



City of Warner Robins City Council Meeting Minutes

Monday, October 19, 2020

5:30 PM

Council Chambers

Regular Meeting of Warner Robins City Council

Meeting conducted via teleconference* and in person, due to the State of Emergency issued by Governor Brian Kemp on March 13, 2020 concerning the Coronavirus disease (COVID-19). O.C.G.A. §50-14-1(g) allows cities to conduct a meeting via teleconference, without a requirement of having a quorum present in person, when “necessitated by emergency conditions,”.

Presiding: Mayor Randy Toms

City Officials Present:

Councilman Daron Lee
Councilman Charlie Bibb
Councilman Keith Lauritsen

Councilman Kevin Lashley
*Councilman Clifford Holmes
Councilman Larry Curtis

Opening Prayer: Councilman Holmes

Pledge of Allegiance: Councilman Lashley

Call to Order: 5:31 p.m.

Adoption of the Agenda: Councilman Lashley moved to adopt the agenda. Councilman Curtis seconded the motion. Councilmen Lee, Bibb, Lauritsen, Lashley, Holmes and Curtis voted for adoption of the agenda.

PUBLIC HEARING – CDBG Cares Act Round 3 Funding Allocations

Mayor Toms suspended the regular meeting at 5:32 pm to hold a Public Hearing on CDBG Cares Act Round 3 Funding Allocation. Sherri Windham, Community Development Director spoke and informed Mayor, Council and the public watching where to find more information, dates of the application process and who to contact in the need of additional information. Mayor Toms closed the Public hearing at 5:35 pm and reopened the regular meeting.

Action Items:

Action Item 1	Presentation of Minutes
The minutes of the regular meeting of October 05, 2020 were presented for approval.	
Motion:	Councilman Lee moved for the approval of the minutes for regular meeting of Monday, October 05, 2020
Second:	Councilman Lauritsen
Outcome:	Councilmen Lee, Bibb, Lauritsen, Lashley, Holmes and Curtis voted for approval.

Action Item 2	Purchasing Coversheet
Purchasing Bid List item, attached hereto, were presented for approval.	
Motion:	Councilman Curtis presented and moved for the approval of the Purchasing Bid Coversheet. 14 items.
Second:	Councilman Lashley
Outcome:	Councilmen Lee, Bibb, Lauritsen, Lashley, Holmes and Curtis voted for approval.

Action Item 3	Ordinance #33-20 – City of Warner Robins Classification Plan (FIRST READING)
Ordinance #33-20 of the Mayor and Council of the City of Warner Robins, Reclassify the position of City Marshal/Compliance Enforcement Manager, Job Class #842, Grade 20, Building & Transportation Department, to City Marshal/Assistant Building & Transportation Director, Grade 22, authorized strength of one (1), Building & Transportation Department. Incumbent to fill the position with a 10% pay increase.	
Motion:	Councilman Lauritsen presented Ordinance #33-20 for approval.
Second:	Councilman Lee
Outcome:	Councilmen Lee, Bibb, Lauritsen, Lashley, Holmes and Curtis voted for approval.

Action Item 4 Motion – FY21 CDBG Review Committee Appointments

Community Development Director, Sherri Windham requests the following appointments/re-appointments for the CDBG Review Committee from Mayor and Council:

1. Lydia Humphrey
2. Cathy Silengo

And the new appointments of the following:

3. Patrick Bosclair
4. Greg Jarres
5. Tian Foss

Motion:	Councilman Bibb moved for the approval
Second:	Councilman Lauritsen
Outcome:	Councilmen Lee, Bibb, Lauritsen, Lashley, Holmes and Curtis voted for approval.

Action Item 5 Ordinance #34-20 – redevelopment Agency (FIRST READING)

Ordinance #34-20 of the Mayor and Council of the City of Warner Robins making an addition to the city code regarding the Warner Robins Redevelopment Agency.
 WHEREAS, HB 1247, adopted during the 2019-2020 session of the Georgia General Assembly and signed into law by the governor, requires the creation of an ordinance regarding the Warner Robins Redevelopment Agency.

NOW, THEREFORE, IT IS HEREBY ORDAINED that the governing authority of the City of Warner Robins adopts the following addition to the City Code regarding the:

-1-

WARNER ROBINS REDEVELOPMENT AGENCY

Sec. 1. – Purpose

(A) The Redevelopment Powers Law located at Official Code of Georgia Sections 36-44-1 through 36-44-23, the (“Act”), provides for the establishment of redevelopment powers and the creation of redevelopment plans and tax allocation districts by municipalities in the State of Georgia. As authorized by O.C.G.A. Section 36-44-4 of the Act, the local legislative body of a political subdivision, here the Mayor and City Council of Warner Robins, by resolution adopted on May

21, 2007, created the Warner Robins Redevelopment Agency (the "Creation Resolution"), a public corporation, (the "Warner Robins Redevelopment Agency" and "the RDA") and appointed the Mayor and the members of the City Council to serve as the members of the RDA, such resolution being amended by resolution of the local legislative body, the Mayor and City Council of Warner Robins, adopted on April 4, 2011, a resolution to modify the composition of the RDA's membership according to criteria specified therein and to appoint new members of the RDA and further amended by resolution of the local legislative body, the Mayor and City Council of Warner Robins, on October 1, 2018, to reflect the following powers and provisions contained herein.

Sec. 2. – Composition, Term, and Appointment of Board of Directors

(B) The RDA shall consist of a board of no more than seven members. In its Creation Resolution, the local legislative body of the City appointed the initial members of the RDA, and subsequently has appointed their successors, which appointments have been in accordance with the local legislative body's resolution of April 4, 2011 since that date. Successors to the membership of the RDA at the time of the local legislative body's resolution dated October 1, 2018, shall have terms of office of four (4) years.

Sec. 3– Qualification of Directors

(C) It shall be a condition to being appointed or serving as a member of the RDA that a person satisfy one or more of the following qualifications:

- (1) a taxpayer residing in the City of Warner Robins;
- (2) the direct or indirect owner, or the operator, of a business located in the City, such determination to be made by the Mayor and City Council of Warner Robins, considering such factors as the requisite degree of ownership of a business, the eligibility of nonprofit or governmental bodies to be a business, etc.; or
- (3) a member of the local legislative body of the City of Warner Robins, the Mayor and City Council, having determined that its members are eligible to be members of the RDA, in light of O.C.G.A. Section 36-44-21 and other provisions of the Act, provided that only one such member of the local legislative body of the City at a time shall be eligible to hold a position as a member of the RDA, and in the event of a potential violation of such provision, the membership of the RDA shall go to the first person holding the position of member of the RDA, among those involved.

(D) No director shall assume office until that person has executed and filed with the clerk of the city an oath obligating himself or herself to faithfully and impartially perform the duties of that director's office. The oath shall read as follows and be administered by the Mayor.

I do solemnly swear or affirm that I will faithfully and impartially perform the duties of Director of the Warner Robins Redevelopment Agency and that I will support and defend the Charter of the City of Warner Robins as well as the Constitution and laws of the State of Georgia and of the United States of America. I will not knowingly receive, directly or indirectly, any money or other valuable thing, for the performance or nonperformance of any act or duty pertaining to my office, other than the compensation allowed by law. I further swear or affirm that I will

faithfully discharge my duties as a Director of the Warner Robins Redevelopment Agency to the best of my ability.

- (E) The members of the RDA shall comply with the Code of Ethics prescribed by O.C.G.A. Section 45-10-13. The members of the RDA shall be subject to the conflict of interest provisions of O.C.G.A. Section 36-44-21(a), and the RDA's contracts and transactions shall be subject to O.C.G.A. Section 36-44-21(b) to the extent provided therein.

Sec. 4– Voting, Officers, and Bylaws

- (F) Pursuant to O.C.G.A. Section 36-44-4(b), the local legislative body of the City hereby deems the following matters to be reasonably necessary and convenient for the creation and activation of the RDA as the redevelopment agency of the City, and, therefore, hereby provides that the RDA shall have the following powers and duties:
- (1) The RDA shall make, and may amend and repeal, bylaws and regulations for its governance and may delegate to one or more of its officers, agents, and employees such powers and duties as may be deemed necessary and proper.
 - (2) The RDA shall have officers elected by its members from among its membership. The officers shall include a Chair, a Vice-Chair, a Secretary and a Treasurer, or a Secretary-Treasurer, and such other officers as the RDA may determine. The duties and terms of officers shall be as provided in the bylaws of the RDA.
 - (3) The membership of the RDA shall constitute its board of directors. A majority of the members of the RDA shall constitute a quorum, but no action may be taken by the board without the affirmative vote of a majority of the full membership of the board.

Sec. 6– Powers

(G) In its Creation Resolution, the local legislative body of the City, the Mayor and City Council, intended to delegate to the RDA all of the “redevelopment powers,” as defined in the Act, which under the Act it might so delegate. In its resolution adopted on October 1, 2018, the local legislative body of the City, the Mayor and City Council of Warner Robins, confirmed such delegation, and specifically delegated to the RDA all powers that it possesses under the Act that are necessary or convenient to carry out the purposes of the Act, including, but not limited to, (1) the powers listed in O.C.G.A. Section 36-44-5(a), subject to O.C.G.A. Section 36-44-5(b), and excluding those powers listed in O.C.G.A. Section 36-44-6(b), which are reserved to the local legislative body of the City, (2) the power to undertake and carry out any activity, project, or service necessary or incidental to achieving the development or revitalization of a redevelopment area or a portion thereof designated for redevelopment by a redevelopment plan or the preservation or improvement of historical or natural assets within a redevelopment area or a portion thereof designated for redevelopment by a redevelopment plan; without limiting the generality of the foregoing, redevelopment may include any one or more of the activities, projects, and service listed in O.C.G.A. Section 36-44-3(5), and other power that is delegable to or that may be performed by the RDA under the Act.

(H) Subject to the Act and the other provisions of the Creation Resolution of the local legislative body of the City, the Mayor and City Council of Warner Robins, the RDA shall have the power:

- (1) To bring and defend actions;

- (2) To adopt and amend a corporate seal;
- (3) To make and execute contracts and other instruments necessary to exercise the powers of the RDA;
- (4) To receive and administer gifts, grants, and devises of any property and to administer trusts;
- (5) To acquire, by purchase, gift, or construction, any real or personal property desired to be acquired as part of any project or for the purpose of improving, extending, adding to, reconstructing, renovating, or remodeling any project or part thereof already acquired or for the purpose of demolition to make room for such project or any part thereof;
- (6) To sell, lease, exchange, transfer, assign, pledge, mortgage, dispose of, or grant options for any real or personal property or interest therein for its corporate purposes;
- (7) To mortgage, convey, pledge, or assign any properties, revenues, income, tolls, charges, or fees owned or received by the RDA;
- (8) To appoint officers and retain agents, engineers, attorneys, fiscal agents, accountants, and employees and to provide for their compensation and duties;
- (9) To extend credit or make loans to any person, firm, corporation, or other entity for the planning, design, construction, acquisition, or carrying out of any project, which credit or loans shall be secured by loan agreements, mortgages, security agreements, contracts, and all other instruments, fees, or charges, upon such terms and conditions as the RDA shall determine reasonable in connection with such loans, including provision for the establishment and maintenance of reserves and insurance funds; and, in the exercise of powers granted by the Creation Resolution in connection with a project for or with such person, firm, corporation, or other entity, to require the inclusion in any contract, loan agreement, security agreement, or other instrument, of such provisions for guaranty, insurance, construction, use, operation, maintenance, and financing of a project as the RDA may deem necessary or desirable;
- (10) To acquire, accept, or retain equitable interests, security interests, or other interest in any property, real or personal, by mortgage, assignment, security agreement, pledge, conveyance, contract, lien, loan agreement, or other consensual transfer, in order to secure the repayment of any moneys loaned or credit extended by the RDA;
- (11) To finance (by loan, grant, lease, or otherwise), refinance, construct, erect, assemble, purchase, acquire, own, repair, remodel, renovate, rehabilitate, modify, maintain, extend, improve, install, sell, equip, expand, add to, operate, or manage projects and to pay the cost of any project from the proceeds of notes or other obligations of the RDA or any other funds of the RDA, or from any contributions or loans by persons, corporations, partnerships (whether limited or general), or other entities, all of which the RDA is authorized to receive, accept, and use;
- (12) To borrow money and issue notes from time to time and to use the proceeds thereof for its corporate purposes, including, without limitation, the purpose of paying all or part of the cost of any project, including the cost of extending, adding to, or improving the project, or for the purpose of refunding any such notes of the RDA theretofore issued and to otherwise carry out the purposes of the Act and to pay all other costs of the RDA incident to or necessary and appropriate to such purposes, including the providing of funds to be paid into any fund or funds to secure such notes;
- (13) As security for repayment of RDA obligations, to pledge, mortgage, convey, assign, hypothecate, or otherwise encumber any property, real or personal, of the RDA and to execute any trust agreement, indenture, or security agreement containing any provisions not in conflict

with law, which trust agreement, indenture, or security agreement may provide for foreclosure or forced sale of any property of the RDA upon default, on such obligations, either in payment of principal or interest or in the performance of any term or condition, as are contained in such agreement or indenture;

(14) To make application directly or indirectly to any federal, state, county, or municipal government or agency or to any other source, whether public or private, for loans, grants, guarantees, or other financial assistance in furtherance of the RDA’s public purpose and to accept and use the same upon such terms and conditions as are prescribed by such federal, state, county, or municipal government or agency or other source;

(15) To enter into agreements with the federal government or any agency thereof to use the facilities or services of the federal government or any agency thereof in order to further or carry out the public purposes of the RDA;

(16) To contract for any period, not exceeding 50 years, with the State of Georgia, state institutions, or any municipal corporation or county of this state for the use by the RDA of any facilities or services of the state or any such state institution, municipal corporation, or county, or for the use by any state institution or any municipal corporation or county of any facilities or services of the RDA, provided that such contracts shall deal with such activities and transactions as the RDA and any such public body with which the RDA contracts are authorized by law to undertake; and

(17) To expend for redevelopment purposes or the administrative needs of the RDA any funds of the RDA.

Sec. 7- Dissolution

(I) For the protection of holders of notes and of payees or obligees under debt and other obligations that the RDA might issues or enter into as authorized by the Creation Resolution, the local legislative body of the City covenants and agrees with such noteholders and obligees that it shall not repeal its Creation Resolution and thereby dissolve the RDA, or amend the Creation Resolution to the material pecuniary disadvantage of such noteholders or obligees, while any such notes or obligations are outstanding, unless first the obligations of the RDA under such notes and obligations are assigned to and assumed by the City in accordance with the applicable law.

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If any ordinance, or part thereof, of the City of Warner Robins is in conflict herewith, this ordinance shall have preference. If any provisions of this ordinance are held invalid, such invalidity shall not affect any of the other provisions which can be given effect without the invalid provision, and, to this end, the provisions of this ordinance are declared to be severable.

Motion:	Councilman Holmes presented Ordinance #34-20 for approval.
Second:	Councilman Lashley
Outcome:	Councilmen Lee, Bibb, Lauritsen, Lashley, Holmes and Curtis voted for approval.

Action Item 6 Motion – Home Occupation Permit Approvals

The following Home Occupation Permits are recommended for approval per the Planning and Zoning Board:

1. **Jacqueline Wright – 1005 Elberta Road, Apt. 132** – requests permission to operate a janitorial business as a home occupation.
2. **Lucien Mathieu – 718 Crestwood Terrace** – requests permission to operate a lawn care business as a home occupation.
3. **Rokeria Simpson – 104 Tinker Boulevard** – requests permission to operate an online jewelry sales business as a home occupation.
4. **Amanda Hicks Wiley – 500 Post Oak Way** – requests permission to operate an apparel and custom gifts business as a home occupation.
5. **Michael Brooks– 129 Faybrook Drive** – requests permission to operate a handy man service business as a home occupation.
6. **Erica Johnson –517 Feagin Mill Road** – requests permission to operate a cleaning business as a home occupation.
7. **Natalie Williams – 414 Sarah Drive** – requests permission to operate a cleaning business as a home occupation.
8. **Eric Jones – 101 Cedar Ridge Drive** – requests permission to operate a fencing business as a home occupation.
9. **Donald S. Aplin – 424 Falkirk Drive** – requests permission to operate a cell phone repair business as a home occupation.
10. **Herbert L. McCray, Jr. – 403 Angelina Grace Drive** – requests permission to operate an event planning business as a home occupation.
11. **Chirstopher Minor – 102 Beaver Cove Drive** – requests permission to operate a lawn care business as a home occupation.

Motion:	Councilman Lashley moved for the approval
Second:	Councilman Curtis
Outcome:	Councilmen Lee, Bibb, Lauritsen, Lashley, Holmes and Curtis voted for approval.

Action Item 7 Rezoning Petition - CCCCT Investments, LLC	
<p>CCCCT Investments, LLC – requests rezoning of a 1.60 acre portion of tax parcel [0W1200 125000] located at the North side of Russell Parkway, West of Houston Lake Road, from the zoning of R-4[Multi-Family Residential] to the zoning of C-2[General Commercial]</p> <ul style="list-style-type: none"> with the stipulation that the developer adhere to all requirements of the City Engineer’s Office 	
Motion:	Councilman Lee moved for approval
Second:	Councilman Lauritsen
Outcome:	Councilmen Lee, Bibb, Lauritsen, Lashley, Holmes and Curtis voted for approval.

Action Item 8 Rezoning Petition - Richard Martin Real Estate, LLC	
<p>Richard Martin Real Estate, LLC – requests the rezoning of property located at 111 Watson Boulevard totaling 0.51 acres from the zoning of C-3[Concentrated Commercial] to the zoning of C-2[General Commercial]</p> <ul style="list-style-type: none"> with the stipulation that no access be installed onto Watson Boulevard; access shall only be permitted from S Second Street 	
Motion:	Councilman Curtis moved for approval
Second:	Councilman Lashley
Outcome:	Councilmen Lee, Bibb, Lauritsen, Lashley, Holmes and Curtis voted for approval.

Action Item 9 Motion – Acceptance of Councilman Lee’s Resignation	
<p>In an email to Mayor Randy Toms on Monday, October 12, 2020, Councilman Daron Lee (Post 1), submitted his letter of resignation to take effect at the close of business on October 30, 2020. Councilman Lee said in his email “I have indeed prayed and meditated on this decision in order to weigh the pros and cons leading to what is best for my well-being.”</p>	

Motion:	Councilman Lauritsen moved for the acceptance.
Second:	Councilman Holmes
Outcome:	Councilmen Bibb, Lauritsen, Lashley, Holmes and Curtis voted for approval. Councilman Lee abstained.

Adjournment: 6:01 p.m.

Next Regular Council Meeting: Monday, November 02, 2020



Mandy Stella
City Clerk

ORDINANCE

WHEREAS, the Mayor makes the following recommendations to the City Council for changes in the City of Warner Robins Classification Plan,

WHEREAS, the Mayor and City Council deem such recommendations beneficial,

NOW, THEREFORE, BE IT ORDAINED that the City Classification Plan be amended as follows:

-1-

Reclassify the position of City Marshal/Compliance Enforcement Manager, Job Class #842, Grade 20, Building & Transportation Department, to City Marshal/Assistant Building & Transportation Director, Grade 22, authorized strength of one (1), Building & Transportation Department. Incumbent to fill the position with a 10% pay increase.

BE IT ORDAINED that this amendment was first read on 19 day of October, 2020, was adopted this 2 day of November, 2020 and shall become effective on the first day of the next pay period.

This 2 day of November, 2020.

CITY OF WARNER ROBINS

By: Randy Toms
Randy Toms, Mayor

ATTEST:

Mandy Stella
Mandy Stella, City Clerk

ORDINANCE

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF WARNER ROBINS, GEORGIA, MAKING AN ADDITION TO THE CITY CODE REGARDING THE WARNER ROBINS REDEVELOPMENT AGENCY.

WHEREAS, HB 1247, adopted during the 2019-2020 session of the Georgia General Assembly and signed into law by the governor, requires the creation of an ordinance regarding the Warner Robins Redevelopment Agency.

NOW, THEREFORE, IT IS HEREBY ORDAINED that the governing authority of the City of Warner Robins adopts the following addition to the City Code regarding the:

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WARNER ROBINS REDEVELOPMENT AGENCY

Sec. 1. – Purpose

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(B) The RDA shall consist of a board of no more than seven members. In its Creation Resolution, the local legislative body of the City appointed the initial members of the RDA, and subsequently has appointed their successors, which appointments have been

in accordance with the local legislative body's resolution of April 4, 2011 since that date. Successors to the membership of the RDA at the time of the local legislative body's resolution dated October 1, 2018, shall have terms of office of four (4) years.

Sec. 3- Qualification of Directors

(C) It shall be a condition to being appointed or serving as a member of the RDA that a person satisfy one or more of the following qualifications:

- (1) a taxpayer residing in the City of Warner Robins;
- (2) the direct or indirect owner, or the operator, of a business located in the City, such determination to be made by the Mayor and City Council of Warner Robins, considering such factors as the requisite degree of ownership of a business, the eligibility of nonprofit or governmental bodies to be a business, etc.; or
- (3) a member of the local legislative body of the City of Warner Robins, the Mayor and City Council, having determined that its members are eligible to be members of the RDA, in light of O.C.G.A. Section 36-44-21 and other provisions of the Act, provided that only one such member of the local legislative body of the City at a time shall be eligible to hold a position as a member of the RDA, and in the event of a potential violation of such provision, the membership of the RDA shall go to the first person holding the position of member of the RDA, among those involved.

(D) No director shall assume office until that person has executed and filed with the clerk of the city an oath obligating himself or herself to faithfully and impartially perform the duties of that director's office. The oath shall read as follows and be administered by the Mayor.

I do solemnly swear or affirm that I will faithfully and impartially perform the duties of Director of the Warner Robins Redevelopment Agency and that I will support and defend the Charter of the City of Warner Robins as well as the Constitution and laws of the State of Georgia and of the United States of America. I will not knowingly receive, directly or indirectly, any money or other valuable thing, for the performance or nonperformance of any act or duty pertaining to my office, other than the compensation allowed by law. I further swear or affirm that I will faithfully discharge my duties as a Director of the Warner Robins Redevelopment Agency to the best of my ability.

(E) The members of the RDA shall comply with the Code of Ethics prescribed by O.C.G.A. Section 45-10-13. The members of the RDA shall be subject to the conflict of interest provisions of O.C.G.A. Section 36-44-21(a), and the RDA's contracts and transactions shall be subject to O.C.G.A. Section 36-44-21(b) to the extent provided therein.

Sec. 4– Voting, Officers, and Bylaws

(F) Pursuant to O.C.G.A. Section 36-44-4(b), the local legislative body of the City hereby deems the following matters to be reasonably necessary and convenient for the creation and activation of the RDA as the redevelopment agency of the City, and, therefore, hereby provides that the RDA shall have the following powers and duties:

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- (2) The RDA shall have officers elected by its members from among its membership. The officers shall include a Chair, a Vice-Chair, a Secretary and a Treasurer, or a Secretary-Treasurer, and such other officers as the RDA may determine. The duties and terms of officers shall be as provided in the bylaws of the RDA.
- (3) The membership of the RDA shall constitute its board of directors. A majority of the members of the RDA shall constitute a quorum, but no action may be taken by the board without the affirmative vote of a majority of the full membership of the board.

Sec. 6– Powers

(G) In its Creation Resolution, the local legislative body of the City, the Mayor and City Council, intended to delegate to the RDA all of the “redevelopment powers,” as defined in the Act, which under the Act it might so delegate. In its resolution adopted on October 1, 2018, the local legislative body of the City, the Mayor and City Council of Warner Robins, confirmed such delegation, and specifically delegated to the RDA all powers that it possesses under the Act that are necessary or convenient to carry out the purposes of the Act, including, but not limited to, (1) the powers listed in O.C.G.A. Section 36-44-5(a), subject to O.C.G.A. Section 36-44-5(b), and excluding those powers listed in O.C.G.A. Section 36-44-6(b), which are reserved to the local legislative body of the City, (2) the power to undertake and carry out any activity, project, or service necessary or incidental to achieving the development or revitalization of a redevelopment area or a portion thereof designated for redevelopment by a redevelopment plan or the preservation or improvement of historical or natural assets within a redevelopment area or a portion thereof designated for redevelopment by a redevelopment plan; without limiting the generality of the foregoing, redevelopment may include any one or more of the activities , projects, and service listed in O.C.G.A. Section 36-44-3(5), and other power that is delegable to or that may be performed by the RDA under the Act.

(H) Subject to the Act and the other provisions of the Creation Resolution of the local legislative body of the City, the Mayor and City Council of Warner Robins, the RDA shall have the power:

- (1) To bring and defend actions;
- (2) To adopt and amend a corporate seal;
- (3) To make and execute contracts and other instruments necessary to exercise the powers of the RDA;
- (4) To receive and administer gifts, grants, and devises of any property and to administer trusts;

(5) To acquire, by purchase, gift, or construction, any real or personal property desired to be acquired as part of any project or for the purpose of improving, extending, adding to, reconstructing, renovating, or remodeling any project or part thereof already acquired or for the purpose of demolition to make room for such project or any part thereof;

(6) To sell, lease, exchange, transfer, assign, pledge, mortgage, dispose of, or grant options for any real or personal property or interest therein for its corporate purposes;

(7) To mortgage, convey, pledge, or assign any properties, revenues, income, tolls, charges, or fees owned or received by the RDA;

(8) To appoint officers and retain agents, engineers, attorneys, fiscal agents, accountants, and employees and to provide for their compensation and duties;

(9) To extend credit or make loans to any person, firm, corporation, or other entity for the planning, design, construction, acquisition, or carrying out of any project, which credit or loans shall be secured by loan agreements, mortgages, security agreements, contracts, and all other instruments, fees, or charges, upon such terms and conditions as the RDA shall determine reasonable in connection with such loans, including provision for the establishment and maintenance of reserves and insurance funds; and, in the exercise of powers granted by the Creation Resolution in connection with a project for or with such person, firm, corporation, or other entity, to require the inclusion in any contract, loan agreement, security agreement, or other instrument, of such provisions for guaranty, insurance, construction, use, operation, maintenance, and financing of a project as the RDA may deem necessary or desirable;

(10) To acquire, accept, or retain equitable interests, security interests, or other interest in any property, real or personal, by mortgage, assignment, security agreement, pledge, conveyance, contract, lien, loan agreement, or other consensual transfer, in order to secure the repayment of any moneys loaned or credit extended by the RDA;

(11) To finance (by loan, grant, lease, or otherwise), refinance, construct, erect, assemble, purchase, acquire, own, repair, remodel, renovate, rehabilitate, modify, maintain, extend, improve, install, sell, equip, expand, add to, operate, or manage projects and to pay the cost of any project from the proceeds of notes or other obligations of the RDA or any other funds of the RDA, or from any contributions or loans by persons, corporations, partnerships (whether limited or general), or other entities, all of which the RDA is authorized to receive, accept, and use;

(12) To borrow money and issue notes from time to time and to use the proceeds thereof for its corporate purposes, including, without limitation, the purpose of paying all or part of the cost of any project, including the cost of extending, adding to, or improving the project, or for the purpose of refunding any such notes of the RDA theretofore issued and to otherwise carry out the purposes of the Act and to pay all other costs of the RDA incident to or necessary and appropriate to such purposes, including the providing of funds to be paid into any fund or funds to secure such notes;

(13) As security for repayment of RDA obligations, to pledge, mortgage, convey, assign, hypothecate, or otherwise encumber any property, real or personal, of the RDA and to execute any trust agreement, indenture, or security agreement containing any

provisions not in conflict with law, which trust agreement, indenture, or security agreement may provide for foreclosure or forced sale of any property of the RDA upon default, on such obligations, either in payment of principal or interest or in the performance of any term or condition, as are contained in such agreement or indenture;

(14) To make application directly or indirectly to any federal, state, county, or municipal government or agency or to any other source, whether public or private, for loans, grants, guarantees, or other financial assistance in furtherance of the RDA's public purpose and to accept and use the same upon such terms and conditions as are prescribed by such federal, state, county, or municipal government or agency or other source;

(15) To enter into agreements with the federal government or any agency thereof to use the facilities or services of the federal government or any agency thereof in order to further or carry out the public purposes of the RDA;

(16) To contract for any period, not exceeding 50 years, with the State of Georgia, state institutions, or any municipal corporation or county of this state for the use by the RDA of any facilities or services of the state or any such state institution, municipal corporation, or county, or for the use by any state institution or any municipal corporation or county of any facilities or services of the RDA, provided that such contracts shall deal with such activities and transactions as the RDA and any such public body with which the RDA contracts are authorized by law to undertake; and

(17) To expend for redevelopment purposes or the administrative needs of the RDA any funds of the RDA.

Sec. 7- Dissolution

(I) For the protection of holders of notes and of payees or obligees under debt and other obligations that the RDA might issues or enter into as authorized by the Creation Resolution, the local legislative body of the City covenants and agrees with such noteholders and obligees that it shall not repeal its Creation Resolution and thereby dissolve the RDA, or amend the Creation Resolution to the material pecuniary disadvantage of such noteholders or obligees, while any such notes or obligations are outstanding, unless first the obligations of the RDA under such notes and obligations are assigned to and assumed by the City in accordance with the applicable law.

If any ordinance, or part thereof, of the City of Warner Robins is in conflict herewith, this ordinance shall have preference. If any provisions of this ordinance are held invalid, such invalidity shall not affect any of the other provisions which can be given effect without the invalid provision, and, to this end, the provisions of this ordinance are declared to be severable.

The provisions of this ordinance were first read on October 19, 2020 and shall become effective upon adoption on November 2, 2020.

CITY OF WARNER ROBINS, GEORGIA

By: Randy Toms
Randy Toms, Mayor

Attest:

Mandy Stella
Mandy Stella, City Clerk

(Ga. Laws 1985, p. 1360; Ga. Laws 1998, p. 1209; Ga. Laws 2006, Act 831, Ga. Laws 2009, Act 52 (O.C.G.A. Section 36-44-1 *et seq.*)

ORDINANCE

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF WARNER ROBINS, GEORGIA, MAKING AN ADDITION TO THE CITY CODE REGARDING KEEP WARNER ROBINS BEAUTIFUL.

WHEREAS, HB 1247, adopted during the 2019-2020 session of the Georgia General Assembly and signed into law by the governor, requires the amendment of the ordinance regarding Keep Warner Robins Beautiful.

NOW, THEREFORE, BE IT ORDAINED that the Mayor and Council of the City of Warner Robins hereby adopt the following amendment to chapter 2 of the city code:

- 1 -

Chapter 2, Article VI, Division 3, Section 2-212 of the city code shall be repealed in its entirety and the following inserted in lieu thereof:

KEEP WARNER ROBINS BEAUTIFUL

Sec. 2-212. - Membership.

- (a) Keep Warner Robins Beautiful shall be composed of a board of fifteen (15) members and five (5) ex-officio members. Nominations for appointment to the board shall be recommended by the executive committee to the commission, and upon vote by the board, these names shall be submitted to the mayor for approval by city council. The board shall consist of representatives from:

	Number of Members	Place Numbers
Business and industry	5	1—5
Civic organizations	2	6, 7
Education	1	8
At large	5	9—13

Hospitality industry	2	15
Robins Air Force Base Representative	1	Ex-officio
Director of public works (or designee)	1	Ex-officio
Director of Houston County Public Works (or designee)	1	Ex-officio
Executive director of KWRB	1	Ex-officio
Parks and recreation department	1	Ex-officio

The ex-officio council member shall be converted to an advisory liaison between the board of Keep Warner Robins Beautiful and the Mayor and City Council of Warner Robins and not a member of the board of Keep Warner Robins Beautiful board.

(b) All members shall generally be nominated for two-year terms. Members may be invited to serve more than one term. The exceptions shall be the ex-officio positions.

(c) No member shall assume office until that person has executed and filed with the clerk of the city an oath obligating himself or herself to faithfully and impartially perform the duties of that member's office. The oath shall read as follows and be administered by the Mayor.

I do solemnly swear or affirm that I will faithfully and impartially perform the duties of member of Keep Warner Robins Beautiful and that I will support and defend the Charter of the City of Warner Robins as well as the Constitution and laws of the State of Georgia and of the United States of America. I will not knowingly receive, directly or indirectly, any money or other valuable thing, for the performance or nonperformance of any act or duty pertaining to my office, other than the compensation allowed by law. I further swear or affirm that I will faithfully discharge my duties as a Member of Keep Warner Robins Beautiful to the best of ability.

-2-

If any provisions of this ordinance shall be held invalid, such invalidity shall not affect the other provisions which can be given effect without the invalid provision, and, to this end, the provisions of this ordinance are declared to be severable.

The provisions of this ordinance were first read on November 2, 2020 and shall become effective upon adoption on 24 November, 2020.

This 8 day of November, 2020.

CITY OF WARNER ROBINS, GEORGIA

BY: 
RANDY TOMS, MAYOR

ATTEST:


MANDY STELLA, CITY CLERK

**CITY OF WARNER ROBINS
STATE OF GEORGIA**

R E S O L U T I O N

WHEREAS, O.C.G.A. Title 36, Chapter 35 provides the authority and procedures for certain amendments of city charters; and

WHEREAS, it is the desire of the Mayor and Council to amend the Charter of the City of Warner Robins to provide for the City of Warner Robins participation as a partner in the Mid-State Energy Commission as further set forth below.

NOW, THEREFORE BE IT RESOLVED that the Mayor and Council of the City of Warner Robins direct the city attorney's office to initiate the process by which the Charter of the City of Warner Robins be amended as follows:

AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF WARNER ROBINS BY ADDING A NEW SECTION IMMEDIATELY FOLLOWING «Section_», TO BE DESIGNATED AS «NEW_SECTION», SO AS TO PROVIDE FOR ADDITIONAL POWERS, DUTIES, AND AUTHORITY OF THE CITY COUNCIL OF THE CITY OF WARNER ROBINS, GEORGIA WITH RESPECT TO A JOINT UTILITY COMMISSION; TO REPEAL ALL OTHER ACTS AND ORDINANCES IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES.

WHEREAS, the City of WARNER ROBINS, Georgia, a municipal corporation of the State of Georgia (the "City"), operates pursuant to the Constitution and laws of the State of Georgia and its Charter, approved July 29, 2020, as amended; and

WHEREAS, the City has now determined that it is necessary to make certain amendments to its Charter pursuant to its home rule powers granted pursuant to Article IX, Section II, Paragraph II of the Constitution of the State of Georgia and O.C.G.A. Section 36-35-1 through 36-35-7; and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Warner Robins, Georgia, and IT IS HEREBY ORDAINED, by the authority of the same, as follows:

Section 1. The Charter of the City of Warner Robins, Georgia, which was established by an Act creating a new Charter for the City of Warner Robins, Georgia, approved on July 29, 2020, as amended, is hereby amended by adding a new sections to read as follows:

«New_Section». Title. This may be cited as the “Mid-State Energy Commission Act.”

«Section_2». Definitions.

(a) The word “Cities” means, collectively, the City of Byron, Georgia, the City of Cochran, Georgia, the City of Hawkinsville, Georgia, the City of Perry, Georgia, and the City of Warner Robins, Georgia.

(b) The word “Commission” means the Mid-State Energy Commission created by [Section 4] of this act.

(c) The word "JONG" means Jointly Owned Natural Gas, a partnership created by written agreement between the City of Cochran, Georgia, the City of Hawkinsville, Georgia, the City of Perry, Georgia, and the City of Warner Robins, Georgia on or about January 15, 1953, as amended from time to time.

(d) The word "project" means all "undertakings" under the Revenue Bond Law, including without limitation, the acquisition and construction of all necessary and usual facilities for the obtaining of one or more sources of natural gas supply and the distribution and sale of natural gas to users and consumers, including counties and municipalities for the purpose of resale, inside and outside the territorial boundaries of the Cities and the operation, maintenance, additions, improvements, and extensions of such facilities so as to assure an adequate natural gas utility system deemed by the Commission necessary or convenient for the efficient operation of such type of undertaking.

(e) [The terms "revenue bonds" and "bonds," as used in this act, means revenue bonds as defined and provided for in Article 3 of Chapter 82 of Title 36 of the O.C.G.A., known as the "Revenue Bond Law," as amended, and such type of obligations may be issued by the Commission as authorized under the "Revenue Bond Law" and, in addition, shall also mean obligations of the Commission, the issuance of which are hereinafter specifically provided for in this act.]

(f) The word "service area" means any area within or without the Cities, includes without limitation, the area served jointly by the Cities or by JONG, and all other areas to the extent such areas are not currently served by another gas utility.

«Section_3». Purpose of Commission. Without limiting the generality of any provisions of this act, the general purpose of the Commission is declared to be that of effecting efficient intergovernmental projects among the Cities, including, without limitation, acquiring an adequate source or sources of natural gas and thereafter the distribution of same to the natural gas systems of current and future customers; but such general purpose shall not restrict the Commission from selling and delivering natural gas directly to consumers in those areas where neither any county nor any municipality deems it desirable or feasible to furnish natural gas; nor shall it restrict the Commission from selling and delivering natural gas to counties which do not adjoin the Cities or to municipalities located therein. The Commission is intended to replace JONG as its successor-in-interest.

«Section_4». Commission created; members; terms; eligibility; officers; quorum; compensation.

(a) There is hereby created a body corporate and politic to be known as the Mid-State Energy Commission which shall be deemed to be a political subdivision of the State of Georgia and a public corporation and by that name, style, and title, said body may contract and be contracted with, sue and be sued, implead and be impleaded, complain and defend in all courts of law and equity.

The Commission shall be deemed a subordinate entity of each and all of the Cities.

(b) The Commission shall consist of five (5) members who shall be determined and selected as follows:

(1) One member shall be the Mayor or a person appointed by the Mayor of the City of Byron, Georgia;

(2) One member shall be the Mayor or a person appointed by the Mayor of the City of Cochran, Georgia;

(3) One member shall be a person appointed by the City Commission of the City of Hawkinsville, Georgia;

(4) One member shall be the Mayor or a person appointed by the Mayor of the City of Perry, Georgia;

(5) One member shall be the Mayor or a person appointed by the Mayor of the City of Warner Robins, Georgia.

(c) The members shall serve at the pleasure of the respective appointing Mayor or City Commission and each Mayor or City Commission shall have the right and authority to remove any member from the Commission and to appoint replacements as may be required to fill vacancies.

(d) No person shall hold the office of Commission member if that person is ineligible for such office pursuant to O.C.G.A. § 45-2-1 or any other general law.

(e) The Commission shall elect one of its members as chairman and another as vice chairman. The Commission may also select a secretary and treasurer, who need not necessarily be members of the Commission. Three (3) members of the Commission shall constitute a quorum. No vacancy on the Commission shall impair the right of the quorum to exercise all the rights and perform all the duties of the Commission.

(f) The members of the Commission shall each be entitled to compensation for their services at a rate periodically reviewed and set by the Commission, payable monthly. All such compensation payable by the Commission shall be in addition to any compensation otherwise payable to any member of the Commission by any municipality or county by virtue of any municipal or county elective office held by such member. All members shall be reimbursed for their actual expenses necessarily incurred in the performance of their duties. No reimbursement or payment shall be made by the Commission for travel, meal, or entertainment expenses for members of the Commission unless on each occasion the incurring of such expenses for the same are approved in advance by the Commission at one of its public meetings. The Commission shall have perpetual existence.

«Section_5». General powers.

(a) The Commission shall have all powers necessary or convenient to carry out and effectuate the purpose and provisions of this article including, but without limiting the generality of the foregoing, the power:

(1) to have a seal and alter the same at pleasure;

(2) to acquire by purchase, lease or otherwise, and to hold, lease and dispose of real and personal property of every kind and character for its corporate purposes;

(3) [to acquire in its own name by purchase, on such terms and conditions and in such manner as it may deem proper, or by condemnation in accordance with the provisions of any and all existing laws applicable to the condemnation of property for public use, real property or rights of easements therein or franchises necessary or convenient for its corporate purposes, and to use the same so long as its corporate existence shall continue and to lease or make contracts with respect to the use of or dispose of the same in any manner it deems to the best advantage of the Commission, the Commission being under no obligation to accept and pay for any property condemned under this act except from the funds provided under the Commission of this act, and in any proceedings to condemn, such orders may be made by the court having jurisdiction of the suit, action or proceedings as may be just to the Commission and to the owners of the property to be condemned, and no property shall be acquired under the provisions of this act on which any lien or other incumbrance exists, unless at the time such property is so acquired a sufficient sum of money be deposited in trust to pay and redeem the fair value of such lien or incumbrance; and if the Commission shall deem it expedient to construct any project on any other lands the title to which shall then be in the State of Georgia, the governor is hereby authorized to convey, for and in behalf of the state title to such lands to the Commission upon payment to the state treasurer for the credit of the general fund of the state of the reasonable value of such lands, such value to be determined by three (3) appraisers to be agreed upon by the governor and the chairman of the Commission;]

(4) to appoint, select and employ, officers, agents and employees, including engineering, architectural and construction experts, fiscal agents and attorneys, and fix their respective compensations;

(5) to make contracts, leases and to execute all instruments necessary or convenient, including contracts for construction of projects and leases of projects or contracts with respect to the use of projects which it causes to be erected or acquired, and any and all persons, firms and corporations and any and all political subdivisions, departments, institutions or agencies of the state are hereby authorized to enter into contracts, leases or agreements with the Commission upon such terms and for such purposes as they deem advisable; and without limiting the generality of the above, authority is specifically granted to municipal corporations and counties and to the Commission to enter into contracts, lease agreements, or other undertakings relative to the furnishing of natural gas and related services and facilities by the Commission to such municipal corporations and counties for a term not exceeding 50 years, including, but not limited to, the operation and maintenance of natural gas systems owned by the Cities;

(6) to construct, erect, acquire, own, repair, remodel, maintain, add to, extend, improve, equip, operate and manage projects, as hereinabove defined; the cost of any such project to be paid in whole or in part from [the proceeds of revenue bonds of the Commission or from] such proceeds and any grant from the United States of America or any agency or instrumentality thereof;

(7) to accept loans and/or grants of money or materials or property of any kind from the United States of America or any agency or instrumentality thereof, upon such terms and conditions as the United States of America or such agency or instrumentality may impose;

(8) [to borrow money for any of its corporate purposes and to issue negotiable revenue bonds payable solely from funds pledged for that purpose, and to provide for the payment of the same and for the rights of the holders thereof;]

(9) to exercise any power usually possessed by private corporations performing similar functions, which is not in conflict with the constitution and laws of this state; and

(10) to do all things necessary or convenient to carry out the powers expressly given in this act.

«Section_6». Conversion from JONG.

(a) Without limiting the foregoing in any way, the Commission shall have all the powers formerly delegated to JONG by the Cities.

(b) The Cities hereby delegate to the Commission all power to construct, erect, acquire, own, repair, remodel, maintain, add to, extend, improve, equip, operate and manage any real or personal property owned by JONG.

(c) The Cities shall prescribe rules and regulations for the operation of the Commission by intergovernmental agreement.

«Section_7». Rates, charges and revenues; use. The Commission is hereby authorized to prescribe and fix and collect rates, fees, tolls or charges, and to revise from time to time and collect such rates, fees, tolls or charges for the services, facilities or commodities furnished[, and in anticipation of the collection of the revenues of such undertaking or project, to issue revenue bonds as herein provided to finance in whole or in part the cost of the acquisition, construction, reconstruction, improvement, betterment or extension of the natural gas utility system, and to pledge to the punctual payment of said bonds and interest thereon, all or any part of the revenues of such undertaking or project, including the revenues of improvements, betterments or extensions thereto thereafter made.]

«Section_8». Tax exempt status. The properties of the Commission, both real and personal, are declared to be public properties used for the benefit and welfare of the people of the State of Georgia, and not for purposes of private or corporate benefit and income, and such properties and the Commission shall

be exempt from all taxes and special assessments of any city, county, or the state or any political subdivision thereof.

«Section_9». Liberal construction of act. This act, being for the welfare of various political subdivisions of the state and its inhabitants, shall be liberally construed to affect the purposes hereof.

«Section_10». Effect of partial invalidity of act. The provisions of this act are severable, and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

«Section_11». The Commission, or any Commission or body which had or which may in the future succeed to the powers, duties and liabilities vested in the Commission created hereby, shall have power and is hereby authorized at one time, or from time to time, to provide by resolution for the issuance of negotiable revenue bonds in a sum determined by the Commission for each issuance and a total sum for cumulative issuances outstanding at any one time of the Commission for the purpose of paying all or any part of the cost as herein defined of any one or more projects. The principal and interest of such revenue bonds shall be payable solely from the special fund herein provided for such payment. The bonds of each issue shall be dated, shall bear interest at such rate or rates not exceeding the interest allowed by the Revenue Bond Law as now provided or may hereinafter be provided by amendment thereto, payable semi-annually, shall mature at such time or times not exceeding 40 years from their date or dates, shall be payable in such medium of payment as to both principal and interest as may be determined by the Commission, and may be made redeemable before maturity, at the option of the Commission, at such price or prices and under such terms and conditions as may be fixed by the Commission in the resolution providing for the issuance of the bonds.

Section 2. All portions of the Charter or amendments thereto or all ordinances in conflict herewith be and the same are hereby repealed.

Section 3. If any part of this ordinance shall be declared void, it is the intent and the purpose hereof that all other provisions not so declared void shall remain in full force and effect.

Section 4. The Clerk of the City is hereby authorized and directed to cause a notice, a copy of which is attached hereto as Exhibit "A" and hereby incorporated by reference, to be published in the *Houston Home Journal* the official newspaper in which Sheriff's advertisements are published in Houston County, in which the City is located, once a week for three weeks within a period of sixty days immediately preceding the day of the final adoption of this ordinance. The Clerk of the City is also hereby authorized and directed to cause the publisher of the *Houston Home Journal* to execute an affidavit of such publication.

This 2nd day of November, 2020.

CITY OF WARNER ROBINS



Randy Toms, Mayor

Attest:



Mandy Stella
City Clerk

CITY OF WARNER ROBINS
STATE OF GEORGIA

RESOLUTION

WHEREAS, the following employees are recommended for promotion by their respective departments,

WHEREAS, the Mayor and City Council deem such recommendations beneficial,

NOW, THEREFORE, BE IT RESOLVED that these promotions be approved as follows:

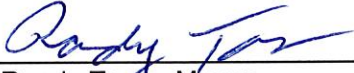
-1-

Ashton Strange, promoted from Gas Service Worker, Job Class #919, Grade 9, Utility Department, to Equipment Operator (Gas), Job Class #911, Grade 12, Utility Department, to be effective November 2, 2020.

-2-

Lauren Polk, promoted from Administrative Assistant, Job Class #141, Grade 12, Administrative Services Department, to Police Records Manager, Job Class #600, Grade 15, Police Department, to be effective November 2, 2020.

This 2 day of November, 2020

By: 
Randy Toms, Mayor

ATTEST:


Mandy Stella, City Clerk