

CITY OF LAGRANGE, GEORGIA
REGULAR MEETING OF THE MAYOR AND COUNCIL

April 12, 2016

Present: Mayor Thornton; Council Members Willie Edmondson, Tom Gore, Mark Mitchell, LeGree McCamey, Norma Tucker and Nick Woodson

Also Present: Interim City Manager Meg Kelsey; City Attorney Jeff Todd; Community Development Director Alton West; Senior Planner Leigh Threadgill

The meeting was called to order by Mayor Thornton the invocation was given by Minister Jalen Gates, Confidence Missionary Baptist Church and Mayor Thornton led the Pledge of Allegiance to the Flag.

On a motion by Mr. Edmondson seconded by Mr. Woodson, Council approved the minutes of the regular Council meeting held on March 22, 2016.

A public hearing was held to receive comments on rezoning 1901 Hamilton Road from R-3, residential to C-3, General Commercial. No comments were received and Council heard a first reading of the following ordinance:

AN ORDINANCE

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF LAGRANGE TO AMEND THE CODE OF THE CITY; TO AMEND THE ZONING MAP AND ORDINANCES OF THE CITY SO AS TO RECLASSIFY THE USE ZONE OF REAL ESTATE LOCATED AT 1901 HAMILTON ROAD AND OWNED BY WAFFLE HOUSE, INC.; TO REPEAL CONFLICTING ORDINANCES; TO FIX AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

A public hearing was held to receive comments on amending the General Industrial (G-I) zoning district to allow consumer firework retail sales facilities and stands. No comments were received and Council heard a first reading of the following ordinance:

AN ORDINANCE

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF LAGRANGE TO AMEND THE CODE OF THE CITY; TO AMEND THE ZONING ORDINANCE OF THE CITY IN ORDER TO ADD CERTAIN FIREWORKS SALES WITHIN THE G-I ZONING DISTRICT; TO REPEAL CONFLICTING ORDINANCES; TO FIX AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

A public hearing was held to receive comments on amending the Neighborhood Commercial (C-1) and General Commercial (C-3) zoning districts to regulate exterior building materials. No comments were received and Council heard a first reading of the following ordinance:

AN ORDINANCE

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF LAGRANGE TO AMEND THE CODE OF THE CITY; TO AMEND THE ZONING ORDINANCE OF THE CITY TO MODIFY ACCEPTABLE EXTERIOR BUILDING MATERIALS WITHIN THE C-1 AND C-3 ZONING DISTRICTS; TO REPEAL CONFLICTING ORDINANCES; TO FIX AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Leon Childs and Travis Carter appeared before the Council and presented a brief introduction to the Adaptive Growth and Cultural Advancement program. The program offers mentoring and tutoring services to encourage students to stop joining gangs and graduate high school. The Mayor and Council thanked them for their work in the community. No action was taken.

Sherri Brown, Director of Circles, appeared before the Mayor and Council and provided a brief update of the activities of the organization. Circles of Troup County is a high-impact strategy that engages the community in owning the solution to poverty by 1) Providing skills, knowledge and support to help people in poverty achieve their goals to become self-sufficient; 2) Mobilizing volunteers, community leaders and organizations; 3) Developing leadership; 4) Increasing the capacity of existing social and community services and 5) Addressing systemic barriers faced by families trying to move out of poverty. The Mayor and Council thanked her for their work in the community. No action was taken.

On a motion by Mr. Edmondson seconded by Mr. McCamey, Council unanimously approved the application of Michael Chatterton, dba Northside Pawn and Discount LLC located at 417 New Franklin Road for a pawnshop license.

On a motion by Mr. McCamey seconded by Ms. Tucker, Council voted unanimously to rename Confederate Cemetery as Mulberry Street Cemetery.

Ms. Kelsey presented copies of the March financial statements and payment of bills over \$2,000 for Council's information.

On a motion by Mr. Woodson seconded by Mr. Edmondson, Council voted to authorize the Mayor and Deputy City Manager to execute an Intergovernmental Agreement with Troup County to construct a connector road between Vernon Road and Cameron Mill Road. (5 to 1 voted in favor, Council Member Mitchell voted in opposition.) On a motion by Mr. Gore seconded by Mr. Woodson, Council voted that the connector road will intersect Cameron Mill Road 350 feet east of Country Club Drive. (5 to 1 voted in favor, Council Member Mitchell voted in opposition.)

On a motion by Mr. Gore seconded by Mr. Edmondson, Council voted unanimously to authorize the acceptance of State Route 14 Spur running between Hamilton and Whitesville Road.

On a motion by Mr. Edmondson seconded by Ms. Tucker, Council voted unanimously to authorize the following resolution granting the City Manager and Director of Utilities the authority to communicate decisions with respect to the MEAG trust:

WHEREAS, the City of LaGrange, Georgia ("City") is a Beneficiary of the Municipal Competitive Trust (the "Trust") that MEAG Power established as of January 1, 1999; and

WHEREAS, pursuant to the terms of the Trust, the City is allowed to transfer certain funds between accounts and withdraw certain funds from accounts by written direction to MEAG Power and the Trustee; and

WHEREAS, by official action of the City, a City official was delegated authority to make deposits to the Trust and to communicate City decisions with respect to the Trust to MEAG Power and the Trustee; and

WHEREAS, in order to improve the notification process, MEAG Power has requested that all written directions communicating City decisions with respect to the Trust be executed by two independent City officials; and

WHEREAS, the City, after due consideration, has determined that such procedural changes are in the best interest of the City.

NOW, THEREFORE, BE IT RESOLVED that henceforth the City Manager and Director of Utilities (together, the “Authorized Officials”) are authorized to communicate City decisions with respect to the Trust by jointly executing written directions to MEAG Power and the Trustee; and

FURTHER RESOLVED that the City hereby authorizes the Authorized Officials to execute, and the Deputy City Manager to attest and deliver, certificates specifying the names, titles, term of office and specimen signatures of the Authorized Officials and other certificates and documents that MEAG Power may require from time to time to effect the purposes of the Trust and this Resolution.

This the ____ day of _____, 20__.

ATTEST:

Mayor

Deputy City Manager
[SEAL]

Council heard the first reading of the following ordinance:

AN ORDINANCE

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF LAGRANGE TO AMEND THE CODE OF THE CITY; TO AMEND THE CODE SO AS TO MODIFY THE LOCATIONS AT WHICH SKATING OR SKATEBOARDING IS PROHIBITED ON CITY STREETS AND PROPERTIES; TO REPEAL CONFLICTING ORDINANCES; TO FIX AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

On a motion by Mr. Edmondson seconded by Ms. Tucker, Council unanimously adopted the following ordinance:

AN ORDINANCE

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF LAGRANGE TO DE-ANNEX FROM THE CORPORATE LIMITS OF THE CITY CERTAIN REAL PROPERTY LOCATED ADJACENT TO INTERSTATE 185

NORTH; TO REPEAL CONFLICTING ORDINANCES; TO FIX AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the Mayor and Council of the City of LaGrange have determined that it is in the best interests of the City to de-annex a certain 7.22 acre tract of undeveloped land located adjacent to Interstate 185 North;

WHEREAS, O.C.G.A. § 36-36-22 authorizes the governing authority to de-annex areas of the existing corporate limits of the City upon the written and signed application of all owners of said land proposed to be de-annexed;

WHEREAS, the Mayor and Council of the City of LaGrange have determined that de-annexation of the parcel described within this ordinance meets the requirements of Georgia law; and

WHEREAS, the Board of Commissioners of Troup County has consented to the de-annexation of the lands hereafter described, pursuant to O.C.G.A. § 36-36-22, with a copy of the resolution of said governing authority evidencing consent being attached hereto as Exhibit “B;”

NOW THEREFORE, the Mayor and Council of the City of LaGrange, Georgia, hereby ordain as follows:

SECTION 1:

That the property described more fully within Exhibit “A” is hereby de-annexed from the corporate limits of the City of LaGrange.

SECTION 2:

That a copy of this ordinance, duly certified by the Deputy City Manager – Administration and Finance of the City of LaGrange, be forwarded to and filed with the Georgia Department of Community Affairs and also forwarded to the Board of Commissioners of Troup County, Georgia.

SECTION 3:

This ordinance, after adoption by the Council and upon approval by the Mayor, shall become effective immediately.

SECTION 4:

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

INTRODUCED AND FIRST READING _____ March 22, 2016

SECOND READING AND ADOPTED _____ April 12, 2016

SUBMITTED TO MAYOR AND APPROVED _____ April 12, 2016

BY: /s/ James C. Thornton, Mayor

ATTEST: /s/ Meg Kelsey, Deputy City Manager – Administration and Finance

On a motion by Mr. McCamey seconded by Mr. Edmondson, Council unanimously adopted the following ordinance:

AN ORDINANCE

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF LAGRANGE TO AMEND THE CODE OF THE CITY; TO AMEND THE ALCOHOLIC BEVERAGES CODE OF THE CITY IN ORDER TO MODIFY THE DISTANCE REQUIREMENTS FOR CERTAIN ALCOHOL SALES WITHIN THE DOWNTOWN DEVELOPMENT AREA; TO MODIFY DEFINITIONS; TO INCREASE REQUIREMENTS FOR ALCOHOL AWARENESS TRAINING IN CERTAIN ESTABLISHMENTS; TO REMOVE FOOD SERVICE REQUIREMENT FOR CERTAIN WINE SALES; TO REPEAL CONFLICTING ORDINANCES; TO FIX AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

THE MAYOR AND COUNCIL OF THE CITY OF LAGRANGE, GEORGIA, HEREBY ORDAIN AS FOLLOWS:

SECTION 1:

That Section 30-20-7 of the Code be amended by adding to the end of the current definition of *Premises* the following:

“For outdoor entertainment facilities with seating capacity of over seven hundred (700), owned or operated by the Downtown Development Authority of the City of LaGrange, Premises shall include those boundaries as approved by the city manager, and may include outdoor areas not otherwise described herein.”

SECTION 2:

That Section 30-20-7 of the Code be amended by inserting therein a new term and definition, in proper alphabetical order, as follows:

“*Downtown Development Area* shall mean that geographical area within the city which constitutes its central business district, as described and modified from time to time by the governing authority.”

SECTION 3:

That the Code of Ordinances of the City of LaGrange be amended by deleting subsection (a) from 30-20-120 in its entirety, inserting in lieu thereof a new Section 30-20-120(a) to read as follows:

“(a) Except for a class B – retail pouring outlet located within the Downtown Development Area, for which there shall be no distance requirement, no license shall be issued hereunder where the place of business of the applicant is located within three hundred (300) feet of any church or within six hundred (600) feet of any school ground or college campus, the same to be measured by the nearest traveled road, street, or

highway as provided by law.”

SECTION 4:

That subsections (1) and (2) of Section 30-20-29 of the Code be amended by deleting said subsections, in their entirety, inserting in lieu thereof a new Section 30-20-29(1) and (2) to read as follows:

“Sec. 30-20-29. – Distance requirements for sale of beer and malt beverages.

No person shall sell or offer to sell and no license shall be issued for the sale of:

(1) Beer or malt beverages within one hundred (100) yards of any school building, school grounds, or college campus, except for “on-premises consumption” (class B license) sales within the Downtown Development Area, for which there shall be no such distance requirement. This subparagraph shall not apply at any location for which a license has been issued prior to July 1, 1981, nor to the renewal of such license. Nor shall this subparagraph apply at any location for which a new license is applied for if the sale of beer was lawful at such location at any time during the twelve (12) months immediately preceding such application;

(2) Beer or malt beverages for “on-premises consumption” (class B license) within one hundred (100) yards of any church building, except within the Downtown Development Area, in which there shall be no such distance requirement; provided however that the distance requirement contained in this subparagraph shall not apply to any person who held a license authorizing “on-premises consumption” of beer or malt beverages on January 28, 1975, but any such license exempted by the provisions hereof shall not be transferable.”

SECTION 5:

That subsections (1) and (2) of Section 30-20-224 of the Code be amended by deleting said subsections, in their entirety, inserting in lieu thereof a new Section 30-20-224(1) and (2) to read as follows:

“Sec. 30-20-224. – Distance requirements.

No person shall sell or offer to sell and no license shall be issued for the sale of:

(1) Wine within one hundred (100) yards of any school building, school grounds, or college campus, except for “on-premises consumption” (class B license) within the Downtown Development Area, for which there shall be no such distance requirement. This subparagraph shall not apply at any location for which a license has been issued prior to July 1, 1981, nor to the renewal of such license. Nor shall this subparagraph apply at any location for which a new license is applied for if the sale of wine was lawful at such location

at any time during the twelve (12) months immediately preceding such application;

(2) Wine for “on-premises consumption” (class B license) within one hundred (100) yards of any church building, except within the Downtown Development Area, in which there shall be no such distance requirement.”

SECTION 6:

That the Code of the City of LaGrange be amended by inserting therein a new Section 30-20-31, to read as follows:

“Sec. 30-20-31. – Employees alcohol beverage card (ABC); procedure.

(a) No person whose duties involve dispensing, serving, selling, handling or taking orders for malt beverages or beer may be employed by an establishment holding a license hereunder until such person has been issued an alcoholic beverage card (ABC card) by the police department indicating the person to be employed is eligible for such employment.

(b) All persons subject to the provisions of this section shall, within seven (7) days after the date of their first work in an establishment holding a license to sell malt beverages or beer, report to the police department for issuance of an alcohol beverage card.

(c) The police department shall make a complete and exhaustive search relative to the criminal record of any person so employed. The ABC card shall be denied or revoked, as the case may be, in the event the applicant employee shall have been convicted within a period of five (5) years immediately prior to the application for an ABC card of any alcohol related offense. The chief of police may, after investigation, waive any such conviction if, within his discretion, such should not constitute a bar to the issuance of an ABC card.

(d) Any letter of eligibility for employment issued hereunder shall expire twelve (12) months from the date of the issuance unless earlier canceled by the police department. The police department may prescribe regulations for certifying the eligibility for continued employment without the necessity of a further search relative to the record of that person. The police department may prescribe reasonable fees and times for certifying eligibility for employment and the fees shall be paid by the employer or the employee at the time request for eligibility certification is made. Any such fees shall be approved by the mayor and council of the city.

(e) The licensee, or the manager of the licensed premises, shall be responsible for the conduct or actions of the employees and shall have the responsibility of ensuring compliance with the provisions of this code section.”

SECTION 7:

That the Code of Ordinances of the City of LaGrange be amended by inserting therein a new Section 30-20-31, to read as follows:

“Sec. 30-20-31. – Class D license alcohol awareness training.

No class B license for on premises consumption of beer or malt beverages shall issue for a location which is not a Restaurant (as defined in Code Section 30-20-96) until the manager of said licensed establishment shall have completed the alcohol awareness training required for a sidewalk cafe permit as established in Section 30-5-322 of the code.”

SECTION 8:

That the Code of Ordinances of the City of LaGrange be amended by inserting therein a new Section 30-20-238, to read as follows:

“Sec. 30-20-238. – Class D license alcohol awareness training.

No class B license for on premises consumption of wine shall issue for a location which is not a Restaurant (as defined in Code Section 30-20-96) until the manager of said licensed establishment shall have completed the alcohol awareness training required for a sidewalk cafe permit as established in Section 30-5-322 of the code.”

SECTION 9:

That the Code of the City of LaGrange be amended by inserting therein a new Section 30-20-239, to read as follows:

“Sec. 30-20-239. – Employees alcohol beverage card (ABC); procedure.

(a) No person whose duties involve dispensing, serving, selling, handling or taking orders for wine may be employed by an establishment holding a license hereunder until such person has been issued an alcoholic beverage card (ABC card) by the police department indicating the person to be employed is eligible for such employment.

(b) All persons subject to the provisions of this section shall, within seven (7) days after the date of their first work in an establishment holding a license to sell wine, report to the police department for issuance of an alcohol beverage card.

(c) The police department shall make a complete and exhaustive search relative to the criminal record of any person so employed. The ABC card shall be denied or revoked, as the case may be, in the event the applicant employee shall have been convicted within a period of five (5) years immediately prior to the application for an ABC card of any alcohol related offense. The chief of police may, after investigation, waive any such conviction if, within his

discretion, such should not constitute a bar to the issuance of an ABC card.

(d) Any letter of eligibility for employment issued hereunder shall expire twelve (12) months from the date of the issuance unless earlier canceled by the police department. The police department may prescribe regulations for certifying the eligibility for continued employment without the necessity of a further search relative to the record of that person. The police department may prescribe reasonable fees and times for certifying eligibility for employment and the fees shall be paid by the employer or the employee at the time request for eligibility certification is made. Any such fees shall be approved by the mayor and council of the city.

(e) The licensee, or the manager of the licensed premises, shall be responsible for the conduct or actions of the employees and shall have the responsibility of ensuring compliance with the provisions of this code section.”

SECTION 10:

That subsection (2) of Section 30-20-222 of the Code be amended by deleting said section, in its entirety, inserting in lieu thereof a new Code Section 30-20-222(2) to read as follows:

“(2) Class B license (pouring) shall authorize the sale of wine at retail in its original package and/or for consumption on the premises of such licensee. Such Class B license shall be issued only to an undertaking in the city which is properly zoned for such purposes or which is a permitted or conditional use under the zoning ordinances of the city. If the applicant is a restaurant operated as a private club, the licensee has the continuing obligation to admit, without question the law enforcement officers of the city, the county, the state or the United States of America, at any time upon presentation of proper credentials.”

SECTION 11:

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 12:

This Ordinance after adoption by the Council and upon approval by the Mayor shall become effective immediately.

INTRODUCED AND FIRST READING _____ March 22, 2016

SECOND READING AND ADOPTED _____ April 12, 2016

SUBMITTED TO MAYOR AND APPROVED _____ April 12, 2016

BY: /s/ James C. Thornton, Mayor _____

ATTEST: /s/ Meg Kelsey, Deputy City Manager – Administration and Finance _____

On a motion by Ms. Tucker seconded by Mr. Woodson, Council unanimously authorized the introduction of a substitute ordinance for an ordinance first read on March 8, 2016. The substitute ordinance clarifies the street descriptions for areas designated as tow away zones. Then, on a motion by Mr. Gore seconded by Mr. McCamey, Council unanimously adopted the following substitute ordinance:

A SUBSTITUTE ORDINANCE

A SUBSTITUTE ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF LAGRANGE TO AMEND THE CODE OF THE CITY; TO AMEND THE TOW AWAY ZONES ORDINANCE TO INCLUDE ADDITIONAL STREETS AND AREAS WITHIN THE CITY; TO MODIFY THE NO PARKING PROVISIONS FOR MARSHALL STREET; TO REPEAL CONFLICTING ORDINANCES; TO FIX AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

THE MAYOR AND COUNCIL OF THE CITY OF LAGRANGE, GEORGIA, HEREBY
ORDAIN AS FOLLOWS:

SECTION 1:

That subsection (a) of Section 10-20-98, regarding tow away zones, be deleted, in its entirety, inserting in lieu thereof a new Section 10-20-98(a) to read as follows:

“(a) The following areas or portions of streets are hereby established as tow away zones:

W. Bacon Street, on both sides, between New Franklin Road and Marshall Street.

Center Plaza Drive, on both sides beginning at its intersection with State Route 109 (Lafayette Parkway) and extending south and east to its intersection with Callaway Church Road.

North Greenwood Street, the east and west sides, from its intersection with the north right-of-way line of Broad Street, north to its intersection with the south right-of-way line of Mitchell Street, as extended.

Highland Avenue, on north and south sides, between Ridley Avenue and North Greenwood Street.

Hunnicut Drive, on the north side, between North Greenwood Street and Granger Drive.

Jameson Drive, on both sides, beginning at its intersection with State Route 109 (Lafayette Parkway) and extending north 220 feet.

Marshall Street, on both sides, between Highland Avenue and Bacon Street.

Ridley Avenue, on both sides, between Smith Street and Mitchell Avenue.

Vehicles found to be parked beyond the curb in violation of municipal code 10-20-94 or parked blocking a driveway or alleyway in violation of municipal code 10-20-95 in the noted areas within this code section are deemed to be parked improperly and are subject to removal at the owner's expense and the owner/operator is subject to penalties described in 1-1-6 of the municipal code.

(b) Provided any such area or portions of streets have been posted with signs indicating the same as a "tow away zone," and in addition to any other penalties, any vehicle found to be parked in such area or portions of streets may be removed by a towing service upon order of the police department at the expense of the owner.

(c) Upon conviction, any person who shall violate the provisions of this section shall be fined an amount no less than \$100.00."

SECTION 2:

That Section 10-20-96 of the Code be amended by deleting the entry entitled *Marshall Street*, inserting in lieu thereof, in proper alphabetical order, a new entry entitled *Marshall Street* to read as follows:

“*Marshall Street*, on both sides, between Highland Avenue and Bacon Street, parking is prohibited.”

SECTION 3:

That Section 10-20-99 of the code be deleted, in its entirety, and reserved for future use.

SECTION 4:

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 5:

This ordinance after adoption by the Council and upon approval by the Mayor shall become effective immediately.

INTRODUCED AND FIRST READING _____ March 8, 2016 _____

SUBSTITUTE ACCEPTED _____ April 12, 2016 _____

SECOND READING AND ADOPTED _____ April 12, 2016 _____

SUBMITTED TO MAYOR AND APPROVED _____ April 12, 2016 _____

BY: /s/ James C. Thornton, Mayor

ATTEST: /s/ Meg Kelsey, Deputy City Manager – Administration and Finance

In good news closing comments, Ms. Kelsey presented a monthly progress report for department wide activities. The report was put together in an effort to keep the Mayor and Council and public better informed.

There was no other business and the meeting was adjourned by Mayor Thornton.

Mayor

Deputy City Manager, Administration/Finance