

**CITY OF ELBERTON**  
**REGULAR MEETING OF THE MAYOR AND COUNCIL**  
Monday, May 3, 2021 – 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, May 3, 2021 at City Hall, 203 Elbert Street with Mayor Guest presiding.

Present were: Council Members Butler, Colquitt, Burton, Prince, and Parham; 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 led the assembly in prayer.

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

Mr. Freddie Baker, Elberton Non-Profit Coalition, introduced Mr. Winston Heard to speak to Council on behalf of the Coalition.

Mr. Winston Heard, Elberton Non-Profit Coalition, spoke to council with regard to funding for the coalition from the coronavirus recovery funds. The coalition is requesting 10% of the recovery funds to help address the inequality in the community.

Council Member Parham introduced the following Resolution:

**RESOLUTION**

**WHEREAS**, the City of Elberton, Georgia, (hereinafter referred to as the "Participating Employer") has determined that in the interest of attracting and retaining qualified employees, it wishes to offer a defined contribution plan, funded by employer contributions;

**WHEREAS**, the Participating Employer has also determined that it wishes to encourage employees' saving for retirement by offering matching contributions;

**WHEREAS**, the Participating Employer has reviewed the Georgia Municipal Association ("GMA") Defined Contribution Plan, as amended and restated effective as of January 1, 2017 ("Plan");

**WHEREAS**, the Participating Employer wishes to continue participating in the Plan to provide certain benefits to its employees, reduce overall administrative costs, and afford attractive investment opportunities;

**WHEREAS**, the Participating Employer is an Employer as defined in the Plan;

**WHEREAS**, the Participating Employer has executed an Adoption Agreement (and, if applicable, an Addendum) for the Plan; and

**WHEREAS**, the Mayor and Council of the City of Elberton ("Governing Authority") is authorized by law to adopt this resolution approving the Adoption Agreement (and, if applicable, Addendum) on behalf of the Participating Employer;

Therefore, the Governing Authority of the Participating Employer hereby resolves:

Section 1. The Participating Employer adopts the Plan and the Trust Agreement ("Trust") for the Plan for its Employees.

Section 2. The Participating Employer acknowledges that the Board of Trustees of the GMA Defined Contribution and Deferred Compensation Plan ("Trustees") are only responsible for the Plan and have no responsibility for other employee benefit plans maintained by the Participating Employer.

Section 3.

(a) The Participating Employer hereby adopts the terms of the Adoption Agreement and any Addendum, which is attached hereto and made a part of this resolution. The Adoption Agreement (and, if applicable, the Addendum) sets forth the Employees to be covered by the Plan, the benefits to be provided by the Participating Employer under the Plan, and any conditions imposed by the Participating Employer with respect to, but not inconsistent with, the Plan. The Participating Employer reserves the right to amend its elections under the Adoption Agreement and any Addendum, so long as the amendment is not inconsistent with the Plan or the Internal Revenue Code or other applicable law and is approved by the Trustees of the Plan. The Participating Employer acknowledges that it is solely responsible for submitting Employer Contributions in accordance with the terms of this Adoption Agreement, including submitting said Employer Contributions as scheduled based on its Payroll Period or the end of the Plan Year, as applicable.

(b) The Participating Employer acknowledges that it may not be able to rely on the opinion letter if it makes certain elections under the Adoption Agreement or the Addendum, and that the failure to properly complete the Adoption Agreement may result in a failure of the Participating Employer's Plan to be a qualified plan.

Section 4. The Participating Employer hereby authorizes Georgia Municipal Association, Inc. ("GMA"), the Provider who sponsors the Plan on behalf of the Trustees, to amend the Plan on its behalf as provided under Revenue Procedure 2017-41, 2011-49, and 2007-44. The Participating Employer understands that the implementing amendment reads as follows:

GMA will maintain a record of the Participating Employers, and GMA will make reasonable and diligent efforts to ensure that Participating Employers have actually received and are aware of all Plan amendments and that such Participating Employers adopt new documents when necessary. The provisions of this subsection shall supersede other provisions of the Plan to the extent those other provisions are inconsistent.

The Trustees or GMA, as directed by the Trustees, hereby reserves the right to terminate the Plan without consent of the Participating Employers or of Participants (or any Beneficiaries thereof) and, likewise, to amend the Plan without consent of the Participating Employers or of Participants (or any Beneficiaries thereof) to make desired changes in the design of the Plan. A true copy of the resolution of the Trustees approved such amendment shall be delivered to the Administrator and the Participating Employers. The Plan shall be amended in the manner and effective as of the date set forth in such resolution, and the Participating Employers, Employees, Participants, Beneficiaries, the Administrator, and all others having any interest under the Plan shall be bound thereby.

On and after February 17, 2005, GMA shall have the authority to advise and prepare amendments to the Plan, for approval by the Trustees, on behalf of all Participating Employers, including those Participating Employers who have adopted the Plan prior to January 1, 2018, restatement of the Plan, for changes in the Code, the regulations thereunder, revenue rulings, other statements published by Internal Revenue Service, including model, sample, or other required by Internal Revenue Service, including model, sample, or other required good faith amendments (but only if their adoption will not cause such Plan to be individually designed), and for corrections of prior approved plans. These amendments shall be applied to all Participating Employers. Any amendment prepared by the Provider and approved by the Trustees will be provided by the Administrator to Participating Employers. Notwithstanding the foregoing paragraphs, effective on or after June 27, 2016, for any Participating Employer as if either:

- the date the Internal Revenue Service requires the Participating Employer to file Form 5300 as an individually designed plan as a result of an amendment by the Participating Employer to incorporate a type of Plan not allowable in a pre-approved plan as described in Revenue Procedure 2017-41; or
- as of the date of the Plan is otherwise considered an individually designed plan due to the nature and extent of the amendments.

Such Participating Employer shall execute a resolution to adopt any amendments that are approved by the Trustees after the date under subparagraph (1) or (2) above, as applicable, within the earlier of (i) ninety (90) days after such Trustees' approval, or (ii) if applicable, the remedial amendment period under Code Section 401(b) as applicable to governmental plans. If the Participating Employer is required to obtain a determination letter for any reason in order to maintain reliance on the opinion letter, GMA's authority to amend the Plan on behalf of the Participating Employer further understands that, if it does not give its authorization hereunder or, in the alternative, adopt another pre-approved plan, its Plan will become an individually designed plan and will not be able to rely on the pre-approved plan opinion letter.

#### Section 5.

(a) The Participating Employer shall abide by the terms of the Plan and the Trust, including amendments to the Plan made under Section 4 and to the Trust made by the Trustees of the Plan, all investment, administrative, and other service agreements of the Plan and the Trust, and all applicable provisions of the Internal Revenue Code and other applicable laws.

(b) The Participating Employer accepts the administrative services to be provided by GMA and any services provided by a Service Manager as delegated by the Trustees. The Participating Employer acknowledges that fees will be imposed with respect to the services provided and that such fees may be deducted from the Participants' Accounts.

#### Section 6.

(a) The Participating Employer may terminate its participation in the Plan, including but not limited to, its contribution requirements, if it takes the following actions:

- (i) A resolution must be adopted terminating its participation in the Plan.

- (ii) The resolution must specify when the participation will end.

The Trustees shall determine whether the resolution complies with the Plan, and all applicable federal and state laws, shall determine an appropriate effective date, and shall provide appropriate forms to terminate ongoing participation. However, distributions under the Plan of existing accounts to Participants will be made in accordance with the Plan.

(b) The Participating Employer acknowledges that the Plan contains provisions for involuntary Plan termination.

Section 7. The Participating Employer acknowledges that all assets held in connection with the Plan, including all contributions to the Plan, all property and rights acquired or purchased with such amounts and all income attributable to such amounts, property or rights shall be held in trust for the exclusive benefit of Participants and their Beneficiaries under the Plan. No part of the assets and income of the Plan shall be used for, or diverted to, purposes other than for the exclusive benefit of Participants and their Beneficiaries and for defraying reasonable expenses of the Plan. All amounts of compensation deferred pursuant to the Plan, all property and rights acquired or purchased with such amounts and all income attributable to such amounts, property or rights held as part of the Plan, shall be transferred to the Trustees to be held, managed, invested and distributed as part of the Trust Fund in accordance with the provisions of the Plan. All contributions to the Plan must be transferred by the Participating Employer to the Trust Fund. All benefits under the Plan shall be distributed solely from the Trust Fund pursuant to the Plan.

Section 8. This resolution and the Adoption Agreement (and any Addendum) shall be submitted to the Trustees for their approval. The Trustees shall determine whether the resolution complies with the Plan, and, if it does, shall provide appropriate forms to the Participating Employer to implement participation in the Plan. The Trustees may refuse to approve an Adoption Agreement (and any Addendum) by an Employer that does not have state statutory authority to participate in the Plan. The Governing Authority hereby acknowledges that it is responsible to assure that this resolution and the Adoption Agreement (and any Addendum) are adopted and executed in accordance with the requirements of applicable law.

Section 9. As provided in Revenue Procedure 2017-41, the Participating Employer may rely on the Plan's Opinion Letter, provided that the Participating Employer's Plan is identical to the GMA Plan, and the Participating Employer has not amended or made any modifications to the Plan other than to choose the options permitted under the Plan and Adoption Agreement.

Adopted by the Governing Authority on May 3, 2021, in accordance with applicable law.

Council Member Parham motioned to adopt the Resolution, seconded by Council Member Prince and the motion passed unanimously (Butler, Colquitt, Burton, Prince, Parham).

Council Member Butler introduced the following Resolution:

**A RESOLUTION ADOPTING A LANGUAGE ACCESS PLAN FOR LIMITED ENGLISH  
PROFICIENCY PERSONS IN THE CITY OF ELBERTON**

WHEREAS, the City of Elberton adopted a Language Access Plan (LAP) on December 7, 2020 in order to comply with all federal statutes and regulations in the administration of federally-funded programs; and

WHEREAS, pursuant to the requirements of Title VI, sub-recipients of federal funds received through an administration grant/award made by the Department of Community Affairs (DCA) are required to make reasonable efforts to provide timely, meaningful access for Limited English Proficiency (LEP) persons to programs and activities; and

WHEREAS, the Language Access Plan (LAP) was updated to include a “Plan to Maintain Records” in order to comply with Title VI Limited English Proficiency (LEP) obligations; and

WHEREAS, the Department of Community Affairs (DCA) has provided guidance for the updated plan for the City of Elberton; and

WHEREAS, the Mayor and Council wish to adopt the updated plan as stated above that addresses identified needs of the Limited English Proficiency (LEP) persons served; and

WHEREAS, the City Manager will remain the LAP Coordinator as stated in the plan and the City will also monitor and maintain the plan as well as update the plan every five years and as needed.

NOW THEREFORE BE IT RESOLVED, and it is hereby resolved by the Mayor and Council of the City of Elberton do official adopt the updated Language Access Plan (LAP) as described in Attachment “A”.

This the 3<sup>rd</sup> day of May, 2021.

Council Member Butler motioned to adopt the Resolution, seconded by Council Member Parham and the motion passed unanimously (Butler, Colquitt, Burton, Prince, Parham).

Council Member Prince introduced the following Resolution:

### RESOLUTION

**WHEREAS**, there currently exists several vacancies on the Elberton Downtown Development Authority (DDA) board of directors due the resignations of unexpired terms; 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. Adrian Plummer and Mr. Samuel Vargas to be considered for appointments as directors of the DDA; and

**WHEREAS**, the appointees meet 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 the nominees qualify as (a) persons who have an economic interest in the redevelopment and revitalization of the downtown development area.

**NOW, THEREFORE**, the Mayor and Council of the City of Elberton hereby appoint as directors of the Elberton DDA Mr. Adrian Plummer, term to end June 30, 2023 and Mr. Samuel Vargas, term to end June 30, 2024.

RESOLVED this 3<sup>rd</sup> day of May, 2021.

Council Member Prince motioned to adopt the Resolution, seconded by Council Member Butler and the motion passed unanimously (Butler, Colquitt, Burton, Prince, Parham).

Council Member Prince placed Ordinance 2214 on first reading to annex property located on Limo into the corporate limits of Elberton:

**ORDINANCE 2214**

**AN ORDINANCE ANNEXING THE PROPERTY LOCATED ON LIMO ROAD PURSUANT TO THAT CERTAIN ACT (GEORGIA LAW. 1962, P. 119) AUTHORIZING SAME UPON WRITTEN AND SIGNED APPLICATION OF THE PROPERTY OWNER OF SAID LAND; AND FOR OTHER PURPOSES.**

City Manager Dunn read the ordinance in its entirety.

Council Member Parham made a motion to adopt the Consent Agenda as follows, which was seconded by Council Member Butler. The motion passed unanimously (Butler, Colquitt, Burton, Prince, Parham).

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

Department: <b>Public Works Department</b>	
2021 T-SPLOST Asphalt Paving Project. Paving 2.11 miles of 8 city streets with striping plus some milling as required.	
Vendor:	Bid Amount:
Stratton & Sons Construction, Inc. <b>RECOMMENDED</b>	\$256,300.00
Garrett Paving Company	\$408,777.26

Department: <b>Fire Department</b>	
New E-One 1500 GPM pumper truck with Typhoon cab and chassis, to replace 1992 unit. This is a demonstrator/stock unit available now. (A new custom order will require a one year lead time and increase the cost at least \$35,000 for the new model year.)	
Vendor:	Bid Amount:
Fire Line, Inc. <b>RECOMMENDED</b>	\$495,000.00

Department: <b>Fire Department</b>	
14 breathing apparatuses and 28 air bottles (30-year life) to match purchase made in 2020. Completes the bottle replacement project.	
Vendor:	Bid Amount:
Municipal Emergency Services <b>RECOMMENDED</b>	\$115,752.00
American Safety & FireHouse	\$116,256.00

Department: <b>ElbertonNET</b>
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Two (2) Altec Bucket Trucks to replace two placed in service in August and September, 2011. TRUCKS ARE NOT AVAILABLE UNTIL MARCH 2022 AT THE EARLIEST. (Government contract pricing given.)		
Vendor:		Bid Amount:
Altec of Georgia	<b>RECOMMENDED</b>	\$222,130.00

2. Authorized the issuance of a public assembly permit to close the square to vehicular traffic on Friday, May 7<sup>th</sup> as requested by Main Street Elberton.
3. Authorized the issuance of a public assembly permit to close various streets to vehicular traffic on Sat., May 8<sup>th</sup> as requested by the Elbert County Coalition.
4. Authorized the issuance of a public assembly permit to close a portion of Prince Street to vehicular traffic on Sat., May 22<sup>nd</sup> as requested by the Granite City Life Skills Foundation.
5. Authorized the issuance of a public assembly permit to close a portion of Church Street to vehicular traffic at the Granite Bowl on Friday, May 28<sup>th</sup> as requested by ECCHS.
6. Authorized the issuance of a public assembly permit to close a portion of Fountain Street on Sat., July 31<sup>st</sup> as requested by A Shoe In Dance & Performing Arts Center.

City Manager Dunn presented the following reports:

- Financial Report ending March 31, 2021.
- City Manager Dunn discussed the FY22 budget meeting dates for Council to consider. The first public hearing and budget work session is scheduled for Thursday, June 3, 2021 at 5:30 p.m. and the second public hearing and adoption meeting is scheduled for Monday, June 7, 2021 at 5:30 p.m. He stated that he would follow-up with an email confirming meeting dates.

**CITY CLERK:**

The Elberton-Mure Sister City Program has decided to not do the student exchange program this summer due to COVID-19.

The department continues to collect delinquent Business License renewals for calendar 2021.

The Georgia Historic Preservation Division (HPD) is required to periodically evaluate the Certified Local Governments in Georgia to verify their continued compliance with the requirements of the program. The City was found in compliance.

**HUMAN RESOURCES:**

Open enrollment will be held in May for the group medical, vision and dental plans.

**FIRE DEPARTMENT:**

The Fire Department responded to 43 alarm calls for the month of April, 2021. These calls consisted of 4 Vehicle Accidents, 1 Vehicle Fire, 30 Medical Emergencies, 3 Structure Fires, 1 Aircraft Standby, and 4 False Alarms. The department conducted 2 fire inspections, 1 Pre Plans, and issued 3 burn permits. The

Fire Department conducted 546 hours of in-house training and 130 hours out of station training for the month.

**BUILDING INSPECTOR:**

The building inspection department issued 11 permits for the month of April, 2021. Permits issued: 1 Building Permit, 2 Mechanical Permits, 3 Reroof Permits, and 5 Electrical Permits. During this same period there were 6 electrical inspections, 3 reroof inspections, 2 mechanical inspections, 1 plumbing inspection, and 2 building inspections along with 11 site visits.

**POLICE DEPARTMENT:**

The Elberton Police Department released their monthly activity for the month of February 2021. The department recorded:

- 692 Calls for Service
- 140 Vehicle Traffic Stops
- 91 Incident Reports were filed
- 76 City Court cases made
- 11 Traffic accidents were investigated
- 45 People were arrested for various charges
- 8 Person was arrested for Driving under the Influence
- 120 Department Training Hours

The Group A crimes of the (NIBRS) National Incident Based Reporting System are sent to the FBI on a monthly basis. The Group A crimes for February 2021 are as follows:

	February 2021	January 2021	% Change +/-
Kidnapping:	0	0	No Change
Rape Offenses:	0	2	Down by 2 Offenses
Robbery:	0	0	No Change
Assault:	15	8	+87.5%
Arson	0	0	No Change
Burglary:	1	7	-85.7%
Larceny/Theft:	10	9	+11%
Motor vehicle theft:	1	0	Up by 1 case
Counterfeiting/Forgery:	2	3	-33.3%
Fraud Offenses:	1	2	-50%
Stolen Property Offenses:	0	0	No Change
Destruction/Damage/Vandalism:	6	0	Up by 6 Offenses
Drug Offenses:	4	6	-33.3%
Weapons Violations:	0	0	No Change
Animal Cruelty	0	0	No Change
Sex Offenses	0	0	No Change
Prostitution Offenses	0	0	No Change

**WATER & SEWER:**

The department placed the Industrial Tank back into service after inside renovations were completed by Utility Services. The crews performed the annual system wide hydrant flush on April 17<sup>th</sup> and 18<sup>th</sup>. The

crews installed water taps at Martin Grove Drive, Russell Ridge Court and West Railroad Street. The crews worked with the county to secure a 6 inch water main on Country Club Lane while the county replaced an old culvert pipe.

The crews replaced a manhole cover and ring on College Avenue. The crews cleaned sewer laterals at 147 Springdale Road, 123 Oak Drive and 615 Jones Street. The crews installed a 4 inch sewer tap and lateral at 223 West Railroad Street.

The crews replaced the wash water belt press booster pump at the Falling Creek Treatment Plant. The crews replaced the helisieve brushes and basket at the Falling Creek Treatment Plant. The crews replaced weir boards in the flocculation chambers at the Filter Plant. The Georgia EPD conducted the Sanitary Survey of the water system and Filter Plant on Wednesday April 21, 2021.

Construction began at the Filter Plant on the new clearwell and high service pump station on Monday, April 19, 2021.

### **ELECTRIC:**

During the month of April the Electric department changed out 14 poles in various locations. The department also installed underground power at Athens Tech, South Oliver and at Pine Needle lane. The Department finished out the month by pulling 20 old poles where transfers had been completed and disposing of them.

### **PUBLIC WORKS:**

In addition to routine maintenance and operations, the department poured 3 yards of concrete for the sidewalk in front of 264 Heard St.

### **NATURAL GAS:**

The Gas Department began the Northeast Phase 3 construction project on Rock Branch Road. The department has installed 4,000 feet of 6" pipe, one residential service, and 1,000 feet of new service line at a poultry customer on this project. The contractors have bored in 3,500 feet of 6" pipe resulting in a total of 7,500 feet installed so far. The total project is about 11,000 feet of 6" pipe.

Ideal Gas Measurement completed the 2021 Cathodic Protection Survey. The department is working on repairing the issues that were found.

The department installed a new residential service on Montevideo Rd.

### **MAIN STREET ELBERTON:**

Due to heavy the prediction of heavy rain, the Spring Fling scheduled for April 24 was cancelled. No postponement date was available due to several schedule conflicts in May.

On Friday May 7, Main Street will host a downtown concert on the square to celebrate our small business owners for National Small Business week. *Across The Wide* will perform from 7:00 p.m. to 9:00 p.m. We would love for the community to come out and enjoy the outdoor event. We will also have kids activities and are encouraging everyone to dine local and enjoy some shopping downtown before the music starts.

**ELBERT THEATRE:**

There were 23 events at the Elbert Theatre & Arts Center from Mar 30-Apr 23 including Encore's *Beauty & the Beast Jr* rehearsals & performances, *Screwtape* Open Reading, *'Til Beth Do Us Part* rehearsals, and ETF's paint class. Approximately 510 patrons visited the Elbert Theatre & Elberton Arts Center between March 30 and April 23.

**ELBERT HOTEL:**

The latest occupancy statistics are as follows:

	<u>FY18</u>	<u>FY19</u>	<u>FY20</u>	<u>FY21</u>
July	29.5%	38.8%	47.2%	31.4%
August	33.8%	33.3%	50.2%	33.9%
September	45.6%	36.3%	50.1%	31.5%
October	42.8%	48.9%	39.5%	34.0%
November	34.2%	29.9%	41.0%	31.5%
December	32.5%	40.9%	30.3%	20.8%
January	27.2%	35.5%	21.9%	28.9%
February	29.0%	26.6%	33.1%	32.7%
March	37.9%	35.0%	19.2%	32.7%
April	32.3%	40.5%	4.7%	
May	43.1%	52.7%	10.5%	
June	36.4%	50.4%	19.8%	
AVERAGE	35.4%	39.1%	30.6%	30.8%

Business at the Hotel remains steady with a noticeable increase in weekend travel in April that has not existed for about a year. April occupancy is on track to be the highest rate since November, 2019, well before the pandemic impacted operations. The Quarry Plates and Pours launched more menu items for the dinner/bar menu in April including a salmon dish and chicken wings.

City Attorney Jenkins gave a report on Dilapidated Housing.

Mayor Guest asked for a motion to move into executive session for the purpose of discussing future acquisition of real estate as permitted by O.C.G.A. 50-14-1. Council Member Butler motioned to close the meeting and move into executive session, seconded by Council Member Parham and the motion passed unanimously (Butler, Colquitt, Burton, Prince, Parham).

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

Mayor Guest stated that no action was taken during the discussion.

There being no further business to come before Council, upon proper motion and second the meeting was adjourned at 6:30 p.m.