

City of Byron
Mayor and Council Minutes
August 10, 2020

The City of Byron Mayor and Council met in regular session in the Council Chambers of the Municipal Complex. Mayor Michael Chidester, Council Members James Richardson, Rusty Adams, Michael Chumbley, Chris Hodges and Alan Dorsey were in attendance. City Attorney Tom Richardson and City Administrator Derick Hayes attended virtually. City employees that attended were City Clerk Telina Allred, Assistant City Administrator/ECD Director Tiffany Sandefur, Public Works Director Tiffany Bibb, Police Chief Wesley Cannon, Captain Bill Lavender, Chief Court Clerk Velma Ervin and Interim Fire Chief Josh Riley. There were two (2) visitors at the meeting as well as a representative from the Leader Tribune.

Mayor Chidester 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.

APPROVAL OF MINUTES: Minutes of the Council Meetings from July 6 and July 13, 2020 were unanimously approved upon motion by Michael Chumbley and a second by Chris Hodges.

RESOLUTION REGARDING AGREEMENT WITH CARL VINSON INSTITUTE OF GOVERNMENT: Assistant City Administrator Tiffany Sandefur stated that the item was approved in the 2020 Budget but was pushed back due to COVID-19. She further stated that department heads are reviewing their portions of code now for any needed changes pertaining to their areas. Motion made by Rusty Adams, seconded by James Richardson to approve the following Resolution authorizing the Mayor to execute an Agreement with the Carl Vinson Institute of Government for technical assistance on the updating and drafting of municipal code for the City of Byron. Unanimous.

WHEREAS, the City of Byron (“the City”) has determined a need to update its Code of Ordinances to reflect current operational practices and clarify intent, and

WHEREAS, the City recognizes from prior work and current research that the Carl Vinson Institute of Government at the University of Georgia is an expert in the field of providing technical assistance in drafting and updating municipal codes, and

WHEREAS, the Carl Vinson Institute of Government acts as a subcontractor of the University of Georgia Research Foundation, Inc. (“the Foundation”), and

WHEREAS, the Foundation has the authority to contract for the performance of sponsored projects,

BE IT RESOLVED, AND IT IS SO RESOLVED, that the City of Byron authorizes the Mayor to enter into a contract with the Foundation by signing a Letter of Agreement with attached Exhibit “A” outlining the terms, scope of work, and other pertinent matter, all of which are attached

hereto as Exhibit "1" and Exhibit "A".

SO RESOLVED this 10th day of August, 2020.

SPLOST TRANSFERS: Mayor Chidester stated that after discussions with the city's Certified Public Accountant (CPA) with regards to "due to" funds that doing monetary transfers more as we went along monthly would be a help. It would keep a more current and factual total. He further stated that the reports showing transfers needed would then go to the City Clerk to do the monthly transfers needed. Michael Chumbley stated that funds could not be co-mingled to which the Mayor agreed. Mayor Chidester said it was suggested by the CPA to help with audit and his monthly reconciliation. Tiffany Sandefur was tasked with looking into getting checks for the SPLOST account as well. Motion was made by Michael Chumbley, seconded by Alan Dorsey to defer the item until the September Council Meeting. Unanimous.

ESTABLISH AUTO TRANSFERS: Mayor Chidester stated that the CPA also stated that the General Fund is borrowing from the Enterprise Fund leaving "due to" items that have not been paid per the Audit. He further said that even though it is all City of Byron monies, the CPA suggested to set an amount that will always remain in the Enterprise Fund that will cover the proportionate expenses based on a history that will automatically transfer. Tiffany Sandefur will have those numbers for the next meeting. Rusty Adams expressed that items 3, 4 and 5 should have went through a committee meeting first. Motion made by Michael Chumbley, seconded by Rusty Adams to defer the item until the September Council Meeting. Unanimous.

POLICE CONFISCATION FUND: The Mayor stated the use of checks again for these items as was done in the past. He stated this money should never go through the General Fund. Chief Cannon stated all three (3) funds are audited every year as part of the city's audit and it was his signature along with the City Clerk or the City Administrator. Motion made by Michael Chumbley, seconded by Chris Hodges to approve acquiring checks for the Police Confiscation Fund to avoid transfers between that fund and the General Fund and to approve the two (2) signers on the checks along with Chief Wesley Cannon to be the City Clerk and the City Administrator. Those in favor of the motion: Chumbley, Richardson, Hodges Dorsey. Those opposed: Adams. MOTION PASSED.

RESOLUTION REGARDING THE CORONAVIRUS RELIEF FUND: Mayor Chidester said he already had to sign an agreement to get into the portal to begin the process for the city to send receipts regarding the Coronavirus Relief Fund. The Georgia Municipal Association now has a Resolution as well as Terms and Conditions for all cities to approve as well. Mayor Chidester further said that monies for this round need to be spent by September 1st. Motion made by Michael Chumbley, seconded by Chris Hodges to approve the following Resolution authorizing the Mayor to execute the Coronavirus Relief Fund (CRF) Terms and Conditions Agreement. Unanimous.

A RESOLUTION OF THE CITY OF BYRON TO AUTHORIZE THE EXECUTION OF THE

CORONAVIRUS RELIEF FUND (CRF) TERMS AND CONDITIONS AGREEMENT; TO AUTHORIZE THE ACCEPTANCE OF GRANT PAYMENTS, INCLUDING ALL UNDERSTANDINGS AND ASSURANCES CONTAINED WITHIN SUCH AGREEMENT; TO DIRECT AND AUTHORIZE THE PERSON IDENTIFIED AS THE OFFICIAL REPRESENTATIVE OF THE CITY, OR THE DESIGNEE OF THE CITY TO ACT IN CONNECTION WITH THE GRANT APPLICATION; AND TO PROVIDE SUCH ADDITIONAL INFORMATION AS MAY BE REQUIRED.

WHEREAS, in an effort to mitigate the effects of COVID-19, the United States government has made available grant funding through the Coronavirus Relief Fund (CRF) to the State of Georgia, which was established within Section 601 of the Social Security Act, as added by Section 5001 of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act);

WHEREAS, Governor Brian P. Kemp has authorized the sharing of CRF allocations and disbursements in a phased, measured approach with local governments across the State of Georgia;

WHEREAS, Governor Kemp has acknowledged the critical need that such CRF funding be released to local governments experiencing immediate need as quickly as possible and has directed the Governor's Office of Planning and Budget (OPB) to coordinate with local governments to achieve allocation and disbursement of such CRF funding;

WHEREAS, OPB has created and will administer a grant management system, Georgia CARES, which local governments, including the City shall utilize in order to received allocations and disbursements of CRF funding; and

WHEREAS, the OPB and the State of Georgia, require formal, official action of the City governing authority so that the CRF funding may be disbursed to the City.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF BYRON, GEORGIA:

Section 1. Execution of Coronavirus Relief Fund (CRF) Terms and Conditions. The Mayor and Council hereby authorize the execution, delivery, and performance of the Coronavirus Relief Fund (CRF) Terms and Conditions (Agreement) in substantially the form attached hereto as a composite Exhibit A and the acceptance of payments, including all understandings and assurances contained herein.

Section 2. Other Actions Authorized. The City hereby directs and authorizes the Mayor of the City of Byron or the designee of the Mayor to act in connection with the Grant application and to provide such additional information as may be required by OPB, federal, or state government.

Section 3. City Attorney. The City, by and through its governing authority, hereby acknowledges that is has had its legal counsel review the Agreement and that the members of the governing authority itself have reviewed the Agreement and further acknowledge that any rule of construction

to the effect that any ambiguities are to be resolved against the drafting party shall not be employed in the interpretation of the Agreement.

Section 4. Repealer. All motions, orders, ordinances, bylaws, resolutions, and parts thereof inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed as reviving any motion, order, ordinance, bylaw, resolution, or part thereof.

Section 5. Effective Date; Severability. This resolution shall become effective immediately, and should the Agreement have been executed by the Mayor or designee before the effective date of this resolution, then this resolution shall stand as an official act of the governing authority of the City approving of such execution of the Agreement. If any section, paragraph, clause, or provision hereof be held invalid or unenforceable, the invalidity or unenforceability thereof shall not affect the remaining provisions hereof. PASSED, ADOPTED, SIGNED, APPROVED, and EFFECTIVE this day of August, 2020.

ORDINANCE (#2020-6) REGARDING FIRE PROTECTION: First reading was held of AN ORDINANCE (#2020-6) OF THE MAYOR AND COUNCIL OF THE CITY OF BYRON, GEORGIA TO REPEAL THE CURRENT FIRE PREVENTION AND PROTECTION CODE IN ITS ENTIRETY (SECTION 18-1 - 18-5) AND SUBSTITUTE IN ITS PLACE A NEW FIRE PREVENTION AND PROTECTION CODE (18-1 -18-16) SO AS TO PROVIDE FOR THE APPOINTMENT OF A FIRE CHIEF AND FIRE MARSHAL, ESTABLISH FIRE PREVENTION DUTIES, SET FIRE LIMITS OF THE CITY, ESTABLISH A PROCEDURE FOR MODIFICATION OF THE FIRE PREVENTION AND PROTECTION CODE, ESTABLISH A PROCEDURE FOR APPEALS BY AGRIEVED PARTIES, ESTABLISH A PROCEDURE FOR SPECIFYING NEW MATERIALS WHICH MAY REQUIRE PERMITS, ESTABLISH THE UNLAWFULLNESS OF SETTING OR TAMPERING WITH FIRE HYDRANTS, IDENTIFY CERTAIN ACTS INTERFERING WITH FIREFIGHTING ACTIVITIES, PRESCRIBE PENALTIES FOR VIOLATIONS OF THE FIRE PREVENTION AND PROTECTION CODE, ESTABLISH REGULATIONS FOR OPEN BURNING AND CONTROLLED BURNING, REQUIRE POSTING OF ADDRESSES FOR OWNERS AND OCCUPIERS OF REAL PROPERTY, DESIGNATE BUILDING AND FIRE RELATED CODES APPLICABLE TO EXISTING BUILDING, ESTABLISH A KEY LOCKBOX SYSTEM FOR CERTAIN STRUCTURES AND FOR BUILDING AS DESIGNATED BY THE FIRE MARSHAL, AND FOR OTHER PURPOSES. Mayor Chidester stated that this and the following ordinance were both passed in 2019 but there was a numbering typo that was pointed out by Municode who publishes the city's municipal code. Approving of new ordinances with the corrections is needed.

ORDINANCE (#2020-7) REGARDING EXCISE TAX: First reading was held of AN ORDINANCE (#2020-7) OF THE MAYOR AND COUNCIL OF THE CITY OF BYRON, GEORGIA TO IMPOSE AN EXCISE TAX ON RENTAL MOTOR VEHICLES AND FOR

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OTHER PURPOSES.

SURPLUS OF EQUIPMENT: Chief Cannon stated that the two (2) All Traffic Solutions speed signs cost too much in yearly software fees when they can be surplussed and the money could be used to purchase signs that use free software to run. It would save the city \$3000.00 a year. Motion made by Rusty Adams, seconded by James Richardson to authorize the surplus to two (2) All Traffic speed signs on behalf of the Police Department. Unanimous.

ADJOURNMENT: Motion was made by Michael Chumbley, seconded by Chris Hodges to adjourn the meeting at 6:27 PM. Unanimous.

Telina Allred
Clerk of Council