

June 9, 2008

The regular meeting of the Mayor and Council of the City of Madison was held Monday, June 9, 2008, at 5:30 PM at the former Senior Center, located at 434 Hancock Street. Present were the following: Mayor DuPree; Council Members Perriman, Blanton, Hunt, Naples, and Booth; City Manager Nunn; City Clerk Thomas; Planner Callahan; Project Coordinator Huff; and City Attorney Reitman.

The meeting was called to order by Mayor DuPree.

Council Member Naples conducted the pledge of allegiance.

Approval of Minutes of Previous Meeting – Council Member Naples motion to approve the minutes of May 12, 2008, as presented. Perriman second. Vote unanimous. The motion carries. Council Member Naples motion to approve the minutes of May 29, 2008, as presented. Booth second. Vote unanimous. The motion carries.

Approval of Order of Agenda Items - Mayor DuPree said GMEBS – Voting Proxy (Item VIII-H) and the rescheduling of the June 23 meeting (Item VIII-I) need to be added to the agenda. Mayor DuPree reviewed the items requiring votes and available for public comment.

Zoning Hearings

Variance Requesting Regarding Building Height – Applicant: Ranjit Banerje – Hampton Road (I-20 Interchange Area) – Mayor DuPree opened the public hearing and explained each side will be given five minutes for public comments. City Planner Bryce Jaeck reviewed the application for a height variance to exceed the 35-foot limit. He said the applicant's intent is for a hotel with a height of forty-five feet. Jaeck explained that a building of this height is out of character for the C-4 zone. Jaeck reported the Planning Commission voted unanimously to recommend denial of this request. Council Member Booth questioned whether the fire trucks could reach the height requested. Jaeck said 35 feet is the maximum height for the fire trucks. He said this includes the county trucks. Booth asked about potential liability if the request was approved and it was known that the fire trucks could not exceed this height. Attorney Reitman said there was case law about approving a use that was known to be a detriment to public safety. Mayor DuPree discussed the future need for allowing higher facilities and providing fire trucks with this capability. After discussion, Planner Callahan said if the community and the Mayor and Council decided to consider the increased building height, this should be addressed in a manner that would allow all properties within a particular zone to be allowed the additional height.

Mayor DuPree offered an opportunity for comments in favor of the request. Neither the applicant nor a representative was present. Planner Callahan said one adjacent property owner had sent a letter in support of the project and

another adjacent property owner had spoken at the Planning Commission meeting and had sent a letter expressing his objections to the project. With no further comments in favor of the project, Mayor DuPree offered an opportunity for comments in opposition to the project. G. B. Sharma with ANP Agencies, Inc., said he has property behind the Hampton Inn and he and his company have strong objections to the height variance request. He said the additional height would destroy the visibility of their property. He said if this variance is granted to this property, it should be offered to the other properties as well. With no further comments, Mayor DuPree closed the public hearing.

Council Member Naples motion to deny the request of Sidhvi Hotels, LLC, for variance in building height (046-107A) inasmuch as the application does not satisfy standards 1,2,3,4,5,and 8. Booth second. After further discussion, vote unanimous to deny the request.

Text Amendment pertaining to the addition of the C-5 Heavy Commercial District - Mayor DuPree opened the public hearing and explained there will be opportunity for public comments in favor and against, ten minutes each. City Planner Jaeck reviewed the text amendment regarding the addition of the C-5 Heavy Commercial zone. Jaeck distributed additional points for the Mayor and Council's consideration. One additional change was to address the old Wellington Building on Highway 83. Jaeck explained it is currently in I-2 and, given its uses, staff recommends changing this to I-1 and describing this property use as a Contractor/Developer Office Center (CDOC). DuPree expressed an objection to considering this change without an adequate opportunity to study the proposal. Planner Callahan explained the housekeeping items do need to be addressed, but the item regarding the Wellington building can be addressed at a later time. City Manager Nunn explained the use regarding the Wellington building. After discussion, Council Members Naples and Booth said staff had clarified the need to change the Wellington building from I-2 to I-1 to their satisfaction and did not have a problem with considering this change at tonight's meeting. DuPree asked the Council to consider their concern to protect the I-1 and the I-2 zones and to think in terms of recent inquiries for potential uses and the impact on future uses. After further discussion, Mayor DuPree clarified that the text amendment as presented (with the housekeeping items) and point #1 (Wellington Building) require action this evening. Jaeck reported the Planning Commission unanimously recommended approval of the C-5 Text Amendment. Council Member Hunt asked why timber harvesting is allowed in C-5 and I-1, but tree surgery is allowed in C-5 and not in I-1. Jaeck said staff considered tree surgery as a smaller scale operation than timber harvesting.

Council Member Hunt said fertilizer manufacturing is not permitted (this was not allowed previously). Hunt said he would like for the property along the railroad track to be utilized by businesses with a need for a side track. He said concrete batching and fertilizer plants are very similar and denying this use is limiting the opportunity for development. After discussion, Planner Callahan suggested this

might be considered as a conditional use. She cautioned that the I-1 zone is close to the residential area and said the I-2 zone would be a better fit. Hunt said the concrete plant and the fertilizer plant are so similar. Hunt requested that fertilizer plants be allowed as a conditional use in I-1 and I-2.

Council Member Hunt asked about the rear yard setbacks in Table 13. Hunt asked if there is a street to the rear and how the setbacks are addressed. Planner Callahan said there are some buffer requirements, but 15 feet would be reasonable. Hunt recommended considering the 15 foot setback in I-2.

Mayor DuPree offered an opportunity for comments in favor and/or against the request. No comments. With no further comments, Mayor DuPree closed the public hearing.

Council Member Blanton motion to adopt the text amendment pertaining to the the addition of the C-5 (Heavy Commercial District) presented with the changes:

- 1) In language category, allow fertilizer manufacturing as a conditional use in I-1 and I-2;
- 2) In dimension requirements for Section 700.3, Table 13, add 15-foot rear minimum setback for I-2;
- 3) Per the additional handout from Jaeck, add item 1 (b) and 1 (c) to strike the use from I-2 as a conditional use to prevent like development of other truly industrial properties and to add a definition of CDOC based on current use of the old Wellington building and to add to I-1.

Perriman second. Opportunity for discussion. Vote unanimous. The motion carries.

Zoning Map Amendment - Addition of C-5 Heavy Commercial Zoning

District – Mayor DuPree opened the public hearing, ten minutes available per side. Planner Jaeck reviewed the map addition of C-5. After discussion, Mayor DuPree offered opportunity for comments in favor of the map addition. Council Member Naples explained that the map had been made available to the public prior to the meeting. No comments. Mayor DuPree offered an opportunity for comments in opposition to the map amendment. No comments. With no further comments, Mayor DuPree closed the public hearing. Council Member Naples motion to adopt the zoning map addition of C-5 Heavy Commercial Zoning District. Booth second. Council Member Naples clarified that the motion did include the change to I-1 for the old Wellington building property. Mayor DuPree agreed, and Council Member Booth did not object. Opportunity for further discussion. Vote unanimous. The motion carries.

Text Amendment Pertaining to Recreation and Entertainment Uses – Mayor DuPree opened the public hearing, ten minutes available per side. Planner Jaeck reviewed the definitions and the changes included in the text amendment. Mayor DuPree asked about the proper area for adult entertainment to be a conditional use. He asked about adult entertainment being included as a

conditional use in C-5. Planner Jaeck explained that most of the C-5 property came from I-1. Planner Callahan said this amendment did not reduce the geographic area for adult entertainment. Mayor DuPree offered an opportunity for public comments in favor of the amendment. No comments. Mayor DuPree offered an opportunity for comments in opposition to the text amendment. No comments. With no further comments, Mayor DuPree closed the public hearing. Council Member Booth motion to approve the text amendment pertaining to recreation and entertainment uses as presented. Naples second. Opportunity for discussion. Vote unanimous. The motion carries.

Legal Matters

Adoption of Fiscal Year 2009 Budget – Mayor DuPree opened the public hearing. City Manager Nunn reviewed the budget. The budget reflects an increase in ad valorem tax. Mayor DuPree said the budget does not contain any addition to the cash reserve. There are increases in fuel and payroll cost. The ad valorem increase is 16%. The budget does not contain any monies for Town Park. City Manager Nunn explained the millage rate will be considered at a later date. Nunn said the drills for the fire volunteers increased from \$10 to \$15 and with the new influx of volunteers, this requires training and equipping the new firemen. Mayor DuPree offered an opportunity for comments in favor of or in opposition to the budget. No comments. Mayor DuPree closed the public hearing.

Council Member Booth motion to adopt FY2009 budget as proposed. Perriman second. Opportunity for discussion. Vote unanimous. The motion carries.

Creation and Adoption of Audit Committee – City Clerk Thomas explained the requirements and duties of the audit committee. She explained the proposal is for the committee to consist of two members from the public, two from Mayor and Council, and City Manager Nunn and City Clerk Thomas will be ex-officio members. Mayor DuPree and Council Member Blanton were suggested as members of the audit committee. Council Member Naples motion to create the audit committee of the City of Madison with responsibilities as presented and with the slate of appointees to be: Robert Armstrong, Judy Senft, Mayor DuPree, and Council Member Blanton. City Clerk Thomas and City Manager Nunn will serve as ex-officio members. Booth second. Council Member Hunt asked for clarification on the item regarding the use of a consultant. Nunn and Thomas explained this would allow the audit committee an opportunity to hire a consultant if needed and a budget would have to be established to fund this. City Manager Nunn suggested the requirements and duties of the committee can be reviewed and revised by the audit committee and re-submitted to the Mayor and Council for approval at a later date. After further discussion, vote unanimous. The motion carries.

Appointment of Auditor - City Manager Nunn reported the committee of Mayor DuPree, Council Member Perriman, City Clerk Thomas, and he (Nunn) had met

with Wayne Tamplin and Carrie Wilkins from the CPA firm of Treadwell, Tamplin & Co. Nunn reviewed the summary of the meeting. He said the committee recommended hiring Treadwell, Tamplin, & Co. to perform the audit for FY 2008. Council Member Naples motion to appoint Treadwell, Tamplin, & Co. as the auditors for FY 2008 and authorize City Manager Nunn to sign the engagement letter. Blanton second. Opportunity for discussion. Vote unanimous. The motion carries.

Appointment of Municipal Judge – City Manager Nunn reported he (Nunn), Council Member Naples, Council Member Hunt, and Municipal Court Clerk Lisa Schulte met with and interviewed Judge Charles Merritt about the Municipal Court. Judge Merritt was very complimentary of City staff, Lisa Schulte and Amanda Thrash. He also said the hiring of the City Solicitor was a tremendous help. Council Member Naples said Merritt had also commented on the professionalism and level of preparedness of the City Police Officers when asked to testify. He said this contributes to the small number of appeals. Council Member Hunt said he is very impressed with how well the court works and how well the staff does their jobs. He said that they are ahead of the curve in technology. After further discussion, Council Member Perriman motion to appoint Charles Merritt as Municipal Court Judge. Blanton second. Opportunity for discussion. Vote unanimous. The motion carries.

Appointment of City Attorney – City Manager Nunn reported he, Council Member Booth, Council Member Blanton, and Planner Callahan met with Attorney Reitman. He said they discussed the timing of requests and that turnarounds have improved. Nunn said they recommend appointment of Lambert, Reitman, and Abney, LLC, as the City Attorney. Council Member Blanton said communication and efficiency have improved. Attorney Reitman said the firm is now more selective about the cases that they accept, and he attributes this to the improvement in efficiency. Council Member Hunt motion to appoint Lambert, Reitman, and Abney, LLC, as the City Attorney. Booth second. Opportunity for discussion. Vote unanimous. The motion carries.

Water & Sewer Service – Davis Academy Road – City Manager Nunn reported that, many years ago, natural gas service was run across a pasture to access a property. An easement was not demanded. Later, a water tap was requested and the water lines were run along the same path across the pasture. The water line stops at the right-of-way, but the gas runs to the foundation of the house. Nunn said the lines need to be moved. He said he agreed to run a new gas line down Davis Academy Road to serve this home and any other residents in this area. The cost will be approximately \$5,000. Nunn said the water is more complicated. After further discussion, City Manager Nunn suggested this should be reviewed with Attorney Reitman before taking any action. Council Member Naples motion to table. Booth second. Opportunity for further discussion. Vote unanimous. The motion carries.

Sewer Service – I-20 Rest Area – Requested by DOT – City Manager Nunn reported DOT has requested sewer service for Rest Area 53, mile post 108, westbound, I-20. The DOT wants to install a pump station and pump sewage to a manhole that goes to the Indian Creek plant. Nunn said it is outside the sewer area, but it is a state government making the request. DOT will pay the required fees, and the City will bill DOT based on the water use. After discussion, Council Member Hunt asked if DOT would pay for all fees and installation cost and if the lines would be on state right-of-way and no tie-ons would be allowed. Nunn said that no tie-ons would be allowed. He said he could obtain the projected flow based on metered water currently used and DOT would pay prevailing fees and all costs for pump, pipes, connections, etc. Council Member Naples motion to approve providing sewer service as requested by the DOT for the I-20 rest area. Booth second. Opportunity for discussion. Vote unanimous. The motion carries.

GMEBS – Voting Proxy – Mayor DuPree advised that at the GMA Convention there will be a meeting of the Board of the Georgia Municipal Employees Benefits System. Mayor Keith Brady or Mayor Mickey Thompson may be appointed to serve as a proxy at the meeting on Sunday, June 22, or someone from the Council may choose to attend and represent the City. After discussion, Council Member Booth motion to approve proxy request to appoint Mayor Keith Brady or Mayor Mickey Thompson for the GMEBS annual meeting. Blanton second. Opportunity for discussion. Vote unanimous. The motion carries.

City Manager Nunn reported he had been contacted by Jim Higdon with GMA to serve on this GMEBS Board. The Mayor and Council agreed in consensus for Nunn to serve.

Reschedule June 23 Meeting – Since the Mayor and Council will be at the GMA Convention on June 23, it is necessary to reschedule this meeting. After discussion, Council Member Booth motion to reschedule June 23 meeting to June 30, 2008. Opportunity for discussion. Vote unanimous. The motion carries.

Unfinished Business

Amendment to Code of Ordinances, Section 6-168(b), Pertaining to Special Event License for Non-Profits, (number allowed per year) – Council Member Naples explained the private club amendment had been approved at the last meeting and that this amendment had included license requirements such as proof of financial responsibility and the training of servers selling alcohol at the events. The City's non-profit special event license currently allows for only two events per year. Naples recommended not adopting the state's new standards at this time which would allow for up to six events per year with a maximum of three days per event. He said the City's non-profit special event license does not require any alcohol training or financial responsibility. Naples said if the number of events is increased for this license, he would recommend that the requirements for this license be more like the requirements for the private club

license. Attorney Reitman also withdrew his recommendation for this amendment since he had independently reached the same conclusion that this license is not well regulated. No action taken.

Billboard Campaign - Project Coordinator Huff said Council Member Naples had requested a survey of downtown retailers pertaining to their opinions regarding the billboard advertising and possibly funding this through special tax. Huff said she had sent out approximately 50 emails and received about seven responses. She said the majority was okay with it, but they had additional questions such as:

- 1) What is the message going to be on the billboards?
- 2) Is the corridor special tax district going to participate also?
- 3) Is the message going to be “shop downtown” or just “come to Madison”?
- 4) Some said business is slow and don't want increased taxes on Anything, and some said take the money and go to TV advertising.

Council Member Naples reported the new hotel/motel tax legislation had been signed by the Governor. He said if the City chose to increase hotel/motel tax, this would have to be approved by the legislature and thus would require some time to complete. After discussion, Council Member Hunt requested that staff prepare various examples of the effect of raising the taxes for the Special Tax Districts by \$50,000 to cover the cost of the billboard campaign and also research hotel/motel tax increases. Council Member Blanton motion to table billboard campaign until July 28 meeting. Perriman second. Opportunity for discussion. Vote unanimous. The motion carries.

New Business

City Manager's Report – City Manager Nunn reported the I-20 pump station is no longer in operation. The sewer flow is going to the Indian Creek plant. The flows are under 200,000 per day. The Southside plant is adjusting operationally to the decreased flow. Construction on the Public Works Facility is progressing. The airport waiting room is being painted, and the outside is complete. Dust has been a problem at the Town Park site, and a drainage problem had to be corrected. Georgia Power is setting transformers. Nunn said the concrete project 2.2 is ready to proceed. Council Member Booth asked about the possibility of approaching the State about a reduction in the level 4 drought restrictions. Nunn said the City has already petitioned the State for a change to level 4B. Nunn said this will allow watering twice a week and will allow the use of sprinklers.

Park Presentation Update – Planner Callahan reported the Town Park Finance Committee had met and a RFP (Request for Proposal) was prepared and submitted to the banks for potential financing. The deadline to submit bids is on Monday, June 16, 2008. The DDA will meet and review the bids. Afterwards, the Finance Committee will meet and review DDA's proposal. Callahan reported

Contract 2.5 - the Pavilion Project - had been submitted for bids. She said the next contract will be the landscape project.

Planner's Report – Planner Callahan advised that HPC reviews have been few, but the Corridor Design Committee has been busy. An application has been received from Fatz Restaurant for the Corridor's review. The Holiday Inn Express has submitted a three-story model, and the Corridor Commission has seen the model and has given preliminary feed back. Arby's is submitting a re-imaging package. Corridor will also be reviewing a plan for a small shopping center behind the Fatz Restaurant. Planner Jaeck reported on upcoming zoning requests. He said Conrads has submitted a request for a text amendment regarding the sale of trailers behind the Horton Automotive site. A zoning map amendment has been requested for a parcel on Hunter Circle. A zoning variance request has been submitted for paving next to a property line. Mayor DuPree asked about the progress on the Zanders' property. Nunn said utility tie-ins have been requested.

Planner Callahan said a Cemetery Open House is scheduled for June 28 from 9:00 AM – 3:00 PM in the Main Street Conference Room. This will allow an opportunity to inform the public on items such as cemetery access, animals in the cemetery, vandalism in the cemetery, cemetery maintenance, etc. Callahan said the Transportation Committee has scheduled a meeting. Larry York and Brian Lehman have volunteered to serve on this committee. Council Member Hunt and Council Member Booth volunteered to serve from the Mayor and Council, and City Manager Nunn and City Planner Callahan will serve as ex-officio members.

Planner Callahan reported the website is being changed to reflect the new branding.

Main Street's Report – Project Coordinator Huff said she has received favorable comments about the new branding. The summer concert series is scheduled for June and July every second and fourth Thursday. She said the new business packets are being prepared. Huff reported Simply Southern is closing.

Other Business of Council – No other business.

Public Comments – No public comments.

Adjournment – With no further business, Council Member Booth motion to adjourn. Naples second. Vote unanimous.

Prepared by: Mellie A. Thomas
City Clerk

Approved: _____
Date: _____