

City of Blue Ridge

480 West First Street • Blue Ridge, Georgia • (706) 632-2091

City of Blue Ridge
Council Meeting Minutes
City Hall
480 West First Street
January 13, 2015 at 6:00 PM

Present: Mayor, Donna Whitener
Council Members, Rodney Kendall,
Harold Herndon, Angie Arp, Rhonda Thomas
and Bruce Pack
City Clerk/Manager, Bill Sowers
Assistant City Clerk, Kelsey Addington

- 1) Call Meeting to Order:
Mayor Whitener asked for a motion to begin the meeting. The meeting was called to order by a motion made by Council Member, Rodney Kendall. The motion was seconded by Council Member, Bruce Pack. All voted yea. Motion carried.
- 2) Prayer and Pledge of Allegiance:
Council Member, Bruce Pack offered a word of prayer, followed by the Pledge of Allegiance.
- 3) Approval of Minutes:
 - A) A motion to approve the minutes from the Special Called Council Meeting held on December 8, 2014 was made by Council Member, Rhonda Thomas. The motion was seconded by Council Member, Rodney Kendall. All voted yea. Motion carried.
 - B) A motion to approve the minutes from the Council Meeting held on December 9, 2014 was made by Council Member, Rhonda Thomas. The motion was seconded by Council Member, Rodney Kendall. All voted yea. Motion carried.
 - C) A motion to approve the minutes from the Special Called Council Meeting held on December 23, 2014 was made by Council Member, Rhonda Thomas. The motion was seconded by Council Member, Bruce Pack. All voted yea. Motion carried.
- 4) Second Reading and Adoption of The Georgia Uniform Rules of the Road Ordinance:
The Council held the first reading on December 9, 2014. A motion to accept the second reading of The Georgia Uniform Rules of the Road Ordinance (attached) was made by Council Member, Rodney Kendall. The motion was seconded by Council Member, Angie Arp. All voted yea. Motion carried.

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5) First Reading of the Georgia Municipal Employees Benefit Systems (GMEBS) Life and Health Program Ordinance:

A motion to accept the first reading of the Georgia Municipal Employees Benefit Systems (GMEBS) Life and Health Program Ordinance was made by Council Member, Rodney Kendall. The motion was seconded by Council Member, Angie Arp. All voted yea. Motion carried.

6) Recommendation for CDBG Engineering Services:

A recommendation letter was presented to the Mayor and Council for the CDBG Engineering Services (attached). The Engineer accepted will perform the Preliminary Engineering and CDBG Application Services as well as receive the contract with the City; if the City is awarded the Community Development Block Grant. A motion to accept Carter and Sloope, Inc. to provide engineering services for the proposed Community Development Block Grant was made by Council Member, Rodney Kendall. The motion was seconded by Council Member, Rhonda Thomas. All voted yea. Motion carried.

7) Blue Ridge Scenic Railway Bus:

Council Member, Rhonda Thomas provided an update on the proposed joint purchase of a school bus between the City and the Blue Ridge Scenic Railway (BRSR). Thomas stated that the Fannin County School System (FCSS) has requested purchasing a surplus Police Department vehicle to use as a resource officer vehicle. She stated that the FCSS has informed her that they would be willing to trade a school bus for a police car. Thomas stated that the FCSS has told her they would like to wait until next month to begin the trade so that they would have a bus available that was in better condition for the City's use. Thomas stated that the BRSR is not in a hurry to purchase/trade but that they would like to get a plan in place. Thomas stated that she has been informed that the BRSR has two to three employees that have their CDL license. Thomas stated that the BRSR has told her that they would help pay insurance and will pay for the gas that they would use in case of an emergency. Thomas stated that this would not only help the BRSR but also help the City with its parking situation. A motion to exchange/trade a surplus police car with a FCSS bus was made by Rhonda Thomas. The motion was seconded by Council Member, Rodney Kendall. All voted yea. Motion carried.

8) Fannin County Holiday Schedule:

Mayor Whitener stated that the county holiday schedule was included in the Council packet. She stated that the Council should have received an email explaining the differences between the City's holiday schedule and the County. The difference is as follows: a) the City takes Presidents Day, February 16th and the County does not and b) the County takes Columbus Day, October 12th and the City has never taken this holiday off because every year the holiday falls on the City's scheduled court date for that month. Council Member, Rodney Kendall stated that he has spoken to Court Clerk, Barbie Gerald about a proposed change. Kendall stated that she had confirmed with him that the Columbus Day holiday fell on the court date every year. A motion

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to table the topic was made by Rodney Kendall. The motion was seconded by Council Member, Rhonda Thomas. All voted yea. Motion carried.

9) Full Time Park Position:

Mayor Whitener stated that the spring and summer seasons were approaching and that the Council should to decide if they want to move an existing employee to the park or hire a new employee. Council Member, Rodney Kendall stated that current employee, Steve Mull was interested in the position but requested a raise if the Council moved him to that position. Mayor Whitener asked if the employee would live at the park or not. Kendall stated that he believed that it would save the City money if they did not live at the park and that the Police Department (PD) could patrol the park. Chief of Police, Johnny Searce stated that in his experience, having someone live at the park was a much better way to patrol the area. Searce suggested that surveillance cameras be installed if the Council does not require an employee to live at the park. Kendall stated that if the Council decides to move Mr. Mull to the Park that the Council will need to hire someone for the Water Department to replace Mull. A motion to table the topic until a Special Called meeting the following week was made by Rodney Kendall. The motion was seconded by Council Member, Rhonda Thomas.

10) Parking:

Mayor Whitener presented a set of plans for a proposed parking deck to the Council. The plans were prepared by Rick LaRossa. The Mayor suggested using funds to build the parking deck before street repairs were done on East Main Street. She stated that it would add 175 extra parking spots and would take some of the load off of the parking situation that will result from working on East Main Street. Council Member, Rhonda Thomas stated that the deck could have a second level added later on. Council Member, Angie Arp asked how much the project would cost. The Mayor stated that the estimated cost would be around \$300,000. She also stated that if the Council allowed train passenger parking in this area that the City may receive some funding for the parking deck from Wilds Pierce, owner of the Blue Ridge Scenic Railway. During the discussion it was mentioned that the construction project may eliminate the drive thru area from City Hall. Cindy Trimble requested that the City Hall restrooms be made available to the public after hours. She suggested there be a new entrance to the restrooms from outside of the building. The Mayor stated that the Council would have to decide where to store the City's fire truck if the parking deck was built. She suggested that maybe the County would store it or that the City could build a storage building at the City Park. A motion to table the topic for a Special Called meeting was made by Rodney Kendall. The motion was seconded by Angie Arp. All voted yea. Motion carried.

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11) Water Department:

Council Member, Angie Arp stated that Utility Clerk, Rebecca Harkins had mentioned that only one meter reader is turning water meters off during the monthly water turn offs for nonpayment instead of two meter readers, like it has been done in the past. Arp asked if this was a liability for the City. Mayor Whitener stated that she has contacted several other City's and Water Authorities and she was advised that they send only one person out to turn meters off. She stated that they would send two people out if they suspected that the location was potentially dangerous or that they would have an officer from their Police Department go with the meter reader. Mayor Whitener stated that if the City's meter readers were little guys she would expect two meter readers to do turn offs but that they were bigger guys so she did not feel the need for two to go out at a time. Council Member, Rodney Kendall stated that he did not think that it was suggested because the meter readers were scared. He stated that it was more of a liability because when you turn someone's water off for nonpayment it could possibly make them mad and accuse the meter readers of doing something that they have not done. Mayor Whitener stated that if Kendall was worried about that then maybe the Council should to decide to put cameras in the crew's trucks like the Police Department. Arp suggested that cameras be placed on the meter reader, perhaps cameras that will clip on the meter reader's shirt. The Chief of Police, Johnny Scearce stated that in the past situations had happened that lead the past Mayor and Council to require that two meter readers go to a location. Kendall stated that the City should get quotes on body cameras because he would not want to put the meter readers in a bad situation. The Mayor asked if there would be a motion at this time. Arp stated no she just wanted to bring the topic to the Council's attention.

12) Lisa Crain:

Lisa Crain thanked the Mayor and Council for appointing her to the City's Zoning Board of Appeals. Ms. Crain stated that she was prepared to do anything that was asked of her. She stated that she has lived in Blue Ridge all of her life, she was familiar to the City and that she would make decisions that would benefit the City as well as its citizens. Crain passed around pictures to the Council of an area located on Summit Street. Crain informed the Council that there was a two lane road that trees kept falling into. She stated that 90% of the trees along the road were dead and a potential danger/liability. She stated that there was trash that appears to be dumped in this area as well. Crain stated that when events take place at the Farmer's Market, visitors park in this area and she is afraid that the trees could possibly fall on vehicles, or worst, the visitors. She asked if this was a liability to the City or to the property owner. Crain stated that she has brought this to the Council's attention once before and that some of the dead trees were removed. Mayor Whitener stated that she had contacted the property owner a couple of years ago and that they had removed some of the trees. Mayor Whitener stated that the pavement ended the City's right of way and that she would contact the property owner.

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13) Lynda Thompson—Light Up Blue Ridge:

Lynda Thompson informed the Council that the Christmas tree has been taken down and that she will finish taking down the lights later in the week. Ms. Thompson asked if the bus that was discussed earlier in the meeting could be used by Light Up Blue Ridge. The Mayor stated that she believed that the purpose of the bus would be to use it during events downtown and be used by the Blue Ridge Scenic Railway in case of emergencies. Thompson stated that she would like for the train to be used downtown on the weekends to shuttle visitors. She stated that she would discuss this later and that she wanted the Council to be thinking about it. Thompson then asked if Light Up Blue Ridge would be able to receive the remaining money that is left over from the 2014 2% restricted Hotel/Motel Tax. Mayor Whitener stated that she did not check with the Finance Director to find out how much was left over from 2014. Council Member, Angie Arp stated that there was \$1,382. Thompson stated that she thought there was \$4,000 left over that was mentioned in the last meeting. Arp replied that the City had to pay a bill out of that account for construction and repairs and the Farmer's Market. Thompson stated that she would take whatever she could get because Light Up Blue Ridge incurred expenses that were not budgeted and was not Light Up Blue Ridge's responsibility. Council Member, Rhonda Thomas made a motion to give Light Up Blue Ridge the remaining \$ 1,382 from the 2014 restricted 2% Hotel/Motel Tax. The motion was seconded by Angie Arp. All voted yea. Motion carried.

14) Steve Oyer:

Steve Oyer stated that on New Year's Eve day he had received a phone call from a downtown merchant informing him of parking spaces being taken away on Depot Street. He stated that he went to Depot Street and confirmed that parking spaces at that location were being taken away. He stated that on his way to his business he noticed parking spaces being taken away on Church Street. Oyer stated that under the Freedom of Information Act (FOIA) he requested the City Attorney, David Syfan's opinion e-mail stating his opinion in regards to the parking spaces on Depot Street (attached). Mr. Oyer read part of the first paragraph of Syfan's attorney opinion to the audience (highlighted on the attachment). After reading part of Syfan's opinion to the audience, Oyer stated that the merchant that Syfan is referring to is apparently him. Oyer stated that at locations where he has parked his car (Mountain Street, Depot Street and Church Street) are now loosing parking spaces. He referred back to Syfan's attorney opinion stating that permanent parking spaces cannot be within 50 feet of the nearest railroad crossing. Oyer stated that if this is the case then there are several parking spaces that should be removed according to state law and the attorney's opinion. He stated that he does not want those parking spaces taken away and that he feels as if he is being singled out. Oyer then made a request for Mayor Whitener under the FOIA, for a copy of every request by each Council Member for the attorney, David Syfan's opinion. Oyer stated that the party that is requesting this information is the Blue Ridge Tax Payer's Association, LLC. Oyer also requested information stating if the removal of the parking spaces that he mentioned above were removed after hours resulting in employee overtime and if so, he requested the name of the person who authorized the overtime. Oyer stated that the car was not about advertisement or money it was a part of the City's culture. He

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stated that Angie Arp could not make him mad, and that he did not want to get even. He stated that he thought it was hilarious and that he thinks she wastes her time as a City Council person. Council Member, Angie Arp interrupted and stated that she follows state law and ordinances. Oyer replied that it was not a state law or ordinance, in which, Arp responded that yes, it was. At this time there was some inaudible discussion. Mayor Whitener asked to get the meeting back in order. Mayor Whitener read an email that she had received from Wilds Pierce, owner of the Blue Ridge Scenic Railway, regarding the question tracks on Depot Street (attached). Mayor Whitener told the Council that she would like to get someone from G-Rail to come to the City and inspect the in question track and parking spaces. Mayor Whitener stated that if these parking spaces were removed, that the pavilion in the park would need to be removed as well because it is within 50 feet of the nearest rail. Council Member, Rodney Kendall stated that he had read Mr. Syfan's email and said that the parking space could be used for loading and unloading vehicles but that it did not matter if the track was excepted or not. He stated that it was still considered a railway. Both Council Member Rhonda Thomas and Mayor Whitener disagreed with Kendall about what Syfan's letter stated. Oyer stated if you go back and look at the history there has always been parking spaces in front of the Depot. He stated "just put it back to normal and we will forget about the pavilion, the can of worms closed, everybody is happy, I am not upset but this is not how you govern City's". Mayor Whitener then stated that Wilds Pierce had informed her that he would write the City a letter allowing the parking spaces to remain permanent. She also stated that she has been contacted by Fannin County Commissioner, Bill Simmonds and he has stated that the he is not in favor of parking spaces being removed near the Court House. Angie Arp stated that we go by the rules or we don't and you're saying let's ignore the rules and the laws but it will be up to this Council whether or not we do that or not. Oyer interrupted stating that they are not rules or laws. Angie replied yes they are. At this time Carlie Hammond spoke up from the audience asking why anyone is allowed to occupy a parking space for three days given the shortage of parking spaces in the City. Mayor Whitener replied that it is in our ordinances. Hammond responded stating that no one should be allowed to occupy a parking space downtown for three days. After a while of audience discussion Rodney Kendall stated that just because the track is excepted now does not mean that it is always going to be excepted. He stated that to his understanding that if Mr. Pierce wanted to inspect the tracks and begin using them again, he could.

15) Jack Morton:

Jack Morton read a letter to the Mayor and Council (attached).

16) Ryan Sullivan:

Ryan Sullivan was present representing the downtown merchants. Mr. Sullivan asked when the project on Main Street would begin. Mayor Whitener responded that the City planned to start the project in April-May, before Memorial Day. Sullivan requested that the Council provide some sort of a plan for him and the downtown merchants.

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17) Brenda Battaglia:

Brenda Battaglia stated that she no longer wanted to speak.

18) Cindy Trimble—Business Association Monthly Update:

Cindy Trimble informed the Council that the stuff from Light Up Blue Ridge is being stored in a storage building. She stated that the Business Association was now focusing on their next big event which is Fire and Ice. The event will take place on the weekend of February 14th. Their goal is to bring 5,000-6,000 visitors to Blue Ridge. Trimble stated that 28 ice sculptors are already registered. After announcing the event Ms. Trimble stated that the downtown merchants are tired of the downtown restroom situation. Linda Thompson and Cindy Trimble informed the Council that the restrooms are not being unlocked in the morning. Mayor Whitener stated that keys will be made for the locks on the restrooms and distributed to the Chamber, Lynda Thompson and the Mayor. After discussing the distribution of the restroom keys, Trimble read an email that she had obtained from open records. Trimble spoke about the history of Fannin's Future. Trimble read the definition of the Sunshine Law. Trimble stated that she had an email that Council Member, Angie Arp had wrote to City Attorney, David Syfan shortly after being elected stating "...as per our discussion the other day, I would prefer that you correspond your correspondence pertaining to this email or other issues discussed be kept confidential". Trimble yelled this is illegal. Arp asked how is this is illegal and Trimble responded it is breaking the Sunshine Law. Arp stated that Mr. Syfan has since corrected her on her request to keep information confidential. Different business owners from the audience voiced their opinions on the topic. Carlie Hammond asked Trimble if she was current with her dues to the Business Association. Hammond stated that she did not think that someone with the business association should try to pit one against another. Hammond stated we all may think that Angie is doing a wonderful job, or Rhonda's doing a lousy job or Donna's doing nothing, it doesn't make any difference, we are inappropriate when we stand up and single out one Council Member and attack them in public like this. Hammond stated that all she was saying is that it reflects badly on their association, when we are coming in here and playing these games. Trimble interrupted Hammond and stated this is not a game. The crowd became inaudible at this time. Mayor Whitener called the meeting back to order. Hammond questioned Trimble when the email was sent that she had read. Hammond stated that Angie Arp had informed her that she was corrected by Syfan and no longer requests confidentiality. Hammond stated that should be enough and put the topic to rest.

19) Zoning Board of Appeals Appointments:

Mayor Whitener suggested the City should conduct an application process for appointments to City boards. The topic was tabled until the special called meeting by a motion made by Council Member, Rodney Kendall. The motion was seconded by Council Member, Rhonda Thomas. All voted yea. Motion carried.

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20) Fannin County Chamber of Commerce Area Map:

The amount of the City's advertisement in the Chamber of Commerce's area map is \$ 1,825. The Council decided to see if they could possibly get the ad at a lower price. A motion to table to topic until the special called meeting was made by Council Member, Rhonda Thomas. The motion was seconded by Council Member, Rodney Kendall. All voted yea. Motion carried.

21) TVA Application Fee:

Mayor Whitener requested that the City Council approve the TVA application fee. The Mayor stated that the total amount owed to TVA was \$ 21,150 but the City had already paid \$ 5,000. She requested that the Council approve the fee amount so she could take the check to TVA the following day to try to prevent the City from any more delays for their water project. The Mayor stated that the remaining balance is around \$ 16,000 but that she suggests that the Council approve a higher amount just in case. Council Member, Rodney Kendall made a motion to approve \$ 18,000 for the TVA application fee. The motion was seconded by Council Member, Rhonda Thomas. All voted yea. Motion carried.

22) Mayor Reports/Concerns:

Mayor Whitener stated that there would be a walk-through of the Depot on January 14th at 2:00PM. The Mayor stated that the City of Mccaysville will be performing maintenance on their water plant during the week of January 19th-24th. She requested the residents of Blue Ridge conserve water during this time, because the City of Mccaysville may need to get water from the City of Blue Ridge.

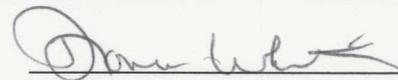
23) Council Reports/Concerns:

Council Member, Angie Arp questioned why the Christmas lights were still up downtown. Mayor Whitener stated that a movie scout had asked that the lights stay up until January 12th for them to inspect and possibly pick Blue Ridge to film their movie. Council Member, Rodney Kendall stated that the water crew is continuing to do a good job with leak detection.

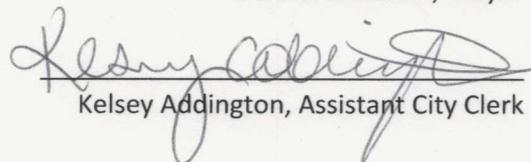
24) Adjournment:

There being no further business, Council Member, Rodney Kendall made a motion to adjourn the meeting. The motion was seconded by Council Member, Bruce Pack. All voted yea. Meeting adjourned at 8:37PM.

February 10, 2015
Approved



Donna Whitener, Mayor



Kelsey Addington, Assistant City Clerk

FIRST READING Dec 9, 2014

PASSED JAN 13, 2015

AN ORDINANCE NO. 2015-01-13

AN ORDINANCE ADOPTING THE GEORGIA UNIFORM RULES OF THE ROAD, BEING CHAPTER 6 OF TITLE 40 OF THE OFFICIAL CODE OF GEORGIA ANNOTATED, TO REGULATE TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF BLUE RIDGE AND REPEALING ORDINANCES 8-21-95 AND 10-31-88 AND ALL OTHER ORDINANCES AND SECTIONS OF ORDINANCES IN CONFLICT HEREWITH; TO PROVIDE TRAFFIC SAFETY REGULATIONS; TO PROVIDE AN EFFECTIVE DATE; TO AMEND THE CODE OF THE CITY OF BLUE RIDGE; AND FOR OTHER PURPOSES.

WHEREAS, to promote traffic safety within the City of Blue Ridge, the City Council of the City of Blue Ridge finds that it is in the best interests of health, safety and welfare of the citizens to adopt traffic regulations; and

BE IT ORDAINED by the City Council of Blue Ridge, Georgia, pursuant to Section 1.12(b)(15) of the Charter for the City of Blue Ridge, Georgia, and it is hereby ordained by authority of same:

**SECTION 1. AMENDMENT TO THE CODE OF BLUE RIDGE;
UNIFORM RULES OF THE ROAD ADOPTED.**

In order to promote traffic safety within the City of Blue Ridge, the City Council finds that it is in the best interests of the safety, health and welfare of the citizens to provide traffic regulations, and does hereby strike in their entirety Chapters 70 and 71 (being enacted in part by Ordinances 8-21-95 and 10-31-88) of the Code of the City of Blue Ridge as provided herein as to the effective date, and does hereby substitute and adopt a new Chapter 70 to read as follows:

CHAPTER 70: TRAFFIC REGULATIONS

SECTION 70.01. UNIFORM RULES OF THE ROAD.

Pursuant to O.C.G.A. §§ 40-6-372 through 40-6-376 there is hereby adopted O.C.G.A. Title 40, Chapter 6, and also including O.C.G.A. § 40-1-1, known as the Uniform Rules of the Road for the traffic regulations upon the streets and thoroughfares of the City with like effect as if the same were recited herein in full.

SECTION 70.02. FINANCIAL RESPONSIBILITY AND ACCIDENT REPAIRATION; STATE LAW ADOPTED.

The Georgia Motor Vehicle Safety Responsibility Act, O.C.G.A. Title 40, Chapter 9 as amended, and the Georgia Motor Vehicle Accident Reparation Act, O.C.G.A. Title 33, Chapter 34, as amended, are hereby adopted by reference and made a part of this Code as if set out in full. Therefore, it shall be unlawful to operate a motor vehicle within the City without compliance with said Acts.

SECTION 70.03. POLICE; DUTIES; AUTHORITY IN CONGESTED AREAS.

(a) It shall be the duty of the police officers on traffic duty at the intersections or heavily congested traffic zones to so direct traffic as to expedite the same, and to this end it shall be the duty of police officers, where it can be safely done, to direct traffic through intersections controlled by traffic signal lights without regard to the signal light, so that when a red traffic signal light is holding traffic at a street intersection the traffic shall be released and directed to move forward when there is little or no traffic at or approaching such intersection on a green light; and in extremely heavily congested areas such police officer shall have power and authority to direct traffic without regard to such automatic traffic signal lights, even though there be substantial traffic on both or all of such intersecting streets at or near and approaching such intersection.

(b) The object and purpose of this section is to eliminate traffic bottlenecks caused by red lights facing heavy traffic while a green light on the intersecting street is of no benefit or of small benefit because of the light traffic on such intersecting street.

SECTION 70.04. OBEDIENCE TO POLICE; TEMPORARY REGULATIONS.

(a) *Required.* No person shall willfully fail or refuse to comply with any lawful order or direction of any officer invested by law with authority to direct, control or regulate traffic.

(b) *Temporary regulations.* The chief of police may establish temporary traffic regulations which the public must obey after being warned. Verbal warning by an authorized police officer of the City or by printed signs erected in the area affected shall constitute sufficient notice to the public of said temporary regulation or regulations.

SECTION 70.05. PUBLIC OFFICERS; EMPLOYEES SUBJECT TO TRAFFIC REGULATIONS.

(a) The provisions of this chapter applicable to the drivers of vehicles upon the streets and highways shall apply to the drivers of all vehicles owned or operated by the United States, this state, county, or city, or any other political subdivision of the state, except as provided in this section and subject to such specific exceptions as are set forth in this chapter with reference to authorized emergency vehicles.

(b) Unless specifically made applicable, the provisions of this chapter shall not apply to persons, teams, motor vehicles and other equipment while at a place where work is in process on a highway or a bridge and while engaged in such work, but shall apply to such persons and vehicles when traveling to or from such places where work is in process.

SECTION 70.06. BOARDING, ALIGHTING FROM VEHICLE-GENERALLY.

Persons entering or leaving a vehicle shall do so on the side nearest the curb.

SECTION 70.07. SAME-VEHICLES IN MOTION.

No person shall board or alight from any vehicle while such vehicle is in motion, except railway workers in the course of their employment in switching or otherwise operating or controlling cars on rails.

SECTION 70.08. RIDING ON PORTIONS OF VEHICLES NOT INTENDED FOR PASSENGERS.

No person shall ride on any portion of any vehicle not designed or intended for the use of passengers. This prohibition shall not apply to an employee engaged in the necessary discharge of a duty, or to persons riding in truck bodies in space intended for merchandise.

SECTION 70.09. DEPOSITING HARMFUL MATERIALS ON STREETS.

(a) No person shall throw or deposit upon any street or highway any glass bottle, glass, nails, tacks, wire, cans, rubbish, garbage, trash or other dangerous or unsightly material which is likely to injure any person or animal or damage any vehicle upon such street or highway.

(b) Any person who drops or permits to be dropped or thrown upon any street or highway any destructive or harmful material shall immediately remove the same or cause it to be removed.

(c) Any person removing a wrecked or damaged vehicle from a street or highway shall remove any glass or other injurious substance dropped upon the street or highway from such vehicle.

(d) It shall be unlawful for any person to operate or cause to be operated upon any public street in the City any truck, wagon, or other vehicle, in and upon which sand, dirt, rocks, cement, garbage, trash, waste materials, or other debris or other materials, is transported unless such vehicle shall be equipped with a cover or other device that will prevent such sand, dirt, rocks,

cement, garbage, trash, waste materials, or other debris or other materials, from falling from the vehicle onto the streets of the city.

SECTION 70.10. SHRUBBERY OR OTHER HAZARDS AT STREET CORNERS; DUTY OF PROPERTY OWNER.

It shall be the duty of every property owner to keep weeds on his respective lot, as well as shrubbery thereon, in such condition so as not to create a traffic hazard at street corners.

Shrubbery, vines, trees or other objects which would obstruct the view of a person passing a street corner or street intersection shall be kept in such condition as not to obstruct the view of motorists using the streets.

SECTION 70.11. RESPONSIBILITY FOR OPERATION OF VEHICLES.

It shall be unlawful for the owner or any other person employing or otherwise directing the driver of any vehicle, to require or knowingly permit the operation of such vehicle upon a street or highway in any manner contrary to this chapter.

SECTION 70.12. TOWING ANOTHER VEHICLE.

No vehicle shall pull more than one (1) other vehicle, and the connection between vehicles shall not exceed sixteen (16) feet.

SECTION 70.13. IMPROPERLY LOADED VEHICLES.

No driver shall operate a vehicle which is overloaded, or which is loaded in such manner that articles or freight thereon are likely to fall therefrom, or which is so loaded that the brakes of such vehicle will not stop same immediately when properly applied, upon any streets in the City.

SECTION 70.14. METAL TIRES AND CLEATS; PERMIT REQUIRED.

It shall be unlawful to operate any vehicle, the gross weight of which is in excess of one (1) ton, over or on any paved or hardsurfaced street or way within the City when such vehicle has iron or metal tire or cleats on the wheels thereof which come in contact with the surface of

the street or way, unless the operator of such vehicle has obtained and has in such operator's possession and on such operator's person, a written permit from the chief of police. This section shall not apply in case such tires and cleats are covered with wood, rubber or similar substances, so that the tires and cleats do not come in contact with the surface of the streets or ways. Neither shall this section apply to snow chains used for safety purposes in the event of a snowfall or icing of roads.

SECTION 70.15. SPEED LIMITS – CITY WIDE.

(a) Twenty-five (25) miles per hour shall be the maximum speed limit throughout the City, except in the following instances when the maximum speed limits shall be as indicated:

(1) On streets, adjoining school property, and within the school block or zone, during school days, twenty-five (25) miles per hour.

(2) In parks and public playgrounds, fifteen (15) miles per hour.

(b) Zones for speeds in excess of, or less than, twenty-five (25) miles per hour, may be created by order of the proper authority, and shall be clearly marked with signs.

SECTION 70.16. SAME – ON-SYSTEM STREETS.

The following speed zones are established for streets that are part of the state highway system on which stationary radar may be used:

LIST OF ROADS
CITY OF BLUE RIDGE
NUMBER 10-23-14
ON SYSTEM

STATE ROUTE	WITHIN THE CITY/TOWN LIMITS OF AND/OR SCHOOL NAME	FROM	MILE POINT	TO	MILE POINT	LENGTH IN MILES	SPEED LIMIT
2 US 76	BLUE RIDGE	This segment of roadway runs common with SR 515 from MP 2.34 to MP 5.00					
5 US 76	BLUE RIDGE	This segment of roadway runs common with SR 515 from MP 2.34 to MP 4.13					
5	BLUE RIDGE	State Route 515	4.13	0.30 mile north of CS 527 Hill Circle (North Blue Ridge City Limits)	4.62	0.49	45
515 US 76	BLUE RIDGE	0.23 mile south of CR 192 Ballewtown Road (South Blue Ridge City Limit)	2.34	0.08 mile north of CR 427 Tammen Park Road (North Blue Ridge City Limit)	6.17	3.83	55
515 US 76 ***** School Zone *****	Blue Ridge Elementary School	0.13 mile south of CS 566 East Highland Street	3.64	0.06 mile south of CS 572 Cook Street	3.89	0.25	45

State Route 2 (US Highway 76) and State Route 5 (US Highway 76) are part of a common alignment with State Route 515 (US Highway 76) as it enters the City of Blue Ridge from the south. The speed limit for State Route 515 is listed as the fourth road segment above. The maximum speed limit of 55 mph is for all three state routes, which are on the same roadway.

SIGNS TO BE ERECTED BY THE GEORGIA DEPARTMENT OF TRANSPORTATION

SECTION 70.17. SAME – OFF-SYSTEM STREETS.

LIST OF ROADS
CITY OF BLUE RIDGE
NUMBER 10-23-14
OFF-SYSTEM

ROAD NAME	WITHIN THE CITY/TOWN LIMITS OF AND/OR SCHOOL NAME	FROM	TO	LENGTH IN MILES	SPEED LIMIT
Ada Street (CS 535/CR 103)	BLUE RIDGE	CS 540 Mountain Street	0.07 mile north of State Route 515 Bridge (Blue Ridge City Limit)	0.53	30
East First Street (CR 192)	BLUE RIDGE	0.23 mile north of State Route 515 (Blue Ridge City Limit)	0.13 mile north of CS 549 Green Street	0.37	45
East Main Street (CS 548)	BLUE RIDGE	CR 192 East First Street	CS 554 McKinney Street	0.48	35
East Main Street (CS 548)	BLUE RIDGE	CS 554 McKinney Street	CR 192 Mountain Street	0.52	30
East Second Street (CS 538)	BLUE RIDGE	CS 525 Church Street	CR 256 East First Street	0.80	30
Industrial Blvd. (CR 268)	BLUE RIDGE	CR 192 East First Street	0.15 mile southeast of CS 584 Ouida Street (Blue Ridge City Limits)	0.41	35
West First Street (CS 560)	BLUE RIDGE	CS 554 McKinney Street	CS 571 Depot Street	0.27	35
West First Street (CS 571)	BLUE RIDGE	CS 571 Depot Street	CR 192 Mountain Street	0.27	35
West First Street (CR 192)	BLUE RIDGE	CR 192 Mountain Street	State Route 515	0.24	35
West Main Street (CS 562)	BLUE RIDGE	CS 554 McKinney Street	CR 192 Mountain Street	0.53	30

SIGNS TO BE ERECTED BY THE CITY OF BLUE RIDGE.

SECTION 70.18. SAME – RAILROAD TRAINS.

(a) The following speed limit is hereby established for the operation of any locomotive or railroad train within the City: The maximum speed limit shall be ten (10) miles per hour.

(b) It shall be unlawful and shall constitute an offense for any person to operate a railroad train or locomotive within the City at a speed greater than established in this section.

SECTION 70.19. BICYCLES.

It shall be unlawful for any person to ride a bicycle on any sidewalk in the City.

SECTION 70.20. DRIVING THROUGH PROCESSIONS.

No driver of a vehicle, except an emergency vehicle in an emergency, shall drive between the vehicles comprising a funeral or other authorized procession.

SECTION 70.21. DRIVING ON AREAS NOT INTENDED FOR VEHICULAR TRAFFIC.

It shall be unlawful for any motor vehicle to be driven on any sidewalk, square or other public or private paved places other than roads, streets, alleys and drives constructed for the use of vehicular traffic.

SECTION 70.22. DAMAGING STREETS.

No vehicle shall be operated in such a manner as to damage the streets.

SECTION 70.23. RAILROAD GRADE CROSSINGS-BLOCKING.

It shall be unlawful for a railroad train, engine or car to be stopped so as to block a railroad crossing for more than ten (10) minutes at one time.

SECTION 70.24. VEHICLES DISCHARGING PASSENGERS.

When any passenger vehicle is discharging passengers, other vehicles following such passenger vehicles or meeting the same may pass such vehicles discharging passengers only on the left side of such passenger vehicle discharging passengers; and shall pass the passenger vehicle discharging passengers at such moderate and reasonable speed that the driver of such passenger vehicle may stop the same immediately in the event any passenger driver of such passenger vehicle discharging passengers attempts to go around such passenger vehicle to the

opposite side of the street by going around the front of such passenger vehicle discharging such passenger, or by going around behind such passenger vehicle in which such passenger has been riding, so that in no event will any person discharged from any passenger vehicle be negligently run down, run over or injured by any other vehicle passing, approaching or following the vehicle discharging such passengers.

SECTION 70.25. CROSSING "BLIND" INTERSECTIONS.

No driver shall attempt to cross any road, street, or railroad crossing if there is no "stop" sign, traffic signal or police officer to regulate traffic at such location and if it is what is commonly called a "blind" intersection or crossing, without first ringing a bell, blowing a horn or giving some other signal or warning of such person's intention to cross such intersection.

SECTION 70.26. "STOP" SIGNS: ERECTION, CONSTRUCTION LOCATION.

It shall be the duty of the chief of police to place and maintain a suitable stop sign or traffic signal at each street intersecting a through street, and at any street designated as a vehicular stop, which sign or signal may be placed in or over the street or on a suitable post or support firmly fixed in the ground on the side of the street on which the vehicle required to stop is traveling.

SECTION 70.27. TELEVISION IN VEHICLE.

It shall be unlawful to operate a television set in a vehicle so that the picture is in the view of the driver while the vehicle is in motion.

SECTION 70.28. PERMIT FOR VEHICLES WITH EXCESS WIDTH OR HEIGHT-REQUIRED.

No vehicle shall travel over the streets or highways within the City transporting or towing a mobile home, modular home, sectional house, house, heavy equipment, or other load in excess

of two hundred forty (240) inches in width or two hundred sixteen (216) inches in height or such width that said vehicle cannot yield the right-of-way to all approaching vehicles so that one-half (1/2) of the street or highway shall be available to vehicles approaching and passing from the opposite direction, without first obtaining a permit from the City for the movement and escort of said vehicles within the City.

SECTION 70.29. SAME-APPLICATION.

(a) Each person desiring to move or transport any vehicle or load upon the streets or highways within the City in excess of the maximum width or height as set forth in Section 70.28 shall make application with the City. The application shall provide the following:

- (1) Full name and address of applicant.
- (2) Name, address and title of person making application.
- (3) Date and time move is to be made.
- (4) Height of load.
- (5) Width of load.
- (6) Route of movement within City.
- (7) Type and identification of moving vehicle
- (8) Support services
- (9) Copy of liability insurance policy.
- (10) Copy of permit issued by the state Department of Transportation as required by Official Code of Georgia Annotated, Section 32-6-28.
- (11) Agreement to reimburse the City for any expense as set forth in section 70.30.

(b) For safety reasons the City may require a different time or route than submitted in the application.

SECTION 70.30 SAME-FEES.

A permit fee based upon the actual cost to the City for the use of City vehicles and equipment and personnel for escort of the overwidth or overheight vehicle within this City shall be as follows:

(1) Police escort; vehicles and officers as needed to protect motoring public, up to and including three (30 uniformed officers and police autos and motorcycles.

(A) Loaded vehicle moving through City and moving from within City to city limit....\$280.00

(B) Vehicle loaded within City and moving from within City to city limit....\$410.00

(2) Inspection department administrative cost to issue permit; coordinate escort with police department and with adjacent jurisdictions; inspections and reports of damage to public and private property, including secretarial and building inspector time with vehicle use.

(A) Loaded vehicle moving through City from city limit to city limit....\$47.50

(B) Vehicle loaded within city and moving within City to city limit....\$91.25

(3) Vehicles or loads in excess of two hundred forty (240) inches in width often exceed the passable area in a street requiring the displacement or removal of utility guy wires; street signs; street markers; traffic signs or other utility devices and in excess of the standard minimum height of electric wires and traffic signals requiring the removal; displacement;

malalignment or other damage. Each mover shall reimburse the City any expense incurred as a result of moving the excess width or height load. Failure to pay for such expense shall be just cause to deny any future permit.

SECTION 70.31. SAME-VIOLATIONL; PENALTY.

Any person moving or transporting any vehicle or load upon the streets or highway within the City in excess of the maximum width or height as set forth in Section 70.28 without first obtaining a permit and payment of the expense to the City to provide protection to the motoring public shall be in violation of the ordinances of the City and may be fined or punished as the Court deems proper.

SECTION 70.32. PENALTIES FOR VIOLATION OF TRAFFIC REGULATIONS.

Any person found by a court of competent jurisdiction, which shall include but is not limited to the Municipal Court of the City of Blue Ridge, to have violated the traffic regulations of the City of Blue Ridge, shall be subject up to the maximum fine or incarceration, or both, allowed by the City Charter or by general Georgia law, and as determined by said Court. The Municipal Court of the City of Blue Ridge, by and through an administrative order or rule of the judge, may adopt an appropriate fine schedule for such traffic offenses as the judge deems appropriate, and which will allow violators to enter a plea and pay the fine and costs without the necessity of court appearance.

SECTION 2. REPEAL OF CONFLICTING ORDINANCES TO THE EXTENT OF THE CONFLICT.

All ordinances and parts of ordinances in conflict with the terms of this ordinance are hereby repealed to the extent of the conflict; but it is hereby provided that any ordinance or law which may be applicable hereto and aid in carrying out and making effective the intent, purpose

and provisions hereof, is hereby adopted as a part hereof and shall be legally construed to be in favor of upholding this ordinance on behalf of the City of Blue Ridge, Georgia. Notwithstanding the foregoing the traffic safety regulations adopted by the City Council and as they appear prior to the passage of this ordinance shall remain in effect until the issuance by the Department of Public Safety of an updated Speed Detection Device Permit to the City of Blue Ridge and the appropriate traffic signs be erected by the Georgia Department of Transportation and the City of Blue Ridge in accordance with said permit; and also further providing that said provisions shall be deemed to have remained in effect for all outstanding traffic citations issued pursuant to said regulations or permit, or both, and until said citations are finally adjudicated.

SECTION 3. SEVERABILITY.

If any paragraph, subparagraph, sentence, clause, phrase, or any portion of this ordinance, should be declared invalid or unconstitutional by any Court of competent jurisdiction or if the provisions of any part of this ordinance as applied to any particular situation or set of circumstances should be declared invalid or unconstitutional, such invalidity shall not be construed or affect the portions of this ordinance not so held to be invalid, or the application of this ordinance to other circumstances not so held to be invalid. It is hereby declared to be the intent of the City Council of the City of Blue Ridge to provide for separate and divisible parts, and it does hereby adopt any and all parts hereof as may not be held invalid for any reason.

SECTION 4. EFFECTIVE DATE.

This amendment to the code of the City of Blue Ridge, Georgia is hereby adopted upon passage and shall become effective upon passage by the Blue Ridge City Council except that the maximum speed regulations as provided by Sections 70.16 and 70.17 shall become effective upon the issuance of the updated Speed Detection Device Permit by the Department of Public

Safety to the City of Blue Ridge and the erection of the appropriate traffic signs by the Georgia Department of Transportation and the City of Blue Ridge. Notwithstanding the foregoing the traffic safety regulations adopted by the City Council and as they appear prior to the passage of this ordinance shall remain in effect until the issuance by the Department of Public Safety of an updated Speed Detection Device Permit to the City of Blue Ridge and the appropriate traffic signs be erected by the Georgia Department of Transportation and the City of Blue Ridge in accordance with said permit; and also further providing that said provisions shall be deemed to have remained in effect for all outstanding traffic citations issued pursuant to said regulations or permit, or both, and until said citations are finally adjudicated.

This 13 day of January, 2015.

BLUE RIDGE CITY COUNCIL

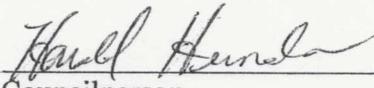
By: Don White
Mayor

Bryce Cook
Councilperson

Angie Ay
Councilperson

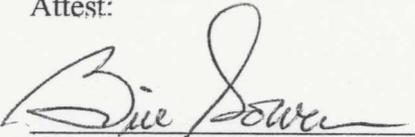
Robert
Councilperson

Chad Thomas
Councilperson



Councilperson

Attest:



City Clerk Bill Sowers

City of Blue Ridge

480 West First Street

• Blue Ridge, Georgia 30513

• (706) 632 - 2091

January 8, 2015

The City of Blue Ridge Mayor and Council

Re: Community Development Block Grant Engineering Services

Dear Mayor and Council,

After reviewing four (4) proposals submitted for Engineering Services for a proposed Community Development Block Grant (CDBG), this recommendation is offered for your consideration.

The four proposals were submitted by the following:

- 1) Stevenson and Palmer Engineering, Inc.
2430 Herodian Way Suite 101
Smyrna, Georgia 30082
- 2) Carter and Sloope, Inc.
6310 Peake Road
Macon, Georgia 31210
- 3) CTI Engineers, Inc.
243 North Hamilton Street Suite 1
Dalton, Georgia 30720
- 4) Hofstadter and Associates
4571 Arkwright Road
Macon, Georgia 31210

Three independent evaluations were conducted for each of the four proposals. Each evaluation could result in a maximum of thirty (30) points. The average scores are as follows:

Stevenson and Palmer Engineering, Inc. received a total of 28.67 points

Carter and Sloope, Inc. received a total of 29.17 points

CTI Engineers, Inc. received a total of 28 points

Hofstadter and Associates received a total of 24.67 points

Outlined on this page are some of the fees associated with each engineering firm that are important to consider when selecting an engineer:

- 1) Stevenson and Palmer Engineering, Inc. (see attachment for further details)
 - a) No fee for the Application Development
 - b) Design and Bidding Phase fee eight percent (8%) of construction costs
 - c) Construction Observation/Inspection Phase fee two percent (2%) of construction costs
 - d) Additional engineering services are based upon the firms standard hourly rates

- 2) Carter and Sloope, Inc. (see attachment for further details)
 - a) No preliminary fees if grant is not awarded
 - b) No charge for reimbursable expenses ex. Travel, meals, mileage, lodging, etc. fees are included in hourly rates
 - c) Ten to twelve percent (10-12%) of total estimated construction costs
 - d) Additional services are based upon the firms standard hourly rates

- 3) CTI Engineers, Inc. (see attachment for further details)
 - a) Preliminary engineering fee is five thousand dollars (\$5,000)
 - b) Estimated nine point seven percent (9.7%) of total estimated construction costs

- 4) Hofstadter and Associates (see attachment for further details)
 - a) No preliminary engineering fee
 - b) The firm charges for reimbursable services ex. Travel, meals, mileage, lodging etc.
 - c) Fee for engineering services range from six to nine percent (6-9%) of estimated construction costs
 - d) Inspection services ranging from two to three percent (2-3%) of estimated construction costs

Based upon the evaluations and the fees associated with each of the four proposals, it is our recommendation that the City of Blue Ridge Mayor and Council select Carter and Sloope, Inc. to provide engineering services for the 2015 Community Development Block Grant.

Sincerely,

Kelsey Addington
Roy Parsons
Bill Sowers

Kelsey Addington

From: R. David Syfan <rds@homlaw.com>
Sent: Friday, December 19, 2014 1:59 PM
To: 'Donna Whitener (Mayor Blue Ridge,GA)' (donna@cityofblueridgega.gov);
angiearp@cityofblueridgega.gov; Bill Sowers (billsowers@cityofblueridgega.gov);
kelsey@cityofblueridgega.gov
Cc: rodneykendall@cityofblueridgega.gov; Rhonda Thomas (rhondathomas@ellijay.com);
haroldherndon@cityofblueridgega.gov; brucepack@cityofblueridgega.gov
Subject: Parking within 50 feet of the nearest rail of a railroad crossing
Attachments: Westlaw_Document_08_44_19.doc

READ BY STEVE OYER:

Mayor, Angie and everyone:

[As everyone will recall, I was recently requested to give an opinion as to whether the City could validly have permanent parking spaces within the downtown area within 50 feet of the nearest rail of a railroad crossing. My understanding of the situation is that there are a couple of parking places near the downtown depot and which are within 50 feet of the nearest rail of one of the railroad crossings downtown. Evidently, at least one merchant is parking a vehicle in these spaces and which has advertisements for the merchant's establishment upon the vehicle. The vehicle is evidently left by the merchant within the parking spaces for days at a time and thereby providing the merchant with an advantageous advertising location while the vehicle is parked at this location.] A question has arisen as to whether the parking spaces in issue are validly marked permanent parking spaces under Georgia law due to the parking spaces being partially or completely within 50 feet of the nearest rail of a railroad crossing. I am of the opinion, that the Georgia Uniform Rules of the Road, do not allow the City to create permanent parking spaces that are within 50 feet of the nearest rail of a railroad crossing.

As the Council will recall, the City has for some time adopted the Georgia Uniform Rules of the Road as being applicable to traffic situations within the City of Blue Ridge. The City Council in order to update the City's radar permit, also recently readopted or is in the process of readopting the Georgia Uniform Rules of the Road. Therefore, traffic situations within the City of Blue Ridge, for the most part, are governed by the Georgia Uniform Rules of the Road.

Included within the Uniform Rules of the Road, is O.C.G.A. Section 40-6-203 and which is attached above for your review. Subsection (a)(3)(A) provides that: "Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic-control device, NO PERSON SHALL park a vehicle, whether occupied or not, within 50 feet of the nearest rail of a railroad crossing, except temporarily for the purpose of and while actually engaged in loading and unloading property or passengers." Emphasis added.

The use of the term, "shall," under Georgia law always creates a mandatory requirement. Therefore it is a mandatory requirement that no person park a vehicle within 50 feet of the nearest rail of a railroad crossing except for temporary parking to load or unload property or passengers. Therefore, the statutory law contemplates that there can be temporary parking to unload or load property or passengers, but not the type of long term parking typically contemplated by a permanent parking place for parking.

O.C.G.A. Section 40-6-203 is consistent with other Uniform Rules of the Road that create certain crossing requirements by vehicles when vehicles approach within 50 feet of the nearest rail of a railroad crossing. See O.C.G.A. Sections 40-6-140, 141, 142 and 143. All of these statutory provisions create certain traffic requirements within 50 feet of the nearest rail of a railroad crossing. I think that the intent behind these statutory sections is to try to regulate vehicles navigating railroad crossings and attempt to increase the traffic requirements at railroad crossing to try to eliminate as much as possible collisions between vehicles and trains. The requirement that there be no permanent parking within 50 feet of the nearest rail of a railroad crossing would in theory prevent vehicles from being parked within 100 feet of a crossing

and would help to maximize the sight distance of operators of vehicles attempting to cross the railroad crossings for on-coming trains [and thus help prevent collisions between the vehicles and trains].

Therefore, in order for the City to be consistent with the Georgia Uniform Rules of the Road, the City would be unable to create permanent parking spaces within 50 feet of the nearest rail of a railroad crossing. The City Council, in its discretion, could create a temporary loading or unloading zone within 50 feet of the nearest rail of a railroad crossing, but someone would have to study the specific location to be sure that such a zone would not on a regular basis impede the sight distance of vehicles approaching the railroad crossing. The loading or unloading zone would need to be clearly marked with signage that states a maximum occupancy time [subject to citation for violation] within the zone of 5 to 15 minutes as determined by the City Council. The creation of such a loading or unloading zone by the City Council is optional and up to the discretion of the City Council [and after a study of the location to be sure that the loading or unloading zone will not create a problem for the crossing]. It may be with the heavy parking use of parking in the downtown area that such a loading zone would be continuously used and therefore inappropriate as interfering with the crossing in that it would be continuously filled [at 5 to 15 minute intervals].

I do want to note, that the Mayor has mentioned to me, a concern that the nearest rail to the depot, in the area in question, may be rarely, if ever used, and also wants me to discuss the situation with an agent of the railroad assigned the area and rails in question. I will be glad to talk to this agent. However, I would note that the statutory provision is not keyed to the frequency of use of the rails of the railroad crossing and is only keyed to the fact of a railroad crossing. It may be that if the nearest rail was in fact rendered incapable of receiving a train to pass over the crossing, that as a practical matter we could consider the rail not to be an operable rail and interpret the statute to not apply. But this hypothetical has not occurred and my understanding is that technically the nearest rail of the crossing closest to the depot can still in theory handle trains and therefore the statutory prohibition would still apply.

Finally, a question also was raised as to whether Bill or other agent of the City needs direction of the Mayor and/or the Council to institute traffic safety measures. I think that where an issue of traffic safety arises, that Bill or any other agent should take those measures to comply with the Uniform Rules of Road and ensure traffic safety, and they do not necessarily have to wait for direction of the Council. In the subject situation, since it became a point of disagreement among the Mayor and Council and there was no immediate traffic safety issue [given the fact that the spaces have been there for some time without incident], I think that Bill and the other agents of the City acted appropriately to wait until I could give a legal opinion to resolve the situation. In this manner, Bill and the other agents did not have to interject themselves into the middle of the disagreement among the Council.

I think that I have answered the questions that have arisen in this situation, but if you have further questions, please don't hesitate to let me know. I hope that all have great holidays.

Thanks, David

R. David Syfan
HULSEY, OLIVER & MAHAR, LLP
200 E.E. Butler Parkway
P.O. Box 1457 (30503)
Gainesville, GA 30501
770.532.6312
770.531.9230 (fax)

WILDS PIERCE'S
EMAIL TO MAYOR
WHITENER

I failed to make a hard copy. Below is the letter from Wilds Pierce re: Railroad.
Thank you.

----- Forwarded Message -----

Subject:Railroad's Position on Parking Vehicles on the Roads Which Cross Our Tracks

Date:Mon, 12 Jan 2015 13:28:05 -0500

From:Wilds L. Pierce <wpierce@gnrr.com>

To:Donna Whitener <donna@cityofblueridgega.gov>

CC:Donnie Plumley <dplumley@gnrr.com>, Michael Pierce <mpierce@gnrr.com>

Donna,

You asked me to let you know what the Railroad's position is regarding the dispute as to whether or not a vehicle can be parked on the road that crosses the track within 50 ft. of where it crosses the track. Apparently the City of Blue Ridge has adopted the Georgia Uniform Rules of the Road Section 40-6-203, which under subsection (a) (3) (A) provides that *except when necessary to avoid conflict with other traffic or in compliance with law or the direction of the police officer or official traffic control devices, no person shall park a vehicle, whether occupied or not, within 50 ft. of the nearest rail of a railroad crossing, except temporarily for the purpose of loading or unloading, property or passengers.*

First, let me tell you a few things that the City needs to take into consideration that hopefully will help resolve this dispute. As a Railroad, we are required to inspect all of our track once a week all the way from the Tennessee State Line to Marietta, for a total distance of 100 miles. Since the Blue Ridge Scenic Railway operates a passenger train from Blue Ridge to the Twin Cities of McCaysville, Georgia and Copperhill, Tennessee, this portion of the track must be inspected twice a week. If when we inspect our track and we find any defects, we are obligated to fix all of the defects within a specified period of time, even though we might not be using that segment of the line in the foreseeable near future.

Several years ago to avoid having to inspect all of the track each week, we declared the section of the track from Depot Street in Blue Ridge south to Jasper, Georgia as "Excepted Track." Before this track can be used again, it has to be inspected and any defect they find repaired before it can be used as a freight

railroad. This rule is different however from the standpoint of a passenger train, in that a passenger cannot operate on any "Excepted Track" regardless of whether it was inspected or not, so unless the track from Depot Street going south is subsequently reclassified, the Blue Ridge Railway cannot operate south of Depot Street in Blue Ridge. Even though freight railroads can operate over Excepted Track, neither the Georgia Northeastern Railroad Company, Inc., or its subsidiary the Blue Ridge Scenic Excursions, Inc. d/b/a the Blue Ridge Scenic Railway, have any freight customers north of Ellijay, so the track from Ellijay north to Depot Street in Blue Ridge is for all intent and purposes "out of service." The attorneys for the Blue Ridge City Council, David Syfan said in his memo of December 19, 2014, to you as Mayor of Blue Ridge and to all of the Councilmembers that "It may be that if the nearest rail was in fact rendered incapable of receiving a train to pass over the crossing, that as a practical matter, the City could consider the rail not to be an operable rail and interpret the statute to not apply."

The City seems to be losing a lot very valuable parking spaces on Depot Street, plus at the next two crossings south of Depot Street unnecessarily in that the Blue Ridge Scenic Railway could never bring their scenic railroad train with passengers over this segment of the line, unless significant work were to be done to the track to allow it to be reclassified from Excepted Track to an operating railroad.

Donna, if you or any of the City Councilmembers want to discuss this further, I will be glad to have my General Manager Donnie Plumley come with me to meet with you and the City Council to discuss the options available to the City to resolve this matter. Please don't hesitate to call me if you have any further questions.

Wilds L. Pierce
President
Georgia Northeastern Railroad, Inc.
109 Marr Avenue
Marietta, Georgia 30060
(678) 384-6341 - Direct Line
(770) 424-2510 - Fax

JACK MORTON'S Letter

Untitled

Thank you Mayor and Council for the opportunity to speak this evening, My purpose for speaking is to make a formal introduction to the Mayor and council to The Blue Ridge Taxpayer Association LLC. which was formed as concerned citizens and taxpayers. It appears there are misconceptions on who has a voice in City government.

Recently there was a letter written to a local paper that stated if you are not a registered voter you have no voice in the way that the city runs. This certainly could not be further from the truth. In fact it is most assuredly the taxpayer that create the fuel that allows the City's engine to run. So we most definitely have a voice in the city.

There are approximately 800 registered voters in the city, And yet we have over 2500 taxpayers. We as taxpayers have every right to make Blue Ridge a better place to work and live.

The council was presented in 2014 the final results of a year of in depth study by a group known as Blue Ridge 20/20, that provided the city with valuable information in an effort to inform, advise, and assist in helping the city move forward by addressing issues that are on the table now and also issues to expect in the future.

Over 6 months ago we talked about Gateways which was just one of the topics we touched on. As you are all aware, the growth surrounding our beautiful City is staggering. Blairsville, who by the way does have a DDA is moving forward and breaking ground in February in anticipation of the volume of visitors that will be passing through their town on the way to Murphy and the new casino. They have been working hard trying to have businesses in Blue Ridge consider Blairsville with great incentive packages. I applaud them for having the foresight to move forward and be ready for the growth that will be coming their way.

Ellijay is also courting our businesses in an attempt to revitalize their town after the huge impact, , , and not positive I add after 515 developed with new retailers and stores that was minus a business plan in place for the growth, and look at what has happened to their downtown.

Do you ever wonder why Blue Ridge is the envy of our surrounding counties? We have grown in spite of the recent downturn in the economy. You can thank the taxpayer for that. Now the question to all of you is how do we keep and preserve what we have in our beautiful town?

When the Casino opens this year it will employ more than the entire City and County of Blue Ridge, and it will also have a larger budget than the City and County combined. Andrews N.C. was a thriving community in the 80's until the Railroad stopped. visitors left, businesses and restaurants closed and the town virtually dried up as a result. Andrews is now hoping to rebuild again especially being equal distance between Murphy and Cherokee. With the right leadership they will likely succeed.

What I am saying is Blue Ridge is magic. But every community in our surrounding areas are looking to take our Magic away. Can we allow this to happen?

Our 515 Corridor is developing faster than our City's plans. It's time to look forward. Two years ago Council was approached about doing a sign Ordinance to protect the Beauty and look of our City and County. Drive down 515, the main corridor of Blue Ridge and look at what's happening. We should be looking at Low Profile monument signs, not uncontrolled pole signs darting into the sky.

Gateways should be our #1 priority. We need attractive gateways to deliver and direct visitors downtown to our wonderful City and all it has to offer.

It is our suggestion to the mayor and the council as the Blue Ridge Taxpayer Assoc. that we do everything possible and within our power to work hand in hand together---Not apart! With the Mayor and Council we can help create a business plan for 2015. We can set goals and complete them. No Business nor Organization can

Untitled

successfully operate without a plan.

As a Council, you have a responsibility to every individual who works in this city and pays taxes. No matter what their position, be it dishwasher, waiter, merchant, or property owner. Each of these jobs contribute to the Blue Ridge economy and the taxpayer deserves your leadership and forward thinking.

We are extending a hand to each of you to get these things done, and we know they have to be done if we want to keep Blue Ridge #1 to its citizens and visitors.

It is our position to try and work in harmony with all of you. However if it is something YOU WON'T DO, we as the Taxpayer Assoc. LLC will move forward and see that these vital and important issues and projects are done through any LEGAL means necessary.

There are always many silent individuals that work under the radar in every community to help others in need. There has been much conversation about how much our beautiful new tree cost. which was in fact \$28000.00. As always it was private citizens, the city, county, and businesses who stepped up to the plate with pride and made donations to pay for and replace what is the most beautiful centerpiece of our Holiday season for locals and visitors alike. I can assure everyone that these same people and many others did everything and beyond expectations to make sure that the citizens in our community who needed food, warmth, or Christmas for their families received their many blessings because of these individuals. I know this for a fact. This community is always on ready when the need arises.

In conclusion: We can help achieve a solid plan with you the Council and Mayor and invite you to take advantage of our combined interests by looking at this as a great opportunity for all.

#1 Let's get a new sign ordinance.

#2 Let's work with the Ga. DOT and put our Gateways and overpass signs in place immediately.

#3 Let's work on Grants and foundation funding to make 515 Beautiful. We need to be the shining jewel in the crown, not a pass through.

#4 Let's work on funding to repair our streets, sidewalks, and bathroom facilities.

#5 Either vote yes or no on the DDA so we the Taxpayer Assoc. will know which direction to go next. And I ask for your vote by the next Council meeting.

Let's create a business plan and move on. Together we are Positive, Powerful, and Productive. Divided we are spinning our wheels and wasting precious time that we frankly don't have.

Thank you very much for your time and consideration.

City of Blue Ridge

480 West First Street • Blue Ridge, Georgia • (706) 632-2091

City of Blue Ridge
Special Called Meeting Minutes
City Hall
480 West First Street
January 22, 2015 at 4:00 PM

Present: Mayor, Donna Whitener
Council Members, Rodney Kendall,
Harold Herndon, Rhonda Thomas,
Bruce Pack and Angie Arp
City Clerk/Manager, Bill Sowers
Assistant City Clerk, Kelsey Addington

- 1) Call Meeting to Order:
Mayor Whitener asked for a motion to begin the meeting. The meeting was called to order by a motion made by Council Member, Rodney Kendall. The motion was seconded by Council Member, Bruce Pack. All voted yea. Motion carried.
- 2) Second Reading and Adoption of the Georgia Municipal Employees Benefit Systems (GMEBS) Life and Health Program Ordinance:
The Council held their first reading on January 13, 2015. A motion to accept the second reading of the Georgia Municipal Employees Benefit Systems (GMEBS) Life and Health Program Ordinance (attached) was made by Council Member, Rodney Kendall. The motion was seconded by Council Member, Rhonda Thomas. All voted yea. Motion carried.
- 3) Fannin County Holiday Schedule:
Mayor Whitener asked for a motion on the topic. A motion to keep the City's holiday schedule as is was made by Council Member, Rodney Kendall. The motion was seconded by Council Member, Bruce Pack. All voted yea. Motion carried.
- 4) Applications for Appointments:
The Mayor and Council were provided a sample of an application for the City's boards and commissions. The Mayor and Council reviewed the application and discussed what they liked about it. A motion to adopt the application as part of the process to appointing board/commission members was made by Council Member, Rhonda Thomas. The motion was seconded by Council Member, Harold Herndon. All voted yea. Motion carried.
- 5) Park Swimming Pool Concrete Work:
Mayor Whitener requested that City Crew Member, Mark Clemmons attend the meeting since he has been working at the City Park. Mr. Clemmons had received two quotes for the concrete work that the Council had approved. City Clerk/Manager, Bill Sowers stated that the first quote

City of Blue Ridge

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was in the amount of \$ 11,200 (Chris Chambers) and the second quote was in the amount of \$ 15,500 (Andy Crawford) both included material and labor. Mayor Whitener requested Mr. Clemmons' opinion on which bidder would do the best job. Mr. Clemmons stated that he believed that Mr. Crawford with the quote in the amount of \$ 15,500 would do the best work. He stated that the Crawford's quality of work was good from Clemmons' experience. Clemmons stated that the Crawford would do all of the work with his own equipment, but if the lower quote was accepted the City would have to do grading work and other miscellaneous tasks. The Mayor asked if the quotes were in writing and Clemmons stated that no he had received the quotes over the phone. Mayor Whitener requested that the quotes be in writing. A motion to table until Clemmons could get the quotes in writing was made by Council Member, Rodney Kendall. The motion was seconded by Council Member, Bruce Pack. All voted yea. Motion carried.

6) Fannin County Chamber of Commerce Area Map:

The Mayor and Council discussed the different prices for the City's advertisement. Lynda Thompson, owner of L&L Beanery, stated that she had received a half panel for \$900. A motion to purchase the \$900 half panel was made by Council Member, Rhonda Thomas. The motion was seconded by Council Member, Bruce Pack. All voted yea. Motion carried. Council Member, Angie Arp and Mayor Whitener discussed whether or not the City would need to enter into a contract with the Fannin County Chamber of Commerce in order to pay the advertisement fee from the 2% restricted Hotel/Motel Tax. Mayor Whitener stated that Arp could confirm what process the City would need to do with Finance Director, Alicia Stewart.

7) Parking:

Council Member, Rhonda Thomas stated that she had met with Rick LaRossa on January 21, 2015. Thomas stated that LaRossa had informed her that if the City were to move forward with the parking deck plans the City would need to get a survey, that included utilities, of the property in which they intended to build the parking deck. LaRossa also suggested that the City get an existing floor elevation of City Hall. Thomas stated that soil test/work should be done on the property. Thomas stated that City Engineer, Mike Hampton could assist in getting this information for the City. Thomas stated that LaRossa would need the information above before he could give an accurate number of parking spaces that would be available along with the total costs of the parking deck. A motion was made by Thomas to move forward with examining the parking situation on City Hall property to include Mike Hampton in conducting a survey of the entire property to include its utilities and a topo. Second, an existing floor elevation of City Hall. Third, an accurate location of building. Fourth, the appropriate soil work and any preliminary layouts that the City may need. The motion was made by Council Member, Rodney Kendall. Council Members, Rhonda Thomas, Rodney Kendall and Angie Arp voted yea. Council Members, Bruce Pack and Harold Herndon voted nay. Motion carried.

City of Blue Ridge

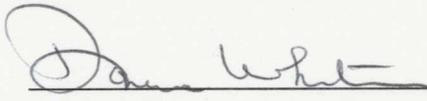
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8) Executive Session—Full Time Park Position:

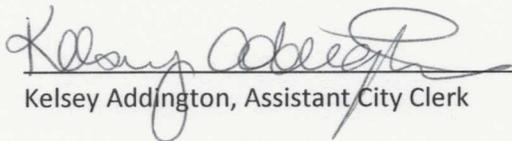
A motion was made by Council Member, Rodney Kendall to close the meeting for Executive Session. The motion was seconded by Council Member, Rhonda Thomas. All voted yea. Motion carried. A motion was made by Council Member, Rodney Kendall to call the meeting back to order after Executive Session. The motion was seconded by Council Member, Bruce Pack. All voted yea. Motion carried. Kendall made a motion to extend the employment offer to Timothy Towe as Assistant Supervisor at the park at a salary of \$400 per week. The motion was seconded by Council Member, Bruce Pack. All voted yea. Motion carried.

9) Adjournment:

A motion to adjourn the meeting was made by Council Member, Rodney Kendall. The motion was seconded by Council Member, Angie Arp. All voted yea. Meeting adjourned.



Donna Whitener, Mayor



Kelsey Addington, Assistant City Clerk

February 10, 2015
Approved



**RISK MANAGEMENT AND
EMPLOYEE BENEFIT SERVICES
BOARD OF TRUSTEES**

Chairman
Elizabeth M. English
Mayor Pro Tem, Vienna

Vice Chairman
Boyd Austin
Mayor, Dallas

Secretary-Treasurer
Lamar Norton
GMA Executive Director

Trustees:

Linda Blechinger
Mayor, Auburn

Keith Brady
Mayor, Newnan

Billy Edwards
City Manager, Hinesville

Myrtle Figueras
Councilmember, Gainesville

Jason Holt
Councilmember, Fitzgerald

Meg Kelsey
*Deputy City Manager
Finance Officer, LaGrange*

Joe Morton
City Manager, Fayetteville

David Nunn
City Manager, Madison

James F. Palmer
Mayor, Calhoun

W.D. Palmer, III
Councilmember, Camilla

Kenneth E. Smith, Sr.
Mayor, Kingsland

Rebecca Tydings
City Attorney, Centerville

Kenneth L. Usry
Mayor, Thomson

December 23, 2014

MEMORANDUM

FINAL NOTICE

TO: GMEBS Life and Health Fund Contacts
FROM: Cal Wray, Deputy Executive Director *Cal Wray*
SUBJECT: Revisions to GMEBS Health Plan Participation Documents

The purpose of this memorandum is to inform you that we have not received your executed revised GMEBS Health Plan Participation Documents. The required revised documents were originally sent to you via email on September 3, 2014. A second notice was emailed to you on November 24, 2014.

The execution of the revised GMEBS Health Plan Participation Documents is a requirement for participation in the GMEBS Life and Health Fund. Please have the documents executed and returned on or before January 15. Failure to do so may result in termination of life and health insurance coverage for your employees.

If you have already mailed the revised documents to Donna Forman, please ignore this notice.

If you need additional copies of plan documents, please contact LaTasha Akers at 678-686-6265 or Donna Forman at 678-686-6217. Please return the executed declaration document and executed ordinance or resolution to:

Donna Forman
Executive Assistant - RMEBS
Georgia Municipal Association
PO Box 105377
Atlanta, Georgia 30348

If you have any questions, please call me at 678-686-6215.

CW/mf

C: Mr. Michael Faulk

FOR GMEBS USE ONLY
DECLARATION EFFECTIVE DATE

**GMEBS LIFE & HEALTH PROGRAM
EMPLOYER DECLARATION & APPLICATION
EMPLOYEE HEALTH AND DENTAL BENEFITS
BLUE RIDGE**

NOTE TO EMPLOYER: THIS FORM DESIGNATES GMEBS HEALTH AND DENTAL BENEFITS THAT YOU REQUEST BE MADE AVAILABLE, THE POSITIONS THAT ARE ELIGIBLE FOR SUCH BENEFITS, AND THE EXTENT THE BENEFITS ARE AVAILABLE TO DEPENDENTS. TO BECOME EFFECTIVE, THIS DECLARATION MUST BE APPROVED BY YOUR GOVERNING AUTHORITY, AND BY THE GMEBS LIFE & HEALTH PROGRAM ADMINISTRATOR. UPON SUCH APPROVAL, THIS DECLARATION WILL REPLACE AND SUPERSEDE ANY PRIOR EMPLOYER DECLARATION ON FILE WITH THE GMEBS LIFE & HEALTH PROGRAM ADMINISTRATOR. IF YOU WISH TO OFFER HEALTH / DENTAL COVERAGE FOR RETIREES, YOU MUST APPROVE A SEPARATE RETIREE DECLARATION.

ELECTIONS MADE IN THIS DOCUMENT MAY OR MAY NOT RESULT IN PENALTIES IF YOU ARE AN APPLICABLE LARGE EMPLOYER ("ALE") UNDER THE AFFORDABLE CARE ACT ("ACA"). IT IS YOUR RESPONSIBILITY TO CONSULT WITH YOUR ATTORNEY ABOUT WHETHER YOU ARE AN APPLICABLE LARGE EMPLOYER AND THE CONSEQUENCES OF YOUR ELECTIONS. REGARDLESS OF YOUR SIZE, BY EXECUTING THIS DECLARATION, YOU CERTIFY THAT YOU WILL NOT IMPOSE ELIGIBILITY CONDITIONS THAT ARE NOT SET FORTH IN THIS DOCUMENT, OR IMPOSE A LONGER WAITING PERIOD THAN IS SET FORTH IN THIS DOCUMENT. EFFECTIVE JANUARY 1, 2015, IF YOU ARE AN APPLICABLE LARGE EMPLOYER, YOU MAY INCUR ACA PENALTIES IF: 1) YOU DO NOT IDENTIFY ALL "FULL TIME EMPLOYEES" AS DEFINED BY THE ACA AND OFFER THEM HEALTH COVERAGE; 2) YOU DO NOT OFFER HEALTH COVERAGE TO DEPENDENT CHILDREN; OR 3) YOU DO NOT SUBSIDIZE HEALTH COVERAGE ENOUGH TO MAKE THE COST OF EMPLOYEE-ONLY HEALTH COVERAGE AFFORDABLE (AS DEFINED BY THE ACA).

SECTION 1. ELIGIBLE POSITIONS; TYPE OF BENEFITS REQUESTED

1A. Regular Employees– The Employer requests the following benefits for all Regular Employees (as defined below).

Regular Employees: A Regular Employee who resides in the United States, and is employed in a salaried or hourly rated position that requires 30 Hours of Service per week or more and is expected to last at least 48 weeks. An Hour of Service is an hour for which an employee is paid, or is entitled to payment, for the performance of duties for the employer, and each hour for which an employee is paid, or entitled to payment, due to vacation, holiday, illness, incapacity (including disability), layoff, jury duty, military duty or leave of absence.

Health Dental Neither

1B. Elected or Appointed Members of the Governing Authority – The Employer requests the following benefits for all active elected or appointed members of the Employer's Governing Authority.

Health Dental Neither

1C. [For ALE's only - Participating Employers that are ALE's may determine that certain workers who do not meet the definition of a Regular Employee above are "ACA Full-Time Employees." For example, an Employer might determine that a newly hired employee in a nine-month position that requires 30 Hours of Service per week is an ACA Full-Time Employee. For coverage in calendar years 2015 and later, Participating Employers that are ALE's may offer the coverage elected in 1A to anyone it determines to be an ACA Full-Time Employee.]

SECTION 2. EMPLOYEE ELIGIBILITY WAITING PERIOD

Individuals who are hired or take office into an Eligible position after the Employer's effective date of group health/dental coverage are eligible to enroll for such coverage on the first day of the calendar month following or coinciding with the date that they complete the following number of days of continuous, active service in an Eligible position. 0 30 60

Those rehired into an Eligible position are not subject to a waiting period unless rehired after 13 consecutive weeks without an Hour of Service.

[For ALE's only - The waiting period elected above applies for any newly hired workers the Employer identifies as being "ACA Full-Time Employees" pursuant to Section 1.C. If the Employer determines a worker to be an ACA Full-Time Employee based on Hours of Service during an initial measurement period, the waiting period: 1) starts at the end of the initial measurement period, and 2) must be shortened as needed for coverage to be effective no later than 13 months from the date of hire (or the first day of the following month if the worker did not start on the first day of the month.)]

Note: The Employer's waiting period must be the same for all GMEBS Life & Health Program coverages offered by the Employer (i.e., health, dental, life, short term disability, etc.) There will be no exceptions to waiting period unless Employer submits documentation waiving the stated waiting period.

SECTION 3. EMPLOYER HEALTH PLAN ELECTION

If the "Health" box for any Employee position in Section 1A or 1B above is checked, the boxes checked below indicate the Health Plan option(s) and deductibles requested and coverage for dependents:

	Plan Name/Deductible	Employee	Employee + Spouse	Employee + Child	Family
x	PPO 90/70 - 1000	x			x

SECTION 4. EMPLOYER DENTAL PLAN ELECTION If the "Dental" box for any Employee position in Section 1A or 1B above is checked, the box checked below indicates whether coverage is requested for eligible dependents.

Employee Only Employee + Dependents (spouse and children)

SECTION 5. EMPLOYER REPRESENTATIVE – Please list by title or position the person designated by the Employer to represent the Employer in all communications with GMEBS and the Program Administrator concerning the GMEBS Life & Health Program: Ms. Gina Quinton

The Employer may identify in writing to the Program Administrator an additional agent or authorized representative (such as an insurance broker) as being authorized to receive communications, including enrollment information for billing purposes.

SECTION 6. EMPLOYER ADOPTION - The Employer acknowledges that this Employer Declaration and Application will not become effective unless and until it is approved by the GMEBS Life & Health Program Administrator, and that upon such approval this Employer Declaration and Application will replace and supersede any prior Employer Declaration and Application concerning health and dental coverage for employees that is on file with the GMEBS Life & Health Program Administrator. The Employer further acknowledges that GMEBS' approval of this Employer Declaration and Application is contingent upon the Employer having adopted the GMEBS Life and Health Program Participation Agreement, as amended.

Approved by the Mayor and Council/Commission of the City of BLUE RIDGE, Georgia this 23rd day of January, 2015.

Attest:

Bill Sowers
Signature of City Clerk

CITY OF Blue Ridge, GEORGIA
Donna Whitener
Signature of Mayor

Bill Sowers
Print Name of City Clerk
(SEAL)

Donna Whitener
Print Name of Mayor

Please do not write below this line (for GMEBS USE ONLY)

The terms of the foregoing Employer Declaration and Application are approved by the GMEBS Life & Health Program Administrator this ____ day of _____, 20____.
Subject to the applicable terms of the GMEBS Life and Health Program Participation Agreement and the Plan(s), the effective date of the coverages (or any change in coverage) as reflected in this Employer Declaration and Application will be the date shown under "Declaration Effective Date" on the first page of this form.

GMEBS LIFE & HEALTH PROGRAM ADMINISTRATOR
By: _____

AN ORDINANCE

An Ordinance to provide for participation by the City of Blue Ridge, Georgia ("Participating Employer" or "Employer") in the Georgia Municipal Employees Benefit System (GMEBS) Life and Health Program, in accordance with and subject to the terms of the GMEBS Life and Health Program Trust Agreement, the GMEBS Life and Health Program Participation Agreement, the Participating Employer's Declaration Page(s), and the Rules governing the Program, all as authorized and provided by Chapter 5 of Title 47 of the O.C.G.A.; to provide an effective date; to repeal conflicting ordinances; and for other purposes.

WHEREAS, the Participating Employer has determined that it wishes to provide certain employee benefits to its employees by participating in the Georgia Municipal Employees Benefit System Life and Health Program ("GMEBS Life and Health Program" or "Program") and by making contributions to the GMEBS Life and Health Program Trust Fund ("Trust Fund"); and

WHEREAS, the Participating Employer has reviewed the terms of the GMEBS Life and Health Program Trust Agreement ("Trust Agreement" or "Trust"), which Trust is intended to be a tax-exempt trust established under Internal Revenue Code Section 115 and under the applicable laws of the State of Georgia; and

WHEREAS, the Participating Employer has reviewed the terms and conditions of the GMEBS Life and Health Program Participation Agreement ("Participation Agreement") and the various forms of coverage and/or benefit plans offered under the GMEBS Life & Health Program; and

WHEREAS, the Participating Employer has reviewed the Declaration Page(s) ("Declaration") accompanying the GMEBS Life and Health Program Participation Agreement and has completed and will amend, as necessary or required, said Declaration to reflect its elections with respect to employee eligibility requirements and Program benefits that the Participating Employer intends to make available to eligible employees; and

WHEREAS, the Mayor and Council/Commission of the Participating Employer ("Governing Authority") is authorized by law to adopt this Ordinance, the Trust Agreement, the Participation Agreement, and the Declaration on behalf of the Participating Employer;

NOW, THEREFORE, BE IT ORDAINED by the Governing Authority of the Participating Employer and it is ordained by the authority thereof:

Section 1. The Participating Employer hereby adopts and agrees to be bound by the terms of the following GMEBS Life and Health Program Trust Agreement, the Participation Agreement, and Declaration which are attached hereto and made a part of this Ordinance. The Participating Employer also agrees to be bound by any Program Rules adopted by the GMEBS Board of Trustees ("Trustees"). The Participating Employer further agrees to abide by the terms of any amendments made by the Trustees to the Trust Agreement or the Program Rules.

Section 2. Severability. In the event that any section, subsection, sentence, clause or phrase of this Ordinance shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the previously existing provisions or the other section or sections, subsections, sentences, clauses or phrases of this Ordinance, which shall remain in full force and effect, as if the section, subsection, sentence, clause or phrase so declared or adjudicated invalid or unconstitutional were not originally a part hereof. The Governing Authority hereby declares that it would have adopted the remaining parts of this Ordinance or retained the previously existing provisions if it had known that such part or parts hereof would be declared or adjudicated invalid or unconstitutional.

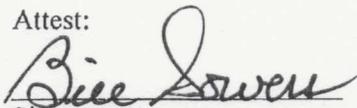
Section 3. Approval by Trustees or the Program Administrator. The Participating Employer's Ordinance and Declaration are subject to approval by the Trustees or the Program Administrator. The Trustees or Program Administrator may refuse to approve or may delay the effective date of an Ordinance and Participation Agreement or Declaration that is not in order as determined by the Trustees or the Program Administrator. The Governing Authority of the Participating Employer hereby acknowledges that it is responsible to assure that this Ordinance is adopted and executed by the Participating Employer in accordance with the requirements of applicable law.

Section 4. Effective Date. This Ordinance shall be effective on the date of approval by the Governing Authority or, if later, such other effective date designated by the Trustees below upon approval and acceptance of the signed Ordinance and Declaration.

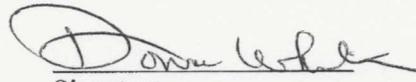
Section 5. Repeal. All ordinances and parts of ordinances in conflict herewith are expressly repealed.

Approved by the Governing Authority of Blue Ridge, Georgia, this 22nd
day of January, 2015.

Attest:


Signature

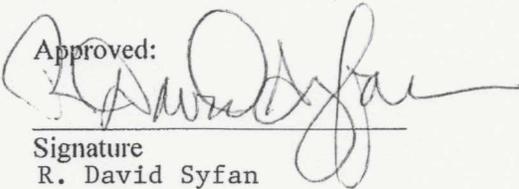
Bill Sowers
City Clerk


Signature

Donna Whitener
Mayor

(SEAL)

Approved:


Signature

R. David Syfan
Blue Ridge City Attorney
Attorney

TRUSTEES' APPROVAL

The terms of the foregoing Ordinance and Participation Agreement are approved on behalf of the Board of Trustees of the Georgia Municipal Employees Benefit System.

The effective date of the Employer's participation in the GMEBS Life and Health Program will be _____ [insert date *only if* Trustees' approved effective date for Employer's participation is later than effective date designated in Section 4 above].

IN WITNESS WHEREOF, the Board of Trustees of the Georgia Municipal Employees Benefit System has caused its Seal and the signatures of its duly authorized officer to be affixed this _____ day of _____, 20____.

Board of Trustees
Georgia Municipal Employees
Benefit System

(SEAL)

Secretary

GMEBS LIFE AND HEALTH PROGRAM
PARTICIPATION AGREEMENT

1. PURPOSE OF PARTICIPATION AGREEMENT

The Participating Employer hereby enters this Participation Agreement with the Georgia Municipal Employees Benefit System ("GMEBS") for the purpose of participating in the GMEBS Life and Health Program Trust and subscribing to one or more health, life, accidental death and dismemberment, short-term disability, dental or other employee benefit Plan(s) which are offered as part of the GMEBS Life and Health Program, as identified on the Participating Employer's Declaration, and to provide for the risk sharing associated therewith, in accordance with and subject to the terms of the Program Trust Agreement, this Participation Agreement, the Participating Employer's Declaration, and all Program Rules adopted by the GMEBS Board of Trustees ("Trustees"), in their current form or as amended.

2. DEFINED TERMS

When the initial letter of a word or phrase is capitalized in the Ordinance and Participation Agreement, the Trust Agreement, or the Participating Employer's Declaration, it shall have the meaning specified in Article I of the Trust Agreement unless otherwise defined. The term "employee" refers to individuals who are currently or were formerly employed by the Participating Employer.

3. TYPE OF COVERAGE

(a) Pooled Trust. The GMEBS Life and Health Program Trust Fund is in the form of a pooled trust, in which contributions are pooled. With respect to any Plan offered under the Program that is not provided through a third party insurer Group Policy, the Participating Employer enters the Trust as a mutual covenant of risk sharing and not as a partnership. With respect to insured benefits offered under the Program through a third party insurer Group Policy, the Participating Employer's obligation is to contribute the amount of premium required under the Group Policy. No Participating Employer by reason of being a participant in the Trust and contributing to the pool shall be liable to the Trust, to any other Participating Employer, or to any claimant, except for payment of contributions, fees, expenses, and costs as provided for in this Participation Agreement and joinder in the Trust, and for any necessary additional assessments levied by the Trustees to maintain appropriate reserves for the Health and Welfare Trust Fund. Risk sharing under the Trust shall begin upon the Participating Employer's first payment of contributions to the Trust Fund. There will be no disbursements out of the Trust to the Participating Employer except for the payment of benefits as provided under the Program, unless such disbursement is consistent with the irrevocability of the Participating Employer's contributions under the Internal Revenue Code and such disbursement is authorized by the Trustees, the terms of the Trust, and applicable law. The Participating Employer will make

expense payments as required by the Trustees for Trust administration which will be included in the Program contribution.

(b) Maintenance of Reserve. The Trustees may assess Participating Employers pro rata in an amount the Trustees deem sufficient to maintain appropriate reserves for the Health and Welfare Trust Fund. If a Participating Employer fails to pay any assessment as provided for in this Section 3(b) within sixty (60) days after the assessment date, the Employer's participation in the Program and the Trust Fund will be terminated as of the date such 60-day period ends and coverage offered under any and all Plans will cease as of said date or, if earlier, the termination date otherwise provided for under this Agreement. If the Participating Employer is terminated from participation in the Program as provided hereunder, the Employer will remain liable for any assessments due. If the Employer subsequently pays the assessment along with such penalties or interest that may be established by the Trustees or Program Administrator, the Program Administrator may reinstate the Employer's participation in accordance with any applicable Rules or procedures established by the Trustees.

(c) Self-Funded / Insured Benefits. Health and Welfare Benefits provided under the GMEBS Life and Health Program may be self-funded (i.e., paid directly from the GMEBS Life and Health Program Trust Fund), or they may be fully or partially insured under a Group Policy issued by a third party insurer or re-insurer retained by GMEBS. The GMEBS Board of Trustees has the sole authority and discretion to determine which Health and Welfare Benefits will be offered under the Program and which will be self-funded, partially insured, or fully insured. The Participating Employer agrees that GMEBS has the authority to contract with insurers, consultants, and other third parties as it deems necessary or appropriate for administration of the GMEBS Life and Health Program and/or provision of employee benefits under the Plan(s). All terms and conditions incident to insurance coverage provided by third party insurers will be in accordance with the Group Policy(ies) issued to GMEBS and any amendments, riders, or endorsements thereto, notwithstanding any other provision to the contrary. Subject to approval of the GMEBS Board of Trustees, GMEBS may select and/or change insurers and other service providers for the purpose of providing or administering employee benefits under the Program at any time. The Participating Employer shall abide by the applicable terms of all administrative and other service agreements of the Program. The Participating Employer accepts the services to be provided by the Georgia Municipal Association ("GMA") as Program Administrator and the services of any insurer or other service provider retained by the GMEBS Board of Trustees. The Participating Employer acknowledges that administrative fees, licensing fees, and other fees related to services provided by GMA and other service providers will be charged under the Program and deducted from the Trust Fund.

4. GENERAL DUTIES AND UNDERSTANDINGS

(a) Completing Declaration - The Participating Employer will complete the Declaration form provided by GMEBS to indicate which Plan(s) the Participating Employer will make available to its eligible employees; to designate employee eligibility to participate under said Plan(s); to designate the extent of coverage, if any, to be provided to eligible dependents under the Plan(s); to designate the extent of coverage, if any, to be provided to elected and appointed members of

the Governing Authority of the Participating Employer under the Plan(s); to designate the extent of coverage, if any, for retirees of the Participating Employer under the Plan(s) (provided that GMEBS or the applicable Group Policy permits coverage for retirees under such Plan(s)); to designate the Employer's employee waiting period for enrollment under the Plan(s) (if applicable and subject to any limitation on the length of the waiting period imposed by law); and to designate the form and levels of coverage that the Participating Employer intends to make available under each of the Plan(s). The Participating Employer's Declaration will include any forms which must be completed by the Participating Employer under the terms of any Group Policy to indicate the Employer's eligibility and coverage elections under said Group Policy.

(b) Amending Declaration - In the event the Participating Employer wishes to change or modify its Declaration in any manner (e.g., with respect to Plan(s) offered by the Employer, employee eligibility requirements, or levels of coverage), the Participating Employer will complete and submit an amended Declaration in accordance with and subject to Section 6 below. The Participating Employer may also be required to complete and submit an amended Declaration to reflect any changes made in connection with the annual renewal process under the Program.

(c) Responsibilities When Offering Coverage At Any Time - The Participating Employer is responsible for determining which of its employees are eligible to participate in the Plan(s) in accordance with the terms of the Participating Employer's Declaration and other terms of said Plan(s), including any applicable Group Policy and the Participating Employer's Declaration, and taking into account any employee eligibility waiting period imposed by the Participating Employer under its Declaration.

The Participating Employer acknowledges and agrees that it is solely responsible for properly classifying its workers, complying with employment laws, complying with all applicable laws relating to the offering of health coverage to employees, including, but not limited to the Patient Protection and Affordable Care Act ("ACA") and the Georgia Security and Immigration Compliance Act.⁺ The Participating Employer acknowledges and agrees that neither GMEBS, the Trust Fund, the Trustees, nor the Program Administrator are liable for any consequences arising from the Participating Employer's failure to comply with such obligations and laws. Participating Employers who meet the definition of an "Applicable Large Employer" under the ACA have a choice to extend coverage under the GMEBS Health Plan to all "Full-Time Employees" as defined by the ACA, and their dependent children, and make such coverage "affordable," as defined by the ACA, or pay "Employer Shared Responsibility" (also called "Pay or Play") penalties. The Participating Employer acknowledges and agrees that it is solely responsible for determining whether it is an Applicable Large Employer, how it will determine whether an individual worker is an ACA Full-Time Employee, whether it will offer coverage to all ACA Full-Time Employees and their dependent children, and how much, if at all, it will

⁺ Although the Participating Employer is responsible for determining which employees are eligible to participate under the Plan(s) and will be offered coverage, GMEBS has the sole authority to determine whether an employee has complied with all enrollment requirements, including, but not limited to requirements related to compliance with the Georgia Security and Immigration Compliance Act pursuant to O.C.G.A. § 50-36-1. In the event of a dispute over whether an enrolled employee or dependent is, in fact, eligible for coverage under the terms of the Plan(s), GMEBS has the discretion to interpret the terms of the Plan(s) and make the final decision for any Plans, except as stated under the terms of any Group Policy.

subsidize coverage in order to ensure that the coverage meets ACA affordability requirements. The Participating Employer acknowledges and agrees that neither GMEBS, the Trust Fund, the Trustees, nor the Program Administrator is responsible for paying Employer Shared Responsibility penalties.

The Participating Employer represents and warrants that it will offer coverage under the Plans to all individuals who are eligible under the terms of the applicable Declaration, and in accordance with the approved waiting period set forth in the Declaration. The Participating Employer shall notify GMEBS immediately if it has imposed an unauthorized eligibility condition or waiting period. The Participating Employer acknowledges and agrees that neither the GMEBS, the Trust Fund, the Trustees, nor the Program Administrator will be liable for the Participating Employer's failure to properly offer coverage. Any penalties assessed against the GMEBS Health Plan because a Participating Employer imposed additional eligibility requirements or longer waiting periods will be recouped from the Participating Employer, and the Participating Employer agrees to such recoupment.

The Participating Employer will distribute and collect Plan enrollment forms from eligible employees and will send completed forms and other information necessary for enrollment of employees and eligible dependents to the Program Administrator immediately upon receipt of said forms and before the intended effective date of enrollment, in accordance with any enrollment Rules and/or procedures established by the Trustees or the Program Administrator. Said information may be provided electronically in a manner that meets applicable requirements for secure electronic transmission or via hard copy in the form and manner approved by the Program Administrator.

All actions taken by the Participating Employer to collect pre-enrollment and enrollment materials from employees and send them to the Program Administrator are taken by the Participating Employer on behalf of the employees, and not on behalf of the GMEBS Plans. The Participating Employer is solely responsible for maintaining the confidentiality and security of these materials while they are in the Participating Employer's custody and properly securing them during transmission to the Program Administrator.

(d) Annual Open Enrollment, Special Enrollment – The Participating Employer will distribute, collect, and/or forward notices, forms and information in accordance with any Rules and/or procedures established by the Trustees or the Program Administrator for the purpose of processing Plan enrollment requests and/or coverage changes requested by employees in connection with the Program's annual open enrollment period and in connection with any special enrollment period provided for under the Plan(s) (e.g., employee acquiring new dependent, or employee or dependent's loss of other health plan coverage).

(e) Retroactive Enrollment - The Participating Employer acknowledges and agrees that retroactive enrollment of eligible employees and dependents will be permitted only under extenuating circumstances in the discretion of the Program Administrator (an employee or dependent's failure to timely or accurately complete an enrollment application is not sufficient to permit retroactive enrollment). Retroactive enrollment may be limited to a maximum of 60 days prior to the date the Program Administrator receives completed enrollment forms and any other

information necessary for enrollment from the Participating Employer. Retroactive enrollment is subject to the Program Administrator's receipt of applicable contributions and any late fees or penalties that may be imposed by the Trustees or Program Administrator. The Participating Employer acknowledges and agrees that GMEBS, the Trustees, the GMEBS Life and Health Plan Trust Fund, and the Program Administrator will not be liable for any unpaid or uncovered claims for persons who are not enrolled in a timely manner due to the Program Administrator having been provided untimely or inaccurate eligibility or enrollment information, or untimely or inaccurate updates to eligibility or enrollment information. Notwithstanding any other provision herein to the contrary, retroactive enrollment will be permitted under a Group Policy only if and to the extent the Group Policy permits same.

(f) Termination of Individual Employee/Dependent Participation - The Participating Employer will determine and notify/update the Program Administrator as to which employees, dependents, or other individuals will become or are no longer eligible to participate in the Plan(s) selected by the Participating Employer in its Declaration (e.g., due to termination of employment, failure to meet minimum hour requirement, or failure to remit employee contribution (if any)). Such notification will be provided by the Participating Employer immediately upon loss of eligibility in accordance with any applicable Rules and/or procedures established by the Trustees or the Program Administrator. The Participating Employer acknowledges and agrees that retroactive termination (disenrollment) of individual employees and other persons will be permitted only under extenuating circumstances in the discretion of the Program Administrator and may be limited to a maximum of 60 days prior to the date proper notice of disenrollment is received by the Program Administrator. If retroactive disenrollment is permitted, the Program Administrator will provide a credit on the Participating Employer's next Program invoice for the period of retroactive disenrollment. The Participating Employer acknowledges and agrees that if the Program has paid claims for persons who are not eligible or no longer eligible to participate in one or more Plan(s) due to the Participating Employer having provided inaccurate eligibility information, untimely updates to eligibility information, or late notice of participant disenrollment, the Participating Employer will be required to reimburse the GMEBS Life and Health Trust Fund for any unrecovered claim amounts. Notwithstanding any provision herein to the contrary, retroactive disenrollment will be permitted under a Group Policy only if and to the extent such Group Policy permits same.

(g) Facilitating COBRA Coverage Elections - The Participating Employer will distribute, collect, keep, and furnish to the Program Administrator, employees, and other individuals such notification(s), forms, and other information as necessary for the purpose of notifying eligible employees and dependents of their rights to continued health and/or dental coverage under COBRA and for purposes of facilitating COBRA coverage elections, in accordance with any applicable Rules or procedures established by the Trustees or the Program Administrator. The Participating Employer acknowledges and agrees that, for purposes of COBRA administration, it is responsible to: 1) distribute applicable GMEBS Plan booklet(s) (which contain the initial notice of COBRA rights) to eligible employees (and their spouses, if covered) within 30 days after their enrollment in any health or dental Plan under the Program; 2) notify the Program Administrator in writing immediately upon and no later than 14 days after the termination of employment of any covered employee participating in any health or dental Plan under the Program (and indicate whether the employee was terminated for gross misconduct); 2) notify the

Program Administrator in writing immediately upon and no later than 14 days after the death of any covered employee participating in any health or dental Plan under the Program; 3) notify the Program Administrator in writing immediately upon and no later than 14 days after a reduction in a employee's work hours which makes the employee ineligible to participate in a health or dental Plan under the Program; 4) collect monthly COBRA premiums from COBRA-eligible employees and dependents and remit them to the Program Administrator in a timely manner; and 5) promptly forward to the Program Administrator any notices, forms, or information received from employees (or their dependents) which may affect COBRA rights or eligibility (e.g., COBRA election forms, employee notice of divorce, notice of loss of dependent status, notice of employee or dependent change of address). The Participating Employer acknowledges and agrees that GMEBS and the Program Administrator will not be liable for any unpaid or uncovered claims for persons who are eligible for COBRA but who are not timely or properly afforded COBRA coverage due to the Participating Employer's failure to provide timely or accurate COBRA notification(s), forms or other information in accordance with this subsection or any COBRA administration Rules and/or procedures established by the Trustees or the Program Administrator.

(h) FMLA – If and to the extent that the Participating Employer is subject to the Family and Medical Leave Act (“FMLA”), the Participating Employer (not GMEBS, the Trustees, or the Program Administrator) will be responsible for maintaining Plan coverage for employees and/or dependents as necessary to comply with the FMLA, including making arrangements for employees to pay their employee share of Plan contributions (if applicable) while they are on FMLA leave; providing notice to covered employees on FMLA leave of any opportunity to change plans, benefits, or coverage (e.g., providing notice of an upcoming open enrollment period); restoring applicable Plan coverage upon an employee's return to employment following FMLA leave in case of lapse of coverage due to non-payment of employee contributions while on FMLA leave; and notifying the Program Administrator in writing upon an employee's failure to return to return to employment following FMLA leave.

(i) Furnishing Summaries of Benefits & Coverage; Plan Booklets; Distribution and Collection of Notices and Forms – The Participating Employer will, in the form and manner requested by the Trustees or the Program Administrator, copy and distribute to its employees and retirees (if applicable) any and all Summaries of Benefits & Coverage, Plan booklets, notices, and forms supplied for purposes of Program administration and will collect and forward to the Program Administrator any notices, forms or other information it receives from employees or other individuals concerning participation in the Program. The Participating Employer agrees to certify that it has distributed such materials if the Trustees or Program Administrator request such a certification. The Participating Employer acknowledges and agrees that GMEBS, the Trust Fund, the Trustees, and the Program Administrator shall not be liable for the costs of distributing or for the consequences of Participating Employer's failure to satisfy these obligations. Any penalties for failure to distribute will be paid directly by the Participating Employer or recouped from the Participating Employer.

(j) Providing Experience Rating Information – The Participating Employer will provide the Program Administrator with information reasonably requested for purposes of underwriting and/or determining the Participating Employer's experience rating. Initially, only individuals

included in required underwriting may be enrolled in the Plans. Individuals who become eligible for coverage at a later date may or may not be subject to underwriting.

(k) Life/Short Term Disability Salary Updates - Participating Employers who elect to provide life insurance coverage or short term disability coverage under the Program based on salary amount or level of salary must report employee salary changes to the Program Administrator in writing as soon as they occur.

(l) Medical Child Support Orders – The Participating Employer will promptly forward to the Program Administrator any medical child support orders it receives concerning enrollment of dependent child(ren) in one or more Plan(s).

(m) Cooperation in Administration and Provision of Information about Employees and Dependents. – The Participating Employer agrees to cooperate in all respects with GMEBS, the Program Administrator, and any Plan service providers with respect to administration of the Program. Such cooperation includes securely transmitting to the Program Administrator upon request any information about employees and dependents that the Program Administrator deems necessary for administration.

(n) Enrollment and Billing Information – The Participating Employer shall designate on the Declaration Page the position of a contact or contacts for receipt of billing information and other information necessary for proper enrollment of eligible employees. The Participating Employer is solely responsible for ensuring that any designated contact properly secures this information and uses it only for permissible purposes. The Participating Employer agrees to promptly notify the Program Administrator if a designated contact is no longer authorized to receive this sensitive information.

5. REMITTANCE OF CONTRIBUTIONS

(a) Monthly Contributions Due 1st of Month – Regular monthly Program invoices will be mailed by the Program Administrator to the Participating Employer on or about 15th day of each month in advance of the month for which the Program contribution is due and payable. The Participating Employer agrees to remit the applicable monthly Program contribution owed (including all employee contributions referred to in subsection 5(b) below) to the Program Administrator by the first day of the month for which the Program contribution is due.

(b) Employer Collection of Employee Contributions - The Participating Employer agrees to collect contributions (including COBRA premiums) from employees and other individuals (if any) that are required by the Participating Employer for participation in the Plan(s). GMEBS, the Trustees, and the Program Administrator will have no responsibility or obligation to collect such contributions from employees or other individuals on behalf of the Participating Employer.

(c) Late Payment; Cancellation of Coverage; Termination of Participation Agreement - If the applicable Program contribution is not received by the Program Administrator within 30 days after the contribution due date, the Program Administrator will send a notice of impending termination of participation and/or coverage cancellation to the Participating Employer. In such

event, the Participating Employer, not GMEBS, the Trustees, or the Program Administrator, will be responsible to notify employees of impending coverage cancellation. If the applicable monthly Program contribution is not remitted by the Participating Employer within 60 days after the due date for payment, the Employer's Participation Agreement will terminate and/or Plan coverage will be cancelled upon expiration of the 60-day period. Said termination and/or cancellation of coverage will be retroactive to the last day of the month for which the applicable Program contribution was paid. The Program Administrator will instruct Program service providers as necessary in an attempt to obtain reimbursement with respect to any claims incurred after the termination effective date. However, if the Trust Fund incurs costs relating to claims incurred after the coverage cancellation date and is unable to obtain reimbursement for such claims, the Participating Employer shall reimburse the Trust Fund for such costs. In the event that the Participating Employer fails to provide such reimbursement to the Trust Fund within 30 days following the end of the 60-day period referenced above, such amounts will be subject to interest, penalties or other charges as established by the Trustees or Program Administrator. GMEBS, the Trust Fund, the Trustees, and the Program Administrator are not responsible for any claims incurred following the coverage cancellation date. The Participating Employer will abide by any Rules adopted by the Trustees with respect to collection of delinquent contributions, including any such Rules which may require payment of interest, penalties, exit fees, or a combination thereof. Such Rules or may also provide that Program benefits may be reinstated at the sole discretion of the Trustees or the Program Administrator upon payment of outstanding delinquent contributions, late fees, reinstatement fees, or other charges, along with any other expenses incurred by the Trust Fund as a direct or indirect result of the Employer's failure to remit contributions in a timely manner. Notwithstanding any provision herein to the contrary, termination of coverage under any Group Policy will be governed by the applicable terms of such Group Policy.

6. EMPLOYER MODIFICATION OF DECLARATION PAGE(S)

If the Participating Employer desires to amend any of its elections contained in its Declaration, the Participating Employer shall by official action of its Governing Authority amend the Declaration and forward it to the Program Administrator for approval. The amendment of the Declaration shall not be effective until approved by the Program Administrator (and the applicable insurer, if the amendment involves a change to a Group Policy) and until any administrative procedures necessary to facilitate the change have been implemented. If the amendment is not approved by the Program Administrator (or insurer, if applicable), the Plan(s) will continue to be administered as if such amendment had not been made.

Pursuant to Article VI of the Trust Agreement, the Trustees may amend the form of the Participation Agreement required to be adopted and executed by Participating Employers in order to join or remain in the Program. Notwithstanding any amendment made to the Declaration Page, the Participation Agreement (in its current form or as amended) shall remain in effect unless the Participation Agreement is affirmatively terminated by official action of the Participating Employer or the Trustees as provided under this Agreement.

The Program Administrator will timely inform the Participating Employer of any significant material changes concerning operation of the Plans under the Program, including but not limited to changes in service providers administering Plan benefits, elimination of benefit options, and changes in law applicable to the Plan. In the event that said change necessitates one or more amendments to the Participating Employer's Declaration and the Participating Employer fails to amend its Declaration accordingly, the Trustees and Program Administrator are authorized but not required to amend the Participating Employer's Declaration in their discretion to accommodate or reflect such change, and the Plan(s) will be administered in accordance with the amended Declaration to the extent practicable, notwithstanding cost. GMEBS, the Trust Fund, the Trustees, and the Program Administrator shall not be liable for any difference in cost, benefits, or coverage for the Participating Employer or for any Plan participant resulting from such amendment, nor any other consequences, including, but not limited to penalties, arising from the Participating Employer's failure to act in accordance with the amended Declaration. Notwithstanding any provision herein to the contrary, the Participating Employer's modification of coverage or benefits under any Group Policy will be governed by the applicable terms of such Group Policy.

7. NOTICE OF TERMINATION BY EMPLOYER

In the event that the Participating Employer desires to terminate its participation under the Program altogether (versus terminating or changing coverage under a particular Plan which requires amendment of the Employer's Declaration as provided under Section 6 above), the Participating Employer shall provide the Program Administrator with at least 30 days advance written notice of such termination. If the Participating Employer provides such notice, the Employer's participation shall terminate effective as of the last day of the month following the month in which notice of termination is provided, or such later date agreed to in writing by the Participating Employer and the Program Administrator, provided the Participating Employer

timely pays monthly Program contributions owed for such remaining period of participation. Otherwise, the Employer's participation shall terminate effective as of the last day of the month for which the applicable monthly Program contribution is timely paid by the Participating Employer or as otherwise provided under this Agreement. GMEBS, the Trust Fund, the Trustees, the Program Administrator, and any third party insurers under the Program will not be responsible for any claims incurred following the effective termination date. Notwithstanding any provision herein to the contrary, the Participating Employer's coverage under any Group Policy will be terminated in accordance with and subject to the terms of said Group Policy

8. NOTICE OF TERMINATION BY GMEBS

In the event that GMEBS desires to terminate this Participation Agreement for reasons other than failure by the Participating Employer to remit payments in a timely manner, the Trustees or Program Administrator will provide the Participating Employer with at least 60 days advance written notice of such termination. Said termination shall be effective on the last day of the month that ends at least 60 days after notice of termination is provided, provided the Participating Employer timely pays all monthly Program contributions due up until said termination effective date. GMEBS, the Trust Fund, the Trustees, and the Program Administrator will not be responsible for any claims incurred following the effective termination date. Notwithstanding any provision herein to the contrary, the Participating Employer's coverage under any Group Policy will be terminated in accordance with and subject to the terms of said Group Policy.

9. REINSTATEMENT IN PROGRAM

In the event that the Participating Employer or the Trustees terminate this Participation Agreement, the Participating Employer may request reinstatement of participation upon payment of any outstanding balance plus any applicable interest, penalties, reinstatement fees, or other charges established by the Trustees or the Program Administrator, as well as payment of the first month's Program contribution. Reinstatement is subject to approval by the Trustees or Program Administrator. Upon reinstatement, the Participating Employer will be required to adopt a new Participation Agreement and Declaration and will be subject to underwriting. If there have been any changes to the Plan(s) or other Program provisions or any changes in contribution rates after termination of participation and before reinstatement, the Participating Employer will upon reinstatement be subject to all Program provisions and contribution rates in effect on the date of reinstatement. Notwithstanding any provision herein to the contrary, the Participating Employer's eligibility for reinstatement of coverage under any Group Policy will be determined in accordance with and subject to the terms of said Group Policy.

10. TERMINATION OF GMEBS LIFE AND HEALTH PROGRAM

The GMEBS Board of Trustees reserves the right to terminate the Program at any time by a written instrument to that effect executed by the Trustees. Such termination will be effected in accordance with the terms of the Trust Agreement and applicable law.

11. EXTENT OF BENEFITS PROVIDED TO PLAN PARTICIPANTS

No employee, participant, dependent, or other person shall have any right, title, or interest in or to the Trust or any part thereof; provided, however, that any person who is actually eligible for and covered by a Plan under the GMEBS Life and Health Program will, subject to the applicable terms and conditions of said Plan, the Trust Agreement, and this Participation Agreement, be entitled to benefits in the amount and to the extent provided under the Plan. The Participating Employer's participation in the Program will not constitute and shall not be construed as a commitment to provide or to continue to provide a specific type or level of employee benefits or employee contribution rate. Nor will it constitute or be construed to create an accrued or vested benefit for any employee, former employee, participant, dependent, or other person.

No guaranty that payments or reimbursements to employees, former employees, or retirees will be tax free:
The Trust has obtained a ruling from the Internal Revenue Service concerning only the federal tax treatment of the Trust's income. That ruling may not be cited or relied upon by the Participating Employer whatsoever as precedent concerning any matter relating to the Participating Employer's health and welfare plan(s). In particular, that ruling has no effect on whether payments from the Participating Employer's health and welfare plans are excludable from the gross income of employees, former employees or retirees, under the Internal Revenue Code. The federal income tax consequences to employees, former employees and retirees depend on the terms and operation of the Participating Employer's health plan(s).

GMEBS LIFE AND HEALTH PROGRAM TRUST AGREEMENT

Administered By:

Georgia Municipal Association

**201 Pryor Street, SW
Atlanta, Georgia 30303
Telephone: (404)688-0472
Facsimile: (678)686-6289**

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GMEBS LIFE AND HEALTH PROGRAM TRUST

THIS TRUST AGREEMENT is executed as of this 22nd day of June, 2014, by the Board of Trustees of the Georgia Municipal Employees Benefit System (hereinafter referred to as "GMEBS").

W I T N E S S E T H:

WHEREAS, certain governmental employers and instrumentalities (hereinafter "Participating Employers") have agreed to pool assets in order to jointly provide for group health, life, accidental death and dismemberment, short-term disability, dental and/or other benefits for their designated benefit plan participants (hereinafter "participants") and to jointly provide for the risk-sharing associated with the provision of such benefits, pursuant to, and to be governed by, the provisions of Chapter 5 of Title 47 of the O.C.G.A. §§ 47-5-23 (14) and 47-5-40;

WHEREAS, GMEBS desires to establish a pooled trust to receive contributions from certain governmental employers and instrumentalities and to make distributions from the Trust for the provision of such benefits, which trust shall be known as the GMEBS Life and Health Program Trust (the "Trust");

WHEREAS, each Participating Employer has determined that it wishes to offer benefits under the GMEBS Life and Health Program ("Program") and to make contributions with respect to the provision of such benefits through participation in this Trust;

WHEREAS, participation in and any coverage under the Trust shall not constitute nor be construed as a commitment to provide a specific type or level of benefit, to provide for a specific premium or contribution rate, or to constitute an accrued or vested financial benefit for any specific employee, participant, or other person unless otherwise specifically provided herein;

WHEREAS, the Trustees are authorized to receive, hold and administer the funds in the Trust, and such funds, when received by the Trustees (or their delegate), will constitute the trust fund (the "Trust Fund" or "Fund");

WHEREAS, the Trustees agree to accept this Trust and to perform the duties of the Trustees hereunder;

WHEREAS, GMEBS intends that the income accruing to the Trust shall be excluded from the income of Participating Employers which are political subdivisions or instrumentalities of the State, and such income is derived from the exercise of an essential governmental function as provided for under section 115(1) of the Internal Revenue Code of 1986, as amended (the "Code"), Revenue Rulings 77-261 and 90-74, and other relevant guidance;

WHEREAS, each Participating Employer will execute a Participation Agreement providing that the Participating Employer will deposit its contributions in the Trust Fund, out of

which lawful and proper benefits are to be paid; that there will be no disbursements out of the Trust Fund to a Participating Employer except for the payment of benefits unless such disbursement is consistent with irrevocability of the contribution under the Code; and that the Participating Employer will make expense payments as required for Trust administration;

NOW, THEREFORE, GMEBS hereby establishes a Trust to provide as follows:

ARTICLE I

DEFINITIONS AND RULES OF CONSTRUCTION

Section 1.01 Definitions. When the initial letter of a word or phrase is capitalized, it shall have the following meaning:

- (a) "Code" means the Internal Revenue Code of 1986, as amended.
- (b) "Custodian" means a bank, mutual fund, savings and loan association, insurance company or other qualified entity selected by the Trustees, to hold and administer the assets of the Trust Fund.
- (c) "Eligible Employer" means an "employer" as defined in O.C.G.A. § 47-5-2(9), provided that the employer is an agency of the State of Georgia, a political subdivision of the State of Georgia, or an entity whose income is excluded from gross income under Code Section 115.
- (d) "GMA" means the Georgia Municipal Association, Inc., an instrumentality of local government organized as a non-profit corporation under the laws of the State of Georgia, or any successor thereto.
- (e) "GMEBS" means the Georgia Municipal Employees Benefit System, a public corporation established by an Act of the General Assembly of the State of Georgia, or any successor thereto.
- (f) "Governing Authority" means the entity designated as such in the Participating Employer's Participation Agreement which is authorized to act for the Participating Employer.
- (g) "Group Policy" means the terms of the life, health, or other group insurance policy, as applicable, issued by contract to GMEBS from a third party insurance provider.
- (h) "Health and Welfare Benefit" means any benefit, premium, and/or payment made in connection with the provision of employee benefits as defined in O.C.G.A. § 47-5-2(7), including, but not limited to, medical, prescription, drug, dental, life, disability and accidental death and dismemberment benefits.
- (i) "Investment Fund" means an investment fund that forms part of the Trust Fund as established by the Trustees.

(j) "Investment Manager" means an investment manager selected by the Trustees.

(k) "Plan" means the applicable coverage, benefit plan, or Group Policy under the GMEBS Life and Health Program.

(l) "Participating Employer" means an Eligible Employer which becomes a party to this Trust by executing a Participation Agreement and Declaration as provided in Section 3.02 hereof and which has, by resolution or ordinance, adopted participation in the Trust. This term includes a Participating Employer who has terminated participation in the Trust to the extent there remains any outstanding contributions or premiums to be made or benefits to be paid pursuant to Article X.

(m) "Participating Employer Representative" means the person designated in the Participating Employer's Declaration to represent the Participating Employer in all communications with GMEBS and the Program Administrator.

(n) "Program Administrator" means the program administrator selected by the Trustees. The Program Administrator may be removed and replaced with or without cause by a 2/3 vote of the Trustees. The current Program Administrator is GMA.

(o) "Property" refers to any property, real or personal, or partial interests therein, wherever situated, including, but without being limited to, preferred and common stocks, shares of investment companies, bonds, notes, debentures and mortgages, equipment trust certificates, investment trust certificates, interests in limited liability companies, in partnerships whether limited or general or in any insurance contract, policy, annuity, or other investment media offered by an insurance company, in which trust assets may be invested pursuant to Georgia law.

(p) "Rule" means a policy, procedure, rule or regulation adopted by the Trustees, establishing administrative procedures or interpretations affecting the Trust or Program.

(q) "State" means the State of Georgia.

(r) "Trust" means the trust created and established hereunder.

(s) "Trust Fund" means all such money, property, and all investments made therewith and proceeds thereof and all earnings and profits thereon, less payments made by the Trustees as authorized herein.

(t) "Trust Year" means the twelve (12) month period beginning each January 1 and ending the following December 31 on which the books and records of the Trust are maintained.

(u) "Trustees" means the Board of Trustees of GMEBS.

Section 1.02 Rules of Construction. Words used herein in the masculine gender shall be construed to include the feminine gender where appropriate, and words used herein in the singular or plural shall be construed as being in the plural or singular where appropriate.

Accounting terms and principles used herein or applicable hereto shall be as defined and described from time to time by pronouncements and other guidance of the Governmental Accounting Standards Board, or any successor organization.

ARTICLE II

TRUST AND TRUST ADMINISTRATION

Section 2.01 Trust Fund. The Trustees shall receive and accept for the purposes hereof all property paid to the Trust by or at the direction of the Participating Employers and shall hold, invest, reinvest, manage, administer, and distribute property and the increments, proceeds, earnings, and income solely to provide Health and Welfare Benefits as described herein. All assets held by the Trustees in the Trust are referred to herein as the "Trust Fund." The Trustees have the authority to invest and manage the assets of the Trust Fund. All assets shall be held as a pooled trust to provide the Health and Welfare Benefits of any Participating Employer.

Section 2.02 Exclusive Benefit. The Trust is held for the exclusive benefit of employees of a Participating Employer and their dependents; provided, however, that no specific employee or group of employees shall have a vested interest in the Trust Fund. The Trust Fund shall be used solely for providing Health and Welfare Benefits to each Participating Employer's eligible employees and their eligible dependents, pursuant to the Participation Agreement and the terms of the applicable Plan(s), and the payment of reasonable expenses of the Trust. Such expenses include, but are not limited to, expenses arising from the reasonable indemnification of entities performing services for the Plan pursuant to contract, to the extent permitted under applicable law, and payments required under applicable law or imposed on the Trust pursuant to applicable law. No portion of the principal or income of this Trust shall revert to a Participating Employer except in a manner consistent with the Code. Trust assets shall not be used to satisfy the claims of any creditor of any Participating Employer or of the Program Administrator, the Custodian or the Trustees. Trust assets shall not be used to pay any penalties or fines assessed against a Participating Employer. In the event that a penalty is assessed against the Trust as a result of actions or inactions of a Participating Employer, the Trustees or Program Administrator will recoup such penalties or fines from the Participating Employer or take such other actions as are necessary and appropriate to protect the Trust.

Section 2.03 Pooled Trust. The Trust Fund shall be in the form of a pooled trust, in which contributions are pooled. With respect to any Plan offered under the Program that is not provided through a third party insurer Group Policy, the Participating Employers enter this Trust as a mutual covenant of risk sharing and not as a partnership. With respect to insured benefits offered under the Program through a third party insurer Group Policy, the Participating Employer's obligation is to contribute the amount of the premium required under the Group Policy. No Participating Employer by reason of being a participant in the Trust and contributing to the pool shall be liable to the Trust, to any other Participating Employer, or to any claimant, except for the payment of contributions, fees, expenses, and costs provided for in its Participation Agreement and joinder in the Trust and for any necessary additional assessments levied by the

Trustees to maintain appropriate reserves for the Health and Welfare Trust Fund. Payment of expenses and fees of the Trust in accordance with Section 5.02 shall have priority.

ARTICLE III

PARTICIPATING EMPLOYERS

Section 3.01 Approval. The Trustees shall be the sole judge of whether an Eligible Employer is eligible to become a Participating Employer. The Trustees may delegate the authority for membership approval to the Program Administrator.

Section 3.02 Participation. An Eligible Employer that is a municipal corporation may become a Participating Employer, by delivering to the Program Administrator an appropriate ordinance of its Governing Authority adopting the Trust, the Participation Agreement, and a Declaration, provided said participation documents are approved by the Trustees or the Program Administrator. The municipal corporation will become a Participating Employer as of the effective date specified in said ordinance. Any other Eligible Employer may become a Participating Employer by delivering to the Program Administrator an appropriate resolution of its Governing Authority adopting the Trust, the Participation Agreement, and a Declaration, provided said participation documents are approved by the Trustees or the Program Administrator. By executing the ordinance (or resolution, if applicable) and Participation Agreement, the Eligible Employer agrees to be bound by all the terms and provisions of this Trust, the Participation Agreement, the Declaration, and the Rules adopted by the Trustees, as amended from time to time. The Participation Agreement and Declaration shall include provisions regarding type of coverage, eligibility of employees, eligibility of dependents, administration of federal law requirements, responsibilities of the Participating Employer, remittance of contributions, and procedures for termination and modification of the Declaration.

Section 3.03 Continuing as a Participating Employer. A Participating Employer shall be entitled to continue to be a Participating Employer as determined from time to time by the Trustees. A Participating Employer may terminate participation in the Trust by providing thirty (30) days prior written notice to the Program Administrator, subject to the provisions of Section 10.03 of this Trust Agreement and the applicable provisions of the Participation Agreement.

ARTICLE IV

DEPOSITS AND DISBURSEMENTS FROM THE TRUST FUND

Section 4.01 Trust Deposits.

(a) The Trustees hereby delegate to the Program Administrator the responsibility for accepting contributions to the Trust and remitting said contributions to the Custodian. In all cases, deposits of contributions shall be treated as actually made only as of the date the funds are accepted as in good order by the Program Administrator.

(b) The Trustees shall: (i) invest and reinvest the Trust Fund, and (ii) pay benefits as described herein from the assets of the Trust (except for benefits payable under any Group Policy) on the order of the Program Administrator or its duly authorized representative, or, if applicable, on the order of a claims administrator hired by the Trustees. The Custodian shall hold such assets on behalf of the Trustees. The Trustees shall account for contributions, income, and payments made to or from the Trust. The Trustees, Custodian and Program Administrator shall not be responsible for funding the Trust Fund to pay benefits due under the Plans and expenses of the Plans, or to meet and discharge any other liabilities of the Plans or the Trust.

(c) Contributions to fund the benefits under the Trust shall be made by each Participating Employer based upon the Health and Welfare Benefits provided under the Plan and the Trustees' determination of the necessary contribution or premium amount, based on the experience of the participants of the Participating Employer and including any underwriting questionnaire and census forms provided by the Participating Employer, as well as any other appropriate classifications, rates, loss experience and other criteria adopted by the Trustees or the Program Administrator. Participating Employers may be rated individually with rates different from the ordinary group rates when the loss experience of the Participating Employer warrants such individual rating as determined by the Trustees or Program Administrator.

(d) Late fees, reinstatement fees, or other charges may be established at the discretion of the Trustees.

Section 4.02 Trust Payments. The Trustees or Program Administrator, as applicable, shall make payments and transfers from the Trust to such claims disbursing accounts and expense payment accounts as may be maintained pursuant to the Plan(s), and to Participating Employers, their employees and their spouses and dependents as necessary for proper administration of the Plan(s). Such payments shall be made in such manner, in such amounts, and for such purposes, including the payment of Health and Welfare Benefits under the Plan(s), the payment of expenses of administration of the Program and Trust, and the payment of any refunds of contributions or premiums. The Trustees or Program Administrator, as applicable, shall ensure that any payment from the Trust conforms to the provisions of the Plan(s), the Trust Agreement, and any applicable law. The Trustees and Program Administrator shall not incur any liability or other damage on account of any payment or other distribution made by the Trust in accordance with this Section.

ARTICLE V

ACCOUNTS AND INVESTMENTS

Section 5.01 Investment of Trust Fund.

(a) Except as otherwise provided by Rule or as delegated to the Investment Manager or Custodian, the Trustees shall have complete control of the management and investment of the Trust Fund and shall have all powers necessary or convenient to enable it to exercise such control.

(b) The Trustees may invest and reinvest funds held by the Fund in any investments which are legal investments under O.C.G.A. § 47-5-24, and shall have the discretion to decide the allocation of funds among such investments. The Trustees may purchase, acquire, hold, lease, sell, and convey real and personal property, and place funds held herein with banks or trust companies which have corporate trust powers, with insurance companies authorized to do business within the State, and do all such other acts as are permitted by law. The Trustees may hold all or part of the Trust Fund uninvested as may be appropriate to provide reasonable liquidity for the Trust.

Section 5.02 Administrative Fee or Fees. The Trustees may establish and revise an administrative fee or fees that may be assessed to Participating Employers to defray the costs of the Trust and Program, in the manner provided under O.C.G.A. § 47-5-27 or in any other manner determined by Rule.

ARTICLE VI

POWERS AND DUTIES OF THE TRUSTEES

Section 6.01 Powers and Duties. The Trustees, in administering the Trust, shall have such power and authority (including discretion with respect to the exercise of that power and authority, and the ability to delegate such power and authority) as may be necessary, advisable, desirable, or convenient to the Trustees, in their sole discretion as Trustees and investment fiduciary subject to the provisions of this Trust Agreement, and consistent with O.C.G.A. § 47-5-23 and 47-5-24, including the power and authority:

(a) To make Rules with respect to the Trust and Program that are not inconsistent with the Trust, the Code or applicable law, and to amend or rescind such Rules;

(b) To adopt or amend the form of ordinance, resolution, Participation Agreement, and Declaration required to be adopted and executed by Participating Employers under Section 3.02;

(c) To determine, consistent with the applicable laws, rules or regulations, all questions of law or fact that may arise as to any person or entity claiming rights under the Trust;

(d) Subject to and consistent with the Code and applicable law, to construe and interpret the Trust and to correct any defect, supply any omission, or reconcile any inconsistency in the Trust;

(e) To adopt and amend investment policies, guidelines, restrictions and requirements;

(f) To adopt and amend Plan(s) to provide Health and Welfare Benefits to eligible participants under the Program;

(g) To contract with municipal corporations and other public bodies of the State and private entities or persons for the use or furnishing of services and facilities necessary, useful, or incident to providing Health and Welfare Benefits under the Program, including but not limited to services and facilities concerning administration of claims; maintenance of provider networks; investment of Trust assets; promotion of membership in the Trust; actuarial services; underwriting services; accounting services; stop-loss coverage in such aggregate and specific amounts as the Trustees deem appropriate; maintenance of records and accounts; and any other services or facilities deemed by the Trustees to be necessary or useful for the sound operation of the Program or Trust Fund;

(h) To establish the terms for providing Health and Welfare Benefits under the Program through the use of insurance companies, self-funding, or other funding method as determined by the Trustees;

(i) To rate each Participating Employer for purposes of determining the contributions and premiums necessary for participation in the Plan and Trust;

(j) To maintain appropriate reserves for known incurred losses and loss adjustment expenses and for estimated but not reported losses and to assess Participating Employers pro rata an amount deemed by the Trustees to be sufficient to maintain appropriate reserves;

(k) To employ legal counsel;

(l) To employ and contract with actuaries, auditors, accountants, investment advisers, investment brokers, consultants, and other Program service providers;

(m) To collect and disburse all funds due and payable under the Trust;

(n) To provide for and promulgate all the rules, regulations, procedures and forms that are deemed necessary or desirable in contracting with Participating Employers, in fulfilling the purpose of providing Health and Welfare Benefits, and in maintaining proper records and accountings;

(o) To bring and defend actions, sue and be sued, and plead and be impleaded;

(p) To expend funds for the purchase of fidelity and surety bonds and liability insurance for the protection and indemnification of Trustees in the performance of their duties;

(q) To expend funds for the reasonable expenses of Trustees while engaged in the performance of their duties;

(r) To employ insurance companies, banks, trust companies, and investment brokers as agents for the keeping of records and the receipt and disbursement of funds held by or due the Trustees;

(s) To accept gifts and donations of Property of every nature and use such Property for the purposes of this Trust;

(t) To provide for termination of the Trust and disbursement of assets as permitted by law and the terms of this Trust;

(u) To exercise generally any of the powers of an owner with respect to all or any part of the Trust Fund; and

(v) To take all actions consistent with this Trust Agreement necessary or appropriate to administer or carry out the purposes of the Trust; provided, however, the Trustees need not take any action unless in their opinion there are sufficient Trust assets available for the expense thereof.

Section 6.02 Delegation by Trustees. In addition to the powers stated in Section 6.01, the Trustees may from time to time delegate to an individual, committee, or organization certain of its fiduciary responsibilities and other responsibilities under the Trust and/or Participation Agreement. Any such individual, committee, or organization may be an agent of the Trustees under the common law of agency, may be an independent contractor, or may serve in both capacities. Any such individual, committee, or organization shall remain a fiduciary with respect to any delegated fiduciary duty and shall remain responsible to fulfill any other delegated responsibility until such delegation is revoked by the Trustees, which revocation may be without cause and without advance notice. Such individual, committee, or organization shall have such power and authority with respect to such delegated fiduciary responsibilities and other responsibilities as the Trustees have under the Trust and/or Participation Agreement. Such delegation may be evidenced by contract or other action of the Trustees, including ratification of the actions of an agent.

Section 6.03 Agreements with the Program Administrator. The Trustees may enter into agreements and contracts with the Program Administrator for any purpose related to the Trust including contracts and agreements for administrative services, personnel, reimbursement of expenses, and institutional value and licensing. The contract or agreement may specify the compensation to be paid by the Trustees to the Program Administrator and such other terms as the parties mutually agree.

ARTICLE VII

LIMITATIONS OF RESPONSIBILITY AND INDEMNIFICATION

Section 7.01 Limitations of Responsibility of Members of the Board of Trustees. The Trustees' responsibilities and liabilities shall be subject to the following limitations:

(a) The Trustees shall have no duties other than those expressly set forth in this Trust Agreement and those imposed on the Trustees by applicable laws.

(b) The Trustees and the Program Administrator shall not be responsible for any particular federal, state or local income, payroll or other tax consequence or penalty to a Participating Employer or an eligible employee, spouse or dependent, and shall not be responsible for any tax reporting obligation relating to payments or disbursements to such persons, except to the extent such reporting obligation is otherwise required by law.

(c) The Trustees shall be responsible only for money and property actually received by the Trust, and then to the extent described in this Trust.

(d) The Trustees shall not be responsible for the correctness of any determination of payments or disbursements from the Trust Fund.

(e) No member of the Board of Trustees shall have any liability for the acts or omissions of any predecessor or successor in office.

(f) The Trustees shall have no liability for (i) the acts or omissions of any Investment Manager or Managers; (ii) the acts or omissions of any insurance company; (iii) the acts or omissions of any Investment Fund; (iv) the acts or omissions of any Custodian; (v) the acts or omissions of the Program Administrator; (vi) the acts or omissions of any contractor, or (vii) the acts or omissions of any Participating Employer.

Section 7.02 Indemnification of Members of the Board of Trustees. The Trust shall, and hereby does, to the extent permitted by law, indemnify the Trustees, including persons who have served as such in the past or who are heirs, executors, or administrators thereof, against expenses (including attorney's fees), penalties, judgments, fines, settlements, and other amounts actually and reasonably incurred in connection with any actual or threatened proceeding of any kind, arising by reason of the fact that any such person is or was a member of the Board of Trustees, and shall advance to such person expenses reasonably incurred in defending any such proceedings as permitted by law. Such indemnity shall apply, however, only if, in connection with the matter at issue, the person claiming indemnity hereunder acted in good faith and in a manner he or she reasonably believed was in the best interests of the Trust. This indemnity does not extend to any acts of the person seeking indemnity which involve gross negligence or willful misconduct, or are materially in breach of the Trust Agreement, or any by law. The Trustees may obtain and may rely on a written opinion of independent legal counsel on any issues of good faith, reasonable belief, or breach, or on any and all other issues that may bear on the application of this indemnity.

ARTICLE VIII

ACCOUNTS AND RECORDKEEPING

Section 8.01 Maintenance of Records. The Trustees shall maintain or cause to be maintained suitable records, data, and information relating to their responsibilities hereunder. The Trust's books and records relating thereto shall be open to inspection at reasonable times, in accordance with applicable law.

Section 8.02 Independent Audit. The Trustees shall cause an independent audit of the Trust Fund to be performed annually, with results reported to all Participating Employers.

ARTICLE IX

RELIANCE ON COMMUNICATIONS

Section 9.01 Certification of Program Administrator. The Trustees may rely upon a certification of the Program Administrator with respect to any instruction, direction, or approval of such Program Administrator and may continue to rely upon such certification until a subsequent certification is filed with the Trustees. The Trustees shall have no duty to make any investigation or inquiry as to any statement contained in any such writing but may accept the same as fully authorized by the Program Administrator.

Section 9.02 Certification of Other Providers. The Trustees and the Program Administrator shall be protected further in relying upon a written certification that purports to be from any Custodian, Investment Manager, insurance company, mutual fund, or other Program service provider as to the person or persons authorized to give instructions or directions on behalf of such Custodian, Investment Manager or insurance company, mutual fund, or other Program service provider and continue to rely upon such certification until a subsequent written certification is filed with the Trustees.

Section 9.03 Certification of Participating Employers. The Trustees and the Program Administrator may rely upon a certification from a Participating Employer with respect to any information requested. The Trustees and the Program Administrator shall have no duty to make any investigation or inquiry as to any statement contained in any certification, but may accept the same as complete and accurate.

ARTICLE X

AMENDMENT AND TERMINATION

Section 10.01 Amendment. This Trust Agreement may be amended by the Trustees at any time and in any manner permitted by applicable State law and not inconsistent with Code Section 115, as amended from time to time. Notice of such Amendment shall be provided to the Participating Employers, Program Administrator and Custodian within a reasonable period thereafter.

Section 10.02 Termination. This Trust has been established with the bona fide intention that it shall be continued in operation indefinitely and that the premiums and/or contributions to the pool shall continue for an indefinite period. However, the Trustees reserve the right at any time to terminate the Trust by a written instrument to that effect executed by the Trustees. In the event of such termination, Participating Employer premiums and/or contributions (other than duly authorized assessments and any outstanding amounts due to the Trust) shall cease as of the effective date of termination established by the Trustees. GMEBS, the Program Administrator, and any third party insurers under the Program will not be responsible

for any claims incurred following said termination date (except as otherwise provided under any Group Policy). The assets remaining in the Trust Fund as of the termination date shall continue to be used and applied, to the extent available, for the:

(a) payment of self-funded Health and Welfare Benefits under the Plan(s) with respect to claims incurred prior to such termination and administrative and other expenses and obligations incurred prior to the termination effective date; and

(b) payment of reasonable and necessary expenses incurred in such termination.

Any monies or other assets thereafter remaining in the Trust Fund shall be distributed on a pro rata basis to Participating Employers who are participating in the Trust as of the effective date of termination in accordance with and subject to any applicable Rules established by the Trustees. In no event shall Trust Fund assets be distributed to an entity that is not a state, a political subdivision of a state, or an entity whose income is excluded from gross income under Code Section 115.

Section 10.03 Effect of Termination of or by Participating Employer. In the case of the complete or partial termination of the Trust by the Trustees as to one or more Participating Employers or in the case of termination of participation by a Participating Employer, the Participating Employer's premiums and/or contributions (other than duly authorized assessments and any outstanding amounts due to the Trust) shall cease as of the effective date of termination and the assets then remaining in the Trust Fund shall continue to be used and applied, to the extent available, for the (a) payment of Health and Welfare Benefits under the Program with respect to claims incurred prior to such termination and other expenses and obligations arising prior to such termination; and (b) payment of reasonable and necessary expenses incurred in such termination. The Trust shall remain in full effect with respect to each Participating Employer that does not terminate its participation in the Trust, or whose participation is not terminated by the Trustees.

ARTICLE XI

MISCELLANEOUS

Section 11.01 Construction and Governing Law.

(a) This Trust Agreement shall be construed, enforced and administered and the validity thereof determined in accordance with the Code and the laws of the State of Georgia. If any provision of the Trust Agreement is held to violate the Code or Georgia law, or to be illegal or invalid for any other reason, that provision shall be deemed to be null and void, but the invalidation of that provision shall not otherwise affect the Trust.

(b) The headings and subheadings in this Trust Agreement are inserted for convenience of reference only and are not to be considered in the construction of any provision of the Trust Agreement.

(c) In resolving any conflict among provisions of this Trust Agreement and in resolving any other uncertainty as to the meaning or intention of any provision of this Trust Agreement, the interpretation that (i) causes the Trust to be exempt from tax as a governmental instrumentality under Code Section 115, and (ii) causes the Trust to comply with all applicable requirements of the Code and the laws of the State of Georgia shall prevail over any different interpretation.

Section 11.02 Parties Bound. This Trust Agreement shall be binding upon the Trustees and all Participating Employers, and, as the case may be, the delegates, successors, and assigns of each of them.

Section 11.03 Necessary Parties to Disputes. Necessary parties to any accounting, litigation, or other proceedings relating to the Trust Agreement shall include only the Trustees. The settlement or judgment in any such case in which the Trustees are duly served or cited shall be binding upon the Participating Employers, and upon all persons claiming by, through, or under them.

Section 11.04 Severability. If any provisions of the Trust Agreement shall be held by a court of competent jurisdiction to be invalid or unenforceable, the remaining provisions of the Trust Agreement shall continue to be fully effective.

Section 11.05 Supersession. The terms of the Trust Agreement shall supersede any previous oral or written agreement between the parties to this Trust pertaining to matters that are the subject of the Trust.

Section 11.06 Nonassignment. No Participating Employer may commute, sell, assign, transfer, or otherwise convey any right it may have under the Trust. The assets held under this Trust shall not be subject to the rights of the creditors of the Participating Employers, the Trustees, the Custodian or the Program Administrator, and shall be exempt from execution, attachment, prior assignment or any other judicial relief or order for the benefit of creditors or other third person.

Section 11.07 Erroneous Payments. If the Trustees or the Program Administrator make any payment that according to the terms of the Trust and the benefits provided hereunder should not have been made, the Trustees or Program Administrator may recover that incorrect payment, by whatever means necessary, whether or not it was made due to the error of the Trustees or Program Administrator, from the person to whom it was made or from any other appropriate party. For example, the Trustees or Program Administrator may deduct the amount of the incorrect payment when making any future payments to that Participating Employer.

Section 11.08 Release. Any payment to any Participating Employer or its designee shall, to the extent thereof, be in full satisfaction of the claim of such Participating Employer being paid thereby and the Trustees or Program Administrator may condition payment thereof on the delivery by the Participating Employer or its designee of the duly executed receipt and release in such form as may be determined by the Trustees or Program Administrator.

IN WITNESS WHEREOF, this Trust Agreement has been executed by the undersigned on the date indicated. This Trust Agreement shall be effective June 22, 2014.

**BOARD OF TRUSTEES,
GEORGIA MUNICIPAL EMPLOYEES
BENEFIT SYSTEM**

Dated: June 22, 2014

N. Tamar Perlmutter
Secretary

Attest: *Calvin Wray*

City of Blue Ridge

480 West First Street • Blue Ridge, Georgia • (706) 632-2091

City of Blue Ridge
Workshop Meeting Minutes
City Hall
480 West First Street
February 3, 2015 at 10:00 AM

Present: Mayor, Donna Whitener
Council Members, Angie Arp
Harold Herndon, and Rhonda Thomas
City Clerk/Manager, Bill Sowers
Assistant City Clerk, Kelsey Addington
Absent: Council Members, Rodney Kendall and
Bruce Pack

Old Business:

1) Call Meeting to Order:

A motion to call the meeting to order was made by Council Member, Rhonda Thomas. The motion was seconded by Council Member, Angie Arp. All voted yea. Motion carried.

2) Approval of Minutes:

A motion to approve the minutes from the Workshop meeting held on December 2, 2014 was made by Council Member, Rhonda Thomas. The motion was seconded by Council Member, Harold Herndon. All voted yea. Motion carried.

3) Zoning Board of Appeals Applicants:

The Mayor and Council discussed the applicants who filed an application with the City for the two available positions on the Zoning Board of Appeals. A motion to table the topic, until all Council Members were present, was made by Council Member, Harold Herndon. The motion was seconded by Council Member, Angie Arp. All voted yea. Motion carried.

4) Swimming Pool Concrete Work Quote:

There was some discussion as to the quote that was submitted to the City. A motion to table the topic was made by Council Member, Rhonda Thomas. The motion was seconded by Council Member, Angie Arp. All voted yea. Motion carried.

5) Depot:

Mayor Whitener announced that the final walk through for the Depot was scheduled for February 5, 2015. She stated that it was for the construction done by Johnson Landscaping and that there will be additional work that the City will need to complete before the Depot is complete. Mayor Whitener requested that the Council approve a budget for Greg Hood for the

City of Blue Ridge

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completion of the Depot. She proposed that the Council approve \$ 20,000 for additional construction for the building and an additional \$ 20,000 for landscaping around the Depot. Council Member, Rhonda Thomas made a motion to approve up to \$ 20, 000 for additional building costs. The motion was seconded by Council Member, Harold Herndon. All voted yea. Motion carried. A motion was made by Council Member, Rhonda Thomas to approve up to \$20,000 for landscaping under the condition that the Council receive three quotes from which they vote upon. The motion was seconded by Council Member, Angie Arp. All voted yea. Motion carried.

6) Stray Cats:

Council Member, Rhonda Thomas stated that she had been in contact with the Blue Ridge Humane Society and that they had suggested that the City donate funds in order to control the cat population within the city. She stated that the funds would be used to spay the stray cats. Thomas stated that the cats would be released back into the City but that they would not be able to reproduce. After some discussion, Thomas made a motion to table the topic. The motion was seconded by Council Member, Angie Arp. All voted yea. Motion carried.

7) Life Force:

Jimmy Morse, with Life Force was present to make a proposal to the Council. Mr. Morse stated that if the City establishes service through a contract with life force then every citizen within the city limits that has health insurance, if they must be air lifted that they will not have to pay anything out of pocket. A motion to table the topic was made by Council Member, Rhonda Thomas. The motion was seconded by Council Member, Angie Arp. All voted yea. Motion carried.

8) Wine and Jazz Festival:

Hope Killingsworth requested funding for the Wine and Jazz Festival. She stated that the event would take place in April or May and that it would promote tourism. Council Member, Angie Arp stated that she would make contact with the City's Finance Director, Alicia Stewart later in the week and get a budget for the 2015 2% restricted Hotel/Motel Tax. Council Member, Rhonda Thomas made a motion to table the topic until the City Council Meeting. The motion was seconded by Angie Arp. All voted yea. Motion carried.

9) Blue Ridge Community Theater:

Council Member, Rhonda Thomas made a motion to table the topic until the City Council Meeting. The motion was seconded by Council Member, Angie Arp. All voted yea. Motion carried.

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10) GMA-Direct Installment Program (Police Department):

Council Member, Rhonda Thomas made a motion to approve the Direct Installment Program with the Georgia Municipal Association. The motion was seconded by Council Member, Harold Herndon. All voted yea. Motion carried.

11) Kiwanis:

Mayor Whitener stated that the Kiwanis would soon celebrate their 100th year anniversary. She stated that they have offered to help improve the downtown park as part of a project that they were wanting to do. Council Member, Rhonda Thomas made a motion to allow the Kiwanis to begin their project to improve the City park. The motion was seconded by Council Member, Harold Herndon. All voted yea. Motion carried.

12) Mayor Reports/Concerns:

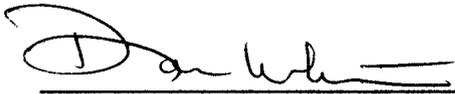
Mayor Whitener allowed John Soave to speak during her reports and concerns. Mr. Soave requested that the City Council remove the requirement for a sprinkler system in dwelling areas above commercial buildings. The Mayor spoke on topics that included: Intergovernmental agreement, Georgia Cities Week Resolution, Ribbon Cutting event for the Mineral Springs Trail, and Hotel/Motel Tax from 2008-2014.

13) Council Reports/Concerns:

Council Member, Angie Arp stated that the w-10 crew should do some clean-up at the Mineral Springs Trail and that it needs to be done before the summer months. Arp stated that there were some areas near the Blue Ridge Housing Authority that are being rutted out. She suggested that this issue be corrected. Council Member, Rhonda Thomas suggested that the City's sign ordinance be revised and updated.

14) Adjournment:

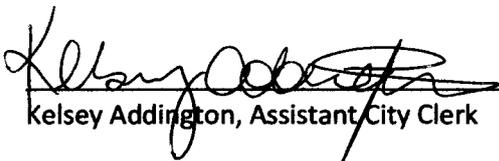
Council Member, Rhonda Thomas made a motion to adjourn the meeting. The motion was seconded by Council Member, Angie Arp. All voted yea. Meeting adjourned at 12:05 PM.



Donna Whitener, Mayor

March 3, 2015

Approved



Kelsey Addington, Assistant City Clerk

City of Blue Ridge

480 West First Street • Blue Ridge, Georgia • (706) 632-2091

City of Blue Ridge
Council Meeting Minutes
City Hall
480 West First Street
February 10, 2015 at 6:00 PM

Present: Mayor, Donna Whitener
Council Members, Angie Arp,
Harold Herndon, Rodney Kendall,
Bruce Pack and Rhonda Thomas
City Clerk, Bill Sowers
Assistant City Clerk, Kelsey Addington

1) Call Meeting to Order:

Council Member, Rodney Kendall made a motion to call the meeting to order. The motion was seconded by Council Member, Rhonda Thomas. All voted yea. Motion carried.

2) Prayer and Pledge of Allegiance:

Council Member, Bruce Pack offered a word of prayer, followed by the pledge of allegiance.

3) Approval of Minutes:

a) A motion to approve the minutes from the Council Meeting held on January 13, 2015 was made by Council Member, Rodney Kendall. The motion was seconded by Council Member, Harold Herndon. All voted yea. Minutes Approved.

b) A motion to approve the minutes from the Special Called Council Meeting held on January 22, 2015 was made by Council Member, Rhonda Thomas. The motion was seconded by Council Member, Harold Herndon. All voted yea. Minutes Approved.

4) Awake America—Lydia Long:

Mayor Whitener requested that the agenda be amended to allow Ms. Long to speak to the Council first. Council Member, Rodney Kendall made a motion to amend the agenda as per the Mayor's request. The motion was seconded by Council Member, Angie Arp. All voted yea. Agenda amended. Lydia Long spoke to the Council about the prayer group that she organizes to pray for many issues. She mentioned that the group prays for the local government officials. Ms. Long stated that the prayer group meets on the second Thursday of every month downtown to pray.

5) Jack Morton:

Jack Morton reminded the Mayor and Council of his request for a decision on the topics that he addressed at a previous meeting. Council Member, Rhonda Thomas stated that she has added DDA to the agenda for this meeting with the attention that the Council will make a decision. Mr.

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Morton stated that there are so many needs within the City that the idea of a DDA really fits the community. Morton also requested that each applicant for the Zoning Board of Appeals introduce themselves to the public.

6) Jan Eaton and Family:

Mrs. Eaton stated that her family has deep roots in this community. Eaton stated that she has watched the recorded meetings posted by the media of the City Council Meetings. Eaton stated that she watches the pep rallies where individuals badger City Council Members and then come back and beg, let us do. Eaton stated that she does not appreciate it, not one bit. Eaton stated that she has watched, heard, seen the parades of people that come up to the podium and talk about what is best for Blue Ridge, what committee is best for Blue Ridge, what development authority is best for Blue Ridge and rarely is there a local face in any of that. Eaton stated that she has asked to be on some of these committees but that she has not had a call and sadly not many other locals have either. Eaton stated that she does not see the history of Blue Ridge being held in a high place, that everything is being driven by the dollar, and are we going to make a buck. She stated we are going to commercialize everything, we are going to buy up all these houses, we are going to build some big apartments, and we are going to pack this town full of whatever I can make a buck on. Eaton stated that it was her humble opinion that it had nothing to do with the sentiment, the history, or the beauty of this little town. Eaton stated that the straw that broke the camel's back occurred yesterday, (February 9, 2015). She stated that something horrible has happened for the all mighty buck in this town that needs to be publicized in regards to my family. Eaton expressed her feelings in regards to the Black Sheep having a ghost tour event at their business and that her family was offended by the use of her cousin's memory. Eaton's sister spoke to the Council and expressed her feeling as well.

7) Zoning Board of Appeals Appointments:

Mayor Whitener stated the names of the applicants who turned an application in to serve on the Zoning Board of Appeals. There are two positions to consider for appointment. The applicants included: Steve Oyer, Gregory Martin, Angelena Powell, Ralph Garner, Charles Kisselburg and Wesley McNelley. Mayor Whitener stated that the Council submitted their votes prior to the start of the meeting. The Mayor asked if the applicants would like to speak before the votes were announced. Ralph Garner and Gregory Martin spoke for a few moments. City Clerk Bill Sowers read the votes: Council Member Rhonda Thomas voted for Steve Oyer and Gregory Martin, Council Member Rodney Kendall voted for Angelena Powell and Ralph Garner, Council Member Harold Herndon voted for Gregory Martin and Angelena Powell, Council Member Bruce Pack voted for Angelena Powell and Ralph Garner, and Council Member Angie Arp voted for Angelena Powell and Ralph Garner. Applicants Angelena Powell and Ralph Garner received the majority vote of the Council. A motion to accept Angelena Powell and Ralph Garner as the new board members was made by Council Member Rodney Kendall. The motion was

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seconded by Council Member Angie Arp. The Council voted 4-1 with Council Member Rhonda Thomas opposing. By the majority vote of the Council the motion carried.

8) Stray Cats:

Council Member Rhonda Thomas made a motion to provide up to \$ 1,500 to the Blue Ridge Humane Society in order for them to provide spaying and neutering services for the City. She stated that the money will cover the expenses for the procedures on stray cats that the City's street and water crews deliver to the Humane Society. The motion was seconded by Council Member Rodney Kendall. All voted yea. Motion carried.

9) Life Force:

Council Member Rhonda Thomas made a motion for the City to enter into a contract with Life Force in order to provide service to the City's residents (contract attached). The motion was seconded by Council Member Bruce Pack. All voted yea. Motion carried.

10) Event Funding:

Council Member Angie Arp stated that she had prepared a contribution list outlining each organization along with how much the City can contribute to each from the 2015 Budgeted 2% Restricted Hotel/Motel Tax. Arp stated that she prepared this list based on the contributions from the City from years past. Mayor Whitener stated that she believed that funding for the fireworks display would not qualify to receive money from the City out of this account. Mayor Whitener then read the contribution list to the audience. She requested that the \$ 2,000 list for the Fannin County Chamber of Commerce be moved to Blue Ridge Mountain Wine and Jazz Festival since it will be their first year and that they will need the extra funds to get established. Arp stated that she did not have a problem with the Mayor's suggestion. The Mayor also stated that the fireworks allotted \$ 5,000 should be removed from the contribution list at this time. Arp stated then that brings the total budgeted amount, ready for approval, to \$ 20,000 at this time. Council Member Rodney Kendall made a motion to approve the \$ 20,000 as discussed (contribution list attached). The motion was seconded by Council Member Angie Arp. All voted yea. Motion carried.

11) Downtown Development Authority:

Council Member Rhonda Thomas stated that she had added the Downtown Development Authority consideration to the agenda and asked if anyone in the audience would like to speak before the Council voted. Mayor Whitener stated that "the reason that I spearheaded the downtown development authority was, not only because the Cities that are successful and are able to do some of the things that they need to do, and develop out, put in parking garages, build different facilities, and work on their parks and things like that, they do them through downtown development authorities". Whitener continued "Jan Hackett was one of the first people that I ever talked to about a DDA because she started the one in Rome and it was really successful. There are 169 in the state of Georgia and if they weren't successful, I don't think that

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there would be 169 of them. The real big attraction was they have the ability to borrow money where City's don't have the ability to have long term debt. The other thing is if you build something in a certain section of town and the DDA is the one funding it, they can also tax their district to help pay for it. So it's not like it's a tax burden for all the residents". Council Member Rodney Kendall asked how the districts are set up. Mayor Whitener replied that it is done through the City and the government. Mayor Whitener explained that for example if it is a parking deck, or something commercial then there is no need to pass that tax on to the residents. Council Member Rhonda Thomas stated that based on her research, a DDA has to follow the same set of rules and guidelines with zoning. She stated that they can't go out and create their own rules and that they have to follow the same suit as everyone else does. She finished by stating "they're an entity that allows businesses to grow and cities to thrive". At this time the Council allowed audience members to speak. Jack Morton, Greg Marin, Brenda Battaglia and an unnamed person spoke and expressed their support in the creation of a DDA. Ralph Garner spoke and expressed his opposition to the creation of a DDA. Anthony Powell, Brian Pritchard, Carlie Hammond and Steve Oyer also spoke during this time. After the audience finished, Council Member Rhonda Thomas made a motion to move forward as a Council in establishing a downtown development authority based on the core that the original committee presented to the Council. Thomas also asked that it the motion came to a vote that it be a roll call voted. Mayor asked for a second. Motion dies from a lack of a second.

12) Georgia Cities Week Resolution:

Mayor Whitener stated that the Council had been provided with a copy of a resolution (attached) declaring April 19-25, 2015 as Georgia Cities Week. She further explained the different ideas that she had planned for this week. Mayor Whitener asked if the Council was interested in approving the resolution. Council Member Rodney Kendall made a motion to pass the resolution. The motion was seconded by Council Member Rhonda Thomas. All voted yea. Motion carried.

13) Zoning Recommendation from the Planning Commission:

Mayor Whitener read the Planning Commission's recommendation letter (attached) regarding Ada Street, LLC's request. Council Member Rhonda Thomas made a motion to accept the recommendation of the Blue Ridge Municipal Planning Commission. Mayor Whitener asked for a second. Council Member Harold Herndon asked "are we looking at widening the street down there for possible sidewalks and all this". Mayor Whitener read back the stipulations of the Planning Commission's recommendation. There was a brief discussion between Mayor Whitener and Council Member Rodney Kendall. Council Member Rhonda Thomas stated that she would like to remind everyone that the people that the Council placed on this board are the same people who are making the recommendation, therefore it would be respectful that the Council at least look at their recommendations. Steve Oyer asked if he could speak at this time. Mr. Oyer stated that this development would be good for the community. It would give downtown 32 units, which would allow visitors to walk downtown and spend money. Oyer stated that when

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he built the Black Sheep that he spent almost every dime, material and labor, locally. He stated that the Council already made one mistake tonight because you as Council Members control the DDA. He stated you are always saying that you do not have funds but a DDA can help. Mr. Oyer stated I am giving you a five million dollar project, 32 units, long-term stay. Oyer mentioned that he tore down old buildings on the property. He told the Council to use their common sense. He stated this is good for the community, not bad. A man from the audience spoke up and asked Oyer if this was good for the citizens that lived on Ada Street. Oyer stated that in 15 years this area was going to have growth and that it would not have any negative effects for Ada Street and that this is all part of the vision. Michael Eaton spoke up and asked what if the people on Ada Street do not want to live on a main artery. Oyer stated that it was part of the vision and you cannot stop change, it is happening now. Angelena Powell stated do you not think that we all have a vision. Oyer stated that no I am not saying you don't have a vision, but maybe we don't see the same things. Mayor Whitener asked that everyone get back to the topic of the project. Oyer stated that the project was 32 units, 24-1 bedroom units with kitchenettes and 8-2 bedroom lofts, which can easily hold six people. Mayor Whitener stated with this being a five million dollar project that would increase our hotel/motel tax and sales tax. Council Member Rhonda Thomas stated some citizens are in favor and some are not but the Blue Ridge Planning Commission members all recommend that this property be rezoned. Greg Martin asked that the Council Members not in favor of rezoning the property state why they are not in favor. Bob Reneke stated that his number is in the advertisement for this project and that he has received 68 calls from people interested in staying in one of the units. Reneke continued to speak in favor of the project for a few moments. Again, Greg Martin asked for the Council Members not in favor of the rezoning state why they are not in favor. Lynda Thompson stated that her customers have mentioned being afraid of coming down the mountains to come to town in the evenings. She added that this development would be an asset to our town. Cindy Trimble asked the Mayor which business within the city limits generated the most revenue for bed tax. Mayor Whitener replied that the Comfort Inn was. Mayor Whitener then stated that there was a motion on the floor and asked if she had a second. Council Member Harold Herndon seconded the motion. The Council voted 3-2 with a roll call vote. Council Members Rhonda Thomas and Harold Herndon voting in favor and Council Members Rodney Kendall, Bruce Pack and Angie Arp voting opposed. John Soave stood up and asked the Council if Steve Oyer had not been a part of this development, would they still have voted no. Council Member Rhonda Thomas told Greg Martin, now the Council can answer your question. Greg Martin stated who has courage. Council Member Bruce Pack stated I will. Pack stated that he has had contact with several people who have told him they are definitely against it. He stated that he has known these people all of his life and that he is representing them. Pack stated "and if yall notice, every time we come to these meetings it seems like...you know we see a lot of you folks, and I care about you but we don't hardly ever see any folks that have lived here nearly their whole life". Steve Oyer jumped up and stated "oh my God, you're going to answer the names of all those folks that have talked to you because you are going to be deposed to death because when I file a suit this time and you know you have already said on record that you do things despite me. Now let's

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have a law suit and see what happens. Forget those names now because it will be a deposition.” Council Member Bruce Pack stated I did not finish, you asked and I haven’t finished. Pack continued so those people I guess they are putting their trust into the people that they voted for. You know, that is all I know to tell you. Greg Martin interrupted and asked, didn’t those people have an opportunity to come and go in front of the zoning and say they have a problem with it. Mayor Whitener stated yes they had the option and they did not go to the planning commission from what I understand. Council Member Rhonda Thomas stated that is correct. The crowd began talking all at the same time, Mayor Whitener stated ok let’s get back to my meeting, you are all out of order. Mayor Whitener asked Pack if he was finished. Pack stated that is the honest answer, you know they supported me. Greg Martin interrupted and stated well I voted for you, are you voting for everyone who supported you or only the locals. Pack stated I am voting for the people who live right there. Council Member Rodney Kendall stated that the objections that he was hearing was similar to the same ones that Ms. Willbanks proposed when Ms. Petrillo requested her property be rezoned. Kendall stated once you open Pandora’s Box, you can’t shut it, so once its zoned commercial Mr. Oyer might put that there or he might change his mind and put something else there. He stated that was one of their main concerns, you know there didn’t know what kind of people were going to be staying there, the parking. The meeting started to get out of order again. Kendall stated that once the property is zoned commercial anything could be put on that property. Kendall started to relate the situation to Ms. Petrillo’s but Council Member Rhonda Thomas interrupted and stated that the Planning Commission had recommend the property be rezoned so he could not use that excuse. Kendall stated I am sorry but I do not agree with you Rhonda. Mayor Whitener asked Kendall if he had anything else to say. Kendall stated no, no one is listening anyways. Council Member Angie Arp stated we do have a bunch of the same people that come every month but you need to consider that the local folks or just anyone that lives in the city they’re not here because they trusted us. The crowd began talking. Arp stated there were over 400 people who voted in the last election and there are not 400 people in this room. Jack Morton stated nothing is going to get done with the council 3-2, a DDA would have been a brilliant thing for the city and yet one person voted in favor. Arp stated I am just being respectful of the residents and from my understanding they don’t want it. Bob Reneke stated you don’t like Steve Oyer, it’s been written in the paper it’s a personal vendetta, and it’s that simple you would vote in favor no matter what it was. He continued stating shame on you, you are an embarrassment. Mayor Whitener stated ok we are moving on to the next project.

14) Business Association—Cesar Martinez:

Cesar Martinez reported on the upcoming Fire and Ice Event. Martinez asked why the City was not participating this year. Mayor Whitener stated that she had approved the payment for the ice sculpture but that someone had instructed for the payment not to be made, there should be no reason why it was not done because it can come out of the general fund or the 3% hotel/motel tax so I don’t know why we wouldn’t be doing one. Council Member Angie Arp stated “let me read you the policy Donna”. Mayor Whitener stated that it was within her \$ 1,000

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spending limit. Arp stated that it did not matter, do you not know the policy. Mayor Whitener stated that the policy is worthless in case you did not know, read it, it contradicts its self all the way through. Mayor Whitener asked so we are going to fight over \$250. Arp stated yes we are going to go by the rules, something that you seem to have a problem doing. Mayor Whitener asked what was not going by the rules. Arp started reading the policy (attached). Cesar Martinez invited everyone to come out to the event. Mr. Martinez invited everyone to attend the Business Association's business meeting, February 23, 2015.

15) Mayor Reports/Concerns:

Mayor Whitener stated that she did not have anything to report.

16) Council Reports/Concerns:

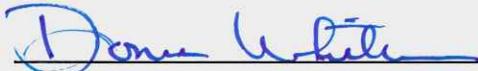
Council Member Angie Arp suggested that the Council Meetings be moved from 6:00pm to 7:00pm. Council Member Rhonda Thomas asked for what reason. Arp stated that several people have requested the time being changed so that they can attend both the City and the County meetings. Mayor Whitener and Thomas asked if the meetings could be changed to 4:00pm instead so that City Clerk Bill Sowers and Assistant City Clerk Kelsey Addington would not have to take so much comp time on Fridays. Police Chief Johnny Scarce stated that City Hall would still be open at that time and it would interfere with the workers. Thomas stated that the workshop meetings are held during business hours and it would not be any different. Council Member Bruce Pack stated that it had been a very trying night. He stated that he wanted everyone to know he is here and available. He continued by stating that he has spoken with several of the audience members about gateways and he is ready to do it. He also stated that he is ready for East Main Street to be completed. Lynda Thompson stated that she did not understand why the City was always saying that there was not any money. Mayor Whitener stated that she was moving Pack to be the Council member over gateways. Arp stated that she would like to add something. She stated that she has heard that many people wonder why she is always saying that the City has no money. I go on numbers and I am going to go over this quickly but I had Alicia Stewart pull the 2003-2014 hotel/motel tax, sales tax, beverage tax, and liquor license information. In 2006, the sales tax revenue was \$ 478,000, in 2007, it was \$ 456,000. In 2008, 2009, 2010, 2011, 2012 and 2013 it was less than 2006 and 2007. In 2014 it has increased by \$ 100,000 because of Walmart. Our Hotel/Motel tax in 2008 was \$ 600,000 and in 2014 it has increased to \$ 119,000. Numbers don't lie, our check book does not have any money in it. She continued stating everyone is going our sales tax, our sales tax and this business has done this and done that and yes sales tax numbers have increased but we still have no money. Mayor Whitener stated we do actually have money Angie have you gotten a balance from Alicia lately. Arp began to reply when Mayor Whitener stated that there was about \$ 800,000 in the account. Arp stated that that was not what Alicia was telling her. Mayor Whitener and Council Member Arp discussed the topic. Joe Webb made a comment about sales tax and bed tax.

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17) Adjournment:

There being no further business, Council Member Rodney Kendall made a motion to adjourn the meeting. The motion was seconded by Council Member Rhonda Thomas. All voted yea. Meeting adjourned at 8:25PM.



Donna Whitener, Mayor



Kelsey Addington, Assistant City Clerk



Approved

Plan Code: _____

LIFE FORCE

**AirMedCare Network Municipal Site Membership
For City of Blue Ridge, GA**

Organization: City of Blue Ridge, GA
Address: 480 W 1st Street
Blue Ridge, GA 30513
Contact: Mayor Donna Whitener
Phone: 706-632-2091 **Fax:** 706-632-3278
Email: donna@cityofblueridgega.gov
County: Fannin

Membership Sales Manager/ Base: Jimmy Morse / Erlanger Life Force

Covered Individuals and Transports:

Any individual whom resides within the boundaries of Blue Ridge, GA when transported for medical necessity by Erlanger Life Force (or any AirMedCare Network Provider) will be covered under the standard terms and conditions for an AirMedCare Network membership (attached), except:

- Transport must be:
 - From a pickup location in Fannin County, GA;
- If the covered person transported is uninsured at the time of transport, Med-Trans Corporation will bill the covered person at the "Medicare Allowable Rate" for the transport.

Fees:

City of Blue Ridge, GA will pay to AirMedCare Network a total of \$3,900.00 annual.

Upgrade Benefit to Covered Individuals:

Any individual who resides within the boundaries of Blue Ridge, GA may elect to obtain a full household membership (which waives T&C exemptions listed above and included coverage outside the herein listed service area) for an additional \$35/year.

Duration:

This agreement will be effective upon AirMedCare Network's receipt of (a) this agreement signed by the participating Organization AND (b) payment for the amount as provided above. This agreement will be effective for one (1) year, and will be evaluated by both parties for renewal at least thirty (30) days prior to the end of the one (1) year term.

Terms and Conditions

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P.O. Box 948 West Plains, MO 65775

Initial BB

AirMedCare Network is an alliance of affiliated air ambulance providers* (each a "Company").

An AirMedCare Network membership automatically enrolls you as a member in each Company's membership program. Membership ensures the patient will have no out-of-pocket flight expenses if flown by a Company by providing prepaid protection against a Company's air ambulance costs that are not covered by a member's insurance or other benefits or third party responsibility, subject to the following terms and conditions:

1. Patient transport will be to the closest appropriate medical facility for medical conditions that are deemed by AMCN Provider attending medical professionals to be life- or limb-threatening, or that could lead to permanent disability, and which require emergency air ambulance transport. A patient's medical condition, not membership status, will dictate whether or not air transportation is appropriate and required. Under all circumstances, an AMCN Provider retains the sole right and responsibility to determine whether or not a patient is flown.
2. AMCN Provider air ambulance services may not be available when requested due to factors beyond its control, such as use of the appropriate aircraft by another patient or other circumstances governed by operational requirements or restrictions including, but not limited to, equipment manufacturer limitations, governmental regulations, maintenance requirements, patient condition, age or size, or weather conditions. FAA restrictions prohibit most AMCN Provider aircraft from flying in inclement weather conditions. The primary determinant of whether to accept a flight is always the safety of the patient and medical flight crews. Emergent ground ambulance transport of a member by an AMCN Provider will be covered under the same terms and conditions.
3. Members who have insurance or other benefits, or third party responsibility claims, that cover the cost of ambulance services are financially liable for the cost of AMCN Provider services up to the limit of any such available coverage. In return for payment of the membership fee, the AMCN Provider will consider its air ambulance costs that are not covered by any insurance, benefits or third party responsibility available to the member to have been fully prepaid. The AMCN Provider reserves the right to bill directly any appropriate insurance, benefits provider or third party for services rendered, and members authorize their insurers, benefits providers and responsible third parties to pay any covered amounts directly to the AMCN Provider. Members agree to remit to the AMCN Provider any payment received from insurance or benefit providers or any third party for air medical services provided by the AMCN Provider, not to exceed regular charges. Neither the Company nor AirMedCare Network is an insurance company. Membership is not an insurance policy and cannot be considered as a secondary insurance coverage or a supplement to any insurance coverage. **Neither the Company nor AirMedCare Network will be responsible for payment for services provided by another ambulance service.**
4. Membership starts 15 days after the Company receives a complete application with full payment; however, the waiting period will be waived for unforeseen events occurring during such time. Members must be natural persons. Memberships are non-refundable and non-transferable.
5. Some state laws prohibit Medicaid beneficiaries from being offered membership or being accepted into membership programs. By applying, members certify to the Company that they are not Medicaid beneficiaries.
6. These terms and conditions supersede all previous terms and conditions between a member and the Company or AirMedCare Network, including any other writings, or verbal representations, relating to the terms and conditions of membership.

*Air Evac EMS, Inc. / EagleMed LLC / Med-Trans Corporation / REACH Air Medical Services, LLC — These terms and conditions apply to all AirMedCare Network participating provider membership programs, regardless of which participating provider transports you.

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P.O. Box 948 West Plains, MO 65775

Initial BS

Agreed to by:

Bill Sowers
Signature

Signature

Bill Sowers
Printed Name

Keith Hovey

Printed Name

City Administrator
Title

Vice President

Title

City of Blue Ridge
Organization Name

Membership

Division

2-25-2015
Date

Date



2015 Budgeted 2% Restricted Hotel Motel Tax - Contribution List

As a reminder, Georgia state law mandates that money from the hotel motel tax can only be given through contract to a non profit corporation and the corporation has to be a 501c (6) rather than a 501c (3). This exempts most non-profits, so the council agreed last year to give the budgeted amount approved for events to the chamber through one contract.

(25,000 was approved in the budget to be given for tourism promotion.

The list below is the events the city gave to in 2014 except for the addition of BRM Wine & Jazz Festival and Fire & Ice.)

1	Blue Ridge Business Association - Fire & Ice	\$500
2	BRM Wine & Jazz Festival	\$3,000 Council added \$2,000 at 2/10/15 Meeting
3	Blue Ridge Community Theater	\$3,000
4	Blue Ridge Arts Association - Arts in the Park	\$3,000
5	Blue Ridge Marina - 4th of July Fireworks	\$0 Council removed \$5,000 at 2/10/15 meeting
6	Good Samaritans - Labor Day BBQ	\$3,500
7	BR Blues & BBQ Festival	\$3,000
8	Blue Ridge Builders Showcase	\$1,000
9	Light Up Blue Ridge	\$3,000
10	Fannin County Chamber	\$0 Council removed \$2,000 at 2/10/15 meeting
	Total Budgeted Amount	\$20,000

GEORGIA CITIES WEEK

April 19-25, 2015

A RESOLUTION OF THE CITY OF Blue Ridge RECOGNIZING GEORGIA CITIES WEEK, APRIL 19-25, 2015 AND ENCOURAGING ALL CITIZENS TO SUPPORT THE CELEBRATION AND CORRESPONDING ACTIVITIES.

WHEREAS, city government is the closest to most citizens, and the one with the most direct daily impact upon its residents; and

WHEREAS, city government is administered for and by its citizens, and is dependent upon public commitment to and understanding of its many responsibilities; and

WHEREAS, city government officials and employees share the responsibility to pass along their understanding of public services and their benefits; and

WHEREAS, Georgia Cities Week is a very important time to recognize the important role played by city government in our lives; and

WHEREAS, this week offers an important opportunity to spread the word to all the citizens of Georgia that they can shape and influence this branch of government which is closest to the people; and

WHEREAS, the Georgia Municipal Association and its member cities have joined together to teach students and other citizens about municipal government through a variety of different projects and information; and

WHEREAS, Georgia Cities Week offers an important opportunity to convey to all the citizens of Georgia that they can shape and influence government through their civic involvement.

NOW, THEREFORE BE IT RESOLVED THAT THE CITY OF Blue Ridge DECLARES APRIL 19-25, 2015 AS GEORGIA CITIES WEEK.

BE IT FURTHER RESOLVED THAT THE CITY OF Blue Ridge ENCOURAGES ALL CITIZENS, CITY GOVERNMENT OFFICIALS AND EMPLOYEES TO DO EVERYTHING POSSIBLE TO ENSURE THAT THIS WEEK IS RECOGNIZED AND CELEBRATED ACCORDINGLY.

PASSED AND ADOPTED by the City of Blue Ridge.

TO: THE BLUE RIDGE MAYOR AND COUNCIL MEMBERS

FROM: BLUE RIDGE MUNICIPAL PLANNING COMMISSION

THE BLUE RIDGE MUNICIPAL PLANNING COMMISSION HELD A PUBLIC HEARING ON JANUARY 20, 2015. THE PURPOSE OF THE HEARING WAS TO CONSIDER THE REQUEST OF THE PRINCIPALS OF ADA STREET, LLC TO REZONE A TRACT OF LAND FROM IT'S PRESENT ZONING DESIGNATION OF R-2 (MEDIUM DENSITY RESIDENTIAL) TO C-2 (GENERAL COMMERCIAL).

THE RECOMMENDATION TO THE MAYOR AND COUNCIL IS TO APPROVE THE REZONING REQUEST WITH THE STIPULATION THAT NO CURB-CUTS BE ALLOWED FROM THE SOUTHERN RIGHT OF WAY OF DAVIS STREET. THE PLANNING COMMISSION ALSO REQUEST THAT IF THE REZONING IS APPROVED, THAT ADA STREET BE IMPROVED TO HANDLE THE ADDITIONAL TRAFFIC AND THAT SIDEWALKS BE INSTALLED FOR PEDESTRIAN USE ALONG THE WESTERLY SIDE OF ADA STREET. THE IMPROVEMENTS SHOULD COINSIDE WITH ANY COMMERCIAL DEVELOPMENT ON THE SUBJECT PROPERTY.

THE MINUTES OF THE HEARING, THE STAFF ANALYSIS, AND A PLAT OF THE SUBJECT PROPERTY ARE ATTACHED FOR YOUR REVIEW.

SUBMITTED BY: ROY PARSONS, SECRETARY TO THE PLANNING COMMISSION

MINUTES

**BLUE RIDGE MUNICIPAL PLANNING COMMISSION
JANUARY 20, 2015**

**MEMBERS PRESENT: LEE BENNETT, VICE CHAIRMAN
DONNIE GILLIAM
THOMAS KAY
LISA CRAIN**

**GUEST: STEVE OYER
BRENDA BATTAGLIA
SANDY WILBANKS**

VICE CHAIRMAN LEE BENNETT CONFIRMED THAT A QUORUM WAS PRESENT AND CALLED THE MEETING TO ORDER.

BENNETT ADVISED THE BOARD THAT THE ELECTION OF THE PLANNING COMMISSION OFFICERS FOR 2015 SHOULD BE ADDRESSED AT THIS TIME.

BENNETT STATED THAT CHAIRMAN JERRY GORDON'S TERM ON THE COMMISSION HAD EXPIRED AND HAD CHOSEN TO NOT SERVE FOR ANOTHER TERM. BENNETT EXPRESSED THE BOARD'S APPRECIATION TO MR. GORDON FOR HIS SERVICE TO THE COMMUNITY.

**VICE CHAIRMAN BENNETT CALLED FOR A MOTION FOR THE NOMINATION FOR CHAIRMAN.
DONNIE GILLIAM NOMINATED LEE BENNETT FOR CHAIRMAN.
THOMAS KAY SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.**

CHAIRMAN BENNETT THEN CALLED FOR A MOTION FOR THE NOMINATION FOR VICE CHAIRMAN. THOMAS KAY NOMINATED MARK ENGLEADOW FOR VICE CHAIRMAN. DONNIE GILLIAM SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

CHAIRMAN BENNETT CALLED FOR THE NOMINATION FOR SECRETARY TO THE BOARD. DONNIE GILLIAM NOMINATED ROY PARSONS FOR SECRETARY. LEE BENNETT SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

CHAIRMAN BENNETT CALLED FOR THE APPROVAL OF THE MINUTES OF THE AUGUST 19, 2014 MEETING.

DONNIE GILLIAM MADE A MOTION TO APPROVE THE MINUTES AS SUBMITTED. THOMAS KAY SECONDED THE MOTION. MOTION PASSED.

CHAIRMAN BENNETT CLOSED THE REGULAR MEETING AND OPENED THE PUBLIC HEARING SESSION.

ROY PARSONS, SECRETARY TO THE COMMISSION, WAS ASKED TO PRESENT THE CHAIRMAN'S OPENING REMARKS TO THE AUDIENCE.

1. ADA STREET, LLC. PROPOSED REZONING FROM R-2 (MEDIUM RESIDENTIAL) TO C-2 (GENERAL COMMERCIAL).

CHAIRMAN BENNETT CALLED UPON THE APPLICANT FOR THE ADA STREET, LLC TO PRESENT THE REQUEST.

STEVE OYER WAS PRESENT AS MANAGING PARTNER OF ADA STREET, LLC. OYER PRESENTED A PLAT OF THE ADA STREET, LLC PROPERTY AND DESCRIBED IT AS BEING BORDERED BY ADA, RIVER AND DAVIS STREETS. HE DESCRIBED RIVER STREET AS "MORE OF A ONE WAY ALLEY, NOT REALLY A STREET". HE DESCRIBED THE LOTS TO THE SOUTH OF THE SUBJECT PROPERTY AND NOTED THAT THEY WERE ZONED COMMERCIAL A NUMBER OF YEARS AGO AND THAT THE FORMER OWNERS INTENDED TO CONSTRUCT BETWEEN EIGHT (8) AND TWELVE (12) COTTAGES ON THE PROPERTY.

OYER STATED THAT HE HAD THOUGHT ABOUT THE LOCATION AND IT'S RELATIONSHIP TO DOWNTOWN AND HAVING SOME EXTENDED STAY FACILITIES AND "THAT'S WHAT WE INTEND TO BUILD THERE". OYER STATED THAT IT IS THE INTENT TO BUILD THIRTY-TWO (32) (UNITS) WITH OFF-STREET PARKING FOR THIRTYSEVEN (37) TO FORTY (40) CARS TO BE LOCATED IN THE COURTYARD. OYER THEN DESCRIBED THE LAYOUT OF THE UNITS. HE STATED THAT THE DOWNTOWN MERCHANTS WERE EXCITED ABOUT THE PROJECT AND THAT BETWEEN FOUR (4) AND FIVE (5) MILLION DOLLARS WOULD BE SPENT ON THE PROJECT.

OYER STATED THAT THE DEVELOPMENT WOULD CREATE MORE TAXES AND THAT IS WHAT THE COMMUNITY NEEDS. DOLLARS WOULD BE DRIVEN TOWARDS DOWNTOWN AND THAT THAT IS THE "ENGINE THAT FUELS THIS WHOLE THING". HE FURTHER COMMENTED THAT HE FELT THAT "REZONING THE PROPERTY FROM R-2 TO C-2 WOULD NOT BE AN INFRACTION OR ANYTHING OUT OF ORDER".

OYER STATED THAT AS DEVELOPERS, THEY KNOW THAT IMPROVEMENTS WILL BE REQUIRED ON ADA STREET AND WITHOUT ANY OTHER THINGS BEING SAID AND UNLESS THE COMMISSION HAD ANY QUESTIONS THAT HE WOULD REQUEST THAT THE SUBJECT PROPERTY BE REZONED TO C-2.

OYER STATED THAT THERE ARE FOUR (4) PARTNERS, BRENDA BATTAGLIA, OWNER OF CHRISTYLEE'S IS ONE OF THE PARTNERS. OYER THEN STATED THAT, AS PROPERTY OWNERS IN BLUE RIDGE, THE OWNERS WANT TO MAKE SURE THAT WHAT THEY DO IS RIGHT. OYER THEN STATED THAT HE WOULD RESPECTFULLY REQUEST THAT THE BOARD "MAKE THAT, AS THE ADJOINING PROPERTY, C-2".

OYER WAS ASKED HOW MANY LEVELS WOULD (THE BUILDINGS BE)? HE STATED THAT THERE WOULD BE TWO LEVELS. OYER WAS ASKED ABOUT CURB CUTS FOR ACCESS TO THE PROPERTY. HE STATED THAT THERE WOULD BE ONE ON ADA STREET AND ONE ON RIVER STREET AND THAT THERE WOULD BE NO CURB CUTS ON DAVIS STREET. HE FURTHER STATED THAT HE UNDERSTOOD THE NEED FOR SCREENING ALONG DAVIS STREET.

LISA CRAIN ASKED IF MR. OYER HAD STATED THAT THE FACILITY WOULD BE AN EXTENDED STAY DEVELOPMENT. OYER STATED THAT THAT IS CORRECT AND THAT THE UNITS COULD BE RENTED BY THE NIGHT, BY THE WEEK OR BY THE MONTH. CRAIN THEN ASKED IF THERE WOULD BE NO RENTAL FOR OVER A MONTH. OYER STATED THAT HE WOULD NOT SAY THAT THE UNITS WOULD BE RESTRICTED TO MONTHLY RENTALS. HE STATED THAT HE HAD PEOPLE ASK IF THEY WANTED TO STAY LONGER (COULD THEY), OYER QUESTIONED HOW MUCH IS LONGER? HE STATED THAT AS AN EXTENDED STAY FACILITY, THAT SOMEONE COULD STAY FOR NINETY DAYS.

CRAIN THEN ASKED IF OYER HAD STATED THAT THERE ARE FOUR OWNERS. OYER STATED THAT ONE OF THE PARTNERS IS BOB RENNEKE AND THE OTHER IS RICK GLUECKERT.

CHAIRMAN BENNETT THEN ASKED IF THERE WAS ANYONE ELSE TO SPEAK IN FAVOR OF THE REZONING. THERE WERE NO COMMENTS. HE THEN ASKED IF THERE WAS ANYONE WHO WISHED TO OPPOSE THE REQUEST. WANDA WILBANKS STATED THAT SHE DID NOT WISH TO OPPOSE THE REZONING, BUT THAT SHE HAD A QUESTION. SHE STATED THAT SHE LIVES ON THE CORNER OF ADA AND DAVIS STREET. SHE STATED THAT ADA STREET 'REALLY COULD TAKE NO ADDITIONAL TRAFFIC". SHE DESCRIBED THE RECENT DIFFICULTY THAT AN EIGHTEEN WHEELER HAD TRYING TO MANUEVER ON THE STREET. SHE

STATED THAT SHE WAS IN FAVOR OF THE PROJECT AS IT WAS PRESENTED, BUT THAT SHE WAS CONCERNED WITH DAVIS STREET AND THE TRAFFIC ON DAVIS STREET. SHE STATED THAT SHE THOUGHT HER CONCERN WAS ADDRESSED BY THE FACT THAT THE ACCESS TO THE PROPERTY WOULD BE FROM RIVER STREET AND ADA STREET.

OYER STATED THAT THE TRAFFIC FLOW WAS SOMETHING THAT SHOULD TO BE LOOKED AT AND THAT HE DID NOT THINK THAT HIS DEVELOPMENT WOULD BE A PROBLEM.

LISA CRAIN ASKED IF THE RENTAL OFFICE WOULD BE ON OR OFF SITE. OYER STATED THAT THE OFFICE WOULD BE LOCATED ON SITE.

THERE WERE NO ADDITIONAL COMMENTS.

CHAIRMAN BENNETT CLOSED THE PUBLIC HEARING AND THE REGULAR MEETING CONTINUED.

CHAIRMAN BENNETT ASKED ROY PARSONS IS HE HAD ANY COMMENTS. PARSONS STATED THAT HE HAD PROVIDED THE COMMISSION MEMBERS WITH HIS WRITTEN STAFF ANALYSIS AND IF THERE WERE ANY QUESTIONS PERTAINING TO THE ANALYSIS, THAT HE WOULD PROVIDE AN ANSWER.

LISA CRAIN STATED THAT SHE WAS NEW TO THE COMMISSION AND WOULD RATHER GO OVER THE STAFF ANALYSIS POINT BY POINT SO THAT SHE COULD "MAKE A JUDGEMENT".

CHAIRMAN BENNETT PROCEDED TO READ THE STAFF ANALYSIS IN ITS ENTIRETY. HE THEN ASKED FOR DISCUSSION.

DONNY GILLIAM ASKED ABOUT THE POTENTIAL FOR COMMERCIAL DEVELOPMENT ALONG HWY.515 ACROSS FROM THE MCDONALD'S RESTAURANT. HIS COMMENT WAS BASED UPON DISCUSSION REGARDING FUTURE COMMERCIAL USES TO THE NORTH OF DAVIS IF DAVIS IS TO BE CONSIDERED THE DIVIDING LINE BETWEEN COMMERCIAL AND RESIDENTIAL ZONING.

PARSONS STATED THAT, IF THE AREA ALONG HWY. 515 WAS DEVELOPED IN THE FUTURE, THAT HE WOULD EXPECT THE ACCESS TO BE FROM HWY.515 AND THAT HE OPPOSED ACCESS TO ANY COMMERCIAL DEVELOPMENT FROM THE STREETS THAT ARE USED TO ACCESS THE RESIDENTIAL PROPERTIES WHICH ARE LOCATED TO THE NORTH OF DAVIS STREET.

LISA CRAIN RAISED THE QUESTION ABOUT TRAFFIC ACCESS TO THE PROPERTY THAT THE FANNIN COUNTY SCHOOL BOARD HAS ACQUIRED AND WHICH IS LOCATED ON ADA STREET, NORTH OF THE HWY. 515 BRIDGE THAT CROSSES OVER ADA STREET. IT WAS DISCUSSED THAT THE ACCESS TO PROPERTY, IF USED FOR A COMMERCIAL OR INDUSTRIAL USE, THAT THE INTENT WAS FOR ACCESS TO BE FROM THE WENDY RIDGE ROAD ACCESS.

CHAIRMAN BENNETT THEN ASKED ROY PARSONS WHAT HE THOUGHT ABOUT THE BUFFER REQUIREMENTS ALONG DAVIS STREET AND THE STREET IMPROVEMENTS THAT SHOULD BE CONSIDERED. PARSONS STATED HE WOULD RECOMMEND THAT HE AND THE DEVELOPER BE ALLOWED TO REVIEW THE BUFFER REQUIREMENTS AND TO DETERMINE THE PROPER TYPE OF BUFFER. PARSONS FURTHER STATED THAT THE CITY, WITH THE GUIDANCE OF THE CITY ENGINEER, SHOULD REVIEW THE EXISTING STREET AND SIDEWALK AND DETERMINE WHAT IMPROVEMENTS SHOULD BE MADE. HE COMMENTED THAT SINCE THIS DEVELOPMENT WOULD CREATE PEDESTRIAN TRAFFIC, THAT SIDEWALKS SHOULD BE CONSIDERED FOR INSTALLATION.

CHAIRMAN BENNETT THEN ASKED IF THE PROHIBITION OF DRIVEWAY ACCESS ALONG DAVIS STREET WOULD PERTAIN TO THE PROPERTY IF THE DEVELOPMENT AS PROPOSED DID NOT OCCUR.

PARSONS STATED THAT HE ALWAYS ADVISED COMMISSION MEMBERS TO NOT REZONE PROPERTY BASED UPON A PLAN THAT WAS PRESENTED, BECAUSE IF THE REZONING IS APPROVED, ANY PERMITTED USE IN THE PARTICULAR ZONE DISTRICT WOULD BE ALLOWED.

PARSONS ADVISED THE BOARD THAT IF THEY WISHED TO MAKE A RECOMMENDATION THAT THE PROPERTY BE REZONED, THAT THE RESTRICTION REGARDING THE ACCESS FROM DAVIS STREET, THE BUFFER AND ANY STREET IMPROVEMENT REQUIREMENTS SHOULD BE STIPULATED AS A CONDITION FOR THE REZONING IN THE RECOMMENDATION TO THE MAYOR AND COUNCIL.

CHAIRMAN BENNETT STATED THAT DAVIS AND ADA STREET HAD BEEN ADDRESSED, BUT SHOULD RIVER STREET BE OF CONCERN? PARSONS STATED THAT BECAUSE OF THE RETAINING WALL ALONG RIVER STREET AND THE FACT THAT IT IS A ONE WAY STREET THAT HE WASN'T SURE THAT THERE SHOULD BE MUCH OF A CONCERN REGARDING RIVER STREET.

LISA CRAIN ASKED IF THERE EXIST SUFFICIENT RIGHT OF WAY ON ADA STREET FOR ROAD IMPROVEMENTS. PARSONS STATED THAT THE APPLICANT'S SURVEY INDICATED THAT THERE IS A FORTY(40) FOOT RIGHT WITH AN EXISTING EIGHTEEN (18) FOOT WIDE PAVED ROADWAY AND THAT THERE SHOULD BE EIGHT TO TEN FEET OF RIGHT OF WAY TO WORK WITHIN.

PARSONS ASKED OYER IF THE RIGHT OF WAY LINE HAD BEEN ESTABLISHED ON THE SUBJECT PROPERTY. OYER STATED THAT IT HAD AND THAT AS DEVELOPERS, THEY KNOW THAT THEY MUST WORK HAND IN HAND WITH THE CITY TO MAKE ROAD IMPROVEMENTS AS ALLOWED AND THAT IT "WAS UPON" THE DEVELOPERS TO ADDRESS THE SIDEWALK NEEDS. OYER STATED THAT THE ADDITIONAL TRAFFIC WOULD ONLY INCREASE HALFWAY TO DAVIS STREET ALTHOUGH THE DEVELOPER WOULD INSTALL THE SIDEWALK ALL THE WAY TO DAVIS STREET. OYER FURTHER STATED THAT THE DEVELOPERS KNOW THAT THEY MUST MAKE THE PROJECT LOOK THE WAY THAT IT MUST LOOK.

OYER STATED THAT THE DEVELOPERS MUST WORK WITH THE CITY ON THE NEEDED IMPROVEMENTS AND IF THE CITY CANNOT AFFORD TO MAKE THE NECESSARY IMPROVEMENTS THAT THE DEVELOPERS WILL MAKE THEM. OYER STATED THAT IT IS IN THE DEVELOPERS BEST INTEREST TO MAKE THIS THE BEST THAT THEY CAN AND THAT THEY ARE NOT NAIVE ABOUT WHAT THEY NEED TO DO TO MAKE A GOOD NEIGHBOR PROSPECT.

LISA CRAIN EXPRESSED CONCERN REGARDING THE PRESENT LOCATION OF A POWER POLE THAT COULD BE IN CONFLICT WITH THE STREET IMPROVEMENT. CHAIRMAN BENNETT STATED THAT THE POWER COMPANY WOULD HAVE TO ADDRESS THE POTENTIAL RELOCATION REQUIREMENT. CRAIN THEN ASKED IF A SHED LOCATED TO THE REAR OF BROWN'S FEED WOULD HAVE TO BE RELOCATED.

ROY PARSONS STATED THAT HE DID NOT KNOW THAT IF, AT THIS MEETING, THE ROAD IMPROVEMENTS ON THE EAST SIDE OF ADA STREET SHOULD BE DISCUSSED. HE STATED THAT IMPROVEMENTS ON THE EAST SIDE OF ADA STREET SHOULD BE BASED UPON FUTURE NEEDS ON THE EAST SIDE OF THE STREET. HE STATED THAT THE PROPERTY ALONG THE EAST SIDE OF ADA STREET IS ZONED CBD. HE STATED THAT THE CBD ZONING ALLOWS BUILDINGS TO BE CONSTRUCTED UP TO THE RIGHT OF WAY AND THAT THE CBD DESIGNATION MAY NEED TO BE REVIEWED. HE STATED THAT THERE MAY NEED TO BE CHANGES TO THE CURB AND GUTTER BECAUSE OF THE TYPE DEVELOPMENT THAT MAY OCCUR AND THAT HE WOULD NOT EXPECT THE DEVELOPER (ADA STREET, LLC) TO MAKE

IMPROVEMENTS ON THE EAST SIDE OF ADA STREET. HE STATED THAT, HOPEFULLY THERE WILL BE IMPROVEMENTS TO THE PROPERTY ON THE EAST SIDE OF ADA AND AT THAT TIME, IMPROVEMENTS WOULD BE MADE TO FACILITATE THE NEED. PARSONS STATED THAT IF THE COMMISSION MAKES A RECOMMENDATION TO THE CITY COUNCIL, THAT THE COUNCIL SHOULD DECIDE TO WHAT EXTENT ANY IMPROVEMENTS TO THE PUBLIC ROAD SHOULD BE MADE.

LISA CRAIN THEN ASKED WHY, AT THE LAST PLANNING COMMISSION MEETING, KRISTY PETRILLO'S REZONING REQUEST WAS DENIED? CHAIRMAN BENNETT STATED THAT THE MATTER WAS NOT GERMANE AT THIS TIME.

CHAIRMAN BENNETT ASKED IF THERE WERE ANY ADDITIONAL QUESTIONS, AND IF NOT, WAS THERE A MOTION.

DONNY GILLIAM STATED THAT SINCE HALF OF THE BLOCK ON WHICH THE SUBJECT PROPERTY IS LOCATED, THAT HE WOULD RECOMMEND APPROVAL OF THE REQUEST TO RREZONE THE SUBJECT PROPERTY FROM R-2 TO C-2. PARSONS ASKED IT THE MOTION INCLUDED THE REQUIREMENT FOR A BUFFER TO BE INSTALLED ALONG THE SOUTH SIDE OF DAVIS AND, THAT THE MAYOR AND COUNCIL CONSIDER STREET AND SIDEWALK IMPROVEMENTS IF THE REZONING IS APPROVED. MR. OYER STATED THAT THE RESTRICTION OF CURB CUTS ALONG DAVIS STREET SHOULD BE A PART OF THE REQUIRED STIPULATIONS IF THE PROPERTY IS REZONED TO C-2. GILLIAM CONFIRMED THE THAT THE MOTION INCLUDED THE STIPULATIONS.

CHAIRMAN BENNETT ASKED FOR A SECOND TO THE MOTION. THOMAS KAY SECONDED THE MOTION.

CHAIRMAN BENNETT CALLED FOR A VOTE. BENNETT, GILLIAM, AND KAY VOTED TO APPROVE THE MOTION WITH LISA CRAIN ABSTAINING.

CHAIRMAN BENNETT STATED THAT THE MOTION CARRIED.

CHAIRMAN BENNETT ASKED IF THERE WAS ANY ADDITIONAL BUSINESS. THERE BEING NONE, HE CALLED FOR A MOTION TO ADJOURN.

GILLIAM MOVED TO ADJOURN, CRAIN SECONDED THE MOTION. MOTION PASSED.

APPLICATION FOR AMENDMENT OF THE BLUE RIDGE ZONING ORDINANCE

FEE \$ _____

Application is hereby made for amendment of the Blue Ridge Zoning Ordinance, and if granted, the applicant agrees to conform to all laws, ordinances and resolutions regulating same.

Name of Applicant: ADN. SL. LLC Telephone: 239-860-4212

Address: 51 ADJUST, 215 RIVER ST Blue Ridge

Amendment to: Zoning Map _____ Text Section _____

If an amendment to the Zoning Text, describe the proposed amendment:

Change to C-2 from R-2

If an amendment to the Zoning Map indicate the following:

Size of Property 1 1/2 Acre County Deed Book 1037 Page No. 131
812 697

Present Use of Property Vacant

Proposed Use of Property Mobile Cottages

Existing Zone Classification R-2

Proposed Zone Classification C-2

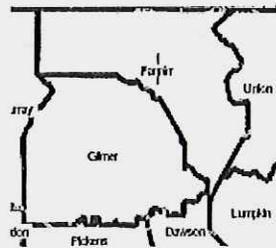
Include on separate sheets a legal description of the property and a map of the property showing:

- a) actual dimensions of property;
- b) location and type of existing structures;
- c) zone and land use of surrounding property;
- d) the City of Blue Ridge shall notify by regular mail all abutting property owners, including those that would abut if not separated by the width of a public street or railroad right-of-way, as to the date, time and purpose of the proposed zoning decision, at least seven (7) working days prior to the date of the public hearing. APPLICANT TO SUPPLY NAMES AND ADDRESSES.

I hereby certify that the above information is true and correct.

Signed: ADA B L L L Date: 10/31/14

cc: Applicant Steven D. Dyer, Managing Partner
Blue Ridge Municipal Planning Commission
Blue Ridge City Council



nation possible. No warranties, expressed or implied, are provided for the data roll. All data is subject to change before the next certified taxroll. PLEASE NOTE PURPOSES ONLY NEITHER FANNIN COUNTY NOR ITS EMPLOYEES ASSUME RESPONSIBILITY FOR ERRORS OR OMISSIONS ---THIS IS NOT A SURVEY---

Date printed: 12/17/14 : 14:29:00

R-2

WEST DAVIS STREET
18' ASPH. CONC.
(26' R/W)

1.054 Total
45885 Total

IT SHOWN
RE SEWERS
T THAT
ERS

County Wall

100.00'

N 39°59'38"E 220.00'

IPF 1/2"OTP

N 45°33'06"W 100.00'

0.229 Acre
9969 SQ.FT.

Proposed For
REZONING

N 39°59'38"E
100.00'

20.00'

S 47°22'46"E 88.04'

0.425 Acre
18522 SQ.FT.

IPF 1/2"OTP

N 39°59'38"E
70.00'

0.275 Acre
11963 SQ.FT.

C-2

GARAGE

2 STY. FRAME

Proposed For REZONING

172.89'

ADA ST.

CBD
ZONE

100.00'

CONC. PAD

1 STY. BRICK W. BSMT.

HAMPTON Sq.

APPROX. LOCATION
6" DIP SANITARY SEWER
AS PER REF'D PLAT
BY M.E. CHASTAIN

S N 39°59'38"E
50.00'

IPF 1/2"RB

N 45°33'06"W

0.125 Acre
5431 SQ.FT.

C-2

N 45°32'37"W 108.88'

109.07'

209.07'

CURB

50.00'

242 DI

172.89'

S 39°46'22"W 222.89'

AC

HYDRANT

MAGNE

ZONING REQUEST STAFF ANALYSIS

Request: To hear the petition of **Ada Street, LLC**. The subject property is located on Ada Street, bordered on the north by Davis Street and to the west, by River Street. The property contains an area of +/-0.654 acres. The property is further described as being located on the north side of the property known as Hampton Square.

Surrounding zoning and uses: Properties bordering to the north of the subject property, north of Davis St., are zoned R-2 (Medium Density Residential), across Ada Street, to the west, the properties are zoned C-2 (General Commercial). The property to the south of the subject property is zoned C-2 and is owned by the applicant, it is not a part of this analysis. The property to the east, across Ada Street, is zoned CBD (Central Business District), it is questionable if the CBD zoning designation is appropriate for that property.

Standards for Review:

1) Whether the proposed amendment would allow a use that is generally suitable for the site when compared to other possible uses, and the uses and zoning of adjacent and nearby properties.

The subject property is zoned R-2. It can be developed for residential uses, as has the property to the north, across Davis Street. It is questionable, at the least, as to whether Ada Street can facilitate the additional traffic generated by some types of commercial developments without major improvements being made to the roadway. There is one parcel to the north on Ada Street that is zoned C-1 (Limited Commercial), that property, if developed commercially, can be used only for low impact businesses such as professional offices while allowing some residential uses to remain as part of the district. That tract has been zoned C-1 (Limited Commercial) since 2008. There has been no interest expressed to me in commercial development being proposed. This is an indication that commercial development along Ada Street may not be viable at this time.

2) Whether the proposed amendments would adversely affect the economic value or uses of adjacent and nearby properties.

The development of the subject property for certain uses that are allowed in the C-2 category would have a negative impact on the residential properties to the north and east of the subject property. There is interest in renovating some of existing residential properties, evidenced by the improvements that have recently been made in the general vicinity. There have been recent inquiries regarding the construction of new dwellings along Ada Street. Certain uses allowed in C-2 would have a negative impact on the interest of maintaining a strong, stable residential neighborhood.

3) Whether the property to be affected by the proposed amendment can be used as currently zoned.

The property is currently zoned R-2 and may be developed as allowed by that zoning category. Single family homes, duplex, triplex and four-unit buildings are allowed by the present zoning of the subject property, depending of course, upon meeting the criteria for those types of developments.

4) Whether the proposed amendment, if adopted, would result in a use which would or could cause an excessive or burdensome use of existing streets, schools, sewers, water resources, police and fire protection, or other utilities.

The existing water and sewer infrastructure that is available to the site is capable of servicing most types of developments. Depending upon the load demand for water and sewer service may need improvements to the existing system. The developer would be required to upgrade the public system if needed. Police, Fire, and the School systems should not be affected by most commercial uses if developed on the site. The roadway is not conducive to some of the types of commercial uses as allowed in the proposed C-2 zone category.

5) Whether the subject property under the proposed amendment is in conformity with the policies and intent of the adopted Joint Comprehensive Plan for Fannin County and the Cities of Blue Ridge, McCaysville, and Morganton, as amended.

The Land Use Map would require an amendment if the property is rezoned to a commercial designation. The Land Use Map indicates that the subject property should develop with residential type uses.

6) Whether there are other conditions or transitional patterns affecting the use and development of the subject property, if applicable, which give grounds either for approval or disapproval of the proposed amendment?

The patterns of growth in the general vicinity of the subject property are mixed. The property immediately to the south and owned by the applicant is zoned C-2. This property was the subject of a proposed rezoning request in 2012. The proposed use of the property at that time was for a motel type development. The property containing 0.275 acres was rezoned from R-2 to C-2. The tract containing 0.125 acres was rezoned from R-2 to CBD in 2005, a questionable zoning category for that property. That tract was a part of the rezoning request in 2012 to be rezoned from CBD to C-2 along with the 0.275 acre tract. The rezoning of both tracts was approved by the Mayor and Council. A single family home located to the north; across Davis Street from the subject property was renovated and is one of the nicer homes in the general vicinity, that being noted, there are some residential structures in the area that are not in the best of condition. We do see improvements being made to some of the existing residential buildings to the north along Ada Street.

Conclusion: It is difficult to predict the future; a plan for the property in question was established several years ago. A Future Land Use Map was adopted by the City of Blue Ridge as a guide for the growth of the city. Homeowners have invested in a number of the residential properties along Ada Street, located to the north of Davis Street, and continue to do so today. The decision to invest in residential properties in the general vicinity may have been based on the fact that a Land Use Map and a Zoning Map indicate that the area would remain residential and that those investments would be protected by zoning documents that are in place today. That said, it is evident that the block bordered by Mountain, Ada, River and Davis Streets lends itself more to commercial development. A well defined boundary for this block could protect the values of the residential properties to the north of Davis Street. A substantial vegetative buffer along Davis Street with no curb cuts allowed would provide the protective buffer to the property to the north and Davis Street could establish a clear boundary between the commercial and residential zones.

I would suggest that Davis Street could be the line that establishes the future viability of the residential properties that presently exist, or may develop in the vicinity. The extension of the C-2 zone category, north of Davis Street, or its projected route, is not appropriate at this time.

Ada Street is a narrow street. According to a survey provided by the applicant and prepared by Lane S. Bishop and Associates, the right of way of Ada Street is 40 feet with a paved roadway of 18 feet. The existing Ada Street should be improved if commercial development occurs, at least to Davis Street, to handle the additional commercial traffic. The property to the east of Ada Street may pose an even greater traffic problem when it develops. The east side of Ada, south of Davis Street or its projected route is zoned CBD. The CBD zoning allows buildings to be constructed up to the street right of way and the zoning district does not require off street parking.

If the property that is subject to this hearing is properly buffered from the residential zone located to the north, access is restricted from Davis Street, and Ada Street is improved to handle the potential commercial and pedestrian traffic, the rezoning of the subject property could be supported.

Monday, March 3rd Special Called Council Meeting
Policies & Procedures

A. City Clerk Duties

Per majority vote, the city council assigned the city clerk the following duties:

Department Head Director of the administrative office, the streets department, the water and sewer department, and the parks department. The city clerk shall perform the duties as director of each department and would be responsible for the administration and direction of the affairs and operations of the departments; subject to the direction and supervision of the Mayor. Included in the duties are as follows:

1. Prepare daily work orders for each department.
2. List a time frame for all work orders to be completed.
Require all department heads to sign off when the work order has been completed.
3. Prepare a file for all work orders and the completion report for the work order.
4. Oversee the day to day operations of each department.
5. On a routine basis, assess the needs of the city outside of day to day operations and review with the mayor and council as needed.
6. Issue purchase orders as needed for each department.
7. Prepare reports as deemed necessary for the mayor and council as to the needs of the departments.

If council approves the city clerk duties, a policy will be drafted and kept on file at the city hall.

City Charter **Section 4.13 states:**

City Clerk - The city council shall appoint a city clerk who shall not be a councilmember. The city clerk shall be custodian of the official city seal, maintain city council records required by this charter, and perform such other duties as may be required by the city council.)

B. Council Reports

Per Section 3.22 the council can request reports from the mayor, as to the affairs of the city. In order that the council be kept apprised of all affairs of the city and to help facilitate the communication between the mayor and council, by majority vote the council adopted a policy to require monthly reports from the mayor as to the affairs of the entire city. The following reports must be submitted to all council members no later than 5:00 P.M. on the second Monday of each month, the day prior to the regular scheduled council meeting:

- a. **Department Reports**: This report shall include progress and productivity for each department.
- b. **Project Reports**: This report shall include progress and productivity of all projects including but not limited to the **Depot Project, Mineral Springs' Project and Streetscapes Project**.
- c. **Meeting Reports**: A monthly report shall be required for all meetings the mayor engages in with outside parties (parties or persons other than employees of the city) pertaining to any affairs or business of the city. The report shall include the date of the meeting, name and contact number of the party or parties included in the meeting and the subject matter of the meeting.
- d. **Emergency Reports**: A report shall be sent to all council members in the event of any emergency situation pertaining to the city. A report shall also be required for any happenings within the city that can or has adversely affected the city or the city property. The report shall include details of the situation or emergency. All council members must be notified immediately of the emergency situation. Notification must be by text and the report must be submitted within 24 hours of the situation or happening.

Section 3.22(5) **Submit to the council** at least once a year a statement covering the financial conditions of the city and **from time to time such other information as the city council may request.**

C. City Hall Hours of Operation

The city council by majority vote adopted a policy for city hall hours of operation. The policy shall state the daily business hours of the city hall shall be from 8:00 to 5:00. The normal scheduled work hours for the office personnel shall be 8:00 to 5:00 but shall not be limited to those hours. If any of the office personnel work load deems it necessary to stay beyond the hours of 5:00, this shall be permitted, with the consent of the mayor or a council member. If the mayor or a council member deems it necessary to be in the city hall after hours, they shall have the authority to do so.

No overtime shall be permitted unless it is approved by the vote of three council members for any personal in any department. In the event of an emergency the mayor or a council member may authorize overtime, but the entire council must be notified of the emergency immediately. The policy shall be kept on file at the city hall.

D. Purchasing & Spending Policy

The city council by majority vote, adopted a purchasing/spending policy. The spending limit shall change from \$2000.00 per check to \$1000.00 per check and per purchase order. The following items shall not be subject to the spending limit:

1. Monthly or reoccurring bills of the city.
2. Reoccurring bills or expenses for supplies, materials or products needed for a department to properly function.
3. Supplies, materials or products needed for repairs or maintenance.
4. Emergency situations that require immediate action.

The above referenced items that are not subject to the spending limit shall be subject to the approval of the City Clerk if over the \$1000.00 spending limit.

All budgeted items shall be subject to the \$1000.00 spending limit. All checks must have a purchase order which must be issued by the city clerk. All purchase orders must be specific to the cost or price and the service or product. The spending limit shall pertain to all city accounts or funds that checks are written out of, such as Hotel Motel Tax, Splost & Lost Tax, General Fund Account or any other city source of funds that may not be specified.

In the event of an emergency the limit shall not apply, however all council members must be notified of the emergency and the expense pertaining to the emergency within 24 hours.

All employees authorized to sign checks shall only be authorized to sign the check if it is within the realm of the spending policy. If the check is over the spending limit and has not been approved by the city council the employee does not have the authority to sign the check.

All or any money given to non-profit organizations for advertising or donations whether from Hotel Motel tax or any other city account or fund, must be approved by the city council regardless of the amount. Per state law any money given to a non-profit organization must be by contract only.

All service or work performed for the city other than by a city employee must be approved by the city council and must be by contract only. A contract must be prepared by the city attorney prior to any work or service performed by an outside party for the City of Blue Ridge.

The purchasing - spending policy shall effective upon approval; a written policy will be drafted and kept on file at the city hall.

City of Blue Ridge

480 West First Street • Blue Ridge, Georgia • (706) 632-2091

City of Blue Ridge
Special Called Council Meeting Minutes
City Hall
480 West First Street
February 24, 2015 at 4:00 PM

Present: Mayor Donna Whitener
Council Members Angie Arp, Harold Herndon,
Rodney Kendall, Bruce Pack and Rhonda Thomas
City Clerk Bill Sowers
Assistant City Clerk Kelsey Addington

1) Call Meeting to Order:

The meeting was called to order by a motion made by Council Member Rodney Kendall. The motion was seconded by Council Member Angie Arp. All voted yea. Motion Carried.

2) Materials at the Blue Ridge Ball Park:

The Mayor and Council received quotes for ball park equipment from Assistant Park Supervisor, Tim Towe (attached). Both quotes were received from Better Baseball located in Marietta, Georgia. The first quote was for a 10x10 game mound and a pro anchored base set in the amount of \$1,728. This quote included tax therefore the total amount after taxes were removed was \$1,630.50. The second quote was for fence guards and windscreens in the amount of \$792.00. Council Member Rodney Kendall made a motion to approve both quotes. The motion was seconded by Council Member Rhonda Thomas. All voted yea. Motion carried.

3) Rezoning Application of Ada Street LLC:

Mayor Whitener stated "I want to make it very clear, I am not personally trying to rezone Mr. Oyer's property. I am trying to make sure that we, as a City Council are not in violation of the zoning laws, and follow the guidelines to ensure everyone has been treated fairly. I am aware that Angie and Rodney have questioned my authority with our city attorney based on their versions of the meeting. However, I believe that my veto power is allowed based on the fact that the application that was handed to Mr. Oyer or given to Mr. Oyer states, application for amendment of the Blue Ridge Zoning Ordinance. Not only that but we have to go by the six standards of procedure, those six also mention and I've looked at these. There is the Steinburg Act and several other ones out there and they all basically have the same thing but they may not have exactly the same wording but all six of those, the first one whether the proposed amendment, number two whether the proposed amendments, number three whether the property to be affected by a proposed amendment, number four proposed amendment again and number five mentions approval or disapproval of a proposed amendment. So I feel like that this was all based on a proposed amendment and maybe the front sheet said consider the

City of Blue Ridge

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request but with talking to other cities, other mayors, other city managers, several attorneys, I've probably talked to ten of those. Most of the time when something comes from the planning commission, it comes in amendment form. The other thing I would like to say about that is, in our zoning procedures it says in 9.3 any zoning decision shall be made by the Mayor and Council of the City of Blue Ridge who shall either approve or disapprove the proposed zoning amendment. So that is basically where I am coming up with it's a proposed amendment. Maybe we did it in the wrong form, I'm not sure but I think that's a good question. I think this should have come back as a proposed amendment with his application and with the six standards and the legal description and all the other things. The other thing that I want to mention, that really concerns me, I also believe that due to Angie Arp's email stating 'no zoning should be changed' she has prejudged all zoning decisions which is a violation of the zoning law. She should not have voted nor should she be allowed to vote on any zoning decision brought before this council. Her email has created liability situations for this council that may be very expensive to defend and could be detrimental to our city. So that's another reason, I have a few more. Bruce, Angie and Rodney all stated that they had various conversations with different folks. Once we have the public hearing, that was the time for people to come out and express their concerns good or bad to let us know what they thought, but after that point nobody should be talking to anyone. We should have stayed neutral until we made a decision at this council table." Mayor Whitener also stated that the remarks made by Jan Eaton could have affected the council decision. Mayor Whitener stated "according to the zoning procedures in order to properly make a zoning decision it should be in the form of an amendment to the zoning ordinance and the zoning standards act should be followed. In 8.0 in our zoning standards act states the following standards are determined to be relevant in balancing the interest and promoting the public health, safety, moral, or general welfare against the right of unrestricted use of the property." Mayor Whitener continued stating "The other reason is a case Kaye vs. Davis, back in 1999. In 1999 Mayor Green and his council, he basically issued a veto on September 9, 1999. Davis and Holt filed an application with the city to have their property rezoned from residential to commercial. On November 9, 1999 the Mayor and Council voted to deny the application. However, ten days later the Mayor changed his mind and decided to veto the denial. Following the veto the council discovered the rezoning to commercial use would have required major amendments to the future land use maps. Neither the Fannin County Superior Court nor the Georgia Court of Appeals criticized the veto. So I'm saying that I feel like, first of all Angie should not have voted and I can read her email. It was on 9-10-14 stating 'It is my opinion that everything that is residential at this time should stay residential and everything that is commercial should stay commercial, basically the current zoning needs to stay as is throughout the city. This city is a small town and we need to be very careful to protect the small town feel as well as the lifelong residents of the city' (email attached)." Mayor Whitener stated that it "is a violation of the spirit of the law, no matter what". Council Member Angie Arp stated that it was just her opinion. Mayor Whitener replied that yes it can be your opinion but then you should not vote in any zoning matter. Arp stated "that's what a vote is, it's your opinion". It was silent for a moment then Mayor Whitener replied "well, so you have already denied every resident a

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chance to make their property commercial and denied every commercial application a chance to go residential". Arp replied "I just stated my opinion, that's my opinion. So you know, that's how I make my decisions based on what my opinion is. So, that's my opinion on that but that is not the issue here." Mayor Whitener stated "but that's all zoning though". Arp stated "but that's not even the issue here. The issue is do you even have the right to veto." Mayor Whitener stated "according to our attorney I do not. According to a judge it may be a different opinion and it's based on, its been done before". A brief argument over the issue occurred between the Mayor and Arp. Mayor Whitener stated that the instance on 9-9-99 set precedence. Council Member Rodney Kendall stated "well I guess the issue at hand is whether or not to revisit this so I make a motion that we do not revisit this, the decision has already been made". Council Member Angie Arp seconded the motion. Council Member Rhonda Thomas stated "Mayor Whitener has already vetoed it. So all she has to do now is have one supporting vote on her veto and then you guys can take her to court to determine otherwise. So the issue is not whether to reopen, the issue is her called meeting for her veto. At this time I believe Mayor Whitener needs to go around". Council Member Angie Arp interrupted and stated that she would like to read an email from David Syfan (email attached). Mayor Whitener stated "I believe the Zoning Procedures Act was already violated before we ever got to the vote". Council Member Rodney Kendall reminded the Mayor and Council that there was a motion on the floor. Council Member Rhonda Thomas stated "Donna, I don't think this issue here is whether to reopen it. You're not asking to revote. You called this meeting, number two on the agenda to have a support for your veto. This is our attorney's opinion, our attorney is not a judge. So we can let a judge determine if your veto will stand." Mayor Whitener stated "Well he says in his letter that he sent yesterday, 'motion or resolution'. It shouldn't have been a motion or resolution in the first place. It should have been an amendment because we actually". Council Member Rodney Kendall made a statement that was inaudible. Mayor Whitener stated "it says approve or disapprove Rodney, read it. It's in the zoning ordinance, 9.3, approve or disapprove. You still have to do it by amendment. Zoning amendment, do you think our zoning ordinance is incorrect". Kendall stated that he did not say it was incorrect but that it was not something that the Mayor could veto. Mayor Whitener stated "I don't think that is something you can decide. I don't think that is something that David Syfan can decide. I think that it has to take a judge at this point." Thomas agreed with Mayor Whitener. Council Member Rodney Kendall stated that there was still a motion on the floor. Mayor Whitener stated that she had not asked for a motion yet because she was not finished. Mayor Whitener spoke for a moment before Council Member Rodney Kendall stated "I'm sure Ms. Petrillo would have liked to of had this opportunity". Mayor Whitener stated "Well I did not have to do as much research on hers and hers is a little different". Kendall stated "she was asking to have it zoned commercial there is nothing different. It's the same as what Mr. Oyer is asking for." Mayor Whitener stated "Well I'm sure she would. Well this email was sent on 9-10-14 so her voting decision might not be correct. We may have to reconsider that one." A brief discussion between the Mayor and Arp took place before being interrupted by Mr. Oyer. Mr. Oyer brought up a rezoning decision by Rodney Kendall from 2012 that rezoned a piece of property to C-2. Oyer questioned what had changed

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between then and now. Oyer briefly spoke about the property on Ada Street and the plans that he had for the property. Oyer stated "it's the pettiness and you have already gone on record Council Person Arp saying that you do things vindictively against me. He follows whatever you do and whatever power someone has over you is leading this city down". Oyer also stated that he has heard from developers that they are afraid to do anything within the city. Oyer stated "the best thing you three could do is resign". An unnamed man from the audience asked Mr. Oyer if he had known the property was residential when he bought it. Oyer stated "sure I did". An argument occurred between Oyer and the man. Mayor Whitener stated "Steve has the floor but you can be next but Steve has the floor". Oyer stated that yes he knew the property was residential when he bought it but that he had been doing this for several years and that it is normally simple. Oyer stated that it had to be something very, very personal for it not to be approved. Kendall replied "well this time, Ms. Willbanks showed a really good point when she said Ms. Petrillo's property that once we rezoned it commercial then she could put anything they want there and the same goes for you. We told her no and we told you no." Oyer stated "you think I'm going to put a general store there, no. What I brought to the planning commission and the council was a gorgeous development. He spoke briefly but stated again that no, this was just personal. Oyer stated "the three of you are not looking out for the best interest of the city or the taxpayers. This is petty, and vindictive." Bob Reneke spoke from the audience and asked what happened from 2012 to 2015. Kendall stated that he had made his decision. Oyer stated "no someone made your decision for you". Kendall replied "no sir, I'm afraid they didn't". Reneke stated that he had spoken to residents on Ada Street since last meeting and only two knew who Bruce Pack was. Reneke questioned where Pack's constituents were. Mayor Whitener stated that zoning should only affect the adjacent blocks and that those are the only areas that need to be considered in a zoning application. Richard Calhoun, the attorney representing Ada Street, LLC stepped up to the podium to speak. Calhoun gave the Mayor and Council a handout. Calhoun spoke about the 1999 mayor veto that Mayor Whitener had discussed previously. Calhoun stated that he had heard Syfan's attorney opinion but that this instance is what has occurred in Blue Ridge before. He stated that there has been a precedence set. Calhoun went on to say that there have been two rezoning modifications in the area, one in 2005 and the other in 2012 that rezoned property from residential to commercial. Calhoun also stated that the rezoning request was consistent with the land use map and normally the only reason to deny a request is if it goes against the current land use map. Calhoun asked where the people in objection to the rezoning request were. Calhoun stated that the last place anyone wanted this to go was to court. Calhoun stated that the planning commission had made some recommended requirement and that Oyer had agreed upon them. Calhoun stated that he would like the council to take another look at it and approve it. After Mr. Calhoun finished, Mayor Whitener asked if anyone else would like to speak. An unnamed woman spoke. The woman asked if there had been a time in the past when the council had went against the planning commission's recommendation. Mayor Whitener stated that she was not aware of a time. Jane Whaley spoke in favor of the rezoning request and stated that business might decide to leave Blue Ridge. Whaley asked that the council reconsider their decision. Nancy Burns spoke in favor

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of Oyer's project and stated that it will do nothing but improve the area. Brenda Battaglia spoke in favor of the rezoning request and stated that when people come to Blue Ridge they do not always have a place to stay the night especially near town. She also stated that she was disappointed in the council. Mayor Whitener asked if anybody else wanted to speak. Bob Reneke got up and spoke again introducing himself as one of the partners of Ada Street, LLC. Reneke stated that John Soave said it best at the last meeting. He said that Soave had said that it did not matter what the project was it was the people running it. Reneke stated that Soave was right. Reneke stated that Oyer was the spokesperson for Ada Street, LLC. He stated that along with himself and Oyer, Brenda Battaglia and Rick Gluekert were also partners. Reneke stated that what the council should be doing is voting for this project. Mayor Whitener asked if anyone else wanted to speak. She asked if there was anyone who was opposed to the project. She then asked Greg Griggs if he had anything to say. Mr. Griggs stated that what bothers him is how everything has transpired. Griggs asked if Oyer knew the property was zoned residential and if he could have bought a different piece of property that was already zoned commercial. Griggs asked if they could have bought the Temple Church property but one of the owners answered and said that the property was out of their budget. The crowd began to talk all at once. Griggs continued stating that there was over 1,000 cabins in the area for rental and that he just did not believe that there was a lack of places for people to stay. The crowd began to talk all at once again. Griggs asked if the visitors had to stay downtown. Oyer spoke but was inaudible. Griggs stated that he was not going to argue. Mayor Whitener spoke about zoning and different cases at this time. Reneke stated that he has had 66 calls from people wanting to make reservations. An unnamed man requested that the council members who voted to deny the request for rezoning state why they denied it. Mayor Whitener stated that they had at the last meeting but the crowd objected. Council Member Rodney Kendall stated that one of the main reasons was "20 feet across Ada Street, Ms. Petrillo's property the zoning board denied her". Kendall stated "to me it's the same thing, she asked for hers to be commercial and got turned down". Someone from the audience asked if because one person got denied did that mean everyone in the future would be denied. Kristy Petrillo asked that the council take her decision out of the equation. Council Member Bruce Pack spoke up and stated that he agreed with what Councilman Kendall said. An unnamed woman asked why the council was particularly opposed to this project. Council Member Angie Arp stated that she was not particularly opposed to this project but that she was opposed to bring commercially zoned property into residentially zoned property. She stated that it did not matter where the property was located, whether it be on Ada Street, Church Street, wherever. She stated that she would have a problem if a block, or a house down from her if the property was rezoned to commercial. She stated that she just respected the residents. An unnamed man, who spoke to the council after the previous meeting spoke and stated that he thought it was very important for the elected officials to have names of residents who were opposed to the rezoning as well as their reasoning in order to back up the council's decision. Anthony Battaglia spoke and stated that he represented the younger business owners. He stated that over the last few years, more and more young business owners have been coming to Blue Ridge and that they were excited about all the opportunities that were beginning

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to open up. He stated that over the last year they have become scared. Nancy Burns asked that didn't it just make sense to make the whole entire block where her business, Hampton Square, was commercial. She asked that the Council put aside their personal opinions and do what was best for Blue Ridge and its citizens. Davey Haight spoke up and stated that he was not here to criticize Council Member Arp because she buys a lot of property around Blue Ridge. He asked Arp about a property that she recently bought and stated that it was zoned manufacturing and he asked what happens when she wanted to develop the property but the city wants to keep it zoned the way it was. She stated then it would just sit there but that it was not in a residential area. He continued to question her plans for the property. Arp stated that she was not worried about it, "who knows, I might open some kind of factory or plant there to create jobs". Greg Martin asked Mr. Oyer what was on the property when he purchased it. Oyer stated that it was a rundown house that he had taken down because it was of no use. Martin then stated that it did not make sense to him not to approve something that would be adding value to the area. Kristy Petrillo stated that the Council need to look at the highest and best use for the property. Council Member Rhonda Thomas agreed with Ms. Petrillo stating that every council member should go into this with an open mind and to decide what the best use of a property is. Jane Whaley stated that the cottages proposed by Oyer would make the area seamless and beautiful. Mayor Whitener asked Mr. Oyer to show the blueprints of his townhomes. Bob Reneke asked if the Council had ever seen them. Mayor Whitener answered no. Reneke asked how you could turn something down if you had never even seen it. Anthony Powell stated "who's to say that once the property is rezoned that you don't change the whole plan and do something totally different? Is this in concrete?" Mr. Calhoun, Oyer's attorney, stated that there were conditions of zoning. Bob Reneke stated that was right because Oyer had spent \$45,000 on blueprints that the Council hasn't even seen. Angelina Powell asked if the people staying in the townhomes could claim that as their residence or say that is where they live. Reneke stated no, they cannot and no they cannot live there fulltime. Mayor Whitener spoke to Oyer about pricing and then stated that people are not going to stay for a month at \$150-\$225 a night. Angelina Powell stated that she owns property within the City, not on Ada Street but that she watches what is going on around her property and she has concerns about what gets put beside her residential property. Jane Whaley spoke about the house on Ada Street and the condition that they are in. Anthony Powell stated that a lot of people on Ada Street are happy with their homes and that some of them do not like what is going on in Blue Ridge or downtown. Bob Reneke asked if the Mayor and Council would look at the blueprints and then make a decision. He stated that he knew that they would like to see them before a final decision was made. Mayor Whitener asked if anyone else had anything to say. Steve Oyer stated that he would like to make a comment. Oyer stated "The way that this came before council was not done in the proper posture. It has not been voted on right. There's two other points. You're exactly right, Council Person Arp should not have voted because of the email that she sent out. She should have abstained, based on her opinion or whatever it is. Rodney voted to pass it the first time to rezone it to C2. He also lives on Ada Street. You should have also abstained because you're too close to it. That's exactly it. I've got one person who has a pre-opinion on all rezoning from residential to commercial and

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another one who lives that close. This council feels like they are always right on what they're doing but the way it was done, the way it was handled, I was here the first time it was not right." Mayor Whitener asked if there were any more comments. Mr. Calhoun stated "I've sat here and listened to a lot of comments, who's for it and who's against it but the answer is right here in the Planning Commission's recommendation. There are things in there, there are conditions in there. Half of the block is already commercial so why not zone it the rest. Perfect sense, great planning theory. Why split zoning in the middle of a city block? It doesn't make any sense. Add a buffer along the south side of Davis Road to protect Ms. Willbanks, that's for her benefit. Sidewalk and street improvements. Mr. Oyer agreed to those, he was the one agreeing to the conditions and the restrictions on the zoning. All of these things benefit the people in that area and control any commercial growth or commercial grief or whatever you want to call it that people are so afraid of in zoning cases. These are the conditions and the council is free to add others that they think are necessary for the protection of the area around there. The idea is to pass the zoning. I mean these are good conditions. That was your planning commission recommendations also. These are the recommendations of your zoning analysis, he's been there and done this in a lot of other places. He is experienced in how these things work and those were his recommendations. Add the conditions and move on." Mayor Whitener asked if there was anybody else who wanted to speak. An unnamed man spoke stating that he has been in business for 40 something years and could not believe that the council would vote against something that they have not seen the plans for. He continued to state that when election time came around he would not be voting for Arp, Pack or Kendall. He stated that they were not doing what was best for Blue Ridge. Jan Eaton questioned the unnamed man about his name and business. He stated that he did not have a business in the city but that he lives in the city. Mayor Whitener asked if there was anybody else. Mayor Whitener stated "I'm going to go back to the veto. I gave you the reasons that I feel like you know David says in his email it's a, I believe his words were a motion or a resolution. Like I said I do not feel like it was a motion or resolution, I feel like what came before us should have been an amendment to the zoning ordinance. So I still feel that I have the veto power, I haven't seen anything that proves otherwise. So I'm going to ask for a vote." Council Member Rhonda Thomas asked "Do you want to start with me"? Mayor Whitener stated yes. Thomas stated "I support your veto and hope that it will come back before the council and let's look at it and vote again. That's all Mayor Whitener is asking for." Mayor Whitener stated "and like I said, I did not come here to ask you to rezone it. I came here to ask you to consider looking at the project and consider did you do it correctly? If you do it correctly and you vote it down again, veto doesn't change the vote. It gives you a chance to look at it and do it the correct way. We did not follow the zoning laws." Council Member Thomas stated "and that is why I support your veto". Mayor Whitener asked Council Member Rodney Kendall for his vote. Kendall stated "I don't think you have the right to veto". Mayor Whitener asked Council Member Bruce Pack for his vote. Pack stated "you don't have the right to veto". Mayor Whitener asked Council Member Angie Arp for her vote. Arp Stated "Charter says you don't have the right to veto". Mayor Whitener asked Council Member Harold Herndon for his voted. Herndon stated "not according to what I read". Mayor Whitener

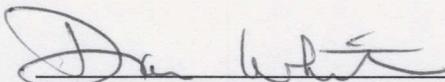
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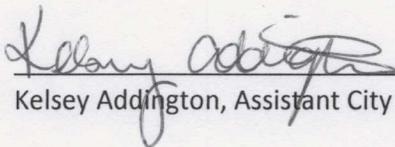
stated "ok then my second request is going to be for you all to review your information". The crowd informed the Mayor that they could not here their votes. Mayor Whitener asked for each vote again. Thomas stated "yes, I support your veto". Kendall stated "I don't think you have the right to veto". Pack stated "what I've read you don't have the right to veto". Mayor Whitener stated "you didn't read my information did you"? Arp stated "the charter states you do not have the right to veto". Herndon stated "legal opinion says you do not have the right". Mayor Whitener stated "opinion, ok, anything else"? Oyer spoke but was inaudible.

Adjournment:

Mayor Whitener asked for a motion to adjourn the meeting. Council Member Rodney Kendall made a motion to adjourn the meeting. The motion was seconded by Council Member Angie Arp. Brian Pritchard, with FetchYourNews, interrupted and asked if he could speak to the council. He questioned if his open records request made on February 12, 2015 has been worked on by the Council. Pritchard also requested at this time a copy of the emails that were read by Mayor Whitener and Council Member Angie Arp. An unnamed man stated that he wanted to be crystal clear when he left as what went on here tonight. Mayor Whitener stated that her veto has been challenged and that it would be up to the attorneys and a judge now. Jan Eaton questioned if it was proper for a vote to be taken like it was on the veto if there was not a motion on the floor. Mayor Whitener stated "thank you Jan we will correct that. Rhonda can you help with that"? Council Member Rhonda Thomas stated "Well it's just as he said, she had vetoed something, so you don't have to make a motion". Mayor Whitener asked for a motion to adjourn the meeting. Rodney Kendall made the motion. The crowd asked what happens now. Mayor Whitener stated "it goes to court". Steve Oyer stated "What happens to this project is that it's turned over to the attorneys now and starts costing everybody up there a lot of money, individually. One, two, three." Thomas asked if there was a motion to adjourn. Kendall stated that he had made a motion to adjourn. Angie Arp seconded the motion. All voted yea. Meeting adjourned.



Donna Whitener, Mayor



Kelsey Addington, Assistant City Clerk

May 12, 2015

Approved

Order

Better Baseball
132 Carruth Dr
Marietta, GA 30060

Page: 1
Order#: 1-ORD0040738
Ticket date: 2/25/15

Solu.

City Of Blue Ridge Baseball
480 West First St.
Blue Ridge, GA 30513
706-851-7083

Ship to: in store pick up

Customer #: 10065443
Sls rep: ALEX
Customer PO#: 26700

Ship date:
Location: 1

Ship-via code:
Terms:

Quantity	Item #	Description	Price	Selling unit	Ext prc
1	AD	10 x 10 game mound	1,500.00	Each	1,500.00
1	M500	Pro Anchored Base Set	130.50	BASE SET	130.50

User: ALEX

Total line items: 2

Order subtotal: 1,630.50
Tax amount: 0.00
Order total: 1,630.50
Order amt due: 1,630.50

Better Baseball will not accept returns
on any used or out of wrapper bat.
Contact manufacturer concerning warranty issues.
All returns must be made within 30 days.
Wood bats carry NO warranty!

Vendor: 3993 03/10/2015 1164
BETTER BASEBALL

<u>Invoice Number</u>	<u>Invoice Date</u>	<u>PO Number</u>	<u>Account Number</u>	<u>Description</u>	<u>Invoice Amount</u>
40738	02/25/2015	26700	100-53-6124-1600	10X10 PORTABLE MOUN	1,630.50

1,630.50

1164

ONE THOUSAND SIX HUNDRED THIRTY AND 50 / 100

03/10/2015

*****1,630.50

BETTER BASEBALL
132 CARRUTH DR
MARIETTA, GA 30060

Vendor: 3993	BETTER BASEBALL			03/10/2015	1164
<u>Invoice Number</u>	<u>Invoice Date</u>	<u>PO Number</u>	<u>Account Number</u>	<u>Description</u>	<u>Invoice Amount</u>
40738	02/25/2015	26700	100-53-6124-1600	10X10 PORTABLE MOUNT	1,630.50

CHECK AMOUNT:

1,630.50

Kelsey Addington

From: Donna Whitener <donna@cityofblueridgega.gov>
ent: Friday, February 20, 2015 11:02 AM
To: Bill Sowers; kelsey Addington
Subject: Fwd: Small additions to the park and park scheudle
Attachments: image1.JPG

Tim is going to need this asap. I am going to do a special called because he has a tournament coming up first week of March. I will have another item that will need to be added. Thanks.

----- Forwarded Message -----

Subject: Small additions to the park and park scheudle
Date: Fri, 20 Feb 2015 09:00:51 -0500
From: Tim Towe <towe.7@hotmail.com>
To: donna@cityofblueridgega.gov <donna@cityofblueridgega.gov>

Donna, this is just a small list of improvements I'd like to make to the park.

In the attachment the High School added a blue windscreen/batters eye and yellow fence guards.

What is a batters eye and what is its purpose? - A batters eye (windscreen) is a solid colored area in center field of baseball fields, that is direct sight of a batter while facing a pitcher awaiting a pitch. It's primary purpose is the SAFETY of the batter. It helps batters see the baseball more effectively.

Fence Guards- Fence guards serve many purposes on ball fields. They add texture to the field but also serve as a safety net should a kid reach over the fence.

I would like to install windscreen/batters eye and fence guards on fields 1,2 and 4. Field 4 and field 2 have green and black fence guards. I would like to uninstall them and change them to yellow to match the park.

The prices I have in a catalog for 3 fields for fence guards would be \$660. 3 windscreen/batters eye would be \$132. That would total at \$792.

Purchase from Better Baseball

I have a sales rep coming today to give me estimates and he said he could probably give me lower prices.

In the near future I would love to add a 90x90 tarp on field 2. Field 2 is the worst draining field in the county but It's going to be one of the most played fields. I feel like if we add a tarp we can save games which would of course keep the field being used and money coming into the park. Estimated price for a tarp that big is around

2,000-2,500.

I also think we should replace the net on field 4.

Ve also need to order brand new base sets for each field asap!

Maca High School baseball starts practice here on Monday Feb 23rd and play 1st game the 27th.

Fannin Rec starts practice here monday March 2nd.

Depending on if we have enough teams sign up we will have pre season tournament here March 13-15th.

Maca

Thank you very much for reading this.

Have a great day!

Tim Towe

Subject: Re:

From: angiearp@cityofblueridgega.gov

Date: 9/10/2014 10:21 PM

To: Roy Parsons <royparsons@cityofblueridgega.gov>

CC: <donna@cityofblueridgega.gov>, <rodneykendall@cityofblueridgega.gov>, 'Rhonda Thomas' <rhondathomas@ellijay.com>, <brucepack@cityofblueridgega.gov>, <haroldherndon@cityofblueridgega.gov>

Hello Roy,

I could be overlooking it but I don't see where she could even get a conditional use for the property unless the property is rezoned, correct me if I am wrong. So if this is the case the council's only option is to vote on the current recommendation that was brought before us. Is this correct?

As I understood Ms Petrillo she requested that the ordinance be changed to allow her to have a trapeze. It is my opinion that it would not be a wise decision to change any city ordinances to satisfy one individual, otherwise we would continually have to do the same for anyone with the same request. It would totally open up a can of worms.

I don't understand why she didn't purchase a piece of property for her business that was already zoned commercial. The idea of purchasing property and then trying to get it rezoned to satisfy your agenda is the wrong approach. It is my opinion that everything that is residential at this time should stay residential and everything that is commercial should stay commercial, basically the current zoning needs to stay as is throughout the city. This city is a small town and we need to be very careful to protect the small town feel as well as the life long residents of the city.

I will speak with you later in more detail.

Angie

On 2014-09-10 16:58, Roy Parsons wrote:

Violated the Spirit of the law.

To: Mayor and Council members

From: Roy Parsons

I understand that Kristy Petrillo advised the Mayor and Council members that you could just vote to allow her to keep her trapeze on

Ada Street, not exactly the case. Mrs. Petrillo advised me that she wanted to ask the Mayor and Council to allow the trapeze as a conditional use. I advised her that she could ask you if you wanted to

amend the Zoning Ordinance to add a trapeze to the list of conditional

uses that are allowed under certain zoning districts and that you are required to vote to send the recommendation to the Planning Commission. The Planning Commission conducts the public hearings that are required to amend the text of the Zoning Ordinance and the Zoning Map. Nothing is as simple as just voting.

Listed below are the conditional uses that exist in the Zoning Ordinance in the various Residential Zones

- * Camp, Private, conditional use in the zoning district R-A.
- * Campgrounds, Commercial, including accessory buildings or uses,
Zoning District R-A
- * College, University, Technical School, Zoning District R-A.
- * Community Center, Zoning District R-A.
- * Country Club, Private Golf Course, Zoning Districts R-A, R-1, R-2.
- * Driving Range, Golf, Zoning District R-A.
- * Fire Station, Fire Tower, Zoning Districts R-A, R-1, R-2, R-3.
- * Government Buildings and Facilities, Zoning Districts R-a, R-1, R-2, R-3.
- * Office Buildings: General and Professional (Legal, medical, engineering, surveying and similar uses). Zoning District R-3.
- * Recreational Vehicle (RV) Park; Campground. Zoning District R-A.
- * Saw Mill, Temporary or Portable. Zoning District R-A, R-1, R-2, R-3.
- * Sewerage Treatment Facilities, Public or Private. Zoning Districts R-A, R-1, R-2, R-3.
- * Water Treatment Facilities. Zoning Districts R-A, R-1, R-2, R-3.

Conditional uses to be considered in Commercial and Manufacturing Districts are as follows:

1. Acid Manufacture. Zoning District M-1.
2. Cement, Lime Gypsum Manufacture. Zoning District M-1.
3. Concrete/Stone Cutting, Fabrication. Zoning District M-1.

4. Government Buildings and Facilities. Zoning District C-1
5. Hazardous Waste Handling and Processing. Zoning District M-1.
6. Junk Yard, Salvage Yard. Zoning District M-1.
7. Landfill, Inert or Sanitary-Private/Public. Zoning District M-1.
8. Manufacturing Establishment-involving acid processing, tanning, paper/pulp manufacturing, or other materials having characteristics considered volatile, flammable, explosive, odorous, or hazardous.. Zoning District M-1.
9. Meat Packing & Processing, Slaughter Yards. Zoning District M-1.
10. Paper or Pulp Manufacture. Zoning District M-1.
11. Refining of Petroleum Products. Zoning District M-1.
12. Saw Mill, Temporary or Portable. Zoning Districts C-2 and M-1.
13. Sewage Treatment Facilities, Public or Private. Zoning District C-2.
14. Tele-communication Towers. Zoning Districts C-2, CBD.
15. Water Treatment Facilities. Zoning Districts C-2, CBD, M-1.

As it stands at the present time, to consider allowing any of the uses listed above, the property on which the conditional use would be located would be required to be zoned for the conditional use. If the property is not zoned to allow the consideration of a specific conditional use, the subject property would be required to be rezoned.

I believe that you are familiar with the rezoning process.

At the request of the applicant, the Planning Commission will may consider the rezoning and the conditional use proposal at the same hearing. I am sending two attachments with this e-mail. One attachment is the definition of a conditional use, the other is the criteria

Re:

the
Planning Commission would review when considering any conditional
use.

The recommendation from the Planning Commission would be forwarded
to
you for a final decision.

As we stand at the present time, you have a recommendation before
you

on which to take action. If you approve Petrillo's request to
rezone

her property on Ada Street, she may keep the trapeze as a
commercial

use. If you accept the recommendation of the Planning Commission
and

deny the rezoning application, Petrillo will be required to wait
one

year to file for another rezoning or conditional use review. She is
not allowed to withdraw her application.

If I may provide additional information for you, please let me
know.

I will be glad to offer any assistance.

Roy

.

Kelsey Addington

From: R. David Syfan <rds@homlaw.com>
Sent: Tuesday, February 24, 2015 3:26 PM
To: 'Donna Whitener (Mayor Blue Ridge,GA)' (donna@cityofblueridgega.gov);
angiearp@cityofblueridgega.gov; rodneystall@cityofblueridgega.gov; Bill Sowers
(billsowers@cityofblueridgega.gov); kelsey@cityofblueridgega.gov;
royparsons@cityofblueridgega.gov
Cc: Rhonda Thomas; haroldherndon@cityofblueridgega.gov;
brucepack@cityofblueridgega.gov
Subject: FW: Ada Street Rezoning
Attachments: 20150223110032518.pdf

READ BY ANGIE ARP.

Mayor and everyone:

As you will see from Bill's email below, Mr. Oyer, 13 days after the final decision of the City Council on February 10, 2015 to deny the rezoning application of Ada Street, LLC, presented for the first time, a constitutional challenge [See February 23, 2015 challenge attached above] to the current zoning of the property and the denial of the rezoning application.

In order to be able to bring a lawsuit based upon the current zoning and the denial of the rezoning, Mr. Oyer would have had to raise the constitutional challenge before the City Council made its final decision on February 10, 2015. Therefore, at this time, since the City Council made its final decision on February 10, 2015, and Mr. Oyer did not raise the constitutional challenge until [13 days] after the Council made its decision, Ada Street, LLC should be barred from being able to litigate the rezoning decision made by the Council on February 10, 2015.

Therefore, it is my extremely strong legal recommendation to the City Council, that the City Council not reopen or revisit its February 10, 2015 rezoning decision regarding the Ada Street, LLC rezoning application in that to do so, may allow Ada Street, LLC to argue that it timely made a constitutional challenge to the current zoning of the property and the denial of the rezoning application by a reopening of the final rezoning decision [and thus expose the City to needless legal expense in having to fight a rezoning lawsuit].

Since the Mayor's ultra vires veto of the legislative decision of the City Council to not grant the rezoning is unauthorized under the City Charter, the invalid veto does not "reopen" or extend the rezoning decision [in that since it is not authorized by the City Charter, the invalid veto is void and without effect]. Therefore, the only way in theory to reopen the rezoning decision would be by formal action by a quorum of the City Council, and I think that such an action by the Council could arguably violate the Zoning Procedures Act. Therefore, for all of these reasons, I recommend to the City Council, that the City Council not reopen [by motion or otherwise] this rezoning application and not take any action that would suggest that the Council did not make a final rezoning decision on February 10, 2015.

I'll be glad to discuss. Also if the Council thinks that it is appropriate, I am fine with the Mayor or a Councilmember reading this email aloud in tonight's meeting. Thanks, David

R. David Syfan
HULSEY, OLIVER & MAHAR, LLP
200 E.E. Butler Parkway
P.O. Box 1457 (30503)
Gainesville, GA 30501
70.532.6312
70.531.9230 (fax)

From: Bill Sowers [mailto:billowers@cityofblueridgega.gov]

Sent: Monday, February 23, 2015 11:14 AM

To: R. David Syfan

Subject: Ada Street Rezoning

David: I am sending you a copy that I just received from Mr. Steve Oyer. Please advise Mayor, Council & Me.

Thanks

Bill Sowers

City Administrator

The City of Blue Ridge

(706) 632-2091 Phone

(706) 632-3278 Fax

City of Blue Ridge

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City of Blue Ridge
Special Called Meeting Minutes
City Hall
480 West First Street
March 2, 2015 at 4:30 PM

Present: Mayor Donna Whitener
Council Members Angie Arp, Harold Herndon,
Bruce Pack and Rhonda Thomas
City Clerk Bill Sowers
Assistant City Clerk Kelsey Addington

1) Call Meeting To Order:

Council Member Angie Arp made a motion to call the meeting to order. The motion was seconded by Council Member Bruce Pack. Council voted 4-0. Motion carried.

2) Council Meeting Procedures:

Mayor Whitener stated that the meeting was called by Council Members Angie Arp and Bruce Pack therefore she will let them begin the meeting. Council Member Angie Arp stated that after the recent council meetings she has prepared a sample of a meeting procedure policy for the council to review. Council Member Angie Arp read the prepared policy to the council (attached). Council Member Arp continued to state that the council meetings have not been conducted in a professional manner and that she hoped this policy would allow the Mayor and Council to make the decisions that are for the greater benefit to the citizens of Blue Ridge. Mayor Whitener stated that she believed the council should have the agenda prepared 7 days in advance of a meeting instead of 5 days to give ample time to the public in order to review the agenda and to make additions. Council Member Angie Arp stated that this handout is only an outline for the council's review and any number is subject to change at the council's discretion. Council Member Rhonda Thomas asked Council Member Arp what criteria she had to write this policy herself without consulting the rest of the council. Thomas stated that she was not personally consulted about this policy. Arp stated that any council member had the authority to bring anything to the council. Thomas stated that she understood that but that Arp has already wrote a policy and that it would have been nice to have everyone's input. Arp stated that she had no objection to that but that the meetings could not go on the way that they have been especially the way they have been the last three meetings. Thomas stated that the first paragraph in Arp's policy states that the meetings must be consistent with the provisions of the charter. Thomas stated that the charter states that a veto only requires one supporting vote. At this time there was discussion between Arp, Thomas and Mayor Whitener about the veto from the previous meeting. Mayor Whitener stated this meeting is not concerning the veto, it was called to discuss meeting procedures. Discussion continued between Thomas and Arp until Mayor Whitener stated that the meeting was called to discuss Arp's proposed meeting procedure. Mayor

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Whitener stated that she had spoken to Attorney David Syfan prior to the meeting and that he had told her that he did not write the procedure that the council was reviewing and that he would like to be able to review the procedure and make any necessary changes. Mayor Whitener continued to talk about different meeting procedures and mentioned Robert's Rules of Order. Council Member Arp stated that Robert's Rules of Order is lengthy and that it is common for cities to adopt their own policies. Mayor Whitener and Council Member Arp continued to discuss meeting policies. Council Member Thomas stated that she was fine with having procedures but that it had to be fair to everyone. She then turned to the public and stated "you all have an opinion, what do you think of these". Jan Eaton spoke about the county meetings. She stated that time limits were enforced and that it kept the meetings orderly. She continued to state that the city's meetings have been anything but orderly. Mayor Whitener agreed with Eaton. Eaton stated that having a meeting policy was not foreign to this county. Mayor Whitener stated that she would like to see that everything was fair for everyone. Council Member Arp stated that according to state law they are not required to let the public speak. Mayor Whitener stated no you don't if you want to go by state law but your constituents might not be comfortable with that. Arp stated that's fine, I understand that but considering what has happened in the previous meetings, this is not productive for anyone. Angelina Powell spoke about volume control. She stated that her and Anthony sit on the front row at each meeting but have trouble hearing the Mayor and Council because of the public. She stated that there does need to be something done and things do need to settle down. Angelina stated that she was not excluding herself. Council Member Thomas stated that she was concerned because she did not want this policy to take away the Mayor's veto power and that she would like City Attorney David Syfan to review the policy. Council Member Arp stated "this does not say anything about the veto". Council Member Arp read an email from City Attorney David Syfan (attached). Arp stated that she had asked Syfan to review her document to make sure that everything was legal. Mayor Whitener referenced the last paragraph of the document and raised the question of when the council could discuss the agenda topic. Arp stated that customarily discussion took place after a motion was made followed by a second then after discussion a vote was to be taken. Arp stated that if a motion did not receive a second then the council should move on to the next item on the agenda. Arp stated that this was not how she thought it should be but that she was following Robert's Rule of Order. Mayor Whitener stated that she serves on several boards and she suggested that discussion take place between the motion and the second. She stated that this allowed for the council to ask questions. Council Member Angie Arp and Mayor Whitener continued to discuss the procedures. Arp stated that if the council wanted to review the document and do some research and give input she was fine with that but that something needed to be put in place soon. Mayor Whitener stated that this policy needed to be done in ordinance form. During the discussion between Arp and Mayor Whitener, Whitener stated that the time limit should be five minutes instead of ten minutes. After some discussion, Cindy Trimble spoke. Trimble stated that the problem was not with the public it was with the Mayor and Council. Trimble asked what country are we in, we have first amendment rights, don't shut everyone up. Council Member Rhonda Thomas stated having more town hall meetings should

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be held in order to hear the public. Jane Whaley spoke at this time stating that the council only wanted to hear what they wanted to hear and that they were not hearing their constituents. Patrick Crain spoke at this time. He stated we have a city charter so why not just go by it. Mayor Whitener stated that the charter did not have a meeting policy in it and it was up to the council to set a meeting policy. Crain stated that if we followed the city charter it would rule out ninety percent of the bickering. Mayor Whitener stated we do follow the charter it is our rules and guidebook. Crain stated that he wanted the Mayor to remember saying that. Council Member Arp asked what everyone wanted to do. Thomas recommended have a workshop meeting to discuss. Council Member Harold Herndon stated that the whole council was in agreement that a policy should be adopted. He stated that the only disagreements seemed to be over little things. He stated that the document Arp prepared seemed to be a good document and that this did not need to be put to the side. He stated that everyone needed to give and take a little bit and that it needs to be fair to everyone. Thomas stated that everyone needs to think about what we want and get public and legal opinion. She stated that we do not need to jump into anything. Mayor Whitener stated we want to be fair to the public and so they will be fair to us. Mayor Whitener and Council Member Arp then discussed public comment. Arp asked Whitener if every decision the council made had to be approved by the public. Mayor Whitener stated that was not what she said. Kristy Petrillo suggested that the council open public comment, for example allowing people to speak that are not on the agenda but limiting their time to one minute and not allowing public comment to exceed twenty minutes. Arp asked when to expect to have everything ready for a vote. Mayor Whitener stated that she would look at the GMA policy and that the council should too. She also stated that City Attorney David Syfan should assist in producing the policy. Council Member Harold Herndon stated that the council should get information from everything mentioned earlier but be able to modify them to fit the City of Blue Ridge and what works best for us. Council Member Arp made a motion to table this until the next council meeting held on March 10, 2015. The motion was seconded by Council Member Harold Herndon. The Council voted 4-0. Motion carried. Brian Pritchard, with FetchYourNews asked if this would be a policy change or charter change. Mayor Whitener stated that it would not be a charter change because the council would plan to put it into ordinance form. Pritchard also suggested that the council look up the sunshine law and open meeting laws. Pritchard mentioned that he has not received anything from the council regarding his open records request. He stated that he wanted to publically request again.

3) Adjourn Meeting:

Council Member Bruce Pack made a motion to adjourn the meeting. The meeting was seconded by Council Member Angie Arp. All voted yea. Meeting adjourned.



Donna Whitener, Mayor

May 12, 2015

Approved



Kelsey Addington, Assistant City Clerk

Blue Ridge City Council Meeting Rules of Procedure Policy

In accordance with the Blue Ridge City Charter Section 3.14 the city council shall adopt its rules of procedure and order of business consistent with the provisions of this charter and shall provide for the keeping of its proceedings which shall be public record. The City Charter further states in Section 7.13(b) that the word "shall" is mandatory, thus the city council is mandated by the charter to adopt some form of council meeting rules or policy.

This council meeting rules of procedure policy must apply to all meetings held by the Blue Ridge Mayor and City Council, including but not limited to, workshops, regular scheduled meetings, special called meetings and public meetings. The Blue Ridge City Council Meeting Rules of Procedure Policy will be effective upon approval by the majority vote of the council.

City Council Meetings

The purpose of a Council Meeting Rules of Procedure Policy is to ensure that the elected governing body of the City of Blue Ridge can effectively conduct official city business in a productive, formal and timely manner. Blue Ridge City Council Meeting Rules of Procedures are listed as follows:

The Agenda

Agenda items referenced to in the following rules, include all items listed under Old Business, New Business and Mayor / Council Reports & Comments. Public Comment rules and requirements will be listed under Public Comments. Rules of Procedure for Agenda Items are listed as follows:

a. Agenda items must be listed in the following order:

1. Call Meeting to Order
2. Prayer and Pledge of Allegiance
3. Council Meeting Rules of Procedures (to be presented at each meeting by City Clerk)
4. Approval of Minutes from Previous Meeting
5. Old Business
6. New Business
7. Mayor – Reports & Comments
8. Council – Reports & Comments
9. Public Comments
10. Adjournment

b. All agenda items must be introduced in order by the mayor. All agenda items with no representative or individual listed, must be restricted to a maximum of (10) minute discussion between the mayor and council per agenda item. If the agenda item is only for discussion and no vote is required, it should be noted on the agenda "discussion only" and noted when the item is introduced. When deemed necessary, an additional (3) minutes per agenda item shall be permitted by the majority vote of the council.

For agenda items requiring a vote, once the agenda item has been introduced, a motion shall be called by a council member, if another council member does not call for a second, the mayor shall ask for a second. If the motion does not receive a second on the first request by the mayor, the motion will not be considered and no discussion will be permitted. If the motion receives a second, the restricted discussion time of (10) minutes will be permitted. Once a second has been called, the mayor or a council member, at any time, shall call for a vote on the motion by stating a motion and a second has been called, all in favor, all opposed.

c. Any representative or individual wishing to address the city council regarding city business, must be required to submit their name and the topic of their subject to the city clerk at least (7) calendar days prior to the meeting. All agenda items that have a representative to speak on behalf of a subject, must be restricted to a maximum of (5) minute discussion between the representative, mayor and council. An additional (3) minutes per agenda item shall be permitted by the majority vote of the city council. After the timed discussion, a council member shall call for a motion if deemed necessary and the above stated procedures in section (b) shall apply.

d. If the mayor or a council member believes that the City Council Meeting Rules of Procedure have been violated, at the time of the violation, the mayor or council member shall call for a point of order. Once a point of order is called, the member calling the point of order must state the point of order. The decision to accept the point of order must be by the majority vote of the council. If the majority vote of the council determines that there has been a violation of the rules raised by the point of order, a correction should immediately be made. If the mayor opposes the decision of the majority vote of the council and refuses to correct the point of order, the council by the majority vote, shall call for the Mayor Pro Tem to correct the point of order. The meeting shall not proceed until the point of order has been corrected.

Public Comments

The Mayor and City Council encourages public participation and appreciates when residents bring issues of community concern to their attention. Public comments allow city residents and members of the public to publicly state their opinion or position on various matters pertaining to city business. The following Rules of Procedure listed must be followed for all public comments allowed at Blue Ridge City Council meetings including workshops, regular scheduled meetings, special called meetings and public hearings:

a. All members of the public wishing to address the City Council must be required to submit their name and the topic of their comments to the city clerk at least (7) calendar days prior to the meeting. Individuals will be permitted (3) minutes to make their comments and those comments must be limited to their submitted topic. Such time allotment shall not be transferred to other individuals.

b. Public comments are only permitted at the end of the meeting just prior to adjournment, and only by individuals that are listed on the agenda.

c. Public comments shall not be intended for question and answers for the mayor and council. The Mayor or City Council must not be allowed to respond to comments that are brought forth under the Public Comments section of the agenda.

Decorum in Council Meetings

Members of the public must comply with the following rules of decorum:

a. Once a meeting has been called to order there must be no comments allowed from any member of the public including inappropriate, offensive, impertinent or personal comments to the mayor and council or between individual. There must be no clapping, cheering, opposition gestures or disruptive actions allowed during the meeting.

Enforcement of the Blue Ridge City Council Meeting Rules of Procedure

If the mayor or a council member believes that any individual has violated the City Council Meeting Rules of Procedures, the individual shall be subject to removal of the meeting by the direction of the majority vote of the city council. If the majority vote of the council determines that a violation of the City Council Meeting Rules of Procedure has been made by an individual, upon request by the mayor or council, the Chief of Police (or representative) shall remove the individual from the meeting.

Kelsey Addington

From: R. David Syfan <rds@homlaw.com>
ent: Monday, March 02, 2015 4:02 PM
To: angiearp@cityofblueridgega.gov
Cc: rodneykendall@cityofblueridgega.gov; haroldherndon@cityofblueridgega.gov;
brucepack@cityofblueridgega.gov; billsowers@cityofblueridgega.gov;
kelsey@cityofblueridgega.gov; rhondathomas@ellijay.com;
donna@cityofblueridgega.gov
Subject: RE: City Council Meeting Rules of Procedure Policy

READ BY ANGIE ARP:

Angie:

I have briefly looked at the Rules of Procedure and they appear to me to be variations of "Robert's Rules of Order." Charter Section 3.14 states that the City Council shall adopt Rules of Procedure for its meetings, and therefore it is up to the Mayor and City Council to decide whether your proposed Rules are appropriate in order to help the City Council run orderly and efficient meetings. From a legal point of view nothing jumped out at me as being inappropriate, but I had to review the procedures quickly. I think that the City Council can certainly try these Rules of Procedure, and after you have experience as to the operation of the meetings under these Rules, that the City Council could then modify them as needed in a future meeting in order to have the Rules be as the Council desires.

I will say that most governmental entities have rules of procedure for their meetings, and many entities have time limits for discussion etc., in order to have meetings not turn into endurance contests. The Mayor has suggested to me that I draw up the Rules of procedure and I will be glad to do so, if that is what the Council wants or the Council finds that your proposed Rules need some modification.

In any event, the Rules of Procedure for meetings, are for the most part, up to the Council to adopt, and there is nothing legally wrong in the Council drawing up simple and straight-forward rules of procedure for your meetings.

Thanks, David

R. David Syfan
HULSEY, OLIVER & MAHAR, LLP
200 E.E. Butler Parkway
P.O. Box 1457 (30503)
Gainesville, GA 30501
770.532.6312
770.531.9230 (fax)

-----Original Message-----

From: angiearp@cityofblueridgega.gov [mailto:angiearp@cityofblueridgega.gov]
Sent: Monday, March 02, 2015 2:11 PM
To: R. David Syfan
Cc: rodneykendall@cityofblueridgega.gov; haroldherndon@cityofblueridgega.gov; brucepack@cityofblueridgega.gov;
billsowers@cityofblueridgega.gov; kelsey@cityofblueridgega.gov; rhondathomas@ellijay.com;
donna@cityofblueridgega.gov
Subject: City Council Meeting Rules of Procedure Policy

Hello David,

The council has a special called meeting today and the subject is Meeting Rules of Procedure. I have prepared a policy that I think will aid in the order the council meetings are conducted. I am planning on introducing this to the council today, but before I do so I wanted to ask you to review it to make sure that everything in it is legal.

I know the charter states in Section 3.14(a) that the city council shall adopt its rules of procedure to conduct business and in Section 7.13(b) states that the word "shall" means mandatory. I believe it would be appropriate for the council to adopt a policy for meeting rules.

I understand that many meetings follow Roberts Rules of Order but also after doing much research on this I have discovered that many governing bodies adopt their own rules of order. Since the city is not mandated to adopt Roberts Rules of Order I think a more simple version of rules will be adequate for the city.

Once you have reviewed the policy I have prepared please contact me if you have any questions or if I need to change anything. Because the meeting is at 4:30 there may not be time to go back and forth by email, please contact me by phone once you have reviewed what I have sent you or at least contact me if you reply to the email.

Thank you

Angie

City of Blue Ridge

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City of Blue Ridge
Workshop Meeting Minutes
City Hall
480 West First Street
March 3, 2015 at 10:00 AM

Present: Mayor Donna Whitener
Council Members Angie Arp, Harold Herndon
Rodney Kendall and Bruce Pack
City Clerk Bill Sowers
Assistant City Clerk Kelsey Addington

1) Call Meeting to Order:

Council Member Rodney Kendall made a motion to call the meeting to order. The motion was seconded by Council Member Bruce Pack. The council voted 4-0. Motion carried.

2) Approval of Minutes:

Council Member Rodney Kendall made the motion to approve the minutes from the workshop meeting held on February 3, 2015. The motion was seconded by Council Member Bruce Pack. The council voted 4-0. Motion carried.

3) Swimming Pool Concrete:

Andy Rhodes and Chad Searce, representatives of Redeck-it were present to inform the Mayor and Council about a product they have. Rhodes stated that he uses an overlay material that would work great on the concrete at the City pool. He told the Council that the material would cost approximately \$ 6.75 a square foot. Rhodes was instructed to bring a quote to the Council on March 10, 2015 at the Council's regularly scheduled Council Meeting. The Council discussed the option of extending a section of concrete near the pool and instructed City Clerk, Bill Sowers to get quotes on the concrete extension. Other maintenance tasks were discussed for the pool but no decisions were made at this time.

4) Bus—Agreement with Train (Blue Ridge Scenic Railway):

Mayor Whitener gave an update stating that the City was still waiting for a bus to become available from the Fannin County Board of Education (FCBOE) Transportation Department. Mayor Whitener mentioned in previous meetings that the FCBOE was interested in trading a bus for a used police car. Mayor Whitener stated that she had met with Blue Ridge Scenic Railway representative, Larry Dyer and that they would like to discuss terms of the proposed contract for the bus agreement. She stated that the contract would need to include joint insurance with the railway as well as contain a liability clause. Mayor Whitener asked if the Council had any input. Mayor Whitener stated that Blue Ridge Scenic Railway had agreed to pay \$ 2,500 for the purchase of the bus but that now the City is possibly going to do a trade so she stated that the

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money could go towards an advertisement banner for the bus. Mayor Whitener stated that she would also like to see something in the agreement that determined how the bus maintenance would be taken care of. Council Member Rodney Kendall stated that the bus drivers would need to have a CDL license. Council Member Angie Arp stated that Mayor Whitener could contact City Attorney, David Syfan and get an agreement ready to present to the Council. Larry Dyer spoke at this time and expressed that the Blue Ridge Scenic Railway was anxious to proceed.

5) Chipper Quote:

City employee, Tony Byrd was present to discuss the need for purchasing a chipper. He stated that anytime the City cuts trees and tries to burn them, the City receives a lot of complaints resulting in the fire being extinguished. Therefore, the crew has to take the trees and brush to Blairsville which takes time and money. Byrd stated that the crew had to make ten trips to Blairsville on a recent job they finished. Byrd stated that it costs the City \$ 1,000 a week to rent a chipper and that both lease agreements (attached) would be approximately \$ 1,000 a month. Byrd informed the Council that there are a lot of streets within the City that require the right of way to be cleared. He informed the Council that if they were to wait until next year that the price will go up by \$ 20,000 because all chippers will be tier 4 instead of tier 3. Mayor Whitener instructed City Clerk, Bill Sowers to check with The Georgia Municipal Association (GMA) and see if the City can get a GMA lease/purchase agreement for the purchase of a chipper.

6) Blue Ridge Mountains Art Association (Request for 2015 Marketing Funding):

Mayor Whitener stated that she had forgotten to ask the Council to amend the agenda. Blue Ridge Mountains Art Association representative, Nichole Potzauf was present to request 2015 funding from the City. Ms. Potzauf was unaware that the Council already approved to give \$ 3,000 on February 10, 2015. Ms. Potzauf took this time to thank the Council for their contribution.

At this time Mayor Whitener asked that the Council amend the agenda to allow for an executive session. Council Member Rodney Kendall made a motion to add an executive session as agenda item number thirteen. The motion was seconded by Council Member Angie Arp. All voted yea. Motion carried.

7) CDBG Options—Matt Smith with Carter & Sloope:

Carter & Sloope representative, Matt Smith was present to discuss proposed water and sewer improvements in the target area of the 2015 Community Development Block Grant (CDBG) application. The streets included are: Card Lane, Orchard Boulevard, Orchard Place, Ridge Street, State Street and Wilson Street. Mr. Smith stated that he would like to propose replacing the two inch lines in the area with six inch lines, installing fire hydrants every five-hundred feet. He stated that seventy people would benefit from these improvements. Mr. Smith stated that sewer improvements were evaluated but that the money just is not there right now. He stated

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that he would like to see these improvements in phase two which could be included in the 2017 CDBG application. Matt Smith stated that the total project cost is approximately \$ 517,000. He stated that he would like to suggest extending the line from State Street to Mineral Springs but that it would increase the total cost approximately \$ 50,000. Mayor Whitener stated that she would like to see sewer in this area because the City really needs the extra sewer revenue. Mr. Smith and the Council continued to discuss the scope of the project and possible options available. Mayor Whitener stated that, if awarded the grant, the City would not be awarded until September 2015 and they would have to wait until spring 2016 to start the project. Council Member Rodney Kendall made a motion to extend the line to Mineral Springs and to add the service lines that fall outside of the grant and to approve the first preliminary cost list. The motion was seconded by Council Member Angie Arp. All voted yea. Motion carried.

8) Public Disclosure—Potential Conflicts of Interest:

Mayor Whitener read the potential conflicts of interest (attached).

9) CDBG Resolution:

Mayor Whitener read the CDBG resolution (attached), signed resolution is attached to March 10, 2015 Minutes.

10) Announcement Re: 3/11/15 CDBG Public Hearing at 4:00 pm:

Mayor Whitener announced that the CDBG Public Hearing will be held on Wednesday, March 11, 2015 at 4:00 pm.

11) The Steedley Firm:

Council Member Rodney Kendall made a motion to accept the contract with The Steedley Firm to provide grant administration services. The motion was seconded by Council Member Bruce Pack. All voted yea. Motion carried.

12) The Downtown Market:

A representative from the Downtown Market was present requesting permission to remain downtown as well as to purchase a business license. The Council discussed the process of the Downtown Market obtaining a city business license. Council Member Rodney Kendall made a motion to allow the Downtown Market to stay in the park and that the specifics concerning the business license will be determined at a later time. The motion was seconded by Council Member Angie Arp. All voted yea. Motion carried.

13) Executive Session—Litigation:

Council Member Rodney Kendall made a motion to close for executive session to discuss possible litigation. The motion was seconded by Council Member Bruce Pack. All voted yea. Motion carried. Council Member Rodney Kendall made a motion to exit executive session. The motion was seconded by Council Member Bruce Pack. All voted yea. Motion carried. Council

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Member Rodney Kendall made a motion to authorize Mayor Whitener to handle the issue of GoCo where they were charged a franchise fee. The motion was seconded by Council Member Bruce Pack. All voted yea. Motion carried.

14) Mayor Reports/Concerns:

Mayor Whitener gave an update on the Depot.

15) Council Reports/Concerns:

Council Member Angie Arp discussed her concerns with the hotel/motel tax in regards to donating funds to the firework display at the marina. Council Member Bruce Pack stated that the Fannin County Board of Education has agreed to donate a scoreboard to the City. Pack also stated that he would like to get City Park employee, Tim Towe a job description.

16) Adjournment:

Council Member Rodney Kendall made a motion to adjourn the meeting. The motion was seconded by Council Member Angie Arp. All voted yea. Meeting adjourned at 12:48 pm.



~~Donna Whitener, Mayor~~
Rodney Kendall, Mayor pro Tem

June 2, 2015

Approved



Kelsey Addington, Assistant City Clerk



RHONDA MASON TRACTOR CO.

www.masontractor.co

1050 Appalachian Hwy.
P.O. Box 458
Blue Ridge, GA 30513
(706) 632-3777

2510 Dahlonga Hwy.
P.O. Box 166
Cumming, GA 30028
(770) 887-6119

395 Industrial Blvd.
P.O. Box 2589
McDonough, GA 30253
(770) 957-3370

Date: 2, 27, 15

CUSTOMER INFO: NOTES:

Name City of Blue Ridge
Address _____
Phone 706-632-2091
Cell _____

NOTES:

SALES: N/U	DESCRIPTION	SERIAL #	STOCK #	PRICE
N	1390XP 15" Bandit Chipper 48 Months lease			\$43333.50 \$988.00 a month
N	1590XP 18" Bandit chipper 48 Months Lease			\$47964.75 \$1090.00 a month

SALES TOTAL: \$

TRADE-IN:	DESCRIPTION	SERIAL #	STOCK #	PRICE

SETTLEMENT DOWN PAYMENT \$

CASH / CHECK / FINANCE

USAGE: AG / CONST

SALES TAX: YES / NO RATE: _____ %

INSURANCE: YES / NO

TE _____

PROGRAM: STD. RATE _____ LOW APR _____

CUSTOMER: _____

SALESMAN: Jerry Coch

TRADE IN TOTAL:	\$
SUB TOTAL:	\$
SALES TAX:	\$
UCC FILING / DOC FEE: For Finance Deals Only	\$
TOTAL:	\$

MTC MASON TRACTOR COMPANY

www.MasonTractor.com

Mason Tractor & Equipment Co., Inc.
 22 Buford Hwy
 Roswell, GA 30071
 USA
 770-633-6871 (Phone)

randy@masontractorco.com

QUOTATION

Quote #	Quote Created	Last Updated	Salesperson
47466	February 10, 2015 10:18 PM by Mason Tractor & Equipment Co., Inc.	February 11, 2015 08:55 AM by Mason Tractor & Equipment Co., Inc.	Terry / Randy

CUSTOMER:

City of Blue Ridge
 480 West 1st Street
 Blue Ridge, Georgia 30513
 USA
 706-632-2091 (Phone)
 Tony @ 706-633-6338 (Contact)

MODEL 1390XP 15" DRUM STYLE BRUSH BANDIT

Qty	Part #	Description
1	MODEL-1390	Model 1390XP - 15" Drum Style Brush Bandit

STANDARD EQUIPMENT

Qty	Part #	Description
1	STANDARD	Spring loaded slide box type feed system with (2) horizontal feed wheels 10 5/8" diameter x 20" wide
1	STANDARD	Top feed wheel jack mount with locking pin to raise & lock top feed wheel using tongue jack (not provided when hydraulic lift cylinder option is selected)
1	STANDARD	29" high x 54" wide tapered infeed hopper with 30" fold down infeed hopper tray, heavy-duty taillight covers, and spring lift assists
0	STANDARD	300 rpm manual wheel loader with 12" x 12" x 12" wheel
1	STANDARD	Clean out and inspection door on discharge
1	STANDARD	37" diameter x 18 3/4" wide drum with (4) 5/8" X 5 1/2" X 9" dual edge knives
1	STANDARD	12 gallon steel hydraulic tank with magnetic drain plug, lockable filler cap, and aluminum sight gauge
1	STANDARD	24 1/2 gallon steel fuel tank with magnetic drain plug, lockable filler cap, and aluminum sight gauge
1	STANDARD	12 volt system with rubber mounted LED taillights, 6 prong replaceable coiled power cord & protected heavy-duty wiring with junction box, and LED clearance lights with reflectors.
1	STANDARD	5,000 pound capacity tongue jack with 15" of travel and foot pad
1	STANDARD	3/16" x 2" x 6" rectangular tubing with a 3/16" x 2" x 6" tubular tongue
1	STANDARD	Banded chipper belts
1	STANDARD	Safety control bar controls forward / neutral / reverse
1	STANDARD	Engine disable plug for hood locking pin-preventing engine from operating without pin in place
1	STANDARD	Wooden pusher tool with mount on infeed hopper
1	STANDARD	(2) Last chance safety pull cables
1	STANDARD	Weather resistant manual container
1	STANDARD	Safety DVD, (2) 6" wide x 9" tall Bandit operator's manuals (one paper copy and one waterproof copy tethered to machine) and (1) engine operator's manual
1	STANDARD	Spanish & English combination safety decals

OPTIONS

1	333-32273	Standard Imron Industrial Urethane Bandit Yellow (For Whole Tree Chippers please specify Chipper Guard paint color)
	990-RC0913-495	Perkins 1104D-E44TA 142 horsepower with over center style clutch - Tier 3
	990-100260	Lockable aluminum battery box with (1) 1,010 CCA Interstate battery

- 990-100652 (2) 215/75R 17.5" tires mounted on 8-bolt aluminum rims
- 1 990-100415 Aluminum bolt on fenders (Approximately 1/8" thick)
- 1 990-100274 2 1/2" Wallace Forge pintle hitch
- 1 990-1011-73 Deluxe Winch Option Package: Hydraulic winch mounted on infeed hopper (does not include cable or rope), hydraulic lift cylinder for top feed wheel, hand crank height adjustable discharge, HAND crank swivel discharge, and Reversing Auto Feed system (Please specify if winch end is to be set-up to accept rope (aluminum fairlead) or cable (steel rollers))
Specified: ROPE
- 1 990-100750 Hydraulic flow control for feed wheel rate adjustment (For machine with autofeed)
- 1 990-100257 Frame / Fender supports
- 1 990-100095 10,000 pound capacity tongue jack with spring return pad

CUSTOMER TOTALS

Total Unit Price:		\$ 49510.00
Customer Discount:	15.0000 %	- \$ 7426.50
Dealer Preparation/Delivery:		\$ 400.00
Customer Net Unit Price:		\$ 42483.50
Freight/Shipping:		\$ 850.00
Customer Total:		\$ 43333.50

Terms: Net 30 Days

MTC MASON TRACTOR COMPANY

www.MasonTractor.com

ment Co., Inc.
22 Buford Hwy
Coss, GA 30071
USA
770-632-6871 (Phone)
randy@masontractorco.com

QUOTATION

Quote #	Quote Created	Last Updated	Salesperson
47866	February 24, 2015 12:18 PM by Mason Tractor & Equipment Co., Inc.	February 24, 2015 12:24 PM by Mason Tractor & Equipment Co., Inc.	Terry / Randy

CUSTOMER:	BILL TO:	SHIP TO:
City Of Blue Ridge 480 West First Street Blue Ridge, Ga 30513 USA 706-632-2091 (Phone) Bill Sowers (Contact)	Mason Tractor & Equipment Co., Inc. P.O. Box 458 Blue Ridge, GA 30513 USA 706-532-3777 (Phone) Sandi Kiker (Contact) skiker@masontractorco.com	Mason Tractor & Equipment Co., Inc. P.O. Box 458 Blue Ridge, GA 30513 USA 706-532-3777 (Phone) Sandi Kiker (Contact) skiker@masontractorco.com

MODEL 1590XP (18" DRUM STYLE) BRUSH BANDIT

Qty	Part #	Description	Base Price
1	MODEL-1590	Model 1590XP - (18" Drum Style) Brush Bandit	\$ 31300.00

STANDARD EQUIPMENT

Qty	Part #	Description	Price
1	STANDARD	Spring loaded slide box type feed system with (2) horizontal feed wheels 10 5/8" diameter x 20" wide	\$ 0.00
	STANDARD	Top feed wheel jack mount with locking pin to raise & lock top feed wheel using tongue jack (not provided when hydraulic lift cylinder option is selected)	\$ 0.00
1	STANDARD	33 1/2" high x 64" wide tapered infeed hopper with 30" fold down infeed hopper tray, heavy-duty taillight covers, and spring lift assists	\$ 0.00
0	STANDARD	360 degree manual swivel discharge chute with 12" adjustable chip deflector	\$ 0.00
1	STANDARD	Clean out and inspection door on discharge	\$ 0.00
1	STANDARD	37" diameter x 22" wide drum with (4) 5/8" X 5 1/2" X 10" dual edge knives	\$ 0.00
1	STANDARD	30 gallon steel fuel tank with magnetic drain plug, lockable filler cap, and aluminum sight gauge	\$ 0.00
1	STANDARD	12 gallon steel hydraulic tank with magnetic drain plug, lockable filler cap, and aluminum sight gauge	\$ 0.00
1	STANDARD	3/16" x 2" x 6" rectangular tubing with a 1/4" x 3" x 6" tubular tongue	\$ 0.00
1	STANDARD	12 volt system with rubber mounted LED taillights, 6 prong replaceable coiled power cord & protected heavy-duty wiring with junction box, and LED clearance lights with reflectors.	\$ 0.00
1	STANDARD	8,000 pound capacity tongue jack with 15" of travel and foot pad	\$ 0.00
1	STANDARD	Heavy-duty taillight covers	\$ 0.00
1	STANDARD	Banded chipper belts	\$ 0.00
1	STANDARD	Safety control bar controls forward / neutral / reverse	\$ 0.00
1	STANDARD	Engine disable plug for hood locking pin-preventing engine from operating without pin in place	\$ 0.00
1	STANDARD	Wooden pusher tool with mount on infeed hopper	\$ 0.00
1	STANDARD	(2) Last chance safety pull cables	\$ 0.00
1	STANDARD	Weather resistant manual container	\$ 0.00
1	STANDARD	Safety DVD, (2) 6" wide x 9" tall Bandit operator's manuals (one paper copy and one waterproof copy tethered to machine) and (1) engine operator's manual	\$ 0.00
1	STANDARD	Spanish & English combination safety decals	\$ 0.00
1	STANDARD	Lockable aluminum toolbox	\$ 0.00

Perkins 142 HP Tie III

PAINT

Qty	Part #	Description	Unit Price	Total
1	333-28984	Standard Imron Industrial Urethane Green (For Whole Tree Chippers please specify Chipper Guard paint color)	\$ 0.00	\$ 0.00

ENGINE

Qty	Part #	Description	Unit Price	Total
1	990-RC0913-495	Perkins 1104D-E44TA 142 horsepower with over center style clutch - Tier 3	\$ 15725.00	\$ 15725.00

DRIVE SYSTEM

Qty	Part #	Description	Unit Price	Total
1	990-101035	Drive system for engine horsepower options up to 142	\$ 0.00	\$ 0.00

BATTERY/BATTERY BOX

Qty	Part #	Description	Unit Price	Total
1	990-100260	Lockable aluminum battery box with (1) 1,010 CCA Interstate battery	\$ 0.00	\$ 0.00

FEED SYSTEM

Qty	Part #	Description	Unit Price	Total
1	990-1014-94	Spring loaded slide box type feed system with (2) horizontal feed wheels 10 5/8" diameter x 25" wide	\$ 1875.00	\$ 1875.00

AXLE

Qty	Part #	Description	Unit Price	Total
1	990-1015-73	Single 10,000 pound Torflex axle with electric brakes (0 degree down trail) (Will be 4 1/2" shorter than 45 degree down trail)	\$ 0.00	\$ 0.00

TIRES/RIMS

Qty	Part #	Description	Unit Price	Total
1	990-100406	(2) 215/75R 17.5" tires mounted on 8-bolt heavy-duty gray rims	\$ 0.00	\$ 0.00

FENDERS

Qty	Part #	Description	Unit Price	Total
1	990-100415	Aluminum bolt on fenders (Approximately 1/8" thick)	\$ 0.00	\$ 0.00

HITCH

Qty	Part #	Description	Unit Price	Total
1	990-100274	2 1/2" Wallace Forge pintle hitch	\$ 0.00	\$ 0.00

ADD-ON OPTIONS

Deluxe Option Packages				
Qty	Part #	Description	Unit Price	Total
1	990-1011-73	Deluxe Winch Option Package: Hydraulic winch mounted on infeed hopper (does not include cable or rope), hydraulic lift cylinder for top feed wheel, hand crank height adjustable discharge, HAND crank swivel discharge, and Reversing Auto Feed system (Please specify if winch end is to be set-up to accept rope (aluminum fairlead) or cable (steel rollers)) Specified: ROPE	\$ 5400.00	\$ 5400.00

Hydraulic Options

Qty	Part #	Description	Unit Price	Total
1	990-100750	Hydraulic flow control for feed wheel rate adjustment (For machine with autofeed)	\$ 285.00	\$ 285.00

Trailer Related Options

Qty	Part #	Description	Unit Price	Total
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1	990-100257	Frame / Fender supports	\$ 225.00	\$ 225.00
1	990-100095	10,000 pound capacity tongue jack with spring return pad	\$ 125.00	\$ 125.00

CUSTOMER TOTAL

Total Unit Price:		\$ 54935.00
Customer Discount:	15.0000 %	- \$ 8240.25
Dealer Preparation/Delivery:		\$ 400.00
Customer Net Unit Price:		\$ 47094.75
Freight/Shipping:		\$ 870.00
Customer Total:		\$ 47964.75

RHONDA



Vermeer Southeast Sales & Service, Inc.
1320 Gresham Road
Marietta, Georgia 30062

QUOTE

Date: 02/19/15

Sales Rep: Lawrence Strickland

Customer Information:

City of Blue Ridge
P.O. Box 2349
Blue Ridge, GA 30513

Delivered to:

Contact Name: Tony Byrd
Phone Number: 706-633-6339

Picked up at this Vermeer Store Location:

Payment method: _____

Qty	DESCRIPTION and SERIAL #	Unit Price	TOTAL
1	Vermeer BC1500W 15" Capacity Drum Style Brush Chipper Cummins 130HP Tier 4 Diesel Engine Weight - 7200 lbs Helical Feed Rollers 45 Gallon Fuel Tank Variable Speed Dual Vertical Feed Rollers Smart Feed and ECOIdle Functions Self Adjusting Automotive Style Clutch Infeed Curtain Dual Edged Knives Winch Option	\$ 59,360.00	\$ 59,360.00

THANK YOU FOR YOUR BUSINESS!

SubTotal	\$ 59,360.00
Tax	
Total	\$ 59,360.00
Less Down Payment	
Balance Due	\$ 59,360.00

TERMS:

All warranties, if any, made with respect to this equipment are those warranties made by the Manufacturer. Dealer makes no warranties express or implied, including, but not limited to, warranties of MERCHANTABILITY AND FITNESS OF A PARTICULAR PURPOSE.

Customer _____



Vermeer Southeast Sales & Service, Inc.
 1320 Gresham Road
 Marietta, Georgia 30062

QUOTE

Date: 02/19/15

Sales Rep: Lawrence Strickland

Customer Information:

City of Blue Ridge
P.O. Box 2349
Blue Ridge, GA 30513

Delivered to:

Contact Name: Tony Byrd
 Phone Number: 706-633-6339

Picked up at this Vermeer Store Location:

Payment method: _____

Qty	DESCRIPTION and SERIAL #	Unit Price	TOTAL
1	Vermeer BC1500 15" Capacity Drum Style Brush Chipper Cummins 130HP Tier 4 Diesel Engine Weight - 6900 lbs Helical Feed Rollers 45 Gallon Fuel Tank Variable Speed Dual Vertical Feed Rollers Smart Feed and ECOIdle Functions Self Adjusting Automotive Style Clutch Infeed Curtain Dual Edged Knives <i>with out winch</i>	\$ 55,620.00	\$ 55,620.00

THANK YOU FOR YOUR BUSINESS!

SubTotal	\$ 55,620.00
Tax	
Total	\$ 55,620.00
Less Down Payment	
Balance Due	\$ 55,620.00

TERMS:

All warranties, if any, made with respect to this equipment are those warranties made by the Manufacturer. Dealer makes no warranties express or implied, including, but not limited to, warranties of MERCHANTABILITY AND FITNESS OF A PARTICULAR PURPOSE.

Customer _____

RHONDA



Vermeer Southeast Sales & Service, Inc.
1320 Gresham Road
Marletta, Georgia 30062

QUOTE

Date: 02/18/15

Sales Rep: Lawrence Strickland

Customer Information:

City of Blue Ridge
P.O. Box 2349
Blue Ridge, GA 30513

Delivered to:

Contact Name: Tony Byrd
Phone Number: 706-633-6339

Picked up at this Vermeer Store Location:

Payment method: _____

Qty	DESCRIPTION and SERIAL #	Unit Price	TOTAL
1	Vermeer BC1800XLW 19" Capacity Drum Style Brush Chipper John Deere 115 HP Tier 4i Turbocharged Diesel Engine Weight - 9600lbs High Coolant Temperature and Low Oil Pressure Automatic Shutdown Spring Loaded Clutch Variable Speed Dual Vertical Feed Rollers Smart Feed and ECOIdle Functions Lockable Tool / Battery Box Infeed Curtain Dual Edged Knives Deluxe Instrument Panel Heavy Duty Manual Jack Right Side Winch Option	\$ 65,840.00	\$ 65,840.00
		SubTotal	\$ 65,840.00
		Tax	
THANK YOU FOR YOUR BUSINESS!		Total	\$ 65,840.00
		Less Down Payment	
TERMS:		Balance Due	\$ 65,840.00

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Customer _____



Vermeer Southeast Sales & Service, Inc.
 1320 Gresham Road
 Marietta, Georgia 30062

QUOTE

Date: 02/18/15

Sales Rep: Lawrence Strickland

Customer Information:

City of Blue Ridge
P.O. Box 2349
Blue Ridge, GA 30513

Delivered to:

Contact Name: Tony Byrd
 Phone Number: 706-633-6339

Picked up at this Vermeer Store Location:

Payment method: _____

Qty	DESCRIPTION and SERIAL #	Unit Price	TOTAL
1	Vermeer BC1800XL 19" Capacity Drum Style Brush Chipper John Deere 115 HP Tier 4i Turbocharged Diesel Engine Weight - 9300lbs High Coolant Temperature and Low Oil Pressure Automatic Shutdown Spring Loaded Clutch Variable Speed Dual Vertical Feed Rollers Smart Feed and ECOIdle Functions Lockable Tool / Battery Box Infeed Curtain Dual Edged Knives Deluxe Instrument Panel Heavy Duty Manual Jack <i>without winch</i>	\$ 62,100.00	\$ 62,100.00

THANK YOU FOR YOUR BUSINESS!

SubTotal	\$ 62,100.00
Tax	
Total	\$ 62,100.00
Less Down Payment	
Balance Due	\$ 62,100.00

TERMS:

All warranties, if any, made with respect to this equipment are those warranties made by the Manufacturer. Dealer makes no warranties express or implied, including, but not limited to, warranties of MERCHANTABILITY AND FITNESS OF A PARTICULAR PURPOSE.

Customer _____

RHONDA

\$1 Buyout Lease Program

<u>Equipment</u>	<u>Cost</u>	<u>48 Month Payment</u>	<u>60 Month Payment</u>
BC1500	\$55,620.00	\$1,306.00	\$1,082.00
BC1500 Winch	\$59,360.00	\$1,394.00	\$1,155.00
BC1800XL	\$62,100.00	\$1,459.00	\$1,208.00
BC1800XL Winch	\$65,840.00	\$1,546.00	\$1,281.00

February 27, 2015

PUBLIC NOTICE

**Pursuant to 24 CFR Part 85, Section 85.36(b) (3) "Code of Conduct"
and 24 CFR Part 570.489(h), "Conflict of Interest"**

Notice is hereby given pursuant to 24 CFR Part 85, Section 85.36(b) (3) and 24 CFR Part 570.489(h) of the City of Blue Ridge's intention to request an exception to the general conflict of interest prohibition which requires public disclosure for a conflict defined by 570.489(h) (1-3), including but not limited to, wherein a person participating in the grant process may have an interest in said grant for familial and/or business ties.

As part of its FY 2015 CDBG application, the City of Blue Ridge proposes infrastructure upgrades to water, fire protection and sanitary sewer infrastructure in the Orchard Boulevard Neighborhood ("Target Area") comprised of Orchard Boulevard, Orchard Place, State Street, Wilson Street, Ridge Street and Card Lane. The exception is requested for the following persons, who have familial and/or business ties in the target area. Potential conflicts are as follows:

- 1) Mayor Whitener is related by marriage to Janice Nicholson, who owns two parcels and three residential units along Orchard Boulevard. Specifically, Whitener is third cousin to Janice Nicholson's husband, the maternal nephew of Mayor Whitener's father. One unit is occupied by Jodie Nicholson, son of Janice and third cousin to Mayor Whitener. The other units are occupied by unrelated persons.
- 2) Mayor Whitener is third cousin to Brian Nicholson, who owns and resides on one parcel along Orchard Boulevard. Whitener's father is uncle to Brian Nicholson's father.
- 3) A potential conflict also exists for Mayor Whitener and Brian Huffman, who is employed by Whitener's private business.
- 4) Council Member Rhonda Thomas is the great-niece of Glenda Herndon, who resides in the target area.

- 5) Council Member Angie Arp's father and his wife (Pamela Lloyd) own two duplexes (a total of four apartments) on Wilson Street. These units are occupied by persons unrelated to Arp.
- 6) Lester Goode, who resides within the target area, may be related to Council Member Bruce Pack. According to Goode, his mother is related to the Packs.

In accordance with 24 CFR Part 570.489(h), each of the following factors were considered in seeking the request for exception:

- i) Not applicable. The exception will not provide a significant cost benefit or an essential degree of expertise to the program or project which would otherwise not be available.
- ii) Not applicable. While all activities will be publicly bid, an opportunity for open and competitive bidding is not applicable to the requested exception.
- iii) The majority of persons affected are members of a group or class or low or moderate income persons intended to be the beneficiaries of the assisted activity, and the exception will permit such person to receive generally the same interests or benefits as are being made available or provided to the group or class.
- iv) Not applicable. The affected persons have not withdrawn from his or her functions or responsibilities, or the decision making process with respect to the specific assisted activity in question.
- v) The interest or benefit was present before the affected persons were elected to office.
- vi) Undue hardship will result either to the State, the city, or the persons affected when weighed against the public interest served by avoiding prohibited conflicts. Undue hardship will result to the persons affected when weighed against the public interest served by avoiding prohibited conflicts.
- vii) The potential conflicts, outlined herein above, do not provide any private financial interest, directly or indirectly, to Mayor Whitener or to Councilmembers Thomas, Arp, and Pack. The Target Area was selected due to the presence of low or moderate income persons within the Target Area, and not due to any potential conflict. The exception will allow all persons within the Target Area to receive generally the same interests or benefits as are being made available or provided to the group or class.

RESOLUTION
STATE OF GEORGIA
COUNTY OF FANNIN
CITY OF BLUE RIDGE
FY 2015 CDBG APPLICATION AUTHORIZATION

WHEREAS, the Georgia Small Cities Community Development Block Grant (CDBG) Program is available to meet community needs that primarily benefit low and moderate income persons; and

WHEREAS, a significant need exists for water system infrastructure and targeted drainage improvements to improve the health, sanitation and quality of life for residents in the Orchard Boulevard Neighborhood; and

WHEREAS, the City of Blue Ridge is eligible for CDBG financing and will submit an \$500,000 application on or before April 1, 2015, to the Georgia Department of Community Affairs for the above-stated purpose; and,

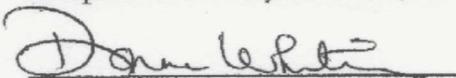
WHEREAS, the City of Blue Ridge will provide in-kind services and the required cash match to successfully complete the project; and,

WHEREAS, in accordance with the local and DCA approved service delivery strategy, the City will continue to own, operate and maintain the infrastructure upon completion.

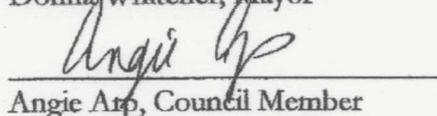
NOW, BE IT RESOLVED, the City of Blue Ridge authorizes, empowers and directs the Mayor, City Clerk and Assistant City Clerk to perform all such acts for the purpose of filing said application and executing all required documents, including related contracts and awards, as applicable.

BE IT FURTHER RESOLVED, that all actions of the Mayor, which are in conformity with the purposes and intents of this Resolution and in furtherance thereof, shall be and the same hereby are, in all respects ratified, approved, and confirmed.

Adopted this 10 day of March, 2015.

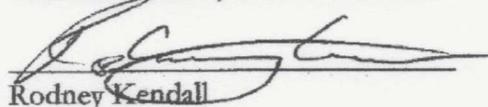


Donna Whitener, Mayor

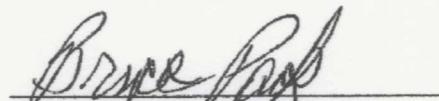


Angie Atp, Council Member

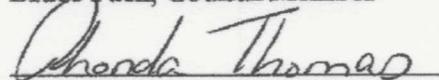
Harold Herndon, Council Member



Rodney Kendall



Bruce Pack, Council Member



Rhonda Thomas, Council Member

Attest:



Bill Sowers, City Clerk

City of Blue Ridge

480 West First Street • Blue Ridge, Georgia • (706) 632-2091

City of Blue Ridge
Council Meeting Minutes
City Hall
480 West First Street
March 10, 2015 at 6:00 PM

Present: Mayor Donna Whitener

Council Members Angie Arp,
Harold Herndon, Rodney Kendall,
Bruce Pack and Rhonda Thomas
City Clerk/Administrator Bill Sowers
Assistant City Clerk Kelsey Addington

1) Call Meeting to Order:

The meeting was called to order by a motion made by Council Member Rodney Kendall. The motion was seconded by Council Member Rhonda Thomas. All voted yea. Motion carried.

2) Prayer and Pledge of Allegiance:

Council Member Bruce Pack offered a word of prayer followed by the Pledge of Allegiance.

3) Swimming Pool Concrete:

Andy Rhodes was present to discuss the quote submitted by ReDeckIt Georgia in the amount of \$ 53,100. Andy stated that the quote did not include pouring new concrete and that if the Council accepted the quote it would take approximately two weeks to complete the work outlined in the quote. Council Member, Rhonda Thomas made a motion to proceed with this project and to approve the quote for \$ 53,100. Mayor Whitener asked for a second. There being no second, Mayor Whitener stated that the motion died due to a lack of a second. Mayor Whitener thanked Mr. Rhodes. Rhonda Thomas asked what the Council's plan is now, she stated that there was money in the department. Council Member Angie Arp stated that the Council was expecting quotes for replacing all of the concrete at the pool. Mayor Whitener stated that the City had not received the quotes at the time. Mr. Rhodes stated that the overlay product would look nice at the pool. Mayor Whitener stated that it was not an issue of whether or not they thought it was a nice product. Angie Arp stated that she knew that the department did not have that much money in the account. Rhonda Thomas stated that the Council could amend the budget in order to take care of this issue. Mayor Whitener stated that unless it were the end of the year, that the City really does not have room to pull funds from other areas. After a short discussion, Mayor Whitener and the Council asked that Bill Sowers confirm the quote from Andy Crawford as well as receive other options from Andy Rhodes.

City of Blue Ridge

480 West First Street • Blue Ridge, Georgia • (706) 632-2091

4) City Council Meeting Rules of Procedure Policy:

Mayor Whitener stated that City Attorney, David Syfan sent the Council the reviewed policy at the eleventh hour. Council Member Angie Arp stated that it was basically the same policy that they had been given last week with a few changes that were suggestions from the Mayor and Council. Arp explained that some of the changes were time limits and Mayor and Council Reports/Concerns being removed. Council Member Rhonda Thomas stated that public comment was a suggestion she had made, but the Council concluded that instead of public comment being at the end of every meeting that the policy required that the public sign up to be on the agenda. Therefore, if the public wanted to speak at the meetings they would need to sign up to be on the agenda along with the topic they were to discuss. Mayor Whitener stated that she preferred the policy be put in ordinance form. Angie replied that the rules would only need to be in policy form according to the charter in section 3.14. Arp stated that the attorney said it could be put in policy or ordinance form but that he did not recommend putting it in ordinance form at this moment. Arp stated that policies were easier to make adjustments to and until everything is worked out, the rules need to be in policy form. Mayor Whitener agreed with Arp, but stated that at some point it should be put in ordinance form. Mayor Whitener asked if everyone had a chance to review the policy and study it. She asked if anyone needed more time. Council Member Rodney Kendall stated that it appeared to be pretty much the same policy, besides the changes stated. Arp stated that the Council needed to vote on the policy and if someone is not comfortable voting they do not have too, but that this should be voted on. At this time, Mayor Whitener allowed Greg Martin speak. Mr. Martin stated that he was concerned with the time limit, for being added to the agenda, being the same for both the Mayor and Council and the public. He stated that a person may not know whether or not they want to speak until it is too late to be put on the agenda. Mr. Martin stated that he did not want the policy to cripple the public's right to speak. Angie Arp read part of an email from David Syfan (attached). After reading the email, Arp stated that she was not trying to take a right away, but as we all know for the past six months these meetings have been way out of order. She stated that this Council has been threatened, intimidated, and harassed, but it's time for some order. Arp stated that that is all she is going to say, and "I have worked on this policy for days and believe that this is a fair policy". Arp made a motion to adopt the policy that has been reviewed and sent by David Syfan. The motion was seconded by Council Member Bruce Pack. The vote was 4-0 with Rhonda Thomas abstaining.

5) Depot and East Main Street:

Council Member Angie Arp stated that Bruce and she have met with Jack Morton and Cindy Trimble to get input on the Depot and East Main Street projects. Arp stated that Morton and Trimble had requested that the Council be aware of the four of them meeting. Arp stated that the landscaping at the Depot needed to be a wow factor, and that time was of the essences. Bruce Pack stated that Morton and Trimble had some great ideas. Mayor Whitener asked Cindy Trimble to come up to the podium and speak to the Council. Trimble stated that three things that they asked during one of their meetings with Bruce and Angie were: what are the City's

City of Blue Ridge

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priorities, how much money does the City have and what is the schedule. Trimble stated that she would like to know the expectations that the City has for her and Jack. Trimble stated that her and Jack did not want to engage in anything that Mike Hampton or Greg Hood were already working on. That they did not intend to step on anyone's toes, and that they wanted to work as a team. Trimble stated that she wanted to help the City but that she needed some guidelines. Trimble stated that the City needs a master plan in order to make sure that every little project fits in with the next project. Trimble also suggested that the downtown restrooms be a priority for the City. The Mayor and Council discussed various options as to where the funds were going to come from. Angie Arp made a motion for her and Bruce Pack to work with Cindy Trimble and Jack Morton. The motion was seconded by Rodney Kendall. All voted yea. Motion carried. Rodney Kendall made a motion to allow Angie Arp and Bruce Pack to make changes along with Mike Hampton to the plans for East Main Street and to bring the finished plan to the Council for approval. The motion was seconded by Rhonda Thomas. All voted yea. Motion carried.

6) Blue Ridge Business Association—Cesar Martinez:

Cesar Martinez reported on the fire and ice event. Martinez stated that there was a huge turnout for the event. After reporting on the event, Cesar Martinez stated that he had prepared a little story to help the Mayor and Council see the issues downtown in a different light. Martinez stated "imagine that you're having a dinner party. As you are doing the finishing touches you get a phone call. It is one of your guests and they tell you that they tried to find you but there was no sign and that they stopped for directions. Once they found your house, they could not find a parking space. Therefore, they decided to go home and hopefully make it next time. As you are hanging up the phone, you hear a knock at your door. As you open the door for your first guests, you notice that one has fallen on the sidewalk outside of your house and has broken their arm. They cannot stay because they have to go to the hospital. As you get those guests back in the car and on their way to the hospital, your third guests arrive. As you get them safely in the house that tell you it has been a long ride and that they would like to use your restroom. You show them where the restroom is but they come back and tell you the door is locked. You go and unlock the door but when they come back they tell you that your restroom is so nasty and does not even have toilet paper". Cesar Martinez stated that he represents 107 people who consider Blue Ridge their home. Discussion about restrooms occurred between the Mayor and Council but no decisions were made.

7) Chipper Quote:

Mayor Whitener stated that the City received a GMA Direct Lease Program for the chipper. Whitener stated that the interest rate is 3.54% and that the payments would be \$ 1,073.26 a month for 48 months. The Council discussed their uncertainty of buying the chipper versus renting one. Council Member Rodney Kendall suggested observing how many times the chipper is rented this year and then decide if it is worth buying one next year. Mayor Whitener stated that next year the price with jump up about \$20,000 due to a new part that is to be added to the equipment. Kendall stated that the Council may want to buy one before the end of the year

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before the new part is added. Council Member Bruce Pack suggested that the City find out when the year ends for the manufacturer. He stated that if it is similar to the car then their year will end before the calendar year. A motion to table the topic until the information is gathered concerning the end of the year model was made by Council Member Rodney Kendall. The motion was seconded by Angie Arp. All voted yea. Motion carried.

8) Police Department Invoices:

City Clerk, Bill Sowers announced that the Police Department had two invoices that the Council needed to approve. One was for a radar that was installed in one of the patrol cars and the other was for patrol car lettering. Council Member Rodney Kendall made a motion to pay the invoices. The motion was seconded by Council Member Angie Arp. All voted yea. Motion carried.

9) Ball Park Equipment:

Mayor Whitener informed the Council that Tim Towe, Assistant Park Supervisor, has some quotes that he would like the Council to approve for ball equipment. There was some confusion among the Mayor and Council as to what exactly Mr. Towe was wanting approved. Council Member Rodney Kendall made a motion to approve two mounds for the ball park. The amount of the quote was \$ 2,500. The motion was seconded by Council Member Rhonda Thomas. All voted yea. Motion carried.

10) Public Disclosure—Potential Conflicts of Interest Request for Exception:

Mayor Whitener stated that the potential conflicts of interest were publically disclosed at the Council's workshop meeting on March 3, 2015. She stated that in addition to Council Members Angie Arp, Rhonda Thomas, Bruce Pack and herself, Council Member Harold Herndon also has a conflict of interest. She stated that Mr. Herndon owns a lot in the target area. Council Member Rodney Kendall made a motion to amend the conflict of interest disclosure by adding Harold Herndon indicating that he owns a lot in the target area on State Street. The motion was seconded by Council Member Rhonda Thomas. The Council voted 4-0 with Council Member Harold Herndon abstaining. Motion carried. Council Member Rodney Kendall made a motion to request a general exception to the conflict of interest rule for this project. The motion was seconded by Council Member Angie Arp. The Council voted 4-0 with Mayor Whitener not participating in the vote and Council Member Harold Herndon abstaining.

11) CDBG Resolution:

Mayor Whitener publically disclosed the resolution at the Council's workshop meeting on March 3, 2015. Mayor Whitener stated that the resolution would need to be amended due to Council Member Harold Herndon having a conflict of interest. Council Member Rodney Kendall made a motion to amend the resolution to include Council Member Harold Herndon with a conflict of interest. The motion was seconded by Council Member Rhonda Thomas. The Council voted 4-0 with Council Member Harold Herndon abstaining. Mayor Whitener stated that she read the

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resolution at the workshop meeting on March 3, 2015 and asked for a motion to suspend the reading of the resolution. Council Member Rodney Kendall made a motion to suspend the reading of the resolution. The motion was seconded by Council Member Angie Arp. All voted yea. Motion carried. Mayor Whitener asked for a motion to approve the resolution. Council Member Rodney Kendall made a motion to approve the resolution with the amendment. The motion was seconded by Council Member Rhonda Thomas. The Council voted 4-0 with Council Member Harold Herndon abstaining.

12) Announcement Re: 3/11/15 CDBG Public Hearing at 4:00 PM:

Mayor Whitener announced that the City was holding a public hearing on March 11, 2015 at 4:00PM for the Community Development Block Grant.

13) Mr. Walker:

Mayor Whitener asked if the Council wanted to amend the agenda to allow a citizen to speak. Council Member Rodney Kendall made a motion to amend the agenda and allow Mr. Walker three minutes to speak. The motion was seconded by Council Member Rhonda Thomas. All voted yea. Motion carried. Mr. Walker stated that the City could not get the pool concrete work done under \$ 15,000. Mr. Walker stated that is all he wanted to address and for everyone to have a good evening.

14) Hotel/Motel Tax—Angie:

Council Member Angie Arp stated that on February 10, 2015 the Council approved giving the Fannin Chamber of Commerce \$ 20,000 out of the budgeted \$ 25,000 from the 2% Restricted Hotel/Motel Tax account. Arp stated that giving money to the Chamber for fireworks was in question at the last meeting and that she has spoken to both David Syfan, the City Attorney and Jan Hackett, a representative of the Chamber. Council Member Angie Arp made a motion to approve giving the remaining \$ 5,000 out of the budgeted 2% hotel/motel tax to the Chamber to disperse the money. The motion was seconded by Council Member Rodney Kendall. Discussion between the Mayor and Arp occurred. They discussed donating money to the Singing in the Mountains event. All voted yea. Motion carried. Council Member Angie Arp made a motion to give \$ 1,000 out of the unrestricted Hotel/Motel Tax. Council Member Rodney Kendall seconded the motion. All voted yea. Motion carried.

15) Kiwanis—Mayor Whitener:

Mayor Whitener stated that the Kiwanis club has offered to work on the downtown playground as part of their 100th anniversary.

16) Dena Martin:

Dena Martin thanked the Mayor and Council for allowing her to speak. Ms. Martin stated that she was addressing an issue that occurred in January. She stated that she had wrote an article to the newspaper in December in regards to a vote that the Council made. She stated that in

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January someone by the name of Cory Dempsey wrote an article to a different newspaper making personal attacks upon her as well as claiming that she had insulted the Council. Martin stated that she has tried to find Mr. Dempsey, but has been unable to locate him. Ms. Martin stated that Mr. Dempsey was very adamant about defending the three Council Members that she mentioned in her article and she stated that she wanted to ask if the three Council Members knew who Cory Dempsey was. All three Council Member stated that they did not know Cory Dempsey. Ms. Martin then asked each of the three Council Members if they were the person who wrote the article. All three Council Member stated that they did not.

17) Mayor Reports/Concerns:

Mayor Whitener stated that Greg Hood is finishing up on the Depot. She stated that she did not have an update from him but that she believes everything is on schedule.

18) Council Reports/Concerns:

Council Member Bruce Pack stated that he feels pretty good about the progress being made and that he felt comfortable tonight. Pack stated that he has enjoyed getting to know Jack Morton and Cindy Trimble. He stated that he knows a lot of people but that there are more people that he needs to get to know. Council Member Rodney Kendall stated that he commended everyone on a good meeting.

Mayor Whitener allowed Joe Webb to speak. Mr. Webb asked if the City was going to help with funding for the Blue Ridge Community Theater. Mayor Whitener informed him that the City has already approved the money and that he should get in contact with the Chamber of Commerce.

Mayor Whitener stated that she has an opening on the library board and that if anybody is interested to get in contact with her.

19) Adjournment:

A motion to adjourn the meeting was made by Council Member Rodney Kendall. The motion was seconded by Council Member Bruce Pack. All voted yea. Meeting adjourned at 7:30PM.



Donna Whitener, Mayor



Kelsey Addington, Assistant City Clerk

April 14, 2015
Approved

Kelsey Addington

From: R. David Syfan <rds@homlaw.com>
Sent: Monday, March 09, 2015 10:59 AM
To: Rhonda Thomas; donna@cityofblueridgega.gov; angiearp@cityofblueridgega.gov; billsowers@cityofblueridgega.gov; kelsey@cityofblueridgega.gov
Cc: rodneykendall@cityofblueridgega.gov; haroldherndon@cityofblueridgega.gov; brucepack@cityofblueridgega.gov
Subject: RE: Ordinance establishing rules of procedure for Council meetings

Rhonda:

I think that some time limitations are a good idea in order to help reduce "endurance contest" meetings. The amount of time allowed, will need to be developed by you [Mayor and Council]. I do think that you may want to have a different time limitation for say your work shops, and where more discussion probably occurs. Many Cities can have a 2 or 3 hour work shop or work session, and where there is a more thorough discussion and then have a 20 minute regular meeting the next week [where not a lot of discussion occurs because you have talked it through at the work shop and you just vote]; you may want to think about different time limits for the work shop.

On the Public Comment portion of the meeting, different Cities handle this possible agenda item in different ways. Some Cities [as the GMA guide indicates] have no Public Comment section in that citizens/audience members technically have no right to participate in a public meeting of the Council except to observe the meeting. Technically, citizens don't have a "right" to participate in a meeting [therefore technically you are not taking away any right] except when there is a hearing such as a zoning hearing or a budget hearing etc. Also my experience with all of you is that all of you are more than glad to talk to citizens outside of the meetings and listen to concerns voiced by Blue Ridge citizens. Therefore, you can set up the Public Comments portion of the meeting/agenda, however you like within certain limitations, and can include requirements that within a certain time period prior to the meeting, that the citizen(s) ask to be on the Public Comments portion of the meeting, state their concern in advance and then have time limitations at the meeting. The Public Comments portion of the meeting is not a question and answer period and there is no mandatory requirement that any response by anyone be made to a public comment. Some Cities allow anyone to speak without asking previously to be on the agenda and have a sign up sheet to create an orderly process. The process can be whatever you think best for the City. Again, since you are trying to develop something workable to bring some order to the meetings, you [the Mayor and Council] can certainly try some procedures for the Citizen Comments portion of the meeting, and modify them over time until you feel that you have it right.

Thanks, David

R. David Syfan
HULSEY, OLIVER & MAHAR, LLP
200 E.E. Butler Parkway
P.O. Box 1457 (30503)
Gainesville, GA 30501
770.532.6312
770.531.9230 (fax)

ATTACH W/1
THE MINUTES!

#4

From: Rhonda Thomas [mailto:rhonda@mountainplacerealty.com]
Sent: Monday, March 09, 2015 9:41 AM
To: R. David Syfan; donna@cityofblueridgega.gov; angiearp@cityofblueridgega.gov; billsowers@cityofblueridgega.gov; kelsey@cityofblueridgega.gov
Cc: rodneykendall@cityofblueridgega.gov; haroldherndon@cityofblueridgega.gov; brucepack@cityofblueridgega.gov
Subject: Re: Ordinance establishing rules of procedure for Council meetings

City of Blue Ridge

480 West First Street • Blue Ridge, Georgia • (706) 632-2091

City of Blue Ridge
Special Called Council Meeting Minutes
City Hall
480 West First Street
March 26, 2015 at 10:00 AM

Present:

Mayor Pro Tem, Rodney Kendall

Council Members, Angie Arp, Harold Herndon

And Bruce Pack

City Clerk, Bill Sowers

Assistant City Clerk, Kelsey Addington

1) Call Meeting to Order:

A motion to call the meeting to order was made by Council Member Angie Arp. The motion was seconded by Council Member Bruce Pack. The Council voted 4-0. Motion carried.

2) Maintenance at the Pool:

Mayor Pro Tem Rodney Kendall stated that the City received two quotes from Andy Crawford, his bid for the concrete work in the amount of \$15,500 was approved in a previous meeting but the Council wanted to wait and approve payment once the second quote was received. Crawford's second quote was for the extension of a concrete slab that was request by the Mayor and Council. The second quote outlined three options for the Council, 1) 26' x 86' 4" slab in the amount of \$6,300, 2) 12' x 86' 4" slab in the amount of \$ 3,230 and 3) 6' x 86' 4" slab in the amount of \$2,000. Kendall stated that the City has received three bids for the fencing at the pool. He stated that the quote from Appalachian Fence LLC was in the amount of \$10,100. City Clerk Bill Sowers stated that the second quote from T&H Construction would only do a quote for a 6' fence in the amount of \$6,075 but the other two quotes were for a 7' fence. Kendall asked if any of the quotes included a bar at the bottom of the fence. Sowers informed the Council that Appalachian Fence LLC and Rich Fence Company included a bar in their quote. Kendall stated that Rich Fence Company submitted a quote in the amount of \$9,500-10,000. Sowers stated that in the past the City has had trouble with people lifting the fence and sliding underneath it and that the bar would help solve the problem. Council Member Angie Arp asked how much the bar was going to cost. Sowers replied that the bar would cost about \$1-2 a foot. Arp asked if a surveillance system might help that problem. Kendall stated that all it would do is catch them on camera that a fence would do more good. He stated that if someone will climb a 6' fence they will climb a 7' fence, it did not matter but that the bar at the bottom would deter people more. Council Member Bruce Pack stated that he knew Bethel Rice with Appalachian Fence LLC and that he knew he did good work. The Council discussed the three different lengths of concrete extension. Kendall stated that he knew it was more money but that it will be there, if the council decided to extend it further in the future the fence would need to be taken up and redone.

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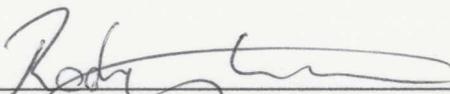
Kendall stated that all the quotes would need to be approved separately. Council Member Bruce Pack made a motion to accept the quote from Andy Crawford in the amount of \$15,500 for replacing concrete around the pool. Council Member Angie Arp seconded the motion. The Council voted 4-0. Motion carried. Council Member Angie Arp made a motion to accept the quote from Andy Crawford for the 26' x 86' 4" slab concrete extension in the amount of \$6,300. Council Member Bruce Pack seconded the motion. The Council voted 4-0. Motion carried. Council Member Bruce Pack made a motion to accept the quote submitted by Appalachian Fence LLC in the amount of \$10,100 for fencing work around the pool. Council Member Angie Arp seconded the motion. The Council voted 4-0. Motion carried. (Quotes attached)

3) Personnel (Executive Session):

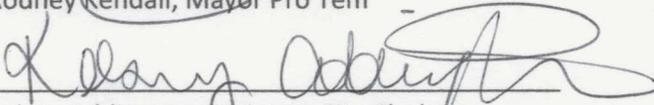
Mayor Pro Tem Rodney Kendall asked for a motion to enter executive session to discuss the issue of personnel. Council Member Angie Arp made a motion to enter executive session. Council Member Bruce Pack seconded the motion. The Council voted 4-0. Motion carried. Kendall asked for a motion to close the executive session. Council Member Angie Arp made a motion to close the executive session. Council Member Bruce Pack seconded the motion. The Council voted 4-0. Motion carried. Kendall stated that the City would be hiring lifeguards for the pool. He informed the audience that some would be returning from last year and some would be new. Kendall stated that the possible returning lifeguards were Emily McLaughlin, Hope Cochran, Shelby Baze, Ashley Watkins, Kelly Watkins and Robert Turner. Council Member Bruce Pack made the motion to hire the lifeguards listed by Kendall. Council Member Harold Herndon seconded the motion. The Council voted 4-0. Motion carried. The Council decided to hire the new lifeguards separately. Council Member Bruce Pack made the motion to hire Lindsey Humphrey. Council Member Angie Arp seconded the motion. The Council voted 4-0. Motion carried. Council Member Bruce Pack made the motion to hire Haley Campbell. Council Member Angie Arp seconded the motion. The Council voted 4-0. Motion carried. Council Member Bruce Pack made the motion to hire Colin Queen. Council Member Angie Arp seconded the motion. The Council voted 4-0. Motion carried. Council Member Angie Arp made the motion to table hiring Preston Baze until the second set of lifeguards were hired. Council Member Bruce Pack seconded the motion. The Council voted 4-0. Motion carried.

4) Adjournment:

Council Member Bruce Pack made a motion to adjourn the meeting. Council Member Harold Herndon seconded the motion. The Council voted 4-0. Meeting adjourned at 10:39AM.



 Rodney Kendall, Mayor Pro Tem



 Kelsey Addington, Assistant City Clerk

April 14, 2015

 Approved

Cost To Extend Concrete at Pool

option

- ① 26' x 86' 4" slab \$ 6300.00
- ② 12' x 86' 4" slab \$ 3230.00
- ③ 6' x 86' 4" slab \$ 2000.00

City Park

Andy Crawford
706-633-6450

Appalachian Fence LLC

P O Box 1911

Blue Ridge, Ga 30513

706-455-1158

Bethel93@etcmail.com

City Of Blue Ridge

Pool Fence

To install 440 ft of 7ft Black Chain Link 8ga.

6 – 15 ft post for Lights Sch 40 w

All post and rail to be ss20 w

1--12ft Gate (double)

Materials and labor \$10,100.00

Thanks

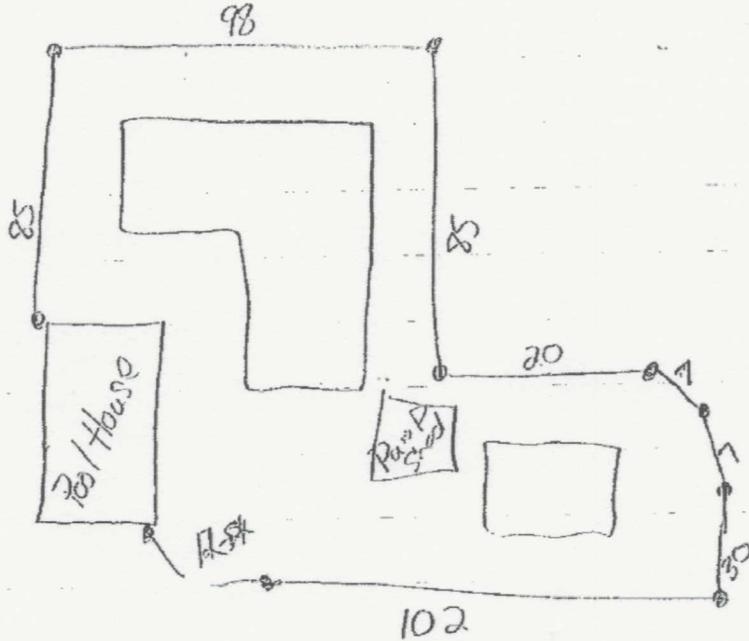
Bethel Rice

Tim Newhart

T&H Construction Flooring, Fencing,
& More

706-669-5325

6ft Vinyl Coated Chainlink
All post Concrete



434^{ft} of Fence

12' Double Drive Gate

Total price Labor &

Materials

$$434\text{ft} \times 14.00 \text{ per ft} =$$

\$6,075.00

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EXPERIENCE GUARANTEED

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FAX 706-295-0418

22-0074

FAX 770-922-0706

32-4300

FAX 770-532-4000

23-5700

FAX 678-423-5214

420' 7' Tall Black chain link

10' Double Drive Gates

Installed total ~~\$8700.00~~

Price includes materials + labor

\$9500-10000 ←

City of Blue Ridge

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City of Blue Ridge
Council Workshop Meeting Minutes
City Hall
480 West First Street
April 7, 2015 at 10:00 AM

Present: Mayor Donna Whitener
Council Members Angie Arp,
Bruce Pack, Harold Herndon and
Rhonda Thomas
Assistant City Clerk Kelsey Addington

1) Call Meeting to Order:

Council Member Rhonda Thomas made a motion to call the meeting to order at 10:04am. The motion was seconded by Council Member Bruce Pack. The Council voted 4-0. Motion carried.

2) Prayer and Pledge of Allegiance:

Council Member Bruce Pack offered a word of prayer followed by the Pledge of Allegiance.

3) Council Meeting Rules of Procedures (to be presented at each meeting by the City Clerk):

Mayor Whitener stated that she had received a few complaints and/or suggestions for the newly adopted meeting policy. Mayor Whitener suggested that the Council submit their topics 7 days before the meeting and allow the public two days to examine the agenda before signing up to speak 5 days prior to the meeting. Council Member Angie Arp made a motion to amend the council meeting rules of procedures to require members of the public to submit their name and the topic of their comments to the city clerk at least five calendar days prior to the meeting. The motion was seconded by Council Member Bruce Pack. The Council voted 4-0. Motion carried.

4) Approval of Minutes from Previous Meeting:

Council Member Harold Herndon made the motion to approve the minutes from the meeting held on February 10, 2015. The motion was seconded by Council Member Rhonda Thomas. The Council voted 4-0. Motion carried.

5) City Pool:

Mayor Whitener stated that she did not have an update at this time and that the Council was not ready to hire lifeguards yet. Council Member Rhonda Thomas made a motion to table the topic until April 14, 2015. The motion was seconded by Council Member Harold Herndon. The Council voted 4-0. Motion carried.

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6) Georgia Cities Week—April 19-25:

Mayor Whitener reported on the plans for Georgia Cities Week. She stated that the community was coming together to assist with this event. She also announced the ribbon cutting for the Mineral Springs Trail.

7) Sign Ordinance:

Mayor Whitener asked the Council to review the sign ordinance as well as communicate with Roy Parsons in order to make a decision on April 14, 2015 as to whether or not to approve his recommended changes.

8) Lease/Purchase on Chipper:

Mayor Whitener stated that she did not have the information needed to report on this item. She stated that she hoped to have it by the April 14, 2015 meeting.

9) Parking Deck:

Council Member Angie Arp asked about the status of the parking deck prep work. She stated that the Council had voted in January and that she has not heard of an update. Mayor Whitener spoke about the parking deck as well as its possible impact on the City.

10) Billy Pruitt—Dogs:

Mr. Pruitt was present to speak about his nonprofit organization. He stated that his organization would like to provide training for dogs to help veterans with post-traumatic stress disorder.

11) Employee Personnel Policy:

Mayor Whitener stated that the personnel policy would need to be reviewed and updated. She stated that she would like to see a social media policy. She asked that the Council provide input on this issue.

12) Storm Water Ordinance:

Mayor Whitener stated that Roy Parsons has provided a model storm water ordinance for the Council to review. She stated that the City could really use a storm water ordinance.

13) Water and Sewer Revenue:

Mayor Whitener stated that the City has always been in the negative for sewer revenue. She stated that the City would need to impose a small sewer increase. Utilities Clerk, Becky Harkins stated that if the City dropped the minimum then it would affect people by about \$ 6.00 per month. The Council discussed the topic briefly.

City of Blue Ridge

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14) FY 2015 CDBG City Commitment—House Numbers:

Mayor Whitener stated that part of the City’s commitment for the 2015 CDBG is to clean up the house numbers and make sure that all were correct. Council Member Rhonda Thomas made a motion to confirm that the house numbers match the 911 addresses to ensure the safety of the City residents. The motion was seconded by Council Member Angie Arp. The Council voted 4-0. Motion carried.

15) City Master Plan—Cindy Trimble:

Cindy Trimble gave an update on the City Master Plan. Trimble stated that they have formed a team to work on this project which included Council Members Angie Arp and Bruce Pack to represent the City, Jack Morton and herself to represent the Blue Ridge Business Association, and Larry Dyer to represent the Blue Ridge Scenic Railway. She also mentioned that the team would like to include two citizens. She stated that the team had met on March 19, 2015 and she provided a copy of the minutes (attached). Council Member Rhonda Thomas nominated Ryan Sullivan as one of the citizens on the team. Rick Larosa spoke about the master plan. The City Council, Trimble and Larosa discussed the details of the master plan. Mayor Whitener read over the contract with R Design Works (attached). Council Member Angie Arp made a motion to approve the contract along with exhibit A as well as the amount listed for services. The motion was seconded by Council Member Rhonda Thomas. The Council voted 4-0. Motion carried.

16) Danny and Michelle Mellman (Sign Ordinance and Master Plan):

Neither Mr. nor Mrs. Mellman were present therefor Mayor Whitener requested that they be placed on the agenda for the meeting scheduled for April 14, 2015.

17) Executive Session:

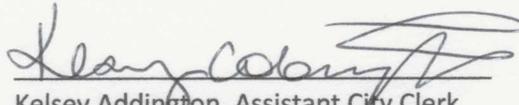
Council Member Rhonda Thomas made a motion to close for executive session for the purpose of discussing personnel. The motion was seconded by Council Member Angie Arp. The Council voted 4-0. Motion carried. Council Member Rhonda Thomas made a motion to close the executive session. The motion was seconded by Council Member Angie Arp. Mayor Whitener stated that no decisions were being made at this time.

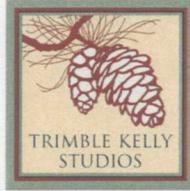
18) Adjournment:

Council Member Bruce Pack made a motion to adjourn the meeting. The motion was seconded by Council Member Angie Arp. The Council voted 4-0. Meeting adjourned.


Donna Whitener, Mayor

June 9, 2015
Approved


Kelsey Addington, Assistant City Clerk



COMMUNICATION RECORD

DATE:	March 19, 2015
PREPARED BY:	Cindy Trimble, ASID
PRESENT:	Jack Morton, Greg Hood, Mike Hampton, Cindy
PROJECT NAME:	Project City of Blue Ridge Master Plan
PROJECT NUMBER:	
CC:	Angie Arp, Bruce Pack, all present at meeting

A kick off meeting was held on Wednesday, March 18, 2015 to discuss how to approach the design and construction of all critical projects in downtown Blue Ridge. The following notes detail the discussion and game plan for "Project Blue Ridge Master Plan"

1. The team first introduced themselves noting experience they have had with the city and other related projects from their careers.
2. All present made a list of projects that are in the planning process and have been considered by BR City Council including:
 - a. East Main St. "Street Scape Project Completion" from Depot to Mountain St.
 - b. Completion of the Depot Plaza, surrounding pedestrian areas, toilets, deck overlooking depot, caboose
 - c. Park Playground Renovation
 - d. City Hall Parking Lot and Toilets
 - e. Roberts Way – Parking and Pedestrian areas
 - f. North Parking Lot and toilets
 - g. Gateways
3. Rick Larosa led the discussion of first developing a master plan that addresses all the above projects, but takes them to the next level. All agreed that the best route would be to take the time to develop a master plan that the city can implement over time as funding and schedule permits.
4. The overall process will include the following:
 - a. Program: Develop details for each of the individual projects (who, what, when, where and how)
 - b. Budget: develop estimates for construction for each of the above, assign known monies to respective projects, determine how to procure additional funding for all others
 - c. Prioritize: once cost is known and assigned for each, develop a priority list of what can realistically be done by Memorial Day and other key dates
 - d. Schedule: Develop a schedule for each project including required advertising of project, bidding time and then construction time

5. The team identified who will be the key “stake holders” that should be involved and represent the various stake holder groups during intermittent check points during the planning and design process. All agreed that the key stake holders will each have two representatives. The key stake holders are:
 - a. City Council: Angie Arp & Bruce Pack
 - b. Blue Ridge Business Association: Cindy Trimble and Jack Morton
 - c. Blue Ridge Scenic Railway: Larry Dyer
 - d. Citizen Residents of Blue Ridge: TBD
6. The team then put together a schedule for the next month to develop the master plan, establish a priority list for project schedules, identify cost associated with each project, and how projects will be funded. The following is the schedule:
 - a. March 23 – 27, 2015:
 - i. Develop Program for each project listed above in the Master plan
 - ii. Detail the scope of work for each project
 - b. March 30 – April 3, 2015:
 - i. Agree on priority project (s) that can be completed by Memorial Day
 - ii. Agree on scope of Master Plan projects
 - iii. Review of estimated costs for each project
 - iv. Review of known money for each project
 - v. Present above and get input from Stakeholder representatives
 - c. April 6 – 10:
 - i. Production of Master Plan documents
 - ii. Research all possible funding sources for each project
 - iii. Put Priority Project(s) out to bid
 - iv. Present Program to city Council at Workshop on Tuesday morning April 7, 2015
 - d. April 13 – 17:
 - i. Complete Master Plan documents for presentation to public
 - ii. Compile Funding Options, prepare for presentation to public
 - iii. Present all above to citizens and council at workshop in conjunction with Council Meeting, Tuesday April 14, 2015
7. The team addressed the need to have the proper professional compile the formal master plan documents and all related information above. R Designworks and Rick Larosa were selected. It was also agreed upon that this professional team should be paid for their time, resources, licenses, insurance and all that is needed to prepare formal legal documents for the city. Rick stated he would prepare the above items listed in 6-a through 6-d for a fee of \$15,000 and could start on Monday March 23, 2013.
8. The fees for civil engineering provided by Mike Hampton and the fees for DOT coordination and related engineering provided by Greg Hood will be included in retainer agreements already in place with the city.
9. Jack Morton and Cindy Trimble agreed to be the liaison between the Stake Holder partners, the master plan design and production team and The City Council, in addition to being the stakeholder representatives of the BRBA and downtown merchants at no cost to the city.
10. Known funding was discussed:
 - a. There is currently \$350,000 SPLOST money for the East Main Street project
 - b. There is currently \$60,000 from the LMIG (Local Maintenance Improvement Grant) \$30k which is from 2014, \$30k for 2015 and an additional \$30 will be available for 2016

- c. Greg Hood noted there is a current Gateway Grant program for \$15,000 but time is of the essence to apply and this may go away in future years

The above notes are from the memory and notes of the author. If there are any errors or changes to be made, please notify me ASAP so I can correct the minutes.



March 25, 2015

Mayor Donna Whitener
City of Blue Ridge
480 West 1st Street
Blue Ridge, Georgia 30513

RE: Letter of Agreement for Professional Design Services for
City of Blue Ridge Master Plan
Blue Ridge, Georgia

Donna:

Thanks for giving us the opportunity again to work with you and your team on Professional Design Services for this master plan project. We look forward to helping you bring your visions to light. This Letter of Agreement and Exhibit A shall serve as the contract between the City of Blue Ridge ("Owner") and R Design Works ("Designer") for providing the following:

Scope of Work

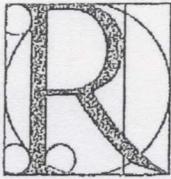
1. The Designer shall review available drawings, existing conditions, current streetscape improvement plans, properties, site information, current zoning / requirements / restrictions and any other provided applicable information to complete our understanding of the goals of the project, including the Owners Design, Budget, Program, Quality and Schedule objectives. The Owner shall provide any germane existing documentation to be use by the Designer.
2. The Designer shall work with the Owner, Owner's team, City Surveyor, City Leaders, City Council, Grant writers, Zoning Leaders, Citizens, Stakeholders, Blue Ridge Business Association and any other project professional to evaluate the site and buildings to create a working master plan of the Central Business District and adjacent areas. This is understood to include, but is not limited to Public Amenities, Decks / Plazas, Parking Areas / Structures, Retail / Restaurant Shell space, Offices, site amenities (lighting, signage, etc.), development signage, common amenities (parks, gardens, relocated existing amenities etc.) and future improvements. The Designer shall attend required meetings with the Planning Department upon the Owner's request, to further refine the Master Plan, promote and explain the project goals and seek approval and consensus. At the end of one week, the preliminary master plan concept shall be reviewed by the Owner's team to provide input for revisions. Additionally, at this time, priority projects shall be identified for fast-track development or design / construction advertisement.
3. Upon the creation and approval of a master plan, the Designer shall produce a digital, colored site plan of the master plan suitable for marketing, financing and display. The Designer shall also produce two (2) colored, rendered views for the development to illustrate the design character and public spaces and a booklet. This concept shall be conceptual and suitable for marketing, fundraising and display. These shall include enough material and systems information that cost estimates can be developed. These shall be presented to the Owner for final consideration, comment, correction and approval.

R Design Works
722 Black Dog Trail
PO BOX 441
Morganton, GA 30560

706-374-4304 office
404-386-6361 mobile
rdesignworks.com

R Design Works
509 Lakeside Pointe
Jennasaw, GA 30144

770-790-3655 office
770-790-3650 fax



DESIGN
WORKS

Scope of Work Schedule

1. Project Review / Opportunities
2. Master Plan Development
3. Rendering / Illustration

Completion

April 7, 2015
 April 17, 2015
 May 1, 2015

Fees and Details

1. Project Review / Opportunities	\$ 3,000
2. Master Plan Development	8,500
3. Rendering / Illustration	<u>2,000</u>
Lump Sum	\$ 13,500

The Designer or Owner can terminate this Letter of Agreement at the end of any scope of work described above, prior to beginning the next scope of work or with written notice at any time. Payment for each scope of work task or completed portion of work shall be made within twenty (20) days from the completion of that scope of work task. Reimbursable Expenses (printing, travel, etc.) shall be in addition to the fee, shall be at actual cost and shall not exceed \$ 1,000.

This agreement is subject to the special stipulation attached hereto (Exhibit A). In the event of a conflict between the letter of agreement and the special stipulation, then the special stipulation shall control.

Please execute both copies of this Letter of Agreement to acknowledge your acceptance / notice to proceed and return one (1) copy to me. We look forward to working with you and your team on this exciting project.

Sincerely,

R Design Works

Rick LaRosa, NCARB, DBIA, LEED
Principal

R Design Works
 722 Black Dog Trail
 PO BOX 441
 Morganton, GA 30560

706-374-4304 office
 404-386-6361 mobile
 rdesignworks.com

Accepted:

Designer
 R Design Works, Inc.

Rick LaRosa
Principal

Date: 3.31.15

Owner
 City of Blue Ridge

MAYOR

Date: APRIL 7, 2015

R Design Works
 609 Lakeside Pointe
 Milledgeville, GA 30144

770-790-3655 office
 770-790-3650 fax

Exhibit A
Special Stipulations

(1) The drawings, specifications and other documents or things prepared by R. Design Works, Inc. (hereafter referred to as "Architect") the Architect for the Project shall become and be the sole property of the Owner. The Architect shall be permitted to retain copies thereof for its records and for its future professional endeavors. Such drawings, specifications and other documents or things are not intended by the Architect for use on other projects by the Owner or others. Any reuse by the Owner or by third parties without the written approval of the Architect, shall be at the sole risk of the Owner and the Owner shall indemnify and save harmless the Architect to the extent allowed by Georgia law from any and all liability costs, claims, damages, losses and expenses, including attorneys' fees, arising out of, or resulting from, such reuse; provided however, that this agreement to indemnify and save harmless shall not apply to any reuse of documents retained by, or through, the Contractor.

(2) The Owner's review or approval of any documents prepared by the Architect or its consultants shall be solely for the purpose of determining whether such documents are generally consistent with the Owner's construction program and intent. No review or approval of such documents shall relieve the Architect of its responsibility for the accuracy, adequacy, fitness, suitability and coordination of its work product.

(3) The Architect shall assign only qualified personnel to perform any service concerning the Project. At the time of execution of this Agreement, the parties anticipate that the following named individuals will perform those functions indicated:

NAME	FUNCTION
Rick Larosa	Project Design

(4) The Architect shall maintain Professional Liability Insurance with per occurrence coverage of not less than two million dollars (\$2,000,000) [or more if appropriate]. Such coverage shall be maintained during performance of this Agreement and for a period of not less than two (2) years after final Completion of the Project. Such coverage shall include an endorsement providing that Owner shall receive notice of any cancellation no less than thirty (30) days prior to its effective date. The coverage required herein shall be written on such policy forms as are acceptable to Owner and shall be underwritten by such insurance companies as are acceptable to Owner in its sole discretion. Proof of such coverage shall be provided to the Owner.

In addition to the insurance required hereinabove, in the event the Architect subcontracts with any firm or individual for design services in connection with the Project, the Architect shall require any and every such firm or individual to have an maintain Professional Liability Insurance with per occurrence coverage of not less than one million dollars (\$1,000,000) [or more if appropriate]. Such coverage shall be maintained during performance of this Agreement and for a coverage required herein shall be written on such policy forms as are acceptable to

Owner and shall be underwritten by such insurance companies as are acceptable to Owner in its sole discretion. Proof of such coverage shall be provided to the Owner.

(5) The Architect shall indemnify and hold harmless the Owner from and against all liability, claims, losses, costs, attorneys' fees, expert witness fees, all litigations costs, and all other expense arising out of, or resulting from, any negligence of the Architect or from the Architect's breach of any term or condition of this Agreement. In the event the Owner is alleged to be liable on account of alleged acts or omissions, or both, of the Architect, the Architect shall defend such allegations through mutually agreeable counsel and the Architect shall bear all costs, fees and expenses of such defense.

(6) This Agreement shall be governed by the law of the State of Georgia. Any legal action under this Agreement filed by either the Architect or the Owner shall be filed in the Superior Court of Fannin County, Georgia. The Architect expressly agrees that it shall be subject to the jurisdiction and venue of said Court for any such action.

(7) Owner, in Owner's discretion, may mediate, or arbitrate, any dispute arising under this Agreement. Owner is under no obligation to mediate or arbitrate, or both, any dispute arising under this Agreement. Owner shall have the right to resolve any dispute arising under this Agreement pursuant to litigation in a court of competent jurisdiction.

(8) Notwithstanding anything to the contrary contained herein, the Owner may, as its option, withhold making any payment and shall not be obligated to make any payment to the Architect hereunder if one or more of the following conditions exist:

a. Architect has failed to perform any of its obligations hereunder or otherwise, or is otherwise in default under any of the Contract Documents including but not limited to the Special Stipulations;

b. Any part of such payment is attributable to Work which is defective or not performed in accordance with the Contract Documents; provided, however, that such payment, subject to other provisions of these Contract Documents, shall be made as to the part thereof attributable to the Work which is performed in accordance with the Contract Documents and is not defective;

c. Architect has failed to make payment promptly to the Architect's Subcontractors or for materials or labor used in the Work; or,

d. If Owner determines in good faith that the portion of the Contract Sum then remaining unpaid will not be sufficient to complete the Work in accordance with the Contract Documents whereupon, at the Owner's sole discretion, no additional payments need be made to the Architect nor, at the Owner's sole discretion, shall such payments be due the Architect hereunder, unless and until the Architect at its sole cost, performs a sufficient additional portion of the Work so that thereafter such portion of the Contract Sum then remaining unpaid is in the good faith judgment of the Owner, sufficient to complete the Work in accordance with the Contract Documents.

(9) Architect shall comply with the Equal Employment Opportunity federal and state laws, and shall not discriminate in the employment of any person based upon race, gender, color, creed or other protected classifications under federal and state law.

(10) Architect shall verify its compliance with O. C. G. A. § 13-10-91, by providing an affidavit by an agent authorized to bind Architect and which affirmatively states that the individual, firm or corporation which is contracting with Owner has registered with and is participating in the federal work authorization program [any of the electronic verification of work authorization programs operated by the United States Department of Homeland Security or

any equivalent federal work authorization program to verify information of newly hired employees]. Architect will secure from each subcontractor that participates in the project, a similar verification of compliance and provide a copy of each such verification to Owner.

(11) The Architect shall meet the standard of care owed by architects similarly situated, and as to the scope of the work shall be that degree of care and skill and diligence ordinarily employed by the profession generally. In the event of a breach of standard of care by the Architect, then Owner shall have all remedies allowed by law for said breach.

(12) Architect in developing the City of Blue Ridge Project's Master Plan shall consider the current list of projects that are in the planning process and being the following projects:

a. East Main Street "Streetscape Project completion" from depot to Mountain Street.

b. Completion of the depot plaza surrounding pedestrian areas, toilets, deck overlooking depot, caboose.

c. Park playground renovation.

d. City Hall parking lot and toilets.

e. Roberts Way-parking and pedestrian areas.

f. North parking lot and toilets.

g. Gateways.

The above list of projects is not meant to be exclusive, and the Master Plan can determine other projects necessary in order to have a comprehensive Master Plan as provided within the scope of work.

(13) In further clarification of the scope of work, Architect shall work to develop a Master Plan of Blue Ridge projects and establish a priority list for project schedules, identify

costs associated with each project, and how the projects will be funded. The schedule for the scope of work shall be as follows:

- a. By April 7, 2015:
 - i. Develop Program for each project listed above in the Master Plan
 - ii. Detail the scope of work for each project
- b. April 7 - 10, 2015:
 - i. Agree on priority project(s) that can be completed by Memorial Day
 - ii. Agree on scope of Master Plan projects
 - iii. Review of estimated costs for each project
 - iv. Review of known money for each project
 - v. Present above and get input from Stakeholder representatives
- c. April 10 -17, 2015:
 - i. Production of Master Plan documents
 - ii. Research all possible funds sources for each project
 - iii. Put priority project(s) out to bid
 - iv. Present Program to City Council at Council meeting on Tuesday evening April 14, 2015
- d. April 13-17:
 - i. Complete Master Plan documents for presentation to public
 - ii. Compile funding options, prepare for presentation to public
 - iii. Present all above to citizens and Council at workshop in conjunction with Council meeting, Tuesday May 5, 2015

(14) Architect will work with other consulting specialists in order to create the Master Plan, and as selected by Owner, and with the fees for the consulting specialist being provided by separate agreements between Owner and said specialist. Further, by agreement between Owner and Architect, the project schedule as stated hereinabove can be modified, in order to account for unforeseen contingencies and to develop a comprehensive Master Plan.

ACCEPTED:

R. DESIGN WORKS, INC.

By: 
Rick Larosa, Principal

Date: 4/2/2015

OWNER:

CITY OF BLUE RIDGE


MAYOR

Date: APRIL 7, 2015

City of Blue Ridge

480 West First Street • Blue Ridge, Georgia • (706) 632-2091

City of Blue Ridge
Council Meeting Minutes
City Hall
480 West First Street
April 14, 2015 at 6:00 PM

Present: Mayor Donna Whitener,
Council Members Angie Arp, Harold Herndon,
Rodney Kendall, Bruce Pack and Rhonda Thomas
City Clerk Bill Sowers
Assistant City Clerk Kelsey Addington

1) Call Meeting To Order:

Council Member Rodney Kendall made a motion to call the meeting to order. The motion was seconded by Council Member Rhonda Thomas. The Council voted 5-0. Motion carried.

Mayor Whitener requested that the agenda be amended to allow item number eleven, Danny Mellman to speak earlier so that he could attend another meeting. Council Member Rodney Kendall made a motion to move Danny Mellman to the third item on the agenda. The motion was seconded by Council Member Bruce Pack. The Council voted 5-0. Motion carried.

2) Prayer and Pledge of Allegiance:

Council Member Bruce Pack offered a word of prayer followed by the Pledge of Allegiance.

3) Danny and Michelle Mellman (Sign Ordinance and Master Plan):

Danny Mellman was present to speak about his concerns with the sign ordinance. He stated that either we need more clarification or more enforcement.

4) Council Meeting Rules of Procedures:

Mayor Whitener stated that there was a copy of the meeting rules of procedures in each Council Member packet. She stated that the public could pick a copy up at the Council desk.

5) Approval of Minutes from Previous Meeting:

a) Council Member Rodney Kendall made a motion to approve the minutes from the Council Meeting held on March 10, 2015. The motion was seconded by Council Member Rhonda Thomas. The Council voted 5-0. Motion carried.

b) Council Member Rodney Kendall made a motion to approve the minutes from the Special Called Council Meeting held on March 26, 2015. The motion was seconded by Council Member Rhonda Thomas. The Council voted 5-0. Motion carried.

City of Blue Ridge

480 West First Street • Blue Ridge, Georgia • (706) 632-2091

6) Lifeguards:

Assistant Park Supervisor Tim Towe was present to discuss with the Council, the individuals that were interviewed for the lifeguard positions. Council Member Rodney Kendall made a motion to hire Preston Baze, Madelyn Deal, Savannah Vanderhoeven and Caroline Gray. The motion was seconded by Council Member Rhonda Thomas. The Council voted 5-0. Motion carried.

7) Georgia Cities Week—April 19-25:

Mayor Whitener gave an update on the progress of the event.

8) Budget Amendment:

Prior to the meeting Finance Director, Alicia Stewart provided a budget amendment to the Mayor and Council (attached). Council Member Rhonda Thomas made a motion to approve the budget amendment. The motion was seconded by Council Member Rodney Kendall. The Council voted 5-0. Motion carried.

9) Water and Sewer:

The Council discussed this topic at the workshop meeting held on April 7, 2015. Utility Clerk, Becky Harkins provided a sewer rate sheet (attached). Council Member Rodney Kendall made a motion to remove the sewer minimum charge and to charge customers for the entire usage. The motion was seconded by Council Member Rhonda Thomas. The Council voted 5-0. Motion carried.

10) City Master Plan—Cindy Trimble and Rick Larosa:

Cindy Trimble and Rick Larosa gave an update on the progress of their plans. Mr. Larosa discussed some of their preliminary work with the Council. After he spoke he asked the Council to call a special called meeting for the following week. The Council decided to hold a special called meeting on April 23, 2015 at 3:30 PM to discuss the City Master Plan.

11) Freightliner Dump Truck Quotes:

Mayor Whitener and the Council discussed whether the City should rebuild the engine on the dump truck or if they should purchase a used dump truck. Council Member Rodney Kendall made a motion to table the topic until the City is able to find a used dump truck to purchase. The motion was seconded by Council Member Angie Arp. The Council Voted 5-0. Motion carried.

12) Cesar Martinez—Blue Ridge Business Association:

Cesar Martinez provided an update of the Blue Ridge Business Association. Mr. Martinez reported that a band would be performing at the depot the following week, and that the 4th of July would be the next big event downtown. He also reported that the music/speakers are not working downtown, and that the doggie bag stations need to be refilled.

13) Executive Session (if needed):

An executive session was not needed at this time.

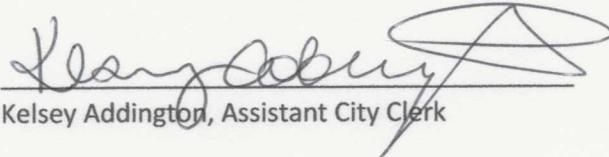
City of Blue Ridge

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14) Adjournment:

Council Member Rodney Kendall made a motion to adjourn the meeting. The motion was seconded by Council Member Rhonda Thomas. The Council voted 5-0. Meeting adjourned at 7:03 PM.


Donna Whitener, Mayor


Kelsey Addington, Assistant City Clerk

Approved June 9, 2015
Approved



Blue Ridge, Georgia

Live. Work. Play.

BUDGET AMENDMENT #1 FOR THE QUARTER ENDING MARCH 31, 2015

<u>DEPARTMENT/ACCOUNT DESCRIPTION</u>			<u>BUDGET</u>	<u>AMENDMENT</u>	<u>ADJUSTED BUDGET</u>
GENERAL FUND					
100-57-1100-9000	REVENUE	CONTINGENCIES	20,956	(3,900)	17,056
100-52-1500-3900	GEN ADM	CONTRACTED SERVICES	16,000	3,900	19,900
Contract for life flight coverage for citizens approved at Council meetin				-	
100-39-0000-3500	POLICE	CAPITAL OUTLAY- VEHICLES	-	(106,160)	(106,160)
100-53-3200-2203	POLICE	MAINTENANCE VEHICLES	10,000	(4,090)	5,910
100-54-3200-2200	POLICE	CAPITAL OUTLAY- VEHICLES	-	110,250	110,250
Police fleet lease inception and capital outlay for four vehicles. Expense above lease amount (two additional radars for \$1,420 each & lettering for \$1,200) approved by Council.					
100-39-0000-5000	PARK	USE OF FUND BALANCE	-	(20,000)	(20,000)
100-57-1100-9000	REVENUE	CONTINGENCIES	17,056	(17,056)	-
100-53-6124-1200	PARK	CAPITAL OUTLAY- IMPROVEMENTS	-	31,900	31,900
100-53-6124-1300	PARK	CAPITAL OUTLAY- BUILDINGS	-	5,156	5,156
Council approved use of prior year excess park budget for swimming pool and pool bathroom projects. Remaining amount of approved contracts to come from contingency.					
100-33-0000-6000	INTERGOV	GRANT REVENUE	-	(1,256)	(1,256)
100-53-6220-2201	DWTN PARK	MAINTENACE BLDG & GROUNDS	8,000	(1,044)	6,956
100-53-6225-1600	PK GRANT	SMALL EQUIPMENT	-	2,300	2,300
Finish up Mineral Springs park grant. Victor Stanley trash can invoice will be reimbursed by grant.					
HOTEL/MOTEL AND STREETSCAPE FUNDS					
275-52-4200-2201	STREET	MAINTENANCE- ROADS	69,000	(40,000)	29,000
275-61-7550-1275	DWNTWN	TRANSFER OUT- STREETSCAPE	-	40,000	40,000
340-53-7565-1101	STSCAPE	MATERIALS & SUPPLIES	-	40,000	40,000
340-39-0000-1203	STSCAPE	TRANSFER IN- HOTEL/MOTEL		(40,000)	(40,000)

Council approved transfer of \$20,000 of hotel/motel revenue to Streetscape fund for the completion of the Depot project.

ADOPTED AT REGULAR COUNCIL MEETING

Brian Lawrence
CITY CLERK

4-14-15
DATE

Sewer Rates

The sewer rate proposal is to drop the 1000 gallons off the minimum charge. Therefore a customer would pay a base charge for service then pay a per 1000 gallon rate for all of the sewer. This is the same change we made to the water in 2014. This would impact sewer customers by \$4.00 to \$6.00 per bill, depending on customer status and meter size. With 923 sewer customers, the change will generate an estimated \$47,000 per year for the sewer fund. According to the Finance Director we are \$39,000 short in the 2015 budget for sewer funds.

Special Called Council Meeting

April 22, 2015

3:30 PM

Purpose of the Meeting: Allow Rick LaRosa and team to present ideas of a "Master Plan" for the City of Blue Ridge.

A Motion was made by Rodney Kendall to call the Meeting to order. Seconded by Angie Arp. All voted Yea. Motion carried.

Opening Prayer was by Dub Joiner, then Mayor Whitener led those present in the Pledge to the Flag.

Council Meeting "Rules of Procedure" was gone over by the Mayor and Council, then a Motion was made by Rodney Kendall to allow Rick LaRosa and his team to give their presentation to the Mayor and Council without the 5 minute time limit on the "Master Plan" for the City of Blue Ridge. Seconded by Angie Arp. All voted Yea. Motion carried.

Cindy Tremble was called upon to start the presentation to the Mayor and Council, and she gave a short introduction to the Plan, and then turned the presentation over to Rick LaRosa.

Rick LaRosa makes presentation to the Mayor and Council showing several preliminary poster boards that showed changes in the down town area. Council Members reviewed these changes and gave their ideas of what they would like to see.

After a lengthy discussion between all present, it was made known that there would be another meeting to go into more depth in the ideas of the "Team" and Council, and also have input from a "Town Hall" type meeting so that more people could be informed of the plans. This meeting time and date would be announced later, but should be as soon as possible.

A Motion was made by Rodney Kendall to adjourn. Seconded by Rhonda Thomas. All voted Yea. Motion carried. Meeting adjourned.


Donna Whitener, Mayor
Rodney Kendall, Mayor pro Tem

Bill Sowers, City Clerk

June 2, 2015
Approved

City of Blue Ridge

480 West First Street • Blue Ridge, Georgia • (706) 632-2091

City of Blue Ridge
Special Called Council Meeting Minutes
City Hall
480 West First Street
April 30, 2015 at 3:30 PM

Present: Mayor Donna Whitener,
Council Members Angie Arp, Harold Herndon,
Bruce Pack and Rhonda Thomas
City Clerk Bill Sowers
Assistant City Clerk Kelsey Addington

1) Call Meeting To Order:

Council Member Rhonda Thomas made a motion to call the meeting to order. The motion was seconded by Council Member Angie Arp. The Council voted 4-0. Motion carried.

2) Executive Session:

Council Member Rhonda Thomas made a motion to close the meeting for executive session for the purpose of discussing land acquisition and litigation. The motion was seconded by Council Member Angie Arp. The Council voted 4-0. Motion carried. Council Member Rhonda Thomas made a motion to close the executive session. The motion was seconded by Council Member Bruce Pack. The Council voted 4-0. Motion carried. Mayor Whitener read the first paragraph of the sale of City property ordinance. Council Member Rhonda Thomas made a motion allowing the Mayor to not be required to read the entire ordinance. The motion was seconded by Council Member Angie Arp. The Council voted 4-0. Motion carried. Council Member Angie Arp made a motion to accept the first reading of the sale of City property ordinance. The motion was seconded by Council Member Rhonda Thomas. The Council voted 4-0. Motion carried.

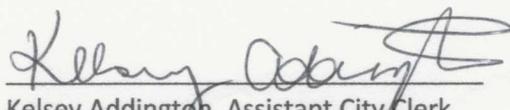
3) Adjournment:

Council Member Rhonda Thomas made a motion to adjourn the meeting. The motion was seconded by Council Member Bruce Pack. The Council voted 4-0. Meeting adjourned.



Donna Whitener, Mayor

June 9, 2015
Approved



Kelsey Addington, Assistant City Clerk

City of Blue Ridge

480 West First Street • Blue Ridge, Georgia • (706) 632-2091

City of Blue Ridge
Workshop Meeting Minutes
City Hall
480 West First Street
May 5, 2015 at 10:00 AM

Present: Mayor Donna Whitener
Council Members Angie Arp, Harold Herndon,
Rodney Kendall, Bruce Pack and Rhonda Thomas
City Clerk Bill Sowers
Assistant City Clerk Kelsey Addington

1) Call Meeting to Order:

Council Member Rodney Kendall made a motion to call the meeting to order. The motion was seconded by Council Member Bruce Pack. All voted yea. Motion carried.

2) Prayer and Pledge of Allegiance:

Council Member Bruce Pack offered a word of prayer followed by the Pledge of Allegiance.

3) Council Meeting Rules of Procedures:

Mayor Whitener announced that a copy of the council meeting rules of procedures was included in the council's packets as well as available at the council's desk for the public.

Mayor Whitener stated that several items on the agenda would need extra time for presentation and discussion. She requested a motion be made to allow agenda items 5, 8, 9, 10, 11, and 12 more time. Council Member Rodney Kendall made a motion to allot additional time to the items listed by the Mayor. The motion was seconded by Council Member Angie Arp. All voted yea. Motion carried.

4) Approval of Minutes:

Council Member Angie Arp made a motion to table the approval of the minutes until the council meeting scheduled for May 12, 2015. The motion was seconded by Council Member Rodney Kendall. All voted yea. Motion carried.

5) Sewer Plant—Charles Welch:

Charles Welch with Stevenson and Palmer was present and discussed necessary sewer plant improvement costs with the Mayor and Council. He informed the Council that if these improvements were not made, that the City would not be in compliance and could be fined by the state and later forced to make the improvements. Mr. Welch provided a quote to the Mayor and Council (attached). Mayor Whitener asked if Mr. Welch could add the cost of a septic

City of Blue Ridge

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receiving station to the quote. Mr. Welch stated that he would add it and that he would be in contact with Sewer Plant Supervisor, James Weaver.

6) Second Reading of the Sale of City Property Ordinance:

The Mayor and Council held their first reading on April 30, 2015. Mayor Whitener read the first paragraph of the ordinance. Council Member Rhonda Thomas made a motion to suspend the rest of the reading. The motion was seconded by Council Member Rodney Kendall. Council Member Rhonda Thomas made a motion to accept the second reading and adopt the sale of city property ordinance (attached). The motion was seconded by Council Member Rodney Kendall. All voted yea. Motion carried.

7) Freightliner Dump Truck:

City Employee Tony Byrd was present to discuss the option of repairing the City's freightliner dump truck or purchasing a used one. Mayor Whitener asked for Mr. Byrd's recommendation. Byrd recommended that the engine to be rebuilt, as opposed to purchasing a used truck. Council Member Rodney Kendall made a motion to have the engine rebuilt if the warranty would be the same. The motion was seconded by Council Member Rhonda Thomas. All voted yea. Motion carried.

8) Personnel Policy:

City employee Rebecca Harkins presented proposed changes to the personnel (attached). Mayor Whitener stated that the council could review the changes and requested the council be ready to make a decision at the council meeting scheduled for May 12, 2015. Council Member Angie Arp discussed her concerns regarding employee sick days and vacation time. Council Member Rodney Kendall stated his concerns with the probation periods for employees. The council discussed Kendall's concerns and then asked Mrs. Harkins explain the proposed changes. Mrs. Harkins explained her handouts concerning the pay scale along with employee evaluations (attached). Council Member Rhonda Thomas stated that the City could start the evaluation process and make changes later if needed. Council Member Angie Arp stated that she would like to see updated employee job descriptions. Mrs. Harkins stated that this pay scale would help increase employee moral as well as help everyone be aware of what to expect with job performance and raises. Council Member Rhonda Thomas stated that she agreed that employees should be compensated for their education and training. Harkins announced that the city employees have been working hard to reduce water loss. No decision was made at this time. The Mayor stated that everyone should review the policy and pay scale and be prepared to make a decision at the council meeting on May 12, 2015.

9) Pay Scale:

This topic was discussed with the previous topic.

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10) Sign Ordinance:

Mayor Whitener requested that the council be prepared to make a decision regarding the proposed changes to the city's sign ordinance at the next council meeting on May 12, 2015. Council Member Rhonda Thomas stated that these recommendations, from Land Development Administrator Roy Parsons, have had a lot of thought put into them.

11) Storm Water Ordinance:

Mayor Whitener asked the Council to review the storm water sample ordinance and be prepared to vote on the topic on May 12, 2015.

12) Depot:

Mayor Whitener discussed the heating and air for the Depot. The Mayor received three quotes (attached) for improvements to the heating and air system at the Depot. Mayor Whitener and a representative with the Blue Ridge Scenic Railway discussed the existing A/C unit. Council Member Angie Arp questioned why the City needed to take on the expense when the City has already invested a lot of money in the Depot. A discussion between the Mayor and Council occurred. Mayor Whitener stated that she thought all three quotes would be sufficient but that the heating and air unit needs to be replaced because the existing unit is too small for the Depot. Council Member Bruce Pack stated that the City needed to find out the SEER rating for each of the units included on the quotes because the higher the SEER number the more efficient the unit. The representative with the Blue Ridge Scenic Railway gave a handout (attached) of the items they want completed by the City before they move back into the depot. The representative stated that the railroad needed the work completed by May 12th in order to have everything set up by the beginning of their busy season. Council Member Rodney Kendall made a motion to agree to prorate the rent of the current building with the Blue Ridge Scenic Railroad if the City has the Depot work completed by May 12th. The motion was seconded by Council Member Angie Arp. All voted yea. Motion Carried. Council Member Rodney Kendall made a motion to accept Tri-State's quote. The motion was seconded by Council Member Angie Arp. All voted yea. Motion carried.

At this time Council Member Rhonda Thomas had to leave the meeting. Mayor Whitener asked for a five minute break. The Council decided to allow a five minute break.

13) East Main Street:

Council Member Bruce Pack stated that when he was first elected that East Main Street was the main topic on the agenda. He stated that he believes that East Main should be the most urgent project because it affects a lot of people. Council Member Bruce Pack made a motion to get all the information needed to begin the process of working on East Main Street so that the project can start the second week of August. Mayor Whitener stated that the deadline was unrealistic.

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There was discussion between the Mayor, the Council Members, Cindy Trimble and others in the audience concerning the East Main Street project. The Mayor and Council requested that Cindy Trimble and Rick Larosa have a plan to present at the Council Meeting on May 12, 2015.

14) Kiwanis Rodeo:

Council Member Angie Arp stated that presently the City has already given their budgeted amount of hotel/motel tax funds away. Therefore the Kiwanis has been asked to come before the Council closer to the rodeo to see if the funds may be available closer to the end of the year.

15) Fannin County Builders Association:

Jean-Marie was present to request that the Builders Association receive permission from the Council to hang a banner above Mountain Street. The Council postponed making a decision until May 12, 2015 at the Council Meeting.

16) Detail Contract FY 2016:

The Council postponed approving the contract with the detail crew (W10) until May 12, 2015 at the Council Meeting.

17) Litigation:

Mayor Whitener stated that this was discussed in executive session at the last meeting. She told the Council that she would need a motion to accept the restitution payments. Council Member Rodney Kendall made a motion to accept the restitution payments. The motion was seconded by Council Member Angie Arp. The Council voted 4-0. Motion carried.

18) Paul Gribble—Downtown Park:

Paul Gribble left before he was able to speak therefore Mayor Whitener spoke on his behalf. Mayor Whitener stated that Mr. Gribble had concerns with the downtown park being changed. She discussed the issue that his event, Blues and BBQ uses the park and he would like to know what to expect.

19) Executive Session—Personnel:

Council Member Rodney Kendall made a motion to close for executive session for the purpose of discussing personnel. The motion was seconded by Council Member Bruce Pack. The Council voted 4-0. Motion carried. Council Member Rodney Kendall made a motion to come out of executive session. The motion was seconded by Council Member Bruce Pack. The Council voted 4-0. Motion carried. Council Member Rodney Kendall made a motion to adopt the new water department pay scale (attached) excluding Becky Harkins, Mark Clemmons, and Eric Whitener. The motion was seconded by Council Member Angie Arp. The Council voted 4-0. Motion carried. Council Member Rodney Kendall made a motion that the City would recognize Eric Whitener's years of service including his years at the park. The motion was seconded by Council member Bruce Pack. The Council voted 4-0. Motion carried. Council Member Rodney Kendall made a

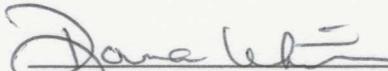
City of Blue Ridge

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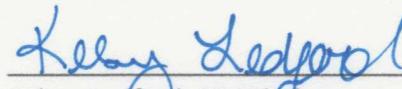
motion to give Becky Harkins the new title of Utility Billing Supervisor and that at the end of her 60 day probation period she will be granted a raise. The motion was seconded by Council Member Angie Arp. The Council voted 4-0. Motion carried. Council Member Rodney Kendall made a motion to move Mark Clemmons to the position of Street Supervisor with a 60 day probation period and being granted a pay raise at the end of the probation period. The motion was seconded by Council Member Bruce Pack. The Council voted 4-0. Motion carried. Both Ms. Harkins and Mr. Clemmons will be receiving a \$ 1.25 raise at the end of their 60 day probation period. Council Member Rodney Kendall made a motion to bring Sally Smith's pay up to \$ 13.00 an hour. The motion was seconded by Council Member Bruce Pack. The Council voted 4-0. Motion carried.

20) Adjournment:

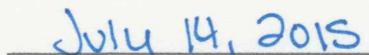
Council Member Rodney Kendall made a motion to adjourn the meeting. The motion was seconded by Council Member Bruce Pack. The Council voted 4-0. Meeting adjourned at 1:45 PM.



Donna Whitener, Mayor



Kelsey Ledford, City Clerk



Approved

**Blue Ridge WWTP Digester Blowers and Diffusers
Construction Cost
May 5, 2015**

Equipment	1. Blowers	\$ 95,850.00
	2. Diffuser	\$ 51,000.00
	3. Blowers MCC	\$ 30,000.00
	4. Piping and other material	\$ 4,000.00
	5. Telescoping Valve	\$ 18,000.00
Labor & Construction	1. Install Diffuser	\$ 25,000.00
	2. Slab and piping	\$ 22,000.00
	3. Electrical	\$ 25,000.00
	4. Telescoping Valve	\$ 6,000.00
Contractor bond, overhead and profit		\$ 15,000.00
Construction Total		\$ 291,850.00
Engineering (Desing/Bid Phase)		\$ 23,348.00
Inspection (Hourly Estimate)		\$ 11,674.00
Total Project Fee		\$ 326,872.00

FIRST READING 4-30-15

PASSED 5-5-15

AN ORDINANCE NO. 2015-05-05

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF BLUE RIDGE, GEORGIA, ESTABLISHING THE TERMS AND CONDITIONS UNDER WHICH CERTAIN ABUTTING LAND OWNERS SHALL HAVE THE OPPORTUNITY TO PURCHASE CERTAIN CITY PROPERTY PURSUANT TO O.C.G.A. § 36-37-6(g); TO PROVIDE THE TERMS AND CONDITIONS OF THE OPPORTUNITY TO PURCHASE CERTAIN CITY PROPERTY INCLUDING BUT NOT LIMITED TO THAT THE CITY RESERVES THE RIGHT TO REJECT ANY AND ALL BIDS OR TO CANCEL ANY PROPOSED SALE, ESTABLISH A MINIMUM BID PRICE, AND TO PROVIDE THE OTHER TERMS AND CONDITIONS OF SALE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Blue Ridge, Georgia is a municipal corporation of the State of Georgia and owns certain real property that is composed of narrow strips of land, so shaped or so small as to be incapable of being used independently under the development ordinances of the City of Blue Ridge;

WHEREAS, the City Council of the City of Blue Ridge, Georgia, being the governing authority of said municipal corporation, finds that it is in the best interest of the citizens of the City, to sell said small strips of land to provide funds for the economic benefit of the City and facilitate the enjoyment of the highest and best use of the abutting owner's property;

WHEREAS, the City of Blue Ridge owns all that tract or parcel of land as more specifically identified upon Exhibit 1 to this ordinance, and with said exhibit incorporated into this ordinance for a more specific description of the property, and being more specifically

described by that deed recorded at Deed Book 18, pages 15-16, of the Fanning County, Georgia Deed Records, and being also identified as Fannin County Tax Map parcel number 0032 A 011 (“the property”); and

WHEREAS, for the reasons as identified within the foregoing recitals, the City Council finds that it is in the best interest of the City, to sell the property upon the terms and conditions as established by this ordinance, and to provide the abutting property owners the opportunity to purchase the property under said terms and conditions.

NOW, THEREFORE, be it ordained, and it is hereby ordained by the authority of the City Charter, and O.C.G.A. § 36-37-6(g), as follows:

**SECTION 1. ORDINANCE ESTABLISHING TERMS AND
CONDITIONS THAT ABUTTING PROPERTY
OWNERS SHALL HAVE THE OPPORTUNITY
TO PURCHASE THE PROPERTY.**

The City Council of the City of Blue Ridge finds that it is in the best interest of the City to sell and convey a parcel being a narrow strip of land so small as to be incapable of being used independently under the development ordinances of the City, and therefore the property should be conveyed to abutting property owners in order to derive funds for the economic benefit of the City, and to facilitate the enjoyment of the highest and best use of the abutting owner’s property, but subject to certain terms and conditions as provided herein. This ordinance granting the abutting property owners the opportunity to purchase said property shall only apply to the specific parcel as identified by this ordinance (“the property”) and shall not apply to any other parcel of City property without the City Council making an independent evaluation that the other property also meets the requirements for sale as provided by O.C.G.A. § 36-37-6(g).

SECTION 2. RECITALS.

The foregoing recitals are hereby incorporated into this ordinance, as if they were stated verbatim herein.

SECTION 3. THE PROPERTY SUBJECT TO SALE.

The property subject to sale as identified within the foregoing recitals is all that tract or parcel of land being more specifically identified upon Exhibit 1 which is attached hereto and incorporated by reference hereof into this ordinance. Said property is also more specifically identified by that deed recorded at Deed Book 18, pages 15-16 of the Fannin County, Georgia Deed Records, and which is also incorporated by reference into this ordinance as a more specific description of the property to be conveyed. The property is further identified as being Fannin County Tax Map parcel number 0032 A 011. Said property shall be subject to an opportunity to purchase by the abutting property owners subject to the terms and conditions of sale as provided by this ordinance.

**SECTION 4. THE TERMS AND CONDITIONS UNDER WHICH
ABUTTING PROPERTY OWNERS SHALL HAVE THE
OPPORTUNITY TO PURCHASE THE PROPERTY.**

Abutting property owners to the property shall have the opportunity to purchase said property under the following terms and conditions:

- (1) The City reserves the right to reject any and all bids or to cancel any proposed sale;
- (2) The City sets a minimum bid price of \$400,000.00. The bid price of the bidders shall be only one factor in the evaluation of the bids by the City Council and the City Council considering the other terms of the bid shall have the right to reject the highest bid price and accept a lower bid price;

(3) The property pursuant to the deed into the City is to be used for park and recreational purposes, and the City has no legal authority to change this prior deed requirement which is the subject of a right of reversion;

(4) The property is subject to a lease between the City and Lake Blue Ridge Marina, Inc., and the winning bidder and purchaser must comply with the terms of the lease;

(5) The property has no restroom facilities and any septic system for the property must comply with the requirements of state and federal law;

(6) If the bid of bidder is accepted, bidder/purchaser agrees to file a petition to annex the property, and to annex any abutting property of the bidder/purchaser into the City of Blue Ridge;

(7) The bid, if accepted by the City, shall be formalized by a real estate sales contract with the terms of said contract reflecting the bid requirements and the accepted bid, and in a form acceptable to the City Attorney for the City;

(8) The conveyance of the property by the City to the bidder/purchaser shall be by a quit claim deed, and the City shall make no warranties of any type regarding the property or as to the improvements on the property, or both;

(9) The bidder/purchaser shall be responsible for the cost of any new plat or survey regarding the property, and as desired by the purchaser;

(10) Any and all improvements on the property are sold "as is," and with no warranty by the City;

(11) The bidder/purchaser shall acknowledge that the highest and best use of the property is for commercial park and recreational purposes, and which is acknowledged by the City Council for the City of Blue Ridge;

(12) The bidder/purchaser shall cooperate with the City as to any grant applications and will help facilitate any grant applications regarding the property;

(13) The City, through the administrative office of the City, or the City Attorney, shall send a notice of the opportunity to purchase to the abutting land owners to the subject property, and with said notice going certified mail, return receipt requested, and the abutting land owners shall have seven (7) calendar days from the date of their receipt of the notice of the opportunity to purchase said property, to submit their bid. Failure of an abutting land owner to submit a bid within the seven day calendar period shall be deemed by the City as a rejection by the abutting land owner of the opportunity to submit a bid;

(14) The City, through the City Council, reserves the right to determine the bid in the best interest of the City based upon the above terms and conditions, and based upon a short statement by the bidder as to bidder's proposed commercial park and recreational use of the property;

(15) Bidder/purchaser agrees to pay all closing costs including but not limited to all costs and expenses of sale, recording fees, and all other closing costs;

(16) Bidder/purchaser shall be entitled to possession of the property at closing, but subject to complying with the terms and conditions of the lease between the City and Lake Blue Ridge Marina, Inc.;

(17) During the term of any real estate sales contract entered into between the City and the winning bidder, the winning bidder shall be entitled to enter upon the property for the purpose of conducting soil tests, engineering studies, and surveys;

(18) Upon receipt of the bids by the City, the City Council shall at a special called meeting or the next regular meeting, determine and accept the winning bid, and authorize the

Mayor, City Clerk, City Attorney and other City agents to perform such acts as are necessary to complete the sale transaction, or reject all bids and cancel any proposed sale.

SECTION 5. SEVERABILITY.

If any paragraph, subparagraph, sentence, clause, phrase, or any portion of this ordinance, should be declared invalid or unconstitutional by any Court of competent jurisdiction or if the provisions of any part of this ordinance as applied to any particular situation or set of circumstances should be declared invalid or unconstitutional, such invalidity shall not be construed or affect the portions of this ordinance not so held to be invalid, or the application of this ordinance to other circumstances not so held to be invalid. It is hereby declared to be the intent of the City Council of the City of Blue Ridge to provide for separate and divisible parts, and it does hereby adopt any and all parts hereof as may not be held invalid for any reason.

SECTION 6. EFFECTIVE DATE.

The effective date of this ordinance shall be upon its passage by the City Council.

This 5 day of May, 2015.

BLUE RIDGE CITY COUNCIL

By: Donna White
Mayor

Angie Cyp
Councilperson

Robyn Feltner
Councilperson

Chark Thomas
Councilperson

Bruce Bell
Councilperson

Harold Henderson
Councilperson

Attest:

Bill Sowers
Bill Sowers, City Clerk

part, his heirs and assigns, so that neither one nor the other shall at any time, claim or demand any right, title or interest to the aforesaid described premises or its appurtenances.

IN WITNESS WHEREOF, the said party of the first part has hereto set its hand and affixed its seal the day and year above written.

Signed, sealed and delivered
in the presence of:

Gladys Arquette

William Butt
Notary Public, Fannin County, Georgia

FANNIN COUNTY

BY: G. A. CURTIS
As Commissioner of Roads and
Revenues

STATE OF GEORGIA, FLOYD COUNTY.

THIS INDENTURE, Made this the 22nd day of July, in the year of our Lord One Thousand Nine Hundred and Forty-six, between the Lake Toccoa Development Company, a Corporation, duly authorized and existing under and by virtue of the State of Georgia, with its principal office at Home, Floyd County, Georgia, of the first part, and the City of Blue Ridge, a municipal corporation, of Fannin County, State of Georgia, of the second part.

WITNESSETH, that the said party of the first part, for and in consideration of the sum of One Dollar (\$1.00) in hand paid, the receipt whereof is hereby acknowledged, has bargained, sold and by these presents does remise, release and forever quit claim to the said City of Blue Ridge, its successors or assigns, all the right, title, interest, claim or demand the said Lake Toccoa Development Company has or may have had in and to the following real estate located in the County of Fannin, State of Georgia, to wit:

Part of lot of land number 274, in the 8th District and 2nd section of Fannin County, Georgia. This property lies on the Blue Ridge side of the Blue Ridge Lake, formerly Lake Toccoa, more particularly described as follows: Beginning at a point where the north side of the old paved Morganton-Blue Ridge road intersects the 1700 foot contour line as established by the Toccoa Electric Power Company; thence running in a northerly direction along said 1700-foot contour line to the property line of the Toccoa Electric Power Company; thence in a westerly direction along said property line to where it intersects the north side of said old paved Morganton-Blue Ridge road; thence in an easterly direction along the north side of said road to the point of beginning.

This property is deeded and presented to the City of Blue Ridge

pg 15

by the said grantor, with the understanding and agreement that the said property shall be for park and recreational purposes, and in the event it is used or attempted to be used for any other purposes, the title to said property shall revert to the grantor, its successors or assigns.

pg 16

Grantor shall have the right to lease the above described property to any responsible party or parties to use said property for the purposes herein set forth in this deed.

On the 23rd day of November, 1934, the grantor executed and delivered to the grantee a deed conveying a title to the property described herein, and said deed having been lost or destroyed, this deed is made in lieu of said lost or destroyed original deed.

With all the rights, members and appurtenances to the said City of Blue Ridge, its successors or assigns in anywise appertaining or belonging.

To Have and To hold the said above described real estate to the said City of Blue Ridge, its successors or assigns, so that neither the said Lake Toccoa Development Company its successors or assigns nor any other person or persons claiming under the said Lake Toccoa Development Company shall at any time by any ways or means, have, claim or demand any right or title to the aforesaid real estate or its appurtenances, or any rights thereof subject, however to the rights of reversion above provided for.

In Witness Whereof, the said Lake Toccoa Development Company has caused this deed to be executed by its President and attested by its Secretary, with its corporal seal affixed, the day and year first above written.

Signed, sealed and delivered in the presence of us in Floyd County, Georgia, on the day and year first above written.

O. B. Marshall

Alice Brown

Notary Public, Floyd County, Ga.

Seal affixed.

LAKE TOCCOA DEVELOPMENT COMPANY

by G. L. Wright

As its President

Attest:

Lucile Davis

As its Secretary.

Corporat^d Seal affixed.

Recorded this the 24th day of July, 1946.

L. A. Stephens

Clerk.

Kelsey Addington

From: Rebecca Harkins <rebeccaharkins@cityofblueridgega.gov>
Sent: Monday, May 04, 2015 12:44 PM
To: Donna Whitener; angie@ocoerafting.com; rhondathomas@ellijay.com;
brucepack@cityofblueridgega.gov; rodney kendall;
haroldherndon@cityofblueridgega.gov
Cc: kelsey@cityofblueridgega.gov
Subject: Personnel Policy
Attachments: PERSONNEL POLICY.doc

Changes have been highlighted in yellow. I did not go over the drug testing or workman's compensation sections. I did not feel that I had adequate knowledge to make corrections in those areas. The areas that major changes were made are:

- Sick time was changed to Personal/Sick – no changes were made to the amount of time accumulated
- Leave sheet requirement were added to policy, this has been standard practice but was not mentioned in the policy
- Probationary period for job changes. It was changed from 12 months to 60 days. Presently new-hires only have a 6 month probation, it was not realistic to have someone promoted to have a longer probation period than a new hire.
- The chart for non-typical employee leave time was removed because all full time employees accumulate the same leave time. Other employees are not entitled to leave time.
- Part time employee hours were changed to 30, per Alicia because of new Obama care rules

Other than that some duplicate information was removed and some errors were corrected.

Kelsey will not have this as part of the package for the workshop, so I am sending an email so you can look over it at your leisure. I understand the council may want to make more changes moving forward, but this is a good starting point.

Rebecca Harkins
Utilities Clerk

City of Blue Ridge Water & Sewer
480 West First St
Blue Ridge, GA 30513

706-632-2091
706-632-3278 fax

ON-CALL RULES & REGULATIONS

The maintenance shop crew will rotate on-call shifts. Shift start will be 5:00 pm on Friday until 5:00 pm the following Friday. On-call pay will be \$50.00 per week. A 3 hour minimum will be paid each day that you have to come in. Only one minimum is allowed per day. Truck trips will no longer be paid.

Schedule changes for the on-call calendar must be pre-approved by a supervisor except in the event of an emergency. The scheduled on-call person is responsible for finding a replacement for the week. A sheet will be filled out by the supervisor and turned in to payroll prior to the schedule change.

It is the responsibility of the employee to respond to a call within 1 hour. The employee should obtain detailed information from the customer to determine if it is necessary to go on site. An on-call log sheet should be turned in to the office the next business day if an employee has to go on site.

There will not be an after-hours charge for customers with emergency situations or problems on the City's side. However if a customer requests service for a non-emergency situation outside of normal business hours there will be a \$75.00 charge at the time of service. In the case of disconnection for non-payment a customer must pay the \$75.00 in addition to the bill and cut-off fees. Before the employee goes on site they should inform the customer of this charge. It will be the responsibility of the person on call to check in with City Hall each evening for information regarding cut-offs, problems etc.

CHANGES TO PAY SCALE 2015

1. We may need to revisit water treatment plant pay scale when the budget allows. We are increasing it but not enough to make us competitive with some surrounding water systems. We did increases feasible for the water department budget for this year.
2. Any licensing/training above the employees current abilities that the City approves for an employee should be a minimum of \$.50/hr raise. Raises could be more based on the nature of training/license obtained but more would need to be approved by the City Council. This is not applicable to job changes.
3. Job changes should increase in pay based on the difference in the entry pay. For example if a class 3 operator hires in at \$12.50 and a class 2 operator hires in at \$13.75 then if an employee gets a class 2 license they should get an additional \$1.25/hr because that is the difference in that job level.
4. Once an approval is given for an employee to do a job change or for new training, and the training is completed or probationary period has ended the raise should be automatic. In the case of a job change or new hire probation period, the council would vote to keep employee in that position but not have to vote on the raise because it would be set in the pay scale.
5. Yearly raises will be done based on evaluations beginning December 2015. The Council may decide to give a cost of living raise that would include specific departments or the entire City. This would change the entry pay and all employees pay.
6. Evaluations will be done semi-annually by department supervisors. The supervisor/supervisors, City Manager, and a vote of 3 must approve the evaluation before December 31. If the evaluation is not approved, the party/parties disputing the evaluation must notify the supervisor in writing as to why they will not approve it. This means supervisors need to have evaluations in by November 30 of each year so everyone has ample time to complete the process. Categories are:
 - Improvement needed = no raise/possible write up.

Hourly Performance Appraisal

Employee Name: _____ Job Title: _____

Date of Hire: _____ Department: _____ Supervisor: _____

Annual Review ^{Semi-Annual} 90-day-Review Review Period: From _____ To _____

Purpose: The purpose of conducting the Performance Appraisal is to: Develop better communication between the employee and the supervisor; Improve the quality of work; Increase productivity; and Promote employee development.

Performance Rating Categories: Consider the employee's performance in each category and designate the level of performance that most accurately describes his/her job performance.

O - Outstanding. Employee consistently exceeds position expectations with virtually no detected preventable/controllable errors, requiring little or no supervision.

M - Meets Expectation. Competent & dependable performance level. Meets the performance standards and objectives of the job without constant follow-up / direction.

E - Exceeds Expectation. Results clearly exceed position requirements on a regular basis. Performance is of high quality and is achieved on a consistent basis.

I - Improvement Needed. Employee does not meet performance objectives on a regular basis and has difficulty following through with tasks. Requires constant follow-up and / or supervision.

N/A - Not applicable or too soon to rate.

I. GENERAL FACTORS

1. **Quality** - The extent to which an employee's work is completed thoroughly and correctly following established process & procedures. Required paperwork is thorough and neat.

Outstanding Exceeds Expectations Meets Expectations Improvement Needed

Specific Examples / Comments: _____

2. **Productivity / Independence / Reliability** - The extent to which an employee produces a significant volume of work efficiently in a specified period of time. Ability to work independently with little or no direction/ follow-up to complete tasks / job assignment.

Outstanding Exceeds Expectations Meets Expectations Improvement Needed

Specific Examples / Comments: _____

3. **Job Knowledge** - The extent to which an employee possesses and demonstrates an understating of the work instructions, processes, equipment and materials required to perform the job. Employee possesses the practical and technical knowledge required of the job.

Outstanding Exceeds Expectations Meets Expectations Improvement Needed

Specific Examples / Comments: _____

4. **Interpersonal Relationships / Cooperation / Commitment** - The extent to which employee is willing and demonstrates the ability to cooperate, work and communicate with coworkers, supervisors, subordinates and/or outside contacts. Employee accepts and responds to change in a positive manner. Accepts job assignments and additional duties willingly, takes responsibility for own performance and job assignments.

Outstanding Exceeds Expectations Meets Expectations Improvement Needed

Specific Examples / Comments: _____

15 TRACKSIDE COURT
BLUE RIDGE, GA 30513
706-632-7500 FAX 706-632-8828
highcountryheatandair@gmail.com
STATE OF GEORGIA COND. AIR CONTRACTOR UNRESTRICTED
LICENSE NO. CN005364

PROPOSAL

MAY 4, 2015

CITY OF BLUE RIDGE
480 WEST MAIN STREET
BLUE RIDGE, GA 30513

REF: TRAIN DEPOT

CHANGE OUT (1) EXISTING LP GAS FURNACE & COIL
& AIR CONDITIONER
USE EXISTING DUCT WORK WITH AIR FLOW CORRECTION
CORRECT HIGH VOLTAGE WIRING TO NEW REQUIREMENT
USE EXISTING LOW VOLTAGE WIRING
GALV. DRAIN PAN (ADD SAFETY SWITCH)
CONVERT EXISTING METAL FLUE PIPE TO FRESH AIR INTAKE
INSTALL PVC EXHAUST VENT

INSTALL:

(1) NEW RUUD LP GAS FURNACE, 115,000 BTU HI EFF.
MO # R92PA1151524MSA, 5 TON W/ CONSTANT TORQUE MOTOR
(1) NEW RUUD 5 TON HEAT PUMP/ AIR CONDITIONER
MO # RP1460AJ1NA, 14 SEER R410-A, DUAL FUEL SYSTEM
PROVIDE MATERIAL AND LABOR FOR COMPLETE EQUIPMENT
CHANGE OUT
(1) YEAR LABOR WARRANTY
(10) YEAR PARTS WARRANTY (WITH ON LINE REGISTRATION)

BIG ROOM AREA

LOWER RETURN AIR DUCT TO 12" ABOVE FLOOR LEVEL
INSTALL (2) 20 X 20 METAL FILTER GRILL
EXTEND (2) SPIRAL DUCT 10 FT TOWARD END OF BUILDING
INSTALL LOCK BOX AT EXISTING THERMOSTAT
OFFICE & BATH AREA
EXISTING 3 TON LP / AC SYSTEM TO BE CHANGED OUT
LOWER RETURN AIR DUCT TO 12" ABOVE FLOOR LEVEL
AT (2) LOCATIONS
INSTALL (4) 14 X 20 METAL FILTER GRILLS
INSTALL LOCK BOX AT HEAT PUMP THERMOSTAT

REMOVE EXISTING CHANGED OUT EQUIPMENT
(1200.00 CREDIT ON TRADE IN EQUIPMENT INCLUDED)

PAYABLE ON COMPLETION OF JOB

7250.00

ALL CARPENTER WORK REQUIRED TO COVER NEW
RETURN AIR EXTENSIONS WILL BE RESPONSIBILITY OF
CITY OF BLUE RIDGE

NOTE: THIS EQUIPMENT WILL MEET THE NEW FEDERAL ENERGY MANDATE
FOR THE SOUTH EAST REGION WHICH BECOMES EFFECTIVE IN 2016
THIS EQUIPMENT ALSO CONTAINS NEW STYLE FREON R410A WHICH IS LESS
EXPENSIVE
HEAT PUMP HAS NEW DESIGN COMPOSIT BASE PAN FOR QUIETER OPERATION



TRI-STATE HEATING & AIR CONDITIONING

P.O. Box 1295
Blue Ridge, GA 30513
tony.tristatehvac@etcmail.com

4160 East First St
Blue Ridge, GA 30513
Ph: 706-632-9666
Fax: 706-632-9660

PROPOSAL AND AGREEMENT

Customer Name: **Blue Ridge Train Depot**

Phone:

Date: **1/21/2015**

Mailing Address:

Job Address:

City, ST, Zip:

Job City:

We will furnish, install and service the equipment listed below at the price, terms and conditions outlined on the proposal.

System #1 Make: **Trane**

Model # (s): **4TTB3060 + TUE100**

SEER: **13.0**

HSPF: **N/A**

BTU cooling:

BTU heating:

System #2 Make:

Model # (s):

SEER:

HSPF:

BTU cooling:

BTU heating:

Installation shall include: labor and material required to install one – furnace with 5 ton A/C. This proposal includes modification to the existing duct system to bring it up to code requirements and accommodate the 5 ton system. Also included is the extension of the trunks in the "big room", installation of proper grills and enlarging R/A duct to proper size.

- New service disconnect(s)
- Electrical wiring from panel
- New low voltage wiring
- New reinforced equipment pad
- New properly sized refrigerant lines
- Remove existing equipment from premises
- Install energy saving electronic thermostat
- New supply diffuser(s) as needed
- Properly designed duct system
- Meet all TVA rebate requirements
- Noise reducing flexible duct connector
- Fiberglass duct board trunk line
- New gas piping from _____ to _____
- Enlarge R/A duct "Big room"
- Clean work area
- Install correct grills(both systems)
- Extend ducts in big room
- Install aux. condensate drain pan
- Extend R/A ducts to floor
- New high efficiency air filter
- New humidification system
- New return air filter grill
- Meet all code requirements
- One year parts warranty
- One year labor warranty
- Five year compressor warranty
- Correct ductwork deficiencies
-
-
-

Option (below) Alternative (below) Is Is not included in price.

Installed Price **\$7,386.00**

Down Payment \$ _____

Balance Due \$ _____

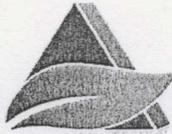
Terms: _____

Acceptance: _____ Approval: _____

By: _____ Date: _____ By: _____ Date: _____

JAMESTHOMAS

HEATING AND COOLING



3801 E. First Street
 Blue Ridge, GA 30513
 (706) 632 - 1241
 (706) 635 - 1244

City Of Blue Ridge
 Depot
 Blue Ridge GA 30513

QUOTE

DATE	Quote #	CUST #
05/05/2015	0000012545	0009340

LOCATION OF SERVICE:
City Of Blue Ridge Depot Blue Ridge GA 30513
TELEPHONE NUMBER:

SALESPERSON	TERMS	DEPARTMENT	LICENSE NO.
Jimmy	COD	01	GA CN209750

Thank you! We appreciate your business. Visit us on the web at www.jamesthomasair.com

QUAN	DESCRIPTION	
	Option for large side of building	
1.00	Perfectaire Model # 1PAMSH36-KIT 3 Ton Mini Split Heat Pump	
1.00	Perfectaire Ductless Indoor Air Handler	
1.00	Refrigeration Line Set	
1.00	Preformed Concrete Pad	
1.00	Total	3,980.00
1.00	High Voltage Not Included	
	Note: This price is mounting the outdoor unit on the deck. If outdoor unit is relocated to a different location will need to add \$ 200.00 - \$ 300.00 for Line Set	
1.00	To increase size of return on the 4 ton unit from a 20 X 20 to a 20 X 30	300.00

Signature: _____ Date: _____

JAMES THOMAS HEATING AND COOLING hereby agrees to furnish the material and/or labor described above according to specifications indicated on this quote to the purchaser at the location of service listed. JAMES THOMAS HEATING AND COOLING provides a 1 year labor guarantee on all repairs and installations. All materials and parts, are warranted by the manufacturer accordingly. JAMES THOMAS HEATING AND COOLING makes no other guarantees, verbal or implied. Purchaser agrees to the terms and conditions stated herein and gives authorization to perform the work listed above. JAMES THOMAS HEATING AND COOLING assesses a 3% convenience fee on all credit card payments in excess of \$999. JAMES THOMAS HEATING AND COOLING has paid applicable sales and use tax on purchases of parts and/or materials used in this contract for service, repair or installation and any additional local county tax, if the purchased item was used in another jurisdiction with a higher rate than the rate of the county in which JAMES THOMAS HEATING AND COOLING is located.



Blue Ridge Scenic Railway

241 Depot Street
Blue Ridge, GA 30513
800-934-1898 706-632-9833
Fax: 706-258-2756

Items to be completed by City of Blue Ridge prior to move in by Blue Ridge Scenic Railroad. 4/20/2105 Revised 5-4-15

1. HVAC Inadequate and needs reconfigured – additional equipment

Not Done The HVAC for the offices is undersized, has too small of pressured trunk line, has inadequate return air which is in the ceiling and will not push heat to floor. The HVAC pressured duct work to the Freight room (New Ticket Office) does not reach the end of the room, and has conventional type registers instead of down draft registers therefore the heat/cool never reaches the floor. It also has too small of return air so the furnace is starved for air.

2. HVAC/water heater room insulated – pipes can freeze

Not Done The room upstairs where the furnaces and water heater are is not walled off and insulated. This means that the pipes that feed and supply hot water will freeze and burst in cold weather. Being on the second floor, it would ruin the first floor and anything underneath it.

3. Floor Insulated and sealed – Treat Mold/Mildew

Not Done Under the offices and Freight room has not been treated for mold and mildew or insulated. Will cause more problems with heating, cooling, and mold/mildew. Also needs to be sealed to keep critters from homing in the insulation.

4. Stairs to be wider – steps to short

Not Done The steps going up from the trackside by the South end of car 150 to the deck are too short front to back and need to be wider.

5. Gutter Drains - Water standing under deck

Cannot see, but probably not done

6. Doors – windows behind sliding doors - commercial doors – broken windows replaced.

Doors and side windows installed, look great! Floor around doors need refinishing because they got concrete on it. Windows have been replaced, Look good.

7. Paint Deck and Handrail to be completed when weather allows.

Not Done because weather not good yet.

8. The transition board between the 2 levels of deck needs to be beveled and painted yellow with signs pointing to the board.

We had an employee trip on the board and fall last week and break her hand.

9. The skirt boards that have been added to the East side of the ramp and deck need to be removed.

The skirt looks good, but it blocks all air from circulating under the ramp and deck. There is a lot of water that goes through the deck to the ground underneath as well as a gutter that carries half of the roof water from that end of the building to the ground and all behind this skirt. No air circulation will create a lot of mold, mildew and eventually rot. This must be removed.

9. The boxcar space is part of the depot lease. We intend to utilize that space for additional meeting space and store the uniforms/costumes for characters at the boxcar.

WATER DEPARTMENT PAY SCALE 2015

POSITION	PROPOSED		CURRENT		RECOMMEND	Column8	Column9	Column10
	ENTRY PAY	EMPLOYEE/YRS	PAY	PAY				
WATER PLANT SUPERVISOR	\$17.00	TIM HAWKINS/17 YRS	\$21.42	\$21.85	must have a class 1 license and water audit training			
WTP CLASS 1	\$15.00	BILL PATTERSON/18 YRS	\$18.49					
WTP CLASS 2	\$13.75							
WTP CLASS 3	\$12.50	BRAD HAWKINS/8 YRS	\$14.99					
		ERIC WHITENER/2 YRS?	\$12.87	\$13.01	will be \$13.81 if he gets credit for original hire date			
		MARK PATTERSON/1 YR	\$10.71	\$12.50				
TRAINEE/NO LICENSE	\$11.00							
WATER DISTRIBUTION SUPERVISOR	\$16.65	SHANNON PAYNE/14 YRS	\$17.83	\$19.10	must have distribution license & water audit training			
WATER CREW LEADER	\$12.50	JIM ROBINSON/35 YRS	\$23.72	\$24.19				
MAINTENANCE WORKER	\$11.25	JOHN WATKINS/20 YRS	\$17.20	\$17.79				
		CHAD CLEMMONS/2 YRS	\$12.27	\$13.29	safety coordinator \$1.00 was given			
METER READER	\$11.25	STEVE MULL/6 YRS	\$12.57	\$13.63	Class 3 sewer license \$.50 should have been given			
		NATHAN STUART/1 YR	\$10.71	\$11.72				
UTILITY BILLING CLERK	\$12.50	REBECCA HARKINS	\$17.60	\$19.10	only if appointed to a supervisor, if not \$.50			
salaries difference			\$156.90	\$166.18	\$9.28			
					cost per year			\$19,305.10
					cost for 2015			\$12,870.07

May 12, 2015

Blue Ridge City Council Minutes

City of Blue Ridge

480 West First Street • Blue Ridge, Georgia • (706) 632-2091

City of Blue Ridge
Council Meeting Minutes
City Hall
480 West First Street
May 12, 2015 at 6:00 pm

Present: Mayor Donna Whitener
Council Members Angie Arp, Harold Herndon,
Rodney Kendall, Bruce Pack and Rhonda Thomas
City Clerk Bill Sowers
Assistant City Clerk Kelsey Addington

1) Call Meeting to Order:

Council Member Rodney Kendall made a motion to call the meeting to order. The motion was seconded by Council Member Bruce Pack. All voted yea. Motion carried.

2) Prayer and Pledge of Allegiance:

Council Member Bruce Pack offered a word of prayer followed by the Pledge of Allegiance. Mayor Whitener then asked for a motion to amend the agenda. Council Member Rodney Kendall made the motion to remove agenda items number six, personnel policy and number seven, sign ordinance. The motion was seconded by Council Member Rhonda Thomas. All voted yea. Motion carried.

3) Council Meeting Rules of Procedures:

Mayor Whitener stated that the meeting rules of procedures were included in each council packet. She also stated that there were copies located on the council desk for the public. Mayor Whitener asked that the Council allow agenda item number five, master plan, more time than the allotted five minutes. Council Member Rhonda Thomas made the motion to allow Rick Larosa more time to discuss the master plan. The motion was seconded by Council Member Rodney Kendall. All voted yea. Motion carried.

4) Approval of Minutes:

- a) Council Member Rhonda Thomas made a motion to approve the minutes from the Special Called Council Meeting held on February 24, 2015. The motion was seconded by Council Member Rodney Kendall. All voted yea. Motion carried.
- b) Council Member Rodney Kendall made a motion to approve the minutes from the Special Called Council Meeting held on March 2, 2015. The motion was seconded by Council Member Angie Arp. All voted yea. Motion carried.

City of Blue Ridge

480 West First Street • Blue Ridge, Georgia • (706) 632-2091

5) Master Plan—Rick Larosa and Cindy Trimble:

Rick Larosa thanked the Council along with City Clerk Bill Sowers for helping him and his team gather data. He stated that he wanted input from the Council and the public. He continued to state that the process takes time to arrive at the best solution. There was a short discussion between Rick Larosa and the Council. Mayor Whitener asked that the Council finish the meeting and adjourn and then stay after to hear Larosa’s plan.

6) Detail Contract FY 2016:

Council Member Rodney Kendall made a motion to approve the contract (attached). The motion was seconded by Council Member Bruce Pack. All voted yea. Motion carried.

7) Appointment to the Building Code Appeals Board:

Council Member Rodney Kendall made a motion to reappoint Matthew Patterson if he is willing to serve a second term. The motion was seconded by Council Member Rhonda Thomas. All voted yea. Motion carried.

8) Vendor Ordinance:

Council Member Angie Arp stated that she would like to bring the issue of a vendor ordinance or peddler’s permit to the Council’s attention. This would allow individuals to sell products/food on the sidewalks. Council Member Rodney Kendall made a motion to table until further notice. The motion was seconded by Council Member Rhonda Thomas. All voted yea. Motion carried.

9) The Blue Ridge Business Association—Cesar Martinez:

Cesar Martinez was present to give a monthly update for the Blue Ridge Business Association.

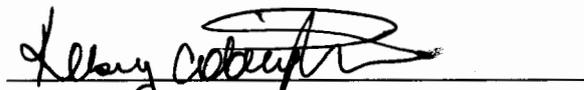
10) Executive Session (if needed):

There was no executive session needed.

11) Adjournment:

Council Member Rodney Kendall made a motion to adjourn the meeting. The motion was seconded by Council Member Angie Arp. All voted yea. Meeting adjourned at 6:38 pm.


~~Donna Whitener, Mayor~~
Rodney Kendall, Mayor pro Tem


Kelsey Addington, Assistant City Clerk

June 2, 2015
Approved

WORK DETAIL AGREEMENT
Governmental Entity Provides Vehicle

THIS AGREEMENT is entered into this 1st day of July, 2015, by and between GEORGIA DEPARTMENT OF CORRECTIONS, an agency of the State of Georgia (hereinafter referred to as "Department"), and City of Blue Ridge, a department, agency or political subdivision of the State of Georgia ("Governmental Entity"),

WITNESSETH:

WHEREAS, Department desires to obtain appropriate work for offenders incarcerated at its Colwell Probation Detention Center, a sub-unit of Lee Arrendale State Prison facility (hereafter "Offenders" and "Facility"); and

WHEREAS, Governmental Entity desires to obtain the services of Offender work crews on public works projects in accordance with O.C.G.A. §42-5-60(e).

NOW, THEREFORE, in consideration of these premises and the mutual promises and agreements hereinafter set forth, the parties hereby agree as follows:

1. Term of Agreement. The term of this Agreement shall be from July 1, 2015 until 11:59 p.m. on June 30, 2016 ("Term"). The parties may, by agreement in writing, extend the Agreement for additional time periods.
2. Scope of Services. Department shall provide Governmental Entity with one (1) Offender work detail. Each work detail provided will consist of a maximum of ten (10) Offenders ("Work Detail") as well as one (1) full-time correctional officer ("Correctional Officer"). The Work Detail will perform labor on public works projects described in the Work Order or as communicated to Department from time to time in the manner provided in the Work Order. Department shall have the right and responsibility to control the time and manner of executing the Work through the Correctional Officer that is assigned to supervise Work Detail. For purposes of this paragraph, the Correctional Officer shall be acting as an agent of Governmental Entity. Governmental Entity shall also have the right and responsibility to direct the Correctional Officer concerning the Work. Governmental Entity acknowledges and agrees that the Work shall not include Offender labor that benefits private persons or corporations.
3. Prohibited Contact And Dealings With Offenders.
 - A. Governmental Entity will take all reasonable steps to ensure that its officials, employees, students, and agents refrain from any personal dealings with the Offenders working under this Agreement. Such prohibited conduct includes, but is not limited to, giving, receiving, selling, buying, trading, bartering, or exchanging anything of value with an Offender.
 - B. Governmental Entity will take all reasonable steps to ensure that the Offenders working under this agreement will have no contact with any unauthorized civilians.
 - C. In the event that Governmental Entity is a school or school system, Governmental Entity will

**WAITING
ON SIGNED
COPY FROM
THEM**

take all reasonable steps to ensure that the Offenders working under this Agreement will have no contact with any student of Governmental Entity's school system.

- D. Governmental Entity will take all reasonable steps to ensure that no gun or other weapon, intoxicating liquor, any drug of any type, any cellular telephone or communications device of any type, or contraband item specified by Department, is made available by its officials, employees, students, and agents to any Offender working under this Agreement on any property under Governmental Entity's control.
4. Workplace Safety. Governmental Entity agrees to provide a safe workplace for Work Details in accordance with State law. Governmental Entity shall be responsible for the coordination between Offender work details and other workers in the workplace. Department shall be responsible for the custody of Offenders at all times, including security, meals, and medical care. Each party agrees to comply with applicable laws, rules, regulations and orders of federal, State and local governments in the performance of the Work.
5. Vehicles, Equipment and Supplies. Governmental Entity agrees to supply vehicles suitable for transporting Work Detail to and from the location or locations of the Work. The Correctional Officer shall be responsible for transporting the Work Detail to and from the location or locations of the Work in the vehicles provided by Governmental Entity. In performing such transportation services, Correctional Officer shall be acting as an agent for Governmental Entity. Government Entity is responsible for ensuring that each vehicle used for transporting Work Details is equipped with a mobile radio which complies with federal law, specifically Federal Communications Commission ("FCC") Order 04-292. The mobile radio equipment will be high power, with appropriate antennae for maximum output and range of coverage. On December 20, 2004, the Federal Communications Commission (FCC) issued Order No. 04-292, which requires all state and local law enforcement agencies using below 512 megahertz mobile radio equipment to begin using 12.5 kilohertz Narrowband Mobile Communications radios by January 1, 2013. Governmental Entity further agrees to obtain an appropriate automobile liability insurance policy which will provide insurance coverage for the correctional officer's use and operation of the vehicle discussed in this paragraph. Governmental Entity agrees to provide Department with appropriate proof of automobile liability insurance for said vehicle within thirty (30) days of the commencement of this Agreement. Governmental Entity shall also supply all necessary tools, equipment and supplies for the performance of the Work, including all safety gear and any necessary protective clothing. Small quantities of gasoline shall be dispensed, stored and carried only in containers approved for this purpose by the National Fire Protection Association. Governmental Entity agrees to assume full responsibility for the condition, maintenance, damage or loss of any tools, equipment or supplies provided hereunder.
6. Compensation. Governmental Entity agrees to pay Department the sum of Thirty Nine Thousand Five Hundred Dollars (\$39,500.00) per year for the Term of this Agreement. Governmental Entity acknowledges that the foregoing sum is commensurate with labor supplied, salary, and benefits for Correctional Officer assigned to the Work Detail. This amount does not include overtime provided by Correctional Officer in performing the Work. Governmental Entity expressly agrees to pay Department for any overtime provided by Correctional Officer at an overtime rate of one and one half (1½) times Correctional Officer's hourly rate. Work Detail will be provided four (4) days per week, for up to ten (10) hours each day for the Term of this Agreement, with the exception of state and federal holidays and up to fifteen (15) additional days due to annual leave, sick leave, mandatory training days for the correctional officer, periods of inclement weather, and facility emergencies, such as offender

disturbances and medical quarantine (collectively "Off Days"). For each day in excess of the Off Days that the Work Detail is not provided during the Term, compensation due to Department shall be reduced by One Hundred Eighty Nine Dollars and Ninety Cents (\$189.90). Where possible, Department will give advance notice to Governmental Entity of Off Days and will provide Governmental Entity with an explanation of the reason for any Off Days on Department's monthly invoice, which invoice is due and payable Thirty (30) days from receipt by Governmental Entity. Any credits due Governmental Entity shall be noted by Department on this invoice. If the detail does not go out because the Governmental Entity is not able to provide transportation, or at the request of the Governmental Entity, the Governmental Entity is responsible for paying the full rate for that day.

7. Termination for Convenience. This Agreement may be terminated by either party upon seven (7) calendar days written notice. The seven (7) days will commence with the receipt of the notice by the non-canceling party.
8. Notices. Any notice under this Agreement shall be deemed duly given if delivered by hand (against receipt) or if sent by registered or certified mail -- return receipt requested, to a party hereto at the address set forth below or to such other address as the parties may designate by notice from time to time in accordance with this Agreement.

If to Governmental Entity: City of Blue Ridge
Attn: Donna Whitener, Mayor
480 West First Street
Blue Ridge, GA 30513

If to Department: Robert E. Jones
General Counsel
Georgia Department of Corrections
State Office South, Gibson Hall, 3rd Floor
P.O. Box 1529
Forsyth, GA 31029

With a copy to: Colwell Probation Detention Center
Superintendent
189 Beasley Street
Blairsville, GA 30512

9. Sole Benefit. Department and Governmental Entity enter into this Agreement for their sole benefit. Department and Governmental Entity do not intend to give any rights pursuant to this Agreement to any other parties that are not signatories to this Agreement. These other parties include, but are not limited to, any Offender(s) who participate in the work detail(s) outlined in this Agreement. Department and Governmental Entity do not intend for such Offender(s) or other parties that are not signatories to this Agreement to be third party beneficiaries to this agreement.
10. Amendment. The parties recognize and agree that it may be necessary or convenient for the parties to amend this Agreement so as to provide for the orderly implementation of all of the undertakings described herein, and the parties agree to cooperate fully in connection with such amendments if and as necessary. However, no change, modification or amendment to this Agreement shall be effective unless the same is reduced to writing and signed by the parties hereto.

11. Drug-Free Workplace Act. Governmental Entity hereby certifies that:

- A. A drug-free workplace will be provided for Governmental Entity's employees during the performance of this Agreement as required by "Drug-Free Workplace Act," O.C.G.A. § 50-24-1, et seq.; and,
- B. Governmental Entity will secure from any subcontractor hired to work in a drug-free workplace the following written certification: "As part of the subcontracting agreement with (Governmental Entity's Name), (Subcontractor's Name) certifies to Governmental Entity that a drug-free workplace will be provided for the subcontractor's employees during the performance of this Agreement pursuant to paragraph 7 of subsection B of Code Section 50-24-3."
- C. Governmental Entity may be suspended, terminated, or debarred if it is determined that:
 - 1) Governmental Entity has made false certification hereinabove; or
 - 2) Governmental Entity has violated such certification by failure to carry out the requirements of the "Drug-Free Workplace Act."

12. Governing Law. This Agreement is executed in the State of Georgia, and all matters pertaining to the validity, construction, interpretation and effect of this Agreement shall be governed by the laws of the State of Georgia.

13. Counterparts. This Agreement may be executed in multiple counterparts, each of which shall be an original but all of which shall constitute one agreement. No party shall be bound by this Agreement until all parties have executed it.

14. Entire Agreement. This Agreement constitutes the entire agreement and understanding between the parties hereto and replaces, cancels and supersedes any prior agreements and understandings relating to the subject matter hereof; and all prior representations, agreements, understandings and undertakings between the parties hereto with respect to the subject matter hereof are merged herein.

IN WITNESS WHEREOF, the parties have caused the authorized representatives of each to execute this Agreement on the day and year first above written.

GEORGIA DEPARTMENT OF
CORRECTIONS:

By: _____
Robert E. Jones
General Counsel

GOVERNMENTAL ENTITY:

By: Donna Whitener

Print Name: Donna Whitener

Title: Mayor

FACILITY WARDEN/SUPERINTENDENT

By: _____

Print Name: _____

City of Blue Ridge

480 West First Street • Blue Ridge, Georgia • (706) 632-2091

City of Blue Ridge
Special Called Council Meeting Minutes
City Hall
480 West First Street
May 19, 2015 at 10:00 AM

Present: Mayor Donna Whitener,
Council Members Angie Arp, Harold Herndon,
And Rodney Kendall
City Clerk Bill Sowers
Assistant City Clerk Kelsey Addington

1) Call Meeting To Order:

Council Member Rodney Kendall made a motion to call the meeting to order. The motion was seconded by Council Member Angie Arp. The Council voted 3-0. Motion carried.

2) Open Bids For The Marina Property:

Mayor Whitener opened the only bid received. The bid was from the Evelyn Windham, President of the Lake Blue Ridge Marina (attached). The bid was in the amount of \$ 400,000 and outlined the proposed proceedings if awarded the bid. Council Member Rodney Kendall made a motion to accept the bid as written. The motion was seconded by Council Member Harold Herndon. The Council voted 3-0. Motion carried. Council Member Rodney Kendall made a motion to allow Mayor Whitener to sign a contract once it is approved by City Attorney, David Syfan. The motion was seconded by Council member Angie Arp. The Council voted 3-0. Motion carried. Council Member Angie Arp made a motion stating "I make a motion to commit fund balance of the general fund for working capital and contingencies in the amount equal to the selling price of Blue Ridge Marina. I move that the City Attorney draw up a resolution to commit this amount that will be adopted at the time that a contract is approved for the sale of the property". The motion was seconded by Council Member Rodney Kendall. The Council voted 3-0. Motion carried.

3) Sidewalk work on Section of East Main Street:

Mayor Whitener informed the Council that there was a section on East Main Street that was in need of some sidewalk work. Mayor Whitener request that the Council approve \$ 2,500 for the work. Council Member Rodney Kendall made a motion to approve up to \$ 2,500 for the patch work. The motion was seconded by Council Member Harold Herndon. The Council voted 3-0. Motion carried.

At this time Herb Windham spoke he informed the Council that they planned to close on the property that evening if possible.

City of Blue Ridge

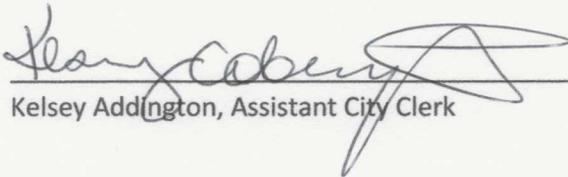
480 West First Street • Blue Ridge, Georgia • (706) 632-2091

4) Adjourn Meeting:

Council Member Rodney Kendall made a motion to adjourn the meeting. The motion was seconded by Council Member Angie Arp. The Council voted 3-0. Meeting adjourned.



Donna Whitener, Mayor *Mayor Pro Tem*



Kelsey Addington, Assistant City Clerk

June 9, 2015

Approved

May 8, 2015

City of Blue Ridge
480 W. 1st Street
Blue Ridge, GA 30513

Mayor and City Council
Cc: R. David Syfan; Law offices of Hulseley, Oliver, & Mahar, LLP

Lake Blue Ridge Marina would like to take this opportunity to bid on the property owned by the city and leased to Lake Blue Ridge Marina described as Exhibit A in the invitation to bid. Lake Blue Ridge Marina bids \$400,000.00 on this property to be paid in full at closing. The marina also intends to annex the adjoining property into the city that is now operated as Lake Blue Ridge Marina.

Lake Blue Ridge Marina request that the annexed property be zoned with the highest commercial use for possible future development of a restaurant, motel, condo or apartments.

Lake Blue Ridge Marina will work diligently with the City of Blue Ridge to obtain grants or grant applications regarding this property.

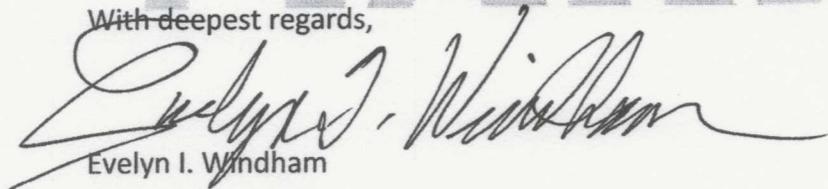
Lake Blue Ridge Marina agrees to use this property for parks and recreation as it has been for the past 50 years; the last 27 years under the control of Lake Blue Ridge Marina, and will continue to be as required by this purchase agreement. The marina, ships store, restaurant, and alcohol sales will continue as they have in the past.

If Lake Blue Ridge Marina is the successful bidder the lease between the marina and the city for this property will be terminated immediately.

Lake Blue Ridge Marina proposes that the city attorney represent the City of Blue Ridge in this agreement and the marina will be represented by Terry Wilson with each party being responsible for their own closing cost.

Time is of the essence in this matter. The marina is prepared to close as soon as possible.

With deepest regards,


Evelyn I. Windham

President, Lake Blue Ridge Marina

P.O. Box 150 Marina Drive Blue Ridge GA 30513

City of Blue Ridge

480 West First Street • Blue Ridge, Georgia • (706) 632-2091

City of Blue Ridge
Town Hall Meeting Minutes
City Hall
480 West First Street
May 26, 2015 at 6:00 PM

Present: Mayor Whitener
Council Members Angie Arp, Harold Herndon,
And Bruce Pack
City Clerk Bill Sowers
Assistant City Clerk Kelsey Addington

1) Call Meeting to Order:

Council Member Angie Arp made a motion to call the meeting to order. The motion was seconded by Council Member Bruce Pack. The Council voted 3-0. Motion carried.

2) Prayer and Pledge of Allegiance:

Council Member Bruce Pack offered a word of prayer followed by the Pledge of Allegiance.

3) Council Meeting Rules of Procedures:

Mayor Whitener announced that the rules of procedures were available at the Council desk.

4) City Master Plan—Rick Larosa and team:

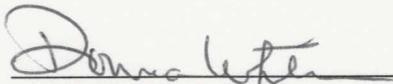
Council Member Angie Arp made a motion to allot more time to Rick Larosa and Cindy Trimble in order for them to present their presentation on the master plan and that all other public comments would be under the five minutes time restraint. The motion was seconded by Council Member Bruce Pack. The Council voted 3-0. Motion carried. Cindy Trimble gave a brief summary of the project thus far. After presenting her summary Ms. Trimble gave the floor to Mr. Larosa. He presented each part of the master plan which included the plans for parking near City Hall, the City playground, Depot Plaza, downtown restrooms and retail area, Robert's Way, the north parking lot and restrooms and the East Main Street improvements. After Mr. Larosa presented the master plan, Mayor Whitener asked for public comment. Allen Hart, Wilds Pierce, Ron Long, Chip Cipic, Brendon Doyle, David Durkin, John Soave, Brenda Thistle, Vincent Davis, Danny Mellman, Jack Morton and Carlie Hammond commented and made suggestions in regards to Larosa's master plan. The suggestions included adding a connector between West Main and East Main streets, to create a bicycle friendly environment downtown, and to provide motorcycle parking. Several people expressed concerns about the safety of downtown and the delivery of supply trucks if proposed changes are made to East Main Street. Larosa informed the Council that the plan has room for expansion to surrounding areas like Old Hwy 76. The Mayor and Council had minimal discussion on the topic and agreed to allow for more public comments at the June workshop and council meeting.

City of Blue Ridge

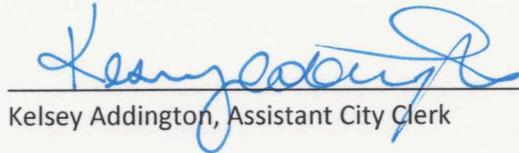
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5) Adjournment:

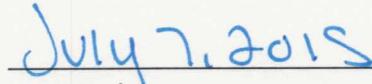
Council Member Bruce Pack made a motion to adjourn the meeting. The motion was seconded by Council Member Harold Herndon. The Council voted 3-0. Meeting adjourned at 8:00pm.



Donna Whitener, Mayor



Kelsey Addington, Assistant City Clerk



Approved

City of Blue Ridge

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City of Blue Ridge
Workshop Meeting Minutes
City Hall
480 West First Street
June 2, 2015 at 10:00AM

Present: Mayor Pro Tem Rodney Kendall
Council Members Angie Arp, Harold Herndon,
Bruce Pack and Rhonda Thomas
City Clerk Bill Sowers
Assistant City Clerk Kelsey Addington

- 1) Call Meeting to Order:
Council member Bruce Pack made a motion to call the meeting to order. The motion was seconded by Council Member Angie Arp. The Council voted 5-0. Motion carried.
- 2) Prayer and Pledge of Allegiance:
Council Member Bruce Pack offered a word of prayer followed by the Pledge of Allegiance.
- 3) Council Meeting Rules of Procedures:
Mayor Pro Tem Kendall stated that the council meeting rules of procedures were available at the Council desk if anyone would like to have a copy.
- 4) Approval of Minutes:
 - a) Council Member Rhonda Thomas made a motion to approve the minutes from the council meeting held on May 12, 2015. The motion was seconded by Council Member Bruce Pack. The Council voted 5-0. Motion carried.
 - b) Council Member Rhonda Thomas made a motion to approve the minutes from the special called council meeting held on April 22, 2015. The motion was seconded by Council Member Angie Arp. The Council voted 5-0. Motion carried.
 - c) Council Member Rhonda Thomas made a motion to approve the minutes from the workshop meeting held on March 3, 2015. The motion was seconded by Council Member Angie Arp. The Council voted 5-0. Motion carried.
- 5) Vendor Ordinance—Discussion Only:
Council Member Angie Arp spoke about the master plan and how it offers a space for vendors to rent/lease a space at the depot. The business license ordinance would need to be amended to license these vendors. The discussion ended with Council Member asking the Council to think about whether or not they would want to amend the business license ordinance.

City of Blue Ridge

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6) 2014 Budget Amendment #2:

Council Member Rhonda Thomas made a motion to amend the 2014 budget (budget amendment attached). The motion was seconded by Council Member Angie Arp. The Council voted 5-0. Motion carried.

7) Blue Ridge Fireworks Ordinance:

Council Member Angie Arp read the first paragraph of the fireworks ordinance. Council Member Angie Arp made a motion to accept the first reading of the Blue Ridge Fireworks Ordinance. The motion was seconded by Council Member Rhonda Thomas. The Council voted 5-0. Motion carried.

8) Capital Improvements and Contingency Fund Resolution:

Council Member Angie Arp read the first paragraph of the resolution. Council Member Rhonda Thomas made a motion to adopt the capital improvements and contingency fund resolution (attached). The motion was seconded by Council Member Angie Arp. The Council voted 5-0. Motion carried.

9) GEFA Resolution:

Council Member Angie Arp made a motion to adopt the GEFA resolution (attached). The motion was seconded by Council Member Bruce Pack. The Council voted 5-0. Motion carried.

10) Fannin County Public Library Board of Trustees Appointments:

Council Member Rhonda Thomas made a motion to appoint John Turner to the board of trustees. Patty Hampton's term will expire on June 30, 2015; in which John Turner will be taking over her position (appointment form attached). Mr. Turner's term is to end June 30, 2018. The motion was seconded by Council Member Angie Arp. The Council voted 5-0. Motion carried.

11) Depot Landscaping:

Council Member Angie Arp made a motion to table the topic until the Council Meeting scheduled on June 9, 2015. The motion was seconded by Council Member Rhonda Thomas. The Council voted 5-0. Motion carried.

12) Master Plan:

The Council allowed a time for public comment in order to receive suggestions/input from the public concerning the master plan. Bill Ryan and Dub Joiner made brief comments that the Council will take into consideration.

City of Blue Ridge

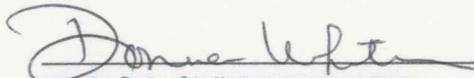
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13) Executive Session (if needed):

An executive session was not needed at this time.

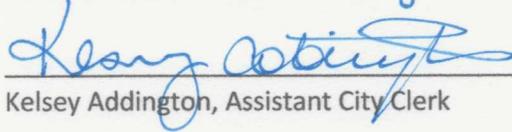
14) Adjournment:

Council Member Bruce Pack made a motion to adjourn the meeting. The motion was seconded by Council Member Angie Arp. The Council voted 5-0. Meeting adjourned at 10:40AM.



~~Mayor Bruce Pack~~

Dana Whitener, mayor



Kelsey Addington, Assistant City Clerk



Approved



Blue Ridge, Georgia

Live. Work. Play.

BUDGET AMENDMENT #2 FOR THE YEAR ENDING DECEMBER 31, 2014

BUDGET AMENDMENT FOR COUNCIL APPROVAL

			<u>BUDGET</u>	<u>AMENDMENT</u>	<u>ADJUSTED BUDGET</u>
GENERAL FUND					
100-31-0000-1310	REVENUE	AUTO TAG TAX	(35,000)	(26,000)	(61,000)
100-31-0000-1710	REVENUE	SANITATION FRANCHISE FEE	(25,000)	(20,000)	(45,000)
100-31-0000-4300	REVENUE	LIQUOR POURING TAX	(6,000)	(18,000)	(24,000)
100-54-1500-2400	GENERAL	CAPTIAL OUTLAY- EQUIP	-	3,000	3,000
100-52-2650-2202	MUN COURT	MAINTENANCE EQUIPMENT	7,500	3,000	10,500
100-57-2650-2000	MUN COURT	PAYMENT TO OTHER AGENCIES	50,000	9,000	59,000
100-61-1500-1340	GENERAL	TRANSFERS OUT- STREETScape	12,000	49,000	61,000
<hr/>					
100-31-0000-4200	REVENUE	BEVERAGE TAX	(225,000)	(35,000)	(260,000)
100-35-0000-1170	REVENUE	FINES & FORFEITURES	(174,000)	(50,000)	(224,000)
100-51-4200-1100	STREET	SALARIES & WAGES	120,618	6,000	126,618
100-52-4200-1202	STREET	ENGINEERING	2,500	6,000	8,500
100-52-4200-3902	STREET	GA CORRECTIONS (WD)	-	7,000	7,000
100-53-4200-1101	STREET	MATERIALS & SUPPLIES	30,000	15,000	45,000
100-53-4200-1122	STREET	MATERIALS & SUPPLIES- SIGNS	5,000	6,000	11,000
100-53-4200-1230	STREET	ELECTRICITY	36,000	10,000	46,000
100-53-4200-2202	STREET	MAINTENANCE EQUIPMENT	9,500	9,000	18,500
100-53-4200-2203	STREET	MAINTENANCE VEHICLES	2,000	6,000	8,000
100-54-4200-1001	STREET	CAPITAL OUTLAY- EQUIPMENT	8,000	10,000	18,000
100-54-4200-1002	STREET	CAPITAL OUTLAY- OTHER	-	10,000	10,000
<hr/>					
STREETScape					
340-33-0000-4320	REVENUE	DOT STREETScape GRANT	-	(50,000)	(50,000)
340-39-0000-1200	REVENUE	TRANSERS IN- GENERAL	-	(60,000)	(60,000)
340-52-7565-1100	DEPOT	PROJECT ADMINSTRATION	-	9,000	9,000
340-52-7565-1203	DEPOT	LEGAL	-	13,000	13,000
340-52-7565-2310	DEPOT	RENTAL OF LAND & BUILDINGS	-	40,000	40,000
340-52-7565-3001	DEPOT	CONTRACT SERVICES	-	40,000	40,000
340-53-7565-1001	DEPOT	MATERIALS & SUPPLIES	-	8,000	8,000

Dec 2, 2015
DATE ADOPTED AT REGULAR COUNCIL MEETING

PASSED: June 2, 2015

A RESOLUTION NO. 2015-06-02

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BLUE RIDGE, GEORGIA, TO ESTABLISH A CAPITAL IMPROVEMENTS AND CONTINGENCY FUND FROM THE FUND BALANCE OF THE GENERAL FUND; TO ESTABLISH THE AMOUNT OF THE CAPITAL IMPROVEMENTS AND CONTINGENCY FUND; TO PROVIDE FOR WHAT FUNDS FROM THE GENERAL FUND WILL BE USED TO FUND THE CAPITAL IMPROVEMENTS AND CONTINGENCY FUND; TO PROVIDE THAT THE FINANCE DIRECTOR OF THE CITY IS AUTHORIZED TO ESTABLISH SAID CAPITAL IMPROVEMENTS AND CONTINGENCY FUND AS AN INTEREST BEARING ACCOUNT FOR THE CITY ACCORDING TO THE BEST RATES AVAILABLE FROM LOCAL LENDING INSTITUTIONS; TO PROVIDE THAT THE CITY COUNCIL, BY RESOLUTION PASSED IN A PUBLIC MEETING, SHALL APPROVE CAPITAL IMPROVEMENT PROJECTS OR CONTINGENCY NEEDS, AND WHICH SHALL BE FUNDED BY THE CAPITAL IMPROVEMENTS AND CONTINGENCY FUND; AND FOR OTHER PURPOSES.

WHEREAS, the City Council of the City of Blue Ridge, Georgia, is authorized by Art. IX, § II, ¶ III of the Constitution of the State of Georgia of 1983, and the City Charter, to plan and implement capital improvements for transportation, parking, public buildings, and such other projects as authorized under the City Charter and the general laws of the State of Georgia;

WHEREAS, the City Council of the City of Blue Ridge, Georgia, has recently authorized the sale of a surplus piece of property, and has received the consideration for said sale in the amount of \$400,000.00, and which has been deposited in the general fund of the City of Blue Ridge, Georgia; and

WHEREAS, the City Council of the City of Blue Ridge, Georgia, finds that it is appropriate to establish on behalf of the City, a capital improvements and contingency fund, and

which will be funded from the above-referenced sale proceeds, and maintained as a separate ledger entry and account for the purposes of capital improvements and contingencies faced by the City of Blue Ridge, Georgia; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of Blue Ridge, Georgia, and it is hereby resolved by the authority of the City Charter and the above-referenced authority as provided by Georgia law, and as follows:

Section 1. ESTABLISHMENT OF CAPITAL IMPROVEMENTS AND CONTINGENCY FUND.

The City Council of the City of Blue Ridge, Georgia, does hereby authorize the Finance Director of the City to create and establish a capital improvements and contingency fund, from the general funds of the City. The amount of the capital improvements and contingency fund is currently set as \$400,000.00, and being that portion of the general fund which accounts for the sale proceeds of a recent sale of surplus real property by the City of Blue Ridge, Georgia. The initial amount of the capital improvements and contingency fund may be increased as further funds become available, and as determined by the City Council, and may be decreased by the City Council in order to pay for capital improvement projects, contingencies faced by the City, and other proper allocation of said funds as authorized by the City Council.

Section 2. ESTABLISHMENT OF AN INTEREST BEARING ACCOUNT.

The Finance Director is further authorized to establish the capital improvements and contingency fund as an interest bearing account, at the best interest rate provided by local lenders, and as determined by the City Finance Director. The interest bearing account shall also meet all requirements for such accounts as mandated by the general law of the State of Georgia.

Section 3. USE OF THE FUNDS OF THE CAPITAL IMPROVEMENTS AND CONTINGENCY FUND.

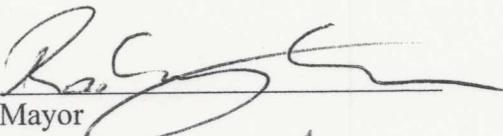
The capital improvements and contingency fund shall be used for capital improvement projects of the City, and unexpected contingencies faced by the City, and as determined by the City Council in a public meeting of the City Council. The City Council, upon a determination of available funds, is authorized to increase the amount of the capital improvements and contingency fund above the initial amount of \$400,000.00. The City Council may also decrease the amount of the fund by expenditures from said fund for approved capital improvement projects or contingency situations, and in accordance with a resolution or motion passed by the City Council in a public meeting approving the expenditure of funds from said capital improvements and contingency fund for capital improvements and contingencies. No provision of this resolution shall limit the authority of the City Council as to how best to use said funds, but the City Council shall make all determinations of said fund by proper motion or resolution passed by the City Council in a subsequent public meeting of the City Council.

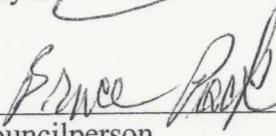
Section 4. EFFECTIVE DATE.

The effective date of this resolution shall be upon its passage by the City Council.

SO RESOLVED this 2 day of June, 2015.

BLUE RIDGE CITY COUNCIL

By:  Mayor *Bob*


Councilperson

Shonda Thomas
Councilperson

Angie Lee
Councilperson

Harold Aledo
Councilperson

Councilperson

Attest:

Bill Sowers
Bill Sowers
City Clerk

EXTRACT OF MINUTES
RESOLUTION OF GOVERNING BODY

Recipient: CITY OF BLUE RIDGE

Loan Number: DWSRF 15-001

At a duly called meeting of the governing body of the Borrower identified above (the "Borrower") held on the 2nd day of June, 2015, the following resolution was introduced and adopted.

WHEREAS, the governing body of the Borrower has determined to borrow but not to exceed **\$195,000** from the **DRINKING WATER STATE REVOLVING FUND, ADMINISTERED BY GEORGIA ENVIRONMENTAL FINANCE AUTHORITY** (the "Lender") to finance a portion of the costs of acquiring, constructing, and installing the environmental facilities described in Exhibit A to the hereinafter defined Loan Agreement (the "Project"), pursuant to the terms of a Loan Agreement (the "Loan Agreement") between the Borrower and the Lender, the form of which has been presented to this meeting; and

WHEREAS, the Borrower's obligation to repay the loan made pursuant to the Loan Agreement will be evidenced by a Promissory Note (the "Note") of the Borrower, the form of which has been presented to this meeting;

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borrower that the forms, terms, and conditions and the execution, delivery, and performance of the Loan Agreement and the Note are hereby approved and authorized.

BE IT FURTHER RESOLVED by the governing body of the Borrower that the terms of the Loan Agreement and the Note (including the interest rate provisions, which shall be as provided in the Note) are in the best interests of the Borrower for the financing of the Project, and the governing body of the Borrower designates and authorizes the following persons to execute and deliver, and to attest, respectively, the Loan Agreement, the Note, and any related documents necessary to the consummation of the transactions contemplated by the Loan Agreement.

Donna White
(Signature of Person to Execute Documents)

Marym
(Print Title)

Bill Lowm
(Signature of Person to Attest Documents)

City Administrator/Clerk
(Print Title)

The undersigned further certifies that the above resolution has not been repealed or amended and remains in full force and effect.

Dated: 6-2-2015

Kelley Coble
Secretary/Clerk

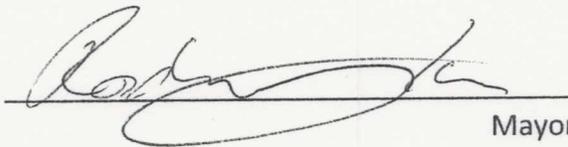
(SEAL)

**CERTIFICATE OF APPOINTMENT OF THE FANNIN COUNTY PUBLIC LIBRARY
BOARD OF TRUSTEES OF THE CITY OF BLUE RIDGE, GEORGIA**

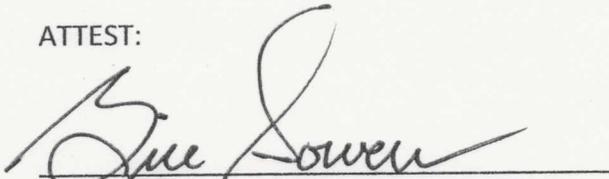
WHEREAS, the term of PATTY HAMPTON as a member (will expire; has terminated by resignation; or ended due to his/her death) on JUNE 30, 2015.

NOW THEREFORE, by virtue of my office as Mayor, the City of Blue Ridge Council appoints John Turner to serve as a member for a three-year term, ending June 30, 2018.

IN WITNESS WHEREOF, I have hereunto signed by name as Mayor of the City of Blue Ridge, Georgia, and caused the official seal of the City of Blue Ridge, Georgia, to be affixed hereto this 2 day of June, 2015.



Mayor *Mayor Pro*

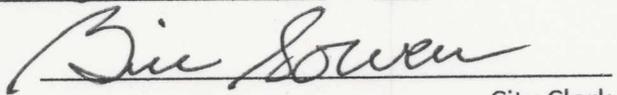
ATTEST:


City Clerk

CERTIFICATE OF CITY CLERK

I hereby certify that the above and foregoing is a true and correct copy of the Certificate of Appointment of member of the Fannin County Public Library Board of Trustees of the City of Blue Ridge, Georgia, filed in the office of the City Clerk on the 2 day of June, 2015.

Approved by Council on 2 day of June, 2015.

(SEAL) 

City Clerk

City of Blue Ridge

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City of Blue Ridge
Council Meeting Minutes
City Hall
480 West First Street
June 9, 2015 at 6:00 PM

Present: Mayor Pro Tem Rodney Kendall
Council Members Angie Arp, Harold Herndon,
Bruce Pack and Rhonda Thomas
City Clerk Bill Sowers
Assistant City Clerk Kelsey Addington

1) Call Meeting To Order:

Council Member Bruce Pack made a motion to call the meeting to order. The motion was seconded by Council Member Rhonda Thomas. The Council voted 5-0. Motion carried.

2) Prayer and Pledge of Allegiance:

Council Member Bruce Pack offered a word of prayer followed by the Pledge of Allegiance.

3) Council Meeting Rules of Procedures:

Mayor Pro Tem Rodney Kendall announced that the council meeting rules of procedures were available at the council desk.

4) Approval of Minutes:

- a) Council Member Angie Arp made a motion to approve the minutes from the workshop meeting held on April 7, 2015. The motion was seconded by Council Member Rhonda Thomas. The Council voted 5-0. Motion carried.
- b) Council Member Angie Arp made a motion to approve the minutes from the council meeting held on April 14, 2015. The motion was seconded by Council Member Bruce Pack. The Council voted 5-0. Motion carried.
- c) Council Member Rhonda Thomas made a motion to approve the minutes from the special called meeting held on April 30, 2015. The motion was seconded by Council Member Angie Arp. The Council voted 5-0. Motion carried.
- d) Council Member Angie Arp made a motion to approve the minutes from the special called meeting held on May 19, 2015. The motion was seconded by Council Member Harold Herndon. The Council voted 5-0. Motion carried.

5) Blue Ridge Fireworks Ordinance:

The Mayor and Council held the first reading of the fireworks ordinance at the workshop meeting on June 2, 2015. Council Member Angie Arp made a motion to accept the second

City of Blue Ridge

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reading and adopt the fireworks ordinance (attached). The motion was seconded by Council Member Bruce Pack. The Council voted 5-0. Motion carried.

6) Depot Landscaping:

The City received a quote from Viridis in the amount of \$15,606.74 (attached) for the landscaping. Council Member Angie Arp discussed the landscaping work to be done at the Depot with the rest of the Council. Council Member Arp stated that she would like someone who has been involved with the Master Plan to be involved in the landscaping. After some discussion among the Council it was determined that two benches and landscaping plants be included in the landscaping project not to exceed \$ 5,000. Council Member Rhonda Thomas made a motion to approve up to \$ 5,000 for the landscaping at the depot with Martin Haber being involved. The motion was seconded by Council Member Angie Arp. The Council voted 5-0. Motion carried.

7) Depot Office Relocation Invoice (Cohutta.Com, Inc.):

The City received an invoice in the amount of \$ 2,447.76 from Cohutta.Com, Inc. for moving office equipment for the relocation of the Blue Ridge Scenic Railway. A news media representative asked why the City was presented the invoice when it was for the office relocation for the Blue Ridge Scenic Railway. Council Member Rhonda Thomas stated that because the City had to ask them to move that the inconvenience to the Blue Ridge Scenic Railway was caused by the City. The media representative asked if this invoice was part of the agreement between the City and Blue Ridge Scenic Railway. The Council was unsure if the agreement stated whether or not it was the City's responsibility. Council Member Rhonda Thomas made a motion to table the invoice until the contract with the railway can be reviewed. The motion was seconded by Council Member Angie Arp. The Council voted 5-0. Motion carried.

8) Blue Ridge Housing Authority Pool Pass:

After some discussion, Council Member Rhonda Thomas made a motion to reduce the rate for the Blue Ridge Housing Authority to \$ 3.00 for adults and \$ 2.00 for children and for the City Hall office staff to provide the passes. The motion was seconded by Council Member Angie Arp. The Council voted 5-0. Motion carried.

9) The Blue Ridge Business Association—Cesar Martinez:

Blue Ridge Business Association representative Cesar Martinez was present to provide an update to the Council regarding current events in which the association is involved.

10) Bill Ryan—Storm Water Drainage:

Bill Ryan was present to ask if the City's engineer had submitted anything in regards to the storm water issue on Mountain Street. Mr. Ryan asked that if so would it be available to the public. City Clerk Bill Sowers told him that the engineer had submitted a document along with a cost estimate for approximately \$ 400,000. Mr. Ryan continued to express his concerns on the

City of Blue Ridge

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issue. Mr. Sowers stated that Mayor Whitener was scheduled to meet with a representative from the state to discuss grants that are available to help with this issue on July 2, 2015.

11) Sandy Wilbanks—70 Ada Street Rezoning:

Sandy Wilbanks was present to represent Virginia Stanley, David Russell and herself. She stated that they were still in opposition to the trapeze being at 70 Ada Street. Ms. Wilbanks gave a recap of the trapeze process since August 2014. Ms. Wilbanks asked the Council to uphold their previous decision.

12) Master Plan:

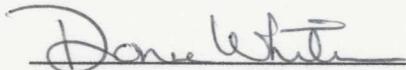
Cindy Trimble was present to give a brief update on the progress of the master plan. Ms. Trimble stated that Mayor Whitener was awarded a grant in the amount of \$ 120,000 for the hard scaping of the playground and not for equipment. Nancy Zimmerman suggested that the Council perform a trial run for closing the road at the Depot Plaza to make sure that it would actually work. Ms. Zimmerman expressed her opposition for moving the playground and made some suggestions. Carlie Hammond stated that the Good Samaritans were still in opposition of moving the BBQ pit in the park. Ms. Hammond continued to express her concerns on the issue. Ms. Hammond finished by making a few suggestions for the master plan.

13) Executive Session—Personnel:

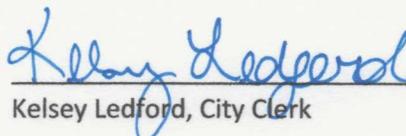
Council Member Angie Arp made a motion to close the meeting for an executive session for the purpose of discussing personnel matters. The motion was seconded by Council Member Rhonda Thomas. The Council voted 5-0. Motion carried. Council Member Angie Arp made a motion to come out of the executive session. The motion was seconded by Council Member Rhonda Thomas. The Council voted 5-0. Motion carried. Council Member Rhonda Thomas made a motion to hire David Long to replace Nathan Stuart and to allow Mr. Stuart to come back and work part time for training. The motion was seconded by Council Member Angie Arp. The Council voted 5-0. Motion carried.

14) Adjournment:

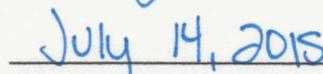
Council Member Rhonda Thomas made a motion to adjourn the meeting. The motion was seconded by Council Member Bruce Pack. The Council voted 5-0. Meeting adjourned at 7:50 pm.



Donna Whitener, Mayor



Kelsey Ledford, City Clerk



Approved

FIRST READING June 2, 2015

PASSED June 9, 2015

AN ORDINANCE NO. 2015-06-09

AN ORDINANCE TO AMEND THE ORDINANCES OF THE CITY OF BLUE RIDGE, GEORGIA, TO REGULATE THE SALE, USE, EXPLOSION OF, POSSESSION, MANUFACTURE, TRANSPORT OR THE STORAGE OF ANY CONSUMER FIREWORKS OR FIREWORKS TO THE EXTENT PERMITTED BY THE GENERAL LAW OF THE STATE OF GEORGIA; TO MODIFY THE CODE OF THE CITY OF BLUE RIDGE, GEORGIA, TO PROVIDE FOR SAID REGULATION OF CONSUMER FIREWORKS OR FIREWORKS; TO PROVIDE A TITLE FOR THE ORDINANCE; TO PROVIDE DEFINITIONS FOR THE ORDINANCE; TO PROHIBIT THE SALE, USE OR POSSESSION OF CONSUMER FIREWORKS OR FIREWORKS IN THE PUBLIC PARKS OF THE CITY EXCEPT BY PERMIT ISSUED BY THE CITY COUNCIL; TO PROVIDE FOR THE ISSUANCE OF SPECIAL USE PERMITS AS TO THE USE OF ANY CONSUMER FIREWORKS OR FIREWORKS AT A TIME NOT PERMITTED GENERALLY UNDER STATE LAW OR AT A LOCATION NOT PERMITTED FOR SUCH USE ABSENT A SPECIAL USE PERMIT; TO PROVIDE FOR THE REGULATORY FEE FOR THE ISSUANCE OF A SPECIAL USE PERMIT; TO PROVIDE FOR THE ISSUANCE OF AN OCCUPATIONAL TAX LICENSE TO ALLOW A PERMANENT FIREWORKS RETAILS SALES FACILITY OR STORE TO BE LOCATED WITHIN THE MUNICIPALITY; TO PROVIDE REGULATIONS REGARDING A TEMPORARY CONSUMER FIREWORKS RETAIL SALES STAND; TO PROVIDE FOR THE LICENSE FEE FOR A DISTRIBUTOR SELLING CONSUMER FIREWORKS FROM A TEMPORARY CONSUMER FIREWORKS RETAILS SALES STAND; AND FOR OTHER PURPOSES.

WHEREAS, the Georgia General Assembly in the 2015 General Session, greatly expanded the sale at retail or wholesale, the use, possession, manufacture, transport, and storage of consumer fireworks or fireworks by the general public;

WHEREAS, the City Council of the City of Blue Ridge, Georgia is authorized by Art. IX, § II, ¶ III of the Constitution of the State of Georgia of 1983, and O.C.G.A. §§ 25-10-1 et

seq. to regulate the sale at retail or wholesale, the use, the possession, the manufacture, the transport, and storage of any consumer fireworks or fireworks to the extent authorized by the general law of the State of Georgia;

WHEREAS, the City Council of the City of Blue Ridge, Georgia, finds that it is appropriate for the public safety and general welfare of the citizens of the municipality, that the City of Blue Ridge regulate consumer fireworks or fireworks to the extent authorized by the general law of the State of Georgia; and

BE IT ORDAINED by the City Council of Blue Ridge, Georgia, and it is hereby ordained by the authority of the City Charter, the above-referenced authority and authority as provided by Georgia law, as follows:

SECTION 1. AMENDMENT TO THE ORDINANCES OF THE CITY OF BLUE RIDGE AND THE CODE OF THE CITY OF BLUE RIDGE.

This ordinance shall amend the ordinances of the City of Blue Ridge regulating consumer fireworks or fireworks, and shall also amend the code of ordinances of the City of Blue Ridge, known and designated as the "Code of Blue Ridge, Georgia."

SECTION 2. AMENDMENT TO CITY ORDINANCES PROVIDING FOR THE REGULATION OF FIREWORKS TO THE EXTENT ALLOWED BY THE GENERAL LAW OF THE STATE OF GEORGIA.

The ordinances of the City of Blue Ridge, Georgia, and related to consumer fireworks or fireworks, are hereby amended, as well as amending the Code of Blue Ridge, Georgia as follows:

CHAPTER 131: FIREWORKS REGULATIONS

Section 131.01 Title.

The sections of this ordinance shall be known and designated as the "Fireworks Regulations Ordinance."

Section 131.02 **Definitions.**

(a) As used in this ordinance, the term:

(1) "Consumer fireworks" means any small fireworks devices containing restricted amounts of pyrotechnic composition, designed primarily to produce visible or audible effects by combustion, that comply with the construction, chemical composition, and labeling regulations of the United States Consumer Product Safety Commission as provided for in Parts 1500 and 1507 of Title 16 of the Code of Federal Regulations, the United States Department of Transportation as provided for in Part 172 of Title 49 of the Code of Federal Regulations and the American Pyrotechnics Association as provided for in the 2001 American Pyrotechnics Association Standard 87-1, and additionally shall mean Roman candles.

(2) "Consumer fireworks retail sales facility" shall have the same meaning as provided for by NFPA 1124.

(3) "Consumer fireworks retail sales stand" shall have the same meaning as provided for by NFPA 1124.

(4) "Distributor" means any person, firm, corporation, association, or partnership which sells consumer fireworks.

(5) "Fireworks" means any combustible or explosive composition or any substance or combination of substances or article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation, including blank cartridges, skyrockets, bombs, sparklers, and other combustibles and explosives of like construction, as well as articles containing any explosive or flammable compound and tablets and other devices containing an explosive substance.

(6) "NFPA 1124" means the National Fire Protection Association Standard 1124, *Code for the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic Articles*, 2006 Edition.

(7) "Nonprofit group" means any entity exempt from taxation under Section 501(c)(3) of the Internal Revenue Code of 1986.

(8) "Proximate audience" means an audience closer to pyrotechnic devices than permitted by the National Fire Protection Association Standard 1123, *Code for Fireworks Display*, as adopted by the Georgia Safety Fire Commissioner.

(9) "Pyrotechnics" means fireworks.

(10) "Retail chain" means a person, firm, corporation, association, or partnership with more than one store, where all such stores are collectively known to the public by the same name or share central management.

(11) "Store" shall have the same meaning as provided for by NFPA 1124.

(b) As used in this ordinance, the term "consumer fireworks" or "fireworks" shall not include:

(1) Model rockets and model rocket engines designed, sold, and used for the purpose of propelling recoverable aero models, toy pistol paper caps in which the explosive content averages 0.25 grains or less of explosive mixture per paper cap or toy pistols, toy cannons, toy canes, toy guns, or other devices using such paper caps; nor shall the term "consumer fireworks" or "fireworks" include ammunition consumed by weapons used for sporting and hunting purposes; and

(2) Wire or wood sparklers of 100 grams or less of mixture per item; other sparkling items which are nonexplosive and nonaerial and contain 75 grams or less of chemical compound per tube or a total of 500 grams or less for multiple tubes, snake and glow worms; smoke devices; or trick noise makers which include paper streamers, party peppers, string peppers, snappers, and drop pops each consisting of 0.25 grams or less of explosive mixture.

Section 131.03 **Limited Prohibition as to Consumer Fireworks or Fireworks.**

It shall be unlawful for any person, firm, corporation, association, or partnership to offer for sale at retail or wholesale, to use or explode or cause to be exploded, or to possess, manufacture, transport, or store any consumer fireworks or fireworks, within the City except as expressly authorized by the general law of the State of Georgia.

Section 131.04 **Prohibition of Consumer Fireworks or Fireworks in City Park Areas or the Use of Fireworks at a Time Not Authorized by the General Law of the State of Georgia Except Pursuant to a Special Use Permit.**

(a) It shall be unlawful for any person, firm, corporation, association, or partnership to offer for sale at retail or wholesale, to use or explode or cause to be exploded, or to possess, manufacture, transport, or store any consumer fireworks or fireworks, on, upon, or above any City property, including but not limited to the public parks of the City, except as allowed by a special use permit issued by the City.

(b) It shall be unlawful for any person, firm, corporation, association, or partnership to use or explode or cause to be exploded any consumer fireworks on any day at a time not allowed by the general law of the State of Georgia within the City, unless such person, firm, corporation, association, or partnership is issued a special use permit by the City Council

for the use or explosion of consumer fireworks in a location within the City at a time not allowed for under the general law of the State of Georgia. The applicant for a special use permit shall use the application forms of the City for said permit, and shall designate the time or times and location that such person, firm, corporation, association, or partnership desires to use or explode or cause to be exploded such consumer fireworks or fireworks. The City Council shall consider the application, and considering reasonable factors such as the time requested, the proposed location of the fireworks display, prior experience concerning the applicant's use of fireworks, the potential for fires or wildfires, and other reasonable factors, and in its discretion based upon these factors grant or deny the issuance of a special use permit. If the special use permit is granted by the City Council, then the applicant shall pay a special use permit fee of \$100.00 to the City. If the application is denied, then the applicant shall have a right of appeal to the Superior Court of Fannin County pursuant to the procedures for the grant of a writ of certiorari by said court. The City of Blue Ridge, the City Council, and the agents of the City shall have no liability as to any decision made pursuant to this section.

Section 131.05

Occupational Tax for a Licensed Distributor Operating a Permanent Consumer Fireworks Retail Sales Facility or Store in the City.

A licensed distributor operating a permanent consumer fireworks retail sales facility or store shall be entitled to receive a City occupational tax license for said facility or store upon making application for said license from the City pursuant to the City's procedure, and providing a copy of the license issued to the distributor and as to said permanent facility or store by the Georgia Safety Fire Commissioner or the Judge of the Probate Court of Fannin County and as provided by general law. The occupational tax license fee for said licensed distributor shall be assessed for said licensed distributor upon the same basis as other businesses, professions, or

occupations under the City's occupational tax ordinance. Any termination, revocation, or suspension of the license issued by the Georgia Safety Fire Commissioner shall act to automatically in similar fashion terminate, revoke, or suspend the City occupational tax license issued to said licensed distributor. If the licensed distributor selling consumer fireworks from a permanent consumer fireworks retail sales facility or store is a part of a retail chain as defined herein, then any City occupational tax license issued for said retail chain store shall be sufficient to authorize the sale or the offer for sale at retail or wholesale any consumer fireworks without having said retail chain store acquiring an additional occupational tax license from the City as to the sale of consumer fireworks or fireworks.

Section 131.06 **License for a Temporary Consumer Fireworks Retail Sales Stand.**

The City of Blue Ridge is hereby authorized to issue a temporary license (and which shall also serve as a temporary occupational tax license) for a temporary consumer fireworks retail sales stand or stands, provided that the City fire department, or the fire department that is legally authorized to operate within the City, determines that the temporary consumer fireworks retail sales stand meets the requirements of the general law of the State of Georgia, including but not limited to O.C.G.A. § 25-10-5.1(c)(1) and O.C.G.A. § 25-10.5.1(a)(1). In accordance with O.C.G.A. § 25-10-5.1(c)(2), a temporary license shall also be granted in the event that the Judge of the Probate Court of Fannin County determines that such a temporary license should be issued due to an appeal of the decision by the applicable fire department. The application for the temporary consumer fireworks retail sales stand shall be submitted to the applicable fire department, and with a copy provided to the administrative office of the City. Any temporary license issued shall identify the temporary consumer fireworks retail sales stand applicable to such license, and the temporary license shall expire 90 days after the issuance of such license.

The license fee for a distributor selling consumer fireworks from a temporary consumer fireworks retail sales stand shall be \$500.00 per location, payable to the governing authority of the City. All temporary licenses for a temporary consumer fireworks retail sales stand shall only be issued to licensed distributors where the sales of consumer fireworks from such temporary consumer fireworks retail sales stands shall accrue to the benefit of a nonprofit group as agreed between the licensed distributor and the participating nonprofit group. A nonprofit group benefitting from the sale of consumer fireworks pursuant to this provision shall directly participate in operating the temporary consumer fireworks retail sales stand. No such temporary license shall be issued by the City prior to January 1, 2016.

Section 131.07 Enforcement.

(a) The City fire department, or any applicable fire department that operates within the City, is authorized to refer cases for enforcement as to violations of O.C.G.A. § 25-10-5.1(c) to the State Fire Marshall.

(b) All fireworks manufactured, offered for sale, exposed for sale, or stored in violation of this ordinance or state law, or both, are declared to be contraband and may be seized, taken, and removed, or caused to be removed and destroyed at the expense of the owner thereof, or both, by any authorized law enforcement officer operating within the City of Blue Ridge.

Section 131.08 Certain Devices Unlawful that Require a Flame for Propulsion or Lighting.

It shall be unlawful for any person, firm, corporation, association, or partnership to release or cause to be released any balloon, bag, parachute, or other similar device which requires fire underneath for propulsion or to release or cause to be released any floating water lantern or wish lantern which uses a flame to create a lighting effect in any public waters within the City of Blue Ridge.

Section 131.09 **Penalties.**

Any person, firm, corporation, association, or partnership that knowingly violates the provisions of this ordinance may be punished by a fine, or imprisonment, or both, up to the maximum penalties allowed under the City Charter for the City of Blue Ridge, or pursuant to state law. Each act in violation of this ordinance, including but not limited each sales transaction, shall be deemed to be a separate offense, and subject to the maximum penalties as provided herein.

SECTION 3. **REPEAL OF CONFLICTING ORDINANCES TO THE
EXTENT OF THE CONFLICT.**

All parts of ordinances in conflict with the terms of this ordinance are hereby repealed to the extent of the conflict, but it is hereby provided that any ordinance or law which may be applicable hereto and aid in carrying out and making effective the intent, purpose and provisions hereof, is hereby adopted as a part hereof and shall be legally construed to be in favor of upholding this ordinance on behalf of the City of Blue Ridge, Georgia.

SECTION 4. **SEVERABILITY.**

If any paragraph, subparagraph, sentence, clause or phrase, or any portion of this ordinance should be declared invalid or unconstitutional by any Court of competent jurisdiction or if the provisions of any part of this ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the provisions of this ordinance not so held to be invalid, or the application of this ordinance to other circumstances not so held to be invalid. It is hereby declared to be the intent of the City Council of the City of Blue Ridge, Georgia to provide for separate and divisible parts, and it does hereby adopt any and all parts hereof as may not be held invalid for any reason.

SECTION 5. **EFFECTIVE DATE.**

The effective date of this ordinance shall be upon its passage by the City Council

SO ORDAINED, this _____ day of _____, 2015.

BLUE RIDGE CITY COUNCIL

By: _____
Mayor

Councilperson

Councilperson

Councilperson

Councilperson

Councilperson

Attest:

City Clerk Bill Sowers

Viridis



Experience the Simplicity

Viridis Landscaping & Maintenance

706-455-8402* viridislandscaping@gmail.com

Council,

Included is the estimate for a landscaping project at the downtown depot.

Allow me to give a description: Contrary to what many feel, downtown is not a rustic log town. Looking at the architecture and remodeled buildings, we see it is a nod to the 30s and 40s. We would like to stick with that look.

We would begin by installing a gothic style wood fence along the low concrete wall in the front of the depot. This wall would be appx. 3' high and stained with an antique white with a dark glaze finish. This technique gives a slightly distressed look and promotes the feeling that the fence has been there for years. We then propose to install a planting bed in front of this fence. In this bed we would install two limelight hydrangeas. At

maturity, these shrubs will be about 8x8, and be loaded with stunning, large flower heads late spring through early fall. We recommend planting these near the corners to help frame the depot and the rest of the landscaping.

Also in the beds, we would like to install muhgo pines. These are low

Within the planters, we propose to install river gravel to allow drainage, and good soil to lower the need for watering. Each planter will have a focal point shrub. Either a weeping Norway spruce or a burning bush. Around these focal shrubs will be a multitude of annuals to be replaced each season either by Viridis or by another organization. (we hope it's us.)

Please keep in mind that once these plants are installed, they will require maintenance. This means watering, feeding, trimming, etc.... There is no such thing as a zero maintenance plant. Even concrete must be maintained. Within a week, I will submit another estimate for maintaining all of the beds, trees, shrubs in the downtown area. This will not include mowing or weed eating. It will include trimming, herbicide, fungicide, pruning, fertilization, hedging, deadheading, cleanup, mulch, and watering if needed. This can be done on a twice a month basis. I ask you to look at this downtown project as an investment. You guys have spent a lot of money on plants and landscaping to make the downtown area beautiful.....and it shows. This is where we step in, to make sure that it stays that way for the locals and the thousands who visit each weekend.

Please take the time to look this over and get back to me with any question that may arise. Im happy to talk plants anyday.

Luke Dilbeck

Viridis Landscaping

1924 Aska Road
Blue Ridge, GA 30513

706-455-8402
706-455-8402
Viridislandscaping@gmail.com



Estimate

Estimate No: 129
Date: Jun 9, 2015

Subtotal \$2,300.00
TAX (7.00%) \$289.74
Total \$15,808.74

For: **City Of Blue Ridge (Depot Project)**
Downtown

Description	Quantity	Rate	Amount
7 gal. Limelight hydrangea	2.00	\$37.00	\$74.00
3 gal. Muhgo pine	11.00	\$26.00	\$286.00
3 gal. Pink muhley grass	25.00	\$17.00	\$425.00
1/2 gal. soda	3.00	\$225.00	\$675.00
6' blue atlas cedar (option 1)	2.00	\$135.00	\$270.00
13' forest pansy redbud (option 2)	2.00	\$250.00	\$500.00
Starter fertilizer	1.00	\$75.00	\$75.00
Topsoil (bulk)	3.00	\$37.00	\$111.00
Mushroom compost (bulk)	3.00	\$48.00	\$144.00
Viridis soil amendment mix	1.00	\$225.00	*\$225.00
Double ground hardwood mulch	4.00	\$30.00	\$120.00
Deliveries	1.00	\$135.00	*\$135.00
Weeping Norway spruce (planter)	3.00	\$130.00	\$390.00
7 gal burning bush (planter)	2.00	\$42.00	\$84.00
Soil mixture (planters)	1.00	\$501.00	\$501.00
River pebbles (planters)	60.00	\$4.95	\$297.00
Style fencing	1.00	\$265.00	\$265.00
Annual color for planters per season	1.00	\$500.00	*\$500.00

City of Blue Ridge

480 West First Street • Blue Ridge, Georgia • (706) 632-2091

City of Blue Ridge
Special Called Council Meeting Minutes
City Hall
480 West First Street
June 12, 2015 at 10:00 AM

Present: Mayor Pro Tem Rodney Kendall
Council Members Angie Arp and Bruce Pack
City Attorney R. David Syfan
Attorneys John Dickerson and Austin Perry

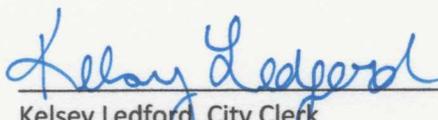
- 1) Call Meeting To Order:
Council Member Bruce Pack made a motion to call the meeting to order. The motion was seconded by Council Member Angie Arp. The Council voted 3-0. Motion carried.
- 2) Prayer and Pledge of Allegiance:
Council Member Bruce Pack offered a word of prayer followed by the Pledge of Allegiance.
- 3) Council Meeting Rules of Procedures:
Mayor Pro Tem stated that copies of the procedures were available at the Council desk.
- 4) Executive Session—Pending Litigation In Regards To The Second Ada Street, LLC Lawsuit:
Council Member Angie Arp made a motion to close for executive session for the purpose of discussing the lawsuit. The motion was seconded by Council Member Bruce Pack. The Council voted 3-0. Motion carried. Council Member Angie Arp made a motion to come out of executive session. The motion was seconded by Council Member Bruce Pack. The Council voted 3-0. Motion carried.
- 5) Adjournment:
Council Member Bruce Pack made a motion to adjourn the meeting. The motion was seconded by Council Member Angie Arp. The Council voted 3-0. Meeting adjourned.



Rodney Kendall, Mayor Pro Tem

July 14, 2015

Approved



Kelsey Ledford, City Clerk

City of Blue Ridge

480 West First Street • Blue Ridge, Georgia • (706) 632-2091

City of Blue Ridge
Workshop Meeting Minutes
City Hall
480 West First Street
July 7, 2015 at 10:00 AM

Present: Mayor Donna Whitener
Council Members Angie Arp, Harold Herndon,
Bruce Pack and Rhonda Thomas
Assistant City Clerk Kelsey Ledford

Absent: Council Member Rodney Kendall
City Clerk Bill Sowers

1) Call Meeting to Order:

Council Member Rhonda Thomas made a motion to call the meeting to order. The motion was seconded by Council Member Bruce Pack. The Council voted 4-0. Motion carried.

2) Prayer and Pledge of Allegiance:

Council Member Bruce Pack offered a word of prayer followed by the Pledge of Allegiance.

3) Council Meeting Rules of Procedures:

Mayor Donna Whitener announced that copies of the council meeting rules of procedures were available to the public at the council desk.

4) Approval of Minutes from Previous Meeting:

- a) Council Member Rhonda Thomas made a motion to approve the minutes from the Workshop Meeting held on June 2, 2015. The motion was seconded by Council Member Harold Herndon. The Council voted 4-0. Motion carried.
- b) Council Member Rhonda Thomas made a motion to approve the minutes from the Town Hall Meeting held on May 26, 2015. The motion was seconded by Council Member Harold Herndon. The Council voted 4-0. Motion carried.

Mayor Donna Whitener asked for a motion to amend the agenda to allow representatives from Stevenson & Palmer and Carter & Sloope to speak one after the other since they were both speaking on the topic of the sewer plant. Council Member Bruce Pack made the motion to amend the agenda as requested by the Mayor. The motion was seconded by Council Member Angie Arp. The Council voted 4-0. Motion carried.

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5) Sewer Plant—Stevenson & Palmer (Discussion Only):

Charles Welch, a representative of Stevenson & Palmer presented a quote that outlined proposed improvement to be made at the sewer plant/wastewater treatment plant. Mr. Welch recommended adding blowers and diffusers to the treatment plant to improve efficiency. These improvements would cost the city approximately \$ 533,120. Mr. Welch informed the Council that if they decided to upgrade the belt press, it would cost approximately an additional \$ 315,000. Mayor Donna Whitener stated that the pump stations were from the 1970's and that they are in need of upgrades. She also stated that the City would need to seek funding in order to make the improvements. James Weaver, wastewater treatment plant supervisor stated that the employees at the plant were fighting to stay ahead of the problems that they have been experiencing. This topic was for discussion only therefore, no decision was made.

6) Carter & Sloope—Wastewater plant (Discussion Only):

Matt Smith and Alex Wiseman, representatives of Carter & Sloope presented a quote that outlined a two phase project to make proposed improvements to the wastewater plant. Phase one of the proposed improvement project would cost the city approximately \$ 184,500 and phase two would cost the city approximately \$ 1,770,900. Mr. Smith recommended the City seek funding from GEFA or USDA to offset the cost for these proposed improvements. Mr. Wiseman suggested that the Council proceed with the improvements that are needed before EPD becomes involved. He stated that once EPD is involved they will make the decisions for the city as well as fine the city.

Stevenson and Palmer representative, Charles Welch presented the plan and quote that was prepared and submitted by City Engineer, Mike Hampton and himself regarding the storm water drainage issue. Bill Ryan a city resident and business owner stated that the Cook Street project and Temple Church being removed have caused the storm water drainage issue to worsen. The Mayor and Council discussed the issue with Mr. Welch and Mr. Ryan but no decision was made at this time.

7) Kiwanis Rodeo—Hotel/Motel Tax:

Kevin Panter, a representative of the Kiwanis Club requested that the City Council donate some hotel/motel tax money to the Kiwanis Club for their annual rodeo event. Council Member Angie Arp made a motion to give \$ 2,500 to the Kiwanis Club from the Hotel/Motel Funds to be distributed through the Chamber of Commerce. The motion was seconded by Council Member Rhonda Thomas. The Council voted 4-0. Motion carried.

8) Depot Office Relocation Invoice (Cohutta.Com, Inc.) Action Item tabled from June 9, 2015:

The Mayor and Council were presented an invoice from Cohutta.Com, Inc. on June 9, 2015 but tabled the topic until July 7, 2015. The invoice is for the relocation of the depot office in the amount of \$ 2,447.76. Council Member Angie Arp made a motion to approve and pay the invoice from Cohutta.Com, Inc. The motion was seconded by Council Member Bruce Pack. The

City of Blue Ridge

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Council voted 3-0, with Council Member Harold Herndon being absent at the time of the vote. Motion carried.

9) Sign Ordinance (Discussion Only):

Council Member Rhonda Thomas gave an update on the sign ordinance. Ms. Thomas stated that she has been discussing the issue with Ms. Trimble and Mr. Parsons. Ms. Thomas stated that Mr. Parsons would be meeting with the Business Association and that the Council should have a better understanding of the sign ordinance by next month.

10) 70 Ada Street—Action Item:

Mayor Whitener stated that she had received an email from Ms. Petrillo in regards to her trapeze located at 70 Ada Street. Mayor Whitener read the email (attached). In the email Ms. Petrillo informed the Mayor that she would be removing her trapeze from 70 Ada Street and would be relocating it to a property in the County. Ms. Petrillo requested in her email to the Mayor that the Council allow her until the end of the month to do so. Council Member Angie Arp made a motion to extend the time limit for Ms. Kristy Petrillo to remove her trapeze from 70 Ada Street by July 31, 2015. The motion was seconded by Council Member Rhonda Thomas. The Council voted 4-0. Motion carried.

11) Baugh House (Discussion Only):

Mayor Whitener stated that the City had received a couple quotes for the maintenance for the Baugh House which is owned by the City but that she believed that City employees would be able to do the work. Mayor Whitener stated that she would like for Mark Clemmons, Street Supervisor to complete the work that is needed for the Baugh House. The Council agreed with the Mayor.

12) Sidewalk Safety—Wheelchair concern at Owenby Building (Discussion Only):

Council Member Rhonda Thomas stated that the Council may need to look at the wheelchair accessibility at Dr. Shaver's office on East Main Street. Ms. Thomas stated that she had been informed that patients have difficulty getting in and out of her office because there are not any curb cuts in this area. Ms. Thomas asked the Council to look at the street and revisit the topic after Land Development department head, Roy Parson's is able to collect more information.

13) Alcohol Ordinance Amendment (Discussion Only):

Mayor Whitener stated that the Council should read over the ordinance amendment and hold their first reading on July 14, 2015. Mayor Whitener stated that the ordinance allowed for the sale of growlers.

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14) Sheena Murdock—Alcohol Ordinance Amendment:

Sheena Murdock spoke in favor of the alcohol ordinance amendment that allows the sale of growlers.

15) Laura J. Ray—GoCo Construction Waste Management, Inc.:

Attorney, Laura J. Ray represented her client Josh Golden owner of GoCo Construction Waste Management, Inc. and to follow up on her letter sent to Mayor Whitener on April 14, 2015 (attached). Ms. Ray explained her letter to the Council. She also stated that she believed that her client was not subject to the garbage ordinance nor subject to the charges outlined in the ordinance because her client does not have a business of the nature outlined in the ordinance. Therefore, Mr. Ray requested that her client be reimbursed \$ 2,459.60 which is all the expenses he has paid to the City as outlined by the Garbage Ordinance. Council Member Angie Arp made a motion to refund GoCo in the amount of \$ 2,459.60. The motion was seconded by Council Member Bruce Pack. The Council voted 4-0. Motion carried.

16) Bill Ryan—Storm Water Drainage:

Bill Ryan addressed his concerns on the storm water drainage downtown. Mr. Ryan was informed that the City is aware of the problem and will be incorporating the issue in the master plan.

17) Carlie Hammond—Good Samaritans-Park/BBQ Use:

Carlie Hammond addressed her concerns for the downtown park and the affects that it may have on the Labor Day BBQ, an event in which she is involved with.

Antonio Aiello a volunteer for the Good Samaritan's Labor Day BBQ spoke about the process of cooking for this event and how the current location provides what is needed to hold the event.

18) Master Plan (Discussion Only):

Council Member Angie Arp stated that with the sale of the marina property, she believed that the Council would have the money to improve East Main Street and the downtown restrooms. She mentioned that those two projects may be all that the City can complete at this time given the City's financial situation. Mayor Whitener discussed the definition of match money and explained that the City would have to have at least \$ 500,000 to receive a grant in the amount of \$ 500,000. Mayor Whitener and Council Member Angie Arp discussed the possibility of using the foundation money that the City is to receive for the downtown park as part of the City's match money. Rick Larosa and Cindy Trimble stated that the City needed to begin the bidding process to get the ball rolling. Rick Larosa suggested that the City follow a design build process. Rick Larosa continued to speak about the Master Plan. Council Member Rhonda Thomas stated that she believed that the Council should approve the Master Plan and to have the entire project phased. Rhonda Thomas asked Rick Larosa if his time already had a phase schedule. Rick stated that he did not because he was waiting on input from the Council. Rick Larosa and Mayor

City of Blue Ridge

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Whitener stated that the BBQ pit would be better when the Master Plan was implemented. Council Member Angie Arp asked Carlie Hammond that if nothing changed other than the location of the BBQ pit would she still be opposed to it being moved. Ms. Hammond stated her reasoning for why she would still be opposed, which was that it was a convenient location that allowed a drive thru for people that only wanted to pick a BBQ plate up. Ms. Hammond explained that she did not know of another location that would work as efficient as the current location. Cindy Trimble made a suggestion to relocate the proposed Depot Plaza to Church Street. Trimble discussed this suggestion with the Council. After Trimble spoke, Carlie Hammond returned to the question she was asked by Council Member Arp. Ms. Hammond stated that she would have to ask the committee if they were opposed to relocating the BBQ pit and inform the Council of the committee's response. Mayor Whitener stated that the City was not trying to keep the Good Samaritans out of the park but that the City was trying to improve the park so that more people could use and enjoy the BBQ pit/park. Ms. Hammond continued to discuss the master plan with the Council until the public began to almost argue among themselves. Mayor Whitener called the meeting to order and stated that the Council needed to have an executive session. Before the Council closed for executive session, the Council discussed the Request for Proposal ad that was placed in the News Observer. Mayor Whitener stated that it was too vague and that engineering firms are confused on what the City is ask for. Therefore, the Mayor stated that the City would be placing an ad asking for qualifications. Rick Larosa is to get the Request for Qualifications ad to City Clerk, Kelsey Ledford in order to place it in the News Observer.

19) Executive Session (personnel):

Council Member Bruce Pack made a motion to close for executive session. The motion was seconded by Council Member Angie Arp. The Council voted 4-0. Motion carried. The meeting was closed for executive session for the purpose of discussing personnel issues. Council Member Rhonda Thomas left the meeting and was not present for the executive session nor the remainder of the workshop meeting. Council Member Bruce Pack made a motion to open the meeting from executive session. Mayor Whitener began talking and did not ask for a second and no vote was taken. Council Member Angie Arp made a motion to replace City Clerk, Bill Sowers with Assistant City Clerk, Kelsey Ledford, making Mrs. Ledford the City Clerk for the City of Blue Ridge. The motion included changing Mrs. Ledford's employment status from part-time to full-time requiring her to work 4 days a week. The motion was seconded by Council Member Bruce Pack. The Council voted 3-0. Motion carried. The News Observer representative, Dub Joiner asked when this is to go into effect. Mayor Whitener answered immediately. Council Member Angie Arp made a motion to allow Utility Billing Supervisor, Rebecca Harkins and Street Supervisor, Mark Clemmons to remain in their current positions as supervisors and that Mrs. Harkins and Mr. Clemmons both have completed their probation periods and their pay rate is to increase by \$ 1.50 on the hour. The motion was seconded by Council Member Bruce Pack. The Council voted 3-0. Motion carried. Council Member Angie Arp made a motion to move employee, Barbie Gerald to the position of Office Supervisor with a 60 day probation period,

City of Blue Ridge

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after which she will receive a pay rate increase of \$ 1.50 per hour. The motion was seconded by Council Member Bruce Pack. The Council voted 3-0. Motion carried.

20) Adjournment:

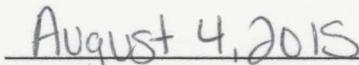
Council Member Bruce Pack made a motion to adjourn the meeting. The motion was seconded by Council Member Angie Arp. The Council voted 3-0. Meeting adjourned at 1:28 pm.



Donna Whitener, Mayor



Kelsey Ledford, City Clerk



Approved

Barbie Gerald

From: Donna Whitener <donna@tcfurn.com>
Date: Tuesday, July 07, 2015 9:40 AM
To: Barbie Gerald
Subject: FW: Kristy

From: Kristy Petrillo [<mailto:kristypetrillo@hotmail.com>]
Sent: Tuesday, July 07, 2015 8:50 AM
To: donna@tcfurn.com
Subject: Kristy

Hi Donna, thanks for talking with me yesterday. As discussed, I purchased and moved into a new home on Friday. I would have loved to have put that money into constructing a craftsman style home on the lot I own on Ada street but with the uncertainty of whether I can have my trapeze there I couldn't risk a half million dollars and then not be able to practice and enjoy my hobby. So I purchased a home outside of the city limits where it shouldn't be an issue. My contractor, Keith Sumner, will be grading an area next to the house for me to set up the trapeze. Keith's graders are extremely behind because of the wet weather and he asked if he could have until the end of the month to grade the area for me to move the rig to. If it's alright with the council I'd like to have until the end of the month to take down the rig and move it to its new location. Having to take it down, move it once and then move it again would be extremely difficult and expensive.

Kristy Petrillo
RE/MAX Town & Country
770-843-0310

Please excuse the brevity and any typo's. This message is being sent from my iPhone

LAURA J. RAY, L.L.C.

ATTORNEY AT LAW

506 West Main Street
P.O. Box 2710
Blue Ridge, Georgia 30513
Phone: 706-946-2000
Fax: 706-946-2001
lray@laurajray.com

Laura J. Ray*

*Licensed in Georgia and Tennessee

Benjamin J. Jordan
Of Counsel

April 14, 2015

Via Hand Delivery

Honorable Donna Whitener
Mayor of Blue Ridge
480 West First Street
Blue Ridge, Georgia 30513

Re: *GoCo Construction Waste Management, Inc. and a proposed Ordinance called "the Blue Ridge Garbage Collection Ordinance"*

Dear Mayor Whitener:

Please accept this letter in regard to the above referenced matter.

GoCo Construction Waste Management, Inc. (hereinafter GoCo) is our client. My client has been in the waste management business for eleven years in our community, conducts itself legally and properly and has an excellent reputation. While its business is not situated within the city limits of Blue Ridge, it does provide services from time to time to customers who are located in Blue Ridge.

It is my understanding that in an attempt to comply with a proposed ordinance, my client has paid \$2,459.60 to the City of Blue Ridge based on a belief the ordinance, first, had been duly enacted and, second, applied to its business. This letter will serve as my client's demand for return of these previously paid funds.

Next, after a careful reading of the proposed Ordinance as well as an understanding of the nature of GoCo's business, we believe GoCo is exempt from the proposed Ordinance. For example, the Ordinance regulates "garbage, trash and refuse," which includes such items as food waste, scraps and household garbage. My client's business only deals in construction waste, which includes such items resulting from construction, repair and demolition. Importantly, GoCo is not a garbage

collector.

Further, a plain reading of the Collection Requirements confirms my client is not in the business anticipated under the Ordinance. One requirement provides that garbage collection must occur "at least once weekly". Again, my client is not a garbage collector. It provides temporary dumpsters for construction waste on an as needed basis.

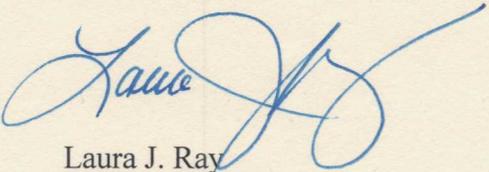
Another requirement indicates that pickup must occur on a designated day and that designated day must be provided to the City. Clearly, this would not be possible in my client's business. GoCo dumpsters are ordered and remain on the job site until the dumpster is ready to be retrieved.

We could point to additional language from the proposed Ordinance showing why GoCo does not fall under same; however, our position is simply that GoCo is not a garbage collector, it does not have a pick up route, pick up day or pick up time. My client is a waste management company that is called on an as needed basis to construction or demolition sites.

We therefore respectfully demand return of all prior monies paid to the City of Blue Ridge (\$2,459.60). Further, according to the plain language of the proposed Ordinance, my client's business is not a business regulated under the Ordinance and, therefore, no licensing fees, franchise fees, administrative fees, and/ or commissions are due to the City of Blue Ridge.

With kind regards, I am

Sincerely yours,



Laura J. Ray

Cc: Mr. Josh Golden

City of Blue Ridge

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City of Blue Ridge
Council Meeting Minutes
City Hall
480 West First Street
July 14, 2015 at 6:00 pm

Present: Mayor Donna Whitener
Council Members Angie Arp, Harold Herndon,
Rodney Kendall, Bruce Pack and Rhonda Thomas
City Clerk Kelsey Ledford

1) Call Meeting To Order:

Council Member Rodney Kendall made a motion to call the meeting to order. The motion was seconded by Council Member Bruce Pack. The Council voted 5-0. Motion carried.

2) Prayer and Pledge of Allegiance:

Mayor Whitener asked that John Mason offer a word of prayer followed by the Pledge of Allegiance.

3) Council Meeting Rules of Procedures:

Mayor Whitener announced that copies of the Council Meeting Rules of Procedures were available at the Council desk.

4) Approval of Minutes from Previous Meeting:

- a) Council Member Rodney Kendall made a motion to approve the May 5, 2015 Workshop Meeting Minutes. The motion was seconded by Council Member Rhonda Thomas. The Council voted 5-0. Motion carried.
- b) Council Member Rodney Kendall made a motion to approve the June 9, 2015 Council Meeting Minutes. The motion was seconded by Council Member Rhonda Thomas. The Council voted 5-0. Motion carried.
- c) Council Member Rodney Kendall made a motion to approve the June 12, 2015 Special Called Council Meeting Minutes. The motion was seconded by Council Member Rhonda Thomas. The Council voted 5-0. Motion carried.

5) Alcohol Ordinance Amendment (First Reading):

Council Member Rodney Kendall made a motion to accept the first reading of the Alcohol Ordinance Amendment. The motion was seconded by Council Member Rhonda Thomas. The Council voted 5-0. Motion carried. This amendment to the alcohol ordinance is to allow for the sale of growlers. The second reading is scheduled for the August 11, 2015 at the Council Meeting.

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6) Waste Water Plant Quotes from Carter & Sloope and Stevenson & Palmer:

Mayor Whitener stated that the waste water plant quotes were old business from the July 7, 2015 workshop meeting. She stated that there was some SRF funding available. She stated that she has asked Waste Water Plant Supervisor, James Weaver to provide a list of improvements that will keep the plant operating for under \$ 50,000 so that the City can wait 6-12 months on funding for more expensive improvements. Mayor Whitener stated that EPD may require the City to build a cooling room that will be an extra expense when improving the plant. Mayor Whitener stated that maybe the City can do a small fix that the City can afford and then look into long term financing or funding for the bigger improvements. Council Member Rodney Kendall made a motion to table the waste water plant quotes. The motion was seconded by Council Member Bruce Pack. The Council voted 5-0. Motion carried.

7) Audit & Purchasing Policy—Auditor Tacie Jo Bracken & Finance Director Alicia Stewart:

CPA, Rene Bidez presented a quick overview of the City's 12/31/14 audit. Mr. Bidez then asked CPA, Tacie Jo Bracken to present the additional compliance areas that the City's auditors review during the audit. Mrs. Bracken introduced herself as the audit manager that worked with Mr. Bidez for the City's 2014 year. Mrs. Bracken stated that she would like to go over the recommendations for improvements. Mrs. Bracken stated that she would like to make it clear that the City of Blue Ridge had to have almost another layer of an audit this year which is called a single audit for federal funding. She stated that the City was in compliance and did not find anything that the City violated when using federal funds. Mrs. Bracken then stated that with that being said, everything else forward only deals with the City's financial reporting. She stated that on page 47 of the City's audit report is a schedule of findings and question costs. She continued to explain that this list includes two types of findings, either a material weakness or significant deficiencies. She explained that material weakness was when the City did not have enough internal control to catch mistakes and that significant deficiencies happened when there was a lapse in internal control. Mrs. Bracken stated that there were no material weaknesses found in this audit but a few significant deficiencies were found. She stated that out of the two, significant deficiencies were the lesser of the two. She referenced page 47 of the 2014 audit stating that there was a lack of segregation of duties. She explained that this comment was common among cities of this size. She informed the Council that if the City were to properly segregate duties that the City would need at least four full time employees in the finance department. Mrs. Bracken reassured the Council that this comment was typical among cities of this size. She then referenced page 48 of the 2014 audit report by stating that the city had a lack of contract for revenue transactions. She stated that when the City renegotiated the franchise tax rate with Tri-State EMC that an actual document was not executed. She stated that she believed that a contract existed but that it was not executed or finalized. Mrs. Bracken stated that the third finding was material misstatements in reporting. She explained that this meant that prior period adjustments from prior years were made. Mrs. Bracken stated that the majority of them were planned by City Finance Director, Alicia Stewart because they just made more sense for the City's finances. She stated that anytime the books are adjusted for prior

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years that the auditors are required to report this finding. Mrs. Bracken referenced page 49 of the 2014 audit stating that the fourth finding was controls over citation books. She stated that the audit showed that the City's citation books are not kept in numerical order and that they are not logged in a book. She stated that she had given recommendations to the police department and that they were very open to all of her suggestions. She mentioned that before the audit was completed that she noticed the police officers had already implemented her recommendations. Mrs. Bracken referenced page 50 of the 2014 audit for the final comment. She stated that she thought it was important for the City to have a comprehensive purchasing policy that was clear. She stated that during the audit the current purchasing policy caused some problems. She mentioned that there were some discrepancies on what dollar amount is actually the correct level needing approval from Council as well as being vague. Mrs. Bracken recommended that the Mayor and Council consult with the Finance Director in order to create a purchasing policy that may clearer, with definite dollar thresholds, but that is also useful for operations. Mrs. Bracken stated that she had made some verbal comments to the City's administration for ways that the City could improve or operate more efficiently.

Finance Director, Alicia Stewart presented a revised, updated purchasing policy that the Mayor and Council received prior to the meeting. Mrs. Stewart asked if the Mayor and Council had any input or questions. She stated that she believed the proposed purchasing policy would be effective, and that it could be modified as needed. She mentioned that with City Clerk Bill Sowers retiring that the Council would need a solution replacing Mr. Sowers in the current purchasing policy because he is the only authorized individual to sign purchase orders. Mayor Whitener asked that the policy be numbered so that in the future someone would know which amendment was the most current. Mrs. Stewart stated that there was a place to enter the date of adoption. Council Member Angie Arp stated that the proposed purchasing policy was very cut and dry. Council Member Rodney Kendall made a motion to adopt the proposed Purchasing and Expenditure Policies (attached). The motion was seconded by Council Member Rhonda Thomas. The Council voted 5-0. Motion carried.

8) Shop Equipment/Tire Changer Quotes:

Shop Mechanic, Tony Byrd submitted two quotes for a Tire Changer. Mayor Whitener stated that the current equipment at the shop is not adequate enough for Mr. Byrd to work efficiently. She stated that Mr. Byrd had requested the Council approve the quote from Coats in the amount of \$ 3,949. Council Member Rodney Kendall asked if this amount was adjusted because Mr. Byrd mentioned to him prior to the meeting that he could possibly get a price adjustment. Mayor Whitener was uncertain. Council Member Rodney Kendall made a motion to approve up to \$ 4,000 for the Coats Tire Changer. The motion was seconded by Council Member Rhonda Thomas. The Council voted 5-0. Motion carried.

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9) Rick Larosa—Proposed Zoning Ordinance Amendment:

Rick Larosa introduced himself. He stated that he has reviewed the Zoning Ordinance, more specifically the CBD (Central Business District) section and would like to make a proposed amendment. Mr. Larosa explained that the current Zoning Ordinance allows buildings to be constructed up to four stories. Mr. Larosa stated that one of his clients has plans to construct a three story building but that they would like to make the second and third stories residential dwellings. Mr. Larosa stated that currently the Zoning Ordinance stipulates that residential dwellings are only permitted as high as the floor above ground level. He asked that the Council consider making an amendment to the current Zoning Ordinance or to grant his client a variance to construct the building as planned. Mr. Larosa stated that all residential dwellings in the CBD are required to have a NFPA13R sprinkler system but that his client is going to go above and beyond and will install a NFPA13 sprinkler system. He stated that he has worked with the Fire Chief on other projects and that his client is addressing all fire requirements so that fire should not be a concern when determining the variance. Mayor Whitener informed Rick Larosa that others have requested this same amendment to the Zoning Ordinance. Council Member Angie Arp addressed her concern about the limited amount of parking in this area and how residential dwellings would affect parking. Council Member Arp stated that she would not be opposed to the amendment if it also included that the building owner were required to provide their own parking for the residents. Council Member Rhonda Thomas addressed her concern regarding the fact that fire issues need to be addressed prior to the amendment or variance being approved because the probability of a fire taking place in a residential dwelling is higher than that of a commercial building. Council Member Rodney Kendall stated that the Fannin County Fire Department is equipped to extinguish fires of that height but that the problem is that power lines are across East Main Street and fire trucks can only reach East Main by parking on Roberts Way. Mayor Whitener suggested consulting Land Development and Zoning Administrator Roy Parsons to develop a solution. Council Member Rodney Kendall made a motion to table the proposed amendment until the Council consults with Mr. Parsons. The motion was seconded by Council Member Rhonda Thomas. The Council voted 5-0. Motion carried.

10) Mayor Comments and Master Plan—Mayor Whitener, Rick Larosa and Cindy Trimble:

Mayor Whitener introduced Rick Larosa and Cindy Trimble. Mayor Whitener spoke about the growth in Blue Ridge and the Master Plan. Mayor Whitener stated that the Council was presented a great plan. She stated that the Council was not taking anything away from anyone but that they were trying to make it better. She asked that everyone be open minded. Mayor Whitener mentioned that incorrect rumors were going around about the Council kicking the Good Samaritans out of downtown. Mayor Whitener stated that the City intends for the Master Plan to make the City Park better for the residents, children and visitors of Blue Ridge. She closed by stating that if the City did not plan for growth then we will be left behind. Mayor Whitener stated that the Council would be closing for an executive session but that when they returned they would be happy to hear public comments. Mayor Whitener then turned the

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audience over to Mr. Larosa and Ms. Trimble. Mr. Larosa and Ms. Trimble presented the Master Plan while the Mayor and Council closed for executive session.

11) Executive Session—Personnel:

Council Member Rodney Kendall made a motion to close for executive session for the purpose of discussing personnel. The motion was seconded by Council Member Rhonda Thomas. The Council voted 5-0. Motion carried. When the Council returned to the lobby Rick Larosa was presenting the master plan to the audience. After Mr. Larosa finished his presentation, Mayor Whitener stated that the City has received a \$ 120,000 grant from the Vaughn-Jordan Foundation to improve the City Park. She stated the Kiwanis Club who will be applying for a grant to help improve the downtown park. She continued to state that there were several needs within the City that would require grant money being awarded to fund the improvements. Mayor Whitener then realized that the Council had not voted to come out of executive session and asked for a motion. Council Member Rodney Kendall made a motion to exit executive session. The motion was seconded by Council Member Bruce Pack. The Council voted 5-0. Motion carried. Council Member Rodney Kendall made a motion to change Finance Director, Alicia Stewart's employment status from salary to hourly employee at her current hours of approximately 24 hours a week and to remain at her set rate of pay of \$31.00 per hour. The motion was seconded by Council Member Angie Arp. The Council voted 5-0. Motion carried. Council Member Rodney Kendall made a motion to advertise in the local legal organ for a part-time park position for the downtown area. The motion was seconded by Council Member Angie Arp. The Council voted 5-0. Motion carried.

12) The Blue Ridge Business Association—Cesar Martinez:

Cesar Martinez had to leave so he was not present to speak on behalf of the Blue Ridge Business Association.

13) Carlie Hammond—Good Samaritans-Park Master Plan:

Before Carlie Hammond spoke Mayor Whitener stated that Cindy Trimble had emailed a well put together letter explaining the Master Plan and stated that copies of the email were available at the Council desk (attached). Carlie Hammond thanked Ms. Trimble for her letter and stated that she had not received anything in writing prior to the letter. Ms. Hammond stated that she had submitted a Freedom of Information Act (FOIA) request to the City requesting a written description of the Master Plan. Ms. Hammond began to pass out copies of her response to Ms. Trimble's email (attached). She thanked the Council for allowing the Good Samaritans to speak at the Council Meeting. Ms. Hammond asked for a show of hands from the audience who had volunteered for the Labor Day BBQ. She asked for a show of hands from the audience who had received benefits from the money that is raised at the Good Samaritans Labor Day BBQ. A lady from the audience gave a brief summary of how the Good Samaritans had helped her. Ms. Hammond stated that she has spent a lot of time on her response to Ms. Trimble's letter. She continued to state that the Good Samaritans are present because they are concerned about the

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park and do not feel that it is broken. Ms. Hammond began her response when her 5 minute time limit had been used. She asked the Council if she was limited to 5 minutes. Mayor Whitener stated that everyone was limited to 5 minutes.

14) Barbara Reamsnyder—Good Samaritans Labor Day BBQ:

Barbara Reamsnyder asked if she could give up her time to speak to someone else. The Mayor and Council advised her that according to the Council Meeting Rules of Procedures the public is unable to transfer their time to other individuals. Ms. Reamsnyder spoke in support of the Good Samaritans and their efforts to help the community. She continued to state that the Good Samaritans are an important part of the community and that many people support them.

15) Rev. T. Reamsnyder—Good Samaritans Labor Day BBQ:

Rev. T. Reamsnyder spoke in support of the Good Samaritans Labor Day BBQ. He stated that he appreciates the City using professionals to draw the plans and that the Council is involving the community. He requested that the Council leave the BBQ pit for the Good Samaritans and the gazebo that is used by Awake America. Mr. Reamsnyder asked for a commitment from the City on record stating that there would be a BBQ pit adequate for the Good Samaritans and some sort of gazebo or pavilion for Awake America in Blue Ridge. Mayor Whitener stated that she thought he had that commitment.

16) John Mason—Good Samaritans Labor Day BBQ:

John Mason introduced himself and stated that he has been involved in the Good Samaritans Labor Day BBQ for many years. Mr. Mason spoke about the Christian religion and that the Good Samaritans help support the less fortunate in the community.

17) Antonio Aiello—Good Samaritans Labor Day BBQ:

Antonio Aiello introduced himself and spoke of his knowledge and experience in culinary arts. Mr. Aiello explained the process in which the Good Samaritans use to prepare the food for the Labor Day BBQ. He stated that they cook from 8:00 pm until 4:00 pm for the following day. He stated that the Good Samaritans need a big area to host their Labor Day BBQ because they need the grill, smokers, and area to park their trailers and equipment. Mr. Aiello stated that they need a minimum of 160 square feet. He explained that charcoal did not meet the needs of the Good Samaritans as mentioned in previous meetings. Mr. Aiello stated that he was not opposed to change but that he would like the functionality of the Labor Day BBQ to stay in the same condition that it is.

18) Toby Minter—Good Samaritans Labor Day BBQ and Parking:

Toby Minter thanked the Council for allowing the Good Samaritans to speak and commended them for starting the process of the Master Plan. He stated that the Good Samaritans is a great organization and that it deserves due diligence. Mr. Minter stated that the other issue he wanted to address was the parking downtown. He stated that he is a deacon at Blue Ridge First

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Baptist and that the infrastructure downtown is limiting their growth as well as other churches in town. He explained that his church could not expand their parking area because of storm drain issues. Mr. Minter stated that the Good Samaritans organization touches lives all year round. Mayor Whitener thanked Mr. Minter for his church allowing tourist to use their parking lot downtown.

19) Dale Dyer—Good Samaritans Labor Day BBQ:

Dale Dyer introduced himself and stated that he has been a resident of Blue Ridge since 1947. He stated that he has been involved with the City and community over the years. He spoke in support of keeping the BBQ pit as is. Mr. Dyer gave a brief history of the Good Samaritans Labor Day BBQ and stated that the City has changed and grown in the last 10 years. Mr. Dyer stated that the event is something that people look forward to.

20) Doug Burrell—Good Samaritans Labor Day BBQ:

Doug Burrell introduced himself and thanked the Council for allowing him to speak. Mr. Burrell stated that his church has been located in the City for over 75 years. He stated that the Good Samaritans help and serve others through the Labor Day BBQ. Mr. Burrell continue to state that the Labor Day BBQ is the primary funding source of the Good Samaritans. Mr. Burrell closed by asking that the Council help the Good Samaritans keep the event going for years to come.

21) Luke Travis—Good Samaritans Labor Day BBQ:

Luke Travis introduced himself and stated that he attends Blue Ridge First Baptist. Mr. Travis stated that he supports the Good Samaritans organization and stated that it is a great ministry. Mr. Travis mentioned that some events and activities downtown interfere with Blue Ridge First Baptist's Sunday service, for example the adventure race. He addressed his concern of what may happen near the church on Sundays if the park is changed.

22) Roger Beck—Good Samaritans Labor Day BBQ:

Roger Beck was unable to attend the meeting.

23) Don Homer—Good Samaritans Labor Day BBQ:

Don Homer introduced himself and stated that he supports the Good Samaritans. Mr. Homer stated that he would like to see the BBQ pit remain in its current location. He also addressed his concern for the handicap parking downtown not being adequate.

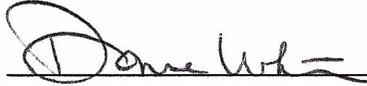
Mayor Whitener stated that Mr. Homer concludes the public comment section of the meeting and that the Council was about to adjourn the meeting but that if people wanted to stay and discuss the master plan with the master plan team then there were more than welcome.

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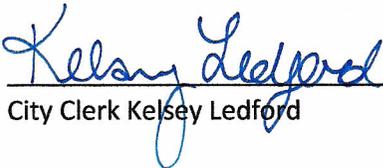
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24) Adjournment:

Council Member Rodney Kendall made a motion to adjourn the meeting. The motion was seconded by Council Member Rhonda Thomas. The Council voted 5-0. Meeting adjourned.



Mayor Donna Whitener



City Clerk Kelsey Ledford



Approved

Purchasing and Expenditure Policies

To provide for the fair and equitable treatment of all persons involved in public purchasing by the City and in order to maximize the value of public funds and provide safeguards for maintaining a purchasing system of quality, control, and integrity, the following purchasing and expenditure policies should be followed.

Policy pertaining to the amount of a purchase determines how the purchase will be handled. These policies should be followed in all circumstances and shall be applicable to any and all disbursements of any City funds for any City projects or contracts. Listed are general minimums for check requests or purchase orders, quotes, bids and proposal guidelines for supplies, services and capital expenditures other than Public Works Contracts (as defined later in this document). All dollar limits are to be applied per transaction or invoice and do not apply to statements or monthly, reoccurring bills.

Petty Cash may be used for purchases and reimbursements of \$50.00 or less.

Up to \$500.00 Check Request can be used for a single transaction and no quotes are required. To be approved by department supervisor.

\$500.01 to \$1,500.00 Purchase order and one supplier quote (verbal or written) is required. Purchase order to be approved by department supervisor and Mayor, Office Supervisor, or City Clerk.

\$1,500.01 to \$3,500.00 Purchase order and one supplier quote (verbal or written) and approval of the department supervisor. Written authorization of the Mayor and two Council members should be obtained prior to issuance of a purchase order.

\$3,500.01 to \$25,000.00 Purchase order and two quotes, bids, or proposals (verbal or written) are required. Purchases shall be approved by the Council prior to issuance of a purchase order.

\$25,000.01 to \$50,000.00 Purchase order and three written bids, quotes or proposals are required. Purchases shall be approved by the Council prior to issuance of a purchase order.

\$50,000.01 to \$99,999.99 Contract and sealed bids or proposals with a minimum of two weeks public advertisement prior to opening date are required. Contracts should be signed by authorized individual upon Council approval.

Greater than \$100,000.00 Supplies, equipment, and service contracts for items other than for Public Works Construction require a contract and sealed bids or proposals with a minimum of four weeks advertisement prior to opening date. Contracts should be signed by authorized individual upon Council approval. These contracts will require bid, performance, and payment bonds. These requirements may be waived if prior favorable experience justifies allowance of a cash deposit or bank letter of credit in lieu of the bonding requirements. Such allowances are to be approved by the Council.

Invoices for less than \$500, recurring invoices (i.e. monthly utility bills), or invoices covered by contracts do not require a purchase order. A listing of current invoices classified as monthly recurring payments can be obtained from accounts payable and invoices are approved by the

Finance Director before being added to the listing of recurring invoices. Nonrecurring invoices less than \$500 require a completed check request form signed by a department supervisor. Supervisors include the Mayor, Office Supervisor, Police Chief, Street Supervisor, Water Maintenance Supervisor, Shop Supervisor, Water Plant Supervisor, Sewer Plant Supervisor, Park Supervisor.

This policy shall apply to all purchases, excluding only the prepaid expense of supplies and materials required for new customer taps. A copy of the customer payment should be attached to a purchase order approved by the department supervisor and the Mayor, Office Supervisor or City Clerk since these expenses are reimbursed by new customer tap fees.

Requests to obtain a purchase order can be requested by employees within a department, but must be signed off by the appropriate supervisor. The purchase order should be pre-numbered and should include the name of the vendor, a description of the item(s) or service, the actual or estimated cost and the budgeted line item account number. The purchase order should be assigned to a budgeted line item and in the event that there are insufficient funds within the cited account, should have a budget amendment according to the budget policy in a timely fashion. The policy allows for an amendment approved by the City Clerk and/or Mayor if within the department or approval by the Council for amendments between departments.

Supplies, repairs and general maintenance should follow the guidelines provided herein; however, it is acknowledged that certain equipment, systems and facilities can only be purchased, repaired or serviced through authorized service centers or by specially trained personnel or from certain vendors. The public interest is best served by maintaining such equipment, systems and facilities in accordance with manufacturer's requirements and warranties. For this reason, such services and supplies may be obtained without obtaining bids, quotes or proposals as generally required by this ordinance. The purchase order, at the time of approval of such supplies, contracts or services, shall note when these circumstances exist.

Once the invoice is received, it is matched with the correct purchase order or check request and any other supporting documents and is processed by the finance department by verifying quantity, cost, terms and conditions for payment. Checks will normally be issued on Thursdays before the 15th and last day of the month, but checks can be issued at other times at the discretion of the Finance Director. Checks are processed using blank check stock. All documents of the City requiring execution, including but not limited to checks, drafts, money orders and wire transfers shall bear the signature of two of the following City officers: the Mayor, the Mayor pro tem, the Office Supervisor, or Gina Quinton.

All invoices should be sent directly to accounts payable at City Hall. An invoice number should always be entered for nonrecurring payments to avoid duplicate payments. Invoice number standards include that no leading zeros will be included and the invoice date (in MMDDYYR format) with no dashes, /, or special characters will be used if there is not an invoice number on the document. All invoices should be individually entered if nonrecurring and/or paid by statement to avoid duplicate payment. Only original invoices or vendor copies attached to a statement should be processed. Copies should be requested directly from the vendor if original invoice is not available. The terms of the City are 30 days for payments due to vendors.

The City will not be responsible for a purchase made by a City employee who does not follow the appropriate procedure for a particular purchase. All officials/employees authorized to sign checks shall only be authorized if it is within the realm of this spending policy. If the check is over the

spending limit and has not been properly approved by the City Council, the official/employee does not have the authority to sign the check.

Any expenditure to a non-profit organization for any reason from any City fund must be approved by the City Council regardless of amount. The Georgia Constitution (article III, section VI, paragraph VI) prohibits making a gift or donation or gratuity to any person, corporation or entity of any public funds. The City, therefore, always needs to receive some service or product as to the expenditure of tax funds. This can typically be documented by way of a contract but also permits an invoice approved by the City Council. This policy should be applied specifically to the expenditure of hotel/motel tax funds.

PURCHASES ON CREDIT AND CREDIT CARD PURCHASES

Purchases on City credit or with a City issued credit card shall follow all purchasing policies in the same manner as previously outline. For example, check requests or purchase orders, according to the dollar amount, should be utilized. Supporting receipts and documents should be matched and attached to the statement before payment. Any purchase requiring Council approval should be obtained before the purchase is made. Credit cards should be kept in a secure location at City Hall, accessible by the City Clerk or the Office Supervisor and should be signed out if taken off the premises. Abuse of any City credit card may result in immediate termination.

CONTRACTS FOR PUBLIC WORKS CONSTRUCTION

For purposes of this section, "public works construction" means the building, altering, repairing, improving, or demolishing of any public structure or building or other public improvements of any kind to any real property, other than a project covered by federal or state funding whose bid solicitation and contract requirements take precedence over general law found in O.C.G.A. Title 36, Chapter 91.

All public works construction contracts entered into by the City of Blue Ridge with private persons or entities shall be in writing and on file in the City Clerk's office, available for public inspection and copying during normal business hours. All public works construction contracts shall be executed and entered in the manner and with the formalities required by the City Charter and other applicable laws.

Unless otherwise required to follow specific procedures set forth in federal or state grant or funding agreements for a specific project, the City shall comply with the sealed competitive bid procedures set forth in O.C.G.A. Title 32, Chapter 91, including the requirement of all bonds and maintenance agreements set forth therein, which by reference are made a part hereof.

The requirements of this section shall apply to all public works construction projects having an estimated cost of \$25,000 or more, except that these requirements shall not apply to projects necessitated by an emergency; provided, the nature of the emergency shall be found and described in the minutes of the City Council. The requirements of this section shall not apply to any projects or portions of projects self-performed by the City or when labor is performed by inmates from a state correctional institution. The requirements of this section shall not apply to sole source public works construction projects when the City Council, by resolution in a duly convened public meeting, has found and concluded that competitive procurement is not available or otherwise not feasible.

EMERGENCY PURCHASES

A bona fide emergency is a situation which arises where it would seriously jeopardize the safety, health and welfare of the City's mission or where it would otherwise adversely affect the work of the City to utilize normal purchasing channels. The department supervisor and/or Mayor will determine the existence of an emergency situation or condition. Department supervisors will not use the emergency purchase procedure to abuse or otherwise purposely circumvent the established purchasing procedures.

The procedure for an emergency purchase is as follows. Purchase of services, goods, supplies and materials is consummated and receipt obtained. A letter from the department supervisor explaining the nature of the emergency is prepared, with receipt and/or other necessary paperwork attached and forwarded to the City Clerk or Office Supervisor the next working day. Advance notice to the Mayor should be attempted but is not required. The emergency purchase shall be reported to the Mayor and members of the City Council within 24 hours.

PETTY CASH POLICY AND PROCEDURES

All departments have the opportunity to use the City petty cash fund located at City Hall. Petty Cash funds may be used to purchase items with a total cost of \$50.00 or less.

The Petty Cash Fund shall not be used for personal transactions such as cashing personal checks or temporary loans of any kind. The Petty Cash Fund will maintain a balance of \$500 to be reimbursed from accounts payable as needed. It will be administered by the Office Supervisor and should be maintained in a locked cash box with access limited to the administrator and one other person for back-up. No reimbursements should be made from the cash collections drawers of office personnel.

The City of Blue Ridge is exempt with regard to sales tax. If a vendor conducting business with the City does not have a Tax Certificate of Exemption form for the City, please contact City Hall to get a copy. Every effort should be made to avoid sales tax reimbursement from petty cash.

An invoice, statement, receipt, bill of sale, or some other valid form of transaction document must be presented to the Petty Cash administrator before any funds can be disbursed. The petty cash form should be completed and signed by the cash recipient and attached to each receipt or document for reimbursement from accounts payable.

TRAVEL POLICY

It is the policy of the City of Blue Ridge to reimburse any employee, agent, or elected official for any expenses incurred in the performance of their official city duties or scope of services, which have not otherwise been paid, through an "accountable plan," defined by the Internal Revenue Service as follows:

1. Employees must have paid or incurred deductible expenses while performing services as an employee; and
2. Employees must adequately account to the employer for these expenses; and
3. Employees must return any excess reimbursement or allowance.

Conferences, Seminars, Training Sessions

A check request form (or purchase order if the dollar amount necessitates) must be submitted and approved in advance (prior to departure) for any travel, including out of state, common carrier (air/rail/bus), and overnight or other employee travel. The dates you left and returned home for each trip along with the destination and purpose should be indicated on the request. The items of