

SEPTEMBER 26, 1983 - 7:30 P.M. REGULAR CITY COUNCIL MEETING WITH MAYOR  
BURDETTE, ALD. LEWIS, ALD. KING, ALD. BENNETT AND  
ALD. MEADOWS IN ATTENDANCE

1. Mayor Burdette called the meeting to order and gave the invocation.
2. Minutes of the September 12, 1983 regular meeting and September 16, 1983 special called meeting were read and approved.

3. Mayor's Comments:

(a) Mayor Burdette requested a motion to reschedule the October 24, 1983 Council meeting until October 31, 1983 to allow the Council to attend a GMA Pre-Legislative Conference in Atlanta on the 24th and 25th. Ald. King made the motion to reschedule the meeting until October 31, 1983 at 7:30 P.M., 2nd by Ald. Lewis with Ald. Bennett and Ald. Meadows voting affirmatively, motion carried.

(b) Mayor Burdette reminded the Council of two upcoming Public Hearings, one on October 3, 1983 at 7:30 P.M. on the Beer package license application of Country Cupboard and one on October 10, 1983 at 7:30 P.M. for Dr. Tilley regarding his downtown project with proposed financing through the Downtown Development Authority.

4. Aldermen's Comments: None

5. Public Comments:

(a) A Public Hearing was held on the Beer-Wine License applications to be consumed on the premises at Shepherd's Restaurant, Highway 53, East at the I-75 Intersection. The license requested by Shepherd's Motel, Inc., W.G. Robertson, President, (Manager). A clear police report was given. Mayor Burdette opened the comments by stating that he was opposed to the granting of any Beer-Wine or Liquor Licenses. Mr. Oscar Wilbanks (county) opposed to any Beer-Wine being sold; Max Fuller (county) opposed to any restaurant obtaining a Beer-Wine License; Marvin Broyles (city) opposed to the granting of the license, and felt that any place serving Beer-Wine-Liquor should have restrictions against minors being allowed in the facility; Joyce Broyles (city) opposed to the license being granted. She stated they have a good business, and don't need the Beer-Wine to help business; Inell Harrison (city) opposed; Gary Hibbert (county) opposed. Mayor Burdette stated the applicant was indeed an excellent family restaurant without the Beer-Wine. He said he felt this was a first step to liquor by the drink. There were no further comments. Ald. Meadows made a motion to approve the Beer Pouring License application for Shepherd's Motel, Inc., W.G. Robertson, President (Manager) for Shepherd's Restaurant at Highway 53, East, 2nd by Ald. Bennett with Ald. King and Ald. Lewis voting affirmatively, Mayor Burdette opposed. Motion carried. Ald. Meadows made a motion to approve the Wine Pouring License for Shepherd's Inc., W.G. Robertson, President (Manager) for Shepherd's Restaurant located on Highway 53, East at the I-75 Intersection, 2nd by Ald. Bennett with Ald. Lewis and Ald. King voting affirmatively, Mayor Burdette opposed, motion carried.

(b) A Public Hearing was held on the Philip Beamer Beer Package License application to be located at the Gulf Station on Hwy. 156 at the I-75 Intersection. A clear police report was given. Mr. and Mrs. Oscar Wilbanks, county, opposed; Max Fuller, county, opposed to a license being granted to a service station located on any Interstate Highway; Marvin Broyles, city, opposed because he felt a precedent would be set and a Service Station Beer Package fad would follow; Joyce Broyles, city, said she felt the license would be granted because she felt the Council's aim was to show those opposed they could grant the license; Inell Harrison, city, opposed; Gary Hibberts, county as a past DOT employee for fourteen years he knows the maintenance costs due to drinking and driving, therefore he is opposed to the service station license application; Mayor Burdette expressed disappointment at the application for the station. Ald. Meadows stated he took offense to Mrs. Broyles comments regarding the Council's intent. He stated he was opposed to the license because he felt it was outside the intent of the Ordinance as was written by the Council.

Ald. Lewis stated he also took offense to Mrs. Broyles comments. He stated it was his intent to follow the guidelines of the Ordinances. No further comments were made. Ald. Lewis stated that since the application and the location met the current criteria of the Ordinance, he would make a motion to approve the Beer Package License application of Philip Beamer for a portion of the service station located on Hwy. 156 at the I-75 Intersection, 2nd by Ald. Bennett with Ald. King voting affirmatively, Ald. Meadows opposed the motion and Mayor Burdette opposed the motion. Motion carried.

- (c) A Public Hearing was held on the F.A. Hale Beer Package license application for a proposed building at the McConnell and Oothcalooga Street Intersection. A clear police report was given. Bruce Bowman explained that the portion of the lot to be used for the Beer Package building according to the City tax maps would be outside the 600 ft. requirement from school or church property. Mayor Burdette expressed his opposition to the license stating that he thought it was too close to the school although it would be outside the 600 ft. requirement, he also felt it was too close to a residential area which is Public Housing. Mr. and Mrs. Oscar Wilbanks, county, opposed; Max Fuller, county, opposed due to the young people in the area. Marvin Broyles, city, opposed because it is requested for a vacant lot. He stated the sign located on the property did not meet the requirements as set forth in the Ordinance and displayed pictures of the sign as was placed on the property. Mrs. Joyce Broyles, city, opposed because it is too close to her home. Mr. Hale stated that to the best of his knowledge he complied with the requirements regarding the signs on the property. He stated there were no attempts made to hide the sign. Ald. Meadows quoted from the Ordinance some of the factors for the Council's consideration: character of the neighborhood immediately adjacent to the proposed location, proximity of churches, schools and playgrounds to the proposed location. Ald. Lewis asked the City Attorney if the Council could still take into consideration legally the proximity of a school although it was slightly over the 600 ft. requirement. Answer, "yes I think you can." The Ordinance strictly prohibits those within 600 ft., but that doesn't mean that if it is one foot beyond you cannot consider that. It is within the Council's discretion after that. Ald. King stated he felt the fact that part of the property fell within the 600 ft. requirement it was too close to the school. Ald. Lewis stated he felt Mr. Hale had substantially complied with the advertising, but that he was making a motion to reject the license for the reasons discussed. The motion was 2nd by Ald. Meadows, no further discussion, with Ald. Bennett and Ald. King voting affirmatively also. Mayor Burdette asked that his vote to deny the license be recorded also. Motion carried.
- (d) A Public Hearing was held on the Pizza Hut of America, Inc. Beer to be consumed on the premise license application for the store located on Highway 53, East with James Moritz as Manager. A clear police report was given. Mayor Burdette stated he was as opposed to the renewal of the license for this location as he was the original license application for the location. Mr. and Mrs. Oscar Wilbanks, county, opposed; Mr. Max Fuller, county, opposed. Marvin Broyles, city stated he was opposed and stated the legal ad had not contained the list of stockholders owning more than 10% of the company nor the names and addresses of the officers. City Attorney Thomas E. Shanahan confirmed the requirement. Ald. Lewis made a motion to table the application until the proper advertisement had been made, 2nd by Ald. Bennett with Ald. King and Ald. Meadows voting affirmatively. Motion carried.
- (e) A Public Hearing was held on the Beer and Wine to be consumed on the premise license application for Curtis Craig at the Murphy's Restaurant location on Hwy. 53, East. A clear police report was given. Mayor Burdette stated his opposition to the license. Mr. and Mrs. Oscar Wilbanks, county, stated their opposition; Max Fuller, county, stated his opposition to the application. Marvin Broyles, city, stated his opposition to the application for the restaurant. He stated he felt the restaurant did not meet the Ordinance requirement of food sales as the principle portion of business. He also stated he had failed to see a sign posted on the

building or property. Mayor Burdette stated that you could not measure the food sales based on previous ownership. Curtis Craig stated that the sign had been displayed on the outside front of his window until this past Friday night. It was removed by someone and he was unable to locate it. Ald. Meadows stated he had observed the sign on the window. Ald. Lewis stated he felt it was not a new business, but merely an old business under new management. He stated that since the Ordinance was changed in mid year he would approve the Beer License application on the probationary period, but he was opposed to a Wine License for the location at this time. Ald. Meadows stated he felt it was a new business, a new owner, new menu. City Attorney Shanahan stated he felt this was a judgement which would need to be made by the Council. Ald. Lewis made a motion to approve the Beer to be consumed on the premise License application for Curtis Craig, for Murphy's on Highway 53, East, 2nd by Ald. Meadows with Ald. Bennett and Ald. King voting affirmatively, Mayor Burdette was opposed. Motion carried. Ald. Meadows made a motion to approve the wine to be consumed on the premise license application for Curtis Craig for Murphy's on Highway 53, East, 2nd by Ald. Bennett, with Ald. Lewis and Ald. King voting in opposition to the license. Mayor voted officially due to the tie, and his vote was in opposition to to the application. The Wine License was denied.

6. Old Business:

- (a) A 2nd reading was given to an amendment to the Sewer Use Ordinance with the primary changes being to Article 5(f) and Article 6(a). Ald. Bennett made a motion to waive the 3rd and 4th readings and approve the amendment, 2nd by Ald. Meadows with Ald. King and Ald. Lewis voting affirmatively, motion carried. (Ordinance No. 103)
- (b) A 2nd reading was given to an Ordinance amending the Business License fee and taxes for insurance companies as per the State Code. Ald. Meadows made a motion to waive the 3rd and 4th readings and to approve the Ordinance, 2nd by Ald. King with Ald. Bennett and Ald. Lewis voting affirmatively, motion carried. (Ordinance No. 106)
- (c) A 2nd reading was given to the Ordinance imposing a Business License tax on Financial Institutions located within the City, effective Jan. 1, 1984 and thereafter. Ald. King made a motion to waive the 3rd and 4th readings and to approve the Ordinance, 2nd by Ald. Lewis with Ald. Bennett and Ald. Meadows voting affirmatively, motion carried. (Ordinance No. 105)
- (d) A 2nd reading was given to the Ordinance amendment to disallow Road Blocks on streets located within the City effective Jan. 1, 1984 and thereafter. Ald. Bennett made a motion to waive the 3rd and 4th readings and approve the Ordinance amendment, 2nd by Ald. Meadows with Ald. King and Ald. Lewis voting affirmatively, motion carried. (Ordinance No. 104)
- (e) City Supt. Hobgood commended Fire Chief Grizzle and Asst. Chief Quinn and members of the Fire Dept. for their deligent work at the Diamond Carpet Plant fire on West Line Street recently. He stated the ladder truck enabled the dept. to save City Electric transformers and equipment valued at approximately \$25,000.00 in addition to use in the actual salvage of the building. Supt. Hobgood stated he would be meeting with DOT officials and the Airport Authority in getting everything lined up for the Airport Grant. He stated the City water crews had been extending lines in the Curryville and Ranger areas. The Street Dept. should be working on the DOT paving contracts this week.
- (f) City Clerk Harrison stated the qualifying date for City Candidates opened on September 26, 1983; closed on October 25, 1983 with the voter registration deadline for this year's City election being November 1, 1983.

7. New Business:

- (a) A Beer Package and Beer to be consumed on the premise application for Franklin Russell Peters for the Barbeque Sons Restaurant on Highway 53 East was presented. It was determined by discussion with Mr. Peters that the application was not in order, since he would only be the manager, while Barbeque Sons would

be the owners of the property and the business and was not leasing the property to Mr. Peters. The application was rejected.

- (b) A 15ft. variance request by Horizon Carpets was presented for the building formerly owned by Villa Carpets. An addition was planned which would be nearer the property line than allowed by the zoning ordinance. A letter from the adjoining property owner, Don Lewis, was presented indicating he had no objections. Ald. Meadows made a motion to grant the variance, 2nd by Ald. King with Ald. Lewis and Ald. Bennett voting affirmatively, motion carried.
  - (c) A 9 ft. variance request by Preston Bohannon was presented for a proposed building on the lot at N. Wall Street and Metter Lane. After discussion, Ald. King made a motion to grant the variance, 2nd by Ald. Lewis with Ald. Meadows and Ald. Bennett voting affirmatively, motion carried.
  - (d) Mayor Burdette stated that he had requested the Clerk to prepare a proposal for a small area of Fain Cemetery which had not previously been developed. The Clerk presented a plat for the triangle area fronting on East Line Street bound on the East by Cemetery Streets. The area could be divided to allow sale of twenty grave spaces. Ald. Lewis made a motion to approve the proposed area for cemetery sales as per the plat, 2nd by Ald. Bennett with Ald. Meadows and Ald. King voting affirmatively, motion carried.
8. Ald. Lewis made a motion to adjourn, 2nd by Ald. Meadows with Ald. Bennett and Ald. King voting affirmatively, motion carried.

Approved:



W.C. Burdette,  
Mayor

Respectfully submitted:



(Mrs.) Cathy Harrison,  
City Clerk - Treasurer