**MEMBERS PRESNET**

Mayor, Scott Harpold Council Member, Mary Clark Council Member Jeff Spratlin Council Member, Henrietta Williams Council Member, Leah Carey Council Member, Betty Jo Maxwell Attorney, Douglas Kidd

**MEDIA PRESENT** Mark Berryman, 105.3 Radio station Rose Scoggins, Elberton Star

**STAFF PRESENT:** Acting City Clerk, Savannah Ivester

This meeting was called by Council members, Leah Carey, Betty Jo Maxwell and Mary Clark.

The meeting was called to order at 6:00pm. Prayer was said by Council Woman Mary Clark. The Pledge of Allegiance was said after.

**FORMAL COMPLAINTS:**

Council Woman Leah Carey stated that she did not have anything to say at this time, except what she needs to talk about in Executive session.

**INJUNCTION:**

Attorney Douglas Kidd stated that the Injunction is the current lawsuit case between Mr. Lunsford and The Lane’s. He also said that State law allows council to discuss about such legal items during executive session, but is not required to. Council Woman Betty Jo Maxwell made a motion to dismiss the Injunction. Council Woman Leah Carey seconded. Mayor Scott Harpold said that was not an appropriate motion and cannot be discussed at this meeting. Council Woman Leah Carey then asked Mr. Kidd if that was an illegal motion. Mr. Kidd stated that the Council has the power to dismiss or settle lawsuits, so if the Council wishes to do so, they do have the right. However, his legal opinion is he would not want the Council to do that right now. He also advised the Council that if there is a settlement possibility or anything they would like to get out of the litigation with the Lane’s and the Lunsford’s, he would recommend letting him know so he can let their legal Counsel know, and possibly getting something on paper that we all agree to.

Council Woman Betty Jo Maxwell made a motion for a second time to dismiss the Injunction. Council Woman Leah Carey seconded.

Mayor and Council had a discussion.

Mayor Scott Harpold explained that the Injunction filed against Mr. Lunsford is for the stopping of building the chicken houses. The Lane’s have an appeal against the building of the chicken houses due to the City’s ordinances plainly stating no industrial size chicken houses allowed in the city limits. He stated that the judge signed the order, stating he is not allowed to build because it is a violation. The City also sent a letter stating it was violating our permits. Mr. Lunsford continued to build the chicken houses against the order from the judge and against the order of the city. Therefore, he stated the Injunction was put in place to stop him from violating the laws of the city and the judge, any further.

Attorney Doug Kidd explained that Judge Phelps signed a temporary restraining order, stopping the Lunsford’s from continuing the project on a temporary basis and is scheduled to have a court hearing on February 21st, 2024.

Council Woman Leah Carey stated that she has spoken with the City’s attorney, Doug Kidd, it’s to the point that it’s either the chicken houses be built so that the City can gain revenue, or we will be facing a major lawsuit.

Attorney Doug Kidd mentioned that if the Council follows through with dismissing the Injunction against Mr. Lunsford, he is sure there will be further litigation from the Lane’s and any other party.

Councilman Jeff Spratlin made a comment that the problem started when Council voted for the chicken houses; that is was going against everything that is in writing, everything that the public spoke out on. He also stated that by voting on the dismissal of the injunction, we would create more problems and we need to let the court system do their job.

Mayor Harpold requested a called vote; Council Woman Henrietta Williams voted no. Councilman Jeff Spratlin voted no. Council Woman Mary Clark also voted no. Motion failed.

**PUBLIC COMMENTS:**

Citizen, Jim Thomason, spoke on his belief that if you are an elected official, you are there to represent the people, and all of the City Council were elected to represent the citizens of Bowman, not their opinions. He stated that the council needs to know what the citizens want. Weather that be chicken houses, beer stores, city clerks, sidewalks, gas lines, whatever it may be, does the city want it? He recommends to put it to a vote to the citizens.

**ADJOURNMENT:**

Mayor Harpold asked for a motion to adjourn the meeting. Councilman Jeff Spratlin made the motion. Council Woman Mary Clark seconded. Motion carried.