

REGULAR MEETING – CAIRO MAYOR & COUNCIL – SEPTEMBER 23, 2013

The September 23, 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. Others 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 Lee, and Fire Chief Jim Fielding. Cairo Messenger Editor, Randy Wind, was also in attendance.

INVOCATION: The Invocation was given by Councilman Gwaltney.

APPROVAL OF MINUTES:

Regular Meeting – September 9, 2013. Motion to approve minutes as submitted was made by Councilman Cloud, seconded by Councilman Thornton, and unanimously approved by all Council Members.

DELEGATIONS:

SPECIAL EVENTS:

1.) Special Event Permit for Cairo High School Homecoming Parade, October 24, 2013, 5:00 P.M., David McCurry, Principal/Applicant. After review, motion was made by Councilman Cloud to approve the permit, seconded by Councilman Thornton and unanimously approved by Council Members Douglas, Cloud, Gwaltney and Thornton. Councilman Gilliard left the dais during this item and abstained from voting due to his affiliation with the School Board.

2.) Special Event Permit for Saving Grace - Stepping Out Against Domestic Violence Walk - Beginning at Courthouse, October 29, 2013, 4:30 p.m. - 6:30 p.m. - Noni Hunter, Applicant. Ms. Hunter was present and informed the Council that the organization had just received registration as a Charitable Organization by the State and confirmed that the walk would take place on the sidewalks. After discussion, Councilman Cloud made motion to approve the permit, seconded by Councilman Douglas, and passed unanimously by all Council Members.

OLD BUSINESS:

NEW BUSINESS:

Public Hearing to Reconsider 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. The applicant was not present, but the hearing was attended by a group of citizens who were opposed to the request. Attorney Jim Garland, of the law firm Alexander and Vann, was present to speak on the City's behalf and answer questions regarding the reconsideration of a request for the applicant to serve intellectually and developmentally disabled persons (maximum of four) in a group home setting. The original request had been denied by the Council in August 2012. Attorney Garland also represented the City in a lawsuit that had been brought against the City by the applicant, Regional Properties, Inc., Sunrise Community of Georgia, Inc., Sunrise Community, Inc. and John and Jane Does One through Four. He referred to federal laws relating to fair housing and Americans with disabilities that required municipalities to make “reasonable accommodation” for disabled or handicapped persons with regard to housing. The applicant had claimed that the Federal Court had ruled that group homes were entitled to operate, and that the City had violated the “reasonable accommodation” aspect of the law. They were also asking for an amount for damages that they had

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claimed. Attorney Garland stated that he had studied the laws and had also learned a lot about the applicant, who had been willing to compromise with the City on the damage claim amount and some other items in a settlement agreement. As a result, he had recommended that it would be in the best interest of the City to grant the permit for the group home, contingent upon settlement of the ongoing lawsuit.

Members of the public who spoke against the request were Ms. Pam Mason, Mr. Robert Sellers, Mrs. Elaine Sasser, Ms. Frankie Strickland, Mr. Tom Kimmell, Ms. Lequita LeGette, Mrs. Mable Kral, and Mr. John Tillis. Some of the concerns expressed by them were that their own individual rights might be infringed upon, their property values reduced, noted incidents that had occurred in the operation of another group home located in Cairo that had resulted in some bad experiences for neighborhood residents, the fear of the residents of the home roaming in the neighborhood, operation of a business in a residential area, how many homes would be allowed to locate in the area, the quality of care and supervision that residents of the home would be given, whether the group of citizens attending would be allowed to make recommendations on matters such as where a handicap ramp might be located, designated parking areas for employees and visitors, required supervision of residents outside the home, and what information they would receive before a permit was issued. There was also discussion on how to challenge the issue on the federal level.

Attorney Garland stated that he understood their concerns and would try to address some of them, adding that a conditional use permit would probably be issued that night. He advised that if anyone's individual rights were infringed upon, there was action that could be taken by that person, but that nothing about the settlement agreement being considered would affect their rights or the right to exercise those rights. He stated that the home would have to be modified for handicap accommodation and inspected and licensed by the State before it could operate, adding that one of the settlement commitments would be to limit the number of homes that the organization would operate in Cairo. With regard to the concern that other businesses might want to locate in the residential area, Attorney Lehman did not believe that issuing the permit would be a precedent for other businesses. In closing, Attorney Garland advised that the Federal laws referred to had not been put in place by the City Council, so they would need to be addressed by Congressmen and Senators. After comments, the public hearing was closed.

Reconsider 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. Mayor VanLandingham assured everyone that the Council would follow up on the suggestions that were made, would try to keep them informed, and would work to protect neighborhoods in the best way possible. Councilman Douglas stated that he had made the original motion in 2012 to deny the permit in the best interest of Cairo, and he was making the motion now, in the best interest of the City, to approve a conditional use permit at 35 14th Ave., NW, Cairo, Georgia, for a community living arrangement for four adults, contingent upon the closing of the pending settlement of the lawsuit, Civil Action Number 1:12-CV-144, and the signing of an appropriate settlement agreement and release of liability in favor of the City of Cairo, and other appropriate releases, for the claims for damages that were brought or could have been brought in the lawsuit by the Plaintiffs, Regional Properties, Inc., Sunrise Community of Georgia, Inc. and John and Jane Does One through Four. Motion was seconded by Councilman Cloud and passed unanimously by all Council Members.

Public Hearing: Rezoning Request from R-3 (Multiple-Family Residential District) to C-2 (Highway Commercial District) for a Fitness Gym – 2860 Bark Avenue N.E. – Tax Map C40, Parcel 53.1 – Bill Flowers, Applicant. Mr. Flowers presented a plat of the property that had recently been split into two tracts as recommended by the Cairo Planning Commission and the Southwest Georgia Regional Commission. A fitness gym business was proposed to be located on the

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tract to be rezoned to C-2, with the apartments to remain as R-3. After comments, the public hearing was closed.

Consider Rezoning Request from R-3 (Multiple-Family Residential District) to C-2 (Highway Commercial District) for a Fitness Gym – 2860 Bark Avenue N.E. – Tax Map C40, Parcel 53.1 – Bill Flowers, Applicant. After review, motion was made by Councilman Gwaltney to approve the rezoning of the business tract to C-2 and to leave the apartments as R-3. Motion was seconded by Councilman Thornton and passed unanimously by all Council Members.

Consider Memorandum of Agreement between the City of Cairo, Grady County Board of Commissioners, and Southwest Georgia Regional Commission (SWGRC) regarding the Fiscal Year 2014 Community Home Investment Program (CHIP) Grant. Ms. Brenda Wade of the SWGRC informed the Council that the County Commission had taken the lead for the project last time and had asked that the City take the primary role as fiscal agent for this grant, with the County as a joint applicant. There would be 10 eligible property owners, five in the City and five in the County. The Regional Commission would be responsible for development and preparation of the grant application, and if funded, would handle the daily implementation and administration of the grant. Councilman Douglas raised the issue that, previously, all contractors were from out of town, and materials were purchased out of town. Ms. Wade stated that part of the problem was that contractors were required to be state-licensed and had to have certification for removal of lead. She added that Mills Heating and Air had been used previously, and some materials had been purchased from local hardware stores. She agreed to contact the building official and to leave copies of applications in various places in Cairo to give local contractors the opportunity to participate. After discussion, Councilman Douglas made motion to approve the memorandum of agreement, seconded by Councilman Thornton, and passed unanimously by all Council Members.

Resolution Between the City of Cairo and the Grady County Board of Commissioners for a Joint Application for the Fiscal Year 2014 Community Home Investment Program (CHIP) Grant. After review, motion was made by Councilman Cloud to approve the resolution, seconded by Councilman Gwaltney, and passed unanimously by all Council Members.

Resolution for the Chip Grant Application Fee. After review, motion was made by Councilman Thornton to approve the resolution, seconded by Councilman Gilliard, and passed unanimously by all Council Members.

Resolution for the RC Grant Application Fee. After review, motion was made by Councilman Thornton to approve the resolution, seconded by Councilman Gwaltney, and passed unanimously by all Council Members.

Adoption of Tax Ordinance to Levy and Authorize the Collection of a General Ad Valorem Tax for the Year 2013. (Ordinance was introduced at the September 9th meeting). After review, Councilman Douglas made motion to adopt the ordinance to set the rate at 14.24 gross mills, with a local option sales tax credit of 5.96 mills, resulting in a net rate of 8.28 mills. Motion was seconded by Councilman Thornton and passed unanimously by all Council Members.

Introduction of Ordinance to Amend Chapter 11, Entitled “Fire Prevention” of the Code of Ordinances, City of Cairo, Georgia, To Promote Fire Safety within the City. Chief Fielding stated that there was nothing in the ordinance when he came to Cairo to address some fire regulations, especially for burning when land clearing; so he had presented the amendments for new regulations. Councilman Douglas felt that some of the burning regulations were too restrictive. After discussion, motion was made by Councilman Douglas to table the ordinances, seconded by

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Councilman Cloud, and passed unanimously by all Council Members. Members were asked to email their concerns or changes in the ordinance to City Manager Addleton.

Introduction of Ordinance to Amend Chapter 12, Entitled “Health and Sanitation” (Burning of Trash) of the Code of Ordinances, City of Cairo, Georgia. This item was also tabled along with the above item.

Resolution Regarding Banking Signature Authorization for Banking Purposes. After discussion, motions were made by Councilman Gwaltney to approve the resolution and also to add the city clerk to the list of signatories. Motions were seconded by Councilman Douglas and passed unanimously by all Council Members.

Awarding of Bid for Airport Deep Wells and Approval of Contract Agreement with Rowe Drilling Company, Inc. Four bids were received as follows: **1.)** Donald Smith Co. - \$499,318, **2.)** Green’s Water Wells, Inc. - \$714,444, **3.)** Layne Christensen Co. - \$429,301, and **4.)** Rowe Drilling Co., Inc. – \$346,350. City Manager Addleton advised that both he and the engineer had recommended awarding the bid to low bidder, Rowe Drilling, and approval of the contract. Attorney Lehman saw no problem with the contract. After discussion, motion was made by Councilman Douglas to award the bid to Rowe Drilling in the amount of \$346,350, seconded by Councilman Cloud, and passed unanimously by all Council Members. Motion was also made by Councilman Douglas to approve the contract, seconded by Councilman Gilliard, and passed unanimously by all Council Members.

OLD BUSINESS:

Reports:

1.) City Manager’s Report:

- MEAG public hearing set for 6:00 p.m. in the Council Chambers on September 24th regarding the construction of a transmission line in Cairo.
- The Public Service Commission would be in town the following week to perform a comprehensive gas audit.
- Work should begin on the 11th Ave., NW project the following week.

2.) Reports from Mayor and Council:

- Councilman Cloud reported that there was a hornets’ nest located on 13th Ave., SW, near a bus stop just below Love Ave., which needed to be removed. He also asked that storm water drains on 2nd Ave. and 3rd St., NE be cleaned.

EXECUTIVE SESSION:

At 7:15 p.m., Councilman Douglas made motion to enter into executive session. (To meet with Attorney Jim Garland to discuss a pending lawsuit, settlement, claim, administrative proceeding or other judicial action brought against or by the City). Motion was seconded by Councilman Gwaltney and passed unanimously by all Council Members.

Present for the session were Attorney Jim Garland; Mayor VanLandingham; Mayor Pro Tem Cloud; Council Members Douglas, Gilliard, Gwaltney, and Thornton; City Manager Addleton; City Attorney Lehman; and City Clerk Lee.

At 7:25 p.m., motion was made by Councilman Cloud to end the session, seconded by Councilman Douglas, and passed unanimously by all Council Members.

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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**