

City of White, GA

City Council Meeting

July 3, 2023

The meeting was called to order by Mayor Powell at 7 p.m.

Present at the meeting were Mayor Curtis Powell, Councilmember Kim Billue, Councilmember Charles Buttrum, Councilmember Stephanie Nicholson, and City Clerk Robin Cochran. Councilmember Gary Crisp and City Attorney Brandon Bowen were not present.

Mayor Powell led us in the saying of the Pledge and the invocation was given by Councilmember Nicholson.

Mayor Powell asked for approval for minutes from previous meetings. March 3, 2023, Motion made by Councilmember Nicholson, Seconded by Councilmember Billue and passed with a vote of 3-0. April 3, 2023, Motion made by Councilmember Nicholson, Seconded by Councilmember Billue and passed with a vote of 3-0. April 10, 2023, Motion made by Councilmember Billue and Seconded by Councilmember Nicholson and passed with a vote of 3-0. May 1, 2023, Motion made by Councilmember Billue, Seconded by Councilmember Nicholson and passed with a vote of 3-0. No approval was needed for the June meeting as it was not an official meeting.

Chief Smith reported on the police department stating things were running smoothly. He stated that the barking dog situation has been addressed with the owners and patrol on Richards Rd was working. Chief stated they have spent a lot of time out there. Councilmember Billue thanked the Chief for patrolling Richards Rd as she read an article a couple of weeks ago that it costs \$200,000 to pave one mile. Mayor Powell asked the Chief to speak about how he is using part time officers. Chief Smith elaborated on the part-time officers stating he is using them within the budget on weekend shifts and over shifts. The mayor asked the Chief to explain part time officers to the council. Chief Smith stated that's the best explanation without divulging when they are here and when they are not to the public.

Jimmy Nichols from the water department reported that we used 2,555,400 gallons of water in June. He continued by stating we had one new water meter hookup and just one leak for the month. Nichols reported that the EPD had come to visit and do sampling. We are waiting for the PFOS report. Nichols continued by letting the council know the 2022 CCR Report was finalized and available in the lobby or city website. He also stated that his state license had been renewed and would be good through 2025.

Robin Cochran reported on City Hall. She started by reporting that we made our last payment for the 28 acres off Richards Rd. Cochran continued by updating the council on current bank balances in the General Fund and Splost 2020. Councilmember Billue stated that doesn't include the money being moved back to the reserves to which Cochran stated no. Cochran gave each member a copy of the baseball field lease agreement for their review. She continued her report with the 2023 Millage Rate stating it was 3% and we were rolling it back 3% to zero. Councilmember Buttrum made a motion to accept the millage rate rollback from 3% to 0. Councilmember Billue seconded the motion. Motion carried with a 3-0 vote. Cochran continued by presenting a Resolution for the General Election in November 2023 stating that she could not find in any minutes from 2023 where the dates and fees had been set. This resolution set the qualifying fees for council (\$36.00) and mayor (\$42.75). It also set the qualifying dates for August 21, 22 and 23 from 9-4 daily. Councilmember Billue made a motion to accept the resolution for qualifying dates and fees for the November 2023 election.

Councilmember Nicholson seconded the motion. Motion passed with a 3-0 vote. Cochran continued with an update on the progress of getting our ordinances online via municode. She stated that Leslie Simmons (former city attorney) needed to meet with her and the mayor to get some items worked out.

Mayor Powell opened up the Planning/Zoning portion of the meeting by stating that Danny Moore, chairperson of the committee, would not be at the meeting. Powell continued by stating they did hear a request to rezone the property at 542 Old Tenn Hwy with the request being from R-1 to R-3. The committee heard the applicant and recommended the approval under the following conditions: (1) the property shall be used for a single-family residence, (2) any uses in R-2 outside of R-1 are prohibited (examples duplexes, triplexes etc.). The mayor turned the meeting over to Will Ferguson (owner of 542 Old Tenn Hwy) has requested a rezoning of the property from R-1 to R-3. Ferguson stated the property originally had two mobile homes on the property, but he only wants to put one on the property. He stated he was familiar with the building codes as they are similar to Bartow County and when they are finished with the project it will be put up for sale. Councilmember Billue asked what happens years down the road and no one is aware of the stipulations. The mayor stated that our city attorney will write an ordinance and included all the stipulations for that piece of property. Councilmember Buttrum asked about what the new owner might do. Mr. Ferguson stated the deed would be written to state the property can only be used for single family residence. Buttrum continued with his questions as the neighbors don't mind renters. Ferguson stated that their goal is to sell the property once the mobile home is installed. Councilmember Nicholson asked what the problem with him (Ferguson) is renting the property as long as it is kept up. Councilmember Buttrum stated that he didn't see one. Nicholson continued by stating it's not right to tell Mr. Ferguson what he can and can't do as far as renting the property.

A citizen asked about the stipulations put into the zoning requests are they binding. Mayor Powell stated that the property would be deeded as a single-family residence. The discussion continued with councilmembers and citizens going back and forth about the deed, changing things in the future and the possibility of the property being rented. It was stated that the new owner could in the future get the property rezoned. Powell stated that when you read our zoning ordinance and the property is not large enough to put anything else on it. The discussion continued making sure that the property is deeded and legally binding. Councilmember Nicholson asked if this would be voted on in Aug? Powell stated yes this was just the first reading and he will get with our attorney to make sure that the result is binding. Ferguson continued by stating he would be at the Aug. meeting. Powell concluded by stating that the vote will be taken in August.

Mayor Powell presented the resolution to allow the City Clerk to be a signer on the bank accounts. Councilmember Billue made a motion, Councilmember Nicholson seconded the motion, and Councilmember Buttrum still didn't agree. He stated that there are too many signers on the account now. Councilmember Billue and Mayor Powell reminded him that GMA stated the city clerk has to be on the account and per our charter must be on the account unless we have assigned an accountant. Citizen Tim Nicholson asked why there has to be a vote? The City Clerk replied to paperwork for the bank is necessary. Cochran went on to explain that a vote on this resolution was tried before but didn't pass. Mayor Powell stated we are here again trying to pass this resolution so the city clerk will be able to sign checks. Councilmember Billue made the motion to make the city clerk able to sign the checks. Councilmember Buttrum asked how many people are signing the checks now? Councilmember Nicholson stated the three of us (Powell, Billue and herself) she would remove herself from the accounts stating that the clerk needs to sign the checks. Councilmember Buttrum asked if the mayor pro tem able to sign the checks? Cochran stated no that he was not on there. Councilmember Buttrum stated that we have three out of five signing checks and continued by saying he didn't think we needed that many. Powell restated that Nicholson said to remove her and add the clerk. Billue added that checks take two signatures. Powell continued by stating that the stuff he has found that he thinks that Robin needs to be signing checks and that the mayor pro tem not to sign any

checks until he provides some proof on some questions presented to him. Powell continued by stating the mayor pro tem signed checks that there were no receipts for and there is no paperwork. The mayor also mentioned a check for a Christmas bonus. He stated that he asked for proof of where the money went. Councilmember Billue asked about a handwritten check for \$500 made out to Mike McConville for a bushhog that the city council never approved to sell. Powell stated the mayor pro tem knew nothing about it yet he is the one that signed the check. Nichelson stated that in the approved minutes that Gary Crisp was asked about a bushhog, and he stated he didn't know anything about a bushhog. Nichelson continued by stating that with the assistance of Jimmy Dean she checked all the serial numbers and that is not the bushhog that we have on file. Councilmember Billue stated that there is OCGA law on that stating how we have to dispose of government property. Nichelson stated that it was a good trade and if proper channels had been followed it probably would have been approved. Billue stated no it wouldn't have because that is not proper procedure. Cochran stated that you have to advertise and take bids. Billue stated again that it had to be put out to the public or have a public auction. Cochran added we would have never paid someone \$500 more plus make the trade. Powell addressed citizen concerns in that this action speaks to the problem that you don't want to be signing checks. He continued by stating he checks requisition forms for the budget numbers and what fund it's coming out of and then the invoice. Powell states he reads it and makes sure it all matches up before he signs the check req and gives it back to the clerk to cut the check. The process continues when she hands me the check, Powell stated he reviews it all again before signing. Then a councilmember comes in and they look at it and they sign it. Powell stated that you can't plead ignorance when it comes to the bushhog. The mayor continued by stating there was an Arrow Exterminating bill for a lady that lived in Rockmart that was paid. Citizen William Watkins asked a few questions about this bill. Powell followed up by reporting that we did get a refund for that mistake. Billue reminded the panel that the bushhog check was a handwritten check that did not go through the system, and she had been tipped off about its existence. Billue stated how many other handwritten checks are out there. Citizens stated their concerns. Councilmember Billue asked why Gary was getting \$300 checks. Powell stated that the checks were cashed and again he was getting \$300 every month by going with the old charter and that is correct. Powell stated that the new charter is not how the pay is specified. Citizen William Watkins asked about the new charter and what was it for? Councilmember Buttrum asked Jimmy Nichols if he knew anything about the bushhog deal stating that he had heard he did. Billue stated that Jimmy didn't have anything to do with buying a bushhog or trading it. Citizen Tiffany Powell reminded the council that they had gotten off topic and asked if they were going to vote on Robin being able to sign checks. Powell reminded the council that we had a motion and a second as well as per GMA along with our charter the city clerk needs to be able to sign checks. A vote was taken 3-0. Motion passed to add the city clerk to the bank accounts and to remove Councilmember Nichelson.

Councilmember Billue asked for time to speak and presented three items for consideration. (1) A new well at the north end of the city on Old Tennessee Hwy to be paid for with ARPA funds. Billue reminded the council we have a limited time to use these funds and it is within the scope of the allowable expenditures for those funds. Billue asked Jimmy Nichols about the well on Richards Rd and its limited capacity. (2) An updated policy on nepotism for our employee handbook. (3) To reconsider the services of Code Red which would allow us to contact citizens in regard to alerts/notifications concerning the city or emergencies in general. Billue added that these were all items that would benefit the citizens. Nichelson asked questions about Code Red and the other items for consideration. Powell stated Code Red it's like a group text that we can use to notify the public. Nichelson asked about changes to the nepotism policy and what more do we need to do. Billue reminded the council that we need a plan for the ARPA funds, or we have to pay that money back. She continued by stating that an engineer would have to locate the new well. Councilmember Buttrum stated the preacher stated we could dig on his property.

Mayor Powell asked for the ballfield lease contract discussion to be tabled at this time. Councilmember Nicholson made a motion, Councilmember Billue seconded the motion, motion passed 3-0.

Citizen Tiffany Powell was reminded that you must sign up to speak by the mayor.

Citizen William Watkins asked for time to speak. He challenged the mayor and council to read the current charter and employee handbook. He stated that you all put this into effect and then you violate it. He asked why was the city attorney absent? Why was there not a representative from his firm here. He reminded the mayor and council that the attorney was an advisor, and he works for them. He asked if the council had read the employee handbook. He stated there are some violations that have been going on since Gary Crisp walked out of here. Watkins continued with the following points concerning the resignation of Councilmember Gary Crisp stating that it was true he didn't resign, he walked out. He told you that he no longer needed the keys and walked out. Watkins reminded the council that they let him come back and vote. He then reminded the council that Brandon Bowen is a municipal attorney he's enforcement as he was pointing to the Chief of Police. He reminded the council that our former city attorney quit because the council didn't want to listen to her advice. Watkins stated you don't have to follow his advice. He asked who gave Brandon the authority to call Gary and reinstate him. He reminded the council that if a holiday falls on meeting day, then the meeting is the following day. Watkins continued by stating that his employees work for him. He reminded the council that they work for the citizens. Watkins said that Miss Robin came back in here to straighten out this mess and then you strong arm her and won't let her get on the bank accounts. He stated that one of the council members that did that shouldn't even be here. He asked the council how long this will keep on going, please explain. He reminded the council that he is willing to do things for the city at no cost but if they continue to waste money he will start charging for hauling mulch and rock. He asked the council to get the employee handbook and the city charter and abide by it. Watkins reminded him that when Gary was in charge, and he wanted to speak he would look at the Chief. He reminded the mayor that he had control of the meeting, don't let others dictate what to do. He stated that there's a difference between quitting and resigning. Mayor Powell concurred that it would be abandonment and there is official GA code that discusses that. Powell stated that elected officials and employees are different. We needed a resignation, and the governing body has to vote and that's what GMA advised us to do was to accept the resignation by vote. Watkins restated there's a difference between resigning and quitting. Powell stated that he agreed is was abandonment. Nicholson stated that they were elected officials and proper steps needed to be taken. She stated that a petition would need to be signed by the citizens, plus \$35,000 to go through litigation. Watkins stated that when there is something big to be voted on people just don't show up. Councilmember Nicholson stated that this situation sucks, and she would have done the same thing as the mayor. She continued by stating whether Brandon Bowen gave us good advice or not. She stated by letting him back up here we avoided another lawsuit by Mr. Crisp. Nicholson stated legally this is where we are despite our feelings. Watkins spoke up again and asked why are certain files missing? He stated why does this keeps happening. He said these people say they love the city. He continued by stating that we should spend the \$35,000 to get him out of here. Nicholson stated that she and Billue voted yes and Buttrum voted no. Powell stated again that with a written resignation, but he called him and said he resigned. A motion was made to accept the resignation of, but it did not pass. Watkins asks if there is no recourse for when people don't show up to do their job. Nicholson stated no there is not and said they are having the same problem at the federal level. The discussion continued on just how we can get rid of him amongst the citizens and council. Watkins asked if it was a strong council still and how was he (Crisp) allowed to go and spend money instead of bringing stuff to be voted on. Buttrum said we were not a strong council. Nicholson stated that we are still a strong council. Everyone agreed. Watkins asked again how that man (Crisp) could go and write checks and do whatever he wanted without the council vote. Buttrum suggested that we do an investigation into the city funds. Watkins stated that we have an investigation and proof. Powell said we could do that.

Watkins stated to Buttrum that he has done the investigation and has the proof. Powell stated that we have the copies of the checks. Watkins asked how they can have hold on to anyone person up here. Let's go back to the previous administration. They tried to crucify Kim and turned around and let somebody else do it. He continued by asking how you can take \$30,000 dollars a year employee and have all this excess stuff that the city had (festivals, surplus money and everything working as its suppose to). I am not saying that everything was 100% but I guarantee you it was about 95-96%. Then you take a \$60,000 dollar a year employee and screw up everything. Then the first one comes back and fixes it. Jean Swank interrupted Mr. Watkins. She stated that the filing was behind, and she worked with Stephanie and Kim to get things in order. Watkins stated that the current clerk was not the queen of everything but why do we hire people who don't know how to do their job. Powell stated that the former city clerk was not qualified to do the job. Watkins again asked Buttrum with the evidence that I have what has to be done to take his vote to fix it. Lots of citizens interjected. Buttrum stated that the investigation should go back to 2019. Watkins stated that had been done before and nothing was found. He stated that Sherry wanted to go back to 2019. Watkins stated that Gary and Sherry both wanted to go back to 2019. They didn't find anything to disqualify her from running. Every time they come up with something she fought it. Watkins stated he could prove what he has on Gary. If they could have proven anything Kim would not be sitting up there. Powell stated that he heard that people want an investigation. He stated that we need to vote on having an investigation. Nicholson says what does that do for us. Lots of people interjecting. Powell and Nicholson both agree we should go 3rd party to hold an investigation. Billue asked Watkins if he would do that. The discussion continued with lots of people talking at the same time. Watkins asked Buttrum if he could prove it would he vote with the council. Buttrum said he's not going to go there, he said she said. He stated he has stood up for people. Councilmember Nicholson stated what the problem is. Here's the problem it is a true fact that you will do what Mr. Crisp tells you too. 100% and the second thing is do we want to continue to spend money that the city does not have just to get guilty, guilty, guilty just to say we did it to prove what we said is right. Buttrum stated that we keep bringing the allegations up but not doing anything. Nicholson asked are you willing to accept his investigation and let Watkins do the investigation for free, therefore we do not have to spend the city's money. Buttrum stated we needed to do it legally. The Chief stated that he could not do the investigation and that we would have to have a 3rd party. Buttrum stated that Watkins couldn't do it. He stated that by the time you do it the records will be gone. Watkins said the records are not going to be gone. Buttrum stated we needed to go back 4 years when Twanda and Blake were here. Jean stated that Twanda made mistakes and that Gary was not making sure the bills were getting paid. They were making sure that they got checks and hired her daughter. Jean stated that she saw with her own eyes she could not believe that were not filed, not paid and beyond her belief. She stated again that Sherry was not a qualified person. She was always nice to me but not capable of doing this job. She stated that Robin and her assistant are trying to get things rolling. Buttrum stated again that we need to go back prior to Sherry. Lots of citizens are interjecting again. Jean continued that Gary walked off the job. Gave his keys to the chief and left. He didn't come to the meeting. He didn't object to the statements in the paper stating that he resigned. Watkins stated again that he quit. Jean stated that Gary should have noticed in the paper that he had resigned to a citizen. Lots of citizens speaking. Jean continued by stating again that Gary resigned. Yet Gary didn't throw a fit for seeing that in the paper. Watkins stated that he was here everyday before that and not let folks in because Sherry is not in the building. Powell stated that he never got another call to the contrary. He had tried to do right by the city. We have to start working together and moving forward. Powell stated it will take a third party to look at it. Lots of citizens are speaking at the same time. Dee Watkins asked if they DA says no then what do we do. Tim Nicholson asked if he steals something he will go to jail but if he gets elected then he won't get elected. Powell reminded the citizens they can do a recall and it will cost money. Jean has a question about the audits and when they can get started. Cochran stated that she is trying to get stuff posted that is not entered so that we can put together a budget. She stated that bank statements were ignored after she left. She stated that without that background information an audit will not be possible. Tim Nicholson asked about when was the last time a budget was done? Cochran continued

by stating that she was trying to get her numbers entered and that all the paperwork is being kept together for the auditors. Lots of discussion among the citizens about the last time a budget was done. Billue stated that there was something put out in 2023 but it was not a budget. Watkins asked about water and trash pricing. Powell states that we are proposing sanitation changes. Watkins stated that the money has to come from somewhere. Powell said the sanitation department is running in the red every month and looking at all of the fee/fine schedules. Citizen Nicholson asked about grant status and Powell stated we still do not have grant status due to lack of audits. Powell stated that he thanks Robin, Kim, Stephanie and Jean. He continued by stating that Robin is carrying a heavy load and when she agreed to come back as city clerk, I knew that office would be taken care of.

Powell asked if we had a motion to adjourn. Councilmember Nicholson asked if we needed to vote on turning the evidence over to the DA. Powell stated no it can be done without a vote. Councilmember Billue made a motion to adjourn. Councilmember Nicholson seconded the motion. The vote was 3-0. Motion carried. The meeting concluded at 8:28 p.m.

Respectfully submitted,



Robin Cochran
City Clerk

Approved:



Curtis Powell, Mayor