

CITY OF ELBERTON
REGULAR MEETING OF THE ELBERTON MAYOR AND COUNCIL
Monday, October 6, 2008 - 5:30 p.m.

Pursuant to due call and notice thereof the Regular Meeting of the Mayor and Council of the City of Elberton convened at 5:30 p.m. on Monday, October 6, 2008, 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 meeting to order. Mayor Pro tempore Colquitt led in the Pledge of Allegiance and Reverend Jay Akin of Elberton Christian Church led in the prayer.

Council Member Seymour motioned to approve the minutes of the September 8, 2008 meeting as submitted, seconded by Council Member Hunt and the motion passed unanimously.

Reports. Controller Kevin Eavenson presented the Financial Report through August 2008 with the following net assets:

General Fund	\$ 3.7 million
Utility Fund	\$ 18 million
Elberton Technology Services Fund	\$ 1.9 million net loss
Solid Waste Fund	\$ 290,698
Unrestricted Investments-General Fund and Utility Fund	\$ 2.62 million
Restricted Investments (SPLOST & Utility Funds)	\$ 1.02 million

Speaker from the floor. Mr. Rick Prince, Chairman of the Elbert County Chamber of Commerce spoke to Council to update them on the activities of the Chamber. Mr. Prince thanked the City for their longstanding commitment to the Chamber through the allocation of Hotel/Motel tax money for tourism purposes. Council thanked the Chamber for their efforts.

Council Member Seymour introduced the following Resolution:

RESOLUTION TO AUTHORIZE INVESTMENT

WHEREAS, Ga. Code Ann. 36-83-1 to 36-83-8 authorizes Georgia local governments and other authorized entities to invite funds through the local government investment pool; and

WHEREAS, from time to time it may be advantageous to the City of Elberton to deposit funds available for investment in Georgia Fund 1 as it may deem appropriate; and

WHEREAS, to provide for the safety of such funds deposited in the local government investment pool, investments are restricted to those enumerated by Ga. Code Ann. 36-83-8 under the direction of the State Depository Board, considering first the probable safety of capital and then the probable income to be derived; and

WHEREAS, such deposits must first be duly authorized by the governing body of the local government or authorized entity and a certified copy of the resolution authorizing such investment filed with the Director of the Office of Treasury and Fiscal Services; and

WHEREAS, such resolution must name the official(s) authorized to make deposits or withdrawals of funds in the local government investment pool; and

WHEREAS, Ga. Code Ann. 36-83-8 requires a statement of the approximate cash flow requirements of the participating government pertaining to the funds to accompany the authorization to invest such funds at the time such deposits are duly authorized.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council that funds of the City of Elberton may be deposited from time to time in the manner prescribed by law and the applicable policies and procedures for the local government investment pool.

BE IT FURTHER RESOLVED THAT,

1. Any one of the following individuals shall be authorized to deposit and/or withdraw funds from the local government investment pool on behalf of such government or other authorized entity:

Lanier Dunn, City Manager; Lynn Saxon, Finance Director; and Kevin Eavenson, Controller

2. All withdrawals from the local government investment pool shall be wired to the following participant's demand deposit account:

Pinnacle Bank, Utility Fund

3. The local government investment pool shall mail the monthly statements of account to:

Attn: Accounting, P. O. Box 70, 230 N. McIntosh Street, Elberton, GA 30635

4. Changes in the above authorization shall be made by cancellation or replacement resolution delivered to the Office of Treasury and Fiscal Services. Until such a

replacement resolution is received by the Office of Treasury and Fiscal Services, the above authorized individuals, local government demand account instructions and statement mailing address(es) shall remain in full force and effect.

5. The following schedule represents the period in which existing balances are currently expected to remain invested in the local government investment pool:

10% 30 days or less; 0% more than 30 days but less than 90 days; 90% 90 days or longer.

RESOLVED THIS THE 6TH DAY OF OCTOBER, 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 motion passed unanimously.

Council Member Paul introduced the following Resolution:

RESOLUTION OF THE CITY OF ELBERTON, GEORGIA

APPROVING THE SECOND AMENDMENT TO GAS SUPPLY CONTRACT AND THE FIRST AMENDMENT TO GAS PORTFOLIO III PROJECT SUPPLEMENTAL CONTRACT, EACH BETWEEN CITY OF ELBERTON, GEORGIA (“MEMBER”) AND THE MUNICIPAL GAS AUTHORITY OF GEORGIA; AUTHORIZING THE EXECUTION, DELIVER AND PERFORMANCE OF SUCH AMENDMENTS; AND FOR OTHER PURPOSES.

WHEREAS, the 1987 Session of the General Assembly of the State of Georgia adopted the Municipal Gas Authority of Georgia Act (Ga. Laws 1987, p. 745 (codified at O.C.G.A. Sections 46-4-80 through 46-4-125)), as amended (the “Act”), creating the Municipal Gas Authority of Georgia (the “Gas Authority”), providing for its organization and purposes and authorizing it to contract with certain municipalities and other political subdivisions for the provision of an adequate and dependable wholesale supply of gas to meet the needs of the gas distribution systems of such political subdivisions; and

WHEREAS, the Gas Authority and the Member have entered into that certain Gas Supply Contract, as amended (the “Gas Supply Contract”), pursuant to which the Gas Authority has agreed to provide gas supplies to the Member for resale to its citizens, inhabitants and customers through its gas distribution system; and

WHEREAS, the Gas Authority and the Member have entered into a Supplemental Contract respecting the Gas Authority’s Gas Portfolio III Project to provide for, among other things, (i) the approval of said Project as contemplated by the Gas Supply Contract and as more particularly described therein; and (ii) the issuance of Bonds to fund Project Costs, as more particularly described therein (the “Supplemental Contract”); and

WHEREAS, the Gas Authority and the Member have determined that it is in the best interest of the Gas Authority and the Member to amend certain provisions of the Gas Supply contract and the Supplemental Contract in order to increase the aggregate principal amount of Bonds permitted to be issued thereunder, to extend the period during which such Bonds may be issued, and to extend the terms of such Bonds together with other confirming changes; and

WHEREAS, the Gas Authority and the member have caused to be prepared a Second Amendment to Gas Supply Contract, dated as of December 1, 2008 (the "Second Amendment"), and a First Amendment to Supplemental Contract, dated as of December 1, 2008 (the "First Amendment," and together with the Second Amendment, the "Amendment"), to effect such amendments; and

NOW THEREFORE, BE IT RESOLVED, by the governing body of the Member in meeting duly assembled, and it is hereby resolved by authority thereof, as follows:

Section 1. The Member hereby finds and determines that it is in its best interest to contract with the Gas Authority pursuant to O.C.G.A. Section 46-4-96(7) and the terms of the Gas Supply Contract, the Supplemental Contract and the Amendments and the Member hereby declares, in accordance with the Act, its intention to continue to so contract with the Gas Authority for the purpose of its gas supply.

Section 2. The Member hereby approves and authorizes the execution, deliver and performance of the Amendments in substantially the form of the drafts thereof attached to this Resolution as Exhibit "A" and Exhibit "B", respectively, and hereby incorporated herein by the Member, with advise of counsel. The Amendments shall each be executed by the mayor, attested by the City Clerk, and shall have the Member's seal affixed thereto, and shall be delivered to the Gas Authority, and when so executed and delivered, shall be binding upon the Member in accordance with their respective terms. Execution of the Amendments as authorized herein shall be conclusive evidence of the Member's approval thereof.

Section 3. The Member hereby authorizes the Mayor, City Clerk, or any Assistant City Clerk, to take any further actions and execute and deliver any other documents necessary to carry out the purpose of this Resolution, as amended from time to time, including, but not limited to, executing all documents necessary for validation and issuance of the Gas Authority's revenue bonds respecting the Gas Portfolio III Project.

Section 4. In the adoption of this Resolution, the Member hereby recognizes that this action will be relied upon by other municipalities and systems that own and operate gas distribution systems and that adopt similar resolutions in furtherance of the organization of the Gas Authority under the Act, and that the Member is also relying upon the adoption of such resolutions by such other municipalities and systems.

Section 5. All resolutions or parts of resolution in conflict herewith are hereby repealed.

RESOLVED THIS THE 6TH DAY OF OCTOBER, 2008.

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

Council Member Butler introduced the following Resolution:

RESOLUTION OF THE CITY OF ELBERTON

WHEREAS, the City of Elberton is a Beneficiary of the Municipal Competitive Trust, as amended (the "Trust"); and

WHEREAS, MEAG Power has requested that the City of Elberton reconfirm the authority and position of the individuals authorized by the City of Elberton to communicate to MEAG Power the decisions of the City of Elberton concerning both deposits into and withdrawals from any of the City of Elberton's Sub accounts created by the Municipal Competitive Trust, as amended; and

WHEREAS, the City of Elberton, after due consideration, has determined that the requested confirmation as to the authority and identity of the authorized individuals in the best interest of the City of Elberton.

NOW, THEREFORE, BE IT RESOLVED that henceforth Lanier Dunn, City Manager; Lynn F. Saxon, Finance Director; and Kevin Eavenson, Controller (together, the "Authorized Officials") are authorized to communicate the decisions of the City of Elberton to MEAG Power with respect to any deposits or withdrawals from any of the City of Elberton Sub accounts established by the Municipal Competitive Trust, as amended, consistent with the term of the Municipal Competitive Trust, as amended; and

FURTHER RESOLVED that the City of Elberton hereby authorizes the Authorized Officials to execute, and the City Clerk to attest and deliver, certificates specifying the names, titles, term of office 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.

RESOLVED THIS THE 6TH DAY OF OCTOBER, 2008.

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

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

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

PUBLIC WORKS

James Adams, Wayne Pridgen & Billy Christian

GA Erosion & Sediment Control Training Certification Program, Level 1A Recertification

Douglasville, GA

October 9, 2008

Registration: \$225.00

Travel/Meals: \$120.00

UTILITIES - WATER

Greg Franklin

Drinking Water Laboratory Analyst

Carrollton, GA

November 3-6, 2008

Registration: \$290.00

Travel/Lodging: \$440.00

Tommy Oglesby & Greg Franklin

Water Laboratory Analyst

Georgia State Board Test

Atlanta, GA

November 17-18, 2008

Registration: \$162.00

Travel/Lodging: \$278.00

POLICE

Jason Bagwell & Daniel Brogden

Officers Response to Domestic Violence

40-hour Training Course

Regional Police Academy, Athens, GA

October 20- 24, 2008

No Cost

UTILITIES - WATER/SEWER

Sam Propes, Byron Stovall, Terry

Anderson, Doug Slay & James Bailey

Wastewater Collection Syst. Opr

GA State Board Test

Atlanta, GA

November 17-18, 2008

Registration: \$405.00

Travel/Lodging: \$497.00

UTILITIES - ELECTRIC

Brad Alexander

2008 Foreman/Supervisor Meeting

MEAG Power Distribution Serv.

Cordele, GA

October 8-10, 2008

Registration: \$150.00

Travel/Lodging: \$427.00

POLICE

Allen Lee

Advanced Field Training Officer

Fort Valley Police Dept, GA (24-hrs)

December 10-12, 2008

Registration Fee: \$350.00

Lodging/ Meals: \$300.00

2. Authorized the issuance of an Alcoholic Beverage License to Chris Blackburn for Side Street Steaks & Italian located at 10 N. McIntosh Street.
3. Approved the closing of the square downtown to vehicular traffic on November 1 at 6:00 a.m. for the Granite City Fall Festival (requested by Main Street Elberton).
4. Accepted the bid to purchase the surplus property on the Calhoun Falls Highway, and authorize and direct the Mayor, City Manager, and/or City Clerk to execute all documents or deeds to effectuate the sale.

City Manager Dunn presented the following reports to Council:

- City Manager Dunn reported that the roof over the police building addition is nearly complete.

- City Manager Dunn reported that there will be a contract signing on October 20, 2008 for the Community of Opportunities. Council will be receiving an invitation from Mrs. Anna Grant Jones regarding the event.
- City Manager Dunn took the opportunity to discuss the city's financial accounts such as checking/money markets, certificates of deposit and deposits at Georgia Fund 1.
- Monthly reports and activities of the various departments.

Matters to be presented by the City Attorney. Assistant City Attorney Daniel Graves stated that two of the properties on the dilapidated housing list (425 Martin Street and 123 Burke Street) have been demolished. He also stated that he continues to work with the City Marshal on other properties on the list.

Any other matters to be considered by Council. Council Member Seymour inquired about establishing a special projects fund for the money received from the sale of property. Mayor Guest stated that the funds would be placed in an investment account to be held for special projects. Council Member Butler inquired as to the status of the nine lots located on Oglesby Boulevard. City Manager Dunn stated that he had sent a letter to Mrs. Rosanne Davis of HELP to provide an update on the development project in writing or in person to Council. He stated that there has been no response to-date; however, he stated that he had just sent the letter just over a week ago. He stated that he would try contacting her by phone. Mayor Pro tempore Colquitt concurred with making sure the funds from the sale of property were set aside in a reserve account. Council extended their sympathy to Mayor Guest for the loss of his sister over the weekend.

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

Mayor

ATTEST:

City Clerk