

MINUTES
REGULAR COUNCIL MEETING
Monday, February 5, 2018

Members Present:

Mayor John Weaver
Jim Looney
Tony Fountain
John Foust
Anne Sneve
Dr. Sonny Proctor

Staff:

Lisa Hoyle
Steve Roper
Greg Lovell
Sonny Underwood
Lonnie Waters
David Hall
City staff from
all departments

Guests in Attendance:

Mari Livsey
Gerry Nechvatal
Haley Bouchie
Lonnie Adams
Amy Leake

Members Absent:

None

Legal Counsel:

Bill Pickett

Press:

Angela Reinhardt

Mayor Weaver called the meeting to order promptly at 6:00 p.m. He requested Rev. Max Caylor give the invocation. Bill Pickett led in the recital of the Pledge of Allegiance.

Mayor Weaver asked that the agenda be reviewed and approved by Council. Councilmember Anne Sneve made a motion to approve the agenda. Councilmember Jim Looney seconded the motion. Motion carried unanimously.

City Clerk Lisa Hoyle read the minutes of the January 8, 2018 regular meeting. Councilmember Sonny Proctor stated that a correction should be made under Item C, New Business that Regina Camp was not replaced. Councilmember Jim Looney made a motion to adopt the minutes with the correction. Councilmember Anne Sneve seconded the motion. Motion carried unanimously.

Item A under Old Business, Mayor Weaver recognized Councilmember Jim Looney to turn in his resignation as council member. Mr. Looney stated that all council should have a copy of his resignation letter. Mayor Weaver asked Mr. Looney to read his resignation letter aloud. Mr. Looney first read an email that had been sent to the Mayor. Mr. Looney then read his resignation letter aloud. The resignation letter is to be made a part of these minutes.

Item B under Old Business, Mayor Weaver opened the floor for nominations for city manager for 2018. Councilmember Sonny Proctor nominated Councilmember Jim Looney to serve in that capacity and Councilmember Anne Sneve seconded the nomination. Mayor Weaver asked for discussion. Gary Copeland asked to speak to council. Mayor Weaver gave Gary Copeland permission to speak. Mr. Copeland asked council members why the nomination of city manager position at last month's meeting was not discussed in public. Mr. Copeland then stated that the decision seemed planned ahead of the meeting last month. He stated that it appeared every council member knew ahead of time with the exception of Councilmember Tony Fountain. He also asked why did the council think that serving as mayor and city manager was illegal. Council members admitted to no wrongdoing in their decision to separate the mayor/city manager position. Following discussion, Mayor Weaver called for a vote to appoint the position. There were 3 votes for. Councilmembers Anne Sneve, John Foust and Sonny Proctor voted for. Councilmember Tony Fountain voted against.

Item C under Old Business, Mayor Weaver recognized Sonny Underwood, Planning and Zoning Director, to present an alcohol license application to Council for approval. He informed Council that Shauna Coleman, manager of Fred's store located at 970 E Church Street had completed the application process and the required advertising had been met. The owner is now requesting that the application for a license to sell alcohol (Beer/Wine) by the package be approved. Councilmember Anne Sneve made a motion to approve the license. Councilmember Sonny Proctor seconded the motion. Motion carried unanimously.

Item D under Old Business, Mayor Weaver recognized Councilmember Sonny Proctor to give an update on the Perrow/Roper/Pool property. Dr. Proctor stated that there had been no meetings regarding the property since the last council meeting.

Item A under New Business, Mayor Weaver entertained a motion that the city call for an election to replace Jim Looney's seat on the council. Councilmember Anne Sneve made a motion to call for an election. Councilmember John Foust seconded the motion. Motion passed unanimously.

Item B under New Business, Mayor Weaver recognized City Clerk Lisa Hoyle to discuss election qualifying fees. Ms. Hoyle stated that the 2018 Election Qualifying Fees must be set and the amount could be anything up to the maximum of \$35. She recommended the maximum amount of \$35. Councilmember Anne Sneve made a motion to set the 2018 qualifying fee at \$35 and Councilmember John Foust seconded the motion. Motion carried by unanimous vote.

Item C under New Business, Mayor Weaver recognized Dale Morrisey. Ms. Morrisey stated that she was asking permission to have a fundraiser at the City's greenspace (the Perrow property) on March 17th. Ms Morrisey stated that the fundraiser was for Reinhardt College. Councilmember Sonny Proctor made a motion to approve the event. Councilmember Anne Sneve seconded the motion. Motion carried unanimously.

Item D under New Business, Mayor Weaver recognized Larry Wilson to present to council plans for an Appalachian folk school located on Chamber Street.

Item E under New Business, Mayor Weaver recognized Kirk Raffield to report on the New Year's Eve celebration. Mr. Raffield thanked the city for its contribution.

Item F under New Business, Mayor Weaver recognized Chief Greg Lovell, Stella Brewer and Josh Patterson. Councilmember Sonny Proctor stated that he wished to discuss this in closed session. Mayor Weaver stated that Josh wanted to discuss openly. Ms. Brewer stated that Mr. Patterson was not considered an active employee under our group health insurance policy and would lose coverage in the near future. Chief Lovell spoke about the accident that injured Mr. Patterson approximately two years ago. He stated that he was injured in the line of duty. Mr. Patterson spoke about the problems that he was having with his hand and arm from the accident. At this time Mayor Weaver recognized Matt Bidwell (our current insurance representative) to explain that our current insurance company does not cover nonactive employees and the only option under our current insurance plan is to put Mr. Patterson on COBRA insurance. Discussion followed. Councilmember Sonny Proctor made a motion that council table making a decision. Councilmember Anne Sneve seconded the motion. Discussion followed. Mayor Weaver stated that a committee would be formed consisting of Councilmembers Proctor and Sneve to study options. Motion carried unanimously.

Items G and H under New Business, Mayor Weaver first recognized Matt Bidwell with MSI Benefits to present to Council why he wanted to seek out self-funded insurance options for the City. Mayor Weaver also recognized Kevin Godfrey with Godfrey Downs to present to council why he needed to keep exclusive privilege to seek out self-funded insurance for the city. Mr. Bidwell and Mr. Godfrey both spoke extensively. Councilmember Anne Sneve made a motion to honor our original decision for Mr. Godfrey to have exclusive rights to self-funded insurance. Councilmember John Foust seconded the motion. Discussion followed. Motion carried unanimously.

Item I under New Business, Mayor Weaver presented to council a contract renewal with ETC for franchise tax collections on television services sold in the city. Mayor Weaver stated that the contract is up for renewal every seven years. Councilmember John Foust made a motion to approve the contract. Councilmember Tony Fountain seconded the motion. Motion passed by three votes. Sonny Proctor voted against renewing the contract.

Mayor Weaver gave an Economic Development Council update. Mayor Weaver recognized Economic Developer Gerry Nechvatal to speak of his dismissal by the Economic Development Council ("EDC"). Mr. Nechvatal stated that he believes that the EDC is an advisory committee and did not have the authority to dismiss him. He stated that he believes that the Pickens County Board of Commissioners, the City Council, Pickens Development Authority and Jasper Development Authority should make this decision as he believes that the EDC can recommend his dismissal but does not have the authority to carry through with the dismissal. Mayor Weaver stated that in 2016 the EDC made the decision to hire Mr. Nechvatal as the director of the chamber and that the city council was not involved in that decision at that time. Mayor Weaver stated that he would give Gerry an agenda item at next month's meeting for further discussion.

Finance Director Lisa Hoyle gave the financial report for the month of January 2018.

Lonnie Waters updated Council on roads.

Chief Greg Lovell gave a report of police activities for the month of January 2018

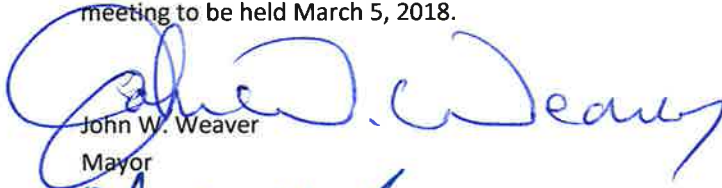
Chief Steve Roper gave a report of fire activities for the month of January 2018.

Councilmember John Foust gave an update on JYSA activities.

Mayor Weaver gave a statement of his experience as mayor/city manager. He stated that this position over the last 25 years had allowed the City to come from a \$1.6 million dollar budget to a \$12.5 million dollar budget without raising taxes and with only one water increase. He also made statements regarding the advantages of having a strong mayor/city manager position. Mayor Weaver also spoke about the advantages of keeping the corporate limits of the city and of the services that the city is able to provide.

Councilmember Tony Fountain stated that he wished to recognize the loss of city employee David Buchanan. He also thanked the Mayor for his service as city manager and his accomplishments over the past 25 years.

Being no other business to come before Council, Mayor Weaver asked for a motion to adjourn. Councilmember Sonny Proctor made a motion to adjourn the meeting. Council is scheduled to convene next at the regular council meeting to be held March 5, 2018.



John W. Weaver
Mayor



Lisa J. Hoyle
City Clerk/Finance Director

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WILL HAYS PICKETT, JR.

ROSCOE PICKETT
(1883-1954)
WILL HAYS PICKETT, SR.
(1921-1996)

January 29, 2018

Jim Looney
283 Ridgewood Rd.
Jasper, Ga. 30143

RE: City Manager

Dear Mr. Looney:

Pursuant to your request as City Councilman this letter is placed in writing, the legal proposition of a councilman serving simultaneously as city manager.

State law prohibits a city councilman from holding another municipal office without resigning the other office. Therefore, it is my legal opinion that you will need to resign your seat on the city council of the City of Jasper, Ga. prior to taking office as City Manager.

This opinion is given to the members of the city council of The City of Jasper, Ga. and not as legal counsel for any individual.

Sincerely yours,

Pickett, Pickett, & Pickett, P.C.

Will Hays Pickett, Jr.

WHPJR:em
CC:Sonny Proctor
Anne Sneve
John Foust
Tony Fountain
Mayor John Weaver
Lisa Hoyle City Clerk

This letter is a privileged communication subject to the attorney client privilege and work product. The contents of this letter may not be disclosed nor shall it be subject to subpoena or admissible in any court proceeding.

James A. Looney
283 Ridgewood Drive
Jasper, GA 30143

February 5, 2018

Mayor and Council
City of Jasper
200 Burnt Mountain Road
Jasper, GA 30143

I have been advised by the city attorney that “state law prohibits a city councilman from holding another municipal office without resigning from the other office”. Georgia Code 36-30-4 states that “A councilman or alderman of a municipal corporation shall be ineligible to hold any other municipal office during the term of office for which the councilman or alderman was chosen unless he first resigns as councilman or alderman before entering such other office. This Code section shall apply to all elected officials of a municipal corporation”.

Based on the legal opinion of the city attorney, I regretfully resign from my position as Jasper City Councilman prior to being appointed Interim Jasper City Manager.

Sincerely,



James A. Looney

Cc: Jasper City Clerk

Attachments: Will Hayes Pickett letter January 29, 2018