

CITY OF ELBERTON
ORGANIZATIONAL AND REGULAR MEETING OF THE ELBERTON MAYOR AND
COUNCIL

Monday, January 7, 2013 – 5:30 p.m.

Pursuant to due call and notice thereof the Organizational and Regular Meeting of the Mayor and Council convened at 5:30 p. m. on Monday, January 7, 2013 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 Organizational and Regular Meeting to order and led the assembly in the Pledge of Allegiance and Reverend Raymond Scott led the assembly in prayer.

Mayor Pro tem Butler nominated Council Member Colquitt for Mayor Pro tem for the calendar year 2013, Council Member Hunt seconded the nomination and motioned to close nominations and the motion passed unanimously (Butler, Hunt, Seymour, Paul, Colquitt). Mayor Guest then administered the Oath of Office as follows: I, Troy Colquitt, do solemnly affirm that I will, to the utmost of my ability discharge the duties of Mayor Pro tem of the City of Elberton, Georgia, during my term of office and until my successor is elected and qualified and that I will support the Constitution of the United States and the State of Georgia, SO HELP ME GOD.

Council Member Butler nominated Mr. R. Chris Phelps, LLC, Attorney at Law, to act as the City Attorney. Council Member Paul seconded the nomination and motioned to close the nominations and the motion passed unanimously (Butler, Hunt, Seymour, Paul, Colquitt). Council Member Butler nominated Robert A. Johnson as Municipal Court Judge. Council Member Paul seconded the nomination and motioned to close the nominations and the motion passed unanimously (Butler, Hunt, Seymour, Paul, Colquitt). Mayor Guest administered the Oath of Office for the City Attorney and Municipal Court Judge as follows:

I, R. Chris Phelps, do solemnly affirm that I will, to the utmost of my ability, discharge the duties of City Attorney of the City of Elberton, Georgia, during my term of office and until my successor is appointed, and that I will support the Constitution of the United States and the State of Georgia, SO HELP ME GOD.

I, Robert Johnson, do solemnly affirm that I will, to the utmost of my ability, discharge the duties of Municipal Court Judge of the City of Elberton, Georgia, during my term of office and until my successor is appointed, and that I will support the Constitution of the United States and the State of Georgia, SO HELP ME GOD.

Mayor Guest reappointed Mr. Walton Howell, Mrs. Evelyn Thornton and Mrs. Barbara Mize to the tax assessor board for calendar year 2013.

Council Member Hunt motioned to approve the minutes of the December 3, 2012 Regular Meeting and the December 17, 2012 Public Hearing as submitted, seconded by Council Member Butler and the motion passed unanimously (Butler, Hunt, Seymour, Paul, Colquitt).

Reports. City Manager Dunn recognized Cindy Churney for attaining 25 years of service to the City.

Controller Kevin Eavenson presented the Financial Report through December 2012 is enclosed for review.

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| General Fund | \$ 4.8 million |
| Combined Utilities Fund | \$ 25.6 million |
| Elberton Technology Services Fund | \$ 297,436 net loss |
| Solid Waste Fund | \$ 90,330 |
| | |
| Unrestricted Investments-General Fund and Utility Fund | \$ 4.8 million |
| | |
| Restricted Investments (SPLOST & Utility Funds) | \$ 2.4 million |

Mayor Guest stated there were no scheduled speakers from the floor. Mrs. Peggy Rucker asked to speak on behalf of the White's Chapel Road community. Council Member Hunt motioned to hear Mrs. Rucker, seconded by Council Member Paul and the motion passed unanimously (Butler, Hunt, Seymour, Paul, Colquitt). Mrs. Rucker discussed the \$1,900 tap fees and the possibility of obtaining a grant to help residence with the expense. Mayor Guest stated that the White's Chapel Road Water Main Project was scheduled to be discussed later in the meeting if she didn't mind waiting. Mrs. Rucker concurred.

Mayor Pro tem Colquitt introduced the following Resolution:

RESOLUTION

WHEREAS: There will be a Municipal General Election held on November 5, 2013 to elect a Mayor and a Council Member each from Ward One, Four and Five; and

WHEREAS: The Official Code of Georgia, annotated, requires the Mayor and Council to set a qualifying fee that shall be three percent (3%) of the total compensation received by the officials in the preceding calendar year, which is \$356.64 for Mayor and \$266.64 for Council Member; and

WHEREAS: The Georgia State Election Board, Sections 21-2-380.1, instructs the governing authority of each municipality to appoint and certify the appointment of an Election Superintendent/Absentee Ballot Clerk to the Secretary of State's Office; and

WHEREAS: The governing authority shall designate the City Clerk as Election Superintendent/Absentee Ballot Clerk; and

NOW, THEREFORE BE IT RESOLVED, and it is hereby resolved that the Mayor and Council of the City of Elberton do hereby issue a call for a Municipal General Election to be held on November 5, 2013, which will be conducted under the Georgia Code as amended.

BE IT FURTHER RESOLVED by the Mayor and Council of the City of Elberton do hereby adopt the qualifying fee and the appointment of the Elections Superintendent/Absentee Ballot Clerk as stated above as required by the Georgia State Election Board.

City Manager Dunn read the Resolution in its entirety. Mayor Pro tem Colquitt motioned

to adopt the Resolution as read, seconded by Council Member Paul and the motion passed unanimously (Butler, Hunt, Seymour, Paul, Colquitt).

Council Member Hunt introduced the following Resolution:

RESOLUTION

BE IT RESOLVED AND IT IS HEREBY RESOLVED BY THE MAYOR AND COUNCIL FOR THE CITY OF ELBERTON, GEORGIA, AS FOLLOWS:

WHEREAS, the results of the 2010 United States Census reflected a change in the population and demographics of the City of Elberton from the previous census of 2000; and

WHEREAS, the changes reflect a need to reconfigure and reapportion the five (5) wards of the City of Elberton in order to make the wards of the City of Elberton compliant with its obligations under the 1965 Voting Rights Act; and

WHEREAS, more specifically, according to the 2010 census, Ward 1 has a population of 631, of which 54.52% is minority; Ward 2 has a population of 733, of which 74.08% is minority; Ward 3 has a population of 919, of which 25.35% is minority; Ward 4 has a population of 1,046, of which 50.38% is minority; and Ward 5 has a population of 1,324, of which 34.21% is minority; and

WHEREAS, Ward 4 and Ward 5 are over-populated and Ward 1 and Ward 2 are under populated in regard to the requirements of one person – one vote; and

WHEREAS, the one person – one vote requirement would result in a goal that each ward of the City of Elberton have a population of 930; and

WHEREAS, and in addition, the Voting Rights Act requires that the City of Elberton have two wards in which the majority of the population is minority and one ward in which the minority population is influential; and

WHEREAS, the City of Elberton has a constitutional and statutory obligation to be compliant with the results of the 2010 census as pertains to the Voting Rights Act of 1965; and

WHEREAS, in furtherance, thereof representatives of the City of Elberton have met with the Legislative and Congressional Reapportionment Office of the State of Georgia for the purpose of reapportioning the wards of the City of Elberton; and

WHEREAS, a map and reapportionment plan has been developed and presented that complies with all requirements of reapportionment; and

WHEREAS, and more specifically the reapportionment plan provides that Ward I would have a population of 934; Ward 2 would have a population of 932; Ward 3 would have a population of 919; Ward 4 would have a population of 934; and Ward 5 would have a population of 934; and

WHEREAS, the result is that the population of each Ward would be within two percent of a goal of 930 persons per ward; and

WHEREAS, an in addition for purpose of the 1965 Voting Rights Act, the result is that Ward 1 and Ward 2 both have a majority of population that is minority, and Ward 4 has a population that would be minority influenced; and

WHEREAS, the plan of reapportionment has been disseminated in and throughout the public, including the conducting of a public hearing on December 17, 2012 for the purpose of the Mayor and Council of the City of Elberton receiving public input to the plan; and

WHEREAS, the Mayor and Council of the City of Elberton have evaluated the reapportionment plan, including input from the public, and

WHEREAS, no objection has been put forth in opposition to the plan of reapportionment which as been submitted; and

WHEREAS, the Mayor and Council of the City of Elberton have determined that the reapportionment plan as submitted best meets Federal and State constitutional and statutory requirements and it is in the best interests of the City of Elberton and its citizenry that the reapportionment plan therefore be adopted; and

WHEREAS, a copy of the reapportionment map and the boundaries of the respective wards as provided thereon are attached hereto.

NOW THEREFORE, BE IT RESOLVED AND IT IS HEREBY RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ELBERTON:

That the Reapportionment Plan be and is hereby adopted.

That the Charter of the City of Elberton be amended to reflect the adoption of the reapportionment plan and the boundaries of the five wards as provided therein.

That a copy of this Resolution be delivered to the State of Georgia legislative delegation for the City of Elberton and that a Bill be introduced and passed by the Georgia General Assembly approving the reapportionment plan and amending the Charter of the City of Elberton accordingly.

That the reapportionment plan be submitted to the voting rights section of the civil rights division of the United States Department of Justice for approval pursuant to applicable provisions of the 1965 Voting Rights Act.

City Manager Dunn read the Resolution in its entirety. Council Member Hunt motioned to adopt the Resolution as read, seconded by Council Member Paul and the motion passed unanimously (Butler, Hunt, Seymour, Paul, Colquitt).

Council Member Hunt motioned to authorize the city to proceed with the White's Chapel Road Water Main Project based on a budget of \$80,306 with tap fees set at \$1,900 per customer. City Manager Dunn stated that fourteen of the home owners have expressed interest in participating in the project. He also stated that he had researched grant opportunities. He stated that the city would have to apply for the grant since it was their project. He stated that he did not feel that the city would be approved based on financing. During discussion, Council Member Seymour motioned to accept residents to participate in the water project until July 1, 2013. Council Member Hunt seconded the motion and it passed unanimously (Butler, Hunt, Seymour, Paul, Colquitt). Council Member Paul motioned to amend the 24 months financing to 36 months financing, seconded by Council Member Butler and the motion passed unanimously (Butler, Hunt, Seymour, Paul, Colquitt). Council Member Paul seconded the motion to authorize the city

to proceed with the White's Chapel Road Water Main Project as amended above. The motion passed unanimously (Butler, Hunt, Seymour, Paul, Colquitt).

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

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

City Clerk:

Cindy Churney
Municipal Clerks Training Athens, GA
February 11, 2013
Registration: \$150.00

Cindy Churney
Municipal Election Training Kennesaw, GA
February 25, 2013

Travel/Lodging: \$150.00

Police Department:

Joe McGuffin and Allen Lee
PMP Course Conyers, GA
February 4-8, 2013
Travel / Lodging: \$ 900.00

Mark Welsh
Georgia Association of Chiefs of Police
Winter Training Conference Athens,
Georgia
February 10-13, 2013
Registration: \$265.00
Travel/Lodging: \$100.00

Public Works Department:

James Adams
GA Municipal Cemetery Association
2013 Planning Meeting
Macon, GA
January 23-24, 2013
Travel/Lodging: \$159.00

2. Authorized the closing of various streets for the Elberton Unit Parade on February 15, 2013 at 1:00 p.m. The event is sponsored by the Army National Guard Elberton Unit.
3. Authorized the issuance of alcoholic beverage licenses to Raceway of Elberton located at 883 Elbert Street and Circle K Stores, Inc. located at 211 N. Oliver Street for the calendar year 2013.
4. Authorized the appointments of various boards:
 - a. Reappointment of Bill Bennett to the Elberton Planning Commission
 - b. Reappointment of Judy Waters to the Elberton Historic Preservation Commission.
 - c. Reappointment of Janie Ruth Jones to the Elberton Housing Authority.
 - d. Reappointment of Tom Evans, Jr. as Chairman of the Elberton Sister City Committee.
 - e. Reappointment of Mary Jane Denny and Alesia Geter to the Elberton Tree Board.
 - f. Reappointment of Virginia Dye, Lois Daniel and Bobby G. Hunt to the Library Board.
 - g. Reappointment of Tom Denny to the Development Authority of Elberton, Elbert County and Bowman.

City Manager Dunn presented the following reports:

- The electric project from Elbert Street to the Lexington Highway should be completed in January.
- ElbertonNET construction on Washington Highway is complete.
- Repairs and improvement at Hickory Drive Park will begin with getting rid of the large old pine trees around the perimeter, demolition of some of the dilapidated structures as well as repairing the tennis courts.

- Monthly report on the activities of various departments.

Council Member Seymour inquired about the dilapidated status of the old school owned by the Board of Education. City Attorney Phelps stated that he was working on it. Council Member Seymour stated that there was junk in the yard at 119 S. Thomas Street.

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