

## REGULAR MEETING – CAIRO MAYOR AND COUNCIL – OCTOBER 22, 2012

The October 22, 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., and Robert L. Gwaltney. Councilman Lannis Thornton was absent from the meeting. Staff Members in attendance were City Manager Chris Addleton, City Clerk Carolyn Lee, Police Chief Keith Sandefur, and Administrative Assistant Judith Pinon Lavacca. Cairo Messenger Editor, Randy Wind, was also in attendance. City Attorney Thomas L. Lehman joined the meeting at 6:08 p.m.

**INVOCATION:** The Invocation was given by Councilman Gwaltney.

### **APPROVAL OF MINUTES:**

**Regular Meeting – October 8, 2012.** Motion to approve minutes as submitted was made by Councilman Cloud, seconded by Councilman Douglas, and passed unanimously by all Council Members present.

### **DELEGATIONS:**

### **SPECIAL EVENTS:**

**1.) Bridge Ministry Youth Outreach Event - Mr. Leandro (Larry) Torres of the Cairo Church of God – Davis Park Pavilion on Saturday, December 1<sup>st</sup> from 9:00 to sundown.** Mr. Torres was present and requested that the event be permitted to allow the group to reach out to the community. After discussion, Councilman Douglas made motion to approve the request, seconded by Councilman Gilliard, and passed unanimously by all Council Members present. Councilman Cloud informed the group that tents were not allowed in the upper part of Davis Park.

**2.) 2013 MLK Collaborative - MLK Parade on January 21, 2013 (back-up date – January 26<sup>th</sup>) 11:00 a.m. – beginning at Library, proceeding down Broad St., onto MLK, and ending at Holder Park.** Doug Addison, Parade Chairman, and Mr. Albert Ball were present regarding the request. Mayor VanLandingham noted that, in previous years, the majority of people watching the parade were on MLK and not Broad St., and they might wish to consider changing the start of the route. After discussion, Councilman Cloud made motion to approve the request, seconded by Councilman Douglas, and passed unanimously by all Council Members present.

**3.) Stepping Out Against Domestic Violence Memorial and Benefit Walk - Ms. Nytauja Nicole Lamoute – Thursday, October 25, 2012 from 4:30 p.m. to 6:30 p.m. – beginning at the Courthouse, heading north up Broad, turning right on Highway 84 East, right onto 5<sup>th</sup> Street, NE at Rite Aid, right onto 4<sup>th</sup> Ave., SE, right on S. Broad, and ending at the Courthouse.** Ms. Noni Hunter was present regarding the request and stated that the event was being held to promote awareness of domestic violence. The walk was to take place on the sidewalk, and the route would be highly visible. After discussion, Councilman Gilliard made motion to approve the request, seconded by Councilman Cloud, and passed unanimously by all Council Members present.

### **OLD BUSINESS:**

### **NEW BUSINESS:**

**Public Hearing: Conditional Use Permit for Church (Section 22-248) at 2125 Dit Hester Drive - Juan Jimenez, Applicant/Owner - Tax Map 68 - Parcel 43.11.** Rep. Gene Maddox, who owned property on 20<sup>th</sup> St., stated that he was not opposed to the church, but believed it should be located

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in another area. He added that the Milestone property was purchased with taxpayer dollars and was intended to bring in jobs and businesses. He was also concerned with safety on the busy street. Chadd Mathis, Director of the Joint Development Authority (JDA), presented a letter from Woodhaven, a manufacturing facility located across the street from the proposed church, which requested denial of the permit due to safety and parking concerns. Mr. Mathis, on behalf of the JDA, stated that he was pro-church and would welcome a church anywhere but in the industrial zone, where he would be against any church, daycare, or restaurant locating.

Ms. Lavacca translated for those Hispanic members of the church who wished to speak. Pastor Roberto Velazquez of Albany, Ga. stated that a lot of money had been invested in the building, and the former pastor did not follow proper procedure for a permit, but they wished to do so now. Mr. Juan Jimenez, property owner, stated that they had held services there for awhile three years ago but were currently meeting on 1<sup>st</sup> Ave., NE. Ms. Maria Vivas stated that the former pastor was her brother-in-law, and that their current location was not suitable; so the members had collaborated to fix the building at the proposed location themselves. She added that their meeting hours would not conflict with the nearby business, and that their children would be carefully watched. The new location was larger and was also fenced. Mr. Ever Perez, a church member who also worked in the vicinity, stated that he did not agree that there were any safety hazards, as workers at the factory left around 5:00 or 6:00 in the afternoon. He asked for consideration of their situation and for all the facts to be considered. After comments, the public hearing was closed.

**Conditional Use Permit for Church at 2125 Dit Hester Drive - Tax Map 68-Parcel 43.11 - Juan Jimenez, Applicant/Owner.** Mayor VanLandingham started discussion by telling the group that every member of the Council was a church member and a believer in Christ. He felt that there had been a mistake made in not getting permission for the church or obtaining an understanding of the rules before making the decision to try to locate a church in the building. It was noted that the Regional Commission and Cairo Planning Commission had both recommended approval of the conditional use, but their analysis was based on other criteria and not on the original intent that the property be designated only for industrial use. Mayor VanLandingham added that reaching out to people could be done from anywhere and expressed his desire to see the church be successful. Councilman Douglas commented that the Mayor and Council and the County spent a lot of money for the property to be used to promote economic development, and a church would not do that. After discussion, Councilman Douglas made motion to deny the request, seconded by Councilman Gwaltney, and passed unanimously by all Council Members present. Director Mathis offered his services to the church members to help them find a more suitable location for their church.

**Landfill Full Site Soil Vapor Extraction Expansion System Bids.** City Manager Addleton advised that two bids had been received, one from Southeast Environmental Contracting, Inc. in the amount of \$888,872 and the other from SCS Field Services at \$922,351. Both bids had a lot of markup and were substantially over the engineer's estimate, as well as the \$450,000 budgeted. He recommended that the bids be rejected, and had asked Public Works Director Stokes and the engineering firm to look at costs of materials and equipment to self-manage the project. After information was gathered, the decision could then be made whether to re-bid the project, part of the project, or self-manage. After discussion, Councilman Douglas made motion to reject the bids, seconded by Councilman Cloud, and passed unanimously by all Council Members present.

**Re-Appointment of Existing Joint Development Authority Member.** After review, Councilman Cloud made motion to re-appoint Charles Goar to another term to expire October 1, 2015, seconded by Councilman Douglas, and passed unanimously by all Council Members present.

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**Re-Appointment of Existing Cairo Development Authority Member.** After review, Councilman Gilliard made motion to re-appoint Jarrell McClenny to another term to expire October 31, 2015, seconded by Councilman Gwaltney, and passed unanimously by all Council Members present.

**Re-Appointments of Existing Airport Committee Members.** After review, Councilman Cloud made motion to re-appoint Mike Ferros and Henry Brown to another term to expire December 31, 2015, seconded by Councilman Douglas, and passed unanimously by all Council Members present.

**Participating in the GMA Mayor's Christmas Motorcade.** After review, Councilman Douglas made motion to participate, seconded by Councilman Cloud, and passed unanimously by all Council Members present.

**Introduction of Ordinance to Amend Article Entitled "Disorderly Conduct" of Section 15-3, Chapter 15 of the Code of Ordinances of the City of Cairo Which Provides for Offenses and Miscellaneous Provisions.** City Manager Addleton stated that the amendment would strengthen and expand on the public indecency part of the current ordinance, as well as address the "baggy pants" issue. Information had been obtained from other cities that had passed similar ordinances. Police Chief Keith Sandefur was present and agreed that, if the amendment was supported and adopted by the full Council, his department would enforce it; however, it would not supersede other calls. Municipal Court Judge Joshua Bell had been invited to comment on the proposed ordinance but had declined due to his belief that it would be improper and would be a direct violation of the law and the Judicial Code of Conduct. Council discussed, with Mayor VanLandingham noting that the baggy pants issue had a very negative impact on the community, and that citizens had expressed strong feelings in wanting to see something done to stop the trend. Councilman Douglas questioned if other cities that had passed ordinances really enforced them, with Chief Sandefur responding that he had spoken with officials in Bainbridge where Judge Bell also served as Judge and was told that numerous citations were written there. Councilman Douglas noted that the ordinance could not prohibit those wearing saggy pants on private property, and most of the incidents that he saw were at Wal-Mart and McDonalds. He was not convinced that the Police Department had the time to enforce the saggy pants part of the ordinance. Mayor VanLandingham noted that it could be enforced on the sidewalks, parks, and major sections of town. When asked his opinion, Councilman Cloud responded that his constituents considered the wearing of baggy pants disrespectful and wanted the ordinance adopted; and that Councilman Thornton, who was not present, had also agreed to support it. Councilman Gilliard asked about the last sentence that read "Any violation for this offense shall not, in and of itself, be grounds for an arrest or for search of the person cited", with Chief Sandefur confirming that it was correct. On the first offense, violators would be asked to comply with the ordinance by pulling up their clothing, and if they did, they would be issued a warning. If they did not comply, they would be issued a citation for "Disorderly Conduct" and would be subject to a penalty of not less than \$25.00 on the first offense and not more than \$200.00 for each subsequent offense. (The ordinance was introduced and will be considered for adoption at the next meeting on November 12<sup>th</sup>).

### **OTHER BUSINESS:**

#### **Reports:**

**1.) Consider Finance Report for the Month of August 2012.** The report had been reviewed at the Finance Committee meeting earlier in the evening. Councilman Douglas made motion to approve the report, seconded by Councilman Cloud, and passed unanimously by all Council Members.

#### **2.) City Manager Addleton:**

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- Reported that the Young Eagles Flight Rally that was held at the Airport the previous Saturday was a great event, with seven planes flying 65 kids, along with free food, participation by the Cairo Fire Department, and Doug Taylor with the Huey helicopter.
- EPD had acknowledged the signed consent order for the landfill. Good progress was being made with compliance, and York and Associates was to be in town during the week to certify Cell F.
- Fire Chief Jim Fielding had been requested to display the large flag on the ladder truck at Mule Day in Calvary. The Fire Station would be manned and two other trucks would be available. Council discussed the fact that there might be a need for the truck during the two to four hours that it would be out of the City. It was suggested that a contingency plan be put in place so that the truck could easily exit the event area if needed. After discussion, Councilman Cloud made motion to approve the request, seconded by Councilman Gilliard, and passed unanimously by all Council Members present.
- A list of streets for Phase II resurfacing would be presented at the next meeting.
- The District 10 Meeting was scheduled for October 30<sup>th</sup> in Baconton.

**3.) Reports from Mayor and Council:**

- Councilman Gilliard stated that he could not attend the November 12<sup>th</sup> meeting but was in favor of adoption of the baggy pants ordinance. He also noted that there were two other churches that were meeting at locations that had not been approved. One was meeting at Pickle Patch Deli and the other at the Carl Minter residence on 13<sup>th</sup> St., NW. It was noted by Councilman Douglas that the one at Pickle Patch was now meeting at the former Family Worship Center on South Broad. Council Members discussed and agreed that all locations should follow the same approval process, and City Manager Addleton was asked to make the churches aware of the proper procedures. The difference between a church service and a prayer meeting in someone's home was also discussed.
- Councilman Cloud requested that a copy of the tree removal regulations be sent to him.
- Attorney Lehman advised that there may have been an agreement reached with regard to buyout of another one of the northwest flood zone properties.
- Councilman Gilliard asked if there was an ordinance that addressed clear-cutting property, as well as clean-up of the debris, noting that it had been done on the Fletcher lot on 11<sup>th</sup> Ave., NW.
- Councilman Gwaltney asked that inquiry be made into why dirt was being piled on a lot on Brookwood Drive.

**Executive Session:** None

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

**APPROVED:**

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**RICHARD VANLANDINGHAM  
MAYOR**

**ATTEST:**

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**CAROLYN B. LEE, CITY CLERK**