

**City of Adairsville
Regular Council Meeting
Adairsville Rail Depot/Council Chambers
107 Public Square
Thursday, April 9, 2015 7:00 p.m.**

MINUTES

**PRESENT: Mayor Kenneth “KC” Carson
Councilmember Jerry “Alan” Towe
Councilmember Erwin T. Holcomb
Councilmember Lee Castro
Councilmember Alton “Buddy” Bagley**

ALSO: Pam Madison, City Manager; Nicole Scoggins, City Clerk; Arnold Gillman, Police Chief

1. Mayor Carson called the meeting to order and welcomed everyone in attendance.
 - A. Councilmember Towe gave the invocation
2. Councilmember Bagley led the group in the Pledge of Allegiance to the United States Flag.
3. Mayor Carson recognized all Purple Heart participants at Council Meeting.
 - A. **Agenda Item # 11:** Councilmember Bagley **MOTION TO APPROVE** Proclamation recognizing August 7, 2015 as Purple Heart Day in the City of Adairsville.

Staff recommends approval of this item.

Councilmember Holcomb seconded motion.

Post 1, Towe – Yes

Post 2, Holcomb – Second, Yes

Post 3, Castro – Yes

Post 4, Bagley – Motion, Yes

Motion passes 5-0

- B. Marvin Garner MOPH: Spoke on behalf of the Purple Heart Proclamation.

- C. Mayor and Council took a brief pause to participate in photo outside the Depot for Purple Heart Proclamation.
4. Councilmember Castro made motion to approve the March 12, 2015 Council Meeting. Councilmember Towe seconded motion.

Post 1, Towe – Second, Yes
Post 3, Castro – Motion, Yes
Motion passes 5-0

Post 2, Holcomb – Yes
Post 4, Bagley – Yes

Agenda Item # 1: Councilmember Holcomb **1st Reading MOTION TO APPROVE** amendments to the Ordinance and the Adoption Agreement for the City of Adairsville's Georgia Municipal Employees Benefit System (GMEBS) Defined Benefit Retirement Plan (DB Plan).

This item amends the Ordinance and the Adoption Agreement to provide for the following:

1. Increases the hour per week requirement from 20 hours per week to 40 hours per week and applies to employees initially employed or reemployed as of June 1, 2015.
2. Provides that there is no minimum number of months per year which are required to be scheduled and worked in order for a Regular Employee to become eligible and remain an Eligible Regular Employee.

Staff recommends approval of this item.

There is no fiscal impact associated with the adoption of the Ordinance and Adoption Agreement.

Councilmember Castro seconded motion.

Post 1, Towe – Yes
Post 3, Castro – Second, Yes
Motion passes 5-0

Post 2, Holcomb – Motion, Yes
Post 4, Bagley – Yes

Agenda Item # 2: Councilmember Towe **MOTION TO NOTE FOR THE RECORD** an emergency sewer repair by Kirkpatrick and Sons in the amount of \$13,020.00 at a city owned facility on Hall Station Road.

The sewer pump at Striker's Field has historically been a problem with our sewer collections.

The pump has been replaced historically on an annual basis, sometimes more frequently. On March 19th, the problem again resurfaced, but could not be resolved with a pump replacement. Kirkpatrick was retained to correct the problem permanently. A pump will no longer be required at this location.

Staff recommends approval of this item.

This repair was not anticipated in the 2015 Adopted Budget. If at the end of the fiscal year additional funds are necessary to balance the wastewater fund, the repair will be included in a year-end budget amendment.

Councilmember Holcomb seconded motion.

Post 1, Towe – Motion, Yes

Post 2, Holcomb – Second, Yes

Post 3, Castro – Yes

Post 4, Bagley – Yes

Motion passes 5-0

Agenda Item # 3: Councilmember Towe **MOTION TO NOTE FOR THE RECORD** an emergency sewer repair by Kirkpatrick and Sons in the amount of \$41,000 for work on Cherry Street and Elm Street.

There have been ongoing problems since work was done in this area in 2013. The fenced open drain has stopped up causing multiple problems in the areas of Cherry and Elm Street. This project will resolve these issues.

Staff recommends approval of this item.

This repair was not anticipated in the 2015 Adopted Budget. If at the end of the fiscal year additional funds are necessary to balance the wastewater fund, the repair will be included in a year-end budget amendment.

Councilmember Castro seconded motion.

Post 1, Towe – Motion, Yes

Post 2, Holcomb – Yes

Post 3, Castro – Second, Yes

Post 4, Bagley – Yes

Motion passes 5-0

Agenda Item # 4: Councilmember Towe **MOTION TO AUTHORIZE** the City Manager to take all administrative and budgetary actions necessary to expedite the review of the City's Code or Ordinances.

This item allows for the City Manager to hire expertise in the area of land use for a review of at least twelve of the City's current ordinances, as well as including any model land use ordinances that the City does not currently have in place. Additionally, the remaining ordinances will be handled through outside services or in house working cooperatively with MuniCode.

At the end of this multi-faceted process, MuniCode will handle the codification process for the City.

Staff recommends approval of this item.

There is funding for the Code review, however, there will be a need to identify and transfer additional funds for the purpose of the codification. This budgetary action will be included in the year end budget amendment.

Councilmember Holcomb seconded motion.

Post 1, Towe – Motion, Yes

Post 2, Holcomb – Second, Yes

Post 3, Castro – Yes

Post 4, Bagley – Yes

Motion passes 5-0

Agenda Item # 5: Councilmember Castro **MOTION TO ADOPT** Resolution #15-0007 enacting a Temporary Emergency Moratorium on the acceptance or processing of applications for zoning approvals, building permits, land disturbance permits or any other approval or permits for the establishment of new non-residential uses or expansion of existing non-residential uses within the City of Adairsville.

This temporary emergency moratorium will be enacted for 120 days to provide adequate time to review the City's Ordinances and consider changes as necessary and hold required public hearings.

This does not impact any non-residential parcel that already has permits issued.

This moratorium can be repealed upon the vote of the City Council.

Staff recommends approval of this item.

There is no direct fiscal impact with a temporary emergency moratorium.

Councilmember Holcomb seconded motion.

Post 1, Towe – Yes

Post 2, Holcomb – Second, Yes

Post 3, Castro – Motion, Yes

Post 4, Bagley – Yes

Motion passes 5-0

Agenda Item # 6: Councilmember Castro **MOTION TO APPROVE** Resolution #15-0008 accepting certain roads as public roads in the City of Adairsville.

Over the past several years there have been multiple developments within the City of Adairsville where the roads have not been formally dedicated or conveyed to the City. These roads were anticipated to be public roads based upon the final plat. For some of these developments, the roads have not been brought to the condition required by the City's Code. However, the road bonds either expired or were not required to be posted.

The developments and individual streets listed in this resolution are those we are in a position to accept at this time. Other final plats are still being reviewed. Once that review is finalized an additional resolution will be brought back for Council consideration.

Staff recommends approval of this item.

There is no fiscal impact with approval of the resolution. However, any capital improvements that need to be addressed will be handled through the budget process and be included in future capital plans.

Councilmember Holcomb seconded motion.

Post 1, Towe – Yes

Post 2, Holcomb – Second, Yes

Post 3, Castro – Motion, Yes

Post 4, Bagley – Yes

Motion passes 5-0

Agenda Item # 7: Councilmember Holcomb **MOTION TO ADOPT** Resolution #15-0009 recognizing the current fine schedule for the Adairsville Municipal Court.

There have been several fees and fines that have been levied over the years that are no longer eligible by state law and many have not been formally adopted by the City Council.

This resolution will formally establish the charges currently collected by the Municipal Court and the resolution will be referenced in the model ordinance that is in the process of being completed.

Staff recommends approval of this item.

Councilmember Bagley seconded motion.

Post 1, Towe – Yes

Post 2, Holcomb – Motion, Yes

Post 3, Castro – Yes
Motion passes 5-0

Post 4, Bagley – Second, Yes

Agenda Item # 8: Councilmember Holcomb **MOTION TO APPROVE** a modification of the final Plat for the Village of Adares providing for the roads to be conveyed to the City once the roads are brought to the standards required by the Code of Ordinances with certain stipulations.

The 2007 Planning Commission approved the final plat for the Village of Adares, recorded in Plat Book 68, Pages 128-131. This plat approval included variances to the setback provisions in the zoning ordinance, as well as the homeowner's association maintaining ownership of the roads in perpetuity.

In October 2014, the Owner/Developer, Iron Mountain Ventures, LLC requested the City review and approve a plat modification to include legal descriptions being amended to transfer land surrounding the home currently under HOA ownership to the property to allow for a yard. During this discussion, the Owner/Developer asked for the roads to remain private and the City passed a resolution requiring the disclosures included in the Code of Ordinances.

The Owner/Developer is now requesting Council approval for the roads to be conveyed to the City upon them being constructed to city code. The Owner/Developer has provided certified plans the roads contain the required 50 foot ROW. Staff has met with the Owner/Developer and his attorney on site to review based upon the setback variances granted. The HOA documents have been received and staff has verified that fencing in the front is prohibited and therefore the ROW will be accessible.

Staff recommends approval with the following stipulations:

- Approval contingent upon the City receiving a surety bond or irrevocable line of credit equivalent to 100% of the cost of the improvements.
- No building permits will be issued until environmental issues are fully resolved.

While the Planning Commission has not been trained, the City Attorney has agreed the Council has the authority to approve this plat, after appropriate review by staff. Staff has reviewed this modification request against the modified original plat, and recommends approval of this item.

Councilmember Bagley seconded motion.

Post 1, Towe – Yes
Post 3, Castro – Yes
Motion passes 5-0

Post 2, Holcomb – Motion, Yes
Post 4, Bagley – Second, Yes

Agenda Item # 9: Councilmember Castro

- A. MOTION TO APPROVE** the 2014 year-end general fund budget amendment.
- B. MOTION TO APPROVE** amendment to the Hotel Motel Tax Special Revenue Fund.
- C. MOTION TO APPROVE** the 2014 Confiscated Assets Budget.
 - A. This item adds \$178,600 in revenues from fund balance reserves in order to cover unanticipated expenditures in 2014. This includes the landfill cleanup cost which totaled approximately \$249,000 and well as some additional paving that was done to complete our LMIG commitment.
 - B. This item recognizes an increase in tax collections as well as required expenditures that were under budgeted in 2014.
 - C. This item approves the 2014 Confiscated Assets Budget as required by statute.

Staff recommends approval of this item.

\$178,600.00 from Fund Balance Reserve is being used to reconcile the 2014 Budget.

Councilmember Bagley seconded motion.

Post 1, Towe –Yes

Post 2, Holcomb – Yes

Post 3, Castro – Motion, Yes

Post 4, Bagley – Second, Yes

Motion passes 5-0

Agenda Item # 10: Councilmember Bagley

- A. MOTION TO APPROVE** appointment of William Jackson to the Zoning Board of Appeals for a three year term as nominated by Councilmember Erwin Holcomb.
 - B. MOTION TO APPROVE** appointment of Ron Everett to the Planning Commission for a one year term as nominated by Councilmember Erwin Holcomb.
-
- A. Mr. Jackson submitted his application and meets the qualifications of the position. Councilmember Holcomb nominates him to the Zoning Board of Appeals for a three year term. This position is currently vacant.
 - B. Mr. Everett submitted his application and meets the qualifications of the position. Councilmember Holcomb nominates him to the Planning Commission for a one year term. This position is currently vacant.

Staff recommends approval of this item.

Councilmember Towe seconded motion.

Post 1, Towe –Second, Yes
Post 3, Castro – Yes
Motion passes 5-0

Post 2, Holcomb – Yes
Post 4, Bagley – Motion, Yes

Agenda Item # 11: Councilmember Bagley **MOTION TO APPROVE** Proclamation recognizing August 7, 2015 as Purple Heart Day in the City of Adairsville.

Staff recommends approval of this item.

Councilmember Holcomb seconded motion.

Post 1, Towe – Yes
Post 3, Castro – Yes
Motion passes 5-0

Post 2, Holcomb – Second, Yes
Post 4, Bagley – Motion, Yes

Councilmember Bagley requested City Manager to add Veteran’s Day as a City holiday. No objection from the council.

Councilmember Bagley **MOTION TO ADD AGENDA ITEM # 12 TO AUTHORIZE** the City Manager to enter into an agreement with the lowest responsible bidder, GFI Services.

Councilmember Holcomb

Post 1, Towe – Abstained from vote
Post 3, Castro – Yes
Motion passes 4-0

Post 2, Holcomb – Second, Yes
Post 4, Bagley – Motion, Yes

Agenda Item # 12: Councilmember Holcomb **MOTION TO AUTHORIZE** the City Manager to enter into an agreement with the lowest responsible bidder, GFI Services, in an amount not to exceed \$12,000 for fencing at the Public Works Facility and the South Wastewater Treatment Plant.

The fencing specifications were posted on the City’s website and five bids were received. All of the bidders met the specifications included in the bid document. GFI Services was the lowest responsible bidder at \$11,905.00.

Staff recommends approval of this item.

Funding for the fence will be divided between Streets and Roads, Water and Wastewater and funding is included in the 2015 Adopted Budget

Councilmember Bagley seconded motion.

Post 1, Towe – Abstained from vote	Post 2, Holcomb – Motion, Yes
Post 3, Castro – Yes	Post 4, Bagley – Second, Yes
Motion passes 4-0	

Citizens wishing to speak:

- Marvin Garner MOPH: Spoke on behalf of the Purple Heart Proclamation

Executive Session: 7:30 p.m. – Real Estate

Councilmember Bagley made motion to go into Executive Session; Councilmember Towe seconded motion.

Post 1, Towe – Second, Yes	Post 2, Holcomb – Yes
Post 3, Castro – Yes	Post 4, Bagley – Motion, Yes
Motion passes 5-0	

Return from Executive Session: 7:45 p.m. – No action/No vote

Councilmember Bagley made motion to adjourn; Councilmember Holcomb seconded motion.

Post 1, Towe – Yes	Post 2, Holcomb – Second, Yes
Post 3, Castro – Yes	Post 4, Bagley – Motion, Yes
Motion passes 5-0	

Adjournment: 7:47 p.m.

Councilmember Bagley made motion to adjourn; Councilmember Towe seconded motion.

Post 1, Towe – Second, Yes	Post 2, Holcomb – Yes
Post 3, Castro – Yes	Post 4, Bagley – Motion, Yes
Motion passes 5-0	

MINUTES ADOPTED:

DATE OF: **05-14-2015**

Kenneth J. Carson, Mayor

Nicole Scoggins, City Clerk