

**CITY OF ELBERTON**  
**WORK SESSION MEETING OF THE ELBERTON MAYOR AND COUNCIL**

Monday, July 26, 2010 – 5:30 p.m.

Pursuant to due call and notice thereof the Work Session Meeting of the Mayor and Council of the City of Elberton convened at 5:30 p.m. on Monday, July 26, 2010, in the staff development room 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, Police Investigator Mike Seymour, Police Community Relations Officer Allen Lee, City Attorney Phelps, Assistant City Attorney Graves, Economic Development Executive Director Anna Grant Jones, and Shane Scoggins with the Elberton Star.

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

Council considered a Resolution for an Intergovernmental Agreement to support the Development Authority of Elbert County, Elberton and Bowman to purchase 1455 Mineral Springs Road for lease. Council Member Paul introduced the Resolution as follows:

**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 AMONG THE DEVELOPMENT AUTHORITY OF ELBERT COUNTY, ELBERTON AND BOWMAN, THE CITY OF ELBERTON, GEORGIA AND ELBERT COUNTY, GEORGIA**

**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**, pursuant to the Act, the Issuer has the power to (a) make and execute contracts and other instruments necessary to exercise the powers enumerated in the Act, (b) lease real or personal property, (c) construct and equip projects (as defined in the Act) and (d) issue its revenue bonds for the purpose of paying all or any part of the cost of any one or more projects; and

**WHEREAS**, Article IX, Section III, Paragraph I(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, Elbert County (the “County”) and the City have determined that it is in their best interest for the Issuer to acquire a facility for the manufacture of molded plastics for use in automobiles (the “Project”), and the Issuer has found that the Project is a “project” within the meaning of the Act; and

**WHEREAS**, the Issuer has further determined that the most feasible method of financing the cost of the Project is to issue its Promissory Note in the principal amount of \$2,000,000 (the “Promissory Note”); and

**WHEREAS**, the Issuer has further determined that the Promissory Note should be refinanced with the proceeds of its Taxable Revenue Bond (MoellerTech South, LLC Project), Series 2010 (the “Bond”) in the principal amount of \$2,000,000; and

**WHEREAS**, the Issuer proposes to enter into a Lease Agreement, dated as of July 1, 2010 (the “Lease”) with MoellerTech South, LLC (the “Company”), pursuant to which the Project will be leased to the Company; and

**WHEREAS**, the Issuer, the County and the City propose to enter into an Intergovernmental Contract, dated as of July 1, 2010 (the “Contract”), pursuant to which the Issuer will agree to issue the Promissory Note and the Bond, acquire the Project and lease the Project to the Company, and the County and the City, in consideration of such services provided by the Issuer, will agree to pay to the Issuer amounts sufficient to pay the debt service on the Promissory Note and the Bond in the event that the revenues from the Lease are insufficient to pay the same; and

**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 with such minor changes, insertions or omissions as may be approved by the Mayor, and the execution of the Contract by the Mayor as hereby authorized shall be conclusive evidence of any such approval.

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 Bond 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 Promissory Note and the Bond 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 Mayor Pro-tem is hereby authorized to execute all such documents on his behalf.

This resolution shall take effect immediately upon its adoption.

All resolutions in conflict with this resolution are hereby repealed.

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

City Manager Dunn presented the following items for discussion relating the agenda for the regular meeting of August 2:

1. Second Reading of Ordinance 2162 amending Chapter 22, Land Use, Article V, Flood Damage Prevention.
2. First Reading of Ordinance 2163 to annex 103 Seaboard Street into the corporate limits of Elberton as petitioned by the owner, Tony King.
3. Resolution to designate the intersection of Heard and Thomas Streets at the U. S. Post Office a four-way stop.
4. Closure of the square to vehicular traffic on McIntosh Street on Saturday, August 14, 2010 at 1 p.m. to set up for the Modern Skirts Concert sponsored by Main Street Elberton. After discussion, Mayor Pro tem Seymour recommended not closing the street until 2 p.m.
5. Alcoholic beverage license request from Mr. William Minger of Walgreens located at 18 College Avenue. Walgreens is applying for a retail license to sell beer/malt and wine.
6. Execute contract with One Georgia for a BRIDGE grant.

The following matters were discussion by Council and Reports from Staff:

1. Law enforcement activities at the Housing Authority. The Housing Authority submitted parking restriction recommendations for Second, Third and Fountain Streets due to recent disturbances in the area. The Housing Authority also would like to offer a reward and asked the city for a match on the reward. Council directed City Attorney Phelps to look into the correct language for a match to a reward. Council also recommended Council Members Butler and Hunt to contact the residence, housing authority and police department to schedule a meeting to discuss the issues facing the community.
2. Energy Efficiency Grants from GEFA. City Manager Dunn stated that a Resolution would need to be considered from Council to proceed with the grants.

Any other matters that may properly come before Council:

1. Resolution for an Intergovernmental Agreement to support the Development

Authority of Elbert County, Elberton and Bowman to purchase 1455 Mineral Springs Road for lease. Mayor Guest moved this item to the beginning of the meeting.

There being no further discussion, the work session was adjourned.

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Mayor

ATTEST:

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City Clerk