

TOWN OF HAVANA
REGULAR COUNCIL MEETING
MARCH 28, 2023

MEMBER(S) PRESENT: MAYOR JANICE HART, MAYOR PRO TEM NICK BERT, COUNCILMAN EDDIE BASS, COUNCILMAN DECORKUS ALLEN, AND COUNCILWOMAN JENNY STONE

MEMBER(S) ABSENT: COUNCILMAN DWIGHT VICKERS AND COUNCILMAN TIM LOUGHMILLER

ROLL CALL: MAYOR PRO TEM NICK BERT, MAYOR JANICE HART, COUNCILMAN DECORKUS ALLEN, COUNCILWOMAN JENNY STONE, COUNCILMAN EDDIE BASS, AND KENDRAH WILKERSON, TOWN MANAGER

Meeting was called to order at 6:00 p.m. by Mayor Janice Hart. Invocation was given by Chief Tracy Smith followed by the Pledge of Allegiance led by the American Legion Post 84.

RECOGNITION OF VISITORS:

VISITOR #1: SHERRON FLAGG (RESIDENT) – CURRENT ZONING ISSUES. Ms. Flagg states tonight she would like to propose something a bit drastic and she states that she thinks you will agree with her that it is warranted and there is a precedence for it. She states she proposed the Town of Havana have a six month moratorium on issuing business license in a concentrated business district which is basically in downtown Havana here is the reason. Section 5700 of the Havana Code sets up a very specific parking laws which the Town enforces for the business owners. The ordinance sets the minimum number of parking spaces that each business has to provide for their customers. The total number of parking spaces downtown is 215. Here's the problem. Off The Rails requires a minimum of 30 parking spaces, 2 restaurants Gocki's and Oscars each have 28 and 27, Coca-Cola Annexation has 30 for a total of 115 spaces. There is about 20 small business each acquiring a minimum of 3 spaces each which would be about 60 spaces making it 175 required by downtown businesses. When the downtown business owners acquired their business license they were promised downtown parking. The downtown businesses pay twice as much in zoning fees because they get what other business do not get including parking for merchants and customers. She states she thinks that we have gotten so focused on reviving the economy that we forgot some of things that come with reviving the economy. Maybe a moratorium to discuss the parking issue is needed. She also asked the Council to resend the approval given to Mark Pettus for parking his Irish Pub vehicle advertising the pub on the grassy knoll that is located on the 1st and Main. She states anything parked in that lot is a safety hazard especially while turning onto Highway 27 from this lot. It is not a parking area it is a grassy knoll that grass cannot grow with vehicles parked on it. Mayor Pro Tem Bert told Ms. Flagg she has extended 3 minutes and he then asked the Town Manager if there had been any complaints. The Town Manager stated she had not she also states she is not aware of Mark Pettus petitioning the Council for approval to park the truck at that location. That area does not belong to the Town that is private property. Councilman Bass states that the Council has not had a merchant complain about the parking in town. If there was a problem he states the merchants would be

VISITOR #1: SHERRON FLAGG (RESIDENT) – CURRENT ZONING ISSUES (Cont'd)

at the Council meeting complaining about it. Mayor Pro Tem Bert asked Mr. Wesolowski if he owned the lot in question and he stated he did. He also stated he gave Mr. Pettus permission to park there. Ms. Flagg states she is very sorry she wasted everybody's time. Mayor Hart thanks Ms. Flagg for coming.

VISITOR #2: DAVID WESOLOSKI (RESIDENT) – ZONING CERTIFICATE PROCESS. Mr. Wesolowski thanks the Council for having him. He states he is here tonight to discuss the Zoning Certificate Process possible talk about streamlining the business that come and want to do business in Havana. He states they way he understands it is the tenant that just took over the Magnolia Café it is a quite lengthy process to get a business license. One thing we could do is to streamline in the future look at the urban core and central business district and look at applications that have been approved in the past. He states we have had lots of antique shops, ice cream shops, and hobby shops. Now the way the process works if we have to fill out this lengthy paperwork and pay all of these fees to open a business. We should have a list of approved businesses. The fees that we pay does not go to the Town it goes to the Planning Council. He stated he would be glad to help with the streamlining of the process and making lists of everything we know should have been approved for each district. The Town Manager stated we love the feedback. She also asked if Mr. Wesolowski was willing to partner and let's work through this process. She states it is an ordinance that we do it this way and it has been done this way for many years. Councilwoman Stone stated that in the CBD Ordinance when the Council was putting it together it did state allowable uses for the downtown areas. She stated this would be a good area to start. Mr. Wesolowski agreed to help with the process.

REQUEST TO APPROVE MINUTES

February 28, 2023 Regular Council Meeting Minutes were approved with the exception of page 4 and page 6 and compare it to the audio and make those adjustments to make sure the audio and minutes are correct. Item #4 second to the last statement she states she does not recall making a motion. On page 6 to reflect the documents that were passed out.

March 9, 2023 Emergency Meeting – Resolution for Grant minutes.

Motion made by Mayor Pro Tem Bert to approve minutes, seconded by Councilwoman Jenny Stone.

Motion carried with the exception of corrections being made.

OLD BUSINESS

ITEM #1 TOWN CHARTER 2.06 VACANCIES – CREATION OF REVIEW COMMITTEE. The Town Manager states that at the Council Meeting on February 28 there were two issues that were raised. This goes back to as part of a discussion item regarding this section of the Town Charter. After action she spoke with the Towns legal regarding the appropriateness language in that section and he did advise that the language in that section is acceptable as it stands. It allows council to either take the action or defer the action. The Town Attorney did not feel like there needed to be a revision to the language that it was

OLD BUSINESS

ITEM #1 TOWN CHARTER 2.06 VACANCIES – CREATION OF REVIEW COMMITTEE (CONT'D).

broad enough to allow the interpretation to allow the Council to take whatever action they felt appropriate. The second item was there was an interest that was expressed in initiating a comprehensive review of the Town Charter and as she understood it was a topic to introduce at the next meeting. She is formally bringing it back as a voting item as a discussion now. That interest now is whether the Council would like to form a committee to do a comprehensive review of our Town Charter. The Town Attorney Alex Hinson said this would be a tremendous undertaking and one that is not going to be able to participate in if the Council so chooses to. The Town would have to seek another form of legal advice. The Town Manager states if the Town Council chooses to move forward that the Town would not have resources to assist until after the audit is completed. Councilwoman Stone commented that she understands that the language is acceptable as it stands and that it does give the Town the discretion. She states she would like to go back on the record and state that she does not think that the Council should have the discretion if an officer has made a good or bad arrest and that is where she was coming from on this. It is acceptable as it lies to give the Council discretion, her point was she does not think it should be the Council's decision to decide if someone has been appropriately or inappropriately been arrested. Mayor Pro Tem Bert stated that the Council should leave the Charter like it is. He said he did not think we needed to fix something if it is not broken. It will be expensive and take a long time to do it. The Charter works and if we find things that need to be changed we can amend it. Mayor Pro Tem Bert made a motion to leave the Charter as is and the motion was seconded by Councilman Eddie Bass. Motion carried to leave the Charter as is.

NEW BUSINESS

The Town Manager states that **Item #1, Item #2, and Item #3** will be moved to next month's meeting.

ITEM #4 FIRE PENSION BOARD – SELECTION OF BOARD MEMBERS

The Town Manager states the Fire Pension Board Fund is administered by a Board of Trustees which administer the plan for us. It consists of five trustees, two appointed by the Town Council, two who are firefighters, one that is chosen by those four. Each trustee is supposed to serve a two year term effective April 1st. Once all five have been selected then the five will need to select a Chairman and a Secretary they will formally designate someone. At this meeting Council will need to select the two people that would like to be on the board. Mayor Hart asked the Town Manager to state the current board members. The Town Manager states that there will be a complete turnover. All the members have served for more than two years. The current members are Lester Beach, Ashley May, Don Harrison, Donna Dunn, and Decorkus Allen. Mayor Pro Tem Bert asked the Town Manager if she would serve on it. She stated she would. Mayor Pro Tem Bert asked if any council members would like to be on it. The Town Manager stated that Councilman Loughmiller stated he wanted to be on it. Motion was made by Mayor Pro Tem Bert to nominate Town Manager and Councilman Loughmiller to the Fire Pension Board, motion was seconded by Councilman Eddie Bass. Motion carried.

ITEM #5 CERTIFICATE OF APPROPRIATENESS – HMS. The Town Manager stated that the Historic Preservation Committee had a Certificate of Appropriateness Meeting with Havana Main Street. That committee recommended approval of this certificate for the repairs of the façade of the old Havana State Bank Building. Motion made by Councilman Eddie Bass to approve the COA for Havana Main Street, seconded by Mayor Pro Tem Bert. Motion carried.

ITEM #6 NEIGHBORHOOD MEDICAL CENTER – REQUEST FOR REZONING. The Town Manager stated there was a last minute change. She stated there will have to be two different Public Hearings the first will have multiple zoning changes that will need to be heard. We are going to discuss amending the land use map, rezoning of several properties along US 27 right here including Harvey's and heading north. Some of those properties are zoned residential though they have been used as commercial properties for a very long time. We need to make sure we are notifying property owners and residents of this. We will also have to update the Comprehensive Plan which has not been done in a while. Her request is schedule the first public hearing do that as a separate meeting from Council on the same day as Council meeting but do it at 5:00 to give entire an hour for discussion. Motion was made by Mayor Pro Tem Bert to schedule the first Public Hearing at 5:00 p.m. prior to Council meeting seconded by Councilman Bass. Motion carried.

ITEM #7 MGAG – RESOLUTION FOR SELECTION OF VOTING DELEGATE AND ALTERNATE VOTING DELEGATE

The Town Manager states the Town of Havana purchases its gas from Municipal Gas Authority of Georgia as such we are able to vote on the board members and also nominate someone to sit on the board as a small non-Georgia member. The Town must select via resolution a delegate to cast votes, on the election committee the current position is being held by T. J. Davis. . She recommends the Council select a new voting delegate and a new alternate. Also, she states we need a board member nomination this position has been held by Howard McKinnon. It is a three year term limit. Howard has agreed to sit another term if the Council chooses him. Councilman Loughmiller has also expressed an interest of being on the board. Mayor Pro Tem Bert recommended the Town Manager to serve and Councilman Loughmiller to be the alternate. Councilman Bass stated for Councilman Tim Loughmiller to be the Board Member, the Town Manager will be the voting delegate and Howard McKinnon will be the alternate delegate. Motion was seconded by Councilwoman Jenny Stone. Motion carried.

ITEM #8 SELECTION OF CANVASSING BOARD DELEGATES

The Town Manager stated that April 25th will be the annual Town Council election. There will need to two members for the canvassing board. The members will need to be available for the evening of the 25th. The Town said that Councilman Loughmiller did say he wanted to do this. Motion was made by Councilwoman Stone to nominate Mayor Janice Hart and Councilman Tim Loughmiller to the Canvassing Board for the current Town election. Motion carried.

ITEM #9 RESOLUTION 2023-03R2 WATER/SEWER RATE INCREASES FOR FY24 AND FY 25.

FDEP is requesting to acquire funding approval and create debt resolution that via resolution the rates be increased by 5% for FY 24 and 5% for FY 25. This is a 5% increase in Water and Sewer rates that solidifies the action that took place in January of this year. There would be a .71 cent increase in FY 24 and a .75 increase in FY 25. It would be a \$1.91 increase in sewer in FY 24 and a \$2.01 increase in sewer in FY 25. Motion was made by Councilman Bass to approve the rate increases and seconded by Mayor Pro Tem Bert. Motion carried.

ITEM #10 POLICY – UTILITY ACCESSIBILITY

The Town Manager addresses the Council with working through old policies and trying to update the current policies that the Town follows. Currently there is an ongoing process for the meter readers to be able to access the utilities on a person's personal property. There are currently 20 or more customers who have locked gates which we do not have a key or there are aggressive animals which prohibit the meter readers from being able to access the meters for reading. She states she is implementing a policy that all town infrastructures are accessible by the Town. If the customer chooses and they have that right to privacy by keeping the property inaccessible then she states she would ask that the meters could be relocated at the customer's expense outside the gate so they will be accessible and able to be read. The Town Manager does state we do work with customers and we do have keys to certain gates in the Town. Councilman Bass stated the Town put the meters in at the locations where they wanted them at their cost behind a fence years ago. He states that he does not think it should be the customer's expense to move it. Mayor Hart states that if the Council does approve this policy the customers need to be notified of the policy at least 45 days in advance of starting the policy's effective date by letter and posting it on the site and on social media feeds. Motion was made by Mayor Pro Tem Bert to approve the policy and seconded by Councilwoman Stone. Motion carried to approve the policy and notify all residents of the policy along with the effective date of the policy taking place.

ITEM #11 – POLICY – DAMAGE TO TOWN PROPERTY

The Town Manager said there has been some issues with customers damaging water meters by running over them. If we have got a customer who has ran over their water meter box three times and we have replaced it we can't keep absorbing that cost due to negligence. The policy for damage to the Town Property would make the customer responsible for reimbursing the town the cost to replace the meter that has been damaged. Motion was made to approve by Councilman Bass and seconded by Mayor Pro Tem Bert. Motion carried with the exception that Mayor Hart stated another notification would be made to the customer.

ITEM #12 STORM DRAIN – DAMAGE TO PRIVATE PROPERTY (212 DOGWOOD AVENUE)

The Town of Havana owns a storm drain that runs through the property that is owned by Kim and her husband at 212 Dogwood Avenue which is part of the reason the Town Manager states that she wants to address this is because this is the Town Clerk's property. We want to be totally transparent as this is one of the Town's employees. This drain has created a canyon in their backyard which is 6 to 8

ITEM #12 STORM DRAIN – DAMAGE TO PRIVATE PROPERTY (212 DOGWOOD AVENUE) CONT'D.

feet in some places. The road runoff has made the property inaccessible and unavailable in some places. Justin with Dewberry Engineers met with Don Harrison of the Town Crew and myself on site to access the damage. He confirmed the drain does belong to the Town. The damage to the property has been caused directly by this drain. It is eroding the backyard in a pretty significant way. Justin recommended that the Town engage a licensed surveyor to create a 20 foot drainage easement to be approved by the Town and the property owner. Once the easement has been recorded then the Town can proceed. Motion made by Councilman Bass seconded by Mayor Pro Tem Bert to move forward with correcting the damage.

ITEM #13 RESOLUTION 2023-05R OPPOSING HB 1331 AND SB1380

The Town Manager states the town operates utilities Electric, Gas, Sewer, and Water which in turn provide revenue for the town that we use to fund safety and quality of life services that we use to fund for our residents that we otherwise could not afford. Those are streets, fire, police and parks and recreation. We do not make any more off of those services we have to have a way to fund them and we use general revenue from our utilities to cover the cost of the other services. There was a house bill proposed to limit how much revenue an enterprise fund could transfer to a general fund for small municipalities such as Havana, Chattahoochee where our Ad Valorem tax is very small. This bill stalled in the Senate and Senator Cory Simon is one of the reasons for that. We need to keep this bill stalled, to that she is requesting a resolution that says we are opposed to that bill. Motion made by Mayor Pro Tem Bert to approve the opposing of HB 1331 and SB 1380; motion was seconded by Councilman Bass. Motion carried to approve Resolution No. 2023-05R.

REPORT OF THE TOWN MANAGER

The Town Manager stated as requested their will be public safety report and this will be done at every council meeting going forward. For the month of February, the Havana Fire Department responded to 21 calls. The Havana Police Department for the period March 1 through March 22nd responded to 119 incidents. Mayor Hart would like to thank Chief Smith and Officer Baity for seeing a person standing in their yard that was having an episode. She thanked the HPD for being attentive to this situation. The Town of Havana will be closed on April 7th in observance of Good Friday. There was a storm drain issue on 8th avenue east it created a void in the road. An option is to cut up the road and replace the pipe. We are working through that.

RECOGNITION OF THE COUNCIL MEMBERS

Mayor Pro Term Bert had nothing.

Councilwoman Stone asked if the next meeting would she need to be in attendance and would the person replacing her take over. The Town Manager stated she would need to be there.

Regular Council Meeting
March 28, 2023
Page Seven

RECOGNITION OF THE COUNCIL MEMBERS (Continued)

Councilman Bass had nothing.

Mayor Hart stated that Sorority Incorporated they are working to enhance our environment and they would like to donate a pine tree to the Town of Havana in honor of Arbor day in the month of April. They would like for Council members to consider three locations to place the tree. The Town Manager spoke with Don Harrison, the Street Superintendent and recommended two places, the Walking Park and Gus Bert field would be the most appropriate. Mayor Hart also stated that at the Welcome Sign there are rocks at the location and they are being kicked or getting out of the landscaped areas and cars are passing by and the rocks are hitting people's cars. She requests that the Town Manager address the issue with the Town staff to fix this issue.

Motion made by Councilwoman Stone to pay the bills seconded by Councilman Bass. Motion carried.

Motion made to adjourn by Councilman Bass, seconded by Councilwoman Stone. Motion carried.

Meeting was adjourned at 7:22 p.m.

Kimberly J. McMillan
Town Clerk

Presiding Council Member