

CITY OF ELBERTON
REGULAR MEETING OF THE MAYOR AND COUNCIL
Thursday, July 9, 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 Thursday, July 9, 2020 at the Elberton Arts Center, 17 West Church Street with Mayor Guest presiding.

The City of Elberton announced July 1, 2020 a change to the location of its regular meeting of the Mayor and Council for July. 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, Parham and Prince; 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 Butler motioned to approve the minutes of the May 28 and June 1 meetings, seconded by Council Member Parham and the motion passed unanimously (Butler, Colquitt, Burton, Parham, Prince).

There were no speakers from the floor.

Council Member Butler introduced the following Resolution for consideration:

CITY OF ELBERTON
RESOLUTION OF APPOINTMENT

WHEREAS, there currently exists several vacancies on the Elberton Downtown Development Authority (DDA) board of directors due the expired terms; and

WHEREAS, O.C.G.A. Section 36-42-6 allows the governing body of the municipal corporation to appoint directors of the DDA by resolution; and

WHEREAS, the Mayor and five Council Members of the City of Elberton constitute the governing body pursuant to that state law O.C.G.A. Section 36-42-3; and

WHEREAS, the Mayor respectfully submits to the Council the names of Rick Prince and Willie Hall to be considered for reappointment as director of the DDA; and

WHEREAS, the appointees meet the qualifications of being a director of the Elberton DDA in that certain state law O.C.G.A. Section 36-42-7, being that the nominee qualifies as a (a) person who has an economic interest in the redevelopment and revitalization of the downtown development area.

NOW, THEREFORE, the Mayor and Council of the City of Elberton hereby reappoint Rick Prince and Willie Hall as directors of the Elberton DDA, term to end June 30, 2024.

RESOLVED this 9th day of July, 2020.

City Manager Dunn read the Resolution as presented. Council Member Butler 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:

**A RESOLUTION
AMENDING THE TERMS OF A NOTE AND LOAN AGREEMENT WITH THE GEORGIA ENVIRONMENTAL
FINANCE AUTHORITY (“GEFA”) TO EXTEND THE PROJECT COMPLETION DATE TO OCTOBER 31, 2020, AND
FOR OTHER PURPOSES**

WHEREAS, the Borrower has borrowed \$2,500,000 from the Georgia Environmental Finance Authority (the “Lender”), pursuant to the terms of the Loan Agreement (the “Loan Agreement”), dated July 12, 2018, between the Borrower and the Lender; and

WHEREAS, the Borrower’s obligation to repay the loan made pursuant to the Loan Agreement is evidenced by a Promissory Note (the “Note”), dated June 4, 2018, of the Borrower; and

WHEREAS, the Borrower and the Lender have determined to amend and modify the Note and Loan Agreement, pursuant to the terms of a Modification of Promissory Note and Loan Agreement (the “Modification”) between the Borrower and the Lender, 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 Modification are hereby approved and authorized.

BE IT FURTHER RESOLVED by the governing body of the Borrower that the terms and Modification are in the best interests of the Borrower, and the governing body of the Borrower designates and authorizes the following persons to execute and deliver, and to attest, respectively, the Modification, and any related documents necessary to the consummation of the transactions contemplated by the Modification; Lanier Dunn, City Manager and Cindy Churney, City Clerk.

Resolved on this 9th day of July, 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 introduced the following Resolution for consideration:

A RESOLUTION

APPROVAL OF AMENDMENT TO GAS SUPPLY CONTRACT AND SUPPLEMENTAL CONTRACT (GAS PORTFOLIO V PROJECT) EACH BETWEEN THE GAS AUTHORITY AND THE CITY OF ELBERTON, GEORGIA (THE "CITY"), AND FOR OTHER PURPOSES.

WHEREAS, the 1987 Session of the General Assembly of the State of Georgia adopted the Municipal Gas Authority of Georgia Act (Ga. Laws 1987, p. 745 *et seq.* (*codified* at O.C.G.A. Sections 46-4-80 through 46-4-125)), as amended (the "Act"), creating the Municipal Gas Authority of Georgia (the "Gas Authority"), providing its organization and purposes and authorizing it to contract with certain political subdivisions for the provision of an adequate and dependable wholesale supply of gas to meet the needs of the gas distribution systems of such political subdivisions; and

WHEREAS, the City has studied and reviewed its opportunity to enter into an Amendment to the Gas Supply Contract (the "Amendment") with the Gas Authority, substantially similar to amendments entered into with other Gas Authority members, providing for the extension of the term of the Gas Supply Contract related to Gas Authority's obligation to furnish the City with its gas supply requirements and for the City's obligation to pay for such gas supplies; and

WHEREAS, the City has also studied and reviewed its opportunity to contract with the Gas Authority for additional gas supplies, and to that end, the City and the Gas Authority have caused to be prepared a certain Supplemental Contract (Gas Portfolio V Project) (the "Supplemental Contract," and together with the Amendment, the "Contracts"); and

WHEREAS, the Gas Authority functions as a governmental joint action agency operating on a nonprofit basis solely for the benefit of its Members and effectively as an extension and instrumentality of its Members, aggregating their natural gas supply, management and transportation needs for economies of scale and leveraging their human and financial resources for efficiency, resulting in lower costs and higher benefits to the Members than if each acted individually or in smaller groups; and

WHEREAS, the Members control the Gas Authority and its policies through the Board of the Gas Authority, which is composed of Member representatives, and through the Gas Supply Contracts, and the Members intend to collectively share allocable portions of all risks and rewards of the Gas Authority's operations pursuant to such contracts, and the Contracts will necessarily be relied upon by the other Members due, among other things, to the interrelated nature of the Gas Supply Contract and the relationships among the Gas Authority and the Members effected thereby; and

NOW, THEREFORE, BE IT RESOLVED by the governing body of the City in meeting duly assembled, and it is hereby resolved by authority thereof, as follows:

Section 1. The City hereby finds and determines that it is in its best interest to contract with the Gas Authority, and the City hereby declares its intention to so contract with the Gas Authority for the purchase of its gas supply.

Section 2. The City hereby approves and authorizes the execution and delivery of the Contracts in substantially the form of the drafts of the Contracts attached to this Resolution as Exhibit "A" and Exhibit "B", respectively, and hereby incorporated herein by reference, subject to such changes, additions and deletions made in the Mayor's discretion, with advice of counsel. The Contracts will each be executed by the Mayor, attested by the City Clerk, and will have the City's seal affixed thereto, and will be delivered to the Gas Authority, and when so executed and delivered, will be binding upon the City in accordance with

their respective terms. Execution of the Contracts as authorized herein will be conclusive evidence of the City's approval thereof.

Section 3. In the adoption of this Resolution, the City hereby recognizes that this action will be relied upon by other political subdivisions that own and operate gas distribution systems and that adopt similar Resolutions in furtherance of the organization of the Gas Authority under the Act, and that the City is also relying upon the adoption of such Resolution by such other political subdivisions.

Section 4. All Ordinances and Resolutions or parts of Ordinances and Resolutions in conflict between are hereby repealed.

Resolved this 9th day of July, 2020.

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

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

1. Approval of expenditures that exceed the city manager's purchasing authority.
2. Authorized the closure of a portion of Church Street at the Granite Bowl for graduation ceremony on Friday, July 17 from 7:00 p.m. – 8:30 p.m.

City Manager Dunn presented the following reports:

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

CITY CLERK:

The department continues to collect occupational tax license for calendar year 2020.

HUMAN RESOURCES:

Lynn Saxon retired June 26, 2020 from Elberton Utilities with 46 years of service. We thank her for her dedicated service to the City of Elberton and wish her the best in her retirement.

FIRE DEPARTMENT:

The Fire Department responded to 46 alarm calls for the month of June, 2020. These calls consisted of 7 Vehicle Accidents, 29 Medical Emergencies, 5 False Alarms, 1 Vehicle Fire, 1 Cooking Fire, and 3 Service Calls. The department conducted 0 fire inspections, and issued 2 burn permits. The Fire Department also conducted 446 hours of in-house training and 52 hours out of station training for the month.

BUILDING INSPECTOR:

The building inspection department issued 8 permits for the Month of June, 2020. The department issued 3 Building Permit, 3 Electrical Permits, and 2 sign permits. During this same period there were 1 Building Inspection, 3 Electrical inspections, 1 plumbing inspection, 1 sign inspection and 11 site visits.

POLICE DEPARTMENT:

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

- 656 Calls for Service
- 37 Vehicle Traffic Stops
- 86 Incident Reports were filed
- 57 City Court cases made
- 22 Traffic accidents were investigated
- 22 People were arrested for various charges
- 5 Person was arrested for Driving under the Influence
- 64 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 May 2020 are as follows:

	May 2020	April 2020	% Change +/-
Kidnapping:	0	0	No Change
Rape Offenses:	1	0	Up by one incident*
Robbery:	1	0	Up by one incident
Assault:	14	7	Up by 100%
Burglary:	3	0	Up by three incidents
Larceny/Theft:	4	4	No Change
Motor vehicle theft:	0	0	No Change
Counterfeiting/Forgery:	0	0	No Change
Fraud Offenses:	3	0	Up by three incidents
Destruction/Damage/Vandalism:	8	4	Up by 100%
Drug Offenses:	4	3	Up by 33.3%
Weapons Violations:	0	0	No Change
Animal Cruelty	0	0	No Change
Sex Offenses	1	0	Up by one incident
Prostitution Offenses	1	0	Up by one incident**

*The Rape Offense was a Statutory Rape case 20-05-0003

**The Prostitution Offense was a solicitation for sodomy case 20-05-0073

WATER & SEWER:

The crews repaired water leaks on Adams Street, East Church Street, Wildwood Drive and Elbert Street. The crews installed water taps at 1043 Betty Court and 1056 Sam Paul Road. The crews worked with public works to asphalt all utility cuts made while repairing leaks.

The crews cleaned and inspected sewer services at 214 South McIntosh, 247 Sunnyside Avenue and 1126 Oglesby Boulevard. The crews repaired settled ground near a manhole located on Springdale Road. The crews cut trees and cleared debris from sewer main right of ways. Pro Pump performed preventative

maintenance to all lift stations in the sewer system. The crews replaced the pressure switch at the Industrial Park Lift Station.

The crews replaced bearings on belt press roller located at the Fortson's Creek Treatment Plant. The crews pulled the aerator from the digester at Falling Creek Treatment Plant for repairs. The crews installed 6 new turbidity meters at the Filter Plant, waiting for startup to be conducted by Hach Company.

Contractors continue to work at the Filter Plant on chemical feed improvement upgrades. The new carbon feed system has been installed and awaiting electrical and plumbing connections. 22 new actuators have been installed on the filters.

ELECTRIC:

During the month of June the Electric Department removed all of the old wire from the final phase of the Circuit 1532 line rehab on the Hartwell Hwy., completing this project. The department changed out 3 transformers at Whitlow Electric for a new panel upgrade. The department changed out 4 bad poles on Elm Street and 2 on Cloverleaf Drive. The department changed out poles on Brookside Drive, Heard Street, Springdale Road, Village Road, Sherwood Drive and 2 poles each on Burke Street and Prince Street. The department also changed out a bad transformer on Porter Drive.

CITY MARSHAL:

This office investigated a report of unauthorized usage of electric utilities on McKinley St.

PUBLIC WORKS:

The Street Division completed painting over the center lines on Jones Street. The department replaced the concrete bumper with a metal pole in front of Tena's Jewelry for the safety of pedestrians walking by. The crew began re-striping the 2 hour parking lines downtown.

The Construction Crew repaired a leak at the Elbert Theater and did a few repairs at the Elbert Hotel. The Construction Crew worked to finish the 17 N. McIntosh St. renovations during the first week of July.

NATURAL GAS:

The Natural Gas Department completed the Northeast Expansion Phase 2 build which consisted of 43,500 feet of new pipeline. All pipeline has been installed and pressurized. The three poultry farms have all pipeline installed, and meters will be set in July. There are approximately 15 residential customers who have work orders for installation in July on this new line.

The department also completed the installation of the two regulator stations, one for Nickville Road and the other for Pulliam Mill Road, off the Bowman Hwy. This is an upgrade by replacing the existing regulators with a larger size, increasing the flow rates for both roads. This will be very important during the coldest part of winter with high demand. Capacity constraints have been experienced on both of these lines since the winter of 2014.

MAIN STREET:

Main Street along with Elbert Chamber and the Elbert 4H Extension office have been working together the past couple of months to bring back the Elberton Farmers Market. We will be holding the first Farmer’s Market on Saturday, July 11th from 7am-Noon. The market will be located in the front parking lot of the Elberton First United Methodist Church (132 East Church Street). There will be plenty of parking for vendors and customers and accessibility to sell out of your truck if you have larger items (watermelons, etc.). We will be practicing social distancing. Each person will get a 10’x10’ spot. We will not be charging any market fees this year to participate. We hope to grow this in to something really big for next year’s growing season.

All Main Street activities have been canceled until further notice. In an effort to protect the health of our citizens, business owners and visitors, the annual car show and fireworks event was canceled. This event brings so many visitors to the city of Elberton that it is difficult to maintain social distancing.

ELBERT THEATRE:

There were 14 events at the Elbert Theatre & Elberton Arts Center including Encore Productions’ *Rex’s Exes* & *The Christmas Express* Open Readings and *The Carol Burnett Show Sketches* rehearsals, and ETF’s paint classes from May 21-June 24.

A total of 139 patrons visited the Elbert Theatre & Elberton Arts Center between May 21 and June 24.

ELBERT HOTEL:

The latest occupancy statistics are as follows:

	<u>FY18</u>	<u>FY19</u>	<u>FY20</u>
July	29.5%	38.8%	47.2%
August	33.8%	33.3%	50.2%
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%

Unfortunately due to the COVID-19 pandemic the property’s occupancy level suffered greatly in the last four months of the fiscal year. It is likely that occupancy will not return to a normal level until spring 2021, provided that the pandemic begins to subside by then.

The hotel restaurant, The Quarry Plates and Pours, open on June 1 for lunch only on weekdays. The Quarry has been very well received. Sales in June were \$12,393. The staff is ready to expand service for the evening hours and to re-open the bar. However, more personnel is needed to do this and hiring qualified persons for part-time work is very difficult. More service hours will be added as soon as it can be sustained.

Matters to be presented by the City Attorney:

- Dilapidated housing report.

Matters to be presented by Council:

- Mayor Guest asked for a motion to move into executive session for the purpose of discussing the acquisition of real estate as permitted by O.C.G.A. 50-14-1. Council Member Butler motioned to close the meeting and move into executive session, seconded by Council Member Parham and the motion passed unanimously (Butler, Colquitt, Hunt, Prince, Parham).

Council Member Colquitt motioned to move out of executive session and reconvene the regular meeting, seconded by Council Member Burton and the motion passed unanimously (Butler, Colquitt, Hunt, Prince, Parham).

Mayor Guest stated that no action was taken during the discussion of the acquisition of real estate.

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