

**REGULAR MEETING OF TEMPLE  
CITY COUNCIL MINUTES  
April 7, 2014 6:30pm  
TEMPLE CITY HALL**

Mayor Lester Harmon called the Meeting to order at 6:30pm with the following members present constituting a quorum: Council Member Richard Bracknell; Council Member Hiley Miller; Council Member Howard Walden and Council Member Penny Ransom, Council Member Simmons was not present

Invocation by Mayor Lester Harmon

The City Council made some corrections and approved the minutes of the following meetings:

**A. March 10, 2014**

Council Member Walden motioned to approve with corrections. Seconded by Council Member Miller. Motion passed 4-0

**B. March 13, 2014**

Council Member Miller motioned to approve with corrections. Seconded by Council Member Ransom. Motion passed 4-0

**C. March 17, 2014**

Council Member Walden motioned to approve with corrections. Seconded by Council Member Miller. Motion passed 4-0

**D. March 25, 2014**

Council Member Ransom motioned to approve the minutes as read. Seconded by Council Member Miller. Motion passed 4-0

**E. March 26, 2014**

Council Member Ransom motioned to approve with corrections. Seconded by Council Member Walden. Motion passed 4-0

**NEW BUSINESS**

**1.) Charter Communication Predatory Practices Investigation – Eric Decoff**

Eric DeCoff (of Ivey Lake subdivision) spoke about how he has witnessed the degradation of the speed of the internet service within the City of Temple. As a part of his investigation he has found that Charter services have been pulled from Temple and been given to Bremen and Villa Rica. He feels that this should be important to the City because the department of Homeland Security has determined that the Internet is critical infrastructure. Also he feels that this impacts the economic and general welfare of the citizens of Temple. He asked that the City launch an investigation into these predatory practices of Charter. Mr. Decoff said that he would volunteer his time to do the investigation. He recommended that the City set up a voluntary position Department of Internet Technology. He recommended working with some of the local schools and Technical Colleges to find persons interested or required to volunteer their time. Mayor Harmon pointed out that he has seen the same kind of service discrepancies within the AT&T Company as well. Council Member Ransom pointed out that in her dealings with Charter she learned that their franchise was not local but it was through the State of Georgia. Council Member Ransom asked that since the Charter

franchise was through the state then what kind of action can the City of Temple take. Mr. Decoff felt that since we are a government organization they would be required to answer questions that they might not answer for an individual citizen. Mr. Decoff asked that the City Council empower him to do an inquiry. City Attorney, Daley said that since it is a state franchise she is not sure what action the City can take. The Mayor asked the City Attorney to develop a letter that we as a City can send to Charter and tell them that we are aware of these problems and that we would like to look into them.

**2.) J. Collins Funeral Home wants to provide free cakes and gifts to the Sr. Center as a means of advertising – Bob Carpenter**

Jay Collins, Mayor of Villa Rica and owner of J. Collins Funeral Home, and Bob Carpenter addressed the council. Mr. Carpenter asked that the funeral home be allowed to show their thanks to the Temple community by supporting the Sr. Center and providing birthday cakes, ice cream and occasional gifts once per month. They would also like to work with the Sr. center on events that might be held throughout the year. Mr. Carpenter emphasized that their primary purpose would be to support the seniors of Temple and not promote their business. Mr. Carpenter also said that J. Collins Funeral Home would also like to support the Backpack program with monetary gifts and food donations.

**Motion: Council Member Bracknell motioned to accept the offer made by J. Collins Funeral Home to provide cake, ice cream, gifts and to support the backpack program.**

**2<sup>nd</sup>: Council Member Miller Passed 4-0**

**3.) Discussion of Carrollton Civic Woman's Club Little Libraries program and plans – Karen Hartley**

Karen Hartley addressed the council. She shared that as a part of their plan to provide multiple "book spots" throughout Carroll County they would like to have at least 2 in Temple. They would like to put a "book spot" in front of City Hall and at the Recreation Department. She also said that they are interested in looking at other locations within Temple that might be more accessible to children. Their goal is to have the first "book spots" installed by early June 2014. Council Member Ransom suggested that locating one near Little Tigers Preschool may be a good location and that Ms. Hartley talk to someone at the schools. Council Member Walden asked if they were accepting donations of books. Ms. Hartley said that they were accepting donations of books for all age groups.

**Motion: Council Member Miller motioned to accept the proposal.**

**2<sup>nd</sup>: Council Member Ransom Passed 4-0**

**4.) Discussion of a proposal from the Art Guild (they would like a place to meet on Tuesday nights once per month. They would be willing to organize Founder's Day in exchange for use of one of the meeting rooms in the gym.) - Mrs. McIntosh**

Mrs. McIntosh addressed the council. She said, that in an effort to do her part to change our community she would like to form the West Georgia Art Guild to include neighboring towns and counties. The purpose of this Art Guild would be to share experiences and eventually teach free classes and pass on skills to young people in the community. She requested that the City provide a

room where they could meet on a monthly basis. Instead of paying for that space the Art Guild would take on all of the planning, coordinating and execution of the annual Founder's Day celebration. Council Member Ransom wanted to clarify that the Art Guild would be a non-profit group and Mrs. McIntosh verified that they would be non-profit. Council Member Miller asked if a waiver would be necessary. City Attorney Daley said that we should do a "hold harmless" waiver. Council Member Ransom asked about the details of offering art classes. Mrs. McIntosh said that part would be further down the road and that the organization of those has not been worked out. Council Member Ransom clarified that she wanted to be sure that when it got to that point that the Art Guild would still be operating as a non-profit.

**Motion: Council Member Ransom motioned to accept Mrs. McIntosh's offer on the condition that the Guild get and maintain their non-profit status that they work within the schedule provided by the Recreation Department Director and that they execute a waiver from the City.**

2<sup>nd</sup>: Council Member Miller Passed 4-0

**5.) Discussion of the use of Sr. Citizen Center by the Rapha Clinic to provide free community seminars - Mrs. McIntosh**

**Motion: Council Member Miller motioned to remove this item from the agenda.**

2<sup>nd</sup>: Council Member Bracknell Passed 4-0

**6.) Consideration of appointment of Insurance Agent of Record – resume review**

Mayor Harmon addressed the City Administrator, Mr. Hill saying that the council had requested insurance quotes and not resumes for insurance agent of record. Mr. Hill explained that the normal course of business is to select an agent of record and then that agent shops the market for the best rates from insurance providers. Mr. Hill said that all insurance companies will not provide quotes before your selection of an agent of record. Mayor Harmon said, they won't? They used to. Council Member Ransom asked if we only had four responses to the RFP for Insurance Agent of Record and if those four would provide us with quotes. Mr. Hill said that not all four will provide a quote without first being appointed the agent of record. Mr. Hill said that our current representative is Carroll Realty and that Leigh Shirley will become our agent of record with the next renewal, May 31<sup>st</sup>. Council Member Ransom said that she had been told that GMA shops this out and someone had asked why we are not using GMA. Council Member Miller said that usually their agent of record shops several companies and brings them the numbers but that they have never had several agents of record come in with quotes. Council Member Ransom asked why aren't we using the same GMA service used in Villa Rica? Council Member Miller said that she was supposed to get that information and had not had the opportunity to do it yet. Council Member Ransom said that she wanted to see how cost effective the GMA plan might be. City Attorney Daley explained that the GMA plan is similar to the county plan in that it is a self insured pool and that it is handled differently than the private market. Council Member Miller asked if we could still ask Leigh Shirley to provide a quote for insurance services? Mr. Hill explained that the biggest difference between the agents is their relationships with the different insurance providers. Council Member Ransom asked if the health insurance was also up in May? Mr. Hill said that he spoke with GMA and our health plan runs from Jan. to Dec.. Council Member Ransom said that she wants GMA to be able to get us some type of quote. City Attorney Daley said that her understanding is that the insurance companies get quotes from the same public underwriters and that the reason that they ask for the designation of agent of record is so that they are not stepping on each others' toes when they

carry your product to the market. Council member Ransom asked if there was some sort of law that prevented us from getting quotes from more than one company before selecting an agent of record? City Attorney Daley said that there is no law preventing us from asking but that the normal course of business is to select an agent of record first. Council Member Walden asked then wouldn't we be better off going with a larger rather than a smaller firm? City Attorney Daley said that typically Public Risk Underwriters will be the major underwriter for public policies but that there are about 4 or 5 companies that write public policies. City Attorney Daley said that since GMA is a private self insured fund that you do not have to have an agent of record to go with them and that all you have to do is call them to get a quote.

**Motion:** Council Member Bracknell motioned to get a quote from GMA and table the decision to appoint an agent of record so that we can compare the private and public market.

2<sup>nd</sup>: Council Member Miller **Passed 4-0**

### **7.) Report on irregularities in the City Clerk's office**

City Administrator, Mr. Hill, presented a report which detailed how the former City Clerk received and used sick hours from the former Chief of Police, Tim Shaw, which was clearly outside of City policy but in the opinion of the County District Attorney did not meet the criteria of criminal. Council Member Ransom pointed out that the former City Clerk was the only one in the position to determine how many sick leave hours each employee had and now there is no way to prove that he really had the hours to give because she was the one who kept up with the accumulation. Council Member Ransom expressed concern over the validity of the 196 hours of vacation leave that Tim Shaw cashed in before he left the City. She questioned if he really had those hours or if his leave time and sick time had been altered by the former City Clerk. She also said that she believes that it is these checks that did not show any federal tax deductions are the cause for our underpayment of federal taxes. Council member Walden asked if anyone has verified that Tim Shaw even had sick hours to give? Council Members Ransom and Walden asked if we can look at the records and verify how much vacation and sick leave Tim Shaw had actually accrued. Council Member Ransom said that if they just made up hours then she has a problem with that. She said that if there is a way for whoever works in that position to simply enter hours for people they like then the people of Temple need to know. Council Member Walden said that the bottom line is that we have a clerk who took 66 hours that she was not entitled to. Council Member Miller said that with the information that has been provided if the City Clerk had asked if she could this then she would have agreed to let her have the transfer. However, with just this information she is not prepared to make a decision. There was a consensus of council to direct the City Administrator, Mr. Hill, to get the information regarding the sick and vacation leave of Tim Shaw.

Council Member Walden pointed out that on the "Donated Sick Leave Policy" item #7 said that the City of Temple will not release information pertaining to shared leave donations. He said that this information should be open record. Council Member Ransom suggested that the Shared Leave Policy be on the agenda for the next called meeting to address any changes that might need to be made.

City Administrator, Mr. Hill, said that he would try to get a complete history of the vacation and sick leave of Tim Shaw earned vs. taken. Council Member Ransom *asked if it was these checks to Tim Shaw or the check to Angie Costner that caused the shortfall of the payment to the IRS?* ~~said that she also wanted to know what produced the error on the federal taxes and if this is related to the shortage.~~ She also wanted to make sure that we are not holding on the money that should be paid in

taxes. Council Member Walden said that this is just another example of why we need a forensic audit. Citizens Debbie McIntosh, Richard McIntosh, Eric Decoff, Donna Shaw, Larry Mann, Jerry Segal and Linda Walden each spoke expressing their views and concerns on the situation.

Mayor Harmon said that this would be put on the agenda for the next called meeting.

**8.) Ratification of the Temporary Employment Contract with Pat Cook**

**Motion: Council Member Bracknell motioned to ratify the contract.**

**2<sup>nd</sup>: Council Member Miller Passed 4-0**

**9.) FY2014 Budget Ordinance First Read**

City Attorney Daley read the Ordinance in its entirety. Council Member Walden made sure that this Ordinance also covered the requirements as defined in the city charter.

**10.) A RESOLUTION TO ESTABLISH A TEMPORARY SALARY ADJUSTMENT FOR INTERIM DEPARTMENT HEADS AND A TEMPORARY SUPPLEMENT FOR CITY HALL STAFF**

Mayor Harmon said that the council does not need a resolution to adjust the salaries for the interim department heads. City Attorney Daley said that she felt that the council does need to take some action just to be clear that the pay is retroactive to the date of appointment. Council Member Miller said she also wanted to include Cindy and Lynn at the \$50 extra pay per week because they have taken on a large amount of duties. Mrs. Cook said that there has been an increase in public records requests and that these girls are doing a great job and if the council can give them some more money she asks that you do it. Council Member Ransom said that changing the pay for the interim positions does not require a resolution but asked how we change the pay scale for 2 employees. City Attorney Daley said that it was her understanding that this was not a change in pay scale for Cindy and Lynn but that it was temporary in nature until a full time City Clerk is hired. Council Member Walden said that the charter section 3.14 would require an amendment to the pay plan in order to change the pay of an employee. City Attorney Daley said that it was her understanding that this was for a short time and just to compensate for additional duties. Council Member Ransom asked if the City Hall staff were being paid overtime for their extra work. So in essence would they get extra money as well as over-time. Council Member Miller asked to discuss how the duties from the Code Enforcement office would be handled (which is actually agenda item 12) now. Mayor Harmon said that the City Administrator could discuss this now. City Administrator, Mr. Hill, said that he would like to address item number 10 first. Mr. Hill said that the council did discuss increasing the pay of the interim department heads in a work session but the council did not take any action. Council Member Ransom said that since the council was not doing anything other than giving the pay that goes with the interim position that they should have been making that it did not require any action from the council. *There was no action on the resolution.*

**Motion: Council Member Ransom motioned to pay the department heads retroactively to the salary in the positions that they had stepped up to fill until such time as they are no longer in those positions.**

**2<sup>nd</sup>: Council Member Bracknell Passed 4-0**

Council Member Ransom then said that was her understanding that the codes office would become a revenue generator and that we do not need to add anything to the budget for the Codes Enforcement. City Administrator, Mr. Hill said that he spoke with Ben Skipper, Community Development Director for Carroll County, and he likes the arrangement that the County has with Villa Rica and he recommends that we do likewise. Under this arrangement we would collect a percentage of the revenue, issue the permits and issue the certificate of occupancy. This would provide us with revenue and control. That would keep our work to a minimum for building permits. As for nuisance Code Enforcement that is being handled jointly through the Police department and the City Administrators office. Council Member Ransom said that was why she asked in the budget workshop if we needed to put some money in a line item to pay the county for inspections. Council Member Ransom asked if something needed to be put back in the budget to pay someone on a contract basis to perform inspections. Council Member Ransom said that when it comes to the codes there should be no duties absorbed in the office from not having a codes person. She said that things like e-verify should not be under codes and that we should be able to save money by not have someone on codes. Mr. Hill explained that the codes enforcement officer was doing business licenses and the e-verify duties that are associated with that. However, that is typically a City Clerk duty. Other responsibilities that were in the code enforcement office like nuisance abatement and answering zoning question questions are still being done mostly through the City Administrators office and the Police Department. Mayor Harmon asked Pat Cook if she used to handle that as a City Clerk and she said that she did. Mayor Harmon said that the City Clerk has always handled these things. Council Member Ransom asked if the deadline for submitting an application for City Clerk had passed. Mr. Hill said that it had passed. Council Member Ransom said that she did not recall when the council had instructed the City Administrator to advertise the position. She had seen it on the website and was surprised to see it there. Council Member Bracknell said that he recalled that the council had stated that we needed to fill this position as quickly as possible when the budget was approved because the position of City Clerk is a critical position. Mr. Hill said that we have 11 applications in hand for the position of City Clerk and he is waiting from direction from the Council on when they would like to review the applications. Council Member Ransom said that since the hiring process has closed we are going to be at a point where we are ready to fill the position. She said that it may be more feasible to do some type of thank you because they were making overtime while performing the extra duties and they were compensated for their extra effort it would make more sense to her to do some type of gift of appreciation for stepping up during this hard time. Pat Cook said that she knows that the ladies in City Hall feel under-appreciated and that they are doing a very hard job trying to keep up with everything and she can't be there every day to help. Council Member Ransom said that there has been so much confusion about what was and wasn't done and them not being trained on some of the jobs that they maybe should have been doing so before we go into the changing of the pay scale we need to be sure to look at their job descriptions. Mayor Harmon said that he has personally told the ladies in City Hall how much he appreciates their efforts but he thinks that other people are feeding this attitude. City Administrator, Mr. Hill said that he did not think that either Cindy or Lynn had worked more than 6 hours of overtime since the City Clerk resigned. Council Member Ransom said that they are not the only ones in the city stepping up to the call and taking on additional duties and that we should find some way to say thanks later. Furthermore, she said that once we have appointed a new City Clerk then the job duties need to be better defined in City Hall. Council Member Ransom wanted all of the City employees that she takes their grievances seriously and that will look into them and research the facts and she wants them to know that they can come to council meetings and ask questions of the council. She said it is this active process of listening to the employees that shows appreciation.

11.) **Discussion of removing the Administration fee from the water bill (Council Member Walden)**

**Motion:** Council Member Walden motioned to remove the \$2.00 administration fee along with the \$12.66 debt service fee on the water bill only for a total of \$14.66 removed from the water bill only. The base charge would stay and the sewer fee would stay like it is. This would apply to water billing only and for customers with a consumption of less than 50,000 gallons per month.

2<sup>nd</sup>: Council Member Ransom

Council Member Walden said that there are only 15 to 18 customers that are using over 50,000 gallons per month. Council Member Miller asked if we could afford to do this and the budget still operate or do we need to crunch some numbers to make sure we can afford this. Council Member Walden said that Mr. Hill told us that we could remove \$14.00 per month. Council Member Walden said that he thinks that we need to line up someone to help us to restructure the water rates. Mayor Harmon said that Jim Baxley has agreed to come and talk to the council. Council Member Ransom asked that Mr. Baxley be added to the called meeting agenda.

Motion passed 4-0

Mayor Harmon asked when the council wanted to schedule the called meeting. Council Member Ransom asked that since the primary reason for the meeting was for the GMA quote then the question is how long will it take to get a quote from GMA. Council Member Miller volunteered to get the quote from GMA. The special called meeting was set for April 15<sup>th</sup>.

12.) **Discussion of the future of the responsibilities in the Codes Enforcement office**

This item was discussed under item number 10.

**OLD BUSINESS**

1. **Full Report on 2008 SPLOST Expenditures by project**

City Administrator, Mr. Hill presented the council with the 2008 SPLOST projects as they were presented in the referendum and a listing of what had been spent under each project heading to date and all of the deposits that have been deposited in the bank account. Council Member Ransom said that from the print outs that she has this total is off. She also asked if this includes where money was put back in like the land that was purchased on Rainey Road the County gave us \$55,000 back after that purchase. She also said that we need to make sure that these are actually SPLOST projects. For example, a service call from Dean Grading should that have been a General Fund expenditure and maybe not a SPLOST expenditure. She said that the only one that looks exactly like it should is the Sr. Center. City Administrator, Mr. Hill said he cannot account for the explanations for the expenditures because he was not here, but this report is an accurate reflection of the receipts and check registers for the 2008 SPLOST expenditures. Council Member Walden said that he had come to City Hall and asked about the apparent \$50,000 value on the police trailers and that maybe Mrs. Daley can answer some of this. Council Member Walden asked if Mrs. Daley was familiar with the two trailers that were donated to Temple. Mrs. Daley said that it was her

understanding that it was a donation. Council Member Walden said that for some reason the trailers show up in the computer report as donations but there is \$50,000 as a debit to the SPLOST account. Mrs. Daley said that she was not familiar with the report that he was looking at and did not know what the transaction was representing. Council Member Miller said that perhaps the best person to ask about that would be Kim Pope. Council Member Walden said that Kim was supposed to be available from Jan. 1<sup>st</sup> through the end of March if we needed her. It was his understanding that she could have done all of the closing out and all of the stuff that Pat Cook and Brenda Norton has done. Council Member Miller said that she had spoken with Kim Pope after one of the meetings in January where she felt that she had been thrown under the bus and she told Kim not to stress herself and that if she felt she could not handle it that she should not come up to City Hall to work. Council Member Ransom said that she had spoken with Kim Pope and that she said that is willing to come up to City Hall and help out as needed.

**Motion:** Council Member Miller motioned to amend the agenda to allow Kim to come and work on as need basis to include a way to track her time and that she could be contacted by the council or the administrator and that she be paid at the same rate as the former City Clerk.

2<sup>nd</sup>: Council Member Ransom **Passed 4-0**

**Motion:** Council Member Miller motioned to enact the previous motion.

2<sup>nd</sup>: Council Member Ransom **Passed 4-0**

2. **Motion to engage Garrett Thomas & Fazio, P.C. to perform the Financial Audit for Fiscal Year 2013**

**Motion:** Council Member Bracknell motioned to approve the agenda item.

2<sup>nd</sup>: Council Member Miller **Passed 4-0**

3. **Discussion of request for proposals for Forensic Audit (Council Member Ransom)**

Council Member Ransom said that she ~~had not received the email~~ *has not been able to access her city email after repeated attempts to reset the password and get help from our provider from Council Member Miller* but that she had seen the RFP that City Administrator, Mr. Hill, had put together which was completely not what she had discussed doing when the council had decided to do this. Council Member Ransom said that she discussed a Request for Qualifications (RFQ) where we would take some names of firms that were given to us from GMA the council would then look at those names and if anyone on that list of manes had any connection with anyone on council then they would have to say that they are connected with them. Then we would send out the requests between those companies. Mayor Harmon said that he thought that we were only going to work with the firms that were recommended by Pam Helton from GMA. Council Member Miller said that she did receive four (4) names of firms from Pam Helton and she forwarded that information. However, Council Member Ransom was under the understanding that Mr. Hill wanted to open the proposal those recommended by GMA as anyone else who wanted to submit a proposal, but that is not how she wants to do it. Council Member Ransom said that what she is after is a non-biased audit. Council Member Ransom said that Pam Helton told her that GMA had a list of auditors that they were familiar with and she sent that list can we just ask for qualifications from the names on that list. Mayor Harmon said that he wanted to get the qualifications from the list of firms recommended by GMA and he wants the City Council to be able to pick from that group. City



Attorney Daley said that there is no law that prevents the City from doing just that. City Administrator, Mr. Hill said that the list that Pam Helton sent is not a list of referrals. Instead it is a list of firms that have bought a booth as exhibitors in GMA conventions. Council Member Ransom said that in her opinion this is a way to find non-biased firms to perform this audit.

**Motion:** Council Member Miller motioned that we send only those firms referred by GMA a request for information and generic prices for services.

**2<sup>nd</sup>:** Council Member Ransom **Passed 4-0**

Former Council Member Larry Mann spoke to the council and asked why the news was reporting hundreds of thousands of dollars missing. Council Member Ransom responded and said that the money was not accounted for and not necessarily missing.

4. AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF TEMPLE, GEORGIA, CHAPTER 22, OFFENSES AND MISCELLANEOUS PROVISIONS, BY ESTABLISHING A NEW ARTICLE, ARTICLE VI – JUVENILE CURFEW

**Motion:** Council Member Miller motion to approve the ordinance as read.

**2<sup>nd</sup>:** Council Member Bracknell **Passed 4-0**

**MAYOR AND COUNCIL CLOSING COMMENTS:**

**Mayor Lester Harmon:** said that he thinks that this group up here is trying to get along but until all of this stuff is stopped in the community out there we are making progress that the council just voted unanimously to lower the water rates is a starting point. He said that a lot of progress has been made.

**Council Member Penny Ransom:** said that she was very proud of the motion to lower water rates and that she is very appreciative of the way that the Mayor allows public input. She also said that she also has an open door policy for the employees.

**Council Member Howard Walden:** said that this has been a productive meeting and he thinks that things will get better and he also thanked Jerry Segal for his attendance and interest. He also wanted all of the employees that he has an open door policy if they ever feel the need to talk to him.

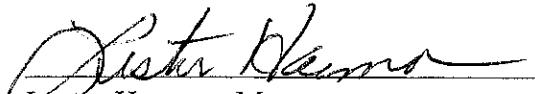
**Council Member Hiley Miller:** Please remember the Backpack program and on the SPLOST we paid for the live streaming of meetings and she would like for us to look into getting that system up and running. She can't recall that it has ever worked to allow live streaming, but maybe it is still under warranty. Also she would like to see the council get along and that she is tired of defending herself and the council.

**Council Member Richard Bracknell:** None

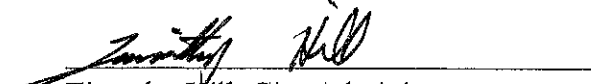
City Administrator, Mr. Hill reminded everyone that there is a public hearing on the budget April 8<sup>th</sup>, 2 consecutive special called meetings on April 15<sup>th</sup> and public hearing for the next emergency budget on April 17<sup>th</sup> and a special called meeting on April 24<sup>th</sup> to adopt the third emergency budget.

**ADJOURNMENT:** **Motion:** Council Member Walden **2<sup>nd</sup>:** Council Member Ransom

Passed 4-0

  
Lester Harmon, Mayor

Attest:

  
Timothy Hill, City Administrator

**Corrections are in Italics**