



**BLAKELY CITY COUNCIL MEETING  
MINUTES**

**NOVEMBER 6, 2012**

**CITY HALL**

**6:00 P.M.**

**I) 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 Mills, Councilman Middleton, Councilman Hutchins and Councilman Smith were all present. Also present were the City Attorney Tommy Coleman, City Clerk, Melinda Crook, Utility Director, Charles Jenkins and Fire Chief, Kenneth Jones.

**II) APPROVE MINUTES**

**MINUTES OCTOBER 2, 2012** - A motion was made by Councilman Hutchins and seconded by Councilman Mills to approve the October 2<sup>nd</sup> minutes. The motion carried unanimously.

**III) CITIZENS AND DELEGATIONS**

**WANDA HUDSON - 2013 CDBG** - Wanda came before the Council to request their approval of a Resolution to apply for a 2013 CDBG and a Resolution showing the City's match share. She explained to the Council that the City has been very successful in the past of getting the CDBG's they had applied for. She informed the Council that she was in the process of looking for a location that had not had previous sewer work done in a while, if at all. The Mayor questioned the timeline on applying and Wanda stated that April 1, 2013 was the deadline for applications. Wanda then explained the steps from this point that would need to be taken to complete the application process.

**(a) RESOLUTION TO APPLY FOR CDBG**

A motion was made by Councilman Middleton and seconded by Council Hutchins to approve the Resolution to apply for the 2013 CDBG. The motion carried unanimously.

**(b) RESOLUTION PROVIDING FOR MATCHING SHARE**

A motion was made by Councilman Middleton and seconded by Councilman Smith to approve the Resolution providing for matching share. The motion carried unanimously.

**BILLY RAY MURKERSON – LEAF AND DEBRIS HAULING PROPOSAL**

Mr. Billy Ray asked the Council if anymore consideration had been given to his proposal of taking over the limb, leaf and debris hauling proposal. The Mayor informed the Council that he had asked the City Clerk and Utility Director to get in touch with the City of Manchester to ask some questions about their situation. The City Clerk then informed the Council that they had found out that Manchester had about 4200 citizens, their pick-ups were once a week, the company they contracted with also picked up their garbage, they had to go up on the price for pick-up when using this service, they had been with this company for about 8 to 10 years, did not terminate the three employees just moved them to different departments so the only expense they lost was the maintenance and gas on the trucks and that Manchester does not have its own landfill. The Clerk also informed the Council that Manchester pays about \$23,000 per month to their contracted company. The City Attorney stated to the Mayor and Council that they might consider contracting out garbage as well as limb pick-up. The City Attorney then advised the Council that they probably should go out for bid on the project to really see if there would be an overall savings to the City. There was some discussion between the Council and Mr. Murkerson regarding the section which stated that Mr. Murkerson's company would not have to pay any landfill fees related to items he had picked up under this proposal. The Mayor then asked the City Attorney to assist in drafting a RFP.

**MARIA HALL – CIVIC CENTER** - Ms. Hall came before the Council to request an extension of hours on New Year's Eve to 2:00am. She explained that her organization is trying to do something for the youth in the community because they do not have too many other places where they can go to celebrate. She informed the Council that they would be providing security. There was some discussion between Ms. Hall and the Council regarding the timing and clean-up to be out of the center by 2:00am. A motion was made by Council Hutchins and seconded by Councilman Middleton to allow the extension of hours until 2:00am New Year's Eve. The motion carried unanimously

**KAYE SLAY – NOISE COMPLAINT** - Ms. Slay came before the Council to ask that something be done in accordance with the City noise Ordinance for parties taking place in her neighborhood at the building directly across from her home. She brought to the Council a petition signed by people in her neighborhood. The Mayor then asked Officer Meeks about this matter and he explained that just coming back on duty from the jail he did not have any knowledge of the complaint but that he would look into the matter and get back with the Mayor. Some other members of said neighborhood spoke to the Council to say that they did not hear the noises and that Ms. Slay had called Police on other occasions such as a child's birthday party. The owner of the property, Ms. Nancy Wright, spoke to the Council regarding this matter. She informed the Council that per the Police report there was no extremely loud noise from the party. She stated that she would have appreciated Ms. Slay coming to her if she had a problem and that she felt that at this point it was verging on harassment. She stated that she had had other functions at her property and went on to explain her contract for use of the property. The Mayor then stated to the public that the citizens should try to work together and communicate.

#### **IV) ADMINISTRATIVE COMMITTEE REPORTS**

##### **ALCOHOL LICENSE – CHARLES CLONINGER, CJ'S FISH & OYSTER BAR**

Chief Jones spoke briefly to the Council regarding this application. He informed the Council that said property met the requirements on distance from a church. He also informed the Council that Mr. Cloninger did live outside City limits and would therefore have to provide the name of an individual inside City limits as contact. Mr. Cloninger then spoke stating that he would name his sister, Myrtle Smith. Chief Jones then informed the Council that the application and background check had been approved by Public Safety. A motion was made by Councilman Middleton and seconded by Councilman Smith to approve the alcohol license for Mr. Charles Cloninger for CJ's Fish & Oyster Bar. The motion carried unanimously

##### **PLANNING COMMISSION - CONDITIONAL USE FOR CHURCH PROPERTY, 1518 S MAIN ST**

Chief Jones informed the Council that the Planning Commission had approved the conditional use for the property at 1518 S. Main St. for a church. There was discussion between the Council and Chief Jones regarding why this was requested as conditional use. Chief Jones explained that it was zoned commercial at the present time but that all churches have to be clarified as conditional use. There was then discussion between the City Attorney and the Council regarding the alcohol license of the store directly across the road from said property. The City Attorney explained that if the store transferred owners the license could be denied because of being so close to a church however that was within the Council's control to override. A motion was made by Councilman Mills and seconded by Councilman Smith to approve the conditional use of the property at 1518 S. Main St. for a church. The motion carried unanimously

##### **CHIEF JONES – REQUEST TO GO OUT FOR BIDS FOR AN EMERGENCY GENERATOR**

Chief Jones explained to the Council that the generator that had been at the City tower had been damaged beyond repair by a fire that had spread from the property next to the tower. Chief Jones informed the Council that he had received a quote from Cummins South in the amount of \$5,363 to replace the generator. A motion was made by Councilman Middleton and seconded by Councilman Mills to approve allowing Chief Jones to place an ad for bids on a new emergency generator at the City tower. The motion carried unanimously

##### **CHIEF JONES – REQUEST TO GO OUT FOR BIDS FOR TURN OUT GEAR**

Chief Jones informed the Council that the current turn out gear at the Fire Department was about to surpass its allowable years of use. He then informed the Council that he would need 13 new sets at an approximate cost of \$2,300 per set for an approximate total cost of \$29,900. A motion was made by Councilman Middleton and seconded by Councilman Smith to approve allowing Chief Jones to advertise for bids on 13 new sets of turn out gear. The motion carried unanimously

**APPOINTMENT TO PLANNING COMMISSION** - The Mayor informed the Council that Ms. Linda Skipper had stated that she would be interested in serving on the Planning Commission to replace Mr. Arthur Chapman, who had resigned. A motion was made by Councilman Hutchins and seconded by Councilman Middleton to approve Ms. Linda Skipper to the Planning Commission. The motion carried unanimously

**V) CITY ATTORNEY'S REPORT**

**SECOND READING AND ADOPTION OF AN ORDINANCE REGARDING EMERGENCY MANAGEMENT**

A motion was made by Councilman Middleton and seconded by Councilman Mills to approve the Ordinance regarding Emergency Management. The motion carried unanimously

**RESOLUTION TO ADOPT AMENDED AND RESTATED 457(B) DEFERRED COMPENSATION PLAN**

A motion was made by Councilman Mills and seconded by Councilman Middleton to adopt the Resolution amending and restating the 457(b) Deferred Compensation Plan. The motion carried unanimously

**FIRST READING OF AN ORDINANCE TO ABOLISH THE ZONING BOARD** - Set to next meeting

**VI) CITY CLERK'S REPORT**

The City Clerk informed the Council that the City had finished the month with \$75,000 in the bank. Financial reports had been forwarded to Council previously. The Clerk informed the Council that she had been in contact with the credit card company and was working on getting figures together regarding the fee issue. The Clerk discussed with the Council what process needed to be taken with the 2013 budget from this point, since the department head meetings were complete, and that they would need to meet back together to finalize the 2013 budget before the public hearing. The Council then set a date of November 26, 2012 for the public hearing so that the ad could be placed in the paper in the appropriate amount of time. The Clerk then asked the Council about the budget adjustments that had been forwarded to them. There was a brief discussion on a few of the adjustments. A motion was made by Councilman Smith and seconded by Councilman Middleton to approve the 3<sup>rd</sup> set of budget adjustments this year. The motion carried unanimously

**VII) NEW ITEMS PROPOSED BY MAYOR AND CITY COUNCIL**

**MEMORANDUM OF AGREEMENT WITH HOUSING AUTHORITY**

The Mayor briefly spoke to the Council about the memorandum of agreement. He also explained that he had requested a couple of changes regarding Public Safety. A motion was made by Councilman Middleton and seconded by Councilman Hutchins to approve the Mayor signing and executing the Memorandum of Agreement with the Housing Authority. The motion carried unanimously

**RETIRED EDUCATOR PROCLAMATION** - A motion was made by Councilman Smith and seconded by Councilman Hutchins to approve the Retired Educator Proclamation. The motion carried unanimously

The Mayor brought to the Council another set of documents from the Housing Authority regarding their capital improvement funds. The Mayor explained that the City does not have any say so as to how they spend these funds but that the City does need to sign off on the documents in order for the funds to be available to the Housing Authority. A motion was made by Councilman Middleton and seconded by Councilman Smith to approve allowing the Mayor to sign the documents from the Housing Authority regarding their capital improvement funding. The motion carried unanimously

The Mayor asked the City Attorney to present a Resolution regarding the Energy Excise Tax. The City Attorney explained that due to the exemption of sales tax on manufacturing, the County, if they chose to, could implement an Excise Tax and that the City could piggy back off that tax. It was further explained that the percentage allocated to the City's would factor according to the LOST percentage, once agreed upon. This Resolution was to implement the intergovernmental agreement for the City to take advantage of this excise tax. The Council decided to place this on the agenda for the November 26 meeting so that they could look over the document.

There was a first reading of an Ordinance providing for the Adoption of the 2013 Budget.

There was some discussion about a refund for use of the Civic Center when the A/C was not working properly. The Mayor informed Councilman Hutchins to get the City Clerk and work out an amount if the customer contacted him again.

There was some discussion about the vacation buy for the employees who will not be able to take all of their vacation days left after their amount they can carry over to the next year. The Council was given a spreadsheet on the dollar amount. The Council discussed looking into the matter at the next regular scheduled Council meeting.

Councilman Mills brought to the Council a request that if the Recreation Department were to build a set of restrooms at Washington Park could the City do the plumbing and wiring work. A motion was made by Councilman Hutchins and seconded by Councilman Mills to approve allowing the City to do the plumbing and wiring work for new restrooms constructed at Washington Park. The motion carried with Councilman Smith voting "No".

### **VIII) PUBLIC COMMENTS**

Ms. Margaret Wimberly came before the Council to voice her concerns regarding Chief Jones treating black property owners unfairly. She stated that it has been observed that white property owners have fewer repairs than black property owners and that he more aggressively pursues black property owners for code violations. She stated that Chief Jones has been asked to back off white property owners if the repairs are too many or too costly. She stated that white property owners are given 15 days to make repairs while others are denied this time. She stated that Chief Jones has told individuals to sell their property because he knew they did not have the funds to make the needed repairs. She feels that Chief Jones prejudices property owners based on color and that City officials should not give real estate advice, when to buy or sell, and that he is overstepping his authority. The Mayor then stated that discrimination would not be tolerated by any City official and that anyone with these types of complaints is more than welcome to come see him. A citizen that Ms. Wimberly had point out, as having issues, spoke to the Council stating that he had taken his issue to the Mayor and that the situation had been resolved.

Mr. Charlie Sol came before the Council questioning the verbiage in the Ordinance regarding hardship cases when a hardship case may change. He asked that the Council remove the verbiage of "60 days to move" out of the Ordinance

Another citizen came before the Council asking that the City look into assisting in creating after school activities for the children. The Council asked that she present some of her ideas to them to consider.

Mr. Merritt came before the Council to discuss some items that he would have to do to open a funeral home at the old Hibby's Wings on N. Main St. He spoke of drainage and construction/maintenance cost to put in concrete for a parking lot. He asked the Council to consider a leniency in cost to allow him to put gravel instead. He then stated that in speaking the Chief Jones they had come up with approximately 12 parking spaces per the size inside the building. There was then discussion between the Council regarding timing to change the Ordinance. Mr. Merritt then questioned if anything could be done quicker. There was then discussion between the Council and the City Attorney on how they could proceed. A motion was made by Councilman Mills and seconded by Councilman Hutchins for a Resolution of intent to change the Zoning Ordinance to allow alternative hard surfaces. The motion carried with Councilman Middleton and Councilman Smith voting "No" and the Mayor broke the tie with a vote of "Yes".

### **IX) ADJOURNMENT**

A motion was made by Councilman Middleton and seconded by Councilman Hutchins to adjourn the November 6 City Council meeting. The motion carried unanimously

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Anthony Howard, Mayor