

**REGULAR MEETING
FEBRUARY 11, 2019**

The Mayor and City Council of the City of Washington, Georgia, held their regular monthly meeting on Monday, February 11, 2019, beginning at 3:55 PM at the Edward Pope Community Center. Mayor Ames Barnett presided.

Present were Mayor Barnett and council members Armour, Armour, Cullars, Mahoney and Scarborough. Council member Tutt was absent due to family illness. Also present were City Administrator Bailey, City Clerk Danner and City Attorney Nelson.

Visitors present are listed in the minutes of the Work Session held on February 11, 2019.

Attorney Nelson opened the meeting with prayer followed by the Pledge of Allegiance.

MINUTES APPROVED: On motion by Mahoney, second by T. Armour, council approved 4 to 0 the minutes of previous meetings as presented.

MEETING AGENDA APPROVED: On motion by R. Armour, second by Mahoney, council approved 4 to 0 the meeting agenda as presented.

MAYOR'S COMMENTS: Mayor Barnett requested council approval on appointment of David Denard to the Historic Preservation Commission to fill the un-expired term of Sharon Jones who resigned and the appointment of Lokia Cullars to the URA to fill the unexpired term of Mark Ward who resigned because of a move out of town and also the appointment of Roxeanne Cobb to fill the unexpired term on the URA of Sharon Jones who resigned.

On motion by Mahoney, second by Scarborough, council voted 4 to 1 to approve these appointments. Council member Cullars voted against the motion.

During the discussion period, Council member Cullars took issue with Mayor Barnett not recognizing him or his comments (Cullars was not seated at the council table with the rest of the elected officials, but in the audience). Mayor Barnett informed Cullars that if wanted to join the elected officials at the council table, he would be recognized.

Cullars then asked that the city attorney rule on this matter as the City Charter does not specifically state that a council member must be seated at the council table with other elected officials, only that the council member must be present at the meeting. Attorney Nelson advised that the Charter does not specifically require that an elected official must be seated with other elected officials at the council table and further that Robert's Rules of Order does not address this issue. However, the Charter does state that the Mayor runs the meetings.

Council member Cullars remained at the council table.

Mayor Barnett advised that Mr. Evans (Duck) Moore will be honored for his 102nd birthday (February 14) at an event this weekend at the Third Shiloh Center.

TEMPORARY MORATORIUM FOR CERTAIN DOWNTOWN BUSINESSES: Attorney Nelson presented for council consideration a Resolution to enact a temporary moratorium on the issuance of any occupational tax certificates and establishment of any membership clubs, churches, and fraternal organizations for a 30 day period until March 11, 2019, around the downtown square area. The DDA is aware of this recommendation.

On motion by Scarborough, second by R. Armour, council approved resolution 4 to 1. Council member Cullars voted against the motion. Resolution follows:

A RESOLUTION TO ENACT A TEMPORARY MORATORIUM ON THE ISSUANCE OF ANY OCCUPATION TAX
CERTIFICATES AND ESTABLISHMENT OF ANY MEMBERSHIP CLUBS, CHURCHES, AND FRATERNAL
ORGANIZATIONS

WHEREAS, the City of Washington, Georgia has been vested with substantial powers, rights and functions to generally regulate the practice, conduct or use of property for the purposes of maintaining health, morals, safety, security, peace, and the general welfare of the City of Washington; and

WHEREAS, Georgia law recognizes that local governments may impose moratoria on zoning decisions, building permits, and other development approvals where exigent circumstances warrant the same, pursuant to case law found at City of Roswell et al v. Outdoor Systems, Inc., 274 Ga. 130, 549 S.E.2d 90 (2001); Lawson v. Macon, 214 Ga. 278, 104 S.E.2d 425 (1958); Taylor v. Shetzen, 212 Ga. 101, 90 S.E.2d 572 (1955); and

WHEREAS, the Courts take judicial notice of a local government's inherent ability to impose moratoria on an emergency basis; and

WHEREAS, the City of Washington has found that the interests of the public necessitate the enactment of a moratorium for health, safety, morals and general welfare purposes by means which are reasonable and not unduly oppressive; and

WHEREAS, the Mayor & Council therefore consider it paramount that land use regulation continue in the most orderly and predictable fashion with the least amount of disturbance to landowners and to the citizens of the City of Washington. The Mayor and Council have always had a strong interest in growth management so as to promote the traditional police power goals of health, safety, morals, aesthetics and the general welfare of the community; and in particular the lessening of congestion on City streets, security of the public from crime and other dangers, promotion of health and general welfare of its citizens, protection of the aesthetic qualities of the City including access to air and light, and facilitation of the adequate provision of transportation and other public requirements; and

WHEREAS, it is the belief of the Mayor & Council of the City of Washington that the concept of "public welfare" is broad and inclusive; that the values it represents are spiritual as well as physical, aesthetic as well as monetary; and that it is within the power of the City "to determine that a community should be beautiful as well as healthy, spacious as well as clean, well balanced as well as carefully patrolled," Berman v. Parker, 348 U.S. 26, 75 S.Ct. 98 (1954); Kelo v. City of New London, 545 U.S. 469, 125 S. Ct. 2655, 162 L. Ed. 2d 439 (2005). It is also the opinion of the City that "general welfare" includes the valid public objectives of aesthetics, conservation of the value of existing lands and buildings within the City, making the most appropriate use of resources, preserving neighborhood characteristics, enhancing and protecting the economic well-being of the community, facilitating adequate provision of public services, and the preservation of the resources of the City; and

WHEREAS, the Mayor & Council are, and have been interested in, developing a cohesive and coherent policy regarding certain uses in the City, and have intended to promote community development through stability, predictability and balanced growth which will further the prosperity of the City as a whole; and

NOW THEREFORE be it resolved by the Mayor & Council of the City of Washington and by the authority of the same that a temporary moratorium restricting the establishment of membership clubs, churches and fraternal organizations shall be enacted, as follows:

Section 1: Approval and Establishment of Membership Clubs, Churches, and Fraternal Organizations: Upon passage of this resolution, no approval by any City official shall be provided for the establishment of any membership club, church, and/or fraternal organization, as defined by the City of Washington Code of Ordinances, within the area defined within this resolution.

Section 2: Area of Temporary Moratorium: All those parcels who adjoin the public right of way established along the City square, consisting of that area where Liberty Street meets East Robert Toombs on the east side, down to Pope Street on the west side, with the north side ending at North Street and Liberty Street being the southern limit.

Section 3: Impact on Other Ordinances: The provisions of this resolution shall not restrict or prohibit any improvement of any real property except that specifically stated herein.

Section 4: Effective Date and Duration: The provisions of this Resolution and the effects of the moratorium set forth herein shall commence on February 11, 2019 at 5:00 p.m. or upon its passage and adoption, whichever shall later occur and shall terminate on March 11, 2019 at 11:59 p.m., unless extended or terminated by the Council.

IN WITNESS WHEREOF, this resolution has been duly adopted by the governing authority of the City of Washington, Georgia on the 11th day of February, 2019.

DISTILLED SPIRITS/BEER & WINE BY THE DRINK LICENSE: City Clerk Danner presented to council an application for a Distilled Spirits Pouring and Beer and Wine By the Drink license for a business operating as C'est La Vie GA, Inc., located at 5 E Public Square. On motion by R. Armour, second by Scarborough, council approved license 5 to 0.

TOPICS SUBMITTED BY COUNCIL:

CULLARS: Council member Cullars made comment in reference to signage on the front of the council table that he believed strongly in God and in our city, but he would not sit at a council table with Mayor Barnett who Cullars contends no longer resides within the city.

Cullars then removed himself from the council table and sat in the audience.

MAHONEY: Council member Mahoney advised that he is a member of the Cemetery Committee and that changes were needed and are being worked toward with there now being two employees dedicated to cemetery work. Community involvement is needed with plans for information to be included in the Spark Newsletter and getting churches and funeral homes involved.

Mahoney advised that during the recent Mayor's Day conference it was learned that there is longer funding for the CAN program through Athens Tech. Mahoney advised that Athens Tech could hold a welding class with eight student maximum and would guarantee 100% job placement upon completion. Mahoney asked that the city fund 50% of this cost and that Mahoney would seek 50% funding from the county also. Mayor Barnett advised that he was on the Workforce Development Team and knew there were excess funds available and asked that Mahoney table this matter until the March meeting, allowing the Mayor to work on obtaining funding.

CITY ADMINISTRATOR TOPICS

CARTER & SLOOPE ENGINEERS: City Administrator Bailey requested council approval to name Carter & Sloope as the engineers for the 2019 CDBG as a result of the procurement evaluation. On motion by Scarborough, second by R. Armour, council voted 4 to 0 for approval of Carter & Sloope as engineers on the 2019 CDBG water project.

2019 CDBG GRANT APPLICATION: City Administrator Bailey requested approval of a Resolution to authorize 2019 CDBG grant application for water projects. On motion by Mahoney, second by R. Armour, council approved grant application 4 to 0. Resolution follows:

WHEREAS, the governing body of the City of Washington authorizes the filing of a 2019 Community Development Block Grant (CDBG) application to the Georgia Department of Community Affairs (DCA), including all understandings and assurances contained therein;

WHEREAS, the governing body directs and authorizes the Mayor of the City of Washington to act in connection with the application and to provide such additional information as may be required;

WHEREAS, the Mayor of the City of Washington, or in the event that he cannot sign, the Mayor Pro Tem of the City of Washington, is authorized to sign the application.

WHEREAS, the City of Washington provided citizens an adequate opportunity to participate in the development of the application by holding at least one public hearing in the locality before submission of the application;

WHEREAS, public input into the development of the subject application was obtained at the public hearing; information was provided on the estimated amount of funds proposed to be used for activities benefiting low and moderate income persons, and plans to minimize displacement as a result of activities and plans to assist displaced persons were discussed;

WHEREAS, the City of Washington maintains files that contain documentary evidence that the hearing was held. The evidence includes a copy of the actual notice of public hearing.

WHEREAS, the Georgia Small Cities Grant Program of the Department of Community Affairs provides Community Development Block Grant (CDBG) funds for these objectives;

WHEREAS, the City of Washington has documented the need to rehabilitate the infrastructure in low-to-moderate income target area neighborhoods; and

WHEREAS, the citizen participation process meets the requirements of the Georgia DCA Citizen Participation Plan as outlined in the DCA, CDBG regulations.

WHEREAS, the City of Washington commits to contribute cash match and leverage funds necessary as proposed in the CDBG application; and

Therefore be it resolved, the Mayor and City Council of the City of Washington do hereby authorize the filing of a CDBG application to the Georgia DCA by the deadline of April 1, 2019.

PROPERTY DAMAGE RECOVERY AGREEMENT: City Administrator Bailey presented to council a proposed agreement with Peachtree Property Damage Recovery. Peachtree would file insurance claims on accidents within the city; any funds recovered would go to the city minus a 16.5% fee kept by Peachtree. On motion by Scarborough, second by T. Armour, council approved agreement 4 to 0.

DOWNTOWN EVENTS APPROVED: City Administrator Bailey request approval for the annual Teen Pregnancy Prevention Walk on May 11, 2019, beginning at the square and ending at the Pope Center. On motion by R. Armour, second by Scarborough, council approved request 4 to 0.

City Administrator Bailey presented a request from the Woman's Club for a downtown theatrical vignette to be held around the square businesses on April 6, 2019. On motion by T. Armour, second by R. Armour, council approved request 4 to 0.

BID APPROVAL STREET RE-SURFACING: City Administrator Bailey requested approval of the low bid for street re-surfacing received from C & H Paving in the amount of \$190,337.00. On motion by Scarborough, second by R. Armour, council approved low bid 4 to 0.

ORDINANCE REVISIONS – CHAPTER 20 – CEMETERIES: City Administrator Bailey requested approval of revisions to Chapter 20 – Cemeteries as presented to council during the work session. On motion by Mahoney, second by R. Armour, council approved revisions 4 to 0 adding in Section 20-2(7) that failure to comply with this section shall result in a misdemeanor offense and fine of \$1,000. Revisions follow:

Update Sec. 20-1.b: No one shall be buried in Old School Cemetery unless the burial is to be included in a specified and marked family plot and the deceased to be buried there is a member of the identified family. **No burials in Old School cemetery will be allowed without a burial permit.**

Update Sec. 20-1.c: No single grave lots shall be sold. Effective June 1, 2019, the cost for any lot in any of the city cemeteries shall be \$300 for any two-grave lot for residents of the City of Washington.

New: Effective June 1, 2019, the cost for any lot in any of the city cemeteries shall be \$500 for a two-grave lot for anyone living outside the city limits of the City of Washington.

Update Sec. 20-1.g: Plants and flowers placed on a grave may remain until they become disarranged or cease to be of good color or condition **Any arrangements that are clearly holiday themed will be removed after 30 days**

Update 20-1.h: Any cement vault tops shall be buried **to a minimum depth of 12 inches measured from the top of the vault to the finished grade of the closed grave** ~~beneath the surface of the burial plot~~

Remove Sec. 20-1.k: Flat cemetery section: The 2009 section of Resthaven has been designated as a flat cemetery. As a result, no above ground markers shall be authorized

Update Sec. 20-2(7): The cost of the permit shall be \$25.00. **The cost of an after hours permit shall be \$75.00** Penalty for not obtaining a permit shall be **\$200.00**. Failure to comply with this section shall result in a misdemeanor offense and fine of \$1,000.00. Repeated violation of this chapter by the funeral home can result in revocation of burial privileges.

New: Proof of family authorization must be provided to City Hall and a cleaning permit must be issued prior to cleaning by third parties of any gravestone or structure in the cemeteries

New: The speed limit in all city cemeteries is 10 miles per hour

New: No rubbings are allowed in the cemeteries

2019 COMMUNITY GARDEN: City Administrator Bailey requested approval for the spring 2019 Community Garden. On motion by Scarborough, second by R. Armour, council approved request 4 to 0 asking that Mr. Charles Pope get in contact with Council member Mahoney to ensure that District 1 is included and aware of activities.

EXECUTIVE SESSION: On motion by Mahoney, second by R. Armour, council approved 4 to 0 entering into an approved executive session for a personnel matter at 4:28 PM.

Council member Cullars joined council in executive session and participated in discussion.

On motion by T. Armour, second by Scarborough, council approved 4 to 0 to re-convene in open session at 4:50 PM.

Attorney Nelson reported that one personnel matter was discussed in executive session with no final action taken.

On motion by R. Armour, second by Scarborough, council approved 4 to 0 to have Mayor Barnett sign an executive session affidavit.

ADJOURNMENT: On motion by Mahoney, second by Scarborough, council approved meeting adjournment at 4:52 PM.

_____ MAYOR

_____ CLERK