

REGULAR MEETING OF THE ELBERTON CITY COUNCIL
Monday, November 5, 2007 – 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, November 5, 2007 in Council Chambers of the Municipal Building, 203 Elbert Street with Mayor Guest presiding.

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

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

Council Member Butler motioned to approve the minutes of the October 1, 2007 meeting as submitted, seconded by Council Member Colquitt and the motion passed unanimously.

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

General Fund	\$ 3.48 million
Utility Fund	\$ 21.2 million
Elberton Technology Services Fund	\$ 1.7 million net loss
Solid Waste Fund	\$ 244,867
Unrestricted Investments-General Fund and Utility Fund	\$ 2.90 million
Restricted Investments (SPLOST & Utility Funds)	\$ 1.15 million

Mr. Steve Howe, Chairman of the Elbert County Chamber of Commerce, reported on the activities of the Chamber for the quarter and the events planned for the future. The Chamber is preparing a “Welcome to Elberton” brochure for the hotels. The Chamber has Elbert County merchandise available for purchase. The Chamber is working on the third historical marker to be displayed at Nancy Hart Cabin area. The Chamber thanked the City for their allocation of the hotel/motel tax. Council Member Paul inquired as to the progress of the boat ramp project. Mr. Howe stated that the project is progressing. Council Member Colquitt asked the Chamber to “take a position to help” with opposing HR900 as Council plans to do by resolution later in the meeting.

Council Member Seymour placed Ordinance 2150 on Second Reading with a heading as follows:

ORDINANCE 2150

AN ORDINANCE ANNEXING THE PROPERTY LOCATED AT 1753 PINE NEEDLE LANE, 1736 PINE NEEDLE LANE AND 1491 FAIRWAY WOODS DRIVE 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.

Council Member Seymour motioned to waive the reading, seconded by Council Member Butler and the vote passed unanimously. The Ordinance was read in its entirety at the October meeting. Council Member Seymour motioned to adopt

the Ordinance, seconded by Council Member Paul and Ordinance passed unanimously.

Council Member Colquitt placed Ordinance 2151 on First Reading with a heading as follows:

ORDINANCE 2151

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF ELBERTON BY DELETING SECTION 2-172 THROUGH 2-173 OF ARTICLE V, FINANCE, OF CHAPTER 2; REPLACING IT WITH NEW SECTION 2-172 THROUGH 2-173; ADDING AN ADDITIONAL SECTION 2-177; AND FOR OTHER PURPOSES.

City Manager Dunn read the Ordinance in its entirety.

Council Member Butler introduced the following Resolution:

RESOLUTION

WHEREAS: The City of Elberton and the Downtown Development Authority have worked for many years to revitalize the historic McIntosh Street off the public square; and

WHEREAS: The City of Elberton was awarded a Rural Business Enterprise grant from United States Department of Agriculture in the amount of \$50,000 to be used to construct a parking lot in downtown Elberton; and

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

WHEREAS: The adopted budget for Fiscal Year 2008 includes funding to acquire property on James Street to construct a parking lot;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Elberton, Georgia hereby agrees to purchase the following two parcels of land on James Street for this project:

Parcel 1

A parcel or land consisting of 0.08 acres, more or less, identified as Elbert County tax map number E11-090, owned by William M. Hardy, Jr. and the Estate of Marguerite Hardy, for the selling price of \$25,000.00; and

Parcel 2

A parcel of land consisting of 0.05 acres, more or less, identified as Elbert County tax map number E11-088, owned by Robert H. Hardy, for the selling price of \$17,000.00;

BE IT FURTHER RESOLVED that the Mayor, City Manager, and City Clerk are authorized to execute the necessary documents to effect this purchase of land for the proposed parking lot project.

UNANIMOUSLY ADOPTED at the Regular Meeting of the Mayor and Council on November 5, 2007 and _____, 2007.

City Manager Dunn read the Ordinance in its entirety and stated that it would require a second reading in December.

Council Member Paul introduced the following Resolution:

RESOLUTION

BE IT RESOLVED BY THE MAYOR AND DULY ELECTED COUNCIL OF THE CITY OF ELBERTON, GEORGIA, AS FOLLOWS:

WHEREAS, CERTAIN LEGISLATION HAS OR WILL BE PROPOSED FOR SUBMISSION TO THE GENERAL ASSEMBLY OF THE STATE OF GEORGIA, KNOWN AS HOUSE RESOLUTION 900; and

WHEREAS, HOUSE RESOLUTION 900, IF PASSED, WOULD ELIMINATE LOCAL AD VALOREM PROPERTY TAXES AS A METHOD BY WHICH LOCAL GOVERNMENTS AND BOARDS OF EDUCATION FINANCE THEIR RESPECTIVE OPERATIONS; and

WHEREAS, THE RESULT OF SUCH WOULD BE THAT MONIES AND FUNDS FOR THE OPERATION OF LOCAL GOVERNMENTS AND BOARDS OF EDUCATION WOULD BE DETERMINED BY THE STATE OF GEORGIA, RESULTING IN A STATE TAKEOVER OF LOCAL DECISIONS; and

WHEREAS, THE PROPOSED RESOLUTION IN ITS PRESENT FORM PROVIDES INSUFFICIENT COMFORT AND ASSURANCE THAT LOCAL GOVERNMENTS AND BOARDS OF EDUCATION OUTSIDE THE METROPOLITAN AREA OF ATLANTA, GEORGIA WILL RECEIVE A FAIR AND NECESSARY SHARE OF FUNDS; and

WHEREAS, THE CITY OF ELBERTON OPPOSES ANY LEGISLATION OR CONSTITUTIONAL AMENDMENT THAT WOULD PERMIT AND ENCOURAGE A CONTINUATION OF AN HISTORICAL TREND OF NEGLECT OF RURAL GEORGIA BY LEGISLATIVE OR BUREAUCRATIC FIAT; and

WHEREAS, THE PROPOSED RESOLUTION FAILS TO CONTAIN ADEQUATE SAFEGUARDS THAT THE "PLAN" WILL NOT BE SUBJECT TO RANDOM CHANGE BASED UPON POLITICAL CONSIDERATIONS AND POLITICAL EXPEDIENCY, AND TO THE OVERWHELMING VOTE AND WHIMS OF LEGISLATORS FROM THE METROPOLITAN ATLANTA AREA, TO THE DETRIMENT OF RURAL AREAS; and

WHEREAS, THE CITY OF ELBERTON BELIEVES THAT DECISIONS FOR LOCAL GOVERNMENTS AND SCHOOL SYSTEMS SHOULD BE MADE BY THE DULY ELECTED OFFICIALS AND REPRESENTATIVES OF THOSE GOVERNMENTS AND SCHOOL SYSTEMS, AND NOT BY ANOTHER BUREAUCRACY ESTABLISHED IN ATLANTA; and

WHEREAS, WHILE NOT OPPOSED TO TAX REFORM THAT WILL UNIFORMLY BENEFIT THE CITIZENS OF THE STATE OF GEORGIA, THE CITY OF ELBERTON OPPOSES ANY PROCESS THAT CENTRALIZES IN ATLANTA, GEORGIA DECISIONS THAT ALLOCATE FUNDS TO LOCAL GOVERNMENTS AND BOARDS OF EDUCATION; and

WHEREAS, THE GEORGIA MUNICIPAL ASSOCIATION, OF WHICH THE CITY OF ELBERTON IS A MEMBER, LIKEWISE OPPOSES HOUSE RESOLUTION 900; and

WHEREAS, THE DULY ELECTED GOVERNMENT OF THE CITY OF ELBERTON FEELS AN OBLIGATION TO ITS CITIZENS THAT THEIR ELECTED STATE REPRESENTATIVE AND SENATORS BE INFORMED OF ITS OPPOSITION TO HOUSE RESOLUTION 900 ON BEHALF OF THE RESIDENTS AND CITIZENS OF ELBERTON, AND THE REASONS FOR SUCH OPPOSITION;

NOW THEREFORE, BE IT RESOLVED, AND IT IS HEREBY RESOLVED, THAT THE MAYOR AND DULY ELECTED COUNCIL OF ELBERTON, GEORGIA DO HEREBY, UNANIMOUSLY, RESOLVE AND SET FORTH ITS OPPOSITION TO HOUSE RESOLUTION 900, AND URGE AND ENCOURAGE ITS ELECTED OFFICIALS IN THE GEORGIA GENERAL ASSEMBLY TO OPPOSE HOUSE RESOLUTION 900 FOR THE REASONS HEREIN SET FORTH.

AND BE IT FURTHER RESOLVED, THAT A COPY OF THIS RESOLUTION BE DELIVERED TO REPRESENTATIVE TOM MCCALL, SENATOR RALPH HUDGENS AND SENATOR BILL JACKSON.

DULY ADOPTED IN OPEN SESSION ON THIS THE 5TH DAY OF NOVEMBER, 2007.

City Manager Dunn read the Ordinance in its entirety. Council Member Colquitt motioned to adopt the Ordinance, seconded by Council Member Hunt and Ordinance passed unanimously.

Matters to be considered by Council. Council discussed the request from Mr. Stuart Lyle to add wording to the Bicentennial Fountain Downtown. Mayor Guest opened the floor for discussion. Mr. Tom Robinson stated that he had personally researched the information thoroughly before erecting the monument in 1976. He stated that the most significant events were etched on the monument. He added that by permitting the monument to be modified it would open the door to other groups wanting to add information. He further added that he supported the placement of a separate monument at another location with the information. He asked Council to consider his request not to change the monument. Mr. Stuart Lyle spoke to Council reiterated that the history of the monument is incomplete without the addition of the information. Council Member Seymour motioned to proceed, seconded by Council Member Paul. Council discussed the issue. Mayor Guest stated that a monument was being placed at the state park with regard to the battle and a dedication ceremony would be held December 8. Council Member Seymour called for the question, seconded by Council Member Butler. The motion to proceed fell with a vote of 4-1 (opposed; Butler, Colquitt, Hunt and Paul) and (for; Seymour).

As privilege of the chair, Mayor Guest amended the consent agenda by adding an item 8 and 9 as further described below. Council Member Butler asked to remove item 1 from the consent agenda. Council Member Butler motioned to adopt the consent agenda as amended with the removal of item 1 and the addition of items 8 and 9, seconded by Council Member Hunt and the motion passed unanimously.

1. Approval of the expenditures that exceed the City Managers purchasing authority was removed by Council Member Butler.
2. Approved the dues, travel and training for all city departments as follows:

Utilities - Sewer Division	Ray McGill
2007 Fall Conference & Expo and Lab Symposium in Athens, GA on Nov. 13-14, 2007	
Registration: \$175.00	Travel: \$ 75.00

3. Accepted the Monthly Investment Report ending August, 2007.
4. Accepted the Trial Balance and Budget Report for the ending July, 2007.
5. Adopted the calendar year 2008 Legal Holidays for the City of Elberton.

Martin Luther King Day	Monday, January 21
Good Friday	Friday, April 25
Memorial Day	Monday, May 26
Independence Day	Friday, July 4
Labor Day	Monday, September 1
Thanksgiving	Thursday, November 27
	Friday, November 28
Christmas Eve	Wednesday, December 24
Christmas Day	Thursday, December 25
New Year's Day	Thursday, Jan. 1 (2008)

6. Adopted the calendar year 2008 Regular Scheduled City Council meeting dates.

February 4	March 3	April 7
May 5	June 2	July 7
August 4	September 8	October 6
November 3	December 1	January 5 (2009)

7. Approved item for surplus equipment auction.

#1 One (1) Used Leeboy 900 Asphalt Spreader:

Purchased in 1997 in used condition for \$16,000. To staff's knowledge, the equipment was never used and has not been taken out from under the shelter in at least 7 years. To be sold via online auction site. Minimum Bid: \$5,000

8. Approved the expenditure that exceeds the City Managers purchasing authority to pave Worley Street.

STREET & ROADS		BUDGETED
Paving of Worley Street		
• Georgia Highway Pavers	Recommended	\$6,000.00
• Stratton & Son Construction		\$6,300.00
(Recommendation based on low bid price.)		

9. Approved the issuance of an alcoholic beverage license to Waymon Worley (*new owner*) of Richard’s Restaurant located at 19 N. McIntosh Street.

Council Member Butler removed Item 1 of the Consent Agenda. Council Member Butler asked how many full size sedans with police package equipped were being purchased. City Manager Dunn stated two (2). Council Member Seymour recommended looking at purchasing smaller sized cars in the future and researching natural gas fuel. Council Member Colquitt agreed with looking into purchasing smaller sized cars in the future. He also instructed the City Manager to contact the vendors that did not respond to find out why they did not respond. Council Member Paul motioned to accept Item 1 of the Consent Agenda as follows, seconded by Council Member Butler and the motion passed unanimously.

SOLID WASTE-COMMERCIAL DIVISION		BUDGETED
2008 Garbage Truck		
• Nu-Life Environmental	Recommended	\$121,029.00
• Municipal Equipment		\$123,180.00
• Sterling Trucks/Peachstate Truck		\$128,260.00
• Consolidated Disposal		\$131,333.00
(Recommendation based on low bid price.)		

SOLID WASTE-RECYCLING DIVISION		BUDGETED
One Ton Pickup without a bed		
• Claude Ray Ford	Recommended	\$22,452.69
• Sterling Trucks/Peachstate Truck		\$24,715.00
• Hartwell Ford		unable to meet specifications
• James Short Ford		no bid received
• Ed Murdock		no bid received
• Legacy Ford		no bid received
• Phillips Chevrolet		no bid received
• Tri-County Chevrolet		no bid received
(Recommendation based on low bid price.)		

POLICE		BUDGETED
Full size sedans with police package equipped		
• Claude Ray Ford	Recommended	\$41,459.90
• Hartwell Ford		unable to meet specifications
• James Short Ford		no bid received
• Ed Murdock		no bid received
• Legacy Ford		no bid received
• Phillips Chevrolet		no bid received
• Tri-County Chevrolet		no bid received
(Recommendation based on low bid price.)		

ELECTRIC		BUDGETED
Padmount Transformer, 2500 KVA		
• Capstone Utility Supply	Recommended	\$39,995.00
(MEAG Bid#07-008 3PH1)		

ELBERTONNET		BUDGETED
Embedded MTA with Cable Modem		
• Associate Partners	Recommended	\$5,126.88
(Sole Source)		

WATER/SEWER		BUDGETED
Ultrasonic Flowmeter Replacement, North Plant		

