

CITY OF LAGRANGE, GEORGIA
REGULAR MEETING OF THE MAYOR AND COUNCIL

September 25, 2018

Present: Mayor Jim Thornton; Council Members Jim Arrington, Nathan Gaskin, Willie Edmondson, Tom Gore, LeGree McCamey, and Mark Mitchell

Also Present: Director of Public Utilities Patrick Bowie; City Attorney Jeff Todd; City Clerk Sue Olson; Communications Manager Katie Van Schoor

The meeting was called to order by Mayor Thornton, the invocation was given by Reverend Phillip McClung of Rosemont Baptist Church and Mayor Thornton led the Pledge of Allegiance to the Flag.

On a motion by Mr. McCamey seconded by Mr. Gaskin, Council approved the minutes of the regular Council meeting held on September 11, 2018.

LaGrange residents Alonza Roberts and Chris Hudson came before the Council to express their concerns with rules that have been established for all City parks. Mayor Thornton agreed to have the rules posted at all City parks. No further action was taken.

Michelle Beddingfield, Director of Harmony House, came before the Council to give an update on their services for this year. Ms. Beddingfield said that Harmony House receives funding from a variety of sources including the Georgia Department of Community Affairs and the Georgia Criminal Justice Coordinating Council, but local funds from the City and the annual Dragon Boat race fundraiser are critical. She thanked the Council for their continued support and allowing the group to help the community.

Mr. Edmondson reported to the Council that his earlier concern about mud running into the driveway areas of Tucker Cottages has been taken care of. He also reported that the recent curb work on Ragland Street looks very nice. Furthermore, Mr. Edmondson stated that he would like to get organizations and the community more involved with the Christmas tree lighting in Frank Cox Union Street Park. He invited all of the Council to attend and stated that he would notify them when the date was set, which is usually around the Thanksgiving holiday weekend.

Mr. Bowie informed the Council that the Plant Vogtle vote is still in negotiations and he will keep them updated.

On a motion by Mr. Edmondson seconded by Mr. McCamey, Council unanimously adopted the following ordinance:

AN ORDINANCE

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF LAGRANGE TO AMEND THE CODE OF THE CITY; TO AMEND ARTICLE IV OF CHAPTER 15-10 OF THE CODE REGARDING SOLID WASTE DISPOSAL TO REQUIRE THAT TRANSPORTERS OF CONSTRUCTION AND DEMOLITION WASTE GENERATED WITHIN THE CITY OF LAGRANGE DELIVER SAID WASTE TO THE TROUP COUNTY C&D LANDFILL; TO REPEAL CONFLICTING ORDINANCES; TO FIX AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the City of LaGrange, in order to insure the public health and safety of area citizens and to maintain the economic viability of the area, has made a significant investment in the expansion and operation of the Troup County C&D Landfill (hereafter "C&D Landfill");

WHEREAS, in order to continue viable operation of said landfill, as well as the remaining solid waste service obligations of the City, and to enhance the economic viability and public health and safety goals referenced above, the C&D Landfill, as jointly operated by the City of LaGrange and Troup County, must remain an integral and viable component of the City's Solid Waste Management Plan;

WHEREAS, the economic viability of the C&D Landfill depends upon revenue generated from tipping fees from the disposal of construction/demolition waste collected within the City of LaGrange, Georgia, in the C&D Landfill;

WHEREAS, the revenue generated from tipping fees at the C&D Landfill will further allow Troup County and the City of LaGrange to promote public awareness and recycling programs, all for the benefit of the public;

WHEREAS, sustaining the economic viability of a publically owned and operated landfill is a legitimate benefit conferred to a locality, as recognized by the United States Supreme Court in United Haulers Association, Inc., et al. v. Oneida – Herkimer Solid Waste Management Authority, et al., 127 S. Ct. 1786 (2007).

THE MAYOR AND COUNCIL OF THE CITY OF LAGRANGE, GEORGIA, HEREBY ORDAIN AS FOLLOWS:

SECTION 1:

That the Code of the City of LaGrange be amended by inserting within Article IV of Chapter 15-10 a new Section 15-10-47 to read as follows:

“Sec. 15-10-47. Disposal Requirement.

Any person, firm, partnership, corporation or other entity which transports, pursuant to a contract, whether oral or otherwise, construction/demolition waste generated within the corporate limits of the City of LaGrange shall be required to deliver such construction/demolition waste to the Troup County C&D Landfill. For purposes of this section, the term “construction/demolition waste” shall be as defined in Georgia Department of Natural Resources Rule 391-3-4-.01.”

SECTION 2:

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 3:

This ordinance after adoption by the council and approval by the mayor shall become January 1, 2019.

INTRODUCED AND FIRST READING _____ September 11, 2018

SECOND READING AND ADOPTED _____ September 25, 2018

SUBMITTED TO MAYOR AND APPROVED _____ September 25, 2018

BY: /s/ James C. Thornton, Mayor

ATTEST: /s/ Sue Olson, City Clerk

On a motion by Mr. McCamey seconded by Mr. Gore, Council unanimously adopted the following ordinance:

AN ORDINANCE

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF LAGRANGE TO AMEND THE CODE OF THE CITY; TO AMEND THE ALCOHOLIC BEVERAGES CODE OF THE CITY IN ORDER TO DEFINE, LICENSE AND REGULATE FARM WINERIES; TO REPEAL CONFLICTING ORDINANCES; TO FIX AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

THE MAYOR AND COUNCIL OF THE CITY OF LAGRANGE, GEORGIA, HEREBY ORDAIN AS FOLLOWS:

SECTION 1:

That the Alcoholic Beverages Code of the City be amended by creating therein a new Article VIII, to be entitled "Farm Wineries" and to read as follows:

"ARTICLE VIII – FARM WINERIES

Sec. 30-20-290. Definitions.

The following words, terms, and phrases when used in this article shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Farm winery and *tasting room* shall be defined according to O.C.G.A. § 3-6-21.1, as presently constituted and as may be hereinafter amended.

Sec. 30-20-291. Farm Winery License Authorized.

No individual shall be authorized to operate a farm winery or tasting room without first obtaining a proper farm winery license from the city in the manner provided in this chapter. Each holder of a farm winery license shall comply with the provisions of this chapter and all state statutes, including rules and regulations promulgated by the department of revenue.

Sec. 30-20-292. License Fee.

The license fee for a farm winery shall be \$50.00.

Sec. 30-20-293. License Requirements.

Applications for a farm winery license shall include such information, and shall follow the requirements of, the application for all alcoholic beverages licenses as are contained within Article I of the Alcoholic Beverages Code. Farm wineries shall be subject to the same regulations and requirements as for a Class B wine license, including but not limited to hours of operation and distance requirements, as established in Article IV of Chapter 30-5, but to

include any Sunday sales authorized by state law. Farm wineries may offer tastings, as well as such other sales as may be allowed by the laws of the State of Georgia.”

SECTION 2:

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 3:

This Ordinance after adoption by the Council and upon approval by the Mayor shall become effective immediately.

INTRODUCED AND FIRST READING _____ September 11, 2018 _____

SECOND READING AND ADOPTED _____ September 25, 2018 _____

SUBMITTED TO MAYOR AND APPROVED _____ September 25, 2018 _____

BY: /s/ James C. Thornton, Mayor _____

ATTEST: /s/ Sue Olson, City Clerk _____

On a motion by Mr. Gaskin seconded by Mr. Edmondson, Council unanimously adopted the following ordinance contingent upon the execution of the Notice of Conditional Zoning by the appropriate lender:

AN ORDINANCE

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF LAGRANGE TO AMEND THE CODE OF THE CITY; TO AMEND THE ZONING MAP AND ORDINANCES OF THE CITY SO AS TO RECLASSIFY WITH CERTAIN CONDITIONS THE USE ZONE OF REAL ESTATE LOCATED ON PEGASUS PARKWAY AT ORCHARD HILL ROAD AND OWNED BY SOUTHPOINT REALTY GROUP, LLC; TO REPEAL CONFLICTING ORDINANCES; TO FIX AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

THE MAYOR AND COUNCIL OF THE CITY OF LAGRANGE, GEORGIA HEREBY ORDAIN AS FOLLOWS:

SECTION 1:

That the zoning map and ordinances of the City of LaGrange be amended so as to re-classify as R-3 (residential district) the following described real estate, to wit:

All that tract or parcel of land lying and being in Land Lot 205 of the 6th Land District of Troup County, Georgia, containing 31.9829 acres, more or less, and more particularly shown as “Tract 2A-F” on that plat of survey entitled “Re-zoning Drawing for Southpoint Realty Group LLC” prepared by B. Shawn Gray, Georgia Registered Land Surveyor Number: 2879, dated September 10, 2018, a true and correct reduced copy of which is attached hereto as Exhibit “A” and incorporated herewith for the purpose of a more complete description.

SECTION 2:

Pursuant to the police power of the City of LaGrange, the Mayor and Council hereby impose and establish certain conditions as a requirement for the rezoning of the property referenced above in Section 1. The following conditions are imposed for the protection or benefit of neighboring landowners in order to ameliorate the effects of rezoning this property to R-3 and shall apply to any development to occur on said property, to wit:

- a) Exterior materials shall be constructed of or clad in either stone, wood, stucco, brick or hardiplank (vinyl may be incorporated around the soffit, gables, eaves and window area for trim). No exterior veneers or facades may be constructed of vinyl or aluminum.
- b) Roof materials shall be asphalt, fiberglass shingle, cedar, slate or standing seam metal.
- c) All utilities shall be underground.
- d) At least five percent (5%) of the project area shall be reserved and provided as public/community open space to include a children's playground.

SECTION 3:

Pursuant to the police power of the City of LaGrange, and as required by City Code Section 25-35-62(9) and (10), the Mayor and Council hereby impose and establish further conditions as a requirement for the rezoning as referenced above in Section 1, said conditions being more fully set forth on the site plan attached hereto as **Exhibit "B."** More specifically, the following information as set forth in the site plan are conditions as a requirement for the rezoning as referenced herein, to wit:

- d. Boundaries of the subject property, all existing and proposed streets, including right-of-way and street pavement widths, buildings, water courses, parking and loading areas, building setbacks, buffers, landscape strips, green space areas to be retained, and other physical characteristics of the property and proposed development as shown on said exhibit.

SECTION 4:

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 5:

All parts, portions, sections, paragraphs, sentences, clauses, and phrases of this Ordinance are each hereby declared to be severable from each other and if any such part, portion, section, paragraph, sentence, clause or phrase of this Ordinance shall be declared unconstitutional or otherwise invalid by a court of competent jurisdiction, such invalidity shall not affect any remaining parts, portions, sections, paragraphs, sentences, clauses or phrases thereof and the Mayor and Council of the City of LaGrange hereby declare that had they known that any such provision was or would be invalid, they would not have adopted that portion or part of the Ordinance but would have nevertheless adopted the remaining portions thereof.

SECTION 6:

This ordinance, after adoption by the Council and upon approval by the Mayor, shall become effective immediately.

INTRODUCED AND FIRST READING _____ September 11, 2018

SECOND READING AND ADOPTED _____ September 25, 2018

SUBMITTED TO MAYOR AND APPROVED _____ September 25, 2018

BY: /s/ James C. Thornton, Mayor _____

ATTEST: /s/ Sue Olson, City Clerk _____

On a motion by Mr. Edmondson seconded by Mr. McCamey, Council voted unanimously to reappoint Ellen Harris to a three year term on the LaGrange-Troup County Hospital Authority.

In other business, Debra Ashley came before the Council to express her concern for her neighbor's property. She said that the City had issued him a citation and Mayor Thornton said that he would defer her to the judicial process. No action was taken.

In good news closing comments, Ms. Van Schoor announced that the City had an extremely successful "Leaving LaGrange Better Than We Found It" Saturday, September 22nd, helping the Corps of Engineers on their National Public Lands Day event. They had around 200 people show up to the event. The City of LaGrange had about 20 people including employees, Mrs. Gail Hunnicutt a huge supporter of our initiative, and a good many of our Youth Council members. Everyone cleaned up the McGhee Bridge Park area, and everyone worked hard! We saw some truly great leadership evolving.

There was no other business and the meeting was adjourned by Mayor Thornton.

Mayor

City Clerk