

AN ORDINANCE TO AMEND THE STORMWATER FUND BUDGET FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2020 AND ENDING DECEMBER 31, 2020 FOR THE CITY OF BROOKHAVEN PURSUANT TO ARTICLE V OF THE CITY OF BROOKHAVEN CHARTER, APPROPRIATING AN AMOUNT NOT TO EXCEED \$180,000.00 FROM THE STORMWATER FUND UNRESTRICTED NET POSITION FOR THE PURCHASE OF CONSTRUCTION SERVICES RELATED TO THE NORTH FORK NANCY CREEK TRASH RACK PROJECT; ALLOWING THE FINANCE DEPARTMENT TO MAKE TECHNICAL CHANGES AS NECESSARY, AND PROHIBITING EXPENSES FROM EXCEEDING ACTUAL FUNDING SOURCES, AND FOR OTHER PURPOSES

WHEREAS, the Official Code of Georgia Annotated, Chapter 36, Section 81, Subsection 3, requires that each local government adopt a balanced budget for all required funds; and

WHEREAS, the Official Code of Georgia Annotated, Chapter 36, Section 81, Subsection 3, Paragraph (d) allows a local government to amend its budget to adapt to changing governmental needs during the budget period; and

WHEREAS, the City has limited available resources from unrestricted net position to provide for the efficient progress of projects; and

WHEREAS, the Nancy Creek Watershed Improvement Plan (WIP) was adopted by the Council in the Summer of 2016 and identifies several culverts under I-285 as source of trash and debris which impedes the Murphey Candler Lake water quality; and

WHEREAS, the Council adopted Watershed Improvement Plan recommends implementation of several water quality improvement projects and identifies installation of several Floatable Trash Racks (NC4-001, 002, 003, 004) will improve the water quality of Murphey Candler Lake; and

WHEREAS, the Bandalong Litter Trap System was developed in Australia and has been proven to be effective in capturing litter floating in live streams and Stormwater Systems, Inc. based in Cleveland, GA has the licensing agreement for the Bandalong Litter Trap System in North America and is the Sole Source for this product and after a very thorough site assessment and based on the flow and channel width, Stormwater Systems, Inc recommends one Litter Trap downstream of four locations to significantly reduce the construction and maintenance cost and minimize the disturbance to the foliage, stream buffer and eco-system and capture same amount of trash; and

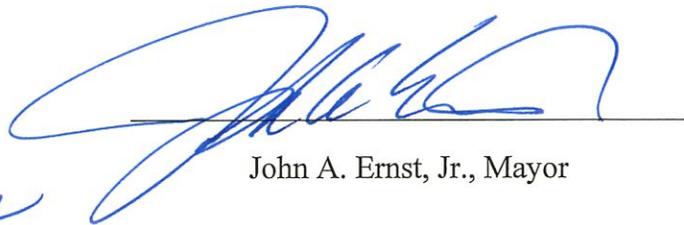
WHEREAS, the City of Brookhaven maintains balanced budgets, such that anticipated funding sources equal or exceed the proposed expenses.

ORD 2020-01-08

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BROOKHAVEN
HEREBY ORDAINS, AS FOLLOWS:**

1. The amendment of the budget of the City of Brookhaven for the appropriation of FY 2020, unrestricted net position and Stormwater fund expenses is hereby approved.
2. The City Council authorizes the City Manager to approve the contract with Stormwater Systems, Inc to install a Bandalong Litter Trap and other necessary contracts to construct an access road for the future maintenance and removal of collected trash to an amount not to exceed \$180,000.
3. Should any section of this ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the resolution as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

**SO ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF
BROOKHAVEN, THIS 28th DAY OF JANUARY, 2020.**


John A. Ernst, Jr., Mayor

Attest: 
Susan Hiott, City Clerk

Approved as to form:


Laurel Henderson, Attorney

