



The regular meeting of the Mayor and Council was held in the Council room of West Point City Hall August 10, 2009 at 6:00 P.M. with Mayor A. Drew Ferguson IV presiding.

Members Present:

Councilmember Joseph R. Downs III
Councilmember Donald Gilliam
Councilmember M. Darren Kelley
Councilmember Sandra Thornton
Councilmember Annie G. Wallace
Councilmember Judy L. Wilkinson

Members Absent:

Mayor Ferguson welcomed everyone and called on Minister Deborah McCarden, Higher Ground Ministry of Valley Al, for opening prayer.

MINUTES

Minutes from the July 13, 2009, regular meeting of the City Council were **approved without change.**

FINANCIAL REPORT

Councilmember Sandra Thornton presented the July financial report with the August cash position and forecast and made a motion to accept the report; motion seconded by Councilmember M. Darren Kelley **passed unanimously.**

BRI Contract for Hysco Water Project

Mayor Ferguson asked for a motion to award BRI Utility Construction the contract to run 1,500 feet of 8-inch waterline for Hysco in the amount of \$16,600, per contract agreement for company locating in West Point. Councilmember Judy Wilkinson made said motion and seconded by Councilmember Sandra Thornton and **passed unanimously.**

West Point Development Authority Board Appointments

Mayor Ferguson asked for a motion to pass a resolution thanking Drew Ferguson III and Jerry Cash for their strong leadership and dedication to the City of West Point as they have decided to no longer serve on the West Point Development Authority board and to appoint Josh Moon in place of Drew Ferguson III and Lionel Johnson in place of Jerry Cash upon Mr. Ferguson and Mr. Cash's resignations or when their terms expires on December 31, 2009 and December 31, 2012. Councilmember Sandra Thornton made said motion and seconded by Councilmember Annie Wallace and **passed unanimously**.

Back to School Bash Street Closing

Mayor Ferguson asked for a motion to pass a resolution to requisition the Police Chief to close the requested streets made by the West Point Downtown Development Authority in the downtown area for the Back to School Bash on August 15, 2009. Councilmember M. Darren Kelley made said motion and seconded by Councilmember Donald Gilliam **passed unanimously**.

MALT BEVERAGE & WINE LICENSE

Mayor Ferguson asked for a motion to approve an Off-Premise Consumption Malt Beverage and Wine License to Hyun Nam Choi at 1860 GA HWY 18, Shell Food Mart. Councilmember Sandra Thornton made said motion and the motion was seconded by Councilmember Annie Wallace and **pass unanimously**.

Surplus Equipment & Vehicles

Mayor Ferguson asked for a motion to declare the attached list of equipment and vehicles that is in the council possession as surplus to the City's needs in order to remove it from the City's inventory. Councilmember Donald Gilliam made said motion and seconded by Councilmember M. Darren Kelley and **passed unanimously**.

GEFA / EDA Resolution

Mayor Ferguson asked for a motion to pass a resolution acknowledging in 2006 the City received a \$2 million dollar grant from the Economic Development Administration for the purpose of building a water and sewer infrastructure and whereas the City has made every effort to complete all requirements to draw funds from the EDA grant but some easement issues are still outstanding and the City must complete the water and sewer projects to meet new development requirements and the City has approval for a construction loan from Georgia Environmental Facilities Authority to "bridge" the financial gap so the City can complete the water and sewer project. The City will use a \$2 million GEFA construction loan at an interest rate of 3.81% to complete construction of the ongoing water and sewer project and repay the loan with the \$2 million EDA grant when it is received. Councilmember Judy Wilkinson made said motion and seconded by Councilmember Donald Gilliam and **passed unanimously**.

Recreation Plan

Mayor Ferguson asked for a motion to enter into an agreement with MacTec to develop a Recreation Plan for the City of West Point. The plan will include Troup and Harris County portions of the city at a cost of \$15,000. The funds will come from the Harris County SPLOST. Councilmember Sandra Thornton made said motion and seconded by Councilmember M. Darren Kelley and **pass unanimously**.

Ordinance to Amend Sewer Ordinance

Mayor Ferguson asked for a motion to amend the City of West Point Code of Ordinances Section of Chapter 13, Article II, SEC. 13-35C(5) inserting a New Chapter 13, Article II, SEC. 13-35C(5) establishing new Water Pollution Standards to comply with the requirements of the Georgia Environmental Protection Division moving wastewater heavy metal combination limits; providing for conflict and severability, providing for inclusion in the ordinance and effective date. Councilmember Judy Wilkinson made said motion and seconded by Councilmember Sandra Thornton and **passed unanimously**.

Telephone Ordinance

Mayor Ferguson asked for a motion to pass a resolution amending the city's telecommunications franchise fee ordinance to conform to state law of 3% recurring local service revenues. Under the amended law, existing franchise agreement and occupational license tax payments greater than 3% of actual recurring local service revenues are grandfathered until the expiration of the franchise agreement or December 31, 2012, whichever is earlier; and payments thereafter will be at the statutory rate of 3%. Councilmember Annie Wallace made said motion and seconded by Councilmember Judy Wilkinson and **passed unanimously**.

Extend Alcohol Beverage Hours

Mayor Ferguson asked for a motion to amend the city's code of ordinances by deleting certain sections of Chapter 3, Articles 1 and IV, Thereof; inserting a new Chapter 3, Article 1, section 3-8; inserting a new Chapter 3 Article V, Sections 3-110 and 3-111; establishing new hours of operation for retail licenses for the sale of alcoholic beverages for consumption on premises only. The hours of operation of retail licensees for the sale of alcoholic beverages for consumption on the premises shall be between the hours of 7:00 a.m. and 1:55 a.m. Monday through Friday and on Saturday between the hours of 7:00 a.m. and 1:55 a.m. of the immediately succeeding Sunday. No restaurant-lounge, restaurant-pub, tavern, lounge, private club or other establishment licensed for the on premise retail sale of alcoholic beverages, as defined, shall remain open to the public after the hour of 1:55 a.m. Councilmember Sandra Thornton made said motion and the motion was seconded by Councilmember M. Darren Kelley. During the discussion Councilmember Annie Wallace voiced her concerns about the impact the extended hours will have on the police department. She pointed out the ongoing problems on 9th Street and the Housing Projects that require the police attention. After further discussion, **the motion passed on a 5-1 vote. Councilmember Annie Wallace voting no.**

Adult Entertainment Ordinance

City Attorney Larry Nix presented the Mayor and Council some material for them to study prior to adopting an Adult Entertainment Ordinance. Mr. Nix recommended the Mayor and Council study the material to get an understanding of the impact adult entertainment has had on other communities and how it can impact the City of West Point. Attorney Nix said the city can't arbitrarily ban adult entertainment, but by studying the effects of such establishments, the city can better regulate them. Mayor Ferguson said the material will be available for the public and a public hearing will be held prior to the September meeting.

CDBG Redevelopment Grant Agreement between Carter-Watkins Architect

Mayor Ferguson asked for a motion to allow the city to enter into a CBDG Redevelopment Grant Agreement between Carter-Watkins Architect and City of West Point to be the Architect for CBDG Redevelopment Grant. Councilmember Joseph R. Downs III made said motion and seconded by Councilmember Donald Gilliam and **passed unanimously**.

CDBG Redevelopment Grant Agreement between Allen Smith Consulting.

Mayor Ferguson asked for a motion to allow the city to enter into a CBDG Redevelopment Grant Agreement between Allen Smith Consulting and City of West Point to be the Consulting firm for CBDG Redevelopment Grant. Councilmember M. Darren Kelley made said motion and seconded by Councilmember Judy Wilkinson and **passed unanimously**.

CDBG Redevelopment Grant Resolution

Mayor Ferguson asked for a motion to pass a resolution to create a Revolving Loan Fund in the City of West Point for the express purpose of creating and or retaining jobs primarily for low and moderate income persons or for eliminating slums or blight areas by providing financial assistance to existing eligible businesses where the City's involvement is necessary and appropriate for the project's viability. Councilmember M. Darren Kelley made said motion and seconded by Councilmember Joseph R. Downs III and **passed unanimously**.

Depot Pavilion

Mayor Ferguson asked for a motion to award a construction contract to Zachry Construction for a pavilion at the West Point Depot and Museum. Zachry Construction had the low bid of \$39,500. The pavilion will provide additional amenities for the Depot. Councilmember Judy Wilkinson made said motion and seconded by Councilmember Sandra Thornton and **passed unanimously**.

Other Comments

Mayor Ferguson asked for a motion to enter into executive session for the purpose of discussing land acquisition. Councilmember Judy Wilkinson made said motion and seconded by Councilmember Joseph R. Downs III and **passed unanimously**.

