

City of Walthourville
Mayor and Council Meeting Minutes
August 27, 2024 @ 6:00 PM
Walthourville Police Department

- I. Call to Order: The meeting was called to order at 6:00 PM by Mayor Sarah B. Hayes.
- II. Roll Call: The roll was taken by the City Clerk with the following members present:
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|------------------------------|----------------------------------|
| Mayor Sarah B. Hayes | Mayor Pro Tem Luciria L. Lovette |
| Councilman Mitchell Boston | Councilman Patrick Underwood |
| Councilwoman Bridgette Kelly | Councilman Robert Dodd |
- III. Invocation: The invocation was given by Mayor Sarah B. Hayes
- IV. The Pledge of Allegiance was recited in unison.
- V. Approval of Agenda: The motion to approve the agenda was made by Mayor Pro Tem Lovette and the second was added by Councilwoman Kelly. Vote: 5-0: Motion Carried Unanimously.
- VI. Approval of Minutes: The motion to approve the minutes from the August 13, 2027 meeting was made by Councilman Boston and the second was provided by Councilman Dodd.
Vote: 4-1: Motion Carried: Opposed Mayor Pro Tem Lovette.
- VII. Presentation(s) None
- VIII. Agenda Items:

1. City of Walthourville Councilman Mitchell Boston
Privatization of Sanitation. Councilman Boston stated he would like to make a motion to move forward with the privatization of Sanitation. He acknowledged both bidders were present, Charles Stewart with ABC Waste and Sam Sullivan with Atlantic Waste. Attorney Moses asked, 'has the determination been made to both companies and can they both provide the services asked by the council'. Councilman Boston stated yes. Attorney Moses referenced OCGA 36-91-2 which states:
- § 36-91-20. Written contract required; advertising; competitive sealed bidding; timing of addendums; prequalification (a) All public works construction contracts subject to this chapter entered into by a governmental entity with private persons or entities shall be in writing and on file and available for public inspection at a place designated by such governmental entity. Municipalities and consolidated governments shall execute and enter into contracts in the manner provided in applicable local legislation or by ordinance. (b) (1) Prior to entering into a public works construction contract other than those exempted by Code Section 36-91-22, a governmental entity shall publicly advertise the contract opportunity. Such notice shall be posted conspicuously in the governing authority's office and shall be advertised in the legal organ of the county or by electronic means on an Internet website of the governmental entity or an Internet website identified by the governmental entity which may include the Georgia Procurement Registry as provided by Code Section 50-5-69. (2) Contract opportunities that are advertised in the legal organ shall be advertised a minimum of two times, with the first advertisement occurring at least four weeks prior

to the opening of the sealed bids or proposals. The second advertisement shall follow no earlier than two weeks from the first advertisement. (3) Contract opportunities that are advertised solely on the Internet shall be posted continuously for at least four weeks prior to the opening of sealed bids or proposals. Inadvertent or unintentional loss of Internet service during the advertisement period shall not require the contract award or bid or proposal opening to be delayed. (4) Contract opportunities that will be awarded by competitive sealed bids shall have plans and specifications available on the first day of the advertisement and shall be open to inspection by the public. The plans and specifications shall indicate if the project will be awarded by base bid or base bid plus selected alternates and: (A) A statement listing whether all anticipated federal, state, or local permits required for the project have been obtained or an indication of the status of the application for each such permit including when it is expected to be obtained; and (B) A statement listing whether all anticipated rights of way and easements required for the project have been obtained or an indication of the status as to when each such rights of way or easements are expected to be obtained. (5) Contract opportunities that will be awarded by competitive sealed proposals shall be publicly advertised with a request for proposals which request shall include conceptual program information in the request for proposals describing the requested services in a level of detail appropriate to the project delivery method selected for the project. (6) The advertisement shall include such details and specifications as to enable the public to know the extent and character of the work to be done. (7) All required notices of advertisement shall also advise of any mandatory prequalification requirements or pre-bid conferences as well as any federal requirements pursuant to subsection (d) of Code Section 36-91-22. Any advertisement which provides notice of a mandatory prebid conference or prequalification shall provide reasonable advance notice of said conference or for the submittal of such prequalification information. (c) Governmental entities are authorized to utilize any construction delivery method, provided that all public works construction contracts subject to the requirements of this chapter that: (1) Place the bidder or offeror at risk for construction; and (2) Require labor or building materials in the execution of the contract shall be awarded on the basis of competitive sealed bidding or competitive sealed proposals. Governmental entities shall have the authority to reject all bids or proposals or any bid or proposal that is nonresponsive or not responsible and to waive technicalities and informalities.

Both ABC Waste and Atlantic Waste offer the option of bulk trash and yard debris collection in conjunction with household waste. Mayor Pro Tem Lovette asked in regard to the City Employees (CDL Drivers) who might be hired on with the company who receives the bid, where is the starting point for work? Mr. Charles Stewart with ABC states they would like to utilize the city's Public Work area on Hardman Road and the drivers could leave locally. Mr. Sam Sullivan with Atlantic Waste stated the first 30-60 days the drivers would be local until they get acquainted with the route and then they would be assigned to their Pooler/Savannah location permanently.

Councilman Dodd inquired about the cost of an additional polycart and Atlantic Waste stated they would charge \$15.00. and ABC stated \$12.00. Both companies stated they would offer on-call as needed service to customers. The City of Walthourville provides Sanitation Collection to Allenhurst and they would have to enter into an IGA with Walthourville that the company who receives the bid will continue picking up trash. City Clerk Moss stated, the City of Walthourville cannot legally enter into an agreement with Allenhurst on behalf of the company who is awarded the bid. She suggested that "we be good neighbors and have the Mayors and Councils from both cities sit down for a meeting to discuss any concerns. Mayor Pro Tem Lovette stated she suggested the Mayors (Mayor Hayes-Walthourville and Mayor Willis-Allenhurst) of both cities have the meeting.

Atlantic and ABC stated if they were awarded the contract, they could start city collection on October 1st because polycarts are already intact.

Councilman Boston made a motion to move forward with the privatization; with the stipulation that the awarding of the bid will occur when a bid is officially accepted. The second was added by Councilman Dodd. Vote: 4-1: Motion Carried: Opposed, Mayor Pro Tem Lovette.

2. City of Walthourville Mayor Sarah B. Hayes
Stated the City's Annual Budget is due by December 31st and she urged the council to choose dates for the workshops. She stated in previous years the budgets were not approved until the end of December and this year she would like them to begin working earlier. Councilwoman Kelly asked, if the city's CPA would be present. Mayor Hayes stated, yes and this is why the council need to choose dates so the CPA's can place it on their calendars. The dates chosen for FY Budget 2025 Mayor and Council Workshops are:

- September 19th- 6:00 PM-8:30 PM @ the Walthourville Police Department
- October 3rd-6:00 PM-8:30 PM @ the Walthourville Police Department
- October 17th, 6:00 PM-8:30 PM @ the Walthourville Police Department

The motion to approve was made by Councilwoman Kelly and the second was added by Councilman Dodd. Vote: 5-0: Motion Carried Unanimously.

3. City of Walthourville Mayor Sarah B. Hayes
Stated the Council had expressed an interest in revising the Charter. She asked the council how did they want to proceed? Attorney Moses stated to have the Charter Amended would consist of submitting information to the State Legislature. Senator Ben Watson and Representative Al Williams would have to sponsor the changes. The legislature convenes in January; therefore, the amendment would have to be submitted in the middle of February. Attorney Moses added that the city would have to advertise for two regular consecutive meetings and a legal notice would have to be placed in the legal origin for three weeks in a period of 60 days.

Attorney Moses referenced to the Mayor and Council OCGA 36-35-3 which is verbatim:
Title 36 - Local Government Chapter 35 Home Rule Powers. § 36-35-3. Adoption of Ordinances, Rules, and Regulations; Amendment of Charters and Amendment or Repeal of Ordinances, Rules, and Regulations by Petition and Referendum.

- a. The governing authority of each municipal corporation shall have legislative power to adopt clearly reasonable ordinances, resolutions, or regulations relating to its property, affairs, and local government for which no provision has been made by general law and which are not inconsistent with the Constitution or any charter provision applicable thereto. Any such charter provision shall remain in force and effect until amended or repealed as provided in subsection (b) of this Code section. This Code section, however, shall not restrict the authority of the General Assembly, by general law, to define this home rule power further or to broaden, limit, or otherwise regulate the exercise thereof. The General Assembly shall not pass any local law to repeal, modify, or supersede any action taken by a municipal governing authority under this Code section, except as authorized under Code Section 36-35-6.**
- b. Except as provided in Code Section 36-35-6, a municipal corporation may, as an incident of its home rule power, amend its charter by following either of the following procedures:**

1. **Municipal charters may be amended by ordinances duly adopted at two regular consecutive meetings of the municipal governing authority, not less than seven nor more than 60 days apart. A notice containing a synopsis of the proposed amendment shall be published in the official organ of the county of the legal situs of the municipal corporation or in a newspaper of general circulation in the municipal corporation once a week for three weeks within a period of 60 days immediately preceding its final adoption. The notice shall state that a copy of the proposed amendment is on file in the office of the clerk or the recording officer of the municipal governing authority and in the office of the clerk of the superior court of the county of the legal situs of the municipal corporation for the purpose of examination and inspection by the public. The recording officer of the municipal governing authority shall furnish anyone, upon written request, a copy of the proposed amendment. No amendment under this paragraph shall be valid to change or repeal an amendment adopted pursuant to a referendum as provided in paragraph (2) of this subsection or to change or repeal a local Act of the General Assembly ratified in a referendum as provided in paragraph (2) of this subsection or to change or repeal a local Act of the General Assembly ratified in a referendum by the electors of the municipal corporation unless at least 12 months have elapsed after such referendums. No amendment under this paragraph shall be valid if provision has been made therefor by general law; or**
2. **Amendments to charters or amendments to or repeals of ordinances, resolutions, or regulations adopted pursuant to subsection (a) of this Code section may be initiated by a petition, filed with the governing authority of the municipal corporation, containing, in cases of municipal corporations with a population of 5,000 or less, the signatures of at least 25 percent of the electors registered to vote in the last general municipal election; in cases of municipal corporations with a population of more than 5,000 but not more than 100,000, at least 20 percent of the electors registered to vote in the last general municipal election; and in cases of municipal corporations with a population of more than 100,000, at least 15 percent of the electors registered to vote in the last general municipal election. The petition shall specifically set forth the exact language of the proposed amendment or repeal. The governing authority shall determine the validity of such petition within 50 days of its filing with the governing authority. In the event that the governing authority determines that such petition is valid, it shall be the duty of such authority to issue the call for an election for the purpose of submitting such amendment or repeal to the registered electors of the municipal corporation for their approval or rejection. Such call shall be issued within one week after the determination of the validity of the petition. The governing authority shall set the date of the election as provided in Code Section 21-2-540. The governing authority shall cause a notice of the date of the election to be published in the official organ of the county of the legal situs of the municipal corporation or in a newspaper of general circulation in the municipal corporation once a week for two weeks immediately preceding such date. The notice shall also contain a synopsis of the proposed amendment or repeal and shall state that a copy thereof is on file in the office of the clerk or the recording officer of the municipal governing authority and in the office of the clerk of the superior court of the county of the legal situs of the municipal corporation, for the purpose of examination and inspection by the public. The recording officer of the municipal governing authority shall furnish anyone, upon written request, a copy of the proposed amendment. If more**

than one-half of the votes cast on the question are for approval of the amendment or the repeal, the same shall become of full force and effect; otherwise it shall be void and of no force and effect. The expense of the election shall be borne by the municipal corporation. It shall be the duty of the governing authority to hold and conduct such election. The election shall be held under the same laws and rules and regulations as govern special elections of the municipal corporation, except as otherwise provided in this subparagraph. It shall be the duty of the governing authority to canvass the returns and to declare and certify the result of the election. It shall be the further duty of the governing authority to certify the result thereof to the Secretary of State. A referendum on any such amendment or repeal shall not be held more often than once each year. No amendment under this subparagraph shall be valid if provision has been made therefor by general law.

A. c. In the event that the governing authority determines that the petition is not valid, it shall publish in explicit detail the reasons why such petition is not valid. Such publication shall be in the official organ of the county of the legal situs of the municipal corporation or in a newspaper of general circulation in the municipal corporation, in the week immediately following the date on which the petition is declared to be not valid. In any proceeding in which the validity of the petition is at issue, the tribunal considering such issue shall not be limited by the reasons assigned.

B. The sponsor of a petition authorized by this paragraph shall obtain copies of all official petitions from the clerk of the governing authority. The clerk of the governing authority shall approve all petitions as to form. The clerk of the governing authority shall provide a place on each form for the person collecting signatures to provide his or her name, street address, city, county, state, ZIP Code, and telephone number and to swear that he or she is a resident of the municipality affected by the petition and that the signatures were collected inside the boundaries of the affected municipality. The collection of signatures for the petition shall begin on the day the clerk of the governing authority provides official copies to the sponsor of the petition. A petition authorized by subparagraph (A) of this paragraph shall not be accepted by the governing authority for verification if more than 60 days have elapsed since the date the sponsor of the petition first obtained copies of the petition from the clerk of the governing authority. Any petition being circulated pursuant to subparagraph (A) of this paragraph on July 1, 1989, shall be filed with the clerk of the governing authority by not later than July 11, 1989. The clerk of the governing authority shall, within seven days, provide the sponsor with official petitions. The sponsor shall have 60 additional days after obtaining official petitions to collect the remaining number of required signatures. Nothing in this subparagraph shall invalidate otherwise valid signatures collected on or before July 1, 1989. such city-county consolidated government shall not be authorized to amend its consolidated government charter pursuant to subsection (b) of this Code section.

Upon hearing the information presented by Attorney Moses about the charter amendment process the Mayor and Council discussed the time frame. They are presently amid the FY 2025 Budget preparation and have upcoming workshops. The FY 2025 Budget will require Public Hearings and additional meetings. Mayor Pro Tem Lovette stated she felt the Charter updates should be extended. She stated she is aware that City Hall will be inundated with FY 2025 Budget prep and end of the year closeouts. She suggested extending the updates until January 2025.

Mayor Pro Tem Lovette stated, “the city has waited over 40 years to update the charter, what will a few additional months hurt, and it will give the employees time to regroup from the end of the year work. City Clerk Moss stated City Hall is aware there are new council members who are probably unaware of the end of the year processes that must be followed. She stated that General Ledger must be closed out for 2024. The new budget (FY 2025) must be input and rolled out and ready for January 1st, 2025. Payroll must be closed out for 2024 and tested for 2025. Mayor Pro Tem Lovette made the motion to extend the charter update to January 2025 and the second was added by Councilwoman Kelly.

Vote: 3-1-1: Motion Carried.

Members voting favorably were Mayor Pro Tem Lovette, Councilwoman Kelly and Councilman Dodd.

Member opposing: Councilman Boston

Member abstained: Councilman Underwood

4. LCPC

Ms. Lori Parks

Presented a Business License Request for Rainbow Learning Center. The business owner is Ms. Cynthis Berrios. The business will be located at 133 Fletcher Road. Ms. Berrios was approved for conditional use for the Learning Center on January 11, 2022, by the Mayor and Council. The business is an in-house daycare and there can only be 1-6 people in the home at any given time.

Ms. Parks stated the neighbors in the area don't have any concerns and she has never applied for a Business License in 2022. The motion to approve was made by Mayor Pro Tem Lovette and the second was added by Councilman Boston. Vote: 5-0: Motion Carried Unanimously.

IX. Department Reports

City of Walthourville

Water Department

Mr. Patrick Golphin

Reported the city is proceeding with the disconnects from the customers who are not paying the Fire Fee. The city has meters that still need to be replaced.

Fire Department

Chief Nicolas Maxwell

Reported the State conducted the Fire Department's Audit, and the department passed, and the city is in compliance. He gave the department's statistics.

Police Department

Chief Christopher Reed

Reported that Major Hooker and himself would be attending Firearms Training from September 6th-11th. He further stated that Officer Payne has been doing some Code Enforcement in the city. He also provided additional information from the StackBench App that the Mayor, Council and residents requested. The City of Hinesville and Liberty County uses UCP. He addressed a Police Scam that is circulating. Chief Reed stated that no member of law enforcement will ever make a phone call and ask for money over the phone. He suggested to citizens if they ever encounter this type of scam to please report it.

X. Citizens Comments

(Walthourville Citizens-3 Minutes)

1. Gary Bradham stated he would like the Mayor and Council to re-evaluate the three minutes that are given to citizens to speak. He suggested 10 minutes for citizens to address their concerns. He asked if the waste companies were going to buy the Sanitation Truck? He further asked if Public Property can be sold.

2. Brenton Nobles stated false information is being given out regarding the Sanitation Privatization. He stated the trucks that the current companies (ABC and Atlantic) are different than the trucks the city uses; therefore, will the companies buy the trucks. He stated the fees that the Mayor and Council are imposing are too expensive.

XI. Council Comments

Elected Officials

Councilman Mitchell Boston stated he feels the city is moving in the right direction with privatization and he does have the city's best interest at the forefront of every decision. He stated the city has to have vision and oftentimes being a leader means making tough decisions and as long as we're moving with integrity, we will be fine. "

Councilman Patrick Underwood stated he had no comment.

Councilwoman Bridgette Kelly stated she had no comment.

Mayor Pro Tem Lovette stated she had no comment.

Councilman Dodd stated he had no comment.

XII. Mayor's Comments

Mayor Hayes had no comments.

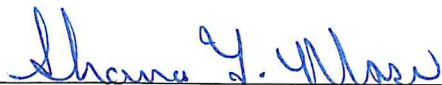
XIII. Executive Session: Councilwoman Kelly stated she would like to make a motion to enter into Executive Session for Real Estate. The motion was made at 7:17 PM and was seconded by Councilman Underwood.

At 7:49 PM a motion to exit Executive Session and re-enter into open session was made by Councilwoman Kelly and the second was provided by Mayor Pro Tem Lovette.

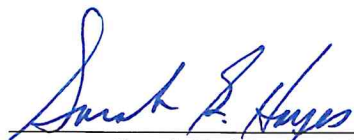
Vote: 5-0: Motion Carried Unanimously.

XIV. Adjournment: At 7:50 PM a motion to adjourn was made by Mayor Pro Tem Lovette and the second was added by Councilwoman Kelly.

Vote: 5-0: Motion Carried Unanimously.



Shana T. Moss, City Clerk



Sarah B. Hayes, Mayor