



**SEPTEMBER 3, 2013**

**CITY HALL**

**6:00 P.M.**

**I) Public Hearing – Zone Change – 119 Flowers Drive**

The Mayor called the Public Hearing to order. The Mayor asked Kenneth Jones to address the Council regarding the zone change. Mr. Jones informed the council that Mildred Mells was requesting the zone change, at 119 Flowers Drive, due to wanting to tear down the existing older mobile home and replace it with a new mobile home. He stated that the zoning is currently zoned R1, which is why the zoning would need to be changed to R2. The Mayor questioned if the property has always been zoned R1. Mr. Jones stated that the criteria for mobile homes has changed and that the mobile home that is currently at the location has been there for a very long time. There was discussion between the City Attorney, the Mayor and Mr. Jones regarding the zoning in the area and the location of the lot.

Ms. Chadwell, who lives at 484 S. Flowers Dr., spoke to the Council regarding the fact that when they moved there their thought was that this area would be a pleasant living residential area with homes but that it has developed into a different type of area. She stated that she was not happy about the idea of a mobile home being brought back into the neighborhood. She felt that this was not an area for mobile homes.

Mr. Charlie Sol informed the Council that Ms. Mells was an elderly lady who just wanted to update her existing mobile home without having to go through the hassle of building a home.

Councilman Hutchins then questioned the year of the mobile home that Ms. Mells wanted to move in. Mr. Jones stated that he was not sure that this time but would find out that information.

With no more comments from the Public or Council that Mayor called the Public Hearing to a close at 6:12 p.m.

**II) Call To Order, Roll Call, Invocation, Pledge of Allegiance**

Mayor Howard called the meeting to order. Councilman Mills gave the invocation. Mayor Howard led the Council and guests in the Pledge of Allegiance. Let the record show that Mayor Howard, Councilman Middleton and Councilman Hutchins, Councilman Mills and Councilman Smith were present. Also present were the City Attorney Tommy Coleman, City Clerk, Melinda Crook, and Building Inspector, Kenneth Jones.

**III) Approve Minutes**

Councilman Mills brought some changes to the Council's attention. He stated that there was a spelling error, plague, on the August 6th minutes and that he was not present at the August 28th meeting but his name had been put in the minutes on a motion made. He also questioned a several items from the August meetings due to being unable to attend. A motion was made by Councilman Mills and seconded by Councilman Hutchins to approve both sets of minutes with the appropriate changes as stated by Councilman Mills. The motion carried unanimously.

**IV) Citizens And Delegations**

Lisa Collins – Gateway Project - Ms. Collins updated the Council on the Gateway Project and the financial status. She informed the Council that the Gateway Project was started in 2007. She then stated that construction has yet to begin because of the hoops to go through with GDOT being that it is a Transportation Grant. She then stated that the Grant has been applied for twice. She stated that round one was in the amount of \$500,000 and the second was in the amount of \$300,000 totaling \$800,000 and that this is a reimbursement grant. She added that no reimbursements could begin until a certain point had been reached in the project. She re-informed the Council that there was a 20% match which was in the amount of \$200,000. She stated that their largest hurdle is the environmental portion of the project because the area is classified partially as a wetland. She stated that monies had to put out upfront to see if the project was viable and that Mr. Rice had agreed to pay \$26,725 to find out if it was a viable project and that he was aware that this money was non-refundable but could be applied toward the 20% match. She then informed the Council that the purchase of the land came next and that the City could not purchase the land, at the present time and the land could not actually be purchased by anyone.

until you get to the property acquisition phase. She informed the Council that Mr. Rice had put an option on the property, owned by the Clark estate, and that Mr. Rice has been renewing the option on the property every year since 2007, which totals to \$38,500. She then stated that EC2012 had pledged \$100,000 toward the project but had not received several pledges so the full amount would not be able to be given to the City. She informed the Council that the City would be getting \$94,814.26. She explained how the payments to EMC had been progressing to this point. She stated that total, to this point, being applied to the match was around \$160,000 and that the City would need to come up with the difference of about \$40,000. Ms. Collins then explained that the renewal of the option on the property had recently expired and that a surrogate needed to be found to renew the option. She stated that the amount to renew the option was \$5,000 and that hopefully the project would be to the acquisition phase before the option came up for renewal again. She then explained the process for the purchase of the property and once to this phase reimbursement on the project would begin. She then explained that there was a piece of the property was owned by the State that three wetland credits would need to be purchased before the State would deed the property back over to the City to be used in the Gateway Project. She informed the Council that the low bid on the wetland credits was \$7,200. She informed the Council that the money to pay for the wetland credits would be paid out of the \$94,814.26 left in the EC2012 account. Ms. Collins informed the Council that the hope is that the \$38,500 that had previously been paid would apply toward the purchase price of the property which could be in the range of \$108,000. She stated that there was 18 acres at a cost of about \$6,000 per acre. Councilman Mills questioned who could be found to be the surrogate for the option on the property. It was explained that the amount for the renewal of the option on the property would be paid out of the \$94,814.26 as well as the payment for the wetland credits. The Mayor informed the Council that he had spoken to someone to become the surrogate for the option and that it had been stated that he would be interested as long as he did not have to pay out any money. There was discussion between the Mayor and Council regarding a surrogate and how the monies would work. There was then discussion on what would happen if the wetland credits were purchased and the option was not renewed. Ms. Collins suggested going to Mr. Tom Baxley about negotiating the option of the property. A motion was made by Councilman Middleton and seconded by Councilman Mills to approve the purchase of the wetland credits in the amount of \$7,200.00 to be paid out of the EC2012 account. The motion carried unanimously.

**V) Administrative Committee Reports**

**Zone change 119 Flowers Drive – R1 to R2** - A motion was made by Councilman Hutchins and seconded by Councilman Mills to approve the zone change at 119 Flowers Dr. from R1 to R2. The motion carried with Councilman Smith and Councilman Middleton voting “No” and the Mayor breaking the tie with a vote of “Yes.”

Mr. Jeff Jones updated the Council on the HWY 39 pump station. Mr. Jones informed the Council that he has been working to try to identify what needs to be done to alleviate the sewer issue in the Willow Glen area. He stated that the current pump would need to pump an estimated 275 to 300GPM to keep up with the flow in the area at the present time. He informed the Council that the current pumps, in the pump station, were designed for residential inflow and could pump 175GPM. He stated that at the present time there is more coming in through the pump station than the pumps can push out. He stated that there is a bottle neck downstream by Dr. Crowdis’s house. He stated that they had surveyed the gravity lines. He stated that a gravity lines could be upgraded to about a 10” line. He stated that in some location the lines are almost flat and this is helping to create the problem. He informed the Council that we need to pump more out of the pump station and not surcharge the manhole in front of Dr. Crowdis’s house. He informed the Council that he was looking at a possible upgrade of the pumps in the pump station to pump 300GPM and upgrade the gravity lines from 6” to 8” with more gravity and that the manhole at Jesse Johnson and E. South Blvd. would need to be watch to make sure there was not a surcharge in that area. There was then discussion between Councilman Mills and Mr. Jones regarding the current pumps in the pump station and the flow. Councilman Mills also questioned what would happen with the current flow while the upgrades are being made. Mr. Jones informed the Council that this would be discussed between him and the contractor on the best option of bypass while the upgrades were being made. Mr. Jones informed the Council that he would be reviewing the footage of the sewer lines in Southside Dr. and Colonial Dr. for I & I issues that could be attributing toward the problems on HWY 39 and Willow Glen.

**VI) City Attorney’s Report**

**Rescind resolution transferring responsibilities of fire marshal to the City**

The City Attorney explained that there was an Ordinance which would need to be repealed as well. The Mayor stated that the City has conducted some inspections and there was a time when the City did not conduct and inspection. The Mayor explained that he felt that the school system may not be taking the City as serious regarding issues and they would the State Fire Marshall, Terry Smith. He also stated that there were issues at the jail that have not been brought to the PS Board’s attention. The Mayor stated that he questioned Mr. Smith how many City’s work like this and that Mr. Smith informed him that three out of the 18 he monitors. The Mayor then asked the Council that the Council repeal the resolution and Ordinance and place the monitoring back under the State Fire Marshall. The City Attorney suggested that the City take these items up at the next meeting.

**First reading of an ordinance repealing brown bagging** - The City Attorney gave a brief explanation of the Brown Bagging Ordinance. The Mayor explained that he felt this Ordinance is hard to enforce this Ordinance. The Mayor stated he felt that the City is either a pouring community or it isn't. Councilman Middleton explained how this Ordinance came about. He stated that he felt that the Ordinance was not defined or strict enough for law enforcement to control. Councilman Mills asked the differences between the license, Beer, Wine, Brown Bag and the pouring and not pouring. The City Attorney then explained the different licenses and Ordinances. There was also discussion on a mixed drink referendum. There was a first reading of an Ordinance repealing Brown Bagging.

#### **VII) City Clerk's Report**

The City Clerk had Rev & Exp reports for the Mayor and Council. She informed the Council that the City finished the month with \$1,997.87 in the bank. She also informed the Mayor and Council that \$117,000 was transferred from the DOT reimbursement account to the General Fund account. The Clerk informed the Council that the paving on Church St., Westview and Grove Pl. had been completed and that E. South Blvd. was close to being finished. She explained that the repair on Westview had not been completed as she had explained to the Council because Mr. Tondero, from Oxford, had not relayed the instructions. Councilman Hutchins questioned the City Clerk about the increase of the utility bills and the City Clerk explained that the PCA had been added back to the bills on the September billing.

#### **VIII) New Items Proposed By Mayor And City Council**

##### **Discuss millage rate**

The City Clerk presented the Council with the five year tax levy history. She informed the Mayor and Council that there was not a proposed increase in the millage rate, which is currently 3.25. She informed the Council that the millage rate has to be adopted by September 10th. She informed the Council that there would be a net increase in taxes collected of \$2,952.00 and percentage increase of .92. Councilman Mills questioned the timber tax due to no amount being on the report. The Mayor explained that timber tax is only collected when the timber is harvested.

##### **Audit RFP's**

The Mayor explained that he felt it was a good idea for the books to be review by a different set of eyes from time to time which is why it was put out for quotes. It was also explained that the current audit firm's last proposal expired in 2012. The Mayor informed the Council that he felt that they should not just consider the money aspect of the RFP's. A motion was made by Councilman Mills and seconded by Councilman Hutchins for further review. The motion carried unanimously

**Work at treatment plant** - The Mayor informed the Council that several lines under the ground at the treatment plant were found to be corroded from the outside. He stated that these were metal lines. He informed the Council that once a previous repair was made another issue was found and then a line was found to be corroded through completely on the bottom. He informed the Council that we were looking at getting the soil tested. He also informed the Council that Blankenship was continuing to dig to find out how much of the pipe needed to be replaced. He informed the Council that we were getting to levels under our permit.

Councilman Mills questioned the Kegler property on Butler for clarification on the condemnation process. The City Attorney stated that once the property has been determined to be a hazard and submitted to the Court it has to continue through the court process. Councilman Mills questioned the difference between the houses on Butler and the process of the houses on N. Main St. Councilman Mills stated that because they are not affecting the tax digest he did not understand why he could not be allowed to rehab the location. The Mayor explained that the building official felt that the homes were beyond repair, at a reasonable cost, and therefore set the court process in motion. Councilman Mills stated that he felt that Mr. Kegler should be allowed the opportunity to rehab the house. The City Attorney explained that the courts might give Mr. Kegler the opportunity to rehab the homes.

Councilman Hutchins questioned Mr. Jones about an accumulating water issue at a Jack Watson property.

The Mayor updated the Council on the dumpsters outside the transfer station. The Mayor showed the Council a picture of the issue with dumping in this area. He informed the Council that his opinion was to move the dumpsters inside the transfer station for better control. The Mayor asked the Council for any suggestions they may have. Councilman Hutchins suggested placing a fence around the dumpsters and lock them up after close of business. Councilman Mills stated that he had used the dumpster after hours and then questioned what about those citizens who could not get to the dumpsters before close of business. Councilman Mills suggested running something in the paper giving the citizens a chance to correct the problem. The Council did not come up with any answers so no final decision was made on how to proceed.

Kenneth Jones presented to the Mayor and Council the issue of semi parking at residence and the conflict between Ordinances for street and zoning. The City Attorney stated that the City must take a more restrictive approach.

**IX) Public Comments**

Mr. Travis Kegler came before the Council regarding the plaque that was put on his house on Butler. He informed the Council that he has cleaned up the area since the pictures were taken. He also informed the Council that he had purchased the property with the intention of rehabbing the house and being a contractor fully believes that he can make the structure a nice house again. Mr. Kegler stated to the Council that he could envision what could be done with the property and that the building official might not be able to envision the same thing. He also stated that he wanted to understand the court process. Councilman Mills then explained the situation to Mr. Kegler and informed him that because it has already started in the court process it would have to continue in that process but that the judge might give him the opportunity to rehab the location. There was discussion between the Mayor and Council.

**X) Adjournment**

A motion was made by Councilman Middleton and seconded by Councilman Smith to adjourn the September 3rd City Council Meeting. The motion carried unanimously

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Anthony Howard, Mayor