

**Called Meeting**  
**Tuesday, June 23, 2009**  
**6:00 p.m.**

The Mayor and Council of the City of Maysville had a called meeting on Tuesday, June 23, 2009, 6:00 p.m. at the Maysville Library.

**PRESENT:** Mayor Jerry Baker, Councilmember's Clay Dorsey, Lynn Villyard, Rebecca McNeely, Stephan Lewis, City Clerk Barbara Thomas.

Mayor Baker called the meeting together with discussion on the following items:

Amendment to the 2008 Budget was approved as presented upon a motion made by Councilmember Lynn Villyard, seconded by Stephan Lewis. Motion carried. The revenues had an increase of 43,100 and the expense had a decrease of \$43,100. Copy of amendment attached.

The Jaegar Company presented a proposal from the project surveyor to perform a Boundary Survey for the parcel currently owned by Brenda Thomas. They proposed a fee of \$2,000 for the deed research and survey work and \$100 for expense associated with the work (mileage and copying). This fee will be taken from the construction budget. Mayor Baker stated that when the Dollar General store was surveyed it showed an 80 foot right of way along Hwy. 98. It is possible we want have to pay Rochester & Associates, Inc. to survey the property if these records are sufficient. A motion was made by Stephan Lewis, seconded by Lynn Villyard to approve expense up to \$2100.00 to do the survey if these records are not sufficient enough. Motion carried. Copy of proposal attached.

A Resolution was approved to extend the Service Delivery Agreement and Comprehensive Land Planning Agreement between the City of Maysville and Jackson County, Georgia. A motion was made by Councilmember Stephan Lewis, seconded by Clay Dorsey. Motion carried.

Meeting adjourned at 6:27 p.m.

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Certified by: City Clerk

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Date

**Regular Meeting  
Council Meeting  
Monday, June 1, 2009  
7:00 P.M.**

The Mayor and Council of the City of Maysville met on Monday, June 1, 2009, 7:00 p.m. at the Maysville Library.

**PRESENT:** Mayor Jerry Baker, Councilmember's Clay Dorsey, Lynn Villyard, Rebecca McNeely, Stephan Lewis, City Clerk Barbara Thomas, City Attorney Gary Freeman.

**PLEDGE OF ALLEGIANCE**

**INVOCATION: COUNCILMEMBER CLAY DORSEY**

**APPROVAL OF MINUTES:**

Upon a motion made by Councilmember Stephan Lewis, seconded by Clay Dorsey, the minutes of the Public Hearing, May 4, 2009 and Regular Meeting, May 4, 2009, were unanimously approved as presented.

**OLD BUSINESS:**

Pouring License was discussed by Attorney Gary Freeman. Attorney General Office was contacted, spoke to Attorney Wright Banks. According to conversation between Mr. Freeman and Mr. Banks the Mayor and Council have the right to vote on whether beer and wine can be served in the city.

No action was taken on a Grease Trap Ordinance. This will be discussed at the workshop meeting, July 9, 6:00 p.m.

Attorney Gary Freeman stated that closing Factory Street would require certain procedures. A Public Hearing will be held for Public Comment. Attorney Freeman will get back with everyone in reference to the date of the hearing.

Mayor Baker stated that due to Monday, July 6, 2009 being observed as Independence Day (holiday) for the city, the July Council Meeting will be held on Monday, July, 13, 2009.

**NEW BUSINESS:**

A Speed Zone Ordinance was approved as presented upon a motion made by Councilmember Stephan Lewis, seconded by Lynn Villyard. Motion carried. Copy attached.

**RECESS:**

**VERBATIM MINUTES OF PUBLIC HEARING  
MONDAY, JUNE 1, 2009  
7:30 P.M.**

PUBLIC HEARING HELD ON MONDAY JUNE 1, 2009, 7:30 P.M. AT MAYSVILLE LIBRARY.

PRESENT: MAYOR JERRY BAKER, COUNCILMEMBER CLAY DORSEY, REBECCA MCNEELY, LYNN VILLYARD, STEPHAN LEWIS, CITY CLERK BARBARA THOMAS, CITY ATTORNEY GARY FREEMAN.

GUEST: Attorney Frank Armstrong, Property owner Herman "Bubba" Spivey, Realtor, Lee Hemmer.

Mayor Baker opened the meeting for public comment on the use of 170 College Street.

ARMSTRONG- Make sure we understand that the issue here is whether the property has a status of non conforming use now, not an issue of whether the road is adequate or not. It has been a warehouse since it was purchased from Barrow Manufacturing in 1998. It had been used as a Manufacturing Company as far back as 1980. It was converted to a storage warehouse used to store model airplanes, new and old machines.

FREEMAN: Clarified the old zoning as M1-Old Industrial Zoning.

ARMSTONG: You converted this to a warehouse for storage. Model airplanes were stored as well as new and old machinery.

HEMMER: 170 College Street is a warehouse facility that is valued at 214,000.00 according to Jackson County Tax Assessor. If it was zoned anything else the property value would be less. A tenant has been found that has been looking for a warehouse facility in hall or Jackson County area. They want to store and distribute PT Racing fuel. This will bring 15 jobs to the area. It is classified as racing fuel that will be stored in 5 gallon cans.

BAKER: My concern is the nursing home is located behind the building and we have a residential area all around it.

ARMSTRONG: LET THE RECORD SHOW THAT ALL WE ARE REQUESTING IS THAT WE GET THE NON-CONFORMING USE BACK. We are not questioning that you have the right to regulate daily activities in the city, you do. But here you are regulating through the zoning which takes away his right to use, and that is an unconstitutional taking which we call regulatory taking. That is our issue. We are asking for determination of non-conforming use. If you want to determine that a non-conforming use is denied because of the product that is going to be store there, than that is fine and let the record show that, but I don't think that is the issue. But the issue is what it has been used for up until now. I don't think there is any doubt that it has been used as a warehouse

Spivey: You should talk to the people of the town before you make a decision. We are not bringing a bomb into your town. A guy wanted to put in a batting cage and skateboard arena and according to your code that is not allowed either.

- Freeman: When this development code was put in place after a full year of study, they re-evaluated every single property in town and published as required by state law and decided that the zoning of each of the properties would stand as decided. We talk of non-conforming use or grandfathered. If there is a change of use than that is not grandfathered. If it is considered not a change of use than it can be considered as grandfathered.
- Baker: The council and I will set down and work out something good for the neighborhood. That is your building and I want you to rent that building because that is money coming into the city. We will decide what can go in there and fall under the zoning laws.
- Armstrong: Now it is classified as Office Institutional but we want it classified as non-conforming use of M1. If you chose to make it conditional, you can do that but we don't agree with it. We think our present use is of non-conforming use.
- Armstrong: You cannot take away a man's use of property without offending the constitution.
- Villyard: When it was rezoned you mentioned the public hearings and proper procedures. Does it come down to a question of at the time it was rezoned that it was contested as not being acceptable?
- Spivey: I never knew the zoning had been changed until this person wanted to rent the building and applied for the permit then found out that you could no longer use the building as zoned before.
- Armstrong: Let me give you an example, suppose the mill never closed, it was still a clothing factory that employed 180 people and making a million dollars a year, the property would be the same situation, same neighborhood, Nursing Home, would you close it down by rezoning it.
- Freeman: That is clearly the same use continued. The question to be determined is if this is the same use as before, or is it a different use. This is a matter of construction of this Ordinance and this is what these people must decide. Does this change of use cause it not to be a non-conforming use. They need to set down and decide is this a change of use that causes it not to be a non-conforming use. That is the question that everyone needs to decide. If we can just key into that particular issue then they will have a chance to say what they think about that issue.
- Armstrong: This can be settled in other ways, Mr. Spivey would like to compromise.
- Freeman: The discussions that have been held, including comments and Mayor, this high octane fuel sounds like it may be somewhat problematic and I can't speak to that.
- Spivey: Just drop the fuel, imagine the building is your house and all of a sudden someone tells you that you can't have a house in that area or move into it. That is mainly the same thing as telling me that I can't rent to someone that wants to store fuel. I got rezoned and didn't even know it.

Freeman: Let me clarify something, I had no hand in changing the zoning for that area.

Baker: What three previous business have you had in there.

Spivey: I have stored model airplanes, store boxes. A guy wanted to rent it to store flea market stuff. A guy also wanted to rent it for a skateboard area.

Hemmer: We have all kind of tenants looking at the building, cabinet shop, roofing company, lady wanted to store antique automobiles, Civic Center.

Armstrong: Can the city rent the building?

Freeman: The city can rent the premises, but can't borrow money without a bond issue.

Public Hearing closed at 8:47 p.m...

**EXECUTIVE SESSION:**

Roll Call held for Executive Session: Possible Litigation- Mayor Baker, Councilmember's Clay Dorsey, Lynn Villyard, Rebecca, McNeely, and Stephan Lewis.

Roll call held to return to regular session-Mayor Baker, Councilmember's Clay Dorsey, Lynn Villyard, Rebecca McNeely, and Stephan Lewis.

No action taken in the Executive Session.

Meeting adjourned at 9:04 p.m.

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Certified by: City Clerk

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Date