

**CITY OF TEMPLE MINUTES
TEMPLE CITY COUNCIL
MONDAY, OCTOBER 7, 2013
TEMPLE CITY HALL**

CALL TO ORDER:

Mayor Rick Ford called the regular scheduled Council meeting to order at 6:30pm with the following members present constituting a quorum: Council Member Richard Bracknell, Council Member William Simmons, Council Member Hiley Miller, Council Member Larry Mann and Council Member Terron Bivins.

INVOCATION: The invocation was given by Council Member Richard Bracknell

Mayor Rick Ford welcomed Council Member William Simmons back, he has been out an extended period of time and we are all glad he is back. Council Member William Simmons has served on the council for over 20-years.

CITIZENS COMMENTS:

Mayor Ford opened the floor for citizen's comments:

*Linda Walden, 440 Centerpoint Rd., Temple, Ga. to speak on agenda item #6: ratification of the action of the 2006 city council in the purchase of the Sewell Bldg. Mrs. Walden addressed the council tonight to reconsider placing the seal of approval on a possible criminal conduct by voting on the ratification of the purchasing of the Sewell building on April 17, 2006. The purchasing of the Sewell building by the Mayor without approval of the council using tax payers money was a clear violation of our City Charter was obtained illegally making all contracts pertaining to it void and not binding. All money spent on the property was spent illegally. She would advise that this matter is not outside the statute of limitations for prosecution and fraud with the intent to deceive and the spending of tax money for illegal activity cannot be accounted for legally then you will be facing future consequences for your actions tonight from the ratification of the purchase of the Sewell Building. It does not matter what you do here tonight this council cannot change the fact that the purchasing of the Sewell building seven and one half (7 ½) years ago was purchased illegally and you cannot make it legal now by ratifying it.

Mayor Ford states that this will be addressed later on in the meeting

COMMITTEE REPORTS:

Public Safety:

Public Works: Agenda

Community Development: Agenda

Senior Center:

Recreation: Agenda

Personnel:

Financial: Will be placing an item on the Agenda

CONSENT AGENDA:

Council Member Richard Bracknell motioned to approve the consent agenda; seconded by Council Member Hiley Miller. Motion carried 5-0.

Council Member Richard Bracknell makes a motion to amend the agenda under old business to set the actual bank to use for the CD's; seconded by Council Member Hiley Miller. Motion carried 5-0

OLD BUSINESS:

- 1.) **Consideration of an Ordinance to establish the position of Assistant City Administrator: 2nd Read** – Council Member Terron Bivins states she has an issue with this ordinance, number one the last time this was addressed, which was the last meeting, the language had been changed. Then at the committee meeting the language went back to the way it was, who was the most qualified person. She is under the impression that this position is no more than a glorified secretary in the position that if Kim was out. That is not what the ordinance says, this says we are establishing the position to help the city administrator with the daily duties of the office and compensation would be determined. This is not what we voted on; she makes the motion to send this back to committee for further review or y'all can vote on it. Council Member Richard Bracknell asks why the language was changed on it and the City Attorney Cynthia Daly stated to make it consistent with the Charter. After discussion Council Member Larry Mann motioned to send back to committee, seconded by Council Member William Simmons. Motion carried 5-0

- 2.) **Consideration of bank to use to place CD's:** Council Member Terron Bivins states there were only two banks that came back with rates. Council Member Terron Bivins motioned to go with Bank of North Georgia; the rates were exact with the other bank; seconded by Council Member Hiley Miller. Motion approved 4-1 Council Member Richard Bracknell abstains

Council Member Richard Bracknell motioned to amend the agenda to add the Ordinance to establish maximum number of positions held by each council member; seconded by Council Member Hiley Miller. Motion approved 5-0

- 3.) **Consideration of an Ordinance to establish the maximum number of positions held by each council member: 2nd Read** – Council Member Richard Bracknell states every council member has to serve on a committee and that each council member be required to chair a committee. Council Member Richard Bracknell motioned to approve the amendment to the Ordinance; seconded by Hiley Miller. Motion carried 5-0

- 4.) **Consideration of an Ordinance to establish compensation for Committee Chairs: 2nd Read** – Council Member Richard Bracknell makes a motion to approve the ordinance to establish compensation for committee chairs; seconded by Council Member William Simmons. Motion carried 4-1 with Council Member Terron Bivins opposing.

NEW BUSINESS:

1. **Consideration of an Inmate work detail agreement with Carroll County:** Obtain services of inmate work crews. Annual agreement, Council Member Hiley Miller motioned to approve the detail agreement, seconded by Richard Bracknell. Motion carried 5-0

2. **Consideration of the application for beer and wine retail package for new owners at Swifti Foods:** Mayor Ford states this is a change of ownership, which makes them have to put the beer and wine license, package only, in their name. Council Member Terron Bivins motioned to approve the application; seconded by Council Member William Simmons. Motion carried 5-0

3. **Consideration of sending a recommendation to the Planning and Zoning Board to evaluate the proper zoning for parcel #T04 0050022 located at Temple Terrace:** The language is not exactly what we are doing. We are asking planning and zoning to examine the zone at the property. Should say approval to request planning and zoning review. This item is a recommendation from Frank in our Codes and Development department. Council Member Richard Bracknell motioned to proceed; seconded by Council Member Terron Bivins. Motion carried 5-0
4. **Consideration of a budget amendment for the Land and Water Conservation Grant:** Move funds from administration to recreation for a matching grant. Council Member Richard Bracknell motioned to approve; seconded by Council Member Terron Bivins. Motion carried 5-0
5. **Consideration of demolition of DDA Bldg by Carroll County Public Works:** At cost thru Carroll Co Public Works service delivery. City Administrator Kim Pope spoke with Charles Pope and the project should not exceed more than \$5,000. Council Member Richard Bracknell motioned to approve to have the building demolished by Carroll County Public works at cost; seconded by Council Member Hiley Miller. Motion carried 5-0
6. **Consideration of the ratification of the action of the 2006 City Council in the purchase of the Sewell Building:** City Attorney Cynthia Daley stated it is her understanding after going back through the minutes at the time with Kim and speaking to people who were on the council at that time y'all were represented by a different City Attorney, and he advised that all land acquisitions to be done in executive session, which is not accurate. That settlement statement was for the amount of \$225,288.52 the way the transaction was handled is that the money was put into an escrow account until it was closed and then paid out through Mr. Thomas's office. There is a title insurance policy for that amount. The council has some choices here, it appears it was never approved in open session over 7 ½ years ago at that time it would have been a violation of the open minutes act, but would have been brought forward within 90-days under the old law. The council can ratify the sale or not it is up to y'all. The city attorney states the ratification of the sale would be the proper thing to do in open session. Council Member Larry Mann states that the City Attorney at the time, Charles Thompson, advised them to discuss it all in executive session while negotiating a price, after the final approval of the purchase and all agrees then it would be announced in open session. Mr. Mann added that all the property that they have bought since he has been with the city council was done the same way. City attorney Cynthia Dales states that what should have happened after discussion is that it should have been brought to a formal vote in open session. It was in the minutes that the council did come out and make a formal announcement that the property had been purchased. Mayor Ford asks if we need to go back and ratify every property that was purchased this way. City Attorney Cynthia Daley stated that as we find them she would like to have them ratified, so that the minutes would clarify them. Council Member Hiley Miller made the motion to ratify the purchase of the Sewell Building; seconded by Council Member Terron Bivins. Motion carried 5-0

MAYOR AND CLOSING COMMENTS:

Council Member Richard Bracknell: Wanted to publically thank Frank Winfrey, Codes Department, you are really seeing his presence and the evidence of his work. He does a great job.

Council Member William Simmons: None

Council Member Hiley Miller: Remember the backpack program we are feeding 20 children a week. Also remember the haunted house all proceeds go to our shop with a cop program.

Council Member Larry Mann: Ask City Administrator Kim Pope what she gets a month for car allowance. She stated she gets \$400 a month. He was told that she gets \$500 a week. She gets no insurance, no maintenance, and no mileage.

Council Member Terron Bivins: None

Mayor Rick Ford: Typically he does not address rumors, especially during an election season, but there are rumors and fact sheets going around that are not factual. It is ashamed that our citizens are being misled by this information. As he understands it a citizen was visited by a candidate and was told that the city only has \$ 60,000.00 in the bank and that could not be further from the truth. He has a fact sheet, and the citizens are welcome to it, the city's assets and balances total \$3,779,175.33. That is almost \$4 million a far cry from the \$60,000. He would recommend that the citizens, if someone visits you with negativity, then something is up their sleeve. It is your job as a voter and a citizen to come in and ask questions. Do an open records request, we are transparent. The city has nothing to hide. Be an informed voter.

EXECUTIVE SESSION: Council Member Richard Bracknell motioned to go into executive session at 6:45pm for the purpose of discussing legal, real estate and personnel; seconded by Council Member Hiley Miller. Motion carried 5-0

RETURN TO REGULAR SESSION: Council Member Richard Bracknell motioned to return to regular session at 8:42pm; seconded by Council Member William Simmons. Motion carried 5-0

ADJOURNMENT: ACTION TAKEN: With no further business to discuss Council Member Richard Bracknell motioned to adjourn at 8:43pm; seconded by Council Member William Simmons. Motion carried 5-0

Rick Ford - Mayor

Attest:

Angie Costner, City Clerk