

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

Monday, June 4, 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, June 4, 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 obtaining comments on the FY 2013 proposed budget. Mayor Guest asked if there were any comments on the proposed budget. There were no oral or written comments. Mayor Guest adjourned the public hearing and called the Regular Meeting to order. Mayor Pro tem Butler led the assembly in the Pledge of Allegiance and City Attorney Phelps led in prayer.

Council Member Paul motioned to approve the minutes of the May 7, 2012 Regular Meeting as corrected, seconded by Mayor Pro tem Butler and the motion passed unanimously (Butler, Colquitt, Hunt, Paul, Seymour).

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

General Fund	\$ 4.6 million
Combined Utilities Fund	\$ 25 million
Elberton Technology Services Fund	\$ 884,647 net loss
Solid Waste Fund	\$ 222,860
Unrestricted Investments-General Fund and Utility Fund	\$ 4.3 million
Restricted Investments (SPLOST & Utility Funds)	\$ 1.9 million

Council Member Paul placed Ordinance 2174 on second reading and motioned to waive the formal reading. City Manager Dunn read the Ordinance in its entirety at the April meeting. Council Member Colquitt seconded the motion to waive the reading and the motion passed unanimously (Butler, Colquitt, Hunt, Paul, Seymour). City Manager Dunn read the heading of the Ordinance as follows:

**ORDINANCE 2174**

**AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF THE CITY OF ELBERTON; AND FOR OTHER PURPOSES.**

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

Council Member Paul placed Ordinance 2175 on second reading and motioned to waive the formal reading. City Manager Dunn read the Ordinance in its entirety at the April meeting. Mayor Pro tem Butler seconded the motion to waive the reading and the motion passed unanimously (Butler, Colquitt, Hunt, Paul, Seymour). City Manager Dunn read the heading of the Ordinance as follows:

**ORDINANCE 2175**

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES FOR THE CITY OF ELBERTON, CHAPTER 6, ANIMALS, ARTICLE I. IN GENERAL AND ARTICLE II, DUTIES, POWERS AND PROHIBITIONS RELATING TO CONTROL OF ANIMALS; AND FOR OTHER PURPOSES.**

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

Council Member Seymour introduced the following Resolution:

**A RESOLUTION OF SUBMITTAL BY THE MAYOR AND COUNCIL OF THE CITY OF ELBERTON, GEORGIA, OF THE FIVE YEAR SHORT TERM WORK PROGRAM FOR 2012 TO 2016 SUBMISSION.**

**WHEREAS**, the City of Elberton, Georgia has completed a Five Year Short Term Work Program for the period of 2012 to 2016; and

**WHEREAS**, this Five Year Short Term Work Program was prepared in accordance with the Minimum Planning Standards and Procedures for Local Comprehensive Planning established by the Georgia Planning Act of 1989, and a Public Hearing was held on May 9, 2012 at 5:00 p.m.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the City of Elberton, Georgia, does hereby submit the Five Year Short Term Work Program 2012 to 2016 to the Northeast Georgia Regional Commission for Regional review, as per the requirements of the Georgia Planning Act of 1989.

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

Council Member Colquitt introduced the following Resolution:

**A RESOLUTION OF THE  
CITY OF ELBERTON, GEORGIA**

**APPROVING THE POLE ATTACHMENT LICENSE AGREEMENT FOR  
DISTRIBUTION POLES WITH COMCAST COMMUNICATIONS  
MANAGEMENT, LLC, OR AN AFFILIATE THEREOF; AUTHORIZING  
THE EXECUTION, DELIVERY AND PERFORMANCE OF SUCH  
AGREEMENT; AND FOR OTHER PURPOSES**

**WHEREAS**, the City of Elberton (“Electric Provider”) (a) owns and operates certain electric distribution poles and (b) third parties, including certain telecommunication and cable service providers, license the use of certain space on such poles, from time to time, for the attachment of lines and other apparatus thereto; and

**WHEREAS**, Electric Provider desires to manage the use of such poles in a manner that maintains efficient rendering of service to Participant’s utility customers and such telecommunication and cable service providers’ customers while assuring (a) proper allocation of the costs of owning and operating such poles among all users thereof, so as to avoid subsidization of each other’s services and taking into account whether or not reciprocal rights are offered by users respecting their respective facilities, and (b) safe operations of such poles; and

**WHEREAS**, Electric Provider and fifty other municipal electric providers (collectively, the “Participants”) have caused to be created Electric Cities of Georgia, Inc., a Georgia nonprofit corporation (“Electric Cities”), as an instrumentality of the Participants to perform services on their behalf in accordance with Section 115 of the Internal Revenue Code, and have entered into a Participant Services Contract, dated March 1, 2009, as amended and supplemented (the “Services Contracts”); and

**WHEREAS**, the Lt. Governor has requested that Electric Cities, on behalf of the Participants, negotiate operationally similar pole attachment, or joint use to the extent the applicable parties mutually desire reciprocal rights, agreements with telecommunication and cable service providers to take advantage of certain economics of scale and avoid certain legislative and litigation risk, which process resulted in the creation of a Pole Attachment Service offering by Electric Cities to all Participants, whereby Electric Cities provides certain services related to managing the use of the Participants’ utility poles by third parties, including, but not limited to, negotiation of pole attachment and joint use agreements on their behalf and management of certain pole attachment and joint use operations; and

**WHEREAS**, Electric Cities has completed the negotiation of such agreements at the direction and with the input of Electric Provider and certain other Participants and recommends that Electric Provider and other applicable Participants enter into a certain Pole Attachment License Agreement For Distribution Poles, dated as of January 1, 2012 (the “Agreement”), with Comcast Cable Communications Management, LLC, or the affiliate thereof (the “Attacher”); and

**WHEREAS**, Electric Provider desires to (a) authorize the execution, delivery and performance of the Agreement, provided that the Agreement shall only be delivered to the Attacher subsequent to, or simultaneously with, payment of amounts, or estimated amounts subject to true up upon an inventory in accordance with the Agreement, owed by Attacher thereunder for calendar year 2012 and any other attachment license amounts, or estimated amounts, owed by the Attacher for prior years, and (b) appoint Electric Cities and its subcontractor for pole services, if any, as Electric Provider's agent for administration of certain pole attachments in accordance with the Services Contract and the Agreement; and

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Electric Provider in a meeting duly assembled, and it is hereby resolved by authority thereof, as follows:

**Section 1.** The Electric Provider hereby approves and authorizes the execution, delivery and performance of the Agreement, including the exhibits thereto, in substantially the form of the draft thereof attached hereto as Exhibit A, and hereby incorporated herein by reference, subject to such minor changes, additions and deletions made in the discretion of the City Manager (the "Authorized Official") of the Electric Provider, with advice of counsel, provided that the Agreement shall only be delivered to the Attacher subsequent to, or simultaneously with, payment of amounts, or estimated amounts subject to true up upon an inventory in accordance with the Agreement, owed by Attacher thereunder for calendar year 2012 and any other attachment license amounts, or estimated amounts, owed by Attacher for prior years, such amount to be calculated by Authorized Official. The Agreement shall be executed by the Authorized Official, attested by the appropriate officer of the Electric Provider, and shall have the Electric Provider's seal affixed thereto, and shall be delivered to the Attacher, and when so executed and delivered, shall be binding upon the Electric Provider in accordance with its terms. Execution and delivery of the Agreement as authorized herein shall be conclusive evidence of the Electric Provider's approval thereof.

**Section 2.** The Electric Provider hereby authorizes the Authorized Official and City Clerk, or either of them, to take any further actions and execute and deliver any other documents necessary to carry out the purpose of this Resolution, including, but not limited to, communicating the decisions of the Electric Provider to the Attacher with respect to any matter respecting the Agreement, as amended from time to time.

**Section 3.** All resolutions or parts of resolutions in conflict herewith are hereby repealed.

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

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

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

2. Accepted the minutes, decisions and recommendation of the Elberton Planning Commission of May 15, 2012.
3. Authorized the issuance of a public assembly permit and to close various streets as requested by Main Street Elberton for the following events:
  - a. Friday, June 15, 2012, 8 pm until 10 pm – TJ & Friends Cancer Foundation has submitted a request to close the North Side of the Square (section from N. McIntosh Street to N. Oliver Street in front of Adrian’s down to Trendy Retail) and fountain area to vehicular traffic in order to hold a Zumba dance party (Zumbathon). The event was approved by the Main Street Elberton Promotions Committee.
  - b. Saturday, June 23, 2012, 8 pm until 10 pm – Main Street Elberton has submitted a request to close McIntosh Street to vehicular traffic for the 2012 Summer Concert Series with Rubiks Groove. The stage will need to be set up by 3:00 pm. This event has been approved by Main Street Elberton Promotions Committee.
  - c. Saturday, July 21, 2012, 8 pm until 10 pm – Main Street Elberton has submitted a request to close the square to vehicular traffic for the 2012 Summer Concert Series with the Swingin’ Medallions. The stage will need to be set up in front of the fountain by 3:00 pm. This event has been approved by Main Street Elberton Promotions Committee.

City Manager Dunn presented the following reports:

- There will be a joint neighborhood watch meeting on June 16, 2012
- The software conversion project is progressing, and the target date for going live on the new system is July 1.
- He discussed findings from the seminar he attended for natural gas vehicles at the Gas Authority’s annual meeting in May.
- Monthly reports on activities of various Departments.

Mayor Pro tem Butler stated that he had been contacted by the property owners on the north end of Burke Street. He stated that the current traffic map prohibits parking on both sides of the street. He stated that the property owners wanted the streets to be changed so that they may park in front of their homes. He stated that he spoke with Police Chief Welsh with regard to amending the traffic map and Chief Welsh recommended modifying the restriction to “Resident Parking Only” along both sides of Burke Street on the north end. Mayor Pro tem Butler motioned to amend the traffic map at the north end of Burke Street from a “No Parking” Zone to a “Resident Parking Only” Zone and modify the street signage to reflect the change. Council Member Hunt seconded the motion to amend the traffic map and the motion passed unanimously (Butler, Colquitt, Hunt, Paul, Seymour).

City Attorney Phelps recommended calling a special called executive session of the Mayor and Council for the purpose of “consulting and meeting with legal counsel pertaining to pending or potential litigation”. At 6:10 p.m., Council Member Paul made the motion to close the meeting and move into executive session, seconded by Council Member Seymour and the motioned to close and enter into executive session passed unanimously (Butler, Colquitt, Hunt, Paul, Seymour). *See Exhibit A for Affidavit from Mayor Guest.*

Council Members present during the closure were: City Attorney Phelps, Council Member Hunt, Council Member Paul, Mayor Pro tem Butler, Mayor Guest, Council Member Colquitt, Council Member Seymour, City Manager Dunn and City Clerk Churney.

Council Member Paul made the motion to move out of executive session, seconded by Council Member Hunt and the motion passed unanimously (Butler, Colquitt, Hunt, Paul, Seymour).

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

**CITY OF ELBERTON**  
**CALLED MEETING/WORK SESSION OF THE ELBERTON MAYOR AND COUNCIL**  
Monday, June 6, 2011 - 6:30 p.m.

Pursuant to due call and notice thereof the Called Meeting/Work Session of the Mayor and Council of the City of Elberton convened at 6:30 p.m. on Monday, June 4, 2012, in the staff development room of the Municipal Building, 203 Elbert Street with Mayor Guest presiding.

Present were: Council Members Butler, Colquitt, Hunt, Paul and Seymour; City Manager Dunn, and Controller Eavenson.

A notice of the called meeting was issued in accordance with law for the purpose of discussing the FY2013 proposed budget. Mayor Guest called the meeting to order.

City Manager Dunn gave a PowerPoint presentation on the FY 2013 Budget highlighting components of the total budget, a five year comparative analysis, a fund by fund discussion of major impacts to the budget, a discussion the top five issues in preparing the FY 2013 budget, and items and issues that will impact the city going forward beyond the FY13 budget.

The Mayor and Council then began a fund by fund discussion of the budget to include the General Fund, the Utility Fund, the ElbertonNET Fund, the Solid Waste Fund, the two SPLOST Capital Projects Funds, and the Hotel/motel Tax Special Revenue Fund. The Council also examined the Rates and Fees Schedule for FY13.

No changes to the FY2013 budget were proposed.

The Council decided to cancel the work session scheduled for the following evening, June 5, because the discussion had covered the budget sufficiently during one work session.

There being no further business allowed by the call, the meeting adjourned with a motion duly made and seconded.

**CITY OF ELBERTON**  
**PUBLIC HEARING AND CALLED MEETING OF THE ELBERTON MAYOR AND COUNCIL**  
Thursday, June 14, 2012 - 5:30 p.m.

Pursuant to due call and notice thereof the Public Hearing and Called Meeting of the Mayor and Council of the City of Elberton convened at 5:30 p.m. on Thursday, June 14, 2012, in the Council Chambers of the Municipal Building, 203 Elbert Street with Mayor Guest presiding.

Present were: Mayor Guest, Council Members Butler, Colquitt, Seymour, Hunt and Paul; and City Manager Dunn. Also present were: Mr. Mark Berryman with the Elberton Star and David Thompson with WSGC Radio Elberton.

Mayor Guest called the Public Hearing to order. A Notice of Hearing was issued in accordance with law for the purpose of obtaining comments on the FY 2013 proposed budget. Mayor Guest asked if there were any comments on the proposed budget. There were no oral or written comments, but City Manager Dunn did present a written request received by Concerned Men for the Burke Street facility. Council Member Seymour motioned to adjourn the public hearing, seconded by Council Member Paul and the motion passed unanimously.

Mayor Guest called the meeting to order. He led the assembly in the Pledge of Allegiance and Mr. Paul offered an invocation.

Council Member Colquitt introduced the following Resolution for adoption:

**RESOLUTION**

**WHEREAS:** The Mayor and Council of the City of Elberton on June 4, 2012, after due and legal notice, reviewed the Annual Budget estimate for Fiscal Year 2013 as prepared by the City Manager in accordance with Section 33 of the Charter; and

**WHEREAS:** The General Fund budget is proposed at \$4,655,120; and

**WHEREAS:** The Solid Waste Fund budget is proposed at \$775,000; and

**WHEREAS:** The ElbertonNET Technology Services Fund budget is proposed at \$3,392,353; and

**WHEREAS:** The Hotel/Motel Tax Special Revenue Fund budget is proposed at \$50,000; the 2006 Special Purpose Local Option Sales Tax Capital Projects Fund budget is \$212,395; and the 2011 Special Purpose Local Option Sales Tax Capital Projects Fund budget is \$896,915; and

**WHEREAS:** The Combined Public Utilities System Fund budget is proposed at \$23,902,586; and

**WHEREAS:** The rates and fees schedule of the Fiscal Year 2013 Budget is hereby included as Attachment "A"; and

**WHEREAS:** The total combined Annual Budget for Fiscal Year 2013 is \$33,884,369.

**NOW, THEREFORE BE IT RESOLVED,** and it is hereby resolved that the Mayor and Council do officially approve and adopt the aforementioned Annual Budget for Fiscal Year 2013 as submitted including the rates and fees schedule designated Attachment "A".

**BE IT FURTHER RESOLVED** that the Mayor, City Manager, and/or City Clerk are authorized and directed to execute the necessary documents in order to enact actions authorized by Council with the adoption of this Annual Budget.

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

In other business, Council Member Seymour requested a committee to look into fuel efficiency and energy efficiency, and the Mayor asked the City Manager to place that the agenda for July. Mr. Hunt asked if the Public Library received any increase in the FY13, and the City Manager responded that the Library's appropriation was left as it was in FY12. Mr. Colquitt asked to get an update on LOST negotiations.

There being no further business allowed by the call, the meeting adjourned with a motion duly made and seconded.