The Lyerly Town Council met for their agenda planning meeting on Tuesday, June 5, 2018 at Lyerly Town Hall. Those in attendance were:

Jim Ferguson, Mayor

Gwen Fisher

Phil Brooks

Juanita Baker

Shirley Davis

June 5, 2018

Mayor Ferguson began the meeting at 7:35 p.m.

Mayor Ferguson said that everyone should have financial reports to look over. Shirley Davis said that she saw that we got the new truck. Mayor Ferguson said yes and it’s great.

Mayor Ferguson said that he wanted to show everyone the new logo. Shirley Davis asked if it was a logo for the new truck. Mayor Ferguson said that it was a new logo for the Town. Shirley Davis asked if they had voted on the new logo. Mayor Ferguson said no but it could be voted on. Juanita Baker said that this was the Mayor’s idea. Shirley Davis said she knows but isn’t it supposed to voted on. Mayor Ferguson showed the new logo to everyone. He said that if they didn’t like it, we could change it. Everyone liked it.

Gwen Fisher said that she likes the Farmer’s Market sign. Shirley Davis said that she thinks that we need a list of what is acceptable to sell. People don’t know that they can bring plants and other things to sell.

Mayor Ferguson said that there is not an ordinance for pouring malt beverages and wine. He thinks that it is a hold up for people interested in opening a restaurant here. He said that he knows Tony had talked about opening a restaurant in Lucky’s and he will not do that without a pouring license. If we wanted to allow someone to sell beer or wine at one of our events, we would not be able to because we have no ordinance for that. He added that he got together an ordinance using wording from different cities and towns. He said that he sent a copy to the town attorney but hasn’t heard anything back yet as to her opinions about it. He said that there is nothing in it that hasn’t been enacted in some form or way by someone around us. There is one thing that he wrote from scratch and that was the part in section 2.7 about temporary permits. He said he couldn’t find any other areas that do temporary permits but Cartersville does a three day permit so he worked off that. He also added that the only people who are allowed to have a temporary pouring permit are people who are already licensed to sell malt beverages by a municipality inside Georgia. Gwen Fisher asked under what circumstances someone would want a temporary permit. Mayor Ferguson said for example, if we wanted to allow one vendor to sell beer or wine at our 4th of July Festival. Shirley Davis said she has a problem with that. Mayor Ferguson said that we can visit, in a separate conversation, whether we want to actually let it happen. But if we ever did, we would need an ordinance for it to be possible. Shirley Davis said that she doesn’t see how we could have a family event and allow pouring beer. Juanita Baker asked would that be a decision for the council or would we have to have an election. Mayor Ferguson said that after all of the research that he has done, he believes that since we already have package sales, that we wouldn’t have to have a referendum for malt beverage and wine pouring. However, we would need a referendum for pouring distilled spirits. Gwen Fisher asked if this would appease Tony enough to open the restaurant that he has talked about. Mayor Ferguson said yes. He said that he also thinks that beer and wine would be enough to attract most restaurants.

Mayor Ferguson said that he also put in there about entertainment allowed in a pouring establishment. He said that he put that the acceptable entertainment can’t be heard beyond the doorway of the establishment past 10pm. He also put that if anyone is granted a temporary permit, they have to hire security and it has to be a police officer. Shirley Davis asked if this is opening up for a party like the Alchemy festival they had in Menlo last year. Mayor Ferguson said absolutely not. The council has total control over who gets a permit. Shirley Davis said that she doesn’t want to open the door in the least bit for anything like that. Mayor Ferguson said to take the proposed ordinance home and between now and next Tuesday, read it and if there is anything in there that she doesn’t agree with, let him know and if there is anything that she would like to be added, let him know that too. Shirley Davis said that she understands that they want the restaurant to have beer and wine but she wants to make sure that Lyerly, even with the liquor store and the convenient stores, to be a family place. Mayor Ferguson said that he would like to draw attention to “Grounds for denial of license”. He said that there are two pages of reasons why you will not be granted a license. Mayor Ferguson said that he is aware that this is a lot but he is also aware that this town consists of a liquor store and two convenient stores. And if we want to attract another source of tax revenue or attract people to town, we need to try something new. Shirley Davis said that she doesn’t want this town to become so dependent on alcohol sales or alcohol products that we have to let them do whatever they want. Mayor Ferguson said that the vast majority of our revenue comes from water. It is a fact that we get a lot of money from alcohol sales but if it went away tomorrow, we could make it. He added that what we have to do if we want this town to grow, is find reasons for people to come to Lyerly and we have to start somewhere. Shirley Davis told Mayor Ferguson that she isn’t trying to give him a hard time. She said that what it comes down to is that she doesn’t want the town to have to completely depend on alcohol to pay our bills. Everyone agreed.

Mayor Ferguson asked everyone to look at the preliminary engineering report that Ladd prepared for us. He explained that this is for the work that needs to be done at the wastewater facility and the pumps at the lift station. He said that you can read through it and it explains why the work needs to be done and what all alternatives were explored. He said that the last page of the report is an inflated estimate of what this is going to cost. He said to keep in mind that we are only responsible for 30% of the cost which is around $113,610. Phil Brooks asked who is doing the work. Mayor Ferguson said that we will have to take bids. There is a timeline and the work will not be completed until next year. Juanita Baker asked how many years do we have to pay back our part. Mayor Ferguson said he thinks ten years. Phil Brooks asked who we are borrowing the money from. Mayor Ferguson said USDA. He said that the Utilities Director, Michael Cabe, is convinced that these cost are extremely high. He believes that we can get the work done for significantly less than what this says. Shirley Davis asked why there is a construction equipment building on the list of costs. Mayor Ferguson said that Michael Cabe would like to have a place to store the equipment that we don’t have anywhere under cover to put; For instance the track hoe and the dump truck. Shirley Davis asked where it is being stored now. Mayor Ferguson said that it sits in the fence behind city hall, out in the weather. There is also PVC pipe that we have for water line maintenance that is sitting out in the weather, where is doesn’t belong. He said that he told Michal Cabe that he would put it in with the cost of everything and then it would be up to the council whether or not to build it. Gwen Fisher asked if this would be a metal building. Mayor Ferguson said that it would be like a pole barn. Shirley Davis said that if we had to, we could leave that off. Mayor Ferguson said that he thinks that it is a good idea and if we can get it at only 30% of the cost, we should go ahead and do it. Shirley Davis asked if the payment for our part would come from the water fund. Mayor Ferguson said yes. He said that when he originally talked about this project with ARC, they had a ball park figure of $180,000 or $200,000 and that included sludge removal, which we aren’t doing. Phil Brooks asked if Ladd Engineering’s cost based on the cost of the job. Mayor Ferguson said that we will pay them a flat rate for this report and anything else that they do. Shirley Davis asked if our cost could change. Mayor Ferguson said that whatever the cost, we will be responsible for 30%. The most we would be responsible for is $113,610. More than likely, it will be less. Gwen Fisher asked how long this work will last. Mayor Ferguson said that it should set the wastewater treatment plant completely up for at least the next 20 years. Mayor Ferguson said that hopefully soon, he will be able to come up with a policy for addressing equipment replacement on a set schedule. Phil Brooks said that we also have to deal with the building codes and other ordinances.

Mayor Ferguson said that the first thing that he has to do is arrange an enforcement mechanism. He has to investigate what the sheriff’s department is allowed to enforce when it comes to things that we pass. To his understanding is that they can come and enforce anything, as long as they agree to do it. He said that he needs to sit down with the Sheriff. He also said that he is going to get a copy of the Georgia Criminal Code and figure out exactly what the sheriff’s department is allowed to do on our behalf. Mayor Ferguson said that to him, it just doesn’t make any economic sense to put a code enforcer on retainer; we wouldn’t use them enough. And also, if we do that, we would have to have court and then we would have to pay a judge. If we are able to use the sheriff’s department, and had to have court, we could do it monthly or even quarterly. Shirley Davis said that we do need to get the ordinance fixed about what people can build on their property. Gwen Fisher said we also need to get one about all of the abandoned houses. It is not right to let them just sit there and do nothing. Juanita Baker said there have been several times that you send a certified letter to the property owner about their property and they just don’t sign for it. Mayor Ferguson said that if we get an ordinance in place where the property owner has so many days to respond or the Town will make so many efforts to get in touch with them and if we don’t, then we will go from there. If we can get an enforcement mechanism, and pass the ordinances and if they are not followed, then we can call the sheriff’s department and they can come and write citations and then we can condemn the properties or tear them down at their expense but unfortunately, upfront, it will be at our expense.

Mayor Ferguson said that the last thing is the 4th of July. Kasia has made everyone copies of notes for some of the plans. She has already gotten some sponsors and gotten people to donate some things.

Gwen Fisher asked when the Tree City signs will be put up. Town Clerk Sally Kerce said that we have them and she will have the guys put them up as soon as possible.

There being no further business or discussion, the meeting ended at 8:28 p.m.

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Mayor Town Clerk