

Minutes February 3, 2014

**CITY OF TEMPLE MINUTES  
REGULAR MEETING OF  
TEMPLE CITY COUNCIL  
MONDAY, FEBRUARY 3, 2014 @ 6:30 PM  
TEMPLE CITY HALL**

**CALL TO ORDER:**

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 William Simmons; Council Member Howard Walden and Council Member Penny Ransom

**INVOCATION:** The invocation was given by Mrs. Dorothy Calloway

**APPROVAL OF THE MINUTES**

Mayor Harmon waived the reading of the January minutes. No action was taken on the January minutes.

**REPORT FROM CHIEF OF POLICE**

Council Member Ransom asked for clarification of the process for putting things on the meeting agenda. This item was not presented as an agenda item as she expected. One thing on the agenda that particularly concerned her is that there was an agenda item to pass a resolution to amend the 2014 budget. She pointed out that the FY2014 was not passed by ordinance as it is called for in the City Charter. After some discussion of the fact that even the FY2013 budget had not been passed properly according to the charter, the Mayor then declared that since a City budget had not been passed according to the charter that he did not feel it was appropriate to sign checks on a budget that was quasi-passed by resolution instead of by ordinance.

Chief Melvin Langford reviewed the activity reports that he handed out during the meeting. Council Member Ransom specifically wanted to discuss the recent beating of a young boy and how the Police department shared information to the public. Chief Langford said that there was one person in custody and that the investigation was still process. Council Member Ransom also wanted to address how we share information on Face book. Council Member Ransom in general wanted to address how information has been shared from the Police Department to Council Members in the past and how it will happen in the future. In the past information was shared through the committee meetings. Chief Langford said he would work on how to keep the Council informed in the future.

There was then some public comment from unknown persons regarding crimes in the community. The Council requested that their concerns be put in writing.

City Administrator Hill asked the Council what information do you want the police to share with you? Mayor Harmon said that he would like to know when there have been felonies committed in Temple or when we have general safety problems the Council may have equipment that can be used to help ensure public safety.

## CITY ADMINISTRATORS' REPORT

- **Report on Recreation Capital Projects**  
The storage building is 90% complete
- **Police Department Policy Manual**  
A proposed Police Department Policy was given to the Council
- **Changes in the Codes Department**  
Frank Winfrey resigned. City Administrator suggested that perhaps the duties of this position could be contracted out instead of looking to fill the position. Council Member Ransom asked that this be brought up in the budget development process. Mayor Lester suggested that anyone in this position should be certified to do inspections.
- **Presentation of Proposed Capital Improvement Budget**  
City Administrator Hill explained that the City had not adopted a Capital Improvement Budget by ordinance as called for in the charter. A proposed Capital Improvement Budget was provided to the Council for their input. Mayor Lester suggested that a workshop would be the appropriate place to work on the proposed Capital Improvement Budget. Council Member Ransom read section 6.24 of the City Charter which explained that first an ordinance must be passed which explains "requirements as to the scope, content and form of such budgets and plans." This must be done first. A workshop was set for Thursday Feb. 6, 2014 at 5pm. With a special called meeting to follow directly after to look at the budget.
- **Full Accounting Balance for all City Bank Accounts**  
City Administrator Hill read out the balances of each of the City's bank accounts and CDs. Council Member Ransom questioned whether or not it was legal for the City to take "excess revenue" from the Water & Sewer fund and purchase CDs. She asked that this be looked into.
- **Report on Administration Building Progress**
  - Funds Spent to Date
  - Projected Expenditures
  - Current Pay Requests

Council Member Ransom wanted to make sure that the funds were actually spent out of SPLOST funds and not the General Fund. Council Member Ransom reiterated the rules that the City should be following for SPLOST expenditures. City Administrator Hill presented the contractor's current pay request. Mayor Harmon reiterated that he felt that since there was no Capital budget and an improperly passed operating budget that he would not be signing any checks. Council Member Ransom read from the charter section 6.29 where it states that "the City Council shall not authorize an expenditure for the construction of any building, structure, work or improvement unless the appropriations for such projects are included in the capital budget, except to meet a public emergency..." Council Member Ransom also read from the charter where the vote for the contract is required to be recorded in the minutes of the City. City Clerk Costner retrieved the minute book. Council Member Ransom asked if the contract was conforming to the new GA State Contracting Laws. Contract Engineer Hughes Ray addressed the question and said that the GA State Contracting Construction Laws were followed. City Clerk Costner confirmed that the vote to enter into the construction contract with Benchmark Construction was not recorded in the November 4, 2013 minutes. Council Member Walden pointed out that in one of the December meetings that the Nov. 4, 2013 minutes were approved and the contract was not listed in the minutes. Council Member Ransom stated that due to the failure to follow these rules listed in the Charter she does not think that we are legally in a contract. City Attorney Daley said that when she was here in November they did vote to approve the contract. City Attorney Daley recommended that this item be tabled until some of these questions can be more directly addressed.

Council Member Miller made a motion to amend the agenda to take a vote on continuing the Administration Building. Seconded by Council Member Bracknell. Motion Passed 5-0

**Amended Item: CONSIDERATION OF CONTINUING THE ADMINISTRATION BUILDING:**

Council Member Miller made a motion to table the expenditure until we have all of the information. Seconded by Council Member Ransom. Motion Passed 5-0

Mayor Harmon asked Howard Ray and City Administrator Hill to please inform the contractor to cease work.

**OLD BUSINESS:**

**1.) RESOLUTION TO AMEND THE 2014 OPERATING BUDGET:**

Motion to Approve: \_\_\_\_\_ 2<sup>nd</sup> \_\_\_\_\_ Unanimous: Yes/No \_\_\_\_\_

Removed from the Agenda (see below)

**NEW BUSINESS:**

**1.) CONSIDERATION OF TESTING CONTRACT THROUGH HUGHES RAY INC.:**

Motion to Approve: \_\_\_\_\_ 2<sup>nd</sup> \_\_\_\_\_ Unanimous: Yes/No \_\_\_\_\_

Removed from the Agenda (see below)

**2.) PERMISSION TO MOVE THE POLICE TRAILERS USING 2008 SPLOST FUNDS:**

Motion to Approve: \_\_\_\_\_ 2<sup>nd</sup> \_\_\_\_\_ Unanimous: Yes/No \_\_\_\_\_

Council Member Ransom made a motion to amend the agenda to remove "Old Business Item #1" and "New Business Items #1 and #2." Seconded by Council Member Miller. Motion Passed 5-0

Contract Engineer Howard Ray expressed some concern over the open dirt at the construction site. Mr. Ray asked for permission to work the City Administrator Hill to arrange for erosion control to prevent any EPD violations on the site.

Council Member Miller made a motion to amend the Agenda to allow for the City Administrator and Howard Ray to expend only those funds necessary to prevent the erosion that would put the worksite out of compliance with the EPD permit. Seconded by Council Member Bracknell. Motion Passed 5-0

**Amended Item: Allow for the City Administrator and Howard Ray to expend only those funds necessary to prevent the erosion that would put the worksite out of compliance with the EPD permit:**

Council Member Ransom motioned to allow seeding and hay at a low cost to be billed after we have adopted a budget. Seconded by Council Member Walden. Motion Passed 5-0

**3.) PERMISSION TO DESTROY CERTAIN RECORDS FROM STORAGE:**

Council Member Ransom motioned to destroy any document that is like a carbon copy personal checks via shredder. Seconded by Council member Simmons. Motion Passed 5-0

4.) ~~CONSIDERATION OF THE ENGAGEMENT LETTER FROM Garrett, Thomas & Fazio, P.  
C. FOR THE ANNUAL AUDIT:~~

Council member Miller made a motion to amend the agenda to allow for the removal of "New Business item #4." Seconded by Council Member Ransom. In discussion, Council Member Ransom suggested that perhaps we should consider bidding out the audit every 5 years. Motion Passed 5-0.

Council Member Walden made a motion to remove "New Business item #4" from the agenda. Seconded by Council Member Miller. Motion Passed 5-0

PERSONNEL:

1.) PROPOSAL TO ADD A DONATED SICK LEAVE POOL TO THE PERSONNEL POLICY:

Council Member Miller made a motion to add this to the Personnel Policy. Seconded by Council Member Bracknell. Motion Passed 4-1 with Council Member Walden opposed.

2.) CREIG LEE: City Administrator Recommendation

Mayor Harmon requested from City Administrator Hill a copy of the resolution to open an investigation into Craig Lee. There was no resolution. Council Member Ransom read section 2.31 of the charter. City Attorney Daley said that this was an internal investigation and did not fall under the rules of this section of the charter. Council Member Ransom said that there is not sufficient documentation in the employee file to validate any action. There were a number of unidentified people who spoke about the virtues and shortcomings of Mr. Creig Lee as an officer.

**Due to technical difficulties the City of Temple does not have a recording of the proceedings past this point. The remainder of these minutes have been taken from the notes of City Clerk Costner.**

Council Member Miller made a motion to take no further action against Creig Lee. Seconded by Council Member ~~Bracknell~~ Ransom. Motion Passed 5-0.

3.) RECOMMENDATION OF NEW WATER & SEWER EMPLOYEE: City Administrator Recommendation

To the best of my recollection, this item was not addressed. Due to the lack of a budget this item was probably removed from the agenda. However, there are no notes indicating who made any motions or seconds or votes regarding this item.

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**MAYOR AND COUNCIL CLOSING COMMENTS:**

**Mayor Lester Harmon:**

Mayor Harmon said that he appreciates all of the citizens who took the time to come to the meeting and he appreciates their comments and input.

**Council Member Penny Ransom:**

Council Member Ransom said that she appreciates everyone coming to the meeting and participating in healthy government.

**Council Member Howard Walden:**

Council Member Walden said that he appreciates everyone staying for this long but productive meeting.

**Council Member Hiley Miller:**

Council Member Miller asked the people to please remember the back pack program that serves needy children weekly. She also reminded people that the meeting on Thursday would be at the Recreation Department.

**Council Member William Simmons:**

No comment

**Council Member Richard Bracknell:**

Council Member Bracknell said that he was happy to see everyone interested in their government.

Council Member Bracknell made a motion to adjourn; seconded by Council Member Miller. Motion Passed 5-0

  
Lester Harmon - Mayor

Attest:

  
Timothy Hill - City Administrator

Underlined corrections based on March 10, 2014 Council Meeting