

REGULAR MEETING

JUNE 11, 2018

The Mayor and City Council of the City of Washington, Georgia, held their regular monthly meeting on Monday, June 11, 2018, beginning at 4 PM at the Edward Pope Conference Center. Mayor Ames Barnett presided.

Present were Mayor Barnett and council members Armour, Armour, Cullars, Mahoney, Scarborough and Tutt. Also present were City Administrator Bailey, City Clerk Danner and City Attorney Fleming.

Visitors present are listed in the minutes of the Work Session held on June 11, 2018.

City Attorney Fleming opened the meeting in prayer followed by the Pledge of Allegiance.

MINUTES APPROVED: On motion by R. Armour, second by T. Armour, council approved 6 to 0 the minutes of the previous meetings as presented.

MEETING AGENDA APPROVED: On motion by Scarborough, second by R. Armour, council approved 6 to 0 the meeting agenda as presented.

PUBLIC HEARING: Council conducted a Public Hearing to receive citizen comments and input on the proposed GMA Bricks and Mortar financing of the Fire Department rehab. There were no citizen comments.

MAYOR'S TOPICS: Mayor Barnett requested council approval of the appointment of Council member R. Armour to replace Henry Harris, Jr. on the Health Department Board and the re-appointment of Ed Pope III to the PDA and John Keen to the URA. On motion by Scarborough, second by T. Armour, council approved appointments 5 to 1. Council member Cullars voted against the motion.

Mayor Barnett advised that he had appointed Barbara Burns to the Housing Authority Board to replace Ann Stewart who had resigned.

CITY ATTORNEY UPDATES: City Attorney Fleming gave council an update on upcoming MEAG Bond re-financing plans. This requires no council action.

City Attorney Fleming asked for council approval on a proposed amendment to City Ordinance, Chapter 10. Animals. On motion by R. Armour, second by Scarborough, council approved 6 to 0 the Ordinance. Ordinance follows:

A RESOLUTION TO AMEND CHAPTER 10 OF THE CITY OF WASHINGTON, GEORGIA CODE OF ORDINANCES

WHEREAS, the City of Washington desires to amend Chapter 10 of the Code of Ordinances to provide for the regulation of animals within the city's borders.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Washington as follows:

- 1) Chapter 10 - Animals of the Code of Ordinances shall be amended to read as follows:

Sec. 10-4. - Poultry houses and barns.

No commercial poultry house or structure for the keeping of any livestock or fowl for commercial purposes shall be constructed in the city limits. For purposes of this section "commercial purpose" shall mean any purpose which is performed in conjunction with the operation of a for-profit business or enterprise.

Sec. 10-5. - Animals in residential districts.

(a) *Purpose.* It is the intent of this section to permit certain uses in residential zoning districts which involve the keeping of limited numbers of domestic animals or pets where it is recognized that such areas are changing from agricultural to suburban residential in character. This section is further intended to minimize problems which may arise from such animal uses and to provide suitable standards for protection of health, safety, welfare and preservation of residential zoning districts from indiscriminate raising of animals. These restrictions apply to districts R-1, R-1A, R-2 R-3, H1, RMH, R-3A, and R-3B and shall be subject to all state and local health codes.

(b) *Uses permitted.*

(1) *Livestock.* Horses, cows, pigs, ponies, donkeys and other domestic livestock may be kept, raised or bred for home use and enjoyment provided that only one such animal shall be permitted for each 15,000 square feet of land area and shall be adequately contained within the property, and do not become a nuisance as defined by the Code of Ordinances for the City of Washington, or state law.

(2) *Domestic pets.* Cats, dogs, rabbits or other generally recognized domestic pets may be kept or bred by persons residing on the property for their use and enjoyment, and do not become a nuisance as defined by the Code of Ordinances for the City of Washington, or state law.

(3) *Fowl.* Ducks, quail, chickens, turkeys, squabs, pheasant, etc. may be raised for home use provided such fowl are adequately contained within the property, and do not become a nuisance as defined by the Code of Ordinances for the City of Washington, or state law. A flock for home use will be limited to twelve fowl total.

(4) *Number of animals within a residence.* This ordinance is not intended to limit the number of animals a person can keep within a residence; however, the residence must not become a nuisance, violate building or health codes, the Code of Ordinances for the City of Washington, or state or federal law.

(5) *Distance from property lines.* Notwithstanding any provision in this section to the contrary, buildings or other structures which are located in residential districts and are used to accommodate or restrain animals noted in subsections (b)(1) and (3) of this section shall be located no less than 50 feet from all property lines.

(c) *Uses prohibited.* The keeping, breeding or training of any animals or fowl for monetary gain or profit shall be deemed a commercial business and only be permitted in the allowed zoning districts and expressly prohibited districts R-1, R-1A, R-2 R-3, H1, RMH, R-3A, and R-3B.

Sec. 10-31. - Prohibited in certain premises.

(a) Except as provided in O.C.G.A. § 30-4-1, et seq. and the Americans with Disabilities Act, it shall be unlawful for any person owning, having in charge or having control of any dog to carry the dog or to permit the dog to enter or be carried inside any grocery store, drugstore, restaurant, café, boardinghouse, hotel, fruit stand, warehouse, refreshment stand, or any place where food, medicines, groceries, or merchandise of any kind intended for human consumption is sold, prepared, eaten or dispensed.

Sec. 10-33. - Running at large-

(a) It shall be unlawful for any person owning or having possession or control or care of a dog to allow the dog to stray or run at large upon the streets, playgrounds, or other public places or private properties of others within the city. A dog shall at all times be restrained or enclosed upon the premises of the owner or person having the dog in care, possession, or custody, except as may be permitted under exceptions provided in this section. A dog is properly restrained when it is under the control of the owner or person having possession and held by

a cord, rope, chain or similar tether. Any such restraint must be applied in a manner to protect the health and safety of the dog. A dog is properly enclosed when it is securely confined indoors or in a securely enclosed and locked pen, or physical or electronic fence designed and functioning to prevent the dog from escaping. Dogs classified as dangerous or vicious as defined in Title 4, Article 2 of the Official Code of Georgia shall not be permitted to be confined by electronic fence, and shall be confined in such a manner suitable to prevent entry of young children and designed to prevent the dog from escaping.

- (e) Any person leading or allowing their leashed dog onto the property of another is guilty of the crime of trespassing, and can be charged in the Municipal Court of the City of Washington for this crime.
- (f) It shall be the responsibility of the dog owner or whoever is in charge of the dog at the time to clean up behind their dog. All litter and feces shall be removed from any public or private property immediately, and deposited in a waste receptacle. Failure to clean up behind the animal can result in a citation for littering.

Sec. 10-34. - Kennels.

- (a) For the purposes of this section a kennel is defined as follows:
 - (1) Any person who keeps, feeds, boards, supervises, or trains dogs for hire or compensation; or
 - (2) Any person who owns or is the custodian of more than ten dogs while in a residential district as shown on the official zoning map.
- (b) Any person(s) fostering animals must have the state required forms and licenses including: a contract with the person(s) for whom they are fostering, the required animal inventory form including the rabies inoculation tag number of each animal being fostered, inspection forms documenting that periodic inspections for cleanliness and sanitation are being done. These forms and licenses must be made available to the animal control officer or Wilkes County Sheriff's Deputy upon request.
- (c) Failure to provide fostering documentation will result in the location being classified as a kennel, and being subject to the zoning ordinance in regards to operating a business in a residential area.
- (d) Licensed veterinarians shall be exempt from the requirements of this section.

The Animal Control Officer and the Wilkes County Sheriff's Department shall be authorized to enforce this section.

Sec 10-35. – Reserved

Sec. 10-62. - Impounding—Authorized/Required.

- (a) *Authorized.* The animal control officer and/or law enforcement officer shall be authorized to and it shall be the duty of those officers to impound every dog in the city that has not been inoculated pursuant to state law and that does not carry the tag as required in section 10-61.
- 2) All portions of this Code in conflict herewith are hereby repealed.
- 3) The foregoing Ordinance was adopted on the 11th day of June, 2018.

City Attorney Fleming asked for council approval to extend the deadline for BB&T to submit a bid for the GMA Bricks and Mortar financing of the Fire Department rehab. On motion by Scarborough, second by T. Armour, council approved deadline extension 3-3-1. Voting against the motion were council members Cullars, Mahoney and Tutt. Mayor Barnett voted for the motion, breaking the tie vote.

TOPICS SUBMITTED BY COUNCIL:

CULLARS: Council member Cullars requested a report on expenditures on square improvements, community garden, city hall mold abatement and fire department rehab. Total costs of square improvements were \$81951.04 including labor, noting that the fountain was purchased by the DDA; total costs of the community garden were \$7889.64 including labor; mold and asbestos abatement at city hall was \$87371.19 with insurance claim paying some \$30,000; and, cost savings on the fire department project is estimated at some \$262,946 by using prison labor, noting that additional savings may be seen through donated materials and material price reductions.

Cullars made note of the condition of streets in the recent CDBG sewer line project in the Skull Shoals Road area. There will be a meeting scheduled with Anne Floyd of the CSRA RC to go over this project contract and review of work satisfaction.

Cullars questioned Mayor Barnett about the purchase of a home in Watkinsville and wanted to know where the Mayor was currently residing after selling his Court Street home. The Mayor responded that he was residing at 302 Sims Street. Cullars then asked Mayor Barnett to resign his position. When the Mayor indicated that he would finish his term, Cullars then requested that the situation be investigated. City Attorney Fleming gave some guidance on starting any investigation.

MAHONEY: Council member Mahoney expressed his displeasure on council action on an ethics ordinance amendment taken at the May meeting of council when Mahoney was not present. It was noted that the Ethics Ordinance was on the May agenda and had been discussed at several previous meetings. City Attorney Fleming reviewed with council again the proposed ordinance amendment which would require a three attorney panel to hear ethics violation charges against elected officials on a rotating basis. On motion by Mahoney to approve the ordinance amendment, second by Tutt, council voted 3-3-1. Voting against the motion were Armour, Armour, and Scarborough. Mayor Barnett voted against the motion, breaking the tie vote.

Mahoney asked about the renewal of the Law Enforcement contract and was advised that the contract automatically renews unless there are changes made to it prior to the April 15th deadline.

Mahoney asked for a firm number on the cost of the Fire Department project. Firm estimates should be received from Clifton soon and the interest rate from BB & T would be needed before a total project cost can be given.

CITY ADMINISTRATOR UPDATES: City Administrator Bailey asked for council approval of a Distraction Free Driving Policy. On motion by R. Armour, second by Scarborough, council approved the policy 6 to 0. Policy follows:

Traffic crashes are among the leading causes of death and injuries in Georgia. Because the City of Washington is committed to establishing and following practices that make working here safer, and because we value the safety and well-being of all employees of the City of Washington, we are instituting a distraction-free driving policy to promote safe driving habits.

Using a cell phone while driving increases the risk of a crash by four times, and texting increases crash risk by 23 times. The City of Washington employees must refrain from using PDAs and cell phones, while operating a motor vehicle. City of Washington employees must not initiate or respond to phone calls, read or respond to text messages or emails while driving a passenger or commercial vehicle unless using a hands free device. City of Washington employees who do not have a hand free device and need to make an emergency call while on the road must first park the vehicle in a safe location.

Failure to follow City policy and refrain from talking on the phone, texting or emailing while on the job in an unsafe manner may result in one or all of the following consequences; verbal warning, written warning, leave without pay, and/or dismissal.

USE OF SQUARE: City Administrator Bailey reported a request for use of the square on July 26, 2018 for the annual WW Tiger Ironman competition. On motion by Tutt, second by T. Armour, council approved request 6 to 0.

HURRICANE IRMA FEMA UPDATE: City Administrator Bailey reported that all necessary forms have been submitted to FEMA for restitution of expenses from the September 2017 Hurricane Irma storm. There is some \$92,870.00 in expected reimbursement.

2017 FINAL BUDGET AMENDMENTS: City Administrator presented for council approval the final 2017 budget amendments needed by the auditors prior to submission of the audit to the state. On motion by Scarborough, second by R. Armour, council approved 2017 budget amendments 3-3-1. Voting against the motion were council members Cullars, Mahoney and Tutt. Voting for the motion and breaking the tie vote was Mayor Barnett.

RESOLUTION – 2018 CHIP POLICIES AND PROCEDURES: City Administrator Bailey requested council approval of the 2018 CHIP POLICIES AND PROCEDURES. On motion by Tutt, second by Scarborough, council approved the resolution 6 to 0. Resolution follows:

WHEREAS, the City of Washington received a 2018 Community HOME Investment Program (CHIP) award that included Homeownership Rehabilitation and New Construction assistance for the City of Washington in accordance to the HOME Final Rule 24 CFR Part 92 and agree to adopt the Policies and Procedures for homeownership rehabilitation and new construction designed by DCA in accordance to the CHIP manuals, HUD and other required Federal and State regulations; and

WHEREAS, the governing body directs and authorize the Mayor and City Council of Washington to act in connection with the policies and procedures; and

WHEREAS, to the extent which the City of Washington participates in the State and Federal Assistance Program, the Community HOME Investment Program (CHIP) and DCA Grant #2018-114 will provide Homeownership Rehabilitation and New Construction assistance to households with income at or below 80% of the Area Median income by providing funds for owner-occupied repairs/rehab and new construction; and

WHEREAS, the DCA Administrative Manual and the Policies and Procedures Manual for the 2018 Homeownership Rehabilitation and New Construction funded projects will be used in conjunction with the accepted program design approved under the NOFA; and

WHEREAS, the governing body will adopt the CHIP policies and procedures regarding Minority Business and Women Enterprise (MBE/WBE) Outreach and take reasonable steps to provide Limited English Proficient (LEP) opportunities when applicable; and

WHEREAS, the Policies and Procedures will thoroughly connect the Community HOME Investment Program (CHIP) funds in ways to help improve outcomes such as neighborhood revitalization, community development, economic development; and

WHEREAS, according to the submitted 2018 CHIP application that was funded acknowledging the established partnership with Hands On Washington to Administer the Homeownership Rehabilitation Projects and the City of Washington to Administer the New Construction Projects; and

NOW, THEREFORE, BE IT RESOLVED that the Mayor and City Council of Washington, Georgia will approve and adopt the Georgia Department of Community Affairs (DCA) Administrative Policies and Procedure Manuals for the State FY 2018 Community HOME Investment (CHIP) Homeownership Rehabilitation and New Construction assistance this **11th day of June, 2018**.

It was noted that the City will handle the construction of four new homes on Norman Street with the URA acting as the developer and Hands on Washington will handle to owner occupied rehabs.

ADJOURNMENT: On motion by Mahoney, second by Scarborough, council approved adjournment at 4:49 PM.

_____ MAYOR

_____ CLERK