

**City Council Meeting
January 07, 2008**

The regular meeting of the Mayor and City Council, held Monday,
January 07, 2008, at 6:00 P.M. at Swainsboro City Hall

Members Present: Edenfield, Stroud, Parker, Collins, Stafford & Faulkner,

Members Absent:

Prayer of Invocation: Councilperson Stroud

Middle Circuit Court Judge Kathy Palmer was present to swear in Sandra Stroud, John E. Parker and Cleve Edenfield for their next term on council.

Mayor Schwabe then asked council for an approval of the 2007 election (See attached page)
Motion was made to accept the result as recorded.

Motion: by Stafford Seconded: by Falkner Passed: 6-0

Motion was made to adopt the minutes from the previous meeting as written

Motion : by Stafford Seconded : by Stroud Passed : 6-0

A. New Business

1. Council considered an ordinance to amend the Hotel/Motel Excise Tax Ordinance to add the language recommenced by the Department of Community Affairs. This would not effect or change the ordinance . This would add an additional clause suggested by DCA. No one objected to the introduction of this ordinance amendment.

ORDINANCE NO.

AN ORDINANCE OF THE **CITY OF SWAINSBORO** IMPOSING A HOTEL-MOTEL
EXCISE TAX AND PROVIDING FOR THE ADMINISTRATION AND COLLECTION OF
SUCH TAX

BE IT ORDAINED THAT:

Section 1. Definitions.

The following words, terms and phrases shall, for the purposes of this ordinance and except where the context clearly indicates a different meaning, be defined as follows:

City. The City of Swainsboro and, variously, the incorporated territory of the city, wherein the City of Swainsboro is empowered to impose this tax by OCGA 48-13-50, et seq.

City Clerk. The duly appointed City Clerk of the City of Swainsboro or his designee.

Due date. The twentieth (20th) day after the close of the monthly period for which the tax is to be computed.

Estimated tax liability. The lodging provider's prospective tax liability based upon the average monthly tax remittance in the prior fiscal year, as adjusted for change in tax rate or substantial change in circumstances due to damage to the hotel.

Folio. Primary documentation produced by a hotel that demonstrates interaction between the lodging provider and the occupant, and which, at a minimum, reflects the name and address given by the occupant, the date(s) of occupancy, the amount of rent charged for each date together with the amounts of applicable excise taxes, and the method(s) of payment.

Guest room. A room occupied, or intended, arranged, or designed for transient occupancy, by one (1) or more occupants for the purpose of living quarters or residential use.

Hotel. Any structure or any portion of a structure, including any lodging house, rooming house, dormitory, Turkish bath, bachelor hotel, studio hotel, motel, motor hotel, auto court, truck stop, tourist cabin, lodge, inn, time-share or other condominium, apartment community, public club, or private club, containing guest rooms and which is occupied, or is intended or designed for occupancy, by paying guests, whether rent is paid in money, goods, labor, or otherwise. It does not include any hospital, asylum, sanitarium, orphanage, jail, prison, or other buildings in which human beings are housed and detained under legal restraint.

Lodging Provider. Any person operating a hotel in the city, including, but not limited to, the owner or proprietor of such premises, lessee, sub-lessee, lender in possession, licensee or any other person operating such hotel; and who

is subject to the taxation imposed for furnishing for value to the public any rooms, lodgings, or accommodations.

Monthly period. The calendar months of any year.

Occupancy. The use or possession, or the right to the use or possession of any guest room or apartment in a hotel or the right to the use or possession of the furnishings or to the services and accommodations accompanying the use and possession of the room.

Occupant. Any person who, for a consideration, uses, possesses, or has the right to use or possess any guest room in a hotel under any lease, concession, permit, right of access, license to use or other agreement, or otherwise.

Permanent resident. Any occupant who, as of a given date, has or shall have occupied or has or shall have the right of occupancy of any guest room in a hotel for not less than ten (10) continuous days next preceding such date.

Person. Any individual, firm, partnership, joint adventure, association, social club, fraternal organization, joint stock company, corporation, cooperative, estate, trust, receiver, trustee, syndicate, or any other group or combination acting as a unit, the plural as well as the singular number; excepting the United States, the State of Georgia and any instrumentality of either thereof upon which the city is without power to impose the tax.

Rent. The consideration received for occupancy valued in money, whether received in money or otherwise, including all receipts, cash, credits, and property or services of any kind or nature, and also the amount for which credit is allowed by the lodging provider to the occupant, without any deduction there from whatsoever.

Tax. The tax on occupants imposed by this ordinance, as provided for by OCGA 48-13-50, et seq.

Section 2. Tax rate.

There shall be paid for every occupancy of a guest room in a hotel in the city a tax at the rate of 5 percent (5%) of the amount of rent unless an exemption is provided under section 4.

Taxes collected are expended in compliance with OCGA 48-13-15(a)(3).

Section 3. Collection of tax by lodging provider.

Every lodging provider renting guest rooms in this city shall collect a tax of 5 percent (5%) on the amount of rent from the occupant unless an exemption is provided under section 4. The lodging provider shall provide a receipt to each occupant, which receipt shall reflect both the amount of rent and the amounts of this and other tax(es) applicable. This tax shall be due from the occupant, and shall be collected by the lodging provider at the same time that the rent is collected.

Section 4. Exemptions.

No tax shall be collected from an occupant after becoming a permanent resident; or from an occupant who certifies in writing that he is staying in such accommodations as a result of his residence having been destroyed by fire or other casualty; or from the United States and the State of Georgia or any instrumentality of either thereof; or from any official or employee of the State, its units of local government or any other instrumentality of the State, when traveling on official business and presenting written substantiation thereof or paying by State or local government credit or debit card; or from a foreign diplomat exempted by treaty or consular convention, when presenting substantiation issued by the United States Department of State. Occupancy provided without charge in money or otherwise is exempt from this tax.

Section 5. Registration of lodging provider; form and contents; execution; certificate of authority.

Every person engaging or about to engage in business as a lodging provider in this city shall immediately register with the city clerk on a form provided by said official. Persons engaged in such business must so register not later than thirty (30) days after the date that this ordinance becomes effective. Such registration shall set forth the name under which such person transacts business or intends to transact business, the location of his place(s) of business and such other information which would facilitate the administration of the tax as prescribed by the city clerk. The registration shall be signed by the owner if a natural person; in case of ownership by an association or partnership, by a member or partner; in case of ownership by a corporation, by an officer. The city clerk shall, after such registration, issue without charge a certificate of authority to each lodging provider to collect the tax from the occupant. A separate registration shall be required for each place of business of a lodging provider. Each certificate shall state the name and location of the business to which it is applicable.

Section 6. Determination generally; returns; payments.

(a) Due date of taxes. All amounts of such tax shall be due and payable to the city clerk monthly on or before the twentieth (20th) day of the month next succeeding the respective monthly period. The tax shall become delinquent for any monthly period after the twentieth (20th) day of each succeeding month during which it remains unpaid.

(b) Penalty and interest for failure to pay tax by due date. A lodging provider who fails to make any return or to pay the amount of tax as prescribed, shall be assessed a specific penalty to be added to the tax in the amount of five percent (5%) or five dollars (\$5.00), whichever is greater, if the failure is for one (1) month or less; and an additional five percent (5%) or five dollars (\$5.00), whichever is greater, for each additional month or fraction thereof in which such failure shall continue; provided, however, that the aggregate penalty

for any single violation shall not exceed twenty-five percent (25%) or -twenty-five dollars (\$25.00), whichever is greater. Delinquent amounts shall bear interest at the rate of one percent (1%) per month, or fraction thereof, until paid.

(c) Acceptance of delinquent return and remittance without imposing penalty and interest; authority; requirements. If the failure to make any return or to pay the amount of tax by the due date results from providential cause shown to the satisfaction of the governing authority of the city by affidavit attached to the return, and remittance is made within ten (10) days of the due date, such return may be accepted exclusive of penalty and interest.

(d) Waiving of penalty and interest; [authority. O.C.G.A. Section 48-2-41](#), relating to the authority to waive interest, and Section 48-2-43, relating to the authority to waive penalty, shall apply; provided, however, that the governing authority shall stand in lieu of the Georgia Commissioner of Revenue, and the city shall stand in lieu of the State.

(e) Penalty for fraud. In the case of a false or fraudulent return, or of failure to file a return where willful intent exists to defraud the city of any tax due, a penalty of fifty percent (50%) shall be assessed.

(f) Return; remittance; time of filing; lodging providers required to file; contents. On or before the twentieth (20th) day of the month succeeding each monthly period, a return for the preceding monthly period together with appropriate remittance shall be filed with the city clerk. The return shall report the gross rent, taxable rent, exempt rent, amount of tax collected or otherwise due for the period, and such other information as may be required by the city clerk. However, if the estimated tax liability for any monthly period shall exceed two thousand five hundred dollars (\$2,500.00) for a lodging provider who, in the prior fiscal year remitted tax greater than two thousand five hundred dollars (\$2,500.00) in any three (3) consecutive months, such loading provider shall file a estimated return and remit not less than fifty percent (50%) of the estimated tax liability for the monthly period by the twentieth (20th) day of that same monthly period. The amount of tax so remitted shall be credited against the amount to be due with the regular return for the monthly period to be filed on the twentieth (20th) day of the succeeding month.

(g) Extension of time of filing; authority; requirements; remittance; penalty and interest. The governing authority of the city may, for good cause, extend the time for making returns for not longer than thirty (30) days. No extension shall be valid unless granted in writing upon written application of the lodging provider. Such grant may not be applicable for longer period than twelve (12) consecutive months. A lodging provider granted an extension shall remit tax equaling not less than one hundred percent (100%) of the tax paid for the corresponding period of the prior fiscal year; such remittance to be made on or before the date the tax would otherwise come due without the grant of extension. No penalty or interest shall be charged during the first ten (10) days of the extension. period. Thereafter, interest shall be collected on the unpaid balance at the rate of one percent (1%) per month.

(h) Collection fee allowed lodging providers. Lodging providers collecting the tax shall be allowed a percentage of the tax due and accounted for and shall be reimbursed in the form of a deduction in-submitting, reporting and paying the amount due, if the amount is not delinquent at the time of payment. The rate of the deduction shall be same rate authorized for deductions from the state sales and use tax under Section 48-8-50 of the Official Code of Georgia Annotated ,as now of hereafter amended, but only if the amount due was not delinquent at the time of payment.

Section 7. Deficiency determinations.

(a) Recomputation of tax; authority to make; basis of recomputation. If the city clerk is not satisfied with the return or returns of the tax or the amount of the tax required to be paid to the city by any lodging provider, he may compute and determine the amount required to be paid upon the basis of any information within his possession or that may come into his possession. one (1) or more deficiency determinations may be made of the amount due for one (1) or more monthly periods.

(b) Penalty and interest for failure to pay tax. Penalty and interest shall be assessed upon the amount of any determination, as provided by Section 6.

(c) Notice of determination; service of. The city clerk shall give to the lodging provider written notice of his determination. The notice may be served personally or by mail; if by mail, such service shall be addressed to the lodging provider at his address as it appears in the records of the city. Service by mail is complete when delivered by certified mail with a receipt signed by the addressee, or when made by statutory overnight delivery.

(d) Time within which notice of deficiency determination to be mailed. Except in cases of failure to make a return or of fraud, every notice of deficiency determination shall be mailed within three (3) years after the twentieth (20th) day of the calendar month following the monthly period for which the amount is proposed to be determined, or within three (3) years after the return is filed, whichever period should last expire.

Section 8. Determination if no return made.

(a) Estimate of gross receipts. if any lodging provider fails to make a return, the city clerk shall make an estimate of the amount of the gross receipts of the lodging provider, or as the case may be, of the amount of total rentals in this city which are subject to the tax. The estimate shall be made for the period or periods in respect to which the lodging provider failed to make. the return and shall be based upon any information which is or may come into the possession of the city clerk. written notice shall be given in the manner prescribed in Section 7(c).

(b) Penalty and interest for failure to pay tax. Penalty and interest shall be assessed upon the amount of any determination, as provided by Section 6.

2. Council considered an ordinance for the regulation of wreckers and wrecker services. This would get a uniform set of rules for all wrecker services to adhere to. The ordinance was presented as follows:

Chapter 106

Wreckers and Wrecker Service*

AN ORDINANCE

To regulate businesses operating wreckers and Wrecker services which subject to the jurisdiction of the City of Swainsboro; to provide definitions; to provide penalties and enforcement; to repeal conflicting ordinances; to provide an effective date; and for other purposes.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF
THE CITY OF SWAINSBORO, GEORGIA:

Chapter 106 of the Code of the City of Swainsboro, Georgia, is repealed in its entirety and the following new Code Chapter is inserted in lieu thereof to read as follows:

*State law references: Wrecker driver required to remove glass and parts of vehicle being towed, O.C.G.A. § 40-6-276.

Sec. 106-1. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Chief means the chief of the police department of the city or any officer specifically designated by him to administer and carry out the provisions of this article.

Disabled means a motor vehicle disabled on a public way or other public place in such a manner as to obstruct vehicular or pedestrian travel or access to public or private property.

Operator includes all persons owning or operating wreckers for, on behalf of, or within a wrecker service in the city and all officers, agents and employees of such person who are engaged in the business of wrecker service.

Wrecker means an automotive vehicle equipped and used for the purpose of towing or hauling wrecked or disabled automobiles or other motor vehicles.

Wrecker service means any person regularly engaged in the business of towing or hauling wrecked or disabled motor vehicles for hire within the city, whether or not such wrecker service maintains an office within the corporate limits of the city.

Sec. 106-2. Administration; prosecution for violation; compliance.

(a) It shall be the duty of the chief to administer and carry out the provisions of this article. All law enforcement officers of the city shall have authority to prosecute violations of this article.

(b) It shall be unlawful for any wrecker service or operator to tow or haul any motor vehicle which has been wrecked, abandoned or disabled on a public way or other public place within the jurisdiction of the city from the scene of the wreck, abandonment or disablement except in compliance with the provisions of this article.

Sec. 106-3. Rotation; exception; application required.

(a) At all times, when necessary for the police department to remove any motor vehicle for any cause from any place within the jurisdiction of the city, no wrecker shall be used to tow or haul such vehicle unless that wrecker is on the city's rotation system; however, this section shall not be construed to prohibit the police department from using a wrecker owned by the city to tow or haul an abandoned vehicle or a vehicle to be impounded in connection with a criminal investigation or to prohibit the use of a wrecker not in the rotation system under circumstances where police jurisdiction is not involved. For purposes of this section, police jurisdiction shall be deemed to exist in all cases of vehicular wreck or collision, all cases in which a criminal offense is under investigation, all cases in which a vehicular disablement results in obstruction of use of or travel on a public place or way, and all cases of abandonment of a vehicle on a public right-of-way or public place.

(b) In order to be placed on the rotation system, the owner or operator of a wrecker shall file application with the chief, supplying the following information:

- (1) Title certificate number of the wrecker and date issued and name, home and business address and telephone number of the owner of the wrecker;
- (2) Complete home and business address and telephone numbers of the principal operator of the wrecker;
- (3) Description of the wrecker to be registered, including the make, model, manufacturer's serial number and capacity;
- (4) Date vehicle was first placed in service as a wrecker;
- (5) Name of the wrecker service operating the wrecker and all persons having a financial interest in the service;
- (6) Persons, including all agents and employees, authorized to operate the wrecker and class of

driver's license held by each operator;

(7) The location and telephone number of the office or garage to and from which the wrecker is operated;

(8) The name and address of the insurance company providing motor vehicle liability coverage for the wrecker and wrecker service and general comprehensive liability coverage for business operations, the policy number of each insurance policy, and the policy limits provided by each policy; and

(9) Current occupation tax certificate.

Sec. 106-4. Inspection; rating and equipment; wrecker service obligated to remove broken glass.

(a) The chief or his designee shall inspect each wrecker before approving the application for placement on the rotation system to determine whether the wrecker is serviceable, properly equipped and in compliance with the requirements of this article and with other applicable laws. Thereafter, the chief shall inspect each wrecker annually.

(b) Each wrecker vehicle shall have a minimum rating of not less than 10,000 pounds gross weight, and shall be minimally equipped with the following additional equipment: one broom, one shovel, one ABC type fire extinguisher, one two-way radio capable of transmitting and receiving over a distance of ten miles under normal conditions, and a revolving amber emergency light mounted on top of the cab or boom of the vehicle.

(c) The removal of broken glass and other debris from the scene of an accident shall be part of the wrecker service's obligation pursuant to this article. When two or more wrecker services are assigned to one accident, all shall be equally responsible for cleaning debris from the wreck area.

Sec. 106-5. Emergency light display; storage of towed vehicles.

(a) A wrecker operator shall not display the amber emergency light except upon arrival at the scene where a call originated and when leaving the scene with the vehicle in tow. Each wrecker operator shall abide by all applicable traffic regulations and shall be responsible for any violations incurred in the process of responding to a call.

(b) Each wrecker service shall maintain an area for storage of towed vehicles, either within or without the city, sufficient to provide storage in a manner not inconsistent with applicable zoning ordinances and other laws. If outside the city, the storage area shall be not more than three miles from the city limits by the shortest route of vehicular travel. The storage area shall be enclosed or the entire perimeter fenced. Towed or hauled vehicles shall not be parked or left standing on any city right-of-way at any time or under any circumstances. All stored vehicles shall be subject to reclamation 24 hours a day.

Sec. 106-6. Insurance required; marking of wreckers required.

(a) In addition to the motor vehicle liability insurance required by state law, each wrecker service shall maintain general comprehensive liability and garage and extended operation insurance on business operations providing a minimum of \$25,000.00 single-limit coverage per occurrence. The chief may require each wrecker service to furnish copies of its insurance certificates showing the amount of coverage and expiration of the policies required by this article and other laws.

(b) Each wrecker shall have the name, address and telephone number of its business displayed on both sides of the vehicle. This information shall be permanently painted onto the side of the vehicle in block letters in contrasting color not less than 2 1/2 inches in height. Attachment to the vehicle of removable signs for this purpose is strictly prohibited.

Sec. 106-7. Selection of wrecker service.

(a) In the event it is necessary to remove any vehicle from the public streets or highways within the city, the owner or driver of vehicle involved shall have the right to select such wrecker service as he may choose.

(b) In the event such owner or driver has no choice, then the city police officer shall notify the police dispatcher, which shall contact a wrecker service on a rotating basis from a list kept by the police department.

(c) Such selection shall be made on an "in turn" basis. If no contract is made with the wrecker service next on the list, the next in line shall be contacted.

Sec. 106-8. One wrecker service license permitted at each paint, garage or body shop.

Only one wrecker service license shall be allowed at each paint, garage or body shop.

Sec. 106-9. Prerequisites to being listed on dispatcher's sheet.

In order for a wrecker service to be listed on the dispatcher's sheet, the following conditions shall be met:

(1) The wrecker service must have a shop or yard suitable for storage and must assume personal responsibility of the vehicle.

- (2) The wrecker service must have the proper equipment to meet the needs when called upon.
 - (3) Wreckers must be in safe condition, with proper license plate, a valid motor vehicle inspection sticker, and emergency light permit.
 - (4) Wreckers must be equipped with adequate lighting for emergency situations.
 - (5) The wrecker service must have appropriate insurance coverage as applicable.
- (Code 1970, § 22-3; Code 1990, § 29-3)

Sec. 106-10. Rotation call; procedure.

- (a) It shall be the duty of the chief to prepare and maintain a rotational call list of wreckers which meet the qualifications, standards and requirements enumerated in this article. Each wrecker service shall have no more than one listing on the rotational call list for each business address.
- (b) At any time it becomes necessary for the police department to remove any vehicle for any cause, the police radio operator, or such other person as may be designated by the chief, shall engage the services of those on the rotational call list by calling them in alphabetical order and in rotation; however, deviation from the alphabetical order shall be permitted if:
 - (1) The next wrecker service on rotation does not have a wrecker available with sufficient capacity to handle the call; or
 - (2) The owner or person in possession of a vehicle or person in possession of a vehicle about to be removed designates a wrecker service of his preference.
- (c) If the wrecker service called in the rotation does not respond within 30 minutes after receiving the call, the next designated wrecker service in the rotation shall be called.
- (d) If such person designates a wrecker service of his preference, that wrecker service shall be called whether or not it is next on the rotational call list, and such designation shall not interfere with such wrecker service's position on the call list; however, if it is necessary to skip over one or more wrecker services because they do not have a wrecker with sufficient capacity to handle a particular call, the wrecker service skipped over shall not lose position on the rotation list; but the wrecker service which handles the call shall lose position.
- (e) All calls to wrecker services shall be made by a police radio operator, or such other person as may be designated by the chief; and in no event shall an investigating officer undertake to call directly for a wrecker service. Police officers are strictly prohibited from recommending any particular wrecker service to any person, and any police officer violating this provision shall be subject to appropriate disciplinary action.

Sec. 106-11. Solicitation prohibited; violation to respond unless called.

- (a) It shall be a violation of this article for any wrecker operator, wrecker service or other person to solicit business at the scene of a motor vehicle accident or other vehicular disablement, whether such solicitation is conducted from a wrecker vehicle, private automobile, other motor vehicle, or on foot.
- (b) It shall be a violation of this article for any wrecker operator to proceed to the scene of an accident or vehicular disablement unless called as provided in this article. Upon being so called, a wrecker operator shall not block traffic and shall maintain his vehicle in such position as not to impede emergency vehicles and/or normal vehicular traffic.

Sec. 106-12. Removal of vehicle.

No vehicle shall be removed from the scene of a wreck, abandonment or disablement until it is released by the investigating officer. The chief or other officers of the city police department may direct that a vehicle to be removed shall be impounded or towed or hauled to the city's impoundment area, and in such event it shall be a violation of this article for any wrecker operator to remove a vehicle to any other location. No vehicle shall be released or moved until a written release is obtained from the police department. The police officer may, in his discretion, require inside secured storage of the vehicle until any investigation and processing is completed.

Sec. 106-13. Vehicle inventory; procedure.

- (a) Whenever any vehicle is removed by a wrecker service without the owner or operator present, the police officer shall make a thorough inventory of all equipment, accessories, personal articles or other items either attached to or located within the vehicle. This inventory shall be completed on the form supplied by the police department and signed by the officer in charge of the removal. Upon acceptance of the vehicle, and prior to its removal, the agent or employee of the wrecker service performing the removal shall sign the inventory form. The officer shall retain the original, and the wrecker service shall retain a copy.
- (B) Whenever the vehicle owner picks up his vehicle, the wrecker service shall provide him with a copy of the inventory form.

Sec. 106-14. Maximum fees and charges allowed; grounds for suspension.

- (a) All wrecker services participating in the rotation system shall adhere to those maximum fees and

charges as set forth in the schedule of fees and charges on file in the office of the city clerk.

- (b) The chief may suspend the wreckers and/or the operators of any wrecker service from the rotation system upon any of the following grounds:
- (1) Charging fees in excess of those approved by the mayor and council.
 - (2) Failure of a wrecker to pass inspection.
 - (3) Any violation of the provisions of this article or other law.

Sec. 106-15. Violations.

- (a) A conviction of violation of section 106-11(a), prohibiting solicitation at the scene of a wreck or vehicular disablement, or section 106-11(b), prohibiting a wrecker from coming to the scene unless called as provided in this article, shall result in mandatory suspension of the wrecker service from the rotation system for a period of one year.
- (b) Any wrecker service suspended by the chief shall be notified in writing of the suspension, to take effect within ten days after notice, the reasons for suspension in writing, the witnesses relied upon by the chief, and that the wrecker service shall be granted a hearing upon written request filed with the city manager within five days. The city manager, upon hearing the matter, may affirm the decision of the chief or reinstate the wrecker service.
- (c) Any person who shall violate any of the provisions or sections of this article shall be punished as provided in section 106-16.

Sec. 106-16 Penalties.

- (a) Whenever in this ordinance of the city any act is prohibited or is made or declared to be unlawful or an offense, or whenever in this ordinance the doing of any act is required and the failure to do such act is declared to be unlawful, and no specific penalty is provided, and unless otherwise provided by state law, the violation of any such provision of this ordinance shall be punished by a fine set by the City of Swainsboro Municipal Court Judge. Each day violation of this ordinance shall continue shall constitute a separate offense.
- (b) The judge of the municipal court have the power and authority to:
1. Impose upon persons convicted in the municipal court the fines provided for in this ordinance of the city, of as otherwise provided by the law, with the alternative of other punishment allowed by law, if such fines are not paid:
 - 2 Sentence such person to community services work, or:
 3. Impose a sentence consisting of any combination of the penalties provided for in this section.
- (c) The judge of the municipal court shall have full power and authority to declare the forfeiture of bonds given by offenders for their appearance before the municipal court upon the offender's failure to appear as provided for in such bond. The procedure for the forfeiture of such bonds shall be as is provided for the forfeiture of bonds and recognizance set forth in O.C.G.A. 17-6-70 et seq.

B. Old Business

1. None

C. Committee Reports

Police: Councilperson Stafford presented the Police Dept Report. He reported that with the help of Congressman John Barrow's Office the Swainsboro Police Department has received a grant of \$282,000 from the COPS Grant Program from the Federal Government to assist with the construction of the Swainsboro Police Building.

Council discussed personnel problems at the Police Department and Chief Shuman explained some of the problems they were having being short handed due to illnesses.

Building and Safety: Councilperson Faulkner reported that Building Inspector is working on the delapidated houses in the city and will have a report at the next council meeting.

Executive: No Report

Public Works: Councilperson Collins reported everything routine.

Recycle: Councilperson Collins reported operations normal .

Fire : Councilperson Parker reported everything routine.

Recreation: Councilperson Stroud reported everything routine.

Airport: Councilperson Edenfield had no report.

Water & WW: Councilperson Edenfield reported that pump station #11 on Lake Luck Dr. was in need of repair. He explained that a bypass pump needed to be installed so the pumps could be serviced. He asked council to approve up to \$19,000 for this procedure. Councilperson Edenfield stated he would check to see if this could be done by OMI and save the city money on the project. Motion to proceed with the expense not to exceed \$19,000 was made.

Motion: by Stafford Seconded by: Parker Passed 6-0

Administrative: Administrator Lawson had no report.

Mayor: Mayor Schwabe introduced Anthony Faris as the new hired Downtown Development Authority Director. Mr. Faris shared some of his ideas with the council.

Mayor Schwabe reported that there is a leak in the upstairs roof and an estimate for repairs would be obtained.

Mayor Schwabe expressed his appreciation to Congressman John Barrow for the assistance Grant with the Swainsboro Police Department.

Mayor Schwabe stated that he would be looking in to a contract for the City Administrator, updating the city personnel policy, and forming a personnel review committee.

Mayor Schwabe ask council to consider the role the city council should play in the upcoming year as committee chairs or changing the way it is organized.

Mayor Schwabe asked for nomination for Mayor Pro Tem for the upcoming year. Councilperson Parker nominated Councilperson Edenfield and Councilperson Faulkner nominated herself. Mayor Schwabe called for a vote . The vote was recorded as follows;

Edenfield, Stroud, Parker, Stafford - Edenfield

Faulkner - Faulkner

Collins - Abstained

Councilperson Edenfield was elected Mayor Pro Tem for the 2008 year.

Council Adjourned

Submitted: *M L Lawson* , City Administrator