

City of Butler

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

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

Council Meeting May 8, 2018

Present

Mayor Barry Whitley
Mayor Pro Tem Ed Guinn
Deborah Williams
Chas Gassett
Amanzie Jenkins
Vicki Wainwright
(Councilman Glenn Harris was absent)

Media Present

Taylor County News
Flint Cable Television

Invocation – Mayor Barry Whitley

Old Business:

Minutes:

A motion was made by Councilman Amanzie Jenkins, seconded by Councilman Chas Gassett to approve the minutes of the April 9th, 2018 Council Meeting. The vote was unanimous. (Councilman Glenn Harris was absent)

New Business:

2016/2017 Budget Amendment:

Clerk Vicki Wainwright told the Mayor and Council that in their packet they would find the budget amendment for the 2016-2017 budget year as recommended by the auditors. The amendment shows increases in revenue and expenditures. She asked for a motion to approve the budget amendment as presented. A motion to approve the budget amendment for the 2016-2017 budget was made by Councilman Amanzie Jenkins and a second was issued by Mayor Pro-Tem Ed Guinn. The vote was unanimous. (Councilman Glenn Harris was absent)

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Library Board Re-Appointment: Don Harmon:

Clerk Vicki Wainwright explained to the Mayor and Council that Don Harmon's term on the Library Board expires on June 30, 2018. At the request of the Pine Mountain Regional Library System's Director Cynthia Kilby, she asked the Mayor and Council to re-appoint Don Harmon for another term on the Library Board. The new term will be from July 1, 2018 to June 30, 2021. A motion to re-appoint Don Harmon to the Library Board was made by Councilman Chas Gassett and a second was made by Councilman Amanzie Jenkins. The vote was unanimous. *(Councilman Glenn Harris was absent)*

Interstate 14 Project: Frank Lumpkin:

College Student and President of the Youth Infrastructure Coalition Frank Lumpkin came before the Mayor and Council to discuss Interstate 14, which will begin in Texas (I-10) and end in Augusta (I-20). He stated that the first section of Interstate 14 officially opened in Killeen, Texas in January of 2017 and is currently being built in segments. He also stated that in January of 2018 members of Congress in Texas, Louisiana and Mississippi created a congressional caucus to promote the expansion of Interstate 14 and to introduce the necessary legislation to authorize the expansion of Interstate 14. He further stated that little is being done in Georgia and Alabama, but Interstate 14 would start in Columbus in Georgia, will pass through Macon and end in Augusta. He said that places not connected to an interstate tend to be isolated and that middle and southern Georgia lack this vital connection.

Mr. Lumpkin explained that I-14 would connect military installations, seaports, major cities, and highways to each other. He said that I-14 would be a major infrastructure improvement in Georgia and cities along I-14 would see future growth and enhanced economic development.

He told the Mayor and Council that much of the infrastructure along the route is already in place due to the Fall line Freeway (Hwy 96) but would just need to be upgraded or modified to meet interstate standards with more limited access and ramps. He said that there is much to gain with having Interstate 14 and asked the Mayor and Council to adopt a resolution advocating for the support of Interstate 14 through Georgia, having the GDOT to designate portions of the route already built to interstate standards and designate those areas as I-14. He would also like them to encourage the proper state and federal officials to allocate funding for this project.

Phillip Powell: Zoning Issue:

Phillip Powell came before the Mayor and Council due to his double wide mobile home burning down last month. He stated that he did not have very much coverage and since there is only him living in the home, he has been looking at a single wide trailer to move in, but was told that he could not. He said that the paperwork he has states that he must have a heated space of 1249 square feet. He stated that he has a 16 x 16 room already on the premises that he would add on to the trailer, which is a bedroom, bath and master closet. He said at one time the 16 x 16 room was attached to a single wide trailer. He said that he has been told that he can not do this, but there is a single wide mobile home on Cedar

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Street that has a room added on to it. His question to the Mayor and Council is why can that person on Cedar Street do that, but he can not. He stated that he pays city taxes just like everyone else and he tries to be law abiding.

Attorney Joel Sherlock explained to Mr. Powell that his property is in an R2A zone. He said in order to have a home or manufactured home on that property it has to be a double wide. The home that burned down was a double wide mobile home. Mr. Powell said that he is wanting to place the single wide on a different lot that he has, not the one where his mobile home burned down. Attorney Sherlock told him that he could not have a single wide mobile home on either property. He asked why there were other single wide mobile homes in the City and was told that those pre-date the 2012 zoning ordinance. He asked if the single wide with the addition on Cedar Street was grandfathered in and was told no, that that particular mobile home was improperly approved. Mr. Sherlock stated that he knew exactly what Mr. Powell was talking about but the fact remains that a single wide mobile home is not allowed in the City. He stated that he had tried to allow it under a pre-existing, non-conforming use, however he could not since the burned home was a double wide and not a single wide. If the home had been a grandfathered-in mobile home he could have replaced it with the same, but that is not the case. Mr. Powell said that the paperwork that he has does not state that it has to be a double-wide, it only states that the square footage must be 1249. Mr. Sherlock stated that it also calls for it to be a Class A, which means the width has to be greater than 16', and a single wide is not.

Mayor Whitley asked about issuing a hardship variance. Mr. Sherlock stated that you can't change the rules or it will happen every time. Mr. Powell stated that the City had changed the rules when the city allowed the single wide on Cedar Street. He also said there were five single wide mobile homes on old 96. Ms. Wainwright stated that those must be moved, that they had only been allowed to be there due to special temporary permitting for the solar panel workers. They are not there permanently. Mr. Powell stated that if he couldn't do it he did not understand why the City would allow someone else to do it. He said if it is illegal for him it should be illegal for everyone. The Chief of Police should go over to Cedar Street and make them move that single wide mobile home. Mayor Pro-Tem Guinn stated that the City wants to help Mr. Powell, and asked for Mr. Powell to allow them the time to talk over things and get back with him at a later time.

Department Head Reports:

Public Works Director David Windham informed the Mayor and Council that the Waste Water Treatment Plant GEFA project is complete. The final walk thru with the engineers and the construction company will be on Thursday, May 10th. He said as long as the engineers check off on everything the City could then close out the project.

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Police Chief Kain Cobb said that on April 25th he completed his Chief's Training in Decatur. He also said that the new recruits will graduate on May 18th at 11:00 AM from South Georgia Tech.

Fire Coordinator Eddie Moulton said that the fire department responded to 16 calls last month. Those were 2 structure fires, 2 grass fires, 2 extrications, 5 alarm calls, and they set up the landing zone for air evac 5 times. He said they worked several wrecks last month. He also announced a fire fighter 1 class that will start in June and will have five attending. It will take about three months to complete.

EXECUTIVE SESSION:

Mayor Whitley said that the Mayor and Council would be entering an executive session to discuss 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. *(Councilman Harris was absent)*

REGULAR SESSION: (continued)

Ante Litem:

Attorney Joel Sherlock told the Mayor and Council that they would need a motion to either pay the ante litem claim, deny outright the ante litem claim, or make a counter offer. A motion to deny all claims outright was made by Mayor Pro-Tem Ed Guinn and a second was made by Councilman Chas Gasset. The vote was unanimous. *(Councilman Glenn Harris was absent)*

Discussion regarding Powell Issue:

Councilman Amanzie Jenkins asked if they were going to have a discussion regarding Phillip Powell. Mr. Sherlock stated that he did not know what to do, as the rule is the rule. He further stated that the single wide on Cedar Street should never have been allowed to be placed there, and the City can't just change the rules. Ms. Wainwright stated that she tried to explain to Mr. Powell that she is fully aware that the decision to allow the mobile home on Cedar Street was a mistake, but since the City is aware of the mistake they do not want to make that same mistake again. Mr. Sherlock stated that if it is allowed it will just compound the problem, and once it is done again then there will always be someone wanting to go against the rules. He said if that happens you may as well get rid of the rule.

Mayor Pro-Tem Guinn stated that everyone deserves a place to live and he didn't understand why the size was an issue. Mr. Sherlock stated that it is an issue because most governments generally do not want single wide mobile homes all over their community. This is largely due to them being at the bottom of the socio-economic scale and where the communities have most of their problems. He stated that is just an economic fact, and why the governing authority of most communities have adopted the Class A mobile home rule. Mr. Sherlock read the definition of Class A to the Mayor and Council for clarification.

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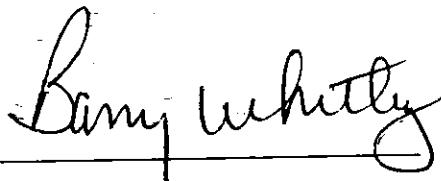
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Ms. Wainwright told the Mayor and Council that when the City allowed the mobile home on Cedar Street to add on to the structure to meet the square foot requirement it was an honest mistake as they were only looking at the square foot requirements and not the Class A requirements. Since that permit and the subsequent problems that have resulted from that, the staff is now fully understanding and aware of the Class A requirements. She stated that since they are now aware of the correct rule, she would hate to see the City repeat that mistake. Public Works Director David Windham stated that from a Public Safety stand point he would much rather see the square footage requirement be reduced instead of letting an addition be placed on the structure.

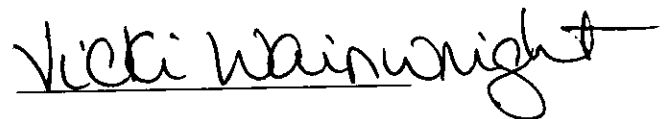
Mayor Pro-Tem Guinn asked that if the structure is brand new, what difference does it make on the size of the structure? Ms. Wainwright stated that she does not believe the structure in question is a brand new one. She also stated that she does not believe that Mr. Powell plans to remove the burned out structure, since his plans are to place the single wide mobile home on a different lot. This will add to the blight issue that the City is already facing. She further said that if the Council plans to allow this then she feels the rule should be eliminated because if not this issue will come up over and over. Mr. Sherlock stated that he feels this is what will happen: The existing burned out structure will just be left there to rot, and if the Council approves a "variance" for Mr. Powell he will purchase an old, beat-up single wide and have it dragged on to the other lot he owns, and then the City will be stuck with two run down mobile homes; a husk and a run-down single wide. Mayor Whitley stated that the Council needs to think about this issue and come up with a solution. Councilwoman Williams said that the solution needs to not violate the ordinance but will help Mr. Powell. The lesser of two evils would be to allow a hardship variance where Mr. Powell can bring in a single wide but it would have to be placed where the burned mobile home is. Mr. Sherlock stated that if the City chooses to allow this then they will also need to re-evaluate the rule on the number of parking spaces allowed or required for commercial properties. There is a commercial business currently having issues regarding that rule at this time and requesting that the rule be waived.

ADJOURN:

A motion to adjourn was made by Mayor Pro-Tem Ed Guinn and a 2nd was issued by Councilman Amanzie Jenkins. The vote was unanimous.



Approve



Attest

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