

City of Byron
Mayor and Council Minutes
June 8, 2020

The City of Byron Mayor and Council met in regular session in the council chambers of the Municipal Complex. Mayor Pro Tem Michael Chumbley presided over the meeting in Mayor Chidester's absence. Council Members James Richardson, Rusty Adams, Chris Hodges and Alan Dorsey were in attendance. City Attorney Tom Richardson and City Administrator Derick Hayes were absent. City employees that attended were City Clerk Telina Allred, ECD Director Tiffany Sandefur, Director of Public Works Tiffany Bibb, Police Chief Wesley Cannon and Chief Court Clerk Velma Ervin. A representative from the Byron Buzz attended the meeting as did one (1) citizen.

Mayor Pro Tem Michael Chumbley called the meeting to order at 6:00 PM, asked Council Member James Richardson to give the invocation and led the audience in the Pledge of Allegiance.

MINUTES APPROVED: Minutes of the Council Meeting held on May 11, 2020 were unanimously approved upon motion by Rusty Adams and seconded by Chris Hodges.

ADMINISTRATIVE OFFICE MODIFICATION CHANGES: Mayor Pro Tem Michael Chumbley stated that due to some unseen crossbeams, changes to the prior modifications needed to be made which ended up saving the city more money. Motion was made by Alan Dorsey, seconded by Chris Hodges to ratify the change to the previous May vote concerning the modification and expense to the payment window/stall and office area of Administration. Unanimous.

GMA VOTING DELEGATE FORM: Chris Hodges made a motion, seconded by James Richardson to nominate Mayor Michael Chidester as the city official to serve as the voting delegate at the 2020 Georgia Municipal Association Annual Convention Membership Business Meeting to be held virtually July 2, 2020. Unanimous.

GMA DISTRICT 6 OFFICERS FOR 2020-2021: Motion made by James Richardson, seconded by Rusty Adams to approve the current slate of officer nominations for GMA's District 6 Officers for 2020-2021. Unanimous.

MUNICIPAL GAS AUTHORITY SUPPLEMENTAL CONTRACT: Motion made by James Richardson, seconded by Rusty Adams to approve the following Resolution to authorize the Mayor to execute a Supplemental Contract and First Amendment to the Gas Supply Contract with Municipal Gas Authority of Georgia with regard to the Gas Portfolio V Project. Unanimous.

A RESOLUTION OF THE CITY OF BYRON

APPROVAL OF AMENDMENT TO GAS SUPPLY CONTRACT AND SUPPLEMENTAL CONTRACT (GAS PORTFOLIO V PROJECT) EACH AMONG THE GAS AUTHORITY, CITY Mayor and Council

OF BYRON, GEORGIA AND JOINTLY OWNED NATURAL GAS (TOGETHER, THE "CITY"),
AND FOR OTHER PURPOSES

WHEREAS, the 1987 Session of the General Assembly of the State of Georgia adopted the Municipal Gas Authority of Georgia Act (Ga. Laws 1987, p. 745 *et seq.* (codified at O.C.G.A. Sections 46-4-125), as amended (the "Act"), creating the Municipal Gas Authority of Georgia (the "Gas Authority"), providing for its organization and purposes and authorizing it to contract with certain political subdivisions for the provision of an adequate and dependable wholesale supply of gas to meet the needs of the gas distribution systems of such political subdivisions; and

WHEREAS, the City has studied and reviewed its opportunity to enter into an Amendment to the Gas Supply Contract (the "Amendment") with the Gas Authority, substantially similar to amendments entered into with other Gas Authority members, providing for the extension of the term of the Gas Supply Contract related to Gas Authority's obligation to furnish the City with its gas supply requirement and for the City's obligation to pay for such gas supplies; and

WHEREAS, the City has also studied and reviewed its opportunity to contract with the Gas Authority for additional gas supplies, and to that end, the City and the Gas Authority have caused to be prepared a certain Supplemental Contract (Gas Portfolio V Project) (the "Supplemental Contract," and together with the Amendment, the "Contracts"); and

WHEREAS, the Gas Authority functions as a governmental joint action agency operating on a nonprofit basis solely for the benefit of its Members and effectively as an extension and instrumentality of its Members, aggregating their natural gas supply, management and transportation needs for economies of scale and leveraging their human and financial resources for efficiency, resulting in lower costs and higher benefits to the Members than if each acted individually or in smaller groups; and

WHEREAS, the Members control the Gas Authority and its policies through the Board of the Gas Authority, which is composed of Member representatives, and through the Gas Supply Contracts, and the Members intend to collectively share allocable portions of all risks and rewards of the Gas Authority's operations pursuant to such contracts, and the Contracts will necessarily be relied upon by the other Members due, among other things, to the interrelated nature of the Gas Supply Contracts and the relationships among the Gas Authority and the Members effected thereby; and

NOW, THEREFORE, be it resolved by the governing body of the City in meeting duly assembled, and it is hereby resolved by authority thereof, as follows:

Section 1. The City hereby finds and determines that it is in its best interest to contract with Gas Authority, and the City hereby declares its intention to so contract with the Gas Authority for the
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purchase of its gas supply.

Section 2. The City hereby approves and authorizes the execution and delivery of the Contracts on substantially the form of the drafts of the Contracts attached to this Resolution as Exhibit "A" and Exhibit "B", respectively, and hereby incorporated herein by reference, subject to such changes, additions and deletions made in the Mayor's discretion, with advice of counsel. The contracts will each be executed by the Mayor, attested by the Clerk, and will have the City's seal affixed thereto, and will be delivered to the Gas Authority, and when so executed and delivered, will be binding upon the City in accordance with their respective terms. Execution of the Contracts as authorized herein will be conclusive evidence of the City's approval thereof. Further, the City hereby directs Jointly Owned Natural Gas to execute the Contracts.

Section 3. In the adoption of the Resolution, the City hereby recognizes that this action will be relied upon by other political subdivisions that own and operate gas distribution systems and that adopt similar resolutions or ordinances in furtherance of the organization of the Gas Authority under the Act, and that the City is also relying upon the adoption of such resolutions or ordinances by such other political subdivisions.

Section 4. All resolutions or ordinances or parts of resolutions or ordinances in conflict herewith are hereby repealed.

Resolved this 8th day of June, 2020.

HAZARD PAY TERMINATION: Motion made by Rusty Adams, seconded by Chris Hodges to terminate the Hazard Pay regarding COVID-19 effective at 11:59pm on June 10, 2020. Unanimous.

CITY WEBSITE ELECTRONIC APPLICATIONS: ECD Director/Asst. City Administrator Tiffany Sandefur stated that the city has about 20 different applications. The informal quote states a charge for creating the database and two forms at \$500 as well as an additional \$900 for the remaining 18 forms needed for the site. The cost will be roughly \$1400 to get it completed. Motion made by Chris Hodges, seconded by Rusty Adams to approve a quote from Southfire to add electronic applications to the City of Byron website. Unanimous.

PERMANENT BMP MAINTENANCE AGREEMENT: Motion made by James Richardson, seconded by Rusty Adams to approve for the Mayor to authorize a Permanent BMP Maintenance Agreement with The Lotus Center regarding the location at Tax Map # 052A 060. Unanimous.

RESOLUTION REGARDING SCHEDULE OF FEES: Public Works Director Tiffany Bibb explained that the change is to include a \$25.00 deposit for the new Sterling Place neighborhood.

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The only service provided by the city to them is stormwater and sanitation. She stated that the city is responsible for the street as well. Motion made by Alan Dorsey, seconded by Chris Hodges to approve the following Resolution authorizing the Mayor to execute the Schedule of Fees effective July 8, 2020. Unanimous.

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF BYRON, GEORGIA TO ADOPT A SCHEDULE OF FEES FOR PUBLIC WORKS DEPARTMENT; 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 attached Exhibit "A", Schedule of Fees, which by this reference is hereby made a part of this Resolution, is adopted as the Schedule of Fees for Public Works Department for the City of Byron effective July 8, 2020.

BE IT FURTHER RESOLVED that in the event any fee included on the Schedule of Fees is otherwise set forth in a City of Byron Ordinance, then said fee on the Schedule shall not apply but rather the Ordinance fee shall be applied.

SO RESOLVED this 8th day of June, 2020.

RESOLUTION REGARDING CANE RIVER DRIVE: Motion made by James Richardson, seconded by Chris Hodges to approve the following Resolution to accept Cane River Drive as a public road and to become part of the City of Byron public road system. Unanimous.

A RESOLUTION OF THE CITY OF BYRON, GEORGIA ACCEPTING CANE RIVER DRIVE AS A PUBLIC ROAD.

WHEREAS, Cane River Drive (shown on attached survey plat) has been utilized by the City of Byron and others as a public road for more than seven years, and

WHEREAS, two citizens, Jennifer Cox and Tim Thornton, each of whom is a member and co-owner of businesses owning property on Cane River Drive, have submitted affidavits,

attached hereto, and

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WHEREAS, the affiants established conclusively that Cane River Drive has been used with no limitations as a public road for more than seven years, and

WHEREAS, the Official Code of Georgia, O.C.G.A. §32-3-3(c), authorizes a municipality to acquire by prescription and to incorporate into its system of public roads any road on private land which has come to be a public road by the exercise of unlimited public use for the preceding seven years or more, and

WHEREAS, the City of Byron has concluded that it is in the best interest of the citizens of Byron to accept Cane River Drive as a public road,

BE IT HEREBY RESOLVED AND IT IS SO RESOLVED BY THE GOVERNING BODY OF THE CITY OF BYRON THAT CANE RIVER DRIVE IS ACCEPTED AS A PUBLIC ROAD AND WILL BECOME PART OF THE CITY OF BYRON PUBLIC ROAD SYSTEM

SO RESOLVED this 8th day of June, 2020.

ADJOURNMENT: Motion was made by Alan Dorsey, Chris Hodges to adjourn the meeting at 6:18 PM. Unanimous.

Telina Allred
Clerk of Council