

CITY OF MCINTYRE

Minutes

January 5, 2023

5:30 p.m.

City of McIntyre Meeting Room

The City of McIntyre called council meeting was held on January 5, 2023 with Mayor Vicki Horne presiding. Council Members present were Mayor Pro-Tem Rico Myrick, Katherine Scott, Eugene Moore, and Debra Kennedy. John Carswell was late.

Others in attendance: City Clerk Davonia Riddle

The meeting was called to order at 5:30 by Mayor Pro-Tem Rico Myrick. Prayer was led by Eugene Moore.

Business at Hand

Hiring New City Attorney-see attachment

Mayor Vicki Horne invited John (Jack) Nichols to city council called meeting via zoom. She asked everyone to go around and introduce themselves. Mayor Horne told Mr. John Nichols we have one council member missing John Carswell, he may or may not be coming he had a doctor's appointment in Atlanta. Mayor Horne stated the reason for the called meeting is she let time slip by, and the city needs a city attorney, so she asked Mr. Nichols if he could help us in the interim until we could get through the interview process. Mayor Horne said Mr. Nichols sent a proposal to the City of McIntyre and she opened the floor for Mr. Nichols to introduce himself. Mr. Nichols said he is a partner with James-Bares-Brannan-Groover-LLP in Macon. He said they have offices in Atlanta and Athens, but it initially started in Macon around the early 2000s. He said the office have about 55 to 60 attorneys total, with a majority of them in the Macon Office. He goes on to say one of their major areas of work is local government. He said he represents Macon-Bibb County, City of Butler, and the City of McRae-Helena. He said he deals mostly with local government and does a lot of planning and zoning work. Working with all of that, he also does general business litigation and that involves any kind of business disputes. Whether it is between employee or employer, or business contractors that has not been paid. He said he has been practicing about 17 years. Mr. Nichols told council he would answer any questions they have. Mayor Horne told Mr. Nichols the city has a big project going on and will need someone in place to help get the paperwork compiled. She goes on to say David McRee was our former attorney and he retired on December 31st so the city has to have someone in place to maneuver through this process. Mayor Horne stated that is her major concern and opened the floor for council to ask questions. Mayor Horne said she know Council Member Eugene Moore wheels are turning and he has a question or two for you. Council Member Eugene Moore asked if he represented the Macon Water Authority and Economic Council. Mr. Nichols stated they have done work for both, but their firm is not the full-time representative. Their firm has worked with them on past matters. Mr. Nichols said for Macon-Bibb

County, they are full-time attorneys, but they also have three in house attorneys. He goes on to say their firm does a lot of work for the Macon-Bibb County. Council Member John Carswell asked has Mr. Nichols ever oversee a sewer project before or has any experience in that area? Mr. Nichols said right now the City of Butler is working on a bond to get their sewer or part of their sewer updated and he's working on that project. He said the city is going through USDA and he is going through that process now. He said yes, he has some experience, but they are in the process and that is what his firm is working on now. Mayor Horne asked if Mr. Nichols can explain to council about the hourly billing rate. Mr. Nichols said his firm is typically billed by the hour and that is how most attorneys bill. However, in some cases they can do somethings differently. He goes on to say that some are processed as a retainer and it is either divided monthly or yearly. He said he listed \$225.00 per hour and that is lower, but they charge their municipal government clients a lesser rate, and this is a reduced rate. Mr. Nichols said however, he understands McIntyre is not a big city and he can certainly negotiate some on the rate. This rate is the standard smaller rate that the firm does. He said he will negotiate if the \$225 is too much for the city's budget. He said he is happy to discuss more if that is an issue or problem. Mayor Horne stated, yes, just a little bit of a concern. Council Member Eugene Moore said quite a bit. Mayor Horne asked if Mr. Nichols could tell council the minimum amount for a small town. Council Member Eugene Moore asked how low he can go? Mr. Nichols said part of the reason he does not feel comfortable going lower than this is that he knows the city may be dealing with the high cost and inflation. He said it has caused his firm this year to evaluate government clients and all his clients. He said they have increased rates some, but he said he can properly go down to \$200.00. He said he knows that may still seem high, but he does not think he can go any lower. He said because of inflation it will be hard to get his firm to go any lower. He said he can ask and see but he believes \$200.00 will be the lowest. Mayor Horne asked Mr. Nichols to explain how the process would go if council decided to use him as an interim city attorney and after interviewing other candidates decided to hire someone else? Mr. Nichols said council could agree on whatever the rate will be and then he will serve in that capacity until council decided on a full-time city attorney. He said at that point, the city will pay his bill through the day the new city attorney is hired. Whatever files or paperwork he has, will be turned over to the new city attorney. He said they will pick up from there and he will be happy to help them get up to speed on everything. Mr. Nichols said that is generally how that will work but said he would love to work as the city full time city attorney, if that is what council choose to do. Mayor Horne said when it comes to big law firms, that kind of throw her off because the city is use to working with one individual. She goes on to say that if the city has concerns or need some type of assistance, who will the city have as their main contact? That is a concern for her. Mr. Nichols said he will be the primary contact and if council bring up something he is not familiar with, he has others within the firm to help. Mr. Nichols said that is one of the advantages of a larger firm, having the experience of working with larger and smaller cities/counties. He said they can draw on that experience and hopefully get a more cost-effective answer by not having to spend a lot of time looking into something. Mr. Nichols said he said that to say, he would be the primary person but will look to other partners if he doesn't know the answer to the question. He said what he has found that works well is council have a primary contact person, whether it is the clerk, city administrator, or whomever. He said it may be more efficient for that person to communicate directly with him regarding whatever the concerns are and he will communicate it back. He said you do not have to he is happy to speak with anyone. He told council to let him know how they would like to do the communication. Mayor Horne said on occasions, situations happens with the police department and Chief Amerson may choose to reach out. She said council is use reaching out to former City Attorney David if they had any issues or concerns. Mayor Horne said she does not want it to be a big issue, since Mr. Nichols works with a big law firm. Mr. Nichols stated he does not want the thought of it as being a big law firm, concerns anyone. He said he will be the city contact person and if anyone needs anything he will be available to help. He said he included in the paperwork his work and cell phone number. Mr. Nichols said his firm

policy is to always be very responsive to all their clients and so they try to return phone calls and emails within 24 hours. He said he generally try to get back in touch with 24 hours. Mr. Nichols said he wanted to add one thing, if Chief Amerson needs to contact him, he can do. Council Member Eugene Moore said on travel expenses, since you do not charge an hourly rate for service, but charge for mileage to and from the meetings, it will be billed at the IRS rate and a bit of reimbursement. Council Member Eugene Moore read off a list. After reading off the list Council Member Eugene Moore stated that it was quite a list. Mr. Nichols said that it is and some of the items does not really apply anymore it is just a standard list. He said the letter may need to be updated but it is just a standard list. Typically, the additional charges other than his time will be, if he attended a meeting, the mileage, copy, and research charges. Mayor Horne said meetings are normally the first Monday of the month at 5:30, the city normally does not have too many meetings but because of the sewer projects the city have been having called meetings. Mr. Nichols said if it is more convenient for the city and to save money, he could appear by Zoom. He said he has done that before, especially during COVID. He said it is not as normal now, but he said he would be happy to appear via Zoom if that is what the city prefers. Mayor Horne went around and asked if anyone had questions for Mr. Nichols. No one had a question at that time. Mayor Horne told Mr. Nichols, City Clerk Davonia will be the primary contact person or Deputy Clerk Linda Sanders. She goes on to say, I am going to let the Council Member John Carswell introduce himself. He introduced himself to Mr. Nichols. Mayor Horne told Mr. Nichols the city has a pretty good council sitting at the table. She said everyone has different opinions about how they want to do things, but she thinks everyone here knows and cares for each other. She goes on to say that they do go at it every now and then. Sometimes she is the troublemaker her and her cousin Council Member John Carswell. Mr. Nichols said that is understandable, to an extent if this help or make you understand him better. Mr. Nichols said he grew up in Fort Valley and his mother was the editor of the local newspaper for a number of years. He grew up with a lot of the local politics and hearing about it at the table and when he mother and father talked about it. He realized then that not everyone is always on the same page and really the most important thing is if you have good people on council, you're able to work it out. He said of course he doesn't know council, but he trusts what Mayor Horne has said about council. Mayor Horne put Mr. Nichols on mute via zoom to discuss the conversation between council and Mr. Nichols.

Mayor Horne told Mr. Nichols that council is going to take a vote. Mayor Horne said she entertain a motion to select Mr. Jack Nichols as the interim city attorney. **Council Member Debra Kennedy made a motion to select Mr. Jack Nichols as the city interim city attorney, Seconded by Council Member John Carswell. Motion carried.** Mayor Horne welcomed Mr. Nichols as our interim city attorney. Mr. Nichols thank everyone and said he will do his best and let him know if he is not and he will be straightening up and do better. Mayor Horne said the first thing we will be doing is sending some emails tomorrow and some information from USDA. Also, she said she will have City Clerk Davonia contact David McRee to get Mr. Nichols up to speed. She said she do not want to overwhelm him, but these are the city major issues now. Mr. Nichols thanked the city again and said he look forward to working with the city.

Date and Time for Interview-see attachment

Mayor Horne asked council for dates and time to interview for the new city attorney. She asked Council Member Debra Kennedy are Wednesday better for her since she get off early from work. Council Member Debra Kennedy said she can come in the afternoon after work. Mayor Horne asked council if the 25th of January will work for everyone. Mayor Horne asked City Clerk Davonia to get some type of policy in place for the city to have meetings via Zoom. **Council Member Debra Kennedy made a motion**

to have the interviews for the new city attorney January 25th at 5:30, Seconded by Council Member John Carswell. Motion carried.

Qualifying Fees for 2023 Election

Mayor Horne asked City Clerk Davonia to talk about the 2023 Qualifying fees. City Clerk Davonia told council she has to post the qualifying fees in the paper because the city will be holding their general election this year. She goes on to say last year, former Council Member Deborah Osbourne voted that council received an increase mayor \$400.00 and council \$300.00. She asked council if they still agreed with that. Mayor Horne asked if we changed that. Council Member Debra Kennedy said yes she dropped the number of meetings and then cut the price in half, then when she went to move it back, former City Attorney David McRee said she could not do it in the same time frame. Council went back and forth on what they thought. Mayor Horne told City Clerk Davonia to go back and listen to the minutes to understand exactly what former Council Member Deborah Osbourne said about the increase. Council Member Eugene Moore said the legal thing is it must be posted in the paper. Mayor Horne stated it could be published on the website also.

Cancel January 9th Regular Meeting

Mayor Horne stated that we have so many called meeting we need to get back to having meeting twice a month. Mayor Horne said she need a motion to cancel the January 9th meeting. **Council Member Katherine Scott made a motion to cancel the January 9th meeting, Seconded by Council Member John Carswell. Motion carried.**

With there being no further business, Motion made by Council Member Debra Kennedy, Seconded by Mayor Pro-Tem Rico Myrick, to adjourn. Motion Carried. Meeting adjourned at 6:20 pm.



Mayor Vicki Horne


Attest: City Clerk