

**MINUTES – REGULAR MEETING  
CITY OF CAMILLA, GEORGIA  
JULY 11, 2022**

The regular meeting of the Mayor and City Council of the City of Camilla was called to order at 6:00 p.m. on Monday, July 11, 2022 by Mayor Owens.

Roll call indicated the following present: Councilmember Tucker (via phone), Councilman Burley, Councilman Morgan, Councilman Collins, Councilman Pollard, and Councilman Palmer.

City Manager Stroud, City Attorney Coleman, and City Clerk Ford were also present.

**OPENING PRAYER AND PLEDGE**

Councilman Collins gave the invocation and the Mayor and Council led the Pledge of Allegiance to the Flag.

**CITIZENS AND GUESTS**

Sign-in Sheet Attached.

**APPROVAL OF AGENDA**

A motion was made by Councilman Burley to approve the July 11, 2022 agenda. The motion was seconded by Councilman Morgan. Mayor Owens commented he wanted to make sure everyone was aware Resolution 2022-07-11-2 is the Intergovernmental Agreement for the SPLOST referendum with the list they are approving tonight. If there is no objection, even though it is on the agenda, he wants everyone to feel free to comment during the discussion period. The motion passed by a unanimous vote.

**APPROVAL OF MINUTES**

Mayor Owens asked for a motion to approve the minutes from the June 6, 2022 Called Council Meeting. A motion was made by Councilman Pollard, seconded by Councilman Morgan, and passed by a unanimous vote.

**SPEAKER APPEARANCES**

Mayor Owens stated they have three speaker appearances. The first recognized speaker was Bryant Campbell and stated he wanted to speak about the spray fields, something he was involved with for 20 years. The spray field opened in 1993 and updated several times. They bought 750 acres and there are two holding ponds and the city has three. He is not sure if it was a blow out of the liner or a sink hole. He talked to Scott Council who has been the manager of the spray fields for 20 years and wanted to get some facts straight. There are three pivot irrigation systems and one uses 1,700 gallons of water per minute, one 1,400 gallons per minute, and one 1,200 and is a lot of water. They are putting it in and we are taking it out. This time of the year the hay field was nothing but grass planted years ago. He runs a pivot and it pumps a lot of water. He has been managing this for a long time and fourteen to eighteen months ago from the state of Georgia we did not get the grant we were supposed to and now it is up again. He asked the question and he [Scott Council] said he thought he could do what he has been doing for the last eighteen months and allow us to see if we could get this grant. We are talking about \$25,000

### **SPEAKER APPEARANCES (cont.)**

day and is a lot of money not to wait for less than three weeks out. Chad is working on it but we need to do is try to get that grant. He will appreciate them discussing it and he thinks it is doable for a little longer and if we don't get the grant in the next few days then move forward.

Jerome Jester was recognized and stated at the work session they talked about SPLOST and the list and Councilperson Tucker mentioned recreation was on the list, but no description what they meant by recreation. He would like to suggest under the word recreation they consider the community gym (Perry Street gym) as part of the recreation SPLOST list and using those funds to refurbish, remodel, repair or whatever needs to do be done to the gym. It is used by every segment of Mitchell County. Ten years ago someone said it was dilapidated and could not be used but we are still using it so it must of have been in good shape ten years ago. He commented to use some of that money for the Perry Street Gym (community gym) to be refurbished.

Julie Tucker was recognized and commented she is from Camilla and a taxpayer and asked for them to wait for the grant of \$750,000 (for spray fields). She asked them to consider waiting and understands emergencies come up and they will do what that have to do but to consider waiting. She is also excited about them acknowledging Grover Stewart and he is a wonderful young man and they are excited and their hearts are swelled with pride.

### **ACTION ITEMS**

#### **ORDINANCE NO. 2022-07-11-1 – CENTENNIAL STADIUM NAME CHANGE**

The Mayor and Council held the first reading of an ordinance to change the name of Centennial Stadium to The Centennial Fields of Camilla, Georgia at their regular meeting on June 13, 2022. The second reading of Ordinance No. 2022-07-11-1 is being conducted tonight. The Council recommends adoption of Ordinance No. 2022-07-11-1 officially changing the name to *The Centennial Fields of Camilla, Georgia* and authorizes the Mayor to sign. A motion was made by Councilman Collins and seconded by Councilman Morgan. Mayor Owens commented this is one of the first steps in moving our economy and park rebranding in our strategic plan and excited about this particular vote. Roll call vote: In favor – Councilmember Tucker, Councilman Burley, Councilman Morgan, Councilman Collins, Councilman Pollard, and Councilman Palmer. The motion passed by a unanimous vote.

#### **STATE OF THE CITY ADDRESS**

The Mayor and Council discussed a State of the City Address to be delivered to the citizens of Camilla to share the City's progress, achievements, and priorities. The Council recommends authorization for the Mayor, as Chief Policy Advocate, to deliver a State of the City Address no later than October 30th of each year. A motion was made by Councilman Collins and seconded by Councilman Burley. Roll call vote: In favor – Councilmember Tucker, Councilman Burley, Councilman Morgan, Councilman Collins, Councilman Pollard, and Councilman Palmer. The motion passed by a unanimous vote.

#### **GROVER STEWART DAY PROCLAMATION**

Grover Stewart, a Camilla resident and professional football player, is being issued a Proclamation honoring his achievements in the professional sports world and his service to our

### **GROVER STEWART DAY PROCLAMATION (cont.)**

community. Every third Saturday in July will be proclaimed as “Grover Stewart Day” to recognize the achievements and contributions Mr. Stewart has made to professional sports and as a day dedicated to community service and self-perseverance. The Council recommends approval of the Proclamation. A motion was made by Councilman Collins and seconded by Councilman Burley. Mayor Owens read the Proclamation for the record. Roll call vote: In favor – Councilmember Tucker, Councilman Burley, Councilman Morgan, Councilman Collins, Councilman Pollard, and Councilman Palmer. The motion passed by a unanimous vote and Mayor Owens asked for a brief recess and presented the Proclamation to Mr. Stewart.

### **ORDINANCE NO. 2022-07-11-2 – GOVERNANCE STRUCTURE AND ROLE OF COUNCIL MEMBERS**

The Mayor and Council discussed Ordinance No. 2022-07-11-2 providing an amendment to Chapter 8 of Title 2 – Code of Ethics. The new section, Governance Structure and Role of Council Members, outlines the provisions of ethical responsibilities for the Mayor and members of Council. The intent of the ordinance is to develop a more efficient and harmonious structure for making decisions within the City. The Council recommends adoption of Ordinance No. 2022-07-11-2, to waive the second reading, and authorization for the Mayor to sign. A motion was made by Councilman Collins and seconded by Councilmember Tucker. Mayor Owens stated for the public’s knowledge this is an ordinance and any councilmember, and in this case Councilmember Tucker introduced at the work session, to be voted on tonight. As mentioned in the motion if there is a unanimous vote of the Council not only does the ordinance pass but it waives the second reading. Councilmember Tucker commented she mentioned at the work session this is an ordinance the city attorney prepared for another city. She feels it might be something beneficial for our city. She briefly reviewed the contents of the ordinance and asked councilmembers to please support the motion. Councilman Morgan commented when reading the ordinance and hearing terms such as making the Council more harmonious it suggests to him this Council has been ineffective, which is not true. There will be a list of accomplishments in the upcoming State of the City and where the City has moved forward in a few short years. Part A suggests the ordinance will now help recognize that the authority of the Council rests with the Council as a whole. It is his understanding they recognize this in the current Charter in Section 2.17 under general powers and authority of the Council and Section 2.22 under quorum and voting. The second portion suggests this now supports the delegation of authority of the day-to-day administration of the city manager. It is his understanding they currently recognize this in Section 2.31 (power and duties of the city manager) and 2.32 (Council interference) of the charter. At this time he sees no ground for them to adopt the ordinance. Councilman Burley commented he feels the same way as Councilman Morgan on Part A. Another point is number 4 where it states about executive session and feels they do apply what Georgia law states. For number 6, making decisions for the interest of the city as a whole and not any particular segment thereof, this is also a part of their ordinances and Charter as well in Section 2.19 and especially 3.74 through 3.76. He personally does not think they should adopt it because everything is in their Charter and their oath. Councilman Palmer asked City Attorney Coleman to comment. City

**ORDINANCE NO. 2022-07-11-2 – GOVERNANCE STRUCTURE AND ROLE OF COUNCIL MEMBERS (cont.)**

Attorney Coleman commented this is an amendment/in addition to the ethics code and all the things are taken from different parts of the code. It gives some recourse if there is a violation or complaint. School Boards in Georgia are required to have a code of ethics and this is an excerpt from the governing structure so instead of superintendent you would say mayor and where the language comes from. All the things are already in some portion of some of our documents it gives some enforcement mechanism to file a complaint. A councilman can be reprimanded by his colleagues which is already in the code of ethics. Mayor Owens stated as the city attorney mentioned there are mechanisms already in place from censure to reprimands to filing a complaint with the Board of Ethics. He reminded everyone they did not have a Board of Ethics until about a year ago and something he asked to have happen because they had been a City of Ethics since 2010. They had not set a board in the eleven years since they became a Certified City of Ethics. The Council was gracious enough to take his recommendation and they now having a sitting Board of Ethics. This is a degree of redundancy inside the ordinance that he thinks does not add to the fluidity of the council meetings. One of the biggest points Councilman Burley made in the interest of the city as a whole, which is in their oath, before the oath is completed and is the last sentence of the oath and what they will do for the city of Camilla. For that reason he recommends this particular ordinance, and he agrees with the spirit and appreciates Councilmember Tucker with her initiative trying to get this done, is not something in its current form he will support. Councilmember Tucker commented from the comments she was able to hear they were all in agreement and there is not anything in it that is counter to the Charter and supports the motion. Roll call vote: In favor of the motion – Councilmember Tucker, Councilman Collins, and Councilman Palmer. In opposition of the motion – Councilman Burley, Councilman Morgan, and Councilman Pollard. With a 3-3 vote, the Mayor voted no and the motion failed.

**RESOLUTION NO. 2022-07-11-1 – ESTABLISHMENT OF PARLIAMENTARY COURTESY**

The Mayor and Council discussed Resolution No. 2022-07-11-1 providing for the establishment of Parliamentary Courtesy to conduct meetings in a manner that shows respect and establishes a more harmonious relationship to the members of Council as well as the staff and public. The Council recommends approval of Resolution No. 2022-07-11-1 and authorizes the Mayor to sign. A motion was made by Councilman Collins and seconded by Councilmember Tucker. Mayor Owens commented this is a resolution introduced by Councilmember Tucker. She commented she brought this to the floor at the request of a number of citizens and reviewed the language in the resolution. She commented it is from a sister city and Attorney Coleman prepared the resolution. It is a standard document used by ACCG and applicable changes were made. She stated she would be supporting this and hopes her fellow councilmembers will see the need not only to follow Roberts Rules of Order but have proper decorum during council meetings. Councilman Morgan asked Councilwoman Tucker if she could give examples of when the Council had not had proper meetings or any complaints that came from citizens. Mayor Owens asked for the Council to refer questions to the Chair and he will relay. Councilmember Tucker stated the concerns she has seen and heard in reviewing council meetings on Facebook

**RESOLUTION NO. 2022-07-11-1 – ESTABLISHMENT OF PARLIAMENTARY COURTESY (cont.)**

and participating herself, is they always need to address the Mayor and any comments should be directed to the Mayor. They need to remember proper protocol and not speaking unless recognized by the Mayor and only one councilmember can speak at the time. They have had occasions during contentious discussions that has not always occurred. It is hard to hear what a speaker is saying if other councilmembers are involved in sidebar conversations. Just remain highly professional even when they disagree with each other and remain professional. After further comments from Councilmember Tucker, Mayor Owens stated this is a piece of legislation he commends in terms of initiative for presenting to the Council. As she pointed out there are elements of the resolution he disagrees with and does not want his disagreement to be flat. The reason for his disagreement is our city serves at the pleasure of the General Assembly. They were created by the State because the Governor signed a piece of legislation that created them and they operate under that. There are folks who probably have not ever heard that before. City Attorney Coleman stated that was correct and was probably created in the mid-1800s. Mayor Owens stated also our Charter. City Attorney Coleman commented it is granted by General Assembly and has had amendments. In respect to the governance and structure it has to be approved by the General Assembly. Mayor Owens stated the reason he brings up that point is because they are not operating based on what they would like to do in the city of Camilla. They are operating under right now is something approved by the state legislature and signed by the Governor. It is not a city of Camilla thing, a mayor thing, or councilmembers. They serve at the pleasure of them (or their authority). As he mentioned before, the items included in our code and in our charter is how we operate. The reference to our Charter talks about Section 2-1-2 and he read the following because it is not included in the 'Whereas' of the resolution: Rules of Procedures and Order of Business-Unless otherwise provided in this code rules and procedures of the meetings of the Mayor and Council shall follow an edition of Roberts Rules of Order prescribed by the Mayor and all matters to be discussed at the meeting shall appear in the meeting agenda which shall be prepared by the city manager. The city council decides what the business will be and staff gets the agenda ready. He wants everyone to understand the code says the Mayor sets the tone by identifying what edition of Roberts Rules of Order will be used. At the June 14, 2021 meeting he stated they are using Edition 12 of Roberts Rules of Order. They are not operating on a fly and that can be found in the June 14, 2021 minutes. As Councilmember Tucker mentioned courtesies from the councilmembers is already included in Roberts Rules of Order. It is another redundancy that is unnecessary on how they conduct business. He gave an example where some of the confusion could come with a resolution like that as related to the code approved by the State legislature on how they can operate. For courtesies from the Mayor: the mayor specifically is not supposed to enter in to discussion while presiding over the meeting. In our Charter the mayor is allowed to vote in the case of a tie or for/against to make a majority, the fourth vote. The fact he is a voting member in certain instances almost dictates he has to comment and discuss because if he don't the only time he gets to vote is after the discussion period has ended. It seems logical in our case, the way our Charter and code is structured, the Mayor by virtue of his ability to vote, has to participate and thinks that is one of the redundancies/contradictions that has already been established by our State. The last part, courtes-

## **RESOLUTION NO. 2022-07-11-1 – ESTABLISHMENT OF PARLIAMENTARY COURTESY (cont.)**

ies of the Mayor, he is supposed to call a motion out of order rather than call a councilmember out of order. He referred everyone back to Roberts Rules of Order, Chapter 20, 12<sup>th</sup> Edition, Section 61, Paragraph 11 which states: Calling a Member Out of Order – if the offense is more serious as in the case as when a member repeatedly questions the motives of other members whom he mentions by name, or persists in speaking on completely irrelevant matters in debate - the chair normally should first warn the member but with or without such a warning the chair or any other member can call the member to order. He brings this up because they have to be very careful when operating under the code and Charter. Last year after much expense and time they re-did the code completely, for the most part. This current code has been in place for a year and the Charter says 2019. The current code they are under now this resolution seeks to change passed with unanimous consent from every single councilmember and it was a different council back them. For that reason alone and with some of the contradictions he recommends they vote no. Roll call vote: In favor of the motion: Councilmember Tucker, Councilman Collins, and Councilman Palmer. In opposition of the motion: Councilman Burley, Councilman Morgan, and Councilman Pollard. The Mayor broke the tie by voting no and the motion failed.

## **CITY COUNCIL RETREAT**

The Mayor and Council discussed the possibility of holding an off-site Retreat for members of Council, the Mayor, and City staff. It is recommended a Retreat be scheduled. A motion was made by Councilman Collins and seconded by Councilman Burley. Councilman Palmer stated it was a good idea and an outside person should monitor the retreat and be in control of it and not associated with the city, an independent person. Mayor Owens stated he totally agreed with that. Councilman Burley stated he agreed if they have the retreat to have an outsider. In doing this he would like to see them perform the strategic planning they have in place for the city. Last week they also discussed about having staff at the retreat. Mayor Owens commented this is something Councilmember Tucker brought up in their last work session. He totally agrees and thinks this will be something good for them as a body. Councilman Pollard stated he concurs and it is in the best interest of the Council to have the retreat and welcomes it. There are parameters that need to be sorted out such as staff and financials. They need to look at all the things and come up with the parameters that surround the retreat, do their due diligence, and put in the city manager's hands to work out the parameters and putting it together. He can come back to the Council with a recommendation and thinks it will be beneficial. Councilmember Tucker thanked everyone for their comments and support and feels this is something they can all benefit from in improving their communication amongst councilmembers and doing what is best for the City first and foremost. Mayor Owens stated they are voting to have a retreat and the parameters and details they can give to the city manager to work out. The motion passed by a unanimous vote.

## **CHRISTMAS TREE PURCHASE**

The Mayor and Council discussed the purchase of a Christmas tree to serve as a focal point for the City's holiday lighting décor. The Council recommends purchasing a tree not to exceed \$11,000. A motion was made by Councilman Collins and seconded by Councilman Pollard. The motion passed by a unanimous vote.

### **ORDINANCE NO. 2022-07-11-3 – ALCOHOL CATERING LICENSE**

The Mayor and Council discussed amending the City Code for the sale of alcoholic beverages by catering businesses. Ordinance No. 2022-07-11-3 repeals Section 9-2-13 in its entirety and provides a new Section 9-2-13 entitled “Sale Off-Premises for Catering Purposes”. The Council recommends adoption of the ordinance, to waive the second reading, and authorization for the Mayor to sign. A motion was made by Councilman Collins and seconded by Councilman Burley. Councilman Palmer stated this would be very hard to police and should be restricted to brick and mortar restaurants downtown who already have a license to sell alcohol, already been approved, and 50% of their sales are food. They should be given priority over this and to approve people who just come in with alcohol trucks (not food trucks) is not what we should be doing. It should be brick and mortar selling the alcohol. Councilman Pollard commented we have to have vision and a proven fact the citizens of Camilla will welcome this and says this in reference to the previous events they had in downtown and the participation. The participation came from all over Camilla (District 1 and District 2) and they all came together and enjoyed one another and had an awesome time. There is no official record showing any incidents happened or law enforcement had any problems. He saw a couple videos where law enforcement were engaged in the events but yet we think this will pose a problem for law enforcement. We have to have vision and if there was ever a time to move the city of Camilla it is right now. They are losing citizens and why are they losing citizens. The strategic plan survey told them when they are ready to go to bed, youngsters and a majority of people are ready to be up. This is why downtown is not thriving because there is a lack of vision. He will be in support of this and the time is not to stop now but keep pushing the gas and going forward. Mayor Owens commented he agreed with Councilman Pollard, especially the metaphor of keeping the foot on the gas. There is a lot happening in the region and our city that if they do not improve their economic situation in terms of revenue, they are going to find themselves in a problem. It is a problem happening all around our region. He commented he wanted to make sure to clear up what the catering license is. In order to get a catering license you have to have a brick and mortar building already established. Why this is so important is it does not have to be a business owner in Camilla or Mitchell County. It could be someone in Atlanta and when you think about that what you have is potentially a promoter in Atlanta that is already in a crowded space and wants to branch out. Coming to Camilla could be an option for them. This is something the state legislature has already approved to allow the catering license to transport across county lines. It is not just a Camilla or Mitchell County thing. It has the support of the state legislature, their law. What we are finally saying is we are tired of our citizens on Friday and Saturday nights heading to other communities to spend Camilla dollars in other communities who have had the vision to expand their economic base. While our lights are off, theirs are on and folks are driving a half-hour to 45 minutes to enjoy that when they could be spending it here. This is the beginning of that process and it is time for us to compete in this region. Roll call vote: In favor of the motion – Councilmember Tucker, Councilman Burley, Councilman Morgan, Councilman Collins, and Councilman Pollard. In opposition: Councilman Palmer. Mayor Owens stated because it was not a unanimous vote it will require a second reading and vote.

## **VIDEO ENHANCEMENTS/LIVE STREAMING – MEETINGS OF MAYOR AND COUNCIL**

The Mayor and Council discussed enhancing video broadcasts of Council meetings on the City's Facebook page, website, and Channel 6. The Council recommends approval of the Office of the Mayor and the Office of the City Manager collaborating to explore options to enhance and provide a professional product for meeting videos. A motion was made by Councilman Collins and seconded by Councilman Pollard. Mayor Owens commented this is a recommendation from him to add another level of production quality to the way they conduct the meetings and presented to the public. This is another element of how we communicate with our citizens and communicate to the public and a good tool we should explore. By the August work session the city manager will have something to bring back for their consideration. Roll call vote: In favor – Councilmember Tucker, Councilman Burley, Councilman Morgan, Councilman Collins, Councilman Pollard, and Councilman Palmer. The motion passed by a unanimous vote.

## **COVID-19 VACCINATION PROGRAM – DEADLINE EXTENSION**

The Mayor and Council discussed the COVID-19 city-wide Vaccination Program set to expire on July 12, 2022. To date 270 citizens have participated in the vaccination program. The Council recommends extending the vaccination program until December 31, 2022. Mayor Owens asked for a motion to approve the extension of the vaccination program until December 31, 2022. A motion was made by Councilman Pollard and seconded by Councilman Burley. Councilman Morgan stated this is a great incentive and as seen from the data a lot of our citizens have taken advantage of it. We are in a period of rising COVID cases and important we do all we can to take care of our citizens. Councilmember Tucker commented vaccinations are free of charge at area pharmacies and health department and supports education campaigns for vaccines and people getting them if their doctor recommends them to do so. She does not think it is best use for the city to utilize these funds for something they can get free. Mayor Owens reminded everyone that the funds being used (ARPA) were sent to us by the federal government literally for this purpose. This is part of the reason they sent us the money to help incentivize vaccinations. He applauds the councilmembers who approved this a couple months ago related to this vaccination program. It has been stated publically this program has directly contributed to nearly 300 vaccinations in the city of Camilla in a little under 3 months. It is important because cases are rising again and we are budgeted for 1,000 people. Science is clear vaccinations save lives. Without the vaccination you will probably get sicker and odds are you will have to go to the hospital. If you have to go to the hospital the beds will get full. If the beds get full, we are in a whole different situation. If we can incentivize folks to get vaccinated he thinks economically it makes sense and health-wise it makes sense. Vaccinations save lives. Roll call vote: In favor – Councilman Burley, Councilman Morgan, and Councilman Pollard. In opposition – Councilmember Tucker, Councilman Collins, and Councilman Palmer. Mayor Owens broke the tie by voting yes and the motion passed.

## **AIRPORT TERMINAL DESIGN PROJECT**

The City received a request from the Georgia Department of Transportation for the City to express their intent to proceed with and fund the design of the New Terminal at the Camilla-

### **AIRPORT TERMINAL DESIGN PROJECT (cont.)**

Mitchell County Airport. The tentative allocation of federal funding assistance is \$90,000 and matching funds from the City of Camilla are estimated to be \$5,000. City Manager Stroud commented this item has shifted a little. After meeting with Passero and Associates and staff at the airport, what they found is their fuel farm is far more critical than the terminal. The numbers will remain the same but what they will ask is to shift the focus from the terminal to the fuel farm. It is our revenue generator and makes more sense for us to get that addressed as opposed to the terminal. Councilman Pollard asked for further information and background. City Manager Stroud commented the cinder block building is the terminal. Those flying to Camilla for the first time see an old building and we want to modernize it with a new terminal; however, the revenue generator is the fuel farm. The building needs modernizing and the choice is modernizing the old building or taking care of the revenue generator and he will have to go with the fuel farm. Councilman Pollard asked if the fuel farm was like a gas station. City Manager Stroud replied our tanks are underground and experiencing deterioration. Airport Assistant Nick Wright addressed the Council and commented there are two 6,000 gallon tanks that have been in the ground since 1972 and are 50 years old. The 1980 model tanker is a 9,000 gallon tanker used for jet fuel and plumbing on the tank is starting to fail and they are finding rust particles in the fuel. They need a new terminal but need a fuel farm first. Bainbridge/Decatur County designed a beautiful terminal but took care of their fuel farm first. Cairo/Grady County along with Moultrie Municipal Airport also designed a beautiful terminal but took care of their fuel farm first. They need a terminal but need a fuel farm first. Mayor Owens asked prior to the current engineering firm, and we just hired a new firm to be our engineering consultant at the airport, was this particular issue identified. Mr. Wright replied it was not but was on the capital improvement plan and pushed out three to five years out. He stated they use a computer that has Windows 98 and a 56k modem. Councilman Collins asked what they would end up with and Mr. Wright replied it would be two above ground 12,000 gallon tanks with jet fuel in one tank and 100 low-lead in the other. The operating system will be updated. Mayor Owens commented when we do our budget every year, part of that budget talks about computers in every single department. This did not start failing overnight and this has been an issue for some time. It amplifies one of his concerns that the airport itself is not a big time money maker but our largest money maker at the airport is fuel. This year we budgeted \$60,000 to \$80,000 more fuel than actually sold. The motion will be applying for the same grant but instead of a terminal to change to a fuel farm. Mr. Wright commented the estimated cost of the fuel farm is \$700,000 and includes old tank removal, clean up, new tanks and software. Mayor Owens stated we have a ¾ of a million dollar problem that for the first time has been discussed with Council. We have to give an answer to DOT if we want to proceed by the 15<sup>th</sup> of this month. The City received a request from the Georgia Department of Transportation for the City to express their intent to proceed with and fund a new fuel farm at Camilla/Mitchell County Airport. The tentative allocation of the federal funding assistance is \$90,000 and matching funds from the City of Camilla are estimated to be \$5,000. A motion was made by Councilman Pollard and seconded by Councilman Burley. Roll call vote: In favor – Councilmember Tucker, Councilman Burley, Councilman Morgan, Councilman Collins, Councilman Pollard, and Councilman Palmer. The motion passed by a unanimous vote.

### **SPECIAL PURPOSE LOCAL OPTION SALES TAX PROJECT LIST**

The Mayor and Council discussed the upcoming referendum for the Special Purpose Local Option Sales Tax that will be on the ballot in November 2022. The following list of projects were discussed:

PROJECT	ESTIMATED COST
Police vehicles and/or equipment	\$480,000
Fire vehicles, response units, and/or equipment	\$200,000
Public Works vehicles and/or equipment	\$300,000
Recreation Complex construction and/or improvements	\$1,057,456
Construction, maintenance, and improvement of city roads, streets, and bridges	\$1,226,692
Capital equipment for use in voting in official elections	\$50,000

The Council recommends approval of the project list for equipment, vehicles, capital improvement projects, and capital equipment for use in voting in official elections as presented for placement on the November 8, 2022 ballot. Mayor Owens asked if there was a motion to approve the SPLOST list as presented. A motion was made by Councilman Pollard and seconded by Councilman Burley. Councilman Palmer commented he wanted to go back over what he said at the work session about the TSPLOST approval. When they met with the county and other cities it was recommended the capital equipment for use in voting in official elections should not be listed. That was from the county attorney and the county manager. They do not have enough information and just a number pulled from the air. He certainly approves they do this because it is important to the city and all the taxpayers. Councilman Pollard stated he attended the meeting and not once did he hear the county attorney or anyone say that and the city speaks for itself. When they talk about integrity and trust it is not at the forefront. They have voters that questioned the integrity of our voting system. Any time they can improve and capitalize on that it is what they should be doing and is their due diligence and purpose. The citizens are the ones who will be paying for it. The same ones that have questions about the integrity of our voting. There is a need as they go forward in the 21<sup>st</sup> century and technology is steadily improving and enhanced. The airport assistant just told them he is using Windows 98 and that is old. We are still doing pencil elections. He thinks it is favorable to add this on the referendum and we are not Mitchell County but uniquely the City of Camilla. Councilmember Tucker commented she is fully in support of everything listed and would rather see them pull the \$50,000 off the SPLOST referendum for voting equipment. Ninety percent of the cities in Georgia contract through an intergovernmental agreement with their county for election services. This is something they

### **SPECIAL PURPOSE LOCAL OPTION SALES TAX PROJECT LIST (cont.)**

should discuss with the county to see if there is an opportunity for us to go with them. In speaking with the Secretary of State's office, since she does work with election equipment on a daily basis for Mitchell and Baker County, there are only two cities in Georgia (Eatonton and Snellville) that have purchased election equipment. Those two communities only purchased was an ICP scanner and wants to make sure it is understood there are no cities in Georgia that have a full suite of election services and systems in place. After additional comments about the voting equipment and costs, Councilmember Tucker stated she fully supports SPLOST and the projects listed. Council does not have enough information to leave the \$50,000 on the record. City Manager Stroud commented they do not have the full spreadsheet from Dominion to demonstrate the full cost. What he has committed is for them to show him three ways: all the equipment to include the scanners, printers and text screens; the paper copy and the scanner; and if we did it with the scanner and paper copy what it would take with the county for all this to work. Eatonton, Georgia just purchased scanners and what they are doing is paper and scanning to get the votes counted. He is not asking Council to do any of that right now but to keep the money in place. The cost of scanners and the cost of Dominion and training in Jekyll Island adds up quickly, not to mention the technical support. If they take the money off the table they will not be able to have the machines or Dominion. It is his recommendation to leave the \$50k in place because it will add up quickly. It wasn't just pulled out of the hat. Councilman Morgan asked in the event the cost is more than allocated, are they limited to the amount of spending on election equipment allocated in SPLOST or could they add more from another account. City Manager Stroud stated they could and are talking about a referendum now. Councilman Palmer asked City Attorney Coleman in passing of the SPLOST if it has to be unanimous. City Attorney stated if everyone does not sign the contract the county can still call it for five years rather than six. Councilman Palmer asked if they were asking for six years. City Attorney Coleman replied yes and stated this is a contract and is possible the Council says no, they aren't doing that. But they can still call it with the referendum. Mayor Owens commented for us it does not have to be a unanimous vote, just a majority. Councilman Pollard asked if they could add to the referendum if passed and accepted by the county. City Attorney Coleman stated Baconton had an allocation they wanted to change around and they did it. The ballot questions cannot be changed. Each city in Mitchell County has to pass it. Councilman Pollard stated they can amend but not add and need to keep the \$50,000 on the SPLOST list. City Attorney Coleman stated they have to spend some money on voting machines. There have been instances where cities and counties have done something and made a mistake and stuck with a sizeable amount of money. They want to be careful what they do. The decision now is what will be on the ballot and is revocable but requires them to go back to the taxpayers and have another referendum to change it. Mayor Owens commented we are preparing the city of Camilla for the future. Change is a very hard thing for some and he understands. They have been doing stuff for a very long time it is hard sometimes to change and he gets it. Right now, not only with the voting system but other issues, they are prolonging the future. They have to move forward and he knows it is tough but the future is here and they are going to have to embrace it. If they don't embrace it now, sooner or later they will have to. He suggests they do it on their own terms and right now this is the way to go. The reason they are doing this now is because the county wants to take advantage of this year's

### **SPECIAL PURPOSE LOCAL OPTION SALES TAX PROJECT LIST (cont.)**

election because the current SPLOST does not expire until next year. What they are trying to do is see if they can get it approved this year so if there is an issue they can try again next year. They are having to make the decisions pretty quickly and are moving with the current of what the situation dictates. The county is up against the wall in terms of deadlines and they need the information from us now. It appears there is a consensus of the Council that want to use the electronic voting systems going forward. This SPLOST does not take place until April 2024. In the meantime what will we do. They will have to purchase the equipment now and reimburse themselves down the road. This is a quick moving train with or without SPLOST. He is in favor of approving the list as presented. We are estimated to receive from this SPLOST fund \$3.3 million over six years against \$50,000 for the machines. Roll call vote to approve the SPLOST list as presented: In favor – Councilmember Tucker, Councilman Burley, Councilman Morgan, Councilman Collins, Councilman Pollard and Councilman Palmer. The motion passed by a unanimous vote.

### **SPRAYFIELD (LAND APPLICATION SYSTEM) REQUEST FOR BIDS**

The Mayor and Council discussed the progress of the Request for Bids for the Land Application System (sprayfield). At the present time one pond is fully operational, one pond is inoperable, and the remaining pond is experiencing issues. The Council recommends authorizing the City Manager to solicit bids for necessary repairs at the sprayfield no later than July 15, 2022. Mayor Owens asked for a motion to authorize the City Manager to solicit bids for necessary repairs no later than July 15, 2022. A motion was made by Councilman Pollard and seconded by Councilman Morgan. Mayor Owens reminded everyone as Mr. Campbell mentioned earlier there is a lot of action at these ponds and a lot of water being moved through the ponds and spigots. The gentleman we have out there who has been doing this for us for a while said he could keep it up like its going. He reminded everyone we are not preparing Camilla for yesterday. As Mayor he is not concerned with how this individual can continue to maintain what the sprayfield did yesterday. If our infrastructure is not in place, we cannot grow. There are elements in our city in terms of our infrastructure that is falling apart. Our airport is running a system on Windows 98 and how is that even possible. This sprayfield is in the same spot and as mentioned, a sink hole developed and you cannot predict those. The other pond has an issue with the liner. This is on-going and they probably still would not know but for a report about elevated nitrates. They had no idea until \$40,000 was already spent to do a report that the Council had to end up paying for and how they found out. This had been going on for 18 months to 2 years. He has heard and read about it is like giving away \$700,000 and why you can't believe everything you read. That would imply the money is guaranteed and it is not. City Manager Stroud stated it is not guaranteed. Mayor Owens stated if they read somewhere it is like giving away \$700,000 he would ask them to revisit the record and not the opinions of others. This is serious business in our city and we have a serious infrastructure problem in this city. Many of the citizens experience it on a daily basis whether it is a pothole, sewer issues, or whatever. This is one step they are going to have to start getting ahead of. What they are doing is giving the city manager the authority to wait until Friday to see what happens. A majority of the Council has already drawn \$1.5 million to repair this. It was \$1.5 million a year ago. What the bid will tell us is what it actually is with inflation at a 40-year high and after the worst pandemic arguably in this world's history, definitely ranked

### **SPRAYFIELD (LAND APPLICATION SYSTEM) REQUEST FOR BIDS (cont.)**

among the top. The actual cost today we do not know. What we do know if we put in a bid and a firm is saying they can fix what we having going, the money is ready and don't have to wait for a grant. It will be inappropriate and ill advised to wait any longer beyond this Friday. He read somewhere, and agrees, it is better to have it and not need it than to need it and not have it. They have it right now across the street ready to go if they can find someone to do the work and why he is recommending they do this. Roll call vote: In favor – Councilmember Tucker, Councilman Burley, Councilman Morgan, and Councilman Pollard. Voting in opposition: Councilman Collins and Councilman Palmer. The motion passed by a 4-2 vote.

### **MEAG POWER TENDER OPTION DECISION – VOGTLE UNITS 3 AND 4 PROJECT**

Based upon the information provided by the MEAG Power staff concerning the tender option decision pertaining to Vogtle Units 3 and 4 Project, and after consultation with our internal staff concerning the potential benefits and costs association with the tender option, I hereby move the City Council for the City of Camilla notify MEAG Power that it:

- ☐ Does support exercising the tender option by SPV M
- OR
- ☐ Does not support exercising the tender option by SPV M
  
- ☐ Does support exercising the tender option by SPV J
- OR
- ☐ Does not support exercising the tender option by SPV J
  
- ☐ Does support exercising the tender option by SPV P
- OR
- ☐ Does not support exercising the tender option by SPV P

Mayor Owens stated there is a motion of the general question and asked for a second. A second was made by Councilman Palmer. City Attorney Coleman stated he called the general counsel for MEAG and he cautioned they might table this until the next meeting. Many of them are going to the MEAG Annual Meeting in a couple weeks and feels this will be the main topic of discussion and they could gather additional information that might be useful. It is a complicated question and not everyone in Georgia is on the same page with it. It might behoove them to talk to other cities in a couple weeks. It does not have to be done until the 27<sup>th</sup> of August and will give plenty of time. Mayor Owens stated that is the new information and they will have another meeting before this is due. He asked Councilman Collins if he was prepared to rescind his motion. Councilman Collins rescinded his motion. Mayor Owens asked for a motion to table the item until the next meeting. A motion was made by Councilman Palmer and seconded by Councilman Pollard. The motion passed by a unanimous vote.

## **RESOLUTION NO. 2022-07-11-4 - SPECIAL PURPOSE LOCAL OPTION SALES TAX INTERGOVERNMENTAL AGREEMENT**

A motion was made by Councilman Collins to approve the Intergovernmental Agreement (IGA) for the use and distribution of proceeds from the 2022 Special Purpose Local Option Sales Tax for Capital Outlay Projects via Resolution No. 2022-07-11-4. The motion was seconded by Councilman Burley. City Attorney Coleman commented the projects for the other cities are not the actual projects. The City substituted their projects and we are not adopting the other city's projects and ask they place in the motion the Mayor will not sign the contract until complete by the county attorney with the other city's project. It is the same contract they have approved the last couple times. Mayor Owens commented what the city attorney is doing is authorizing him to sign the document contingent upon the other signatures being received by the county attorney and could happen after tonight. He will not sign tonight but gives him authority to sign once all other signatures are in. Councilman Collins amended the motion to include contingent upon the remaining cities agreeing to the IGA. Councilman Collins amended the motion to include the contingency. Councilman Burley seconded the motion. The motion passed by a 5-0 vote (Councilmember Tucker was not available for the vote).

### **CITY MANAGER'S REPORT**

City Manager Stroud's commented many of the items in his report were discussed in the meeting tonight and reported on the following:

- Financial highlights and the 2022-2023 budget calendar;
- As of today the pump for Tyson is two to three weeks out;
- After speaking with the GEFA Executive Director he was told he would have something in hand by July 13<sup>th</sup> and will know which way they need to go for the sprayfield project;
- The Toombs Park fence bid will be opened tomorrow;
- Council brought back a lot of great information from the GMA convention for the holiday season and provided costs for the 18' Christmas tree and wreaths for city hall. He believes it will be a little less than \$13,000. Mayor Owens commented we authorized \$11,000 and the variance, if needed, the tree will be priority.

Councilman Pollard asked for an update on the street paving. City Manager Stroud stated the operational highlights of his report shows the priority streets are Fern, Dogwood, Twitty, and Glam. They walked and measured the roads and looked at the streets and shoulder work. There are many problems on Fern and once he gives the city clerk the bid tabulation she can put out for bid tomorrow. Fern Street will take the greatest amount of time because the pavement is almost at the failure point. He will be giving the contractor 60 days which includes mobilization and weather. The contract has financial penalties written in for not doing the work when the notice to proceed is issued. To put the bid out and receive back he can close the project by August 5<sup>th</sup>, provided he gets enough bids back.

### MAYOR'S COMMENTS

Mayor Owens asked about the transmitting of the budget by August 1<sup>st</sup> and if the intent was to have the public hearing with the work session. City Manager Stroud commented the point is the transmitting is the Board sees it first. He anticipates the first public hearing a week later and depends on the amount of changes needed. He recognizes time is tight and it should be a week later. Mayor Owens stated they may be looking at one, possibly two, called meetings to get this done in August. City Clerk Ford commented the gateway signs are about 5 weeks out and once the materials arrive and contractor is on site construction will go quickly. Councilman Burley asked for an update on the structure for the Boys and Girls Club and where we are on the project. Mayor Owens stated the engineer has been in contact with the director of the Boys and Girls Club and will have an estimate this week. Hopefully they will be able to look at this before the work session in August. Mayor Owens commented for the work by staff, Don Gray, and the committees related to Juneteenth and Fourth of July, well done.

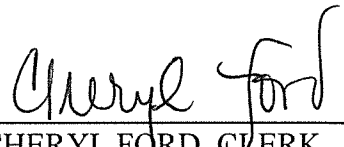
### ADJOURNMENT

The meeting adjourned at 8:25 p.m. on motion by Councilman Burley.

BY:

  
\_\_\_\_\_  
KELVIN M. OWENS, MAYOR

ATTEST:

  
\_\_\_\_\_  
CHERYL FORD, CLERK

# CITY OF CAMILLA, GEORGIA ~ SIGN-IN SHEET

DATE: JULY 11 2022 TIME: 6:00 ☐ A.M. ☒ P.M.

MEETING: ☒ COUNCIL ☐ WORK SESSION ☐ OTHER: \_\_\_\_\_

	NAME	ADDRESS	SPEAKER		TOPIC OF DISCUSSION
			NO	YES	
1	ORIGINAL				
2	SIGN IN				
3	SHEET				
4	UNAVAILABLE				
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					
15					
16					
17					

**CITY OF CAMILLA, GEORGIA**  
**ORDINANCE NO. 2022-07-11-1**

**AN ORDINANCE AUTHORIZING THE RENAMING OF CENTENNIAL STADIUM TO “THE CENTENNIAL FIELDS OF CAMILLA, GEORGIA”; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City Council of the City of Camilla desires to officially rename Centennial Stadium to *The Centennial Fields of Camilla, Georgia*; and

**WHEREAS**, after discussion the City Council hereby offers the renaming of Centennial Stadium to *The Centennial Fields of Camilla, Georgia* for consideration.

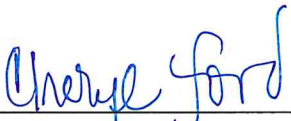
**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Camilla, Georgia as follows:

- Section 1.     *The Centennial Fields of Camilla, Georgia* is the official name of the former Centennial Stadium and adjoining fields located at 50 Industrial Drive.
- Section 2.     All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SO ORDAINED this 11<sup>th</sup> day of July, 2022.

CITY OF CAMILLA

BY:   
Kelvin M. Owens, Mayor

Attest:   
Cheryl Ford, Clerk



First Reading: June 13, 2022  
Second Reading: July 11, 2022

# Proclamation

## OFFICE OF THE MAYOR

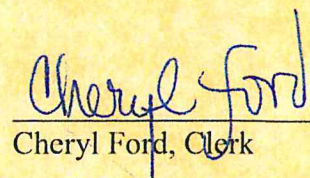
- WHEREAS,** Mr. Grover Stewart was born October 20, 1993 in Camilla, Georgia to Grover and Michelle Stewart; and
- WHEREAS,** Grover was a student at Mitchell County Schools where he played football and participated in track. He attended and graduated from Albany State University with a Bachelor's Degree in Criminal Justice; and
- WHEREAS,** During his collegiate days at Albany State University, Grover played college football for the Albany State Golden Rams and was the dominating defensive lineman. He led Albany State to the 2013 SIAC championship, the 2014 and 2015 SIAC title games, and three SIAC East Division crowns; and
- WHEREAS,** Grover was also a member of Albany State's track and field team and was named Most Valuable Player for football and Albany State University Athlete of the Year; and
- WHEREAS,** Grover was selected by the Indianapolis Colts in the 2017 NFL Draft and emerged as one of the NFL's leading defensive tackles while serving as key contributor for the Colts' defensive unit; and
- WHEREAS,** Grover was selected as the 2022 recipient of the Black College Football Pro Player of the Year presented by the NFL Players Association, a prestigious award presented annually to a top professional football player who attended a Historically Black College and University; and
- WHEREAS,** Grover is an exemplary example of a star on and off the field, receiving the Hometown Most Valuable Player recognition, which is a special recognition bestowed upon NFL players doing good work in their communities.

**NOW, THEREFORE, BE IT KNOWN** the Mayor and City Council of the City of Camilla are pleased and proud to honor the accomplishments of Mr. Grover Stewart by proclaiming the third Saturday in July henceforth as "Grover Stewart Day in Camilla, Georgia".

This 11<sup>th</sup> day of July, 2022.



Kelvin M. Owens, Mayor  
City of Camilla



Cheryl Ford, Clerk

CITY OF CAMILLA, GEORGIA  
RESOLUTION NO. 2022-07-11-4

WHEREAS, Article 3 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated (the "Act") authorizes the imposition of a one percent sales and use tax for the purpose, among other things, of financing certain capital outlay projects and retiring certain general obligation debt; and

WHEREAS, the City of Baconton, Georgia, the City of Camilla, Georgia, the City of Pelham, Georgia, the City of Sale City, Georgia, and the City of Meigs, Georgia, and Mitchell County, Georgia (the "County") have determined that it is in the best interest of the citizens of the Cities and the County that the Sales and Use Tax be imposed in the County to raise approximately \$15,900,000 for the purpose of funding capital outlay projects (the "Projects"); and

WHEREAS, the Board of Commissioners of the County delivered or mailed a written notice (the "Notice") to the mayor or chief elected officer in each municipality located in the County regarding the imposition/continuation of the Sales and Use Tax; and

WHEREAS, the Notice contained the date, time, place and purpose of a meeting at which the Board of Commissioners of the County and the governing authority of each municipality met and discussed the possible projects for inclusion in the referendum, including municipally owned or operated projects; and

WHEREAS, the Notice was delivered or mailed at least 10 days prior to the date of the meeting; and

WHEREAS, the Cities and the County desire to enter into an Intergovernmental Agreement, to be dated as of the first day of the month of its execution (the "Agreement"), as authorized by Article IX, Section III, Paragraph I(a) of the Georgia Constitution and the Act, with respect to the Projects; and

WHEREAS, the Cities are the only municipalities within the County; and

WHEREAS, a form of the Agreement is attached hereto as Exhibit A.

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

Section 1. The execution, delivery and performance of the Agreement are hereby authorized and approved. The Agreement shall be executed by the Mayor or Mayor Pro-Tem and attested to by the Clerk. The Agreement shall be in substantially the form attached hereto, subject to such changes, insertions or deletions as may be approved by the Mayor or Mayor Pro-Tem, and the execution of the Agreement by the Mayor or the Mayor Pro-Tem as herein authorized shall be conclusive evidence of any such approval.

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Section 2. From and after the execution and delivery of the Agreement, the proper officers of the City are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents and certificates as may be necessary to carry out and comply with the purposes and intent of this resolution or the provisions of the Agreement.

Section 3. All acts and doings of the officers of the City which are in conformity with the purposes and intent of this resolution and in furtherance of the execution, delivery and performance of the Agreement are hereby ratified and approved.

Section 4. If any section, paragraph of provision of this resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this resolution.

Section 5. All other resolutions, or parts thereof, in conflict with the provisions of this resolution are, to the extent of such conflict, hereby repealed.

Section 6. This resolution shall take immediate effect upon its adoption.

Adopted this 11<sup>th</sup> day of JULY, 2022.



CITY OF CAMILLA, GEORGIA

By: \_\_\_\_\_

Mayor, Kelvin Owens

ATTEST:

By: \_\_\_\_\_

Clerk, Cheryl Ford

CLERK'S CERTIFICATE

The undersigned Clerk of the City of Camilla, Georgia (the "City"), DOES HEREBY CERTIFY that the foregoing pages of typewritten matter pertaining to an Intergovernmental Agreement, constitute a true and correct copy of the Resolution adopted on JULY 11, 2022, by the City in a meeting duly called and assembled, which was open to the public and at which a quorum was present and acting throughout, and that the original of such Resolution appears of record in the Minute Book of the City which is in the undersigned's custody and control.

WITNESS my hand and the official seal of the City of Camilla, Georgia, this 11<sup>th</sup> day of JULY, 2022.



Cheryl Ford  
Clerk, Cheryl Ford

STATE OF GEORGIA

)

COUNTY OF MITCHELL

)

)

**INTERGOVERNMENTAL AGREEMENT  
FOR THE USE AND DISTRIBUTION OF PROCEEDS FROM THE 2024  
SPECIAL PURPOSE LOCAL OPTION SALES TAX  
FOR CAPITAL OUTLAY PROJECTS**

**THIS AGREEMENT** is made and entered this the 25<sup>th</sup> day of July, 2022 by and between Mitchell County, a political subdivision of the State of Georgia (the "County"), and the City of Baconton, the City of Camilla, the City of Meigs, the City of Pelham, and the City of Sale City, all municipal corporations of the State of Georgia (the "Municipalities", individually and collectively).

**WITNESSETH:**

**WHEREAS**, O.C.G.A. § 48-8-110, *et seq.* (the "Act"), authorizes the levy of a one percent County Special Purpose Local Option Sales Tax (the "SPLOST") for the purpose of financing capital outlay projects for the use and benefit of the County and qualified municipalities within the County; and

**WHEREAS**, the County and Municipalities met to discuss possible projects for inclusion in the SPLOST referendum on the **28th day of June, 2022**, in conformance with the requirements of O.C.G.A. § 48-8-111(a); and

**WHEREAS**, the County and the Municipalities have negotiated a division of the Special Purpose Local Option Sales Tax proceeds as authorized by the Act.

**NOW, THEREFORE**, in consideration of the mutual promises and understandings made in this Agreement, and for other good and valuable consideration, the County and the Municipalities consent and agree as follows:

**Section 1. Representations and Mutual Covenants**

- (A) The County makes the following representations and warranties which may be specifically relied upon by all parties as a basis for entering this Agreement:
- (i) The County is a political subdivision duly created and organized under the Constitution of the State of Georgia;
  - (ii) The governing authority of the County is duly authorized to execute, deliver and perform this Agreement; and
  - (iii) This Agreement is a valid, binding, and enforceable obligation of the County; and
  - (iv) The County will take all actions necessary to call an election to be held in all voting precincts in the County on the **8th day of November, 2022**, for the purpose of submitting to the voters of the County for their approval, the question of whether
-

or not a SPLOST shall be imposed on all sales and uses within the special district of Mitchell County for a period of 24 quarters, commencing on the 1<sup>st</sup> day of January, 2024, to raise an estimated **\$15,900,000** to be used for funding the projects specified in Exhibit A attached hereto.

- (B) Each of the Municipalities makes the following representations and warranties which may be specifically relied upon by all parties as a basis for entering this Agreement:
- (i) Each Municipality is a municipal corporation duly created and organized under the Laws of the State of Georgia;
  - (ii) The governing authority of each Municipality is duly authorized to execute, deliver and perform this Agreement;
  - (iii) This Agreement is a valid, binding, and enforceable obligation of each Municipality;
  - (iv) Each Municipality is a qualified municipality as defined in O.C.G.A. § 48-8-110 (4);
  - (v) Each Municipality is located entirely or partially within the geographic boundaries of the special tax district created in the County; and
  - (vi) Each Municipality will use any and all SPLOST proceeds received in connection with this Agreement for projects within the special tax district created in the County.
- (C) It is the intention of the County and Municipalities to comply in all respects with O.C.G.A. § 48-8-110, *et seq.*, and all provisions of this Agreement shall be construed in light of O.C.G.A. § 48-8-110, *et seq.*
- (D) The County and Municipalities agree to promptly proceed with the acquisition, construction, equipping and installation of the projects specified in Exhibit A of this Agreement and in accordance with the priority order referenced in Section 8 of this Agreement.
- (E) The County and Municipalities agree that each approved SPLOST project associated with this Agreement shall be maintained as a public facility and in public ownership. If ownership of a project financed pursuant to this Agreement is transferred to private ownership, the proceeds of the sale shall, for the purposes of this Agreement, be deemed excess funds and disposed of as provided under O.C.G.A. § 48-8-121 (g)(2).
- (F) The County and Municipalities agree to maintain thorough and accurate records concerning receipt of SPLOST proceeds and expenditures for each project undertaken by the respective county or municipality as required fulfilling the terms of this Agreement.

## **Section 2. Conditions Precedent**

- (A) The obligations of the County and Municipalities pursuant to this Agreement are conditioned upon the adoption of a resolution of the County calling for the imposition of the SPLOST in accordance with the provisions of O.C.G.A. § 48-8-111 (a).

- (B) This Agreement is further conditioned upon the approval of the proposed imposition of the SPLOST by the voters of the County in a referendum to be held in accordance with the provisions of O.C.G.A. § 48-8-111 (b) through (e).
- (C) This Agreement is further conditioned upon the collecting of the SPLOST revenues by the state revenue commissioner and transferring same to the County.

### **Section 3. Effective Date and Term of the Tax**

The SPLOST, subject to approval in an election to be held on **November 8, 2022**, shall continue for a period of six years with collections beginning on **January 1, 2024**.

### **Section 4. Effective Date and Term of This Agreement**

This Agreement shall commence upon the date of its execution and shall terminate upon the later of:

- (i) The official declaration of the failure of the election described in this Agreement;
- (ii) The expenditure by the County and all of the Municipalities of the last dollar of money collected from the Special Purpose Local Option Sales Tax after the expiration of the Special Purpose Local Option Sales Tax; or
- (iii) The completion of all projects described in Exhibit A.

### **Section 5. County SPLOST Fund; Separate Accounts; No Commingling**

- (A) A special fund or account shall be created by the County and designated as the 2024 Mitchell County Special Purpose Local Option Sales Tax Fund ("SPLOST Fund"). The County shall select a local bank which shall act as a depository and custodian of the SPLOST Fund upon such terms and conditions as may be acceptable to the County.
- (B) Each Municipality shall create a special fund to be designated as the 2024 [*municipality name*] Special Purpose Local Option Sales Tax Fund. Each Municipality shall select a local bank which shall act as a depository and custodian of the SPLOST proceeds received by each Municipality upon such terms and conditions as may be acceptable to the Municipality.
- (C) All SPLOST proceeds shall be maintained by the County and each Municipality in the separate accounts or funds established pursuant to this Section. Except as provided in Section 6, SPLOST proceeds shall not be commingled with other funds of the County or Municipalities and shall be used exclusively for the purposes detailed in this Agreement. No funds other than SPLOST proceeds shall be placed in such funds or accounts.

### **Section 6. Procedure for Disbursement of SPLOST Proceeds**

- (A) Upon receipt by the County of SPLOST proceeds collected by the state revenue commissioner, the County shall immediately deposit said proceeds in the SPLOST Fund.

The monies in the SPLOST Fund shall be held and applied to the cost of acquiring, constructing and installing the County capital outlay projects listed in Exhibit A and as provided in Paragraph B of this Section.

- (B) The County, following deposit of the SPLOST proceeds in the SPLOST Fund, shall within 10 business days disburse the SPLOST proceeds due to each Municipality according to the schedule in Exhibit A. The proceeds shall be deposited in the separate funds established by each Municipality in accordance with Section 5 of this Agreement.
- (C) Should any Municipality cease to exist as a legal entity before all funds are distributed under this Agreement, that Municipality's share of the funds subsequent to dissolution shall be paid to the County as part of the County's share unless an Act of the Georgia General Assembly makes the defunct Municipality part of another successor municipality. If such an act is passed, the defunct Municipality's share shall be paid to the successor Municipality in addition to all other funds to which the successor Municipality would otherwise be entitled.

#### **Section 7. Projects**

All capital outlay projects, to be funded in whole or in part from SPLOST proceeds, are listed in Exhibit A which is attached hereto and made part of this Agreement.

#### **Section 8. Priority and Order of Project Funding**

Projects shall be fully or partially funded and constructed in accordance with the schedule found in Exhibit A of this Agreement. Except as provided in Paragraph B and Paragraph C of Section 9 of this Agreement, any change to the priority or schedule must be agreed to in writing by all parties to this Agreement.

#### **Section 9. Completion of Projects**

- (A) The County and Municipalities acknowledge that the costs shown for each project described in Exhibit A are estimated amounts.
- (B) If a county project has been satisfactorily completed at a cost less than the estimated cost listed for that project in Exhibit A, the County may apply the remaining unexpended funds to any other county project in Exhibit A.
- (C) If a municipal project has been satisfactorily completed at a cost less than the estimated cost listed for that project in Exhibit A, the Municipality may apply the remaining unexpended funds to any other project included for that Municipality in Exhibit A.
- (D) The County and Municipalities agree that each approved SPLOST project associated with this Agreement shall be completed or substantially completed within five years after the termination of the SPLOST. Any SPLOST proceeds held by a County or Municipality at

the end of the five year period shall, for the purposes of this Agreement, be deemed excess funds and disposed of as provided under O.C.G.A. § 48-8-121 (g)(2).

#### **Section 10. Certificate of Completion**

Within thirty (30) days after the acquisition, construction or installation of a municipal project listed in Exhibit A is completed, the Municipality owning the project shall file with the County a Certificate of Completion signed by the mayor or chief elected official of the respective Municipality, setting forth the date on which the project was completed, and the final cost of the project.

#### **Section 11. Expenses**

The County shall administer the SPLOST Fund to effectuate the terms of this Agreement and shall be reimbursed for the actual costs of administration of the SPLOST Fund. Furthermore, the County and Municipalities shall be jointly responsible on a per capita basis for the cost of holding the SPLOST election. The County shall be reimbursed for the costs of the election including the Municipalities' share of such costs out of SPLOST proceeds deposited in the SPLOST Fund.

#### **Section 12. Audits**

- (A) During the term of this Agreement, the distribution and use of all SPLOST proceeds deposited in the SPLOST Fund and each Municipal fund shall be audited annually by an independent certified public accounting firm in accordance with O.C.G.A. § 48-8-121 (a)(2). The County and each Municipality receiving SPLOST proceeds shall be responsible for the cost of their respective audits. The County and the Municipalities agree to cooperate with the independent certified public accounting firm in any audit by providing all necessary information.
- (B) Each Municipality shall provide the County a copy of the audit of the distribution and use of the SPLOST proceeds by the Municipality.

#### **Section 13. Notices**

All notices, consents, waivers, directions, requests or other instruments or communications provided for under this Agreement shall be deemed properly given when delivered personally or sent by registered or certified United States mail, postage prepaid, as follows:

Chairman, Mitchell County Board of Commissioners  
26 North Court Avenue  
Camilla, GA 31730

Mayor, City of Baconton  
333 East Walton Street  
Baconton, GA 31716

Mayor, City of Camilla  
30 East Broad Street  
Camilla, GA 31730

Mayor, City of Meigs  
P.O. Box 47  
Meigs, GA 31765

Mayor, City of Pelham  
128 West Railroad Street  
Pelham, GA 31779

Mayor, City of Sale City  
P.O. Box 67  
Sale City, GA 31784

#### **Section 14. Entire Agreement**

This Agreement, including any attachments or exhibits, constitutes all of the understandings and agreements existing between the County and the Municipalities with respect to distribution and use of the proceeds from the Special Purpose Local Option Sales Tax. Furthermore, this Agreement supersedes all prior agreements, negotiations and communications of whatever type, whether written or oral, between the parties hereto with respect to distribution and use of said SPLOST.

#### **Section 15. Amendments**

This Agreement shall not be amended or modified except by agreement in writing executed by the governing authorities of the County and the Municipalities.

#### **Section 16. Governing Law**

This Agreement shall be deemed to have been made and shall be construed and enforced in accordance with the laws of the State of Georgia.

#### **Section 17. Severability**

Should any phrase, clause, sentence, or paragraph of this Agreement be held invalid or unconstitutional, the remainder of the Agreement shall remain in full force and effect as if such invalid or unconstitutional provision were not contained in the Agreement unless the elimination of such provision detrimentally reduces the consideration that any party is to receive under this Agreement or materially affects the operation of this Agreement.

**Section 18. Compliance with Law**

The County and the Municipalities shall comply with all applicable local, State, and Federal statutes, ordinances, rules and regulations.

**Section 19. No Consent to Breach**

No consent or waiver, express or implied, by any party to this Agreement, to any breach of any covenant, condition or duty of another party shall be construed as a consent to or waiver of any future breach of the same.

**Section 20. Counterparts**

This Agreement may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

**Section 21. Mediation**

The County and Municipalities agree to submit any controversy arising under this Agreement to mediation for a resolution. The parties to the mediation shall mutually select a neutral party to serve as mediator. Costs of mediation shall be shared equally among the parties to the mediation.

IN WITNESS WHEREOF, the County and the Municipalities acting through their duly authorized agents have caused this Agreement to be signed, sealed and delivered for final execution by the County on the date indicated herein.

**COUNTY OF MITCHELL, GEORGIA**

By: Benjamin Hayward  
The Honorable Benjamin Hayward,  
Chairman, Board of Commissioners

(Seal)

Attest:

Sheela K. K.  
County Clerk



**CITY OF BACONTON**

By: Annette Morman  
The Honorable Annette Morman,  
Mayor

(Seal)

Attest: Claretha Thompson  
City Clerk

**CITY OF CAMILLA**

By: \_\_\_\_\_  
The Honorable Kelvin Owens, Mayor

(Seal)

Attest:

\_\_\_\_\_  
City Clerk

**CITY OF MEIGS**

By: \_\_\_\_\_  
The Honorable Cheryl Walters, Mayor

(Seal)

Attest:

\_\_\_\_\_  
City Clerk

**CITY OF BACONTON**

By: \_\_\_\_\_  
The Honorable Annette Morman,  
Mayor

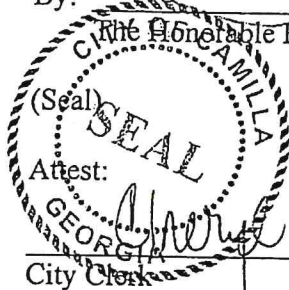
(Seal)

Attest:

\_\_\_\_\_  
City Clerk

**CITY OF CAMILLA**

By: \_\_\_\_\_  
The Honorable Kelvin Owens, Mayor



(Seal)  
Attest:

\_\_\_\_\_  
City Clerk

**CITY OF MEIGS**

By: \_\_\_\_\_  
The Honorable Cheryl Walters, Mayor

(Seal)

Attest:

\_\_\_\_\_  
City Clerk

**CITY OF BACONTON**

By: \_\_\_\_\_  
The Honorable Annette Morman,  
Mayor

(Seal)

Attest:

\_\_\_\_\_  
City Clerk

**CITY OF CAMILLA**

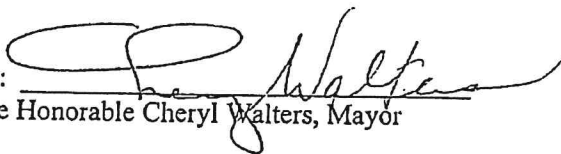
By: \_\_\_\_\_  
The Honorable Kelvin Owens, Mayor

(Seal)

Attest:

\_\_\_\_\_  
City Clerk

**CITY OF MEIGS**

By:  \_\_\_\_\_  
The Honorable Cheryl Walters, Mayor

(Seal)

Attest:

 \_\_\_\_\_  
City Clerk

**CITY OF PELHAM**

By: James T. Eubanks  
The Honorable James Eubanks, Mayor

(Seal)

Attest: Lisa Austin  
City Clerk

**CITY OF SALE CITY**

By: \_\_\_\_\_  
The Honorable Josh Davis, Mayor

(Seal)

Attest:

\_\_\_\_\_  
City Clerk

**CITY OF PELHAM**

By: \_\_\_\_\_  
The Honorable James Eubanks, Mayor

(Seal)

Attest:

\_\_\_\_\_  
City Clerk

**CITY OF SALE CITY**

By: \_\_\_\_\_  
The Honorable Josh Davis, Mayor

(Seal)

Attest:

\_\_\_\_\_  
City Clerk

## EXHIBIT A

Distribution of Proceeds: The Level One County-Wide Project shall have first priority for the allocation of SPLOST funds. All remaining projects have equal priority and shall receive a pro rata allocation of SPLOST funds in accordance with the table below.

2024 SPLOST Revenue Estimate: \$15,900,000 over 6 years (January 1, 2024, December 31, 2029)

### Level One County-Wide Project:

	<u>Estimated Cost</u>
<ul style="list-style-type: none"><li>• Issuance of general obligation debt not to exceed \$2,000,000.00 for Courthouse and/or Courthouse annex building acquisition, construction, and/or improvements</li></ul>	\$ 2,000,000.00

County: \$7,547,722 over 6 years (54.3002% pro rata share of SPLOST proceeds)

<u>Project</u>	<u>Estimated Cost</u>
<ul style="list-style-type: none"><li>• E-911 system equipment upgrade</li></ul>	\$ 525,000
<ul style="list-style-type: none"><li>• Library renovation, construction, and/or improvements</li></ul>	\$ 600,000
<ul style="list-style-type: none"><li>• Sheriff's Office vehicles and/or equipment</li></ul>	\$ 650,000
<ul style="list-style-type: none"><li>• Construction, maintenance, and improvement of county roads, streets, and bridges</li></ul>	\$5,772,722

City of Baconton: \$546,927 over 6 years (3.9347% pro rata share of SPLOST proceeds)

<u>Project</u>	<u>Estimated Cost</u>
<ul style="list-style-type: none"><li>• Public Works vehicles and/or equipment</li></ul>	\$ 50,000
<ul style="list-style-type: none"><li>• City Hall and other city owned buildings improvements</li></ul>	\$ 115,000
<ul style="list-style-type: none"><li>• Recreation facilities construction and/or improvements</li></ul>	\$ 150,000
<ul style="list-style-type: none"><li>• Construction, maintenance, and improvement of city roads, streets, bridges, and sidewalks</li></ul>	\$ 231,927

City of Camilla: \$3,314,148 over 6 years (23.8428% pro rata share of SPLOST proceeds)

<u>Project</u>	<u>Estimated Cost</u>
<ul style="list-style-type: none"><li>• Police vehicles and/or equipment</li></ul>	\$ 480,000
<ul style="list-style-type: none"><li>• Fire vehicles, response units, and/or equipment</li></ul>	\$ 200,000

• Public Works vehicles and/or equipment	\$ 300,000
• Recreation Complex construction and/or improvements	\$1,057,456
• Construction, maintenance, and improvement of city roads, streets, and bridges	\$1,226,692
• Capital equipment for use in voting in official elections	\$ 50,000

City of Meigs: \$24,279 over 6 years (0.1747% pro rata share of SPLOST proceeds)

<u>Project</u>	<u>Estimated Cost</u>
• Four Corners sign marker and recreation facility construction and/or improvements	\$ 15,000
• Construction, maintenance, and Improvement of city roads, streets, and bridges	\$ 9,279

City of Pelham: \$2,240,740 over 6 years (16.1204% pro rata share of SPLOST proceeds)

<u>Project</u>	<u>Estimated Cost</u>
• Park and recreational facilities improvements and/or renovations	\$ 250,000
• Public safety vehicles and/or equipment	\$ 200,000
• Public Works and Water/Gas/ Sewer department vehicles and/or equipment	\$ 200,000
• Water and sanitation systems construction and/or improvements	\$ 750,000
• Retirement of previously incurred general obligation debt for water and sewer rehabilitation and improvements and a purchased fire truck	\$ 676,960
• Construction, maintenance, and improvement of city roads, streets, and bridges	\$ 163,780

City of Sale City: \$226,182 over 6 years (1.6272% pro rata share of SPLOST proceeds)

<u>Project</u>	<u>Estimated Cost</u>
• Demolition, construction, and improvements of city owned buildings	\$ 25,000
• Community center renovation, construction and/or improvements	\$ 36,000
• Public Works vehicles and/or equipment	\$ 30,000
• Recreation facilities construction	\$ 15,000

- and/or improvements
- Construction, maintenance, and improvement of city roads, streets, and bridges \$ 120,182