

## City of Butler

William B. Whitley,  
Mayor  
Joel V. Sherlock,  
City Attorney  
Vicki Wainwright,  
Clerk

P. O. BOX 476  
BUTLER, GEORGIA 31006  
(478) 862-5435 • (478)862-5083  
TDD/TYY Dial 711 or 1-800-255-0056 • 1-800-255-0135

Council:  
Edward Guinn  
Mayor, Pro-Tem,  
Chas Gassett  
Glenn Harris  
Amanzie Jenkins  
Deborah Williams

## July 10, 2018 COUNCIL MEETING

### PRESENT

### MEDIA PRESENT

Mayor Barry Whitley  
Ed Guinn  
Deborah Williams  
Glenn Harris  
Amanzie Jenkins  
Vicki Wainwright  
Joel Sherlock  
(*Council Gassett was absent*)

Taylor County News  
Flint Cable TV

**INVOCATION:** Council Woman Deborah Williams

### **OLD BUSINESS:**

**Minutes:** A motion to approve the minutes from the June 12, 2018 Regular Council Meeting was made by Councilman Amanzie Jenkins and a 2<sup>nd</sup> was made by Mayor Pro-Tem Ed Guinn. The vote was unanimous. (Councilman Chas Gassett was absent).

### **NEW BUSINESS:**

**Agenda Amendment:** Public Works Director David Windham asked the Mayor and Council for an amendment to the agenda. He stated that he needed to add two items to the agenda. Mayor Whitley told him to proceed with the additions.

**Review Fee/Pass Through Fee for Engineering Review:** Mr. Windham requested that a Pass Through Fee and a 10 Day Review Period be added to the Planning and Zoning Ordinance. He said that whatever  
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charges the engineer turns in to the City to review the plans will be passed on to the Permittee. A motion was made by Councilman Amanzie Jenkins and a second was issued by Councilman Glenn Harris. The vote was unanimous.

**Water/Sewer Rate Schedule:** Mr. Windham stated that as had been previously discussed, they had all been given a new rate schedule for water/sewer fees that are required in order to meet the USDA Letter Of Conditions for the upcoming project. He would like a motion to approve the 12% increase across the board for a three year term. A motion to accept the proposed rate schedule was made by Mayor Pro-Tem Ed Guinn and a second was made by Councilman Amanzie Jenkins. The vote was unanimous.

**Variance for Enterprise Investors LLC @ 46 S. Broad Street:** Planning and Zoning Administrator Ashley Lawhorn came before the Mayor and Council and brought their attention to the packet from LeCraw Engineering. She informed the Mayor and Council that they are planning to build a new Dollar General directly south of the current dollar general. She introduced Kyle Sharp, the engineer for the project, to answer any questions that the Council may have. He informed the Mayor and Council that their current plan has 35 parking spaces, which is 18 less than what the current ordinance requires. He said that Dollar General has done their own studies that show that 35 spaces will be plenty of spaces even during peak times. Attorney Joel Sherlock stated that the only way that a variance can be granted is through a hardship. He further stated that he is just telling the Mayor and Council the rules as they apply, but ultimately it is their decision whether or not they choose to grant the variance. Mr. Sharp stated that the hardship that they stated in the variance request is that there is a blue line stream at the rear of the property, and if they provided the number of spaces required, it would have them encroaching on that stream. He said if the variance is approved it will allow the development to be constructed as designed without any impacts to the existing state water or buffer. He further stated that his client has not purchased the property as he is waiting on the outcome of this variance decision. Mayor Pro-Tem Ed Guinn made a motion to accept the variance based on hardship. A second was made by Councilman Amanzie Jenkins. The vote was unanimous.

**Adoption of 2018 Hazardous Mitigation Plan:** Public Works Director David Windham explained that every 10 years the Hazardous Mitigation Plan has to be updated. The stated that there is a copy in the Office if they would like to read it, but assured them that he, Ms. Wainwright and Mr. Moulton attended all of the meetings during the planning stage of writing the plan. He said that the plan has already been approved by GEMA and FEMA. Taylor County Board of Commissioners has adopted the plan as well. A motion to adopt the 2018-2028 Hazardous Mitigation Plan was made by Council Woman Deborah Williams and a second was made by Councilman Amanzie Jenkins. The vote was unanimous.

**National Night Out Resolution:** City Clerk Vicki Wainwright read a Resolution proclaiming August 7, 2018 "National Night Out". The National Association of Town Watch (NATW) sponsors a national community-building campaign that promotes police community partnerships and neighborhood camaraderie to make our neighborhoods safer and more caring places to live. The City of Butler will host a National Night Out on August 7, 2018 at the Taylor County Recreation Department from 5:30 PM to 8:00 PM and invites everyone to come out and enjoy the evening. A motion to adopt the resolution

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was made by Mayor Pro-Tem Ed Guinn and a second was made by Councilman Amanzie Jenkins. The vote was unanimous.

**GMA Lease/Purchase Resolution (Trailer Mounted Sewer Vac.)** Mr. Windham said that the resolution is giving the Mayor permission to sign the loan documents with GMA for the sewer vac. The Mayor and Council had agreed to purchase the sewer vac in December of 2017 and it will be paid out of SPLOST funds. A motion was made by Councilman Amanzie Jenkins and a second was made by Councilwoman Deborah Williams. The vote was unanimous.

**Acceptance of Commercial Lane and North Park Avenue:** David Windham stated that Commercial Lane is the East/West road just north of the 19/96 intersection that runs from Hwy 19 to North Park Avenue, and North Park Avenue is the North/South road that runs from the 96 by-pass to Plantation Drive. These roads were put in by the Development Authority. These roads, along with the right a way and easements, must be accepted by the City of Butler and the quick claim deed transferring ownership from the Development Authority to the City of Butler has been provided by legal council. Mr. Windham stated that the right of way on the east/west road would be 30 foot from the center line and the north/south road would be 40 foot from the center line. A motion to accept the above mentioned roads was made by Mayor Pro-Tem Ed Guinn and a second was made by Councilman Glenn Harris. The vote was unanimous.

**Intergovernmental Agreement between Development Authority and City of Butler: 19/96 Project:** Attorney Joel Sherlock stated that the agreement lays out the rights and responsibilities between the City of Butler and the Development Authority with regard to installing the water and wastewater system that runs along the right of way on the 19/96 project. He also stated that the Development Authority has already approved and signed the IGA. He said that the City is agreeing to contribute \$40, 000 to the project and the Development Authority is agreeing to contribute no less than \$220,908.25 and that the City of Butler's Public Works Director will be in charge of the project. He said that if there are any overages, which there should not be, those overages will be absorbed by the Development Authority. David Windham said that the project will be handled just like any other City of Butler project. A motion to sign the IGA was made by Councilman Amanzie Jenkins and a second was made by Councilman Glenn Harris. The motion was unanimous.

**Public Service Easement:** David Windham asked the Mayor and Council to table the public service easement discussion until he can do further research and refer back to the LAS permit. The discussion was tabled until a later date.

#### **DEPARTMENT HEAD REPORTS:**

**Public Works Director David Windham** stated that the month had been a busy one. He said that the storm approximately two weeks ago took out power in the City for over 8 hours. During this time the City did provide some generators to residents that needed power for medical reasons. He said that the notice for bids has gone out in the paper for the 19/96 project and bid openings should be held at 2:00

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on August 7<sup>th</sup> at City Hall. He said he should have the winning bid at the August Council Meeting for their approval. His hope is to have the pre-construction meeting the first of September.

**Chief Kain Cobb** said that in June they worked three traffic accidents that resulted in three injuries. There were 104 traffic stops with 30 citations being issued. The department responded to eight burglaries/thefts/financial crimes. He commended the members of the Butler Fire Department for their dedication and hard work. He stated that he and Officer Harvey attended one night of fire training, and says he has a whole new respect for what they do. He stated that he is looking forward to the National Night Out and hopes it will be a success.

**Fire Coordinator Eddie Moulton** stated that the Fire Department ran 13 calls last month. Those were five alarm calls, four vehicle accidents with two extrications, 1 structure fire and 1 EMS assist and two vehicle fires. There are five firefighters in the Firefighter 1 class and they have about a month and a half to go before they are done.

**Public Comments:**

Robert Brazziel with Ms. Betty's Fried Chicken came before the Council to address a concern regarding the trash carts from Main Street Pizza. He stated that he has outdoor seating at his restaurant and the Coffee Pot does as well and they have customers complaining about the smell of the trash carts. He asked if there is anything that the City can do? David Windham informed him that the City is aware of the problem and have some things in the works to address the issue. The carts can not be placed behind the building due to the jail being there. He assured him that something would be done soon to help with the problem.

**EXECUTIVE SESSION:** Mayor Whitley announced that the Mayor and Council have an issue that needs to be discussed in Executive Session regarding Litigation. A motion to enter into Executive Session was made by Councilman Amanzie Jenkins and a second was made by Mayor Pro-Tem Ed Guinn. The vote was unanimous.

**ADJOURN:** With no other discussion after the Executive Session, a motion to adjourn was made by Councilman Amanzie Jenkins and a second was made by Councilman Chas Gassett. The vote was unanimous. (Councilman Glenn Harris was absent)

  
MAYOR WILLIAM B WHITLEY

  
ATTEST

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