



CITY OF CAMILLA
AGENDA – COUNCIL MEETING
LIVE BROADCAST - CITY OF CAMILLA
FACEBOOK PAGE
MONDAY, SEPTEMBER 11, 2023 ~ 6:00 P.M.



1. Call to Order; Roll Call
2. Opening Prayer and Pledge
3. Approval of Agenda
4. Approval of Minutes:
 - August 2, 2023 Budget Hearing
 - August 7, 2023 Work Session Action Items
 - August 14, 2023 Council Meeting
5. Speaker Appearances
6. Action Items:
 - a. Northside Heights Street Improvements – Bid Award – Jim Boyd Construction
 - b. Municipal Gas Authority of Georgia – Trade Confirmation – AllTech (May-August 2024)
 - c. Alley Improvements – South Scott Street
 - d. Supplemental Power Supply – Municipal Electric Authority of Georgia
 - e. Gymnasium Demolition Project – Bid Award
7. Millage Rate Update
8. City Manager's Report
9. Mayor's Announcements
10. Adjourn

**MINUTES – FIRST PUBLIC BUDGET HEARING
CITY OF CAMILLA, GEORGIA
AUGUST 2, 2023**

The first public hearing for the 2023-2024 budget of the Mayor and City Council of the City of Camilla was called to order at 5:00 p.m. on Wednesday, August 2, 2023 by Mayor Owens.

Present: Councilmember Tucker, Councilman Burley, Councilman Morgan, Councilman Collins, Councilman Pollard, and Councilman Palmer.

City Manager Stroud, Attorneys Wiley and Thompson (via teleconference), CFO Hosford, and City Clerk Ford were also present.

OPENING PRAYER AND PLEDGE

Councilman Pollard 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

On motion by Councilman Pollard, seconded by Councilman Morgan, the motion to approve the agenda passed by a unanimous vote.

SPEAKER APPEARANCES

None

PUBLIC HEARING – FY 2023/2024 BUDGET

Mayor Owens stated this is the first of three budget hearings and is designed to give the public an opportunity to hear the plans for next year's budget and give the public an opportunity to weigh in on the proposed budget. The City Manager, along with our new CFO Lisa, have been working on the budget for weeks and what they are discussing tonight is a culmination of their hard work. The public hearing was opened and Mayor Owens asked if there were comments from the public regarding the proposed budget for the next fiscal year. There being none, the public hearing portion of the meeting was closed.

City Manager Stroud thanked the new CFO for her assistance with the budget and then presented via a PowerPoint presentation an overview of the proposed budget. He stated this year's budget mimics last year with some exceptions. This year's budget increased slightly to \$47,715,000 primarily because they looked at a five-percent COLA for employees and raised the hourly employee rate to a minimum of \$14. Water/Sewer and the Airport received grants and Airport fuel sales increased. The demolition of the gym is in the budget and they may have to put more money in but he wanted to earmark it. This year's budget, \$47,715,960, is about a \$250,000 increase over last year. Mayor Owens asked the Council if they had any specific questions about the budget. Councilmember Tucker discussed the following: hotel/motel tax and expenditures, sponsor fees, miscellaneous revenue, service charges, interest on SPLOST funds, miscellaneous revenue-other,

operating transfers in, group insurance and retirement for governing body, youth leadership and youth council, staffing in city manager's office/retirement/professional administrative (grant writer)/contingencies, consideration of poll pads/printers/election equipment, legal budget, general government buildings (reduction in employees), funding for demolition of gym, DFACS expenses, Boys and Girls Club center, municipal court insurance, energy and gasoline for vehicles, increases in group insurance, energy budgets, and additional paving projects (funding source identification), and economic development line item removals. Mayor Owens commented on library donation funding sources, College and Career Academy, and youth council budget increase. Councilmember Tucker stated her next question is in economic development and if the College and Career Academy, showing zero for expenses, was a journal entry that needs to be done, retirement contributions/disability expenses for economic development, Christmas decorations, Downtown Camilla professional marketing contractor, and vehicle repairs/maintenance. Mayor Owens stated for the employee premium pay he recommends a one-dollar increase across the board for all employees and forty cents of the one-dollar increase will come from ARPA. For public safety/fire/police he recommends to increase their pay across the board by \$1.60/hour and one dollar of the increase will come from ARPA. Councilmember Tucker commented she would like to have a metric report from the Boys and Girls Club on the youth employment program, asked questions regarding the sewer personnel staffing, repairs and maintenance, and water and sewer capital outlay (sprayfield rehab). Mayor Owens commented on the sprayfield line item of \$1.5 million, one million will be converted to debt service and a GEFA loan will take care of a majority of it. Councilmember Tucker continued her budget discussion with electric sales, increase in interest revenue, unrealized gains and losses, other miscellaneous revenue, and Vogtle 3 and 4 debt payments. Mayor Owens commented the electric expenses, what we pay MEAG, should be indicated there already and is included in that. The MEAG statement we receive each year for how much we pay each month/year includes Project M (Vogtle 3 and 4) and is approximately \$12.2 million. They are projected to pay for \$12.2 million and the revenue forecast will be over \$14 million. There is a \$2 million margin built in. Councilmember Tucker continued her discussion on the electric fund (other financing uses), transfers out, increased Airport aviation fuel sales, fuel purchases, and CNS telecom expenses. Councilman Pollard commented on the 16% increase in the human resources department and questioned what it was for. City Manager Stroud stated the employee was earning another \$6,500 assisting with Finance and still assists that department. Councilmember Tucker commented the YTD number was at \$68,761 and if they needed to add more. City Manager Stroud stated he would take a look at it. Councilman Palmer commented on the property tax and a variance was showing and if it was delinquent taxes (from the YTD financial report). City Manager Stroud stated it most likely was delinquent accounts. Councilman Palmer commented on the millage rate, service charges, rental from old Fire Department, legal expenses, and general fund expenditures/repairs and maintenance. Mayor Owens commented on the MEAG discretionary fund and Evergreen Account. He stated he will be recommending whatever amount of money comes in at the end of year that 70% be returned to the citizens as a credit to their bill and 30% be retained for economic development starting in Fiscal 2024 and ending the Evergreen to the flexible account if the Council chooses to do that. From the one million dollars that will be received from the latest drawdown this week, he will ask they do the same thing with it and citizens will see, this month, as a credit. For the 5% COLA, when you look at the CPI from last year to this year, inflation is cooling off. Instead of 5% he is recommending 3% standard and the reason for the one dollar per employee increase on top of the retention incentives. The 5% COLA increase is not sustainable year over year. For the utilities director position he would like to see about using

some of the remaining funds for employees in those departments. All of our employees are important and do a great job, but the nature of the training and responsibility for fire and police is different as well as the electric department employees. Mayor Owens asked if three councilmembers were in agreement to reduce the MEAG discretionary from \$350,000 to \$105,000, with \$200,000 going back to the citizens as a bill credit and three members agreed. He asked if three councilmembers agreed to reduce the five-percent COLA to three-percent. Three councilmembers agreed. He commented most of the citizens in the corporate limits owning property had an increase in property taxes, for some up to 25%, which equated to a property tax increase. He has a problem with that and cannot do anything about how property is assessed. In the city of Camilla, and he has said from day one, they don't raise taxes or utility rates on the citizens and will be recommending the revenue budgeted for FY23 remain the same and they will have to roll back the millage rate to match that. It will give some tax relief to the property owners. Three councilmembers agreed. Councilmember Pollard commented the budget speaks to how they treat their employees and the job that is being done, along with their constituents. He is pleased with the budget and Camilla is growing. Councilman Burley commented they had a comprehensive discussion on the budget and thanked the city manager and Lisa for all they do and have been doing.

ADJOURNMENT

On motion by Councilman Pollard, the meeting adjourned at 7:00 p.m.

KELVIN M. OWENS, MAYOR

CHERYL FORD, CLERK

**MINUTES – ACTION ITEMS
FROM WORK SESSION
CITY OF CAMILLA, GEORGIA
AUGUST 7, 2023**

The Mayor and City Council of the City of Camilla held a Work Session at 6:00 p.m. on Monday, August 7, 2023.

Present: Councilmember Tucker, Councilman Burley, Councilman Morgan, Councilman Collins, Councilman Pollard, and Councilman Palmer.

City Manager Stroud, City Attorney Wiley (via phone), and Clerk Ford were also present.

CITIZENS AND GUESTS

Sign-in Sheet Attached.

APPROVAL OF AGENDA

Mayor Owens asked for a motion to approve the Work Session Agenda as presented. A motion was made by Councilman Burley and seconded by Councilman Morgan. Councilmember Tucker asked the city attorney to verify they are able to have a meeting when they have two councilmembers who were removed by a court order. Are they, as other councilmembers, allowed to participate. Attorney Wiley asked the councilmember to restate her question. Councilmember Tucker stated with respect to herself being able to participate in a meeting where there has been two councilmembers removed by order of the court, she needs the attorney's recommendation on the record as to participation in such a meeting. Attorney Wiley stated each and every member seated tonight, including the two councilmen whom Mrs. Tucker references, are lawfully seated and may participate in the meeting and conduct all business affairs on behalf of the City of Camilla. Mayor Owens commented they have action items tonight and will not ask for an amendment to the agenda at this time but may later on when they get to the discussion items, specifically the Beautification Efforts-Contractors/Technology and the Food Assistance Program Policy/Intergovernmental Agreement for seniors. The motion to approve the agenda passed by a unanimous vote.

ACTION ITEMS

RESOLUTION NO. 2023-08-07-1 – CALL FOR GENERAL ELECTION ON NOVEMBER 7, 2023 AND OTHER PURPOSES

Councilmember Tucker commented on Page 1 of the Resolution, in the last paragraph, it reads additionally and as may be required for a runoff election. She looked at the City's Charter and Camilla is a city of plurality, not majority, and there would be no runoff election that would occur. She sent a question to Mr. Denmark because the header in the Charter said election by majority but the language underneath the section defined plurality. After additional comments, Mayor Owens asked for a motion to approve Resolution No. 2023-08-07-1 calling for the general election on November 7, 2023. A motion was made by Councilman Morgan and seconded by Councilman Pollard. Councilmember Tucker commented she has another point to make on Page 2 which may not require a vote. It states qualifying will open at 8:30 on the third Monday in August and the

RESOLUTION NO. 2023-08-07-1 – CALL FOR GENERAL ELECTION ON NOVEMBER 7, 2023 AND OTHER PURPOSES (cont.)

qualifying period is Monday, Tuesday and Wednesday of that week. It complies with Georgia election law which says you can do qualifying either three days or five days. In the City they have done it five days and she has no problem doing it three days. She looked at the code of ordinances and in Section 2.24 it says they shall hold qualifications for five days, Monday through Friday. She has no problem with three days or five days as long as they are within the scope of the law. Attorney Wiley commented as to the first question as to whether the City of Camilla operates under plurality when it comes to election by majority she [Councilmember Tucker] is correct and recommends they remove the language in the proposed resolution and also the run-off language. Attorney Wiley recommended an amendment to the motion to remove the language. In reference to the number of days for qualifying, the code of ordinances states the qualification period (Section 2-2-4) will begin at 8:00 a.m. on the 29th day prior to the election and close at 5:00 p.m. on the 25th day. In Georgia election code O.C.G.A. 21-2-132 the state of Georgia changed the times to 8:30 to 4:30 and the city ordinance has not been amended to reflect Georgia code. The city ordinance states they will conduct qualifying for five days. Councilmember Tucker stated it is not an issue of great concern to her whether they conduct qualifying five days or three. She is concerned with following the letter of the law. Attorney Wiley states the ordinance appears to have been adopted in 1986 and obviously state law has changed. Councilmember Tucker commented the last qualifying period was through Friday and Camilla is a small community. Attorney Wiley commented Georgia law says you can conduct qualifying for five days with a minimum of three days. The ordinance appears to be in conflict, being over thirty years old, and does not believe the ordinance supersedes State law. They need to look at repealing that particular ordinance and how it will impact other parts of the ordinance. The qualifying can be either five days or three days. Mayor Owens confirmed what they are considering is a substitute motion to remove the language related to run-offs in the current resolution and that State law controls the time for qualifying. The resolution as submitted meets the legal criteria for that. The election superintendent commented she felt three days was sufficient to conduct the qualifying. Mayor Owens asked for a substitute motion to remove the language regarding run-offs in Resolution No. 2023-08-07-1. A motion was made by Councilman Morgan and seconded by Councilmember Tucker. The motion passed by a unanimous vote.

RESOLUTION NO. 2023-08-07-2 – PROPERTY CONVEYANCE TO URBAN REDEVELOPMENT AGENCY

Mayor Owens stated in their packet they have a letter from him in his capacity as Chairman of the Urban Redevelopment Agency (URA). In that letter he is asking for the parcel located on the corner of Highway 19 and Broad (to the west of Hwy. 19) be conveyed to the URA for further revitalization purposes. A motion was made by Councilman Morgan and seconded by Councilman Pollard to approve Resolution No. 2023-08-07-2 conveying the property to the URA. Mayor Owens commented for the record the parcel identification is C0210-138-A00. It was donated to the City and is a little strip about a tenth of an acre. The surrounding property, except for the strip, is owned by someone else. If there is an opportunity for redevelopment for that particular area, in his capacity as Mayor and Chairman of the URA, the URA is directly positioned to negotiate and work with any potential buyer, not to mention the flexibility the URA has that the City does not

RESOLUTION NO. 2023-08-07-2 – PROPERTY CONVEYANCE TO URBAN REDEVELOPMENT AGENCY (cont.)

have. Councilman Palmer asked if an appraisal had been done and Mayor Owens commented they had a rough estimate based on some of the comps in the area. This past weekend the city manager reached out to the appraiser to go officially get an appraisal. The value is somewhere near what is available online. Councilman Palmer asked if it would be brought back to the Council and Mayor Owens replied it can be. Whether it is \$5,000 or \$500,000 the purpose of the request is for the URA to be the negotiating entity. Regardless of the price or value of the land it is clear the URA has a lot more negotiating power in terms of flexibility than the City. With the amount of activity happening near and around Hwy. 19 it seems practical to make this move. Councilman Palmer asked if the URA so desires they could sell the property for one dollar. Mayor Owens replied as Chairman of the URA, he personally, would sell the land for what it is appraised for. Councilman Palmer asked if he would sell it for what it was appraised for and not more. Mayor Owens stated the sole purpose of the URA is for revitalization and economic development of the city of Camilla. If the citizens can receive a fair price for the property in exchange for development of the property, that is something he would discuss with potential buyers. Somewhere in the neighborhood of the appraised value is what he would recommend to the URA. Councilman Palmer asked what the URA would do with the money. Mayor Owens stated the sale of the land, and the resolution is to convey the property, not leasing or selling to the URA, it becomes the property of the URA. He assumes a majority of the URA would use the proceeds for the redevelopment of the city of Camilla. They can't do anything else with it. Councilmember Tucker commented they were emailed a resolution and then a resolution was laid on their desk and assumes it is the newest one. If there was a revision date/time they would know which one is current and not without going back and looking in the packet. It will help them know the most current one. With regard to the conveyance, she is relaying citizen concerns about not knowing what the property is to be used for when it goes in the hands of the URA, which only has three members compared to when it goes in the hands of the city that has seven members making a decision. The concern is they do not know what the plans are for it. Knowing for sure that it will move forward she would like to make certain there is something in place to protect the beautiful trees on the site, which provide a beautiful buffer from 19 of their welcome center. After further discussion regarding the conveyance, members of the URA, and meeting structure of the three current authorities, a roll call vote was taken. Voting in favor of approving Resolution No. 2023-08-07-2: Councilmember Burley, Morgan and Pollard. Voting in opposition: Councilmember Tucker and Councilmen Collins and Palmer. Mayor Owens voted yes and the motion passed by a 4-3 vote.

COOLING STATIONS POLICY

Mayor Owens commented this agenda item is the initiative of Councilman Morgan relating to cooling stations in the city. Today he checked and the heat index was 111 degrees at 1:00 p.m. and not everyone has the resources to run air all day. Some folks are having housing challenges and in this heat, where do they go. The reason for the cooling stations is to give folks in town somewhere to go in the blazing heat. A motion was made by Councilman Morgan and seconded by Councilman Pollard to approve an agreement with non-profits willing to open their doors to citizens of our community during the record heat. One of the key components of the policy is the City will pay, through the use of ARPA funds, a supplemental cost for giving shelter to these

COOLING STATIONS POLICY (cont.)

individuals once they go inside the facilities. Because they are doing this for our citizens we are prepared to supplement the cost if they want to provide a meal or water and the church or other non-profit entity will not bear the cost. Councilman Palmer asked how the program would be funded. Mayor Owens commented the original amount was set at \$20,000 and at thirty dollars it would be around 600 visits. Councilman Collins asked if they would set the days based on the heat index and Mayor Owens replied it would be left up to the facilities willing to open their doors. After additional discussion, Mayor Owens stated in the policy they would not turn anyone away. The list submitted to the City will include citizens of the city because they are using ARPA funds designated for Camilla citizens. They will defer to the facilities operating the cooling centers to regulate that and one of the reasons they are not asking to do this for free. They will be reimbursed whatever costs they have. A roll call vote was taken and the motion passed by a unanimous vote.

RESOLUTION NO. 2023-08-07-3 – MUNICIPAL ELECTRIC AUTHORITY OF GEORGIA (MEAG) – YEAR END SETTLEMENT (2022) – DISBURSEMENT

Mayor Owens commented the City of Camilla, for the past 20 years or longer, has received a refund from MEAG. This year they received about \$322,000 and never in the history of the City has the money been given back to the citizens. The idea is to give back to the citizens in the form of a utility credit and the reason is that it is hot. Folks will be running their air conditioners and paying more, impacting how much they can spend for food and other resources. Some of the citizens are seniors on a fixed income and the fact they have never done this before, and in his mind, the reason they should do it tonight. Up to \$230,000 for about a thousand residential customers is what is in the Resolution. This was discussed four to six months ago after speaking with the District 1 delegation in varying conversations. The idea was how do we finally get these resources back in the hands of our citizens and this was one solution. With record heat it now comes closer to home. Every citizen in both districts will receive the credit equally. Even though this was the idea of one district, assuming it is approved, every citizen will get the same credit of about \$200. A motion was made by Councilman Morgan and seconded by Councilman Burley to approve Resolution No. 2023-08-07-3. Councilman Palmer asked the percentage makeup of residential, industrial and commercial customers. Mayor Owens stated there are 1,212 customers in the city of Camilla and 81% are residential customers. Councilman Palmer commented in the past approximately 50% of the electric revenue was residential and the rest industrial/commercial customers. Industrial and commercial pay approximately half of the electric utilities in the city of Camilla and the residential approximately half. It is giving commercial and industrial rate payer's money to someone else. Mayor Owens stated he disagrees with the thesis of the argument. Eighty-one percent of the customers, and their commercial customers are awesome, but what they are talking about are individual households in the city. Some have been on the Council for twenty plus years and this is the first time they ever had the discussion. If there was an issue of the commercial side of the house vs. the residential they could have had the conversation at least once or twice over the past twenty-five years. The impact in the city, related to relief from the heat and high bills, will be most utilized at the residential level. Everyone will have an opportunity to vote. Councilman Palmer stated the conversation was had in the past and none of the people sitting around the table were there at that time. Mayor Owens replied what he could say definitively is no money ever made it back to the citizens, commercial or residential. Councilman Palmer comment-

RESOLUTION NO. 2023-08-07-3 – MUNICIPAL ELECTRIC AUTHORITY OF GEORGIA (MEAG) – YEAR END SETTLEMENT (2022) – DISBURSEMENT (cont.)

ed they discussed it very thoroughly and it was turned down. Councilmember Tucker stated she looked at the '23 budget, line 34-4317, and that amount of money was in the budget to cover expenses and not the expenses defined in the meeting tonight. She is in support of helping the disadvantaged, low and moderate income earners, and the elderly. She is looking at it from a fiscal perspective and if they already budgeted the money to balance the budget to cover expenses, how can they turn around and use the money in order to distribute it. The Mayor is right in that it is about an 80/20 ratio for residential and commercial/industrial customers. One of their customers, Tyson, makes up 50% of their overall income. If you look at the \$322,000 income, fifty percent was really paid by Tyson and the point Councilman Palmer was making. The taking from industrial and commercial businesses overpayment is being redirected. In the budget they included to pay for expenses and is having difficulty on the math side how they give back something they have in the budget for expenses to give \$200 per residential and not consider any of the businesses, commercial, or industrial. City Manager Stroud stated he and the CFO looked at it extensively and based on what they decide tonight, when they come back he will have an answer for them. Mayor Owens replied this is a policy question and the city manager does not approve the budget. There are only four people around the table that approved the budget and they are the District 1 delegation and the mayor. The money they are talking about was approved by the four of them and the only money, as it relates to the MEAG trust, that is listed in the budget as discretionary is the \$350,000 and evergreened to MEAG and it never comes directly to the City. The money being used for this particular project is unbudgeted money. They brought down \$4 million from MEAG trust last year. Two weeks ago they brought down another \$1 million. It is the \$230,000 from the \$1 million brought down a couple of weeks ago that they are using. He commented if you are unsure about what you saying, please ask questions. If you know what you are saying is not true he asks they do not do that. The \$230,000 listed in the resolution got here ten days ago and is at P&C Bank. After further comments from members of Council, Mayor Owens stated he wanted to verify for the record the \$1 million this money is coming from was deposited between the last ten to fourteen days. City Manager Stroud stated that was correct. Voting in favor of the motion via roll call: Councilmen Burley, Morgan and Pollard. Voting in opposition: Councilmember Tucker and Councilmen Collins and Palmer. The Mayor voted yes and the motion passed by a 4-3 vote.

RESOLUTION NO. 2023-08-07-4 – UTILITY BILL ASSISTANCE POLICY – BILL CREDIT (ARPA)

Mayor Owens stated this is the secondary piece of what they just voted on, approximately a \$200 utility bill credit. This item (Resolution No. 2023-08-07-4) will equate to approximately a \$100 credit on the utility bill and the money is coming from ARPA. The effects of Covid are still with us (inflation and the disruption of a global economy to include our local economy) and folks are still feeling what we went through. One of the things the Treasury allowed with ARPA funds is something like this, bill credits. A motion was made by Councilmember Tucker and seconded by Councilman Burley to approve Resolution No. 2023-08-07-4 for a utility bill assistance policy, using ARPA funds not to exceed \$120,000, equating roughly to a \$100 utility bill credit. City Manager Stroud commented we have \$700,000 to \$800,000 remaining in ARPA funds. ARPA funds have to spent around 2025 and no later than 2027. Mayor Owens commented they will be

RESOLUTION NO. 2023-08-07-4 – UTILITY BILL ASSISTANCE POLICY – BILL CREDIT (ARPA) (cont.)

looking at a utility bill credit within 30 days from now, ideally, and every residential customer should see a \$300 credit to their bill, assuming the motion passes. It will continue to carry over if the bill is not \$300 until it is used up. After further comments, Councilman Pollard commented the citizens will not have to sign up or come in and it will be an automatic credit on their utility bill. The motion passed by a unanimous vote.

CROSS CHURCH SENIORS PROGRAM – ARPA (\$15,000)

Mayor Owens commented as they heard earlier from the pastor and Mrs. Tucker they have an awesome Seniors Program. He had an invitation to visit their church last week and the seniors participate in games and fellowship. The fellowship there is awesome and if they can add another element to it, food or trips, it will enhance it even more. But they need resources for that and the purpose of him bringing to Council tonight. A motion was made by Councilmember Tucker and seconded by Councilman Morgan to approve \$15,000 in ARPA funds for the Cross Church Seniors Program. Details will be at a later date but at this time the money needs to be allocated. Councilmember Tucker commented Julie Tucker is not related and therefore she did not have to recuse herself. After comments from Councilman Pollard, Councilman Burley and Mayor Owens the motion passed by a unanimous vote.

AGENDA AMENDMENT

Mayor Owens asked for a motion to amend the agenda to vote on Beautification Efforts-Contractors/Technology and the Food Assistance Policy/Intergovernmental Agreement. The Beautification Efforts-Contractors/Technology is a straightforward authorization for the city manager to do what he needs in order for us to get the resources for beautification of the city. A motion was made by Councilman Pollard and seconded by Councilman Morgan. Mayor Owens commented there is a lot of construction happening in the city right now. As they heard from Mr. Horne earlier who is building the apartment complex, there will be even more by the end of the year. He suspects they will be having a conversation within the next few days about even more work being done in the city. Our operational tempo has increased immensely over the last eighteen months and a lot is happening in the city. He recognizes there is not a whole lot of pointing that out through various sources. A lot is happening in town and the problem is the resources we have in terms of personnel. We are trying to keep up and it is hard to do that. We need more folks and the city manager can do that without coming to Council through professional services agreements but felt it important for him to know he has the support of Council to bring in supplemental resources to keep the city looking good. In terms of the technology piece, Councilmember Tucker will be yielded to once they get to the item. When they talk about planning and zoning, code enforcement and those types of things there is technology that outside of the one or two code enforcers they have, they can turn five thousand citizens into code enforcers simply by using their smart phones. After other comments, the motion passed by a unanimous vote.

BEAUTIFICATION EFFORTS – CONTRACTORS/TECHNOLOGY

Mayor Owens asked for a motion to give the city manager authorization up to \$25,000 from MEAG Economic Development fund to hire independent contractors he deems necessary to help

BEAUTIFICATION EFFORTS – CONTRACTORS/TECHNOLOGY (cont.)

with beautification of the city and look into the technology needed to give our citizens the technology needed to use their smartphones and other smart devices to help with code enforcement and planning and zoning in general. A motion was made by Councilmember Tucker and seconded by Councilman Burley. Councilmember Tucker commented she had been looking at different apps that cities are using. Apps from different cities were displayed and she provided an overview of the functions contained in the apps. Another example was software with a dedicated phone number that individuals would text providing identifying information. The city manager will have to determine, based on his staffing, what will work best for Camilla. After further comments about the features of the apps, the motion to approve \$25,000 from the MEAG Economic Development fund for city-wide beautification and to authorize the city manager to determine the best technology app for Camilla passed by a unanimous vote.

FOOD ASSISTANCE PROGRAM POLICY AND INTERGOVERNMENTAL AGREEMENT – AMERICAN RESCUE PLAN ACT (ARPA) FUNDS

Mayor Owens stated we have a lot of seniors on fixed incomes and it is practical and why we are doing the utility assistance is to bring relief. The resolution/policy goes directly to providing to our seniors, 60 or better, \$100 per month up to \$50,000 of ARPA funds, to help with food assistance. We have a grocery store prepared to work with us to allow our seniors to go there and shop once a month, up to \$100, and the requested allocation is \$50,000. This is a tremendous amount of business to the grocery store and our seniors who need it. The marketing plan was discussed, providing information on how numbered cards will be issued to the seniors and how the grocery store will be reimbursed. Eligible items will be those that resemble SNAP for the types of food that can be purchased with the same rules for this program. The seniors that get this card can go back each month until the \$50,000 is used. Our seniors should not be suffering for anything, especially when it comes to food. They will work out some of the details and no later than September have it ready to go. Mayor Owens asked for a motion to approve the Food Assistance Program Policy. A motion was made by Councilman Pollard and seconded by Councilman Burley. After further discussion and comments by Councilman Burley, Mayor Owens, Councilmember Tucker, Councilmen Palmer, Morgan, and Pollard, the motion to approve the Food Assistance Program Policy passed by a unanimous vote.

BY: _____
KELVIN M. OWENS, MAYOR

ATTEST: _____
CHERYL FORD, CLERK

**MINUTES – REGULAR MEETING
CITY OF CAMILLA, GEORGIA
AUGUST 14, 2023**

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, August 14, 2023 by Mayor Owens.

Present at roll call: Councilmember Tucker, Councilman Burley, Councilman Morgan, Councilman Collins, Councilman Pollard, and Councilman Palmer.

City Attorney Wiley (via phone) and Clerk Ford were also present.

OPENING PRAYER AND PLEDGE

Councilman Pollard 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

Mayor Owens stated it has come to his attention Councilmen Pollard and Morgan are contemplating asking the City Council to activate the Defense and Indemnity ordinance passed earlier in the year related to a civil contempt matter for a separate case. Some of the information within the motion is in regard to the way the city council conducts its' business, which directly impacts them. A motion to amend the agenda to add Consideration for the City Council to Provide Legal Representation for Councilmembers Morgan and Pollard arising from the civil contempt motion in Mitchell County Superior Court was made by Councilman Burley and seconded by Councilman Morgan. Councilman Morgan commented they had reached a point in this matter where the ordinance should be activated. His role as an official councilmember is being challenged and attacked and is the same for Councilman Pollard. He read into the record a letter of request for the activation of the Defense and Indemnity ordinance [attached]. In the absence of the city manager at the meeting the city clerk accepted the letter of request on his behalf. Councilman Pollard stated he concurred with Councilman Morgan and the latest motion filed against him in his capacity as a duly elected official of the City of Camilla is being attacked. He also submitted a letter of request to activate the ordinance [attached]. Councilmember Tucker stated she had an email from Winston Denmark to her on February 16, 2023 [attached]. She asked Mr. Denmark the question when they were considering the Defense and Indemnity ordinance if this particular civil suit would be applicable. He said the ordinance would not apply to the residency case since those matters do not touch or concern the performance of official duties as elected officials. Mayor Owens stated with reference to the civil case Councilmember Tucker mentioned the Supreme Court of Georgia docket system in real time was displayed. The civil case is docketed at the Supreme Court of Georgia and is not what they are talking about in the meeting today. The case mentioned by Councilmember Tucker is on appeal and docketed in the highest court in the State. He concurs with the councilmembers in the latest motion. The language from his perspective is clear that it arises out of actions taken by the councilmembers while sitting on the dais. Mr. Bostick and Mr. Cooper, through their attorney, can file a motion; however, in his estimation as Mayor of

APPROVAL OF AGENDA (cont.)

the city portions of the motion, not all of it, involves business of the city and indicate to him activation for our city attorneys to be involved. Voting in favor of including this item to be voted on later in the meeting authorizing our city attorney to get involved in the present matter as it relates to the duties and performances of Councilmen Morgan and Pollard in their official capacities via a roll call vote: Councilmen Burley, Morgan, and Pollard. Voting in opposition: Councilmember Tucker and Councilmen Collins and Palmer. The Mayor voted yes and the motion passed by a 4-3 vote.

APPROVAL OF MINUTES

Mayor Owens asked for a motion to approve the minutes from the July 3, 2023 work session action items. A motion was made by Councilman Morgan, seconded by Councilman Pollard and passed by a unanimous vote. A motion was made by Councilman Burley and seconded by Councilman Pollard to approve the minutes from the Called Council Meeting on July 14, 2023. The motion passed by a unanimous vote. A motion was made by Councilmember Tucker and seconded by Councilman Morgan to approve the minutes from the July 17, 2023 council meeting. The motion passed by a unanimous vote. A motion was made by Councilmember Tucker and seconded by Councilman Burley to approve the July 27, 2023 Called Council Meeting minutes. The motion passed by a unanimous vote.

SPEAKER APPEARANCES

Matt Fuller and Shawn Walters were recognized and stated they are proud and excited to announce they have purchased the former Huddle House/pizza place on Hwy. 19. They are working on plans to renovate and expand and will be opening a Three Squares Diners. They are excited about coming to Camilla and thinks it will be a great fit for their company and Camilla. They are looking at options for the adjoining parcel as well.

Other speakers included Martha Bateman, who spoke on The Depot and its' use, closing time, noise, and alcohol use. Mayor Owens commented this is a very important facility in the city. Two things he wanted to mention is Mrs. Bateman spoke she could not find in the minutes where the hours of operation were voted on. Audio from the March 6th work session and March 13th council meeting of this year were played with regard to The Depot. At the March 6th work session the Council reviewed the proposed application for The Depot. Because the City took back control of The Depot it made sense to send to the city attorney to make sure they approve of the language. The application was presented to the Council and the fees would remain the same but the application had to be sent to the city attorney. At the council meeting they voted on the fees and were not going to raise the fees on the citizens of the city. The application still needed to go to the city attorney and every councilmember was present. The motion to approve the rental fee schedule and the rental application to form as approved by the city attorney once complete passed by a unanimous vote. The Council had an opportunity at the March 6th work session to review it and was the document to be sent to the city attorney. Councilmember Tucker commented she had a question on Page 1 about alcohol being served and where they document on the application if they have the appropriate permit/license to serve alcohol and if it could be added to the application, which was incorporated in the application. It wasn't to take alcohol away, just to make sure the applicant had the right permit. Councilmember Tucker then asked if they were doing the fees and the application at the same time. Mayor Owens commented just the fees and the application was contingent upon approval of the city attorney as to form. Everyone sitting around the table had the

SPEAKER APPEARANCES (cont.)

new application in their hand and all agreed on it; however, it would not be finalized until the city attorney agreed what was written made sense. They saw the application, the 2 A.M., the alcohol, everything but it had to be sent to the city attorney first. Mrs. Bateman commented the only thing she saw voted on was the reduction for the two-day [rental] in May. Mayor Owens pointed out the meetings were in March. The motion to approve the application contingent upon city attorney approval passed by a unanimous vote. Georgia is one of a few states in the country that require newly elected officials to attend training before they sit down at the table. One of the things they learn is they have the United States Constitution, the Georgia State Constitution, the City Charter and whatever they [Council] do. Nothing they do in Georgia can override the U.S. Constitution, nothing they do in the Charter can conflict with the State Constitution, and nothing they pass as an ordinance or resolution can be in conflict with the Charter. The code of ordinances was updated a couple years ago and the part where not only did they vote that night but the Council voted on it a couple years ago. The 2 o'clock language came directly from the Charter and everyone needs to understand they are not the Chamber. They contracted with the Chamber and they don't tell contractors how to do it. When the City took over they had to be careful, and why it was sent to the city attorney, that they were not saying something in conflict with the Charter and read from the ordinance they can remain open until 2 A.M. In the application it said they had to be gone by 2 A.M. and it has been voted on. If some did not look in the Charter he cannot do anything about that. Tuesday through Saturday and until 1:00 A.M. on Sunday at which time said establishment shall be closed and cleared of all patrons; provided, however that the chief of police may issue permits for special private parties for late closing. There is a provision in the code of ordinances that allows The Depot to be open past 2 A.M. No such establishment shall be allowed more than five permits within any one calendar year. Five times a year anyone renting The Depot can keep it past 2 A.M. with permission of the police chief. The business about the 2 A.M. was slipped in there is obviously not the case. They had a meeting and voted on March 13th and an email from the city attorney on March 14th stating it [application] looks good was provided. On March 15th he emailed the city manager and assistant city manager they were clear to move forward with The Depot application with additional information he would be building the template for Calendy. As he has said before, folks can type anything they want but what he will keep doing is referring to the record. If they want to know what is happening in the city he asks that they come to the meetings. If they choose to get from a local media source he cannot do anything about that but all he can do is ask them to come to the meetings if they want to know what is happening. Councilmember Tucker stated she has looked at what he pulled up because last week they had a disagreement on the 2 A.M. time submitted to her. In the March 13th council agenda packet, on Page 47, the rental application and the one she has is what the city manager sent to her and said was the newest version. The one on the screen that they voted on unanimously does not have anything about the time, it is not on there. The new one has a paragraph and is not on the one they voted on March 13th. She went back and looked because he [Mayor] challenged that she was wrong and she did not recall 2 A.M. and told the Mayor if she finds out she was wrong would apologize and say she overlooked the 2 A.M. For the document on the screen under event scheduling there are no hours. What is in the one they currently use says to please keep in mind initial hours or portions thereof beyond the designated departure time is billed at \$50 per hour and is deducted from the security deposit and that is a change. When they agreed to use the same fees as before it was \$75. All items and persons must be out of The Depot at 2 A.M. Tuesday through Saturday and until 1 A.M. on Sunday at which time The Depot will be closed and cleared of patrons. What they voted on did not include what she just read. What the Mayor pulled up is not what was in their

SPEAKER APPEARANCES (cont.)

packet. The one in their packet does not have 2 A.M. and they voted unanimously in March so some time between March 13th and when the city manager handed her a copy last week the rate changed from \$75 to \$50 and the time changed to 2 A.M. The one the Chamber of Commerce used when they were responsible for it is, after hours is an additional \$75. When they first started with the Chamber they said they would use the Chamber's and their rate structure. It states no event may extend past 1 A.M. including the time it takes to dismantle. That was brought over to the new one, the 1 A.M., that no event may extend past 1 A.M. She still contends that until the city manager handed her the document last week it is the first time she has seen a 2 A.M. closing. She went back and looked at what he pulled up and it is a copy of the new one. What they voted on in March is not that document and what was in their packet did not have 2 A.M. Mayor Owens stated everyone heard the conversation during the meeting and they voted on the fees and the application pending the approval of the city attorney. The documents put out in public, what was handed to the councilmembers, was the actual application. The Councilmember asked if they could add a check box to make sure everyone has the correct licenses and permit for alcohol. The discussion was if they put a check box and they don't have the right licenses they may say they did not see the box. Taking Councilmember Tucker's point and inclusion, they did something better than that. It is on the page which lets you know that everybody had a copy. The public did not have a copy because it was not legal yet. Councilmember Tucker stated what was presented to them was an electronic version and Mayor Owens stated everybody had it in their hand and was turning the pages. They have to make sure the information they put out is correct. In relationship to what Councilmember Tucker asked the city manager to do, instead of a block they added 'contracting party members and third party vendors wishing to serve alcoholic beverages must possess all applicable credentials required under state and local law' and that was not there before Councilmember Tucker asked to add. Councilmember Tucker said the 2 A.M. paragraph was not there and she has heard enough from the citizens for The Depot to not be a nightclub. A 2 A.M. event is very late in Camilla. Mayor Owens stated it was a unanimous vote and Councilmen Palmer and Pollard were here two years ago when they voted to add that language in our ordinance. It is the law of our city that not only can you stay open until 2 but past 2 if you get permission from the police chief. She is a legislator in the city and if she wants amend the code of ordinances to do that she can. But until then our charter and the ordinances in the city are the law in the city.

PUBLIC HEARING – CONDITIONAL USE REQUEST – 215 N. HARNEY STREET – DAY CARE

Mayor Owens asked if any members of the public would like to speak on the request and opened the public hearing. There being none, the public hearing was closed.

ACTION ITEMS

ORDINANCE NO. 2023-08-14-1 – CONDITIONAL USE/215 N. HARNEY STREET/DAY CARE

Mayor Owens asked for a motion to approve Ordinance 2023-08-14-1, a conditional use for 215 N. Harney Street for a day care. A motion was made by Councilman Palmer and seconded by Councilman Morgan to approve the ordinance and waive the second reading. The motion passed unanimously via a roll call vote.

NEW BUSINESS AND NEW MANAGER/OFF-PREMISES BEER AND WINE LICENSE APPLICATIONS/122 N. HARNEY STREET (BOS FOOD MART)

A motion was made by Councilman Morgan and seconded by Councilman Pollard to approve the new business, new manager, off-premises beer and off-premises wine applications for BOS Food Mart located at 122 N. Harney Street. The motion passed by a unanimous vote.

DEFENSE AND INDEMNITY ORDINANCE ACTIVATION

Mayor Owens stated they are now considering the added agenda item for Councilmen Morgan and Pollard's request as it relates to their duties serving on the Council and their actions regarding the civil contempt motion. Their request for defense has relation to their actions on the Council arising from the civil contempt motion. A motion was made by Councilman Morgan and seconded by Councilman Pollard to approve the activation. Councilmember Tucker asked the city attorney to clarify if there was a conflict of interest and Councilman Morgan made the motion and Councilman Pollard seconded. The two councilmembers involved in this would benefit from the City providing defense and indemnity have made the motion and she is calling for a question regarding she feels that it is a conflict of interest. Attorney Wiley stated as she understands the nature of the query posed during the time at the council meeting when this matter was discussed, the question pertained to the official capacity claims against the two elected officials. For that reason the same way the city can vote on such matters as it relates to any other official capacity claim would not be a conflict of interest. Her opinion is this particular motion and second would be no different from that. Councilmember Tucker asked Attorney Wiley if she heard her earlier comment about the email sent to her by Mr. Denmark. She sent an email to him requesting there as a current civil matter not against the city but two councilmembers and her question was would the defense and indemnity ordinance be able to assist them. She has many phone calls from citizens concerned the City would be bearing the cost for their legal defense for them not following the Charter. She posed the question to Attorney Denmark and he replied the ordinance would not apply to the residency case since those matters do not touch or concern the performance of official duties as it relates to officials. She has it in writing and is dated February 16th of this year and glad to send to her if she would like to review it. Attorney Wiley stated her response to the query is that it is her understanding based upon the preliminary discussion that took place prior to the current motion when the issue was being discussed about being added to the agenda, the request stems from allegations that these two elected officials are acting inappropriately in their capacity as elected officials of the city council. In that regard that particular issue is a separate and distinct matter from which she had the discussion with Attorney Denmark. There are two different claims even though they involve the same people. One involves their individual capacity based on residency and the present issue is whether the two officials are acting improperly each time they take the dais, each time they vote, each time they undertake any official action in their official capacity. It is a quite distinct question and analysis than what she references in her February 2023 email exchange with Attorney Denmark. She does not think the current response she is receiving tonight or the prior response from Attorney Denmark are inconsistent. Councilmember Tucker stated she wanted to go back to the conversation they had two weeks ago. On July 17th the judge made a ruling and on July 20th he made a court order removing the two councilmembers from their duties. She does not follow how else it would be other than they are acting inappropriately. There was an order to remove. Attorney Wiley commented the July 17th court order which she is referencing, and as she understands it, was a verbal announcement from the trial court judge as to what its' ruling was. It is black letter law across the state in every case, in every county, the Supreme Court of Georgia and the Georgia Court of Appeals, that a verbal ruling such as the one issued on July

DEFENSE AND INDEMNITY ORDINANCE ACTIVATION (cont.)

17, 2023 has no impact unless and until the verbal ruling is written in an order, signed by the judge, and filed with the superior court clerk. Whatever the judge ruled on July 17th verbally had no legal impact on the two individuals referenced in the verbal ruling/announcement on those individual's' ability to serve in their official capacity at the July 17th meeting. Councilmember Tucker stated the order was filed on the 20th. Attorney Wiley stated the ruling once filed became effective and her understanding from viewing public documents the two individuals filed a notice of appeal to the Georgia Supreme Court, the highest court of the state. Subsequent to filing their motion to appeal they paid the costs as assessed by the superior court clerk in to the register of the court. That action by Georgia statutes operates automatically to what is known as a supersedeas, a stay, of any ruling by the trial court until such time as the appeal that is currently pending in the highest court of this state is resolved. That action/resolution has not happened. The Mayor posted earlier on in the meeting the fact these two appeals are now docketed in the Georgia Supreme Court. The Georgia Supreme Court now has the case and the ability to review and rule on whether or not the trial judge acted within the bounds of the law when it entered the July 20, 2023 order. That is before the highest court of the state. Subsequent to the docketing, or during the pendency of the docketing, it is her understanding that a motion for civil contempt has been filed with the trial court. The trial court is being asked to find the two individuals, the duly elected officials who are sitting lawfully, in contempt because they are sitting and acting in their official capacity. This is not an individual capacity claim as she understands it. They are going to look at it and the motion seeks to hold city council members in contempt of court for performing their official duties that they are allowed to do. This is what she understands to be the limited scope of the request for indemnification presently pending for a vote. Councilmember Tucker stated on Friday she assumes if the judge makes that determination this case is not governed by supersedeas the motion for contempt will be heard. If the judge says no, supersedeas does not apply in the matter. Attorney Wiley stated she has read the motion challenging the ability of the officials to act in their official capacity and there is no case cited in the motion that says supersedeas does not apply to a quo warranto proceeding. That motion speaks to mandamus actions and that case involving the quo warranto case was not a mandamus case. She has seen nothing in the motion that would change or influence the opinion these two officials, and the entire council, mayor and others, relied upon when they opined in their legal judgement that a notice of appeal and payment of costs in the quo warranto action triggers a supersedeas, an automatic stay, until the case is resolved by the highest court of the state. She has not seen any case law cited in the motion that she references and they heard on Friday that says something different than that. She does not know how the trial judge will rule but she does know the individuals who are acting in their official capacity based upon the operation of the stay which was the basis of the opinion they provided to the governing authority, that those individuals are now attempting to invoke the provisions of the indemnification ordinance. It is their duty as the city attorney to take the appropriate measure and file the appropriate pleadings as necessary to carry out the will of a majority of the Council. Whatever the will of a majority of the Council instructs them to do they will do within the bounds and restrictions of the delegated task and keep the governing authority informed of their actions, as they have always done. Councilmember Tucker thanked her for the clarification and commented she is in disagreement with her assessment and will be voting no. Attorney Wiley is doing her job but she has to do her job. The citizens in Camilla are going to be paying legal fees and providing attorneys for members who have not followed the Charter and she does not know that they are representing the best interest of the city if they are not looking after the citizens. Councilman Palmer disagreed with the fact that the city is going to pass an ordinance to pay for the individual's legal fees. Mr. Morgan and Mr. Pollard,

DEFENSE AND INDEMNITY ORDINANCE ACTIVATION (cont.)

the way he understands it, when they qualified for office they were individual citizens and not councilmembers. They did not tell the truth when they signed the affidavit as to their residency. This should not be paid by city funds and were private citizens and to him the meat of the whole matter. They were not city councilmembers at that time. Attorney Wiley stated she understands that is the allegation that has been made. She respectfully submits to them as an attorney of thirty plus years in the practice of law that when an appeal is filed the final ruling as to the allegations he has asserted that the trial court found has not been fully adjudicated until the highest court of this state, the justices in Atlanta in the Supreme Court of Georgia, they get the final say so under the statutes and constitution of the State of Georgia. That decision that will come to rely on the facts that he has asserted and she understands he has the right to believe those but from a purely legal standpoint there is no final adjudication of that issue during the appeal. When the Georgia Supreme Court issues their ruling they may agree with him, or they may not. She does believe that everyone in the state, if they have an adverse ruling by a trial court, has the right to seek an appeal of the ruling and what she understands has happened here. She wants to be clear that the distinction, as she understands it, the motion is going to be with respect to the limited capacity as official members of the City Council. The actions and votes taken since July 20th are being relied upon by Attorney Cohilas to assert these councilmembers are violating the law because they are acting in their official capacity. Whether or not they serve in their official capacity is in abeyance. The trial court has made a ruling and these individuals have filed an appeal. They are entitled to the benefit of a stay just like any other defendant in this state. Under the rules of quo warranto there is no exception to the impact of a supersedeas and there were none cited in the motion and she knows of none. They will see what the judge has to say depending upon this body's vote this evening. The city attorney will take appropriate measures and act within the scope to undertake the filing of the necessary pleadings or other acts to comply with a will of the majority of the Council. Councilman Palmer commented if the Court of Appeals rules against Mr. Morgan and Mr. Pollard he will insist the City of Camilla pursue these individuals for every penny the city spent for legal defense on their behalf. Attorney Wiley stated to date the city attorney's office has not represented the individual interest of either gentleman and there are no incurred expenses with respect to the individual claims in the quo warranto proceeding. Councilman Palmer replied his statement was any and all. Mayor Owens stated the motion encompasses the support in terms of the action against Councilmen Morgan and Pollard combined and what they are voting on. These are not separate deals and if the Council approves it this will be legal support of their actions collectively. Voting in favor of the motion via a roll call vote: Councilmen Burley, Morgan, and Pollard. Voting in opposition: Councilmember Tucker and Councilmen Collins and Palmer. The Mayor voted yes and the motion passed by a 4-3 vote. Mayor Owens commented every resource of the city that is required to get the attorneys whatever they need to effectuate the will of the Council, and also Friday at the hearing, to make sure it is made available.

MAYOR'S ANNOUNCEMENTS

Mayor Owens commented they heard today another commercial business coming to Camilla, we have infrastructure on Oakland, along with another commercial business. On 19 they see an expansion of one building and further down on Oakland more construction. They learned last week eighty market rent apartment units are coming to Camilla. They also have heard last week for the first time in this city's history, or at least the last thirty years, there will be a utility bill credit coming back to every single citizen regardless of the district, somewhere in the neighborhood of \$300. They heard last week if you are a senior, sixty or better, fifty thousand dollars has been set

MAYOR'S ANNOUNCEMENTS (cont.)

aside for \$100 per month to shop the IGA to help during this heat which will impact the amount of money spent on utility bills. They also know a brand new Camilla Resource Center is weeks away from a notice to proceed and the contract will be signed by him sometime this week. He cannot comment on things written but what he can say is to believe what their eyes are showing them. They are doing major things in town and not once this year or that year. It is happening at the same time and he would argue this type of activity, taking care of their citizens and this much activity, they have not seen in three decades minimum in the city. Most has happened in the last year and the town is doing good stuff. Folks that they do not know are coming here at the podium and saying they are investing in our city. Folks do not make these kind of investments without doing their homework. There is a commitment, and they heard it last week for the first time, in at least fifteen years they are going to reduce the millage rate for the first time. They had the conversation a week ago. Believe what your eyes are telling you. They are not raising taxes on the people of this town or the utility rates and will do everything they can to keep it from happening.

EXECUTIVE SESSION

A motion was made by Councilman Pollard and seconded by Councilman Burley to enter executive session to discuss a litigation matter. The motion passed by a unanimous vote.

Upon adjournment of executive session, Mayor Owens stated they finished the executive session where no action was taken and asked for a motion to reconvene the regular session of the meeting. A motion was made by Councilman Burley and seconded by Councilman Morgan. The motion passed by a unanimous vote.

A motion was made by Councilman Burley and seconded by Councilman Morgan to approve the memorandum and affidavit of executive session for a litigation matter. The motion passed by a unanimous vote.

ADJOURNMENT

The meeting adjourned at 8:15 p.m. on motion by Councilman Morgan.

BY: _____
KELVIN M. OWENS, MAYOR

ATTEST: _____
CHERYL FORD, CLERK

AGENDA ITEM #6 - ACTION ITEMS

September 11, 2023

Presenter: Dennis Stroud, City Manager

a.

NORTHSIDE HEIGHTS STREET IMPROVEMENTS – BID AWARD – JIM BOYD CONSTRUCTION

The Mayor and Council discussed at their September 5th Work Session a recommendation from York & Associates to award the bid for Northside Heights street improvements to Jim Boyd Construction in the amount of \$401,731.35. The scope of the work includes Albany Circle, Hilltop Circle, and Oakview Circle. The Council recommends awarding the bid to Jim Boyd Construction and authorizing the Mayor to sign contract documents contingent upon city attorney review and approval.

b.

MUNICIPAL GAS AUTHORITY OF GEORGIA (MGAG) TRADE CONFIRMATION – ALLTECH (May-August 2024)

The City received a request from AllTech and the Municipal Gas Authority of Georgia to enter into an agreement to elect an alternative price (fixed swap) for natural gas. The election to choose an alternate price is pursuant to the Gas Supply Contract between MGAG and the City and does not alter the terms or supersede the Gas Supply Contract. The price agreement is from May 2024 through August 2024. The Council recommends approval of the request.

c.

ALLEY IMPROVEMENTS – SOUTH SCOTT STREET

Councilmember Tucker

d.

SUPPLEMENTAL POWER SUPPLY – MUNICIPAL GAS AUTHORITY OF GEORGIA

Mayor Owens provided information at the September 5th work session regarding information from MEAG for the City's annual subscription for supplemental power and reserves. For excess capacity for supplemental supply and/or reserves the Council recommends Option 5 from the MEAG Authorization Agreement and authorizes the Mayor to sign the agreement:

Nominate the excess capacity for supplemental at \$19.68/kW-Yr plus the hourly energy market price or for reserves at \$16.94/kW-Yr at DP. Supplemental will be allocated first, then any remaining amounts will be allocated to reserves.

e.

GYMNASIUM DEMOLITION PROJECT – BID AWARD

Bids were opened on September 8th – awaiting engineer's recommendation for bid award which should be available on Monday prior to the meeting.

YORK & ASSOCIATES ENGINEERING, INC.

August 25, 2023

Mr. Dennis Stroud, City Manager
City of Camilla
P.O. Box 328
Camilla, Georgia 31730

Re: Bid for Northside Heights Street Improvements


Dear Mr. Stroud:

Attached, please find the bid tabulation on the bids that were submitted on August 24, 2023. The low bid on the project was from Jim Boyd Construction in the amount of \$401,731.35.

It is York & Associates Engineering, Inc.'s recommendation that Jim Boyd Construction of Albany, Georgia be awarded the project in the amount of \$401,731.35.

If you have any questions, please contact us.

Sincerely,
YORK & ASSOCIATES ENGINEERING, INC.



J.D. York, P.E., P.L.S.

Attachments

cc: Cheryl Ford, City Clerk
Jim Boyd Construction

G:\PROJECT\2022\2022-16 Camilla Northside Heights\BID\Award Recommendation.wpd

BID FORM Time: 11:00 A.M. Date: August 24th , 2023 Place: City of Camilla, Georgia - City Hall Title of Job: NORTHSIDE HEIGHTS, STREETS IMPROVEMENTS		Prepared For: <u>CITY OF CAMILLA</u> By: <u>York & Associates Engineering, Inc.</u>							
		Contractor		Jim Boyd Construction		Reeves Construction Company		The Scruggs Company	
		Bid Bond		Western Surety Company		Liberty Mutual Insurance Company		Western Surety Company	
Item No.	Description	Units	Est No. Units	Unit Price	Item Total	Unit Price	Item Total	Unit Price	Item Total
1570.1	Traffic Control & Detours. Complete	LS	1	7,000.00	7,000.00	50,000.00	50,000.00	17,936.41	17,936.41
2100.1	Mobilization	LS	1	20,000.00	20,000.00	20,000.00	20,000.00	46,582.61	46,582.61
2100.2	Clearing, Trees, stump, bushes removal and disposal. Complete	LS	1	16,825.00	16,825.00	40,000.00	40,000.00	21,463.96	21,463.96
2200.1	Minor Grading - Albany Circle, includes the removal of existing asphalt and culverts within the Right-of-Way. Complete	LS	1	25,500.00	25,500.00	50,000.00	50,000.00	32,530.82	32,530.82
2200.2	Minor Grading - Hilltop Circle, includes the removal of existing asphalt and culverts within the Right-of-Way. Complete	LS	1	24,645.00	24,645.00	47,000.00	47,000.00	31,440.09	31,440.09
2200.3	Minor Grading - Oakview Circle, includes the removal of existing asphalt and culverts within the Right-of-Way. Complete	LS	1	22,615.00	22,615.00	46,050.00	46,050.00	28,850.37	28,850.37
2200.4	Minor Grading existing ditchline along Camilla Housing Authority. Complete	LF	550	32.65	17,957.50	40.00	22,000.00	41.65	22,907.50
2200.5	Mailbox to be relocated	EA	6	150.00	900.00	250.00	1,500.00	191.36	1,148.16
2200.6	Relocate Stop Sign and paint White Stop Bar (24").	EA	3	200.00	600.00	425.00	1,275.00	255.14	765.42
2200.7	Removal and Disposal of existing 18" RCP Storm pipe that will be replaced and are located within easement area.	LF	118	25.00	2,950.00	80.00	9,440.00	31.89	3,763.02
2200.8	Removal and Disposal of existing junction box/drop inlet that are located within easement area.	EA	2	250.00	500.00	2,200.00	4,400.00	318.93	637.86
2270.1	Silt Fence	LF	90	10.00	900.00	25.00	2,250.00	12.76	1,148.40

2510	Asphalt Pavement, includes subgrade construction, base, and asphalt. Complete.								
2510.1	Albany Circle	SY	785	61.35	48,159.75	67.00	52,595.00	88.68	69,613.80
2510.2	Hilltop Circle	SY	772	61.35	47,362.20	67.00	51,724.00	89.07	68,762.04
2510.3	Oakview Circle	SY	794	61.35	48,711.90	67.00	53,198.00	88.46	70,237.24
2511.2	Pavement Marking for crosswalk lines.	EA	3	750.00	2,250.00	425.00	1,275.00	2,806.58	8,419.74
2523.1	Concrete Curb & Gutter, 6 inx18 in, 18" Roll-Back Type.	LF	1748	25.00	43,700.00	22.00	38,456.00	31.89	55,743.72
2523.2	Curb cut wheelchair Ramp, Type D	EA	5	950.00	4,750.00	2,500.00	12,500.00	1,211.93	6,059.65
2701	Installation of Storm Sewer Junction Box / Manholes, Catch Basin, Drop Inlet Including Base, Cone, Top, and Grating. Also Including Excavation, Dewatering, Sheet piling & Shoring or Trench Box, Bedding, Backfilling, Compaction, Installed Complete.								
2701.1	GDOT 1019A Type E with Hood, Drop Inlet 0' - 4' Depth to Invert. Complete	EA	3	5,000.00	15,000.00	4,000.00	12,000.00	6,378.59	19,135.77
2701.2	GDOT 1019A Type A with Grate Conflict Structure, 0 - 4' Depth to Invert. Complete	EA	1	5,000.00	5,000.00	5,000.00	5,000.00	6,378.59	6,378.59
2720	Furnish and Install Reinforced Concrete Pipe (RCP) Storm Drainage Pipes Including Excavation, Bedding, Backfill, Compaction, Sheet piling and Shoring, Coupling, Bands. Complete.								
2720.1	18" DIA. Reinforced Concrete Pipe Class 3- Excavation Depth 0-4'	LF	174	75.00	13,050.00	125.00	21,750.00	95.68	16,648.32
2720.2	18" DIA. RCP Mitered End. Complete.	EA	1	3,500.00	3,500.00	1,000.00	1,000.00	4,465.01	4,465.01
2720.3	Relocate and reinstall existing concrete headwall for the 18-in RCP. Complete	EA	2	500.00	1,000.00	1,500.00	3,000.00	637.86	1,275.72
2830.1	Fencing. Remove existing fencing that are encroaching City Right-of-way and replace with same kind. Install new replacement fence along the City's Right-of-way.	LF	275	50.00	13,750.00	50.00	13,750.00	6.38	1,754.50
2830.2	Fencing. Relocate existing fencing that is in good/fair condition to the Right-of-way as shown on plans. Includes Gate if shown. Complete	LF	120	50.00	6,000.00	50.00	6,000.00	138.25	16,590.00
2931	Grassing, Temporary and Permanent	SY	3,900	1.95	7,605.00	2.50	9,750.00	1.59	6,201.00

3100.1	Concrete Flume at CONFLICT BOX (Hilltop Circle Cul-De Sac)	LS	1	1,500.00	1,500.00	3,500.00	3,500.00	1,913.58	1,913.58
	TOTAL BID AMOUNT=				401,731.35		579,413.00		562,373.30

Note on Unit Abbreviations: EA = Each
 LF = Linear Feet
 LS = Lump Sum
 SY = Square Yards

NOTICE OF AWARD

TO: Jim Boyd Construction
1810 West Oakridge Drive
Albany, Georgia 31707

Project Description

The site of the proposed work is in Camilla, Ga. The project consists of the following:

Street and Storm Drainage Improvements.

CONTRACTOR agrees to commence work on or before a date to be specified in a written "Notice to Proceed" of the OWNER for the project. CONTRACTOR shall fully complete all work associated with the **Northside Heights, Streets Improvements** within 90 consecutive calendar days from the date of a written "Notice to Proceed".

The OWNER has considered the Bid submitted by you for the above described WORK in response to its Advertisement for Bids and has decided to award you the Contract.

You are hereby notified that your Bid has been accepted for the Contract Price of \$401,731.35 for which is based on the Units Prices shown on the Bid Form (Section 00300).

You are required by the Information for Bidders to execute the Agreement and furnish the required CONTRACTOR's Performance and Payment Bonds and Certificates of Insurance within ten (10) calendar days from the date of this Notice.

If you fail to execute said Agreement and to furnish said Bonds within ten (10) calendar days from the date of this Notice, said OWNER will be entitled to consider all your rights arising out of the OWNER's acceptance of your Bid as abandoned and as a forfeiture as may be granted by law.

You are required to return an acknowledged copy of this Notice of Award to the OWNER.

Dated this 28 th day of August, 2023.

City of Camilla

BY: _____
Kelvin Owens, Mayor

DATE: _____

ACKNOWLEDGEMENT OF NOTICE

CONTRACTOR

BY: _____

DATE: _____

TITLE: _____

END OF SECTION

Municipal Gas Authority of Georgia
"TRADE CONFIRMATION"

Date of Trade: May 31, 2023
City Name: Camilla
Requesting Person: Kevin Perraut
End User Name: Alltech
Requesting Person: _____
Type of Hedge: Fixed Swap Type of Transaction: BUY
Effective Date: May 1, 2024 Termination Date: May 31, 2024

Reference Price: SoNat LA Mo


Counterparty Confirmation: Contact: <u>Victoria Lawther</u>	Ref No.: <u>6370777</u>	Date: _____
Distribution to Requestor: Contact: <u>Kevin Perraut</u>		Date: _____

Month	Volume MMBtu	Price MMBtu
May-24	5,000	\$3.22

The Member signor of this alternate price confirmation is an individual representing themselves to the Municipal Gas Authority of Georgia as having the capacity to enter into agreements to elect an alternate price on behalf of the Member and understands the implications of entering into an alternate price agreement made on behalf of the Member by the Municipal Gas Authority of Georgia. A Member's election to choose an alternate price is pursuant to the Gas Supply Contract between the Municipal Gas Authority of Georgia and the Member and does not in any way alter the terms or supersede the Gas Supply Contract. Please confirm that the foregoing correctly sets forth the terms of our agreement within three (3) business days by executing this confirmation and returning it to us. Failure to respond within such period shall not affect the validity or enforceability of this transaction, and shall be deemed to be an affirmation of the terms and conditions contained herein, absent manifest error.

MUNICIPAL GAS AUTHORITY OF GEORGIA

CITY OF CAMILLA

By: <u></u>	By: _____
Its: <u>President and CEO</u>	Its: _____
Date: <u>June 1, 2023</u>	Date: _____

Municipal Gas Authority of Georgia
"TRADE CONFIRMATION"

Date of Trade: May 31, 2023
City Name: Camilla
Requesting Person: Kevin Perraut
End User Name: Alltech
Requesting Person: _____
Type of Hedge: Fixed Swap Type of Transaction: BUY
Effective Date: May 1, 2024 Termination Date: May 31, 2024

Reference Price: SoNat LA Mo

Counterparty Confirmation: Contact: <u>Victoria Lawther</u>	Ref No.: <u>6370777</u>	Date: _____
Distribution to Requestor: Contact: <u>Kevin Perraut</u>		Date: _____

Month	Volume MMBtu	Price MMBtu
May-24	5,000	\$3.22

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CITY OF CAMILLA

ALLTECH

By: _____	By: _____
Its: _____	Its: _____
Date: _____	Date: _____

Municipal Gas Authority of Georgia
"TRADE CONFIRMATION"

Date of Trade: August 2, 2023
City Name: Camilla
Requesting Person: Kevin Perraut
End User Name: Alltech
Requesting Person: _____
Type of Hedge: Fixed Price Type of Transaction: BUY
Effective Date: June 1, 2024 Termination Date: August 31, 2024

Reference Price: SoNat LA Mo


Counterparty Confirmation: Contact: <u>Victoria Lawther</u> Ref No.: <u>6432135</u> Date: _____
Distribution to Requestor: Contact: <u>Kevin Perraut</u> Date: _____

Month	Volume MMBtu	Price MMBtu
Jun-24	5,000	\$3.426
Jul-24	5,000	\$3.426
Aug-24	5,000	\$3.426

The Member signor of this alternate price confirmation is an individual representing themselves to the Municipal Gas Authority of Georgia as having the capacity to enter into agreements to elect an alternate price on behalf of the Member and understands the implications of entering into an alternate price agreement made on behalf of the Member by the Municipal Gas Authority of Georgia. A Member's election to choose an alternate price is pursuant to the Gas Supply Contract between the Municipal Gas Authority of Georgia and the Member and does not in any way alter the terms or supersede the Gas Supply Contract. Please confirm that the foregoing correctly sets forth the terms of our agreement within three (3) business days by executing this confirmation and returning it to us. Failure to respond within such period shall not affect the validity or enforceability of this transaction, and shall be deemed to be an affirmation of the terms and conditions contained herein, absent manifest error.

MUNICIPAL GAS AUTHORITY OF GEORGIA

CITY OF CAMILLA

By: 	By: _____
Its: <u>President and CEO</u>	Its: _____
Date: <u>August 2, 2023</u>	Date: _____

Municipal Gas Authority of Georgia
"TRADE CONFIRMATION"

Date of Trade: August 2, 2023
City Name: Camilla
Requesting Person: Kevin Perraut
End User Name: Alltech
Requesting Person:
Type of Hedge: Fixed Price
Effective Date: June 1, 2024
Type of Transaction: BUY
Termination Date: August 31, 2024

Reference Price: SoNat LA Mo

Counterparty Confirmation:	Contact: Victoria Lawther	Ref No.: 6432135	Date:
Distribution to Requestor:	Contact: Kevin Perraut		Date:

Month	Volume MMBtu	Price MMBtu
Jun-24	5,000	\$3.426
Jul-24	5,000	\$3.426
Aug-24	5,000	\$3.426

The Member signor of this alternate price confirmation is an individual representing themselves to the Municipal Gas Authority of Georgia as having the capacity to enter into agreements to elect an alternate price on behalf of the Member and understands the implications of entering into an alternate price agreement made on behalf of the Member by the Municipal Gas Authority of Georgia. A Member's election to choose an alternate price is pursuant to the Gas Supply Contract between the Municipal Gas Authority of Georgia and the Member and does not in any way alter the terms or supersede the Gas Supply Contract. Please confirm that the foregoing correctly sets forth the terms of our agreement within three (3) business days by executing this confirmation and returning it to us. Failure to respond within such period shall not affect the validity or enforceability of this transaction, and shall be deemed to be an affirmation of the terms and conditions contained herein, absent manifest error.

CITY OF CAMILLA

ALLTECH

By: _____ By: _____
Its: _____ Its: _____
Date: _____ Date: _____

ALLEY NORTH OF CORNER POCKET ON S. SCOTT STREET



AUTHORIZATION AGREEMENT
Year 2024 Annual Subscription
Under Supplemental Power Supply Policy
between
Municipal Electric Authority of Georgia
and
CITY OF CAMILLA
(Participant)

In accordance with the MEAG Supplemental Power Supply Policy, the Undersigned Participant hereby elects to: (all Participants must elect one option and return)

- (i) _____ (Opt-out) Acquire the necessary resources for its Supplemental Power Supply Requirements itself;
- (ii) _____ (Annual Self Supply) acquires the necessary resources for its Supplemental Power Supply Requirements for the Power Supply year itself through an Inter-Participant Transfer (IPT) Agreement [or off system purchase power contract];
- (iii) _____ (Subscription) Subscribe to one or more of the power supply alternatives identified in the attached Nomination Form in specific amounts;
- (iv) _____ (Agent) Designate MEAG as its agent to nominate and acquire any combination of resources to optimize their Supplemental Power Supply Requirements. Please specify agency limitations if any, _____;

or

- (v) _____ Nominate my excess capacity for supplemental at \$19.68/kW-Yr plus the hourly energy market price or for reserves at \$16.94/kW-Yr at DP. Supplemental will be allocated first, then any remaining amounts will be allocated to reserves. Please specify amount and limitations if any, _____.

By executing this Authorization Agreement, Participant understands that MEAG will aggregate all MEAG Participant nominations and attempt to contract for the total amount of Participant supplemental power supply requirements nominated under this Annual Subscription. Participant also understands that MEAG will purchase the capacity necessary to ensure that system planning reserve requirements are met and assign this capacity for one or more years to those Participants deemed capacity deficient. Participant agrees that these reserve capacity purchases may be made at "market" prices from other Participants.

Participant agrees to and accepts the above nomination, this _____ day of _____, 2023.

Participant: CITY OF CAMILLA

By: _____

_____,
Mayor or other authorized representative

Supplemental Supply Nomination Form

Participant

Product	Forecast Option/Capacity Price (\$/kW-Yr) @ DP		Forecast Energy Price (\$/MWh) @ DP		Participant Subscription (MW) @ DP	Comments
	Bud	High	Bud	High		
<i>Energy Products</i>						
Short Term (1 mo - 364 dy)						
3 Month 5x16 (Jun-Aug)			49.53	54.48		Firm Liquidated Damages, Low risk
3 Month 7x24 (Jun-Aug)			40.01	44.01		Firm Liquidated Damages, Low risk
Medium Term (1 - 5 yr)						
Annual 5x16 (2024)			46.45	51.09		
Annual 7x24 (2024)			40.74	44.82		Firm Liquidated Damages, Low risk
<i>Capacity Products</i>						
Reserve Capacity (Jun-Aug)	16.94	19.48				Purchased from other Participant or from off-system at no more than the high price
Supplemental Capacity (2024)	19.68	21.52	Hrly. Mkt. Price			Purchased from other Participant or from off-system at no more than the high price

Supplemental Needs

City of Camilla

kW at Delivery Point

[illegible]

To: *MEAG Power Participants*
From: *Roger Brand – Director of Bulk Power* *Roger Brand*
Date: *August 1, 2023*
Subject: *Annual Subscription for Supplemental Power*

The annual subscription process for supplemental power supply is now underway and we are providing information for your review and consideration. Attached is your ten-year supplemental power supply estimates based on the latest load forecast and the Year 2024 Annual Subscription Form for Supplemental Power.

After reviewing this information, please nominate your supplemental power supply alternative and return to MEAG Power by October 1, 2023. In order to provide time to complete all transactions and agreements the following schedule has been established per the Supplemental Power Supply Policy:

- Release of information to Participants by Power Supply – Aug 1
- Receipt of Authorization Agreement form to MEAG – October 1
- Completion of Off-System purchase agreements – Dec. 31
- Completion of Inter-Participant Transfers – Jan. 15

Under the Supplemental Power Policy there are four alternatives. The first alternative (i) is for a Participant to acquire the necessary resources itself. The second alternative (ii) is for a Participant to acquire the necessary resources itself through an Inter-Participant Transfer (IPT) Agreement [or off system purchase power contract]. The third alternative (iii) is to subscribe to one or more of the power supply products identified in the attached Nomination Form in specific amounts. TEA has estimated the price ranges for these products and are subject to change. However, we are providing this to you as a benchmark to assist in your decision making process. The fourth alternative (iv) is for a Participant to nominate MEAG Power to act as its agent to acquire the necessary resources to fulfill its supplemental power supply requirements.

Please note that the Supplemental Power Supply Policy also specifies that if a Participant Authorization Agreement form is not received by the October 1 deadline or a Participant that has elected the Annual Self-Supply option does not meet the deadline for acquisition of its supply needs, MEAG Power will acquire the Supplemental Bulk Power Supply resources on behalf of the Participant.

The projections provided identify needs for both supplemental power and reserves. The supplemental power product reflects the value of capacity with energy priced at the hourly market, while the reserve capacity product is the capacity price only.

Participants who have excess capacity for supplemental supply and/or reserves may choose to offer the excess to deficit Participants at the rate specified in option five (v).

Please remember that each Participant is required to carry 15% capacity reserves. If the staff determines that a Participant is not carrying sufficient reserves, we have the responsibility to purchase reserves to fulfill the requirement. The costs would be allocated back to the Participants based on their shortfall of the reserve requirement.

Your regional manager will be in contact with you to discuss in more detail your particular power supply needs. If you have any questions about your nomination, please contact your regional manager, Tina Atchison at (770) 563-0586, or Curt Halstead at (770) 563-0396.