The Lyerly Town Council met for a public hearing on Tuesday, August 7, 2018 at Lyerly Town Hall. Those in attendance were:

James Ferguson, Mayor

Gwen Fisher

Phil Brooks

Juanita Baker

Shirley Davis

AUGUST 7, 2018

Mayor Ferguson called the public hearing to order at 7:31 p.m.

Mayor Ferguson said that this is public hearing is about changes to the joint Comprehensive Plan for Chattooga County, Lyerly, Menlo, Trion and Summerville. The Comprehensive Plan is a list of things that every community intends to do. It doesn’t just cover capital projects; it covers programs and so forth. So when you apply for a grant, the Georgia Municipal Association and GEFA want to see these things that you are asking money for in the Comprehensive Plan. So, we are asking for money for a wastewater project and they want to see that in our Comprehensive Plan. None of the things that are in the Comprehensive Plan are set in stone and have to be done. It is just a list of ideas. It does give all of the leaders in the community ideas of what everyone is trying to accomplish.

 Juanita Baker said that it lists the implication of a procurement policy and she asked what that is. Mayor Ferguson said that we currently do not have a good policy for purchasing, like what amount has to be bid out and how much he can spend without council approval. He said that he is in the process of trying to write a more “set in stone” policy. Shirley Davis asked how much the mayor or clerk can spend without council approval. Mayor Ferguson said that right now, there isn’t a number. That is what he is trying to make a policy for. Shirley Davis then asked what number he had in mind. Mayor Ferguson said that he was thinking five or ten thousand dollars, it depends. He said that some of the day to day items that Michael Cabe buys are fifteen hundred to two thousand dollars. Clerk Sally Kerce said that we spent a thousand dollars today on a pump that we had to have. Shirley Davis then asked if the council did approve for the mayor to be able to spend ten thousand dollars without approval, could he go out and spend ten thousand dollars a day. Mayor Ferguson said no because the money isn’t there. Shirley Davis said with that rule, it sounds like you could. Mayor Ferguson said that technically, he could but why would we. About three days in to that, you would be bouncing checks. Juanita Baker asked what Michael Cabe spent a thousand dollars on. Sally Kerce said that it was actually around seven hundred but the fluoride pump went out and we had to have it replaced. Mayor Ferguson said that things do break constantly. Sally Kerce added that we have had a bad year. We had that bad leak and the alarm at Reece Hill tearing up. Mayor Ferguson said that we have already spent at least twenty thousand dollars this year that we had no intention on spending. The leak close to Smith Iron Works cost about sixteen thousand dollars. We were having to buy water and had to pay someone to find the leak. Juanita Baker said that there are times when a split second decision needs to be made. Mayor Ferguson said that he has been looking at procurement policies from other places and there are some that are too detailed and some that are not detailed enough. The main thing that he wants to put in ours is that even if the mayor is allowed to spend, just say less than ten thousand dollars, if over a certain amount is spent on any one item, it would be required to be explained to the council what was purchased and why. The mayor wouldn’t have to come and ask for permission but it would have to be explained. Shirley Davis said that even if the mayor or the clerk purchase something, the council needs to know about it. Juanita Baker asked if the mayor and clerk both sign checks. Mayor Ferguson said yes. And speaking of this, there is something else that he wanted to bring up, since no one has showed up for the public hearing.

 He said that he would like for a council member to sign off on the bank statements behind him. Right now, bank statements come in, Sally goes through them, and then I go through them and sign them. He would like a council member to also look over them and sign them. Shirley Davis said that since Phil Brooks is the Mayor Pro Tem, she thinks that he should. Mayor Ferguson agreed. He added that there is a copy of all cleared checks in with the statements so if you see something that stands out, you can ask about. This will also make the auditor happy. They suggested another layer of oversight and this is really the only other option that there is. Mayor Ferguson said that he will put it in writing that Phil Brooks will sign off on bank statements and the council can vote on it next week.

 Clerk Sally Kerce asked Mayor Ferguson, as far as the comprehensive plan, how long the council needs to wait to vote. Mayor Ferguson said maybe 15 minutes. Phil Brooks asked that if we make this change to the comprehensive plan, will it be for people who are in office later or will it just last their tenure. Mayor Ferguson said that it will carry on. Phil Brooks then asked if once they set the amount that the mayor can spend, will it go on also? Mayor Ferguson said that it will be an ordinance. Juanita Baker said that the town had something like this before. Clerk Sally Kerce said that we have found something similar but we can’t find where anything was approved. Mayor Ferguson added that what we found was weak. He added that as far as the changes to the comprehensive plan, it is good through the year 2020 and then they will come back and do a new one.

 Gwen Fisher asked about waste management, which is garbage pickup. She wanted to know if we could get limb or brush pickup. Clerk Sally Kerce said that our guys could do it. Juanita Baker said she thought in the fall or spring we should have a cleanup day. Shirley Davis said she thinks that would cost more money. Sally Kerce said that when Summerville does it, their workers do it. Gwen Fisher said she thought the garbage people did it. Shirley Davis said this town is getting growed up and nasty. Juanita Baker agreed. Shirley Davis added that there are a lot of properties that are grown up. Someone needs to take a look at Lyerly because it is getting in bad shape. Mayor Ferguson said that maybe that is something we can get into when we talk about building codes. He said to be honest, the further he gets into the building codes, it is Mount Everest. He added that he can’t find a way that it isn’t going to add cost. Shirley Davis said that we need some kind of code. Mayor Ferguson said that if we grandfathered in everything that is here, it might help the cost. Phil Brooks said that he looked into building codes after they first started talking about it and there is a lot to it, especially without an enforcement officer. He also said that he was interested to see what Mayor Ferguson comes up with because there are so many tales on it. Mayor Ferguson said that even if we do secure an enforcement mechanism, we would then have to have court. Shirley Davis asked if at one time, didn’t they try to make an ordinance where people couldn’t have junk cars and stuff. Clerk Sally Kerce said that we have one that says you can’t have junk cars without a privacy fence. Shirley Davis then asked if there wasn’t one about having to keep the property up too. Clerk Sally Kerce then said yes, but we don’t have any to enforce them. Juanita Baker added that they looked at having a building codes inspector in the past, and we couldn’t afford it here in this town and the one in Summerville refused to do it. Mayor Ferguson said that we would be looking at $35,000 per year and that’s just for someone part time. Gwen Fisher said that she thinks that we have enough codes in place. Mayor Ferguson said that by state law, we could get the sheriff’s department to enforce our codes. First we would have to have court and second, we can’t cherry pick what they enforce. If he gets the sheriff’s department to enforce our ordinances, and we come up with an agreement, they will have a copy of our ordinances. If some Barney Fife nut job flips the ordinance book open to something that was passed in 1980 that we haven’t even read yet, he could start writing people tickets for their dogs barking after 8:00pm or something ridiculous. Shirley Davis said that it’s a pity that people don’t have pride in their selves to keep their property up. Juanita Baker said that when this was an owner’s town, people did but now we are a renter’s town and renters don’t care. Mayor Ferguson said that going back to what he was saying, before he goes to the Sheriff about enforcing our ordinances, we need to go through each one of them. Gwen Fisher asked that if we were to fine the property owners, could we not add it to their taxes. Mayor Ferguson said that he would have to ask the attorney about that.

Juanita Baker made a motion to approve the changes to the comprehensive plan. Gwen Fisher seconded. All in favor.

No one was in attendance other than Mayor, council members and town clerk Sally Kerce.

Phil Brooks made a motion to adjourn. Juanita Baker seconded. All in favor.

Meeting was adjourned at 7:46 p.m.

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 Mayor Town Clerk