

CITY OF ELBERTON
REGULAR MEETING OF THE MAYOR AND COUNCIL

Monday, February 5, 2018 – 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, February 5, 2018 in Council Chambers of the Municipal Building, 203 Elbert Street with Mayor Guest presiding.

Present were: Council Members Butler, Colquitt, Hunt, Parham and Prince; City Attorney Jenkins, City Manager Dunn and City Clerk Churney.

Mayor Guest called the meeting to order and led the assembly in the Pledge of Allegiance. City Attorney Jenkins let the assembly in prayer.

Council Member Hunt motioned to approve the minutes of the January 8 meeting, seconded by Council Member Butler and the motion passed unanimously (Butler, Colquitt, Hunt, Parham, Prince).

There were no speakers from the floor.

Council Member Hunt introduced the following Resolution of Appreciation:

RESOLUTION UNANIMOUSLY ADOPTED
BY THE MAYOR AND COUNCIL OF THE CITY OF ELBERTON
January 8, 2018

WHEREAS: Mr. Joel Seymour served as a member of the City Council for twelve years from January of 2006 until January of 2018; and

WHEREAS: Council Member Seymour served as Mayor Pro tempore from January of 2010 until January of 2011 and January of 2015 until January of 2016; and

WHEREAS: His public service as a Council Member was marked with wisdom, foresight, knowledge, patience, leadership, good judgment and cooperation for the betterment of the community he served; and

WHEREAS: In carrying out his prescribed duties and responsibilities of his public service he did render invaluable assistance to the citizens and customers of the City of Elberton; and

WHEREAS: Mr. Seymour is a gentleman in every sense of the word with admirable expertise and temperament, and a fine example of a devoted public servant to all municipal officials.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Elberton that we do publicly and proudly express deep gratitude and thanks for Mr. Joel Seymour's commitment to the betterment of the quality of life of the City of Elberton, and for his exceptional service as a Council Member.

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

Council Member Colquitt introduced the following Resolution:

RESOLUTION

A RESOLUTION TO QUITCLAIM A PORTION OF LAND KNOWN AS AN UNOPENED STREET OFF OF E. CHURCH STREET, AND FOR OTHER PURPOSES.

BE IT RESOLVED AND IT IS HEREBY RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF ELBERTON:

WHEREAS: The City of Elberton has received a request from a property owner at 418 E. Church Street, William and Deborah Thornton, to quitclaim a portion and known as the

unopened alley located between Elbert County Tax Map E27-040 and E27-042, such street never having been accepted by the City; and

WHEREAS: The City of Elberton expressly reserves any and all existing public utility easements on the portion of land and expressly reserves the right to the existing paved and open portion off of E. Church Street; and

WHEREAS: The Mayor and Council have determined that said property serves no public interest other than an interest to the private landowner at 418 E. Church Street.

NOW, THEREFORE BE IT RESOLVED AND IT IS HEREBY RESOLVED, that to the extent the City of Elberton has any interest in and to said right-of-way known as the unopened portion off of E. Church Street, the City of Elberton does hereby waive, abandon and relinquish such interest, if any, less and except any and all existing public utility easements and the existing paved and open section off of E. Church Street.

The Mayor, City Clerk, and/or City Manager shall be authorized to sign any legal document necessary to effectuate the provisions of this Resolution, under such terms and to such grantees as the City Attorney may determine to be appropriate under the law.

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

Council Member Butler introduced the following Resolution:

**Elberton-Mure Sister City
RESOLUTION**

WHEREAS: In May of 1982, the City of Elberton determined that participation in a Sister City Program would be beneficial to the citizens of Elberton; and

WHEREAS: Following careful search, Sister City International chose Mure-cho, Japan due to the similar characteristics and mutual interests; and

WHEREAS: In 1983, the Mure-Elberton Sister City Program was formalized; and

WHEREAS: During the past Thirty-Five years this relationship has prospered with exchanges between our communities; and

WHEREAS: The City of Elberton and Mure-cho wish to continue this program and more importantly, the relationship established between our people for many years to come; and

WHEREAS: These two communities wish to commemorate the Thirty-Fifth Anniversary of the Sister City Program in our two communities.

NOW, THEREFORE BE IT RESOLVED, and it is hereby resolved that Elberton will send an official delegation of adult members who represent the community to Mure-cho to officially celebrate the Thirty-Fifth Anniversary of the Program.

BE IT FURTHER RESOLVED, that this delegation greet the people of Mure-cho in the name of all citizens of Elberton and express our appreciation for the past relationship as well as our wish to continue the program for many years to come.

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

Council Member Colquitt introduced the following Resolution:

RESOLUTION

A RESOLUTION OF THE CITY OF ELBERTON APPROVING THE W. O. JONES BUILDING DOWNTOWN LIVING PROJECT ON NORTH MCINTOSH STREET, AUTHORIZING THIS CONSTRUCTION OF THE SECOND FLOOR OF THE JONES BUILDING OWNED AND OPERATED BY THE DOWNTOWN DEVELOPMENT AUTHORITY, AND FOR OTHER PURPOSES.

WHEREAS, the City of Elberton created the Elberton Downtown Development Authority pursuant to O.C.G.A Section 36-42-1, et seq., for the purposes of revitalizing and redeveloping the central business district of the City of Elberton; and

WHEREAS, the Elberton Downtown Development Authority renovated the W. O. Jones Building on North McIntosh Street in 2008 to create three new storefronts on the first floor in a building that was previously in a state of severe dilapidation; and

WHEREAS, the Elberton Downtown Development Authority has operated the W. O. Jones Building with leased commercial spaces for nearly 10 years, and there exists today a state where all storefronts are leased; and

WHEREAS, the Elberton Downtown Development Authority has explored the possibility of downtown residential living in the central business district of Elberton because that has been very successful in revitalizing downtowns in other communities in Georgia; and

WHEREAS, the Elberton Downtown Development Authority has determined that the second floor of the W. O. Jones Building would be ideal to create four apartments for downtown living in conjunction with the commercial space on the first floor and the existing parking lot in the rear of the building; and

WHEREAS, the City of Elberton has previously loaned money in June, 2017 from its revolving fund to the Elberton Downtown Development Authority in the amount of \$51,250 to produce architectural drawings and plans for the upstairs apartments and to replace the second floor windows with energy efficient windows; and

WHEREAS, the City of Elberton desires to complete the W. O. Jones Building Downtown Living Project by funding the construction to complete the apartments from the Special Purpose Sales Tax designated for Downtown Revitalization projects.

NOW, THEREFORE, be it resolved by the Mayor and Council of the City of Elberton in an open meeting duly assembled, and it is hereby resolved by the authority thereof, as follows:

Section 1: The W. O. Jones Building Downtown Living Project of the Downtown Development Authority is hereby approved, and construction of the four upstairs apartments is hereby authorized.

Section 2: The construction cost estimate and budget for this project in the amount of \$165,000 is approved and incorporated herein by reference as Attachment "A," such funds to finance the project to be disbursed from the Special Purpose Sales Tax fund as a Downtown Revitalization project.

Section 3: The initial expenditures to begin the project that heretofore have been bid competitively are approved for purchase and incorporated herein by reference as Attachment "B."

Section 4: The Mayor and Council hereby authorizes and directs the City Manager or other authorized officials to commence with construction of the Project, and to take any further actions and execute and deliver any other documents necessary to carry out the purpose of this Resolution.

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

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

Council Member Hunt motioned to approve the consent agenda, seconded by Council Member Prince and the motion passed unanimously (Butler, Colquitt, Hunt, Parham, Prince).

1. Approved the expenditures that exceed the city manager's purchasing authority.

City Manager Dunn presented the following reports:

- Financial Report ending December 31, 2017
- Monthly report on the activities of various departments

Matters to be presented by the City Attorney:

- Dilapidated housing report.

Matters to be considered by Council:

- Mayor Guest read the following statement from the City of Elberton.

“For the minutes and the record of this council meeting, I want to inform the entire City Council and the citizens of Elberton of the decision made by the Board of Directors of the Development Authority of Elbert County, Elberton, and Bowman at a special called meeting last Thursday, February 1.

The Board of Directors voted 5 to 1 in favor of asking the Elbert County Board of Commissioners to employ the Economic Developer, Rusty Warner, going forward. This action will remove the Economic Developer from the day-to-day supervision by the Authority and place that in the hands of the County government. This is major change since the position was first created at the Authority more than 20 years ago.

It is true that the City of Elberton has not contributed any funds to the Authority in this fiscal year that began July 1, 2017. But during that time we have attempted repeatedly to share our concerns with the Authority Board of Directors, its officers, and the appointees to the Board from the City of Elberton.

In early 2017 several members of this Council began to request updates from Rusty Warner. He had not made any reports at City Council meetings since he was hired in June, 2016. As a result, I invited him to our annual planning session in early March, 2017, at which he did give us a report. He has not made any reports to us since.

The City Manager and I began having concerns about the lack of communication with, and the accuracy of information from, Mr. Warner in 2017. Some of you Council Members also expressed those same concerns. Therefore, I began, on different occasions, to share those concerns with the officers of the Authority, the chairman and vice chairman, both of which were City of Elberton appointees at the time. I believe the chairman and vice chairman met with Mr. Warner multiple times about these concerns because they told me they did. These two officers were both changed by the Authority Board of Directors in July, 2017 after confronting Mr. Warner with concerns the day before.

After the replacement of the officers at the Authority meeting on July 13, that same afternoon, Mr. Warner came to see me at City Hall and told me that the Board of Directors did not want him sharing information with the City that he felt did not concern us, and that we would only be told about deals “after the ink was dry on the paper.” Because this was a major change from the communication and accountability that the Authority had in the past to the City of Elberton, I sent a letter to the new chairman of the Authority on July 17 asking for clarification of this new direction of the board as described by Mr. Warner. This letter was mailed to all seven board members, and a copy was sent to the mayor of Bowman and to the chairman of the Elbert County Board of Commissioners so that all parties would know about the concerns of the City of Elberton.

I want to be very clear about the content of the letter and our concerns. All we requested was to receive the same information that the Board of Commissioners or the City of Bowman received in the same manner they received it. We did not ask for any special information or any confidential information other than what was given to the other two governments.

To this day, the Authority has not responded to the City of Elberton about our concerns of equal communication and accountability. But we did not stop with this letter in trying to get information from the Authority. Two members of the City Council, the City Manager, and myself began to attend regularly the board meetings in the last half of 2017. Other members of the staff of the City of Elberton also attended. The concerns of the City as described in our letter from July 17 were

never addressed in open session. Our concerns were totally ignored at every meeting despite the fact that a representation from the City of Elberton was present.

The next step was to address our concerns with the three appointees to the Board of Directors from the City of Elberton. We did this on January 16 at City Hall. Those from the City present were myself, the City Manager, and Council Members Colquitt and Butler. The three appointees from the City all attended. At that time it was discussed that in Mr. Warner's employment contract he is required to serve the City of Elberton along with Bowman and the County, and he is to work in "close cooperation" with the three governments. Our position was that the lack of communication violates this employment contract and should be addressed by the Board.

Last week we were notified by email that the Authority was having a special called meeting. In addition to myself and the City Manager, Council Members Colquitt, Butler, and Parham attended this meeting. At this meeting the Authority voted to ask the Board of Commissioners to take over the employment of the Economic Developer, which would, in effect, cancel this employment contract requiring "close cooperation" with the City of Elberton.

I felt like it was necessary tonight to update the entire City Council and the citizens of Elberton on the past year and what we have done over many months to try and address this problem through the proper channels. It seems that the resolution, at this point, will be with the Board of Commissioners, and further involvement of the City of Elberton is not needed or welcome."

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