

CITY OF ELBERTON
REGULAR MEETING OF THE MAYOR AND COUNCIL
Monday, December 5, 2011 – 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, December 5, 2011 in Council Chambers of the Municipal Building, 203 Elbert Street with Mayor Guest presiding.

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

Mayor Pro tem Hunt led the assembly in the Pledge of Allegiance and Council Member Paul led the assembly in prayer.

Mayor Guest expressed condolences to City Manager Dunn and his family during the loss of Mrs. Frances Stowers Dunn on December 2, 2011.

Council Member Seymour motioned to approve the minutes of the November 7, 2011 regular meeting as submitted, seconded by Council Member Colquitt and the motion passed unanimously.

Controller Kevin Eavenson presented the Financial Report through October 2011 with the following net assets:

General Fund	\$ 4.7 million
Combined Utilities Fund	\$ 24.9 million
Elberton Technology Services Fund	\$ 1.1 million net loss
Solid Waste Fund	\$ 213,085
Unrestricted Investments-General Fund and Utility Fund	\$ 4.9 million
Restricted Investments (SPLOST & Utility Funds)	\$ 1.3 million

There were no speakers from the floor.

Council Member Paul placed Ordinance 2172 on second reading with a heading as follows:

ORDINANCE 2172

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

The Ordinance was read in its entirety at the November meeting. Council Member Paul motioned to waive the reading of the Ordinance, seconded by Council Member Seymour and the motion passed unanimously. Council Member Paul motioned

to adopt the Ordinance, seconded by Council Member Seymour and the motion passed unanimously.

Council Member Seymour introduced the following Resolution:

RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF ELBERTON, GEORGIA APPROVING AND AUTHORIZING, AMONG OTHER THINGS, THE EXECUTION, DELIVERY AND PERFORMANCE OF AN INTERGOVERNMENTAL CONTRACT WITH THE DEVELOPMENT AUTHORITY OF ELBERT COUNTY, ELBERTON AND BOWMAN

WHEREAS, the Development Authority of Elbert County, Elberton and Bowman (the “Issuer”) was duly created and is validly existing pursuant to O.C.G.A. Section 36-62-1, *et seq.*, as amended (the “Act”); and

WHEREAS, the Act empowers the Issuer to borrow money and issue its revenue bonds for the purpose of financing any “project” (as defined in the Act), and to lease such projects for operation by one or more persons, firms or corporations; and

WHEREAS, pursuant to O.C.G.A. Section 48-5-350, the City has the power to levy and collect three mills per dollar on the assessed value of the taxable property in the City to provide for financial assistance to the Issuer; and

WHEREAS, Article IX, Section III, Paragraph 1(a) of the Constitution authorizes, among other things, any county, municipality or other political subdivision of the State to contract, for a period not exceeding fifty years, with another county, municipality or political subdivision or with any other public agency, public corporation or public authority for joint services, for the provision of services, or for the provision or separate use of facilities or equipment, provided that such contract deals with activities, services or facilities which the contracting parties are authorized by law to undertake or to provide; and

WHEREAS, the Issuer has determined that it is in the best interest of the citizens of the area served by the Issuer and in furtherance of its purposes that the Issuer acquire equipment to be used in a facility for the manufacture of ladders and related products (the “Project”); and

WHEREAS, the Issuer has further determined that the most feasible method of financing the cost of the Project is to issue its Tax-Exempt Revenue Bond (Hailo, LLC Project), Series 2011A (the “Series 2011A Bond”) in the principal amount of \$1,818,750 and its Taxable Revenue Bond (Hailo, LLC Project), Series 2011B in the principal amount of \$932,500 (the “Series 2011B Bond” and, together with the Series 2011A Bond, the “Bonds”); and

WHEREAS, the Issuer and Hailo, LLC (the “Company”) propose to enter into a Series 2011A Rental Agreement, dated as of December 1, 2011 (the “Series 2011A Rental Agreement”), and a Series 2011B Rental Agreement, dated as of December 1, 2011 (the Series

2011B Rental Agreement” and, together with the Series 2011A Rental Agreement, the “Rental Agreements”), pursuant to which the Issuer will agree to, among other things, issue the Bonds, acquire the Project and lease the Project to the Company, and the Company will agree to, among other things, lease the Project from the Issuer; and

WHEREAS, under the terms of the Rental Agreements, the Company will agree to make payments to the Issuer in amounts sufficient to enable the Issuer to pay debt service on the Bonds (the “Rental Payments”); and

WHEREAS, the Issuer and the City propose to enter into this Intergovernmental Contract, pursuant to which the Issuer will agree to issue the Bonds and to acquire the Project, and the City, in consideration of such services and facilities provided by the Issuer, will agree to levy the tax authorized by O.C.G.A. 48-5-350 as necessary to pay to the Issuer amounts sufficient to pay for and toward debt service on the Bonds in the event and only in the event that the Company defaults on its obligations to make Rental Payments and upon the demand of the Issuer and/or the holder of the Bonds.

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

The execution, delivery and performance of the Contract are hereby authorized. The Mayor of the City (the “Mayor”) is hereby authorized to execute and deliver the Contract on behalf of the City, which Contract shall be in substantially the form attached hereto as Exhibit A.

From and after the execution and delivery of the Contract, the proper officers, agents and employees of the City are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents and certificates as may be necessary to carry out and comply with the provisions of the Contract and are further authorized to take any and all further actions and to execute and deliver any and all further documents and certificates as may be necessary or desirable in connection with the issuance of the Bonds and the execution, delivery and performance of the Contract.

All acts and doings of the officers, agents and employees of the City which are in conformity with the purposes and intents of this resolution and in furtherance of the issuance of the Bonds and the execution, delivery and performance of the Contract shall be, and the same hereby are, in all respects, approved and confirmed.

In the event that the Mayor is unavailable to execute the documents herein authorized to be executed, the City Manager is hereby authorized to execute all such documents on his behalf.

The funding of the Issuer’s Workforce Development Grant for the Project in the amount of \$75,000 is approved and authorized provided that a grant agreement substantially in the form of Exhibit B is executed by the Issuer and the Company requiring creation of 70% of 84 jobs in the Elberton facility in the first 24 months of operation, and the City

Manager is authorized and directed to release funds for this grant immediately upon adoption of this resolution.

This resolution shall take effect immediately upon its adoption.

All resolutions in conflict with this resolution are hereby repealed.

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

Council Member Butler motioned to approve the consent agenda as submitted, seconded by Council Member Paul and the motion passed unanimously.

1. Approved the expenditures that exceed the City Manager's purchasing authority.

Description: One (1) new full size 4x4 pickup with extended or crew cab for police department, includes police package.

Vendor	Year	Description	Extended or Crew Cab	Cost
Allen Vigil	2012	Ford F150 4WD	Super Cab	\$26,830.00
Ed Murdock	2012	Ford F150 4WD	Super Cab	\$26,912.00
Casey Jackson	2012	Ford F150 4WD	Super Cab	\$27,065.00
LaPrade	2012	Ford F150 4WD	Super Cab	\$27,622.00
Casey Jackson	2012	Ford F250 4WD	Super Cab	\$28,685.00
Nash	2012	Chevrolet 1500 4WD	Extended Cab	\$27,287.00
Nash	2012	Chevrolet 2500HD 4WD	Extended Cab	\$28,450.00
Casey Jackson	2012	Ford F150 4WD	Crew Cab	\$29,215.00
Brannon	2012	Ford F150 4WD XL	Crew Cab	\$31,350.00
Casey Jackson	2012	Ford F250 4WD	Crew Cab	\$29,955.00
Ed Murdock Recommended	2012	Dodge Ram 1500 4WD	Quad Cab	\$25,681.00
Nash	2012	Chevrolet 1500HD 4WD	Crew Cab	\$28,550.00
Carl Gregory	2012	Dodge Ram 2500HD 4WD	Crew Cab	\$28,987.00
Nash	2012	Chevrolet Silverado 2500HD 4WD	Crew Cab	\$29,500.00

Description: One (1) new 4-door sedan for police department, includes police package.

Vendor	Year	Description	V6 or V8	Cost
LaPrade	2010	Dodge Charger	V6	\$23,520.00
Ed Murdock	2012	Dodge Charger	V6	\$29,222.00
Carl Gregory	2012	Dodge Charger	V8	\$28,937.46
Ed Murdock	2012	Dodge Charger	V8	\$31,118.00
Nash	2012	Chevrolet Impala	V6	\$25,825.00
Nash	2012	Chevrolet Caprice	V8	\$29,896.00
Casey Jackson Recommended	2011	Ford Crown Victoria	V8	\$24,830.00
Allen Vigil	2011	Ford Crown Victoria	V8	\$26,086.12
Brannon	2011	Ford Crown Victoria	V8	\$30,752.00
Ed Murdock	2013	Ford Sedan Police Interceptor FWD	V6	\$28,698.00
Ed Murdock	2013	Ford Sedan Police Interceptor AWD	V6	\$29,598.00

2. Approved the dues, travel and training for all city departments.

Fire:

Kevin Jordan
EMR (Emergency Medical Responder)
Elbert County EMS Center
Every Monday and Thursday night 6:00 PM to 9:00 PM through December 2011
No Cost

Public Works:

James Adams and Ronald Mooney
Georgia Municipal Cemetery Association
Annual Planning Meeting
Macon, Georgia
January 30-31 2012
Lodging: \$140.00

Police:

Sam Hill
Officer Survival
GPSTC Forsyth, GA
January 9-13, 2012
Lodging/ Meals: \$380.00

Macon Clark
 FLETC Drug Law Enforcement Training Program
 Anderson, SC
 January 24-26, 2012
 Meals: \$120.00

Joe McGuffin & Allen Lee
 Professional Management Program (Budget)
 Conyers, GA
 January 9-13, 2012
 Travel/Lodging: \$1,000.00

Utilities - Electric Division:

Kevin Campos
 Powerline Workers Apprentice Program
 December 5-9, 2011
 Adel, GA
 Travel : \$610.00

3. Adopted the issuance of alcoholic beverage licenses for calendar year 2012 as follows:

#	BUSINESS NAME	OWNER/APPLICANT	LOCATION	TYPE
1	Bi-Lo 291	Kenneth E. Jones	709 Lower Heard Street	Retail
2	BP Shop	Desai Vinod Kumar	351 N. Oliver Street	Retail
3	BPO Elks Elberton GA Lodge 1100	BPO Elberton Elks	1008 Country Manor Ln	On-P
4	Circle K Store 2071	Josh S. Lieberman	211 N. Oliver Street	Retail
5	Edwards Package Store, Inc.	Tae Saeng Yi	583 Elbert Street	Retail
6	Elberton BP	Chris Phillips	604 Elbert Street	Retail
7	Elberton Country Club, Inc.	Elberton Country Club	1101 Country Club Rd	On-P
8	Elberton Moose Lodge #1099	Elberton Moose Lodge	245 College Ave	On-P
9	Elberton Package dba Shakti Corp	Amit Amin	409 Elbert Street	Retail
10	Elberton Shell, LLC, dba Shell Food Store	Henry R. Hanson	118 N. Oliver Street	Retail
11	Zabb, LLC (was ExxonTiger Mart)	Zacharias K. Varkey	310 Elbert Street	Retail
12	Fusion Express	Matthew C. Dunbrack	10 N. McIntosh Street	On-P
13	Georgia CVS / Pharmacy # 3776	CVS	232 Elbert Street	Retail
14	Golden Pantry #36	Michael W. Griffith	434 Elbert Street	Retail
15	Josh & Joel's Minit Mart	Mercy Thomas Joseph	243 College Avenue	Retail
16	JuJu's Bar & Grill	Walton Leanord Calhoun	529 Almond Street	On-P

17	Kenny's Korner dba Keshav Group	Jagdishbhai Patel	971 Elbert Street	Retail
18	La Fogata	Ramon Macias	204 Elbert Street	On-P
20	One Stop Food Mart	Kevin Patel	3 Adams Street	Retail
21	Raceway	Shailesh Amin	883 Elbert Street	Retail
22	Richard's Restaurant	Waymon Worley	19 N. McIntosh Street	On-P
23	Super Gas	Hema B. Trivedi	625 Elbert Street	Retail
25	VFW Post 5456	VFW Post 5456	1004 Calhoun Falls Hwy	On-P
26	Vibrations Lounge	Chris White	17 N. Oliver Street	On-p
27	Wal-Mart Store #1701	Wal-Mart Store	955 Elbert Street	Retail
28	Walgreens	Walgreens	18 College Ave	Retail
29	Kush Package dba West Elbert Pkg	Rutvi S. Patel(new owner)	255 College Ave	Retail

4. Authorized the closing of various streets for the Twilight Stroll on Friday, January 6, 2012 at 7:00 p.m. The event is sponsored by the Elbert County Chamber of Commerce and approved by the Main Street Elberton Promotions Committee.

5. Authorized the closing of various streets for the Martin Luther King Parade on Sunday, January 15, 2012 at 4:00 p.m. The parade will begin at the Blackwell Cultural Center and proceed south on Mill Street to Elbert Street then west to Oliver Street then south to the downtown square. The event is sponsored by the Martin Luther King Parade Committee and approved by the Main Street Elberton Promotions Committee.

City Manager Dunn presented the following reports:

- Report on Expenditures reportable under Sec 2-173 and Sec 2-177.
- The contractor has the notice to proceed with the McIntosh Street to Mill Street electric line rehab.
- The contractor for the Gas Department has moved in equipment for the bare steel replacement project on Heard Street.
- The contractor for ElbertonNET has had one pre-construction meeting at the State Park to do locates for the project.
- Monthly reports on the activities of various Departments

Mayor Guest asked for a motion to move into Executive Session to discuss personnel matters. Council Member Paul motioned to close the meeting and move into Executive Session, seconded by Council Member Butler and the motion passed unanimously. Council Member Paul motioned to move out of Executive Session, seconded by Council Member Seymour.

Council Member Seymour motioned to authorize a \$9,500 bonus to City Manager Dunn, seconded by Council Member Colquitt. The motion failed with a vote of 2 for (Seymour and Colquitt) and 3 against (Hunt, Butler and Paul). Council Member Hunt motioned to authorize a \$9,800 bonus to City Manager Dunn, seconded by Council Member Butler. The motion passed with a vote of 3 for (Hunt, Butler and Paul) and 2 against (Seymour and Colquitt).

There being no further business the meeting was adjourned with a motion duly made and seconded.

Mayor

ATTEST:

City Clerk