

City of Byron
Mayor and Council Minutes
March 9, 2020

The City of Byron Mayor and Council met in regular session in the Council Chambers of the Byron Municipal Complex. Mayor Chidester and Council Members Michael Chumbley, James Richardson, Rusty Adams, Chris Hodge and Alan Dorsey were in attendance. City Attorney Tom Richardson attended the meeting as did Deputy Clerk Dede Thibodeaux, ECD Director Tiffany Sandefur, Director of Public Works Tiffany Bibb, Police Chief Wesley Cannon, Chief Court Clerk Velma Ervin and Interim Fire Chief Josh Riley. There were seven (7) visitors at the meeting as well as representatives from the Byron Buzz and Leader Tribune.

Mayor Chidester called the meeting to order at 6:00 PM, asked James Richardson to give the invocation, and led the audience in the pledge of allegiance.

AGENDA AMENDED: Michael Chidester was asked to add to the agenda as item 11(A) resolution to submit an application to the Georgia Department of Community Affairs for a Community Development Block Grant, 11(B) covenant to annex property located on 500 Jones Road for water services, 11(C) first reading of an Ordinance concerning construction site storm water runoff control, 11(D) fire department roof repair, 11(E) consider a table for the Golden Eagle dinner and 11(F) Notice of Award to LaKay Enterprises, Inc. for Phase 2 of the Stormwater CIP (C).

MINUTES APPROVED: Minutes of the Council Meetings held on February 10, 2020 were unanimously approved upon motion by Michael Chumbley and Chris Hodges.

PROCLAMATION REGARDING MOTORCYCLE SAFETY: Mayor Chidester read a Proclamation to declare May as Motorcycle Safety Awareness Month in Byron. Motion made by James Richardson, seconded by Chris Hodges to approve the Mayor to sign and proclaim. Unanimous.

RESOLUTION CONCERNING AGREEMENT WITH GEORGIA PEACH FESTIVAL: Michael Chumbley made a motion, seconded by Alan Dorsey to approve the following Resolution authorizing the Mayor to sign an Agreement with the Georgia Peach Festival in the amount of \$4,100.00. Unanimous. Mr. Chumbley reminded Ms. Horton once again to please submit the request for an increase before budget time in October. (Resolution on file in the City Clerk's office at the Municipal Complex.)

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF BYRON, GEORGIA AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN GEORGIA PEACH FESTIVAL, INC. AND THE CITY OF BYRON; AND FOR OTHER PURPOSES.

BE IT RESOLVED by the Mayor and Council of the City of Byron, Georgia and it is hereby so Mayor and Council Minutes

March 9, 2020
Page 2, cont'd.

resolved by the authority of same that the Mayor is authorized to execute an Agreement with the Georgia Peach Festival, Inc. in substantially the same form as the attached Exhibit "A" which by this reference is made a part of this resolution.

All Resolutions or portions of Resolutions in conflict herewith are hereby repealed.

**SO RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF BYRON,
GEORGIA ON THE 9th DAY OF MARCH, 2020.**

RESOLUTION TO ADOPT PEACH COUNTY PRE-DISASTER HAZARD MITIGATION PLAN 2020 UPDATE: Ms. Susan Landfried of the Middle Georgia Regional Commission spoke on the item stating that the plan is reviewed by FEMA every five (5) years between Peach County, Fort Valley and Byron. Michael Chidester stated that the participants needed amending as Josh Riley was no longer a Captain and Karin Vinson was no longer at the City of Fort Valley. Motion made by Michael Chumbley, seconded by Rusty Adams to approve the following Resolution to adopt the Peach County Pre-Disaster Mitigation Plan 2020 Update. Unanimous. (Resolution on file in the City Clerk's office at the Municipal Complex.)

**A RESOLUTION OF THE CITY OF BYRON
PURSUANT TO THE DISASTER MITIGATION ACT OF 2000
AUTHORIZING ADOPTION OF THE
PEACH COUNTY PRE-DISASTER HAZARD MITIGATION PLAN
2020 UPDATE**

WHEREAS, The City of Byron, Peach County, and the other municipalities in the county are required by the Disaster Mitigation Act of 2000 to complete a Pre-Disaster Hazard Mitigation Plan; and

WHEREAS, under the provisions of the Disaster Mitigation Act of 2000, local governments that complete Pre-Disaster Hazard Mitigation Plans will remain eligible for federal mitigation funding; and

WHEREAS, the City of Byron, Peach County, and the other municipalities in the county have completed the required five-year update to the Pre-Disaster Hazard Mitigation Plan that fulfills the federal requirements of the Disaster Mitigation Act of 2000; and

WHEREAS, the updated Peach County Pre-Disaster Hazard Mitigation Plan has been presented for public comment, reviewed by federal, state, and local agencies, and revised to reflect their concerns; and

Mayor and Council Minutes
March 9, 2020

NOW, THEREFORE, BE IT RESOLVED that the City of Byron formally adopts the Peach County Pre-Disaster Hazard Mitigation Plan 2020 Update.

RESOLVED THIS 9th DAY OF MARCH, 2020.

FIRST READING OF ORDINANCE (#2020-1) CONCERNING RULES AND REGULATIONS OF THE BYRON CITY CEMETERY: First reading was held of AN ORDINANCE (#2020-1) OF THE MAYOR AND COUNCIL OF THE CITY OF BYRON, GEORGIA TO AMEND CERTAIN SECTIONS OF 12-3 OF THE CODE OF BYRON CONCERNING CEMETERIES, AND FOR OTHER PURPOSES.

BYRON CITY CEMETERY ALTERATIONS ON FAMILU BURIAL PLOT: Alan Dorsey made a motion, seconded by Chris Hodges to approve the necessity and allow for alterations to the Walker family burial plot pending adoption of revised rules and regulation to the Byron City Cemetery. Unanimous.

REFUNDING OF SERIES 2007 REDEVELOPMENT AUTHORITY BONDS: A Raymond James & Associates finance lawyer came and spoke on the bonds that were used to purchase the municipal building. Motion was made by Michael Chumbley, seconded by Rusty Adams to approve the following Resolution authorizing the Mayor to execute all documents pertaining to the refunding of all of the Byron Redevelopment Authority Revenue Bonds Series 2007, to authorize the appointment of a conduit bond issuer, to request the issuance of revenue refunding bonds, series 2020, to authorize the preparation of a preliminary official statement (as necessary) in connection with the sale of the series 2020 refunding bonds. Unanimous. (Resolution on file in the City Clerk's office of the Municipal Complex.)

A RESOLUTION (I) TO PROVIDE FOR THE REFUNDING OF ALL OF THE BYRON REDEVELOPMENT AUTHORITY (GEORGIA) REVENUE BONDS (CITY OF BYRON PROJECT), SERIES 2007 MATURING ON NOVEMBER 1, 2020 THROUGH 2029 HERETOFORE ISSUED AND NOW OUTSTANDING; (II) TO AUTHORIZE THE APPOINTMENT OF A CONDUIT BOND ISSUER; (III) TO REQUEST THE ISSUANCE OF REVENUE REFUNDING BONDS, SERIES 2020; (IV) TO AUTHORIZE THE USE OF AN INTERGOVERNMENTAL AGREEMENT; (V) TO AUTHORIZE THE PREPARATION OF A PRELIMINARY OFFICIAL STATEMENT (AS NECESSARY) IN CONNECTION WITH THE SALE OF THE SERIES 2020 REFUNDING BONDS; AND (VI) FOR OTHER PURPOSES:

WHEREAS, the City of Byron (the “City”) is a municipal corporation and body politic and corporate organized pursuant to the Constitution and laws of the State of Georgia, managed and controlled by the Mayor and City Council of the City (the “City Council”); and

WHEREAS, the City Council has heretofore entered into an Intergovernmental Contract (the “**Contract**”) with the Byron Redevelopment Authority (the “**Authority**”) under which the Authority agreed to issue its Revenue Bonds (City of Byron Project), Series 2007 (the “**Series 2007 Bonds**”), the proceeds of which were used to provide funds to pay the costs of acquiring, constructing, and equipping a new city hall for the City and to pay the necessary costs of issuing the Series 2007 Bonds; and

WHEREAS, the principal of and interest on the Series 2007 Bonds are payable solely from certain amounts to be paid by the City to the Authority under the provisions of the Contract; and

WHEREAS, the City Council has determined that it is necessary and in the best interests of the City to refund the Series 2007 Bonds in order to effectuate interest cost savings; and

WHEREAS, the City Council has determined that in order to refund the Series 2007 Bonds, it is necessary and in the best interests of the City to enter into a conduit bond financing transaction with the Authority, a public body corporate and politic; and

WHEREAS, the City Council proposes that the Authority will issue its Byron Redevelopment Authority Revenue Refunding Bonds (City of Byron Refunding Project), Series 2020 (the “**Series 2020 Refunding Bonds**”) in an original aggregate principal amount not to exceed Three Million Five Hundred Thousand Dollars (\$3,500,000) issued in one or more series or subseries; and

WHEREAS, Article IX, Section III, Paragraph I(a) of the Constitution of the State of Georgia authorizes, among other things, any county, municipality or other political subdivision of the State to contract, for a period not exceeding fifty years, with another county, municipality or political subdivision or with any other public agency, public corporation or public authority for joint services, for the provision of services, or for the provision or separate use of facilities or equipment, provided that such contract deals with activities, services or facilities which the contracting parties are authorized by law to undertake or to provide; and

WHEREAS, in order to secure the payments of the principal of and interest on the Series 2020 Refunding Bonds, the City Council desires to authorize the Mayor to negotiate the terms and form of an agreement between the City and the Authority providing that the City will make the annual payments of the principal of and interest on the Series 2020 Refunding Bonds (the “**Intergovernmental Agreement**”); and

WHEREAS, the City has determined it is in the best interest of the City, coinciding with the issuance of the Series 2020 Refunding Bonds, to engage a bond attorney and financial advisor to work with the City and the Authority to effectuate such issuance.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City as follows:

Section 1. Recitals. The recitals contained in the above “WHEREAS” clauses shall be, and by this reference are hereby, incorporated into this Resolution (the “**Resolution**”) as a substantive part hereof.

Section 2. Hiring of Professionals. The following firms are hereby engaged to provide professional services in connection with the issuance of the Series 2020 Refunding Bonds:

(a) Butler Snow LLP shall serve as bond counsel (“**Bond Counsel**”) to the City and the Authority and is authorized and directed to prepare the form of the Bond Resolution, the Intergovernmental Agreement, necessary documents relating to the validation of the Series 2020 Refunding Bonds, and such resolutions and other documents as may be required for the City Council to approve the specific terms and conditions of the Series 2020 Refunding Bonds and to prepare necessary closing documents.

(b) Raymond James & Associates, Inc. shall serve as financial advisor to the City.

Section 3. Request and Authorization of Authority. Request is hereby made of the Authority to issue its Series 2020 Refunding Bonds in the form of its Byron Redevelopment Authority Revenue Refunding Bonds (City of Byron Refunding Project), Series 2020 in the maximum original aggregate principal amount of Three Million Five Hundred Thousand Dollars (\$3,500,000) for the purpose of providing funds to be applied toward the cost of refunding the Series 2007 Bonds and to pay expenses necessary to accomplish the foregoing, including the costs of issuing the Series 2020 Refunding Bonds. All of the covenants, agreements, and provisions of this Resolution shall be for the equal and proportionate benefit and security of all owners of the Series 2020 Refunding Bonds. The Series 2020 Refunding Bonds shall be issued under and pursuant to a bond resolution (the “**Bond Resolution**”) to be adopted by the Authority. The Bond Resolution shall contain the form of the Series 2020 Refunding Bonds featuring an interest rate not to exceed four percent (4%) and maximum annual debt service of \$3,500,000, all interest payable semiannually on May 1 and November 1 in each year, commencing on November 1, 2020, and the principal shall mature on November 1, 2029. The Series 2020 Refunding Bonds may be issued in one or more series or subseries.

Section 4. Intergovernmental Agreement. The Mayor is hereby authorized to negotiate the terms and form of an Intergovernmental Agreement (the “**Intergovernmental Agreement**”) between the City and the Authority that shall provide the security for the Series 2020 Refunding Bonds and for the payment by the City of the annual principal and interest payments of the Series 2020 Refunding Bonds. The final Intergovernmental Agreement shall be approved under and pursuant to a future

resolution of Mayor and Council.

Section 5. Validation. The Mayor, with the advice of the City Attorney and Bond Counsel, is authorized and directed to cause to be prepared an answer of the City to be filed in the validation proceedings requesting that the Series 2020 Refunding Bonds and the security therefor be declared valid in all respects.

Section 6. Authorization of Preparation of Preliminary Official Statement. The preparation by Bond Counsel of a Preliminary Official Statement with respect to the Series 2020 Refunding Bonds is hereby authorized, to the extent such document is necessary to achieve maximum interest cost savings.

Section 7. Further Authority. The Mayor, City Administrator, City Clerk, City Attorney, and all other proper officers and agents of the City are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions and intent of this resolution. The final proposed financial structure relating to the Series 2020 Refunding Bonds, including the exact principal amount of the Series 2020 Refunding Bonds, and the payments to be made by the City shall be approved by a future resolution of Mayor and Council.

Section 8. Interpretation. Except as specifically provided herein, any and all ordinances or resolutions or parts of ordinances or resolutions in conflict with this Resolution shall be and the same hereby are repealed, and this Resolution shall be in full force and effect from and after its adoption.

Section 9. Conclusion. Copies of this Resolution shall be filed in the offices of the City Clerk and the City Attorney, and the Mayor shall sign and the City Clerk shall attest, each to the adoption of this Resolution.

ADOPTED this 9th day of March, 2020.

POLICE RADIO REPEATER: Michael Chumbley made a motion, seconded by Alan Dorsey to approve the move of a Police repeater to the new tower and the costs associated with the move to be funded from the Law Enforcement SPLOST in the amount of \$7,318.00. Unanimous.

SOUND DAMPENING HEADSETS FOR FIRE TRUCKS: Michael Chumbley made a motion, seconded by Rusty Adams to approve the purchase of sound dampening headsets to be used in the fire trucks in the amount of \$19,809.21 and to be funded from Capital SPLOST. Unanimous.

SUPPLEMENTAL APPROPRIATION FOR STRIPING ON SAFETY VEHICLES: Motion made by Michael Chumbley, seconded by Rusty Adams to approve the following Supplemental

Mayor and Council Minutes
March 9, 2020
Page 7, cont'd.

Appropriation for the purchase of striping work to be done on fire department safety vehicles in the amount of \$7,185.00. Unanimous.

BROADBAND READY COMMUNITY: Wade Yoder and April Hodges spoke to council on the matter of qualifying with Peach County as a Broadband Ready Community. Ms. Hodges said she was told by Laura Mathis of the Middle Georgia Commission that both cities can tie in. She brought a Model Ordinance to share with council as well. Ms. Mathis said to them that the regional commission would also have to adopt revisions to the Peach County Joint Comprehensive Plan. Mayor Chidester said that they will have Byron's attorney review it. Mr. Yoder said it would be good to streamline the permitting process and be ready.

RESOLUTION TO SUBMIT CDBG 2020 APPLICATION: Motion made by Rusty Adams, seconded by James Richardson to approve the following Resolution authorizing the submission of the application to the Georgia Department of Community Affairs under the Community Development Block Grant. Unanimous. Ms. Sandefur said the match for Byron is \$43,250.00 which is all in-kind other than the dump fees which is mentioned in paragraphs 3, 4 and 5.

RESOLUTION OF CITY OF BYRON

To Submit an Application to the Georgia Department of Community Affairs (DCA) under the Community Development Block Grant (CDBG) Program

WHEREAS, at a regular meeting of the Byron City Council held on the 9th day of March, 2020, the City of Byron voted to submit a 2020 application for funding from the Georgia Department of Community Affairs (DCA) under the Community Development Block Grant (CDBG) program for an amount up to \$750,000 for housing rehabilitation, housing reconstruction, and housing acquisition/clearance on Boy Scout Road, Lowe Circle, Baptist Church Road, Emma Court, South Court, West Court, Robinson Street and Gibson Street; and

WHEREAS, the proposed CDBG project will benefit approximately (44) households in the CDBG target area of which 38 of these households are low-to-moderate income households. It will also benefit many other low-to-moderate income households in the surrounding Toomerville community; and

Mayor and Council Minutes
March 9, 2020
Page 8, cont'd.

WHEREAS, the City of Byron is committed to providing \$18,700 match and leverage for Code Enforcement clearance activities on 5 properties in the target area and commits to

additional Code Enforcement within the target area and surrounding area; and

WHEREAS, the City of Byron is committed to providing match and leverage for clearance for 6 vacant dilapidated structures to be acquired in the target area in the amount of \$20,900; and

WHEREAS, the City of Byron is committed to waiver permit fees for the units to be cleared, reconstructed and rehabilitated for a total amount of \$3,650 and provide audit funds for the program.

WHEREAS, the City of Byron performed the procurement process to hire an administrator for this project. After evaluating proposals, the city has selected Grant Specialists of Georgia, Inc. to provide grant writing and administration services should the program be funded; and

WHEREAS, the Mayor of the City of Byron has been hereby authorized to sign all documents pertinent to the CDBG application; and

WHEREAS, the City of Byron commits to affirmatively furthering fair housing and certifies that it will analyze impediments to fair housing choice in City of Byron, take steps to overcome any identified impediments in efforts to promote fair housing for City of Byron residents; and

WHEREAS, the City of Byron will ensure that employment and other economic opportunities generated by CDBG funds shall, to the greatest extent feasible, and consistent with Federal, State and local laws and regulations, be directed toward low and very low-income persons, particularly those who are recipients of government funding for housing and to business concerns which provide economic opportunities to low and very low-income persons

Mayor and Council Minutes
March 9, 2020
Page 9, cont'd.

in Coordination with the Section 3 provisions of the Housing and Urban Redevelopment Act of 1968 - 24CFR Part 135; and

WHEREAS, the City of Byron affirms that no qualified individual with a disability shall, by reason of such disability, be excluded from the participation in or be denied the benefits of services, programs, or activities of a public entity, or be subjected to discrimination of any such entity as prescribed by law in the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794, as amended; and

WHEREAS, the City of Byron further agrees that in the event the City of Byron's application is recommended for funding by the Department of Community Affairs, the City of Byron certifies and assures that it has the ability and intention to undertake this venture; and

WHEREAS, the City of Byron also certifies that this proposed 2020 CDBG project is in conformance with the locally adopted Comprehensive Plan as approved by DCA and is not inconsistent with the locally adopted Service Delivery Strategy.

NOW THEREFORE BE IT RESOLVED that the City of Byron has moved forward with due diligence to prepare, or have prepared, appropriate documentation required for a formal CDBG application submitted to the Department of Community Affairs by the April 1, 2020 deadline.

COVENANT TO ANNEX: Motion made by Rusty Adams, seconded by Chris Hodges to approve a Covenant to Annex the property located at 500 Jones Road for the purposes of acquiring water services. Unanimous.

ORDINANCE (#2020-2) REGARDING CONSTRUCTION SITE AND STORMWATER RUNOFF CONTROL: First reading was held of AN ORDINANCE (#2020-2) OF THE MAYOR AND COUNCIL OF THE CITY OF BYRON, GEORGIA TO AMEND SECTION 16-83 OF THE CODE OF ORDINANCES OF THE CITY OF BYRON TO ADDRESS

Mayor and Council Minutes

March 9, 2020

Page 10, cont'd.

CONSTRUCTION SITE STORMWATER RUNOFF CONTROL AND FOR OTHER PURPOSES.

FIRE DEPARTMENT ROOF REPAIRS: Mayor Chidester said that council had gotten the emails regarding needed roof repairs and several quotes a while back. He then communicated to Derick to get with Interim Fire Chief Riley, but there was a breakdown in communication and the message was never received. Motion made by Rusty Adams, seconded by Alan Dorsey to approve roof repairs needed to the Byron Fire Department in the amount of \$2300.00. Unanimous.

GOLDEN EAGLE DINNER: Mayor Chidester said that the Boy Scouts of America will be honoring the Retired Mayor Collins on March 26th. Table sponsorships are being sought after through the scouts. Motion made by Michael Chumbley, seconded by Alan Dorsey to sponsor a table for the Golden Eagle Awards in the amount of \$1000.00. Unanimous.

RESOLUTION REGARDING NOTICE OF AWARD: Ms. Bibb stated that after eight bids came in whereby LaKay came in as the low bid. This bid as well as the previous came in under the amount projected so that was very good she shared. Motion made by Michael Chumbley, seconded by Alan Dorsey to approve the following Resolution authorizing the Mayor to sign a Notice of Award and forthcoming contracts with LaKay Enterprises, Inc. for work on the project labeled as CIP C-Phase II Stormwater Detention Facility. (Resolution on file in the City Clerk's office at the Municipal Complex.)

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF BYRON, GEORGIA AUTHORIZING THE MAYOR TO EXECUTE A NOTICE OF AWARD TO LAKAY ENTERPRISES, INC.; AND FOR OTHER PURPOSES.

BE IT RESOLVED by the Mayor and Council of the City of Byron, Georgia and it is hereby so resolved by the authority of same that the Mayor is authorized to execute a Notice of Award to LaKay Enterprises, Inc. in substantially the same form as the attached Exhibit "A" which by this reference is made a part of this Resolution.

SO RESOLVED this 9th day of March, 2020.

Mayor and Council Minutes
March 9, 2020
Page 11, cont'd.

ADJOURNMENT: Motion was made by Michael Chumbley, seconded Chris Hodges to adjourn the meeting at 6:38 PM. Unanimous.

Beatrix Thibodeaux
Acting Clerk of Council