

**CITY OF ELBERTON**  
**PUBLIC HEARING & REGULAR MEETING OF THE ELBERTON MAYOR AND COUNCIL**  
Monday, June 1, 2009 – 5:30 p.m.

Pursuant to due call and notice thereof the Public Hearing and Regular Meeting of the Mayor and Council of the City of Elberton convened at 5:30 p.m. on Monday, June 1, 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 Public Hearing to order. A Notice of Hearing was issued in accordance with law for the purpose of obtaining written and oral comments pertaining to the Fiscal Year 2010 proposed budget.

City Manager Dunn stated that there were no written comments at this time. Mayor Guest asked if there was anyone to speak on the proposed budget. Mrs. Tracy Rousey, 219 Tate Street, discussed the unemployment rate for Elberton (13.4%) and asked Council not to increase utility bills to cover unnecessary expenses. She also stated that was a “going green” grant that may be available.

Mayor Guest adjourned the public hearing and called the regular 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 Member Seymour motioned to approve the minutes of the May 4, 2009 Regular Meeting as submitted, seconded by Council Member Colquitt and the motion passed unanimously.

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

General Fund	\$ 4.1 million
Combined Utilities Fund	\$ 19.4 million
Elberton Technology Services Fund	\$ 2 million net loss
Solid Waste Fund	\$ 261,327
Unrestricted Investments-General Fund and Utility Fund	\$ 2.44 million
Restricted Investments (SPLOST & Utility Funds)	\$ 494,609

Speakers from the floor. Mr. Chip Rousey with the Elbert County Pool Committee was scheduled to speak. However, he requested to be removed until a later date.

Council Member Butler introduced the following Resolution:

**RESOLUTION  
OF THE CITY OF ELBERTON**

- WHEREAS:** The terms of four directors of the Elberton Downtown Development Authority (DDA) expire on June 30, 2009; and
- WHEREAS:** O.C.G.A. Section 36-42-6 allows the governing body of the municipal corporation to appoint directors of the DDA by resolution; and
- WHEREAS:** The Mayor and five Council Members of the City of Elberton constitute the governing body pursuant to that state law O.C.G.A. Section 36-42-3; and
- WHEREAS:** Mr. Mark Gaffney meets the qualifications of being a director of the Elberton DDA in that certain state law O.C.G.A. Section 36-42-7, being that Mr. Gaffney is (a) a resident of the municipal corporation, and (b) an owner and operator of a business located within the downtown development area; and (c) a person who has an economic interest in the redevelopment and revitalization of the downtown development area; and
- WHEREAS:** Mr. Carey Butler meets the qualifications of being a director of the Elberton DDA in that certain state law O.C.G.A. Section 36-42-7, being that Mr. Butler is (a) a resident of the municipal corporations, and is (b) a person who has an economic interest in the redevelopment and revitalization of the downtown development area, and is (c) a member of the governing body of the municipal corporation; and
- WHEREAS:** Ms. Phyllis Cleveland meets the qualifications of being a director of the Elberton DDA in that certain state law O.C.G.A. Section 36-42-7, being that Ms. Cleveland is a resident of the municipal corporation for which the authority was created; and
- WHEREAS:** Ms. Jennifer Clements meets the qualifications of being a director of the Elberton DDA in that certain state law O.C.G.A. Section 36-42-7, being that Ms. Clements is (a) an operator of a business located within the downtown development area who also resides in the county in which is located the municipal corporation for which the authority was created, and is (b) a person who has an economic interest in the redevelopment and revitalization of the downtown development area.
- NOW, THEREFORE,** the Mayor and Council of the City of Elberton hereby appoint Mark Gaffney, Carey Butler, Phyllis Cleveland, and Jennifer Clements to the positions of directors of the Elberton DDA to terms that end on June 30, 2013.

RESOLVED this 1<sup>st</sup> day of June, 2009.

The Resolution was read in its entirety. Main Street Director Sissie Herring was present at the meeting. She stated that the recommendations came from the Selection Committee set up by the Downtown Development Authority (DDA). She added that Candy Blackmon was recommended by the Selection Committee; however, Candy Blackmon recommended Jennifer Clements to fill the position in her place. Council Member Butler motioned to adopt the Resolution as read. Mayor Guest asked for a motion to second the Resolution. The motion fell to lack of second.

Other matters to be considered. Consideration of accepting the minutes and decisions of the Elberton Planning Commission of April 27, 2009. The item was tabled at the May 4, 2009 Regular

Meeting. Council Member Seymour made a motion to remove the item from the table, seconded by Mayor Pro tempore Paul and the motion passed unanimously. Mayor Pro tempore Paul motioned to accept the minutes of the meeting and to deny the decision to issue a conditional use permit at 109 Lake Forest Drive, seconded by Council Member Seymour. During discussion, Council Member Seymour stated that he was concerned with the deterioration of neighborhoods due to multiple people living in single family homes. Mayor Pro tempore Paul stated that he was concerned with traffic. The motion to accept the minutes and deny the conditional use request passed unanimously.

Mayor Pro tempore Paul asked to remove item 4 from the consent agenda. Council Member Seymour asked to remove item 6 from the consent agenda. Council Member Hunt motioned to approve the consent agenda as amended, seconded by Council Member Seymour and the motion passed unanimously.

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

**Public Works**

James Adams  
APWA Georgia Chapter  
Certificate of Public Works  
Management Training  
St. Simons Island, Ga  
July 7-12, 2009  
Registration \$650.00  
Lodging/Travel \$476.00

**Police Department**

Mike Seymour  
Cold Case Training 32 hours  
Federal Law Enforcement Training  
Center & Naval Criminal Investigative  
Service  
St. Augustine, Florida  
July 14-17, 2009  
Registration None  
Lodging/Travel \$285.00

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

**Electric**

Bucket truck replacement

- Altec 2009 Auto Trans, 4x2,57' wrk height     **Recommended**     \$119,824
- Altec 2009 Manual Trans, 4x2,60' wrk height     \$122,725
- Altec 2009 Auto Trans, 4x2,60' wrk height, w/material handler     \$147,563
- Altec 2009 Auto Trans, 4x2,60' wrk height, with material handler     \$130,641
- Terex 2009 Auto Trans, 4x2,60' wrk height     \$127,476

*(Recommendation based on low bidder)*

3. Authorized the closing of the square to vehicle traffic on June 11 at 7:00 p.m. for the BRAG talent show and community street dance (requested by Main Street Elberton Promotions Committee).
4. Authorization to issue an alcoholic beverage license to Tia Sword-Johnson located at 21-A College Avenue was removed by Mayor Pro tempore Paul for further discussion.
5. Authorized the issuance of a Taxicab Permit to Willie Norman, Jr., B & S Express Taxi within the Corporate Limits of Elberton.

6. Authorization to execute the necessary documents to participate in the Piedmont/Northern MANS multi-agency narcotics squad for FY2010 was removed by Council Member Seymour for further discussion.

Mayor Pro tempore Paul removed item 4 authorizing the issuance an alcoholic beverage license to Tia Sword-Johnson located at 21-A College Avenue for further discussion. Council discussed the request relating to parking and building renovations. After discussion, Mayor Pro tempore Paul motioned to approve the issuance of the license, seconded by Council Member Hunt and the motion passed unanimously.

Council Member Seymour removed item 6 authorizing the execution of the necessary documents to participate in the Piedmont/Northern MANS multi-agency narcotics squad for FY2010 for further discussion. Council discussed the program in detail. Council Member Butler stated that the Public Safety Committee recommended participating in the program. Council Member Seymour motioned to authorize the execution of the documents, seconded by Mayor Pro tempore Paul and the motion passed unanimously.

City Manager Dunn presented the following reports to Council:

- Pilgrim's Pride dedicated electric circuit project has been completed.
- ElbertonNET expansion project for the Washington Highway should be completed at the end of the month.
- The line crew has returned to the conversion project on Forest Hills Road and Oak Drive. The project is scheduled to be completed in June.
- The next court date is scheduled for August for dilapidated housing.
- Monthly reports and activities of the various departments.

Matters to be considered by Council. Mayor Pro tempore Paul began discussion on the Downtown Development Authority (DDA) appointments. He stated that the nominations were never made available to all of the council members. He stated that they all needed the same information and time to discuss the recommendations provided by the DDA. Mayor Pro tempore Paul motioned that the four nominees be considered by Council, seconded by Council Member Colquitt. During discussion, Council Member Seymour recommended to rotate the council appointment to the DDA among Council Members. Council Member Butler asked if he was referring to all city boards or just the DDA. Council Member Seymour stated that he was referring to all city boards. Mayor Guest stated that Council Member Hunt expressed interested in serving on the DDA. Council Member Hunt asked to withdraw his request to be on the DDA at this time. Mayor Pro tempore Paul introduced the following Resolution:

### **RESOLUTION OF THE CITY OF ELBERTON**

**WHEREAS:** The terms of four directors of the Elberton Downtown Development Authority (DDA) expire on June 30, 2009; and

**WHEREAS:** O.C.G.A. Section 36-42-6 allows the governing body of the municipal corporation to appoint directors of the DDA by resolution; and

**WHEREAS:** The Mayor and five Council Members of the City of Elberton constitute the governing body pursuant to that state law O.C.G.A. Section 36-42-3; and

**WHEREAS:** Mr. Mark Gaffney meets the qualifications of being a director of the Elberton DDA in that certain state law O.C.G.A. Section 36-42-7, being that Mr. Gaffney is (a) a resident of the municipal corporation, and (b) an owner and operator of a business located within the downtown development area; and (c) a person who has an economic interest in the redevelopment and revitalization of the downtown development area; and

**WHEREAS:** Mr. Carey Butler meets the qualifications of being a director of the Elberton DDA in that certain state law O.C.G.A. Section 36-42-7, being that Mr. Butler is (a) a resident of the municipal corporations, and is (b) a person who has an economic interest in the redevelopment and revitalization of the downtown development area, and is (c) a member of the governing body of the municipal corporation; and

**WHEREAS:** Ms. Phyllis Cleveland meets the qualifications of being a director of the Elberton DDA in that certain state law O.C.G.A. Section 36-42-7, being that Ms. Cleveland is a resident of the municipal corporation for which the authority was created; and

**WHEREAS:** Ms. Jennifer Clements meets the qualifications of being a director of the Elberton DDA in that certain state law O.C.G.A. Section 36-42-7, being that Ms. Clements is (a) an operator of a business located within the downtown development area who also resides in the county in which is located the municipal corporation for which the authority was created, and is (b) a person who has an economic interest in the redevelopment and revitalization of the downtown development area.

**NOW, THEREFORE,** the Mayor and Council of the City of Elberton hereby appoint Mark Gaffney, Carey Butler, Phyllis Cleveland, and Jennifer Clements to the positions of directors of the Elberton DDA to terms that end on June 30, 2013.

RESOLVED this 1<sup>st</sup> day of June, 2009.

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

Council Member Hunt motioned to have a work session prior to council meetings beginning in July, seconded by Mayor Pro tempore Paul. During discussion, Council Member Colquitt asked if the work sessions will be "without" compensation. Council Member Hunt stated that there would be no compensation for the work sessions. The first work session will be July 2 at 5:30 p.m. Council agreed to hold the work sessions on the Monday prior to the council meeting. City Manager will disburse a schedule to Council. Council Member Colquitt restated to make sure that Council would not be compensated for meeting. Council Member Paul asked for the question. The motion to hold work sessions passed unanimously.

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

**CITY OF ELBERTON**  
**CALLED MEETING/WORK SESSION OF THE ELBERTON MAYOR & COUNCIL**  
Monday, June 1, 2009 - 6:30 p.m.

Pursuant to due call and notice thereof the Called Meeting/Work Session of the Mayor and Council of the City of Elberton convened at 6:30 p.m. on Monday, June 1, 2009, 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, Finance Director Saxon, Fire Chief Fortson, Police Chief Welsh and Public Works Director Adams. Also present were: Mr. Shane Scoggins with the Elberton Star and Mr. Matt Johnson with Elberton Radio.

A notice of the called meeting was issued in accordance with law for the purpose of discussing the FY2010 proposed budget. Mayor Guest called the meeting to order.

Council began discussing the budget for the General Fund, Solid Waste Fund, Hotel/Motel Tax Fund and SPLOST Capital Projects Fund, and the associated Rates and Fees schedules for those funds.

No changes were made to the proposed budget.

There being no further business allowed by the call, the meeting adjourned with a motion duly made and seconded.

**CITY OF ELBERTON**  
**CALLED MEETING/WORK SESSION OF THE ELBERTON MAYOR & COUNCIL**  
Thursday, June 4, 2009 - 5:30 p.m.

Pursuant to due call and notice thereof the Called Meeting/Work Session of the Mayor and Council of the City of Elberton convened at 5:30 p.m. on Thursday, June 4, 2009, 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 Attorney Chris Phelps, Finance Director Saxon, Utilities Director David Hudson, Electric and Broadband Operations Manager John McCullough, and Marketing Director Allen Hulme. Also present was Mr. Shane Scoggins from the Elberton Star.

A notice of the called meeting was issued in accordance with law for the purpose of discussing the FY2010 proposed budget. Mayor Guest called the meeting to order. Mayor Guest led the Pledge of Allegiance, and City Attorney Phelps gave the invocation.

Council began discussing the budget for the Utilities Fund and ElbertonNET Fund, and the associated Rates and Fees schedules for those funds.

City Manager Dunn presented a plan to add a part-time office clerk to the Police Department Administration in order to keep the front office open from 5 p.m. until 10 p.m., Monday through Friday. This cost was estimated at \$11,200 per year for wages and FICA taxes. Council Member Butler made a motion to accept the proposal, and to add \$11,200 to the Police Administration budget, to delete \$2,450 from the General Fund General Contingency line item, and to delete \$8,750 from the Public Works Parks and Rights-of-Way division. The motion was seconded by Council Member Paul. The motion was approved unanimously.

There being no further discussion of the FY 2010 budget, the council moved to other matters that may properly come before the council.

Mayor Guest stated that the City Attorney advised that the motion made at the June 1 council meeting to begin having work sessions was proper, but that the discussion about not having compensation for the meetings as required in the code was not incorporated into the motion properly. Mayor Guest asked for a motion that would satisfy the advice of the City Attorney. Council Member Hunt stated:

“I move that the mayor and council have a work session on the Monday prior to regular council meetings at 5:30 p.m., beginning in July, and that the requirements for payment of compensation for called meetings provided for in Section 1 of Ordinance 2112 be suspended and waived for these monthly work sessions, and that the first such work session be held July 2 because of the holiday.”

The motion was seconded by Council Member Paul. The motion was approved unanimously.

Council Member Colquitt 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 Paul seconded the motion, and the motion was approved unanimously. Council Member Hunt motioned to move out of executive session, with Council Member Colquitt seconding the motion and the motion passed unanimously. Mayor Guest announced that no action was taken.

There being no further business allowed by the call, the meeting adjourned with a motion duly made and seconded.

**City of Elberton**  
**PUBLIC HEARING & CALLED MEETING OF THE ELBERTON CITY COUNCIL**  
Monday, June 9, 2009 - 5:30 p.m.

Pursuant to due call and notice thereof the Public Hearing and Called Meeting of the Mayor and Council of the City of Elberton convened at 5:30 p.m. on Monday, June 9, 2009, in 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, and City Attorney Phelps. Also present were representatives from the Elberton Star and Elberton Radio.

Mayor Guest called the Public Hearing to order. A Notice of Hearing was issued in accordance with law for the purpose of obtaining comments on the FY 2010 proposed budget. Mayor Guest asked if there were any comments on the proposed budget. There were no oral or written comments. Council Member Butler motioned to adjourn the public hearing, seconded by Council Member Paul, and the motion passed unanimously.

Mayor Guest called the Called Meeting to order, followed by the Pledge of Allegiance and the invocation.

Council Member Paul motioned to consider the following resolution, which was read in its entirety by City Manager Dunn:

**RESOLUTION**

**WHEREAS:** The Mayor and Council of the City of Elberton on June 1, June 4, and June 9, 2009, after due and legal notice, reviewed the Annual Budget estimate for Fiscal Year 2010 as prepared by the City Manager in accordance with Section 33 of the Charter; and

**WHEREAS:** The General Fund budget is proposed at \$4,956,472; and

**WHEREAS:** The Solid Waste Fund budget is proposed at \$768,610; and

**WHEREAS:** The ElbertonNET Technology Services Fund budget is proposed at \$2,330,267; and

**WHEREAS:** The Hotel/Motel Tax Special Revenue Fund budget is proposed at \$66,000; and the 2006 Special Purpose Local Option Sales Tax Capital Projects Fund budget is \$685,000; and

**WHEREAS:** The Combined Public Utilities System Fund budget is proposed at \$23,511,359; and

**WHEREAS:** The rates and fees schedule of the Fiscal Year 2010 Budget is hereby included as Attachment "A"; and

**WHEREAS:** The total combined Annual Budget for Fiscal year 2010 is \$32,317,708.

**NOW, THEREFORE BE IT RESOLVED,** and it is hereby resolved that the Mayor and

Council do officially approve and adopt the aforementioned Annual Budget for Fiscal Year 2010 as submitted including the rates and fees schedule designated Attachment "A".

**BE IT FURTHER RESOLVED** that the Mayor, City Manager, and/or City Clerk are authorized and directed to execute the necessary documents in order to enact actions authorized by Council with the adoption of this Annual Budget.

Council Member Seymour motioned to adopt the resolution as read, seconded by Council Member Hunt. During discussion, Council Member Hunt asked that the council give the school system and the Sister City Committee direction on diversity for the Sister City program. Mr. Paul stated that council members should voice their opinions to the committee members. Mr. Seymour stated that he is on the selection committee for the exchange program, and Mr. Seymour discussed the ranking process for candidates. Mr. Guest stated that all should voice their opinion and concerns to the committee members, and Mr. Colquitt stated that the delegates chosen should be representative of our diverse community. There being no further discussion on the motion, it was adopted unanimously.

Council Member Seymour motioned to approve a plan to offer Residential Solid Waste Collection service outside the corporate limits of Elberton. The motion was seconded by Council Member Paul. During discussion, Mr. Seymour stated he had talked with some people in the proposed service area who were interested in the service, and that our cost would be minimal because the trucks go down these streets anyway. Mr. Colquitt stated he had a problem with the city trying to compete with private enterprise where that service is already offered. There being no further discussion, the motion passed by a vote of 4-1 (Seymour, Hunt, Butler, Paul – yes; Colquitt – no).

Under other matters for discussion:

- Mr. Seymour asked to re-visit the budget mid-year in January to see how things are progressing
- Mr. Seymour asked to see the appointments that expire within 6 months at the July work session
- Mr. Paul asked for a comparison of utility units sold over the last few years
- Mr. Seymour asked to discuss water/sewer infrastructure projects discussed at the March retreat
- Mr. Guest reminded the council of upcoming meetings including the Downtown Development Authority, the Industrial Development Authority, and the RDC.
- Mr. Guest stated that Bubba Burger has hired about 120 additional people, and they may get up to an employment of 240 this year, and that they are running seven days a week to keep up production.

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