

CITY OF CORNELIA
MINUTES OF COMMISSION MEETING
SEPTEMBER 3, 2019

The Cornelia City Commission met in a Workshop Session on Tuesday, September 3, 2019 at 5:00 PM at the Cornelia Community House, 601 Wyly Street, Cornelia, GA. Mayor J.C. Irby, Jr. called the meeting to order and the following members were present: Commissioners Don Bagwell, Tony Cook, and Wesley Dodd, Jr. Commissioner Griggs was absent. Also, present: City Attorney Steve Campbell, City Manager Donald Anderson, Human Resource Manager Diane Feorino, and City Clerk Janie N. Henderson.

Our Auditor Joe Kitchens, couldn't attend meeting, and he asked if the Mayor or Commissioners had any questions about the audit to please call him.

City Manager Anderson introduced each item on the agenda and asked if further explanation was needed. Attorney Campbell explained the changes that were in the Alcohol Ordinance amendment.

Commissioner Bagwell said we need to talk about the noise limits of amplified music and how far it can travel in residential areas. He said recently there was a multi person event held at a residence 4 to 5 streets from him with loud music for 10 -12 hours non-stop. He said these types of events should not be allowed in residential areas and that parking is also an issue. City Manager Anderson said our ordinance is written to address the noise by decibel levels. They would come to your home and measure the level and then they would go to the other home and asked them to turn it down. Commissioner Bagwell said we also need to address the rooster issue that apparently that was removed from our ordinance and needs to be put back in. He said in his neighborhood it starts between 4 – 5 am and goes till supper, all day long. He questioned why anyone needs a rooster or farm animals, for that matter, in the City. He said these items need to be addressed now. Attorney Campbell said he will check into it.

Commissioner Dodd made the motion to close the meeting and to enter into Executive Session at approximately 5:45 PM to discuss Real Estate; seconded by Commissioner Bagwell. Approved 3 – 0.

Commissioner Bagwell made the motion to close the Executive Session and open the meeting at approximately 5:50 PM; seconded by Commissioner Bagwell. Approved 3 – 0.

The Mayor and Commission took a 10 minute break prior to the Regular Meeting.

Janie N. Henderson, City Clerk

J.C. Irby, Jr., Mayor

CITY OF CORNELIA
MINUTES OF COMMISSION MEETING
SEPTEMBER 3, 2019

The Cornelia City Commission met in Regular Session on Tuesday, September 3, 2019 at 6 PM at the Cornelia Community House, 601 Wylly Street, Cornelia, GA. Mayor J.C. Irby, Jr. called the meeting to order and the following members were present: Commissioners Don Bagwell, Tony Cook, and Wesley Dodd, Jr. Commissioner Janice Griggs was not present. Also present: City Attorney Steve Campbell, City Manager Donald Anderson, Jr., Human Resource Manager Diane Feorino, and City Clerk Janie N. Henderson.

Commissioner Bagwell gave the invocation. Mayor Irby led the Pledge of Allegiance.

Approval of the Agenda – City Manager Anderson stated that Executive Session was held during the Workshop Meeting and Real Estate was discussed, but no action was taken. Commissioner Dodd made the motion to remove Executive Session for Real Estate and approve as amended the September 3, 2019 Agenda; seconded by Commissioner Cook. Approved 3 - 0.

Commissioner Dodd made the motion to approve the August 6, 2019 Commission Meeting Minutes as submitted; seconded by Commissioner Bagwell. Approved 3 – 0.

Community Development Manager Monthly Report – Jessie Owensby came forward to present her August Report. She also highlighted upcoming events; September 11 is a Seminar for Finance for Small Business and September 28th is the Big Red Apple Festival. A copy of this report is made an integral part of these minutes.

City Manager’s Monthly Report – City Manager Anderson presented his August Monthly Report. A copy of this report is made an integral part of these minutes.

Public Forum – No comments were heard.

Resolution for Brunch Bill Referendum – In 2018 the Legislatures passed Senate Bill 17, which allows local governments to allow restaurants to begin serving alcohol at 11 AM on Sundays. The law is commonly known as the Brunch Bill. We have received requests from several of our restaurants requesting us to consider adopting this new law. The voters must approve the law. The resolution authorizes the City Clerk to direct the Habersham County Elections Superintendent to issue the call for a Special Election to be held on November 5, 2019. Commissioner Dodd made the motion to adopt the Resolution for the Brunch Bill calling for a Referendum Election; seconded by Commissioner Cook. Approved 3 – 0.

Ordinance 09-19-01, Amendment to Chapter 2 of the Municipal Code – City Manager Anderson explained we recently discovered that the language in Chapter 2-116 of the code is no longer valid. It states that the qualifying period for General Elections will commence at 8:30 AM on the last Monday of August immediately preceding the general election and shall end no later than 4:30 PM on the following Friday. The Secretary of State now establishes the qualifying period for general elections. This ordinance corrects the discrepancies in our existing ordinance. Commissioner Dodd makes the motion to post Ordinance 09-19-01, Amendment to Chapter 2 of the Municipal Code, qualifying for general elections; seconded by Commissioner Bagwell. Approved 3 - 0.

Ordinance 09-19-02, Amendment to our Alcohol Ordinance – City Manager Anderson explained that these changes address several items that have recently been brought to our attention by some of our business owners: (1) Allows for special event facilities in the Central Business District (CBD) to obtain an annual license to serve beer or wine amenity license., (2) Will permit licensed catering companies to obtain a license to serve alcoholic beverages at events that they cater. They will need to obtain a permit for each event at least 10 days prior to the event. The permits must be approved by the City Manager., and (3) Will allow restaurants in the CBD to obtain a “Sidewalk Café” License. This will allow them to place tables on the sidewalk adjacent to their building. Patrons will be allowed to consume alcoholic beverages as long as they are sitting at one of these tables. The tables cannot be too large as to obstruct the use of the sidewalks by pedestrians. Commissioner Bagwell made the motion to post Ordinance 09-19-02, Amendment to the Alcohol Ordinance; seconded by Commissioner Cook. Approved 3 – 0.

LMIG Request for 2019-2020 – City Manager Anderson explained our annual LMIG Funding for 2019 – 2020 will be \$71,000. Staff is recommending that we use the funds to re-surface Yonah Street between South Main and Highland Avenue; Slayton Street between Level Grove Road and Faye Street; and Circle Drive. The total estimated cost will be \$135,000 and the balance will be paid out of SPLOST Funds. Commissioner Dodd made the motion to approve the streets recommended by staff for 2019- 2020 re-surfacing; seconded by Commissioner Cook. Approved 3 – 0.

GTIB Funding for Level Grove Sidewalk Project – City Manager Anderson stated that the estimated cost of the Phase II Level Grove Sidewalk Project is \$1.2 Million. We listed this as a SPLOST Project and designated \$800,000 towards the cost, which means that we have to find the remaining funding. GDOT now offers a low interest loan for transportation projects payable over 5, 10, 15, or 20 years. The interest rate for a 10 year payback is 1.56%. He recommended that we apply for a \$500,000 loan for 10 years to use to complete the Phase II Level Grove Sidewalk Project. Commissioner Dodd made the motion to adopt the Resolution supporting the application to the Georgia Transportation Infrastructure Bank for a \$500,000 10 year loan and to approve the application for the construction of Phase II Level Grove Sidewalk Project; seconded by Commissioner Cook. Approved 3 – 0.

2018 CDBG Sewer & Drainage Project – City Manager Anderson said we received 1 bid for the project from Higgins Construction for \$1,397,324. The budget for the project was \$1.4 million with \$750,000 of it being funded with CDBG Funds. The remaining \$650,000 will be funded with sewer revenues. Commissioner Dodd made the motion to award the contract for the 2018 CDBG Sewer and Drainage Project for Ward 4 to Higgins Construction for \$1,397,324; seconded by Commissioner Cook. Approved 3 – 0.

Commissioner Bagwell made the motion to adjourn the meeting at approximately 6:25 PM; seconded by Commissioner Dodd. Approved 3 – 0.

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 into an Executive Session to discuss certain matters in a closed session.

() 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).

(X) 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.

James C. Irby, Jr., Mayor, City of Cornelia

Sworn to and subscribed before me this
 3RD day of September , 20 19 .

Notary Public