

CITY OF ELBERTON
REGULAR MEETING OF THE ELBERTON MAYOR AND COUNCIL
Monday, December 7, 2009 – 5:30 p.m.

Pursuant to due call and notice thereof the Regular Meeting of the Mayor and Council of the City of Elberton convened at 5:30 p.m. on Monday, December 7, 2009, in the council chambers of the Municipal Building, 203 Elbert Street with Mayor Guest presiding.

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

Mayor Guest called the meeting to order. Mayor Pro tempore Paul led the assembly in the Pledge of Allegiance and City Attorney Phelps led the assembly in prayer.

Council considered the minutes from the October 26, Work Session and November 2, Regular Meeting. Council Member Seymour motioned to approve the minutes as submitted, seconded by Council Member Butler and the motion passed unanimously.

Reports. Controller Kevin Eavenson presented the Financial Report through October 31, 2009 with the following net assets:

General Fund	\$ 4.3 million
Combined Utilities Fund	\$ 20 million
Elberton Technology Services Fund	\$ 1.8 million net loss
Solid Waste Fund	\$ 237,498
Unrestricted Investments-General Fund and Utility Fund	\$ 3 million
Restricted Investments (SPLOST & Utility Funds)	\$ 761,321

Marketing Director Allen Hulme presented of a check in the amount of \$267 to Mayor Guest from ElbertonNET to benefit the Mayor's Motorcade project. Mayor Guest stated that the donation will be presented to East Central Regional Hospital in Augusta on Thursday.

Mayor Pro tempore Paul introduced the following Resolution authorizing construction of an extension of the existing telecommunications system:

RESOLUTION

A RESOLUTION OF THE CITY OF ELBERTON APPROVING THE ELBERTON.NET 2010 EXPANSION PLAN INTO THE WEST AND NORTHEAST PORTIONS OF ELBERT COUNTY, AUTHORIZING THIS CONSTRUCTION OF AN EXTENSION OF THE EXISTING TELECOMMUNICATIONS SYSTEM, AND FOR OTHER PURPOSES.

WHEREAS, the City of Elberton heretofore has operated a telecommunications system by and through its department known as ElbertonNET as authorized in its Charter under Section 17.1; and

WHEREAS, the Mayor and Council of the City of Elberton desire to extend the telecommunications system for the expected public benefit of providing broadband services including high speed Internet and cable television in areas of Elbert County that are unserved or underserved by any existing providers, numbering approximately 800 existing homes to be eligible for service; and

WHEREAS, the Mayor and Council have thoroughly reviewed a business plan with detailed cost projections, engineering designs, and a financial pro forma that estimates the system expansion will result in a return on investment within a reasonable period of time; and

WHEREAS, the City has also determined and does hereby find that it is in its best interest to construct an expansion of the its existing telecommunications systems in order to support the deployment of broadband infrastructure in unserved and underserved areas, to enhance broadband capacity, and to encourage sustainable adoption of broadband service in order to stimulate long-term economic growth and opportunity.

NOW, THEREFORE, be it resolved by the Mayor and Council of the City of Elberton in an open meeting duly assembled, and it is hereby resolved by the authority thereof, as follows:

Section 1: The ElbertonNET 2010 System Expansion Plan is hereby approved, and construction of the system expansion that includes approximately 67 miles of plant and 28 miles of fiber optics is hereby authorized.

Section 2: The ElbertonNET 2010 System Expansion Plan includes completing the construction of the following Nodes and their associated service areas:

- NODE 14 Athens Highway, Victory Road, Edwards Drive and adjoining areas
- NODE 34 Athens Highway, Grady Cleveland Road, Sweet City Road, and adjoining areas
- NODE 35 Athens Highway, Jones Ferry Road, and adjoining areas
- NODE 28 Rock Branch Road, Montevideo Road, and adjoining areas
- NODE 29 Montevideo Road, Anderson Highway, Utah Drive, Omaha Drive, Sword Drive, and adjoining areas
- NODE 30 Rock Branch Road, Guy Wilson Road, Coldwater Road, Anderson Highway and adjoining areas
- NODE 31 Ruckersville Road, Bond Drive, Turner Hill Road, Cleveland Drive, and associated areas
- NODE 32 Anderson Highway, William Smith Road, and associated areas
- NODE 33 Harmony Road, Anderson Highway, and associated areas

Section 3: The plan to upgrade and replace the headend equipment known as the core router, the cable modem termination system (CMTS), and the bandwidth management device, and to retain annual service and support contracts on the new equipment, is hereby authorized and approved.

Section 4: The construction cost estimate and budget for this project in the amount of \$1,084,000 is approved and incorporated herein by reference as Attachment "A."

Section 5: The City declares its intent to utilize tax-exempt financing for the purpose of financing this construction project, and resolves that subsequent resolutions shall be adopted for the purpose adhering to U.S. Treasury regulations or the Internal Revenue Code, and for the purpose of authorizing the execution of a capital lease to finance the project with the terms, conditions, and interest rate delineated in the subsequent resolutions.

Section 6: The City Manager is authorized and directed to obtain pole attachment permits with Georgia Power Company and Hart Electric Membership Corporation for the purpose of this construction project under the terms and conditions in the Pole Attachment License Agreements in existence with Georgia Power and Hart EMC dated November 7, 2007, and December 31, 2008, respectively. Payment for permits or make-ready work is hereby authorized under the existing contracts.

Section 7: The Mayor and Council hereby authorizes and directs the City Manager or other authorized officials to commence with construction of the new Nodes and the provision of service to the new service areas with all diligence and expedience, and to take any further actions and execute and deliver any other documents necessary to carry out the purpose of this Resolution.

Section 8: All resolutions or parts of resolutions in conflict herewith are hereby repealed.

City Manager Dunn read the resolution in its entirety. Council Member Butler motioned to adopt the resolution as read, seconded by Mayor Pro tempore Paul and the motion passed unanimously.

Council Member Hunt introduced the following Resolution declaring intent to use tax exempt financing:

**RESOLUTION FOR DECLARATION OF OFFICIAL INTENT
TO FINANCE COSTS OF EXPANDING
A CABLE & TELECOMMUNICATIONS SYSTEM
WITH TAX-EXEMPT FINANCING**

WHEREAS, the City of Elberton (the “Issuer”) plans to acquire, construct, expand, renovate and/or equip a cable & telecommunications system located in the vicinity of a headend located at 228 N. McIntosh Street, Elberton, Georgia, (the “Project”); and

WHEREAS, the Mayor and Council of the City of Elberton (the “Governing Body”) desires to declare its official intent to reimburse costs of the Project through the use of a lease-purchase or other financing mechanism to provide such reimbursement,

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body hereby declares pursuant to Treasury Regulations Section 1.150-2 its official intent to reimburse the costs of the Project through the use of a lease-purchase or other obligations for the purpose of paying, reimbursing, or refinancing costs of the Project up to approximately \$1,084,000.00.

BE IT FURTHER RESOLVED, that a copy of this Resolution be placed in the official records of actions of the Governing Body.

City Manager Dunn read the resolution in its entirety. Council Member Seymour motioned to adopt the resolution as read, seconded by Council Member Hunt and the motion passed unanimously.

Council Member Colquitt introduced the following Resolution authorizing one or more supplemental leases under the GMA direct leasing program:

SCHEDULE F

RESOLUTION FOR SUPPLEMENTAL LEASES

A RESOLUTION TO AUTHORIZE AND
DIRECT AN OFFICER OF THE CITY
TO EXECUTE ONE OR MORE LEASE SUPPLEMENTS FOR A LEASE
OR LEASES UNDER THE GMA DIRECT LEASING PROGRAM; TO DESIGNATE
SUCH LEASES AS QUALIFIED TAX-EXEMPT OBLIGATIONS;
TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the City has entered into a Master Lease (the "Master Lease") dated as of September 22, 2006, with Georgia Municipal Association, Inc. for the leasing from time to time of certain equipment, machinery or other personal property pursuant to Supplemental Leases;

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS BY THE GOVERNING BODY OF THE CITY:

1. The City Manager of the City is hereby authorized and directed to execute and deliver a Lease Supplement pursuant to the Master Lease to put into effect one or more leases for a Telecommunications System Expansion (the "Leased Property"); said officer of the City is authorized and directed in the name and on behalf of the City to execute and deliver (i) one or more Lease Supplements for items of the Leased Property in substantially the form attached to the Master Lease, with such changes and additions as may be approved by said officer, and (ii) such other documents as may be deemed by such officer to be necessary or desirable to effect the purposes hereof or of the Master Lease, and such execution shall constitute conclusive evidence that the executed document has been authorized and approved hereby; the aforesaid officer is further authorized to do all things necessary or appropriate to effectuate the purposes hereof.
2. An appropriation in the City's current operating budget has previously been made which shall be sufficient to pay the "Rentals" and the "Termination Payment" during the "Starting Term" under such Lease Supplements.
3. The lease or leases contemplated by the said Lease Supplements are hereby designated "Qualified Tax-Exempt Obligations" within the meaning of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended, and said officer shall be authorized to confirm such designation by execution of appropriate documents in connection therewith.
4. This authorization shall be effective immediately.

City Manager Dunn read the resolution in its entirety. Council Member Colquitt motioned to adopt the resolution as read, seconded by Council Member Seymour and the motion passed unanimously.

Council Member Hunt introduced the following Resolution authorizing an intergovernmental agreement with the Downtown Development Authority:

RESOLUTION

A RESOLUTION OF THE CITY OF ELBERTON AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT WITH THE ELBERTON DOWNTOWN DEVELOPMENT AUTHORITY FOR THE PURPOSE OF FINANCING RENOVATIONS TO 9 N. MCINTOSH ST.

WHEREAS, the City of Elberton heretofore has activated and created by a Resolution dated June 2, 1997, a Downtown Development Authority pursuant to O.C.G.A. Title 36, Chapter 42; and

WHEREAS, the Elberton Downtown Development Authority has had much success in saving and restoring historic structures in the downtown, and placing them back into economic use for the overall benefit of Elberton; and

WHEREAS, the Elberton Downtown Development Authority has previously renovated 9 N. McIntosh St. as a commercial storefront available for lease or for sale; and

WHEREAS, the Elberton Downtown Development Authority utilized short-term financing for the purpose of this renovation of 9 N. McIntosh St.; and

WHEREAS, the Mayor and Council has determined and does hereby find that it is in its best interest to extend credit and financing to the Elberton Downtown Development Authority for this worthy project.

NOW, THEREFORE, be it resolved by the Mayor and Council of the City of Elberton in an open meeting duly assembled, and it is hereby resolved by the authority thereof, as follows:

Section 1: The Mayor and City Manager are authorized and directed to execute an intergovernmental agreement contract with the Elberton Downtown Development Authority for the purpose of providing financing for the 9 N. McIntosh St. building renovation.

Section 2: The intergovernmental agreement shall be for financing in the amount of \$65,000.00, bearing interest at 3.00%, with interest paid monthly. The principal shall be due on June 30, 2010. The agreement shall allow for five (5) automatic renewals of periods of one year each.

Section 3: The intergovernmental agreement shall require that should the Downtown Development Authority sell the property at 9 N. McIntosh St., then the entire principal shall become due and payable on the date of any sale.

Section 4: The intergovernmental agreement shall require the Downtown Development Authority to maintain a separate bank account for the purpose of depositing rental income from this or other properties, making loan payments on any real estate indebtedness, and paying real estate expenses such as maintenance and insurance. No membership revenue, event expenses, or items unrelated to real estate should be co-mingled with the separate real estate bank account.

Section 8: All resolutions or parts of resolutions in conflict herewith are hereby repealed.

City Manager Dunn read the resolution in its entirety. Mayor Pro tempore Paul motioned to adopt the resolution as read, seconded by Council Member Seymour and the motion passed unanimously.

Mayor Pro tempore Paul motioned to approve the consent agenda as submitted, seconded by Council Member Seymour and the motion passed unanimously.

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

City Council

GMA Mayors' Day Conference
Atlanta, GA
Larry Guest, Bobby Hunt, & Joel
Seymour

January 22-25, 2009

Registration Fee:

\$435.00/each

Lodging: \$495.00/each

Carey Butler, Bob Paul, & Lanier
Dunn

January 22-24, 2009

Registration Fee:

\$435.00/each

Lodging: \$330.00/each

Police

Allen Lee
GA Police Accreditation Coalition
Inc
In- Service Training
December 10-11, 2009 *accepted
Forsyth, GA

Registration Fee: None

Lodging/ Meals: \$104.00

Mike Seymour, Darin Rucker, Scott
Marunich, and Allen Lee
Elder Abuse Training 4 hours 8am-
12pm

December 16, 2009 *accepted

Toccoa PD, GA

Registration Fee: None

Lodging: None

Meals: \$100.00

Stephanie Hughes and Scott
Marunich

Health & Wellness Awareness
22 hours (Intermediate
Certification Course)

GPSTC Forsyth, GA * pending
acceptance

January 19-21, 2010

Registration Fee: None

Lodging/Meals: \$486.00

Macon Clark and Jimmy Justice
Basic Radar Course 16 hours
GPSTC Forsyth, GA *accepted
February 4-5, 2010

Registration Fee: None

Lodging/Meals: \$334.00

Jason Bagwell and Joey David
Officer Survival 40 hours
(Intermediate Certification Course)
GPSTC Forsyth, GA *pending
acceptance

February 8 - 12, 2010

Registration Fee: None

Lodging/Meals: \$820.00

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

Electric

Underground primary wire (5,000 feet) for new service at Bubba Foods expansion

Irby Utility Service	Recommended	\$10,365.00
<i>MEAG Bid #09-006</i>		

ElbertonNET

Cisco Cable Modem Termination System (CMTS)

• Zcorum, Inc. (refurbished condition)		\$51,341.00
• Zcorum, Inc. (new)		\$62,708.00
• CCI Systems (new)	Recommended	\$55,530.72
• Transparent Technologies (new)		\$84,731.92

Recommendation based on low bid for new equipment.

Cisco Core Router

• Zcorum, Inc.		\$15,147.00
• Global		\$14,524.00
• CCI Systems		\$13,418.72
• CDW+G	Recommended	\$12,135.19

Recommendation based on low bid.

Allot Bandwidth Management Device

• Zcorum, Inc.	Recommended	\$20,449.00
• TVC		\$28,623.50

3. Approved the expenditures that exceed the City Manager's purchasing authority for the purposes of telecommunications expansion.

ElbertonNET

400,000 feet of .700 coaxial cable

• Power & Tel	Recommended	\$227,440.00
• Times Fiber		\$246,800.00
• TVC		\$256,000.00

Recommendation based on low bid.

200,000 feet of ¼" strand

• Power & Tel	Recommended	\$24,200.00
• Power Supply		\$24,400.00
• TVC		no bid

Recommendation based on low bid.

Labor and Equipment for Construction of Expansion, based on footage prices

• Cable East, Inc.	Recommended	\$252,598.00
• Emerald Bay Communications		\$323,290.00
• Graycliff Enterprises		\$343,592.00

- Stevens Communications \$351,960.00
 - Atlantic Engineering Group \$529,000.00
4. Approved the Planning Commission minutes and decisions of November 16, 2009, with the express exception of not approving the re-zoning request for 703 Oglesby Blvd which will remain as a B-1 zone at the property owners' request.
 5. Approved the Historic Preservation Commission minutes and decisions of November 17, 2009.
 6. Approved the alcoholic beverage license renewals for calendar year 2010.
 7. Authorized the closing of portions of city streets for the Martin Luther King, Jr. parade on Sunday, January 17, 2010.

City Manager Dunn presented the following reports to Council:

- Martin Grove Drive.
- Rain delays affecting work.
- Met with Elbert Memorial Hospital.
- The Elbert Theatre is hosting its annual school field trips this month for approximately 2,000 students.
- Discussed moving the Council work session to December 29 at 5:30 p.m. Council concurred.
- USDA step 2 for broadband.
- Monthly reports and activities of the various departments.

Mayor Pro tempore Paul made a motion to move into executive session as allowed by O.C.G.A. Section 50-14-2 to discuss personnel matters. Council Member Hunt seconded the motion, and the motion was approved unanimously. Mayor Pro tempore Paul motioned to move out of executive session, with Council Member Seymour seconding the motion and the motion passed unanimously.

Council Member Hunt motioned to give \$100 net pay bonuses to all full-time employees and \$50 net pay bonuses to all part-time employees, seconded by Council Member Seymour and the motion passed unanimously.

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