

CITY OF CORNELIA
MINUTES OF MEETING
MARCH 2, 2021

The Cornelia City Commission met in a Workshop Session on Tuesday, March 2, 2021 at 5 PM at the Cornelia Municipal Building Conference Room, 181 Larkin Street, Cornelia, GA. Mayor John Borrow called the meeting to order and the following members were present: Commissioners Don Bagwell, Tony Cook, Wesley Dodd, Jr., and Janice Griggs. Also, present: City Attorney Steve Campbell, City Manager Donald Anderson, Community Development Manager Jessie Owensby, and City Clerk Janie N. Henderson.

City Manager Anderson asked that the agenda be amended to add the Agreement with JM Smith Engineering for Phase 2 of the Level Grove Sidewalk Project. He explained that Mr. Smith has completed the design and the project is ready to go to bid, but we do not have a signed agreement.

City Manager Anderson went over the other items on the agenda. The rezoning request for Level Grove Church was discussed and the decision of the Planning Board was presented.

Restoration of the Big Red Apple Monument was discussed. Commissioner Bagwell said when they are doing the repairs, he would like for it to be made to look more like a real apple. City Manager Anderson said he can talk to them and see what they say. Mayor Borrow said he likes the appearance of the apple it is historical. Commissioner Bagwell had a recent article from Georgia Trend, where other towns were recognized for their vision. He said he would like for us to enhance our aesthetic beauty and explore ways to create points of interest to attract more visitors.

COVID payback and budget adjustment was explained by City Manager Anderson.

Audrey Davenport, Executive Director of the Habersham Historical Society and the African American Museum, asked if she could speak. One item was the blight of her neighborhood and that there should be something done to correct this issue. She said Mr. Higgins continues to put trash in the neighborhood, there is a shipping container and trailers from semi-trucks among other items. Where does it talk about these things? City Manager Anderson said he will check the Zoning Ordinance to see what can be done. He said this property is zoned Industrial because it is the old Veneer Plant Property. Commissioner Cook said that is what they have been discussing cleaning up the whole area across town and what can be done. Ms. Davenport said there must be some guidelines to do something with this mess. Mayor Borrow said yes, we need some degree of enforcement, something with some teeth in it.

Ms. Davenport stated there is a disconnection between the people and the commission. There needs to be communication, "What are you supposed to do for them?". She said as director of the Museums there is not much traffic in their current location (Note the City allows them

To use the Ballard Center Building for the museums free of charge.) She would like a couple of different display cases of both museums placed in the New Municipal Building, if not this building then the Depot, so the public can see them. She asked if there are any funds available that they could apply for?

Carol Lonergan asked what number you are supposed to call at night if you have a noise situation. City Manager Anderson stated for her to call 911 and they will dispatch someone.

Commissioner Dodd made the motion to close the meeting and to enter Executive Session at approximately 5:50 PM to discuss potential litigation; seconded by Commissioner Bagwell. Approved 4 – 0.

Commissioner Bagwell made the motion to close the Executive Session and continue to the regular meeting at approximately 6 PM; seconded by Commissioner Dodd.

Attorney Campbell gave a brief explanation of the changes that have been made to the MOU for Project Stay.

The Mayor and Commissioners continued to the Court Room for the Regular Meeting.

Janie N. Henderson, City Clerk/Secretary
To the City Commission

John Borrow, Mayor

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Commissioner Cook gave the invocation and Commissioner Dodd led the Pledge of Allegiance.

Commissioner Dodd made the motion to approve the agenda by adding under New Business, Agreement with JM Smith Engineering; seconded by Commissioner Cook. Approved 4 – 0.

Commissioner Bagwell made the motion to approve the February 2, 2021 Minutes as submitted; seconded by Commissioner Griggs. Approved 4 – 0.

Community Development Monthly Report – Ms. Owensby came forward to present her monthly report. She went over some of the highlights of the past month's accomplishments. A copy of her report is made an integral part of these minutes.

City Manager's Monthly Report – City Manager Anderson presented his February 2021 Monthly Report. He noted Arbor Day was held on February 19th and we planted 13 trees at the new Water Plant. The City has received the Tree City USA Designation for the 30 years in a row. The Dedication Ceremony for the new Fire Station will be Saturday, March 20th at 11 AM. A copy of his report is made an integral part of these minutes.

Public Forum – Ms. Audrey Davenport stated they appreciate the use of the City building on Chattahoochee Street for the Museums, but the gutters are falling off and the steps need fixing. City Manager Anderson said that since he had discussed these things with her, he had a chance to check and there is money budgeted to make these repairs.

Public Hearing – City Attorney Campbell opened the Public Hearing for the Re-Zoning of the Property of Level Grove Baptist Church, located at 157 Old Level Grove Road from R-1 to HB. City Manager Anderson explained that they are requesting Re-Zoning from R-1, Residential to HB, Highway Business. He said their application at the time stated R-1 to B-2, but we were in the process of establishing the new HB, Highway Business Zone and that has been completed. Noting all the property around them is zoned HB. The Planning Board approved their request at a Public Hearing held on February 18, 2021. No further comments were heard in favor or against the request. City Attorney Campbell closed the Public Hearing.

Commissioner Dodd made the motion to approve the Re-Zoning of the Level Grove Baptist Church, 157 Old Level Grove Road from R-1 to HB, Highway Business; seconded by Commissioner Bagwell. Approved 4 – 0.

City Attorney Campbell opened the Public Hearing for the Height Variance Request for the Level Grove Baptist Church, located at 157 Old Level Grove Road. City Manager Anderson explained that they are requesting a Height Variance of 64 feet to allow them to build their new facility. He stated that the Municipal Planning Board held a Public Hearing on February 18, 2021 to consider the request and they voted unanimously to recommend the approval of the Height Variance of 70 Feet. The Planning Board discussed that the International Building Code would allow them to build up to 75 feet, so after discussion they approved it for 70 feet. No further comments were heard in favor or against the request. City Attorney Campbell closed the Public Hearing.

Commissioner Bagwell made the motion to approve the Height Variance Request of 70 feet for the Level Grove Baptist Church, located at 157 Old Level Grove Road; seconded by Commissioner Dodd. Approved 4 – 0.

Consent Agenda – None

Proposal for the Restoration of the Big Red Apple Monument – City Manager Anderson explained that the Big Red Apple was molded in 1925 and it has stood at the Train Depot since 1926. For nearly 100 years it has been the symbol of Cornelia. It is constructed of concrete and steel and is in serious need of repairs. Carter & Sloope prepared an RFP requesting bids to restore the Apple. We received 1 proposal from Smith Art Conservation, LLC in the amount of \$15,881. They have been in business since 2008 specializing in the care, conservation, assessment, and restoration of sculptural art works. He recommended the proposal be approved and we pay for the cost out of the Community Redevelopment Fund, which has a balance of \$18,992. Commissioner Bagwell made the motion to approve the repairs to the Big Red Apple by Smith Art Conservation, LLC for \$15,881 paid from the Community Redevelopment Fund; seconded by Commissioner Griggs. Approved 4 – 0.

New Pickup Truck – City Manager Anderson stated the 2021 Budget has funds allocated for the purchase of a new pickup truck for the City Manager. This vehicle will replace the 2017 Ford F150 that he is currently driving which will be passed down to one of the other departments. He said we have received 3 proposals for a Ford F150 XLT Truck and the low bid was from Jacky Jones Ford for \$42,425. It will take about 6 months for the truck to be built. Commissioner

Ford for \$42,425; seconded by Commissioner Cook. Approved 4 – 0.

COVID19 Pay and Budget Adjustment – City Manager Anderson explained that under the Family First Act we were required to pay employees up to 80 hours pay for time missed for themselves or immediate family members with COVID from April through December 31, 2020. Under this act the employers can reduce their federal employment taxes for that pay, which our payroll processing company was doing. On February 25th we received notice from them that as a government agency we do not qualify for this benefit, so we must repay the \$24,650.90 for 2020. We will also have to repay the ones that have taken the leave since January 1st, but we haven't received that notice yet. Also, this requirement expired on December 31, 2020, however we continued with the policy, so not to penalize the employees who have had COVID since December 31. We need to decide if we want to continue this practice knowing that we do not qualify for the tax credit. Mr. Anderson said we did have funds from the Care Act Grant from 2020. Commissioner Dodd made the motion to approve the payment of the taxes and to continue the policy of the 80 hours pay for COVID for now; seconded by Commissioner Griggs. Approved 4 – 0.

Agreement with JM Smith Engineering for Level Grove Phase 2 – City Manager Anderson said in 2010 we contracted with JM Smith Engineering for a Preliminary Engineering Report for the Level Grove Sidewalk Project. This PER was used to obtain the Transportation Enhancement Grant that helped fund Phase 1 of this project. We had to use an engineering firm named Rochester & Associates to design and oversee Phase I because they were on GDOT's approved list. Phase 2 does not have GDOT Funding, so we are able to use JM Smith Engineering to design and oversee the construction of this phase. We have never entered into a written agreement with JM Smith for the work. The contract amount is \$18,550. Commissioner Dodd made the motion to enter into Agreement with JM Smith Engineering for Phase 2 of the Level Grove Sidewalk Project in the amount of \$18,550; seconded by Commissioner Cook. Approved 4 – 0.

Commissioner Dodd made the motion to close the meeting and to enter into Executive Session at approximately 6:40 PM to continue the potential litigation discussion; seconded by Commissioner Griggs. Approved 4 – 0. Commissioner Dodd excused himself from the Executive Session at approximately 6:53 PM when an item to discuss came up that he felt was a conflict of interest for him to discuss.

Commissioner Bagwell made the motion to close the Executive Session and open the meeting at approximately 7 PM; seconded by Commissioner Cook. Approved 3 – 0.

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Mayor Borrow said there was discussion about preparing the surface behind the Woodmen of the World Building, that was disturbed during the new Fire Department Building Construction. Commissioner Griggs made the motion to prepare a solid surface (either asphalt or concrete) behind the Woodmen of the World Building that was disturbed during our Fire Department Construction, not to exceed \$8,000 and to clean up the brush between their building and the Arial Tire Property; seconded by Commissioner Bagwell. Approved 3 – 0.

Commissioner Griggs made the motion to close the meeting at approximately 7:05 PM; seconded by Commissioner Cook. Approved 3 – 0.

Janie N. Henderson, City Clerk/Secretary
to the City Commission

John Borrow, Mayor

STATE OF GEORGIA, COUNTY HABERSHAM

CITY OF CORNELIA, GEORGIA

AFFIDAVIT OF PRESIDING OFFICIAL(S) FOR A CLOSED PUBLIC MEETING

While in Regular Session, the motion was made to enter an Executive Session to discuss certain matters in a closed session.

(x) To discuss with council pending and/or potential litigation, settlement claims, administrative proceedings or other judicial actions, which is exempt from the Open Meetings Act pursuant to O.C.G.A. Section 50-14-2(1).

() A meeting to discuss the purchase, disposal of, or lease of property; authorize the ordering of an appraisal related to the acquisition or disposal of real estate; enter into a contract to purchase, dispose of, or lease property subject to approval in a subsequent public vote; or enter into an option to purchase, dispose of, or lease real estate subject to approval in subsequent public vote, which is excluded from the Open Meetings Act pursuant to Section 50-14-3(b)(1)(C).

() A meeting discussing the appointment, employment, compensation, hiring, disciplinary action or dismissal, or periodic evaluation or rating of a public officer or employee, which is excluded pursuant to O.C.G.A. Section 50-14-3(b)(2).

() Discussion in Executive Session of Records that are otherwise protected from disclosure under the Open Records Act as pursuant to O.C.G.A. Section 50-14-3- (b)(4).

X The subject matter of the Executive Session of the Regular Session was devoted to matters within the exceptions provided by law.

 Because of events occurring during the closed session, I am unable to affirm the subject matter of the Executive Session of the Regular Session was devoted to only matters within the exceptions provided by law.

John Borrow, Mayor, City of Cornelia

Sworn to and subscribed before me this 2nd day
of March, 20 21.

Notary Public