

REGULAR MEETING – CAIRO MAYOR & COUNCIL – JUNE 30, 2011

The June 30, 2011 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 Kermit V. Gilliard, Jr., Council Members Ernest W. Cloud, Jr., James H. Douglas, 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, Building Official Brian Hayes, and Human Resources Director Carolyn Meades. Cairo Messenger Editor, Randy Wind, was also in attendance. Teresa Williams, Times Enterprise Reporter, joined the group later in the meeting.

INVOCATION: The Invocation was given by Councilman Douglas.

APPROVAL OF MINUTES - Regular Meeting – June 13, 2011. Motion to approve minutes as submitted was made by Councilman Thornton, seconded by Councilman Gilliard, and unanimously approved by all Council Members.

DELEGATIONS: None

SPECIAL EVENTS: None

OLD BUSINESS: None

NEW BUSINESS:

Public Hearing: Rezoning Request for Tax Map 52 - Parcel 34.2 currently zoned R-1AA (Single Family Residential), for Tax Map C-11 - Parcel 1 currently zoned C-1 (Neighborhood Commercial) and C-2 (Highway Commercial), and Tax Map C-11 - Parcel 9.2 currently zoned C-2 (Highway Commercial) to I-1 (Light Industrial) for use as Public Utilities - Sec. 22-247(d) - 1499 Hwy 84 West - Grady EMC, Applicant. Mr. Tommy Rosser of the EMC read a statement regarding the rezoning request, basically as follows: He stated that when EMC was at the Council meeting on October 11, 2010, they were requesting a permit for their tower. It was suggested at that meeting that they allow other tenants on the new tower to avoid so many towers being erected in the city and county. In May 2011, AT&T requested a permit to get on the EMC tower, and EMC understood that, Mr. Brian Hayes of the City Building Department refused on the grounds that they were not zoned properly. EMC's opinion, after reading the zoning ordinance for C-2, was that it gave the City the right to issue the permit. They were told that to issue a permit would be considered a conditional use, and the City didn't issue conditional use permits. Next, they were told to make a request for rezoning, so they made the request to rezone all property inside their fence. Whenever plans to request rezoning were mentioned to the Mayor, they didn't think he realized the concerns that were going to be created by doing that. Again, since the City issued the original zoning, they felt the City should correct it if it was wrong. However, they did as they were instructed. Then the Mayor told them that parts of the rezoning request would be refused except for where the tower was located because of the concerns expressed by the neighbors. EMC wanted it understood that they never thought that they needed to be rezoned. However, they had planned to have tenants on their tower; therefore, they stood before the full Council and people of the community requesting that their complex be rezoned. They had been painted as the bad guys when all they were doing was following the direction of the Mayor & Council.

After Mr. Rosser's comments, Mayor VanLandingham stated that he was not going to comment on the statement, as it was not all true. He added that there had been a conversation on Friday, two weeks ago, at which Mr. Rosser was not present, with Mr. Rosser responding that everyone there had approved the statement prior to him reading it. Mayor VanLandingham stated that he did not vote and could only make a recommendation; and that the Council made the decision. Mr. Rosser added that they had not intended to have tower tenants; but following the City's

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recommendation, they had requested that all their property be rezoned to industrial for public utility use. Attorney Claire Chason, representing the EMC, presented a description and history of the property which was all contiguous but had four different zoning classifications due to purchasing at different times. She stated that the initial goal was to be able to put a facility on the tower, and that EMC had no current additional plans for the property except for improving their facilities. She added that they were not opposed to some property being left C-2 or leaving it all as is and allowing conditional use for the tower facility, but it was and had always been a public utility complex. In closing, she added that EMC intended to have permanent fencing.

Ms. Susan Gainous who lived at 1490 Magnolia Drive, as well as her parents, Mr. and Mrs. Larry Gainous (1472 6th St., NW), were both adjacent property owners to the EMC property. She was concerned with the aesthetics of the property, the noise, and how much of the residentially zoned property the EMC would use as industrial use.

Dr. Ron Spooner, representing the adjacent landowners of the Magnolia Estates Homeowners Association, expressed the group's concern regarding the type of zoning and the effect on residential properties. Of special concern was the nine acres currently zoned residential. They had no problem with the rezoning of the tower lot, but were opposed to rezoning of the residential tract.

Mr. Ed Self, representing the Northwest Neighborhood Association, referred to Zoning Code Section 22-22 which referred to protective screening between commercial and residential property. The group was interested in seeing that the appropriate barrier be provided. After comments, the Public Hearing was closed.

Rezoning Request for Tax Map 52 - Parcel 34.2 currently zoned R-1AA, for Tax Map C-11 - Parcel 1 currently zoned C-1 and C-2, and Tax Map C-11 - Parcel 9.2 currently zoned C-2 to I-1 as Public Utilities Sec. 22-247(d) - 1499 Hwy 84 West - Grady EMC, Applicant. (The Cairo Planning Commission had recommended rezoning the C-2 parcel where the tower was located to I-1 Light Industrial under the Limited Use provision to remain I-1 as long as it was used by the EMC. Under that provision, if property was ever sold, it would revert back to the C-2 zone. It was recommended not to change zoning on the remaining EMC tracts). After discussion by Council, motion was made by Councilman Gilliard to allow conditional use for the tower with no rezoning allowed. City Manager Addleton clarified that the lot had to be zoned I-1 to allow tenants on the tower. Therefore, Councilman Gilliard changed his motion that only the C-2 tract be rezoned to I-1 with the limited use provision that it would revert back to C-2 should it not be used by EMC. Motion was seconded by Councilman Thornton and passed unanimously by all Council Members. Zoning on the other tracts was to be left as currently zoned. Attorney Lehman questioned if the C-1 tract to the west bordering residential should be left as C-1, with Mr. Rosser responding that their shop was on that lot, and he was only interested in the tower permit.

Davis Park Drainage Improvement Project Bids. There were three base bids received along with alternate bids for a fence and a bridge. City Manager Addleton recommended including the alternate bid for the fence but not the bridge due to the cost factor. The total bids to include the base and fence were: **1.)** Kimmel Development Services, Inc - \$283,713.05; **2.)** Circle B Contracting, Inc., - \$303,116.87; and **3.)** CMI, Inc. – \$321,394.60. Engineers, DRMP, recommended awarding the bid to the low bidder, Kimmel Development Services, Inc. After discussion, motion was made by Councilman Douglas to award the bid to Kimmel Development Services, base bid at \$249,723.05 and fence at 33,990.00. Motion was seconded by Councilman Cloud and passed unanimously by all Council Members.

Memorandum of Understanding - Grady County Archway Partnership (July 1, 2011 – June 30, 2012). City Manager Addleton explained that the partnership (UGA Partners) between the City, County, JDA, Chamber, Board of Education, Grady General Hospital, Koyo, PFG, Woodhaven, SWGTC, University of Georgia Cooperative Extension, and Office of the Vice President for Public

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Service and Outreach would focus on community and economic development issues. The City's annual cost would be \$5,000 for FY 2011-12, with \$10,000 having been budgeted and continuation of the program would be reviewed annually. After discussion, motion was made by Councilman Douglas to approve the agreement, seconded by Councilman Gilliard, and passed unanimously by all Council Members.

Voting Redistricting Proposals based on 2010 Census. The City had originally sent a request for help to the State Redistricting Committee, but they had been overwhelmed with requests from other cities. City Manager Addleton had recently solicited the help of the Southwest Georgia Regional Commission (SWGRC) who had quickly provided four redistricting options. The appropriate target population per district was to be 1,921. Council reviewed the proposals deciding that Option 2 had the best identifiable and most distinctive lines of the four presented. Three minor changes were recommended to be evaluated to make the district lines even cleaner, as long as the changes did not create a population deviation range greater than 5%. Those changes to consider on Option 2 were: **1.)** Change the northeast portion of District 5 that was east of 5th St., NE/Hwy. 188 to District 4; **2.)** Change the northeast portion of District 1 that was north of 11th Ave., NW to District 5; and **3.)** Change the northeast portion of District 2 that is north of MLK Ave., SW to District 1. Attorney Lehman noted that the plan would have to be submitted to the U. S. Justice Department for approval, and the 2011 election would have to be held under the old districting should the new plan not receive approval in time for the election. After discussion, motion was made by Councilman Cloud to make any or all recommended changes to Option 2 which would be acceptable, and if any or all could not be made, to revert to the original Option 2. Motion was seconded by Councilman Gilliard and passed unanimously by all Council Members.

OTHER BUSINESS: None

REPORTS:

Personnel Director, Ms. Carolyn Meades - City Employees Health Awareness Challenge (Weight Loss). Ms. Meades reported that the challenge had been a success with seven teams of five members each participating in the ten-week challenge. 477.7 pounds were lost as well as a total of 274.9% body fat. The overall winner losing the most body fat was Brenda Rosencrantz who was eligible to choose a Netbook or a 32" Television. The first place team winner was the Five Fat Guys with Spare Tires whose team member, Cole Prince, came in at second place; with each member of the team receiving a \$100 gift card. Second place team members received \$50 gift cards and 3rd place members received \$25 gift cards. Ms. Meades also reported that a Wellness Screening for employees was scheduled for July 12th and 13th.

Finance Report for the Month of May, 2011. There was no Finance Committee meeting held, so the report was received as information.

Reports from City Manager:

1.) Reported that a reimbursement check for \$7,065.55 had been received from the Hazardous Waste Trust Fund.

2.) Announced that a recognition breakfast had been planned for Mr. Jim Rittmeyer upon his retirement from the Clean and Beautiful position.

3.) Asked Attorney Lehman questions regarding the redistricting process, with Attorney Lehman determining that the plan would need to go to the General Assembly, and he would need to work up the district descriptions.

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4.) Reports from Mayor & Council:

Councilman Gilliard inquired as to the outcome of the hearing with Judge Cato regarding the Elbert Walker nuisance abatement case, with Attorney Lehman advising that he and Mr. Walker were to submit proposed orders by July 15th to the Judge who would take the matter under advisement. Councilman Gilliard also noted that Ms. Chiquita Williams had begun to tear down part of her building on M. L. King.

EXECUTIVE SESSION: None

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

APPROVED:

**RICHARD VANLANDINGHAM
MAYOR**

ATTEST:

**CAROLYN B. LEE
CITY CLERK**