



**BLAKELY CITY COUNCIL
MINUTES
CITY HALL**

December 5, 2017

6:00 P.M.

I) CALL TO ORDER, ROLL CALL, INVOCATION, PLEDGE OF ALLEGIANCE

The Mayor, Anthony Howard, called the meeting to order. Let the record show that the Mayor, Anthony Howard, Councilman Frank Thornton, Councilman James Crozier and Councilman Al Hutchins and Councilman Charles Middleton were all present. Let the record show that the City Attorney, Tommy Coleman and the City Clerk, Melinda Crook were also present. Commissioner Charlie Sol gave the invocation. The Mayor led the Council and public in the Pledge of Allegiance

II) APPROVE MINUTES

A motion was made by Councilman Hutchins and seconded by Councilman Middleton to approve the November 7th and October 12th minutes. The motion carried unanimously by Councilman present.

III) Citizens And Delegations

Ivan & Wanda Minks – CDBG Resolutions - Not present

Tracy Robinson – City Ordinance

Mr. Robinson thanked the Mayor and Council for allowing him to speak again regarding the City Ordinances. Mr. Robinson talked about doing things correctly, the zoning and the permit regarding Mr. Jones mobile home. The Mayor then turned the matter over to the City Attorney. Mr. Robinson was informed, by the City Attorney, that he was welcome to state his piece but that this time was not for questions. Mr. Robinson referred to the City Ordinance regarding the placement of this mobile home. He made a request of the Council, to give Kenneth Jones the opportunity to place his mobile home in compliance with the City Ordinance. The City Attorney went through the history of the mobile home park, the non conforming use and the current Ordinance. The City Attorney stated that you cannot go back and enforce Ordinances to something that had already existed. He stated that the frontage item does not apply to a mobile home park. The Mayor then stated that since Mr. Robinson has contacted an attorney and they have been in contact with the City Attorney then it will be worked out through them. There was then some more brief discussion.

IV) Administrative Committee Reports

Planning Commission – Request For Variance North Avenue

The Building Official, Kenneth Jones, stated that this variance request is to allow the owner to sell the two mobile homes with a 12 feet separation. He stated that this request had gone before the Planning Commission. He stated that one lot was about 8800 sq. ft and the second about 9500 sq ft. He stated they have been there since the 90's. He also stated that the Planning Commission had approved the request. A motion was made by Councilman Middleton and seconded by Councilman Thornton to approve the variance request for 250 and 256 North Ave. The motion carried unanimously by Councilman present

Doug Tinson – Pool Hall License – 1127 N Church

The Building Official, Kenneth Jones, stated that Mr. Tinson had turned in an application last month. He stated that Mr. Tinson had been approved for temp utilities for more repairs but that they had not been turned on at this point. Mr. Jones informed the Council of the remaining paperwork that was need, such as a background check and new application. Councilman Thornton, Councilman Hutchins and Mr. Jones discussed the building and previous occupancy of similar businesses. Councilman Thornton then stated that he felt this should be grandfathered. Mr. Jones stated that he had informed Mr. Tinson that this would be a Council decision. Councilman Thornton informed Mr. Jones that he needs to start providing a checklist of all the items needed for someone to open up. The Mayor questioned what Mr. Tinson was lacking on the application to which Mr. Jones stated a background check. A motion was made by Councilman Middleton and seconded by Councilman Crozier to approve the pool hall license contingent upon a satisfactory background check to be completed. The motion carried unanimously by Councilman present

V) **City Attorney’s Report**

Resolution To Apply For CDBG Funds

The City Attorney briefly explained the CDBG Resoluition. The Mayor informed the Council that this was to reapply for the North Ave. CDBG project due to not being successful the first time. A motion was made by Councilman Middleton and seconded by Councilman Thornton to approve the Resolution to apply for CDBG funds for North Ave. The motion carried unanimously by Councilman present

Resolution Providing For Local Match

The City Attorney stated that this Resolution is regarding the City match on CDBG funds. The Mayor stated that the City’s match is around \$50,000 per the last CDBG grant and is on a sliding scale. A motion was made by Councilman Middleton and seconded by Councilman Crozier to approve the Resolution providing for a local match on the CDBG funds. The motion carried unanimously by Councilman present

First Reading Of The Budget Ordinance

The City Attorney stated that this Ordinance provides for the adoption of a budget beginning January 1, 2018 replacing all others. He stated that this constituted the first reading. It was stated that the meeting dates were December 13th, for the public hearing, and December 20th for the second reading and adoption of the 2018 budget.

First Reading Of Cell Tower Ordinance

The City Attorney that this Ordinance was for establishing rules and regulation regarding the construction of cell towers in the City, repealing all others. He stated that cell towers & communication equipment is real hard to regulate across the state and the Federal Government has, for the most part, preempted the regulatory rights that cities and counties have. He asked that the Council review before the next meeting. He stated that this provides some limited structure. This constituted the first reading

First Reading Of Truck Route Ordinance

The City Attorney stated that this Ordinance is the first reading regulating commercial truck traffic in residential subdivisions. He stated that this has been talked about quite a bit, mapped out and has some added new language. He stated that this would be placed on the agenda for the next meeting.

The City Attorney stated that he had some other items to discuss. He stated that this year New Year’s Eve falls on Sunday. He went into the background of the allowance of an annual exemption to serve alcohol on Sunday one time a year. He stated that this had to be passed by Resolution or Ordinance and in the City’s case an Ordinance. He stated that pursuant to O.C.G.A 3-3-7(r) the City would provide for the sale of alcoholic beverages for consumption on premises from 12:30pm to 12:00 midnight on Sunday December 31st, 2017. He stated that this is for on

premises consumption and not package sales. He then reminded the Council that they could adopt this Ordinance by dispensing of the second reading by unanimous consent. Councilman Hutchins then clarified the hours that had been placed in the Ordinance. The Mayor explained why this Ordinance was being presented. A motion was started when Councilman Hutchins questioned the fact of having a special called meeting later this month. The motion was held for a second reading of the Ordinance. This constituted as the first Reading.

The City Attorney stated that the other item was regarding the TAVT tax. He wanted it understood that there was no implication, past or present, of any improprieties in the calculation of this tax or any other tax. He informed the Council of the underpayment to the Early County School System in the amount of \$651,417.84 and overpayment to the City in the amount of \$587,977.85. He informed the Council of the step the Tax Commissioner had taken to look into this matter. He stated that there was a question of whether this account has been reconciled at any time since 2001 so upon the Mayor's request he contacted GMA to get some contacts for an audit firm. He informed the Council that he found, Nichols, Calley & Associates, who are willing to do this quickly and experienced. He informed the Council of how the company would handle this matter to present the Council with a cost. Mr. Coleman informed the Council of communication, from Bill Mills, regarding the audit and a possible three year payback. Mr. Coleman stated that amounts could change once fully audited. Councilman Hutchins and the City Attorney discussed the review, by the Worth County Tax Commissioner and that cost. A motion was made by Councilman Middleton and seconded by Councilman Thornton to have Mr. Coleman to retain this company to complete the tax related audit work. The motion carried unanimously by Councilman present

VI) City Clerk's Report

The City Clerk provided the Council with financial reports. She updated the Council on the software conversion. She updated the Council on the FEMA application being processed for Hurricane Irma. The Clerk restated that the budgets will be December 13th at 5:30 for the public hearing and December 20th at 5:30 for adoption. She also stated that the budget was being reviewed by the auditor presently.

VII) NEW ITEMS PROPOSED BY MAYOR AND CITY COUNCIL

Appoint James Copp As City Marshal

The Mayor informed the Council of the steps taken to fill this position. He briefly went through the role Mr. Copp had in getting the 911 center started and running smoothly. He stated he felt this would be a positive move setting up this office. He then explained that Mr. Jones was going to be cutting back on his time and someone will be needed to step into those shoes. There was discussion between the Mayor and Council regarding Mr. Copp's certifications. A motion was made by Councilman Hutchins and seconded by Councilman Thornton to approve James Copp as the new City Marshal and get certifications within the first six month. The motion carried unanimously by Councilman present

2018 Meeting Dates - A motion was made by Councilman Middleton and seconded by Councilman Thornton to approve the 2018 meeting dates with no changes. The motion carried unanimously by Councilman present

Reappointments To SWGRC

A motion was made by Councilman Middleton and seconded by Councilman Thornton to reappoint Councilman Hutchins to the SWGRC and Freddy Speight as the non-public reappointment that the County had reappointed also. The motion carried unanimously by Councilman present

Municipal Competitive Trust Election For Off System Sales

The Clerk explained that the off system sales is presently being applied to the MEAG billing.

Municipal Competitive Trust Voluntary Deposits

The Clerk explained that these funds are the reserve accounts that are being given back to the cities. She stated that this year's monthly deposits would be \$10,133. A motion was made by Councilman Middleton and seconded by Councilman Thornton to keep the Off System Sales and Voluntary Deposits set up as in previous years. Councilman Crozier questioned if the Off System Sales is billed to the City. The Mayor explained that this money is credited to the MEAG bill and where it shows credited on the bill. The motion carried unanimously by Councilman present

Acceptance of Howard Lot On North Main

The Mayor explained that this was a lot that belonged to his Grandmother and his Uncle would like to give these lots to the City for some type of park or whatever the City sees fit to do with the lots. He stated that they are two lots on N. Main that go back to North Ave. A motion was made by Councilman Middleton and seconded by Councilman Crozier to accept the two lots and develop a plan that would best serve the Community. The motion carried unanimously by Councilman present

The Mayor stated that he had some contact regarding the Arnold property and that the City Attorney had been in contact with the Arnold family to get this moving forward and were hoping to have this done by the end of the year.

The Mayor updated the Council on the work on Jesse Johnson. He stated that the 8 acre lot off of Butler St. that was purchased this past year to put a storm water holding pond. He stated that Lodge Holman is working on a design for the holding pond area. He stated we are working on property owned by the City for the Gateway project. He stated that the 12 inch water line is on hold until Chris McClendon returns to work.

Councilman Crozier stated that there is a vacancy on the City appointed seat on the Recreation Board. He stated that he has a few recommendations, one being Anthony Ingo, to take his seat on the board. No action has been taken by the County for the At Large seat. Councilman Crozier stated that Jody Glass's seat is expiring but he felt that Mr. Glass wanted to stay on the board.

Councilman Crozier would like to entertain getting a company to speak to the Council regarding a Consumer protection policy regarding reimbursement for high water bill due to damaged pipes. He stated that it would be a small amount billed and is totally up to the customer and an opt in or opt out term. He stated that he would get the information together to try to get a company in for the next meeting.

Councilman Hutchins questions if we are still working on the light at the 62 bypass due to some more accidents. He also questioned if there was grant funds regarding paving. The Mayor stated that DOT had called and that he had told them about Councilman Hutchins's idea of the different color flashing lights. The Mayor also stated that he had forwarded pictures of the most recent accident to Gerald Greene who then forwarded them on so DOT is getting pressure to do something about this dangerous intersection. The Mayor then stated that Oxford is doing the paving on E. S. Blvd and that he had reached out to Jeff Jones to have Oxford give us a price, based on the price they are doing the current job for, to continue up Jesse Johnson so that we can see how much of that we can get paved. He stated that once he received those numbers he would forward that information on to the Council. Councilman Hutchins questioned E. S. Blvd and the Mayor explained what had been done on that road previously and the section that was done has already started sinking again.

VIII) PUBLIC COMMENTS

Travis Wimbush came before the Council and questioned if the requirements for the City Marshal, the millage rate/TAVT tax, the Public Safety agreement with the County and the Fire Department relocation. The Mayor explained the certifications requested, the steps that had been taken for advertisement and about the interviews and declines of the job do to salary and relocation. There

was further discussion regarding the certifications of the newly appointed City Marshal. On the tax issue the Mayor briefly explained the timing of the millage rate and how it was prudent to make sure the numbers were accurate. The Mayor spoke of some changes requested by the City not approved by the County but Public Safety was still being funded and the City Attorney's thoughts on the agreement. The Mayor reiterated that the relationship between the City and the County is as solid as it has ever been but there will be difference in option but we are willing to work with the County on these. The Mayor informed Mr. Wimbush that he abstained and was not present at the meeting nor any input in the decision. The Mayor informed Mr. Wimbush he was welcome to a copy of the lease, payment information and any legal questions could be directly to the City Attorney. He informed Mr. Wimbush of the steps to get this information per open record request.

Several citizens spoke of the clearing off Butler Ave regarding animal issues, other options that could have been looked at, fencing in the area and issues at the other holding ponds, such as drugs, new lock on the gate and clean up so that it could be seen from the street. The Mayor stated that the issues at the other holding pond would be addressed.

Tabitha Davis spoke about an accident with a manhole. She stated that she asked Councilman Thornton about getting repairs and would like assistance from the City. The Mayor stated that the City Attorney advised that the City is not responsible. He stated that this is a private subdivision and not a City street and the infrastructure belongs to the land owner, Mr. Brad Waller.

Celia Bostwick thanked the Council for the support of the Chamber and events on the Square. She spoke very highly of the cleanup crews. The Mayor and Council thanked Ms. Bostwick for all that the Chamber does for the community.

IX) ADJOURNMENT

A motion was made by Councilman Middleton and seconded by Councilman Thornton to adjourn the December 5th City Council meeting. The motion carried unanimously by Councilman present.

Anthony Howard, Mayor