**HAHIRA CITY COUNCIL**

**COUNCIL MEETING**

**DECEMBER 5, 2013**

**7:30 P.M.**

**COURTHOUSE**

Mayor and Council met for a Council meeting December 5, 2013 at the Courthouse with Mayor Wayne Bullard presiding.

**PRESENT:**  Mayor WayneBullard, Councils: Ralph Clendenin, Rose Adams, Terry Benjamin and Kenneth Davis. City Manager Jonathan Sumner, Police Chief Terry Davis, Fire Chief Dwight Bennett, PW Director Donnie Warren and City Clerk Lisa Mashburn.

**CALL TO ORDER:** Mayor Wayne Bullard

**ESTABLISH QUORUM:** Mayor Wayne Bullard

**PLEDGE OF ALLEGIANCE:** Mayor Wayne Bullard

**INVOCATION:** Mayor Wayne Bullard

**SWEAR IN FOR NEW COUNCILMEMBER KENNETH DAVIS:**

Councilmember Davis was sworn in by his daughter Kenadi Davis.

**REVIEW/CORRECTION OF MINUTES:**

1. **NOVEMBER 4,2013 WORK SESSION**
2. **NOVEMBER 7, 2013 COUNCIL MEETING**

Councilmember Adams stated that the minutes were all in order**. Councilmember Adams made a motion to approve the minutes as presented which was seconded by Councilmember Clendenin. Councilmember Adams, Councilmember Clendenin, Councilmember Benjamin and Councilmember Davis all voted in favor of the motion.**

**PUBLIC HEARING:**

1. **FY13 BUDGET AMENDMENTS**

City Manager Sumner said that as stated on Monday night the budget had been advertised with not requests for inspection and or any additional information requested. The Mayor asked if anyone wished to speak against the budget amendments. None noted. The Mayor then asked if anyone wished to speak in favor of the budget amendments. None noted**. Councilmember Benjamin made a motion to accept the FY13 Budget Amendments as presented which was seconded by Councilmember Davis. Councilmember Benjamin, Councilmember Davis, Councilmember Adams and Councilmember Clendenin all voted in favor of the motion.**

1. **HA-2013-05 VARIANCE REQUEST BY WENDY BLACK, FROGTOWN WINERY**
2. Tracie Tolley from Planning and Zoning stated that this request is for 7495 Union Road the new site for Frogtown Winery. The winery is under construction and sits on 36.8 acres and is on the east side of I-75. She said that the applicant requested a 672 square foot sign that is visible from I-75. She said this has been reviewed by staff which recommended denial and the Planning Commission which recommended approval of the 672 square foot sign with a vote of 7-0 with stipulation for advertisement of the Winery only. This sign would be lighted and on the winery property**. Councilmember Clendenin made a motion to approve variance request HA-2013-05 with the stipulation recommended by the Planning commission which was seconded by Councilmember Benjamin. Councilmember Clendenin, Councilmember Benjamin, Councilmember Adams and Councilmember Davis all voted in favor of the motion.**
3. **APPLICATION OF CRAIG KRITZER, FROGTOWN WINERY, FOR PACKAGE SALE OF BEER AND WINE AND BY-THE-DRINK**

 Chief Davis said that as discussed on Monday night an application was received from Mr. Craig Kritzer for Frogtown Winery to sell beer and wine by the drink. He stated that the background check was clean and he found no reason to deny the application. The Mayor then asked if anyone wished to speak against the application of Craig Kritzer, Frogtown Winery. None noted. The Mayor then asked if anyone wished to speak in favor of the application. None noted. **Councilmember Benjamin voted to approve the application of Craig Kritzer of Frogtown Winery for beer and wine license by-the-drink which was seconded by Councilmember Ralph Clendenin. Councilmember Benjamin, Councilmember Clendenin, Councilmember Adams and Councilmember Davis all voted in favor of the motion.**

**CITIZENS TO BE HEARD:**

Melba Weldon of 406 E. Stanfill stated that she has been a resident of Hahira since 1971. She stated she was here to compliment the current garbage service. She said they do a good job; they are kind, courteous and very helpful. She feels they are a good service f and an asset to the community.

Wilmon Stanley of 308 S Washington stated that as he stated in the past that if it is not broke don’t try to fix it. He said the current garbage service will come and get your can if it is not by the road and he said that after talking to people in Valdosta they don’t get that kind of service. He stated that if you call Mr. Griffin that he will take care of it himself. He said that when you start messing with the service that we have now you are not doing a good job. He stated that no one tells him that they are dissatisfied with the service we have now. We must do what is good for the community.

June Cuthbertson of 218 E Park wanted to know why did the garbage come up in the first place. It was then stated that back in September there was a motion to put the garbage RFP out for bids because the contract will be up at the end of the year. She then asked if we are looking for a cheaper pick up. Councilmember Clendenin stated yes we are. Councilmember Adams then said he may be cheaper but not better. Ms. Cuthbertson said that the current service has very hard workers on the truck and that they will go to her backyard to get her can if she is unable to take it out to road.

Marilyn Dye of 205 Redbird said that she would like to praise the representative and said that she would like to increase services for garbage. She then said she would like for us to remember Nelson Mandela because he had passed today.

**REVIEW OF BILLS/BUGET OVERAGES:**

City Manager Sumner stated that he had sent out the information regarding the inert debris charge in the amount of $ 1,470 which was for hauling debris from a house that was torn down. Public Director Warren said that there are 1 and a half loads left to haul from the house. Sumner said that the City will bill the property owner for the charges.Councilmember Clendenin made a motion to pay the bills as presented which was seconded by Councilmember Adams. Councilmember Clendenin, Councilmember Clendenin, Councilmember Benjamin and Councilmember Davis all voted in favor of the motion.

**DISCUSSIONS:**

1. **(MOVED TO CONSENT AGENDA)**
2. **VETERAN’S MOTORCADE-12/20/2013, LAKE CITY FLORIDA**

Mayor Bullard said he wanted to remind everyone about the Veterans Motorcade on December 20, 2013 in Lake City Florida. He said you can donate one of the items needed on the list and/or he would love for you to go if you would like to.

1. **WATER’S EDGE SUBDIVISION LIGHT COST**

PWD Warren said that he spoke with Ethridge Electric and it would cost about $30,000 to put up poles in Water’s Edge and the City buy the poles. We can lease the poles from Georgia Power at a cost of $,3,745.52 and monthly maintenance cost of $131.44 every month. Councilmember Adams asked if we have a copy of the plans. City Manager Sumner said we have a copy of plans and they are stubbed up. The Engineer has signed off on the plans. Councilmember Adams said that the ordinance says the developer should pay for this and the City should only pay for electricity and that she is against the City taking over the cost of installation. Sumner and attorney said the developer has declared bankruptcy, the property reposed and then it was purchased by another developer. Councilmember Adams said that she is 100 percent for the neighborhood to have lights but feels the developer should pay for it. Attorney Rob Plumb said that you cannot make them pay after bankruptcy. Councilmember Clendenin asked if the City can file a lien on the property. Attorney Plumb said he is not sure of the status of the claim, he said the problem lies with the way the City ordinance is written and it needs to be rewritten with planning staff. Attorney Plumb said you cannot file a lien when there is no property. Councilmember Clendenin said he would like to have Attorney Plumb check thestatus of the bankruptcy**. A motion was made to have Georgia Power install the poles and pay monthly fee of $131.44 by Councilmember Benjamin which was seconded by Councilmember Davis. Councilmember Benjamin, Councilmember Davis voted in favor of the motion. Councilmember Clendenin and Councilmember Adams voted against the motion. The Mayor voted yes to break the tie.. The motion was approved.**

1. **RFP FOR GARBAGE SERVICE**

City Manager Sumner stated that the current contract was started in February 2009 and the current contract is up at the end of the year. He stated that the RFP’s were received and have been reviewed by Mayor and Council. The applicants were interviewed at the November Work Session. We have the current provider and Advanced Disposal here tonight. City Attorney Plumb said he had a questions regarding workers comp and that the City had no liability in regards to worker’s comp for garbage service provider. He said that worker’s comp applies only to employees of the City and that independent contractors are not included. He said it does not apply to the entity. Councilmember Adams asked if part time employees are covered under the workers comp insurance and Attorney Rob Plumb said that the law does not distinguish only requires to have three or more employees. Worker’s comp goes both ways. City Manager Sumner said that the current contractor has liability insurance and the City is covered. Councilmember Clendenin wanted to know why the 5% was not in bid process it should be in contract. Councilmember Davis said that the terms have been changed with one contractor. City Manager Sumner said no but the existing contract has items to change. City Manager Sumner said that we need to select a contractor and then do final terms. Attorney Plumb said you cannot submit bids and then change it; there are fundamental thing you cannot do or change. Councilmember Davis said he would like to go into Executive Session to work it out at the end of the agenda. Attorney Plumb said you cannot debate in Executive Session, you need to decide. Councilmember Adams asked the City Attorney if it is illegal to discuss the contract. **Councilmember Clendenin made a motion to enter into Executive Session which was seconded by Councilmember Davis. Councilmember Benjamin and Councilmember Adams voted against the motion. Councilmember Clendenin and Councilmember Davis voted in favor of the motion. The Mayor voted against the motion. Motion was denied. Councilmember Benjamin made a motion to accept the low bidder G Waste Contractor. Councilmember Adams said that for 8 years she had listed to the citizens of Hahira and that while she was campaigning she ask about the garbage. She said that 98% of the citizens were satisfied with the current contractor G Waste and she seconded the motion. Councilmember Benjamin and Councilmember Adams voted in favor of the motion. Councilmember Clendenin and Councilmember Davis voted against the motion. The Mayor voted in favor of the motion to break the tie. City Manager Sumner set up a Special Called Meeting for Wednesday December 11, 2013 at 6 p.m.for the contract.**

**CONSENT AGENDA:**

1. **INDUSTRIAL PARK WELL GENERATOR-SPLOST VI**
2. **BACKHOE-SPLOST VI**
3. **PUBLIC WORKS TRUCK-SPLOST VI**
4. **MOODY SUPPORT COMMITTEE CONTRIBUTION**

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

**REPORTS:**

Councilmember Adams welcomed everyone here tonight and thanked the citizens that attend each meeting. She said that she had been so blessed to serve the citizens of Hahira and thanked them from the bottom of her heart for the last 8 years. She thanked Mayor Bullard, City Manager and the Councilmember’s and said that they had always been a great bunch of gentlemen. She said that they disagreed with one another but that is what government is all about.

Councilmember Benjamin thanked everyone for coming out. Thank you to all department heads for what they do. He said he hoped everyone had a Happy and safe holiday.

Councilmember Davis thanked everyone for coming out and said that it was a special night being sworn in. He said he was happy to be here and hoping that he will get it.

Councilmember Clendenin thanked Councilmember Rose Adams he said she raised me or she tried to raise me. He said that he had respect for the Mayor and thanked him also. Thank you to all for coming out and don’t forget the Christmas parade on the 14th.

City Manager Sumner thanked Mayor and Council for the opportunity to serve and said that each day is a challenge. He said that he loved living and working in Hahira. Thank you to the department heads and that he would save his goodbyes for next month. He then wished everyone a Merry Christmas and Happy New Year.

Mayor Bullard said that for the last 7 years he listened to the folks of Hahira and did what he could to the best of his ability. He said sometimes we disagree and others we agree but 12 years as Councilman and 7 as Mayor he is now going to be a private citizen. He thanked the Council and department heads and said that while in office they lowered the taxes and made it through the hard times and he is proud of that. Thank you to everyone.

**Mayor Bullard asked for a motion to adjourn. Councilmember Benjamin made a motion to adjourn which was seconded by Councilmember Clendenin. Councilmember Benjamin, Councilmember Clendenin, Councilmember Adams and Councilmember Davis all voted in favor of the motion. The meeting was adjourned at 8:35 p.m.**

**ADJOURN.**

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**Mayor Wayne Bullard**

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**City Clerk Lisa Mashburn**