

**RESCHEDULED REGULAR MEETING OF TEMPLE  
CITY COUNCIL MINUTES  
March 10, 2014 – 6:30 PM  
TEMPLE CITY HALL**

**CALL TO ORDER:** By: Mayor Harmon                      Time: 6:30PM

Mayor Harmon called the Council Meeting to order at 6:30pm with the following members present constituting a quorum: Council Member Hiley Miller; Council Richard Bracknell; Council Member William Simmons; Council Member Howard Walden and Council Member Penny Ransom

**INVOCATION:** By: Mayor Harmon

**Report from City Administrator**

City Administrator, Mr. Hill reported;

- that due to the lack of a full staff in City Hall that he has been closing City Hall during the lunch hour (12 to 1) to ensure the safety of our employees.
- Contractor Ty Dyer, who is constructing the Recreation Storage building, will complete the sides as soon as the weather permits so that this does not present a safety hazard.
- We have received a check from the GA DOT LMIG grant in the amount of \$37,516.37. The County estimated the cost of the LMIG project at \$44,704.00.
- That over the weekend of March 8<sup>th</sup> an expensive computer part broke at the Waste Water treatment plant and that our operator, David Henson, had to operate the plant by hand for a period of time but he was able to keep us in compliance while the repair was being made.
- That we now have the answers from Benchmark Construction to the questions that the council had presented at the last meeting.

**OLD BUSINESS**

City Administrator, Mr. Hill, read all of the following minutes in their entirety.

Motion to approve meeting minutes from Jan. 6, 2014

**Motion to Approve:** Council Member Miller    2<sup>nd</sup>: Council Member Walden:    Motion Passed 5-0

Motion to approve meeting minutes from Jan. 14, 2014

**Motion to Approve:** Council Member Miller    2<sup>nd</sup>: Council Member Simmons:    Motion Passed 5-0

Motion to approve meeting minutes from Feb. 3, 2014

**Motion to Approve:** Council Member Simmons    2<sup>nd</sup>: Council Member Walden:    Motion Passed 5-0

Motion to approve meeting minutes from Feb. 6, 2014 (Meeting 1)

**Motion to Approve:** Council Member Miller    2<sup>nd</sup>: Council Member Ransom Motion:    Passed 5-0

Motion to approve meeting minutes from Feb. 6, 2014 (Meeting 2)

**Motion to Approve:** Council Member Walden 2<sup>nd</sup>: Council Member Simmons Motion: Passed 5-0

Motion to approve meeting minutes from Feb. 7, 2014

**Motion to Approve:** Council Member Simmons 2<sup>nd</sup>: Council Member Miller: Motion Passed 5-0

Motion to approve meeting minutes from Feb. 21, 2014

**Motion to Approve:** Council Member Miller 2<sup>nd</sup>: Council Member Simmons: Motion Passed 5-0

1.) **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 :**

First Read by City Attorney Cynthia Daley

2.) **Motion to start the process for the next 30 day emergency budget to cover March 25<sup>rd</sup> to April 23<sup>nd</sup> :**

Council Member Bracknell noted that we have been without an operating budget since Feb. 3<sup>rd</sup> and he questioned whether or not we could still classify this as an emergency. Mayor Harmon specified that the cause of the state of emergency was the failure to pass the budget by ordinance. Council Member Ransom said that the emergency was to fund the necessary functions of the City with taxpayer dollars under an approved and properly passed budget. Attorney, Cynthia Daley, said that the Council may be getting into dangerous ground if they did not take any action to get a budget and continued to operate under emergency budgets. She clarified that “lack of action” would not justify an emergency.

**Motion to Approve:** Council Member Miller 2<sup>nd</sup>: Council Member Walden: Motion Passed 5-0

3.) **Motion to approve the corrected minutes from November 4, 2013 Council Meeting:**

Mayor Harmon asked the City Administrator, Mr. Hill, who requested that these minutes be corrected. Mr. Hill said that in a previous meeting it was discovered that these minutes had not been recorded properly and so he took it upon himself to see that they were corrected and presented. *Mayor Harmon noted that Mr. Hill took it upon himself to correct the Nov. 4, 2013 minutes while we did not have the Feb. minutes completed which was the reason that the meeting had to be postponed.* Since Mayor Harmon was not present or in office for the Nov. 4<sup>th</sup> meeting, he excused himself from the meeting and asked Mayor-Pro-Tem, Hiley Miller to take over this item. Mr. Hill read the minutes in their entirety.

Council Member Ransom asked City Attorney, Cynthia Daley, when she had signed the construction contract with Benchmark Construction. Mrs. Daley said that she did not sign it

until after Jan 1, 2014 and that she only signed it to approve it "as to form." Council Member Ransom said that the contract was not officially approved until it was approved "as to form." Mrs. Daley said that the Council actually approves the contract and she only approves them to make sure that the City is protected. Council Member Ransom asked if the contract was effective until the City Attorney had approved "as to form." Mrs. Daley said that it was approved when the Council voted on it.

Council Member Walden noted that he had a copy of approved and certified minutes dated as Nov. 4, 2013 minutes and they are different from what Mr. Hill had read and that he was not an elected official in November 2013.

**Motion to Approve:** Council Member Bracknell 2<sup>nd</sup>: Council Member Simmons: Motion Passed 3-0 with Council Member Ransom and Council Member Walden abstaining

**4.) Discussion of the Administration Building Contract:**

Mayor Harmon explained that the current City Hall was a SPLOST project and when the building was purchased the project was completed. He did not think that one could continue to spend on a completed project.

City Administrator, Mr. Hill, asked what the City Council what they would like to do with the project. We are currently on hold.

Council Member Ransom said that once the 1998 SPLOST money was spent to buy the current City Hall that it may not have been legal to use the 1998 SPLOST to purchase the Sewell building site. Furthermore, she asked how has the City spent any of this money without a properly passed capitol budget.

Mrs. McIntosh came forward and said that she did not feel that the City had the money to even start this project. She said that we do not want this project and we cannot afford it.

Council Member Simmons said that he personally would like to see the project completed even if it meant that we would have to use 2015 SPLOST money. Mrs. Daley was hesitant to give clear advice for fear of giving a road map to anyone who might choose to sue the City.

Council Member Ransom said that it is clear that the cost for a fully functional building that the price is not \$1.4 million. Instead the real cost is closer to \$2 million.

**5.) Motion to approve unforeseen expenditures not detailed in EXHIBIT A – Temple Temporary Operating Budget for the period of Feb. 21, 2014 to March 22, 2014:**

Motion to approve \$11,200 in expenditures for the recreation department to be accounted for in the next 30 day budget

**Motion to Approve:** Council Member Miller 2<sup>nd</sup>: Council Member Simmons: Motion Passed 5-0

~~**Motion to Approve:** Council Member Miller 2<sup>nd</sup>: Council Member Ransom: Motion Passed 5-0~~

**NEW BUSINESS**

**1.) Appointment of Comprehensive Plan Steering Committee**

Mayor Harmon asked the City Council for recommendations to serve on the committee. He took the recommendations and appointed the following people.

**Mayor's Appointments**

1. Gerald Powell
2. Richard McIntosh
3. Randy Williams
4. Dawn Adkins
5. Burt Stevens
6. Sandra Stillwell
7. Interim Police Chief James Thorn
8. Council Member Howard Walden
9. Dorothy Callaway
10. Jeremy Ralston

**2.) Request from Temple High School Principal to waive the fee of \$150 for their new sign**

Council Member Ransom asked if were required to do this and is it just a formality. City Attorney, Cynthia Daley, said that this is just a formality. Council Member Walden asked if the sign complies with the sign ordinance. City Administrator, Mr. Hill, said that he had them complete an application and provided them with the requirements to meet with the ordinance and that the sign as they have described it does comply with the regulations.

**Motion to Approve:** Council Member Miller 2<sup>nd</sup>: Council Member Simmons: Motion Passed 5-0

**3.) Set Workshop Dates for addressing the FY2014 Operating Budget and the FY2014 Capital Improvements Budget and prerequisite budget ordinances:**

City Administrator, Mr. Hill, informed the Council that we need to have a budget that the Council agrees on by or before April 3, 2014 in order to have time to advertise the budget and pass it by ordinance. Pam Helton from the Georgia Municipal Association has agreed to meet with us at our first workshop and provide us with some guidance with these issues. After some discussion, Mayor Harmon called the following workshop dates and times.

Workshop #1 (Date / Time / Place): Thursday, March 13, 2014 5:30pm @ City Hall

Workshop #2 (Date / Time / Place): Monday, March 17, 2014 5:30pm @ City Hall

**4.) Discussion to address how many people and who has keys to City Hall and other City Facilities: (Requested by Council Member Howard Walden)**

City Administrator, Mr. Hill, reported the following people have keys:

City Hall – Lynn Nixon, Cindy Sanders, Timothy Hill, Tina Duncan, Lester Harmon, Tommy Freeman (key but no alarm code)

Gym – Thad, Joe, Brandon, Tommy, Robert, Sandra Stillwell

Sr. Center – Tommy, Sandra, Thad

Water Dept. Gates – Tommy, Thad, Cody

Council Member Ransom asked when the codes to the doors had been changed. Chief Thorn said that they have been changed since the last employee left employment of the City. Council Member Walden asked who had keys to the Police Department. Chief Thorn said that the main doors work off of codes that all employees have but that the supervisors have keys to certain offices within the department. Chief Thorn also verified that only those certified by GCIC had code clearance to access any GCIC records.

**5.) Discussion to address City Employees removing City records from City Hall or any other City facility, if we have policies in place or an ordinance to prevent this action:**

(Requested by Council Member Howard Walden)

City Administrator, Mr. Hill, said that he was not aware of any policy that prevented employees from taking records from City Hall. Mr. Hill said that he has allowed employees to take copies of records home with them so that they might work at home. None of the official original records have been removed.

Linda Walden spoke and said that she called surrounding areas and asked if employees were allowed to carry records home and she said that they responded by saying absolutely not unless they were copies of open records.

**6.) Discussion to address the signing of City checks, who signs, who is reviewing checks, who is reviewing automatic drafts and the need for checks and balances and discussing the authorizing of direct deposit payroll and other funds made payable to city employees without the approval or signature of an elected official prior to the direct deposit transaction:** (Requested by Council Members Howard Walden and Penny Ransom)

Mayor Harmon explained that the current process is that he signs both the paper checks and he also signs a printout of the checks that are paid through direct deposit. City Administrator, Mr. Hill, explained that prior to Mayor Harmon's request no signature had been required to process direct deposit. Previous to Mayor Harmon's request there was no signature of an elected official required for direct deposit. Mr. Hill explained that in the past there were 2 authorizations (clickers) required for direct deposit: one from the City Clerk and one from the City Administrator. However, since the departure of the previous City Administrator the City Clerk had retained both authorization codes.

Council Member Ransom expressed concern that the direct deposits were not getting the signature of an elected official and that it appeared as though you could choose what checks you get via direct deposit. Mr. Hill explained that we have now instituted a process by which the Mayor signs off on all payroll checks and direct deposits and the authorization "clickers" will now be kept separate and under lock and key.

Motion to have Angie Costner removed from the signature cards and to add Lynn Nixon.

**Motion to Approve:** Council Member Miller 2nd' Council Member Bracknell: Motion Passed 5-0

**7.) Discussion regarding the procedure of background checks, criminal checks and or any other information gathered by the City of Temple prior to hiring employees:**

(Requested by Council Member Penny Ransom)

City Administrator, Mr. Hill, explained that at this point we only perform complete background checks on employees that we intend to offer a job to. Council Member Ransom said that she was concerned about the process of hiring and wanted to make sure that the process is equal and that the Council be presented with more than one choice for filling a position. Council Members Bracknell and Miller explained that they used to discuss applications in committee sessions. Mayor Harmon and Council Member Simmons said that in the past the City Council would review the applications and conduct the interviews for each position. Mr. Hill said that for future positions he would present all of the applications to the council and they could select which applicants they would like more information from and who they would like to interview. Council Member Walden said that he believes in the past that the City has not been doing the required background checks. He read off a checklist of things that are supposed to be obtained: criminal background checks, previous employers, education, licenses and certifications, driving record, employment credit report, drug test. Council Member Walden said that apparently there is a policy in place but in the most recent hire of the City the only thing that he saw in the record was a driving record. That hire was City Administrator, Mr. Hill. Council Member Walden said that we need to do a better job of checking out our employees and getting complete personnel files. *Council Member Walden said that we needed to complete Mr. Hill's application and get his file completed.*

**8.) Discussion regarding overtime pay and the authorization of such overtime hours paid to City of Temple employees:** (Requested by Council Member Penny Ransom)

Council Member Ransom expressed concern over the way overtime has been used in the past. A copy of the employee handbook was provided which explains that department heads are responsible for the oversight and administration of overtime within their department.

**9.) Discussion between the City Council of the possibility and legality of an appointment for a temporary Certified City Clerk:** (Requested by Council Member Penny Ransom)

Council Member Ransom pointed out that the current job description for the City Clerk is actually the job description of the City administrator and that it needs to be redone before we can advertise for this position. GMA consultant, Pam Helton, recommended that if we were to bring in a retired City employee that we bring them on as a contract employee instead of as a regular employee so we do not interfere with their retirement. It was clarified that the City Clerk is appointed by the City Council.

Motion to appoint Pat Cook on a temporary basis to work part time as a contract employee in the City Clerk's Office

**10.) Discussion of issues within the Temple Police Department in reference to the investigation performed by Balch Law Firm:** (Requested by Council Member Penny Ransom)

Mayor Harmon said that it has already been determined that we did not have a resolution to open this investigation. He then asked City Attorney, Cynthia Daley, who authorized her to hire this law firm to do this investigation. Mrs. Daley said that the City Administrator, Kim Pope, gave her the authorization. Mayor Harmon asked if any of the incumbent Council Members remembered voting to authorize the investigation. They did not respond. Council Member Ransom asked about the recommendations in the report. Her primary concern was the note about missing weapons. City Administrator, Mr. Hill, said that the Mayor had brought the possibility of some missing weapons to his attention. At that point then Police Chief, Melvin Langford, started an investigation and concluded that as many as 2 weapons may be missing. He resigned before the investigation was complete. Interim Chief Thorn has not had time to continue the investigation. Chief Thorn said that he believed that it had been narrowed down to 2 weapons that were purchased in 2000. Council Member Walden asked if there was a vote taken to tell Kim Pope to authorize the investigation by the Balch Law firm then when and where this vote was taken. Council Member Miller said that there was no vote taken. Council Member Walden asked that if this money was spent without a vote then can we ask for someone to pay back this money. *Council Member Walden asked if we could ask Mrs. Daley to pay back this money. Mrs. Daley indicated that her office had not billed the City since the first of the year which would more than cover the charge.* Council Member Ransom said that she wanted to make sure that we pay attention to the recommendations made in the Balch Law Firm report.

**11.) Report regarding the status of the SPLOST funds from the Carroll County Commissioners office in reference to the Temple Library and the availability of those funds for "any" location:** (Requested by Council Member Penny Ransom)

Mr. Lee was unable to attend the meeting. Council Member Ransom wanted to ask him some questions. City Administrator, Mr. Hill, said that Mr. Lee has asked that any questions from the City Council be presented to him in writing and he will respond in writing.

Mrs. Linda Walden asked why this money has to be spent on a library. She suggested that we take the money and use it for a needed Police Department.

Mrs. Black spoke up and said that she would really like to see Temple get a library.

**12.) Information regarding the amount of paid vacation, sick leave, holidays and other time off that is given to employees of the City per year, as well as any information regarding**

**a City policy for accrued or unused vacation time and sick leave, as well as clarification of which "holidays" the City of Temple officially recognizes and has agreed to pay employees time off for:** (Requested by Council Member Penny Ransom)

The City Employee Handbook was provided. Council Member Ransom stated that it appears that first year employees get nearly 1 month off and who is in charge of keeping up with time off. Also how do we account in the budget for those people who leave and cash out their unused accrued vacation pay? City Administrator, Mr. Hill, explained that the time is tracked through the payroll system and that this is administered through the City Clerks' office. It was clarified that sick leave is not paid out when an employee leaves and that leave use is approved by a supervisor.

Linda Walden spoke and said that last year we had the City Clerk and the City Administrator who were out more time than they were here and never missed a paycheck and in fact they got 2 extra pay checks. She also said that the system used to track the sick leave and holiday time is only as good as the information that is put in.

Mrs. McIntosh spoke and suggested that the City build an escrow account for the sick leave days and that in the private sector no sick leave rolls over.

Council Member Miller said that she just wanted to make sure that we stay competitive with other municipalities.

**13.) Report regarding the standard procedure of the City of Temple in regards to employee insurance coverage, including coverage for family members, as well as information regarding which employee manages our benefit program and payments, to include what benefits are being paid with tax dollars and what percentage is paid by the employee:**

(Requested by Council Member Penny Ransom)

Council Member Ransom brought up the fact that we are not treating our employees equally.

Mr. Hill explained that all full time City employees receive health insurance to cover the employee but that some employees receive 50% coverage of the spouse or dependants.

Council Member Miller explained that in 2010 they did change this benefit to grandfather in employees who were taking advantage of the 50% family coverage but to phase that benefit out by not offering it to any new hires. However, Council Member Miller again stressed the need to be competitive with other municipalities. Mr. Hill also said that due to inadequate benefit administration in the City Clerk's office some new hires had not yet been added to other standard insurance programs like disability and life insurance. Council Member Ransom recommended that we talk with Carroll County to see if we could join with them to reduce our insurance costs.

**14.) Discussion of the current Insurance Agent of Record and Services that could be put out to Bid**

City Administrator, Mr. Hill, said that he was preparing an RFP for an Insurance Agent of record and have our policies that expire in May put out for bid.

**15.) Motion to request bids for a Forensic Audit**

Council Member Ransom pointed out that GMA Consultant, Pam Helton, recommended that the City have a forensic audit and that GMA knows of several firms that work with



governments to do the kind of work that we are talking about. Council Member Ransom suggested that we work with a list of firms that GMA recommends who are experienced with government audits. City Attorney, Cynthia Daley, asked about the parameters of the forensic audit. It was determined that the Council would address the parameters of the audit on Thursday.

Mrs. McIntosh spoke and expressed how thankful she was for the work and research that Council Member Ransom had put into all of these topics that she is bringing before council. She also expressed in response the Council Member Miller's statement that we need to be competitive that the City of Temple cannot afford to pay the cost to be competitive.

**Motion to Approve:** Council Member Ransom 2<sup>nd</sup>: Council Member Bracknell: Motion Passed 5-0

**16.) Appointment of Joe Wilson Interim Recreation Department Director**

Mayor Harmon expressed his thanks and gratitude to Thad for his hard work. Then Mayor Harmon asked who Thad recommended to serve as the interim department director. Thad indicated that he was recommending Joseph Wilson. Thad also took this opportunity to announce that the 13 -14 year old basketball team had just the past weekend one their first State Championship. *The Mayor appointed Joe Wilson as the Interim Recreation Department Director.*

**Motion to Approve:** Council Member Bracknell 2<sup>nd</sup>: Council Member Ransom: Motion Passed 5-0

**17.) Discuss the Back Pack Program**

Council Member Miller said that it should not be necessary for City employees to spend their own money to support the Back Pack program. Council Member Ransom suggested that since this is donated money that it should not be considered part of the budget but that it should be separated from tax dollars.

Motion to spend the money identified as Back Pack Program money to provide the goods for the children and to reimburse any staff or elected officials that want reimbursement that have been paying for the program in the last weeks

**Motion to Approve:** Council Member Bracknell 2<sup>nd</sup>: Council Member Walden: Motion Passed 5-0

**Closing Comments**

Council Member Bracknell – None

Council Member Simmons - None

Council member Miller - None

Council Member Walden – He expressed his appreciation for the people in attendance and thanked for staying for the whole meeting

Council Member Ransom – She read from a prepared statement in which she said:

- As a rule she rarely trusts the government, from the local level to the White House

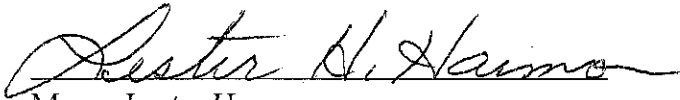
- that the public should trust but verify their government
- that the council is dedicated to lowering the water bills
- She believes in the process of government even though she tends to distrust those who are serving in it
- She believes in democracy
- She asked that anyone interested in sharing in the vision of Temple that they be willing to inspect the work of their local government.

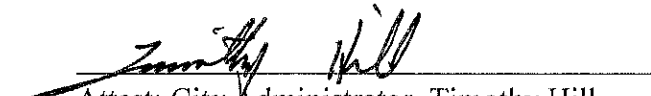
Mayor Harmon – None

**ADJOURNMENT:** Motion: Council Member Bracknell 2<sup>nd</sup>: Council Member Walden:  
Motion Passed 5-0

*Corrections are in italicizes.*

Presented April 7, 2014 motion to approve by Council member Howard Walden seconded by Council Member Hiley Miller. Motion passed 4-0

  
\_\_\_\_\_  
Mayor Lester Harmon

  
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Attest: City Administrator, Timothy Hill