

CITY OF COMER REGULAR COUNCIL MEETING
December 7, 2009 6 PM
MAYOR BURROUGHS PRESIDING

Council Members Present: Council Member Laquita Bridges, Council Member Melissa Yarbrough, Council member Kevin Booth and Council Member Howard Threlkeld

City Clerk: Stephen H. Sorrells

Assistant City Clerk: Missy Queen

City Attorney: Jim Roberts

Police Chief: Brent Zellner

Building Inspector/Zoning Administrator: Jim Baird

Mayor Burroughs called the meeting to order.

1. Minutes: Motion by Council Member Bridges to approve the minutes of the November 2, 2009 City of Comer Regular Council Meeting. Motion second by Council Member Threlkeld. Motion approved by unanimous vote of Council.

2. Royal Oaks Homeowners Association: Mrs. Beth McMickle reported that Christmas decorations in the Royal Oaks Subdivision were recently stolen and the community had experienced damage to mail boxes. Debris pick up schedule also discussed.

3. Zoning Ordinance Amendment: Motion by Council Member Threlkeld to open a Public Hearing to accept comments on a proposed amendment to the City of Comer's Zoning Ordinance. Motion second by Council Member Bridges. Motion approved by unanimous vote of Council.

Mr. Jim Baird, City of Comer Zoning Administrator, spoke in favor of the amendment and explained that the proposed amendment would define the term "Haunted House" and include language concerning the duration of a special event.

Mrs. Beth McMickle spoke in opposition to the zoning change.

Mr. Scott Callaway spoke in opposition to the zoning change.

Other questions concerned the affects this amendment would have on other special events in the City of Comer.

Motion by Council Member Bridges to adjourn the Public Hearing. Motion second by Council Member Yarbrough. Motion approved by unanimous vote of Council.

Motion by Council Member Bridges to not approve the zoning ordinance amendment presented. Motion second by Council Member Yarbrough. Council Member Bridges, Threlkeld, and Yarbrough voted for the motion. Council Member Booth abstained.

4. Royal Oaks Phase III Right of Way and Water Line Dedication: Mr. Warren representing Mr. Tim Seymour asked that the City accept the Right of Ways and Water Line in Phase III of Royal Oaks Subdivision. Motion by Council Member Threlkeld to table any discussion on acceptance until water line as-built plans are submitted. Motion second by Council Member Booth. Motion approved by unanimous vote of Council.

5. 2010 Budget: Motion by Council Member Threlkeld to have a work session on the 2010 Budget on Monday, December 21, 2009 at 2PM. Motion second by Council Member Booth. Motion approved by unanimous vote of Council.

6. Comer BP—Beer and Wine License: Motion by Council Member Booth to issue a 2010 Beer and Wine License to Comer BP. Motion second by Council Member Threlkeld. Motion approved by unanimous vote of Council.

7. Kangaroo—Beer and Wine License: Motion by Council Member Booth to issue a 2010 Beer and Wine License to the Kangaroo. Motion second by Council Member Threlkeld. Motion approved by unanimous vote of Council.

8. Deadline for Items on Council Meeting Agenda: Council reviewed the section of the City of Comer Code that requires all items to be on the agenda two business days prior to the City of Comer Regular Council Meeting.

9. Executive Session: Motion by Council Member Threlkeld to go into executive session for the purpose of consulting with the Comer City Attorney concerning potential litigation.

Motion by Council Member Booth to adjourn executive session. Motion second by Council Member Yarbrough. Motion approved by unanimous vote of Council.

10. Building Permit Files: Council considered a request by the building inspector for more hours to review and organize building permit files.

11. Reconsideration of Zoning Ordinance Amendment: Motion by Council Member Threlkeld to reconsider the action taken by the Comer City Council earlier in the meeting on the proposed amendment to the City of Comer Zoning Ordinance. Motion second by Council Member Booth. Motion approved by unanimous vote of Council.

Motion by Council Member Booth to adopt the attached Amendment to the City of Comer Zoning Ordinance. Motion second by Council Member Threlkeld. Motion approved by unanimous vote of Council.

12. Hydrant Flow Rates in Royal Oaks Subdivision: Discussed

13. Subdivision Cul-De-Sac Configuration: Discussed

14. Cutting of Lot Next to Cemetery: Discussed

15. Carlton Water Bill Payments at Comer City Hall: City Clerk reported that the Carlton Mayor and Council will be establishing operating hours for conducting business at the Carlton City Hall beginning January 1, 2010.

16. Size of Limb Piles: Motion by Council Member Booth to consider the restriction of size of limb piles to be picked up by the City workers at the work session on December 21, 2009.

17. Swearing in of Mayor Elect: General consensus of Council was to have the Comer City Judge Gary Aston swear in the new mayor after January 1, 2010 and prior to the January 4, 2010 City of Comer Regular Council Meeting.

Motion by Council Member Booth to adjourn. Motion second by Council Member Yarbrough. Motion approved by unanimous vote of Council.

William D. McMickle, Mayor

Missy Queen, Interim City Clerk

Date Approved

Ordinance No. _____

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF COMER, GEORGIA. BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF COMER, GEORGIA:

WHEREAS, the Mayor and City Council have determined that it is in the best interests of and consistent with the convenience and necessity of the City of Comer to amend the Zoning Ordinance for Comer, Georgia (1999), as incorporated by reference into Section 34-101 of The Code of The City of Comer, Georgia, the following action is taken:

SECTION 1. THE ZONING ORDINANCE FOR COMER, GEORGIA (1999) IS HEREBY AMENDED BY DELETING AN ITEM UNDER ARTICLE III, DEFINITION OF TERMS, SECTION 3.1 DEFINITIONS, SPECIAL EVENTS, AND ADDING A NEW ITEM UNDER SECTION 3.1, DEFINITIONS, SPECIAL EVENTS, TO READ AS FOLLOWS:

SPECIAL EVENTS: Circuses, fairs, carnivals, festivals, haunted houses, or other types of special events tha;

- (1) run for at least one or part of one day but not longer than two week,*
- (2) are intended to or likely to attract substantial crowds, and*
- (3) are unlike the customary or usual activities generally associate with the property where the special event is to be located.*

SECTION 2. LIABILITY

1. Neither the approval of any action under the provisions of this ordinance, not the compliance with provisions of this ordinance, shall relieve any person from the responsibility for damage to any person or property otherwise imposed by law nor impose any liability upon the Mayor or City Council for damage to any person or property.

SECTION 3. CONFLICTS BETWEEN SPECIFIC AND GENERAL PROVISIONS

Where there is an apparent conflict in this Ordinance between specific and general provisions, it is the intention hereof that the specific shall control.

SECTION 4. SEVERABILITY.

If any section, provision, or clause of any part of this Ordinance shall be declare invalid or unconstitutional, or if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such individuality shall not be construed to affect the portions of this Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to be invalid. It is hereby declared as the intent that this Ordinance would have been adopted had such invalid portion not been included herein.

SECTION 5. REPEAL OF CONFLICTING PROVISIONS

All ordinances or parts of ordinances in conflict with this ordinance, and not preserved hereby, are hereby repealed.

SECTION 6. EFFECTIVE DATE

This Ordinance shall become effective immediately after its passage and approval in the manner prescribed by law.

Passed and approved this 7th day of December, 2009, at a meeting of the Mayor and Council of the City of Comer, Georgia