

CITY OF ELBERTON
REGULAR MEETING OF THE ELBERTON MAYOR AND COUNCIL
Monday, December 3, 2012 – 5:30 p.m.

Pursuant to due call and notice thereof the Regular Meeting of the Mayor and Council convened at 5:30 p. m. on Monday, December 3, 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 meeting to order. Council Member Paul led the assembly in the Pledge of Allegiance and Council Member Seymour led in prayer.

Mayor Pro tem Butler motioned to approve the minutes of the November 5, 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 October 2012 as enclosed for review.

General Fund	\$ 4.9 million
Combined Utilities Fund	\$ 25.6 million
Elberton Technology Services Fund	\$ 351,354 net loss
Solid Waste Fund	\$ 115,227
Unrestricted Investments-General Fund and Utility Fund	\$ 4.8 million
Restricted Investments (SPLOST & Utility Funds)	\$ 2.3 million

Mr. Chip Rousey spoke on behalf of the Northside Neighborhood Watch group in regards to Stephens School property on Tate Street. He recommended that the City and Elbert County work together to develop the property. He asked that the City and Elbert County split the asbestos and demolition costs. He asked for the City and Elbert County to invest in their part of the community.

Ms. Peggy Rucker requested to speak on behalf of the White's Chapel Community. Council Member Hunt motioned to hear Ms. Rucker speak, seconded by Council Member Paul and the motion passed unanimously (Butler, Colquitt, Hunt, Paul, Seymour). Ms. Rucker stated that the White's Chapel Community is not located in the Corporate Limits of Elberton; however, they are located near the City of Elberton's water tower. She stated that their community has been suffering from drought and drilling wells was not a guarantee to solving the problem. She stated that several home owners are without water at this time. Mayor Guest stated that the item would be discussed later in the meeting if the residence wished to stay.

City Manager Dunn stated that the he had prepared a substitute Resolution for Council to consider with regard to amending the rates and fees schedule for the fiscal year 2013 and subsequent years. Council Member Paul introduced the substitute Resolution as follows:

RESOLUTION

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF ELBERTON AMENDING THE RATES AND FEES SCHEDULE OF THE CITY OF ELBERTON FOR THE FISCAL YEAR 2013 AND SUBSEQUENT YEARS; AND FOR OTHER PURPOSES.

WHEREAS, the City of Elberton currently owns, operates and maintains a water distribution system and a sewerage collection system and, by virtue of the laws of the State of Georgia is authorized to own, operate and maintain its water and sewerage systems as they now exist and as they may hereafter be added to, extended, improved and equipped, for its own use, and for the use of the public; and

WHEREAS, the City is authorized by law to prescribe, revise and collect, rates, tolls, fees and charges for the services, facilities and commodities furnished by its water and sewerage systems, as they now exist and as they may hereafter be added to, extended and improved; and

WHEREAS, the Mayor and Council is authorized by Ordinance 2170, the Series 2011 Revenue Bond Ordinance, Article V, Section 502 to make transfers of net revenues of the system to the General Fund in accordance with customary procedures; and

WHEREAS, the Mayor and Council, after careful study and investigation, find that it is in the public interest of its citizens and customers of the City to revise the rates and fees for water and sewerage services.

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

SECTION 1

Effective January 1, 2013, the Rates and Fees Schedule, Part 9: Water and Sewer Services, contained in the Fiscal Year 2013 budget is amended by removing the line “Sewer usage calc., Granite mfg. 12% of water usage” and replacing it with “Sewer usage calc., Granite mfg., 15% of water usage.”

SECTION 2

The Rates and Fees Schedule for Water and Sewer Services shall be adjusted as follows:

Effective January 1, 2014	Sewer usage calc., Granite mfg.	18% of water usage
Effective January 1, 2015	Sewer usage calc., Granite mfg.	21% of water usage
Effective January 1, 2016	Sewer usage calc., Granite mfg.	24% of water usage

SECTION 3

Effective January 1, 2013, the Rates and Fees Schedule, Part 9: Water and Sewer Services, contained in the Fiscal Year 2013 budget is amended by removing the lines

“Water usage charges, per hundred cubic feet
Inside City, Over 20,000 cubic feet \$1.45
Outside City, Over 20,000 cubic feet \$2.15”

and replacing them with

“Water usage charges, per hundred cubic feet
Inside City, Over 20,000 cubic feet \$1.475
Outside City, Over 20,000 cubic feet \$2.190”

SECTION 4

The Rates and Fees Schedule for Water and Sewer Services shall be increased as follows for Water usage charges, per hundred cubic feet, added to the rate then in effect for that fiscal year:

Effective January 1, 2014	Inside City, Over 20,000 cubic feet	\$0.025
	Outside City, Over 20,000 cubic feet	\$0.040
Effective January 1, 2015	Inside City, Over 20,000 cubic feet	\$0.025
	Outside City, Over 20,000 cubic feet	\$0.040
Effective January 1, 2016	Inside City, Over 20,000 cubic feet	\$0.025
	Outside City, Over 20,000 cubic feet	\$0.040

SECTION 5

The Fiscal Year 2013 budget is amended to effectuate a transfer from the Water and Sewer Division of the Combined Utilities Fund to the General Fund and to the SPLOST Capital Projects Fund as specifically identified in Attachment “A” hereto. The Mayor and Council resolve to direct the City Manager to include in his annual budget proposal a transfer from the Water and Sewer Division to the General Fund and to the SPLOST Capital Projects Fund in the following amounts:

Fiscal Year 2014	\$7,500 to the General Fund and \$7,500 to the SPLOST Fund
Fiscal Year 2015	\$12,500 to the General Fund and \$12,500 to the SPLOST Fund
Fiscal Year 2016	\$17,500 to the General Fund and \$17,500 to the SPLOST Fund
Fiscal Year 2017 and subsequent years	\$20,000 to the General Fund and \$20,000 to the SPLOST Fund

SECTION 6

All resolutions or parts of resolutions in conflict herewith are 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 (Butler, Colquitt, Hunt, Paul, Seymour).

Mayor Pro tem Butler introduced the following Resolution for consideration:

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. Carey Butler; 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 Mr. Bob Paul to be considered for appointment as a director of the DDA; and

WHEREAS: Mr. Bob Paul 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 Mr. Paul is (a) a resident of the municipal corporations, and is (b) a person who has an economic interest in the redevelopment and revitalization of the downtown development area, and is (c) a member of the governing body of the municipal corporation.

NOW, THEREFORE, the Mayor and Council of the City of Elberton hereby appoint Mr. Bob Paul as a director of the Elberton DDA, term to end June 30, 2013.

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

Council Member Paul introduced the following Resolution for consideration:

**A RESOLUTION
OF THE CITY OF ELBERTON**

APPROVING THE INTERGOVERNMENTAL PARTICIPATION CONTRACT AMONG ALL PARTICIPANTS RESPECTING PARTICIPATION IN ELECTRIC CITIES OF GEORGIA, INC.; AUTHORIZING THE EXECUTION, DELIVERY AND PERFORMANCE OF SUCH CONTRACT; AND FOR OTHER PURPOSES.

WHEREAS, all 52 political subdivisions or other governmental bodies owning or operating electric distribution systems in the State of Georgia (the “Participants”), including City of Elberton (the “Participant”), caused to be formed Electric Cities of Georgia, Inc. (“ECG”), as successor to GMA’s Electric Section, on September 2, 1992, in order to facilitate increased joint action among the Participants; and

WHEREAS, ECG is a Georgia nonprofit corporation under the Georgia Nonprofit Code and an instrumentality of the Participants under Section 115 of the Internal Revenue Code; and

WHEREAS, each Participant has entered into a Participant Services Contract, as amended and supplemented (together, the “Services Contracts”) with ECG, evidencing, along with ECG’s Articles and Bylaws, (a) each Participants’ rights and obligations as an ECG Participant and (b) ECG’s rights and obligations to the Participants, including to operate for the benefit of the Participants and in furtherance of ECG’s purpose, as set forth in its Articles, “to permit each

Participant to make the most efficient use of its powers by enabling it to cooperate with the other Participants on a basis of mutual advantage and thereby to provide services and facilities in a manner ... that will accord the best geographic, economic, population and other factors influencing the needs and development of local communities, thereby achieving economies of scale, maximizing the executive, managerial and professional expertise that can be made available and lessening the burdens of government”; and

WHEREAS, ECG operates on a nonprofit basis on behalf of each of the Participants, having no purpose other than to benefit the Participant directly or through economies of scale, and all of its Annual Costs and benefits are shared and allocated among the Participants; and

WHEREAS, in accordance with its Bylaws, ECG is controlled by its Board of Directors, which is elected by the Participants from nominees that are residents or employees of one of the Participants, and its Directors are obligated to perform their duties in a manner each believes to be in ECG’s best interests, which necessarily and at all times includes the Participants’ best interests; and

WHEREAS, the Participants desire to effect certain changes to their relationship with ECG and among each other to, among other things, provide more long term stability respecting each independent Service and more flexibility to improve existing Services over time and develop new services while protecting the Participants’ rights and options respecting the Services as much as practicable; and

WHEREAS, the Participants and ECG desire that the Services Contracts be terminated effective on June 30, 2013 and have caused to be drafted an Intergovernmental Participant Contract, dated as of February 1, 2013, among the Participants (the “Contract”), which replaces the Service Contracts in their entirety and provides for ECG services to continue beginning July 1, 2013 under the Contract.

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

Section 1. The Participant hereby finds and determines that it is in its best interest to contract with the other Participants under the terms of the Contract respecting participation in ECG. Capitalized terms used herein but not defined have the meanings set forth in the Contract.

Section 2. The Participant hereby approves and authorized the execution, delivery and performance of the Contract, including the exhibits thereto, in substantially the form of the draft thereof presented at this meeting and filed in the Participant’s meeting minutes, and hereby incorporated herein by reference, subject to such changes, additions and deletions made in the discretion of the City Manager (the “Authorized Official”) of the Participant, with advice of counsel. The Contract shall be executed by the Authorized Official, attested by the appropriate officer of the Participant, and shall have the Participant’s seal affixed thereto, and shall be delivered to ECG on behalf of the other Participants, and when so executed and delivered, shall be binding upon the Participant in accordance with its terms. Execution of the Contract as authorized herein shall be conclusive evidence of the Participant’s approval thereof.

Section 3. The Participant 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 without limitation completing and executing the Initial Confirmation and additional Confirmations from time to time and communicating the decisions of the Participant to ECG on behalf of the Participants respecting any matter related to the Contract, as amended from time to time.

Section 4. All resolutions or parts of resolutions in conflict herewith 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 Hunt and the motion passed unanimously (Butler, Colquitt, Hunt, Paul, Seymour).

Council Member Seymour placed Ordinance 2178 for second reading as follows:

ORDINANCE 2178

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF ELBERTON TO AMEND THE CODE OF THE CITY; TO AMEND CHAPTER 32 OF THE CODE IN ORDER TO REQUIRE ANY ENTITY TO OBTAIN PERMISSION PRIOR TO LAYING CABLES, WIRES, AND CONDUITS WITHIN THE CITY RIGHTS OF WAY; TO REQUIRE A PERMIT; TO PROVIDE INSTALLATION SPECIFICATIONS; TO PROVIDE FOR RELOCATION; TO REPEAL CONFLICTING ORDINANCES; TO FIX AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

City Manager Dunn read the Ordinance in its entirety at the November meeting. Council Member Seymour motioned to waive the reading of the Ordinance, 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 Guest asked for a motion to place Ordinance 2179 on second reading. Ordinance 2179 was not placed on second reading due to lack of motion.

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

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

Mayor/Council:

Larry L. Guest

2012 GMA Mayors' Day Conference

Atlanta, GA

January 25-28, 2012

Registration: \$435.00

Travel/Lodging: \$500.00

Bobby G. Hunt
 2012 GMA Mayors' Day Conference
 Atlanta, GA
 January 25-28, 2012
 Registration: \$435.00 Travel/Lodging: \$500.00

Carey Butler
 2012 GMA Mayors' Day Conference
 Atlanta, GA
 January 25-27, 2012
 Registration: \$215.00 Travel/Lodging: \$350.00

Joel W. Seymour
 2012 GMA Mayors' Day Conference
 Atlanta, GA
 January 25-28, 2012
 Registration: \$435.00 Travel/Lodging: \$500.00

2. Approved the expenditures that exceed the City Manager's purchasing authority.

Vehicle Bid #1	Two (2) full size 4-door sedans with police package.		
Vendor	Description	MPG	Total Price
Akins Ford	Dodge Charger 3.6 L	16/25	\$ 62,308.00
Casey Jackson	Ford Interceptor, 3.5 L	17/24	\$ 65,568.00
Casey Jackson	Ford Interceptor, 3.7 L	18/25	\$ 65,712.00 RECOMMENDED
	Ford Interceptor, 3.7 L	18/25	\$ 65,808.48
Jefferson	Ford Interceptor, 3.7 L	18/25	\$ 65,887.06
Speedway	Ford Interceptor, 3.5 L	17/24	\$ 66,295.38
Allen Vigil	Ford Interceptor, 3.5 L	17/24	\$ 67,164.00
Brannen	Ford Interceptor, 3.5 L	17/24	\$ 69,920.00
Casey Jackson	Ford Interceptor, 3.5 L	16/23, Ecoboost	\$ 71,058.00
Vehicle Bid #3	One (1) new full size 4x2 one ton truck w/crew cab for public works.		
Vendor	Description	Total Price	
Casey Jackson	F350, crew, single wheel	\$ 23,387.00	
Allen Vigil	F350, gasoline	\$ 23,737.00	
Casey Jackson	F350, 4x2 crew cab, dual wheel	\$ 23,826.00 RECOMMENDED	
Speedway	F350, 4x2 crew cab, dual wheel	\$ 24,129.69	
Jefferson	F350, 4x2 crew cab, dual wheel	\$ 24,234.48	
Allen Vigil	F350, 4x2 crew cab, dual wheel	\$ 24,293.60	
Brannen	F350, 4x2 crew cab, dual wheel	\$ 24,406.00	
Allen Vigil	F350, Diesel	\$ 30,208.00	
Vehicle Bid #4	One (1) new full size 4x2 pickup for public works.		
Vendor	Description	Total Price	

Casey Jackson	F150	\$ 17,385.00 RECOMMENDED
Speedway	F150	\$ 17,589.69
Brannen	F150	\$ 17,686.00
Bobby Jones	F150, XL	\$ 17,704.24
Allen Vigil	F150	\$ 17,736.00
Bobby Jones	F150, XL, long bed	\$ 17,967.24
Jefferson	F150	\$ 18,999.00
Allen Vigil	F150	\$ 19,216.71

3. Approved the alcoholic beverage licenses for calendar year 2013.
4. Authorized the closing of various streets for the Twilight Stroll on Friday, January 4, 2012 at 7:00 p.m. The event is sponsored by the Elbert County Chamber of Commerce.

City Manager Dunn presented the monthly report.

- Urban Redevelopment Plan – an application for Opportunity Zones for two commercial districts was submitted by the Regional Commission last week.
- ElbertonNET construction on Washington Highway is going well.
- DOCSIS 3 plans available. Mailer is going out this week about WXIA.
- Natural gas expansion – Plantation Road, Fork Creek Road and Hudson Road.
- Monthly activities of the department.

City Manager Dunn stated that he had spoken to Ms. Rucker with regard to the possible water line expansion to the White’s Chapel Community. He stated that staff was looking into contacting CSX as well as adjacent property owners in order to request easements to the location. He also stated that Elbert County has volunteered to apply for grants if needed. Mayor Pro tem Butler advised the City Manager to proceed with researching avenues to assist the community.

City Attorney Phelps stated that a public hearing was the next step in considering redrawing the city’s wards. A public hearing was scheduled for December 17 at 5:30 p.m. at City Hall.

Mayor Guest stated that Main Street Manager Sissie Hearing’s daughter was in an automobile accident over the weekend. He asked for prayer for Lindsey’s recovery.

Council Member Colquitt stated that he would like to see the City work with Elbert County on the Stephens School Building.

Mayor Guest asked for a motion to move into executive session for the purpose of discussing hiring, compensation, evaluation or disciplinary action for a specific public officer or employee as permitted by O.C.G.A. 50-14-3(b)(1). Mayor Pro tem Butler motioned to close the meeting and move into executive session, seconded by Council Member Paul and the motion passed unanimously (Butler, Colquitt, Hunt, Paul, Seymour).

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

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

Mayor

ATTEST:

City Clerk