

Council Minutes
City of Gordon
December 3, 2018

The Council of the City of Gordon held a meeting on Monday, December 3, 2018 at 5:30 p.m. at the City Hall located at 115 College Street. Members present were Mayor Kenneth Turner and Council Members Bruce Daniel, Freddie Densley, Terry Eady, Rose Lawrence, and George Wynn. Council Member Payne was absent due to being sick.

The Mayor called the meeting to order and welcomed all present. He stated that we have a full agenda for tonight plus additional items that he needs to ask council to add to the agenda, therefore no one else would be added to tonight's agenda, but would be added to a future agenda.

A motion was made by Councilman Lawrence and seconded by Councilman Wynn to approve the November 5, 2018 Council Minutes as written. Voting for the motion were 5 ayes and 0 nays. Motion carried.

Mayor reported on the Work Shop held prior to this meeting concerning Sewage Treatment Plant issues.

He also reported on the Water Quality Grant.

Mayor asked Council to approve the cost to bring the sewage collection system up to good operating condition in order to be in compliance with EPD rules. He presented to Council a memo dated 11-28-18 listing the estimated cost for each item in need of repair or replacement. (Copy of memo attached.)

A motion was made by Councilman Eady to approve the cost as long as most of the cost can be paid out of the SPLOST Funds and if we can't get the money out of the SPLOST Fund, then bring the issue back to Council to see where to get the money from. Mayor said only about half of the needed repairs/replacements can be paid out of the SPLOST Fund. Mayor then stated that we have approximately \$79,000.00 in the Water & Sewage Fund. Councilman Eady then added to his motion that if the cost exceeds \$79,000.00 to be paid out of the Water & Sewage Fund, then the costs have to be brought back to Council before proceeding with repairs/replacements for further financing. Motion was seconded by Councilman Wynn. Voting for the motion were 5 ayes and 0 nays. Motion carried.

Mayor reported on the efforts being made to annex Zschimmer & Schwarz into the City of Gordon and the benefits this would provide to the City.

Attorney Green reported that the annexation proposal has been presented to the Wilkinson County Development Authority. We are now waiting for the Wilkinson County Development Authority to report back to the City.

Attorney Green gave update on the 90 day notice given to the property owner at 143 Macon Road. The notice was mailed certified delivery and he has received notice back that the mail was undeliverable. He sent it out a second time and he still has not received the signed certificate back from the certified letter. He will proceed to serve the notice through the Sheriff's Office as instructed by the Mayor.

Mayor asked Council to add Feeding Georgia Families, a water bill adjustment, and a Planning & Zoning Board inspection appointment to the agenda.

Councilman Eady did not agree to adding the items to the agenda because the correct procedure was not followed. He explained the correct procedures as required by law. He suggested putting them on the next agenda.

After discussion, since the rep from Feeding Georgia Families came all the way from Atlanta, Councilman Eady recommended that one item be added to the agenda.

Council Member Lawrence stated that she felt if you add one item to the agenda that it is only fair to add all items to the agenda.

Councilman Wynn suggested asking the attorney if it is legal.

Attorney Green said Roberts Rules of Order require it to be done as Councilman Eady said by adding the items to the agenda at the beginning of the meeting. However, it can be done by motion of Council now whether to add one or all of the items to the agenda.

Councilman Eady expressed his concern that they did not know anything about any of this until now.

Attorney Green explained that the law would prefer not to amend the agenda because of public notice. The public also didn't know.

After further discussion, a motion was made by Councilman Eady and seconded by Councilman Densley to add Feeding Georgia Families to the agenda. Voting for the motion were Councilman Daniel, Councilman Densley, Councilman Eady, and Councilman Wynn. Voting nay was Council Member Lawrence.

Mayor gave a little information on Feeding Georgia Families and the need to appoint a champion as a local rep to help coordinate the program.

William "Billy" Joyner, representing Feeding Georgia Families, gave background on how the program works in benefitting the underemployed by providing grocery assistance. He requested the use of the City Annex once a month to distribute the groceries. The first distribution will be December 18, 2018.

Mayor inquired if there were any legal ramifications pertaining to a city giving food through another organization.

Mr. Joyner said there are none and went on to state they are 5013C registered with the local, state and federal governments. No legal ramifications to speak of.

Councilman Eady asked if the days and hours for the distribution were flexible because we rent the annex out for different things and would rather for our local citizens to have first choice.

Mr. Joyner said they are very flexible in their schedule.

Mayor Turner suggested letting them use Annex B on Hooks Street so they will have a separate entrance should the other room at the City Annex be rented out.

Mayor stated that Pat Brooks has volunteered to be our champion and asked City Council to appoint her to work with Feeding Georgia Families and be the city and local representative to the churches, the community, etc.

Pat Brooks commented that Feeding Georgia Families is a great organization and will be a great benefit to Gordon and Wilkinson County as a whole.

A motion was made by Council Member Lawrence and seconded by Daniel to appoint Pat Brooks as the City of Gordon representative for Feeding Georgia Families locally and to proceed with the project with the first distribution being December 18, 2018.

Attorney Green inquired if Feeding Georgia Families provides their own insurance, etc.

Mr. Joyner replied yes.

Voting for the motion were 5 ayes and 0 nays. Motion carried.

Mayor reported on a letter dated November 6, 2018 that he received from the Georgia Municipal Association notifying the city of an increase in membership dues. (Copy of letter attached.) A

motion was made by Councilman Eady and seconded by Councilman Wynn to adopt the increase in membership dues as presented. Voting for the motion were 5 ayes and 0 nays. Motion carried.

Attorney Green has reviewed the GMEBS restated plan documents which includes an ordinance and it looks fine. Due to the changes, the IRS requires that you re-adopt it.

A motion was made by Councilman Eady and seconded by Councilman Densley to waive the reading of the ordinance pertaining to the GMEBS restated plan documents and to accept the first reading of the ordinance tonight. Voting for the motion were 5 ayes and 0 nays. Motion carried.

A motion was made by Councilman Eady to table the Memorandum of Agreement for the city website. Voting for the motion were 5 ayes and 0 nays.

Mayor reported on changes he feels are needed to the City Annex Usage Guidelines & Rental Application which includes an increase in rental fee from \$75.00 to \$125.00 plus an increase in deposit fee from \$25.00 to \$50.00. The increase is needed in order to help make necessary repairs to the City Annex. (Copy of Mayor's memo to Council dated 11-5-18 attached.) A motion was made by Councilman Wynn and seconded by Councilman Eady to approve the increase in rates as presented. Voting for the motion were 5 ayes and 0 nays. Motion carried.

The City Annex Rental Application Form & Usage Guidelines for the City Annex are to be reviewed and put on a future Council Agenda.

Mayor reported that the Library Budget was not included in the original budget when it was approved earlier. (Copy of Library Budget for 2018-2019 attached.) A motion was made by Councilman Eady and seconded by Councilman Wynn to amend the 2018-2019 budget to add the Library Budget. Voting for the motion were 5 ayes and 0 nays. Motion carried.

The next item on the agenda was to approve the Drug Task Force Memorandum of Intergovernmental & Interagency Agreement. Attorney Green has reviewed the agreement. The only problem he has with it is Section D which is insurance. This is the same issue we have had for several years. Mayor recommended adopting the agreement. A motion was made by Councilman Eady and seconded by Councilman Densley to adopt the Drug Task Force Memorandum of Intergovernmental & Interagency Agreement as written. Voting for the motion were 5 ayes and 0 nays. Motion carried. (Copy of Agreement attached.)

Zoning Administrator Melvin Lawrence presented the Planning & Zoning Board's recommendation that property owned by Kristin Pitts located at 198 Milledgeville Highway be re-zoned from R-1 to C-1.

Mayor asked Council if they would like the audience to respond with pros and cons to the re-zoning.

Councilman Eady stated that he has heard from a good portion of them already and most of them are against it and they've got good reasons to be. No need to hear from them again unless someone else wants to hear from them.

Mayor Turner said he felt like we have to give them the right to hear, whether we hear the motion before or after is the question.

Councilman Wynn commented that he lives in the neighborhood they are talking about and all of his neighbors are against the re-zoning so he would have to vote against it.

Mayor then opened the meeting to comments from the audience on the re-zoning request.

Michael Gantt who lives at 200 Milledgeville Road, which is directly across from the proposed property to be re-zoned, and has lived here for 6 years, opposes the re-zoning of the property to commercial. One of the issues is that once its re-zoned, it's zoned from then on out. He wants to preserve the neighborhood as a neighborhood.

Councilman Daniel asked how many were in attendance at the public hearing held by the Planning & Zoning Board.

Zoning Administrator Lawrence reported that the attendance was a little less than it is now.

Marjo Baisden said there were 14 in attendance.

Councilman Daniel asked what was the consensus of the people that showed up.

Zoning Administrator Lawrence reported that the majority of the citizens in the area are against it.

Lisa Koehler who lives at 103 Elm Street, diagonally across from the property proposed to be re-zoned, expressed her concern that once its re-zoned, it's zoned, and expressed her concern over her children playing in the streets and the possible additional traffic that the re-zoning would bring into the area. She has no objections to the business Ms. Pitts wants to bring in, but just does not want it at this location. Her main concern is she is afraid of the contents that could be put in these buildings and the hours people will be coming and going from the storage units. She

also expressed concern over lights that would have to be put up for security reasons. Her biggest concern is the safety of her kids and the other kids on the street and in the neighborhood.

Rick Craft, who lives at 102 Elm Street, whose property abuts directly to the rear of the proposed property to be re-zoned, stated he is not opposed to new businesses, but going to a C-1 zoning to allow for the storage buildings where there is no regular staff and no regular activity could present a problem. Should that business not succeed, the next thing could be a machine shop, gas station or some other business you do not want such as a liquor store and those are some of the negative impacts that he does not want in the future. He expressed the importance of keeping the residential areas attractive, as well as the commercial areas, in order to keep a good quality of life in Gordon and to bring new people into Gordon.

Mike Gantt stated that he owns the property directly across from the proposed storage building business, and that he bought the property because he likes the neighborhood. His son lives in the house. They do not want a chain link fence or the light or noise pollution that might arise that can't be managed or controlled at the proposed business. They like the neighborhood like it is and want the values going up and not down.

Kristin Pitts, who is requesting the re-zoning at 198 Milledgeville Highway to place a storage facility, explained they have already addressed the concerns discussed at the Planning & Zoning Meeting and how they can be handled with security measures, gates, etc. There will not be a lot of people coming in and out, not a line of cars, or a hangout place. It is essentially to keep something here in Wilkinson County so the residents don't have to travel miles away for a storage unit. She stated that she has no intentions of bringing anything to this area that brings noise or anything else to the area. There will be codes and you can't get in if you don't have it. There will be gates, lights, or whatever is needed to keep it safe for the community.

Bruce Pitts, Kristin Pitt's father, who does not live in Gordon, but does live in the Gordon area stated he understood the peoples concerns. He stated this street has commercial buildings and residential buildings already there. He expressed concern over the young people leaving this county and not being able to start a business here because we as the elderly are trying to stop them. We should do things to encourage the young people to stay here and not leave here.

Mike Gantt addressed some of the points voiced by Mr. Pitts. He stated there are already storage buildings in Gordon in the correctly zoned area and in Ivey also and not in the middle of a residential area. Put the buildings in the correctly zoned area.

Mr. Pitts said you also have restaurants and a plaza in the area and surrounding those are

residential areas. Same as in Ivey.

Tony Powell stated he is not a part of the neighborhood, but asked in projecting the growth of Gordon, has Council developed a growth plan to encourage businesses to come here and if there are allotted areas for businesses in Gordon.

Mayor Turner stated there is a zoning map of the entire city showing the different zoning classes within the city. Infrastructure services are provided to all of these areas. Whether there are any new activities to encourage businesses is probably not at the level it should be, but we do have 5 year and 10 year plans that are updated each year to encourage growth throughout the city.

Mary Ann Hollingsworth, who does not live here, but is an interested party to Ms. Pitts, stated that she has seen the property and the area around it and that the Planning & Zoning Board is aware that it is a residential area and has approved this and they should know what can be placed on any given property in this town. She then stated if you don't give people a chance how will you know if it will work or not.

Mayor Turner stated that the Planning & Zoning Board does have Public Hearings and study the input and that in mixed areas each case has to be decided on an individual basis. He explained that the Planning & Zoning Board and the City Council have to make decisions on what is best for all concerned.

Marjo Baisden explained that the Zoning Committee is an appointed committee by the Council and that the Council is an elected committee by the citizens.

Bruce Pitts stated his concern that initially they were given approval to build a building by the Zoning Committee. They went out and purchased the material and he then assumed that someone said to the Zoning Board that it could not happen and they were told to stop the project. He then stated they were given this information by the Zoning Board or a representative of the city.

Mayor stated that is a valid point.

Mike Gantt pointed out that he has made decisions where he didn't do his homework and he lost a lot more money than that, so lesson learned.

Rick Kraft stated that it was a mistake of the city at that point by not properly referencing the map to see what the zoning is.

Mayor stated that point will have to be considered at some point and time.

Kristen Pitts spoke on what she is hearing from people her age about leaving this area because they are not given a chance and the perception it is giving the young people in this area. She also commented on some of the comments made by Mike Gantt.

A motion was made by Councilman Eady and seconded by Councilman Wynn to deny the motion to re-zone the property.

Council Member Lawrence said it is her job to listen to each constituent and to base her decision on the community and what has been going on and that it doesn't matter how she feels personally. She expressed concern over getting mid-stream and trying to put it in reverse and change it.

Councilman Eady stated that years ago Milledgeville Highway used to be a state highway. It is now a city street and the city has been trying to protect the street and no-thru truck signs have been erected trying to keep the residential residents happy because of the noise. There are seven residences zoned R-1 all the way up to the Stop-N-Shop and several more residences above that. He expressed his opinion on spot zoning in the area and based on that fact he can't support changing it from R-1 to commercial. He said the items that have been bought can easily be picked up and moved to another location and that is his suggestion that another location be found to place the storage buildings on.

Councilman Densley asked what more problems the storage buildings would cause the residential area than the mobile home park down the road. He does not see where the storage buildings will cause a problem in the area more so than the mobile home park.

A motion was made by Councilman Eady and seconded by Councilman Wynn to deny the Planning & Zoning Board request to re-zone the property located at 198 Milledgeville Highway from R-1 to commercial. Voting for the motion were Councilman Eady, Councilman Wynn, and Councilman Daniel. Those voting nay were Council Member Lawrence and Councilman Densley.

City Clerk Towana Brown presented Beer & Wine License Application renewals for Dontavious Bemby - Kwickie/Flash Foods and for Betty Louise Hodges - Friendly Gus. Both applications have been reviewed and are in order and were recommended for renewal for 2019. A motion was made by Councilman Wynn and seconded by Councilman Eady to approve the two Beer & Wine License renewals. Voting for the motion were 5 ayes and 0 nays. Motion carried.

Mayor stated the Christmas bonus checks for city employees are included in the budget already but he would like to add cost for a Christmas party as well. He then asked Councils approval for the Christmas bonuses for employees and for additional funds for a Christmas party as well.

Council Member Lawrence asked if this was the most efficient thing that we should be doing at this time if we are having money issues and have just went over a list of thousands of dollars needed. She pointed out that the employees were given a raise.

Mayor pointed out that in his opinion the employees have been under a lot of stress in the last year or two and have went above and beyond the call of duty and he felt like it would be to the city's advantage to show appreciation to them.

A motion was made by Councilman Wynn and seconded by Councilman Eady to approve a \$100.00 Christmas bonus for each full-time employee and a \$50.00 Christmas bonus for each part-time employee as well as funds for a Christmas Party for employees. Council Members Daniel, Eady, and Wynn voted for the motion. Councilman Densley abstained and Council Member Lawrence voted no.

For a point of clarification, Attorney Green stated that the last two votes, the charter requires an affirmative vote of four Council Members to pass anything so the last two votes did not pass. The previous motion on zoning was to vote to not recommend it, that failed, but it also did not affirmatively recommend the re-zoning either. So we are kind of in no man's land because we are short a Council Member to pass the motion.

Mayor Turner stated that on the second issue it was not our place to recommend a change in the zoning. It was to accept or reject the Zoning Board's recommendation. The other question needs to be answered at some point but not at this setting.

Attorney Green, in order to clarify, stated that the motion was to not accept the recommendation. That motion failed because of a lack of four affirmative votes. However, there was not a motion to accept. The Council didn't vote to accept it, but also the motion to not accept it failed due to the lack of four affirmative votes based on the charter.

Councilman Eady agreed and stated it needs to be put back on the agenda and voted on again and stated that neither of the last two motions passed.

The issue of making another motion on the zoning recommendation was discussed.

A motion was made by Council Member Lawrence and seconded by Councilman Eady that the

Planning & Zoning recommendation be tabled and voted on at another Council Meeting when a full Council is present. Voting for the motion were 5 ayes and 0 nays. Motion carried.

The motion for the Christmas Bonuses and additional funds for a Christmas Party also failed. After discussion, since the Christmas Bonuses were already budgeted, it was decided that the employees would receive the Christmas bonuses, but no additional funds would be provided for a Christmas party. Councilman Eady said he would pay for the Christmas Party. Several others then volunteered to help fund the party for the employees.

Roy Mixon, on behalf of Main Street Gordon, reported on the event held in appreciation of small businesses on Thursday night. He expressed his disappointment that only about 16 businesses showed up and that he felt it was a waste of time for all the hard work that was put into it.

Mayor said the idea was to thank the businesses for everything they've participated in and helped with all during the year. That sentiment still goes out even though they did not attend.

City Clerk asked City Council to consider cancelling the second Council Meeting of the month, December 17th, due to the holidays.

A motion was made by Councilman Eady to postpone the December 17th Council Meeting until January unless something comes up. Motion discussed. Motion died for lack of a second. It was the general consensus of the Council to cancel the December 17, 2018 Council Meeting.

Sherry Mitchiner asked about her water bill adjustment request. Mayor stated that Council decided not to do it tonight.

City Clerk explained to Mrs. Mitchiner that a payment schedule can be arranged until adjustment is addressed.

A motion was made Councilman Wynn, seconded by Councilman Eady to adjourn at approximately 6:55 p.m. Voting for the motion were 5 ayes and 0 nays. Motion carried.

January 7, 2019
Approved & Adopted

Kenneth L. Turner
Mayor

Josna Brown
City Clerk