

CITY OF ELBERTON
REGULAR MEETING OF THE MAYOR AND COUNCIL

Monday, April 7, 2014 – 5:30 p.m.

Pursuant to due call and notice thereof the Regular Meeting of the Mayor and Council convened at 5:30 p. m. on Monday, April 7, 2014 in Council Chambers of the Municipal Building, 203 Elbert Street with Mayor Guest presiding.

Present were: Council Members Butler, Colquitt, Hunt, Seymour, and Prince; City Attorney Phelps, City Manager Dunn and City Clerk Churney.

Mayor Guest called the meeting to order and led the assembly in the Pledge of Allegiance. Council Member hunt led the assembly in prayer.

Council Member Butler motioned to approve the minutes of the March 3, 2014 meeting as submitted, seconded by Council Member Hunt and the motion passed unanimously (Butler, Hunt, Seymour, Prince, Colquitt).

Controller Kevin Eavenson presented the Financial Report through February 2014 is enclosed for review.

General Fund	\$ 5.3 million
Combined Utilities Fund	\$ 29.4 million
Elberton Technology Services Fund	\$ 386,476
Solid Waste Fund	\$ 32,650 net loss
Unrestricted Investments-General Fund and Utility Fund	\$ 4.9 million
Restricted Investments (SPLOST & Utility Funds)	\$ 2.3 million

There were no scheduled speakers from the floor. However, Mr. John Clark asked to update council with regard to affordable housing in Elberton. Council Member Hunt motioned to hear Mr. Clark, seconded by Council Member Butler and the motion passed unanimously (Butler, Hunt, Seymour, Prince, Colquitt). Mr. Clark stated that he had compiled a list of houses in need of rehabilitation (72+) and expects to complete the list to provide to City Manager Dunn.

Mr. Ken Crawford asked to speak to council with regard to his home located at 224 McDonough Street. Council Member Butler motioned to hear Mr. Crawford, seconded by Council Member Colquitt and the motion passed unanimously (Butler, Hunt, Seymour, Prince, Colquitt). Mr. Crawford discussed issues with the lack of curbing on his street which he felt was causing storm water drainage backup runoff on his property. Mayor Guest informed Mr. Crawford that Council Member Colquitt and City Manager Dunn would meet with him to discuss options. After discussion, City Manager Dunn stated he would provide a cost estimate on curbing in that area.

Ms. Tonya Turman asked to speak to council with regard to her home located at 108 Burke Street. Ms. Turman stated that since moving back to the community, she was concerned with the excessive speeding on the street. She asked if a speed bumps could be installed. After discussion, Mayor Guest asked Council Member Butler to meet with Ms. Turman to discuss options.

Mr. Bruce Herring was requested by Council Member Butler to discuss housing development options available for the Elberton Housing Authority. Council Member Butler motioned to hear Mr. Herring, seconded by Council Member Hunt and the motion passed unanimously (Butler, Hunt, Seymour, Prince, Colquitt). Mr. Herring stated that the Elberton Housing Authority is a conventional housing agency, which requires grant funds to only be used on existing owned properties. He added that the under the current agency, they were not permitted to construct new housing or to add housing to their inventory. He stated that the USDA does have loans/grants for property owners that reside in the home up to \$20,000 for rehabilitation.

Mayor Guest stated that Council Member Hunt tabled the following at the March meeting. Council Member Hunt motioned to remove from the table the Resolution, seconded by Council Member Prince and the motion passed unanimously (Butler, Hunt, Seymour, Prince, Colquitt). City Manager Dunn read an amendment to the Resolution as follows: *and as additional consideration the City shall have permanent right of access to enter and exit upon and across the property for the purpose of maintaining and repairing the sewer line located within the easement.* Council Member Colquitt motioned to accept the amendment as read above, seconded by Council Member Butler and the motion passed unanimously (Butler, Hunt, Seymour, Prince, Colquitt).

Council Member Prince motioned to waive the formal reading of the Resolution which was read in its entirety at the March meeting, seconded by Council Member Colquitt and the motion passed unanimously (Butler, Hunt, Seymour, Prince, Colquitt). City Manager Dunn read the heading of the Resolution.

RESOLUTION

A RESOLUTION TO ACCEPT A DONATION OF 0.34 ACRE OF PROPERTY ON WHICH THE CITY CURRENTLY HAS RECREATIONAL FACILITIES, AND TO QUIT CLAIM A PORTION OF LAND ON WEST CHURCH STREET, LESS AND EXCEPT A STORM WATER EASEMENT, AND FOR OTHER PURPOSES

BE IT RESOLVED AND IT IS HEREBY RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF ELBERTON:

WHEREAS: The City of Elberton has received a request from a property owner at 41 West Church Street, Mr. Lynn Norton, to accept and receive a donation of land in the amount of 0.34 acre, on which the Granite City Trail is currently constructed, that portion of land being specified as Tract #3 on the attached plat prepared by Carroll Surveying, LLC dated March 13, 2007, being a portion of Elbert County Tax Parcel E12 001; and

WHEREAS: The City of Elberton has received a request from the above property owner to quit claim a parcel of land adjacent to West Church Street in the amount of 0.207 acre, that portion of land being specified as Tract #2 on the above referenced plat; and

WHEREAS: The City of Elberton reserves a 20-foot storm sewer easement from Tract #2 as depicted and specified on the attached plat for the purposes of maintaining a storm water drainage pipe, junction basin, and man hole; and

WHEREAS: The Mayor and Council have determined that said property in Tract #2 serves no public interest other than an interest to the private landowner at 41 West Church Street, shown as Tract #1 on the attached plat.

NOW, THEREFORE BE IT RESOLVED AND IT IS HEREBY RESOLVED, that to the extent the City of Elberton has any interest in and to said right-of-way known as Tract #2 on the attached plat, the City of Elberton does hereby waive, abandon and relinquish such interest, if any, less and except a 20-foot storm sewer easement as depicted on the attached plat, *and as additional consideration the City shall have permanent right of access to enter and exit upon and across the property for the purpose of maintaining and repairing the sewer line located within the easement.*

BE IT FURTHER RESOLVED, that the City of Elberton does accept a donation of land from Mr. Lynn Norton in the amount of 0.34 acre on which the Granite City Trail is currently built, known as Tract #3 on the attached plat.

The Mayor, City Clerk, and/or City Manager shall be authorized to sign any legal document necessary to effectuate the provisions of this Resolution, under such terms and to such grantees as the City Attorney may determine to be appropriate under the law.

Council Member Prince motioned to adopt the Resolution as amended, seconded by Council Member Seymour and the motion passed unanimously (Butler, Hunt, Seymour, Prince, Colquitt).

Council Member Colquitt introduced the following Resolution for consideration:

APPROVING THE SUPPLEMENTAL CONTRACT FOR THE GAS PORTFOLIO IV PROJECT BETWEEN THE CITY OF ELBERTON, GEORGIA (“MEMBER”) AND THE MUNICIPAL GAS AUTHORITY OF GEORGIA AND AUTHORIZING THE EXECUTION, DELIVERY AND PERFORMANCE OF THE SUPPLEMENTAL CONTRACT FOR THE GAS PORTFOLIO IV PROJECT, AND FOR OTHER PURPOSES

WHEREAS, the 1987 Session of the General Assembly of the State of Georgia adopted the Municipal Gas Authority of Georgia Act (Ga. Laws 1987, p. 745 et seq. (codified at O.C.G.A. Section 46-4-80 through 46-4-125)), as amended (the “Act”), creating the Municipal Gas Authority of Georgia (the “Gas Authority”), providing for its organization and purposes and authorizing it to contract with certain municipalities and other political subdivisions for the provision of an adequate and dependable wholesale supply of gas to meet the needs of the gas distribution systems of such political subdivisions; and

WHEREAS, the Member has heretofore entered into a certain Gas supply Contract as heretofore extended for an additional ten years beyond the original termination date of December 2015 to December 31, 2025 pursuant to the First Amendment to Gas Supply Contract, and from December 31, 2025 to December 31, 2040 pursuant to the Second Amendment to Gas Supply Contract (as to extended, the “Gas Supply Contract”), with the Gas Authority providing for the Gas Authority’s obligation to furnish the Member with its gas supply requirements and for the Member’s obligation to pay for such gas supplies; and

WHEREAS, the Member has also studied and reviewed its opportunity to contract with the Gas Authority for additional gas supplies, and to the end, the Member and the Gas Authority have caused to be prepared a certain Supplemental Contract (Gas Portfolio IV Project), dated as of November 1, 2014 (the “Supplemental Contracts”);

NOW, THEREFORE, BE IT RESOLVED be it resolved by the governing body of the Member in meeting duly assembled, and it is hereby resolved by authority thereof, as follows:

Section 1. The Member hereby finds and determines that it is in its best interest to contract with the Gas Authority pursuant to O.C.G.A. Section 46-4-99 and the terms of the Gas Supply Contract and the Supplemental Contracts and the Member hereby declares, in accordance with the Act, its intention to so contract with the Gas Authority for the purchase of its gas supply.

Section 2. The Member hereby approves and authorizes the execution and delivery of the Supplemental Contract in substantially the form of the drafts of the Supplemental Contract attached to this Resolution as Exhibit “A” and hereby incorporated herein by reference, subject to such changes, additions and deletions made in the Mayor’s discretion, with advice of counsel. The Supplemental Contract shall be executed by the Mayor attested by the City Clerk, and shall have the Member’s seal affixed thereto, and shall be delivered to the Gas Authority, and when so executed and delivered, shall be binding upon the Member in accordance with its terms. Execution of the Supplemental Contract as authorized herein shall be conclusive evidence of the Member’s approval thereof..

Section 3. In the adoption of this Resolution, the Member hereby recognizes that this action will be relied upon by other municipalities that own and operate gas distribution systems and that adopt similar resolutions in furtherance of the organization of the Gas Authority under the Act, and that the Member is also relying upon the adoption of such Resolutions by such other municipalities.

Section 4. All resolutions or parts of resolutions in conflict herewith are hereby repealed.

The Resolution was read in its entirety. Council Member Colquitt motioned to adopt the Resolution as submitted, seconded by Council Member Butler and the motion passed unanimously (Butler, Hunt, Seymour, Prince, Colquitt).

Council Member Butler placed Ordinance 2183 on First reading to amend the comprehensive zoning map with a heading as follows:

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF THE CITY OF ELBERTON; AND FOR OTHER PURPOSES.

City Manager Dunn read the Ordinance in its entirety.

Council Member Butler motioned to approve the consent agenda as submitted, seconded by Council Member Seymour and the motion passed unanimously (Butler, Hunt, Seymour, Prince, Colquitt).

1. Approved the expenditures that exceed the city manager’s purchasing authority.

Expenditures for April 2014

Department: ElbertonNET New bucket truck with 40-foot reach. For telecomm, non-insulated. Replaces 1999 Ford purchased used in 2002.	
Vendor:	Price:
Altec Recommended	\$82,812.00
Global	\$85,525.00
Terex Utilities	\$98,119.00

Recommendation based on low bidder.

Department: ElbertonNET

Fujikura 70S fiber optic main line fusion splicer & Fujikura 12S hand-held fusion splicer for installation.	
Vendor:	Price:
Gresco Recommended	\$18,385.12
TVC	\$19,095.00
Network Supply	\$19,013.40

Recommendation based on low bidder.

Property, Casualty and Liability insurance for plan year beginning May 1, 2014.	
Vendor:	Price:
Franklin Insurance Co., Option #3 Recommended Deductible \$10,000	\$120,869.00
Franklin Insurance Co., Option #2 Deductible \$5,000 on liability and \$10,000 on property	\$131,729.00
Franklin Insurance Co., Option #1 No deductible on liability and \$5,000 on property	\$139,483.00
Public Risk Underwriters Deductible \$10,000	\$129,878.00
GMA/GIRMA Deductible \$10,000, but does not meet specs because they cannot provided the \$10 million umbrella coverage. This can be provided with commercial insurance under a separate quote.	\$116,265.00

Recommendation based on low bidder that met specifications.

2. Authorized the execution of the necessary documents with Rushton & Company for FY2014 audit services. The fee is the same as the last three years, \$36,900.
3. Authorized the closing of a portion of the square to vehicle traffic from 7:00 a.m. to 7:30 a.m. on April 20 for Easter Sunrise Service by the First United Methodist Church.
4. Authorized the closing of a portion of Church Street beginning at the stop sign at Forest Avenue stopping at the traffic light at S. Oliver Street to vehicular traffic at 8 p.m. until 9:30 p.m. on May 16 for the Graduation Ceremony by the Elbert County Board of Education.

City Manager Dunn presented the following reports:

- Monthly report on the activities of various departments.

There being no further business to come before Council, upon proper motion and second the meeting was adjourned.