

**CITY OF ELBERTON**  
**REGULAR MEETING OF THE MAYOR AND COUNCIL**  
Monday, October 3, 2011 – 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, October 3, 2011 in Council Chambers of the Municipal Building, 203 Elbert Street with Mayor Guest presiding.

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

Mayor Pro tem Hunt 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 September 12, 2011 meeting as submitted, seconded by Council Member Seymour and the motion passed unanimously.

Controller Kevin Eavenson presented the Financial Report through August 2011 with the following net assets:

General Fund	\$ 4.5 million
Combined Utilities Fund	\$ 24.6 million
Elberton Technology Services Fund	\$ 1.1 million net loss
Solid Waste Fund	\$ 175,734
Unrestricted Investments-General Fund and Utility Fund	\$ 4.8 million
Restricted Investments (SPLOST & Utility Funds)	\$ 1.7 million

Mr. Daniel Graves presented a report on the activities of the Elbert County Chamber of Commerce for February through September. He thanked the Mayor and Council for their continued support through the hotel/motel tax contribution.

Mayor Pro tem Hunt placed Ordinance 2168 on second reading with a heading as follows:

**ORDINANCE 2168**

**AN ORDINANCE TO AMEND CHAPTER 22, LAND USE, BY ADDING ARTICLE 10, WETLANDS PROTECTION ORDINANCE; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.**

The Ordinance was read in its entirety at the September meeting. Mayor Pro tem Hunt motioned to waive the reading of the Ordinance, seconded by Council Member Seymour and the motion passed unanimously. Council Member Seymour motioned to adopt the Ordinance, seconded by Mayor Pro tem Hunt and the motion passed unanimously.

Council Member Seymour placed Ordinance 2169 on first reading with a heading as follows:

**ORDINANCE 2169**

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES FOR THE CITY OF ELBERTON, CHAPTER 22, LAND USE, ARTICLE II. ZONING, DIVISION 6, ALLOWABLE USES, SECTION 22-71, ALLOWABLE USES; AND FOR OTHER PURPOSES.**

The Ordinance was read in its entirety by City Manager Dunn.

Council Member Seymour placed Ordinance 2170 on first reading with a heading as follows:

**ORDINANCE 2170**

**AN ORDINANCE OF THE CITY OF ELBERTON PROVIDING FOR (i) THE ISSUANCE OF CITY OF ELBERTON COMBINED UTILITY SYSTEM REFUNDING REVENUE BONDS, SERIES 2011 TO PROVIDE FUNDS TO BE APPLIED TO (A) REDEEM THE CITY'S HERETOFORE ISSUED \$13,000,000 IN AGGREGATE PRINCIPAL AMOUNT OF COMBINED UTILITY SYSTEM REFUNDING AND IMPROVEMENT REVENUE BONDS, SERIES 2001 ISSUED PURSUANT TO A BOND ORDINANCE OF THE CITY ADOPTED DECEMBER 18, 2001; AND (B) PAY THE COSTS OF ISSUING SAID SERIES 2011 BONDS; (ii) THE ADOPTION OF RATES AND THE COLLECTION OF FEES AND CHARGES FOR THE SERVICES, FACILITIES, AND COMMODITIES TO BE FURNISHED BY THE COMBINED WATER AND SEWERAGE, GAS DISTRIBUTION AND EELCTRIC DISTRIBUTION SYSTEM; (iii) THE ISSUANCE UNDER CERTAIN TERMS AND CONDITIONS OF ADDITIONAL BONDS; (iv) THE CREATION AND MAINTENANCE OF CERTAIN FUNDS; (v) THE ESTABLISHMENT OF REMEDIES FOR THE OWNERS OF SAID BONDS; (vi) THE AUTHORIZATION OF A BOND PURCHASE AGREEMENT FOR SAID SERIES 2011 BONDS; AND FOR OTHER PURPOSES.**

Council Member Seymour motioned to waive the reading of the Ordinance, seconded by Mayor Pro tem Hunt and the motion passed unanimously.

Council Member Paul introduced the following Resolution:

**RESOLUTION**

**WHEREAS:** The City of Elberton owns and operates the Elbert Theatre and Elberton Arts Center located at 100 S. Oliver Street and 17 W. Church Street; and

**WHEREAS:** A parcel of land adjacent to the Elberton Arts Center has become available for purchase; and

**WHEREAS:** The voters of Elbert County approved in a Special Purpose Sales Tax referendum funding in the amount of \$400,000 to renovate and improve the Elberton Arts Center; and

**WHEREAS:** This purchase will be made with the budgeted expenditure of 2011 SPLOST Funds for the Elberton Arts Center; and

**WHEREAS:** This purchase will greatly enhance the renovation project because it will provide rear vehicular access to the existing building from Church Street, and will also provide for much more off-street parking; and

**WHEREAS:** The Mayor and Council does hereby find that it is in the public interest of the citizens of Elberton to acquire this parcel of property for its potential future uses.

**NOW, THEREFORE, BE IT RESOLVED,** that the City Council of the City of Elberton, Georgia hereby resolves to purchase the following parcel of land on Church Street for the selling price of \$ 24,500.00 :

Description

A parcel of land consisting of 0.29 acres, more or less; identified as Elbert County tax map number E12-005, owned by Earle Davis, Jr., and Deborah Davis, located adjacent the Elberton Arts Center at 25 West Church Street, and being bounded by the property of the City of Elberton, dimensions of the land being approximately 92' (northeast) x 178' (southeast) x 92' (southwest) x 180' (northwest).

**BE IT FURTHER RESOLVED** that the Mayor, City Manager, and City Clerk are authorized to execute the necessary documents to effect this purchase of land.

**RESOLVED** at the Regular Meeting of the Mayor and Council on October 3, 2011.

The Resolution was read in its entirety by City Manager Dunn. Council Member Paul motioned to adopt the Resolution, seconded by Council Member Butler and the motion passed unanimously.

Council Member Paul introduced the following Resolution:

**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 (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.

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

Council Member Paul introduced the following Resolution:

**RESOLUTION**

**WHEREAS:** Several residents of the Oak Street area have asked the Mayor and Council to consider addressing a potential safety problem at the hill on Oak Street near its intersection with Oak Drive, Bruce Street, and Brookhaven Circle; and

**WHEREAS:** The Mayor and Council previously approved the addition of a rumble strip on the hill, a “stop for pedestrian” sign at the Granite City Trail crosswalk on Brookhaven Circle, and the removal of a section of privacy fence closest to Brookhaven Circle at the Granite City Trail; and

**WHEREAS:** There exists a need for a stop sign at the bottom of the hill at Oak Street at its intersection with Brookhaven Circle to further enhance safety; and

**WHEREAS:** Council concurs with this recommendation to add a stop sign as described on Attachment A incorporated herein, and to amend the Official Traffic Map of the City of Elberton in accordance with Section 36-6, traffic schedules.

**NOW, THEREFORE BE IT RESOLVED AND IT IS HEREBY RESOLVED** that the Mayor and Council authorize the addition of a stop sign on Oak Street at its intersection with Brookhaven Circle, and direct the City Manager to have this intersection marked by signs in accordance with this Resolution.

The Resolution was read in its entirety by City Manager Dunn. During discussion City Attorney Phelps recommended making the intersection a three-way stop by installing a stop sign before the crosswalk coming from Brookhaven Circle. Police Chief Welsh concurred with City Attorney Phelps’ recommendation. Council Member Paul motioned to amend the Resolution as recommended by City Attorney Phelps, seconded by Council Member Colquitt and the motion passed unanimously. Council Member Paul motioned to adopt the Resolution as amended, seconded by Mayor Pro tem Hunt and the motion passed unanimously.

Council Member Paul motioned to approve the consent agenda, seconded by Council Member Butler and the motion passed unanimously.

1. Approved the expenditures that exceed the City Manager’s purchasing authority.

Natural Gas System – Heard Street Bare Steel Replacement Project		
Classic City Utility		\$206,781.00
<b>Steele &amp; Associates</b>	<b>RECOMMENDED</b>	<b>\$181,556.00</b>
Benton-Georgia, Inc.		\$295,970.00

Bid Opening, September 11, 2011. Recommendation based on low bidder.

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

**Fire Department:**

Michael King and Randall Ruff  
Pipeline Emergencies 16 hours  
Forsyth, GA October 24-25, 2011  
Travel/Lodging: \$300.00

Kevin Jordan  
EMR (Emergency Medical Responder)  
Elbert County EMS Center  
Monday's & Thursday's until November 21, 2011  
No Cost

**Police Department:**

Joe McGuffin & Allen Lee  
Professional Management Program  
Conyers, GA November 28- December 2, 2011  
Travel/Lodging: \$1,000.00

Sam Hill  
Officer Survival  
GPSTC Forsyth, GA  
October 24-28, 2011  
Travel/Lodging: \$270.00

Mark Welsh  
Criminal Justice Institute  
University of Arkansas  
Rural Executive Management Institute  
Nashville, TN November 7-10, 2011  
No Cost

**Utilities- Sewer Division:**

Ray McGill  
2011 Fall Conference & Expo  
Laboratory Symposium Recertification Points (12)  
Athens, GA November 15-16, 2011  
Registration: \$ 205.00  
Travel/Lodging: \$ 144.40

3. Accepted the minutes, decisions and recommendations of the Elberton Planning Commission Public Hearing of September 8, 2011.

4. Authorized the closing of the square to vehicular parking in front of the fountain on November 22, 2011 at 4:00 p.m. for Candlelight Shop Night sponsored by the Main Street Promotions Committee.
5. Authorized the closing of portions of city streets for the Kiwanis Christmas Parade on December 1, 2011 at 6:00 p.m. approved by the Main Street Promotions Committee.

City Manager Dunn presented the following reports:

- Discussion of On-Bill Financing Program. Mayor Pro tem Hunt motioned to place the On-Bill Financing Program Ordinance on first reading with an initial deposit of \$100,000 to fund the program. City Manager Dunn read Ordinance 2171 as submitted.
- The electric department filed a permit application with the Georgia DOT for the wire pulling project from Elbert Street to the end of Lexington Highway.
- The McIntosh Street to Mill Street line rehab is open for bidding.
- Approval was received from the USDA for the bid package for the State Park broadband project.
- The city manager will be part of the training class with the Northeast Georgia Regional Commission next week. The topic to be discussed will be the Capitalizing on Solar Energy in Northeast Georgia.
- Monthly reports on the activities of various Departments

Council discussed the following matters:

- Council Member Paul asked about the dilapidated housing status. City Attorney Phelps stated that he would contact City Marshal Algood to review the items.
- Council Member Colquitt expressed thanks to the City from the residents at Highland Park for their cleanup efforts.
- Council Member Seymour stated that there were several yards that were overgrown and needed cut in his ward. City Manager Dunn asked Council Member Seymour to get him the locations and he would forward them to City Marshal Algood for review.

There being no further business the meeting was adjourned with a motion duly made and seconded.

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Mayor

ATTEST:

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City Clerk