

CITY OF ELBERTON
PUBLIC HEARING AND REGULAR MEETING OF THE ELBERTON
MAYOR AND COUNCIL

Monday, September 10, 2012 – 5:30 p.m.

Pursuant to due call and notice thereof the Public Hearing and Regular Meeting of the Mayor and Council convened at 5:30 p. m. on Monday, September 10, 2012 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 Attorney Phelps, City Manager Dunn and City Clerk Churney.

Mayor Guest called the public hearing to order. A Notice of Hearing was issued in accordance with law for the purpose of providing information on the contents of the Urban Redevelopment Plan (URP) by the Northeast Georgia Regional Commission (NEGRC). Mayor Guest welcomed Nina Kelly, NEGRC Project Manager, to discuss the plan.

Mr. John Clark inquired as to how much input the community will have pertaining to the properties for redevelopment/demolition. Mrs. Kelly stated that that most definitely the community would be involved. She further stated that the City would have to take into consideration the type of grants/grant sources that fit the needs of the community/property prior to redevelopment. Mrs. Tracy Rousey asked if the old school on Tate Street was in the plan. Mrs. Kelly stated that it was not in this plan.

Mayor Pro tem Butler motioned to adjourn the public hearing, seconded by Council Member Hunt and the motion passed unanimously.

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

Mayor Pro Tem Butler motioned to approve the minutes of the August 6, 2012 meeting as submitted, seconded by Council Member Seymour and the motion passed unanimously (Butler, Colquitt, Hunt, Paul, Seymour).

Reports. Controller Eavenson presented the Financial Report through July 2012 as enclosed for review.

General Fund	\$ 4.8 million
Combined Utilities Fund	\$ 25 million
Elberton Technology Services Fund	\$ 615,187 net loss
Solid Waste Fund	\$ 138,054
Unrestricted Investments-General Fund and Utility Fund	\$ 4.6 million
Restricted Investments (SPLOST & Utility Funds)	\$ 2.1 million

Council Member Paul placed Ordinance 2177 on second reading.

ORDINANCE 2177

AN ORDINANCE TO CREATE AND ESTABLISH RULES AND REGULATIONS FOR LICENSING PEDDLERS, SOLICITORS, TRANSIENT MERCHANTS AND MOBILE VENDORS WITHIN THE CITY OF ELBERTON, GEORGIA, AND FOR OTHER PURPOSES

City Manager Dunn read the Ordinance in its entirety. Mayor Pro tem Butler motioned to amend the Ordinance by striking “unreasonable audible, within an enclosed structure.” and replacing it with “unreasonably audible” (page 5, item 1). Council Member Colquitt seconded the motion and the motion passed unanimously (Butler, Colquitt, Hunt, Paul, Seymour). Council Member Paul motioned to adopt the Ordinance as amended, seconded by Mayor Pro tem Butler and the motion passed with a 4-1 vote (voting for: Butler, Colquitt, Hunt and Paul) (voting against: Seymour).

Council Member Seymour introduced the following Resolution for second reading:

RESOLUTION

BE IT ORDAINED AND IT IS HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF ELBERTON:

WHEREAS: The City of Elberton has received a request to quit claim a part of an unopened street located adjacent to the Lexington Highway and between Elbert County Tax Parcel E14-003 and E14-005 as specified as Track #3 on the attached plat dated May 15, 2012, being 0.122 acres; and

WHEREAS: The Mayor and Council have determined that said property serves no public interest other than an interest to the private landowner.

NOW, THEREFORE BE IT RESOLVED AND IT IS HEREBY RESOLVED, that to the extent the City of Elberton has any interest in and to said unopened street, the City of Elberton does hereby waive, abandon and relinquish such interest, if any.

BE IT FURTHER RESOLVED, that the Mayor and/or City Manager shall be authorized to sign any legal document necessary to effectuate the provisions of this Resolution, under such terms and to such grantees as the City Attorney may determine to be appropriate under the law.

UNANIMOUSLY ADOPTED at this Regular Meeting of the Mayor and Council on August 6, 2012 and September 10, 2012.

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

Mayor Pro tem Butler introduced the following Resolution:

RESOLUTION OF THE CITY OF ELBERTON

WHEREAS: There currently exists a vacancy on the Elberton Downtown Development Authority (DDA) board of directors due the resignation of Mr. Stan Brown; 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: The Mayor respectfully submits to the Council the name of Mrs. Susan Hill to be considered for appointment as a director of the DDA; and

WHEREAS: Mrs. Susan Hill 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 the above stated qualifies as a (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 Mrs. Susan Hill as a director of the Elberton DDA, term to end June 30, 2015.

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

Council Member Paul introduced the following Resolution:

RESOLUTION

RESOLUTION OF NECESSITY FOR THE CITY OF ELBERTON, GEORGIA TO EXERCISE URBAN REDEVELOPMENT POWERS BY ADOPTING AN URBAN REDEVELOPMENT PLAN AND DESIGNATING THE ELBERTON MAYOR AND CITY COUNCIL AS AN URBAN REDEVELOPMENT AGENCY

Be it hereby resolved by the Elberton City Council that:

WHEREAS the Mayor and Council of the City of Elberton, Georgia find that, within the five sub-area neighborhoods identified as Downtown Elberton, College Avenue Commercial Area, Eastside Residential Area, McIntosh-Thomas Residential Area, and Southside Residential Area in Exhibit A (Overview map), there exist one or more areas in which there are a predominance of buildings or improvements, whether residential or nonresidential, which by reason of dilapidation, deterioration, age, or obsolescence; inadequate provision for ventilation, light, air, sanitation, or open spaces; high density of population and overcrowding; or existence of conditions which endanger life or property by fire and other causes; are detrimental to the health, safety, morals, or welfare of the public and therefore constitute slum areas as that term is defined in O.C.G.A. Chapter 36-61-2(18), pursuant to O.C.G.A. 36-61-7(a); and,

WHEREAS the Mayor and Council find that the combination of such factors substantially impairs or arrests the sound growth of the municipality, retards the provisions of housing accommodations and constitutes an economic or social liability in its present condition and use,

NOW THEREFORE the Mayor and Council find that one or more areas of slum and blight exist within the City and that the rehabilitation, conservation, redevelopment, or a combination thereof within such areas is necessary in the interest of the public health, safety, morals, or welfare of the residents of the City of Elberton, and furthermore,

WHEREAS the Mayor and Council find it necessary to exercise powers of urban redevelopment pursuant to the provisions of the O.C.G.A. Title 36 Chapter 61 and,

WHEREAS the Mayor and Council have caused to be prepared an Urban Redevelopment Plan for those portions of the City of Elberton described herein and,

WHEREAS pursuant to the provisions of O.C.G.A. 36-61-7 the City has held a public hearing on an Urban Redevelopment Plan for the area described above,

NOW THEREFORE the Mayor and Council find that

1. The Urban Redevelopment Plan conforms to the comprehensive plan for the City of Elberton as a whole and,
2. The Urban Redevelopment Plan will afford maximum opportunity consistent with the sound needs of City for the rehabilitation or redevelopment of the urban redevelopment area by private enterprise.

NOW THEREFORE the Mayor and Council adopt said plan as the 2012 City of Elberton Urban Redevelopment Plan, and furthermore,

WHEREAS the Mayor and Council believe the Mayor and Council is the entity best suited to implement the provisions of the 2012 City of Elberton Urban Redevelopment Plan,

NOW THEREFORE the Mayor and Council, pursuant to the provisions of O.C.G.A. 36-61-17, designate the Elberton Mayor and Council as the Urban Redevelopment Agency and vest in said agency the entire urban redevelopment project powers as defined therein.

This resolution shall be effective upon adoption

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

Council Member Hunt introduced the following Resolution:

RESOLUTION

WHEREAS: The Mayor and Council of the City of Elberton have the authority to set rates and fees from time to time for various services provided to its citizens; and

WHEREAS: The Mayor and Council of the City of Elberton has adopted Ordinance 2177 to protect the health, safety and welfare of the citizens of Elberton by regulating conduct of street and door-to-door solicitation and canvassing; and

WHEREAS: The City of Elberton intends to establish rules and regulations for licensing peddlers, solicitors, transient merchants and mobile vendors within the City of Elberton; and

NOW THEREFORE, BE IT RESOLVED, and it is hereby resolved by the Mayor and Council of the City of Elberton that the current FY2013 Rates and Fees Schedule be amended as follows:

Section 1:

Addition to the FY 2013 Rates and Fees Schedule, Part 1: Occupational Tax, Alcohol, and Regulatory Licenses:

\$30.00	Peddlers Permit Fee (30 days maximum time limitation)
\$80.00	Peddlers Permit Fee (90 days maximum time limitation)
\$15.00	Non-Profit Peddlers Permit Fee (30 days maximum time limitation)

Section 2:

This amended fee schedule is effective upon its adoption.

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 with a 4-1 vote (voting for: Butler, Colquitt, Hunt and Paul) (voting against: Seymour).

Mayor Guest took the opportunity to welcome Mr. Jody Cooley, candidate for U.S. Congress 9th District who was present at the meeting.

Council Member Hunt 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 75-foot Ladder Fire Truck (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.

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, Colquitt, Hunt, Paul, Seymour).

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 an Arris C4 Cable Modem Termination System and a Max-Pak 30 Hp Baler (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.

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

As privilege of the Chair, Mayor Guest removed the item G8, consideration of adopting a Resolution approving an energy excise tax intergovernmental agreement and authorizing the Mayor to execute an intergovernmental agreement on behalf of the City of Elberton.

Council Member Seymour asked to remove item 2 from the consent agenda. Council Member Paul motioned to approve the consent agenda as amended, seconded by Council Member Colquitt and the motion passed unanimously (Butler, Colquitt, Hunt, Paul, Seymour).

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

Fire Department:

Kevin Jordan & Robert Cordell
Fire Inspectors association meeting
(continuing education hours)
Macon, GA
September 20, 2012
Travel: \$80

Tabitha Rambert
New TAC's Certification Class
Helen, GA
September 24 – 26, 2012
Travel/Lodging: \$280.00

Police Department:

Mark Welsh
Train the Trainer Course for Excited
Delirium and Sudden In Custody
Death Situations
Atlanta, GA
September 11-12, 2012
Registration: \$375.00
Lodging/Travel: \$225.00

Tabitha Rambert
Municipal Court Clerks Training
Tifton, GA
October 3 - 5, 2012
Registration: \$150.00
Lodging: \$160.00

Utilities – Water/Sewer:

Byron Stovall & Wayne Smith
Jason Hackett & William Black
33rd Annual Fall Training
Georgia Rural Water Association
Recertification Points
Helen, GA
October 28-30, 2012
Registration: \$780.00
Travel/lodging: \$1,052.00

Macon Clark & Philip Hiott
Interviews & Interrogations
Athens, GA
October 9-11, 2012
Travel: \$90.00

Cody Sanders & Cleve Williams
Officer Survival
Forsyth, GA
October 15-19, 2012
Travel/ Lodging: \$410.00

Branon Young
Water Laboratory Analyst
Lilburn, GA
September 18, 2012
Registration: \$100.00
Travel: \$95.00

2. Approval of the expenditures that exceed the City Manager's purchasing authority was removed by Council Member Seymour for further discussion.
3. Accepted the Millage Rate Certification.
4. Authorized the issuance of a public assembly permit and to close various streets as requested by the Elbert County Humane Society on October 27, 2012, 8 am for the purpose of hosting a 5K Run beginning at the ECCHS gym proceeding east on Jones Street to Rhodes Drive onto Athens Tech Parkway to ECMS onto Johnson Drive onto Oak Hill Road back to ECCHS gym.

Council Member Seymour began discussion of item 2. Council Member Seymour inquired as to why the City was not considering taking the \$19,800 prepayment discount for the fire truck. City Manager Dunn stated that since the truck going to take 240 days to construct, financially prepaying for the truck was not a secure purchase. Mayor Pro tem Butler motioned to approve the expenditures as submitted, seconded by Council Member Paul and the motion passed unanimously (Butler, Colquitt, Hunt, Paul, Seymour).

Department: ElbertonNET Cable Modem Termination System capable of DOCSIS 3.		
Vendor:	Make/Model:	Price:
NCTC Recommended	Arris C4	\$94,616.67
Associated Partners (Zcorum)	Arris C4	\$97,620.00
Associated Partners (Zcorum)	Arris C4c	\$98,740.00
Associated Partners (Zcorum)	Cisco uBR10012	\$133,300.00

Recommendation based on low bidder. Equipment to be financed through GMA Leasing Program, 60 months at approx. 1.92%.

Department: Public Works, Recycling Division Horizontal Cardboard Baler for Recycling Center.		
Vendor:	Make/Model:	Price:
Max-Pak Recommended	HCE 4872X72-8 (30 Hp)	\$55,900.00 (includes freight & installation)
Staley Enterprises	IPS Cd0-862-50 (50 Hp)	\$96,750 plus freight & installation
Staley Enterprises	International Baler Corp. (50 Hp)	\$97,500 plus freight & installation

Recommendation based on low bidder. Equipment to be financed through GMA Leasing Program, 60 months at approx. 1.92%.

Department: Elberton Utilities, Electric Division Rights-of-way Trimming for FY 2013. Four circuits totaling 22.93 overhead miles.	
Vendor:	Price:
Townsend Tree Service Recommended	\$61,186.00
McAllister Tree Service	\$64,204.00

Asplundh	\$70,119.00
The Davey Tree Expert Co.	\$91,151.05
W.A. Kendall & Co.	\$93,000.00

Recommendation based on low bidder.

Department: ElbertonNET Labor/Equipment for construction of about 16.57 plant miles for the 2012 expansion project to the Fortsonia and Centerville communities. (SPLOST Project)	
Vendor:	Price:
Cable East Recommended	\$74,424.00
CCU	\$83,867.00
Stevens Communications	\$117,584.00
Bigham Cable Construction	\$145,992.00

Recommendation based on low bidder and previous work experience.

Department: ElbertonNET Material Bid #1 for 2012 Expansion Project. (SPLOST Project) 35 Amplifiers and 20 Line Extenders	
Vendor:	Price:
First Choice Communication Recommended	\$17,475.00
Power & Telephone Supply	\$27,507.95
Tulsat	\$19,365.00

Recommendation based on low bidder.

Department: ElbertonNET Material Bid #2 for 2012 Expansion Project. (SPLOST Project) 40,788 feet of 48-count fiber optic cable	
Vendor:	Price:
OFS Fitel, LLC Recommended	\$14,601.39
WESCO	\$16,393.93
Power & Telephone Supply	\$16,652.92
TVC Communication	\$24,063.74

Recommendation based on low bidder.

Department: ElbertonNET Material Bid #3 for 2012 Expansion Project. (SPLOST Project) 140,000 feet of .700 coaxial cable	
Vendor:	Price:
Power & Telephone Supply Recommended	\$105,167.00
TVC Communication	\$150,604.00

Recommendation based on low bidder.

Department: Fire 75 Foot Aerial Ladder Truck			
Vendor	Gross Bid Price	Possible Discounts	Net Price

Ten-8 Fire & Safety Equipment	\$626,932.000	No Discount	\$626,932.00
Ferrara Fire Apparatus	\$641,938.00	[100% prepay] \$25,600.00 [75% prepay] \$19,200.00 [50% prepay] \$12,800.00	\$616,338.00
Southern Emergency Products	\$594,211.00	[chassis prepay] \$7,325.00 [aerial prepay] \$3,334.00 [both prepay] \$10,659.00	\$583,552.00
Southern Emergency Products – Alternate 1	\$498,481.00	Does not meet specs [stock unit]	\$498,481.00
FireLine, Inc.	\$569,774.00 [Recommended]	[prepay in full with order] \$19,800.00	\$549,974.00

Recommendation based on low bidder. Equipment to be financed through GMA Leasing Program, 120 months at approx. 2.16%. Delivery 240 days. Recommend to not pre-pay.

City Manager Dunn presented the monthly report.

- Report on Expenditures reportable under Sec. 2-173 and Sec. 2-177.
- Monthly activities of the department.
- Mediation meeting has been scheduled with Elbert County for September 24, 2012.

City Attorney Phelps stated that hearings have been scheduled for October 15, 17 and 23 with regard to several dilapidated housing properties.

There being no further business to come before Council, upon proper motion and second the meeting was adjourned (Butler, Colquitt, Hunt, Paul, Seymour).