

**CITY OF ELBERTON**  
**REGULAR MEETING OF THE ELBERTON MAYOR & COUNCIL**

Monday, August 2, 2010 – 5:30 p.m.

Pursuant to due call and notice thereof the Regular Meeting of the Mayor and Council convened at 5:30 p. m. on Monday, August 2, 2010 in Council Chambers of the Municipal Building, 203 Elbert Street with Mayor Guest presiding.

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

Mayor Guest called the Regular Meeting to order. City Attorney Phelps led the assembly in the Pledge of Allegiance and City Attorney Phelps led in prayer.

Council Member Butler motioned to approve the minutes of the July 1, 2010 Regular Meeting as submitted, seconded by Council Member Hunt seconded the motion passed unanimously.

Controller Kevin Eavenson presented the Financial Report as follows through June 30, 2010 which is the final month of Fiscal Year 2010 Budget:

General Fund	\$ 4.4 million
Combined Utilities Fund	\$ 21.6 million
Elberton Technology Services Fund	\$ 1.6 million net loss
Solid Waste Fund	\$ 203,362
Unrestricted Investments-General Fund and Utility Fund	\$ 4.7 million
Restricted Investments (SPLOST & Utility Funds)	\$ 807,810

Mr. Hubert Gaines of 1034 Lexington Highway requested to speak to Council with regard to the Housing projects. Council Member Hunt motioned to hear Mr. Gaines, seconded by Council Member Paul and the motion passed unanimously. Mr. Gaines stated that he was trying to organize a committee to talk with the residence on current issues in the neighborhood. Ms. Ellua Fortson of 67 Spring Valley Apartments requested to speak to Council with regard to her son being arrested. Mayor Pro tempore Seymour motioned to hear Ms. Fortson, seconded by Council Member Hunt and the motion passed unanimously. Ms. Fortson stated that her son was being harassed due to being arrested in the Housing Authority on the previous night. She said it was a case of mistaken identity. Mr. Jerry Spinks, Chairman of the Housing Authority requested to speak to Council. Council Member Butler motioned to hear Mr. Spinks, seconded by Council Member Hunt and the motion passed unanimously. Mr. Spinks stated that the mission of the Housing Authority is to provide safe, sanitary, and decent housing. He also stated that the proper name is Assisted Living not the projects. He recommended allowing someone from the Housing Authority to serve on the committee that Mr. Gaines was speaking of. No action was taken at this time.

Mayor Pro tem Seymour placed Ordinance 2162 on second reading with a heading as follows:

**ORDINANCE 2162**

**AN ORDINANCE TO AMEND ARTICLE V, FLOOD DAMAGE PREVENTION ORDINANCE OF CHAPTER 22, LAND USE; BY ADOPTING A NEW FLOOD PREVENTION ORDINANCE; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.**

Mayor Pro tem Seymour motioned to waive the reading of the Ordinance, seconded by Council Member Butler and the motion to waive passed unanimously. City Manager Dunn read the heading of the Ordinance. Council Member Hunt motioned to adopt the Ordinance as presented, seconded by Council Member Paul and the motion to adopt passed unanimously.

Mayor Pro tem Seymour placed Ordinance 2163 on first reading with a heading as follows:

**ORDINANCE 2163**

**AN ORDINANCE ANNEXING THE PROPERTY LOCATED AT 103 SEABOARD STREET PURSUANT TO THAT CERTAIN ACT (GEORGIA LAW, 1962, P. 119) AUTHORIZING SAME UPON WRITTEN AND SIGNED APPLICATION OF THE PROPERTY OWNERS OF SAID LAND; AND FOR OTHER PURPOSES.**

City Manager Dunn read the Ordinance in its entirety.

Mayor Pro tem Seymour introduced the following Resolution for consideration:

**RESOLUTION**

**WHEREAS:** Several residents have asked the Mayor and Council to consider removing the traffic signal at the intersection of Heard Street and Thomas Street and designating it a four-way stop; and

**WHEREAS:** The Elberton Police Department supports this request with the addition of a four-way flashing red light; and

**WHEREAS:** Council concurs with this recommendation to amend the Official Traffic Map of the City of Elberton in accordance with Section 36-6, traffic schedules; and

**WHEREAS:** This Resolution shall become part of the Official Traffic Map and be marked in accordance with **Attachment 'A'** incorporated herein, which may be found on file in the City Clerks Office.

**NOW, THEREFORE BE IT RESOLVED AND IT IS HEREBY RESOLVED** that the Mayor and Council authorizes the removal of the traffic signal at the intersection of Heard Street and Thomas Street and designate it a four-way stop with the addition of a four-way flashing red light.

**BE IT FURTHER RESOLVED** that the Mayor and Council direct the City Manager to have this

intersection marked by signs as in accordance with this Resolution.

City Manager Dunn read the Resolution in its entirety. Mayor Pro tem Seymour motioned to adopt the Ordinance as presented, seconded by Council Member Paul and the motion to adopt passed with four (4) voting "for" (Hunt, Seymour, Paul and Colquitt) and one (1) voting "against" (Butler). Council instructed staff to have stop painted on the pavement and crosswalk as well as installing a hanging "4-way stop" sign from the support wire.

Council Member Butler introduced the following Resolution for consideration:

## **A RESOLUTION OF THE CITY OF ELBERTON**

### **APPROVING THE GRANT SERVICES AGREEMENT WITH ELECTRIC CITIES OF GEORGIA, INC.; AUTHORIZING THE EXECUTION, DELIVERY AND PERFORMANCE OF SUCH AGREEMENT; AND FOR OTHER PURPOSES**

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WHEREAS, Electric Cities of Georgia, Inc., a Georgia nonprofit corporation organized to perform services on behalf of its Participants pursuant to the Georgia Nonprofit Code and Section 115 of the Internal Revenue Code (the "Electric Cities"), and certain Participants, including, but not limited to, the CITY OF ELBERTON (the "Grant Participant"), have entered into a Participant Services Contract, dated as of March 1, 2009 (each, a "Services Contract," and together, the "Services Contracts"); capitalized terms used herein, but not defined shall have the meaning set forth in the Services Contracts or the hereinafter defined Contract, as applicable; and

WHEREAS, the Georgia Environmental Facilities Authority ("GEFA") created certain funding opportunities under the 2009 State Energy Program and Energy Efficiency and Conservation Block Grant ("EECBG") Program, which are funded by the American Recovery and Reinvestment Act of 2009 (the "ARRA") and include the Renewable Energy Grant (the "Renewable Grant"), the Residential Energy Efficiency Grant (the "Residential Grant") and the Utility Financing Grant for Residential Energy Efficiency (the "On-Bill Financing Grant," and together with the Renewable Grant and the Residential Grant, the "Grants"); and

WHEREAS, Electric Cities prepared joint applications for certain grants, including the Grants, on behalf of certain Participants (the "Grant Participants"), including the Grant Participant, that executed and delivered a Pre-Application and Certification (the "Pre-Applications") to Electric Cities respecting such grants; and

WHEREAS, Grant Participant's Pre-Application provides that, if Grant Participant, or Electric Cities on its behalf, is awarded Grant financing and as a condition precedent to Electric Cities distributing any Grant moneys to the Grant Participant, the Grant Participant shall (a) enter into an agreement and/or supplement or amendment to the Services Contract with Electric Cities setting forth reasonable terms and conditions respecting the Grant and (b) comply with all applicable requirements, including, but not limited to, applicable provisions of the ARRA and applicable rules and regulations related to the Grants that have been, or may be, promulgated by GEFA, the United States Department of Energy or any other applicable governmental authority; and

WHEREAS, Electric Cities was successful in being awarded certain funds from GEFA under the Renewable Grant program, the Residential Grant program and the On-Bill Financing Grant program (the "Grant Programs") on behalf of the applicable Grant Participants based on the Grant award and the Pre-Applications; and

WHEREAS, as a Georgia nonprofit formed on behalf of its Participants, Electric Cities must provide for a method by which any costs and expenses that it incurs respecting the Grants or the EECBG Grants, including those under the Electric Cities GEFA Contracts and any contracts with subcontractors for the performance of the Services (as defined in the Electric Cities GEFA Contracts) or services respecting the Co-Funded Projects and the EECBG-Only Projects be born by the applicable Grant Participants to the extent not reimbursed by GEFA from Grant or EECBG Grant funds; and

WHEREAS, Electric Cities, the Grant Participant and the other Grant Participants have caused to be prepared a draft Grant Services Contract, respecting the Grants, to be completed for each Grant Participant (together, the "Contracts"), a draft of which has been prepared with specifics particular to the Grant Participant and presented at this meeting (the "Contract");

NOW, THEREFORE, be it resolved by the governing body of the Grant Participant in a meeting duly assembled, and it is hereby resolved by authority thereof, as follows:

Section 1. The Grant Participant hereby finds and determines that it is in its best interest to contract with Electric Cities under the terms of the Contract.

Section 2. The Grant Participant hereby approves and authorizes the execution, delivery and performance of the Contract, including the exhibits thereto, in substantially the form of the draft thereof presented at this meeting and filed in the Grant Participant's meeting minutes, and hereby incorporated herein by reference, subject to such changes, additions and deletions made in the discretion of the MAYOR (the "Authorized Official") of the Grant Participant, with advice of counsel. The Contract shall be executed by the Authorized Official, attested by the appropriate officer of the Grant Participant, and shall have the Grant Participant's seal affixed thereto, and shall be delivered to Electric Cities, and when so executed and delivered, shall be binding upon the Grant Participant in accordance with its terms. Execution of the Contract as authorized herein shall be conclusive evidence of the Participant's approval thereof.

Section 3. The Grant Participant hereby authorizes the Authorized Official and CITY MANAGER to take any further actions and execute and deliver any other documents necessary to carry out the purpose of this Resolution, including, but not limited to, communicating the decisions of the Grant Participant to Electric Cities with respect to any matter respecting the Contract, as amended from time to time.

Section 4. In the adoption of this Resolution, the Grant Participant hereby recognizes that this action will be relied upon by other municipalities and systems that own and operate electric distribution systems and that adopt similar resolutions in furtherance of joint action through Electric Cities respecting the Grants, and that the Grant Participant is also relying upon the adoption of such resolutions by such other municipalities and systems. The Pre-Applications, the Contracts and the Services Contracts together constitute an intergovernmental contract among the Grant Participant, Electric Cities and the other Participants under the Intergovernmental Contracts Clause of the Constitution of the State of Georgia, Article IX, Section III, Paragraph I.

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 Paul motioned to adopt the Ordinance as presented, seconded by Council Member Hunt and the motion to adopt passed unanimously.

City Manager Dunn stated that Elbert County had prepared an intergovernmental agreement for the upcoming Special Local Option Sales Tax (SPLOST) vote. He presented Council with a list of projects to be included as Exhibit A in the intergovernmental agreement. This list would therefore become a part of the SPLOST referendum called by the County. Council Member Butler introduced the Resolution as follows:

**RESOLUTION**

**A RESOLUTION OF THE CITY OF ELBERTON, GEORGIA APPROVING AND AUTHORIZING EXECUTION, BY THE MAYOR OF THE CITY OF ELBERTON, OF AN INTERGOVERNMENTAL AGREEMENT AMONG ELBERT COUNTY, THE CITY OF ELBERTON, AND THE CITY OF BOWMAN CONCERNING A ONE PERCENT SPECIAL PURPOSE LOCAL OPTION SALES AND USE TAX ENACTED PUSUANT TO O.C.G.A. 48-8-110 ET SEQ; REPEALING PRIOR RESOLUTIONS IN CONFLICT; AND FOR OTHER PURPOSES.**

**WHEREAS:** O.C.G.A. 48-8-110 et seq. authorizes the imposition of a one percent county special purpose local option sales and use tax (SPLOST) for the purposes of inter alia of financing capital outlay projects to be owned or operated by Elbert County and one or more municipalities; and

**WHEREAS:** Elbert County, Georgia, the City of Elberton, Georgia, and the City of Bowman, Georgia desire to utilize the proceeds of a SPLOST for the one or more of the purposes authorized under O.C.G.A. 48-8-110 (a) (1).

**NOW, THEREFORE BE IT RESOLVED AND IT IS HEREBY RESOLVED** by the Mayor and City Council of the City of Elberton, Georgia as follows:

SECTION 1. The attached intergovernmental agreement addressing the disbursement of SPLOST proceeds among Elbert County, the City of Elberton, Georgia, and the City of Bowman, Georgia, and other related matters is hereby approved.

SECTION 2. The Mayor of the City of Elberton is authorized to execute the intergovernmental agreement on behalf of the City of Elberton and the City Clerk is authorized to affix the seal of the City thereto.

SECTION 3. All resolutions, or parts of resolutions, in conflict herewith are repeals.

City Manager Dunn read the Resolution in its entirety. Council Member Paul motioned to adopt the Ordinance as presented, seconded by Council Member Seymour. During discussion Council Member Colquitt inquired about the amendment of Elbert Memorial Hospital's Authority Bylaws including a representative from all governments to serve on the board. City Manager Dunn read Section 8 of the intergovernmental agreement. The motion to adopt passed unanimously.

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

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

**Mayor/Council:**

Joel Seymour  
Fall Training Program  
Excellence in Utilities  
Marietta, GA  
September 15, 2010  
Registration: \$215.00  
Travel/lodging: \$125.00

August 30-31, 2010  
GPSTC Forsyth, GA  
Registration Fee: None  
Travel/lodging: \$190.00

Joe McGuffin & Allen Lee  
Supervision Level 111  
September 27- October 1, 2010  
GPSTC Forsyth, GA  
Registration Fee: None  
Travel/lodging: \$400.00

**Main Street:**

Sissie Herring  
Main Street AT Work: Building Jobs and  
Preserving Downtowns  
Augusta, GA  
September 29 – October 1, 2010  
Registration: \$185.00  
Travel/lodging: 360.00

**Electric**

Jerry Christian, Kevin Campos  
Into and Advanced Underground  
Distribution School  
Newnan, GA  
August 30,31-Sept. 1, 2010  
Registration: \$ 0.00  
Travel/lodging \$ 1040.00

**Police:**

James Justice & Kyle Dodson  
Breath Alcohol Training – Basic  
Certification

2. Budget Amendment for FY2010.
3. Authorized the issuance of an alcoholic beverage license to Mr. William Minger of Walgreens #11166 located at 18 College Avenue. Walgreens is applying for a retail license to sell beer/malt and wine.
4. Authorized the closing of McIntosh Street downtown to vehicular traffic on August 14, 2010 at 1:00 p.m. to set up for the Modern Skirts Concert sponsored by Main Street Elberton.
5. Authorized the execution of a contract with GEFA for an Energy Efficiency Grant.
6. Accepted the City's Millage Rate for tax year 2010.

City Manager Dunn presented the following reports:

- Gave a copy of the letter and door hanger sent to all affected customers in preparation of the planned electrical outage on August 10-11. This will complete the 4 kV conversion project.
- Gave a report on a meeting with the Ga DOT to discuss the Clairmont Avenue extension project. Based on the Ga DOT requirements, the city will be bidding out this project to contractors because in-house crew is not capable of adequately doing that work..
- The police department submitted a quote to replace the in-car video/audio systems. The existing equipment is over five years old and is really irreparable. Council member Paul motioned to accept the quote from Integrated Technology Systems in the amount of \$28,677.40 as presented, seconded by Council Member Hunt and the motion passed unanimously.
- Monthly reports on the activities of various Departments

Mayor Guest asked Council for a five minute recess. Council Member Butler motioned to adjourn the regular meeting for a five minute recess, seconded by Mayor Pro tem Seymour and the motion passed unanimously.

Mayor Guest reconvened the regular meeting. He began discussion on the Housing Authority area. He stated that the Housing Authority has been good about helping with recent incidents of disorderly and sometimes violent activity. He presented a request from the Housing Authority to designate Second, Third and Fountain Streets as a no parking/tow away zone. He also stated that residence have vehicle decals to park and non decal vehicles are not permitted to park in decal permitted areas. He stated that he walked the neighborhood talking to residence about the request from the Housing Authority. He stated that residence asked the city to "do whatever you can to stop people who do not live here from hanging around". Mayor Guest agreed that the city needed to build a relationship with the community in order to resolve the issues. Council asked Mr. Gaines and the Housing Authority to work with the city to help build a relationship by helping sponsoring a meeting or an event to bring them together. Chief Welsh stated that the police supports the request of the Housing Authority to designate Second, Third and Fountain Streets a no parking/tow away zone. He added that by doing so would create a better traffic flow and possibly alleviate some of the crow problems which are occurring in these areas. Council Member Paul introduced the following Resolution:

## RESOLUTION

**WHEREAS:** The Mayor and Council have determined that it is in the best interest of the citizens of Elberton to amend the Official Traffic Map of the City of Elberton by amending the map in accordance with Section 36-6, traffic schedules; and

**WHEREAS:** Over the past several months, residents in the public housing communities located on Mill, Campbell, Second, Third and Fountain Streets as well as Elberta Court have been subjected to increased incidents of disorderly and sometimes violent activity; and

**WHEREAS:** The Elberton Housing Authority request designation of Second, Third and Fountain Streets as a no parking/tow-away zone in order to help create better traffic flow and possibly alleviate some of the crowd problems which are occurring in these areas; and

**WHEREAS:** It is by recommendation of the staff to designate the Second, Third and Fountain Streets a “No Parking/Tow Away Zone” as described in attachment A during the hours of 6pm – 6am .

**WHEREAS:** This Resolution shall become part of the Official Traffic Map, which may be found on file in the City Clerks Office.

**NOW, THEREFORE BE IT RESOLVED AND IT IS HEREBY RESOLVED** that the Mayor and Council designate the streets as described above and designated on the map in attachment A “No Parking/Tow Away Zone” during the hours of 6pm – 6am.

**BE IT FURTHER RESOLVED** that the Mayor and Council direct the City Manager to have this street marked with yellow curbing upon adoption of this Resolution.

City Manager Dunn read the Resolution in its entirety. Council Member Paul motioned to adopt the Resolution as presented, seconded by Council Member Butler and the motion to adopt passed with three (3) voting “for” (Seymour, Paul and Butler) and two (2) voting “against” (Hunt and Colquitt).

Council Member Butler stated that he supported the Resolution designating Second, Third and Fountain Streets a no parking/tow away zone; however, he did want Council to keep in mind that if this did not alleviate the problems in the area then Council needs to consider other options. Council Member Colquitt stated that Council should not support an issue that the Council Member of that ward did not support. Council Member Paul asked to stay updated on the progress of the area.

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

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk