

**CITY OF ELBERTON**  
**PUBLIC HEARING & REGULAR MEETING OF THE MAYOR AND COUNCIL**  
Monday, June 3, 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, June 3, 2019 in Council Chambers of the Municipal Building, 203 Elbert Street with Mayor Guest presiding.

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

Mayor Guest called the Public Hearing to order. A Notice of Hearing was issued in accordance with law for the purpose of obtaining comments on the FY 2020 proposed budget. Mayor Guest asked if there were any comments on the proposed budget. There were no oral or written comments. Council Member Butler motioned to adjourn the public hearing, seconded by Council Member Parham and the motion to adjourn the public hearing passed unanimously (Hunt, Butler, Prince, Parham, Colquitt).

Mayor Guest called the meeting to order at 5:32 pm. He led the assembly in the Pledge of Allegiance and in prayer.

Council Member Colquitt motioned to approve the minutes of the May 6 meeting, seconded by Council Member Prince and the motion passed unanimously (Butler, Colquitt, Hunt, Prince, Parham).

Council Member Prince introduced the following Resolution to accept the Fiscal Year 2020 budget for the City of Elberton:

**RESOLUTION**

**WHEREAS:** The Mayor and Council of the City of Elberton on May 28, 2019, after due and legal notice, reviewed the Annual Budget estimate for Fiscal Year 2020 as prepared by the City Manager in accordance with Section 33 of the Charter; and

**WHEREAS:** The General Fund budget is proposed at \$4,887,476; and

**WHEREAS:** The Solid Waste Fund budget is proposed at \$925,353; and

**WHEREAS:** The Combined Public Utilities System Fund budget is proposed at \$23,161,724; and

**WHEREAS:** The ElbertonNET Technology Services Fund budget is proposed at \$5,388,814; and

**WHEREAS:** The Hotel/Motel Tax Special Revenue Fund budget is proposed at \$80,000; the 2017 Special Purpose Local Option Sales Tax Capital Projects Fund budget is proposed at \$640,200; the Transportation Special Purpose Local Option Sales Tax Capital Projects Fund budget is proposed at \$560,200; the Downtown Development Revolving Loan Fund is proposed \$24,855; the Elbert Hotel Enterprise Fund is proposed at \$454,400; and the Elbert Theatre Enterprise Fund is proposed at \$177,000; and

**WHEREAS:** The rates and fees schedule of the Fiscal Year 2020 Budget is hereby included as Attachment “A”; and

**WHEREAS:** The total combined Annual Budget for Fiscal Year 2020 is \$36,300,022.

**NOW, THEREFORE BE IT RESOLVED,** and it is hereby resolved that the Mayor and Council do officially approve and adopt the aforementioned Annual Budget for Fiscal Year 2020 as submitted including the rates and fees schedule designated Attachment “A”.

**BE IT FURTHER RESOLVED** that the Mayor, City Manager, and/or City Clerk are authorized and directed to execute the necessary documents in order to enact actions authorized by Council with the adoption of this Annual Budget.

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

Council Member Parham introduced the following Resolution to accept the Fiscal Year 2020 budget for the Samuel Elbert Hotel:

#### **RESOLUTION**

**WHEREAS:** The Downtown Development Authority of the City of Elberton has presented a budget to the Mayor and Council for the operation of the Samuel Elbert Hotel for Fiscal Year 2020 as prepared by the City Manager; and

**WHEREAS:** The operating budget for fiscal year 2020 is proposed at \$448,942; and

**WHEREAS:** The Mayor and Council have had the opportunity to review the DDA's budget proposal at a work session on May 28, 2019.

**NOW, THEREFORE BE IT RESOLVED**, and it is hereby resolved that the Mayor and Council do officially approve, adopt and accept the aforementioned Annual Budget for Fiscal Year 2020 as submitted for the Samuel Elbert Hotel as operated by the Downtown Development Authority of the City of Elberton.

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

Council Member Prince introduced the following Resolution to pertaining to the creation and activation of the Elbert Development Authority:

#### **RESOLUTION**

#### **A RESOLUTION OF THE BOARD OF COMMISSIONERS OF ELBERT COUNTY, GEORGIA, THE MAYOR AND COUNCIL OF THE CITY OF ELBERTON, AND THE MAYOR AND COUNCIL OF THE CITY OF BOWMAN TO CREATE AND ACTIVATE THE ELBERT DEVELOPMENT AUTHORITY.**

**BE IT RESOLVED** by joint and concurrent resolution of the Board of Commissioners of Elbert County, the Mayor and Council of the City of Elberton, and the Mayor and Council of the City of Bowman, in public meetings duly assembled, and it is hereby resolved by authority of the same that:

Section 1. **ACTIVATION OF THE AUTHORITY.** It is hereby declared that there is a need for a joint development authority to function in Elbert County, the City of Elberton, and the City of Bowman. Such authority, to be known as the Elbert Development Authority, is hereby activated. Said authority, herein called the Authority, shall transact business and exercise the powers provided by the provisions of the Development Authorities Law, codified in the Official Code of Georgia, Annotated, Title 36, Chapter 62, as the same now exists and as it may be hereafter amended.

Section 2. **SUCCESSOR TO THE DEVELOPMENT AUTHORITY OF ELBERT COUNTY, ELBERTON, AND BOWMAN.** The Elbert Development Authority, created by this joint resolution, is and shall be the successor to the duties and functions of the Development Authority of Elbert County, Elberton, and Bowman created pursuant to a joint resolution dated October 14, 1982, which authority has been functioning in Elbert County as the joint development authority thereof. The Elbert Development Authority shall succeed to all of the rights, powers and duties of the Development Authority of Elbert County, Elberton, and Bowman. It is intended that the Elbert Development Authority shall honor all inducements made and outstanding as of the date of organization of said new authority. Nothing contained herein is intended to affect or impair, nor shall it affect or impair, any outstanding bonds, or executory

contracts issued or made by the Development Authority of Elbert County, Elberton, and Bowman, but said obligations and commitments shall continue according to their terms until discharged in full.

Section 3. SUCCESSOR TO THE ELBERT COUNTY INDUSTRIAL BUILDING AUTHORITY. The Elbert Development Authority, created by this joint resolution, is and shall be the successor to the duties and functions of the Elbert County Industrial Building Authority created pursuant to Georgia Laws 1968, p. 1600 et seq. The Elbert Development Authority shall succeed to all of the rights, powers and duties of the Elbert County Industrial Building Authority. It is intended that the Elbert Development Authority shall honor all inducements made and outstanding as of the date of organization of said new authority. Nothing contained herein is intended to affect or impair, nor shall it affect or impair, any outstanding bonds, or executory contracts issued or made by the Elbert County Industrial Building Authority, but said obligations and commitments shall continue according to their terms until discharged in full.

Section 4. JOINT AUTHORITY. The Authority is created and activated by this proper resolution of the governing bodies of Elbert County, the City of Elberton, and the City of Bowman as a joint authority pursuant to provisions codified in the Official Code of Georgia, Annotated, Title 36, Chapter 62, Section 5.1.

Section 5. DIRECTORS. The Authority shall consist of seven directors. All directors shall be residents of Elbert County. One director shall be the Chairman of the Elbert County Board of Commissioners. The term in office as a director shall begin and end with the assumption of the Chairman's office of the Board of Commissioners. If the County Chairman is unable to serve, a substitute director shall be appointed by the Board of Commissioners. Such director may be another elected official of Elbert County, an officer, or an employee of Elbert County, or any other Elbert County resident. One director shall be the Mayor of the City of Elberton. The term in office as a director shall begin and end with the assumption of the Mayor's office of the City of Elberton. If the Mayor is unable to serve, a substitute director shall be appointed by the Elberton Mayor and City Council. Such director may be another elected official of Elberton, an officer, or an employee of Elberton, or any resident of Elberton. Two directors shall be appointed by the Board of Commissioners of Elbert County. These directors may not be elected officials, officers, or employees of Elbert County, Elberton, or Bowman. Two directors shall be appointed by the Mayor and Council of the City of Elberton. These directors may not be elected officials, officers, or employees of Elbert County, Elberton, or Bowman. One director shall be appointed by the Mayor and Council of the City of Bowman. This director may be an elected official, an officer, or an employee of the City of Bowman, or any resident of Elbert County. No director may receive compensation for his or her services, but shall be reimbursed for his or her actual expenses incurred in the performance of his or her duties. The following persons have been appointed by the governing bodies of Elbert County, Elberton, or Bowman shown by his or her name for terms beginning with the date of adoption of this resolution and expiring on the date opposite each name:

<u>NAME</u>	<u>INITIAL TERM EXPIRES</u>	<u>APPOINTED BY</u>
B. Lee Vaughn	as Chairman of Elbert County	
Larry L. Guest	as Mayor of the City of Elberton	
_____	December 31, 2020	Elbert County
_____	December 31, 2021	Elbert County
Dr. Andrea Daniel	December 31, 2020	City of Elberton
Greg Gunter	December 31, 2022	City of Elberton
_____	December 31, 2020	City of Bowman

After expiration of the initial terms, the terms of office of all members with the exception of the Elbert County Chairman and the Mayor of Elberton shall be staggered terms of four (4) years. Successors to persons listed above shall be named by the governing body of the City or County shown opposite such person's name as shown above. If at the end of any term of any director a successor to such director has not been appointed, the director whose term of office has expired shall continue to hold office until his successor is appointed. The majority of the directors of the Authority shall constitute a quorum, and the affirmative vote of a majority of the directors of the Authority then in office shall be required for action by the Authority. The board of directors shall meet at least once per calendar quarter.

Section 6. OFFICERS. The directors shall elect one of their members as chairman and another as vice chairman, provided however that neither of these officers may be the Elbert County Chairman or Mayor of Elberton. The directors shall also elect a secretary and a treasurer or a secretary-treasurer, either of whom may but need not be a director.

Section 7. EXECUTIVE COMMITTEE. There shall be an executive committee of the board of directors comprised of the Chairman of the Authority, the Chairman of Elbert County, and the Mayor of the City of Elberton. If either the County Chairman or the Elberton Mayor is not serving as a director, then the governing authority of Elbert County or the City of Elberton shall name a substitute on the Executive Committee who is also a director appointed by that governing authority. The Executive Committee shall have oversight duties of any employees of the Authority, and shall conduct performance evaluations of all employees at least annually. The Executive Committee will be responsible for the daily implementation of Board policies, will provide daily management of the Authority in conjunction with any employees, and will provide strategic direction for the Authority. The Executive Committee shall meet at least once per calendar quarter.

Section 8. FILING WITH THE SECRETARY OF STATE. A copy of this resolution shall be filed with the Secretary of State.

Section 9. EFFECTIVE DATE. This joint and concurrent resolution shall become effective on the date of its adoption by the governing bodies of Elbert County, the City of Elberton, and the City of Bowman last approving the same.

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

Council Member Colquitt placed Ordinance 2205 on second reading to amend the alcoholic beverage ordinance:

#### **ORDINANCE 2205**

#### **AN ORDINANCE TO AMEND CHAPTER 4, ALCOHOLIC BEVERAGES, AND TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.**

City Manager Dunn read the ordinance in its entirety at the May meeting. Council Member Colquitt motioned to waive the reading, seconded by Council Member Prince and the motion to waive passed unanimously (Butler, Colquitt, Hunt, Prince, Parham). Council Member Colquitt motioned to accept the Resolution as read, seconded by Council Member Parham and the motion passed unanimously (Butler, Colquitt, Hunt, Prince, Parham).

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

1. Approved expenditures that exceed the city manager's purchasing authority.
2. Accepted the minutes and decisions of the Elberton Historic Preservation Commission meeting of May 28, 2019.
3. Authorized the Mayor and/or City Manager to execute the necessary documents with Rushton & Company for FY2019 audit services. The fee is the same as the last five years, \$36,900.

City Manager Dunn presented the following reports:

- Financial Report ending April 30, 2019
- Monthly report on the activities of various departments

Matters to be presented by the City Attorney:

- Dilapidated housing report.

Matters to be presented by the Council:

- 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 at 6:00 p.m.

**CITY OF ELBERTON  
CALLED MEETING OF THE ELBERTON MAYOR AND COUNCIL  
Thursday, June 20, 2019 - 5:30 p.m.**

Pursuant to due call and notice thereof the Called Meeting of the Mayor and Council of the City of Elberton convened at 5:30 p.m. on Thursday, June 20, 2019, in the Municipal Building, 203 Elbert Street with Mayor Guest presiding.

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

Mayor Guest called to order the Called Meeting. Mayor Guest led the assembly in the Pledge of Allegiance and offered the invocation.

Council member Colquitt introduced the following Resolution which was read by the City Manager:

**R E S O L U T I O N**

**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF ELBERT COUNTY, GEORGIA, THE MAYOR AND COUNCIL OF THE CITY OF ELBERTON, AND THE MAYOR AND COUNCIL OF THE CITY OF BOWMAN TO AMEND THE ACTIVATING RESOLUTION OF 1982 FOR THE JOINT DEVELOPMENT AUTHORITY OF ELBERT COUNTY, ELBERTON, AND BOWMAN.**

BE IT RESOLVED by joint and concurrent resolution of the Board of Commissioners of Elbert County, the Mayor and Council of the City of Elberton, and the Mayor and Council of the City of Bowman, in public meetings duly assembled, and it is hereby resolved by authority of the same that:

PART 1: Section 3, DIRECTORS, of the 1982 Activating Resolution is hereby deleted and replaced with the following:

“Section 3. DIRECTORS.

The Authority shall consist of seven directors. All directors shall be residents of Elbert County. One director shall be the Chairman of the Elbert County Board of Commissioners. The term in office as a director shall begin and end with the assumption of the Chairman’s office of the Board of Commissioners. If the County Chairman is unable to serve, a substitute director shall be appointed by the Board of Commissioners. Such director may be another elected official of Elbert County, an officer, or an employee of Elbert County, or any Elbert County resident.

One director shall be the Mayor of the City of Elberton. The term in office as a director shall begin and end with the assumption of the Mayor’s office of the City of Elberton. If the Mayor is unable to serve, a substitute director shall be appointed by the Elberton Mayor and City Council. Such director may be another elected official of Elberton, an officer, or an employee of Elberton, or any resident of Elberton. Two directors shall be appointed by the Board of Commissioners of Elbert County. These directors may not be elected officials, officers, or employees of Elbert County, Elberton, or Bowman. Two directors shall be appointed by the Mayor and Council of the City of Elberton. These directors may not be elected officials, officers, or employees of Elbert County, Elberton, or Bowman. One director shall be appointed by the Mayor and Council of the City of Bowman. This director may be an elected official, an officer, or an employee of the City of Bowman, or any resident of Elbert County. No director may receive compensation for his or her services, but shall be reimbursed for his or her actual expenses incurred in the performance of his or her duties. The following persons have been appointed by the governing bodies of Elbert County, Elberton, or Bowman shown by his or her name for terms beginning with the date of adoption of this resolution and expiring on the date opposite each name:

<u>NAME</u>	<u>INITIAL TERM EXPIRES</u>	<u>APPOINTED BY</u>
B. Lee Vaughn	as Chairman of Elbert County	
Larry L. Guest	as Mayor of the City of Elberton	
Randy Smith	December 31, 2020	Elbert County
Stephen Banks	December 31, 2021	Elbert County
Dr. Andrea Daniel	December 31, 2020	City of Elberton
Greg Gunter	December 31, 2022	City of Elberton
_____	December 31, 2020	City of Bowman

After expiration of the initial terms, the terms of office of all members with the exception of the Elbert County Chairman and the Mayor of Elberton shall be staggered terms of four (4) years. Successors to persons listed above shall be named by the governing body of the City or County shown opposite such person's name as shown above. If at the end of any term of any director a successor to such director has not been appointed, the director whose term of office has expired shall continue to hold office until his or her successor is appointed.

The majority of the directors of the Authority shall constitute a quorum, and the affirmative vote of a majority of the directors of the Authority then in office shall be required for action by the Authority. The board of directors shall meet at least once per calendar quarter."

PART 2: Section 4, OFFICERS, of the 1982 Activating Resolution is hereby deleted and replaced with the following:

"Section 4. OFFICERS. The directors shall elect one of their members as chairman and another as vice chairman, provided however that neither of these officers may be the Elbert County Commission Chairman or Mayor of Elberton. The directors shall also elect a secretary and a treasurer or a secretary-treasurer, either of whom may but need not be a director."

PART 3. A new Section 8 is added as follows to the Activating Resolution:

"Section 8. EXECUTIVE COMMITTEE. There is hereby created an executive committee of the board of directors comprised of the Chairman of the Authority, the Chairman of the Elbert County Board of Commissioners, and the Mayor of the City of Elberton. If either the County Commission Chairman or the Elberton Mayor is unable or unwilling to serve as a director for any reason, then the governing authority of Elbert County or the City of Elberton shall name a substitute on the Executive Committee who is also a director appointed by that governing authority. The Executive Committee shall conduct performance evaluations of all employees at least annually and shall make recommendations to the board of directors as to personnel decisions regarding agents or employees of the Authority. Provided, however, that any personnel decisions regarding agents or employees of the Authority shall be made by the Authority board of directors. The Executive Committee will provide daily management of the Authority in conjunction with any agents or employees, and will recommend to the board of directors strategic direction for the Authority. The Executive Committee shall meet at least once per calendar quarter."

PART 4. EFFECTIVE DATE. This joint and concurrent resolution shall become effective on the date of its adoption by the governing bodies of Elbert County, the City of Elberton, and the City of Bowman last approving the same.

Mr. Colquitt motioned to adopt the resolution, seconded by Mr. Parham. The council adopted the resolution by a vote of 5-0 (Butler, Hunt, Colquitt, Prince, and Parham).

There being no further business, the meeting adjourned with a motion duly made and seconded.