

MINUTES
REGULAR MEETING OF THE MONTEZUMA
CITY COUNCIL
August 17, 2021

CALL TO ORDER: Mayor Smith called the meeting to order at 6:05 PM.

INVOCATION: Mayor Smith gave the invocation.

PRESENT: Mayor Larry Smith, Council Members: Roy Barker, Nealie Johnson, Danny Levie and Charles Ivey; Special Projects Manager, Mel Fulghom; Clerk/Administrator, Joyce Hardy; City Clerk Trainee, Jennifer McCarthy; City Attorney, Jon Coogle; Public Works Chief, Tim Goodman; Police Chief, Eric Finch; W/WW Plants Chief, Terry Cross, and W & S Line Maintenance Chief, Lonnie Shaw

ABSENT: Council Member, Cleveland Hobbs; Council Member, Byron Thompson; Fire Chief, Matthew Moye; DDA/Tourism Director, Angie Mathews.

CONSENT AGENDA

MOTION # 1 **TO ACCEPT ALL ISSUES ON THE CONSENT AGENDA, AS FOLLOWS:**

TO APPROVE MINUTES OF REGULAR COUNCIL MEETING OF JUNE 8, 2021, AS RECEIVED BY ALL MEMBERS.

TO ADOPT ORDINANCE #396 FOR LEACHATE TO AMEND BOD DISCHARGE LIMITS. A copy of the Ordinance #396 is attached to and made a part of these minutes. Attachment #1.

TO ADOPT RESOLUTION #703 APPROVING ARPA 5 YEAR BUDGET. TO RATIFY PHONE POLL OF JULY 15TH AND 16TH FOR ARPA BUDGET. A copy of the Resolution #703 is attached to and made a part of these minutes. Attachment #2.

ADOPT RESOLUTION #704 TO RESTATE DEFINED CONTRIBUTION RETIREMENT FUND AS RECOMMENDED FOR GA MUNICIPAL ASSO. A copy of the Resolution #704 is attached to and made a part of these minutes. Attachment #3.

DONATE OLD HILL'S BUILDING TO DDA IN ORDER TO SELL THE BUILDING TO SOMEONE WITH A STIPULATION TO OPEN A BUSINESS WITHIN 12 MONTHS OF SALE.

TO ADOPT RESOLUTION #705 TO AMEND THE GREATER MACON COUNTY COMPREHENSIVE PLAN 2017-2026 BY ADOPTION OF BROADBAND INTERNET SERVICES ELEMENT. A copy of the Resolution #705 is attached to and made a part of these minutes. Attachment #4.

TO ADOPT RESOLUTION #706 TO ACCEPT GDOT CONTRACT FOR CRRSS ACT FUNDING ASSOCIATED WITH DR. C.P. SAVAGE, SR. AIPIRT IN MONTEZUMA, GA. A copy of the Resolution #706 is attached to and made a part of these minutes. Attachment #5.

TO ISSUE A CREDIT TO RESIDENTIAL CUSTOMERS FOR 2 MONTHS OF LEAF AND LIMB SERVICES DUE TO SLOW PICK UP TIMES DURING LABOR SHORTAGES. *Total credit to each residential customer of record for June & July billing will be \$12.00. Credit amount will be prorated for customers whose first bill was in July. No credit for closed accounts.*

MOTION BY: Mr. Barker
SECOND BY: Ms. Johnson

VOTE: UNANIMOUS, IN FAVOR OF

ADJOURN: With no further business, the meeting was adjourned.



Larry J. Smith - Mayor



Joyce Hardy - City / Administrator

ORDINANCE #396

AN ORDINANCE OF THE MAYOR & COUNCIL OF THE CITY OF MONTEZUMA, GEORGIA TO AMEND SECTION 94-268 OF THE OFFICIAL CODE ON MONTEZUMA, GEORGIA

BE IT ORDAINED by the Mayor and Council of the City of Montezuma, Georgia and it is hereby ordained by authority of same that the Code of Ordinances of the City of Montezuma, Georgia, be amended by deleting Section 94-268 (1) in it's entirety and adding a new Section 94-268 (1) & adding an entirely new section 94-266 (11).

Sec. 94-266. – Prohibited Discharges

ADD NEW SECTION

(11) Any industrial waste from landfills (leachate) because of its varying properties will only be accepted if Superintendent deems it treatable to effluent limits.

Sec. 94-268. - Discharges requiring preliminary treatment.

(a) *Specific discharges prohibited.* The admission into the public sewers of any waters or wastes having:

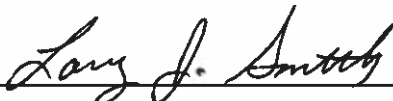
~~(1) A five day biochemical oxygen demand greater than 250 parts per million;~~

Insert:

(1) A five-day biochemical oxygen demand greater than 500 parts per million;

SO ORDAINED, this 17th day of August, 2021 .

CITY OF MONTEZUMA, GEORGIA

By: 
Larry J. Smith, Mayor

Attest: 
Joyce H. Hardy – Clerk/Administrator

(SEAL)

RESOLUTION # 703

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF MONTEZUMA, GEORGIA TO ADOPT A FIVE YEAR BUDGET FOR EXPENDING ARPA (AMERICAN RESCUE PLAN ACT) FUNDS

WHEREAS, the City has received funding from the Federal government in the form of a grant known as America Rescue Plan (ARPA), and

WHEREAS, the Mayor and Council of the City of Montezuma have reviewed the proposed five year budget as presented by the Budget Committee, and

WHEREAS, the expenditures proposed are within the guidelines set forth by the American Rescue Plan Act, and

WHEREAS, the Mayor and Council wishes to adopt this proposal as the Five Year ARPA Budget, effective from date of adoption to through December 31, 2026, and

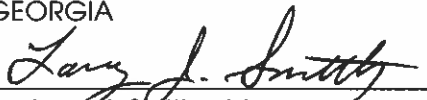
NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the City of Montezuma, Georgia, as follows:

Section 1. That the proposed five year ARPA Fund Budget, attached hereto and incorporated herein as a part of this Resolution is hereby adopted as the ARPA BUDGET for the City of Montezuma, Georgia.

Section 2. That this budget may from time to time be amended by Resolution as may be needed, as project costs may change and/or new projects added.

RESOLVED, this 17th day of August, 2021

THE CITY OF MONTEZUMA, GEORGIA

By: 
Larry J. Smith - Mayor

Attest: 
Joyce H. Hardy - Clerk/Administrator



THE GEORGIA MUNICIPAL ASSOCIATION, INC.

401(a) DEFINED CONTRIBUTION PLAN

**Amended and Restated
As of January 1, 2018**

**RESOLUTION AND
ADOPTION AGREEMENT**

City of Montezuma

**Administered by:
Georgia Municipal Association, Inc.
201 Pryor Street, SW
Atlanta, Georgia 30303
Telephone: 404-688-0472
Facsimile: 678-686-6289**

RESOLUTION

WHEREAS, the City of Montezuma, Georgia, (hereinafter referred to as the "Participating Employer") has determined that in the interest of attracting and retaining qualified employees, it wishes to offer a defined contribution plan, funded by employer contributions;

WHEREAS, the Participating Employer has also determined that it wishes to encourage employees' saving for retirement by offering matching and/or non-matching contributions;

WHEREAS, the Participating Employer has reviewed the Georgia Municipal Association, Inc. ("GMA") Defined Contribution Plan, as amended and restated effective as of January 1, 2017 ("Plan");

WHEREAS, the Participating Employer wishes to participate or continue participating in the Plan to provide certain benefits to its employees, reduce overall administrative costs, and afford attractive investment opportunities;

WHEREAS, the Participating Employer is an Employer as defined in the Plan;

WHEREAS, the Participating Employer has executed an Adoption Agreement (and, if applicable, an Addendum) for the Plan; and

WHEREAS, the Mayor and Council of the City of Montezuma ("Governing Authority") is authorized by law to adopt this resolution approving the Adoption Agreement (and, if applicable, Addendum) on behalf of the Participating Employer;

Therefore, the Governing Authority of the Participating Employer hereby resolves:

Section 1. The Participating Employer adopts the Plan and the Trust Agreement ("Trust") for the Plan for its Employees.

Section 2. The Participating Employer acknowledges that the Board of Trustees of the GMA Defined Contribution and Deferred Compensation Plan ("Trustees") are only responsible for the Plan and have no responsibility for other employee benefit plans maintained by the Participating Employer.

Section 3.

(a) The Participating Employer hereby adopts the terms of the Adoption Agreement and any Addendum, which is attached hereto and made a part of this resolution. The Adoption Agreement (and, if applicable, the Addendum) sets forth the Employees to be covered by the Plan, the benefits to be provided by the Participating Employer under the Plan, and any conditions imposed by the Participating Employer with respect to, but not inconsistent with, the Plan. The Participating Employer reserves the right to amend its elections under the Adoption Agreement and any Addendum, so long as the amendment is not inconsistent with the Plan or the Internal Revenue Code or other applicable law and is approved by the Trustees of the Plan. The

Participating Employer acknowledges that it is solely responsible for submitting Employer Contributions in accordance with the terms of this Adoption Agreement, including submitting said Employer Contributions as scheduled based on its Payroll Period or the end of the Plan Year, as applicable.

(b) The Participating Employer acknowledges that it may not be able to rely on the opinion letter if it makes certain elections under the Adoption Agreement or the Addendum, and that the failure to properly complete the Adoption Agreement may result in a failure of the Participating Employer's Plan to be a qualified plan.

Section 4. The Participating Employer hereby authorizes Georgia Municipal Association, Inc. ("GMA"), the Provider who sponsors the Plan on behalf of the Trustees, to amend the Plan on its behalf as provided under Revenue Procedures 2017-41, 2011-49, and 2007-44. The Participating Employer understands that the implementing amendment reads as follows:

GMA will maintain a record of the Participating Employers, and GMA will make reasonable and diligent efforts to ensure that Participating Employers have actually received and are aware of all Plan amendments and that such Participating Employers adopt new documents when necessary. The provisions of this subsection shall supersede other provisions of the Plan to the extent those other provisions are inconsistent.

The Trustees or GMA, as directed by the Trustees, hereby reserves the right to terminate the Plan without consent of the Participating Employers or of Participants (or any Beneficiaries thereof) and, likewise, to amend the Plan without consent of the Participating Employers or of Participants (or any Beneficiaries thereof) to make desired changes in the design of the Plan. A true copy of the resolution of the Trustees approving such amendment shall be delivered to the Administrator and the Participating Employers. The Plan shall be amended in the manner and effective as of the date set forth in such resolution, and the Participating Employers, Employees, Participants, Beneficiaries, the Administrator, and all others having any interest under the Plan shall be bound thereby.

On and after February 17, 2005, GMA shall have the authority to advise and prepare amendments to the Plan, for approval by the Trustees, on behalf of all Participating Employers, including those Participating Employers who have adopted the Plan prior to the January 1, 2018, restatement of the Plan, for changes in the Code, the regulations thereunder, revenue rulings, other statements published by Internal Revenue Service, including model, sample, or other required good faith amendments (but only if their adoption will not cause such Plan to be individually designed), and for corrections of prior approved plans. These amendments shall be applied to all Participating Employers. Any amendment prepared by the Provider and approved by the Trustees will be provided by the Administrator to Participating Employers. Notwithstanding the foregoing paragraphs, effective on or after June 27, 2016, for any Participating Employer as of either:

- the date the Internal Revenue Service requires the Participating Employer to file Form 5300 as an individually designed plan as a result of an amendment by the Participating Employer to incorporate a type of Plan not allowable in a pre-approved plan, as described in Revenue Procedure 2017-41; or
- as of the date of the Plan is otherwise considered an individually designed plan due to the nature and extent of the amendments,

such Participating Employer shall execute a resolution to adopt any amendments that are approved by the Trustees after the date under subparagraph (1) or (2) above, as applicable, within the earlier of (i) ninety (90) days after such Trustees' approval, or (ii) if applicable, the remedial amendment period under Code Section 401(b) as applicable to governmental plans. If the Participating Employer is required to obtain a determination letter for any reason in order to maintain reliance on the opinion letter, GMA's authority to amend the Plan on behalf of the Participating Employer is conditioned on the Plan receiving a favorable determination letter. The Participating Employer further understands that, if it does not give its authorization hereunder or, in the alternative, adopt another pre-approved plan, its Plan will become an individually designed plan and will not be able to rely on the pre-approved plan opinion letter.

Section 5.

(a) The Participating Employer shall abide by the terms of the Plan and the Trust, including amendments to the Plan made under Section 4 and to the Trust made by the Trustees of the Plan, all investment, administrative, and other service agreements of the Plan and the Trust, and all applicable provisions of the Internal Revenue Code and other applicable law.

(b) The Participating Employer accepts the administrative services to be provided by GMA and any services provided by a Service Manager as delegated by the Trustees. The Participating Employer acknowledges that fees will be imposed with respect to the services provided and that such fees may be deducted from the Participants' Accounts.

Section 6.

(a) The Participating Employer may terminate its participation in the Plan, including but not limited to, its contribution requirements, if it takes the following actions:

- (i) A resolution must be adopted terminating its participation in the Plan.
- (ii) The resolution must specify when the participation will end.

The Trustees shall determine whether the resolution complies with the Plan, and all applicable federal and state laws, shall determine an appropriate effective date, and shall provide appropriate forms to terminate ongoing participation. However, distributions under the Plan of existing accounts to Participants will be made in accordance with the Plan.

(b) The Participating Employer acknowledges that the Plan contains provisions for involuntary Plan termination.

Section 7. The Participating Employer acknowledges that all assets held in connection with the Plan, including all contributions to the Plan, all property and rights acquired or purchased with such amounts and all income attributable to such amounts, property or rights shall be held in trust for the exclusive benefit of Participants and their Beneficiaries under the Plan. No part of the assets and income of the Plan shall be used for, or diverted to, purposes other than for the exclusive benefit of Participants and their Beneficiaries and for defraying reasonable expenses of the Plan. All amounts of compensation deferred pursuant to the Plan, all property and rights acquired or purchased with such amounts and all income attributable to such amounts, property or rights held as part of the Plan, shall be transferred to the Trustees to be held, managed, invested and distributed as part of the Trust Fund in accordance with the provisions of the Plan. All contributions to the Plan must be transferred by the Participating Employer to the Trust Fund. All benefits under the Plan shall be distributed solely from the Trust Fund pursuant to the Plan.

Section 8. This resolution and the Adoption Agreement (and any Addendum) shall be submitted to the Trustees for their approval. The Trustees shall determine whether the resolution complies with the Plan, and, if it does, shall provide appropriate forms to the Participating Employer to implement participation in the Plan. The Trustees may refuse to approve an Adoption Agreement (and any Addendum) by an Employer that does not have legal authority to participate in the Plan. The Governing Authority hereby acknowledges that it is responsible to assure that this resolution and the Adoption Agreement (and any Addendum) are adopted and executed in accordance with the requirements of applicable law.

Section 9. As provided in Revenue Procedure 2017-41, the Participating Employer may rely on the Plan's Opinion Letter, provided that the Participating Employer's Plan is identical to the GMA Plan, and the Participating Employer has not amended or made any modifications to the Plan other than to choose the options permitted under the Plan and Adoption Agreement.

Adopted by the Governing Authority on Aug 17, 2021, in accordance with applicable law.

By: Larry J. Smith
Signature

Larry J. Smith, Mayor
Name and Title

Attest: Spyce H. Hardy

Date: Aug 17, 2021

[Governing Authority should assure that applicable law is followed in the adoption and execution of this resolution.]

RESOLUTION #705

RESOLUTION AMENDING THE
GREATER MACON COUNTY COMPREHENSIVE PLAN 2017-2026
BY ADOPTION OF A BROADBAND INTERNET SERVICES ELEMENT

WHEREAS; the Georgia General Assembly did enact the Georgia Planning Act of 1989 to institute local comprehensive planning by city and county governments throughout the state, and

WHEREAS; said Act requires local governments to prepare, maintain and periodically update a state-approved, local comprehensive plan to maintain eligibility for certain state-issued grants, loans and permits, and

WHEREAS; in accordance with the Georgia Planning Act of 1989 and the Minimum Planning Standards and Procedures for Local Comprehensive Planning developed to implement provisions of said Act the Mayor and City Council of Montezuma took official action in session October 11, 2016, to adopt the Greater Macon County Comprehensive Plan 2017-2026, and

WHEREAS; the Georgia General Assembly did, in 2018, enact the Achieving Connectivity Everywhere Act to facilitate and incentivize wider broadband internet deployment in the state, and

WHEREAS; said Minimum Planning Standards and Procedures were amended, effective October 1, 2018, requiring the inclusion of a Broadband Services Element as an element of local comprehensive plans, and

WHEREAS; a Broadband Services Element having been prepared for amendment to the Greater Macon County Comprehensive Plan 2017-2026, a public hearing having been advertised and held in Montezuma city hall March 23, 2021, for said purpose.

NOW BE IT THEREFORE RESOLVED, and it is hereby resolved that the Mayor and City Council of Montezuma in session this date amend the Greater Macon County Comprehensive Plan 2017-2026 by adopting a Broadband Services Element in accordance with provisions of the

Achieving Connectivity Everywhere Act and related implementing regulations.
SO RESOLVED, this 17th day of August, 2021.

CITY OF MONTEZUMA

BY: Larry J. Smith
Larry J. Smith, Mayor

ATTEST: Joyce H. Hardy
Joyce H. Hardy – Clerk/Admin



**CITY OF MONTEZUMA
RESOLUTION #706**

**AUTHORIZATION TO ACCEPT GDOT CONTRACT FOR CRRSA ACT FUNDING ASSOCIATED WITH
DR. C.P. SAVAGE, SR. AIRPORT IN MONTEZUMA, GEORGIA**

WHEREAS, THE CITY OF MONTEZUMA has applied through the GDOT to receive its CRRSA Act (Coronavirus Response and Relief Supplemental Appropriations Act) formula allocation of funding through the submission of a CRRSA Act Application;

WHEREAS, THE CITY OF MONTEZUMA through the submission of the application has accepted the terms of the FAA's allocation offer to utilize its funding in a manner that fully complies with the CRRSA Act, other federal laws and regulations, and applicable FAA program requirements;

WHEREAS, THE CITY OF MONTEZUMA, desires to request reimbursement for cost and operating expenses at the Heart of Georgia Regional Airport by submitting reasonable and customary documentation for payroll, operational, and debt services cost, and;

WHEREAS, THE CITY OF MONTEZUMA will receive a contract from the Georgia Department of Transportation (GDOT) contract AP022-90CR-22(193) Macon County PID-T007684 to provide reimbursement for the costs associated with the above noted cost and expenses up to a maximum amount of \$13,000.00 of which \$13,000.00 will be Federal Fund, \$0.00 will be State Funds, requiring a local match of \$0.00, and;

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY OF MONTEZUMA authorizes the Mayor, City Attorney and Staff to sign such documents that may be necessary to fulfill this request for federal assistance and accept a contract from the GDOT to include Federal funds.

SO RESOLVED, this 17th day of August, 2021.

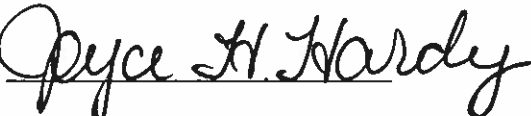
CITY OF MONTEZUMA

BY:



Larry J. Smith, Mayor

ATTEST:



Joyce H. Hardy – Clerk/Admin