

**City of Winder
City Council Work Session
Winder Community Center
113 East Athens Street
May 2, 2011
5:30 p.m.**

The work session of the City of Winder Mayor and Council was held this date with the following present:

Present: Mayor Chip Thompson

Councilmember's: Bob Dixon
Frank Dunagan
Charlie Eberhart
David Maynard
Sonny Morris
JR Parrish

Administrative Staff: City Administrator Donald Toms
City Clerk Sabrina Wall
Assistant City Clerk Gloria Andrews
Finance Director Leslie Henderson
City Attorney John Stell

Mayor Thompson called the meeting to order.

Discussion/Recognition Items

Lisa Maloof with Lanier Technical College – Could not attend.

City Administrator Don Toms reviewed the following with the Council:

Pictures of H.S. Feldman's latest work on the corner of Candler and Betts Street.

Business License were stable for this year; 2009 we had 1142, 2010 we had 1151 and 2011 we have 970 to date.

Roger Wilhelm was asked to update on the Fort Yargo raw water line.

Redistricting Wards

Voting Items

1. Bid Approval for Jackson Street Demolition were opened on April 12, 2011. Dale Harbin Grading bid \$14,971.38, Contour Grading & Pipe LLC bid \$25,550.00 and Southern Environmental Services, Inc. bid \$29,722.00. Recommendation to except the lowest bidder for the job.

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2. Bid Approval for Utility Relocations at State Route 211 were opened on March 31, 2011. Northeastern Underground, Inc. bid \$161,242.00, Bowen Utilities, Inc. bid \$199,905.61 and BRI Utility Construction, Inc. bid \$219,452.60. Each bidder submitted a 5% bid bond from a surety company listed on U.S. Treasury Circular 570 (07/01/10). Recommendation to except the lowest bidder for the job.
3. Bid Approval for Installation of Gas Main on State Route 11. The following is a list of bids opened April 15, 2011 from Contractors to install 12,500 feet of 4" gas main along the right of ways of State Route 11, Hancock Bridge Rd., and Pleasant Hill Church Road in Barrow County: CEDS Construction bid \$73,495, Southern Pipeline Inc. bid \$59,900, D L Souther Inc. bid \$94,775, Gunter Construction bid \$72,600. This bid price includes labor and equipment only. All materials are to be provided by the City of Winder. Estimated materials Costs = \$38,000. Total Estimated Project Costs = \$97,900. This project will tie in a section of main that currently has no gas on it that was installed prior to the reorganization of the City. This project was put on hold and needs to be reactivated and completed. A poultry farm and residential property has the potential to be served.
4. Piedmont Regional Library Board Appointees Kathy Ash and Bob Lanham have agreed to serve another three year term ending 6/30/2014.
5. Beer permit by the package for applicant, Dennis Jay Kirk, The Pantry Inc. doing business as Kangaroo # 3345 located at 93 East May Street. This is a change in managers.
6. Potential revisions to the City of Winder Code of Ordinances Chapter 4 Article I Section 4-1 Keeping Domestic Animals Generally; Appendix A Comprehensive Zoning Ordinances Article XVI Section 161 Permitted Uses; and Article XVII Section 171 Permitted Uses. The proposed revisions would provide for permitted uses in A-1 and A-2 Zones, the keeping of domestic fowls and other purposes.
7. Surplus Breathing Air Equipment for the Fire Department which consists of four (4) large air cylinders (4500psi), forty-two (42) small air cylinders, seventeen (17) SCBA'S (air packs ISI) and two (2) fill stations (one (1) with cascade regulator. Minimum bid on govdeals.com of 5200.00 dollars. The reason for surplus is that this is a low pressure system (2200 psi) and our new system is high pressure (4500 psi). This breathing air system is utilized by the department to fill breathing air for firefighters. The new system was from a federal grant. The old system is no longer needed.

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8. Retirement Addendum covering the following; Restatement of City of Winder Retirement Plan to: 1) Change “City Manager” to “City Administrator”; 2) Update Pension Committee Secretary Designation; 3) Make Technical Correction Regarding Alternative Normal Retirement Qualifications for Elected Officials; 4) Eliminate In-Service Distribution of Retirement Benefits Except to Participants Receiving In-Service Distribution as of April 5, 2011; and 5) Make Vesting Immediate For the City Manager. Positions that will be added to the Pension Committee will be the Mayor, City Administrator, City Clerk, Human Resources Director, Finance Director plus one appointed Councilmember.
9. Event Permit for Carnival hosted by the City of Winder Events Committee. The event will be held on May 25 through May 30, 2011 at the Jug Tavern Park. Peachtree Rides, Inc. from Loganville, Ga. will be the carnival holder. They have a \$10,000,000.00 certificate of liability insurance which the City of Winder has been placed on there as an additional insurer. A portion of the ticket sales will be donated back to the City for 2011 Events.
10. Convenience fee for Credit Cards. An ordinance to amend Chapter 29 of the Code of ordinances of the City of Winder to provide for payments by credit card, agreements with credit card companies, convenience fees, cancellation of agreements by the City, liability for the underlying obligation, accrual of penalties, interest and fees and for other purposes. It is hereby ordained by the City Council of the City of Winder, Georgia that Chapter 29 Article I of the Code of Ordinances of the City of Winder, Georgia is hereby amended by adding new Sections 29-11 through 29-15, to read as follows: Sec. 29-11. - Payments by credit card. All sums due the City including, but not limited to, occupation taxes, fines, forfeitures, penalties, license fees, service fees, utility fees, application fees, permit fees and registration fees, may be paid by the use of credit cards. The City Administrator, with the approval of the Mayor, shall establish the procedures for acceptance of credit card payments for amounts due the City. The Mayor is authorized to enter into agreements with credit card issuers to facilitate the acceptance of credit card payments by the City. Sec. 29-12. - Agreements with credit card companies. A credit card agreement may provide for the acceptance of the credit card payments from the credit card company at a discount from the face amount of the payment or for the withholding of administrative fees from the face amount of the payment. Such discounted fee is granted in exchange for the improved governmental cash flow, reduction of administrative expenses and increased public convenience as a result of credit card payments. Sec. 29-13. - Convenience fee A convenience fee equal to three (3%) percent of the face amount of the payment to the City shall be imposed upon any person making a payment by credit card. Sec. 29-14. - Cancellation of agreements by City. Any agreement with a credit card issuer for the acceptance or payments via credit shall

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- contain a provision that the City may cancel the agreement at any time. Sec. 29-15. - Liability for underlying obligation; accrual of penalties, interest and fees. (a) No person making payment by credit card to the City is relieved from liability for the underlying obligation except to the extent that the City actually receives final payment of the obligation in cash or its equivalent. If final payment is not made by the credit card issuer or other guarantor of payment in the credit card transaction, the underlying obligation for the money due is not extinguished. All applicable penalties, interest and collection fees on the unpaid amount shall be due from the person making the payment by credit card. (b) Such penalties, interest and fees on an unpaid amount shall accrue from the date the unpaid obligation was first due under the applicable statute or ordinance. The City shall follow the collection procedures for the unpaid amount that would have otherwise been applicable had the credit card payment to been attempted. Currently, the City of Winder pays approximately \$77,000.00 a year in credit card fees.
11. **Contract for Police Evidence Building.** This is a lease agreement between the City of Winder and Winder Commons, LLC to provide a 4000 square footage storage area for the Police Department. Contract is to begin March 1, 2011 and end on 28th day of February, 2012. At the April 5, 2011 Council meeting, Councilman Maynard made a motion to table this item. Councilman Parrish seconded and the motion passed unanimously. City Administrator Don Toms stated there was no action needed at this time.
 12. **Time of Operation of Business for Sale of Alcoholic Beverages.** An ordinance to amend the Chapter 3 of the Code of Ordinances of the City of Winder to provide for time of operation of business for sale of alcoholic beverages. It is hereby ordained by the City Council of the City of Winder, Georgia that Section 3-16 of the City Code is hereby deleted and a new Section 3-16 is inserted in lieu thereof to read as follows: Sec. 3-16. - Time of Operation. (a) No alcoholic beverages shall be sold by the bottle, package or by the drink in the City on Christmas Day or Sunday except as provided in this Section. On days when business is permitted, the sale of alcoholic beverages shall cease at 1:55 a.m. and shall not resume before 6:00 a.m. except on Saturdays, when the sale of alcoholic beverages shall cease at 1:55 a.m. Sunday morning and shall not resume before 6:00 a.m. on the following Monday morning. (b) Notwithstanding sub-section (a), the sale of alcoholic beverages shall be lawful on Sundays from 12:30 p.m. until 1:55 a.m. Monday morning in any licensed establishment which derives at least fifty (50%) percent of its total monthly gross income from the sale of prepared meals and food and where meals are actually and regularly prepared as the principal business conducted and the meals are available to customers during all hours of operations.

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Zoning Board of Appeals

1. Conditional use for a childcare/daycare facility to be located at 88 McNeal Road submitted by applicant, Andrea King and owner, James F. Odum, Jr. The property is +/- 0.51 acres and is zoned B-1 Neighborhood Commercial Zone.

At 6:50 pm, Mayor Thompson ask for a motion to go into Executive Session to discuss the future acquisition of real estate: (OCGA 50-14-3(6)). Councilman Morris made that motion. Councilman Eberhart seconded and the motion passed unanimously.

At 7:06 pm, Mayor Thompson asks for a motion to come out of Executive Session, Councilman Morris made that motion. Councilman Maynard seconded and the motion passed unanimously.

Adjourned at 7:06 pm

Mayor

City Clerk

SEAL