**HAHIRA CITY COUNCIL**

**COUNCIL MEETING**

**MAY 2, 2013**

**7:30 P.M.**

**COURTHOUSE**

Mayor Wayne Bullard and Council met for a Council meeting on May 2, 2013 at the Courthouse with Mayor Wayne Bullard presiding.

**PRESENT:** Council: Ralph Clendenin, Mayor Pro Tem Cain, Terry Benjamin, City Manager Jonathan Sumner, Police Chief Terry Davis, Fire Chief Dwight Bennett and Public Works Director Donnie Warren. City Clerk Lisa Mashburn was not present at meeting.

**CALL TO ORDER:** Mayor Wayne Bullard

**ESTABLISH QUORUM:**  Mayor Wayne Bullard

**PLEDGE OF ALLEGIANCE**: Mayor Wayne Bullard

**INVOCATION:** Wilmon Stanley

**REVIEW/CORRECTIONS OF MINUTES:**

1. **April 1, 2013 Work Session**
2. **April 4, 2013 Council Meeting**

Per City Manager Sumner City Clerk Lisa Mashburn is not present tonight but corrections noted at Work Session have been made. **Councilmember Adams made a motion to accept the corrected minutes which was seconded by Councilmember Clendenin. Mayor Pro Tem Cain, Councilmember Adams, Councilmember Clendenin and Councilmember Benjamin voted in favor of the motion.**

**CITIZENS TO BE HEARD:**

Estella Thomas Camp Director stated she wanted to report on Camp Learn A- lot. She stated that camp will begin on June 3, 2013 and thanked the City for all their support and for the use of the Recreational Center.

Jodi Nichols of 209 Redbird Place stated she was here to talk the expenditures discussed on Monday night. She stated there is a problem at Lawson Farms and neither she nor other citizens understand. She said it seems that there is a problem at Lawson Farms and that everyone throws up their hands and let the City take care of it. A number of areas of blame are not looking at this properly or following through with things. She stated that it is not fair that the Engineers mess up and it goes back to the City of Hahira. She stated that she understands that the Engineer Companies have liability insurance, mistakes were made and can we get some type of compensation for it. She stated that the Developer should have some responsibility also but he files bankruptcy papers and has washed his hands. Why does it all fall back on the City of Hahira? She feels that we should get all the lawyers together for compensation before we roll over and pay it all. She feels the company that made the mistake should compensate the City and correct the problem. She also stated that she did not feel the necessity for a golf cart and that she feels it would be better to have a Station wagon or truck to move the bounce house and tables around; use whatever we have been doing in the past.

Marilyn Dye of 205 Redbird Place stated she wanted to discuss contracts rolling over in the City. She stated that there should be some type of review of contracts before they renew. She would like to see if there is someone cheaper or more competitive pricing. She stated that she is not aware of any type of review. She then stated that competition is good.

**REVIEW OF BILLS/BUDGET OVERAGES**

City Manager Sumner stated that all questions were answered from Monday night meeting. He then stated that the questions regarding the classification of the item from Nashville Tractor that it has been re-classified as Capital Project and correction noted. Councilmember Adams stated again that the inert debris charges have almost doubled. The Mayor stated that he needed a motion to pay the bills. **Mayor Pro Tem Cain made a motion to pay the bills which was seconded by Councilmember Clendenin. Mayor Pro Tem Cain, Councilmember Clendenin, Councilmember Adams and Councilmember Benjamin all voted in favor of the motion.**

**PUBLIC HEARING**

**APPLICATION OF VASUDEV M. BRAHMBHATR BIGFOOT TRUCK STOP-1311 HWY 122 WEST FOR PACKAGE SALE OF DISTILLED BEVERAGES**

Chief Davis stated that as reported on Monday night that the background check showed no reason that you cannot sale beer, wine and liquor at that location. Councilmember Adams asked if she understands the application if the Apple Valley Café will be closed and a liquor store be put in there. Chief Davis stated that is what he understands. The Mayor then asked if anyone had any questions. The Mayor asked if anyone was wishing to speak against the application. Barbara Stratton of 6233 B Justin V. Cain Street asked if the address is correct because the store does not face Hwy 122, the Mayor stated that it is all under one address. The Mayor then asked if anyone was wishing to speak in favor of application. The applicant then stated that they would not close the restaurant but that the liquor store would be part of the store. **A motion was made by Councilmember Benjamin to accept the application for the liquor store at 1311 Hwy 122 west which was seconded by Mayor Pro Tem Cain. Mayor Pro Tem Cain and Councilmember Benjamin voted in favor of the motion. Councilmember Adams and Councilmember Clendenin voted against the motion. Mayor Bullard then voted in favor of the motion.**

**DISCUSSIONS:**

**LAWSON FARMS DRAINAGE**

City Manager Sumner stated that they talked about it in length on Monday night. He stated he would recap for those that were not present. He stated that the Lawson Farm issue has been going on for some time and that Lawson Farm Subdivision was built after the Woodridge Subdivision. He then stated Lawson Farm was very slow in developing and it was about 50 lots. The concern was raised after the Subdivision was developed and we had a lot of rain in 2009. At that time with a lot of rain the Cottonwood Cove area was backing up about 2-3 feet which is a hazard to traffic. After that time we did not get significant rain until recently. He stated that about a year ago the City Engineer analyzed it and there was a list of deficiency at that time. At that time the Engineer put together a letter/list that was delivered to the Developer (Gary Minchew Foxborough Developers). The City then met with Mr. Minchew and he indicated at that time that several of the items would be addressed but as of this time none have been addressed. Mr. Minchew was again contacted and he stated that he would address some of the deficiencies but not the significant ones. City Manager Sumner said that in the last few months we have talked with the Lowndes County Board of Commissioners and a new culvert was put in at the corner of Fry Street and Hagenbridge. He then stated that they are continuing to work on the drainage issue and that the ditch needs to be dredged out again in the next few months. This is something that Mr. Minchew said he would do but we will probably have to do with our own personnel. City Manager Sumner stated that the main issue, the correction of the drainage pipe that would drain the water on Cottonwood Cove. The drainage pipe on the original draft that was surveyed was not indicated on the original plans and at a result the Subdivision existed for several years but was not a concern until we had significant rainfall amounts. The houses were built in the last year forward and that is when the backyards were having issues with flooding. He then stated that we have met with the Engineers and the residents involved and they are willing to work with the City regarding the easements. The cost is the main concern as indicated on Monday night. The developer is currently in bankruptcy and the City Attorney sees no way to recover the money so the ultimate responsibility is on the City because we are responsible for the infrastructure within the City limits. He said we are currently trying to work with Standard Contractors to get the cost down. We do not have final cost tonight but we should within the next couple of weeks. The estimated cost for the Engineer was $55,000 and we are working to get that cut down. The other issue is the Moratorium that took effect last month the Friday after the last Council meeting and essentially stops the rest of the lots in that Subdivision from being developed. The moratorium has been reviewed by the City Attorney and his opion is that it is not enforceable and is not something that the City can adhere to. His recommendation is for the Council to take action on the moratorium and resend it. As per discussion on Monday night and recommendation of Council I did seek initial consultation with another legal council and I did speak to Russi Patel who is the deputy municipal council for GMA. Russi was that we should concur with our City Attorney on his advice. I did not want to press the issue further until getting advice from Council tonight. Councilmember Adams stated he first advised us to have a Moratorium and now he is advising us to not have a moratorium so what changed his mind. City Manager Sumner stated that he reviewed the Subdivision regulations further and found that there were enough gaps that allow for different interpretations. While we do have a case the acceptance of plat translates to acceptance of infrastructure is something the City Attorney thinks has little bearing and that would potentially shot a hole in the moratorium positions. Councilmember Adams stated that she thinks he should have reviewed this before giving us advice. Councilmember Clendenin stated like he said Monday night that the law firm our City Attorney works for also represents the bank that have taken over the properties and he thinks the attorney is working on both sides of the fence. Mayor Pro Tem Cain stated that is why City Manager Sumner got a second. Councilmember Clendenin stated that if we do not rush on this it might entice them to help fund this project if they want to sell the property. Mayor Pro Tem Cain stated that he does not agree because of what he has seen happen is that they will have a lawsuit against the City and right now we can repair or fix a drainage ditch. Councilmember Adams asked where we are getting the information that Foxborough Development has not assess and City Manger Sumner said from legal council and it was emailed to Council last week. Councilmember Adams stated that we acted on the recommendations of two Engineers and now she feels the bottom line is that she does not think the Citizens should not have to pay for it. City Manager Sumner stated that right now we really do not know the cost of the project. He then stated that it is a strong possibility that we will face a legal challenge and the City will have to fund the defense of that. Mayor Bullard then stated that we need to make a motion on whether we want to lift the moratorium or not. **A motion was made my Mayor Pro Tem Cain to lift the moratorium on Lawson Farms/Foxborough Development which was seconded by Councilmember Benjamin. Councilmember Adams and Councilmember Clendenin voted against the motion, Mayor Pro Tem Cain and Councilmember Benjamin voted in favor of the motion. The Mayor opposed lifting the moratorium.**

**AUDITOR’S REPORT/SRF DRUG-SEIZED FUNDS BUDGET**

Denise Rackley of Valenti, Rackley and Associates stated she was here regarding the audit/financial statements for the City of Hahira. Ms. Rackley stated she is here to open the lines of communications for any questions the Mayor and Council may have regarding the 2012 Audit. She then stated that they are currently working on the audit and should deliver the audit statement no longer than June 30th but that they are shooting to have it complete and present the report to Mayor/Council by the June 6th meeting. She then asked if anyone had any questions please feel free to call. City Manager Sumner stated it is also the recommendation of the Auditors that we have a special fund for drug-seized funds and budget. After the court cost and discussion with Chief Davis the amount is $13.81. He then stated he just wanted to ask that they pass the SRF Drug-Seized Budget. **Councilmember Clendenin made a motion to accept the SRF Drug-Seized Funds Budget which was seconded by Councilmember Adams. Councilmember Clendenin, Councilmember Adams, Councilmember Benjamin and Mayor Pro Tem Cain all voted in favor of the motion.**

**GOLF CART FOR STACEY**

Councilmember Clendenin stated that he uses his golf cart a lot for events to get around downtown and that he feels that Stacey needs one. He feels it will be better than a vehicle because it is hard to park and maneuver in downtown area. Last month we approved $2200.00 with trade-in and now we only had one trade in. Councilmember Clendenin made a motion to purchase the golf cart for $2700.00 which was seconded by Councilmember Benjamin. Councilmember Adams and Mayor Pro Tem Cain voted against the motion. The Mayor opposed purchasing the golf cart for $2700.00.

**COMPUTERS FOR COUNCIL**

Councilmember Clendenin stated that Monday night that the price of the computers would be about $900.00. He stated that some of the people said they would like to have the Samsung Galaxy 5 Notepad and he stated he had found tablets for $585.00 each. Councilmember Clendenin made a motion to contract with Ricoh for 10 Samsung Galaxy 4 Notepads which was seconded by Councilmember Benjamin. Mayor Pro Tem Cain, Councilmember Adams and Councilmember Benjamin all voted in favor of the motion. Councilmember Adams opposed the motion.

**APPOINTMENT OF MEMBER FOR ETHICS COMMITTEE**

City Manager Sumner stated that per City Ordinance an Ethics Committee must be appointed and at this time two of the appointments have been made with one vacant. He then stated that Patrick Warren who served last term was willing to serve again. Councilmember Adams stated that she had another nominee for the position and it was Jeremy Norman. **A motion was made by Councilmember Clendenin for Patrick Warren to serve on the Ethics Committee which was seconded by Mayor Pro Tem Cain. Mayor Pro Tem Cain, Councilmember Clendenin and Councilmember Benjamin all voted in favor of the motion. Councilmember Adams opposed the motion.**

**ODOM BUILDING**

Councilmember Clendenin stated after lengthy discussion he would like to make a motion to make this building the home of the Hahira Police Department. Councilmember Adams stated before you make the motion as she said Monday night that she believes the Odom Building should be used for retail purpose. A motion was made by Councilmember Clendenin to make what is known as the Odom Building into the Hahira Police Department which was seconded by Mayor Pro Tem Cain. Mayor Pro Tem Cain, Councilmember Clendenin and Councilmember Benjamin all voted in favor of the motion. Councilmember Adams opposed the motion.

**STANFILL BUILDING STATUS**

The Mayor stated he would not have the information until the next meeting. **Councilmember Clendenin made a motion to post pone the status of repairs to the Stan fill Building until the June meeting which was seconded by Councilmember Benjamin, Councilmember Clendenin, Councilmember Benjamin, Councilmember Adams and Mayor Pro Tem Cain all voted in favor of the motion.**

**TEACHERS LUNCHEON**

The Mayor stated that he is working on the donations for this and that we can do away with this, he is taking care of it.

**CONSENT AGENDA**

1. **CITY MOWING AGREEMENT WITH DOT**
2. **REVENUE RECOVERY CONTRACT**
3. **GARAGE DOOR QUOTE**
4. **COTILLION DEBUTANTE BALL TABLE-JUNE 1, 2013**
5. **LMIG FY2014 STREET PAVING LIST**

**A motion was made to accept the consent agenda by Mayor Pro Tem Cain which was seconded by Councilmember Benjamin. Mayor Pro Tem Cain, Councilmember Benjamin, Councilmember Adams and Councilmember Clendenin all voted in favor of the motion.**

**SWEAR IN AND PROMOTION OF OFFICERS**

Mayor Wayne Bullard swore in new officer Melvin Hunter II.

Chief Terry Davis stated that he is proud that he has two promotions tonight.

Chief Terry Davis promoted Sgt. Shannon Kingston to Lieutenant.

Chief Terry Davis promoted Corp. Marshall Armstrong to Seargent.

**REPORTS:**

Mayor Pro Tem Cain thanked everyone for coming out tonight. He thanked all the department heads for their hard work and that he appreciates all of them. He thanked the Mayor and Council for all their hard work.

Councilmember Clendenin stated that it nice to see a lot of people in the chairs tonight and stated that it had been a good month.

Councilmember Benjamin thanked everyone for coming out tonight and congratulations to our officers. HE thanked all the departments for a job well done. He also thanked the citizens of Hahira and the Council for the opportunity to serve.

Councilmember Adams stated that we have had two impressive ceremonies and congratulations to our officers and thank you to the Citizens of Hahira for coming out and speaking up on the issues. She stated that it is such an honor to serve you. She then noted that we have new city park signs and courthouse sign.

City Manager Sumner stated that he would like to thank the Mayor and Council for the opportunity to serve and to send his heart felt congratulations to Lt. Kingston and Sgt. Armstrong and for all their hard work and dedication. HE thanked the department heads for their hard work and all of the City staff. He stated he looked forward to a great summer.

Mayor Wayne Bullard stated he wanted to thank everyone for coming out for the National Day of Prayer. He thanked the department heads for their hard work and the excellent job they do. HE then thanked the Council for the way they look after everything. He then congratulated Lt. Kingston, Sgt Armstrong on their promotions and to welcome Melvin Hunter to our City Police Department. He thanked all the Citizens for coming.

Mayor Bullard asked for a motion to adjourn. **Councilmember Adams made a motion to adjourn which was seconded by Councilmember Clendenin. Mayor Pro Tem Cain, Councilmember Benjamin, Councilmember Adams and Councilmember Clendenin all voted in favor of the motion. There being no further business to discuss the meeting was adjourned at 8:45 p.m.**

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Mayor Wayne Bullard

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City Clerk Lisa Mashburn