

City of Gordon
Council Minutes
November 17, 2014

The Council of the City of Gordon met in regular session on Monday, November 17, 2014 at 5:30 p.m. at the City Annex located at 108 Elam Street. Members present were Mayor Mary Ann Whipple-Lue and Council Members Mr. Freddie Densley, Mr. Terry Eady, Mr. Tommy Smallwood, Mrs. Barbara Towles, and Mrs. Doretha Whipple.

Mayor called the meeting to order.

Invocation was given by Mayor Lue.

The Pledge of Allegiance was recited.

Mayor said, once again, good evening. We are about to bring you up to date about what is going on. We'd just like to let you know that....Is Mr. Lawrence here, Melvin Lawrence?

Due to absence of Mr. Lawrence, Mayor asked Council Member Whipple if she had heard anymore about that report with the situation on Holly Street. Council Member Whipple asked, "The debris on Holly Steet?" Mayor replied yes. Council Member Whipple said its still there and that's all I know. Its still there.

Mayor said we have a letter that Mr. Lawrence sent out saying make Gordon beautiful and safe campaign. Its saying that it has come to his attention that the property located at 107 Powell Street needs cleaning off. There is trash, mattresses, debris, etc. at the property. The City does not pick up items like these. It is up to you to get it removed. It is also a safety hazard to supporting properties. In keeping with the City Ordinance, Section 19-59-F2. This is being made on behalf of Mayor and Council of the City of Gordon. We ask that you please remedy this situation as soon as possible. He said if he could be of assistance, don't hesitate to give him a call. Signed Melvin Lawrence, Zoning Administration. So, Council, what is you alls take on this? What other remedy?

Council Member Whipple suggested to the Council that if we can just go ahead on and let the City remove it and then...because its been there for over two months, to go ahead and let the City remove it and then just send him the bill for picking it up. That's my suggestion.

Mayor said I brought that to ya'lls attention so we will move on down a little further.

Mayor said I just wanted to bring to your attention that with the Middle Georgia Regional Commission, on behalf of the Georgia Association of Regional Commissions, we were invited to an annual training conference at the King & Prince Resort at St. Simon's Island on November 5-7, 2014, which began on Wednesday, November 5 and November 7 and it was truly a rewarding

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(See Council Mins dated
12-1-14 approving
corrections)
JB

experience and the training was very, very knowledgeable. We got the opportunity, Councilwoman Towles and myself, to meet the executive director himself, Mr. Ralph Nix. It was very, very, very enjoyable and very, very educational as well. We met the various Mayors and Commissioners, as well as Council Members around the various commissions and districts.

Mayor said I also wanted to let you know that this past Wednesday, which was November 12, Councilwoman Whipple, Towles and myself attended GMA's district fall meeting that was held at Georgia College in Milledgeville. This was the Mayor's, Council Members, City Managers, and City Clerk's in District 6. We had a chance to interact with Mayor's from several counties, including Mayor Reichert from Macon and it was very, very informative and interesting and this training is much needed. They asked the different cities and towns what we have to offer. We told them as soon as everything is quiet and calm, we just feel like Gordon will be a great place to visit and to live.

Council Member Whipple said Wilkinson County's own, Vickie Horne, is the president of the 6th district.

Mayor said, yes, Mayor Vickie Horne of McIntyre, the City of McIntyre. She's the District 6 president and I think that's very, very exciting to have one of our county's own.

Mayor said, another note of interest, is again the Mayor's Motorcade at Central State Hospital. Be mindful that is coming up at the Chapel of All Faiths in Milledgeville, Georgia on Tuesday, December 2, 2014. The musical production will be held at the Chapel of All Faiths beginning at 1:30 p.m. The Chapel is located on Swint Avenue across from the pecan grove from the auditorium and they would like to invite our City to come out and join them as we begin the Christmas holiday season and they are looking forward to this years motorcade and the support and enthusiasm that they know this great City will provide. Get ready. We are excited. Get ready for that.

Councilman Eady said, excuse me, we haven't done the minutes.

Mayor said we are going to get to that.

Councilman Eady, okay, but thats the first thing we are supposed to do.

Mayor said, exactly, but this is the Mayor's note. We will get there. Just calm down.

Councilman Eady said, alright, I was just wanted to keep you on track.

Mayor said we're already on track so lets just be calm.

Councilman Eady said we are not yet. Not until we accept the minutes.

Mayor said, Council. Okay, we will get to that. Let's not have the Council speaking out of turn, we've got to set the standard for the constituents.

Councilman Eady said we need to stay on track with the minutes.

Mayor again said, Council.

Mayor said what's the pleasure....the Mayor has the report to let you all know, once more and again, I have to say that the Mayor's Christmas Motorcade is here for us and they are excited about this and they do want us to participate.

Mayor said with that being said, we will move right along. Now moving to the city's business here at home.

Mayor said Council will entertain a motion for the adoption of the Council....the executive session minutes of October 20th. Mayor said I entertain a motion. Councilman Eady said I have read mine over and I make a motion that we adopt the executive session minutes for, what was it, October 20th? Mayor replied by saying, that's what I said. Councilman Eady said, yes ma'am, that's what I'm going to make a motion to do. Council Member Whipple seconded the motion. Attorney Boone at this time said, excuse me Mr. Eady. Ya'll haven't amended the agenda to take that into account yet. You need to amend the agenda. Mayor said, thank you. Attorney Boone again said its not on the agenda. Mayor said it was not on the agenda, but we just discussed that before you sat down and said that's what... all we needed to say was that we needed to approve the executive session minutes. Now that was stated by you. Attorney Boone said, no. I also said you have to amend the agenda to do that. Mayor said we can do that. Thank you so much. So, let's amend that agenda.

A motion was made by Councilman Eady to amend the agenda to include the minutes for the executive session for October 20th. The motion was seconded by Council Member Whipple. Mayor said a motion has been made and seconded. Is there any discussion? A motion made and seconded, let's entertain a roll call. Roll call went as follows: Council Member Whipple - yes, Council Member Towles - yes, Councilman Smallwood - yes, Councilman Eady - yes, Councilman Densley - yes. Motion carried.

Mayor said next will be entertaining a motion to adopt the November 3, 2014 minutes. Do I have a motion? Council Member Whipple said I offer a motion that we accept the November 3, 2014 minutes. Motion was seconded by Council Member Towles. Mayor said a motion has been made and seconded to adopt the November 3rd minutes. Any discussion? No further

discussion, motion carried. Councilman Eady said you need to vote on it. Attorney Boone said you haven't voted on it. Mayor then called for all in favor, roll call. Roll call went as follows: Council Member Whipple - yes, Council Member Towles - yes, Councilman Smallwood - yes, Councilman Eady - yes, Councilman Densley - yes. Motion carried.

Mayor said our next order of business is that we have our Christmas Parade coming up. We'd just like to say that I spoke with the high school band director and he's still out. We know normally the parade is held on the first Saturday in December. So, the Christmas Parade theme this year is "Christmas Time in the City." So, we would just like to say that we will be having a Christmas Parade. Mr. Bruce Daniel, with the Better Hometown, and the rest of that staff will be working with us as well as Councilwoman Whipple and Councilwoman Towles and a few other folk from the community. Councilman Eady asked, "What was the date again?" Mayor said that date is going to be December 21st. Sunday, December 21st at 3:00 p.m. That will give the band director and his staff time to practice and rehearse. Sunday afternoon, so all that can and will, please work with Councilwoman Towles and Whipple. We know that Art Silsby, parade director, is no longer able to continue that due to the failing health of his wife.

Mayor said the 2015 budget - moving right along. I spoke with ...the budget is already being worked on and we will have a called meeting as soon as Laura Mathis tells us and I will keep you advised, Council. I met Mr. Cummings at the district meeting. I personally met him and he's excited to work with us. Of course, the Clerk, tells me at this meeting, just a few minutes ago, you might want to share what he shared with you; Clerk.

City Clerk reported that Mr. Cummings had called and said that he is ready to set up a workshop meeting date with the Mayor and City Council. He said he would appreciate it if ya'll could come up with a date tonight.

Mayor asked, "Would Council like to entertain a date and time?"

Council Member Whipple suggested holding the budget workshop on Monday, November 24, 2014 at 4:30 p.m. Mayor said you all have heard November 24th being offered as a date for setting up the workshop for the budget. Councilman Eady asked, "What time?" Anything after 4:00 will be fine with me. Mayor said let's say around 4:30. Council Member Whipple said since City Hall closes at 5:00, we could do it around 5 or 5:30 p.m. City Clerk said she could be there at 4:30 p.m. because Heather can keep the office open. Council Member Whipple then offered the motion to hold the budget workshop at 4:30 p.m. on November 24, 2014. Mayor said a motion has been made for November 24th. The motion was seconded by Councilman Eady. Mayor said a motion has been made and seconded, all in favor. The vote went as follows: Council Member Whipple - yes, Council Member Towles - yes, Councilman Smallwood - yes, Councilman Eady - yes, Councilman Densley - yes. Motion carried.

Mayor said we move on to the new business.

Mayor said we have a resolution here for the special election declaring the office of Terry Reese to be filled - vacant due to his death. We know that the charter requires that the Council order a special election to fill the unexpired term of his position. But, what I'd like to say is that I've made contact and been directed of the necessary steps to take regarding the special election resolution. So, when the time comes, I'm going to let Council know at a later date.

Attorney Boone said, Mayor, there are deadlines that have to be met between the time the election is called and when it is held.

Mayor said I have spoken to her about it and she has told me all that. I'm aware of that. As I said, I will let us know at a later date and I will get with you.

Attorney Boone replied, okay.

Mayor said there being no further discussion, did you say anything? City Clerk asked Mayor would she like to approve the October 20, 2014 executive session minutes since Council amended the agenda. Ya'll amended the agenda to add the October 20, 2014 executive session minutes to vote on them. You remember Attorney Boone said you had to amend the agenda in order to vote on them tonight. Mayor then said, let's go back to that.

City Clerk again stated ya'll need to vote to accept the October 20, 2014 executive session minutes.

Mayor then asked Council could we get a motion that we accept the amended agenda to approve the executive session minutes from October 20, 2014.

City Clerk said ya'll have already accepted to add the October 20, 2014 executive session minutes to the agenda. Ya'll just need to vote on the minutes for October 20, 2014.

Mayor said can we vote to amend that to accept the minutes to add them to the minutes.

Clerk again said, you want to vote to approve the executive session minutes of October 20, 2014, that's what you need to do. You've already amended the agenda to add that to the agenda.

Mayor asked, "Why couldn't we just have amended it and approved it at the same time?"

Mayor said well okay, we will go back and approve the executive....can I get a motion?

Councilman Eady said I make a motion at this time that we approve the minutes of the executive session for November 20, 2014. Motion was seconded by Councilman Smallwood. Mayor said a motion has been made and seconded. All in favor. Councilman Densley - yes, Councilman Eady - yes, Councilman Smallwood - yes. Mayor said any discussion. Council Member Whipple said I need to read over them. Mayor said let's give them a few minutes. Citizen Thomas Lavender said I make a motion that ya'll turn them microphones up so we can hear. We can't hear back here. Councilman Eady said its on. Mayor said ya'll gonna have to get a little bit closer. All of them are on. Mayor gave two of the Council Members a chance to review the minutes. Mayor then called for any discussion. A motion has been made and seconded. Roll call. Roll call went as follows: Council Member Whipple - yes, Council Member Towles - yes, Councilman Smallwood - yes, Councilman Eady - yes, Councilman Densley - yes. Motion carried.

Mayor said next we will have the committee reports.

Mayor asked, "Is Bruce Daniel here?" Mr. Daniel was not present. Mayor said, well he knows, and he and I met this past Friday. He is excited about working with the community with the Christmas Parade, he and his wife, Toney Daniel, and the rest of the staff. They mentioned about all of the volunteers that he generally has. They pass out candy at the Christmas Parade and they all dress up as little elves. So, if anybody wants to volunteer and dress up and work with the Better Hometown Committee to dress up as elves, you are cordially invited and all of that will be appreciated.

Mayor went on to say, moving right along. Our police department. Is there a report?

Council Member Towles reported that everything is fine at the police department. I haven't had any reports from the Chief.

Mayor then called for report from street department.

Council Member Whipple reported that last week they started getting ready for Christmas and the Christmas lights are up. The debris between the street and the house, I would like to make a motion that the...the last time I said it we amended it, I think, but this time what I am saying is that I would like to make a motion that we let the City go ahead and move this since its been almost three months. Let the City go ahead and move it and just send the bill to the owner.

Mayor said, so, Council discussion.

Councilman Eady stated that there is an ordinance that controls that. From the time he is notified he has so many days from that date, not the actual date it was put out by the road. I think thats

right. Maybe Attorney Boone can give us some updates on it. I think from the time he is notified he has to have so many days from that date. Then if you do anything else, you may have to bring him in to court to enforce it. Not just say you are going to do it and do it. He has to have a chance to come to court and present his side. I think that's right.

Attorney Boone stated, that's correct.

Council Member Whipple asked, "Where's the Ordinance?" "Do you have the Ordinance with you?"

Attorney Boone replied no, ma'am.

Council Member Whipple said it's been three months and I don't think Mr. Eady would like for this to sit in his neighborhood.

Attorney Boone said it's in the Nuisance Ordinance. It's in the Code of Ordinances. I don't carry that around with me. I don't have it tonight because I didn't realize it was coming up. It is correct that you have to give him notice.

Council Member Whipple said they gave him notice.

Mayor said here's a letter from October 31, 2014, that's the date.

Council Member Whipple said and the next time we write a letter, I would really prefer, because I read the letter, at the last Council Meeting we read the letter, and they do need to put a date on the letter to have it done by. That should have been put on the letter then.

Attorney Boone explained that once they are given a deadline, if they do not meet the deadline, then they have to be summoned to City Court.

Council Member Whipple said yes because this is just trash that is laying around on peoples...you know mattresses, commodes, furniture, everything just laying around in the street, I mean in the yard, some of it was in the street and I think some of the neighbors might be done got some of it up. But you know, that's really sad.

Mayor stated, even though there is an ordinance you said, in place, I think it would be a bit more forceful, do you think Council, being that the Supt. has written a letter and has it here then and this gentleman has not heeded to that.

Council Member ^{Whipple} Fowles said well maybe he needs to call him again and force it.

see Dec 1, 2014 mins for correction approval.

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Mayor asked, "So, what's ya'lls take?"

Council Member Whipple said, you said Attorney Boone, that we do have a, what is it, a nuisance ordinance.

Attorney Boone said, yes ma'am, and asked was he given a specific deadline in that notice.

Council Member Whipple said the only thing I know is when he had the phone conversation, because he said he had a phone conversation with him, too, after he sent out the notice.

Attorney Boone stated that phone conversations don't really count. By the Ordinance, you have to give written notice. You have to give a deadline and if they don't meet the deadline then you can take them to Municipal Court and let the judge handle it from then on.

Council Member ^{Whipple} ~~Fowles~~ asked Ms. Brown if she knew who typed the letter. Did you type it for him?

(see Dec 1, 2014 mins for approval of correction) JB

City Clerk Brown replied, no ma'am. Heather and Melvin typed it, I believe. Its 30, 60, or 90 days time that you have to give them. It does need to be specified in the letter.

Council Member Whipple said its been three months. It does meet those days because of the date of the letter. I think its bad that somebody would even do this to the City and then its been three months and you still got to wait three more months.

City Clerk said you have to go by the guidelines in the Nuisance Ordinance to make it legal.

Mayor told Council Member Whipple, if possible, for her to keep tab of that.

Council Member Whipple stated that she would talk with Melvin again and see what he is saying that he talked to him. But, we need to do something because its just bad.

Mayor said thank you so much. We hope that gets resolved very soon.

Mayor said the water, sewer, sanitation...Mr. Lawrence is not here. So, no report on that.

Mayor then said finance, sanitation, liaison. So, Council I have no further discussion, I'd like to entertain a motion.

Attorney Boone said before you do that Mayor, I need to clarify one item on the agenda. The

special election resolution that was not voted on by the Council. The Council needs to take some action on that one way or the other, either table it or act on the resolution.

Mayor said we are just going to table that at the moment.

Attorney Boone stated that the Council has to vote on that Mayor. That's their resolution.

Councilman Eady asked, "Do we have a resolution in place, ready, I mean?"

Attorney Boone replied, yes, Ms. Brown has it.

Council Member Whipple offered motion to table the special election resolution. Mayor said a motion has been made, do I have a second? Motion was seconded by Council Member Towles. Councilman Eady said, discussion. Mayor then called for discussion. Councilman Eady asked, "If we have the resolution, why can't we just go ahead and do it?" I mean the fact of the matter is we've got to do it and I don't see why putting it off is going to accomplish anything.

Mayor Lue said, as Mayor, I'm not prepared to do that. So, as I've said, I've discussed it. I'm just not prepared tonight. So, as I stated earlier, I will get with you all at a later date. The motion has been made and seconded. Any further discussion? Council Member Whipple said this is just for Council ain't it, its not for anybody else. Mayor said, right, this is for Council. Mayor again said a motion has been made and seconded. No further discussion. Council Member Whipple said we need to take it to a vote. Mayor said, yes, we are taking it to a vote. All in favor. Councilman Eady said, roll call. Mayor then said, all in favor, let me hear you say aye. Council Member Whipple - no, I'm opposing it, I made a motion to table it. Clerk said you are voting no against the motion you made. Is that what you are saying? Council Member Whipple said no, I am voting yes to table it, I'm sorry. Council Member Towles - I vote yes to table it. Councilman Smallwood - no, Councilman Eady - no, Councilman Densley - no. Mayor said four votes no, we don't have it. Motion failed. So, we have to table it. Councilman Eady said no we don't table it. You can't table it. That motion failed.

Mayor said, excuse me, it takes four votes of Council.

Councilman Eady, said no. They needed four votes for it to pass. So, her motion did not pass.

Mayor said it still didn't pass. We don't have four votes Council, according to the charter.

Councilman Eady said its still open for discussion and we still have that resolution that we have got to do something with.

Mayor and Council Member Whipple both stated, we said at the next meeting.

Councilman Eady said but it hasn't been tabled so its still up for discussion. So, we can't just pass by it. It failed. That motion failed.

Council Member Whipple said so we go on to the next thing.

Mayor said the next thing is to adjourn. As far as that is concerned, Attorney, explain that because according to section 4, Im sorry, would you go to the Charter.

Attorney Boone said you are correct Mayor. But, the motion was to table it, but it has not been tabled. Mr. Eady's correct. Its still on the table. It has not been tabled. The motion to table it failed by one vote. You needed four votes to table it and there were not four affirmative votes to table the motion so its still on the table.

Mayor said its still on the table, but there have not been four affirmative to pass it either.

Attorney Boone said nobody has made a motion to pass it. The motion was to table it. So the floor is still open for a motion to adopt it.

Mayor said, so where are we now?

Attorney Boone said it is up to the Council to either vote to table it, which failed, or vote to pass it. There's only two choices. To table it or to pass it.

Council Member Whipple said so it failed.

Attorney Boone said no, the motion to table it failed. The motion to pass it has not been made yet.

Mayor said so we need to make a motion to pass it.

Attorney Boone said that's up to the Council.

Mayor said, so Council what's your take? Do ya'll want to make a motion to pass it?

Attorney Boone said there has to be a motion first.

Mayor said that's what I'm asking. Could I get a motion to pass the resolution?

Councilman Eady said its probably going to be the same vote. The question is, please give me a good reason why we cant't do it tonight.

Mayor replies, I just choose not to. I just choose not to. Maybe at a later date. As I told you, when I come up with a date, then we will discuss it Council. I have no further reason to. That's my choice. Not to discuss it further tonight. I will get with you at a later date.

Attorney Boone said Mayor, the decision is up to the Council.

Mayor said, well, you see what the Council has said.

Attorney Boone said, I know, but it is still their decision to table it or pass it.

There are rumblings in the crowd and Mayor said, lets have order. Please, thank you. There is silence and Mayor says, so Council, this rests in you alls hands.

Attorney Boone said well apparently its going to die from a lack of action by the Council, I guess if you want a third option.

After over a minute of silence by the Council, Mayor asked Attorney Boone if she could ask him a question off record.

Attorney Boone replied, no ma'am, this is an open meeting.

Mayor replied by saying, "I know its an open meeting." So, your take as the Attorney advising the Council... Council, do you have any questions to oppose to the Attorney, because I have given my take?

Mayor again said, Council.

After approximately a minute and a half of silence, Council Member Whipple said I made the motion to table. So, anybody that wanted to pass, I feel like they should make a motion to do it. To pass it, if they want to. I'm not going to make the motion because I made the motion to table it. So, I guess we will just sit here.

Mayor asked, "Council on this end here, did you hear Council Whipple?"

Councilman Eady said she can continue to make motions, I mean if she wants to she can make another motion.

Mayor said she didn't make one.

Council Member Whipple said I didn't make one.

Mayor said, listen to what she said. Go ahead Council Whipple. You might want to talk into your mic because he can't hear down here.

Council Member Whipple said I made the motion to table so if anybody else wants to make the motion to pass it they can. They can make that motion.

Councilman Eady said we voted on your motion. Now you can make a motion to pass it now if you want to.

Council Member Whipple said I'm sticking with the same thing.

Citizen Shane Eady said theres no reason to keep putting it off if ya'll are not gaining anything.

Mayor said, excuse me. No talking from the floor please.

Citizen George Wynn then asked the Mayor what her reason was for not wanting to pass the resolution.

Mayor again said no speaking, please. No speaking from the floor. This is for Council and not citizens.

Mr. Wynn asked again, what's your reason?

Mayor said, as I said, I've tabled it and at a later date I will get back with Council.

Mr. Wynn stated I know what your reasons are. She wants to pick somebody.

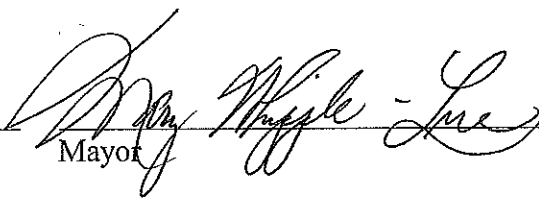
Council Member Whipple stated that the position can't be filled until March.

Mr. Wynn said its just a resolution.

Mayor said it can't be filled until March, so, you all. As I said, it is just a resolution and I would like to table it until such time. There's no rush.

After about a minute of silence, Councilman Eady made a motion to adjourn at 6:20 p.m. Motion was seconded by Councilman Smallwood. At this time Valeria Shinholster says, excuse me. Judy Bailey can be heard saying no speaking from the floor. Mayor then says, let me say this, please. Ms. Shinholster, we will discuss your issue at the next meeting. So we will table that, thank you. Thank you for being a good, understanding law abiding citizen. Mayor then said a motion has been made and seconded that we adjourn. All in favor. Council Member Whipple - yes, Council Member Towles - yes, Councilman Smallwood - yes, Councilman Eady - yes, Councilman Densley - yes. Motion carried.

December 1, 2014
Approved & Adopted


Mayor


City Clerk