

A G E N D A
City Council Meeting
Monday, June 5, 2023 – 6:00 p.m.

➤ **OPENING**

- **Call to Order**
- **Invocation**
- **Pledge of Allegiance**
- **Roll Call**

➤ **FORMAL PUBLIC COMMENT**

Formal Public Comment – City Council Agenda Protocol

The City of Garden City has identified this portion of the meeting to allow individuals an opportunity to formally address the City Council on issues of importance. Garden City requires that individuals who desire to formally address the City Council submit a written request form outlining the subject matter that they intend to discuss so that they can be placed on the meeting agenda. Members of the public desiring to be placed on the agenda to present or address matters to the City Council must submit a formal ***“REQUEST TO BE PLACED ON THE CITY COUNCIL AGENDA”*** form to the Office of the City Manager at least 10 days prior to the requested City Council meeting date that you wish to speak. City Council meetings are held on the first and third Monday of each month so the request must be submitted no later than 5:00 pm on the Friday which constitutes 10 days prior. The request can be done in person, regular mail, fax or e-mail and the speaker should obtain acknowledgement of the request from the City to demonstrate that the 10 day requirement has been met. The request form may be obtained from the Office of the City Manager and on the City's website www.gardencity-ga.gov. The request should state the name of the individual(s) desiring to be heard and the subject matter to be presented to City Council. Requests may be referred at the discretion of the City Manager, to appropriate staff for mediation prior to being placed on the public agenda. Please be advised the completion of a request form does not entitle the speaker to be added to the agenda.

➤ RECEIPT OF INFORMAL PUBLIC COMMENT

- **Procedure:** To best manage this meeting section, any person who desires to address the City Council must sign up using the process outlined on the website where this meeting is advertised. Once recognized by the Mayor, the person will be allowed to speak in accordance with the Informal Public Comment-Speaker Protocols outlined below.

Informal Public Comment – Speaker Protocol

The City of Garden City believes that any member of the general public should be afforded the opportunity to address the City Council provided that designated rules are followed by the speaker. Any member of the public who wishes to address the City Council and offer public comment on items within the City Council's jurisdiction, may do so during the Informal Public Comment period of the meeting. However, no formal action will be taken on matters that are not part of the posted agenda. Informal Public Comments are scheduled for a total of fifteen (15) minutes and each person will be limited to three (3) minutes. In order to ensure the opportunity for all those desiring to speak before the Council, there is no yielding of time to another speaker. Speakers not heard during the limited fifteen (15) minute period will be first to present their comments at the next Council meeting. The opportunity to address City Council on a topic of his/her choice shall be used by an individual only one (1) time per month. It may not be used to continue discussion on an agenda item that has already been held as a public hearing. Matters under negotiation, litigation, or related to personnel will not be discussed. If a member of the general public would like to address the City Council during the Informal Public Comment portion of the meeting, please respectfully indicate your desire to address the City Council when the Mayor solicits members of the general public to come forward and speak. You will be recognized by the Mayor and asked to come forward to the podium so that you can address the City Council in accordance with the rules outlined herein. Once the speaker has been recognized to speak, he/she will be given three (3) minutes to address the City Council. The speaker should not attempt to engage the City Council and/or Staff in a discussion/dialogue and the speaker should not ask specific questions with the expectation that an immediate answer will be provided as part of the three (3) minute time frame since that is not the intent of the Informal Public Comment period. If the speaker poses a question or makes a request of the City, the Mayor may refer the issue or request to the City Manager for follow up. At the conclusion of the three (3) minute time period, the speaker will be notified that his/her time has elapsed and the next speaker will be recognized to come forward to the podium and address the City Council. The Mayor may rule out of order any Speaker who uses abusive or indecorous language, if the subject matter does not pertain to the City of Garden City, or if the Speaker(s) attempts to engage the City Council Members in a discussion or dialogue on issues. City Council shall not discuss non-agendized matters because it does not give the public adequate notice. Accordingly, City Council shall be limited to asking factual and clarifying questions of staff, and when appropriate, the Council may consider placing a matter on a future agenda. In addition, it is not reasonable to expect staff to respond to any of a variety of issues on which they may or may not be prepared to respond to on a moment's notice, so the City Manager may respond, or direct staff to respond at a later time.

➤ PUBLIC HEARINGS

Speaking to a Public Hearing Item Protocol

In the interests of time and to ensure fairness of all persons who appear before the City Council to speak for or against a public hearing item, speakers will be limited to three (3) minutes each to address City Council except as described herein. One speaker for the Petitioner may address the City Council for no more than 10 minutes, unless extended by the Mayor. In an effort help the City Council and the general public to better understand the issues, the Mayor may request that a City staff member address the City Council from the podium. Speakers from the general public may only speak when recognized by the Mayor during the public hearing. Speakers will be asked to come to the podium to address the City Council for three (3) minutes and they shall state their name and resident address for the record.

Speakers addressing City Council on a public hearing item should coordinate comments to respect City Council's time limits. Groups should select a spokesperson to present the major points that summarize their position and opinions. Speakers are urged to be brief and non-repetitive with their comments. Comments shall specifically address the public hearing item before the City Council, and the speaker shall maintain appropriate tone and decorum when addressing the City Council. City Council may ask questions of the applicant, speakers, or staff during these proceedings only for the purpose of clarifying information. The speaker shall not direct derogatory comments to any individual, organization, or business. At the conclusion of the three (3) minute time period, the speaker will be notified that his/her time has elapsed, and the next speaker will be recognized to come forward to the podium and address the City Council. Once the public hearing is closed on an item, there will be no further opportunity for formal or informal public input at a City Council meeting.

***PROCEDURES FOR CONDUCTING PUBLIC HEARINGS ON PROPOSED ZONING DECISIONS BEFORE
GARDEN CITY'S MAYOR AND COUNCIL AND STANDARDS GOVERNING THE EXERCISE OF
CITY COUNCIL'S ZONING POWER***

Procedures for Conducting Public Hearings on Proposed Zoning Decisions:

All public hearings conducted by the Mayor and Council on Garden City, Georgia, on proposed zoning decisions shall be conducted as follows:

- (1) All public hearings by the Mayor and Council on zoning amendments shall be chaired by the Mayor.
- (2) The Mayor shall open the hearing by stating the specific zoning amendment being considered at the public hearing and further stating that printed copies of the adopted standards governing the exercise of the Mayor and Council's zoning power and the procedures governing the hearing are available to the public.
- (3) The Director of the City's Planning and Zoning Department shall advise the Mayor and Council of the recommendation of the Planning Commission when applicable.
- (4) The Mayor shall determine the number of attendees who desire to testify or present evidence at the hearing.
- (5) When there is a large number of individuals wishing to testify at a hearing, the Mayor may invoke time limits on individual speakers. In such cases, these time limits shall apply to all speakers. Proponents, including the petitioner or the petitioner's agent requesting the zoning decision, shall have no less than ten (10) minutes for the presentation of data, evidence, and expert opinions; opponents of the proposed decision shall have an equal minimum period of time. The Mayor may grant additional time; provided, however, an equal period of time shall be granted both sides.
- (6) The petitioner requesting such zoning decision, or the applicant's agent, shall be recognized first and shall be permitted to present and explain the request for the zoning decision. Thereafter, all individuals who so desire shall be permitted to speak in favor of the zoning decision.
- (7) After all individuals have had an opportunity to speak in accordance with subparagraph (6) above, those individuals present at the public hearing who wish to speak in opposition to the requested zoning decision shall have an opportunity to speak.
- (8) The Mayor may limit repetitious comments in the interest of time and may call for a show of hands of those persons present in favor of or opposed to the proposed decision.
- (9) It shall be the duty of the Mayor to maintain decorum and to assure the public hearing on the proposed decision is conducted in a fair and orderly manner.
- (10) Once all parties have concluded their testimony, the Mayor shall adjourn the public hearing.

Standards Governing the Exercise of The Zoning Powers of Garden City's Mayor and Council:

Prior to making a zoning amendment, the Mayor and Council shall evaluate the merits of a proposed amendment according to the following criteria:

- (1) Is this request a logical extension of a zoning boundary which would improve the pattern of uses in the general area?
- (2) Is this spot zoning and generally unrelated to either existing zoning or the pattern of development of the area?
- (3) Could traffic created by the proposed use or other uses permissible under the zoning sought traverse established single-family neighborhoods on minor streets, leading to congestion, noise, and traffic hazards?
- (4) Will this request place irreversible limitations or cause material detriment on the area similarly zoned as it is or on future plans for it?
- (5) Is there an imminent need for the rezoning and is the property likely to be used for the use requested?
- (6) Would the proposed use precipitate similar requests which would generate or accelerate adverse land use changes in the zone or neighborhood?

➤ **Approval of City Council Minutes**

- Consider the minutes from the May 15th Pre-Agenda Session and City Council Minutes.

City Manager's Report

- Updates and announcements

➤ **ITEMS FOR CONSIDERATION**

- **Resolution – City Council Meeting Schedule Amendment:** A resolution to amend the regular meeting schedule of the Garden City City Council to eliminate the June 19, 2023 regular city council meeting due to the Juneteenth holiday; and to establish a meeting of the City Council on June 20, 2023.

- **Ethics Complaint**

- **Executive Session:** An executive session pursuant to O.C.G.A. Section 50-14-3(b)(2) for the purpose of discussing or deliberating upon the appointment, employment, compensation, hiring, disciplinary action, or dismissal, or periodic evaluation or rating of a public officer or employee.

➤ **ADJOURN**

MINUTES

City Council Meeting Monday, May 15, 2023 – 6:00 p.m.

Call to Order: Mayor Campbell called the meeting to order at approximately 6:00 p.m.

Opening: Councilmember Hall gave the invocation, and Mayor Campbell led the City Council in the pledge of allegiance to the flag.

Roll Call

Council Members: Mayor Bruce Campbell, Mayor Pro-tem Marcia Daniel, Councilmember Gwyn Hall, Councilmember Lassiter, Councilmember Morris, and Councilmember Ruiz. Absent: Councilmember Kim Tice.

Staff Members: Scott Robider, City Manager; James P. Gerard, City Attorney; Rhonda Ferrell-Bowles; and Veronica Enoch, Executive Assistant.

Formal Public Comment

Request to be placed on the agenda: Mayor Campbell said we have a request from George Slade Cole, Sr., to be placed on the agenda to address the City Council regarding the fire protection fee/credits. City Manager stated that the City Attorney addressed Mr. Cole's concerns before the council meeting.

Request to be placed on the agenda: Mayor Campbell said we have a request from Shannon Holman to be placed on the agenda to address the City Council regarding a property marking for sewer.

Mr. Holman, 125 Camelia Avenue, in District 5, stated that on April 26th, he had the City's sewer maintenance personnel come out and mark the sewer. He said the city's maintenance person marked where to dig, and we hit a gas line. He said we received a bill from the City for \$5,000. He said he emailed Councilmember Tice, the District 5 representative, asking her to call him. He noted that Councilmember Tice sent an email in support of staff instead of calling him. He asked the City Council to consider resending the bill or reducing it.

Councilmember Hall asked for a breakdown of the bill. Mr. Holman gave an overview of the bill.

Councilmember Lassiter asked if the incident occurred during work hours. Mr. Holman replied, yes.

The City Manager stated that he reviewed the case. He noted that we marked the main but that 811 is responsible for marking the gas line. He said that the fees are according to the fee schedule adopted by the City Council. He noted that this incident was considered a public hazard.

Councilmember Lassiter asked why Code Enforcement was charging for services during work hours.

Mr. Holman said I had yet to have anyone from the city talk to me. The bill was attached to the door. He said they didn't mark the property. The City Manager noted that the City isn't responsible for marking the laterals on private property.

Councilmember Lassiter said we need to look into this. Councilmember Hall said the bill is exorbitant.

The City Manager said I could set up a meeting to discuss the bill with Mr. Holman if you would like me to.

Informal Public Comment: Mayor Campbell opened the floor to receive comments from the audience.

City Council Minutes: Councilmember Ruiz motioned to approve the minutes from the May 1st pre-agenda session, city council minutes, and May 8th workshop. The motion was seconded by Councilmember Daniel and passed without opposition.

City Manager's Report: The City Manager stated that he had no updates to report.

Items for Consideration

Resolution – City Council Salaries: The Clerk of Council read the heading of a resolution authorizing the processing of an ordinance to amend Section 2.04, Article II, of the Charter of Garden City Georgia, to increase the compensation of Mayor and Councilmembers pursuant to Section 36-35-4 of the Official Code of Georgia Annotated, as amended.

Councilmember Morris motioned to adopt the resolution. Councilmember Ruiz seconded the motion. Councilmember Hall, Councilmember Lassiter, Councilmember Morris, and Councilmember Ruiz voted in favor, with Councilmember Daniel and Mayor Campbell opposed. Mayor Campbell stated that the motion passed by a 4 to 2 vote.

Executive Session: Councilmember Lassiter motioned to enter an executive session pursuant to O.C.G.A. Section 50-14-2(1) for the purpose of consulting with legal counsel pertaining to pending or potential litigation, settlement, claims, administrative proceedings, or other judicial actions brought by or against the City or any officer or employee or in which the City or any officer or employee may be directly involved. The motion was seconded by Councilmember Daniel and passed without opposition.

Executive Session: Councilmember Lassiter motioned to enter an executive session pursuant to O.C.G.A. Section 50-14-3(b)(2) for the purpose of discussing or deliberating upon the appointment, employment, compensation, hiring, disciplinary action, or dismissal, or periodic evaluation or rating of a public officer or employee. The motion was seconded by Councilmember Daniel and passed without opposition.

Adjournment: The City Council unanimously adjourned the meeting at approximately 7:00 p.m.

*Transcribed & submitted by: The Clerk of Council
Accepted & approved by: The City Council on 6/5/23*

SYNOPSIS

Pre-Agenda Session Monday, May 15, 2023 – 5:30 p.m.

Call to Order: Mayor Campbell called the pre-agenda session to order at approximately 5:30 p.m.

Attendees

Council Members: Mayor Bruce Campbell, Mayor Pro-tem Marcia Daniel, Councilmember Gwyn Hall, Councilmember Richard Lassiter, Councilmember Natalyn Morris, Councilmember, and Councilmember Debbie Ruiz. Absent Councilmember Kim Tice

Staff Members: Scott Robider, City Manager; James P. Gerard, City Attorney; Rhonda Ferrell-Bowles, Finance Director/Clerk of Council; Cliff Ducey, Recreation Director; Mike Dick, Fire Chief; Gil Ballard, Chief of Police; Yolanda Irizzly, HR Director; Chris Snider, Systems Administrator; and Cliff Davis, Public Works Director. Absent: Jon Bayer, Water Operations Director.

Mayor's Updates: Mayor Campbell stated that he had no updates to report.

City Manager's Updates: The City Manager stated that he had no updates to report.

Review of the Council Agenda Items: The City Manager gave an overview of the items on the agenda for consideration.

Councilmember Hall inquired about the Planning Commission meeting on 5/23/23 being At 2:00 p.m. instead of its regular time. The City Manager said that staff checked with the members and they were good at holding the meeting at 2:00 p.m.

Councilmember Ruiz asked the City Manager to see if something could be sent out to the residents explaining the fire protection. The City Manager said that he would talk to the utility billing staff.

Councilmember Daniel asked how Georgia Cities Week went. The City Manager said the students enjoyed it. He said we will look at doing it on a grander scale next year.

Given that there were no other items to discuss, the City Council unanimously adjourned the pre-agenda session at approximately 5:40 p.m.

Transcribed & submitted by: The Clerk of Council

Accepted & approved by: The City Council 6/5/23

RESOLUTION

A RESOLUTION TO AMEND THE REGULAR MEETING SCHEDULE OF THE GARDEN CITY CITY COUNCIL; TO ELIMINATE THE JUNE 19, 2023, REGULAR CITY COUNCIL MEETING DUE TO THE JUNETEENTH HOLIDAY; AND TO ESTABLISH A MEETING OF THE CITY COUNCIL ON JUNE 20, 2023.

WHEREAS, it is desirous to amend the regular meeting schedule of the Garden City City Council for the period of January 19, 2023 through January 20, 2023; and

WHEREAS, an amendment to the regular meeting schedule of the City Council is not detrimental to the proper and diligent administration of the City; and

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of Garden City, Georgia, in regular session assembled, that they do hereby approve and amend the regular meeting schedule of the Garden City City Council as herein described for the period of June 19, 2023 through June 20, 2023.

ADOPTED this 5th day of June 2023.

BRUCE CAMPBELL, Mayor

RECEIVED AND APPROVED this 5th day of June 2023.

RHONDA FERRELL BOWLES, Clerk of Council

Garden City Ethics Committee Meeting Minutes – May 16, 2023

The three members of the Garden City Ethics Committee - Regina Harley, Theresa Robinson, and Leesa Bohler Hunter – met at Garden City City Hall on May 16, 2023 at 2:00 p.m. to review the Ethics Complaint dated November 22, 2023 and November 22, 2002 and filed with the Committee by MonaLisa Monroe (Complainant) on February 9, 2023.

Complainant alleges six (6) violations of the Code of Ethics by City Manager Scott Robider (Respondent) on different dates. Respondent was served with a copy of the Complaint on February 10, 2023, and filed his response on February 26, 2023. After review and consideration of the six alleged violations of the Garden City Code of Ethics, codified as Div. 4, Sections 2-81 through 2-100.4, the committee noted the following:

1. Complainant alleges Respondent violated **Sec. 2-82**, Intent of the Code of Ethics, by impeding government efficiency or economy or affecting adversely the confidence of the public in the integrity of government on 10/03/22, 11/22/22, and 02/02/23.
 - A. Complainant alleges Respondent told Residents and a Zoning and Planning Commission member that “their opinions and comments do not matter” after the November 22, 2022, City Council Meeting. Respondent contends Mr. Monroe announced to a group after the meeting that the City Manager “was a failure” for not making a certain recommendation regarding the development of city property. The City Manager responded to Mr. Monroe that his opinion of the City Manager did not matter.
 - B. Complainant contends the City Manager refused to answer questions at the Community Town Hall Meeting held on 02/03/23 regarding the property behind the farmers’ market. Respondent contends the meeting in question was held for project developers to explain the project to the community members and for the project developer to address community concerns. The respondent further replied that the purpose of the meeting was not for city staff to answer questions from the public.
 - C. Complainant also says there were direct questions from the residents about the awarded developer of the RFQ for Highway 80 on 10/10/22 and 11/22/22, but provides no further details as to these questions.

Summary: With respect to any violations of Ethics Code **Sec. 2-82** contained in the above allegations, there were no facts alleged regarding government efficiency or economy nor confidence in the integrity of government being impeded by the City Managers' statement that a personal opinion about him did not matter. There are no facts contending the City Manager used his public office for private gain even if the City Manager did not entertain questions from the public at a meeting.

2. Complainant alleges a violation of **Sec. 2-84** – Conflict of Interest – contending she possesses an audio recording made 3/11/22 between the City Manager and former Garden City mayor discussing how to stop the Zoning and Planning Commission from building residential housing on the Haynes property or anywhere else in the city. Although the tape recording has not been produced to the Ethics Committee for review, the committee assumed for purposes of this ruling that the recording was made as stated on 3/11/2022 and contained the conversation alleged. Respondent contends this recorded conversation took place more than 180 days before this complaint, so is time barred for consideration as an Ethics Code violation. He further responds that the recorded conversation was based upon established city policies and plans for the Haynes and Highway 80 properties which had been opposed in the past by Complainant.

Summary: With respect to any violation of **Sec. 2-84** by the City Manager on 3/11/22 as alleged, no business or financial interest or personal interest incompatible with the proper discharge of official duties as required by Code Section 2-84 was alleged. In addition, more than 180 days have passed between the alleged 3/11/22 recording and the filing of this complaint on 2/09/23. Accordingly, in addition to failing to state a violation, this portion of the Complaint is time barred.

3. Complainant contends **Sec. 2-86** was violated when the City Manager asked a competing developer on unspecified dates if they knew of and/or had talked to the Garden City Housing Team and later inquired about the conversations between the developer and the nonprofit organization, The Garden City Housing Team.

Summary: No financial, business, or other personal relationship has been shown between the City Manager and a developer which would amount to a Conflict of Interest by these conversations. There has been no showing that these conversations were incompatible with the proper discharge of the City Manager's duties.

4. Complainant alleges the City Manager violated **Sec. 2-88** by giving no recommendations on the RFQ awarded by City Council on 11/22/22, by allowing a new RFQ to be submitted without posting a public notice, and by giving a new developer the opportunity to submit a proposal after the final submission. Per the Respondent, this allegation appears to be related to a contract for the purchase and development of the City property on Highway 80 which was awarded by City Council to Konter Development Company on 11/22/22. Respondent denies any financial interest or other relationship with Konter Development Company.

Summary: With respect to any violation of Code Sec. 2-88 prohibiting the city from entering into contracts involving services with a member of a governing authority or with which a governing body has an interest, Complainant has shown no financial or other interest between the City Manager or the City of Garden City and an entity contracting with the city.

5. Complainant also alleges a violation of Code of Ethics **Sec. 2-91**, which prohibits the city from using or permitting others to use official information to further a private interest. These alleged violations occurred with regard to an RFQ awarded by city council on 11/22/22 to develop housing on the Highway 80 property. Complainant says:

- A. No recommendations were given by the City Manager to council on the date of the vote for the RFQ;
- B. A new developer was given an opportunity to submit a proposal after the final submission by two other developers.
- C. City Council Members were not given the opportunity to ask any questions on a motion on the floor at the council meeting on 11/22/22.
- D. The developer which was later awarded the RFQ was allowed to attend the pre-agenda council meeting which had a time change from 5:30 p.m. to 5:00 p.m. without advising the public, who arrived at 5:30 p.m. with the opposing developer for the 5:30 Pre-agenda meeting. The Complainant questions how the awardee knew about the time change.

Summary: There is no allegation that Respondent City Manager had a private interest in the development company to which the RFQ in question was awarded by City Council. The violator must have a private interest in order for Sec. 91 of the Code of Ethics to be applicable. Since there is no statement regarding a private interest, no violation of Sec. 91 can be found.

6. The last section of the Complaint alleges violations of **Sec. 2-100.1** regarding how the Garden City Ethics Committee was appointed and constituted. It further references two former committee members who no longer serve, questions why the public is allowed no input into the selection of committee members, sets forth the timeline and efforts made by Complainant to file this complaint, and complains that Ethics Committee members' names are not listed on official city websites.

Summary: The Ethics Committee currently consists of three members who were appointed by the mayor and council as set forth in **Sec. 2-100.1**, with one selected by the mayor, one selected by council, and the remaining committee member selected by the two committee members subject to approval of council. The Ethics Committee has no jurisdiction to determine whether this section of the Code of Ethics, codified as a city ordinance after a vote of the Garden City Council in 2002, should have utilized a different method for selection of the committee members nor whether the committee names should be listed on an official city website. Furthermore, this committee cannot comment on or rule upon how and when prior committees were constituted. No violation of Sec. 2-100.1 has been alleged under this complaint.

JUL 2022
Jas

Garden City Ethics Committee
Board or State Association

Address Garden City City Ga State 31408 Zip

Ethics Complaint

To the **Grievance Committee** of the The Garden City Manager
Board or State Association

Filed: November 22 20 23

Garden City Manager Garden City Housing Team

Complainant(s)

Respondent(s)

Complainant(s) charge(s):

An alleged violation of Article(s) Sec. 2-82, 84, 86, 88, 91, 100.1 of the Code of Ethics or other membership duty as set forth in the bylaws

of the Board in Intent, Conflict, Disclosure, Use of Confidential Information, and Administration, Ethics Committee Article, Section and alleges that the above charge(s) (is/are) supported by the

attached statement, which is signed and dated by the complainant(s) and which explains when the alleged violation(s) occurred and, if a different date, when the complainant(s) first knew about the alleged violations. This complaint is true and correct to the best knowledge and belief of the undersigned and is filed within one hundred eighty (180) days after the facts constituting the matter complained of could have been known in the exercise of reasonable diligence or within one hundred eighty (180) days after the conclusion of the transaction, whichever is later.

Date(s) alleged violation(s) took place: November 22, 2022, and it was taking place at the City Hall Building after the Council Meeting. The City Manager spoke to his citizens in a very disrespectful and condescending way. He stated to a Garden City Resident and City Commissioner saying and I quote "YOU DON'T MATTER" "WHAT YOU SAY DOESN'T MATTER" and he addressed the President of Housing Team by saying and I quote, "I know Ambling Met with You (meaning the Garden City Housing Team) and what that meeting had anything to do with the vote was unannounced to me. It left me confused.

Date(s) you became aware of the facts on which the alleged violation(s) (is/are) based. On November 22, 2022. After those statements were made to a resident of Garden City and to me The President of the Garden City Housing Team, I went home and started to research and find out who were the members of the Garden City Ethics Committee.

I (we) declare that to the best of my (our) knowledge and belief, my (our) allegations in this complaint are true.

Are the circumstances giving rise to this ethics complaint involved in civil or criminal litigation or in any proceeding before any other state or federal regulatory or administrative agency?

Yes No

You may file an ethics complaint in any jurisdiction where a Mayor, City Manager or City Employee is involved. Note that the Code of Ethics with respect to alleged violations of the Code of Ethics relating to the same transaction or event.

If so, name of other Association(s): The Garden City Housing Team Date(s) filed: 11/22/02
I understand that should the Grievance Committee dismiss this ethics complaint in part or in total, that I have twenty (60) days from my transmittal of the dismissal notice to appeal the dismissal to the Board of Directors.

Complainant(s):

MonaLisa Monroe

Type/Print Name

Signature

Type/Print Name

Signature

100 Town Center Drive #6308 Garden City, Ga. 31405

Address

912-373-5964

Phone

gardencityhousingteaminc@gmail.com

Email

(Revised 11/15)

Code of Ethics Form

Ethics Complaint with the Garden City Manager of Garden City - Filed on 12/01/22.

This ethics complaint is with the City Manager Scott Robider.

This Complaint will be filed under the following sections:

Section 2-82 – Intent.

Impeding government efficiency or economy or affecting adversely the confidence of the public in the integrity of the government.

- A) The City Manager stated to Residents and a Zoning and Planning City Commissioner that their opinions and comments do not matter on 10/03/22 and 11/22/22.
- B) The City Manager refused to answer or acknowledge residents with questions at the Community Town Hall meeting at the Cooper Center on 02/02/23 about the property behind the farmers market being rezoned.
- C) Also, direct questions from the residents and a Zoning and Planning City Commissioner about the awarded developer of the RFQ for highway 80 on 10/10/22 and 11/22/22.

Section 2-84 - Conflict of Interest

No elected official appointed officer, or employee of the city or any agency or political entity to which the city's code applies shall knowingly engage in any business or transaction or have a financial or other Personal interest direct or indirect which is incompatible with the proper discharge of his/her official duties or which would tend to impair his/her independence of judgement or action in the performance of his/her official duties.

I have an audio of the City Manager Scott Robider and the former Mayor of Garden City Don Bethune discussing how they could stop Rev Dr. Gary Monroe the Zoning and Planning Commissioner of Garden City from building residential housing for the people of Garden City on the Haynes Property or anywhere else on 03/11/22.

Section 2-86 – Disclosure of Conflicts of Interest

The City Manager asked the competing developer if they had talked to the Garden City Housing Team and if they knew of the Garden City Housing Team. Later the City Manager Scott Robider asked about the conversations the developer had with the nonprofit organization The Garden City Housing Team.

Section 2-88 – Prohibited Contracts

There were No Recommendations given by the City Manager on the day of the voting for the RFQ awardee on 11/22/22.

A New RFQ was submitted without a Public Notice being posted.

A New developer was given the opportunity to submit a proposal for the RFQ after the final submission of the 2 final developers where chosen. Out of the last 2 developers one was disqualified and the remaining developer was not selected by default. The RFQ by default should have been awarded to the final developer.

Sec. 2-91 – Use of Confidential Information

for governing authority member shall not directly or indirectly make use of permitting others to make use of the purpose of furthering a private interest, official information not made available to the public.

There were No Recommendations given by the City Manager on the day of the voting for the RFQ awardee on 11/22/22.

A New RFQ was submitted without a Public Notice being posted.

A New developer was given the opportunity to submit a proposal for the RFQ after the final submission of the 2 final developers where chosen. Out of the last 2 developers one was disqualified, and the remaining developer was not selected by default. The RFQ by default should have been awarded to the final developer.

City Council Members did not have an opportunity to ask any questions on a motion that was on the floor at the council meeting on 11/22/22.

The developer that was later awarded the RFQ on Hwy 80 on 11/22/22 attended the pre-agenda meeting. This pre-agenda meeting had a time change from 5:30pm to 5:00pm. I personally checked the calendar up until the day of the meeting and there was no change. But the day of the meeting 11/22/23 the calendar had the new time change of 5:30pm to 5:00pm. The public arrived on the scheduled time with the opposing developer. They were not aware of the change at all, so they missed the pre-agenda meeting. The calendar on the website changed the day of the council meeting. That time was changed from 5:30pm to 5:00pm without the public nor the opposing developer on the final list being aware of the change. How did the awardee know about the time change?

Section 2-100.1 – Administration; Ethics Committee

Contacted Pastor Mason – Former Ethics Committee Member on 11/22/22 about who I needed to talk to file a complaint. He told me to contact Mrs. Leesa Bohler Hunter.

Later that day on 11/22/22 I received a call from Gwen Hall – A former President of the Ethics Committee and asked him who I needed to contact to file a complaint against the City Manager.

The next day, on Wednesday, 11/23/22 I received a call and email from the City Attorney James (Jim) Gerard asking me whether I was filing a complaint. I stated Yes, He then stated that he would forward me the information I would need to file the complaint. In the email sent on 11/23/22, it gave me the ethics requirements and codes with the contact information of the one member of the board that was active on the Ethics Committee. At this time the committee only consisted of 1 member. The Board was supposed to have a total of three active Garden City Residents on the Ethics Committee.

The Garden City resident must be appointed by the Mayor, one Garden City resident must be appointed by Council and third person must be appointed by the two Mayor and City Council. That person is subject to approval by a majority of the Mayor and the City Council. All members shall be residents of the city of Garden City and shall serve two-year terms. The public has no say into who can be on this board. How can a complaint be filed without bias knowing the committee was voted in by their own nominations given by the people that nominated them. This Ethics Board had been formed previously by one member who was not a Garden City Resident. The President was voted to be a City Council Member

without filling his seat before departure. The third member of the Ethics Committee is unknown to the public. All parties (members) of the Ethics Committee are not listed anywhere on any of the official websites for the city of Garden City.



Office of the City Manager
City Hall/100 Central Avenue
Garden City, Georgia 31405

Scott Robider
City Manager 

To: Garden City Ethics Committee
Attn: Leesa Bohler Hunter

February 26, 2023

Ms. Hunter:

I am in receipt of the ethics complaint filed by Mrs. MonaLisa Monroe, dated November 20, 2022, against me as City Manager. The purpose of this letter is to respond in good faith based on my recollection of the events described within the complaint. However, reviewing the complaint, several allegations appear to conflict with the City Code references provided. As such, I request that the Ethics Committee (Committee) evaluate the allegations directly with the Code Sections provided and determine the submitted complaints' applicability. That said, I will attempt to provide answers to the allegations as follows:

- Section 2-82-Intent
 - A) Gary Monroe verbally accosted me after the 11-21-2022 Council Meeting. He loudly announced that I was a failure as a City Manager for not recommending Ambling Company (housing vendor) to develop specific properties owned by the City on Highway 80. I informed him that his personal opinion of me, based on his repeated verbal attacks, did not matter. I further said that I respected him as a citizen, but that is all I owe him as City Manager. I then spoke with residents about other City matters, with several commenting on his rude behavior.
 - B) The Community Meeting referenced by Mrs. Monroe was solely between the developer and the community. My role was to facilitate the meeting. I made opening statements that included several requests for the attendees to hear and work with the developer of specific properties adjacent to the State Farmers Market on manageable site designs that lower the impacts on the residents. I did not attend the meeting to provide answers to questions as that was not the purpose of the meeting. After the meeting, I spoke with residents and helped them understand the exhibits.
 - C) Contrary to Mrs. Monroe's allegations, residents had no questions about Konter Development Company before the company was awarded a contract by Mayor and Council to purchase and develop City-owned property on Highway 80. After the 11-21-2022 City Council meeting during which the contract was awarded to Konter Development Company, Gary Monroe publicly accused me of illegally inserting a bid for Konter Development Company and having the company improperly selected over Ambling Company, whom he and Mrs. Monroe (on behalf of their privately-owned Garden City Housing Team ("GCHT")) had approached about developing, but not buying, the property through a housing authority formed and controlled by them or the GCHT. Konter Development Company complied with all of the City's bidding instructions by submitting a proposal to buy and develop the property in question, which City Council selected over Ambling Company's bid, which did not offer to buy the property as required by the City. I have attached Exhibit "A" for your review records supporting my position. I find the accusations of Ms. Monroe relating to this matter extremely troubling and libelous.

D) Any comments I allegedly made disrespectfully or condescendingly were made, if at all, in response to the unfounded allegations made by Gary and Monalisa Monroe that the bidding process for the sale of the City's Highway 80 property violated the law and was rigged.

- Section 2-84- Conflict of Interest
 - A) The audio recording referenced in Mrs. Monroe's Complaint was taken secretly by Gary Monroe almost a year ago, on 3/13/22, beyond the six-month time limit for filing ethics claims. It contained a conversation between former Mayor Don Bethune and myself about the efforts of Gary & Monalisa Monroe to oppose and protest the decisions of the Mayor and Council as to how to develop the City's vacant undeveloped properties on Highway 80 and at the former Haynes School site. Mr. Monroe came to City Hall unannounced to play me a portion of the tape, stating that he was disappointed with my comments. I apologized to him if he was offended by the recorded comments on his efforts to oppose the City's plans for the properties, but I did not apologize for the recorded comments made by me. Despite the City's conflicting position with that of Mr. & Mrs. Monroe as to how portions of the City are to be developed (which triggers no violation of the Ethics Ordinance), I have always accommodated all requests made by them, on behalf of their privately owned GCHT, for the issuance of permits and licenses to hold public events for publicizing their differences with the City, often waiving the permitting and license fees. Additionally, as City Manager, I have been most thankful for the projects of the GCHT to repair and rehabilitate dilapidated homes in the City and have personally contributed funds in response to the organization's charitable efforts to raise money for such a purpose. The consistent personal attacks on me by Mr. and Mrs. Monroe have not affected my support, both as City Manager and personally, for their organization's rebuilding and repairing of homes in the City for individuals who do not have the resources to do so themselves.
 - B) Reference is made in Mrs. Monroe's Complaint to the date of 3/11/22 when a virtual meeting was requested by Gary & Mona Lisa Monroe regarding their GCHT. Then-Mayor Don Bethune and I were asked to attend, and we agreed. This was not a recorded meeting, as it was promoted by Mr. & Mrs. Monroe as an informal conversation on how the City could support their GCHT. The meeting began well, but Mr. Monroe quickly became accusatory and disrespectful to the City, which changed the tone and dynamic of the discussion. Both Mr. & Mrs. Monroe expressed the need for the City to somehow designate or appoint their GCHT as the City's public Housing Authority to whom the City could convey title to its Haynes School site for residential development. I informed them that City Council has no current interest in forming and overseeing a public Housing Authority under State law and regulations and that even if City Council had such interest, the Authority's membership would be composed of individuals selected according to applicable state laws and regulations which may not include them and their GCHT. At such a meeting, Mr. and Mrs. Monroe also expressed an interest for their privately-owned GCHT to somehow plan and promote a housing development called the *Garden City Botanical Gardens* on the industrially zoned property behind the State Farmers Market, which is privately owned. Because City Council does not wish to purchase such property, much less down-zone it for residential purposes, any reluctance on my part to promote or advance such an idea on behalf of the City does not constitute a conflict of interest, as alleged by Mr. and Mrs. Monroe. I am simply following the decisions and policies the Mayor and Council set, which Mr. and Mrs. Monroe are challenging and working against.

- Sections 2-86 and 2-88 - Disclosure of Conflict of Interest/Prohibited Contracts
 - A) Mrs. Monroe's complaint falsely alleges a conflict of interest between my position as City Manager and my reported dealings with Konter Development Company, to which City Council awarded a contract for the purchase and development of the City's property on Highway 80. I have never served in any capacity with Konter Development Company, nor have I ever invested in or been compensated by the company. I have never done or said anything that would even create the appearance that I had any relationship with the company. After all of the submitted bid proposals for the award of the contract were initially reviewed by me to determine if they were complete and in proper form, they were submitted for evaluation, discussion, and scoring by a seven-person independent review team composed of City staff which included several Department Heads, but did not include me. City Council awarded the contract based on the review team's evaluation and scoring, as summarized in a memorandum I provided for City Council's review. As alleged by Mrs. Monroe, I made no recommendations to City Council as to which developer to select. It is thus difficult to imagine the existence of any conflict of interest on my part.
 - B) Mrs. Monroe also falsely alleges that the contract awarded by the City Council to Konter Development for the purchase and development of the Highway 80 property was prohibited or illegal in violation of Code Section 2-88, which forbids city contracts for services or property with a member of the governing authority or with a business in which a member of the governing authority has an interest. As stated above, I have no relationship or involvement with Konter Development Company, to which a contract was awarded for purchasing and developing the City's Highway 80 property. Concerning Mrs. Monroe's allegation that the contract was illegal for reasons outside the scope of the Ethics Ordinance and beyond the jurisdiction of the City's Ethics Committee (i.e., The bid was submitted late or in response to a new bid solicitation that had not been publicly advertised or posted), Konter Development Company's proposal was timely submitted on the morning of September 8, 2022, before the 1 p.m. deadline on such day, in response to the only bid solicitation issued by the City for the project.

- Section 2-91 – Use of Confidential Information

I at no time directly or indirectly made use of, or permitted others to use, to further my private interest, official information not made available to the public in violation of Code Section 2-91 of the Ethics Ordinance. All developers bidding on the purchase/development contract for the City's Highway 80 property were provided the same materials to base their respective proposals. Mrs. Monroe's allegations that (1) the bid proposal of Konter Development Company was submitted late; (2) the City issued a second request for proposals for the purchase/development of the City's Highway 80 property without publicly advertising same; (3) City Council members were not given an opportunity to discuss a motion to award the purchase/development contract to Konter Development Company; and, (4) only Konter Development Company, and not the losing bidder, attended the pre-agenda meeting of Council on 11-21-2022 after the meeting time had been changed from 5:30 pm to 5 pm, clearly do not fall within the prohibitions of Code Section 2-91 or any other code section of the Ethics Ordinance within the jurisdiction of the Ethics Committee. Even if they did, and further assuming that I was responsible for running the 11/21/2022 City Council meeting and personally notifying all potentially interested parties of the change in the starting time of the 11/21/2022 pre-agenda meeting, Mrs. Monroe's allegations are false for the following reasons: (1) the successful bidder's proposal was timely submitted in response to the only bid solicitation issued by the City for the project; (2) City Council members had the right, but neglected to exercise it, to discuss the motion to award the purchase mentioned above/development to Konter

Development Company; and, (3) the losing bidder had been given the same opportunity as the successful bidder to attend the pre-agenda meeting which ran from 5 pm to 6 pm.

- **Section 2.100.1 – Administration: Ethics Committee**

The allegations of Mrs. Monroe relating to her perception of how members of the Ethics Committee are appointed do not necessitate any response. Suffice it to say that the Ethics Committee is currently composed of Leesa Bohler Hunter, Theresa Robinson, and Phylicia Regina Harley.

Based on my above-stated responses to the Ethics Complaint Monalisa Monroe, I would ask that the Complaint be dismissed as unjustified, frivolous, patently unfounded, and failing to state any sufficient facts to invoke the disciplinary jurisdiction of the Committee.

Thank you for your time and consideration of this matter.

Pre-Agenda Session @ 5:00 p.m.

A G E N D A
City Council Meeting
Monday, November 21, 2022 – 6:00 p.m.

➤ **OPENING**

- Call to Order
- Invocation
- Pledge of Allegiance
- Roll Call
- Presentation: Retired Educators Day Proclamation

EXHIBIT A

➤ **FORMAL PUBLIC COMMENT**

Formal Public Comment – City Council Agenda Protocol

The City of Garden City has identified this portion of the meeting to allow individuals an opportunity to formally address the City Council on issues of importance. Garden City requires that individuals who desire to formally address the City Council submit a written request form outlining the subject matter that they intend to discuss so that they can be placed on the meeting agenda. Members of the public desiring to be placed on the agenda to present or address matters to the City Council must submit a formal ***"REQUEST TO BE PLACED ON THE CITY COUNCIL AGENDA"*** form to the Office of the City Manager at least 10 days prior to the requested City Council meeting date that you wish to speak. City Council meetings are held on the first and third Monday of each month so the request must be submitted no later than 5:00 pm on the Friday which constitutes 10 days prior. The request can be done in person, regular mail, fax or e-mail and the speaker should obtain acknowledgement of the request from the City to demonstrate that the 10 day requirement has been met. The request form may be obtained from the Office of the City Manager and on the City's website www.gardencity-ga.gov. The request should state the name of the individual(s) desiring to be heard and the subject matter to be presented to City Council. Requests may be referred at the discretion of the City Manager, to appropriate staff for mediation prior to being placed on the public agenda. Please be advised the completion of a request form does not entitle the speaker to be added to the agenda.

➤ **RECEIPT OF INFORMAL PUBLIC COMMENT:**

➤ **Procedure:** To best manage this meeting section, any person who desires to address the City Council must sign up using the process outlined on the website where this meeting is advertised. Once recognized by the Mayor, the person will be allowed to speak in accordance with the Informal Public Comment–Speaker Protocols outlined below.

Informal Public Comment – Speaker Protocol

The City of Garden City believes that any member of the general public should be afforded the opportunity to address the City Council provided that designated rules are followed by the speaker. Any member of the public who wishes to address the City Council and offer public comment on items within the City Council's jurisdiction, may do so during the Informal Public Comment period of the meeting. However, no formal action will be taken on matters that are not part of the posted agenda. Informal Public Comments are scheduled for a total of fifteen (15) minutes and each person will be limited to three (3) minutes. In order to ensure the opportunity for all those desiring to speak before the Council, there is no yielding of time to another speaker. Speakers not heard during the limited fifteen (15) minute period will be first to present their comments at the next Council meeting. The opportunity to address City Council on a topic of his/her choice shall be used by an individual only one (1) time per month. It may not be used to continue discussion on an agenda item that has already been held as a public hearing. Matters under negotiation, litigation, or related to personnel will not be discussed. If a member of the general public would like to address the City Council during the Informal Public Comment portion of the meeting, please respectfully indicate your desire to address the City Council when the Mayor solicits members of the general public to come forward and speak. You will be recognized by the Mayor and asked to come forward to the podium so that you can address the City Council in accordance with the rules outlined herein. Once the speaker has been recognized to speak, he/she will be given three (3) minutes to address the City Council. The speaker should not attempt to engage the City Council and/or Staff in a discussion/dialogue and the speaker should not ask specific questions with the expectation that an immediate answer will be provided as part of the three (3) minute time frame since that is not the intent of the Informal Public Comment period. If the speaker poses a question or makes a request of the City, the Mayor may refer the issue or request to the City Manager for follow up. At the conclusion of the three (3) minute time period, the speaker will be notified that his/her time has elapsed and the next speaker will be recognized to come forward to the podium and address the City Council. The Mayor may rule out of order any Speaker who uses abusive or indecorous language, if the subject matter does not pertain to the City of Garden City, or if the Speaker(s) attempts to engage the City Council Members in a discussion or dialogue on issues. City Council shall not discuss non-agendized matters because it does not give the public adequate notice. Accordingly, City Council shall be limited to asking factual and clarifying questions of staff, and when appropriate, the Council may consider placing a matter on a future agenda. In addition, it is not reasonable to expect staff to respond to any of a variety of issues on which they may or may not be prepared to respond to on a moment's notice, so the City Manager may respond, or direct staff to respond at a later time.

➤ **PUBLIC HEARINGS**

- **PC2237 - Subdivision Request:** Receipt of public comment on a request by Clay Price for a subdivision of 0 Constantine Road for a proposed development of townhomes.
- **Occupation Tax Ordinance Amendment:** Receipt of public comment on the proposed amendment to the Occupation Tax Ordinance, which deletes a provision from the current version of the Ordinance providing that no business shall pay occupational tax in excess of \$5,000.00.
- **Manager's Alcoholic Beverage License Application:** Receipt of public comment on a manager's alcoholic beverage license application made by Brandon Demetri White to sell wines, beer, and/or malt beverages at Food Lion #811, 109 Minus Avenue, Garden City, Georgia.

Speaking to a Public Hearing Item Protocol

In the interests of time and to ensure fairness of all persons who appear before the City Council to speak for or against a public hearing item, speakers will be limited to three (3) minutes each to address City Council except as described herein. One speaker for the Petitioner may address the City Council for no more than 10 minutes, unless extended by the Mayor. In an effort help the City Council and the general public to better understand the issues, the Mayor may request that a City staff member address the City Council from the podium. Speakers from the general public may only speak when recognized by the Mayor during the public hearing. Speakers will be asked to come to the podium to address the City Council for three (3) minutes and they shall state their name and resident address for the record.

Speakers addressing City Council on a public hearing item should coordinate comments to respect City Council's time limits. Groups should select a spokesperson to present the major points that summarize their position and opinions. Speakers are urged to be brief and non-repetitive with their comments. Comments shall specifically address the public hearing item before the City Council, and the speaker shall maintain appropriate tone and decorum when addressing the City Council. City Council may ask questions of the applicant, speakers, or staff during these proceedings only for the purpose of clarifying information. The speaker shall not direct derogatory comments to any individual, organization, or business. At the conclusion of the three (3) minute time period, the speaker will be notified that his/her time has elapsed, and the next speaker will be recognized to come forward to the podium and address the City Council. Once the public hearing is closed on an item, there will be no further opportunity for formal or informal public input at a City Council meeting.

➤ **Approval of City Council Minutes**

- Consideration of November 7, 2022, Pre-Agenda Session Minutes and Council Meeting Minutes, and November 14, 2022, Workshop Synopsis.

City Manager's Report

- Staff reports are included in the agenda packet.
- Updated and announcements

➤ **ITEMS FOR CONSIDERATION**

- **Ordinance - PC2235, Zoning Map Amendment Request:** An ordinance to amend the Zoning Ordinance and Map of Garden City, Georgia, as amended, to rezone certain property owned by Prism Hospitality, LLC, located at 174 Minus Avenue in Garden City, Georgia, from its present zoning classification of "C-2A" to a mixed-use ("M") zoning classification.
- **Resolution – Fire Protection Billing Rate:** A resolution to adopt the fire protection service fee rate so as to provide sufficient funds to implement and provide fire services to the service area of the City of Garden City Fire Department.
- **FY2023 Fee Schedule:** Consideration by the Mayor and City Council to approve the updated schedule of fees for the fiscal year 2023.
- **Resolution - FY2023 Budget Adoption:** A resolution to adopt the FY2023 Operating and Capital Budgets; to provide an appropriation of funds for operating and capital expenditures and to appropriate funding for specific operating and capital funds of the Garden City Government.
- **Resolution – Railroad Water Pipeline Crossing Agreement:** A resolution authorizing the City Manager to enter into a License Agreement with Central of Georgia Railroad Company for the installation of a water pipeline crossing to connect with other municipal water facilities located at 2509 Dean Forest in an effort to increase water flow to areas within the City located to the North.
- **Resolution - Highway 80 Property Purchase and Residential Development Bid Award:** A resolution to accept a bid proposal for the purchase and residential development of property located at 2779 U.S. Highway 80, and to authorize the City Manager to commence negotiations for the drafting of a Purchase and Sale Agreement and a Development Agreement, all of which shall be consistent with the terms of the accepted proposal.
- **Resolution – Planning, Zoning & Building Department Vehicle Proposal:** A resolution to accept the proposal from O.C. Welch Ford to sell the City one (1) 2022 Ford F-150 4x4 Regular Cab truck at the price of \$36,895.00 and to authorize the City Manager to sign a contract or purchase order for the vehicle.

- **Manager's Alcoholic Beverage License Application:** Consideration of a manager's alcoholic beverage license application made by Brandon Demetri White to sell wines, beer, and/or malt beverages at Food Lion #811, 109 Minus Avenue, Garden City, Georgia.

- **ADJOURN**

5. **Resolution – Railroad Water Pipeline Crossing Agreement – A Resolution authorizing the City Manager to enter into a License Agreement with Central of Georgia Railroad Company for the installation of an underground water pipeline crossing railroad right-of-way to connect with other municipal water facilities located at 2509 Dean Forest Road in an effort to increase water flow to areas within the City located to the North.**

After the Clerk read the heading of the Resolution, Councilmember Marcia Daniel made a motion to approve the Resolution, which motion was seconded by Councilmember Debbie Ruiz.

The City Manager stated that Mayor and Council were approving a contract with Norfolk Southern agreeing to a number of conditions in order for an underground City-owned water line to cross the railroad's right-of-way on its path from Big Hill Road to 2509 Dean Forest Road through certain property owned by CenterPoint Dean Forest, LLC. According to the City Manager, the water line will be providing a water source for the CenterPoint warehouse project as well as improving the volume and pressure of water being supplied to properties in Garden City North of Dean Forest Road. The City Manager indicated that CenterPoint would be installing the waterline and applying for all permits in connection therewith at its sole cost and expense.

A vote was then taken on the pending motion which passed unanimously without opposition.

6. **Resolution – Highway 80 Property Purchase and Residential Development Bid Award – A Resolution to accept a bid proposal for the purchase and residential development of property located at 2779 U.S. Highway 80, and to authorize the City Manager to commence negotiations for the drafting of a Purchase and Sale Agreement and a Development Agreement, all of which shall be consistent with the terms of the accepted proposal.**

After the Clerk read the heading of the Resolution, the City Manager explained that earlier this year, Garden City solicited bid proposals for the purchase and residential development of the City's property located at 2779 U.S. Highway 80 in Garden City, Georgia, comprising a total of 10.596 acres. The City's Request for Proposals informed prospective bidders that proposals would be evaluated based on a scoring system described therein which factored in 1) the purchase price, 2) the qualifications and experience of the developer, 3) the consistency of the proposal with the City's current need for a well-designed, affordable, and high-quality residential development, and 4) the development schedule for the development work. The City Manager reported that only two proposals had been submitted, one by Konter Development Company and one by Park Terrace Development, LLC. The two proposals were reviewed, evaluated and scored based on the above-mentioned criteria by a selection committee comprised of City Staff that included several department heads. The proposal of Konter Development Company was given a point total of 4.75 out of a possible 5 points, and the proposal of

Park Terrace Development was given a point total of 2.8 points. The City Manager stated that his Memorandum to the Mayor and Council dated October 31, 2022, is in the agenda packet summarizing the evaluation process for the proposals.

Based on the Memorandum and the facts and circumstances upon which the two proposals were evaluated, Councilmember Marcia Daniel made a motion to select the proposal of Konter Development Company for the purpose of commencing negotiations, through the City Manager, for the drafting of a Purchase and Sale Agreement, a Development Agreement, and any other agreement deemed necessary by the City Manager, to effect the sale and development of the Highway 80 property consistent with the terms of the accepted proposal. The motion was seconded by Councilmember Debbie Ruiz.

The City Manager distinguished the two proposals as follows: The proposal submitted by Konter Development Company proposes to purchase the property from the City for One Million Nine Hundred Four Thousand Dollars (\$1,904,000.00); to develop a residential community on the property consisting of a number of one, two, and three-bedroom town homes, as well as a number of single car garages, storage units, and amenities consisting of a clubhouse, swimming pool, playground/picnic area, and car wash; and to complete the project by November 15, 2024. The proposal submitted by Park Terrace Development, LLC, does not offer to purchase the property, but instead proposes that the property be sold at a price yet to be determined to a special purpose entity owned by the City or its Housing Authority, if any, which would obtain purchase and development financing from the developer's capital partners, and then contract with the developer for the development and construction of multiple housing types on the property for a variety of income levels, with the City owning, controlling, and receiving all free cash flow from the residential development once completed on or about October 1, 2024.

The City Manager also indicated that representatives of both bid proposers were present to answer any questions which any Councilmember had. No questions were asked.

There being no further discussion, a vote was taken on the motion which passed unanimously without opposition.

7. **Resolution – Planning, Zoning & Building Department Vehicle Proposal – A Resolution to accept the proposal from O.C. Welch Ford to sell the City one (1) 2022 Ford F-150 4x4 Regular Cab truck at the price of \$36,895.00 and to authorize the City Manager to sign a contract or purchase order for the vehicle.**

After the Clerk read the heading of the Resolution, Councilmember Debbie Ruiz made a motion to approve the Resolution, which motion was seconded by Councilmember Marcia Daniel.



Scott Robider

MEMORANDUM

To: Mayor & Council
From: Scott Robider – City Manager
Date: October 31, 2022
Re: Evaluation of Proposals for Residential Development of 10.596 Acres on US Highway 80, Garden City, GA

The purpose of this memorandum is to provide a summary of the RFP solicitation process, evaluation of Proposals, and the facilitation of information to the City Council for the Council's selection of a purchaser/residential developer for its US Highway 80 property (the "Property").

The City of Garden City recognizes that residential housing is essential in maintaining community vitality, and increasing the number of residents to counterbalance aggressive industrial encroachment is critical. Residential development has been identified as a top priority for City sustainability to provide adequate capacity to support the anticipated future growth of the community.

The City of Garden City has owned the 10.596-acre tract on US Highway 80 for several years, but it has remained undisturbed greenspace. Around 2015, the City proposed developing the Property as a recreational complex to meet the needs of the community in the other districts of the City not served by the Priscilla D. Thomas gym complex. However, as the needs of the City shifted to other key priorities, the development of this Property for recreation was suspended.

The City Council approved an industrial zoning moratorium in May 2022 to revise ordinances and foster and incentivize the construction of new residential development. In this fashion, the City Council authorized the City Staff to prepare a Request for Proposal (RFP) to obtain offers for the purchase and development of the Property. The Request for Proposal was prepared by the City Manager, Scott Robider, in consultation with the City Attorney and City Staff.

On August 8, 2022, the City Staff publicly advertised for qualifications and proposals from companies that could purchase and privately develop the Property. The proposals were required to be submitted within thirty (30) days after posting the RFP advertisement (September 8, 2022).

The advertisement for the RFP was listed on the City of Garden City's website (www.gardencityga.gov), Garden City's Facebook page, the Georgia Local Government Access Marketplace Website (www.glgm.org), and the Georgia Procurement Registry (www.ssl.does.state.ga.us/gpr). These advertisements reached a minimum of a Southeast United States regional audience.

The RFP required respondents to attend a mandatory pre-proposal meeting in person or via Zoom, held on August 19, 2022, at 10 AM. This meeting had three (3) prospective Service Providers present, which are listed below:

- *The Polote Corporation*
- *Ambling/Park Terrace*
- *Konter Realty*

At the pre-proposal meeting, the City Staff provided an overview of the proposal requirements, the desired qualifications for responding purchasers/developers, and the goals of the City in furthering residential development that meets the community's needs. All questions received at the pre-proposal meeting were verbally answered by the City Staff or addressed by email.

Following the terms of the RFP, a deadline of August 26, 2022, was established for all questions from potential purchasers/developers regarding the proposal. The City Staff's deadline to answer all inquiries was August 30, 2022. The City Staff received no questions from any potential service provider regarding the RFP. During the proposal solicitation process, three (3) Addendums were issued to provide supplemental information and clarification for the solicitation. The RFP documents, pre-proposal meeting attendance sheet, and Addendums are attached as Exhibits. Prior to the September 8, 2022, deadline for submitting proposals in response to the Residential Development Opportunity RFP advertisement, two (2) firms submitted proposals to the City Staff for review, which are listed below:

- *Ambling/Park Terrace*
- *Konter Realty*

On October 6, 2022, the two (2) proposals submitted were evaluated by a seven-person Selection Committee comprised of City Staff that included several Department Heads and City Staff. The City Manager was present but did not participate in scoring any proposals. Each Selection Committee Member reviewed the two (2) submissions during a group meeting to evaluate, discuss and score the bids the prospective purchasers/developers submitted.

The following is a summary of the steps taken by the Selection Committee in evaluating the two (2) proposals that were submitted:

- Each proposal was reviewed to determine its compliance with the instructions outlined in the RFP.
- Each potential purchaser/developer was then evaluated with respect to its ability to satisfy the RFP requirements, including but not limited to the requirement of having a successful experience with developing, building, and managing residential communities on properties comparable to the Property.
- Each proposal was also evaluated as to the price the Developer was offering to pay the City for the Property and any contingencies associated with same. Although the purchase price is not the sole deciding factor in selecting a purchase/development proposal, the City must seek the most value for selling this public asset.

A summary of the vital information regarding the two (2) Purchasers/Developers is provided below:

- **Qualifications:** Each company employs management staff with more than 20 years of experience in some aspect of residential development, operations, and management. The years of establishment for each company are as follows:

- Konter Realty was founded in 1962, and Konter Quality Homes was started in 1977, both located in Savannah, Georgia. Konter Company has grown over the decades with several business divisions such as Konter Development Company, Konter Homes, and Konter Management Company.
- Ambling/Terrace Park was founded in 1990 in Georgia. Ambling has diversified into several divisions, such as Ambling Property Investments, Ambling Management Company, and Park Terrace Development.
- **Experience:** The two (2) companies provided current and prior residential developments, which each firm designed, built, and managed.
 - Ambling/Park Terrace has developed many single-family, multi-family, student housing, and senior living developments. It reports having extensive experience in student housing, market-rate housing, and affordable housing utilizing Low-Income Housing Tax Credits (LIHTC) combined with private equity. It reports providing locally based management services, including a residential property manager, for several of the properties they have built. Its residential community in Statesboro, Georgia (Little Lots Creek) would be the closest property to Garden City.
 - Konter Company has developed numerous single-family, multi-family, and commercial developments. It has decades of experience designing, building, and managing many residential development sectors. Konter reports that all developments it builds and manages are held within the family-owned portfolio and not marketed for resale. Konter reports that it utilizes traditional financing methods and does not utilize Low-income Housing Tax Credits (LIHTC) or housing vouchers. Konter provides management services for all of its properties under the direct supervision of a family member and not an outside firm, allowing local decision-making by a member of the Konter family. Konter Company already has a community that it built, manages, and owns in Garden City, Georgia (Retreat at Garden Lakes).
- **Staffing and Location:** Each of the Developers has offices within the State of Georgia, and both have locations within Chatham County. Their overall number of employees varies and depends upon the scope of the firm's holdings nationally, regionally, and, most importantly, locally.
 - Ambling/Park Terrace currently has a staff member located in Savannah, Georgia, within a satellite office that provides regional service and support for properties it owns and/or manages. The remainder of the company's staff is based in Statesboro, Georgia.
 - Konter Company has maintained its corporate offices in Savannah, Georgia, since its founding. Additionally, all staffing and support components for its company-owned subsidiaries are based in Savannah, Georgia, with all services being diversified to provide support at each of its properties. Konter Company maintains an office in Garden City, Georgia, at the Retreat at Garden Lakes, supervised and managed by a Konter family member. Konter Company reports that family members(owners) visit its properties daily.
- **Purchase Price:** Each proposal was analyzed concerning the fixed price being offered by the Purchaser/Developer to the City to purchase the Property without any contingencies and pre-closing fluctuations and consideration for any residual returns from the proposed physical development or management of the Property. Although the

price was only one (1) factor considered in the overall RFP, the score given for price (on a scale of 1 to 5) was weighted as forty (40%) percent of the overall score for each proposal.

The proposed purchase price for each firm was as follows:

Konter Company offered to pay a fixed purchase price of \$1,904,000.00 for the Property in connection with its development of the same pursuant to its development plans set forth in its RPP response.

Ambling/Park Terrace does not offer to purchase the Property in connection with its development of the same pursuant to the development plans set forth in its RFP response. Under *Ambling/Park Terrace*'s proposal, the entity purchasing the property would be a city-formed Special Purpose Entity (the "SPE") owned by either the City or its Housing Authority, if any, which would obtain bond financing to both buy the property from the City at a reduced purchase price between \$1,350,000.00 and \$1,500,000.00 (using most of the loan proceeds to develop the Property as opposed to the purchasing same), and develop it pursuant to a development agreement with *Ambling/Park Terrace*. The City, through the SPE, would own, control, and receive all free cash flow from the developed property indefinitely. Even though the City's RFP contemplated an outright sale of the Property to the successful proposer, which, in this case, would be *Ambling/Park Terrace*, the developer's proposal offers instead a partnership between itself and the City's SPE for the development of workforce housing which would be owned by the City and provide an ongoing income stream to the City instead of simply a one-time sale.

Price Comparison: To further illuminate the Purchase Price details, the City Staff has prepared a summarization of each Developer's direct offer for the property below:

- *Konter Company* - \$1,904,000.00 (firm)
- *Ambling/Park Terrace* - \$0.00

Price & Score Chart		
Company	Konter	Ambling
<i>Developer's Total Purchase Price</i>	\$1,904,000.00	\$0.00
<i>Score</i>	5.00	1.00

Scoring Summary: Based on the scoring system outlined by the Selection Committee for this RFP, the highest-ranked Developer was *Konter Company*, with a score of 4.75, and *Ambling/Park Terrace* was second, with a score of 2.80. (Exhibit attached). The Selection Committee believes that both Developers are qualified as outlined in the current RFP. Still, the failure of *Ambling Park Terrace* to purchase the Property negatively affects the developer's proposal score on a project which contemplated the private ownership and development of the Property.

Based on a thorough review by the Selection Committee of the qualifications/experience, the proposed conceptual plan, and the purchase price proposal of each Developer, the Selection Committee recommends that the City Council carefully evaluate the information provided and select the developer who best achieves the purpose of the City's RFP as well as the overall goals which this project will achieve.

City Council Action: It is highly recommended that the City Council elect to award this contract on November 17, 2022, to a Developer of the Council's choice.

Assuming the Contract is awarded on November 17, 2022, the City Staff will work with the City Attorney to finalize the contract for execution by the City and the successful Developer.

In the interim, a Resolution has been prepared to allow the City Manager and Attorney to execute a Sales Agreement within the provisions outlined in the RFP defined in the *Timeline, Contract, and Deposit language*. (RFP page #11). Alternatively, the City Council can instruct the City Manager to reject all proposals and recommence the RFP process for the sale and development of the Property under a new procurement.

Attachments: Request for Qualifications and Proposals
Service Provider Cost Proposal Summary
RFP Scoring Sheet for Developers

RFP for Purchase of HWY 80 Property

CRITERIA	VENDOR SCORING		
	Weight of each Criterion	Park Terrace Development	Konter Development
A Purchase Price	40%	1.00	5.00
B Qualifications & Experience	15%	5.00	5.00
C Proposed Concept Plan	30%	3.00	4.17
D Development Schedule	15%	5.00	5.00
TOTAL		2.80	4.75

Score	
1	POOR
2	FAIR
3	AVERAGE
4	GOOD
5	EXCELLENT



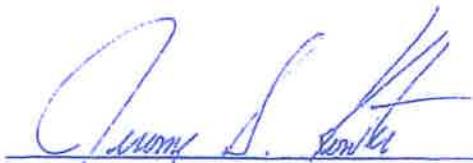
Proposal to purchase

**10.596 Acre Residential
Development Opportunity on
US Highway 80 in Garden City, GA**

Offer Terms

Konter Development Company proposes to purchase the property from Garden City, GA for One Million Nine Hundred and Four Thousand Dollars (\$1,904,000.00).

Konter Development Company proposes a Sixty Day (60) due diligence period commencing upon the execution of a Purchase and Sale Agreement. Konter Development Company proposes a further exception to the due diligence period that confirms that all Purchaser's deposits shall be fully refundable should the future USACE Wetland's Delineation/Determination be determined to be materially different than the current exhibit supplied in the Garden City RFP.



Konter Development Company
22 Commerce Pl.
Savannah, GA 31406



**PARK TERRACE
DEVELOPMENT**

**RFP Response – Highway 80 Residential Development
Garden City, Georgia**

Purchase Price of the Property

Park Terrace recognizes that this proposal is outside of the simple purchase offers that this RFP may have anticipated. We hope, however, that the City leadership will recognize this opportunity is much greater than a simple sale of the property, and that it provides much more benefit to the City in terms of not only financial benefit, but the production of housing and the level of control the City will have.

As such, there are multiple possible scenarios for the purchase of the property. As the current owner of the property and the proposed 100% owner of the future development contemplated by this proposal, the City will in essence be purchasing the property from itself. As a result, Park Terrace will not be providing any earnest money deposit.

The simplest scenario would be for the city to use funds from the proposed development financing to purchase the property from itself. Our analysis of comparable land sales indicates that the property could be purchased for \$1,350,000 to \$1,500,000. In this scenario, Park Terrace would propose that a purchase contract be drafted which sets the purchase price at \$1,500,000, subject to appraisal, and that the special purpose entity created for this development purchase the property from the City for the appraised value.

However, perhaps the best value proposition for the City is to sell or lease the land to its proposed special purpose entity for nominal value in order to reduce the total development cost of the development and reduce the ongoing debt service the City entity will pay in future years. This will obviously reduce the initial cash proceeds to the City but will generate significant long-term cash flow and value to the City. An analysis of projected cash flows to the City over the first ten years of stabilized operations at a 10% discount rate shows that the approximate net present value to the City is over \$3,000,000. Furthermore, the sum total of these cash flows is nearly \$6,000,000 over ten years.

Based on the unique financing and ownership structure of this proposal, the City has immense flexibility with the structure of the purchase price. Park Terrace welcomes the opportunity to work with the City to better understand the City's vision and goals relative to up-front cash proceeds versus long-term value.



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**RFP Response – Highway 80 Residential Development
Garden City, Georgia**

conceptual development budget are shown below. Upon successful selection of the Park Terrace proposal and team, we look forward to sharing additional details of this financing plan and refining the plan in cooperation with the City.

- **Conceptual Uses of Funds: \$50,250,000**
 - Site Acquisition* - \$0 to \$1,350,000
 - Construction - \$30,600,000
 - Finance, Legal, Reserves, and other Soft Costs - \$16,275,000
 - Developer Fee - \$2,700,000
- *See Purchase Price section of this proposal
- **Conceptual Sources of Funds: \$50,250,000**
 - Tax-Exempt Bond Proceeds: \$50,250,000
 - City Funding: \$0
 - Investor Equity: \$0
- **Projected Annual Net Income to City**
 - Year 1 - \$368,443
 - Year 5 - \$556,066
 - Year 10 - \$804,375

Stabilized Year	1	2	3	4	5	6	7	8	9	10
Gross Rent	\$ 4,125,000	\$ 4,207,500	\$ 4,291,650	\$ 4,377,483	\$ 4,465,033	\$ 4,554,333	\$ 4,645,420	\$ 4,738,328	\$ 4,833,095	\$ 4,929,757
Other Income	\$ 41,250	\$ 42,075	\$ 42,917	\$ 43,775	\$ 44,650	\$ 45,543	\$ 46,454	\$ 47,383	\$ 48,331	\$ 49,386
(Vacancy)	\$ (291,638)	\$ (297,470)	\$ (303,420)	\$ (308,488)	\$ (315,678)	\$ (321,891)	\$ (328,431)	\$ (335,000)	\$ (341,700)	\$ (348,534)
Effective Gross Income	\$ 3,874,613	\$ 3,952,105	\$ 4,031,147	\$ 4,111,770	\$ 4,194,005	\$ 4,277,885	\$ 4,363,443	\$ 4,450,712	\$ 4,539,726	\$ 4,630,521
Operating Expenses	\$ (1,012,384)	\$ (1,042,755)	\$ (1,074,038)	\$ (1,106,259)	\$ (1,139,447)	\$ (1,173,630)	\$ (1,208,839)	\$ (1,245,104)	\$ (1,282,457)	\$ (1,320,931)
Replacement Reserves	\$ (37,500)	\$ (38,625)	\$ (39,784)	\$ (40,977)	\$ (42,207)	\$ (43,473)	\$ (44,777)	\$ (46,120)	\$ (47,504)	\$ (48,829)
Net Operating Income	\$ 2,824,729	\$ 2,870,724	\$ 2,917,325	\$ 2,984,533	\$ 3,012,352	\$ 3,060,762	\$ 3,109,827	\$ 3,159,487	\$ 3,209,765	\$ 3,260,660
Debt Service	\$ (2,456,286)									
Net Free Cash Flow	\$ 368,443	\$ 414,439	\$ 451,039	\$ 508,248	\$ 556,066	\$ 604,496	\$ 653,541	\$ 703,201	\$ 753,479	\$ 804,375

At any time during the lifespan of the development the City as the owner of the property will have the option to sell the property. Based on the conceptual projections developed at this early stage, we believe that the following approximate values could be generated for the benefit of the City in the future. The following hypothetical scenario illustrates the potential proceeds from a sale of the property in year 10.

Year 10 Projected Value:	\$59,280,000
Estimated Sales, Broker, and Closing Costs (10%):	\$5,928,000
Year 10 Outstanding Mortgage Balance:	\$45,000,000

Potential Net Proceeds from Sale: **\$7,000,000-\$9,000,000**



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Garden City, Georgia**

At any time during the lifespan of the development the City as the owner of the property will have the option to refinance the property. While a refinance would generate less net proceeds, it would allow the property to remain on the City's balance sheet and the City would continue to receive annual cash flow from the property.

Year 10 Projected Value:	\$59,280,000
Projected New/Refinance Loan Proceeds:	\$47,424,000
Year 10 Outstanding Mortgage Balance:	\$45,000,000
Year 10 City Equity in Property:	\$11,856,000
Potential Net Proceeds from Refinance:	\$2,424,000
Retained Equity in Property:	\$11,856,000
Total Value to City (Cash Proceeds + Equity):	\$14,280,000



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**RFP Response – Highway 80 Residential Development
Garden City, Georgia**

Evaluation Criteria & Basis of Award

Park Terrace firmly believes that this proposal offers the City a superior development option which maximizes initial and long-term financial value to the City, while also providing the City with a much greater level of control over the final housing product design and ongoing operations. With respect to each of the scoring categories noted in the RFP, we believe that this proposal maximizes the available points in each category, and in fact surpasses the evaluation of any competing proposal for a simple land purchase

Purchase Price - 40 points

As discussed earlier in this proposal, Park Terrace's proposed development could match the appraised value of the property, above which any prospective purchaser would struggle to successfully close this transaction. Nearly all financing types will limit the final purchase price to the appraised value. The Park Terrace proposal provides significant additional financial benefit to the City by offering a projects \$6,000,000 in total cash flows to the City over ten years.

Qualifications and Experience - 15 points

The combined experience of Park Terrace and its parent company Ambling is simply unmatched. Our track record of successfully developing over \$1.5 billion in residential product ensures the City that this will be a high-quality development, delivered with professionalism and diligence.

Proposed Concept Plan - 30 points

Park Terrace has proposed what we believe is a thoughtful, attractive conceptual plan for this site, which incorporates multiple housing types to create a variety of housing experiences for all potential households in Garden City. This financing structure also offers the flexibility to match these mixed residential uses to a variety of income levels within the same development – a level of flexibility which a purely profit-motivated developer/owner would likely be unable or unwilling to match. Furthermore, as the proposed owner of this development, the City will have an immense level of control over the final design concept as it is refined with input from the City and community.

Development Schedule 15 points

As discussed in the Schedule section of this proposal, due to the increased complexity of this proposal as compared to a simple sale, the schedule may be a bit longer than originally anticipated. However, even with this additional complexity, our proposed schedule generally meets with the timelines contained in the RFP and discussed at the pre-bid meeting. The Park Terrace team is prepared to move as fast as the City desires in the prudent due diligence, conceptualization/design, and construction of this project for the benefit of the City and its citizens.

Total Points 100 points

In summary, Park Terrace is confident that upon thoughtful review and consideration of this proposal, the City will agree that this proposal offers the maximum benefit to the City in multiple ways. We sincerely look forward to working with the City to further its housing goals through this proposal and future developments.



**PARK TERRACE
DEVELOPMENT**



GARDEN CITY RESOLUTION

WHEREAS, the City has a need for purchasing a 2022 Ford F-150 4 X 4 Regular cab truck for use by the City's Planning and Zoning Department in performing building inspections and detecting code violations; and,

WHEREAS, the Planning and Zoning Department is currently utilizing former police department vehicles purchased in 2008 which have high mileage, require frequent repairs, and do not have four-wheel drive, for evaluating large off-road project sites in slippery weather conditions; and,

WHEREAS, the purchase of the above-described well-needed vehicle can be sufficiently funded by the City's 2022 General Operating Fund for the Planning, Zoning, & Building Department;

WHEREAS, City Manager has solicited price quotes from area dealerships on the above-described vehicle, resulting in the following lowest and most responsible proposal for sale:

<u>Vendor</u>	<u>Vehicle Description</u>	<u>Offering Price</u>
O.C. Welch Ford 4920 Independence Blvd. Hardeeville, SC 29927	2022 Ford F-150 4 X 4 Regular Cab - 8' Cargo Box 141" WB XL (F1E) Color: Black 400 HP Engine @ 6000 RPM Ten-Speed Select Shift Automatic Seating Capacity: 3 36-Month/36,000-Miles Basic Warranty 60 Months/60,000 Miles Powertrain Warranty	\$36,895.00

and;

WHEREAS, the City Manager has recommended that the City enter into a purchase contract or purchase order for the above-described vehicle with O.C. Welch Ford for the price quote of \$36,895.00, said amount being both fair and reasonable, and within the range of pricing established by the Georgia Statewide Contract for such vehicles established by the State Purchasing Division of the Georgia Department of Administrative Services;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Garden City, Georgia, that the proposal of O.C. Welch Ford to sell the City one (1) 2022 Ford F-150 4 X 4 Regular Cab, 8' Cargo Box, 141" WB XL truck at the price of \$36,895.00 be accepted, and that a contract or

purchase order for the purchase of the vehicle be negotiated and entered into between the City Manager and the vendor.

BE IT FURTHER RESOLVED, that the purchase price for the vehicle be funded through cash from the City's General Operating Fund for the Planning, Zoning & Building Department, and that the FY2022 budget be amended to include the vehicle as a budgeted item approved by Mayor and Council for purchasing by the City.

BE IT FURTHER RESOLVED that the City Manager is authorized to sign the purchase contract or order for the vehicle as well as all other documents associated therewith in the name of the City, with the City Clerk's attestation to said Manager's signature.

ADOPTED AND APPROVED this ____ day of November, 2022.

RHONDA FERRELL-BOWLES, Clerk of Council

Received and approved this ____ day of November, 2022.

BRUCE CAMPBELL, Mayor

GARDEN CITY, GEORGIA AFFIDAVIT AS TO OPEN MEETING LAW

The undersigned Mayor, under oath, certifies that at a meeting of the Mayor and Council of Garden City Georgia, held on the date identified below being the date of this document, the Mayor and Council closed their meeting as permitted by the Chapter 14 of Title 50 of the Georgia Code and pursuant to advice by the City Attorney. The only matters considered or discussed during the closed session or executive session of the meeting is as checked below:

Check V	Subject Matter	As provided in O.C.G.A. Section
	Meeting to discuss or vote to authorize the settlement of a matter covered by the attorney-client privilege. <i>The subject discussed was _____</i> <i>(identify the case or claim discussed, but not the substance of the attorney-client discussion)</i>	50-14-2 (1) 50-14-3 (b)(1)(A)
	Meeting to discuss or vote to authorize negotiations to purchase, dispose of or lease property.	50-14-3(b)(1)(B)
	Meeting to discuss or vote to authorize the ordering of an appraisal related to the acquisition or disposal of real estate.	50-14-3(b)(1)(C)
	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.	50-14-3(b)(1)(D)
	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.	50-14-3(b)(1)(E)
V	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.	50-14-3(b)(2)
	Meeting to interview one or more applicants for the position of executive head of an agency.	50-14-3(b)(2)
	Pursuant to the attorney-client privilege, 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 <i>(identify the matter but not the substance of the discussion)</i>	50-14-2(1)
	Staff meeting held for investigative purposes under duties or responsibilities imposed by law.	50-14-3(a)(1)
	Meeting to consider records or portions of records exempt from public inspection or disclosure because there are no reasonable means to consider the record without disclosing the exempt portions.	Article 4, Chapter 18 of Title 50

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 of the aforementioned meeting.

This the _____ day of _____.

By: _____

Mayor, City of Garden City, Georgia

Sworn to and subscribed before me on the
above indicated date:

Notary Public, State of Georgia
Commission expires: _____

(Although the same is not mandatory, the following participants concur with the accuracy of this Affidavit.)

