

CITY OF CORNELIA
MINUTES OF MEETING
OCTOBER 6, 2020

The Cornelia City Commission met in a Workshop Session on Tuesday, October 6, 2020 at 5 PM at the Cornelia Municipal Building Conference Room, 181 Larkin Street, Cornelia, GA. Mayor John Borrow called the meeting to order and the following members were present: Commissioners Don Bagwell, Tony Cook, Wesley Dodd, Jr., and Janice Griggs. Also, present: City Attorney Steve Campbell, Community Development Manager Jessie Owensby, City Manager Donald Anderson, Human Resource Director Diane Feorino, and City Clerk Janie N. Henderson.

Joe Kitchens, with Duncan & Kitchens, was present to provide information on the 2019 Audit. He said the City is in good shape and its' a clean opinion with no findings. Also, the City is in a very strong financial standing. Mayor Borrow stated this is a testament to the job Dee, Janie, Jessie and Diane, and other city employees are fiscally responsive. Also, the Commissioners take their responsibility seriously, they are business minded and fiscally conservative. Mr. Kitchens said if they have any questions, please contact him and he will be glad to meet with them to discuss further. Mayor Borrow thanked him for coming.

Georgia Power Proposal – Mayor Borrow said he looked at the options and he thinks it is a better idea to make the payment up front, which leaves a lower monthly rate and saves the City money.

Wrecker Service Policy – City Manager Anderson stated that the current policy states that in order to be on the rotation list the wrecker business must be located within the city limits of Cornelia and hold a city business license. One of the companies is questioning whether a company that is based in another city can rent space in Cornelia and be on the list. They feel that the intent of the policy is that the wrecker service be physically located in the city, own the property where the business is located, and have all their vehicles registered in the city. Staff just wants clarity as to the intent of the policy, so that we know how to answer their question and proceed. After discussion, the Commission felt like the policy in place was being followed and there was no change needed. The item will be removed from the agenda.

City Manager Anderson went over the other items on the agenda briefly.

Commissioner Dodd made the motion to close the meeting and to enter into Executive Session at approximately 5:50 PM to discuss Real Estate; seconded by Commissioner Bagwell. Approved 4 – 0.

Commissioner Dodd made the motion to close the Executive Session at 6 PM and open the meeting; seconded by Commissioner Bagwell. Approved 4 – 0.

The Mayor and Commissioner continued to the Court Room.

Janie N. Henderson, City Clerk/Secretary
to the City Commission

John Borrow, Mayor

CITY OF CORNELIA
MINUTES OF MEETING
OCTOBER 6, 2020

The Cornelia City Commission met in Regular Session on Tuesday, October 6, 2020 at 6 PM at the new Cornelia Municipal Building Court Room, 181 Larkin Street, Cornelia, GA. Mayor John Borrow called the meeting to order and the following members were present: Commissioners Don Bagwell, Tony Cook, Wesley Dodd, Jr., and Janice Griggs. Also, present: City Attorney Steve Campbell, Community Development Manager Jessie Owensby, City Manager Donald Anderson, Human Resource Director Diane Feorino, and City Clerk Janie N. Henderson.

Commissioner Bagwell gave the invocation and Mayor Borrow led the Pledge of Allegiance.

City Manager Anderson requested the agenda be amended to add under New Business, Item 15, Ordinance 10-20-01, Amendment to Reduce the Right-of-Way on certain city streets, Item 16 Discuss Halloween, and Item 17 Executive Session for Real Estate and Litigation and remove Item 10. Commissioner Dodd made the motion to amend the Agenda as requested; seconded by Commissioner Griggs. Mayor Borrow stated that Real Estate was discussed during the Executive Session at the Workshop and no action was taken. Approved 4 – 0.

Commissioner Bagwell made the motion to approve the September 1, 2020 Meeting Minutes as submitted; seconded by Commissioner Cook. Approved 4 – 0.

Community Development Monthly Report – Jessie Owensby presented her September Report. A copy of her report is made an integral part of these minutes.

City Manager's Monthly Report – City Manager Anderson presented his September Report. A copy of his report is made an integral part of these minutes. He noted October 19th at Noon will be the dedication of the new Water Plant and lunch will be provided by Carter & Sloope.

Public Forum – Melvin King said he spoke with Mr. Anderson before the meeting started and his items are taken care of.

Carol Lonergan stated that her water is filthy, and they have not drunk it for years. She said her home is 15 years old and she has a black sediment, sure hopes the new plant will help. She inquired about the SPLOST and how many cars are we supporting? City Manager Anderson said the new SPLOST includes several capital purchases, including 14 new police vehicles to replace 14 that were purchased 6 years ago and 2 new fire trucks, which will replace a 1976 and 1987 truck. She wanted to know what was going to happen to the north station when the new one was completed. Mr. Anderson explained the north station was paid for with SPLOST Funds and nothing is going to happen to it. We need that station to keep our ISO Rating and to meet the calls on that end of the City. Commissioner Dodd said this also helps us address the issue of when the train blocking traffic.

Leon Parr, a resident of Foster Street, said they are having issues with loud parties and they think we need a noise ordinance; whatever we have is not working. He said at 259 Foster Street, they have at least 30- 50 people, two times a month outside under a pavilion in their back yard with a DJ playing loud music and making announcements, parking on both sides of the street. He said his house is 100 yards away from their house and it is so loud their windows rattle. He said this goes on from around 4 to Midnight. They called 911 and when the police came out and asked them to turn it down it lasted about 30 minutes. Mayor Borrow stated we have been talking about this for months and we want to adopt something that is enforceable. Commissioner Bagwell said they a business running a business in a residential area, which should be a Zoning Violation. Our current decibel meter system is not a solution. He said this is noise pollution he has the same issues, including barking dogs and loud cars, which are modified to make them that way. In America Small Town we are used to our neighborhoods being quiet. The ordinance we are reviewing is from Hall County and it addresses these issues. Ms. Parr said she has health concerns, and this does not help, it gets on her nerves. She said its' been going on for a long time and something has got to be done. Mayor Borrow said change is coming. Mr. King said they have chickens and roosters in their neighborhood. Mayor Borrow stated we have an ordinance that deals with roosters. Commissioner Campbell said we can post an Ordinance at our next meeting and have it adopted on November 3rd. He said when you discuss these items it is an enforcement issue and when you have 2 officers working, they cannot stay in an area the entire night to make sure they are complying. He said, "What level of enforcement do you want?" If you do not have enough people what needs to be done. Commissioner Bagwell said that is a good point. City Manager Anderson stated the County handles our Animal Control Calls, which he thinks they only have a couple of officers handling the entire County. He said there are just too many requirements to meet for animal control. He stated we have had the same number of police officers since 1995. Also, if they turn the music back up you need to call 911 back, so that there is a record of the calls.

Old Business: Ordinance 09-20-01, Amendment to Chapter 6 of the Municipal Code – City Manager Anderson said the Ordinance has been posted for public comment since the September Meeting. The only comment that we have received is from the Downtown Development Authority. They would like for you to consider extending the time of the entertainment from 11 PM to 12 AM. City Attorney Campbell recommended adopting as posted and make another amendment. Commissioner Dodd made the motion to adopt Ordinance 09-20-01, Amending Chapter 6, Section 6-140, Open Area and Patio Sales, Section 6-144, Prohibited Noise from Establishments, and Section 6-149, Sidewalk Cafes in the CBD Zone within an Entertainment District; seconded by Commissioner Bagwell. Approved 4 – 0.

Public Hearings – None heard.

Commissioner Bagwell made the motion to approve the Consent Agenda, which is for a Budget Adjustment for a total of \$4,100 to cover COVID Bonuses; seconded by Commissioner Griggs. City Manager Anderson explained that Department 280, Building Department adjustment is \$100; Department 110, City Manager adjustment is \$1,400; Department 224, Utility Office is \$1,850; and Department 225, IT Manager is \$750. Approved 4 – 0.

Change Order for New Water Plant Project – City Manager Anderson explained that Carter & Sloope are recommending a change order in the amount of \$25,650. The control interface between the Plant SCADA and the Chemical Pump Control Panels are not compatible. This requires additional interface electronics for the pump panels, which is necessary for the operation of the new plant. It is no surprise since it has taken so long for the project to be completed that the electronics need changing. Commissioner Dodd made the motion to approve the Change Order for the new Water Plant for \$25,650; seconded by Commissioner Cook. Approved 4 – 0.

Georgia Power Proposal for Street Lights for Appletree Alley – City Manager Anderson stated that this project calls for 11 decorative streetlights and 3 LED Pole Mount Lights. If we pay \$0 up front the monthly cost is \$1,115.52 or we can pay \$55,000 up front and the monthly charge will be reduced to \$328.58. He recommended paying the \$55,000 up front to take advantage of the lower monthly cost going forward. The project will need to be paid out of the R & E Fund. Commissioner Dodd made the motion to approve the Georgia Power Proposal for the Streetlights for the Appletree Alley Project and pay the \$55,000 upfront out of the Renewal & Extension Fund and pay \$328.58 monthly; seconded by Commissioner Cook. Approved 4 – 0.

Request from Downtown Development Authority – The DDA has been discussing ways to mark the Entertainment District. Their concern is that a tourist will accidentally walk outside the designated area and will get in trouble with the police. They are working on banner designs for the streetlights within the district. They are requesting permission to stencil apples on the sidewalks to mark the designated area. Commissioner Bagwell made the motion to authorize the DDA to stencil apples on the sidewalks in the designated Entertainment District; seconded by Commissioner Dodd. Approved 4 – 0.

Public Hearing Dates for Millage Rate – City Manager Anderson stated that October 19th at 2 PM and October 29th at 12 Noon and 6 PM were discussed during the Workshop Meeting as possible dates. Commissioner Dodd made the motion to set the Public Hearing Dates for the Millage Rate as October 19th, 2020 at 2 PM and October 29th, 2020 at 12 Noon and 6 PM and the Millage Rate will be set after the final hearing on October 29th; seconded by Commissioner Griggs. Approved 4 – 0.

Appletree Alley Streetscape Project Bids – We received 2 bids for the project with the low bidder being Higgins Construction in the amount of \$935,832. City Manager Anderson said he worked the engineer to cut non-essential components out of the project in order to get the cost down to \$792,835. We received a USDA Grant for \$99,999 and a \$10,000 Georgia Power Grant, leaving the City's cost at \$682,836, which will be paid out of the Renewal & Extension Fund. Commissioner Dodd made the motion to award the Appletree Alley Streetscape Project to Higgins Construction for \$792,835 and pay out of the Renewal & Extension Fund; seconded by Commissioner Bagwell. Approved 4 – 0.

Quotes for new Truck for Public Works – The Public Works Department has several very old pickup trucks that need to be replaced because of the increased maintenance costs. City Manager Anderson explained because of the sale of some surplus equipment there is enough money left in the Budget to replace one this year. It will replace a 1999 Chevrolet 2500. We received 2 quotes for a Ford F150 Super Cab 4 Wheel Drive Pickup. The lowest quote is for \$24,926 from Duvall Automotive in Clayton. Commissioner Griggs made the motion to approve the purchase of the 2021 Ford F150 Pickup from Duvall Automotive for \$24,926; seconded by Commissioner Dodd. Approved 4 – 0.

Ordinance 10-20-1, Reduce Right-of-way – City Attorney Campbell explained that the owners of the Habersham Hardware Property have a potential buyer. In having the property surveyed it was discovered that some of the property have 80-foot right-of-way and some have 60 foot. He said there has been a 1936 document found recorded that reduced some of the street right-of-way, but not all of them. He noted these are greater than anywhere else in the City. The reduction of the width of Oak Street from 80-feet in width to 60-feet from its intersection with Front Street Southward to its intersection with Foreacre Street, and providing that the center line of said street shall remain the same, and the reduction of the width of Summit Street from 80-foot in width to 60-feet from its intersection with Front Street Southward to its intersection with Foreacre Street and the center line of said street shall remain the same. Commissioner Bagwell made the motion to post Ordinance 10-20-1, Reducing the Right-of-way on Oak Street, Front Street, and Summit Street as stated; seconded by Commissioner Cook. Approved 4 – 0.

Commissioner Dodd said he would like to discuss the closing of streets in his neighborhood for Halloween this year. He said it is perceived that this is a city sponsored event, which it is not. He said they have more than 1500 people of all ages, come by his house each year. There are several residents on Tower Mountain area that said they will not be participating this year. Attorney Campbell said he thinks the barricades and all just encourage people. City Manager Anderson said they normally block off streets at the request of the residents because of a safety concern. He said the city will not be doing that this year and Tower Mountain will not be doing Halloween this year.

Commissioner Dodd made the motion to close the meeting at approximately 7:10 PM to discuss potential litigation; seconded by Commissioner Cook. Approved 4 – 0. Commissioner Dodd excused himself from the Executive Session because of a conflict of interest and left the meeting.

Commissioner Cook made the motion to close the Executive Session and open the meeting at approximately 7:25 PM; seconded by Commissioner Griggs. Approved 4 – 0.

Mayor Borrow said potential Litigation was discussed and no action was taken.

Commissioner Bagwell made the motion to adjourn the meeting at approximately 7:30 PM; seconded by Commissioner Cook. Approved 3 – 0.

Janie N. Henderson, City Clerk/Secretary
to the City Commission

John Borrow, Mayor

STATE OF GEORGIA, COUNTY HABERSHAM

CITY OF CORNELIA, GEORGIA

AFFIDAVIT OF PRESIDING OFFICIAL(S) FOR A CLOSED PUBLIC MEETING

While in Regular Session, the motion was made to enter an Executive Session to discuss certain matters in a closed session.

(X) To discuss with council pending and/or potential litigation, settlement claims, administrative proceedings or other judicial actions, which is exempt from the Open Meetings Act pursuant to O.C.G.A. Section 50-14-2(1).

(X) A meeting to discuss the purchase, disposal of, or lease of property; authorize the ordering of an appraisal related to the acquisition or disposal of real estate; enter into a contract to purchase, dispose of, or lease property subject to approval in a subsequent public vote; or enter into an option to purchase, dispose of, or lease real estate subject to approval in subsequent public vote, which is excluded from the Open Meetings Act pursuant to Section 50-14-3(b)(1)(C).

() A meeting discussing the appointment, employment, compensation, hiring, disciplinary action or dismissal, or periodic evaluation or rating of a public officer or employee, which is excluded pursuant to O.C.G.A. Section 50-14-3(b)(2).

() Discussion in Executive Session of Records that are otherwise protected from disclosure under the Open Records Act as pursuant to O.C.G.A. Section 50-14-3- (b)(4).

X The subject matter of the Executive Session of the Regular Session was devoted to matters within the exceptions provided by law.

 Because of events occurring during the closed session, I am unable to affirm the subject matter of the Executive Session of the Regular Session was devoted to only matters within the exceptions provided by law.

John Borrow, Mayor, City of Cornelia

Sworn to and subscribed before me this 6TH day
of October 20 20.

Notary Public

