**Draft**

**Regular City Council Meeting**

**May 2, 2023**

**6:30 P.M.**

The Young Harris City Council met Tuesday, May 2, 2023, at 6:30 PM for their Regular Monthly Meeting. Present at the meeting were the Mayor: Andrea Gibby; City Attorney: Marvin Harkins; City Clerk: Nicolette Wade; Finance Officer: Ana Hess; Main Street Director: Rosemary Royston; City Council Members: Matt Miller, Terry Ingram, Steve Clark, and John Kelley; Public Works Supervisor: Dean Stanley; Economic Development Director: Denise McKay; Young Harris College President: Dr. Drew Van Horn; Vice President of Finance and Operations at Young Harris College: Bo Wright; General Manager/Editor of the Towns County Herald: Shawn Jarrard; Towns County Civic Association Members: Gordy Jones and Jim Olson. Donald Keys was absent from the meeting.

**Call to Order:** Mayor Gibby called the meeting to order at 6:35 PM stating Donald Keys was absent but there was a quorum. A copy of the May 2, 2023 Agenda is attached and incorporated herein by reference.

**Agenda:** John Kelley made a motion to approve the Agenda as presented, seconded by Terry Ingram and approved unanimously.

**Approval of Minutes of Regular Monthly Meeting –April 4, 2023 – 6:30 PM:** Steve Clark made a motion to approve the Minutes of the April 4 Regular Monthly Meeting as presented, seconded by Matt Miller and approved unanimously. A copy of the Minutes of the April 4 Regular Monthly Meeting is attached and incorporated herein by reference.

**Approval of the Minutes of the Administrative Committee Meeting –April 18, 2023 – 6:00** **PM:** Steve Clark made a motion to approve the Minutes of the March 18 Administrative Committee Meeting as presented, seconded by Matt Miller and approved unanimously. A copy of the Minutes of the March 18 Administrative Committee Meeting is attached and incorporated herein by reference.

**Financial Report – Ana Hess:** A copy of the March, 2023 Financial Report was in the Council packets, a copy of which is attached and incorporated herein by reference. Ana said she put in some charts to show variations keeping in mind there are fluctuations. There are analyses of the bank, water, and wastewater as usual. We are at about 25% of the budget in the third month. Ana stated that everything is looking good. John Kelley stated the fact that he likes having the Financial Statement sent ahead of time. John Kelley made a motion to approve the Financial Statement as presented, seconded by Steve Clark and approved unanimously.

**GIRMA Renewal Terms and Invoice 2023-2024**: The Council Packets contained the terms of the GIRMA Property Tax Renewal and the yearly invoice in the amount of $26,690 which is a 10% increase over the 2023 payment of $24,522. John Kelley made a motion to approve the GIRMA invoice, seconded by Steve Clark. Copies of the Renewal Terms and Invoice are attached and incorporated herein by reference.

**Financial Administration Ordinance:** Attorney Harkins presented the First Read of the Financial Administration Ordinance. According to State of Georgia law contracts for work over $100,000 have to be put out for bid. There is a new bill, HB 193, which raises that amount to $250,000 which has not yet been signed by the Governor. The City ordinance currently requires anything over $30,000 to be put out for bid. This new ordinance changes the amount from $30,000 to $100,000. By the time of the June meeting we will know whether or not the Governor has signed the new bill. The City Ordinance currently cannot be over the $100,000 state law and after the Governor signs HB 193 it cannot be over $250,000. The Council can choose to bid out anything even if it is not as much as the $100,000 cost. The second reading and vote regarding this ordinance will be in June. A copy of the Financial Administration Ordinance is attached and incorporated herein by reference.

**Zoning Ordinance:** Attorney Harkins has written a Zoning Ordinance that requires a first read, second read, and a public hearing. He waited until there were several changes that needed to be made in the Zoning Ordinance and included them in this one ordinance. Last year the State of Georgia updated something called the Zoning Procedures Law. The state law said that for zoning issues and land use issues there are certain requirements that you have to comply with or you are subject to it being reversed later. That law meant we had to change our zoning code. In section one the changes are underlined. The definition of zoning decision is being changed to include language about adoption or repeal. The language is just being clarified.

The second section is regarding the PUD Planned Unit Development which is a mixed use classification where you have some commercial and some residential all in the same area. This has been on the books for years but no one has ever applied for it. It currently requires a 10 acre minimum but this section deletes the 10 acre minimum. Steve Clark said he wants language that the site plane controls the zoning. Attorney Harkins said in the current ordinance Section 4.10.3 shows exactly what Steve wants so he did not add the language. A master plan has to be submitted and that master plan becomes the condition of the zoning approval. A copy of the new Zoning Ordinance is attached and incorporated herein by reference.

Steve Clark made a motion to set Tuesday, June 6, 2023 at 6:15 immediately preceding the Regular Monthly Meeting of the City Council as the time for a Public Hearing regarding the Zoning Ordinance, seconded by Matt Miller and approved unanimously.

**Marvin Harkins – April Invoice:** Steve Clark made a motion to approve the April invoice of Attorney Harkins in the amount of $4,278.00, seconded by Matt Miller and approved unanimously. A copy of the invoice is attached and incorporated herein by reference.

**SCADA System – Wastewater Plant:** Steve Clark said the SCADA people met with Wayne Barrett at the Wastewater Plant. There will be seven nodes. The cost of installation, start-up, training and one year monitoring is $31,900.00. There will be $5000 ongoing yearly maintenance/subscription costs. If anything goes wrong Wayne or Dean will be notified on their phone so they would know immediately that something has happened. There is also a need for a Turbidity Meter which will tell us if the filter is clogged and if a piece of equipment has gone down. The cost of a Turbidity Meter is $6415.19.

John Kelley made a motion to approve the purchase of a Turbidity Meter at a cost of $6415.16, seconded by Steve Clark and approved by John Kelley, Steve Clark and Matt Miller. Terry Ingram had left the meeting to take a short phone call and returned before the next vote.

John Kelley made a motion to approve the purchase of a new SCADA System at a cost of $31,900.00, seconded by Steve Clark and approved unanimously.

Copies of the quotes for the SCADA System and Turbidity Meter are attached and incorporated herein by reference.

**Bureau Veritas Contract and Master Fee Schedule Ordinance and Fee Schedule:** At the request of Hal Chitwood who has had some staff changes recently Matt Miller voted to table the Bureau Veritas vote until June, seconded by John Kelley and approved unanimously.

**Blue Ridge Mountain EMC Franchise Agreement and Cover Ordinance (Second Reading):**  Attorney Harkins explained the BRMEMC Franchise Agreement is actually two documents. One is the ordinance and the second is the agreement with the BRMEMC. The purpose of the Ordinance is to grant the BRMEMC a franchise to use the right of way through the city for their utility which is authorized by state law O.C.G.A. § 36-34-2(7) pursuant to the Agreement which is attached. The Agreement is a contract between the City and the BRMEMC setting how they go about doing this. Attorney Harkins has been negotiating with Erik Brinke at the BRMEMC to make this a smooth process. The Agreement was originally written based on an ordinance model from the Georgia Municipal Association. In the negotiations the percentage did not change but the operational language did to suit the procedures of the BRMEMC. The Agreement has to go to the BRMEMC Board which meets on May 8 before it is signed by Allen Glidewell. After it is signed Mayor Gibby can sign it and it will become operational but the BRMEMC has 30 to 45 days to implement collection of the franchise fee.

John Kelley made a motion to approve the BRMEMC Franchise Ordinance and Agreement, seconded by Steve Clark. This opened the Ordinance and Agreement for discussion.

Matt Miller asked if we knew about how much money would be collected. Attorney Harkins said Erik Brinke told him it would probably be about $50,000 a year which will start being collected in June. Matt Miller said based on a letter from Dr. Van Horn, Young Harris College will be paying over $50,000 a year which is a whole lot on one user.

Mayor Gibby said that amount is in line with what Hiawassee collects and Attorney Harkins explained it is based on consumption so that figure can fluctuate. Mayor Gibby said the figure of $50,000 is based on the whole city so the college would not be paying all of that.

John Kelley said the projection was about 50% usage of electricity that the EMC produces in the city is for Young Harris College. He asked Dr. Van Horn if that means their bills would go up about $25,000. Dr. Van Horn told the Council he met with Erik Brinke who informed him that their power bill will go up about $55,000 a year based on what they spent the last two years. John Kelley said it sounds like we are getting two different messages.

Matt Miller said he is very uneasy that the college will be paying so much. He said maybe we should be looking at a 2% rate rather than a 4% rate. He said the college is getting an estimate that is higher than the estimate they gave us.

John Kelley asked if a franchise fee is appropriate for a municipality to have. The whole state is full of franchise fees for years and years and the City of Young Harris has never taken it upon ourselves to implement that so we are late to the party. It is appropriate to do it. He apologized to the College that they did not get the communication but it has been discussed prior to the April meeting. He said Bo Wright has been attending all the meetings and he is thankful for that which he thinks has added a lot to our communication process which is very important to him personally. He does think the franchise fee is appropriate and the numbers will be what they are.

Matt stated he has a problem with not having good numbers.

Dr. Van Horn explained the college spent 1.3 million dollars on electric bills last year and if you multiply that by 4% that is a $50,000 increase on their bills because the EMC will be passing that onto the customer.

John Kelley said that utilities pass on costs to customers that are not necessarily something he enjoys either. Utilities are recipients of significant grant money for internet but we still pay for that internet.

Dr. Van Horn said that he has spoken with several business owners within the city limits and this is the first time they have heard about a franchise fee that was going to be increasing. He suggested that the city have a public hearing for them to be able to understand it and be able to ask questions of the Council.

Mayor Gibby explained the city started having a conversation about the franchise fee about six months ago when Attorney Harkins had a conversation with the GMA about franchise fees and what under the law we will be able to do. It is in the paper and in the minutes. We have had open conversations about this for over six months. She thanked Dr. Van Horn for bringing this up and for the letter. She said we do meet every single month.

Matt Miller said we have not gotten good information from the BRMEMC. He said the rate amount is the crux of the matter if you are setting a tax rate. Mayor Gibby said it is based on usage. Matt’s problem is not that we have a franchise fee but what the rate will be (4% or 2%). Matt said we should not set it based on what the EMC said but Attorney Harkins explained the rate was not set by the EMC but by the model ordinance from the Georgia Municipal Association.

Matt Miller asked “so we can set it at what we want?”

Steve Clark asked Attorney Harkins for a time line. Attorney Harkins response was that in November the Council Approved GMA Utility Management Contract. The contract began in January and they proposed this model ordinance at 4%. That was sent to Erik Brinke in March. The fifty grand number came early in the process and it was first read in April.

John Kelley, Terry Ingram, and Steve Clark voted in favor of the Blue Ridge Mountain EMC Franchise Agreement and Cover Ordinance with Matt Miller opposing adoption.

A copy of the Blue Ridge Mountain EMC Franchise Agreement and Cover Ordinance and Agreement is attached and incorporated herein by reference.

**Purchasing Card Policy for Employees and Elected Officials:** Mayor Gibby said we have talked about this before. Ana and Attorney Harkins talked about why we need this. If an elected official has a Purchasing Card there has to be a policy in place. Steve Clark made a motion to approve the Purchasing Card Policy, seconded by John Kelley and approved unanimously. A copy of the Purchasing Card Policy is attached and incorporated herein by reference.

**Timberline Booster Pump:** Steve Clark said the cost should be around $250,000 to $300,000 just to install the pipe. He explained that it needs to be re-bid to break up the project into pieces as listed below.

1. Building
2. Pump
3. Water Line

When we re-bid we need to target a particular group of contractors to make sure we are getting bids consistent with the pump. Steve gave the Council a proposal from Keck & Wood to which there are two parts. The first part is a set of plans for value engineering to make sure we are not overspending. That part will be $3700. If we stay with the same design process we will have to go back to Hulsey Gay Bell and get the changes to the design and how long it will take, then we can re-bid. The second part of this is for Keck & Wood to look at the design itself and make sure we are doing the right thing. From the quotes we received everyone has commented how expensive pipe is and if it turns out pipe is the controlling expense factor it might be worth putting a new pump station where we talked about, but install a smaller pump which would pump through our existing lines to the existing pump which will be replaced with a bladder pump. That is what he has asked Corinne Valentine at Keck and Wood to look at which will have a cost of $2500.00. Steve said it would be worth it to put in another $40,000 to $50,000 of equipment at the old pump station in addition to a new pump station and not do the pipe construction because the savings would be huge. Corinne said it would take about 30 days.

John Kelley made a motion to approve the Keck & Wood proposal of $3700 for component 1 and $2500 for component 2 for a total of $6200, seconded by Matt Miller and approved unanimously. A copy of the Keck & Wood proposal is attached and incorporated herein by reference.

**Sewer Line Rehab:** Steve Clark is still watching sewer line videos from a study years ago. He is looking at a line in the middle of the Young Harris College campus which may have to be rehabbed.

**Mueller: Water Meters and United Systems UPM Proposal:** Steve said we talked about approving the United Systems proposal with one exception which is that Mueller Meters will be replaced with a store credit for us to be able to get ITRON meters from Mueller at a later date. Also to allow Dean to order an extra 25 meters to keep in stock. John Kelley made a motion to approve the United Systems UPM Proposal and the store credit and order of ITRON Meters from Mueller to replace radio meters previously received from Mueller that are stored in the basement, seconded by Steve Clark and approved unanimously.

Mayor Gibby thanked Steve Clark for all the work he has done on the Timberline, Sewer Line and UPM Proposal saying he has carried the load.

**Public Works Report:** Dean Stanley reported the city workers have been doing a lot of work on the parks. Gordy and some college students did a lot of work at Cupid Falls. The city workers have also done some work at the other new park. In Mayor’s Park the wooden fence is starting to rot. Mayor Gibby said we need to have a discussion about the fence in the future.

**Main Street Georgia:** Rosemary Royston explained that the last item on the Main Street Advisory Board Job Description to Support the Decisions of the board as a whole does not mean you have to agree with the Board but you have to fulfill your obligations. She plans to change the language in that sentence.

Secondly there is a list of potential Board Members. She welcomes any input regarding possible members. She only wants 5 or 6 members.

Mayor Gibby said she wants the Council to review this and get back with Rosemary if anyone has suggestions or thoughts. Rosemary is working on bylaws and a model ordinance. Mayor Gibby said members need to be someone who loves our city and the valley and wants to work. These people will help Rosemary set up the entire program.

Rosemary said Attorney Harkins did an edit of the Social Media Policy. Matt Miller made a motion to approve the Social Media Policy, seconded by John Kelley and approved unanimously.

Rosemary said she had over 300 people respond to the Community Engagement Survey. They embraced Facebook, Instagram and emails for communication. One of the areas we fall short is awareness of what goes on and when. Our folks want a sense of community. Some people said they are happy with the way things are.

Copies of the Main Street Director Report, Advisory Board Job Description and Potential Members, Community Engagement Survey Summary, and Social Media Policy are attached and incorporated herein by reference.

**Economic Development:** Denise McKay said she is working on the Land and Water Conservation Fund Grant. A copy of the letter and resolution is in the packet. The most we can apply for is $500,000. The match can be in kind with labor and equipment. A copy of the LWCF letter and Resolution is attached and incorporated herein by reference.

John Kelley is trying to get one plat and is working with the DOT to get approval at one time.

Matt Miller made a motion to approve the Land and Water Conservation Fund Grant Resolution, seconded by John Kelley and approved unanimously.

**Attorney’s Report:** Attorney Harkins said Ana wants to get the Council to approve an RFP for accounting services. After some discussion it was decided that with the Financial Administration Ordinance it was not necessary to bid auditing services because the cost of auditing services is not over $30,000. That means Ana can contact some auditing firms for quotes.

There is a requirement upcoming in the Federal Recovery Act that we have to declare the purpose of the money that we received or it will be swept back. He is going to prepare a resolution for the June Council Meeting. Mayor Gibby said we will use the money for water and sewer.

**Mayor’s Report**: Mayor Gibby reminded the Council that the Seafood Festival is June 1 through 4 and Porchfest is September 17.

John Kelley made a motion to adjourn the meeting.

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Andrea C. Gibby, Mayor

Attest: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Nicolette Wade, City Clerk