed unanimously by all Council Members present. Council Members discussed mobile vendors and what they were allowed to do, noting that some are parked at locations for a period of time rather than staying on the move. Building Official Hayes noted that the

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Police Department enforced that type of activity. Council requested that the ordinance be reviewed with Police Chief Sandefur.

Public Hearing – Request for Rezoning from R-3 (Multiple-Family Residential District) to C-1 (Neighborhood Commercial District) Property at 318 South Broad Street (Tax Map C19, Parcels 48 & 49) – First United Methodist Church, Applicant – Proposed Use - Educational and Daycare. Raina Cauley, Chairperson of the Pre-School Committee, informed the Council that the Church planned to expand the day program by increasing the program hours; but the State required that they be located in a commercial zone. She stated that they did not wish to add any students, buildings, or to increase the traffic flow, adding that they were confused about the need to attend the Planning Commission meeting. Councilman Douglas commented that the Commission minutes did not reflect any comments, but the RDC and the Commission had both voted to recommend denial of rezoning. Mr. Williard Britt, 33 3rd Ave., SW, stated that he did not object to the rezoning but did not want a building added. After comments, the Public Hearing was closed.

Request for Rezoning from R-3 (Multiple-Family Residential District) to C-1 (Neighborhood Commercial District) Property at 318 South Broad Street (Tax Map C19, Parcels 48 & 49) – First United Methodist Church, Applicant – Proposed Use as Educational and Daycare. After discussion, motion was made by Councilman Cloud to approve the rezoning to C-1. Motion was seconded by Councilman Douglas and passed unanimously by all Council Members present. Ms. Ann Singletary, 40 3rd Ave., SW informed the Council that area residents were planning to ask for rezoning of the neighborhood from R-3 to single-family residential.

Introduction of Ordinance to Rezone from R-3 (Multiple-Family Residential District) to C-1 (Neighborhood Commercial District) Property at 318 South Broad Street (Tax Map C19, Parcels 48 & 49) – First United Methodist Church, Applicant. Ordinance was introduced and will be considered for adoption at the June 9th meeting.

Revised Draft of the Hangar Lease Agreement for the Cairo Municipal Airport. City Manager Addleton reported that the two lease agreements for the old hangars and the newer corporate hangars had been revised and incorporated into one document. The new agreement would allow the storage of more than one plane per hangar and possible commercial activity such as working on other planes, should the Council wish to allow either or both. He added that the agreement addressed insurance requirements and was more comprehensive, resulting in better protection for the City. He recommended a charge of 1.5 times the lease amount for storage of two or more aircraft and also discouraged allowing commercial activity. Mayor VanLandingham noted that they had met with the Airport operator earlier in the week and were reviewing his contract; but needed to consider the impact on him if others were allowed to work on planes as well. City Manager Addleton added that the subject had arisen when one of the tenants wanted to do high performance type work that the operator did not do. Mayor VanLandingham added that the city needed to enforce the terms of the agreement and also noted his interest in seeing the Airport property annexed into the City limits. After discussion, motion was made by Councilman Douglas to approve the agreement. Motion was seconded by Councilman Gilliard and passed unanimously by all Council Members.

Revocable License Agreement Between the State Properties Commission and the City of Cairo for Installation of Electrical Service Line across State-owned property (Southwest Ga. Technical College). City Manager Addleton advised that the agreement was revocable (three-year agreement), and the City would have to ask the representative to introduce a bill to grant a permanent easement. After discussion, motion was made by Councilman Douglas to approve the agreement. Motion was seconded by Councilman Thornton and passed unanimously by all Council Members present.

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Plant Vogtle Sales Contracts, Resolution, and Subscription Form. MEAG

representatives Scott Miller and Michael Ivy were present regarding the execution of agreements for participation in the Plant Vogtle Project. Due to recent industrial expansion, and to provide for future growth, it was recommended that the City's projected allocation of 8.845 megawatts be allocated as 2.845 megawatts to the Plant Vogtle Additional Units Non-PPA Project and 6.0 megawatts to the Plant PPA Project in order to lessen exposure to the market. Council discussed and reviewed graph projections regarding the City's energy requirements, as well as risks, liability, and market impacts. Increasing the originally recommended 2.0 megawatts to 2.845 would cost 17.6M rather than 12.4 M, to be paid for through the sale of energy. Mayor VanLandingham pointed out that, with the 20-year power purchase agreement from additional units, two-thirds of the cost as well as construction risks would be assumed by JEA and Power South Energy; thereby limiting the City's liability. Mr. Miller also explained the reasons behind the recommendation for Option #3 of the subscription form to elect that none of the remaining PPA megawatts be added to the Obligation Share of the Non-PPA Project. After discussion, Councilman Douglas made motion to approve the Subscription Form to buy 8.845 megawatts of power, with 2.845 allocated to the Non-PPA Project and 6.0 to the PPA Project; to first fill the allocation request to the Non PPA Project; and, if the total was not sold, to release those PPA megawatts. Motion was seconded by Councilman Gilliard and passed unanimously by all Council Members present.

Resolution to Authorize City Manager to Abate Nuisance on Westbrooks St., SW – Boysie McGriff, Property Owner – Overgrowth, Abandoned/Dilapidated Structure (Tax Map C4-133, Case No. 80020). After review, motion was made by Councilman Thornton to approve the resolution to abate the nuisance. Motion was seconded by Councilman Douglas and passed unanimously by all Council Members present.

Introduction of Ordinance to Amend Chapter 15 Captioned “Offenses and Miscellaneous Provisions.” Attorney Lehman explained that the proposed ordinance would define and identify certain misdemeanors in the code of ordinances, such as simple assault, simple battery, criminal trespass, and theft by taking, and provide suitable punishment to be enforced by the Cairo Municipal Court. (Ordinance was introduced and will be considered for adoption at the June 9th meeting).

Award of Bid for Joyner Road Water System Improvements. City Manager Addleton advised that all proposals to relocate the water main for the bridge project were reviewed by he and Engineer Stacy Watkins; and it was recommended that the bid be awarded to the low bidder, Standard Contractors, Inc., in the amount of \$95,585.75. He stated that the company was already in the area working on the Tired Creek Project, adding that the wide variation in bids was partly due to the directional boring factor. After discussion, motion was made by Councilman Douglas to award the bid in the amount of \$95,585.75 to Standard Contractors, Inc. Motion was seconded by Councilman Thornton and passed unanimously by all Council Members present.

Contract Agreement between City of Cairo and Standard Contractors, Inc. for the Joyner Road Improvement Project. City Attorney Lehman had reviewed the contract that called for work to be completed within 60 days and also included a 10% retainage clause. After discussion, motion was made by Councilman Thornton to approve the contract. Motion was seconded by Councilman Gilliard and passed unanimously by all Council Members present.

FY 2008 Performance Bonus System (1% of June 30, 2007 Payroll - \$41,469.00). Under budget assumptions, City Manager Addleton advised that all employees had been individually evaluated, and evaluations had been reviewed. Departmental goals had also been reviewed, with

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departments to accomplish four out of the five goals that had been set. He noted that, in the strictest sense, no department met four out of the five, adding that it may be easier to accomplish goals in the smaller departments. Regarding the improvement of budget expenses by 5 to 7 percent, most did not accomplish that goal. Some projects were not accomplished, but there was a good year in safety, and about one-half of departments made the CNS goal. Every department did not need to improve on absenteeism. He believed the performance plan to be confusing and was not sure how well it was communicated to employees or how well it was executed. He suggested basing the plan on individual performance and presented two options for payment of the performance bonus to the 117 eligible employees based on a three-tiered point scale with two additional options to increase the amounts to account for the 7.65 % Social Security tax withholding to net even amounts. It had originally been planned to distribute the payout by the middle of May. Councilman Thornton was opposed to the plan and believed all employees should receive an incentive check for the same amount. Councilman Cloud was also not satisfied with the procedure. Councilman Gilliard asked if all employees understood the plan and who assigned the goals, with City Manager Addleton responding that he believed employees understood the individual plan, but some did not understand the departmental goals that were set by the former city manager. Councilman Douglas made motion to pay out the bonuses based on Option #3. The motion died for lack of a second. Councilman Cloud made motion to postpone the matter until the next meeting, seconded by Councilman Gilliard, with all Council Members present voting in favor. Councilman Douglas reminded the Council that the plan had been for the Mayor and Council to determine the payout, with City Manager Addleton asking if they needed more options. Councilman Cloud added that Option #3 was probably the best but not the fairest. Mayor VanLandingham suggested not offering the bonus for those who had less than 35 points, with Councilman Douglas expressing his belief that the plan should not be changed after the fact. Councilman Thornton suggested giving everyone the same amount, with Councilman Douglas countering that those scoring under 30 points should not receive a bonus. Councilman Gilliard stated that the plan should be followed for this year and a better plan developed for the future. Mayor VanLandingham asked Council Members to let City Manager Addleton know their ideas for options.

Proposed FY 2008-09 Budget. City Manager Addleton reviewed the proposed budget with the Council. He advised that, due to the change in minimum wage, he was proposing a tiered approach with regard to salary increases consisting of \$.75 per hour for those making less than \$10.00 per hour, \$.50 for those between \$10.00 and \$16.67, and 3% for those over \$16.67. Rate increases proposed were for landfill tipping fees (to \$27.50) and natural gas (\$4.00 to \$5.00). Regarding the \$1 meter surcharge reflected in the proposal, he noted that a .25 tax mill was allocated to the Fire Truck Fund (\$49,000), but the \$1 surcharge could be eliminated if the Council wished to finance the fire truck for ten years; but by financing for only five or six years, it would need to stay. Council discussed, asking Fire Engineer David Todd what the useful life of the truck would be, with him responding that it should be 25 years as a result of the construction. After discussion, motion was made by Councilman Douglas to finance the truck and not to implement the \$1 surcharge. Motion was seconded by Councilman Thornton and passed with Council Members Douglas, Gilliard, and Thornton voting in favor and Councilman Cloud opposing.

Councilman Cloud stated that he thought the sidewalk/storm drain project on 13th Street from M. L. King to 4th Ave., SW was supposed to be deleted and replaced with the one to pipe ditches on 4th Ave., SW. He thought the pipe was to be ordered in the present fiscal year, with City Manager Addleton to check on ordering the pipe.

City Manager Addleton also noted that the total 2008-09 budget for other agencies funding should be \$441,700 rather than \$376,700.

Councilman Cloud advised that the Downtown Development Authority had requested funds to renovate the RCC to turn the office area into a 4-room dance studio. City Manager Addleton responded that it was not funded in the proposed budget but he was looking at private individual funding and some rental income. A design plan would be needed to send it out for bid, with the

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design to cost between \$500 and \$1,000. Councilman Cloud requested to be able to come back for a budget amendment, adding that the fees paid would be more than the costs. Councilman Douglas believed that a long-term contract would be needed for a private individual.

With the increase in landfill tipping fees from \$21.50 to \$27.50 and Inert from \$10.25 to \$12.00 per ton, City Manager Addleton did not propose an increase for commercial and demolition due to the fact that those did not produce methane gas. He also suggested checking the ordinance to see if waste created in the City should be required to go into the City's landfill. Natural Gas was proposed to increase from \$4.00 to \$5.00.

Councilman Douglas noted a \$4,500 item in the Electric Capital Outlay, with City Manager Addleton stating that he would increase the item to \$5,000.

Council discussed and decided to set the June 16th Special Meeting to consider the budget at 5:00 p.m., upon motion by Councilman Cloud, seconded by Councilman Douglas, and passed unanimously by all Council members present. Councilman Cloud stated that he was surprised that the Police and Fire Departments had not requested additional personnel.

OTHER BUSINESS: None.

REPORTS:

- a.) Cairo Fire Department – April 2008**
- b.) Cairo Police Department – April 2008**

Councilman Gilliard asked if the 53 hours overtime worked by the Police Department in April was due to special events. City Manager Addleton advised that it was probably due to the Car Rally and Street Dance, and he was requested to check on that.

REPORTS FROM MAYOR & COUNCIL:

Councilman Gilliard inquired as to why City crews were installing pipe on Crine Blvd. after hours, with City Manager Addleton to check on the reason for the overtime.

Councilman Cloud informed the Council that "reception halls" were not listed as a permitted use in the CBD (Central Business District) and requested that a proposed ordinance be considered so that it could be added, as well as the Cultural Center, Woman's Club, Masonic Hall, and other uses already existing in the zone. He added that Attorney Lehman had reviewed the proposed ordinance. (Public Hearing dates to be scheduled).

Councilman Cloud also requested that an extension be given for the nuisance abatement process for the Ebb & Luther White Estates, as the family had hired someone to clean the property. It had not yet gone before the Council, and it was noted that the city manager could grant a 60-day extension.

Councilman Cloud asked Building Official Hayes if another church could locate on 1st Ave., NE across from the Credit Union where a church had recently relocated to Texas, and why they would need to apply for conditional use to the Planning Commission. Attorney Lehman was requested to look into the question as the City's ordinance was not clear as to whether the conditional use permit remained valid for the property for a period of time or ended when the applicant moved.

Councilman Cloud expressed his displeasure with the handling of the nuisance on the lot on 4th Ave., SW (Pearl Thomas property) behind One Convenient Stop and believed this property was not being handled as other nuisances. He added that some of the area residents were planning to sue the Mayor and the City if something wasn't done. Mayor VanLandingham stated that he had met with the property owner some time ago and had been told that a fence was to be put up as well as "no trespassing" signs which he later learned were torn down as people continued to litter the property.

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He agreed that something needed to be done but questioned how many times the property owner should have to be responsible for putting signs and fences back up, and asked how the City could provide enforcement when the property was trashed on a daily basis. Councilman Douglas believed that the property owner should keep the lot cleaned or do something to keep people off of it as had been required of the convenience store. Councilman Cloud stated that the person who cleaned the adjoining lot had pushed tires onto the lot in question. Mayor VanLandingham added that this was a unique situation and to enforce the littering ordinance would require having the police there 24 hours a day. He had talked with Police Chief Sandefur regarding how he could enforce the daily littering of the property. Building Official Hayes stated that he was under the impression that the former city manager had informed the property owner that signs would have to be put up for the City to enforce the trespassing, and that was the last he had heard. Mayor VanLandingham agreed that he or City Manager Addleton would meet with the property owner to try to reach a reasonable solution and report back to the Council.

EXECUTIVE SESSION:

At 7:50 p.m. motion was made by Councilman Douglas, seconded by Councilman Cloud, and passed unanimously by all Council Members present to enter into Executive Session to discuss personnel (O.C.G.A. § 50-14-3(6)). Present for the session were Mayor VanLandingham; Council Members Cloud, Douglas, Gilliard, and Thornton; City Manager Addleton; City Clerk Lee; and Exec. Asst. Young. When the session ended, motion was made by Councilman Douglas to go out of Executive Session. Motion was seconded by Councilman Cloud and passed unanimously by all Council Members present.

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**