

The Mayor and Council met for their regular meeting.

Those Present:	Greg Thompson	Mayor
	Wayne Adcock	Vice-Mayor
	Lee Malcom	Council Member
	Myoshia Crawford	Council Member
	Nathan Purvis	Council Member
	Larry Bradley	Council Member
	Norman Garrett	Council Member
	Nathan Little	Council Member
	Jimmy Richardson	Council Member
	Ron Rabun	Interim City Administrator
	Debbie Kirk	City Clerk
	Russell Preston	City Attorney
	Paul Rosenthal	City Attorney
	Jesse Couch	City Attorney

Staff Present: Danny Smith, Bill Owens, Logan Propes, Rodney Middlebrooks, Brian Thompson, Patrick Kelley

Visitors: Sharon Swanepoel, Sadie Krawczyk, Beverly Harrison, Bill Scott, Cy Nunnally, Teri Smiley, James Draper, Diane Draper, Lee Rowell, George Baker III, Sandra Shurling, Roger Murray, Harrison Sullivan, Jerry Golden, Ray Bostwick, Nate Treadaway, Hollie Springer, Joan Turner, Olga Turner, Margaret Butler, Jeff Lott, Dale Dillard, Jacque Gibbs, Don MacPherson

## **I. CALL TO ORDER – GREG THOMPSON**

### **1. Invocation**

Mayor Thompson gave the invocation.

### **2. Roll Call**

Mayor Thompson noted that all Council Members were present. There was a quorum.

### **3. Approval of Agenda**

To approve the agenda as presented.

*Motion by Malcom, seconded by Adcock.  
Passed Unanimously*

### **4. Approval of Consent Agenda**

- a. October 4, 2016 Council Minutes
- b. October 11, 2016 Council Minutes
- c. October 12, 2016 Airport Commission Minutes
- d. October 18, 2016 Planning Commission Minutes
- e. October 25, 2016 Historic Preservation Commission Minutes
- f. FBO Contract – Approval of the contract with Fair Weather Flights Aircraft Maintenance & Management. (Recommended for Council approval by Airport Committee November 1, 2016)
- g. Approval – Civil Air Patrol Lease Agreement – Renewal of agreement. (Recommended for Council approval by Public Works Committee November 1, 2016)
- h. Approval – 2017 LMIG – To resurface the suggested list of streets. (Recommended for Council approval by Public Works Committee November 1, 2016)
- i. Approval – Right of Way Acquisition Services Spring Street Project – To contract with Keck & Wood with the amount not-to-exceed \$57,330.00. (Recommended for Council approval by Public Works Committee November 1, 2016)
- j. Purchase – Mapper Kit – To purchase from C&S Solutions East for \$11,023.00. (Recommended for Council approval by Utilities Committee November 1, 2016)

- k. Approval – Out of State Travel – Allow two employees to attend the Neptune Meter School in Tallassee, Alabama November 15-17, 2016. (Recommended for Council approval by Utilities Committee November 1, 2016)
- l. Approval – Wastewater Treatment Plant Roof Repair – Horizon Roofing to replace membrane for \$56,931.00. (Recommended for Council approval by Utilities Committee November 1, 2016)
- m. Approval – Council Chamber Remodel – Approval of the remodel by Clark Powell, B&H Photo, and Premium Construction for the total amount of \$85,639.00. (Recommended for Council approval by Utilities Committee November 1, 2016)

To approve the consent agenda as presented.

*Motion by Little, seconded by Crawford.  
Passed Unanimously*

## II. PUBLIC FORUM

### 1. Public Comments

Mr. Ray Bostwick, of 1750 Old Athens Highway, stated that he requested help from Council regarding water fees at the September meeting. He explained that he paid \$3,750.00 to get a water meter installed, plus \$726.25 in monthly fees and still has not used any water. He received a verbal commitment from Mr. Middlebrooks that the water meter would be removed and reset at no cost, when he needed it. He sent a formal request to the City for reimbursement of the monthly water fees. Mr. Bostwick stated that he continues to receive monthly water bills. As of today, he has not gotten written confirmation concerning the water meter or the request for reimbursement. He would like to know a timeline for a timely resolution to this matter.

Ms. Sandra Shurling, of 208 Walton Street, stated that she is here to speak with the Council at the Mayor's request. He felt she should speak to the Council instead of directly to him. She explained that she lives on seven acres and has a dog, several cats, and four goats. All of the animals are legal, due to the amount of acreage, but occasionally they will get out. She can only wait to see where and how they are getting out when that happens so the fencing can be repaired or fixed. She discussed having been cited due to having four animals at-large and was given a court date. Ms. Shurling has since repaired the fencing and the goats have not gotten out anymore. She explained that during court, Solicitor Paul Rosenthal suggested two options: she could spend thirty-six months in the County jail or she could remove all animals from her property. She discussed how all of the animals are family pets. Ms. Shurling listed projects that she has been involved with inside the City and the positions she has held on various boards with the City and County. She stated that she has not broken any laws, only a subjective ordinance. She requested that the charges against her be dropped.

Mr. Nate Treadaway of 209 North Jackson Street stated that he wanted it to go on record that the entire situation with this animal ordinance feels like a personal vendetta. He does not believe the ordinance to be enforced on a consistent basis. He discussed a dog on his street having bitten his child, and harassed other neighbors. Mr. Treadaway stated that this does not look good for the City. He stated he would like to challenge the Council to think about how they are proceeding with this particular situation, and to make sure there is not a conflict of interest. He advises a word of caution, because the City does not need any more negative exposure. He also doesn't want his tax dollars going towards something that is not productive for the City.

### 2. Public Hearing

#### a. Conditional Use – 1031 Charlotte Rowell Boulevard

Code Enforcement Officer Patrick Kelley stated the applicant requested the item be tabled until the December 13, 2016 Council Meeting.

To table until December 13, 2016 Council Meeting.

*Motion by Richardson, seconded by Adcock.  
Passed Unanimously.*

**b. Variance for Sign – 127.5 North Broad Street**

Code Enforcement Officer Patrick Kelley presented the request for a sign variance from JEC Development. He stated the sign to be an existing illegal unpermitted non-conforming directional sign. It does not technically have any signage currently, so it would be a non-conforming structure. The applicant would like to convert the structure to add signage. Mr. Kelley explained it was constructed approximately four years ago, at which time it was stopped at the framing stage due to it not being permitted. It was also denied for a certificate of appropriateness by the Historical Preservation Commission at that time. He explained that on October 18, 2016 the Planning and Zoning Commission voted three to one for approval to bring the recommendation to Council for their approval of the variance. The Code Department recommends the variance be denied, due to it not being permitted and refusal to remove the structure when requested, therefore, making it unpermitted and illegal. He explained that they have tried to make some accommodations to allow them to utilize that area for signage, by classifying it as a planned center sign. This would allow them one hundred square feet of advertising on the sign. The sign currently exceeds the maximum height. It is currently twelve feet, and the maximum height is ten feet. If they were to modify the sign to make it wider and shorter, they would have more square footage. Mr. Kelley requested that should Council approve the variance, that they add those conditions.

The Mayor declared the meeting open for the purpose of public input.

Mr. Jim Draper, owner of the property, spoke in favor of the sign variance. He discussed his long history with the City, and things that his company has done. He stated that he had only been trying to make the original sign look better. Mr. Draper stated that if the sign is lowered, then parked cars would hide the signs of the bottom two tenants. He explained that they are trying to advertise the businesses located on Broad Street by listing them on the sign located on North Wayne Street. This will show the back entrances to the eight businesses.

Mr. Don MacPherson, owner of the Gilded Lily, stated that no one has done more for downtown development and the historic preservation of the buildings than Jim Draper. He explained that Mr. Draper tried to make the sign better; the old sign was made from wooden posts that were leaning. Mr. MacPherson stated the existing sign, which should be grandfathered, is simply being made to look better.

Mr. Jeff Lott, owner of J.L. Designs, explained that he is one of the businesses that doesn't have a front entrance onto Broad Street. Therefore, this will be the only sign for his business that will be visible from the street. He stated he feels this will improve the area downtown.

There were no other public comments; Mayor Thompson declared that portion of the meeting closed.

Council Member Larry Bradley stated the sign may technically be out of conformance with the existing code ordinance, but he believes in spirit it accomplishes what the City wants to accomplish with attractive signs. Therefore, he would like to make the motion to approve the variance as presented.

Council Member Lee Malcom stated that the sign is appealing and she understands the need for the sign. She also understands needing the height for visibility from street level. She stated that taking the sign five feet wider would give the ability to have a better visual with width instead of height. Ms. Malcom stated that there have been other changes in ownership on South Broad Street and those individuals were required to redo their signs to conform to the City Ordinances. She explained that Council and staff worked long and hard on all the ordinances. Ms. Malcom stated that if the applicant is not willing to conform and widen the sign, that she can't support the variance. She is looking at the big picture and respects everything that the Drapers have done. It is tough, but there are so many others that have been required to conform to the new ordinances recently.

To approve the sign variance as presented.

*Motion by Bradley, seconded by Purvis.  
Voting no Malcom.  
Passed 7-1.*

**c. Variance for Sign – 118 North Wayne Street**

Code Enforcement Officer Patrick Kelley presented the request for a sign variance from JEC Development. He explained the variance is to allow the now existing pylon sign to stay as is and be refaced for the new tenants. The new sign ordinance, adopted by Council, requires the removal of all internally lit pylon signs. The Code Department recommends the request should be denied, due to it being out of compliance with the new codes. The motion from the Planning and Zoning Commission to deny the variance was tied, two voted to deny the variance and two voted to oppose the denial. The Chairman was the tie breaker, voting to oppose the denial. There were no other motions made to approve the variance, therefore, there was no clear recommendation made from the Planning and Zoning Commission. Mr. Kelley stated as due diligence he requested a determination from the City Attorney on the interpretation of the ordinance. Mr. Kelley wanted to verify the variance requirement. The legal opinion validated that based on City Ordinance, the sign can't be allowed to be refaced.

Council, Staff, and the City Attorney discussed nonconforming signs, removal requirements, and the steps that would be taken for insuring removal of these types of signs. They also discussed what exactly defines a nonconforming sign. They discussed the issues and legal perspective of other tenants which were required to change their signs, and the options those tenants used for changing them.

City Attorney Paul Rosenthal stated that the recommendation from his office is to remain consistent in the applications of the statutes and ordinances. Variances should be granted when certain variance criteria is met, and only when unique circumstances are such. It remains indifferent to the particular application, it is not the applicant. The issue is how nonconforming signs have been handled since the new sign ordinance was passed, and how they will be handled in the future. That is the legal concern, because these types of variances will continue to come before Council.

The Mayor declared the meeting open for the purpose of public input.

Mr. Jim Draper, owner of the property, spoke in favor of the sign variance. He stated that the sign has been there for 35 years, and should be considered to be a historic piece of Monroe. He stated there to be a clause in the ordinance that is up to interpretation. Even though there is a new tenant, he remains to be the owner of the property. He stated it to be impractical to put a monument sign within a parking lot, and it should be common sense to allow the sign to stay. The sign is appealing and spending more money just isn't logical. He stated that since he is remaining the owner he could put a JEC Development sign on the bottom, and just change the name of the tenant above his business name.

There were no other public comments; Mayor Thompson declared that portion of the meeting closed.

To approve the sign variance.

*Motion by Bradley, seconded by Garrett.  
Voting no Malcom.  
Passed 7-1.*

### III. NEW BUSINESS

#### 1. Approval – Chamber of Commerce Contract

Ms. Teri Smiley, from Chamber of Commerce, presented the new contract and gave an update.

To approve the contract for the period of one year at a cost of \$4,800.00.

*Motion by Richardson, seconded by Little.  
Passed Unanimously.*

**2. Approval – Personnel Policies and Procedures Amendment**

Council Member Nathan Purvis stated that he believes the policy should remain as it is currently; he sees no reason for the policy change.

Council Member Lee Malcom stated that she agrees. This change would limit finding the most qualified candidate for a position.

Council Member Larry Bradley questioned why the amendment was proposed.

Interim City Administrator Ron Rabun explained the revision would allow internal job postings for five days prior to the vacancy being posted to the public. This would allow current employees a chance to move up and move forward.

To deny the amendment to the personnel policy.

*Motion by Purvis, seconded by Malcom.  
Passed Unanimously.*

**3. 2<sup>nd</sup> Reading – Property Maintenance Sec. 18-252 Ordinance Amendment**

City Attorney Paul Rosenthal gave the second reading of the ordinance to amend Chapter 18, Article VI – Property Maintenance, Division 1 of Section 18-252.

*Motion by Malcom, seconded by Purvis.  
Passed Unanimously*

**4. 2<sup>nd</sup> Reading – Nuisances Sec. 42-98 Ordinance Amendment**

City Attorney Paul Rosenthal gave the second reading of the ordinance to amend Chapter 42, Article III – Nuisances, Division 2 of Section 42-98.

*Motion by Malcom, seconded by Little.  
Passed Unanimously*

**5. 2<sup>nd</sup> Reading – Offenses and Miscellaneous Provisions Sec. 62-9 Ordinance Amendment**

City Attorney Paul Rosenthal gave the second reading of the ordinance to amend Chapter 62 – Offenses and Miscellaneous Provisions, Article I, Section 62-9.

*Motion by Adcock, seconded by Richardson.  
Passed Unanimously*

**6. 2<sup>nd</sup> Reading – Offenses and Miscellaneous Provisions Sec. 62-10 Ordinance Amendment**

City Attorney Paul Rosenthal gave the second reading of the ordinance to amend Chapter 62 – Offenses and Miscellaneous Provisions, Article I, Section 62-10.

*Motion by Bradley, seconded by Richardson.  
Passed Unanimously*

**7. 2<sup>nd</sup> Reading – Utility Revenue Bond Refunding Ordinance**

City Attorney Paul Rosenthal gave the second reading of the ordinance for the creation and maintenance of the Combined Utility Revenue Refund Bond, Series 2016.

*Motion by Malcom, seconded by Little.  
Passed Unanimously*

**8. Resolution – General Obligation Bond Refunding**

To approve the resolution as presented.

*Motion by Adcock, seconded by Richardson.  
Passed Unanimously.*

**9. Resolution – Recreational Trail Grant Application**

To approve the resolution as presented.

*Motion by Bradley, seconded by Malcom.  
Passed Unanimously.*

**10. Resolution – RLF Redevelopment Fund Grant Monroe Livery Stable**

To approve the resolution as presented.

*Motion by Malcom, seconded by Bradley.  
Passed Unanimously.*

**11. Concert Event**

Mayor Thompson stated that Mr. Jerry Golden needs an answer concerning proceeding with the concert event. He needs this information before Thanksgiving.

Interim City Administrator Ron Rabun discussed the effort and amount of time that everyone has put into researching the possibility of this venture. He discussed the amount of obstacles that would need to be overcome for such a project to happen at the Airport. There would be all of the FAA requirements, the extra insurance costs, and the \$20,000 upfront application fee. Mr. Rabun explained that one hundred percent approval would be required from the business owners located on the airport property. Four of the business owners that have been consulted are not in favor of the concert. He stated it to be a bit too speculative for a City Government which would be using public funds.

Council Member Jimmy Richardson stated he feels this to be a great opportunity for the City to produce income.

Council Member Nathan Little stated it to be a speculative venture, and outside the normal scope of what a government should do. He feels because of the large amount of money that would be exposed it would be a violation of the fiduciary responsibility for a City Government.

Mayor and Council discussed time limit requirements, locations, and possible future support from other parties such as the County.

Mayor Thompson stated that this type of project does not need to be handled by the City. It could possibly be a future endeavor for Economic Development or DDA, but not something that an elected official should have to deal with.

Mr. Jerry Golden, Vice-President of Operations of Golden Productions, stated the reason for the rush is the band needs to know by November for tour scheduling next year.

Mr. Rabun stated that even as a future endeavor he won't change his recommendation that it should not be a City project for City Council to handle.

Not to pursue the concert at this time.

*Motion by Little, seconded by Garrett.  
Voting no Richardson.  
Passed 7-1.*

**IV. ADJOURN**

*Motion by Purvis, seconded by Adcock.  
Passed Unanimously.*

  
MAYOR

  
CITY CLERK