

REGULAR MEETING OF THE ELBERTON CITY COUNCIL
Monday, February 4, 2008 – 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, February 4, 2008 in Council Chambers of the Municipal Building, 203 Elbert Street with Mayor Guest presiding.

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

Mayor Guest called the meeting to order. Mayor Pro tempore Colquitt led the assembly in the Pledge of Allegiance and Council Member Paul led the assembly in prayer.

Council Member Butler motioned to approve the minutes of the January 7, 2008 and January 10, 2008 meetings as submitted, seconded by Council Member Paul and the motion passed unanimously.

City Manager Dunn recognized Cory Anderson and Ron Ethridge from the Electric Department. Cory graduated on January 18, 2008 from Apprentice Lineman training through MEAG. On January 23, 2008, Ron completed Part One of the Management Development Program through the Carl Vinson Institute of Government.

Reports. Controller Kim Greenway presented the Financial Report through December 2007 with the following net assets:

General Fund	\$ 3.48 million
Utility Fund	\$ 21.7 million
Elberton Technology Services Fund	\$ 1.8 million net loss
Solid Waste Fund	\$ 229,965
Unrestricted Investments-General Fund and Utility Fund	\$ 3.02 million
Restricted Investments (SPLOST & Utility Funds)	\$ 1.42 million

Council Member Seymour introduced the following Resolution:

RESOLUTION

A RESOLUTION OF THE CITY OF ELBERTON THROUGH THE COUNCIL TO AUTHORIZE THE MAYOR OR THE AUTHORIZED REPRESENTATIVE OF SAID CITY TO ESTABLISH A FRANCHISE FEE APPLICABLE TO HOLDERS OF CABLE AND VIDEO FRANCHISES ISSUED BY THE STATE OF GEORGIA.

WHEREAS: The City of Elberton shall be notified by the Secretary of State's Office and a cable or video provider of an application for a state issued franchise in the city; and

WHEREAS: The City currently collects a franchise fee from any current cable or video providers; and

WHEREAS: The city considers collecting a franchise fee from a cable or video provider utilizing the public rights of way as compensation to the public for the use of the rights of way and a means of promoting the public health, safety, welfare and economic development of the City and to protect public works infrastructure; and

WHEREAS: The City is authorized to collect a franchise fee of up to 5%, the maximum amount established by federal and state law, of each cable or video providers gross revenues generated within the city.

NOW, THEREFORE BE IT RESOLVED that the Mayor and Council of the City of Elberton hereby require a franchise fee of **5.0%** for any cable or video state franchise issued in its corporate boundaries by the State of Georgia pursuant to O.C.G.A. 36-76-1 *et seq.* known as the "Consumer Choice for Television Act" of 2007.

RESOLVED by the Mayor and Council of the City of Elberton this 4th day of February, 2008.

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

Council Member Butler introduced the following Resolution:

RESOLUTION OF THE
CITY OF ELBERTON

WHEREAS, the City is a Beneficiary of the Municipal Competitive Trust (the "Trust") that MEAG Power established as of January 1, 1999; and

WHEREAS, by official action of the City, a City official was delegated authority to make deposits to the Trust and to communicate City decisions with respect to the Trust to MEAG Power and the Trustee; and

WHEREAS, in order to improve the notification process, MEAG Power has requested that all written directions communicating City decisions with respect to the Trust be executed by two independent City officials; and

WHEREAS, from time to time it becomes necessary to update the list of designated officials.

NOW, THEREFORE, BE IT RESOLVED that henceforth

Lanier Dunn, City Manager [Official 1]
Lynn F. Saxon, Finance Director [Official 2]
Kimberly Greenway, Controller [Official 3]

(together the "Authorized Officials") are authorized to communicate City decisions with respect to the Trust by jointly executing written directions to MEAG Power and the Trustee; and

FUTHER RESOLVED that the mailing address for all official correspondence and the monthly statements be

Attn: City Manager, P. O. Box 70, 203 Elbert Street, Elberton, Georgia 30635-0070

And FURTHER RESOLVED that the City hereby authorizes the Authorized Officials to execute, and the City Clerk to attest and deliver, certificates specifying the names, titles, and specimen signatures of the Authorized Officials and other certificates and documents that MEAG Power may require from time to time to effect the purposes of the Trust and this Resolution.

This the 4th day of February, 2008.

The Resolution was read in its entirety. Council Member Butler motioned to adopt the Resolution as read, seconded by Mayor Pro tempore Colquitt and the motioned passed unanimously.

Council Member Hunt introduced the following Resolution:

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 OR ORDAINED 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 (2) 2008 Ford Crown Victoria Police Cars and a Rear Loader Refuse Truck (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 in the amount of \$36,210.50, 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.

UNANIMOUSLY ADOPTED this 4th day of February, 2008.

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

Council Member Hunt introduced the following Resolution:

RESOLUTION

THE CITY OF ELBERTON DOES HEREBY ADOPT THIS RESOLUTION IN REGARDS TO THE PRODUCTION OF A NATIONAL MONUMENT TO THE LATE DR. MARTIN LUTHER KING; SAID MONUMENT TO BE PLACED ON THE NATIONAL MALL IN WASHINGTON, DC.

WHEREAS: Elberton, Georgia is known throughout the world as "The Granite Capitol of the World"; and

WHEREAS: Elberton Granite has been quarried and manufactured into monuments for more than 100 years and can be found in all 50 states; and

WHEREAS: There are today no less than 45 active dimension stone quarries in this area that includes Elbert, Oglethorpe, Madison, Wilkes and Greene counties; and

WHEREAS: The local granite industry employs about 1,200 workers with an annual payroll of \$62 million which makes the granite industry the economic hub of this region; and

WHEREAS: The quarries and manufacturers of the Elberton Granite Association are strongly opposed to the Martin Luther King National Memorial being manufactured in China, using Chinese granite, sculptors and other craftsmen; and

WHEREAS: It is our belief that proper bidding procedures were not followed and the award of this contact to the Chinese who recognize few if any civil rights, shows a total disregard for the principles for which Dr. King gave his life; and

WHEREAS: The Mayor and Council of the City of Elberton oppose the award of this work to any overseas supplier and request the memorial project to be returned to the United States and material to be used shall be domestic granite, preferably Elberton Granite quarried and manufactured in Elberton, Georgia, "The Granite Capital of the World".

NOW, THEREFORE, BE IT RESOLVED, that this Resolution be spread across the permanent records of the State of Georgia and the United States of America.

DULY ADOPTED IN OPEN SESSION ON THIS THE 4TH DAY OF FEBRUARY, 2008.

The Resolution was read in its entirety. Council Member Hunt motioned to adopt the Resolution as read, seconded by Mayor Pro tempore Colquitt and the motioned passed unanimously.

Council Member Paul placed Ordinance 2152 on First Reading as follows:

ORDINANCE 2152

AN ORDINANCE BY THE CITY OF ELBERTON TO AMEND THE CODE OF ORDINANCES OF THE CITY OF ELBERTON, GEORGIA TO ESTABLISH A FRANCHISE FEE APPLICABLE TO HOLDERS OF CABLE OR VIDEO FRANCHISES ISSUED BY THE STATE OF GEORGIA BY ADOPTING A NEW SECTION TO CHAPTER 10, BUSINESS; TO DESIGNATE AN AGENT; TO PROVIDE FOR CODIFICATION; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN ADOPTION DATE; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

The Ordinance was read in its entirety.

Matters to be considered by Council. Consideration of authorizing the Mayor and/or City Manager to execute the necessary documents to waive Section 10.1(1) of the Bubba Foods, LLC economic development Sublease. City Manager Dunn stated that MEAG has concurred with the waiver. Council Member Paul motioned to authorize the execution of the waiver as presented, seconded by Council Member Butler and the motioned passed unanimously. Secondly, Council considered authorizing the Mayor and/or City Manager to execute the necessary documents for service from EchoStar. Mayor Pro tempore Colquitt motioned to authorize the execution of the documents as presented, seconded by Council Member Hunt and the motioned passed unanimously. Thirdly, Council considered awarding a bid for construction of a renovation for the Elberton Police Department building.

BIDDER	BID AMOUNT
T. D. Alexander	\$227,000 (Recommended)
Joel Turner Construction	\$245,500
Tranquility Building	\$239,850

City Manager Dunn stated that the bid amount included labor and equipment. The materials would be bid out separately. Council Member Paul motioned to award a bid for construction to T. D. Alexander in the amount of \$227,000 as presented, seconded by Council Member Butler and the motioned passed unanimously. City Attorney Phelps added that the contractor would need to be bonded prior to beginning work. Finally, as privilege of the Chair, the Mayor asked Council Member Seymour to discuss the Utility Committee meeting of January 24, 2008. Council Member Seymour stated that Pilgrims Pride is planning a 10% increase in the flow in March or April. He also added that the committee discussed purchasing two additional service trucks. Council Member Butler added that the committee recommended replacing the 17 year old truck. Delivery of a specialized truck could take up to 300 days. Council recommended ordering one truck for immediate delivery and the other for the 300 day delivery. Council Member Paul motioned to proceed with the bidding process to obtain a new service truck, seconded by Council Member Seymour and the motioned passed unanimously.

Mayor Guest asked if there were any items to be removed from the consent agenda to be discussed further. Council Member Seymour asked to remove item 4 from the consent agenda. Council Member Butler motioned to adopt the consent agenda as amended with the removal of item 4, seconded by Council Member Seymour and the motion passed unanimously.

1. Approved the expenditures that exceed the City Managers purchasing authority as follows:

ELBERTON UTILITIES - METER READING DIVISION	BUDGETED
Mobile Collector Lite w/docking cradle and on-site training	
In-vehicle Automated Meter Reading Device	
• United Utilities Recommended	\$14,150.00
• HD Supply	\$14,200.00
• Southeastern Data Cooperative	\$15,425.00
(Recommendation based on low bidder)	

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

<p><u>Police</u> Jeff Hunt, Jimmy Jordan, Sam Hill & Jason Bagwell Basic Gang Class February 4-6, 2008 Meridian, MS Registration: None Meals: \$75/each</p> <p>Chris Dyal & Luke Mize Verbal Judo February 12-14, 2008 Forsyth, GA Registration: None Lodging \$234.00</p>	<p>Darin Rucker GBI Crime Lab for Officer Level II February 19, 2008 Forsyth, GA Registration: None Lodging \$39.00</p> <p>Luke Mize & Chris Dyal Basic Alcohol Training March 3- 4, 2008 Forsyth, GA Registration: None Lodging: \$156.00</p>
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Jason Bagwell & Daniel Brogdon
Basic Alcohol Training
Intox 5000 Basic Class
March 17 - 18, 2008
Forsyth, GA
Registration: None
Lodging: \$156.00

Mike Seymour & Allen Lee
Child Abuse, Injury & Fatality
Investigation
March 18- 20, 2008
Atlanta, GA
Registration: None
Lodging: \$105.00/each

Water/Sewer

Branon Young
Class II Water Lab School
March 31-April 3, 2008
Carrollton, GA
Registration: \$265.00
Lodging: \$512.00

Tommy Oglesby
Class III Water Treatment
March 24-28, 2008
Carrollton, GA
Registration: \$395.00
Lodging: \$602.00

Public Works

James Adams, Dennis Mize
Wayne Pridgen
23 Annual GA. Chapter
American Public Works Equipment
Show
February 19th, 2008
Perry, GA
No Cost

Main Street

Julie LeNeave
National Main Street Meeting
March 29 – April 2nd
Philadelphia, PA
Registration: \$340.00
Travel/Lodging: \$1,106.00

3. Accepted the minutes and decisions of the Elberton Historic Preservation Commission of January 17, 2008.

Council Member Seymour removed items 4 of the Consent Agenda. Council Member Seymour asked when would the newly annexed properties receive city services? Staff stated that they had been receiving city services since December 31, 2007 as authorized by Ordinance 2150. The notification from the U. S. Department of Justice was their acceptance of the annexed properties. Council Member Seymour motioned to approve (item 4) as submitted, seconded by Council Member Paul and the motion passed unanimously

4. For the record, the U.S. Department of Justice has formally accepted the annexations of 1753 Pine Needle Lane, 1736 Pine Needle Lane and 1491 Fairway Woods Drive (Ordinance 2150) into the Corporate Limits of the City of Elberton.

City Manager Dunn presented the following reports to Council:

- City Manager Dunn stated that February 29 is the tentative date to go live with HDTV.
- City Manager Dunn stated that Channel 81, the new weather channel is on the air.
- City Manager Dunn stated that work on James Street has started and will continue over the next several months.
- City Manager Dunn stated that the Jones Building project team held its first meeting with the architects.
- Monthly reports and activities of the various departments.

- State of the City Report.

Other matters to be considered by Council. Mayor Guest stated that there was a vacancy on the Downtown Development Authority (DDA) due to the resignation of Dawn Lahman. He recommended appointing Mark Gaffney to fill the expired term. Council Member Butler motioned to accept the recommendation of Mark Gaffney to the DDA as submitted, seconded by Mayor Pro tempore Colquitt. The motion passed with 3 voting "for" the motion (Butler, Colquitt and Hunt) and 2 voting "against" the motion (Paul and Seymour).

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

Mayor

ATTEST:

City Clerk