

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE
CITY OF LUFKIN, TEXAS, HELD ON THE 23RD DAY OF JUNE, 1981
AT 5:00 P.M.

On the 23rd day of June, 1981, the City Commission of the City of Lufkin, Texas, convened in regular meeting in the Council Room at City Hall with the following members thereof, to-wit:

Pitser H. Garrison	Mayor
Percy A. Simond, Jr.	Commissioner, Ward No. 1
Don E. Boyd	Commissioner, Ward No. 2
Bob McCurry	Commissioner, Ward No. 3
Pat Foley	Commissioner, Ward No. 4
Richard Thompson	Commissioner, Ward No. 5
E. C. Wareing	Commissioner, Ward No. 6
Harvey Westerholm	City Manager
Roger G. Johnson	Assistant City Manager
Robert L. Flournoy	City Attorney
Ann Griffin	City Secretary

being present when the following business was transacted.

1. Meeting opened with prayer by Commissioner Don Boyd.
2. Mayor Garrison welcomed visitors present.
3. Approval of Minutes

Minutes of regular meeting of June 9, 1981, were approved with the following change requested by Commissioner Pat Foley:

Item #16 was amended to show that Commissioner Bob McCurry seconded motion in place of Commissioner Pat Foley.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Don Boyd that minutes be approved with suggested change to Item #16. A unanimous affirmative vote was recorded.

4. Zone Change Application - Denied - First Reading - Paul J. Reavis - C to C,SU (Item 16-Private Club)

Mayor Garrison stated that zone change application by Paul J. Reavis covering property located at 111 South Chestnut between Lufkin Avenue and South Timberland Drive from Commercial to Commercial, Special Use (Item 16-Private Club) had been considered at last meeting of City Commission and had failed for lack of a second. Mayor Garrison then recognized Mr. Gilbert Fears appearing in representation of the application.

Mr. Fears stated that he had submitted a letter indicating provision for serving food in the club, and a diagram indicating parking area in relation to square feet in building. Mr. Fears stated that his parking was ample according to City Planner.

Mayor Garrison stated that the City Commission was in receipt of information for a suggested ordinance that would require 70% of all sales to be from the sale of food. Mayor Garrison further stated that a letter objecting to the zone change had been received from Mr. Lynn Metteauer, Lufkin Motors, Inc., who owns property directly across the street. Mr. Fears stated that he understood why Mr. Metteauer would object to trash being left on his property, but all drinking cups, etc. would be kept within the club and members would be informed that they must park on the club property.

Mayor Garrison stated that an amendment to the City Commission agenda was for consideration of ordinances for private clubs, and it might be in order to consider same at this time.

Motion was made by Commissioner E. C. Wareing that the City Commission not consider any zone change applications involving

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Private Clubs until such time as the proposed ordinances have been reviewed by the Planning & Zoning Commission and brought back to City Commission.

Mayor Garrison stated that there seemed to be a question about procedure, and, ordinarily, it was not proper to consider two (2) items at one time. Mayor Garrison further stated that because of arrangement of the agenda, the Commission would consider application by Mr. Reavis first. Previous motion by Commissioner Wareing to not consider further zone change applications did not receive a second, and Commissioner Wareing made motion that zone change application be postponed without prejudice to be considered at next regular meeting, July 7, 1981. Motion was seconded by Commissioner Richard Thompson.

Commissioner E. C. Wareing stated that a more accurate and up-to-date description of a private club was needed.

Commissioner Don Boyd stated that at last meeting the Commission informed Mr. Fears what would be required of him for his zone change, and now the City Commission was delaying it further which did not seem fair. Commissioner Boyd stated that to try to draft an ordinance when the problem is before the Commission is not legal. City Attorney Bob Flournoy stated that just because a zone change application is filed, it doesn't give the applicant a guarantee for favorable consideration.

Commissioner Percy Simond stated that if he had been present at last meeting, he would have voted against all three (3) private clubs, but he would like to know why two (2) were passed and one (1) failed.

Mayor Garrison stated that the absence of food service was going to be a big factor in the Commission's decision. Mayor Garrison further stated that it had been reported to the Commission that a private club in operation at present was not serving food, but when zone change was originally granted applicants made provisions for food service. Mayor Garrison stated that a special use should be a continuing thing that is investigated from time to time.

Mr. Fears stated that the City Commission has stated that his zone change application would be postponed without prejudice, but he could only see prejudice in the entire procedure.

Commissioner E. C. Wareing stated that the term "without prejudice" is used to indicate that application would be allowed to return to the City Commission.

Mayor Garrison stated that the only action taken on zone change application at last regular meeting was that it died for lack of a second, and Mr. Fears should not assume that the City Commission has requested he resubmit his application unless specifically asked by the City Commission.

Commissioner E. C. Wareing stated that he would withdraw his previous motion and remove the phrase that Mr. Fears is objecting to, "without prejudice," and move that application be denied. Motion was seconded by Commissioner Richard Thompson. The following vote was recorded: Aye: Mayor, Commissioners McCurry, Thompson, & Wareing; Nay: Commissioners Boyd, Simond & Foley. Mayor Garrison declared motion approved by a vote of 4 to 3.

Commissioner Don Boyd stated that emotions had overruled judgment on consideration of the application, and should be controlled.

5. Annexation & Permanent Zoning Application - Approved - Second Reading - Helen Lowe - C,SU(Item 1-County Jail)

Mayor Garrison stated that Annexation & Permanent Zoning request by Helen Lowe covering property located north of Loop 287 at Kurth Drive to Commercial, Special Use(Item 1-County Jail) had been approved at last regular meeting and had received no opposition.

Motion was made by Commissioner Percy Simond and seconded by Commissioner E. C. Wareing that annexation be approved on second and final reading of ordinance. A unanimous affirmative vote was recorded.

Motion was made by Commissioner E. C. Wareing and seconded by Commissioner Percy Simond that zoning be approved on second and final reading of ordinance for Commercial, Special Use (Item 1-County Jail) with the provision that special use for county jail would become moot if option of County is not exercised. A unanimous affirmative vote was recorded.

6. Zone Change Application - Denied - Second Reading - Exeter Investment Corporation - C to C,SU(Item 16-Private Club)

Mayor Garrison stated that zone change application by Exeter Investment Corporation located at 3009 John Redditt Drive between Mott Road and Timberland Drive from Commercial to Commercial, Special Use(Item 16-Private Club) was approved at last regular meeting of City Commission. Mayor Garrison recognized Clay Dark, representative of zone change application, who stated that he would reserve comment until after discussion.

Mayor Garrison then recognized Rev. Charles McIlveene, representative of "We Care" Organization, who stated that he was requesting a moratorium on private club zone changes until an ordinance could be drafted for all special use permits. Rev. McIlveene further stated that legal counsel for the "We Care" Organization was present, and requested permission for Bill Fenley to speak in representation of same.

Bill Fenley, local attorney, stated that the organization was created at the last liquor election, and they had asked him to bring before City Commission information regarding private clubs. Mr. Fenley stated that several Commissioners had stated their opinions that private clubs had gotten out of hand and raised the question of whether the Commission could adopt a moratorium or extend the time before taking action. Mr. Fenley stated that a case had developed in the City of Dallas regarding the issuing of building permits in an area that the City had set aside for historical preservation, and the City of Dallas placed a moratorium on all building permits being issued in that area.

Mr. Fenley further stated that the City Commission has the right to postpone applications until an ordinance has been adopted indicating how they desire private clubs to be regulated. Mayor Garrison asked Mr. Fenley if there were any opinions relating to authority of the City to restrict private clubs in spite of the State allowing them. Mr. Fenley stated that Copperas Cove had a lawsuit in 1975 and that a similar issue was raised at which time the court determined that a city has the right under police power to restrict private clubs even though the State grants the licenses. Mayor Garrison asked Mr. Fenley, in his opinion, if it would be legal for the City Commission to grant a license or special use provision and made it terminate at a certain time when the club would be inspected to determine if club was operated in accordance with laws before a new license was issued. Mr. Fenley stated in his opinion this procedure would be permissible. Commissioner Pat Foley asked Mr. Fenley if an ordinance could be passed to apply to private clubs in existence, and Mr. Fenley replied in his opinion that they could not.

Clay Dark, representative of zone change application, stated that he would urge the City Commission in consideration of regulation of private clubs to keep all zoning ordinances with regard to designation of private clubs, but with respect to restrictions of private club, same should be regulated separate from the zoning ordinance. Mr. Dark further stated that the City Commission can establish regulations if approved pursuant to police power, and if so worded, could be done when a private club renews the State License. Mr. Dark further stated that police power concerns the regulation of business transacted and not the location of the business.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Richard Thompson that zone change application be denied on second reading. The following vote was recorded: Aye: Commissioners Thompson, Wareing and Simond; Nay: Mayor, Commissioners McCurry, Foley and Boyd. Mayor Garrison declared motion failed by majority vote of 4 to 3.

Commissioner Richard Thompson asked that everyone present in support of request for moratorium and the "We Care" Organization be recognized. There were approximately 50 persons present.

Commissioner E. C. Wareing stated that he would be in favor of a moratorium until a zoning ordinance could be updated; but in fairness to applicants, since applications were passed on first reading, the Commission should dispose of them and then amend zoning ordinance. Commissioner Pat Foley stated that he concurred with Commissioner Wareing that present applications should be finished.

Commissioner Percy Simond stated that he understood the second reading was to give the Commission time to think about proposed actions and vote as their conscience dictates.

Commissioner Don Boyd stated that the Commission was present to make a decision on a zone change and not a moral issue. Commissioner Boyd further stated that it was good to see the citizens present, but the City had more significant problems than private clubs.

Mayor Garrison stated that he was inclined to believe that if a new ordinance is passed with some degree of control over private clubs, the future limitations should be imposed on present private clubs. Mayor Garrison further stated that because private clubs have been granted in the past, doesn't mean that the Commission should continue to grant them. Mayor Garrison stated that if new restrictions are going to be passed, the zone change applications under consideration tonight should be delayed until the new ordinance is available. Mayor Garrison further stated that he would vote to postpone application rather than deny it, and would be willing to reconsider Mr. Fears' application in light of a new ordinance.

Motion was made by Commissioner Richard Thompson and seconded by Commissioner Percy Simond that action be postponed on Exeter application until future consideration of new ordinance. The following vote was recorded: Aye: Mayor, Commissioners Simond and Thompson; Nay: Commissioners McCurry, Foley, Boyd and Wareing. Mayor declared motion failed by majority vote of 4 to 3.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Don Boyd that application be approved on second reading. The following vote was recorded: Aye: Commissioners McCurry, Foley and Boyd; Nay: Mayor, Commissioners Thompson, Wareing and Simond. Mayor Garrison declared motion defeated by a vote of 3 to 4. City Attorney Bob Flournoy stated that motion failed to pass.

7. Zone Change Application - Postponed - Second Reading - David D. Dunn - LB to C.SU(Item 16-Private Club)

Mayor Garrison stated that zone change application by David D. Dunn covering property located at 207 N. Raguet between Frank

Avenue and Moore Avenue from Local Business to Commercial, Special Use(Item 16-Private Club) had been approved on First reading at last meeting of City Commission. Mayor Garrison recognized Mr. Dunn who stated that he had no additional comments in regard to his application.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Richard Thompson that application be denied. The following vote was recorded: Aye: Commissioner Thompson and Simond; Nay: Mayor, Commissioners McCurry, Foley, Wareing and Boyd. Mayor Garrison declared motion to deny failed on majority vote of 5 to 2.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Don Boyd that application be postponed allowing applicant to return at a later date. The following vote was recorded: Aye: Mayor, Commissioners Thompson, Foley and Boyd; Nay: Commissioners McCurry, Wareing and Simond. Mayor Garrison declared motion approved by a majority vote of 4 to 3. Mayor Garrison stated that application would be postponed until the City Commission has a chance to study ordinance and make possible revisions. Mayor Garrison further stated that the Commission was seeking to be consistent in decisions.

8. Zone Change Application - Approved - Second Reading - Sabine Investment Company - RL to A

Mayor Garrison stated that zone change application by Sabine Investment Company covering property located at Lot 2, Block 7, Crown Colony, west of Crown Colony Drive from Residential Large to Apartment had been approved at last regular meeting of the City Commission. There was no opposition present.

Motion was made by Commissioner E. C. Wareing and seconded by Commissioner Pat Foley that application be approved on second and final reading of ordinance. A unanimous affirmative vote was recorded.

9. Zone Change Application - Approved - Second Reading - Ruby Mae Sapp - RS to D

Mayor Garrison stated that zone change application by Ruby Mae Sapp covering property located at 916 Highland Avenue west of Keltys and south of Weaver Street from Residential Small to Duplex had been approved at last meeting of the City Commission. There was no opposition present.

Motion was made by Commissioner E. C. Wareing and seconded by Commissioner Don Boyd that application be approved on second and final reading of ordinance. A unanimous affirmative vote was recorded.

10. Amendment to Traffic Ordinance - Approved - Lotus Lane & Fuller Springs Drive

Mayor Garrison stated that amendment to traffic ordinance changing the speed zone on Lotus Lane and Fuller Springs Drive was approved at last meeting of City Commission. There was no opposition present.

Motion was made by Commissioner Pat Foley and seconded by Commissioner E. C. Wareing that ordinance be approved on second and final reading of ordinance. A unanimous affirmative vote was recorded.

11. Bid on Ciity Depository - Approved - Lufkin National Bank

Mayor Garrison stated that bids are considered on the City depository every two (2) years and this year the only bid received was from Lufkin National Bank. Mayor Garrison further stated that because of his affiliation with the bank, he would recuse himself from vote or discussion on this item, and asked Mayor Pro Tem Wareing to conduct this discussion.

Mayor Pro Tem Wareing stated that the City Manager had indicated that Plan B was the most advantageous to the City at this time. City Manager Westerholm stated that Lufkin National Bank had bid on the 1979 contract, and at that time, the City chose Plan A because of the fluctuating money market. City Manager further stated that this year, the City staff recommended Plan B which would allow the interest rates paid on City funds to follow the market.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Don Boyd that bid from Lufkin National Bank for two (2) year City Depository Contract be approved with the City Manager's recommendation for Plan B. A unanimous affirmative vote was recorded.

12. Advertisement for Bids - Approved - Former Sewer Treatment Plant

Mayor Garrison stated that during the Executive Session at the last City Commission meeting, it was concluded by Commissioners that advertisement for bids should be prepared for sale of former sewer treatment plant site on south Loop 287. Mayor Garrison stated it was agreed that funds could be used elsewhere, and declared floor open for discussion.

Commissioner E. C. Wareing stated that the property should be advertised for sale because it is desirable land and would fit in with development of the area. Commissioner Wareing further stated that it would make the land more valuable if the City would move Mott Road to the West property line.

Mayor Garrison stated that the City might like to retain a 100 foot right-of-way across the north end of the property to join with Mott Road in the future, and an alternate bid could be offered with these specifications.

Motion was made by Commissioner Richard Thompson and seconded by Commissioner Pat Foley that property be advertised for bids with specification that Mott Road be moved to parallel west boundary line, and alternate bid be accepted excluding 100 foot right-of-way across the north end of property. A unanimous affirmative vote was recorded.

13. Transit Feasibility Study - Reviewed - Department of Highways & Public Transportation - Franchise for Bus System - Discussed
W. J. Harbuck - Odis Brown

Mayor Garrison stated that the Transit Feasibility Study had been completed and Mr. Johnny Dominey was present from the State Department of Highways and Public Transportation to answer any questions.

Mr. Dominey stated that the study had been made with Federal Government funds, and if Lufkin wished to proceed with government funding of a bus system, the City could run the system or contract the operation to an individual. Mr. Dominey stated that plan #1 was recommended for the City which is a demand response system consisting of a dispatcher and door to door service instead of a fixed route. Mr. Dominey stated that three (3) to four (4) small passenger vans would be recommended. Mr. Dominey further stated that if government funding is used 80% would be furnished by the Federal Government, 13% by the State Government and 7% by the City. Mr. Dominey stated that all transit systems were presently operating at a deficit.

After further discussion of the completed study, Mayor Garrison recognized Mr. Odis Brown, an applicant for bus franchise. Mr. Brown stated he was interested in operating under a subcontract because a small system requires too great a capital outlay. Mr. Brown stated that Lufkin would see the need of a system once it was operating. Commissioner Pat Foley stated that he was in favor of a private system. Commissioner Bob McCurry stated that if an individual was interested in serving the City's needs, they should do so without government funds if possible.

Mayor Garrison then recognized Mr. W. J. Harbuck, applicant for franchise, who stated that he presently had a 26 passenger bus and four (4) vans that provide transportation for Southern Pacific Employees. Mr. Harbuck stated that he would like to put the bus to work and add an additional bus shortly. Mr. Harbuck stated that he planned to start in Diboll, cross Lufkin and proceed to Nacogdoches. Mr. Harbuck stated that he only needed approval of the City Commission, and he would investigate the possibility of a profit under this system. Mr. Harbuck further stated that he had contacted Lufkin Mall and Gaslight Square, and both are willing to provide a bus stop. Mr. Harbuck stated that Crown Colony had contacted him about a route through their subdivision.

Commissioner Bob McCurry stated that he was in favor of Mr. Harbuck following through with his plan, and if necessary, the subsidy program could be considered at a later date. Mr. Harbuck stated that he would know within six (6) months if his bus system would be profitable, and if so, he would like to have a five (5) year franchise.

Motion was made by Commissioner Bob McCurry and seconded by Commissioner Pat Foley that Mr. Harbuck work with the City Attorney to finalize an agreement for franchise, schedule of proposed route and fees, and other necessary requirements, and submit same to City Commission at a later meeting. A unanimous affirmative vote was recorded.

Commissioner E. C. Wareing requested information on length of time funds would be available. Mr. Dominey stated that the program had been funded through four (4) fiscal years and is still being operated with the first year funding.

14. Resolution - Approved - Participation in Statewide Breath Testing Program - Police Department

Mayor Garrison stated that a resolution and agreement form had been submitted to allow the City Police Department to operate its own breathalyzer unit without having to locate DPS personnel to perform tests. Mayor Garrison further stated that the equipment would be furnished by the Department of Public Safety and Department of Highway & Public Transportation at no cost to the City.

Motion was made by Commissioner Don Boyd and seconded by Commissioner E. C. Wareing that resolution and agreement be approved. A unanimous affirmative vote was recorded.

15. Liquidated Damages - Approval of Payment - Elevated Water Storage Tank

Mayor Garrison stated that Universal Tank & Iron Works had responded to the City Commission's offer to hear any of their justification for the City not to apply liquidated damages. Mayor Garrison recognized Mr. Bob Sterling, representative of Universal Tank & Iron Works.

Mr. Sterling stated that completion date set by the City was October 27, 1980, and Universal Tank maintains the tank was substantially complete on November 9, 1980. Mr. Sterling further stated that a letter from Griffith Engineers dated March 2, 1981, stated that his company felt the tank was completed on November 9, 1980. In response to question by Mayor Garrison, Mr. Sterling stated that substantially complete is defined as being ready for use for what it was intended. Mr. Sterling stated that it was an elevation problem, and Universal Tank denies being guilty, but feel it was an error on the part of the engineer. Mr. Sterling stated that if the City had needed the tank on November 9, 1980, it would have been ready.

Commissioner Don Boyd asked Mr. Sterling if he had a delay because of weather, and when he replied that he did, Commissioner Boyd asked why a request for extension was not filed. City Manager Westerholm stated that a letter was received from Universal Tank stating that there would be no problem completing the tank by the first part of October.

Mr. Sterling stated that the painters for the tanks are scheduled for different jobs, and if they are detained on one job by weather, then they are behind in other cities.

Mayor Garrison stated that the contract states that if the tank is not completed on a certain date the company will pay liquidated damages, not "substantially complete," but "complete."

Mr. Sterling stated that Universal Tank feels it has gone full circle on the contract, and are asking that all but ten (10) days liquidated damages be rescinded.

Motion was made by Commissioner Bob McCurry and seconded by Commissioner Percy Simond that full amount of liquidated damages for 53 days be retained in the amount of \$13,250. The following vote was recorded: Aye: Mayor, Commissioners Simond, Boyd, McCurry and Wareing; Nay: Commissioners Thompson and Foley. Mayor Garrison declared motion approved by a vote of 5 to 2.

16. Thoroughfare Development Policy - Discussion - Postponement

Mayor Garrison stated that the Commission was in receipt of proposed thoroughfare development policy which the Planning & Zoning Commission had restudied.

Commissioner E. C. Wareing stated that there are some changes included in the policy, and he would like additional time to consider same. It was unanimously agreed that Thoroughfare Development Policy would be postponed for further review until next regular meeting.

17. Executive Session - Centennial Committee and Executive Committee Appointments - Zoning Board of Adjustment & Appeals Appointments - Exposition Center Board of Directors - Appointed

Mayor Garrison stated that City Commission would adjourn to Executive Session to discuss appointments to various boards. Mayor Garrison then recessed formal open meeting of the City Commission at 7:15 p.m. Mayor Garrison reconvened regular meeting of the City Commission at 7:50 p.m. and made announcement to individuals present regarding results of Executive Session.

Mayor Garrison stated that members of Commission had discussed various board appointments during Executive Session and invited motion from members of Commission regarding same. Commissioner Don Boyd made motion that the Centennial Commission be approved with various changes to include substitution of Mr. Howard Walker for Robert L. Flournoy and addition of Mrs. Louise Jackson and Bryan McCarty. Motion was seconded by Commissioner E. C. Wareing and a unanimous affirmative vote was recorded. A list of these individuals is attached to minutes for permanent record stated in alphabetical order containing 102 names.

Commissioner E. C. Wareing made motion that members of Executive Committee to include Bob Bowman, Woody Gann, James Kerbo, Jerry Huffman, Pat Foley and Roger G. Johnson be approved to represent the Centennial Commission. Motion was seconded by Commissioner Percy Simond and a unanimous affirmative vote was recorded.

Mayor Garrison further announced that members of Commission had discussed five (5) vacancies on the Zoning Board of Adjustment and Appeals and agreement had been reached regarding these appointments subject to their acceptance. Mayor Garrison stated that announcement of these names would be made as soon as possible by the City Manager.

Mayor Garrison also stated that members of Commission had discussed appointments to the Exposition Center Board of Directors and agreement had been reached on two (2) appointments to this committee.

Commissioner Bob McCurry made motion that E.G. Pittman and Raymond Moore be appointed as directors to serve for an initial one (1) year term to the Exposition Center Board of Directors. Motion was seconded by Commissioner Pat Foley and a unanimous affirmative vote was recorded. Mayor Garrison stated that these individuals would join other members already appointed by County Commissioners Court to include Henry Holubec of Diboll and Herbert J. Cross of Lufkin, and Angelina County Chamber of Commerce appointments including Mike Mathis, Johnny Jackson, and George Henderson, Jr.

18. Zoning Ordinance - Discussion of Amendment Concerning Private Clubs

Mayor Garrison stated that an amendment had been made to the agenda to allow for consideration of proposed ordinances governing private clubs, but due to the late hour, same should not be discussed at this meeting.

City Attorney Flournoy stated that since several zone changes are contingent on the ordinances the applicants are anxious to see some action on same.

Commissioner E. C. Wareing stated that a definition of private clubs is very important, and the ordinances adopted should be workable.

Mayor Garrison stated that the Commission should study proposed ordinance and try to reach a decision before the next meeting of Commission.

Commissioner Pat Foley stated that he had studied the ordinance and was prepared to take action on same tonight. Commissioner Foley further stated that he felt the delay of action on the issue was a detriment to the reputation of the Commission.

Clay Dark, local attorney, stated that the City Commission should decide if they want to deal with private clubs strictly from a zoning standpoint or other regulatory standpoint which would have a bearing on drafting of an ordinance.

Mayor Garrison stated that if an ordinance is passed relating to special use of private clubs, whether under zoning or police power, it applies to that provision of the zoning ordinance, and it should be under zoning because one cannot segregate the special use. Commissioner Percy Simond stated that he was not prepared to discuss the proposed ordinance at this time.

City Attorney Bob Flournoy, stated that he had proposed an ordinance regulating the sale of alcohol and an ordinance that added a definition to the zoning ordinance. City Attorney further stated that the ordinances were written by providing workable items from other ordinances and drafting samples for the Commission to consider.

Commissioner Bob McCurry stated that he felt the requirement of 70% of sales derived from food might be over-regulation of a business.

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Commissioner E. C. Wareing stated that he was unsure about the striking of the "happy hour" which allows the establishment to sell drinks at a reduced price.

Commissioner Percy Simond stated that he preferred to wait until July 7 Commission meeting to discuss proposed ordinances because he needed more time to study ordinance proposed by City Attorney Flournoy.

City Attorney Flournoy stated that police power would permit the City to regulate private clubs, and they should be covered under a separate ordinance.

Mayor Garrison stated that whether private clubs were regulated under the zoning ordinance was not important because the point in question was provided under the special use provision of the zoning ordinance.

Clay Dark stated that a special use is designated to a tract of land, and Exeter Investment owns a tract of land which is presently leased to Mr. Gattis. Mr. Dark further stated that in three (3) years the land may be leased to someone else who will run the business very differently, which was the reason for having the private club ordinance separate from the zoning ordinance. Mayor Garrison stated that he understood the special use should be licensed to individuals having a private club.

Clay Dark further stated that the requirement of 70% of sales being derived from the sale of food would necessitate a review by the City Commission on a quarterly basis, and the Commission might want to delegate that responsibility to another office. Mr. Dark further stated there had been some mention of dance halls, and the Commission might want to define same in proposed ordinance.

Commissioner Percy Simond stated that he was willing to approve all three (3) applications for private clubs tonight, but only if all were in fact approved. Mayor Garrison stated that he was not willing to pass any ordinance until the zoning ordinance is approved for private clubs, and that he was in favor of making the ordinance retroactive. Mayor Garrison further stated that the City Commission should try to agree on terms of ordinance at next meeting.

19. There being no further business for discussion, meeting adjourned at 8:20 p.m.



ATTEST:

Ann Griffin
City Secretary

Pitser H. Garrison
Pitser H. Garrison, Mayor