

**CITY OF ELBERTON**  
**REGULAR MEETING OF THE MAYOR AND COUNCIL**  
Monday, September 14, 2020 – 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, September 14, 2020 at the Elberton Arts Center, 17 West Church Street with Mayor Guest presiding.

The City of Elberton announced September 9, 2020 a change to the location of its regular meeting of the Mayor and Council. Due to the Governor’s executive order restricting public gatherings, the meeting will be held at the Elberton Arts Center, located at 17 West Church Street, which is a larger venue than City Hall.

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. He led the assembly in the Pledge of Allegiance and prayer.

Council Member Parham motioned to approve the minutes of the August 3 meeting, seconded by Council Member Prince and the motion passed unanimously (Butler, Colquitt, Burton, Prince, Parham).

There were no speakers from the floor.

Council Member Butler introduced the following Resolution for consideration:

**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:** The Mayor and Council desire to designate the south side of Harmony Plaza a “NO PARKING ZONE” beginning at the intersection of Harmony Plaza and Burke Street, running 247.50 feet east, ending at the east corner of 708 Harmony Plaza; and

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

**NOW, THEREFORE BE IT RESOLVED AND IT IS HEREBY RESOLVED** that the Mayor and Council designate a portion of Harmony Plaza as described above and as further described on the map in Attachment A as a “NO PARKING ZONE”.

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

This 14<sup>th</sup> day of September, 2020.

City Manager Dunn read the Resolution as presented. Council Member Butler motioned to adopt the Resolution, seconded by Council Member Burton and the motion pass unanimously (Butler, Burton, Parham, Prince, Colquitt).

Council Member Parham introduced the following Resolution for consideration:

### **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:** The traffic traveling north and south currently are required to come to a complete Stop at the intersection of S. McIntosh Street and Adams Street; and

**WHEREAS:** After reviewing all options, the most feasible solution would be to designate the intersection as a 4-way stop; and

**WHEREAS:** The Mayor and Council designate the intersection of S. McIntosh Street and Adams Street a "4-Way Stop"; and

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

**NOW, THEREFORE BE IT RESOLVED AND IT IS HEREBY RESOLVED** that the Mayor and Council designate the intersection as described above and as further described in Attachment A as a "4-Way Stop".

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

This 14<sup>th</sup> day of September, 2020.

City Manager Dunn read the Resolution as presented. Council Member Parham motioned to adopt the Resolution, seconded by Council Member Butler and the motion pass unanimously (Butler, Burton, Parham, Prince, Colquitt).

Council Member Colquitt introduced the following Resolution for consideration:

### **A RESOLUTION OF THE CITY OF ELBERTON (the "Borrower") AUTHORIZING THE TERMS OF A NOTE AND LOAN AGREEMENT WITH THE GEORGIA ENVIRONMENTAL FINANCE AUTHORITY ("GEFA") TO CONSTRUCT FACILITIES AT THE WATER FILTRATION PLANT, AND FOR OTHER PURPOSES**

**WHEREAS,** the governing body of the Borrower has determined to borrow but not to exceed \$2,500,000 from the DRINKING WATER STATE REVOLVING FUND, ADMINISTERED BY the Georgia Environmental Finance Authority (the "Lender") to finance a portion of the costs of acquiring, constructing, and installing the environmental facilities described in Exhibit A to the hereinafter defined Loan Agreement (the

“Project”), pursuant to the terms of a Loan Agreement (the “Loan Agreement”) between the Borrower and the Lender, the form of which has been presented to this meeting; and

**WHEREAS**, the Borrower’s obligation to repay the loan made pursuant to the Loan Agreement will be evidenced by a Promissory Note (the “Note”) of the Borrower, the form of which has been presented to this meeting.

**NOW, THEREFORE, BE IT RESOLVED** by the governing body of the Borrower that the form, terms, and conditions and the execution, delivery, and performance of the Loan Agreement and the Note are hereby approved and authorized.

**BE IT FURTHER RESOLVED** by the governing body of the Borrower that the terms and Loan Agreement and the Note (including the interest rate provisions, which shall be as provided in the Note) are in the best interests of the Borrower for the financing of the Project, and the governing body of the Borrower designates and authorizes the following persons to execute and deliver, and to attest, respectively, the Loan Agreement and the Note, and any related documents necessary to the consummation of the transactions contemplated by the Loan Agreement—Lanier Dunn, City Manager and Cindy Churney, City Clerk.

Resolved on this 14<sup>th</sup> day of September, 2020

City Manager Dunn read the Resolution as presented. Council Member Colquitt motioned to adopt the Resolution, seconded by Council Member Parham and the motion pass unanimously (Butler, Burton, Parham, Prince, Colquitt).

Council Member Parham introduced the following Resolution for consideration:

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF ELBERTON, GEORGIA APPROVING AND AUTHORIZING, AMONG OTHER THINGS, THE EXECUTION, DELIVERY AND PERFORMANCE OF A CONTRACT AMONG THE DEVELOPMENT AUTHORITY OF ELBERT COUNTY, ELBERTON AND BOWMAN, THE CITY OF ELBERTON, GEORGIA, THE ELBERT COUNTY BOARD OF COMMISSIONERS, AND SILVERLEAF HEALTH ALTERNATIVES, INC., AND FOR OTHER PURPOSES.**

**WHEREAS**, Silverleaf Health Alternatives, Inc. (the “Company”), a Georgia business corporation, desires to construct and operate a manufacturing facility in the Elberton Industrial Park on land currently owned by the City of Elberton (the “City”); and

**WHEREAS**, the Development Authority of Elbert County, Elberton and Bowman (the “Authority”) has actively engaged in the recruitment of the Company in hopes that the Company will construct, equip and operate a manufacturing facility in Elberton of approximately 60,000 square feet and employ no less than fifty (50) persons; and

**WHEREAS**, the Authority, the City, and the Elbert County Board of Commissioners (the “County”) desire to facilitate the construction of this new manufacturing facility inside the Elberton Industrial Park; and

**WHEREAS**, the Charter of the City of Elberton, Section 23, Paragraph D, authorizes the Mayor and Council to sell real estate in any established industrial park for development purposes without sealed bids or auction.

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

The execution, delivery and performance of a Memorandum of Understanding (the "Contract") and a Purchase and Sale Agreement for Real Estate are hereby authorized. The Mayor of the City (the "Mayor") is hereby authorized to execute and deliver the Contract on behalf of the City, which Contract shall be in substantially the form attached hereto as Exhibit A with such minor changes, insertions or omissions as may be approved by the Mayor, and the execution of the Contract by the Mayor as hereby authorized shall be conclusive evidence of any such approval.

From and after the execution and delivery of the Contract, the proper officers, agents and employees of the City are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents and certificates as may be necessary to carry out and comply with the provisions of the Contract and are further authorized to take any and all further actions and to execute and deliver any and all further documents and certificates as may be necessary or desirable in performance of the Contract.

The sale or transfer of land in the Elberton Industrial Park in the amount of 13 acres, more or less, to the Authority for future improvement by the County and for sale to the Company is authorized and approved. The transfer to the Authority shall be at zero cost (\$0.00). This approval and conveyance of land is subject to the Company receiving a Class 2 production license from the State of Georgia issued pursuant to Georgia Code Section 16-12-212. When a Class 2 production license is granted to the Company, the City shall promptly convey to the Authority by limited warranty deed a tract or parcel of land plus any required access easement, more particularly described on the boundary survey attached to and made a part of this Resolution as Exhibit B. The Mayor, City Manager, or City Clerk are authorized to execute and deliver such documents or deeds to effect this transfer to the Authority, subject to the terms and conditions of the Contract. Should the Company fails to construct the manufacturing facility by the second anniversary of the issuing of the Class 2 production license, then the Company shall convey the Real Estate back to the City by limited warranty deed.

In the event that the Mayor is unavailable to execute the documents herein authorized to be executed, the City Manager is hereby authorized to execute all such documents on his behalf.

This resolution shall take effect immediately upon its adoption.

All resolutions in conflict with this resolution are hereby repealed.

Adopted this 14<sup>th</sup> day of September, 2020.

City Manager Dunn read the Resolution as presented. Council Member Parham motioned to adopt the Resolution, seconded by Council Member Prince and the motion pass unanimously (Butler, Burton, Parham, Prince, Colquitt).

Council Member Butler placed Ordinance 2209 on first reading to amend the Georgia Municipal Employee Benefits System (GMEBS) Master Plan Document and GMEBS Trust Agreement:

## ORDINANCE 2209

An Ordinance to amend and restate the Retirement Plan for the Employees of the City of Elberton, Georgia in accordance with and subject to the terms and conditions set forth in the attached Adoption Agreement, any Addendum to the Adoption Agreement, the Georgia Municipal Employees Benefit System (GMEBS) Master Plan Document, and the GMEBS Trust Agreement. When accepted by the authorized officers of the City and GMEBS, the foregoing shall constitute a contract between the City and GMEBS, all as authorized and provided by O. C. G. A. 47-5-1 et seq.

City Manager Dunn read the Ordinance in its entirety.

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

1. Accepted of the expenditures to exceed the city manager's purchasing authority.
2. Authorized issuance of an alcoholic beverage license for on-premises consumption of distilled spirits to Ivy Brooks of Richard's Restaurant.
3. Authorized the closing of a portion of the city streets on Thursday, September 24, 2020 by 5:30 p.m. for the annual homecoming parade hosted by ECCHS.
4. Concurred with the Mayors' appointment of Kyle Parham and Troy Colquitt to the Animal Control Board.
5. Concurred with the Mayors' appointment of Pam Allen to the Elbert County Library Board.

City Manager Dunn presented the following reports:

- Financial Report ending July 31, 2020
- Monthly report on the activities of various departments as follows:

### **CITY CLERK:**

The Georgia Clerks Education Institute has moved their annual training to on-line. Training will be on-line on September 15. Effective March 31, 2020, Clerks are required to complete 30 hours of continued training every three years.

### **HUMAN RESOURCES:**

The City retirees met for lunch on August 5<sup>th</sup>. They plan to begin meeting for lunch once per quarter.

### **FIRE DEPARTMENT:**

The Fire Department responded to 56 alarm calls for the month of August, 2020. These calls consisted of 5 Vehicle Accidents, 31 Medical Emergencies, 11 False Alarms, 1 Vehicle Fire, 1 Gas Leak, 1 Structure Fire, 1 Cooking Fire, 3 Trash Fires, and 2 Service Calls. The department conducted 1 fire inspection, 1 Pre Plan, and issued 2 burn permits. The Fire Department conducted 549.5 hours of in-house training and no out of station training for the month.

**BUILDING INSPECTOR:**

The building inspection department issued 14 permits for the Month of August, 2020. Permits issued: 4 Building Permits, 5 Electrical Permits, 1 HVAC/Mechanical permits, 1 Plumbing, 1 Demolition Permit and 2 Accessory Permits. During this same period there were 5 building Inspections, 7 electrical inspections, 1 HVAC/Mechanical inspection, 2 Plumbing inspections, 3 Accessory site Inspections and 16 site visits.

**POLICE DEPARTMENT:**

The Elberton Police Department released their monthly activity for the month of July 2020. The department recorded:

- 888 Calls for Service
- 59 Vehicle Traffic Stops
- 110 Incident Reports were filed
- 83 City Court cases made
- 32 Traffic accidents were investigated
- 60 People were arrested for various charges
  - 4 Person was arrested for Driving under the Influence
- 67 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 July 2020 are as follows:

	July 2020	June 2020
Kidnapping:	2	2
Rape Offenses:	2	1
Robbery:	0	0
Assault:	15	20
Burglary:	3	3
Larceny/Theft:	12	9
Motor vehicle theft:	2	0
Counterfeiting/Forgery:	1	1
Fraud Offenses:	3	2
Destruction/Damage/Vandalism:	6	6
Drug Offenses:	7	2
Weapons Violations:	0	0
Animal Cruelty	0	0
Sex Offenses	0	0
Prostitution Offenses	0	0

**WATER & SEWER:**

The crews repaired water leaks on Burke Street, Pulliam Street, Old Hartwell Highway, and Lincoln Heights Drive. The crews repaired a fire hydrant damaged by a car at the intersection of Kathwood Drive and Highland Drive. The crews installed water taps and meters at 1044 Betty Court, 343 Railroad Street, 1624 Valley View Drive, 2037 Athens Highway and 1773 Athens Highway. The crews worked with Public Works to asphalt patch all utility cuts.

The crews replaced the reuse wash water pump at the Fortson's Creek Treatment Plant. The crews installed a rebuilt digester aerator at the Falling Creek Treatment Plant. The crews replaced the alum pump at the Filter Plant.

Contractors have almost completed the work being done at the Filter Plant on the chemical feed system. The only remaining items are replacing a window in the new carbon feed room and painting the new block wall on the third floor of the Filter Plant.

#### **ELECTRIC:**

During the month of August the Electric department worked on the Water Filter Plant line rehabilitation job. The department set 8 poles and pulled in new wire at the rear of the plant. This section of line will be energized in the next couple of weeks. The department installed a new underground service off of Willie Black Rd. and installed 300 feet of underground primary off of the Lexington Hwy.

#### **CITY MARSHAL:**

This office investigated a report of unauthorized usage of electric and water utilities on Oak St.

#### **PUBLIC WORKS:**

The Street Department finished staining all dumpster enclosure fences in the downtown area. The Construction Crew re-painted the inside of building #15 on N. McIntosh St. and polished the wood floor as the building was vacated by the long-term tenant there. A new tenant will be moving in soon for a retail store.

#### **NATURAL GAS:**

The Gas Department removed a 2" line at Athens Tech for contractors to remove trees along with the new building construction there. The department also installed a residential service on Hartwell Hwy along with 500 ft of 2" PE main on Jack McVeigh Rd and a residential service.

The department is completing all safety compliance requirements from PSC which are (1) inspecting "two or more" regulator stations, (2) turning valves and (3) a section of the annual leak survey.

#### **MAIN STREET:**

In an effort to protect the health of our citizens, business owners and visitors, the annual Granite City Fall Festival has now been canceled. We are pushing forward with planning our Candle Light Shop Night to be held on Tuesday, Nov. 24. We are also planning activities for the Shop Small Saturday Promotion to be held on Saturday, Nov 28.

#### **ELBERT THEATRE:**

There were 27 events at the Elbert Theatre & Arts Center including Encore Productions' *The Carol Burnett Show Sketches* rehearsals & performances and *Fruitcakes* & *Clue* Open Readings, EMH's meetings, EHA's meeting, COE's City Council meeting, ETF's paint class and B. Kelly's movie filming from July 24-Aug 30.

A total of 502 patrons visited the Elbert Theatre & Elberton Arts Center between July 24 and August 30.

**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%	
October	42.8%	48.9%	39.5%	
November	34.2%	29.9%	41.0%	
December	32.5%	40.9%	30.3%	
January	27.2%	35.5%	21.9%	
February	29.0%	26.6%	33.1%	
March	37.9%	35.0%	19.2%	
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%	32.7%

July and August's occupancy increased back into the low 30's, which means the hotel operation is almost breakeven for those months, less the expenses associated with the new food service operation.

Restaurant service at the new The Quarry Plates and Pours restaurant slowed at lunch during the latter part of August after school started back. Breakfast service began on August 17, open 7:00 a.m. until 9:30 a.m. Monday through Friday. Bar and evening service is slated to begin on September 10 for Thursdays-Saturdays.

Daniel Dobbins gave an update on the activities of the Development Authority of Elbert County, Elberton and Bowman.

Matters to be presented by the City Attorney:

- Dilapidated housing report.

Matters to be presented by Council:

- Council Member Butler stated that the food bank distribution drive-up outreach conducted by Safehouse Ministries at 435 Elbert Street should be moved to another location due to traffic being backed up on the four-lane.
- Council Member Colquitt asked that all Council Members wear their masks to the meetings.

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