

CITY OF ELBERTON
PUBLIC HEARING & CALLED MEETING OF THE ELBERTON MAYOR AND
COUNCIL

Thursday, June 2, 2016 - 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 2, 2016, in the Municipal Building, 203 Elbert Street with Mayor Guest presiding.

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

Mayor Guest called the Public Hearing to order. A notice of the meeting was issued in accordance with law for the purpose of discussing the FY2017 proposed budget and any other matters that may properly come before Council. Mayor Guest called the meeting to order and gave the invocation.

Mayor Guest asked if there were any comments on the proposed budget. There were no oral or written comments. Council Member Colquitt motioned to adjourn the public hearing, seconded by Council Member Seymour and the motion passed unanimously (Hunt, Butler, Prince, Seymour, Colquitt).

Mayor Guest asked if there were any other matters to be considered by Council. Council Member Colquitt stated "I make a motion to adopt a Resolution, the Declaration of Taking, and the Order of the Mayor and Council for the property of 6 S. Public Square, and to authorize the staff of the City and the City Attorney, or his designee, to proceed with filing condemnation action to acquire the property for public purposes." Council Member Seymour seconded the motion. City Manager Dunn read the heading of the Resolution as follows:

A RESOLUTION AUTHORIZING THE CITY ATTORNEY AND STAFF TO EXERCISE THE POWERS OF EMINENT DOMAIN IN THE ACQUISITION OF CERAIN INTERESTS IN PROPERTY SITUATED IN ELBERT COUNTY, GEORGIA, FOR A TRANSPORTATION IMPROVEMENT PROJECT AND/OR OTHER PUBLIC PURPOSES.

The motion was adopted 5-0 (Yes—Butler, Hunt, Colquitt, Prince, Seymour).

Council Member Butler motioned to recess to the staff development room for the FY 2017 Budget presentation. Council Member Hunt seconded the motion and it passed unanimously (Hunt, Butler, Prince, Seymour, Colquitt).

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

CITY OF ELBERTON
PUBLIC HEARING & REGULAR MEETING OF THE MAYOR AND COUNCIL
Monday, June 6, 2016 – 5:30 p.m.

Pursuant to due call and notice thereof the meeting of the Mayor and Council convened at 5:30 p. m. on Monday, June 6, 2016 in Council Chambers of the Municipal Building, 203 Elbert Street with Mayor Guest presiding.

Present were: Council Members Butler, Colquitt, Hunt, Prince, and Seymour; City Attorney Jenkins, 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 2017 proposed budget. Mayor Guest asked if there were any comments on the proposed budget. There were no oral or written comments. Council Member Butler motioned to adjourn the public hearing, seconded by Council Member Hunt and the motion to adjourn the public hearing passed unanimously (Butler, Hunt, Prince, Seymour, Colquitt).

Mayor Guest called the meeting to order and led the assembly in the Pledge of Allegiance. Council Member Joel Seymour gave the prayer.

Council Member Seymour motioned to approve the minutes of the May 2 meeting, seconded by Council Member Hunt and the motion passed unanimously (Butler, Colquitt, Hunt, Prince, Seymour).

Controller Kevin Eavenson presented the Financial Report through April 2016 is enclosed for review.

General Fund	\$ 4.8 million
Combined Utilities Fund	\$ 32.1 million
Elberton Technology Services Fund	\$ 1.6 million
Solid Waste Fund	\$ 35,940 net loss
Unrestricted Investments-General Fund and Utility Fund	\$ 8.7 million
Restricted Investments (SPLOST & Utility Funds)	\$ 3.3 million

Council Member Seymour introduced the following Resolution:

RESOLUTION

WHEREAS: The Mayor and Council of the City of Elberton on June 2, 2016, after due and legal notice, reviewed the Annual Budget estimate for Fiscal Year 2017 as prepared by the City Manager in accordance with Section 33 of the Charter; and

WHEREAS: The General Fund budget is proposed at \$4,750,596; and

WHEREAS: The Solid Waste Fund budget is proposed at \$893,309 and

WHEREAS: The ElbertonNET Technology Services Fund budget is proposed at \$4,498,243; and

WHEREAS: The Hotel/Motel Tax Special Revenue Fund budget is proposed at \$50,000; the 2011 Special Purpose Local Option Sales Tax Capital Projects Fund budget is proposed at \$624,650; the Downtown Development Revolving Loan Fund is proposed \$24,000; the Elbert Hotel Enterprise Fund is proposed at \$456,180; and the Elbert Theatre Enterprise Fund is proposed at \$79,500; and

WHEREAS: The Combined Public Utilities System Fund budget is proposed at \$23,340,912; and

WHEREAS: The rates and fees schedule of the Fiscal Year 2017 Budget is hereby included as Attachment "A"; and

WHEREAS: The total combined Annual Budget for Fiscal Year 2017 is \$34,717,390.

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 2017 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.

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

Council Member Butler introduced the following Resolution:

**RESOLUTION
to Lease, Purchase, and/or Finance Equipment**

WHEREAS, the laws of the State of Georgia (the "State") authorize the City of Elberton (the "Governmental Entity"), a duly organized municipal corporation of the State, to purchase, acquire and lease personal property for the benefit of the Governmental Entity and its inhabitants and to enter into any necessary contracts; and

WHEREAS, the Governmental Entity wants to lease, purchase and/or finance equipment ("Equipment") from **Caterpillar Financial Services Corporation** and/or an authorized Caterpillar dealer ("Caterpillar") by entering into that certain Governmental Equipment Lease-Purchase Agreement (the "Agreement") with Caterpillar; and

WHEREAS, the form of the Agreement has been presented to the governing body of the Governmental Entity at this meeting.

THEREFORE BE IT RESOLVED, that:

(i) the Agreement, including all schedules and exhibits attached to the Agreement, is approved in substantially the form presented at the meeting, with any Approved Changes (as defined below),

(ii) the Governmental Entity enter into the Agreement with Caterpillar, and

(iii) the Agreement is adopted as a binding obligation of the Governmental Entity; and that changes may later be made to the Agreement if the changes are approved by the Governmental Entity's counsel or members of the governing body of the Governmental Entity signing the Agreement (the "Approved Changes") and that the signing of the Agreement and any related documents is conclusive evidence of the approval of the changes; and that the persons listed below, who are the incumbent officers of the Governmental Entity (the "Authorized Persons"):

Lanier Dunn	City Manager
Cindy Churney	City Clerk

be, and each is, authorized, directed and empowered, on behalf of the Governmental Entity, to (i) sign and deliver to Caterpillar, and its successors and assigns, the Agreement and any related documents, and (ii) take or cause to be taken all actions he/she deems necessary or advisable to acquire the Equipment, including the signing and delivery of the Agreement and related documents; and that the Clerk of the Governmental Entity is authorized to attest to these resolutions and affix the seal of the Governmental Entity to the Agreement, these resolutions, and any related documents; and that nothing in these resolutions, the Agreement or any other document imposes a pecuniary liability or charge upon the general credit of the Governmental Entity or against its taxing power, except to the extent that the payments payable under the Agreement are special limited obligations of the Governmental Entity as provided in the Agreement; and that a breach of these resolutions, the Agreement or any related document will not impose any pecuniary liability upon the Governmental Entity or any charge upon its general credit or against its taxing power, except to the extent that the payments payable under the Agreement are special limited obligations of the Governmental Entity as provided in the Agreement; and that the authority granted by these resolutions will apply equally and with the same effect to the successors in office of the Authorized Persons; and that the undersigned's certification of the Authorized Persons' signatures shall be binding on the Governmental Entity.

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

Council Member Butler introduced the following Resolution:

RESOLUTION

WHEREAS: The Mayor and Council have determined that it is in the best interest of the citizens of Elberton to amend the Official Traffic Map of the City of Elberton by amending the map in accordance with Section 36-6, traffic schedules; and

WHEREAS: Over the past several months, visitors parking in the area of Almond Street, McKinley Street, Willow Street and Williams Street have utilized both sides of the street resulting in one-lane traffic; and

WHEREAS: By virtue of traffic being reduced to one lane, the streets are often blocked to traffic including several incidences of being blocked to emergency and public safety vehicles; and

WHEREAS: The East Side Neighborhood Watch has thoroughly discussed this problem at its meetings in April and May, 2016, and desire to have the problem alleviated; and

WHEREAS: It is by recommendation of the staff to designate one side of Almond Street, McKinley Street, Willow Street, and Williams Street as a “No Parking/Tow Away Zone” as described in Attachment A during the hours of 6:00 p.m. until 6:00 a.m.

NOW, THEREFORE BE IT RESOLVED AND IT IS HEREBY RESOLVED that the Mayor and Council designate the streets as described above and designated on the map in Attachment A as a “No Parking/Tow Away Zone” during the hours of 6:00 p.m. until 6:00 a.m.

BE IT FURTHER RESOLVED that the Mayor and Council direct the City Manager to have these streets marked with yellow curbing and signage upon adoption of this Resolution.

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

Council Member Seymour introduced the following Resolution:

**A RESOLUTION
AUTHORIZING MODIFICATIONS TO THE GEORGIA ENVIRONMENTAL
FACILITIES AUTHORITY (“GEFA”) LOAN AGREEMENT BY
MOVING THE COMPLETION DATE FROM JANUARY 1, 2017
TO JULY 1, 2017**

WHEREAS, the Borrower has borrowed \$1,400,000 from the Georgia Environmental Facilities Authority (the “Lender”), pursuant to the terms of a Contract for Financial Environmental Facilities and for Other Services (the “Loan Agreement”), dated July 24, 2015, between the Borrower and the Lender; and

WHEREAS, the Borrower’s obligation to repay the loan made pursuant to the Loan Agreement is evidenced by a Promissory Note (the “Note”), dated July 6, 2015, of the Borrower; and

WHEREAS, the Borrower and the Lender have determined to amend and modify the Note and Loan Agreement (the “Modification”) between the Borrower and the Lender, the form of which has been presented to this meeting.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borrower that the form, terms, and conditions and the execution, delivery, and performance of the Modification are hereby approved and authorized.

BE IT FURHTER RESOLVED by the governing body of the Borrower that the terms and Modification are in the best interests of the Borrower, and the governing body of the Borrower designates and authorizes the following persons to execute and deliver, and to attest, respectively, the

Modification, and any related documents necessary to the consummation of the transactions contemplated by the Modification.

Lanier Dunn City Manager
Cindy D. Churney City Clerk

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

Council Member Seymour asked to remove item #3 for further discussion. Council Member Colquitt motioned to approve the consent agenda as submitted, seconded by Council Member Hunt and the motion passed unanimously (Butler, Colquitt, Hunt, Prince, Seymour).

1. Approved the expenditures that exceed the city manager's purchasing authority.
2. Authorized the Mayor and/or City Manager to execute the necessary documents with Rushton & Company for FY2016 audit services. The fee is the same as the last four years, \$36,900.
3. Acceptance of new electric tariff for distributed generation. Removed for further discussion.
4. Approved the issuance of a public assembly permit to close portions of the square to vehicular traffic for the summer concert series.

Council Member Seymour asked to discuss the new electric tariff for distributed generation. Council Member Seymour motioned to accept the new electric tariff, seconded by Council Member Seymour and the motion passed unanimously (Butler, Colquitt, Hunt, Prince, Seymour).

City Manager Dunn stated that the Regular Council Meeting for July has been moved to Thursday, July 14, 2016 due to conflicts on Monday, July 11 and the holiday Monday, July 4.

City Manager Dunn presented the following reports:

- Monthly report on the activities of various departments

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

Mayor

ATTEST:

City Clerk