

# *The City of Pelham*

## **MINUTES OF THE REGULAR MEETING**

**September 19, 2019 – 6:30 p.m. – Council Chamber**

### **PRESENT:**

Mayor James Eubanks  
Mayor Pro-Tem Alfred Brown  
Council Member Bennett Adams  
Council Member Jeremy Hatcher  
Council Member Ansel Parrish  
Council Member Bobby Robinson  
Council Member Tad Williamson

City Manager, Craig Bennett  
City Clerk, Lisa Austin  
City Attorney, Flin Coleman  
Pelham Journal, Taylor High  
Assistant Police Chief Rod Williams  
MCTV, Jerry White  
Ashley Adams  
School Superintendent, Floyd Fort

Aida Santoya  
Ivan Santoya  
Charita Santoyo  
Kenyetta Frazier  
Jen Williams  
Patti Adams  
Rigsby Dixon  
Bubba Dixon  
Abby Dixon  
Mary Bennett Dixon

\*\*\*\*Absent from the meeting was Council Member Winfred Parker\*\*\*\*

With a quorum present, Mayor Eubanks called the meeting to order at 6:30 p.m. Aida Santoya and Ivan Santoya lead the Pledge of Allegiance to the flag. Mayor Eubanks provided the opening prayer.

### **REGULAR SESSION – LED BY MAYOR EUBANKS**

#### **APPROVAL OF REGULAR MEETING AGENDA**

Council Member Parrish made a motion to approve the agenda as presented, seconded by Mayor Pro-Tem Brown. The vote was unanimous.

#### **CITIZEN DELEGATION**

Nothing to report

#### **SWEAR IN NEW COUNCILMAN**

City Clerk Lisa Austin administered the Oath of Office to the new Council Member Bennett Adams. Mr. Adams qualified for the Special Election in November to fill the vacant council seat from District 11. Mr. Adams had no opposition and the Special Election has been canceled.

## **PELHAM SCHOOL SYSTEM BOND RESOLUTION**

This is a resolution providing for the levy and collection of an annual ad valorem tax to provide funds for the payment of the principal of and interest on \$3,610,000 in aggregate principal amount of the City of Pelham School District (Georgia) General Obligation Bonds, Series 2019.

The Council's approval of this resolution is committing the City to levy taxes for bond payments should the school be unable to make payments.

**Council Member Parrish made a motion to approve the Resolution, seconded by Mayor Pro-Tem Brown. The vote was unanimous.**

## **COUNCIL MINUTES**

**Council Member Williamson made a motion to approve minutes from the August 15, 2019 Regular Council Meeting as presented, seconded by Mayor Pro-Tem Brown. The vote was unanimous.**

## **PUBLIC HEARING**

**Council Member Parrish made a motion to close the regular meeting and open the Public Hearing, seconded by Council Member Williamson. The vote was unanimous. Mayor Eubanks stated the Regular Meeting closed at 6:42 p.m.**

## **CELL TOWER ORDINANCE**

The ordinance is to regulate the permit process for wireless technologies in rights-of way.

This is an ordinance of the City of Pelham establishing rules and regulation governing the installation of small cell wireless facilities within the City of Pelham; repealing all ordinances in conflict herewith; and for other purposes.

## **REZONING APPLICATION**

The purpose of the rezoning application is to consider rezoning specific properties in the Northwest and Northcentral part of town. The proposal is to rezone sections of northwest and northcentral Pelham from R1 to R2 to accommodate manufactured homes.

## **RECONVENE REGULAR SESSION**

**Council Member Robinson made a motion to close the Public Hearing and reconvene Regular Session, seconded by Council Member Parrish. The vote was unanimous. Mayor Eubanks stated the Regular Session was back in session at 6:52 p.m.**

## **ACTION BASED ON PUBLIC HEARING**

**Council Member Williamson made a motion to adopt the cell tower ordinance, seconded by Council Member Adams. The vote was unanimous. Mayor Eubanks stated this is the first reading of the cell tower ordinance.**

**Council Member Robinson made a motion to table the rezoning application until October work session, seconded by Mayor Pro-Tem. The vote was four yeas by Council Member Robinson, Mayor Pro-Tem Brown, Council Member Parrish, and Council Member Adams. They were two opposed votes by Council Member Williamson, and Council Member Hatcher. Mayor Eubanks stated the majority was in favor of tabling the rezoning application request and the motion will carry.**

## **INSURANCE RENEWAL**

HCC Tokio Marine has provided a quote on Property and Liability Insurance renewal. The policy matches all the previous limits and deductibles. The projected annual premium is \$117,945. The premium is an 8% increase over last year, even with the elimination of the Hand Trading Company from the policy.

**Council Member Williamson made a motion to approve the HCC Tokio Marine policy and the supplemental with Chubbs for a policy commencing September 20, 2019, seconded by Council Member Parrish. The vote was unanimous.**

## **STITCHES CONTRACT**

The Stitches contract was for a six-month term beginning March 1, 2019 and ending on August 31, 2019. During the first term of the new contract with Stitches, things are running smoothly.

**Council Member Robinson made a motion to extend the contract with Stitches another six months (March 2020), seconded by Council Member Adams. The vote was unanimous.**

## **STREET LIGHTS**

There have been a couple of street light requests around town. These requests provide an opportunity to consider the elimination and addition of street lights across the City. Each light cost \$11/month; therefore, the overall removal of 9 lights will be a cost savings of \$1,188 per year.

**Council Member Parrish made a motion to eliminate 12 lights from the recommended 15 lights identified from the City-wide street light architecture and approve the change in light street scheme, seconded by Mayor Pro-Tem. The vote was unanimous.**

Council Member Parrish also gave a directive to have the police department to look into the areas where the street light is being eliminated and report back to the City Manager if any of the street lights need to be turned back on due to safety concerns.

### **FRANCIS DAVIS PARK LIGHTS**

**Mayor Pro-Tem Brown made a motion to add flood lights in Francis Davis Park, seconded by Council Member Adams. The vote was unanimous.**

### **FY19 BUDGET AMENDMENT**

The City exceeded the FY19 budget limits in the following funds;

General Fund	\$502,113.30
Enterprise Fund	\$678,855.09
CDBG 17-H-X-101-2-5951	\$319,716.51

**Council Member Williamson made a motion to amend the FY19 budget as written, seconded by Council Member Parrish. The vote was unanimous.**

### **CEMETERY ORDINANCE**

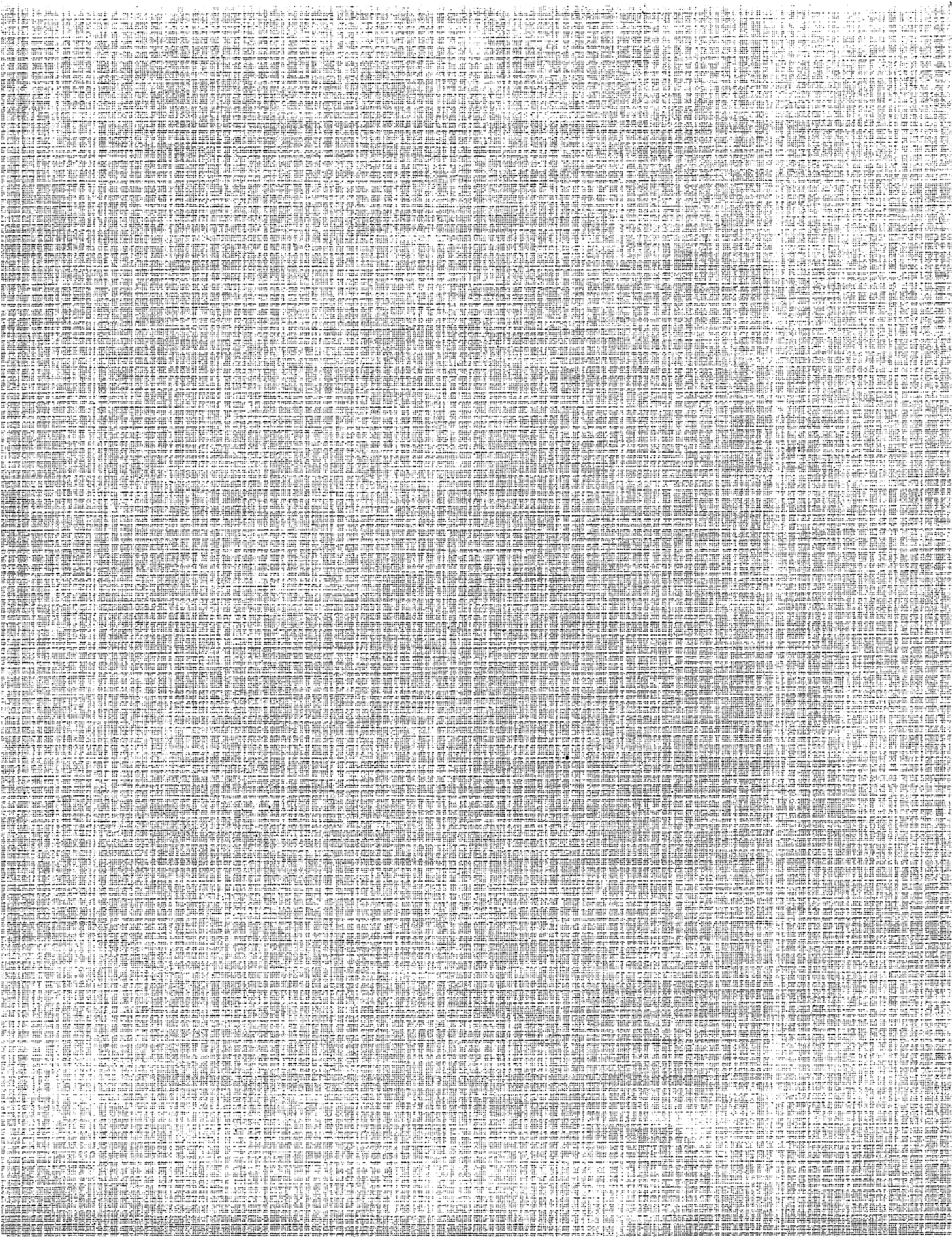
The old ordinance dealt more with the conduct of visitors to the cemetery. The new ordinance deals more with the responsibilities and abilities for plot owners in the cemetery. This is an ordinance repealing Chapter 30 of the City Code of the City of Pelham in its entirety and adopting a new Chapter 30 entitled "Cemeteries"; establishing regulations for the City of Pelham Cemetery; repealing all ordinances in conflict herewith; and for other purposes.

**Council Member Robinson made a motion to accept the Cemetery Ordinance with the exception of item (e) No coping shall be placed around any lot, seconded by Council Member Adams after discussion Council Member Robinson made a motion to amend the previous motion and to table the Cemetery Ordinance until October work session in order to have time to review the ordinance, seconded by Council Member Parrish. The vote was unanimous.**

### **STORE FRONT RENTAL AGREEMENT**

Mrs. Kenyetta Frazier, owner of Kreated Kreationz desires to lease the store front next to Subway. The negotiated rent on the lease is \$525 per month for 1 year. The lease agreement shall commence on October 1, 2019 and shall terminate on September 30, 2020.

**Council Member Williamson made a motion to approve the lease as presented, seconded by Council Member Parrish. The vote was unanimous.**



## **FINANCIAL REPORTS**

Reviewed financial reports from August 2019 as presented.

## **DEPARTMENT REPORTS**

Reviewed department reports from Pelham Police Department, Fire Department, Utility Department, and Code Enforcement.

## **CITY MANAGER'S REPORT**

City Manager Bennett reported on the following: Week of 9-13 Sep

### Tax Digest

- Schedule set for the Tax Digest Public Hearings
  - o Sept 26 at 11:00 a.m. and 6:30 p.m.
  - o Oct 3 at 6:30 p.m., followed by a called meeting to vote on the millage rate.
- Advertisements and news release sent to paper.

### Autry

- The meeting with the Department of Correction went well. Started with a slight disappointment, since the overall point of contact deferred to his Program Manager (PM) and did not attend. Otherwise, the discussion was positive, there was no push back on our proposal, and we did not have to make any concessions at this point. The DOC representative were not the decision makers.
- Eventually DOC will draw up the contract and their contract review process is 45 days. The PM will be back in contact with further questions and may make a site visit. The PM quoted about another 60 days for an agreement. I think if we are more realistic, 90 days.
- On Wednesday GMC, the County Engineer, finally released the RFP for the last two pumps. The RFP is open for 14 days.

### GMA's District 10 Fall Meeting

- Council should have an email from Erica Powell Grier with an invite to the Fall Meeting

- Wednesday, October 9, 2019, 11:30 a.m. – 1:00 p.m., Baconton Community Center
- I will attend, please let me know if you will attend also and we'll resister you

#### Police

- Friday, 6 Sept.: Three juveniles got in a fight at Collingsworth Park during school. All three involved in the fight at Collingsworth Park after school have been charged.
- Sunday, 8 Sept.: Reports that Tracy Young was assaulted by Demartez Simpson, charges pending.
- Tuesday, 10 Sept.: A traffic stop in the area of Hand Avenue and Curry Street resulted in two 17-year-old being charged with possession of marijuana less than ounce.

#### Fire

- One medical call involved CPR on an infant. The infant did not make it.
- Otherwise, NSTR.

#### Public Works

- Housing CDBG
  - o Sewer tap to Ms. Tracy's house on Liberia Alley complete and the plumber has the pump and force main installed.
  - o Probably one more dumpster load of debris to finish clearing the lot at Liberia St and Liberia Alley.
- Abandoned a gas service on West railroad yesterday and plan to do another one on Upson this morning.
- In addition to normal mowing, PW has
  - o US 19 about complete with edging the medians
  - o Cleanup for the Friday Movie Night
  - o Preps around downtown for the Wildlife Festival.
- Gary and Ronny attends training class today in Thomasville to maintain waste water certifications.

#### Administration

· NSTR.

#### Code Enforcement

- Pending business license for Crumbley Counseling to be located at 154 E Railroad Street South.
- City wide Fall Clean-up scheduled for October 23-27, 2019.
- The City of Pelham Historic Commission met and approved a Certificate of Appropriateness authorizing the City to place shingles on the Train Depot.
- Debris/furniture beside the road at 266 Branch Street. Residents were notified.
- Debris/furniture beside the road at 308 E Railroad Street. Residents notified.

Community Development · Movie Night was a big hit, Thank You Main Street.

### **EXECUTIVE SESSION**

**Council Member Adams made a motion to enter into Executive Session, seconded by Council Member Robinson. The vote was unanimous. Mayor Eubanks stated the purpose of executive session was to discuss personnel matter. The meeting was closed at 7:29 p.m.**

### **RECONVENE REGULAR SESSION**

**Council Member Adams made a motion to reconvene into Regular Session, seconded by Mayor Pro-Tem Brown. Mayor Eubanks stated the meeting was back in Regular Session at 7:43 p.m.**

### **ACTION TAKEN DUE TO EXECUTIVE SESSION**

**Council Member Parrish made a motion to move forward with the agreement in City Manager Bennett's contract for his raise, seconded by Council Member Williamson. The vote unanimous.**



AFFIDAVIT

Before an officer duly authorized to administer oaths appeared James Eubanks, who, after being duly sworn, deposes and on oath states the following:

- (1) I am competent to make this Affidavit and have personal knowledge of the matters set forth herein.
- (2) Pursuant to my duties as Mayor, I was the presiding officer of a meeting of the Pelham City Council held on the 19<sup>th</sup> day of September, 2019. A portion of said meeting was closed to the public.
- (3) It is my understanding that O.C.G.A. § 50-14-4(b) provides as follows:

When any meeting of an agency is closed to the public pursuant to subsection (a) of this Code section, the person presiding over such meeting or, if the agency's policy so provides, each member of the governing body of the agency attending such meeting, shall execute and file with the official minutes of the meeting a notarized affidavit stating under oath that the subject matter of the meeting or the closed portion thereof was devoted to matters within the exceptions provided by law and identifying the specific relevant exception.

- (4) The subject matter of said meeting, or the closed portion thereof, was devoted to matters within exceptions to public disclosure provided by law. Those specific relevant exceptions are identified as follows. The only matter(s) considered or discussed during the closed portion or executive session of the meeting is/are as checked below.

       A. Meeting to discuss or vote to authorize the settlement of a matter covered by the attorney-client privilege as provided in Georgia Code section 50-14-2(1) and 50-14-3(b)(1)(A). The subject discussed was \_\_\_\_\_

       B. Meeting to discuss or vote to authorize negotiations to purchase, dispose of or lease property as provided in Georgia Code section \_\_\_\_\_

50-14-3(b)(1)(B).

- \_\_\_\_\_ C. Meeting to discuss or vote to authorize the ordering of an appraisal related to the acquisition or disposal of real estate as provided in Georgia Code section 50-14-3(b)(1)(C).
- \_\_\_\_\_ D. Meeting to discuss or vote to enter into a contract to purchase, dispose of, or lease property subject to approval in a subsequent public vote as provided in Georgia Code section 50-14-3(b)(1)(D).
- \_\_\_\_\_ E. Meeting to discuss or vote to enter into an option to purchase, dispose of, or lease real estate subject to approval in a subsequent public vote as provided in Georgia Code section 50-14-3(b)(1)(E).
- X \_\_\_\_\_ F. Meeting to discuss or deliberate upon the appointment, employment, compensation, hiring, disciplinary action or dismissal, or periodic evaluation or rating of a public officer or employee as provided in Georgia Code section 50-14-3(b)(2).
- \_\_\_\_\_ G. Meeting to interview one or more applicants for the position of the executive head of an agency as provided in Georgia Code section 50-14-3(b)(2).
- \_\_\_\_\_ H. Pursuant to the attorney-client privilege and as provided by Georgia Code section 50-14-2(1), a meeting otherwise required to be open was closed to the public in order to consult and meet with legal counsel pertaining to pending or potential litigation, settlement, claims, administrative proceedings, or other judicial action brought or to be brought by or against the agency or any officer or employee or in which the agency or any officer or employee may be directly involved and the matter discussed was \_\_\_\_\_.
- \_\_\_\_\_ I. Staff meeting held for investigation purposes under duties or responsibilities imposed by law as provided by Georgia Code section 50-14-3(a)(1).

\_\_\_\_\_J. Meeting to consider records or portions of records exempt from public inspection or disclosure pursuant to Article 4 of Chapter 18 of Title 50 of the Georgia Code because there are no reasonable means to consider the record without disclosing the exempt portions.

This Affidavit is executed for the purpose of complying with the mandate of O.C.G.A. § 50-14-4(b) and is to be filed with the official minutes for the aforementioned meeting.

This 19<sup>th</sup> day of September, 2019.

James T. Lebanks  
Affiant

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\_\_\_\_\_  
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Sworn to and subscribed before me  
this 19<sup>th</sup> day of September, 2019

Lisa Austin  
Notary Public

My commission expires \_\_\_\_\_.



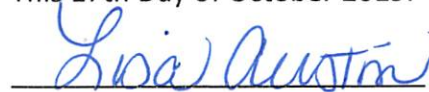
**ADJOURN**

With no further business to come before the Pelham City Council, **Mayor Pro-Tem Brown** made a motion to adjourn the meeting, **seconded by Council Member Adams**. The vote was **unanimous**. **Mayor Eubanks** declared the meeting closed at 7:44 p.m.

  
\_\_\_\_\_  
Mayor, James Eubanks

**AUTHENTICATED:**

This 17th Day of October 2019.

  
\_\_\_\_\_  
City Clerk, Lisa Austin

