



CITY OF STATHAM
MEETING MINUTES
Statham Community Center
336 Jefferson Street, Statham, GA 30666

REGULAR MEETING – March 19, 2024

6:30 P.M.

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, Penn, and Terilli.

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

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

Mayor Krause asked for a motion to add Captain Jessie Knight to the agenda following Minute Approval to give a Fire Marshall Report. Councilmember Penn made a motion to add the Fire Marshall’s Report after the Minute Approval. Councilmember Patterson seconded the motion and the motion passed unanimously.

MINUTE APPROVAL

1. March 5, 2024, Work Session Minutes
2. March 12, 2024, Special Called Meeting Minutes.

Councilmember Terilli made a motion to approve the March 5, 2024, Work Session Minutes and the March 12, 2024 Special Called Meeting Minutes. Councilmember Patterson seconded the motion and the motion passed unanimously.

FIRE MARSHAL REPORT: Captain Jessie Knight provided an update of the Fire Marshal’s Office. From January 1, 2024, to present the Statham Station has responded to 259 incidents, the Med Unit respond to 358 incidents. There have been 37 inspections conducted for Statham. For the month of February, the Marshall’s Office received 977 calls, 1,891 emails,75 meetings, 167plans reviewed, conducted 239 inspections. The council thanked him and his team for their hard work. He noted that Statham station is on the list for remodel.

VOTING ITEMS

1. **R-23-04 Rezoning** (*Tabled from the January 30, 2024 Regular Meeting*): 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).

Counselor Campbell noted that this item has been tabled multiple times and they are aware of the sewer issues. They want to protect their place in line and that can be done by a consent order. It would put the application on hold until the applicant asks to bring it back. They are requesting this item be tabled at the April Regular Meeting to allow time for the consent order to be drafted by them and reviewed by the City. Councilmember Terilli made a motion to table the rezone to the April 16, 2024, Regular Meeting. Councilmember Bogenrieder seconded the motion and the motion passed unanimously.

2. AWARD HAMMOND ROAD LMIG PROJECT 2024-1

City Administrator Cheryl Venable noted that the sealed bids were opened on March 4, 2024, at City Hall with Mayor Krause, Jordan McDaniel, All About Asphalt, and herself in attendance. There were 2 sealed bids: All About Asphalt and Pittman Construction at \$106,141.00 and \$105,680.00 respectively. The scope of work is the same for both and she recommends Pittman Construction; she feels both would do a wonderful job, but Pittman Construction is the lower price. Councilmember Penn asked about the timeline. Work will begin within 45 days but could take longer based on jobs ahead of it. Councilmember Burnette asked about completion time. The work should take about 4-5 days. Councilmember Terilli asked about the process if more funds are needed. Cheryl outlined that Chris Deals and herself would go onsite to verify the need and discuss the amount and then provide the information to Council for approval. Councilmember Burnette made a motion to accept the Hammond Rd. LMIG project and accept the quote from Pittman Construction in the amount of \$105,680.00. Councilmember Patterson seconded the motion and the motion passed unanimously.

3. O-24-02 Ordinance Amending the FY23 Budget: Second reading. To approve an FY23 Budget Amendment Ordinance; to maintain a balanced budget by department per Georgia law, the city is required to amend the following department budgets and their respectful line items to maintain a balanced department.

Councilmember Patterson made a motion to approve Ordinance O-24-02. Councilmember Burnette seconded the motion and the motion passed unanimously.

4. Fiscal Year 2023 Audit Acceptance

Councilmember Penn made a motion to accept the FY23 audit and to authorize the mayor to sign and submit the audit to the state. Councilmember Terilli seconded the motion and the motion passed unanimously.

EXECUTIVE SESSION:

1. 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).
2. 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 6:56 p.m. Councilmember Terilli made a motion to enter Executive Session to discuss employment and litigation. Councilmember Burnette seconded the motion and the motion passed 5-0. Yes votes: Terilli, Bogenrieder, Patterson, Penn, Burnette. Mayor Krause, Councilmembers Terilli, 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 7:27 p.m. with Councilmember Penn making the motion to exit. Councilmember Patterson seconded the motion and the motion passed 5-0. Yes votes: Terilli, 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 and asked Council if a vote was needed.

Councilmember Penn made a motion to accept the appointment of Denise Peters as City Clerk at the salary of \$57,200.00 annually. Councilmember Bogenrieder seconded the motion and the motion passed unanimously.

ADJOURN

At 7:28 p.m., Mayor Krause asked for a motion to adjourn the meeting. Councilmember Terilli 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 19th day of March, 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 19th day of March, 2024.

Alle Krause

Mayor

[Signature]

Council Member

[Signature]

Council Member

[Signature]

Council Member

[Signature]

Council Member

[Signature]

Council Member

[Signature]

City Attorney

Sworn to and subscribed before me

this 19th day of March, 2024

Ashya Fambrough

Notary Public



RESOLUTION OF THE STATHAM CITY COUNCIL

BE IT RESOLVED by the Statham City Council as follows: At the meeting held on the 19th day of March, 2024 the Council entered into closed session for the purpose of discussing Employment & 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 19th day of March, 2024.

Attest: Ashly J
City Clerk

Mayor Debi Krause
Mayor



