

**CITY OF EUHARLEE
CALLED CITY COUNCIL MEETING MINUTES
NOVEMBER 12, 2019**

Mayor Steve Worthington called the meeting to order. Council Member Craig Guyton led in prayer, followed by the Pledge of Allegiance.

City Clerk Carolyn Banks called roll and the following were present: Mayor Steve Worthington, Council Members Craig Guyton, Tracy Queen, David Duncan, Joe Turner and City Manager James Stephens. City Attorney Boyd Pettit was not present.

Approval of Minutes

Council Member David Duncan motioned to approve the minutes for the Called City Council Meeting held on 10.15.19 and the City Council Work Session held on 10.15.19. Council Member Tracy Queen seconded the motion. The motion was carried with Council Members Guyton, Queen, Duncan, Turner and Mayor Worthington all voting in favor.

UNFINISHED BUSINESS

Health Insurance Approval – James Stephens

City Manager James Stephens requested council to approve the \$142,000 annual cost for insurance renewal as presented at the previous work session. Also requested for the approval to include and continue the employee benefit fund to cover the difference between a \$3,000 deductible and a \$4,500 deductible. Council Member Tracy Queen motioned to approve. Council Member David Duncan seconded the motion. The motion was carried with Council Members Guyton, Queen, Duncan, Turner and Mayor Worthington all voting in favor.

NEW BUSINESS

1ST Reading Updated Zoning Map - Charles Reese

Charles Reese, Planning and Zoning Director stated the zoning map was recently updated and approved to include the new overlay along the Euharlee Road corridor. They are also working with Bartow County to have the zoning map updated to qPublic. It will also allow, if there are any changes to be made for him to contact GIS to make the changes so if people are looking through qPublic they can see the updated zoning map for Euharlee.

Council Member David Duncan asked where the Evans property was on the map; down by Hardin Bridge Road and zoned agriculture. He said he could not read the colors on the side.

Mr. Reese said he would make sure he had a larger copy during the 2nd reading. Basically, they only had two re-zoned since he'd been with the city, and the overlay. They want to get this updated and integrated with Bartow County. Council Member Duncan said he did see the new property they added for the new subdivision. They added a little bit to the property from the driveway up to Euharlee Five Forks. Mr. Reese yes and after everything is updated, they can contact GIS to make those changes moving forward. Mayor Steve Worthington asked, where the house is being built would they have to change from agriculture. Mr. Reese said they would leave it agriculture; they would have to subdivide because of transferal to an heir.

Update Terms Historic Preservation Commission – Charles Reese

Charles Reese, planning and zoning director said currently there are 3 members on the Historic Preservation Commission, and they all need to be renewed. Steve Zuber's (3) year term would be 2021, Betty Jane Tilley and David Ford's (3) year term would be extended to 2022.

Council Member Craig Guyton asked if they all were going off this year. Mr. Reese said, Mr. Zuber rolled off in 2018. He is trying to get them all updated. Council Member Guyton asked if they

approved him; he could have sworn they did; and the other two roll off this year. Mr. Reese said they did not approve him and yes, the other two rolled off this year. Mayor Steve Worthington said it seemed as if they talked about in a work session but never took any action. Council Member Guyton said, to make it where they're three separate years and to approve all three tonight, why wouldn't they say Steve Zuber would be November 2021, Betty Jane Tilley November 2022 and David Ford November 2023. Mr. Reese asked if he was making the recommendation and if so, that is fine. However, they were going to come back to council next year to extend to five members. Mayor Worthington and Council Member Guyton said they can still do that. Council Member Guyton said even though he would not be there, it would be his recommendation to change the terms to a (5) year term so you will have a person rolling off each year. Council Member Craig Guyton motioned to approve Steve Zuber through November 2021, Betty Jane Tilley through November 2022 and David Ford through November 2023. Council Member David Duncan seconded the motion. The motion was carried with Council Members Guyton, Queen, Duncan, Turner and Mayor Worthington all voting in favor.

Sign Ordinance – Joe Turner

Council Member Joe Turner said he wanted to discuss when they adopted the sign ordinance around 2010 and 2011. It was when clock towers and the new BP were still in the county. It brought to their attention the possibility of signs for the future development in Euharlee; they did not want large or billboard signs up. The council adopted the sign ordinance as it reads now. He did not catch all that the ordinance would entail. For the last 30 years he has lived in Euharlee they have had campaign signs up and down Euharlee Road, not only from the city but county, state and presidential signs. He said his point, he was not familiar with what the sign ordinance said, and it caught him by surprise. He did not say anything to the city manager because it was not proper. He didn't feel as a council member he should get involved in the election and it be considered a violation. He has looked at the sign ordinance very closely and he was surprised it came up as a problem. He mentioned it to Mr. Reese and was going to bring it up in the January work session and propose an amendment to the sign ordinance. He did not intend for it to be a problem with the campaign signs and try to amend it if they would agree with him.

Mayor Steve Worthington said the sign ordinance is copied after the state constitution. The constitution states the city should not get involved. It can open issues for probable cause, ethics and everything else during an election. By doing so we do not allow, and the ordinance doesn't allow any political signs on any city property. The right of way of Euharlee Road inside the city limits is considered city property and the road right away. The way the law is written we could be opened to an ethics violation because the city allows candidates to put election signs out. He said Council Member Guyton is more familiar with the election cycle than he is.

Council Member Craig Guyton said you are absolutely right. He said he would not be there in January when Council Member Turner propose this, but if he was, he would vote against it. The reason is not only what Mayor Worthington said. At the time that they did this it was right after a campaign cycle and candidates left their signs out for an extended amount of time. The city ended up picking them up and throwing them away at the city's cost. Sometimes people just don't come back and pick up the stuff. He said anytime he helped someone or put his signs out he never used right away signs; to him it is not ethical.

Council Member Turner asked why they allowed county, state and federal government signs in the right of way. Council Member Guyton said they did not. Council Member Turner said you can't tell him there was not a Donald Trump sign on Hardin Bridge Road. Mayor Worthington said it was, but it was never an issue. Council Member Joe Turner said unless they make it an issue. Council Member Tracy Queen said you can put them on private property, and they answered yes. Mayor Worthington said every sign he ever put out he was asked to put them on private property. Council Member Guyton said the last election cycle there were several countywide candidates and one of two state candidates they had to contact and asked them to come pick up their signs.

City Manager James Stephens said he had striven to enforce the ordinance consistently right, left, incumbent and challenger; he did not write the ordinance or amend it, but he had striven to enforce it. The Mayoral race there weren't any signs. If he missed a Donald Trump, he missed it,

he was not aware of it and did not take action on it. He said he worked for the council and if they chose to change the ordinance, he is going to do his best to enforce what they adopt.

Council Member Guyton said, you notify a candidate their signs are improperly place, you give them time to, a couple of days, and then we pull them up ourselves. Mr. Stephens said we give candidates a copy of that excerpt, of the ordinance, to local candidates; county and state they do not come to qualify with us. We give it to pertinent candidates who qualify. The ordinance allows us to take it down without notice, but he has always given notice.

Council Member Queen said there are Georgia DOT signs that say no signs in the right of way. Mayor Worthington stated with the county some of the drivers have mowed right over the signs because there is no liability. The sign is on the right of way. Once time this happened, and somebody went to the road department they said they should not have had it on county property. Council Member Joe Turner said so what they have been doing for the last 30 years have been against the law.

Mr. Stephens said it was 2011 when the change occurred. So since then if it had been happening it had been inconsistent with the state constitution. You may recall from GMA training it's stressed more; if they were trying to get a SPLOST passed you can't campaign for a SPLOST and put signs out on the city property or pay for them. That training comes from part of the constitution and it's not new. This was the first election he had to be involved in locally, but he did treat both incumbent and challenger the same. Council Member Guyton said you have done it at the county and state level.

Police Department Backup Weapons- Chief Jody Matthews

Chief Jody Matthews said the request is for backup weapons the department currently do not have. The weapons the officers will carry on duty. The council received a quote for the weapons and the backup ankle holsters. On duty they would carry on their ankles. They can also carry off duty. If they are out with their family or out by themselves and they encounter someone they may have arrested before or wasn't pleasant interaction during the work capacity, they have a way to protect themselves. This is something they can make sure they have a procedure on as well as for the officers to qualify. This will be the city's gun and it will not require them to go out and purchase one. They are interchangeable with other officers. If one goes down and they need a magazine, fire fighter or something like that they are all interchangeable; that's the biggest thing. Chief Matthews said his biggest thing is they can carry off duty to make sure they are safe, and their families are safe. He said the gun is a GLOCK 43X that just came out in July. It's a 10-capacity round plus one in the chamber. It's a very small compact weapon. He had one there they could look at. The next range day will be November 26th and 27th. He said if he could get council's approval, they will have them before then and the officers could qualify with them at the next range day. He opened the floor for any questions.

Council Member Tracy Queen asked what the current off duty policy was to carry the current weapons. Chief Matthews said as far as the duty weapons they can carry off duty. They are very bulky and hard to conceal.

Council Member Craig Guyton said they have a policy that states they can do a personal weapon as a backup and on duty. Chief Matthews said correct. Council Member Guyton said will you change the policy and make it mandatory that they use the backup weapon and not a personal weapon. Chief Matthews said yes. It will be uniformity that everybody will carry the same gun same type of weapon on duty and as a backup. All of them are 9mm, they already have the ammo, and everybody will qualify the same with the weapon.

Council Member David Duncan wanted to know if they had the funds for the purchase. City Manager James Stephens said there were funds available in the current budget. He told Chief Matthews if it was going to happen, he would prefer it would happen in this year's budget. Since it is a backup weapon, he wanted it to put on the agenda for backup documentation. Council Member Guyton said since they are changing a policy it should come before council.

Council Member Craig Guyton motioned to approve. Council Member David Duncan seconded the motion. The motion was carried with Council Members Guyton, Queen, Duncan, Turner and Mayor Worthington all voting in favor.

1st Reading 2020 Projected Budget - James Stephens

City Manager James Stephens read the summary line items for the 1st reading. The ordinance is satisfactory of the 2020 budget; the general fund total is \$2,036,700, SPLOST Fund \$615,000, EPD Special Fund \$42,192 and the Info Tech Fund \$9,225. He said late that afternoon emailed to each of them a budget package that included a brief budget message from him the city manager that complies with Section 6.25 of the charter. It included a copy of the ordinance, detailed line items of the budget and proposed advertisement. He anticipates the city ending 2019 with a \$50,000 increase to the general fund balance which will leave them at 4.25 months of annual expenditures which is in the range they discussed to stay within. The 2020 budget is balanced without using any of the accumulated reserved fund balance. The revenues are accurate but conservative. He had budgeted LOST at flat for what the 2019 figures are going to be which is around \$925,000. The last 2 years they have experienced growth in that line item, but the state proposed there will be an economic downturn. As a result of that he is showing that line item flat. If it does grow like it has in the past they can consider when they calculate the millage roll back. It also includes in the minimum pay for the starting police officers by \$1.00 per hour which will bring that from \$15.08 to \$16.08. He built into put that \$1.00 per hour throughout the city not just the police department. As council recalls in 2018 the staff did not receive an increase. One dollar per hour calculates very close to 5% for most employees. One reason he was able to propose this is because the capital expenditures are going to be freed up through SPLOST. The last 5 years they have been trying to pay for police equipment and heavy equipment through the general fund; they are now in a situation it can be funded by SPLOST after March of next year. The budget is balanced with the pay increases. There are 2 other figures when you read your narrative, he proposed larger than that and it brings it in line with the Community Department of Affairs annual salary survey and he will be glad to address questions with that in person in his office between now and the 2nd reading. The budget is balanced, and they can give every employee a 1.00 an hour increase including the police department which will help them become more competitive with new hires in the police department. Everything else he used the same process for the same three years.

Council Member David Duncan asked if he was possibly proposed a raise for the employees too. Mayor Steve Worthington said yes. Mr. Stephens said the budget has \$1.00 per hour included in the numbers presented. Council Member Tracy Queen said it is across the board.

Council Member Craig Guyton asked how many more receipts are left in LOST this year.

Mr. Stephens said four. Council Member Guyton asked if that would put them around \$925,000. Mr. Stephens said around the \$925.00 for 2019. Council Member Guyton asked what was the actual for 2018 if he had that handy by chance. Mr. Stephens said he did not, but he budgeted \$875,000 last year and it was less than that, so he thinks it was around \$860,000. He said he did build in some growth this year. Council Member Guyton said so it was about \$65,000 growth over that line item. Mr. Stephens said yes. For the last two years, it was 5% and one year 8% and he is hopeful they will experience that. The state of Georgia with what they are doing budget wise is preparing for a downturn and that would be conservative. If it does have growth, then they could look at the roll back figure more strongly. Mr. Stephens said by law they must have one public hearing. He has two public hearings scheduled for Monday, November 25, 2019 at 4:00 pm and December 3, 2019 at 7:00 pm at the December before the final vote. He said he was available to pick it apart before the final reading.

Mayor Steve Worthington said December 3, 2019 is the next meeting at 7:00 and they will meet at 6:00 pm for some time of fellowship and finger food with Council Member Craig Guyton who will be leaving them. They want to fellowship with him and his family.

Council Member Craig Guyton motioned to adjourn. Council Member Tracy Queen seconded the motion. The motion was carried with Council Members Guyton, Queen, Duncan, Turner and Mayor Worthington all voting in favor.

With no further discussion the meeting adjourned at 8:33 pm.