



INVOCATION AND PLEDGE- Mayor Krause led the Invocation and Pledge of Allegiance.

CALL TO ORDER – Mayor Krause called the meeting to order at 6: 30 p.m.

Roll Call

Present: Mayor Krause and Councilmembers Bogenrieder, Burnette, Patterson, and Penn.

Also Present: City Attorney Jody Campbell, City Clerk Ashya Fambrough, Interim City Administrator Cheryl Venable, and PD Personnel.

Absent: Councilmember Terilli.

City Attorney Campbell noted that there is a need to hold an Executive Session since the agenda was posted therefore the agenda needs to be amended to hold an Executive Session to discuss potential or pending litigation. Councilmember Patterson made a motion to amend the agenda to include an Executive Session to discuss potential or pending litigation. Councilmember Penn seconded the motion and the motion passed unanimously.

MINUTE APPROVAL

1. January 4, 2024 Public Hearing & Work Session Minutes (Provided to Council January 8, 2024)
2. January 16, 2024 SCM Minutes (Provided to Council January 18, 2024)

Councilmember Bogenrieder made a motion to approve the January 4, 2024 Public Hearing & Work Session Minutes and the January 16, 2024 Special Called Meeting Minutes. Councilmember Burnette seconded the motion and the motion passed unanimously.

VOTING ITEMS

1. **R-23-04 Rezoning:** PLG, LLC, c/o Anderson, Tate and Carr, by Melody A. Glouton, applicant, ARJAC Enterprises, Inc., property owner, seeks rezoning from RR, Rural Residential District and SR-2, Suburban Residential District to PUD, Planned Unit Development of 69.59 acres (Map/Parcels ST04/058, 25.074 acres; ST04/059, 26.046 acres; and part of ST04/095B, 18.470 acres) fronting on the north and west side of Jefferson Street across from and north of Bear Creek Middle School. Proposed use: Single-family detached subdivision (123 homes/lots).

The applicant requested to table the rezone until February. Councilmember Patterson made a motion to table Rezone R-23-04 to the February 20, 2024 Regular Meeting. Councilmember Bogenrieder seconded the motion and the motion passed unanimously.

- 2. Statham Place Final Plat:** To approve the final plat of Statham Place Subdivision.

City Attorney noted that this item needs to be tabled to the next voting session to finalize waterline easements on the final plat. Councilmember Penn made a motion to table this item to the next voting session. Councilmember Bogenrieder seconded the motion and the motion passed unanimously.

- 3. ARPA (Tabled from December 20, 2023 Regular Meeting):** to approve the project list for ARPA funds.

Mayor Krause noted that Council wants to table this item to gather more information. Councilmember Patterson made a motion to table this item to the next work session. Councilmember Penn seconded the motion and the motion passed unanimously.

- 4. City Administrator:** to approve the appointment of Cheryl Venable as City Administrator.

Councilmember Bogenrieder made a motion to approve Cheryl Venable to the role of City Administrator. Councilmember Burnette seconded the motion and the motion passed unanimously.

- 5. O-23-06: Ordinance to Amend the Charter- Sidewalks: (Fifth Reading) and Vote to Override Veto.** An ordinance to amend section 1.04 of the City of Statham charter to remove from the corporate powers the authority to require property owners to maintain sidewalks.

City Attorney Campbell noted that this is not a 5th reading. The Ordinance has been read twice and approved twice so the item is only to override the veto of O-23-06. Councilmember Penn made a motion to override the veto of Ordinance O-23-06. Councilmember Patterson seconded the override and the motion passed unanimously.

- 6. LMIG 2024 Projects:** to approve the 2024 LMIG projects list.

Councilmember Penn made a motion to approve the 2024 LMIG projects list. Councilmember Patterson seconded the motion and the motion passed unanimously.

EXECUTIVE SESSION

1. Pursuant to the attorney-client privilege and as provided by Georgia Code section 50-14-2(1), a meeting otherwise required to be open was closed to the public in order to consult and meet with legal counsel pertaining to pending or potential litigation, settlement, claims, administrative proceedings, or other judicial actions brought or to be brought by or against the agency or any officer or employee or in which the agency or any officer or employee may be directly involved and the matter discussed was pending or potential litigation.

At 6:37 p.m. Councilmember Patterson made a motion to enter Executive Session to discuss pending or potential litigation. Councilmember Penn seconded the motion and the motion passed 4-0. Yes votes: Bogenrieder, Patterson, Penn, Burnette. Mayor Krause, Councilmembers Bogenrieder, Patterson, Penn, Burnette, Ashya Fambrough and Jody Campbell were the persons that attended the closed portion of the executive session. The Executive Session ended at 7:25 p.m. with Councilmember Penn making the motion to exit. Councilmember Burnette seconded the motion and the motion passed 4-0. Yes votes: Bogenrieder, Patterson, Penn, Burnette.

City Attorney Campbell stated that all discussions held in Executive Session are protected as Attorney/Client Privilege and that no votes were conducted during the session.

ADJOURN

At 6:51 p.m., Mayor Krause asked for a motion to adjourn the meeting. Councilmember Bogenrieder made a motion to adjourn. Councilmember Burnette seconded, and the motion passed unanimously.

EXECUTIVE SESSION AFFIDAVIT

Before an officer duly authorized to administer oaths appeared Debi Krause, who, after being duly sworn, deposes and on oath states the following:

(1) I am competent to make this Affidavit and have personal knowledge of the matters set forth herein.

(2) Pursuant to my duties as Mayor, I was the presiding officer of a meeting of the Statham City Council held on the 30th day of January, 2024. A portion of said meeting was closed to the public.

(3) It is my understanding that O.C.G.A. § 50-14-4(b) provides as follows:

When any meeting of an agency is closed to the public pursuant to subsection (a) of this Code section, the person presiding over such meeting or, if the agency's policy so provides, each member of the governing body of the agency attending such meeting, shall execute and file with the official minutes of the meeting a notarized affidavit stating under oath that the subject matter of the meeting or the closed portion thereof was devoted to matters within the exceptions provided by law and identifying the specific relevant exception.

(4) The subject matter of said meeting, or the closed portion thereof, was devoted to matters within exceptions to public disclosure provided by law. Those specific relevant exceptions are identified as follows: (Using the list below as a guide list in the affidavit only the exceptions actually applicable to the specific closed meeting.)

 A. Meeting to discuss or vote to authorize the settlement of a matter covered by the attorney-client privilege as provided in Georgia Code section 50-14-2(1) and 50-14-3(b)(1)(A). The subject discussed was _____.

 B. Meeting to discuss or vote to authorize negotiations to purchase, dispose of or lease property as provided in Georgia Code section 50-14-3(b)(1)(B).

 C. Meeting to discuss or vote to authorize the ordering of an appraisal related to the acquisition or disposal of real estate as provided in Georgia Code section 50-14-3(b)(1)(C).

 D. Meeting to discuss or vote to enter into a contract to purchase, dispose of, or lease property subject to approval in a subsequent public vote as provided in Georgia Code section 50-14-3(b)(1)(D).

 E. Meeting to discuss or vote to enter into an option to purchase, dispose of, or lease real estate subject to approval in a subsequent public vote as provided in Georgia Code section 50-14-3(b)(1)(E).

 F. Meeting to discuss or deliberate upon the appointment, employment, compensation, hiring, disciplinary action or dismissal, or periodic evaluation or rating of a public officer or employee as provided in Georgia Code section 50-14-3(b)(2).

 G. Meeting to interview one or more applicants for the position of the executive head of an agency as provided in Georgia Code section 50-14-3(b)(2).

 H. Pursuant to the attorney-client privilege and as provided by Georgia Code section 50-14-2(1), a meeting otherwise required to be open was closed to the public in order to consult and meet with legal counsel pertaining to pending or potential litigation, settlement, claims, administrative proceedings, or other judicial actions brought or to be brought by or against the agency or any officer or employee or in which the agency

EXECUTIVE SESSION AFFIDAVIT

or any officer or employee may be directly involved and the matter discussed was **pending or potential litigation**.

_____ I. Staff meeting held for investigative purposes under duties or responsibilities imposed by law as provided by Georgia Code section 50-14-3(a)(1).

_____ J. Meeting to consider records or portions of records exempt from public inspection or disclosure pursuant to Article 4 of Chapter 18 of Title 50 of the Georgia Code because there are no reasonable means to consider the record without disclosing the exempt portions.

This Affidavit is executed for the purpose of complying with the mandate of O.C.G.A. § 50-14-4(b) and is to be filed with the official minutes for the aforementioned meeting.


This 30th day of January, 2024.



Mayor



Council Member



Council Member

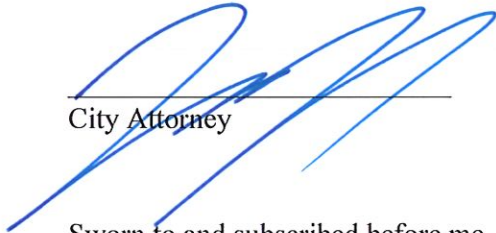


Council Member



Council Member

Council Member



City Attorney

Sworn to and subscribed before me

this 30th day of January, 2024



Notary Public



RESOLUTION OF THE STATHAM CITY COUNCIL

BE IT RESOLVED by the Statham City Council as follows: At the meeting held on the 30th day of January, 2024, the Council entered into closed session for the purpose of discussing Pending or potential litigation. At the close of the discussions, the Council did vote to re-enter into open session and herewith takes the following action in open session:

(1) The actions of the council and the discussions of the same regarding the matter set forth for closed session purposes are hereby ratified.

(2) Each member of this body does hereby confirm that to the best of his or her knowledge, based upon the advice of the City Attorney, the said subject matter of the meeting and of the closed session portion was devoted to matters within the specific relevant exception(s) as set forth above.

(3) The Mayor, or the presiding officer, is hereby authorized and directed to execute an affidavit, with full support of this Council, in order to comply with O.C.G.A. §50-14-4(b).

(4) The affidavit shall be included and filed with the official minutes of the meeting and shall be in a form as required by the statute.

Approved this 30th day of January, 2024.

Attest: Ashya J
City Clerk

Mayor Debi Krause
Mayor



