

**CITY OF ELBERTON**  
**PUBLIC HEARING, ORGANIZATIONAL AND REGULAR MEETING OF THE ELBERTON**  
**MAYOR AND COUNCIL**

Monday, January 9, 2012 – 5:30 p.m.

Pursuant to due call and notice thereof the Public Hearing, Organizational and Regular Meeting of the Mayor and Council convened at 5:30 p. m. on Monday, January 9, 2012 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 Public Hearing to order. A Notice of Hearing was issued in accordance with law for the purpose of hearing comments from businesses in violation of the alcoholic beverage ordinance.

1. License Holder: Henry R. Hanson, Elberton Shell Food Store (Hop In), 118 N. Oliver Street. Ms. Mariam Fatima Rizvi (manager) and Mr. Bill Daughtry (attorney) were present. Mr. Daughtry requested to speak on behalf of Elberton Shell Food Store. He stated that the employee that conducted the sell was a trainee and has since been terminated. Mr. Daughtry requested that the alcohol license not be revoked and to forfeit only a portion of the bond (\$2,000). He also stated that Elberton Shell Food Store had been in business for eight years.
2. License Holder: Desai Vinod Kumar, BP Shop, 351 N. Oliver Street. Mr. Kumar was present. He stated that he understood that he was to be fined and bond forfeited.
3. License Holder: Shailesh Amin, Raceway, 883 Elbert Street. Mr. Amin was present. He stated that this was his first violation.

Mayor Guest informed the businesses that Council would take administration action later in the meeting. There being no other comments, Council Member Paul motioned to adjourn the Public Hearing, seconded by Council Member Colquitt and the motion passed unanimously.

Mayor Guest called the Organizational and Regular Meeting to order and led the assembly in the Pledge of Allegiance and Reverend Patricia Hunt led the assembly in prayer.

Mayor Guest then administered the Oath of Office as follows: I, Bobby G. Hunt, do solemnly affirm that I will, to the utmost of my ability discharge the duties of Council Member Ward 2 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.

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 Council Member Ward 3 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.

Mayor Pro tem Hunt nominated Council Member Butler as Mayor Pro tem for the calendar year 2012, Council Member Paul seconded the nomination and motioned to close nominations and the motion passed unanimously. Mayor Guest then administered the Oath of Office as follows: I, Carey Butler, 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.

Mayor Pro tem 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. Mayor Guest stated that the Oath of Office as follows: City Attorney: 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.

Mayor Pro tem 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. Mayor Guest stated that the Oath of Office would be administered prior to Municipal Court on January 23.

Council Member Seymour motioned to accept the recommendation as submitted for the 2012 tax assessor board. Council Member Colquitt seconded the motion and the motion passed unanimously.

Council Member Hunt motioned to approve the minutes of the December 5, 2011 Regular Meeting as submitted, seconded by Council Member Seymour and the motion passed unanimously.

Reports. City Manager Dunn recognized Calvin Tate and Charles Truitt for attaining 25 years of service to the City. Each was presented a certificate and keychain.

Controller Kevin Eavenson presented the Financial Report through November 2011 is enclosed for review.

General Fund	\$ 4.7 million
Combined Utilities Fund	\$ 24.9 million
Elberton Technology Services Fund	\$ 1 million net loss
Solid Waste Fund	\$ 212,816
Unrestricted Investments-General Fund and Utility Fund	\$ 4.6 million
Restricted Investments (SPLOST & Utility Funds)	\$ 1.5 million

Council Member Paul introduced the following Resolution:

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF ELBERTON, GEORGIA APPROVING AND AUTHORIZING, AMONG OTHER THINGS, THE EXECUTION, DELIVERY AND PERFORMANCE OF AN INTERGOVERNMENTAL CONTRACT WITH THE CITY OF BOWMAN, GEORGIA**

**WHEREAS**, the City of Bowman ("Bowman") and the City of Elberton ("Elberton") both own and operate municipal natural gas distribution systems for the purpose of distributing and selling natural gas to customers; and

**WHEREAS**, Bowman and Elberton, along with the cities of Royston and Toccoa, have previously adopted a safety-based territorial map for natural gas service in Elbert County for the purpose of approving and maintaining a County-wide Safety Plan ("Safety Plan") to comply with Georgia Public Service Commission safety regulations; and

**WHEREAS**, Section 13 of the Safety Plan allows for amendment to the territorial map in the event that a request from a potential natural gas customer is received by an operator, and it is found that the operator cannot serve the potential customer based on the then existing safety-based boundaries established by the Safety Plan; and

**WHEREAS**, Bowman has received a request from two potential customers located in Bowman's safety-based territory at 3249 Pulliam Mill Road (Elbert County Tax Parcel 011 011) and 3011 East Highway 172 (Elbert County Tax Parcel 011 011A); and

**WHEREAS**, Bowman has determined that it is not and will not be feasible, either financially or technically, to serve these two potential customers at these locations; and

**WHEREAS**, Bowman desires for Elberton to serve these two potential customers from Elberton's natural gas distribution system, and to amend the Safety Plan and territorial map accordingly; and

**WHEREAS**, Bowman and Elberton desire to enter into an intergovernmental contract as authorized by the Georgia Constitution, Article 9, Section 3, Paragraph 1, to effect the completion of this project to serve natural gas customers located in Elbert County.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the City of Elberton, Georgia, as follows:

**Section 1.** The execution, delivery and performance of the Contract are hereby authorized. The Mayor of the City (the "Mayor") is hereby authorized to execute and deliver the Contract on behalf of the City, which Contract shall be in substantially the form attached hereto as Exhibit A with such minor changes that may be approved by the Mayor.

**Section 2.** From and after the execution and delivery of the Contract, the proper officers, agents and employees of the City are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents and certificates as may be necessary to carry out and comply with the provisions of the Contract.

**Section 3.** This resolution shall take effect immediately upon its adoption.

**Section 4.** All resolutions in conflict with this resolution are hereby repealed.

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.

Mayor Pro tem Butler motioned to approve the consent agenda as submitted, seconded by Council Member Hunt and the motion passed unanimously.

1. Approved the expenditures that exceed the City Manager's purchasing authority.
2. Approved the dues, travel and training for all city departments.
3. Authorized appointments of various boards
  - a. Reappointment of Kirby Tyler to Library Board.
  - b. Reappointment of Barbara Kay to the Elberton Planning Commission.
  - c. Reappointment of Charlotte Carter and Mel Stovall to the Elberton Historic Preservation Commission.
  - d. Reappointment of Barbara Hammond and Alesia Geter to the Elberton Tree Board.
4. Authorized the execution of the necessary documents with the Georgia Department of Transportation for the Forest Avenue pipeline replacement project.

City Manager Dunn presented the following reports:

- The electric rehabilitation from McIntosh Street to Mill Street continues.
- The bare steel replacement project on Heard Street is 75% complete.
- The ElbertonNET project in RBR State Park is about 20% complete.
- Monthly report on the activities of various departments.

Council discussed the administrative penalties for the businesses that are in violation of the Alcoholic Beverage Ordinance as follows:

1. License Holder: Henry R. Hanson, Elberton Shell Food Store (Hop In), 118 N. Oliver Street. Staff recommended the following action:
  - Payment of administrative penalty/fine of \$300.00 for the first offense;
  - Existing bond forfeited in the amount of \$4,000.00;
  - New bond posted in the amount of \$8,000.00 to retain license;

- No suspension of alcohol license.
2. License Holder: Desai Vinod Kumar, BP Shop, 351 N. Oliver Street. Staff recommended the following action:
- Payment of administrative penalty/fine of \$500.00 for the second offense;
  - Existing bond forfeited in the amount of \$4,000.00;
  - New bond posted in the amount of \$8,000.00 to retain license;
  - No suspension of alcohol license.
3. License Holder: Shailesh Amin, Raceway, 883 Elbert Street. Staff recommended the following action:
- Payment of administrative penalty/fine of \$300.00 for the offense;
  - Existing bond forfeited in the amount of \$500.00;
  - New bond posted in the amount of \$1,000.00 to retain license;
  - No suspension of alcohol license.

Council Member Seymour made the following motion:

- Elberton Shell Food Store - to pay the administrative penalty/fine of \$300.00; forfeit \$2,000.00 of their existing bond; post new bond in the amount of \$2,000.00 to retain license; and no suspension of alcohol license.
- BP Shop – to pay the administrative penalty/fine of \$500.00; forfeit \$2,000.00 of their bond; post new bond in the amount of \$2,000.00 to retain license; and no suspension of alcohol license.

Council Member Colquitt seconded the motion and the motion passed unanimously.

Council Member Seymour made the following motion:

- Raceway - to pay the administrative penalty/fine of \$300.00; forfeit \$500.00 of their existing bond; post new bond in the amount of \$1,000.00 to retain license; and no suspension of alcohol license.

Mayor Pro tem Butler seconded the motion and the motion passed unanimously.

Council Member Seymour recommended that Council review the regulations of the Alcoholic Beverage License Ordinance. Mayor Guest recommended including the item in the Planning Retreat next month.

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