



City of Warner Robins City Council Meeting Minutes

Monday August 1, 2022

5:30 PM

Council Chambers

Presiding: Mayor LaRhonda W. Patrick

City Officials Present:

Councilman Keith Lauritsen
Councilman Kevin Lashley
Councilman Larry Curtis

Councilman Charlie Bibb
Councilman Clifford Holmes
Councilman Derek Mack

City Officials Absent

Regular Meeting of Warner Robins City Council

Call to Order: 5:33 p.m.

Adoption of the Agenda: Councilman Lauritsen moved to adopt the agenda with the amendments of: moving Executive Session up the agenda to immediately follow the adoption of the agenda and add action item #7; Resolution to Amend the Animal Control IGA with Houston County Commissioners. Councilman Mack seconded the motion. Councilmen Mack, Bibb, Lauritsen, Lashley, Holmes and Curtis voted for adoption of the agenda.

Opening Prayer: Pastor Casey Matthews; First Baptist Church of Warner Robins

Pledge of Allegiance: Lt. Josh Ellis; WRFD

Announcements: N/A

Proclamations/Awards/Presentations: N/A

Executive Session – Mayor Patrick requested a motion to enter into an executive session to discuss Real Estate. Councilman Bibb moved for an executive session to discuss Real Estate. Councilman Mack seconded the motion. Councilmen Mack, Bibb, Lauritsen, Lashley, Holmes and Curtis voted for approval of the executive session. The regular council meeting was suspended at 5:34 pm, and the governing body convened into executive session at 5:36 pm; the executive session ended at 5:55 pm. The regular meeting convened at 5:59 pm with a motion by Councilman Bibb to amend the agenda to add items #8 – Resolution – Real Estate Acquisition, seconded by Councilman Curtis. Councilmen Mack, Bibb, Lauritsen, Lashley, Holmes and Curtis voted for approval. The City Clerk is in possession of the executive session minutes.

Action Items:

Action Item 1	Presentation of Minutes from the Regular Meeting of July 18, 2022.
The minutes of the Regular Meeting of July 18, 2022 were presented for approval.	
Motion:	Councilman Mack moved for the approval of the minutes for regular meeting of Monday, July 18, 2022.
Second:	Councilman Bibb
Outcome:	Councilmen Mack, Bibb, Lauritsen and Curtis voted for approval. Councilman Lashley and Holmes abstained.

Action Item 2	Formal Public Comments Pertaining to Current Agenda Items
Motion:	N/A
Second:	N/A
Outcome:	N/A

Action Item 3	Consent Agenda
<ul style="list-style-type: none"> A. Purchasing Bids B. Resolution – Employee Promotions 	
Motion:	Councilman Holmes moved for the approval of the consent agenda.
Second:	Councilman Curtis
Outcome:	Councilmen Mack, Bibb, Lauritsen, Lashley and Holmes voted for approval.

Action Item 3 (A)	Purchasing Bids
Purchasing Bid List item, attached hereto, were presented for approval. 6 items	

Action Item 3 (B)	Resolution – Employee Promotions
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The following employees are recommended for promotion by the Human Resources Department:

WHEREAS, the Mayor and City Council deem such recommendations beneficial, NOW, THEREFORE, BE IT RESOLVED that these promotions be approved as follows:

- Jade' Carter, promoted from Records Technician, Job Class #616, Grade 9, Police Department, to Projects Coordinator, Job Class #817, Grade 14, General Administration Department, to be effective August 8, 2022.

Action Item 4	Resolution – Consulting Services; William F. Mulkey
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A resolution of the Mayor and Council of the City of Warner Robins hereby authorize Mayor LaRhonda W. Patrick to execute an agreement with William F. Mulkey to provide review of building plans, interpretation of Zoning Regulations and Building Codes and other consulting services.

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

Action Item 5	Ordinance #29-22 – Chapter 15 Amendment; Municipal Court
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Ordinance #29-22 OF THE MAYOR AND COUNCIL OF THE CITY OF WARNER ROBINS, GEORGIA, TO REPEAL AND REPLACE CHAPTER 15 OF THE CITY CODE REGARDING MUNICIPAL COURT.

WHEREAS, the Warner Robins Police Department has recommended an amendment to Chapter 15 regarding Municipal Court and the mayor and city council deem such amendment to be in the best interest of the City.

IT IS HEREBY ORDAINED, by the governing authority of the City of Warner Robins as follows:

NOW, THEREFORE, IT IS HEREBY ORDAINED by the governing authority of the City of Warner Robins Chapter 15 of the city code is repealed and replaced as follows:

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City Code Chapter 15 shall be deleted in its entirety and the following inserted in lieu thereof:

Sec. _____ Name.

The municipal court in the City of Warner Robins shall be known as the Municipal Court of the City of Warner Robins and shall be an independent court within the City.

Sec. _____ Chief Judge; Associate Judge.

- (a) The municipal court shall be presided over by a chief judge and associate judge.
- (b) The compensation of the chief judge shall be \$87,200, including a vehicle allowance.
- (c) The compensation of the associate judge shall be \$250.00 per court session plus \$250.00 per one (1) month of on call time, not to exceed \$35,000 annually.

Sec. _____ Qualifications; Term of Office.

- (a) No person shall be qualified or eligible to serve as a judge of the Municipal Court of Warner Robins unless that person shall have attained the age of 21 years, shall be a member of the State Bar of Georgia, and shall possess all qualification required by law.
- (b) Before assuming office, each judge shall take an oath, given by the mayor, that the judge will honestly and faithfully discharge the duties of the office to the best of his or her ability without fear, favor or partiality. The oath shall be entered upon the minutes of the city council.
- (c) All judges of the municipal court for the Municipal Court of Warner Robins shall be appointed by resolution of Mayor and Council of the City of Warner Robins and shall serve an initial term of one year and until a successor is appointed and qualified.
- (d) The position of judge created in this article shall not be a full-time position, and the person serving in said position may engage in the private practice of law; provided, however, a judge may not appear and represent a client before the court.
- (e) Judges may be removed from office as provided by general law.

Sec. _____ Convening.

Municipal court shall convene on Wednesday and Thursday of each week at such times as may be designated by the chief judge and may be additionally convened at such other times and dates as deemed necessary by the chief judge; provided, however, that in the discretion of the chief judge, any regularly scheduled court session can be cancelled.

Sec. _____ Clerk of Court.

The Clerk of Court for the Municipal Court of Warner Robins shall attend all sessions of the municipal court and act as clerk thereof in addition to his or her other duties. He or she shall sign and issue all processes, summons and all attachments and executions for fines and other writs issuing out of the court, all of which bear test in the name of the chief judge. He or she shall keep all records of the court, receive all fines imposed by the court and account therefor as directed by the mayor and council. The ministerial officer of the court shall be the Clerk of Court, who may execute mandates of the court, and to whom in the alternative, all means and final

processes thereof shall be directed. The Clerk of Court shall attend each session of the court for the purpose of executing the necessary orders thereof.

Sec. _____ Jurisdiction; Powers.

- (a) The municipal court shall have jurisdiction and authority to try and punish violations of the City Charter, City Ordinances, and such other violations as provided by law.
- (b) The municipal court shall have authority to punish those in its presence for contempt, provided that such punishment shall not exceed a fine of \$200.00 or ten days in jail.
- (c) The municipal court may fix punishment for offenses within its jurisdiction. not exceeding a fine of \$1,000.00, imprisonment for 180 days, or both. The municipal court may also fix punishment by alternative sentencing as now or hereafter provided by law.
- (d) The municipal court shall have authority to establish a schedule of fees to defray the cost of operation and shall be entitled to reimbursement for the cost of meals, transportation, and caretaking of prisoners bound over to superior courts for violations of state law.
- (e) The municipal court shall have authority to establish bail and recognizances to ensure the presence of those charged with violations before said court and shall have discretionary authority to accept cash or personal or real property as surety for the appearances of persons charged with violations. Whenever any person shall give bail for that person's appearance and shall fail to appear at the time fixed for trial, the bond shall be forfeited by the judge presiding at such time and execution issued thereon by serving the defendant and the defendant's sureties with a rule nisi, at least two days before a hearing on the rule nisi. In the event that cash or property is accepted in lieu of bond for security for the appearance of a defendant at trial, and if such defendant fails to appear at the time and place fixed for trial, the cash deposited shall be on order of the judge declared forfeited to the city or the property so deposited shall have a lien against it for the value forfeited which lien shall be enforcement in the same manner and to the same extend as a lien for city property taxes.
- (f) The municipal court shall have the same authority as superior courts to compel the production of evidence in the possession of nay party; to enforce obedience to its orders, judgements, and sentences; and to administer such oaths as are necessary.
- (g) The municipal court may compel the presence of all parties necessary to a proper disposal of each case by the issuance of summonses, subpoenas, and warrants which may be served as executed by any officer as authorized by the City Charter or by law.
- (h) Each judge of the municipal court shall be authorized to issue warrants for the arrest of persons charged with offenses against any ordinance of the city, and each judge of the municipal court shall have the same authority as a magistrate of the state to issue warrants for offenses against state laws committed within the city.

Sec. _____ Certiorari.

The right of certiorari from the decision and judgment of the municipal court shall exist in all criminal cases and ordinance violation cases, and such certiorari shall be obtained under the sanction of a judge of a superior court under the laws of the State of Georgia regulating the granting and issuance of writs of certiorari.

Sec. _____ Rules for Court.

With the approval of the city council, the judge shall have full power and authority to make reasonable rules and regulations necessary and proper to secure the efficient and successful administration of the municipal court; provided, however, that the city council may adopt in part or in toto the rules and regulations applicable to municipal courts. The rules and regulations made or adopted shall be filed with the city clerk, shall be available for public inspection, and upon request, a copy shall be furnished to all defendants in municipal court proceedings at least 48 hours prior to said proceedings.

Sec. _____ Court Costs.

Court costs in the amount of one hundred dollars (\$100.00) shall be collected on all cases heard in municipal court which result in a plea or finding of "guilty" or "nolo contendere." Such costs shall be waived when a party disposes of a citation, when allowed under state law, prior to the designated court session.

Sec. _____ Administrative and Technology Fees.

In every case in which the city municipal court shall impose a fine, or forfeit any bond or other recognizance, for any quasi-criminal or criminal offense, or the violation of any ordinance, there shall be imposed, in addition to any other penalties, fines or forfeitures, the sum of \$5.00 per violation as an administrative fee and the further sum of \$15.00 per violation as a technical fee.

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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 provision 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 Bibb moved for the approval of Ordinance #29-22 and to waive the second reading.
Second:	Councilman Lashley
Outcome:	Councilmen Mack, Bibb, Lauritsen, Lashley, Holmes and Curtis voted for approval.

Action Item 6	Ordinance #30-22 – Municipal Court Prosecutor
<p>Ordinance #30-22 OF THE MAYOR AND COUNCIL OF THE CITY OF WARNER ROBINS, GEORGIA, RELATING TO THE MUNICIPAL COURT; TO PROCLAIM THE EXISTENCE AND ESTBALISHMENT OF THE OFFICE OF THE PROSECUTING ATTORNEY OF THE MUNICIPAL COURT; TO OUTLINE THE DUTIES AND AUHTORITIES OF THE STAFF THEREIN AS EXPRESSLY ALLOWED BY THE CONSTITUTION AND LAWS OF THE STATE OF GEROGIA; TO PROVIDE SERVERABILITY; TO PROVIDE AN EFFECTIVE DATE; AND TO REPEAL ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES.</p>	

WHEREAS, consistent with State Law, an addition to the City Code regarding the municipal court prosecutor and the mayor and city council deem such addition to be in the best interest of the City.

IT IS HEREBY ORDAINED, by the governing authority of the City of Warner Robins as follows:

NOW, THEREFORE, IT IS HEREBY ORDAINED by the governing authority of the City of Warner Robins Chapter of the city code is amended as follows:

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Sec. _____ Findings and Intent.

This ordinance is adopted to address requirements made under Georgia law for the city to pass an ordinance or resolution creating the office of prosecuting attorney of the municipal court should the city choose to hire or have a prosecuting attorney of the municipal court. Under state law, in order to have a municipal court prosecutor, the city must pass this ordinance or resolution and provide to the Prosecuting Attorneys' Council of the State of Georgia a copy of the same. The city is also required to submit the name of the person appointed to be the prosecuting attorney of the municipal court within thirty (30) days of such appointment in order to maintain the office of prosecuting attorney of the municipal court. It is therefore the intent of the city to comply with Georgia law, particularly Article 5, of Chapter 18, of Title 15 of the Official Code of Georgia Annotated and to enact this Chapter.

Sec. _____ Establishment of Office.

The Office of Prosecuting Attorney of the Municipal Court of Warner Robins is hereby established for the purpose of providing representation of the City of Warner Robins in matters pertaining to ordinance violations of the City of Warner Robins and state offenses enforceable in the municipal court as allowed by Georgia law. The prosecuting attorney for the municipal court shall be a part-time position.

Sec. _____. Qualifications.

Any person appointed as the municipal court prosecuting attorney the City of Warner Robins shall be a member in good standing of the State Bar of Georgia and admitted to practice before the trial and appellate courts of this state.

Sec. _____. Compensation.

The compensation of the municipal court prosecuting attorney shall be \$77,000.

Sec. _____. Oath.

The prosecuting attorney of the Municipal Court for the City of Warner Robins shall take and subscribe the following oath:

I swear (or affirm) that I will faithfully and impartially and without fear, favor, or affection discharge my duties as prosecuting attorney of the Municipal Court for the City of Warner Robins, and will take only my lawful compensation. I do further swear (or affirm) that I am not the holder of any unaccounted for public money due this State, or any political subdivision or authority thereof; that I am not the holder of any office of trust under the government of the United States, any other state, or any foreign state which I am prohibited from holding by the laws of the State of Georgia; and that I am otherwise qualified to hold said office, according to the Constitution and Laws of Georgia; and that I will support the Constitutions of the United States and of this state.

Sec. _____. Term of Office.

Unless otherwise provided by the charter for the City of Warner Robins, the prosecuting attorney for the Municipal Court shall serve a term of office of one year and until his or her successor is appointed and qualified.

Sec. _____. Jurisdiction, Duties, and Authority.

The Office of the Prosecuting Attorney of the Municipal Court for the City of Warner Robins shall have the duty and authority to represent the city as defined by the City Charter and by state law, particularly as described in Office Code of Georgia Annotated Section 15-18-96.

Sec. _____. Substitute Prosecuting Attorney.

If the prosecuting attorney of a municipal court is disqualified from engaging in the prosecution of a particular case or is unable to perform the duties of said office due to illness or incapacity, the governing authority shall provide for the appointment of a substitute prosecuting attorney. Such substitute prosecuting attorney shall be a member in good standing of the State Bar of Georgia.

Sec. _____. Ratification.

This Chapter shall ratify all action that has been taken by the persons acting in the positions of the Office of the Prosecuting Attorney for the Municipal Court of Warner Robins to date as authorized by Mayor and Council.

If any ordinance, or part thereof, of the City of Warner Robins is in conflict herewith, this ordinance shall have preference. If any provision 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 Lashley moved for the approval of Ordinance #30-22 and to waive the second reading.
Second:	Councilman Bibb
Outcome:	Councilmen Mack, Bibb, Lauritsen, Lashley, Holmes and Curtis voted for approval.

Action Item 7	Resolution – Amendment to Animal Control IGA; Houston County
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A resolution that Mayor and Council of the City of Warner Robins hereby authorize Mayor LaRhonda W. Patrick to execute an amendment to the Intergovernmental Agreement Joint Use of Animal Control Facilities dated June 15, 2022, to reflect the total cost of the update to the HVAC system and the corresponding higher one-time contribution of One Hundred Seven Thousand Two Hundred Fifty Dollars (\$107,250.00) by the County.

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

Action Item 8	Resolution – Real Estate Acquisition
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A resolution that the Mayor and Council of the City of Warner Robins hereby authorize Mayor LaRhonda Patrick to execute a Purchase and Sale Contract and related documents for the acquisition of property from F & S Real Estate, LLC and Commercial Circle, LLC dated August 1, 2022.

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

Citizen Comments: Michael Jones; Rita Simon, Mr. Little

Adjournment: 6:22 pm

Next Regular Council Meeting: Monday, August 15, 2022



Mandy Stella
City Clerk