

**CITY OF ELBERTON**  
**REGULAR MEETING OF THE MAYOR AND COUNCIL**  
Monday, October 7, 2019 – 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, October 7, 2019 in the 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. He led the assembly in the Pledge of Allegiance and prayer.

Council Member Hunt motioned to approve the minutes of the September 9 and September 16 meetings, seconded by Council Member Butler and the motion passed unanimously (Butler, Colquitt, Hunt, Prince, Parham).

There were no scheduled speakers from the floor.

Council Member Butler introduced a Resolution authorizing the City to enter into an intergovernmental contract with the Downtown Development Authority of Elberton as follows:

**A RESOLUTION OF THE GOVERNING AUTHORITY OF THE CITY OF ELBERTON, GEORGIA TO AUTHORIZE THE CITY TO ENTER INTO AN INTERGOVERNMENTAL CONTRACT WITH THE DOWNTOWN DEVELOPMENT AUTHORITY OF THE CITY OF ELBERTON, GEORGIA (THE "AUTHORITY"); TO APPROVE THE TERMS OF A BOND RESOLUTION RELATED THERETO; AND FOR OTHER PURPOSES**

WHEREAS, the City of Elberton, Georgia, a municipal corporation of the State of Georgia (the "City"), has been duly created and is existing under the laws of the State of Georgia, and pursuant to the Revenue Bond Law, O.C.G.A Section 36-82-60, *et seq.*, is authorized to own, operate and maintain land and facilities so as to relieve abnormal unemployment conditions; and

WHEREAS, pursuant to O.C.G.A Section 36-34-2 and 36-34-3, the City is authorized to own, operate and maintain buildings for educational purposes; and

WHEREAS, the Downtown Development Authority of the City of Elberton, Georgia (the "Authority") was created pursuant to the Downtown Development Authorities Law, O.C.G.A. Section 36-42-1, *et seq.*, as amended (the "Act") and an activating resolution of the City Council of the City of Elberton, Georgia (the "City"); and

WHEREAS, pursuant to the Act, the Authority is authorized to issue revenue bonds and to lend the proceeds of such bonds to others for the planning, design, acquisition, construction, installation or carrying out of any project described in the Act; and

WHEREAS, Article 9, Section 3, Paragraph 1 of the Constitution of the State of Georgia (the "Intergovernmental Contracts Clause") permits any county, municipality, school district, or other political

subdivision of the State to contract for any period not exceeding 50 years with each other or with any other public agency, public corporation, or public authority for joint services, for the provision of services, or for the joint or separate use of facilities or equipment, but such contracts must deal with activities, services or facilities that the contracting parties are authorized by law to undertake or provide; and

WHEREAS, the City has redeveloped and equipped certain hotel facilities and related real and personal property (the "Project") located on or about 4 Public Square, Elberton, Georgia; and

WHEREAS, the City has requested that the Authority issue its Revenue Refunding Bond (City of Elberton Facility Redevelopment Project), Series 2019 in an aggregate principal amount of \$[4,000,000] (the "Bond") pursuant to a Bond Resolution to be adopted by the Authority, and to provide funds from the proceeds of the Bond to refinance all or a portion of the Project, and to lease the Project to the City pursuant to the terms of the Intergovernmental Contract between the Authority and the City relating to the Project (the "Intergovernmental Contract"); and

WHEREAS, the payments required to be made under the Intergovernmental Contract, and all other payments attributable to the Project or the Project Costs (as defined therein), to be made in accordance with or pursuant to any other provision of the Intergovernmental Contract, will be pledged as security for the payment of the Bond of the Authority; and

WHEREAS, it is proposed that the City should approve the execution and delivery of various other documents as described herein pertaining to the Intergovernmental Contract;

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. Authorization of Intergovernmental Contract. In consideration of the refinance the Project and in order to provide for the repayment of such financing, the execution, delivery and performance of the Intergovernmental Contract by and between the Authority and the City be and the same are hereby authorized. The Intergovernmental Contract will be executed by the Mayor and attested by the Clerk of the City, and will be in substantially the form as attached hereto as Exhibit "A," subject to such changes, insertions and omissions as may be approved by the Mayor of the City, and the execution of the Intergovernmental Contract by the Mayor and City Clerk as hereby authorized will be conclusive evidence of any such approval.

Section 2. Approval of Terms of Bond Resolution. The City hereby authorizes and approves the terms of the Bond Resolution, which will be in substantially the form as attached hereto as Exhibit "B." The execution of the Intergovernmental Contract by the Mayor and City Clerk as hereby authorized will be conclusive evidence of its approval of the final form of the Bond Resolution.

Section 3. No Personal Liability. No stipulation, obligation or agreement herein contained or contained in the Bond Resolution or Intergovernmental Contract will be deemed to be a stipulation, obligation or agreement of any officer, director, member, agent or employee of the City in his individual capacity, and no such officer, director, member, agent or employee will be personally liable on the Bond or subject to personal liability by reason of the issuance thereof.

Section 4. General Authority. From and after the execution and delivery of the documents hereinabove authorized, the proper officers, directors, members, agents and employees of the City are hereby authorized, empowered and directed to do all such acts and things and to execute all such

documents as may be necessary to carry out and comply with the provisions of said documents as executed, to take any and all further actions and to execute and deliver any and all other documents and certificates as may be necessary or desirable in connection with the issuance of the Bond and the execution and delivery of the Bond Resolution and the Intergovernmental Contract, and to document compliance with provisions of the Code and the Act, including, without limitation, the approval of the final form of the Bond and Bond Resolution.

The Mayor or Clerk of the City are hereby authorized and directed to prepare and furnish, when the Bond are issued, certified copies of all the proceedings and records of the City relating to the Bond and such other affidavits and certificates as may be required to show the facts relating to the legality and marketability of the Bond as such facts appear from the books and records in the officers' custody and control or as otherwise known to them; and all such certified copies, certificates and affidavits, including any heretofore furnished, will constitute representations of the City as to the truth of all things contained therein.

Section 5. Actions Approved and Confirmed. All acts and doings of the officers or employers of the City that are in conformity with the purposes and intent of this Resolution and that certain Term Sheet Letter, dated October 3, 2019, from Key Government Finance, Inc., and in the furtherance of the issuance of the Bond and the execution, delivery and performance of the Bond Resolution and the Intergovernmental Contract will be, and the same are, in all respects, hereby ratified, approved and confirmed.

Section 6. Severability of Invalid Provisions. If any one or more of the agreements or provisions herein contained will be held contrary to any express provision of law or contrary to the policy of any express provision of law, though not expressly prohibited, or against public policy, or will for any reason whatsoever be held invalid, then any such agreements or provisions will be null and void and will be deemed severable from the remaining agreements and provisions and, will in no way affect the validity of any of the other agreements and provisions hereof or of the Bond authorized hereunder.

Section 7. Repealing Clause. All resolutions or ordinances or parts thereof of the City in conflict with the provisions herein contained are, to the extent of such conflict, hereby superseded and repealed.

Section 8. Effective Date. This City Resolution will take effect immediately upon its adoption.

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

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

1. Approved the expenditures that exceed the city manager's purchasing authority.
2. Authorized the issuance of an alcoholic beverage license for retail sale of wine to the Downtown Development Authority of Elberton at the Samuel Elbert Hotel Gift Shop located at 4 S. Public Square.

City Manager Dunn presented the following reports:

- Financial Report ending August 31, 2019.
- Report of Expenditures reportable under Sec. 2-173 and Sec. 2-177.
- Monthly reports on activities of various departments.

**CITY CLERK:**

Notice has been given that a referendum will be included on the general election ballot for November 5, 2019. Qualified voters will determine whether to authorize the City to permit and regulate Sunday sales of alcoholic beverages for retail package and on premises consumption.

Cindy Churney attended the Georgia Clerks Education Institute on September 10 in Athens. Clerks are now required to obtain 15 hours of training every other year.

Alcoholic license renewal applications will be mailed next month. The deadline to submit the 2020 renewals is November 15.

**HUMAN RESOURCES:**

Buster Webb retired on September 27, 2019. He served the Public Works Department as Mechanic for 22 years. Henry McCalla will be retiring October 31, 2019 from the Fire Department with 35 years of service. We thank them for their dedicated service to the City of Elberton and wish them the best in their retirement.

**FIRE DEPARTMENT:**

The Fire Department responded to 41 alarm calls for the month of September 2019. These calls consisted of 2 Vehicle Accidents, 33 Medical Emergencies, 3 False Alarms, 1 Aircraft Stand-by, 1 Brush Fire and 1 Cooking fire. The department conducted 3 fire inspections, 1 pre-plan, and issued 0 burn permits. The Fire Department also conducted 455 hours of in-house training and 26 out of station training for the month.

**BUILDING INSPECTOR:**

The building inspection department issued 9 permits for the month of September 2019. The department issued 3 building permits and 6 electrical permits. During this same period there were 4 building inspections, 6 electrical inspections, 1 plumbing inspection, 2 mechanical inspections, 2 demolition inspections, and 2 sign inspections.

**POLICE DEPARTMENT:**

The Elberton Police Department released their monthly activity for the month of August 2019. The department recorded:

1104	Calls for Service
306	Vehicle Traffic Stops
120	Incident Reports were filed
227	City Court cases made

- 25 Traffic accidents were investigated
- 70 People were arrested for various charges
- 9 Person was arrested for Driving under the Influence
- 10 Drug related charges were made
- 24 Department Training Hours

The Part 1 crimes are the (UCR) Uniform Crime Reports that are sent to the FBI on a monthly basis. The Part 1 crimes for August 2019 are as follows:

	August 2019	July 2019	% Change +/-
Homicide:	0	0	No Change
Rape:	0	0	No Change
Robbery:	1	1	No Change
Assault:	14	8	Up 75%
Burglary:	6	9	Down by 33.3%
Theft:	12	20	Down by 40%
Auto Theft:	1	1	No Change

**WATER & SEWER:**

The crews repaired leaks on Old Middleton Road and Timberlane Drive. The crews located and terminated an old 1.5 inch galvanized water main on East Church Street. The crews installed water taps and services at 2071 Athens Highway and 1039 Betty Court. The crews assisted public works in asphaltting holes along Park Street. The crews installed a 2 inch water main along Sam Paul Road that will provide water to 5 homes.

The crews cut rights-of-way in the southern section of the sewer system and at all lift stations. The crews replaced the drive coupling for pump #1 at the Silk Mill lift station. The crews rodded sewer mains along Evergreen Street.

The crews replaced the caustic feed pump at the Filter Plant. The crews cleaned out the upstairs area of the Filter Plant to make room for improvements to the carbon feed system.

**ELECTRIC:**

The Electric Division finished the Pulliam Street line rehab this month which consisted of cutting right-of-way, installing 11 new poles, new wire, and new street lights. The department also changed out a pole on Ruckersville Road and built a transformer bank for a new service there. The department installed new lights at the Athens Tech driving range and installed new street lights on Gordon Street. The department changed out bad transformers on Melody Lane and Morningside Drive. The department bush hogged the electric right-of-way on Athens Tech Road.

**CITY MARSHAL:**

This office conducted a training/workshop for the new updated Code of Ordinances, Chapter 4, Alcoholic Beverages. A total of three participants attended the workshop.

### **PUBLIC WORKS:**

The street division completed two days of asphalt patching on city streets. The street division has started removing the asphalt from Jack McVeigh Drive, which is the road to the south sewer treatment plant. This is in preparation for new paving of the road.

### **NATURAL GAS:**

The Gas Department continues to work on the installation of 4" PE pipe from the dead end on Nickville Rd to Athens Hwy via Sam Paul Road. All pipe has been installed in the ground, and the connections of these segments of pipe and the activation of the line is ongoing. Work may be completed by the end of October on this project. The Gas Department continues to paint meters, clear right-of-way and perform daily tasks.

### **MAIN STREET:**

The 12th Annual Granite City BBQ Festival was held on Saturday, September 14, 9am-4pm. We had 10 teams that competed with an additional 10 vendors that participated. The musical group Elevation entertained the public with a concert from 11am-2pm on the square during the festival. We partnered with the high school wrestling team for their annual corn-hole tournament that took place during the festival on the square. We are looking at revamping the BBQ Festival for next year.

The last First Friday was held on September 6, 6pm-10pm with Dead String Band being the musical guest. This event was well attended. Planning for the upcoming Fall Festival is also underway, with us receiving multiple applications each week from individuals to participate in this year's event.

Main Street and the Elbert Chamber have partnered together to participate in the upcoming Economic Development program that is to be held at Elbert Co. High School. We are also working with the Chamber to put together a Job Fair to be held during the fall.

Main Street is participating in the mentor/mentee program that is put together by the Georgia Downtown Association. Elberton's Main Street Manager has been partnered with Monroe's Main Street for the next year. This is very exciting because they have been very successful in growing their Main Street program over the past 5 years.

### **ELBERT THEATRE:**

There were 32 events including Encore Productions' *Drinking Habits* rehearsals & performances and Dad's Christmas Miracle auditions & rehearsals; *Overcomer & Angel Has Fallen* movie showings; Pinnacle Bank & ETF's paint classes, and T Washington's birthday dinner at the Elbert Theatre & Elberton Arts Center from Aug 26-Sept 24.

A total of 909 patrons visited the Elbert Theatre & Elberton Arts Center between Aug 26-Sept 24.

**ELBERT HOTEL:**

The latest occupancy statistics are as follows:

	<u>FY18</u>	<u>FY19</u>	<u>FY20</u>
July	29.5%	38.8%	47.2%
August	33.8%	33.3%	50.2%
September	45.6%	36.3%	
October	42.8%	48.9%	
November	34.2%	29.9%	
December	32.5%	40.9%	
January	27.2%	35.5%	
February	29.0%	26.6%	
March	37.9%	35.0%	
April	32.3%	40.5%	
May	43.1%	52.7%	
June	36.4%	50.4%	
AVERAGE	35.4%	39.1%	<b>48.7%</b>

September was not completed as of the date of this report, but September's occupancy is anticipated to end the month at 50.0%, which would bring the FY20 year-to-date average to 49.13%. High occupancy was achieved three weekends in September with the property being near full at least 3 Fridays and 3 Saturdays. Class reunions, weddings, and high business-related travel contributed to the elevated occupancy for the month.

Net operating income for July was \$14,977 and August's income was \$7,119 for a year-to-date total for two months of \$22,096. September's net income should exceed \$12,000 once the month is closed.

The department is working on a new gift shop area for the lobby to help fulfill requests for souvenirs and local Elberton items. The goal is to have the shop area ready and open for a debut at the Fall Festival in November. Items planned are T-shirts, mugs, shot glasses, granite coasters, photographic postcards, bath items that match what the hotel uses in the guest rooms, and other items.

Matters to be presented by the City Attorney:

- Dilapidated housing report.

Matters to be presented by the Council:

- Grant of waiver for extended hours for special event facility. The request was from Colette Orr for the Time Capsule located at 11 N. Oliver Street. She requested a one-time waiver from the Mayor and Council for an extension to close at 2:00 a.m. on November 28 (Thanksgiving Day), December 25 (Christmas Day) and December 31 (New Year's Eve). City Manager Dunn stated that staff recommended the request for an extension to close at 1:00 a.m. Council Member Colquitt motioned to table the request in order to receive a report from the police department. The motion fell due to lack of second. Council Member Hunt motioned to discuss the request, seconded by Council Member Butler. During discussion it was recommended that the organization hire off duty police officers or Sheriff's deputies to provide security during the event. After discussion, Council Member Hunt motioned to

approve closing at 1:00 a.m. for the November 28 event only and to require security from an off duty police officer or Sheriff's deputy during the event. Council Member Butler seconded the motion and it passed with a vote of 4-1 (voting for: Butler, Hunt, Prince, Parham) (voting against: Colquitt).

- Any other matters to be presented by the Council.

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