

AGENDA

COUNCIL MEETING

AUGUST 8, 2011

7:00 PM

- 1. CALL MEETING TO ORDER**
- 2. PLEDGE & INVOCATION**
- 3. CONSENT AGENDA**
 - A. WWTP - REPLACEMENT OF INFLUENT PUMP #1**
 - B. MINUTES - DECEMBER 28, 2010, JULY 25, 2011**
- 4. CITIZENS' CONCERNS**
 - A. ROBERT CARTEE - BUSINESS LICENSE**
 - B. CRYSTAL & DEREK COOK - BUSINESS LICENSE**
 - C. HAROLD ANSLEY - WATER BILL**
- 5. OLD BUSINESS**
 - A. DOLLAR GENERAL PARKING VARIANCE**
 - B. CHECKING ACCOUNT CONSOLIDATION**
 - C. SIGNATURE CARD FOR WWTP GRANT DRAWS**
 - D. SPLOST UPDATE**
- 6. EXECUTIVE SESSION - PERSONNEL/LITIGATION**

MINUTES

COUNCIL MEETING

AUGUST 8, 2011

7:00 PM

Mayor Jerry Neace called the meeting to order. Council members present were Beverly Holcomb, Robert Bohannon, Jeff Parrish, and Rodney King. City Administrator Karen Degges, Waste Water Treatment Plant (WWTP) supervisor Chad Conard, and Police Chief Osborn were also present, as well as City Attorney David Syfan.

Mayor Neace led the Council in the Pledge and invocation.

Mayor Neace moved to Item 3: Consent Agenda. There were two items on the Consent Agenda – WWTP – Replacement of Influent Pump #1 and Minutes – December 28, 2010, July 25, 2011. Mayor Neace called for a motion to accept the Consent Agenda.

ACTION: Council member Bohannon made the motion to approve the replacement of Influent Pump #1 and adopt the minutes for December 28, 2010 and July 25, 2011. Council member Parrish seconded the motion. The motion passed unanimously.

VOTE:	<u>Yeas: 4</u>	<u>Nays: 0</u>
	R. Bohannon	None
	B. Holcomb	
	J. Parrish	
	R. King	

Mayor Neace moved to Item 4 Citizens' Concerns. There were three items of Citizens' Concerns: Robert Cartee – Business License, Crystal & Derek Cook – Business License, and Harold Ansley – Water Bill.

Robert Cartee, 3540 Hwy 365, Alto, addressed the council. He explained he wanted to open Diamond Jewelry and Loan, an expansion of his California stores. The shop would deal with high end items, such as tools, cars, boat, jewelry, firearms, etc. Mr. Cartee said he had applied for his license to sell firearms in Georgia, but would not obtain it for two to three weeks. Council member Bohannon asked if an inspection of the building had been done. Ms. Degges explained Fire Chief Roy had inspected the building and found it to be fine, but City Inspector Joe Davidson's written approval had not been received yet. Mr. Syfan asked Mr. Cartee to reaffirm his intent was to operate a pawn shop and not an adult entertainment business. Steve Diamond, the business owner, stated his intent was not adult entertainment, but he would not rule that out. Mr. Syfan said the city recognizes adult entertainment has first amendment rights, but the city does have regulations for that business. A citizen asked Mr. Diamond if he would not rule adult entertainment out. Mr. Diamond stated he would not ever rule it out, but at this time, it would not happen. Valerie Rich, a citizen, said the BP Station beside the previous Wilder Outdoor store sold adult entertainment. Mr. Syfan again stated the city recognized the first amendment rights of adult entertainment. The city does regulate secondary effects. Mayor Neace called for a motion to accept the business license pending written approval from the building inspector.

ACTION: Council member Parrish made the motion to give Diamond Jewelry and Loan permission to obtain business license in Baldwin with the passing of the building inspection. Council member Bohannon seconded the motion. The motion carried a split decision with a 2-2 vote.

VOTE:	<u>Yeas: 2</u>	<u>Nays: 2</u>
	R. Bohannon	B. Holcomb
	J. Parrish	R. King

Mayor Jerry Neace voted in favor of the motion, breaking the tie vote and approving the license.

Next, Derek Cook, 118 Pine Forest Circle Apt F-3, addressed the council. Mr. Cook stated he had obtained written permission from Helena Dyer, manager of Pine Forest Apartments, to manage his business from his apartment. Mayor Jerry Neace called for a motion to approve Defense Kit, Derek Cook's business.

ACTION: Council member Holcomb made the motion to approve Defense Kit's business license. Council member King seconded the motion. The motion carried unanimously.

VOTE:	<u>Yeas: 4</u>	<u>Nays: 0</u>
	R. Bohannon	None
	B. Holcomb	
	J. Parrish	
	R. King	

Harold Roy Ansley, 179 Harold Ansley Road, then came before the council. Mr. Ansley stated that he had no leaks. He did leave a small stream of water running for the cat, as he always did, but his water bill was very high. Mr. Conard stated that he, Junior Robinson, and Scott Gailey had personally checked the lines at the residence. Council member Bohannon added that either the meter was wrong or the water went through the meter. Mr. Conard said the meter was less than a year old, and had been checked. Mayor Jerry Neace asked for the meter to be checked two more times, Wednesday and Friday. The council decided, after the monitoring of the meter, to adjust Mr. Ansley's bill based on the formula using a six month average and the wholesale rates.

Mayor Jerry Neace asked for other citizen's concerns. Ray Holcomb, 600-A Baldwin Falls Road came before the council and stated that he felt yard sales had gotten out of hand. The ordinance says that citizens are allowed three yard sales a year, each no longer than three days long. He said some signs had been up continuously every weekend for the last six to seven weeks. Ms. Degges said there was no citation or penalty for violation of the ordinance. It would be the police department's responsibility to enforce the ordinance. Mayor Jerry Neace said the ordinance would need to be reviewed.

Mayor Jerry Neace then moved to Item 5: Old Business. There were four items of Old Business – Dollar General Parking Variance, Checking Account Consolidation, Signature Card for WWTP Grant Draws, and SPLOST Update.

Mayor Jerry Neace stated that Item 5(A) needed to be tabled because Dollar General could not be at the meeting.

ACTION: Council member Bohannon made the motion for Dollar General Parking Variance to be tabled until the next meeting. Council member Parrish seconded the motion. The motion carried unanimously.

VOTE:	<u>Yeas: 4</u>	<u>Nays: 0</u>
	R. Bohannon	None
	B. Holcomb	
	J. Parrish	
	R. King	

Mayor Jerry Neace moved to Item 5(B): Checking Account Consolidation. Ms. Degges asked for a vote to close two checking accounts, one for capital funds and one for debt funds. She felt the money should be rolled back into the General Fund along with the other reserves. Mayor Jerry Neace called for a motion to consolidate the accounts.

ACTION: Council member Holcomb made the motion to consolidate the two checking accounts into the General Fund. Council member Bohannon seconded the motion. The motion carried unanimously.

VOTE:	<u>Yeas: 4</u>	<u>Nays: 0</u>
	R. Bohannon	None
	B. Holcomb	
	J. Parrish	
	R. King	

Mayor Jerry Neace moved to Item 5(C): Signature Card for WWTP Grant Draws. Ms. Degges said two signatures were required for the checking account for the WWTP Grant. She asked that four people to be signers on that account, Council member Bohannon, Council member Parrish, Mayor Jerry Neace, and City Administrator Karen Degges. Mayor Jerry Neace called for the motion.

ACTION: Council member Holcomb made the motion for Council member Bohannon, Council member Parrish, Mayor Jerry Neace, and City Administrator Karen Degges to be signers on the WWTP Grant checking account. Council member King seconded the motion. The motion carried unanimously.

VOTE:	<u>Yeas: 4</u>	<u>Nays: 0</u>
	R. Bohannon	None
	B. Holcomb	
	J. Parrish	
	R. King	

Mr. Syfan opened a discussion about a special called election. He had checked the charter, and an open set should be filled if there is more than 90 days. He discussed the dates concerning a special called election, as well as the cost. There was a lot to go through for 53 days. Council member Holcomb stated that the charter is the law. Mr. Syfan suggested changing the charter to be a 180 days.

ACTION: Council member Bohannon made a motion to hold off on the Special Called Election. Council member King seconded the motion. The motion carried unanimously.

VOTE:	<u>Yeas: 4</u>	<u>Nays: 0</u>
	R. Bohannon	None
	B. Holcomb	
	J. Parrish	
	R. King	

Mayor Neace introduced Item 6: Executive Session. Mayor Neace then called for a motion to move into Executive Session in order to discuss personnel and litigation matters.

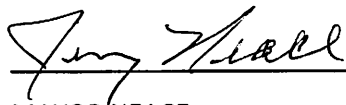
ACTION: Council member Bohannon made the motion to go into an Executive Session for personnel and litigation. Council member Parrish seconded the motion. The motion carried unanimously. Council member Parrish made the motion to come out of Executive Session. Council member Bohannon seconded the motion. The motion carried unanimously.

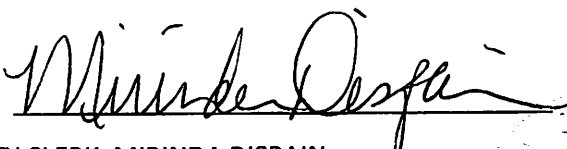
Mayor Neace called for a motion to appoint Chad Conard as Interim Public Works Director.

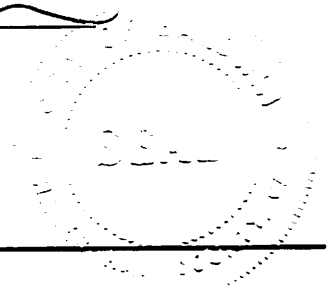
ACTION: Council member Bohannon made a motion to appoint Chad Conard as the Interim Public Works Director for 90 days. Council member King seconded the motion. The motion carried unanimously.

VOTE:	<u>Yeas: 4</u>	<u>Nays: 0</u>
	R. Bohannon	None
	B. Holcomb	
	J. Parrish	
	R. King	

Having no further business before the Council, Mayor Neace called for a motion to adjourn. Council member King made the motion. Council member Parrish seconded the motion. The motion carried unanimously.


MAYOR NEACE


CITY CLERK, MIRINDA DISPAIN



WITNESSETH that the within and foregoing is a true and correct copy of the original as the same appears from the records of the County of ... State of ...

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of said County, at the City of ... this ... day of ... 19...

County Clerk
...
...
...

And I hereby certify that the within and foregoing is a true and correct copy of the original as the same appears from the records of the County of ... State of ...

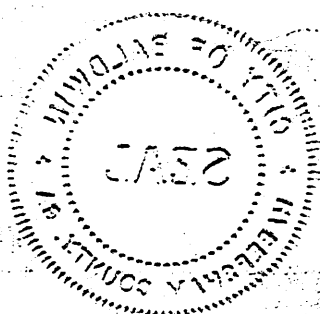
IN WITNESS WHEREOF, I have hereunto set my hand and the seal of said County, at the City of ... this ... day of ... 19...

County Clerk

And I hereby certify that the within and foregoing is a true and correct copy of the original as the same appears from the records of the County of ... State of ...

County Clerk
...
...
...

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of said County, at the City of ... this ... day of ... 19...



EXECUTIVE SESSION AFFIDAVIT

Comes now, before the undersigned officer duly authorized to administer oaths, Members of the Baldwin City Council, who participated in an executive session, who after being duly sworn, state under oath as follows:

1.

We are Members of the Baldwin City Council, and we are over eighteen years of age, and are elected officers of the City Council of the City of Baldwin, Georgia. Our position on the City Council is as indicated at our signatures, and we participated in an executive session of the City Council that was held on the 8 day of August 2011 and presided over by Mayor Jerry Neace.

2.

At said public meeting of the City Council, the City Council, by a majority vote of a quorum of the City Council present for the meeting, voted to close the public meeting and go into an executive session.

3.

The subject matter of the executive session as to which the quorum of the City Council devoted its attention to, under our understanding, fell within the exceptions to the Open Meetings Act as provided by law and included one or more of the hereinafter referenced exceptions which we have specifically identified by checking the box by the exceptions considered within the executive session:

☒ Attorney-client consultations pertaining to pending or potential litigation, settlement, claims, administrative proceedings, or judicial actions brought or to be brought by or against the City or any officer or employee or in which the City or any officer or employee may be directly involved pursuant to O.C.G.A. § 50-14-2(1).

☐ Confidential tax matters pursuant to state law pursuant to O.C.G.A. § 50-14-2(2).

☐ Meeting with staff for investigative purposes under duties or responsibilities imposed by law pursuant O.C.G.A. § 50-14-3(1).

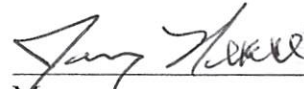
☐ A discussion regarding the future acquisition of real estate pursuant to O.C.G.A. § 50-14-3(4).

☒ a discussion or deliberation upon the appointment, employment, compensation, hiring, disciplinary action or dismissal, or periodic evaluation or rating of a public officer or employee pursuant to O.C.G.A. § 50-14-3(6).

4.

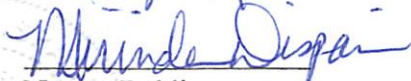
This affidavit shall only certify to the subject matter of the executive session considered by a quorum of the City Council. Further, this affidavit, and nothing contained therein, shall not constitute a waiver of any right or privilege afforded to us as citizens of the State of Georgia and of the United States of America pursuant to the Georgia Constitution, the United States Constitution, federal law, and Georgia law.

Further affiants sayeth not.



Mayor

Sworn to and subscribed
Before me this 8 day
Of August, 2011



Notary Public

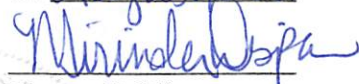
My Commission Expires:
[Affix Notary Seal]

5/9/15



Council

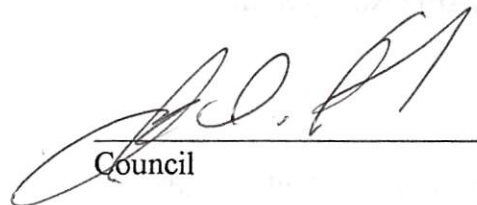
Sworn to and subscribed
Before me this 8 day
Of August, 2011



Notary Public

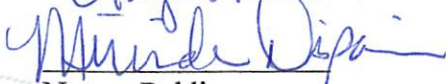
My Commission Expires:
[Affix Notary Seal]

5/9/15



Council

Sworn to and subscribed
Before me this 8 day
Of August, 2011



Notary Public

My Commission Expires:
[Affix Notary Seal]

5/9/15

5/9/15

Sworn to and subscribed
Before me this 8 day
Of August 2011

Mirinda Dipari
Notary Public

My Commission Expires:
[Affix Notary Seal]

5/9/15

Sworn to and subscribed
Before me this 8 day
Of August 2011

Mirinda Dipari
Notary Public

My Commission Expires:
[Affix Notary Seal]

Sworn to and subscribed
Before me this _____ day
Of _____

Notary Public
My Commission Expires:
[Affix Notary Seal]

Robert Bohannon

Council

Beverly Hulcomb
Council

Council