

Mayor Kathy Harrison called the regular meeting of the City Council to order at 6 p.m. Monday, Sept. 29, 2003, in the jury room of the Western District Carroll County courthouse. This is considered a regular meeting because the City Council voted in regular session Sept. 22 to temporarily have meetings once a week.

**PRESENT:** Mayor Kathy Harrison, Aldermen Robert "Butch" Berry, Penny Carroll, Karen Lindblad, Gayle Money, Bill Ott, Earl "Bud" Umland, Parks and Recreation Commission Chairman Bill Featherstone, Parks Director Bruce Levine and City Clerk Mary Jean Sell.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Mayor Harrison led the Pledge of Allegiance to the Flag.

**APPROVAL OF AGENDA:**

Ms. Money moved to approve the agenda as presented. Mr. Umland seconded. All voted aye. Motion passed 6/0/0

**APPROVAL OF MINUTES September 22, 2003**

Ms. Money moved to approve the minutes of Sept. 22. Mr. Umland seconded.

Ms. Money noted a correction to item #2 of New Business: the item regarded Section 94-3 not Ordinance 943.

Ms. Sell noted she has spelled Leah Karnes name incorrectly in the discussion of her application for the Planning Commission.

Ms. Money moved to approve the minutes as amended. Mr. Umland seconded. All voted aye. Motion passed 6/0/0

**COMMISSION, COMMITTEE REPORTS AND VACANCIES**

Considered only during regular meetings on the 2<sup>nd</sup> and 4<sup>th</sup> Mondays.

**DEPARTMENT HEAD COMMENTS**

Heard only during regular meetings on the 2<sup>nd</sup> and 4<sup>th</sup> Mondays.

**UNFINISHED BUSINESS:**

**1. Discussion regarding Ordinance 1923, an ordinance amending the 2003 adopted budget for the remaining six month period beginning July 1, 2003, and ending December 31, 2003. (3<sup>rd</sup> reading)**

Ms. Money moved to suspend the rules and place Ordinance 1923 on its third reading by title only. Mr. Umland seconded. By roll call vote, all voted aye. Motion passed 6/6/0

Mayor Harrison read the title of the ordinance aloud.

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Ms. Money moved to approve the third reading of Ordinance 1923 by title only.

Mr. Umland seconded. All voted aye. Motion passed 6/0/0

**2. Discussion regarding Ordinance 1924, an ordinance to waive competitive bidding for the lights at Lake Leatherwood sports fields. (3<sup>rd</sup> reading)**

Ms. Money moved to suspend the rules and put Ordinance 1924 on its third reading by title only. Mr. Umland seconded. By roll call vote, all voted aye. Motion passed 6/0/0

Mayor Harrison read the title of the ordinance aloud.

Ms. Money moved to approve the third reading of Ordinance 1924 by title only. Ms. Carroll seconded.

Ms. Lindblad expressed her concern for the reduction of the original bid package for the project. She thought the city was taking on responsibilities generally accepted by a contractor for a project like this one. She cited state statutes 14-58-303, which require a competitive bidding process for any project where expenditures exceed \$10,000. She also cited state statutes 22-9-101, which prohibit projects without specifications or plans from architects or engineers without their professional seals.

Mr. Levine explained the initial bids for the total project had come in at \$250,000, beyond the original estimates and beyond the Parks Commission's budget. He and Chairman Featherstone had split out the projects and Mr. Levine began negotiating with various vendors for materials and contractors for labor.

Mr. Ott also expressed his concern for financial liability of the equipment was damaged during installation or improperly installed.

After considerable discussion, Mr. Berry, Ms. Carroll, Ms. Money and Mr. Ott voted to approve the ordinance waiving the bids on its third reading. Mr. Umland and Ms. Lindblad opposed. Motion passed 4/2/0

### **3. Discussion of city policies concerning severance packages.**

The matter is on the agenda for discussion following the firing Aug. 28, 2003, of former City Administrative Assistant Kim Dickens.

Mayor Harrison said she had talked with the Municipal League and Finance Department member Yvonne Kline regarding continuing insurance benefits and severance pay. She said it was only possible for the city to pay one month's insurance for Ms. Dickens.

Ms. Money moved to provide a severance package for Ms. Dickens to include one month's insurance payment and two months' salary, retroactive to include the July 1 cost of living increase. Ms. Carroll seconded.

Mr. Ott moved to amend the motion to include one month's insurance payment and one month's salary, retroactive to the July 1 cost of living increase of 1.5 percent. Mr. Umland seconded. Mr. Ott, Mr. Umland and Ms. Lindblad voted aye, Ms. Money, Ms. Carroll and Mr. Berry opposed. Mayor Harrison voted in favor to carry the motion. Motion passed 4/3/0

On the motion to provide a severance package of one month's insurance payment and one month's salary, retroactive to the July 1 cost of living increase, Ms. Carroll moved to amend the motion to include one month's insurance payment and six weeks'

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salary, retroactive to the July 1 cost of living increase. Ms. Money seconded. By a roll call vote, Mr. Berry, Ms. Carroll and Ms. Money voted aye. Ms. Lindblad, Mr. Umland and Mr. Ott opposed. Mayor Harrison said she could not cast a negative vote. Motion failed 3/3/0

On the motion to provide a severance package of one month's insurance payment and one month's salary, retroactive to the July 1 cost of living increase, all voted aye. Motion passed 6/0/0

### **4. Discussion of Ordinance 1929, adopting the International Fire Code.**

Mayor Harrison said local Fire Marshall Jim Kelley had informed her that the proposed local ordinance would have to be reviewed and approved by the State Fire Marshall before the council could consider it.

### **5. Discussion of Ordinance 1926, an ordinance regulating the Office of the City Attorney.**

Mayor Harrison said Ms. Carroll and Mr. Umland have asked for portions of the ordinance to be rewritten, primarily deleting the section requiring the city attorney to attend all council meetings to allow him/her to only attend the meetings when requested by the mayor or the mayor and two council members.

### **6. Agenda and next meeting date.**

Items to be included on the agenda for the Oct. 6 meeting include New Business: Ordinance 1926, regulating the Office of the City Attorney, and Ordinance 1929, adopting the International Fire Code if it has been returned by the State

Fire Marshall.

**CITY COUNCIL COMMENTS:**

Mr. Ott asked to confirm the date of the official opening of the Planer Hill/North Main Sidewalk as Oct. 10, his birthday.

**MAYOR'S COMMENTS:**

Mayor Harrison had no further comments.

**ADJOURNMENT:**

Mr. Ott moved to adjourn at 7:22 p.m. Mr. Berry seconded. All voted aye. Motion passed 6/0/0

This is the signature page for the City Council minutes of Sept. 29, 2003.

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Mayor Kathy Harrison

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City Clerk Mary Jean Sell

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