

REGULAR MEETING – CAIRO MAYOR & COUNCIL – AUGUST 27, 2012

The August 27, 2012 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 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 Lee, and Building Official Brian Hayes. Cairo Messenger Editor Randy Wind and Photographer Darrell Mudra were also in attendance.

INVOCATION: The Invocation was given by Councilman Gilliard.

APPROVAL OF MINUTES:

Regular Meeting – August 13, 2012. Motion to approve minutes as submitted was made by Councilman Cloud, seconded by Councilman Douglas, and unanimously approved by all Council Members.

DELEGATIONS:

1.) Archway Interns Presentation. City Manger Addleton introduced Interns Billy Ryan and Tanner Copeland from the University of Georgia College of Environment & Design. Their team had worked on designs for updating the City’s gateways, Roddenbery Memorial Library Courtyard, and Azalea Park. Mr. Ryan presented a detailed concept for the Highway 111 City limits sign and landscaping plan which could be used as a basic plan for all the gateways. He also made the presentation for the Library Courtyard for another team member who could not be present. Mr. Copeland presented two design concepts to be done in three phases to make Azalea Park a “walkable” and inviting park. The group was commended for their efforts to help make Cairo a better community and thanked for their design work.

SPECIAL EVENTS:

OLD BUSINESS:

NEW BUSINESS:

Public Hearing: Conditional Use Request for a Group Home under Sec 22-63 (k) of the Zoning Ordinance-Tax Map C22, Parcel 41 in R-1AA (Single-Family Residential District) - 35 14th Avenue N.W. - Regional Properties, Inc., Applicant. Several people representing the applicant, as well as a large group of citizens, were present for the hearing. Attorney Jimmy Miller of Langdale & Vallotton, LLP of Valdosta, speaking on behalf of the property owner, Regional Properties Inc., as well as their affiliate, Sunrise Community of Georgia, Inc. who would operate the home, offered the following information: He had submitted an addendum to the conditional use application containing an additional layer regarding the Fair Housing Amendments Act (FHAA) of 1988 and requested “reasonable accommodation” under that federal statute. He noted that he had also sent letters to the Mayor & Council and Attorney Lehman and passed out a notice of memorandum pointing that out. With the reasonable accommodation request, federal law recognized that a basically neutral zoning law could sometimes still be discriminatory in practice for disabled people. He noted that there was an obligation and duty on municipalities to accommodate policies, practices, rules, and procedures to make sure that disabled people have equal opportunity to access dwellings within the community. In looking at Cairo’s zoning code, it was not a permitted use to operate a home for four unrelated people at this location; hence the request for reasonable accommodation. Referring to his memo, he stated that the same analysis would apply to the Americans with

REGULAR MEETING – CAIRO MAYOR & COUNCIL – AUGUST 27, 2012

Disabilities Act, and he believed it would also require reasonable accommodation. Referring to the request as very modest and benign, as they had asked for a home for only four unrelated individuals, he believed the only problem was that they were not related by blood or marriage. Otherwise, the home would be totally compatible with the neighborhood. They would live together as a single, non-profit household in their permanent home, with very little turn-over except in the case of death or some other reason. They would not be violent criminals, drug addicts, or alcoholics, but his understanding was that they would be mentally handicapped. There would be three caretakers in the home at any time, but the residents would not likely drive; so there would be no more cars than at any other home. Referring to the zoning definition of “family”, a home was not prohibited from having as many persons as they wished that were related by blood or marriage, with R-1AA also allowing domestic servants and up to three foster children who were being paid for by the state. He believed that to be analogous to their proposal, as their home would receive assistance from Medicaid as well as having domestic assistance. The only difference they could find was that these people were not related by blood or marriage. The purpose of what the restrictions in place in R-1AA and other single-family neighborhoods were intended to do was not totally consistent with what the City was seeking to do. This would be a house where people would live together as a family, and it would be a rare exception that any of the individuals would have family that had the means and capability to care for them. Any fewer than four people would not be economically viable. Disabled people would be more likely than non-disabled people to require a group setting with non-blood relatives, and he believed the accommodation request to be reasonable and necessary for disabled people to have equal opportunity.

In addressing some of the concerns that came from the Planning Commission meeting, Attorney Miller stated that the question had been asked why another area had not been chosen. His response was that the federal law was seeking to overcome that attitude by integrating disabled people into mainstream society and give them access to live in these neighborhoods. He added that Sunrise had a stellar reputation and could be trusted. With regard to property values, he did not know of any evidence that they would go down and referred to a home located near his residence with which there had been no problems.

Mayor VanLandingham inquired as to how many homes they had looked at in Grady County, with one of the applicant representatives responding that the number was less than ten, with two or three in Cairo. Mayor VanLandingham requested to have a list of those locations. Councilman Douglas asked why, when they reviewed zoning and the area did not qualify for the home, as prudent business men, they did not ask for a zoning change prior to the purchase. He stated that with no guarantee on anything, it had been their interpretation that it was a reasonable accommodation; but his opinion was that someone had not done a good job in reviewing zoning before they purchased the house. Attorney Miller responded that there were very few places within the City that the home would be permitted, and that their goal was to integrate the people into residential settings as they had done successfully in other communities and had expected the same here. Mayor VanLandingham reminded the group that the ordinances created for the City were to make it as good as possible and to satisfy the citizens that were already here. In addition to addressing this issue, he added that it was also important to reach out to those already living here by being aware of their needs and desires; not that things could not be done differently, but the most important thing was to do what was best for the current citizens. He gave, as an example, all the projects that were being done in the parks and other areas to improve life in the City. He added that everyone, including himself, had been asking why someone would come in and not take time to ask questions, making one wonder why it was important for this City, and why they would choose to go ahead and purchase the property without finding out what the zoning would allow. Mr. Lester Leech, President of Sunrise Communities, stated that they had been treated with great civility and appreciated it. Mayor VanLandingham acknowledged that there was no problem with what they were trying to accomplish in helping people who needed a place to live, but he also wanted to do what was best for everyone.

REGULAR MEETING – CAIRO MAYOR & COUNCIL – AUGUST 27, 2012

Ms. Pam Mason, who resided at 1369 Brookwood Dr., SE, stated that she grew up next door at 25 14th Ave., NW where her mother still lived. She strongly urged the Council not to open the door for a business of any kind, profit or non-profit, to be allowed in the neighborhood.

Dr. Ron Spooner, who resided at 1422 Magnolia Dr., NW, stated that he was there to represent any concerned citizen, particularly in a residential area, that would have a restrictive zoning. It was his opinion that zoning laws had been put in place for a purpose, which was to protect neighborhoods, and would have great concern if it was happening in his neighborhood. He was concerned that when businesses were allowed, it changed the complexity of the neighborhood. He did not understand the movement of the handicapped into neighborhoods and didn't know if the individuals even knew or cared about the neighborhood; but felt that, if located next to his residence, it would lower his property values. He believed that, even if the residents did not drive, there would be others who did; and that would increase traffic and noise. Adding that his biggest objection was that the business was paid for by taxpayer-paid programs and had come into an area where businesses were not allowed and then asked permission, believing it to be a mistake. He understood that laws were intended to protect people who could not help themselves, but the City's zoning ordinances were set up to also protect people in the neighborhoods. He requested that the Council vote against the conditional use on the grounds that it was not what they wanted in the neighborhood.

Mrs. Raina Cauley, who resided at 1420 Parallel Dr., NW, stated that this was her neighborhood where only families resided. She referred to the information that had been presented regarding the business needing four residents to be viable, adding that no one else had an economically viable business in their home in this neighborhood, because it was their "home". She requested that it remain as such. After comments, the public hearing was closed.

Conditional Use Request for a Group Home under Sec 22-63 (k) of the Zoning Ordinance - Tax Map C22, Parcel 41 in R-1AA (Single-Family Residential District) - 35 14th Avenue N.W. - Regional Properties, Inc. Councilman Douglas stated that he had done some reading and was not an attorney, but he believed that the Fair Housing Act was subject to interpretation, just as the tax code was subject to interpretation by whoever was doing the tax return. Adding that, based on the opinion of the Southwest Georgia Regional Commission staff that had recommended denial of the application, and based on the opinion of the Cairo Planning Commission that the proposed use would create a fundamental alteration to the zoning scheme that the City had tried to protect, he made motion to deny the conditional use request. Motion was seconded by Councilman Gilliard and passed unanimously by all Council Members. (Recommendations from SWGRC and Cairo Planning Commission being made a part of these minutes, along with petitions signed by over 160 citizens opposing the conditional use).

Public Hearing: Conditional Use for a Retail Curio Shop under Sec. 22-203 (g) of the Zoning Ordinance - Tax Map C20A, Parcel 24 in CBD (Central Business District) - 146 South Broad Street - Nancy Vance, Applicant. Mrs. Vance informed the Council that the economy had affected her sales business at this location where she had previously employed seven people. She had also been renting out space in the building to another business; but they had also closed, and she was left with an empty building. She wished to rent space to local artisans and craftsmen to showcase their talents without them having to make a huge business investment in a building, etc. She would pre-screen all vendors as well as their merchandise in order to have only "high-end" items for sale. They would not be obligated to rent space beyond one weekend, and she wanted them to be allowed to operate under her license. Council discussed the requirement that vendors would need to purchase individual licenses, with Mrs. Vance stating that she did not believe that she would have success if that was a requirement. She was interested in a business that would showcase local talent, and at the same time, hoping that it would draw business to downtown, possibly filling some of the empty storefronts. Attorney Lehman advised that a license would be required from the vendors unless they were in a consignment agreement. He recommended that Mrs. Vance draft a consignment agreement

REGULAR MEETING – CAIRO MAYOR & COUNCIL – AUGUST 27, 2012

to be used in her business that would stipulate that she would control the hours of operation as well as approve vendors and merchandise sold. After comments, the public hearing was closed

Conditional Use for a Retail Curio Shop under Sec. 22-203 (g) of the Zoning Ordinance - Tax Map C20A, Parcel 24 in CBD (Central Business District) - 146 South Broad Street - Nancy Vance, Applicant. The SWGRC staff had recommended approval of the use with the stipulation that the applicant follow the guidelines under Code Sec. 22-204 (k) “No sales of the type commonly known as garage sales, yard sales, or estate sales shall be allowed”. The Cairo Planning Commission had also recommended approval with the same stipulation. (Recommendations being made a part of these minutes). After further discussion, motion was made by Councilman Gwaltney to approve conditional use for a retail consignment shop, seconded by Councilman Thornton, and passed unanimously by all Council Members. Mrs. Vance was advised to submit the agreement to the City Clerk’s Office.

Alcoholic Beverage License: Beer and Wine, Consumption on Premises - Los Reyes - located at 117 South Broad Street - Applicant, Jose Carlos Ruiz Bautista. After review, motion to approve the application was made by Councilman Thornton, seconded by Councilman Cloud, and unanimously approved by all Council Members.

Mrs. Nola Daughtry, Grady County Family Connection Coordinator and the Director of the Grady County Children and Youth Coordinating Council - Request for Office and Storage Space. Mrs. Daughtry informed the Council that grant money received could not be used for rent or utilities. She had previously been using office space at the Department of Labor, but due to the transfer of department employees from the Camilla office, there was no longer room for her there. She was currently working from home, with her supplies being temporarily stored at the Health Department; however, they now needed to use that space. She asked if the City had any complimentary space available that she could use for an office and storage, with City Manager Addleton advising that there was space on the second floor at City Hall, but it was not handicap accessible; however, she could meet with people in the downstairs conference room if necessary. After discussion, motion to approve the request to use space on the second floor was made by Councilman Douglas, seconded by Councilman Cloud, and unanimously approved by all Council Members.

Airport Consulting Engineer Selection. City Manager Addleton advised that occasionally the Aviation Division of the Georgia Department of Transportation required federally funded airports to seek qualification for airport consulting engineering services. Advertisement had been made with two firms responding, D. A. Jones Engineering, LLC (incumbent) and Croy Engineering, LLC. The two firms gave presentations to the Airport Committee who had reviewed and rated them according to weighted evaluation criteria. The weighted average for D. A. Jones Engineering was 2.87 and Crow Engineering was 3.72. Therefore, City Manager Addleton and the Airport Committee had recommended engaging Croy Engineering of Marietta to provide future airport engineering needs. Councilman Douglas noted that the firm had done work for Camilla and was well-qualified and would be a wise choice. Councilman Douglas made motion to approve the selection of Croy Engineering, seconded by Councilman Gwaltney, and unanimously approved by all Council Members.

Adoption of Tax Ordinance for the Year 2012. (The ordinance had been introduced at the previous meeting). Motion to adopt the ordinance was made by Councilman Douglas, seconded by Councilman Thornton, and unanimously approved by all Council Members.

OTHER BUSINESS:

REGULAR MEETING – CAIRO MAYOR & COUNCIL – AUGUST 27, 2012

Reports:

1.) City Manager:

- Reported that a pre-construction meeting was scheduled with RTD Construction, Inc. for the 7th Avenue Lift Station for the following Thursday, and a “Notice to Proceed” would be issued for September 4th.
- An advertisement had been published for the Full Site Soil Vapor Extraction System at the Landfill.
- The sign at the cemeteries on Highway 84 East had been completed.

2.) Reports from Mayor & Council:

- Councilman Gilliard asked if something could be done about a pool at an abandoned house on North Broad Street where the neighbors had expressed concern. The house had been in foreclosure, and the mosquitoes were bad. City Manager Addleton reported that it had been decided that the City would take apart the pool which had been used for a fish pond and store it there. Attorney Lehman advised that it could be treated as any other nuisance.
- Councilman Gilliard also reported that there were construction signs still lying on 11th Ave., NW, between Crine Blvd. and the Catholic Church, where paving had been completed.
- Councilman Cloud asked Building Official Hayes about the status of the burned house on 8th St., SW, with Official Hayes reporting that the owner was to cut the grass and to come in to buy a demo permit. He also reported that the burned house on 6th St., SW was still under investigation.

EXECUTIVE SESSION: None

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

APPROVED:

**RICHARD VANLANDINGHAM
MAYOR**

ATTEST:

**CAROLYN B. LEE
CITY CLERK**