The regular meeting of the City of Winder Mayor and Council was held this date with the following present:

Present: Mayor Chip Thompson

Councilmember's: Bob Dixon

Frank Dunagan Charlie Eberhart David Maynard Sonny Morris JR Parrish

Administrative Staff: City Clerk Sabrina Wall

Assistant City Clerk Gloria Andrews Finance Director Leslie Henderson Planning Director Barry Edgar

Mayor Thompson called the meeting to order. Councilman Parrish delivered the opening prayer. Following the prayer, Mayor Thompson led those present in the pledge of allegiance to the flag.

Minutes Approved

The minutes for the City of Winder regular meeting held on May 4, 2010 were approved as presented. Councilman Eberhart made a motion to approve. Councilman Dunagan seconded. Councilman Maynard raised concerns with the wording on #7 Water & Waste Water Rate increase. Councilman Parrish stated his intent for the motion was for the lifeline tiered option. Motion passed with Councilman Maynard opposing.

Citizen Input

Mrs. Elaine Dickens stated to the Council her concerns over the amendment to the Temporary Outdoor Activity Ordinance. The City has already stated they are understaffed. Within six months, you will have several that will have popped up and how will you control it at that point. I am sorry. I know they are trying to make a living but they knew the rules when they rented the building. I am very passionate of the vision for the City and I do not want us to take a step back.

Financial Report

Finance Director Leslie Ginn reviewed the Financial Status Report. At May 2010, the eleventh month of fiscal year 2010 represents 91.67% of the fiscal year. Ideal revenues for the period should be equal to or greater than 91.67% of the annual budgeted revenues while ideal expenditures should be equal to or less than 91.67% of the annual budgeted expenditures.

General fund revenues collected were 91.28% of the total budgeted revenues while operating expenditures were 81.55% of total budgeted expenditures. Enterprise fund revenues collected were 89.03% of the total budgeted revenues while operating expenditures were 89.91% of total budgeted expenses.

Municipal Court Fund Revenues collected were 127.15% of the total budgeted revenues while operating expenditures were 100.23% of total budgeted expenditures.

Discussion/Recognition Items

2010 Winder Poetry Contest Winners

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Adult Division:
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    1<sup>st</sup> Place – Kelly Richardson's poem, "Winder, Retrospectively"
    2<sup>nd</sup> Place – Linnea Crouch's poem, "Box of Birthday Candles"
    3<sup>rd</sup> Place – Joyce Davis' poem, "Alzheimer's Has Taken Me Away"
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Youth Division, 18 and under

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1<sup>st</sup> Place – Josiah Tucker's poem, "Party"

2<sup>nd</sup> Place – Quentin Ladson's poem, "Where I'm From"

3<sup>rd</sup> Place – Andrew Nelson's poem, "Red"
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Cultural Arts Director Don Wildsmith & Pam Veader were recognized from the Barrow County Board of Education

Officer Ryan Wheeler was unable to be present tonight.

Patrol Officer John Hull, Sgt. Randy Michael & Det. Sgt. Eric Vance for a job well done on the Pawn Mart case.

HS Feldman – Receiving the Gold Award for the Winder Water Treatment Plant – Bryan Wagner of the Georgia Association of Water Professionals presented the City of Winder with the Gold Award for meeting the hundreds of criteria's associated with this status. Out of 1300 water suppliers, only 80 to 85 received the gold award. Congratulations.

Water & Waste Water Rates – The Council would like to see the new tiers on the new water bills that are being created. Councilman Maynard stated he felt there would be more confusion without the tiers.

Land Development Permit for activities such as driveways, parking lots, clearing and grubbing, grading, and dirt removal. There is no charge for the permit but this will also help track impervious surfaces for future use. Councilman Maynard requested the Land Development Permit be a voting item in July's meeting.

Voting Items

- 1. Elect a Budget Officer The City Staff is asking the Council to appoint Finance Director Leslie Henderson to serve as Budget Officer for the 2011/2012 budget year. In the past, it has been the City Administrator. Councilman Parrish made a motion to appoint Finance Director Leslie Henderson as the 2011/2012 Budget Officer. Councilman Maynard seconded and the motion passed unanimously.
- 2. Adopt legal level of budget control The legal level of control is the department level of function or activity in each fund. Each Department Head is responsible for monitoring their own budget. Councilman Morris made a motion to adopt a legal level of budget control. Councilman Eberhart seconded and the motion passed unanimously.
- 3. Property Tax Roll Back The property tax rate is hereby set at 4.0103 mills for the budget period but is rolled back to zero due to the proceeds of the local option sales tax. Councilman Parrish made a motion to approve property tax roll back to zero. Councilman Dunagan seconded and the motion passed unanimously.
- 4. Adopt 2010-2011 Budget Councilman Maynard made a motion to oppose the current budget and would like to see a revised budget that does not exceed last years. Councilman Dixon seconded. After a lengthy discussion, Councilman Eberhart seconded to Councilman Dixon. City Clerk Sabrina Wall stated to the Council that Councilman Maynard's motion was on the floor and Councilman Dixon had seconded. Councilman Eberhart withdrew his motion. Councilman Dixon withdrew his motion. Motion died due to lack of a second. Councilman Parrish made a motion to approve the adoption of the 2010-2011 Budget as presented. Councilman Dunagan seconded. Councilman Dixon requested for the future the budget be given to the

Council 30 days in advance to review in a timely manner. Motion passed with Councilman Maynard opposing.

- 5. Amend Current 2009/2010 Budget Councilman Parrish approved the amendment of the current 2009/2010 Budget as presented. Councilman Eberhart seconded and the motion passed unanimously.
- 6. Special Events Facilities Ordinance An Ordinance to Amend the City Code to provide for a permit to sell wine and malt beverages at special events held in a facility which is used for special events such as weddings, anniversaries, reunions, fundraisers, meetings, conferences, concerts or other events. Councilman Parrish made a motion to approve the Special Event Facility Ordinance and waive the second reading. Councilman Morris seconded and the motion passed unanimously.
- 7. Intergovernmental agreement by and among Barrow County, Barrow County Water & Sewerage Authority and the City of Winder for design and construction of a sewer line for the Auburn Sewer Service Project. Councilman Maynard made a motion to approve the Intergovernmental Agreement. Councilman Dunagan seconded and the motion passed unanimously.
- 8. Parade-Demonstration Permit for Georgia Firefighters Burn Foundation. This is a motorcade precession parade for burn victims and will be held on June 9, 2010 beginning at 10:30 am with 20 cars and 50 motorcycles. The precession will begin at Fort Yargo and will return to the Park. Councilman Eberhart made a motion to approve the parade permit for Georgia Burn Foundation. Councilman Dunagan seconded and the motion passed unanimously.
- 9. Resolution Pursuant to the Disaster Mitigation Act of 2000 authorizing adoption of the Barrow County Pre-Disaster Hazard Mitigation Plan. Councilman Maynard made a motion to approve the Resolution for Disaster Mitigation Act. Councilman Parrish seconded and the motion passed unanimously.
- 10. July Council Meeting The July Council Work Session meeting will fall on Monday, July 5 when the City will be closed to observe the holiday. City Staff is recommending the work session be rescheduled to Monday, July 12 and the Council meeting to follow on Tuesday, July 13. Councilman Eberhart made a motion to approve the

rescheduling of the July Work Session and Council Meeting to July 12 and 13. Councilman Maynard seconded and the motion passed unanimously.

- 11. Lazy Daze Music Festival Event Permit The City of Winder will be holding its annual music festival on July 31, 2010 from the times of 4:30 pm until 9:30 pm. This event will be held at the Picnic Pavilion. A portion of Athens Street will be closed from the corner of Park Avenue down to the corner of King Street. All applications have been approved by City Staff. Councilman Parrish made a motion to approve the Lazy Daze Event Permit. Councilman Maynard seconded and the motion passed unanimously.
- 12. Resolution to approve the consumption of alcoholic beverages in public and from open containers at the July 31, 2010 Lazy Daze Music Festival. Councilman Maynard made a motion to approve the resolution to consume alcoholic beverages for Lazy Daze Music Festival. Councilman Parrish seconded. The motion passed with Mayor Thompson breaking a tie. Councilman Eberhart, Councilman Morris and Councilman Dixon opposed.
- 13. Jug Tavern Bar B Q & Music Festival Event Permit The City of Winder Events Committee would like to hold the Jug Tavern Bar B Q and Music festival on September 10 & 11, 2010. Times for September 10 will be of 5:00 pm until 9:30 pm. and September 11 will be from 11:00 a.m. until 10:00 p.m. This event will be held at the Picnic Pavilion. A portion of Athens Street will be closed from the corner of Park Avenue down to the corner of King Street. All applications have been approved by City Staff. Councilman Maynard made a motion to approve the Jug Tavern Event Permit. Councilman Dunagan seconded and the motion passed unanimously.
- 14. Resolution to approve the consumption of alcoholic beverages in public and from open containers at the September 10 & 11, 2010 Jug Tavern Bar B Q & Music Festival. Councilman Parrish made a motion to approve the resolution to consume alcoholic beverages for the Jug Tavern Bar B Q & Music Festival. Councilman Maynard seconded. The motion passed with Mayor Thompson breaking a tie. Councilman Eberhart, Councilman Morris and Councilman Dixon opposed.

- 15. An Ordinance to amend the City of Winder 's Soil Erosion and Sedimentation Control Ordinance to repeal and replace Article I of Chapter 24 Providing for definitions, exemptions, minimum requirements, application and permitting process, Inspection and enforcement, penalties and incentives, administrative appeals and judicial review, affectivity, validity and liability, and for other purposes. This is in accordance with the requirements and modifications by the State of Georgia. Councilman Parrish made a motion to approve the Soil Erosion and Sedimentation Control Ordinance and waive the second reading. Councilman Eberhart seconded and the motion passed unanimously.
- 16. Beer and wine permit by the package for applicant, John Bradley Hansford, Walgreen Company doing business as Walgreens #12726, located at 10 East May Street. This is a new license. Councilman Parrish made a motion to approve the Beer & Wine permit. Councilman Eberhart seconded and the motion passed unanimously.
- 17. Rezone request for applicant and owner, Claude Tuck Jr., Realty Company for +/- 0.49 acres located at 110 North Broad Street. The request is for rezoning from the current R-1 (Single Family Low Density Residential) Zone to B-1 (Neighborhood Commercial) Zone. The Planning Board initially heard this rezone request on May 18th and the request was unanimously approved. If the property is rezoned as requested all City of Winder ordinances dealing with signs, parking, fire codes, zoning and building renovations for office or professional uses must be followed. A parking plan will need to be submitted to the Planning Department for review and approval. This property is located in the Historic District and any proposed renovations to the exterior of the building or the detached garage will need to go before the Historic Preservation Commission for their consideration. Any improvements to the existing entrance coming from North Broad Street will require Georgia Department of Transportation review and approval. Any improvements to the existing entrance coming from Stephens Street will need to be reviewed by the Planning Department and the Public Works Department. Councilman Maynard made a motion to approve the Tuck rezone. Councilman Parrish seconded and the motion passed unanimously.

- 18. Rezone request for applicant and owner, Winford E. Orr for +/- 0.974 acres located +/- 213.88 feet from the intersection of North Broad Street and East Wright Street extending 117.52 feet east on East Wright Street (Tract 3). The request is for rezoning from the current R-1A (Single Family Medium Density Residential) Zone to B-1 (Neighborhood Commercial) Zone. This item was withdrawn at the request of Mr. Orr.
- 19. Rezone request for applicant and owner, Winford E. Orr for +/- 2.816 acres located +/- 331.40 feet from the intersection of North Broad Street and East Wright Street extending 415.42 feet east on East Wright Street (Tract 4 18, 22, and 26 East Wright Street). The request is for rezoning from the current R-1A (Single Family Medium Density Residential) Zone to B-1 (Neighborhood Commercial) Zone. This item was withdrawn at the request of Mr. Orr.
- 20. An Ordinance to amend Article X, Chapter 13, Section 13-172 of the Code of Ordinances of the City of Winder to provide for Temporary weekend outdoor activities permits and for other purposes. Councilman Morris made a motion to approve the amendment to the Temporary Outdoor Activity Ordinance and waive the second reading. Councilman Maynard seconded and the motion passed with Councilman Parrish opposing.
- 21. Peddler permit for Marii Matteus, an exchange student from Estonia, who will be selling books door-to-door in Winder for the Southwestern Company based in Nashville, Tennessee. She has a valid passport and a temporary J-1 Visa that will expire September 1, 2010. Councilman Maynard made a motion to approve the peddlers permit. Councilman Eberhart seconded and the motion passed unanimously.
- 22. Beer and wine permit by the drink for a Special Facilities Event license for applicant, Constance House Perkins, CH Perkins Investments LLC doing business as Constance Manor, located at 70 Church Street. This is a new license. Councilman Parrish made a motion to approve the beer & wine permit. Councilman Maynard seconded and the motion passed unanimously.

B. June Zoning Board of Appeals 2010

- Conditional use request for applicant and owner, Winford E. Orr, for an R-3 Multi-Family residential use for +/- 2.816 acres located +/- 331.40 feet from the intersection of North Broad Street and East Wright Street extending 415.42 feet east on East Wright Street (Tract 4 18, 22, and 26 East Wright Street). The property is currently zoned R-1A (Single Family Medium Density Residential) zone but is in the process of being rezoned to B-1 (Neighborhood Commercial) zone. Apartments already exist on the property. This item was withdrawn at the request of Mr. Orr.
- 2. Conditional use request for owners, Dr. Stephen Orr and Mr. Mark Orr, and applicant, Mr. Matthew Lovell, for a single-family residence to be located at 171 North Broad Street in conjunction with a business. The property is currently zoned B-1 (Neighborhood Commercial) zone. The applicant, Matthew Lovell and owners, Mark and Stephen Orr are asking for a Conditional Use for one single-family residence to be allowed on the second floor of the property located at 171 North Broad Street. Currently the property is zoned B-1, Neighborhood Commercial Zone. As part of the B-1 zoning ordinance, a Conditional Use can be granted by the **Zoning Board of Appeals** for a residential use. The property is located at the eastern corner of North Broad Street and East Wright Street. The property is shown as Tract #1 on the enclosed property survey. The house on the property is ± -3.300 square feet in size, and the applicant would like to utilize the upstairs for their primary residence and the downstairs for a photography studio. The kitchen is downstairs, and this area will also be used as a part of the primary residence. The upstairs is +/-1,650 square feet, and the downstairs is roughly the same size. Parking for clients appears to be adequate. The applicant states that clients will be seen by appointment only. The Planning Board initially heard this request on May 18th and the request was unanimously approved. If the conditional use is allowed as requested, all City of Winder ordinances dealing with signs, occupancy regulations, vehicle access, parking, zoning and building renovations for residential and commercial uses must be followed. The Building Inspector and Fire Department will have to inspect the building to assure the proposed residential areas and commercial areas are up to current City of Winder building and fire codes prior to occupancy. Councilman Parrish made a motion to approve the Orr conditional use. Councilman Maynard seconded and the motion passed unanimously.

> 3. Conditional use for owner, James Rutledge, and applicant, Cassandra R. McCann, for a daycare/childcare facility to be located at 278 Lumpkin Street. The property is currently zoned B-1 (Neighborhood Commercial) Zone. A Conditional Use has to be granted by the **Zoning Board of Appeals** for a daycare operation to be conducted on property in a B-1 zone. The property has been used as a children's daycare facility in the past. That use has been discontinued for more than 3 months and a new Conditional Use application had to be submitted to allow the proposed use again as per the Nonconforming Use ordinance. The applicant plans to use the existing house on the site for the daycare, just as the previous daycare did. Any proposed building renovations or newly constructed buildings will have to meet City of Winder building codes as well as any State of Georgia requirements for daycares. Traffic at daycare facilities is typically heavy in the early morning, mid afternoon and late afternoon hours. No cars should ever be backed up to the point where they will impede traffic on the surrounding City streets. The Planning Board initially heard the Conditional Use request on May 18, 2010, and the request was approved with a unanimous vote. Any future development of this property must adhere to all City of Winder ordinances. All State of Georgia regulations dealing with daycare facilities must be followed. Councilman Eberhart made a motion to approve the Rutledge/McCann conditional use. Councilman Maynard seconded and the motion passed unanimously.

Adjournment at 7:55 pm	
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Mayor	
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City Clerk	