

CITY OF ELBERTON
REGULAR MEETING OF THE ELBERTON MAYOR AND COUNCIL

Monday, September 8, 2008 - 5:30 p.m.

Pursuant to due call and notice thereof the Regular Meeting of the Mayor and Council of the City of Elberton convened at 5:30 p.m. on Monday, September 8, 2008, in the council chambers of the Municipal Building, 203 Elbert Street with Mayor Guest presiding.

Present were: Council Members Butler, Colquitt, Hunt, Paul and Seymour; City Manager Dunn, City Clerk Churney and City Attorney Phelps.

Mayor Guest called the meeting to order. Mayor Pro tempore Colquitt led in the Pledge of Allegiance and City Attorney Phelps led in the prayer. Mayor Guest introduced the new Theatre Manager Toni King to Council.

Council Member Butler motioned to approve the minutes of the August 4, 2008 meeting as submitted, seconded by Council Member Seymour and the motion passed unanimously.

Reports. City Manager Dunn introduced the new Controller Kevin Eavenson to Council. City Manager Dunn presented the Financial Report through July 2008 with the following net assets:

General Fund	\$ 3.8 million
Utility Fund	\$ 18 million
Elberton Technology Services Fund	\$ 1.9 million net loss
Solid Waste Fund	\$ 270,768
Unrestricted Investments-General Fund and Utility Fund	\$ 2.84 million
Restricted Investments (SPLOST & Utility Funds)	\$ 1.51 million

Council Member Colquitt introduced the following Resolution:

RESOLUTION

BE IT RESOLVED BY THE MAYOR AND DULY ELECTED COUNCIL OF THE CITY OF ELBERTON, GEORGIA, AS FOLLOWS:

WHEREAS, the City of Elberton strives to provide the highest possible quality of life for its citizens; and

WHEREAS, the Mayor and Council of the City of Elberton are concerned about the recent job losses in the community over the last few years due to the closing and/or relocation of existing industries; and

WHEREAS, the failure to successfully recruit new industries and employers to Elbert County harms the citizens of Elberton in many ways; and

WHEREAS, the Elbert County Grand Jury that convened on July 21, 2008, recommended in its presentments that "the Economic Authority actively seek industry to come to Elbert County to encourage our young people to return to Elbert County after college."

NOW THEREFORE, BE IT RESOLVED, AND IT IS HEREBY RESOLVED, THAT THE MAYOR AND DULY ELECTED COUNCIL OF ELBERTON, GEORGIA DO HEREBY, RESOLVE AND SET FORTH ITS SUPPORT OF THE GRAND JURY'S RECOMMENDATION OF JULY, 2008, AND CALL UPON THE DEVELOPMENT AUTHORITY OF ELBERT COUNTY, ELBERTON, AND BOWMAN TO ACTIVELY AND AGRESSIVELY RECRUIT INDUSTRY AND MANUFACTURING JOBS, AND DEVOTE ALL POSSIBLE RESOURCES TO THIS EFFORT;

AND BE IT FURTHER RESOLVED, THAT A COPY OF THIS RESOLUTION BE DELIVERED TO EACH MEMBER OF THE DEVELOPMENT AUTHORITY OF ELBERT COUNTY, ELBERTON, AND BOWMAN.

DULY ADOPTED IN OPEN SESSION ON THIS THE 8TH DAY OF SEPTEMBER, 2008.

Council Member Colquitt motioned to adopt the Resolution as read, seconded by Council Member Butler and the motion passed unanimously.

Council Member Seymour introduced the following Resolution:

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

APPROVING THE SECOND AMENDMENT TO GAS SUPPLY CONTRACT AND THE FIRST AMENDMENT TO GAS PORTFOLIO III PROJECT SUPPLEMENTAL CONTRACT, EACH BETWEEN CITY OF ELBERTON, GEORGIA ("MEMBER") AND THE MUNICIPAL GAS AUTHORITY OF GEORGIA; AUTHORIZING THE EXECUTION, DELIVER AND PERFORMANCE OF SUCH AMENDMENTS; AND FOR OTHER PURPOSES.

WHEREAS, the 1987 Session of the General Assembly of the State of Georgia adopted the Municipal Gas Authority of Georgia Act (Ga. Laws 1987, p. 745 (codified at O.C.G.A. Sections 46-4-80 through 46-4-125)), as amended (the "Act"), creating the Municipal Gas Authority of Georgia (the "Gas Authority"), providing for its organization and purposes and authorizing it to contract with certain municipalities and other political subdivisions for the provision of an adequate and dependable wholesale supply of gas to meet the needs of the gas distribution systems of such political subdivisions; and

WHEREAS, the Gas Authority and the Member have entered into that certain Gas Supply Contract, as amended (the "Gas Supply Contract"), pursuant to which the Gas Authority has agreed to provide gas supplies to the Member for resale to its citizens, inhabitants and customers through its gas distribution system; and

WHEREAS, the Gas Authority and the Member have entered into a Supplemental Contract respecting the Gas Authority's Gas Portfolio III Project to provide for, among other things, (i) the approval of said Project as contemplated by the Gas Supply Contract and as more particularly described therein; and (ii) the issuance of Bonds to fund Project Costs, as more particularly described therein (the "Supplemental Contract"); and

WHEREAS, the Gas Authority and the Member have determined that it is in the best interest of the Gas Authority and the Member to amend certain provisions of the Gas Supply contract and the Supplemental Contract in order to increase the aggregate principal amount of Bonds permitted to be issued thereunder, to extend the period during which such Bonds may be issued, and to extend the terms of such Bonds together with other confirming changes; and

WHEREAS, the Gas Authority and the member have caused to be prepared a Second Amendment to Gas Supply Contract, dated as of December 1, 2008 (the "Second Amendment"), and a First Amendment to Supplemental Contract, dated as of December 1, 2008 (the "First Amendment," and together with the Second Amendment, the "Amendment"), to effect such amendments; and

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

Section 1. The Member hereby finds and determines that it is in its best interest to contract with the Gas Authority pursuant to O.C.G.A. Section 46-4-96(7) and the terms of the Gas Supply Contract, the Supplemental Contract and the Amendments and the Member hereby declares, in accordance with the Act, its intention to continue to so contract with the Gas Authority for the purpose of its gas supply.

Section 2. The Member hereby approves and authorizes the execution, deliver and performance of the Amendments in substantially the form of the drafts thereof attached to this Resolution as Exhibit "A" and Exhibit "B", respectively, and hereby incorporated herein by the Member, with advise of counsel. The Amendments shall each be executed by the mayor, attested by the City Clerk, and shall have the Member's seal affixed thereto, and shall be delivered to the Gas Authority, and when so executed and delivered, shall be binding upon the Member in accordance with their respective terms. Execution of the Amendments as authorized herein shall be conclusive evidence of the Member's approval thereof.

Section 3. The Member hereby authorizes the Mayor, City Clerk, or any Assistant City Clerk, to take any further actions and execute and deliver any other documents necessary to carry out the purpose of this Resolution, as amended form time to time, including, but not limited to, executing all documents necessary for validation and issuance of the Gas Authority's revenue bonds respecting the Gas Portfolio III Project.

Section 4. In the adoption of this Resolution, the Member hereby recognizes that this action will be relied upon by other municipalities and systems that own and operate gas distribution systems and that adopt similar resolutions in furtherance of the organization of the Gas Authority under the Act, and that the Member is also relying upon the adoption of such resolutions by such other municipalities and systems.

Section 5. All resolutions or parts of resolution in conflict herewith are hereby repealed.

RESOLVED THIS THE 8TH DAY OF SEPTEMBER, 2008.

Council Member Paul motioned to adopt the Resolution as read, seconded by Council Member Seymour and the motion passed unanimously.

Council Member Butler motioned to approve the consent agenda as submitted, seconded by Council Member Paul and the motion passed unanimously.

1. Approved the expenditures that exceed the City Manager's purchasing authority as follows:

Public Works

Self Contained Leaf Collector		
o ODB	Recommended	\$31,271.00
o Municipal Equipment		\$ 33,018.75
<i>(recommendation based on low bid)</i>		

Community Development

Demolition of property located at 645 Pulliam Street, 123 Burke Street and 425 Martin Street.		
o Townhouse Trucking & Grading	Recommended	\$12,277.98
o Mullenix Construction		\$13,060.00
o Brewers Mill Grading		\$14,500.00
o D & A Enterprises		\$13,498.00
o Abatech Services		\$16,980.00
o Simpson Trucking & Grading		\$40,200.00
o Drummel Waste Services		\$16,051.00
o H Adams and Sons		\$ 28,700.00
<i>(recommendation based on low bid)</i>		

Water

SCADA System	(Series 2001 Project – Final)
o JK Duren	Recommended \$107,400.00
o Revere Control Systems	\$134,050.00
o Kinard Control Systems	\$166,443.42
o Troy Systems Integration	\$337,000.00
<i>(recommendation based on low bid)</i>	

2. Approved dues, travel and training for all city departments as follows:

MUNICIPAL COURT

Nancy Waltman
TAC Training Class for Court
Helen, GA
September 30 - October 2, 2008
Registration: None
Lodging/Meals \$353

Oct. 1 – 3, 2008.
Registration: \$325.00

ELECTRIC

Ed Brooks & Brad Alexander
MEAG Low Side Substation
Recertification
Forsyth, GA

September 30-Oct 1,2, 2008
Registration: None
Travel/Lodging: \$806.00

POLICE

Mark Welsh
Georgia Command College
Columbus, GA
October 5-10, 2008
Registration: None
Lodging/Meals: \$540.00

Ron Ethridge & Donald Banks

MEAG - ITS Recertification
Forsyth, GA

October 21-23, 2008
Registration: None
Travel/Lodging: \$480.00

ANIMAL CONTROL

Jimmy Jones
National Animal Control Assoc. Level 3
Atlanta, GA
October 20- 24, 2008
Registration: \$575.00
Lodging/Meals: \$560.00

Mark Blackmon & Cory Anderson

MEAG - Low Side Substation Recertification
Forsyth, GA

October 28-30, 2008
Registration: None

Travel/Lodging: \$806.00

FIRE CHIEF

Haley Fortson
GA Assoc. of Code Enforcement
Level 1
Athens, Georgia

3. Accepted the Millage Rate for Tax Year 2008.

4. Authorized the City Manager to execute the necessary documents with Regions Bank to initiate Bounce Protection with a line of credit.

City Manager Dunn discussed selling timber on Middleton Road with Elbert County leaving 30 trees per acre. Mayor Pro tempore Colquitt motioned to proceed with thinning the property with leaving 40 to 50 trees per acre, seconded by Council Member Seymour and the motion passed unanimously. Pine only, with a residual stand of a minimum of 40-50 trees per acre to be left with a diameter breast high of 10 inches or greater on an even spacing. Best management practices will be strictly adhered to.

City Manager Dunn discussed an addendum to the expenditures that exceed the city manager's purchasing authority as follows:

Police

Two (2) Jail Door with frame assemblies
Hollow metal doors, frames, security hardware, and 1/2" polycarbonate for windows

Detention Equipment Service, Inc., Pendergrass, GA
(includes on-site installation) RECOMMENDED \$ 11,848.60

Sweeper Metal Fabricators Corp., Drumright, OK
(no installation) \$10,406.00

The recommendation was based on vendor being able to perform installation, and on being a Georgia vendor. Council Member Butler motioned to authorize the purchase from Detention Equipment Service, Inc., seconded by Council Member Paul and the motion passed unanimously.

City Manager Dunn presented the following reports to Council:

- City Manager Dunn reported that the Jones Building was progressing well and restoration work has begun.
- City Manager Dunn reported that the police building is progressing well and ahead of schedule.
- City Manager Dunn stated that the closing on the College Avenue property has been scheduled for later this month.
- City Manager Dunn reminded Council of the September 11 Memorial Concert on the Square Thursday beginning at 12:30 p.m.
- Monthly reports and activities of the various departments.

Any other matters to be considered by Council. Council Member Seymour inquired about the request received from Elbert County for assistance in paving the road between the County behind the Health Department on Jones Street to the Elbert County Middle School and Doves Creek Elementary School on Athens Tech Road. No action was taken. Council Member Butler asked that Ms. Rosanne Davis of HELP be contacted to make a report at the October meeting to give a report on the status of the property located on Oglesby Boulevard. Mayor Pro tempore Colquitt stated to watch the budget since the national economy did not look encouraging.

Matters to be presented by the City Attorney. City Attorney Phelps stated that a hearing has been scheduled for September 16, 2008 for five dilapidated properties.

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