

7:30 PM

Regular Meeting Minutes

March 5, 2013

Meeting called to order at 7:40 PM by Mayor Schindler immediately following adjournment of Call Meeting.

Mayor Schindler advised those in attendance that he had led the prayer and pledge before beginning the called meeting and due to the amount of agenda items that needed to be addressed, the council would move forward and begin with those agenda items.

Present: Mayor Schindler, Mayor Pro-Tem Sherrill, Council Members Whitfield, Lane, and Moss, City Attorney, City Clerks, and interested citizens.

Mayor called for Meeting Minutes from December 6<sup>th</sup>, 12<sup>th</sup>, 18<sup>th</sup>, and the revised 18<sup>th</sup> 2012, as well as the Meeting minutes from January 8<sup>th</sup> and February 5<sup>th</sup> 2013 to be read and reviewed. Member Whitfield made a motion to dispense the formal reading of all and to adopt them as they are. Member Sherrill seconded the motion, Members Lane and Moss opposed, Mayor broke the tie and voted to dispense the formal reading and adopt them as they were. Motion passed.

Mayor called for Council to review the financial statements from December 2012 thru February 2013. After reviewing the finances, Member Sherrill made a motion to approve December 2012, January 2013, and February 2013 Financial Statements. Member Whitfield seconded, Mayor asked for any discussion. Member Moss made a request to review the January and February 2013 statements separately. When Mayor asked for vote, Members Moss and Lane opposed the motion to approve the Financial Statements; therefore the vote was a tie. Mayor split the tie and voted in favor to oppose the motion, so motion failed.

Mayor called on Member Moss for review discussion regarding the January and February 2013 Financial Statements. Member Moss stated that the January statement revealed a larger expense percentage than what was budgeted for as well as a decreased percentage of expected revenue. Member Moss questioned Council about what they needed to do to regulate finances when they over exalt what had been budgeted. Member Moss also questioned a Fire Department expense for \$800. It was explained that the expense was for equipment such as boots, helmets, and uniforms that had been previously approved. Ms. Moss further reviewed the January Water Department Revenues of \$4,889.47 and compared them to the January Water Dept. Expenditures of \$8,768.52. After Ms. Moss reviewed January expenditures, Mayor asked for an act from the Council. Member Sherrill made a motion to approve the Financial Statements from December 2012 thru February 2013. Member Whitfield seconded the motion, Members Lane and Moss opposed, motion was tied. Mayor split the tie and voted to approve the Financial Statements.

At this time, Mayor invited Citizens to voice their concerns. He also stated that there would be another time later in the meeting for Citizens Concerns. Jay K. Khodiyai, owner of the Right Stop, came forward to express his concern with the cost of his Sunday alcohol sales tax.

Mayor called for Re-Zoning Request, case # 11-2012-01. Mr. Todd from the RDC came forward to provide information regarding the Re-Zoning request. He stated that the Zoning Committee had met on January 28<sup>th</sup> and voted to grant the rezoning request. He recommended the approval by Council. Mayor thanked Mr. Todd and advised him that

Council would discuss the request. Mayor then asked for discussion or action from the Council. Member Moss made a motion to approve the re-zoning; Member Lane seconded. Mayor called for vote, Member Sherrill requested to make a statement. Member Sherrill advised the Council that she had gone and walked through the neighborhood that the re-zoning is in question. She said that she had spoken with neighbors that were adjoined to the property in question, as well as the Churches in the area. She stated that none of the people she spoke with were in favor of the rezoning. She went further to state that she was told by those citizens that none of them were notified of the rezoning request. She also said the citizens expressed their fears of increased traffic thus causing more speeding through the area, danger to children playing and riding their bikes as well as walking to and from school. Member Sherrill declared that she felt it would be a disservice to those citizens and their community that wanted to keep their neighborhood as residential. Mayor Schindler also stated his concerns regarding the rezoning request. He then called for a vote, Member Sherrill made a motion to deny the rezoning request, Member Whitfield seconded the motion, all in favor, none opposed, zoning request denied.

Next agenda item, Municipal Voting location. Mayor stated that Deb Cox, Lowndes County Board of Elections Supervisor, had contacted the City of Lake Park with a recommendation of changing the voting place from the Civic Center to the South Lowndes Recreation Center. Reasoning for change was stated to be due to lack of parking at the Civic Center. Mayor announced his disapproval of the change and explained that there were a number of elderly and low income citizens whom might not have transportation to the Recreation Center to vote. Member Sherrill agreed. Member Whitfield made a motion to leave the Municipal Elections at the Civic Center, Member Sherrill seconded, all agreed with no opposition. Motion passed.

Agenda item; Charter Amendment Process. Mayor Schindler advised that there was a need to amend the City Charter to not require a Bond on the City Clerk due to an existing coverage on the Clerk through the city's insurance policy. The City is paying double for the coverage on the City Clerk, and actually has more coverage through the insurance policy than the coverage from the Bond. Attorney Plumb spoke regarding the amendment process. He advised Council that there had to be an approval vote for 2 consecutive meetings, as well as an amendment advertisement printed in the newspaper for 3 weeks. He also stated that he sent 2 recommended amendments, only difference being the wording, for the Council to review prior to the meeting. Member Sherrill made a motion to eliminate the Bond stated in the City Charter and to go with the recommendation from the City Attorney. Member Whitfield seconded the motion, and the Mayor called for discussion. Member Moss asked which of the two recommended proposals were being voted for. Member Sherrill amended her motion to accept the first recommendation from the City Attorney, Member Whitfield seconded, Members Moss and Lane opposed, motion tied. Mayor voted in favor of the motion therefore motion passed. Mayor stated that the notice needed to be published in the paper for the next 3 weeks and that Council would vote again at the next meeting. First reading Ordinance 7 amendment number 5 was held.

Next agenda item; attending meetings via electronic devices. Member Whitfield made a motion to adopt a policy that no one be allowed to participate in Regular Council Meetings other than in person for the remainder of their current term. Member Sherrill

seconded the motion and also stated that the citizens had stressed the need for such a policy therefore she was in favor of doing so. Member Lane questioned if the adoption of such policy was legal. Attorney Plumb informed the Council that there were stipulations to the City Charter and City ordinances; however it was the Council's decision to adopt what policies they felt necessary. Mayor called for a vote, Members Lane and Moss opposed the motion, Mayor Schindler voted in favor to adopt such a policy, motion passed.

Agenda item of Mowing Bids was discussed next. Member Moss objected to the consideration of a question in regards to mowing bids. Mayor Schindler asked Ms. Moss why and she replied insurance liability limits were not agreed upon by council, workers compensation insurance requirements were not established by council, in two separate work sessions it was stated that we could reduce at least one employee by entering into a contract, and Tom's Pond property could not be maintained under a maintenance contract as the property does not belong to the city and we can't use tax payers dollars to pay for contracted services on private property. Mayor advised that the City had taken sealed bids for mowing, trimming, and cleanup of debris twice a month. Mayor Schindler read the bids aloud as follows, 1<sup>st</sup> Choice Mowing and Mosquito Service - \$1,950 per month, Cut Right Lawn Care - \$1,250 per mowing, Norman's Lawn Care - \$3,750 per month, Hampton's Lawn Care - \$7,540 per month, and Diversified Lawn Service \$2,475 per month. Member Sherrill made a motion to accept the low bid from 1<sup>st</sup> Choice Mowing. Member Whitfield seconded for discussion, he questioned the effective date. Mayor advised the Council and citizens that the expense of the City Maintenance employees doing the work and taking time away from other City obligations far outweighed the expense of the mowing service bid. Attorney suggested an amendment to the motion. Member Sherrill amended her motion to show an effective date of April 1, 2013. Member Whitfield seconded, members Moss and Lane opposed, Mayor voted in favor of the motion, motion passed.

Agenda item of appointments was the next item of business.

#### Greater Lowndes Planning Commission

Mayor Schindler made a motion that stated he would like to ask Mr. Ken Sherrill to serve on the Greater Lowndes Planning Commission, Member Whitfield seconded. Member Moss questioned about Mrs. Spriggs whom someone previously mentioned volunteered and was interested in the position. Mayor stated that he was told Mrs. Spriggs had volunteered for the City of Valdosta's committee. Mr. Sherrill addressed the Council and politely declined. Mayor asked Member Moss to contact Mrs. Spriggs regarding her interest to serve. Appointment tabled.

#### Zoning of Appeals

Mayor Schindler recommended Carl Spano to one of the vacant seats on the Lake Park Zoning of Appeals Committee. Member Whitfield made a motion to appoint Carl Spano to the vacant seat, Member Sherrill seconded. Member Moss stated she did not support Ms. Spano's ideology and as such could not support his appointment. Mayor called for vote, Members Moss and Lane opposed, Mayor voted in favor of the motion, motion approved.

Member Sherrill made a motion to appoint Ron Carter to the remaining vacant seat on the Lake Park Zoning of Appeals Committee. Member Whitfield seconded the motion, Members Moss and Lane opposed. Mayor voted in favor of the motion, motion approved.

Ethics Commission

Member Sherrill made a motion to appoint Amy Koggins. Member Whitfield seconded the motion, Member Moss approved, Member Lane opposed, motion passed.

Cemetery Committee

Member Sherrill made a motion to table appointments to the Cemetery Committee until the next meeting. Member Whitfield seconded, all in favor, Cemetery Committee appointment tabled.

Next item of business was cemetery issues. Member Sherrill stated that Council had approached the idea of purchasing additional property for the cemetery. Member Sherrill described problems with current plots and the lack of equipment access to get to plots located near fenced edge of cemetery. Member Sherrill used a map of the cemetery to point out the problem area. She further stated that the price of the additional property was neither within the Cemetery's budget nor the budget of the City of Lake Park. Member Sherrill then made a motion to freeze the sale of those lots in question temporarily until they could come to resolution on the accessibility problem. Member Whitfield seconded, Member Lane stated that the cemetery was in a serious situation and he felt the price of the additional land was incorrect. Citizens stated comments about the adjoining property to the cemetery and questioned a possible easement from the property owner. Mayor called on the Council for an action of the motion to freeze the sale of plots, all in favor the motion passed.

Mayor called for the reports of the City of Lake Park Departments, they were as follows;

Water Department – Bob Elworthy reported as follows; Civic Center had been painted and chair railing had been installed, Hwy 41 was cleaned up prior to the heavy rain that we got but there were still problems with ditch drainage and water standing which enabled them to access water meters. Many meters were underwater for days. He has been working along with Historical Society to mark Veterans plots at the cemetery, plans on putting up a flag pole at the Cemetery by Memorial Day and plan to have a ceremony in memory of the Veterans.

Fire Report – Fire Chief not present, Mayor asked if Bob Wilbers had any department information to report. Mr. Wilbers stated that they had 1 fatality call last month, all fire department personnel had been fit tested (and said their station was the only one in the county to be fit tested), and the firehouse, equipment, fire trucks, and fire reports had been inspected by the state and everything was in good order.

Police Report – Police Chief not present. Member Whitfield questioned Council and Mayor if anyone was notified as to why the Chief was not present for the Council meeting.

Further discussing the water department, Member Sherrill made a motion for the Mayor to meet with Lovell Engineering Firm regarding an assessment of the City's Water

Department. What needs to be done to improve the water system and what steps the City should take to begin the improvements. Member Whitfield seconded the motion. Mayor asked called for discussion. Member Lane questioned if the motion was made regarding the water system. Also asked what keeps us as a City from getting grants? Council mentioned economy, politics, and citizens. Mayor called for a vote, all in favor, the motion passed.

Next item on the agenda was Meeting Minutes and Georgia Law. Member Moss questioned Attorney Plum about open records, summary minutes, draft minutes, workshop meetings, and legalities. Member Moss made a motion that the City should post the audio version of the meeting minutes to the City's website. Member Lane seconded. Members Sherrill and Whitfield opposed making the vote a tie. Mayor voted to oppose the motion. Motion failed.

Mayor stated next agenda item was SPLOST funds. SPLOST IV is exhausted, SPLOST V contains less than \$1,000 after the funds were dispersed for the tower, and SPLOST VI funds have not be delegated and set.

Mayor called on Member Moss to cover agenda item of scheduling meetings without consulting Council members. Member Moss stated that she asked the Mayor on December 20<sup>th</sup> for her to be contacted prior the scheduling of a meeting. Member Whitfield responded by stating that it was not the Mayor's responsibility to check each Council Member's schedule prior to planning a meeting. No more discussion.

Mayor asked Member Moss to speak on behalf of the agenda item of the follow up on trees. Member Moss stated she wanted to know what the final on the tree issue was. Mayor responded by stating Pro Tree was brought in regarding trees on Cotton Avenue, Main Street, Lawrence, Marion, and N Main streets. The only problem tree was at Bennett's Fire Protection and after researching the ownership of the tree, it was determined that it was neither owned or the responsibility of Bennett's or the City of Lake Park. Member Moss then announced she would like the tree on the corner of Long Pond Rd checked out. No further discussion.

Mayor called for next agenda item of financial management practices. Member Moss stated that it was important for the Mayor and Council to know about financial management. Member Moss also requested the Council look at financial guidelines, practices, and procedures. She presented a resolution copy on how they should handle finances.

Bids and Bidding Practices were next to discussed. Member Moss asked what happen regarding the Insurance quote. The Mayor stated they had to continue the City's coverage with Blanton due to the lack of a quorum to review quotes and discuss other possibilities. Mayor the advised the Council that one of the heating and air units inside City Hall had quit as well as the unit at the Civic Center. Repairs and maintenance on the units have been an ongoing problem that the City has spent a lot of time and money dealing with. There have been two bids turned in for the replacement of each from Kinsey Heating and Air, and by Waller Heating and Air. Each bid was reviewed by

Mayor and Council. There was discussion of funds for the replacement cost of each unit. Money will have to be used from the savings. Also the warranty time and coverage was discussed from each bid. Member Whitfield made a motion to accept the bid from Waller. Member Sherrill seconded and Mayor asked for any further discussion. Member Lane asked to clarify that the bids were for the replacement of the units. Member Whitfield amended his previous motion to state to accept the bid from Waller and to use money from the savings to pay for the replacements. Mayor called for a vote, all in favor.

Mayor called for agenda item of Workforce Agreement. Member Moss presented a Memorandum Agreement of Understanding. Moss then made a motion for the Mayor to sign the agreement, Member Whitfield seconded for discussion. Member Lane asked if it was a state or federal agreement. After discussion Mayor called for a vote, Members Whitfield and Sherrill opposed, Members Lane and Moss for it, Mayor voted to split the decision and agreed with motion to sign the agreement.

Agenda item Zoning Administrator. Member Sherrill stated that Alan Leonard currently serves as Zoning Administrator. It was agreed by previous Council to pay him \$100 per month, but was never done. She indicated that the City fulfill the agreement and pay Mr. Leonard for his time of service. Member Sherrill suggested that the service should be brought back to City Hall to be handled by the Clerk. She also stated the zoning request process through Lowndes County were costing the City of Lake Park approximately \$1,000 and the City's actual fee they collect was a charge of \$100. Attorney Plumb advised that the Council must amend the Zoning application and City Ordinance before making any changes. Whitfield made a motion to pay Alan Leonard \$ 600 and to move the Zoning Administrator's service back to City Hall for the clerk to handle. Mayor suggested that \$1,400 would pay for the past 14 months of time served as Zoning Administrator. Discussion ensued regarding the duties of the Zoning Administrator and also of the Building Inspector. Each position paying a \$ 100 monthly retainer fee. Mayor called for an action from Council, Member Moss motioned Zoning Administer to be moved back to the Clerk. Member Lane seconded, all in favor motion passed. Member Sherrill made a motion to pay Alan Leonard \$ 1,400. Lack of a second, the motion died. Mayor advised Clerk to notify Mr. Leonard that as of tomorrow's date (March 6,2013) he will no longer be the Zoning Administrator.

Municipal Court Clerk was next item of business. Mayor stated that Municipal Court Clerk must be certified. Mrs. Peterson is currently certified and Tabatha is still training. Mrs. Peterson should serve as Municipal Court Clerk for now, all in favor.

Agenda Item Lawsuit Update – removed

Agenda Item Property Tax Update – Member Sherrill questioned if tax liens had been filed. Attorney Plumb responded not yet but some have been collected and they are moving forward with the process. Attorney stated that the Chief of Police is the City Marshall and would be required to comply with seizure and tax collection. Attorney stated that any out of pocket expense would be added to the uncollected tax amount.

Police Officer Vacancy – Member Sherrill motioned that they go into Executive session to discuss personnel, Member Whitfield seconded. Member Moss stated they should complete the list of agenda items first. All agreed.

Executive Reports – Mayor stated that changes at City Hall and the Fire Department have been made and they are as follows; disconnection of DSL at Fire Station saves \$1,000 a year, lock changes due to unauthorized entry to City Hall, currently the Water, Maintenance, and Fire Department share one office at City Hall, and additional costs for keys and locks after the change. Member Moss stated she would like for the Council to look into a key pad system in the future instead of the repeated costs of changing locks and keys. She stated they are easy to maintain, must have a code to enter, and the codes can be changed as needed. Discussion of a business's lack of ordinance compliance followed. Member Whitfield motioned they should send the Chief of Police out to site the business for lack of compliance. Member Sherrill seconded. Member Lane questioned the motion involving the Chief of Police. Member Whitfield retracted his motion. Mayor asked Clerk to notify Chief regarding the citation for lack of compliance. Moving on, the Mayor stated a refund owed to Chancy Drugs regarding an overpayment of their 2012 Occupation Tax Permit. Mayor then stated that the City of Lake Park is contracted with Lowndes County for their collection of City Property Taxes. Mayor then stated the City has to pay a deductible of \$2,500 regarding a dog bite lawsuit. He stated that he and Member Sherrill attended the City of Lake Park's Chamber meeting that day and they were informed of many great ideas and activities that the Chamber has planned that they would work together on. The Mayor concluded the Executive Report by saying the spelling of Marion Street had been questioned. Attorney Plumb advised Council that they should go back to the original spelling.

Mayor then called for Citizen's Concerns.

Citizen Carl Spano was the first to approach Council. He questioned City Council regarding the City financial statements and their expenditures. He also questioned the problem that Council has with posting the audio version of the meeting minutes on the City website. Mr. Spano also stated that email notification is not legitimate notice of a meeting; you must notify members of Council first hand.

Julie Schindler was next to approach Council. She question why when an opposing vote is made, is there no explanation. It should be policy to find out why the member opposes. She went further to ask why Mr. Leonard should not get paid for his time of service, when the Council gets paid. When they don't do anything and don't show up for Council Meetings, they still get paid.

Catherine Whitfield approached Council. She thanked the Mayor for all that he does and for his attempts to contact Council. She was upset at accusations made towards the Mayor.

Barry F. Plotnick approached Council to second the issue of not paying Mr. Leonard that Mrs. Schindler had stated. He also agreed with the request for a policy to get an explanation of an opposing vote.

Following Citizens Concerns, Member Whitfield suggested that the item of payment to Alan Leonard be reopened. Member Sherrill made a motion to pay Mr. Leonard \$1,400 for his past service, Member Whitfield seconded. Member Lane stated why he did not support the payment to Mr. Leonard. Member Moss stated she wasn't on Council at that time and she would like to request documentation of the work and the duties that Mr. Leonard performed. Members Lane and Moss opposed. Mayor stated he was aware of Mr. Leonard's position as Zoning Administrator, and also the agreement of the fee for service between the City of Lake Park and Mr. Leonard. Mayor voted in favor of the motion to pay Mr. Leonard \$ 1,400.

Member Sherrill made a motion for Council to go into Executive Session to discuss personnel items. Member Moss seconded; all agreed. Everyone was excused from the Council Chambers.

Member Moss made a motion for Council to resume regular session and for the Mayor to sign the Executive session Affidavit. Member Sherrill seconded. All agreed.

Member Sherrill made a motion to continue the Executive session on the following evening of March 6<sup>th</sup> at 7:30 PM. Member Moss seconded. All agreed.

Member Sherrill made a motion to allow a pay increase to be effective March 1, 2013 for the following; Billy Jones increase to \$ 11.25 hourly rate, Bob Elworthy to \$ 9.50 hourly rate, and David Kinsey to \$ 11.50 hourly rate. Member Moss seconded, all in favor. Motion passed.

No further business, Member Sherrill made a motion to adjourn the regular meeting, Member Moss seconded, all agreed and meeting adjourned.

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City of Lake Park Mayor

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Date