

This document contains the minutes of the June 4, June 5, June 6 and June 18 meetings as adopted by the Mayor and Council on July 9, 2007

**PUBLIC HEARING AND REGULAR MEETING OF THE ELBERTON CITY COUNCIL
Monday, June 4, 2007 – 5:30 p.m.**

Pursuant to due call and notice thereof the Public Hearing and Regular Meeting of the Mayor and Council convened at 5:30 p. m. on Monday, June 4, 2007 in Council Chambers of the Municipal Building, 203 Elbert Street with Mayor Guest presiding.

Present were: Council Members Butler, Colquitt, Seymour, and Paul; City Attorney Phelps, City Manager Dunn and City Clerk Churney. Council Member Hunt arrived at the meeting at 5:35 p.m.

Mayor Guest called the Public Hearing to order. A Notice of Hearing was issued in accordance with law for the purpose of obtaining written and oral comments pertaining to the Fiscal Year 2008 Proposed Budget as follows:

Notice is hereby given that the Mayor and Council will hold a Public Hearing on June 4, 2007 at 5:30 p.m. in the Council Chambers of the Municipal Building located at 203 Elbert Street for the purpose of obtaining written and oral comments pertaining to the Fiscal Year 2008 proposed budget.

A copy of the proposed budget is on file in the city manager's office at the address stated above, Monday through Friday, 8:00 a.m. until 5:00 p.m. for public inspection. All interested citizens will have the opportunity to give written and oral comments at the hearing.

City Manager Dunn stated that there were no written comments at this time. Mayor Guest asked if there was anyone to speak on the proposed budget. There were none.

Mayor Guest closed the public hearing and called the regular meeting to order. Council Member Seymour led in the Pledge of Allegiance and City Attorney Phelps led in the prayer.

Council Member Butler motioned to approve the minutes of May 7, 2007 meeting as submitted, seconded by Council Member Colquitt and the motion passed unanimously.

Reports. Controller Kim Greenway presented the Financial Report through April 30, 2007 with the following net assets:

General Fund	\$ 2.98 million
Utility Fund	\$ 21.7 million
Elberton Technology Services Fund	\$ 1.9 million net loss
Solid Waste Fund	\$ 271,061
Unrestricted Investments-General Fund and Utility Fund	\$ 2.18 million
Restricted Investments (SPLOST & Utility Funds)	\$ 912K

Speakers from the floor. Mrs. Anna Grant Jones and Mr. Jackson McConnell of the Development Authority of Elbert County, Elberton and Bowman spoke to Council on implementing a Basic Incentives Package Program for Industry recruitment. Mrs. Grant Jones asked Council for support in the program. For industries to qualify, they would be required to make a long-term commitment to remain in the community and have a positive attitude toward community participation and involvement. Industries wishing to participate would be rated on a point system designed by the Development Authority. The Development Authority asked Council to grant some limited ability to offer incentives to prospects without having to come to Council for approval. Council Member Colquitt asked if there could hire a percentage of local employment included in the incentive package. Mrs. Grant Jones stated that it would be possible. Council formally acknowledged support in the Basic Incentive Package. Mr. Jackson McConnell presented Council with a letter requesting support in the incentive package program, use of the peak shaving plant property for potential industry and/or commercial development, and financial support of \$50,000 in the FY2008 Budget.

Council Member Seymour introduced the following Resolution for second reading:

RESOLUTION

WHEREAS: The City of Elberton owns a Peak Shaving Plant facility (the "Facility") as part of its natural gas system; and

WHEREAS: The Facility is no longer of any use or value to the natural gas system, and the City will incur a significant level of cost to maintain the Facility and bring it into compliance with Federal regulations; and

WHEREAS: A certain parcel of land consisting of 5.39 acres, more or less, Elbert County Tax Map 042I-004 (Attachment "A"), contains the Facility and is no longer of any value to the City of Elberton; and

WHEREAS: This parcel contains 5.39 acres, more or less, and is bounded along the Calhoun Falls Highway for a distance of 513 +/- feet; in a southerly direction for a distance of 446 +/- feet; in a southwesterly direction for a distance of 390 +/- feet; in a northerly direction for a distance of 581 feet to the point of beginning.

NOW THEREFORE BE IT RESOLVED by the Elberton City Council that the Facility and the real property, described further as Elbert County Tax Map 042I-004, and its building, equipment, and appurtenances attached thereon, and all inventory of the Facility, be declared as surplus property and disposed of in accordance with prescribed city policies.

UNANIMOUSLY ADOPTED at the Regular Meeting of the Mayor and Council on May 7, 2007 and

Council Member Seymour motioned to waive the reading, seconded by Council Member Paul and the vote passed unanimously. The Resolution was read in its entirety at the May meeting. Council Member Paul recommended amending the Resolution to exclude the property, Council Member Seymour concurred. Mayor Guest asked for a motion to

adopt the Resolution as is. Council Member Seymour motioned to adopt the Resolution as presented, seconded by Council Member Paul. Council Member Colquitt stated that the Development Authority asked the City to hold on to the property as a potential for industry and/or commercial development site. Council Member Seymour motioned to amend the Resolution to remove the property from the Resolution, seconded by Mayor Pro tempore Hunt. After discussion, Council Member Seymour motioned to amend the amendment to remove the building and the property from the Resolution, seconded by Council Member Butler and the motion passed unanimously. Mayor Guest asked for votes on the amended Resolution. The Resolution passed 4-1 with Council Member Paul not voting for or against the motion.

Matters to be considered by Council. Council discussed the use of the Heard Drive, Senior League, and Hickory Drive Parks. Mayor Guest stated that Elbert County has asked to lease the property for practice fields. Mayor Pro tempore Hunt motioned to enter into a lease with Elbert County to use the properties, seconded by Council Member Colquitt. Council asked the City Attorney and City Manager to prepare a lease agreement for Council to consider next month. Council Member Colquitt motioned to table the item until the July meeting in order to review the lease agreement, seconded by Council Member Butler and the motioned passed unanimously.

City Manager Dunn presented Council with an addition to the Consent Agenda (I10). Mayor Guest asked if there were any items on the Consent Agenda to be pulled for further discussion. There were none. Council Member Butler motioned to adopt the consent agenda as amended as follows:

1. Approved expenditures that exceed the City Managers purchasing authority.

ELECTRIC		(BUDGETED)
2500 feet of underground primary wire		
• Equity Utility	Recommended	\$6,125.00
(MEAG Bid#07-006)		

MAIN STREET		(BUDGETED)
Custom puzzle pin assembly on card stock distributed in pinpoint tour.		
• Image Marketing	Recommended	\$4,663.73
(Leadership GA will reimburse \$1,725 of cost)		
(Sole Source, same vendor as before)		

BROADBAND		(BUDGETED)
¼" Class A EHS Strand for Bowman Hwy expansion project.		
• Power Supply Company	Recommended	\$6,300.00
• TVC Communications		\$7,500.00
• Utilicor		\$6,500.00
(Recommendation based on low bidder)		

BROADBAND		(BUDGETED)
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Used Nodes, Amps, LE's, and Housings for Bowman Hwy expansion project.

- Emerald Bay Communications **Recommended** \$4,625.00
(Sole Source, used/surplus equipment)

CEMETERY & WATER/SEWER

(BUDGETED)

2 Commercial Grade 29 HP Lawnmowers.

- P & J Small Engine (Mid Mount) **Recommended** \$17,565.00
- P & J Small Engine (Front Mount) \$20,032.50
- J & R Sales no response
- Shawn's Lawn Barn no response
- Colbert Lawnmower Repair (Mid Mount) \$17,445.00
- Granite City Rent-all no response

(Recommendation based on local preference)

2. Approved dues, travel and training for all city departments.

Police Department

Mark Welsh

Ga Chiefs Conference

Savannah, GA

July 28- August 1

Registration: \$300

Lodging: \$484

(partial reimbursement from GACP)

Sam Hill, Grace Freer, Darin Rucker, & Stephanie Hughes

Judgmental Simulation/Deadly Force

Forsyth, GA

June 24-27

Registration: None

Lodging: \$432.00

Joe McGuffin, Jeff Hunt, Daniel White, & Jimmy Jordan

Georgia Crisis Intervention Team Training

College Park, GA

June 17- 22

Registration: None

Lodging: \$800.00

Nancy Waltman

Municipal Court Clerks Training

Tifton, GA

June 6 - 8

Registration: \$150.00

Lodging: \$178.00

Nancy Waltman and Tamekia Downer

TAC Refresher

Helen, GA
June 26 - 28
Registration: None
Lodging: \$276.00

Nancy Waltman and Tamekia Downer
New Criminal History System
Athens, GA
July 13
No Cost

3. Accepted the Monthly Investment Report ending April 30, 2007.
4. Accepted the Trial Balance and Budget Report for the ending of April 30, 2007.
5. Accepted the minutes, decision and recommendations of the Historic Preservation Commission meeting of May 17, 2007.
6. Approved the closing of the square downtown and McIntosh Street around the square to vehicular traffic, July 14, 2007 from 4:00 p.m. until 9:30 p.m. or until traffic clears for the 10th annual Classic Car and Motorcycle show (requested by Main Street Elberton).
7. Authorized the issuance an alcoholic beverage license to Mrs. Whitney Richert Of Whitney's Karaoke Café located at 17 N. Oliver Street. Mrs. Richert will be leasing the building effective July 1, 2007 (On-premises consumption of beer/malt, wine and distilled spirits).
8. Authorized the Mayor and/or City Manager to execute the necessary documents with Rushton & Company for FY2007 audit services.
9. Concurred with the Mayor's appointments of Laura Callaway and Bob Hardy to the Downtown Development Authority as recommended by the DDA.
10. Approved the closing the square downtown at the pass thru in front of the fountain to vehicular traffic in the afternoon to set up the stage and the street in front of JC Pool's at 7:00 p.m. for the Lizzy Long & Little Roy Lewis and Friends concert on June 26, 2007 (requested by Main Street Elberton).

Council Member Paul seconded the motion to adopt the consent agenda as amended and the motion passed unanimously.

City Manager Dunn presented the following reports to Council:

- City Manager Dunn stated that the Main Street/DDA William O. Jones building redevelopment fund grant needs the City to underwrite a revolving loan in the amount of \$192,492 for the DDA. Dunn stated he needed authorization to send a letter from the City stating the City would underwrite the loan, meaning that the City would cover monthly lease payments if a store was unoccupied by a tenant. Council Member Butler

motioned to proceed, seconded by Council Member Paul and the motion passed unanimously.

- City Manager Dunn stated that GMA has worked out the remaining Comcast Franchise issues and an agreement should be forthcoming.
- City Manager Dunn stated that draft contracts from MEAG Power on the Plant Vogtle addition had been sent to the cities for review. A final contract should be ready in the fall for participation.
- City Manager Dunn stated that he would be attending the MEAG annual summer transmission meeting along with Ron Ethridge and David Hudson on Thursday.
- City Manager Dunn stated that staff is reviewing the final draft of the Zoning Ordinance update.
- Monthly reports and activities of the various departments.

Any other matters to be considered by Council.

Mayor Pro tempore Hunt stated for the record, he did not accept payment for dues, travel or training relating to the HUD Conference/Community Reinvestment Act Forum that was approved by Council at the May 7, 2007 meeting. He stated that he was absent earlier in the meeting when Council accepted the May 7, 2007 minutes and wanted the record to reflect his statement. Mayor Guest instructed the City Clerk to include in the June 4, 2007 minutes.

Council Member Colquitt quoted for the record in the Charter, Article 3, as follows: *"Section 29. Appointment and election; ineligibility of mayor and councilmen to city employment. The city council shall select and appoint a city manager whose salary shall be fixed by council and whose term of office shall be indefinite and whose duties, powers and qualifications shall be as hereinafter provided. The mayor and members of the city council shall be ineligible for the office of city manager for the period of two (2) years from the time of the expiration of their term of office, nor shall they be eligible for employment in any capacity by the city within such period. (1953 Ga. Laws (Act No. 819), page 2987)".* He added that this is State Law not an Ordinance.

Mayor Guest thanked everyone for the calls and prayers during the loss of his mother-in-law, Mrs. Agnes Gortney. There being no further business to come before Council, upon proper motion and second the meeting was adjourned (Butler/Colquitt).

CALLED MEETING/WORK SESSION OF THE ELBERTON MAYOR AND COUNCIL

Tuesday, June 5, 2007 - 5:30 p.m.

Pursuant to due call and notice thereof the Called Meeting/Work Session of the Mayor and Council of the City of Elberton convened at 5:30 p.m. on Tuesday, June 5, 2007, in staff development room of the Municipal Building, 203 Elbert Street with Mayor Guest presiding.

Present were: Council Members Butler, Colquitt, Hunt, Paul and Seymour; City Manager Dunn, Finance Director Saxon, Fire Chief Fortson, Police Chief Welsh and Public Works Director Adams. Also present was: Mr. Mark Berryman with the Elberton Star.

A notice of called meeting was issued in accordance with law for the purpose of discussing the FY2008 proposed budget. Mayor Guest called the meeting to order. Mayor Pro tempore Hunt led the Pledge of Allegiance and Council Member Paul gave the invocation. By general consensus, Council set a two (2) hour time limit for the work session.

Council began discussing the budget for the General Fund, Solid Waste Fund, Hotel/Motel Tax Fund and SPLOST Capital Projects Funds. Council Member Butler made a motion to add \$9,450 to the General Fund budget, other financing division, for the Standards Foundation Safety Check Program, reducing General Contingency by that amount. Mayor Pro tempore Hunt seconded the motion. The motion failed by a vote of 2 yeas (Butler and Hunt) and 3 nays (Colquitt, Paul, and Seymour).

Discussion ended at the final line item in the SPLOST Capital Projects Funds.

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

CALLED MEETING/WORK SESSION OF THE ELBERTON MAYOR AND COUNCIL

Wednesday, June 6, 2007 - 5:30 p.m.

Pursuant to due call and notice thereof the Called Meeting/Work Session of the Mayor and Council of the City of Elberton convened at 5:30 p.m. on Wednesday, June 6, 2007, in staff development room of the Municipal Building, 203 Elbert Street with Mayor Guest presiding.

Present were: Council Members Butler, Colquitt, Hunt, Paul and Seymour; City Manager Dunn, Utilities Director Hudson, Telecommunications Manager Lewis. Also present was: Mr. Mark Berryman with the Elberton Star.

A notice of called meeting was issued in accordance with law for the purpose of discussing the FY2008 proposed budget. Mayor Guest called the meeting to order. Mayor Pro tempore Hunt led the Pledge of Allegiance and Council Member Seymour gave the invocation. By general consensus, Council set a two (2) hour time limit for the work session.

Council began with the Utility Fund and Elberton page by page. Council Member Colquitt made a motion to add \$20,000 in a General Contingency line item in the Utilities Fund, Economic Development Division, for the Development Authority of Elbert County, Elberton, and Bowman. A request for the use of this contingency would be considered if the Authority's cash-on-hand drops to \$15,000. Council Member Butler seconded the motion and the motioned passed by a vote of 4 yeas (Butler, Colquitt, Hunt and Paul) and 1 nays (Seymour).

Council Member Paul motioned to add \$3,400 to the Other Financing Division of the General Fund for the Elbert County Community Partnership line item, these additional funds begin earmarked for the Elbert County Read at Home program. The priority for funding would be for children residing in the Corporate Limits of Elberton, although children residing outside the Corporate Limits of Elberton would not be excluded. The funding would be from a reduction in the General Fund Contingency line item. Mayor Pro Tempore Hunt seconded the motion and the motion passed unanimously.

Council Member Paul introduced the following Resolution:

RESOLUTION USDA, RURAL DEVELOPMENT RURAL BUSINESS ENTERPRISE GRANT

WHEREAS: The City of Elberton was awarded a Rural Business Enterprise Grant in the amount of \$50,000 to be used to construct a parking lot in downtown Elberton, Georgia; and

WHEREAS: The project will create/save jobs in this area and boost the economy in Elberton, Georgia; and

WHEREAS: The Elberton City Council is composed of five members, of whom three constituting a quorum, were present at this meeting.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Elberton, Georgia hereby agrees to the responsibilities and requirements of the USDA Rural Development Grant (Attachment "A") and authorizes the Mayor and/or City Manager to execute the necessary documents to receive the funds associated with the grant.

This 6th day of June, 2007.

City Manager Dunn read the Resolution in its entirety. Council Member Paul motioned to adopt the Resolution as read, seconded by Mayor Pro tempore Hunt and the motion passed unanimously.

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

PUBLIC HEARING & CALLED MEETING OF THE ELBERTON CITY COUNCIL

Monday, June 18, 2007 - 5:30 p.m.

Pursuant to due call and notice thereof the Public Hearing and Called Meeting of the Mayor and Council of the City of Elberton convened at 5:30 p.m. on Monday, June 18, 2007, in Conference Room of the Municipal Building, 203 Elbert Street with Mayor Guest presiding.

Present were: Council Members Butler, Colquitt, Hunt, Paul and Seymour; Assistant City Attorney Graves, City Manager Dunn, and City Clerk Churney. Also present was: Mr. Mark Berryman with the Elberton Star.

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 2008 proposed budget. Mayor Guest asked if there were any comments on the proposed budget. There were none. Council Member Butler motioned to adjourn the public hearing, seconded by Council Member Paul and the motion passed unanimously.

Mayor Guest called the Called Meeting to order. Mayor Pro tempore Hunt led the Pledge of Allegiance and gave the invocation.

Mayor Guest asked for discussion of the proposed budget. City Manager Dunn recommended decreasing the Residential Solid Waste Landfill Surcharge from \$3.50 to \$3.00 (the current rate). The Elbert County Board of Commissioners did not adopt higher landfill fees during their budget hearings. Therefore, City Manager Dunn recommended removing the increase in the city's budget. The City should have 60 days notice before Elbert County increases the rate in the future. Council Member Colquitt motioned to amend the proposed budget document to lower the rate for Residential Solid Waste Landfill Surcharge from \$3.50 to \$3.00, reducing the revenue by \$12,300 and the landfill expense by \$12,300, seconded by Mayor Pro tempore Hunt and the motion passed unanimously.

There being no further discussion. Council Member Butler motioned to accept the FY 2008 Budget as presented, seconded by Council Member Paul. City Manager Dunn read the following resolution:

RESOLUTION

WHEREAS: The Mayor and Council of the City of Elberton on June 4, June 5, June 6 and June 18, 2007, after due and legal notice, reviewed the Annual Budget estimate for Fiscal Year 2008 as prepared by the City Manager in accordance with Section 33 of the Charter; and

WHEREAS: The General Fund budget is proposed at \$4,706,708; and

WHEREAS: The Solid Waste Fund budget is proposed at \$717,364; and

WHEREAS: The ElbertonNET Technology Services Fund budget is proposed at \$2,072,313; and

WHEREAS: The Hotel/Motel Tax Special Revenue Fund budget is proposed at \$66,000; and the 2001 Special Purpose Local Option Sales Tax Capital Projects Fund budget is proposed at \$20,000; and the 2006 Special Purpose Local Option Sales Tax Capital Projects Fund budget is \$831,528; and

WHEREAS: The Combined Public Utilities System Fund budget is proposed at \$23,272,608; and

WHEREAS: The rates and fees schedule of the Fiscal Year 2008 Budget is hereby included as Attachment "A"; and

WHEREAS: The total combined Annual Budget for Fiscal year 2008 is \$31,686,521.

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 2008 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 to execute the necessary documents in order to enact actions authorized by Council with the adoption of this Annual Budget.

Mayor Guest asked for discussion. Council Member Colquitt inquired as to whether a response was received by the City Manager from HELP, Inc. City Manager Dunn stated that he spoke with the Executive Director, Roseann Davis, of HELP who stated that HELP had received a line of credit to construct two homes on the property located on Oglesby Boulevard. They have submitted payment for half (\$13,500) of the cost of sewer line expansion as required by code, but the contract for extension was not yet received. Council Member Colquitt asked that the code be observed on all extensions. Council Member Butler motioned to adopt the resolution as read, seconded by Council Member Paul and the resolution was adopted unanimously.

Council discussed the Defined Compensation Plan Adoption Agreement. Council Member Seymour introduced the resolution as follows:

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 and/or non-matching contributions;

WHEREAS, the Participating Employer has reviewed the Georgia Municipal Association ("GMA") Defined Contribution Plan ("Plan");

WHEREAS, the Participating Employer wishes to participate 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 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 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. The Participating Employer hereby adopts the terms of the Adoption Agreement, which is attached hereto and made a part of this resolution. The Adoption Agreement 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, 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.

Section 4.

(a) The Participating Employer shall abide by the terms of the Plan and the Trust, including amendments to the Plan and 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 law.

(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 5.

(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 6. 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 7. This resolution and the Adoption Agreement 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 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 are adopted and executed in accordance with the requirements of applicable law.

Adopted by the Governing Authority on June 18, 2007, in accordance with applicable law.

City Manager Dunn read the resolution in its entirety. Council Member Paul motioned to adopt the resolution as read, seconded by Council Member Seymour and the resolution was adopted unanimously.

Council also discussed the Comcast Franchise Agreement renewal and Settlement agreement. Council Member Paul introduced the resolution as follows:

RESOLUTION

WHEREAS: The Mayor and Council of the City of Elberton, Georgia, do adopt and implement the recommendation of the Georgia Municipal Association (GMA) regarding the renewal of the Cable Television Franchise Agreement between the City of Elberton and Comcast of the South.; and

WHEREAS: The Georgia Municipal Association (GMA) in its study of this renewal request has determined that Comcast of the South has the financial, legal and technical ability to provide the services, facilities and equipment as set forth in their documentation; and

WHEREAS: Comcast and the City agree that they will execute a Settlement and Release Agreement resolving all disputes arising from the payment of franchise fees from the period of December 1, 2004 through August 31, 2006; and that the Settlement and Release Agreement will be executed contemporaneously with the execution of the franchise renewal, or the franchise renewal agreement is void;

NOW, THEREFORE BE IT RESOLVED AND IT IS HEREBY RESOLVED that the City, upon

passage of this resolution, hereby authorizes the renewal and issuance of a cable television franchise between the City of Elberton and Comcast of the South for a period of five (5) years.

BE IT FURTHER RESOLVED that the Mayor and Council of the City of Elberton direct the City

Attorney, Mayor, City Manager, and/or City Clerk to execute the necessary documents to effectuate the implementation of this franchise

agreement and settlement and release agreement.

City Manager Dunn read the resolution in its entirety. Council Member Butler motioned to adopt the resolution as read, seconded by Council Member Paul and the resolution was adopted unanimously.

Council discussed the awarding of a bid for the Natural Gas PVC Line Replacement Project Phase 1. City Manager Dunn submitted a recommendation from WRHice, Inc. (project manager) for C. J. Hodge Enterprises in the amount of \$82,500.00. The bids were as follows:

Bidder	Amount
D. Lance Souther, Inc.	\$149,575.00
Harrison Gas Systems, LLP	\$ 88,786.50
C. J. Hodge Enterprises, Inc.	\$ 82,500.00

Council Member Butler motioned to accept the bid from C. J. Hodge Enterprises, Inc. in the amount of \$82,500.00, seconded by Council Member Paul and the motion passed unanimously.

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