

CITY OF EUHARLEE
CITY COUNCIL MEETING MINUTES
APRIL 04, 2017

Mayor Dennis Thayer called the meeting to order followed by the Pledge of Allegiance.

City Clerk Carolyn Banks called the roll and the following were present: Mayor Dennis Thayer, Council Members Craig Guyton, Ronald Nesbitt, David Duncan, Joe Turner and City Manager James Stephens. City Attorney Boyd Pettit was not present.

Approval of Minutes

Council Member Craig Guyton motioned to approve the minutes for the City Council Work Session 02.21.17, City Council Meeting 03.07.17 and City Council Work Session 03.21.17. Council Member David Duncan seconded the motion. The motion was carried with Council Members Guyton, Nesbitt, Duncan, Turner and Mayor Thayer all voting in favor.

Representative for Congressman Barry Loudermilk

Mr. Matt Parnell, with Congressman Barry Loudermilk's office addressed the group saying thank you to city council for the opportunity to speak. He stated that Representative Loudermilk sends his regrets that he could not be here. He is in Washington, DC and wanted everyone to know he was thinking of them. The city council, the people of Euharlee and the people in the district is the reason he is there. He is currently on the committee of financial services, house administrator which oversees the operations of the house and science, space and technology. Mr. Parnell said, if the city ever have any federal issues, he will be the liaison and please let them know if they can do anything for the city.

Sewer Project

Mayor Dennis Thayer gave an overview of prior discussion about the sewer project to include:

- It is a cooperative project between the city and the county.
- The city's portion of the project starts from the city limits, to downtown, to the city hall and will cap at 2 million dollars. The total project is 4.6 million dollars.
- It is a SPLOST project that was voted on in 2014 by the city council.
- 20 year financing to begin December 31, 2019 with annual payments of \$117,808.32 and current SPLOST should cover without any problems.
- The work should begin before the end of this year and take about a year or so to complete.
- The county is financing the project. It is a county sewer system not a city sewer system.
- The schools will tie on immediately and then it will work outwards from the initial line.

Council Member Joe Turner said he didn't know if it would make any difference, but he believes it was first presented to council in 2011. As far as council being involved in the conversations, he doesn't remember if anything was voted on.

City Manager James Stephens said, he wanted to remind council that both the Euharlee Planning and Zoning Commission, as well as, the Historic Preservation Commission voted unanimously to support the project and the future developments.

Mayor Dennis Thayer said, everybody agrees it is vital to move forward. It may not have a huge impact today but down the road it will have a huge impact.

Council Member Ronald Nesbitt motioned to approve the sewer project and to sign the intergovernmental agreement as presented. Council Member David Duncan seconded the motion. Council Members Guyton, Nesbitt, Duncan, Turner and Mayor Thayer all voted in favor.

Euharlee Community Events Steering Committee

City Manager James Stephens stated he forwarded council a document for the community events steering committee and he had a few small changes. It has been recommended an improvement to the document to strike management of the city sponsored events and replace that with operational

sponsors with city, cultural and recreational events. Under structure, replacing 5-10 members to 7 members. Also, include to have a staggered 3 year term with the thought that the committee will function effectively. Mr. Stephens stated, Eric Smithey is willing to steer this committee. Mr. Stephens said, he thinks it will be good for the city. He recommended that council will sanction the steering committee.

Council Member Joe Turner said he agreed with the change from management. Council Member David Duncan said they ran into a situation last week and could have used this group and he is all for it.

Council Member David Duncan motioned to approve the community events steering committee as presented. Council Member Joe Turner seconded the motion. Council Members Guyton, Nesbitt, Duncan, Turner and Mayor Thayer all voted in favor.

Motion to Amend Agenda

Council Member Joe Turner motioned to amend the agenda to add item #5, Pfau Engineering contract and item #6, Parks Capital Equipment Purchase. Council Member David Duncan seconded the motion. Council Members Guyton, Nesbitt, Duncan, Turner and Mayor Thayer all voted in favor.

2016 Budget Amendments

City Manager James Stephens presented 2016 budgets amendments. He said he would like to point out the end of the year he projected the city would end up with a fund balance of \$787,533.00. The unaudited year end fund balance ended up at \$779,631.00 and was missed by 1%, \$8000.00 less than what was projected in June. The original 2016 budget called for \$440,000.00 utilized out of fund balance and overall there was a favorable variance both on revenues and expenditures. The budget amendments are clean ups to comply with state code. We actually only used \$225,000.00 out of fund balance so we had almost \$215,000.00 favorable results from the 2016 operation. We under spent city wide. Where the department totals exceeded the original budget, we have to make this amendment to comply with state law. The increase in the departments are where we were over and credits are the line items that were under. Mr. Stephens recommended the adoption of the 2016 budget amendments.

Council Member Craig Guyton asked Stephens if he anticipated this being all of them. He said, we have the yearend payables and accruals done. When the auditors come in, there might be something else but he does not anticipate any additional amendments. Council Member Guyton asked, when did they expect the auditors to come in. Mr. Stephens stated the city clerk is putting final finishes on the working papers. State code requires us to submit to the Department of Audits and the Carl Vision Institute by June 30 and anticipates the auditors to present to council May or June meeting, but we are on schedule. Council Member Joe Turner motioned to adopt the 2016 budget amendments as presented. Council Member David Duncan seconded the motion. Council Members Guyton, Nesbitt, Duncan, Turner and Mayor Thayer all voted in favor.

Rezoning Request

City Manager, James Stephens presented on behalf of Charles Reese, Planning & Zoning Director which recommended the property on the intersection of Euharlee Five Forks Road and Hardin Bridge Road be zoned from R-1 to A-1. Mr. Stephens points out to council, this is the property we had some developers who approached the city about within the last 6 months. Those developers and the Evans worked out an agreement where the Evans purchased part of the property. So the cul-de-sac and that acreage is going to be developed as residential. When the Evans purchased this property, the developer realized it was the Evans intent to rezone to A-1 and they are in agreement. We conducted public hearings as required by law and no one spoke against it. Mr. Reese asked Mr. Stephens to present on his behalf, who is with his family visiting colleges for his daughter. He asked for council approval to rezone from R-1 to A-1. Council Member Craig Guyton motioned to approve the rezoning as presented. Council Member Ronald Nesbitt seconded the motion. Council Members Guyton, Nesbitt, Duncan, Turner and Mayor Thayer all voted in favor.

Food Truck Friday Dates

City Manager James Stephens presented Food Truck Friday dates from April 2017- September 2017 for the 2nd Friday of each month consistent with what happened last year. It is a great community event and he enjoys it. He said, the dates are for council information and not sure a vote is required but historically it has been voted on. Council Member David Duncan motioned to approve Food Truck Friday event dates as presented. Council Member Craig Guyton seconded the motion. Council Members Guyton, Nesbitt, Duncan, Turner and Mayor Thayer all voted in favor.

Easter Egg Hunt

Council Member David Duncan provided a list of items purchased and donated for the egg hunt. He stated him and his wife, Rene received an email that the egg hunt was cancelled due to the police department not being able to put it on and they stepped forward and asked Mr. Stephens if they could take it over to help the city have one and he approved. Council Member Duncan gave details of the number of eggs and candy donated. They had over 3000 eggs donated from the police department and 4 bags of candy donated. He stated they needed more candy. He also said, the lodge will cook the hot dogs this year. They cooked 700 hot dogs last year and would like to cook 700 this year. Two boxes were donated and 7 more boxes were needed. He said \$300.00 was anonymously donated and they will buy the hot dogs from that. They will have \$150.00 left to buy more candy and eggs. They had 1 case of 8oz bottle water donated. Council Member David Duncan said he wanted everyone to know there will be an egg hunt. They are in need of candy, volunteers and it will be appreciated.

Mayor Dennis Thayer asked the date of the event. Council Member Duncan said April 15, 2017 at 11:00 am. The lodge will be there at 8:00 am and the volunteers need to be there by 8:30 am to hide the eggs. Mayor Thayer asked, how many eggs have there been in the past. Council Member David Duncan said, when they started out the first year it was 3,000 but not sure about the last couple of years. He said, they have had from 5,000 to 8,000 eggs. Mayor Thayer said, he was concerned there would not be enough eggs.

Mayor Thayer asked if the donated funds were checks or cash and Council Member Duncan said cash. Council Member Craig Guyton asked if Public Works had been notified because of the Food Truck Friday event to make sure everything was okay. City Manager James Stephens stated, he had a department head meeting today and made it aware we may have the event after the Food Truck Friday. Staff is scheduled to work.

Council Member Joe Turner promised to stuff 1,000 eggs and challenged the Mayor and council members to match. Council Member Duncan stated he and his wife, Rene has already stuffed 1,000 eggs.

Council Member Ronald Nesbitt asked if there had been any advertisement. Mr. Stephens said, he has not because Council Member Duncan requested it on the agenda. Council Member Duncan stated, he did contact the newspaper and the radio station, but told them he would have to make sure they were going to have it before they begin to advertise it. Mr. Stephens said, Ms. Gobbi has a Facebook post ready depending on how it turns out tonight. Council Member Duncan stated flyers will be given out at Food Truck Friday.

Mayor Thayer asked if it required a vote. Mr. Stephens said there are no city funds, just use of Frankie Harris Park. Council Member Guyton said it was a city function and does not need a vote to use the park.

Pfau Engineering Contract Lowry Mill

Pfau engineering firm was hired in April 2012 to do the work at Lowry Mill. The initial contract was for \$12,500.00. In 2015, there was a change order for an additional \$2,900.00 and we paid a total of \$15,400.00. We received a sketch of the engineering drawings that were stamped. In March 2016, Ron Goss sent Pfau engineering firm a copy of the architectural drawings to match with the engineering drawings. There was no response negative or positive back from the engineering firm until January 2017 when we began getting questions from the contractors relating to the bid that was out. January we started going back and forth about the drawings not matching up. After several emails exchanged, we

had a meeting with all parties and decided at that point the best thing to do was another survey. Another survey was done and there were lots of questions of who was going to be responsible. All the information was provided to the engineering firm, yet they still wanted more information. Some of the scope they were suppose to do and they never did it. They counted on other entities to provide that information. They were given an April 15, 2017 deadline. Today we received an email from the engineering firm stating they would have to do another scope with an additional charge and 3 to 4 months to get the drawings done.

At this point, based on non performance, the drawings are no longer applicable because of the law changes and requirements, the fact the architectural drawings do not match up with the engineering drawings, several references with the changes in the foundation, yet the foundation was never changed and never a part of the project in the beginning and with refusal 5 years later to provide the documents with additional cost. It will be the city's best interest to end the relationship with the engineering firm and direct the city manager to attempt and re coupe the funds. Mr. Ron Goss, Program Manager has recommended another engineering firm Alpha Omega Engineering firm in Cartersville who can have the drawings in 3 to 4 weeks for \$8,800.00 and provide a report on the drawings we have stamped, which are not what they are supposed to be.

Council Member Joe Turner motioned to end the relationship with Pfau Engineering, authorize city manager to attempt and re coupe the funds and to approve the contract with Alpha Omega Engineering firm not to exceed \$8,800.00 for the drawings.

Council Member Ronald Nesbitt asked, if the city was in their rights to dismantle the agreement based on the way the contract was written. City Manager James Stephens stated, based on the scope of work and emails where the firm submitted the final drawings for the scope of work and all the practically, it has run its course. The motion would probably be to approve the city manager to work with the city attorney to re coupe the cost for non performance. By all means he believes the city is within its rights. A word picture would be the engineering firm was sent an email from the project manager saying is the sky blue and the response came back, the ocean is green. It's not coherent.

Council Member Craig Guyton said, he doesn't think it's necessary to motion to sever our ties with the firm or vote for the city manger to work with the attorney to re coupe the funds.

Council Member Craig Guyton motioned to enter into a contract with Alpha Omega Engineering, LLC firm not to exceed \$8,800.00 to complete the structural engineering drawings. Council Member Ronald Nesbitt seconded the motion. Council Members Guyton, Nesbitt, Duncan, Turner and Mayor Thayer all voted in favor.

Parks Capital Equipment Purchase

City Manager James Stephens stated there is \$15,000.00 in the 2017 budget for equipment purchase for recreation. Council received information in form of an email from Don Varvel, Parks and Recreation Director to trade in a mower for a new Toro with a 52 inch deck with a bag kit. The net cost to the city will be right under \$6,000.00. He stated he requested approval because the purchase was over \$2,500.00.

Council Member David Duncan motioned to approve to trade in and purchase the new mower not to exceed \$6,000.00. Council Member Joe Turner seconded the motion. Council Members Guyton, Nesbitt, Duncan, Turner and Mayor Thayer all voted in favor.

Council Member Joe Turner asked, if it was a diesel mower because they have an extended life span. Mr. Stephens said it does not state, but Mr. Varvel and Mr. Shepherd have been working together and both are in agreement.

Council Member Craig Guyton motioned to adjourn the meeting at 7:37 pm. Council Member David Duncan seconded the motion. Council Members Guyton, Nesbitt, Duncan, Turner and Mayor Thayer all voted in favor.

With no further discussion the meeting was adjourned.