

CITY OF ELBERTON
PUBLIC HEARING & REGULAR MEETING OF THE MAYOR AND COUNCIL

Monday, December 7, 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, December 7, 2020 at the Elberton Arts Center, 17 West Church Street with Mayor Guest presiding.

The City of Elberton announced December 2, 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 Public Hearing to order. A Notice of Hearing was issued in accordance with the law for the purpose of receiving comments from businesses in violation of the City of Elberton’s Alcoholic Beverage Ordinance. Due to the social distancing requirements, two of the violations will be considered at this meeting and the remaining three will be considered at the January meeting.

City Marshal Lee stated that the Georgia Department of Revenue conducted an underage sale of alcohol sting on November 2, 2020. Five of the twenty visited violated the City’s Alcoholic Beverage Ordinance. He added that he had conducted an Ordinance refresher training on November 17 and 19 and invited all five stores to attend. The two violations to be considered at this meeting are as follows.

1. AJ Foodmart, 3 Adams Street, Gopu Mitra (owner). No one from the business attended the refresher training offered.
2. Bills Food Mart, Inc., 243 College Avenue, Thomas Puthenpura (owner). An employee attended the refresher training offered.

A representative from each business was present and acknowledged the violation. Mayor Guest recommended that Mr. Mitra schedule to attend a refresher training with the City Marshal. Mayor Guest stated that Council will consider administrative penalties for the violations later in the meeting.

Mayor Guest closed the Public Hearing at 5:37 p.m. and called the regular meeting to order and led the assembly in the Pledge of Allegiance and prayer.

Council Member Parham motioned to approve the minutes of the November 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 Parham placed Ordinance 2210 on second reading to amend the Charter of the City of Elberton:

ORDINANCE 2210

**AN ORDINANCE TO AMEND ARTICLE II, MAYOR AND COUNCIL,
DIVISION 1. IN GENERAL, SECTION 7, FORM OF GOVERNMENT;
BIENNIAL ELECTION; TERMS OF OFFICE; OATH REQUIRED; SALARIES.**

City Manager Dunn read the Ordinance in its entirety at the November meeting. Council Member Parham motioned to waive the reading, seconded by Council Member Burton and the motion to waive passed unanimously (Butler, Burton, Parham, Prince, Colquitt). Council Member Parham motioned to adopt the Ordinance, seconded by Council Member Burton and the motion passed unanimously (Butler, Burton, Parham, Prince, Colquitt).

Council Member Parham placed Ordinance 2211 on first reading to annex 1236 Washington Highway into the corporate limits of Elberton:

ORDINANCE 2211

AN ORDINANCE ANNEXING THE PROPERTY LOCATED AT 1236 WASHINGTON HIGHWAY 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.

Council Member Butler introduced a Resolution adopting a Language Access Plan (LAP):

RESOLUTION

**A RESOLUTION ADOPTING A LANGUAGE ACCESS PLAN FOR LIMITED ENGLISH
PROFICIENCY PERSONS IN THE CITY OF ELBERTON**

WHEREAS, it is the policy of the City of Elberton to comply with all federal statutes and regulations in the administration of federally-funded programs.

WHEREAS, pursuant to the requirements of Title VI, sub-recipients of federal funds received through an administration grant/award made by the Department of Community Affairs (DCA) are required to make reasonable efforts to provide timely, meaningful access for Limited English Proficiency (LEP) persons to programs and activities; and

WHEREAS, the Mayor and Council of the City of Elberton wish to adopt a written implementation plan that addresses identified needs of the Limited English Proficiency (LEP) persons served; and

WHEREAS, the Department of Community Affairs (DCA) has provided guidance for the adoption of a Language Access Plan (LAP) for the City of Elberton; and

WHEREAS, the City Manager has been named in the LAP as the LAP Coordinator; and

WHEREAS, the City of Elberton will monitor and maintain the LAP and will update the plan every five years.

NOW THEREFORE BE IT RESOLVED, and it is hereby resolved by the Mayor and Council of the City of Elberton do official adopt a Language Access Plan (LAP) as described in Attachment "A".

This the 7th day of December, 2020.

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

Council Member Burton introduced a Resolution to amend the official traffic map of the city:

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 southeast and northwest currently are required to come to a complete stop at the intersection of N. McIntosh Street and Clairmont Avenue; 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 N. McIntosh Street and Clairmont Avenue 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 7th day of December, 2020.

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

City Manager Dunn provided a substitution alcoholic beverage license renewals list in order to include the addition of distilled spirits for Richard's Restaurant. Council Member Parham motioned to accept the consent agenda as provided, seconded by Council Member Prince and the motion passed unanimously (Butler, Burton, Parham, Prince, Colquitt).

1. Approved the alcoholic beverage license renewals for calendar year 2021 as follows:

No	Business Name	Business Location	Contact	Type	Classification
1	3 Reinas Taqueria	113 N. McIntosh Street	Julieta Alegria	On Premises Consumption	Beer, Distilled Spirits
2	Quickfill Food Mart, LLC	434 Elbert St.	Shabana Lalani	Retail	Beer, Wine
3	AJ Foodmart	3 Adams Street	Gopu Mitra	Retail	Beer Only
4	Bills Food Mart, Inc.	243 College Ave	Thomas Puthenpura	Retail	Beer, Wine
5	Circle K Stores Inc.	211 N. Oliver Street	Johanna Chambers	Retail	Beer, Wine
6	DDA (Hotel Gift Shop)	4 S. Public Square	Lanier Dunn	Retail	Wine Only
7	DDA (Restaurant & Bar)	4 S. Public Square	Lanier Dunn	On Premises Consumption	Beer, Wine, Distilled Spirits
8	Edwards Package Store, Inc. dba Tae Saeng Kang Yi	583 Elbert Street	Chong Suk Yi	Retail	Beer, Wine, Distilled Spirits
9	Elberton Country Club, Inc.	1101 Country Club Rd	Candy Blackmon	On Premises Consumption	Beer, Wine, Distilled Spirits
10	Elberton Package	409 Elbert Street	Deep Patel / Neela Patel	Retail	Beer, Wine, Distilled Spirits
11	Elks Club #1100	1008 Country Manor Ln	Gail Phillips	On Premises Consumption	Beer, Wine, Distilled Spirits
12	GA CVS Pharmacy # 3776	232 Elbert Street	Haley Risner	Retail	Beer, Wine
13	Imperial	245 College Ave	Julieta Alegria	On Premises Consumption	Beer & Distilled Spirits
14	JJ & B Foodmart No 1 LLC	118 N. Oliver Street	Gopu Mitra	Retail	Beer Only
15	JP Elberton	604 Elbert Street	Natalie Jones	Retail	Beer, Wine
16	Kenny's Korner Store	971 Elbert Street	Kasyapkoumar Patel	Retail	Beer
17	La Fogata	235 Elbert Street	Ramon Macias	On Premises Consumption	Beer, Distilled Spirits
18	PineTown Grill	531 Almond Street	Lottie P. Boazman	On Premises Consumption	Beer Only
19	Reetixa, LLC	883 Elbert Street	Shailesh Amin	Retail	Beer Only
20	Richard's Restaurant	19 N. McIntosh Street	Ivy Brooks	On Premises Consumption	Beer, Wine, Distilled Spirits
21	Saiveera Inc DBA Petro Food Mart	310 Elbert Street	Sangit Sheth	Retail	Beer, Wine
22	Shakti Food Mart, Inc.	351 N. Oliver Street	Mithilesh Desai	Retail	Beer Only
23	Super Gas	625 Elbert Street	Khurram Balagam	Retail	Beer Only
24	VFW Post 5456	1004 Calhoun Falls Hwy	William L. Mayhue	On Premises Consumption	Beer, Distilled Spirits
25	Walgreens #11166	18 College Ave	Elizabeth Christensen	Retail	Beer, Wine
26	Wal-Mart Store #1701	955 Elbert Street	David Leon Reading	Retail	Beer, Wine
27	West Elbert Pkg	255 College Ave	Rutvi Patel	Retail	Beer, Wine, Distilled Spirits

City Manager Dunn presented the following reports:

- Financial Report ending October 31, 2020.
- Audit and Finance Committee Report.
- Discussion of the noise ordinance to prohibit Jake braking. City Manager Dunn stated that Council Member Butler inquired about the use of compression release engine brakes also known as "Jake brakes" within the City last month. He preferred that any ban would be city-wide. City Manager Dunn provided information on Jake braking as well as two sample Ordinances for Council to review. Council Member Colquitt expressed his

concerns with regard to safety in the trucks not being able to use Jake brakes. He also added that the trucks are utilizing GPS that direct them to city streets that are not built for the trucks and their loads or excess traffic. After discussion, Council agreed to move forward to consider an ordinance on obtaining more information on prohibiting the use of Jake brakes.

- Bidding is being accepted for the \$3 million water project for the clear well and high service pump station at the filter plant.
- Work continues on the natural gas Loyd Rousey, Deep Creek Roads project.
- Public Works is waiting on the final easements before continuing work on the Medical Drive storm water project.
- The City-wide bulk cleanup was held November 30. 38 tons of debris was collected at a cost of \$2,000 for disposal of the debris.
- Last month, Council Member Butler asked for a program to be started to get yellow curbing to be repainted at intersection due to receiving complaints. The painting has begun for Ward 1 and 2 which included Burke and Church Streets. The project will continue throughout the city.
- Council Member Colquitt asked about Hailo and Mollertech. City Manager Dunn stated that there was no update at this time.
- Council Member Colquitt inquired about the status of Silverleaf project. City Manager Dunn stated that Silverleaf continued to work toward keeping the project on track. However, the state has not accepted projects of this nature to-date.
- Mayor Guest inquired as to the progress of Plant Vogtle 3. City Manager Dunn stated that it is scheduled to go on-line November of 2021. Mayor Guest stated that he would like to schedule a tour for the newly elected council sometime in 2021.
- Monthly report on the activities of various departments as follows:

CITY CLERK:

The annual illegal immigration reporting requirements has been submitted to the Georgia Department of Audits & Accounts for period ending November 30, 2020. This is an extensive reporting required by the State of Georgia.

The department submitted the Comprehensive Annual Financial Report for the fiscal year ending June 30, 2020 to the Tax and Expenditure Center at the Carl Vinson Institute of Government as required by Georgia Law.

HUMAN RESOURCES:

As for the past seven years, the U.S. Bureau of Labor Statistics has required cities to participate in a Data Collection for an employee count and female employee count. The information is submitted monthly.

FIRE DEPARTMENT:

The Fire Department responded to 54 alarm calls for the month of November, 2020. These calls consisted of 7 Vehicle Accidents, 42 Medical Emergencies, 2 Aircraft Standbys, and 3 False Alarms. The Fire Department also conducted 439 hours of in-house training.

BUILDING INSPECTOR:

The building inspection department issued 12 permits for the month of November, 2020. Permits issued: 6 Building Permits, 1 Demo Permit, 1 Electrical Permit, 1 Mechanical, 2 Plumbing and 1 Reroof Permit. During this same period there were 1 electrical inspection, 3 plumbing inspections, 1 HVAC inspection, 1 Reroof inspection, 2 Demo site inspections and 12 site visits.

POLICE DEPARTMENT:

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

- 1027 Calls for Service
- 272 Vehicle Traffic Stops
- 130 Incident Reports were filed
- 147 City Court cases made
- 21 Traffic accidents were investigated
- 58 People were arrested for various charges
- 8 Person was arrested for Driving under the Influence
- 198 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 October 2020 are as follows:

	October 2020	September 2020	% Change +/-
Kidnapping:	0	0	
Rape Offenses:	0	1	
Robbery:	0	1	
Assault:	24	15	Up 60%
Arson	0	0	
Burglary:	4	3	Down 25%
Larceny/Theft:	20	9	Up 122%
Motor vehicle theft:	1	1	
Counterfeiting/Forgery:	0	2	Down 100%
Fraud Offenses:	1	1	
Destruction/Damage/Vandalism:	9	7	Up 28%
Drug Offenses:	11	14	Down 21%
Weapons Violations:	1	1	
Animal Cruelty	0	0	
Sex Offenses	0	0	
Prostitution Offenses	0	0	

WATER & SEWER:

The crews repaired water leaks on Harper Street, East Church Street, Old Middleton Road and Village Road. The crews extended 300 feet of 2 inch water main on Sunset Drive for new services at 1007, 1029 and 1031 Sunset Drive. The crews relocated an existing water meter at the future Havenwood Apartments on South Oliver Street.

The crews cut trees from sewer ROW's on the Stoney Creek Subdivision. The crews cleaned and inspected sewer mains on Elm Street and North McIntosh Street. The crews cleaned and inspected sewer laterals at 300 Highland Park, 288 West Tate Street and 133 Burke Street.

Contractors began the repair work on filter #4 at the Filter Plant. The contractors removed all existing grout from the filter bottom and recoated the filter and piping. The remaining material needed to finish repairs will arrive in January 2021.

ELECTRIC:

During the month of November the Electric Department installed a new underground primary line off of the Lexington Hwy. The department pulled over 30 old poles that the phone company had transferred facilities to the new pole. The department installed a new pole and power to a new service at Eagle Granite. The department finished the month by decorating the downtown area and hanging the Christmas lights on the four-lane.

PUBLIC WORKS:

The Street Department started cleaning out the inside of the Bailey Building on the square located next to the Elberton Star office in preparation for future renovation. They also began to repaint several sections of yellow curbing at intersections around town.

NATURAL GAS:

Lisco completed the 2020 Business District and Public Gatherings leak survey. The department is working on repairing any leaks that were found.

The department is still installing the 4" High Density PE Main on Deep Creek Rd and Lloyd Rousey Rd and should be completed by the end of December. The department also relocated a high pressure regulator station on Hartwell Hwy.

MAIN STREET:

The month of November was spent preparing for the holidays and getting ready for Candle Light Shop Night.

Candle Light Shop Night was held on Tuesday, Nov. 24. We could not have asked for a better turn out for this year's event. We have several merchants that are reporting record breaking sales for the event. Main Street had \$16,120 in receipts turned in for the 12 Days of Christmas cash drawing. This is up from the \$11,190 that was turned in at the 2019 event.

The Shop Small Saturday Promotion kicked off on Saturday, Nov 28. We created a fun downtown monopoly game to help promote shopping downtown. When you purchase from one of our Main Street members, they will sign your monopoly board, and after shopping with five or more merchants you can turn your monopoly board in to Main Street to then be entered in a giveaway from Main Street. Main Street Elberton was also approved to be an AMEX Shop Small, Shop Local ambassador for the 2020 year.

CITY MARSHAL:

On Monday morning November 2, 2020 an Undercover Underage Alcohol investigation was conducted to check city businesses for compliance with checking identification of individuals wishing to purchase alcohol. The GA Dept of Revenue Alcohol & Tobacco agents along with a confidential informant in collaboration with the Elberton Police Dept. and City Marshal’s office conducted this investigation. During this investigation the C.I. was able to purchase alcoholic beverages from five different locations during the day. A total of 20 businesses were checked.

1. JJ & B Food mart No 1, LLC 118 North Oliver St. Elberton, GA, violation time 10:39am Case# 20-11-0010 (Store’s last alcohol violation was 11/17/2017)
2. Bills Food Mart Inc. 243 College Ave. Elberton, GA, violation time 11:32am Case # 20-11-0011
3. AJ Food mart 3 Adams St. Elberton, GA, violation time 12:09pm Case# 20-11-0012
4. Kenny’s Korner Store 971 Elbert St. Elberton, GA, violation time 12:58pm Case # 20-11-0013
5. Reetixa, LLC 883 Elbert St. Elberton, GA (located beside Dollar Tree store), violation time 1:45pm Case # 20-11-14

This office contacted all the stores on Nov. 11 that violated the Alcohol ordinance and conducted a refresher training for the store owner(s) and employees. It was offered on Tuesday Nov 17 & Thursday Nov 19 at 9am & 1pm on those dates at City Hall Council Chambers. The following attended:

- Bill’s Food Mart 243 College Ave. manager: William T. Henson Jr.
- Kennys Korner Store 971 Elbert St. clerk: Mellondy Simpson
- Reetixa LLC 883 Elbert St. owners: Shailesh & Reetixa Amin and clerk: Dyasia Isom

No employee or the owner from JJ & B Foodmart No. 1 LLC, 118 North Oliver St, or AJ Food Mart, 3 Adams St., attended the refresher training.

ELBERT THEATRE:

There were 17 events at the Elbert Theatre & Arts Center including Encore Productions’ *An Inspector Calls* Open Reading and *Fruitcakes* rehearsals & performances, ETF’s Trick-or-Treating, paint class & bake sale, COE’s City Council meeting and T Davis’ movie filming from Oct 28-Nov 30.

Approximately 1,129 patrons (guessing 650 people walked through on Halloween) have visited the Elbert Theatre & Elberton Arts Center between Oct 28-Nov 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%	31.5%

October	42.8%	48.9%	39.5%	34.0%
November	34.2%	29.9%	41.0%	31.5%
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%	32.5%

Occupancy level continues to hover in the low 30's. Although not ideal, this is a fair level considering most travel is business-related travel during the pandemic. Business travel normally ends by Thanksgiving and does not really return until March, however, December's pre-booking in the first half of the month is similar to November's. The department continues to operate hoping for a return to normal in mid-2021.

Matters to be presented by the City Attorney:

- Dilapidated housing report.

Matters to be considered by Council.

- Consideration of administrative penalties to businesses in violation of the City of Elberton's Alcoholic Beverage Ordinance. City Manager Dunn stated that staff recommended an administrative penalty of \$300.00 and a bond forfeiture of \$250.00 totaling \$550.00 for each business in violation since this is their first offense in five years. Council Member Colquitt motioned to accept the recommendations as stated above, seconded by Council Member Parham and the motion passed unanimously (Butler, Burton, Parham, Prince, Colquitt).

City Manager Dunn introduced Scott Marunich to Council. He has been promoted to Police Chief in January when Mark Welsh retires. He brings over 20 years of police experience to the position. Mayor Guest congratulated him on his promotion and wished him well in his new position.

City Manager Dunn recognized Police Chief Mark Welsh and congratulated him on his upcoming retirement. Mayor Guest thanked Chief Welsh for his 22 years of service to the city and wished him well during his retirement.

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