



Agenda
City of Clarkesville
Regular Meeting
6:00 PM January 9, 2023

1. *Call to Order*
 - 1a. *Mayor Barrie Aycock Will Call The Meeting to Order*
2. *Invocation and Pledge*
 - 2a. *Hobie Wood With Christ Presbyterian Church Will Lead the Prayer*
3. *Consent Agenda*
 - 3a. *Council Will Consider Approval of the Following Minutes:*

November 7, 2022 Work Session
November 7, 2022 Council Meeting
December 5, 2022 Work Session
December 5, 2022 Executive Session
4. *Committee Reports*
 - 4a. *Finance, Main Street, Fire, ESG, Planning and Zoning*
5. *Unfinished Business*
6. *New Business*
 - 6a. *Mayor and Council will Consider and Approve Appointment of the Following Positions for 2023:*

City Manager Keith Dickerson
City Clerk Julie Poole
City Attorney Firm Sanders, Ranck & Skilling, P.C.
City Judge Robert A. Sneed
 - 6b. *Mayor and Council Will Elect mayor Pro Tempore for 2023*
 - 6c. *Mayor and Council will Discuss and Vote to Set Qualifying Fees of \$18.00 (Eighteen Dollars) for the Following Elections:*

Special Election For Council Member Post 5 to be Held on March 21, 2023
Regular Election for Council Member Posts 2 and 3 to be Held on November 7, 2023

6d. *Mayor and Council Will Discuss and Vote to Approve the 2023 ESG Contract*

6e. *Mayor and Council will Discuss and Consider Appointment and Swear In the Following New Mainstreet Board Members for 2023:*

Veronica Bowen

Gerald Durden

Greg Guthrie

Christy Hinson

Nancy Kline

7. *Public Comment*

8. *Consider Going Into Executive Session*

9. *Adjournment*

OFFICIAL MINUTES
COUNCIL WORK SESSION

November 7, 2022
Minutes
City of Clarkesville
Council Work Session

The Council Work Session was held on Monday, November 7, 2022, at 5:00 PM at City Hall. Those present were Council Member Terry Gladden, Council Member Franklin Brown, Mayor Barrie Aycock, Council Member Angelia Kiker. Council Member Brendon Ansley was absent.

Agenda Item #1: Call to Order

Sub-Item #1a.: Mayor Barrie Aycock will call the meeting to order.

Mayor Barrie Aycock called the meeting to order.

Agenda Amended to Add Mayor and Council will Discuss and Vote for the City to Accept Leland Hills Drive as a City Street

Mrs. Diane Donnelly, HOA President, 112 Leland Hills and Mrs. Deanna Anglin, HOA Board Member, 119 Leland Hills requested that the City assist with maintenance of Leland Hills Drive. Council Member Franklin Brown explained that the City cannot maintain this street because it was created as a part of Leland Hills development and does not meet the required minimum standards for a city street. Mrs. Donnelly asked if the City maintained the street beside Old Clarkesville Mill and if so why that was different from Leland Hills. Mr. Dickerson explained that the city uses that street to maintain the Greenway Trail and access the City greenhouse. A discussion followed regarding the ongoing problems with drainage in parts of Leland Hills and it was agreed that this problem was created because the City did not have adequate minimum standards in place when Leland Hills was developed. Mr. Dickerson and Council Members Franklin Brown and Terry Gladden volunteered to visit Leland Hills and determine what the City could do to help alleviate some of the problems.

Agenda Item #2: Unfinished Business

There was no unfinished business.

Agenda Item #3: New Business

Sub-Item #3a.: Discuss Personnel Pay Adjustment per ARPA Rules

City Manager Keith Dickerson would like to use ARPA funds to pay premium pay for a specific time period for work during the pandemic. The City will use this in place of the usual bonus. Council Member Franklin Brown asked if we could do both the ARPA premium pay and the traditional Christmas Bonus. Mr. Dickerson said that the ARPA premium works out to be more than the traditional bonus. Mayor Barrie Aycock and City Clerk Glenda Smith both said that feedback from employees has been positive with the benefits the City is providing. It will stand that the ARPA premium pay will remain the sole bonus for this year.

Sub-Item #3b.: Discuss Old Courthouse Property

City Manager Keith Dickerson reported that he had contacted USDA to inquire if there were funds available to assist the City with the purchase of the Old Courthouse Property. He learned that some of the funds would be available but the amount of grant funding was not sufficient, and the cost of a USDA loan would also be prohibitive. Mayor Aycock requested that this discussion be discontinued because the idea was not realistic.

Sub-Item #3c.: *Discuss Right of Way Maintenance Agreement With Georgia DOT*

City Manager Keith Dickerson brought forth the Right of Way Maintenance Agreement between the City and Georgia DOT for the round about. GDOT requires local governments to maintain the aesthetics of the round about. City Clerk Glenda Smith reminded Mr. Dickerson that GDOT is requiring insurance on employees that maintain that area. Mr. Dickerson suggested we check with ESG to see if they already have the required insurance. Council Member Terry Gladden made a motion to approve the Right of Way Maintenance Agreement with Georgia DOT

Seconded: Council Member Franklin Brown

Passed (2 - 0)

Sub-Item #3d.: *Discuss Sewer Infrastructure*

City Manager Keith Dickerson has contacted Turnipseed Engineering and requested a sewer capacity evaluation. He has learned that many of our lines are old terracotta pipes and are in very poor shape. Mr. Dickerson has halted the planned Ellison Park development due to capacity concerns. Developers have approached the City regarding building approximately 140 homes behind Leland Hills. Mr. Dickerson explained that each home would need to be assessed a \$1000.00 impact fee in order to install a new lift station. Mayor and Council would have to vote and approve a Resolution in order to do this. Mr. Dickerson will come back to Council once he receives a price for this study. He is also going to contact Georgia Rural Water to see if they can provide any assistance.

Sub-Item #3e.: *Discuss Old Church Rental*

City Manager Keith Dickerson would like to charge \$100 for half a day and \$200 for a whole day to rent Deas Chapel. Council Member Kiker asked if there would be a cleaning fee. Mr. Dickerson said he would like to charge a \$50 refundable deposit for cleaning and damage. There is currently one bathroom inside and one outside, but there is plumbing for 2 bathrooms outside and the second will eventually be added. A rental agreement will be created. Mayor Aycock asked who is going to clean the property. Mr. Dickerson said that the responsible party will be required to clean after each event, but that it would probably need to be on a regular maintenance cleaning schedule also. Mayor Aycock said she would research rental agreements. Council Member Brown asked if there would be any additional insurance required for the property. Mr. Dickerson said that it is already insured properly.

Sub-Item #3f.: *Approve and Sign Resolution 2022-8 Providing for the 2023 Special Election to Fill the Office of Council Member Post 5*

Mayor and Council signed resolution 2022-8

Council Member Terry Gladden made a motion to approve Resolution 2022-8

Seconded: Council Member Franklin Brown

Passed (3 - 0)

Agenda Item #4: *Public Comment*

No Public Comments

Agenda Item #5: *Consider Going Into Executive Session*

No Executive Session

Agenda Item #6: *Adjournment*

Council Member Franklin Brown made a motion to adjourn .

Seconded: Council Member Terry Gladden

Passed (3 - 0)

Respectfully submitted,

Glenda Smith, City Clerk

OFFICIAL MINUTES
REGULAR MEETING

November 7, 2022
Minutes
City of Clarkesville
Regular Meeting

The Regular Meeting was held on Monday, November 7, 2022, at 6:00 PM at City Hall. Those present were Council Member Terry Gladden, Mayor Pro - Tempore Franklin Brown, Mayor Barrie Aycock, Council Member Angelia Kiker. Council Member Brendon Ansley was absent.

Agenda Item #1: *Call to Order*

Sub-Item #1a.: *Mayor Barrie Aycock Will Call Meeting to Order*
Mayor Barrie Aycock called the meeting to order.

Agenda Item #2: *Invocation and Pledge*

Sub-Item #2a.: *Reverend Doris Graf Smith with Grace Calvary Episcopal Church to Lead Prayer*
Reverend Doris Graf Smith did not attend. Mayor Barrie Aycock lead the prayer.

Agenda Item #3: *Consent Agenda*

Sub-Item #3a.: *Consider Approval of the Following Minutes:*

October 3, 2022 Work Session
October 3, 2022 Council Meeting

Mayor Pro - Tempore Franklin Brown made a motion to approve the consent agenda.

Seconded: Council Member Terry Gladden

Passed (3 - 0)

Agenda Item #4: *Committee Reports*

Sub-Item #4a.: *Finance/Project Management, Main Street/DDA, Fire, Public Works and Water/Sewer, Planning and Zoning*

City Manager Keith Dickerson, Mainstreet Director Colby Moore, Fire Chief Jason Poole, ESG Director Joe Deputy, and Planning and Zoning Administrator Caleb Gaines each presented their monthly reports.

Agenda Item #5: *Unfinished Business*

Agenda Item #6: *New Business*

Sub-Item #6a.: *Consideration of Map Amendment at 162 W. Llewellyn Street Rezoning From R-1, Single Family Residential to R-1A, Single Family Residential*

Mayor Barrie Aycock asked what is the difference between R-1 and R-1A. Caleb Gaines responded that R-1 is a 15,000 square foot minimum and R-1A is a 10,000 square foot minimum. By reducing the square footage this will make the properties conform to current City standards.

Mayor Pro - Tempore Franklin Brown made a motion to approve Map amendment at 162 W. Llewellyn Street rezoning from R-a, Single Family Residential to R-1A, Single Family Residential.

Seconded: Council Member Angelia Kiker

Passed (3 - 0)

Sub-Item #6b.: Announcement that the Election for Council Post 2 Will be Held on November 8, 2022

Election for Council Post 2 was announced.

Sub-Item #6c.: Announcement that the Employee Christmas Party Will Be Held at Noon on December 16, 2022 at El Jinete Restaurant.

Employee Christmas Party was announced.

Sub-Item #6d.: Consider Approval of the 2023 City Holiday Schedule

Council Member Angelia Kiker made a motion to approve the 2023 City Holiday Schedule.

Seconded: Council Member Terry Gladden

Passed (3 - 0)

Sub-Item #6e.: Consider Approval of the 2023 Council Meeting Schedule

Council Member Angelia Kiker made a motion to approve the 2023 Council Meeting Schedule.

Seconded: Mayor Pro - Tempore Franklin

Passed (3 - 0)

Brown

Sub-Item #6f.: Discussion of Bathrooms at Mary Street Park

City Manager Keith Dickerson presented three bids received for prefabricated bathroom facilities at Mary Street Park via a power point presentation. This will be paid for with SPLOST 6 Funds. Mayor Aycock asked if these will be open 24 hours. Mr. Dickerson said that it would. The building comes on a slab and they sit it on compacted gravel. Council Member Brown asked if there is an option for a floor drain for easier cleaning. Mr. Dickerson said he would ask but he believes it cannot be added do to a single sewer connection. Council Member Kiker asked if they could also replace the bathroom at Pitts Park. Mr. Dickerson said there is currently no funding. Mrs. Kiker suggested asking Easi-Set if they would offer a discount with the purchase of two. Mr. Dickerson said he would look into that.

Council Member Terry Gladden made a motion to approve purchasing the Easi-Set bathrooms for Mary Street Park at \$89,000.

Seconded: Council Member Angelia Kiker

Passed (3 - 0)

Sub-Item #6g.: Mayor and Council to Consider Approval of the Following Alcohol License Renewals for 2023:

USA Shop

El Jinete

Wild Berry Grill & Gifts

Agenda was amended to add approval for the following alcohol licenses:

Renewals:

**Room 227 LLC dba Copper Pot Restaurant
North Georgia Liquor Inc.**

**New License:
Top Flight Tap Room and Grill**

Mayor Pro - Tempore Franklin Brown made a motion to approve 2023 alcohol license renewals for USA Shop, El Jinete, Wild Berry Grill and Gifts, Room 227 LLC, and North Georgia Liquors. New 2023 Alcohol License for Top Flight Tap Room and Grill.

Seconded: Council Member Terry Gladden

Passed (3 - 0)

Sub-Item #6h.: Mayor and Council to Approve Cancelling the December Council Meeting. The Work Session Will Remain Scheduled for December 5, 2022 at 5:30.

Council Member Brown asked the reason for cancelling the Council Meeting for December 6 but still keeping the work session scheduled. City Manager Keith Dickerson responded saying that the work session could go longer due to employee recognition. The work session will also be at 5:00 instead of 5:30 that is listed on the agenda. Council made the decision to cancel the Council Meeting.

Sub-Item #6i.: Mayor and Council will Discuss and Vote for the City to accept Leland Hills Drive as a City Street

This item was moved to and discussed at the work session.

Agenda Item #7: Public Comment

No Public Comments

Agenda Item #8: Consider Going Into Executive Session

No Executive Session

Agenda Item #9: Adjournment

Council Member Terry Gladden made a motion to adjourn .

Seconded: Mayor Pro - Tempore Franklin Brown

Passed (3 - 0)

Respectfully submitted,

Glenda Smith, City Clerk

OFFICIAL MINUTES
COUNCIL WORK SESSION

December 5, 2022
Minutes
City of Clarkesville
Council Work Session

The Council Work Session was held on Monday, December 5, 2022, at 5:00 PM at City Hall. Those present were Council Member Brad Coppedge, Council Member Terry Gladden, Council Member Franklin Brown, Mayor Barrie Aycock, Council Member Angelia Kiker. No council member was absent.

Agenda Item #1: *Call to Order*

Sub-Item #1a.: *Mayor Barrie Aycock will call the meeting to order.*

Mayor Barrie Aycock called the meeting to order.

Sub-Item #1b.: *Mayor Barrie Aycock will swear in new Council Member Brad Coppedge.*

Mayor Barrie Aycock swore in Council Member Brad Coppedge.

Agenda Item #2: *Unfinished Business*

There was no unfinished business.

Agenda Item #3: *New Business*

Sub-Item #3a.: *Mayor and Council will consider annexation and rezone at 317 Ellison Street.*

Council Member Franklin Brown made a motion to approve Annexation and rezoning of 317 Ellison St. from County LI (Low Intensity) to City R-2 (Multiple Family Residential).

Seconded: Council Member Terry Gladden

Passed (4 - 0)

Sub-Item #3b.: *Mayor and Council will consider adopting amendments to the City of Clarkesville Zoning Ordinance.*

Council Member Franklin Brown made a motion to approve adoption of the City of Clarkesville Zoning Ordinance amendments.

Seconded: Council Member Terry Gladden

Passed (4 - 0)

Sub-Item #3c.: *Mayor and Council will consider approval of the following Alcohol License renewals for 2023:*

Monroe Street Business LLC

JRBBQ LLC dba Hawg Wild BBQ and Catfish House

Old Towne Pub, Inc.

Ashian Business LLC dba Chevron at the Square

Juhan Song, Inc. dba The Attic

Jay Maa Umiya LLC. dba Westside Express

Rac Mart LLC dba Shake N Go

TRS 316PIE LLC dba Your Pie

Pinheads LLC dba Clarkesville Lanes/Grant Street Grill

Ingles Markets, Inc.
Clarkesville Food Mart LLC
Frescos Restaurant LLC

Council Member Franklin Brown made a motion to approve all listed Alcohol License Renewals for 2023.

Seconded: Council Member Angelia Kiker

Passed (4 - 0)

Sub-Item #3d.: Mayor, Council and City Manager Keith Dickerson will recognize City employees with 5 years of service or greater.

Employees were recognized with a certificate and gift card.

Sub-Item #3e.: Mayor and Council will consider appointment of Mrs. Mel Vaillant to the Habersham County Library Board as a representative of Clarkesville.

Council Member Angelia Kiker made a motion to approve appointment of Mrs. Mel Vaillant to the Habersham County Library Board.

Seconded: Council Member Terry Gladden

Passed (4 - 0)

Agenda Item #4: Public Comment

There was no public comment.

Agenda Item #5: Consider going into Executive Session

Mayor Barrie Aycock made a motion to approve entering into Executive Session to discuss or vote to authorize negotiations to purchase, dispose of or lease property as provided in Georgia Code section 50-14-3(b)(1)(B).

.

Seconded: Council Member Terry Gladden

Passed Unanimously

Adjourn Executive Session

Council Member Terry Gladden made a motion to adjourn the Executive Session.

Seconded: Council Member Angelia Kiker

Passed (4 - 0)

Agenda Item #6: Adjournment

Council Member Terry Gladden made a motion to adjourn the Work Session.

Seconded: Council Member Angelia Kiker

Passed (4 - 0)

Respectfully submitted,

Glenda Smith, City Clerk

City of Clarkesville
(UNAUDITED)

Financial Report - As of November 30, 2022					2021
	Budget	Actual	Difference	%Budget	Actual
General Fund					
Administrative Revenue	2,054,010	2,209,638	155,628	108%	1,973,581
Main Street	15,500	18,440	2,940	119%	3,798
Fire Revenue	24,000	39,333	15,333	164%	17,870
Planning Revenue	32,000	90,216	58,216	282%	108,670
Police Revenue	64,000	91,738	27,738	143%	67,190
Streets Revenue	29,226	30,025	799	103%	25,707
Hotel/Motel	500	3,892	3,392	778%	1,955
ARPA	160,036	340,014	179,978	212%	340,014
Total General Fund Revenues	2,379,272	2,823,296	444,024	119%	2,538,785
Expenses					
Administration	950,447	1,303,960	353,513	137%	1,234,934
Main Street	133,578	140,425	6,847	105%	103,926
Fire	382,973	334,373	(48,600)	87%	316,563
Parks	6,400	15,963	9,563	249%	7,376
Planning & Zoning	81,330	70,435	(10,895)	87%	89,978
Police	681,868	657,475	(24,393)	96%	560,363
Streets	206,175	189,555	(16,620)	92%	143,339
Total General Fund Expenses	2,442,771	2,712,186	269,415	111%	2,456,479
General Fund Revenues over Expenses	0	111,110	713,439		82,306
Water/Sewer Fund					
Water Revenues	1,291,315	1,290,773	(542)	100%	1,266,369
Sewer Revenues	515,200	503,852	(11,348)	98%	520,764
Sanitation Revenues	188,644	180,725	(7,919)	96%	174,123
Total Water/Sanitation/Sewer Revenues	1,995,159	1,975,350	(19,809)		1,961,256
Administration Expense	1,336,915	1,301,412	35,503	97%	1,545,064
Water Plant Expense	358,300	412,541	(54,241)	115%	418,051
Water Distribution Expense	14,800	13,200	1,600	89%	22,953
Waste Water Plant Expense	70,800	82,956	(12,156)	117%	58,599
Waste Water Collection	25,700	27,369	(1,669)	106%	22,929
Sanitation	188,644	163,992	24,652	87%	46,081
Total Water/Sanitation/Sewer Expenses	1,995,159	2,001,470	(6,311)	100%	2,113,677
W/S/S Revenues over Expenses	0	(26,120)	(26,120)		(152,421)
Total City Fund Revenues over Expenses	0	84,990	687,319		(70,115)

Main Street Report December 2022

New businesses

- Renew Dental - 5 employees
- Alabaster's Tea Bar 7 Employees

Pending

- Alabaster's Tea Bar - 7 Employees
- Top Flight Brew Pub -

Bicentennial Celebration

- Next meeting is January 18 at 4pm

Meetings

- Main Street Board
- Main Street Events Committee
 - o Christmas events
 - o Mardi Gras- Feb. 25
- Mountain Laurel planning
- Habersham Economic Development Council
- Habersham Chamber Business After hours

Events

- Small Business Saturday
- Downtown Christmas
- Candlelight Walk

Upcoming events

- Main Street Board Workshop- Jan. 10
- Bicentennial press conference- TBD
- Mardi Gras- Feb. 25

January 2023 Fire Department Council Report

December Responses

Total 85

Fires 1

Overheat 1

Electrical 1

EMS 48

MVA 2

Service 12

Cancelled or False 20

Inside City Limits 55

Outside City 30

2022 Response Totals

Total 1049

Fires 30

Overheat 3

Hazardous Conditions 18

EMS 646

MVA 39

Service 107

Cancelled or False 206

Inside City Limits 721

Outside City 328

ESG Operations Inc.

City Hall Mtg. Agenda for December 2022

- The Big Freeze
- Collection System and capacity
- Holiday Events

Departmental Activity Report for the Month of Dec/end of year

The following permits were issued for the month of Dec:

December	Year End
1 Perm Sign	13
1 Temp Sign	2
0 Plan Review	1
1 Demolition	2
2 Building	35
1 Plumbing	25
3 Electrical	32
1 Mechanical	15
0 Tree Removal	4
0 Land Disturbing	1
1 Code Enforcement	9
22 Construction Inspections	122

COs Issued: 13

Planning Activities: Completed a course in Floodplain Administration.

IT activities for the month included security and maintenance updates on the city servers and firewalls.

AMENDMENT NO. 1 AGREEMENT BETWEEN
ESG OPERATIONS, LLC AND
CLARKESVILLE, GEORGIA FOR
OPERATIONS, MAINTENANCE and
MANAGEMENT SERVICES

This Amendment is made and entered into this ____ day of December 2022, by and between the City of Clarkesville, Georgia, (hereinafter the “City” or “Owner”) and ESG Operations, LLC (hereinafter “ESG”). This is Amendment No. 1 to the agreement dated the 6th day of August, 2018, between the City and ESG (the “Agreement”).

NOW THEREFORE, Owner and ESG agree to amend the Agreement as follows:

REPLACE Article 4.1 with the following new Article:

- 4.1 The Owner shall pay to ESG a base fee for the Scope of Services defined by Section 2 of this Agreement (the “Base Fee”). The Base Fee shall not include services which are not specifically defined by Section 2 of this Agreement. The Base Fee for this Contract Year of the Agreement, January 1, 2023, through December 31, 2023, shall be One Million Five Hundred Seventy-One Thousand Six Hundred Sixteen Dollars (\$1,571,616.00) which includes the amounts set forth in Sections 4.2 and 4.3 of this Agreement. The Base Fee shall be payable in advance in equal monthly installments and for this Contract Year the monthly amount shall be One Hundred Thirty Thousand Nine Hundred Sixty-Eight Dollars (\$130,968.00). Said Base Fee shall be for the period beginning on January 1, 2023 and ending on December 31, 2023. Thereafter, the Base Fee will be negotiated or adjusted as described in Article 4.5.

REPLACE Article 4.2 with the following new Article:

- 4.2 The Owner agrees to furnish ESG all necessary materials, supplies and repair parts (“Repair Parts”). Owner and ESG agree to establish annually an Annual Repairs and Replacement Budget for the funding of the Owner’s purchase of Repair Parts from ESG. The amount budgeted does not include any funding relative to the responsibility of the Owner as provided by Article 3.11 of the Agreement. For this Contract Year of the Agreement, January 1, 2023, through December 31, 2023, said budget shall be One Hundred Thirty-Three Thousand Two Hundred Dollars (\$133,200.00). This amount is included and shall be collected as part of the Base Fee as provided by Article 4.1 of this Agreement. This amount includes materials, supplies, repair parts, outside contractors, waste disposal and any applicable sales tax. Collected funds in the Annual Repairs and Replacement Budget account shall be the property of the Owner and shall be expended as a credit against any monthly invoice for materials, supplies, repair

parts, outside contractors and any applicable sales tax. However, expenditure of amounts for any item exceeding \$2,500.00 or any material, supplies or repair costs which exceed the budget established by this Article 4.2 shall be approved by the Owner prior to ESG incurring the costs. Any amount not expended during this Contract year or any subsequent twelve (12) month period will remain with the Owner. Should actual Repair Parts costs exceed the Annual Repairs and Replacement Budget, ESG shall invoice the Owner on a monthly basis for one hundred percent (100%) of amount expended over the Annual Repairs and Replacement Budget, and the Owner shall pay ESG in accordance with Article 5.2.

Each month during a Contract Year, ESG will provide the Owner with a detailed Repair Parts invoice for those materials, supplies or parts sold to the Owner during the month in question. The parties acknowledge that the materials, supplies and parts listed on the monthly invoice, by virtue of the terms of this Agreement, shall be the property of and titled in the Owner upon delivery to any facility of the Owner. The Owner shall furnish and make available such materials, supplies and parts to ESG for the repair, maintenance and improvement of the Project and ESG shall use said materials, supplies and parts solely for the Project. A final reconciliation of reimbursements in accord with the stated Annual Repairs and Replacement Budget shall be made following December 31st of each calendar year. Any amount not expended during each Contract Year will be submitted to the Owner within sixty days of the expiration of said period.

REPLACE Article 4.3 with the following new Article:

4.3 The Owner agrees to furnish to ESG all chemicals necessary for the operation of the Project ('Chemicals'). Owner and ESG agree to establish annually an Annual Chemical Budget for funding the Owners purchase of Chemicals from ESG. For this Contract Year of the Agreement, January 1, 2023 through December 31, 2023, said budget shall be Ninety Thousand Dollars (\$90,000.00). This amount is included in the Base Fee as provided by Article 4.1 of this Agreement. Collected funds in the Annual Chemical Budget account shall be the property of the Owner and shall be expended as a credit against any monthly invoice for chemicals and any applicable sales tax. Should actual Chemical costs exceed the Annual Chemical Budget, ESG shall invoice the Owner on a monthly basis for one hundred percent (100%) of amount expended over the Annual Chemicals Budget, and the Owner shall pay ESG in accordance with Article 5.2.

Each month during this Contract Year ESG will provide the Owner with a detailed chemicals invoice for those chemicals sold to the Owner during the month in questions. The parties acknowledge that the chemicals listed on the monthly invoice, by virtue of the terms of this Agreement, shall be the property of and titled in the Owner upon delivery to any facility of the Owner. The Owner shall furnish and make available such chemicals to ESG for the operation of the Project and ESG shall use said chemicals solely for the Project. A final reconciliation of reimbursements in

accord with the stated Annual Chemical Budget shall be made following December 31 of each Contract Year. Any amount not expended during the Contract Year in question will be reimbursed to the Owner within 60 days of the expiration of said period.

AMEND Appendix B ‘Location of Facilities Within the Project’ and Appendix B-1, collectively, ‘Water Project Characteristics’ and ‘Wastewater Project Characteristics’ by the deletion of existing Appendix B and Appendix B-1 and substitution of revised Appendix B and Appendix B-1 attached hereto and made a part hereof.

ESG Operations, LLC and Inframark, LLC merged on October 15, 2021. The performance of day- to-day operations and services will be led by existing ESG leadership from the corporate offices which will continue to be located in Macon, Georgia. The merger will allow Inframark’s shared support services centers to be leveraged for the potential benefit of the City. In order to achieve the potential benefits ESG Operations, LLC hereby transfers and assigns to Inframark, LLC, who will do business as “ESG Operations”, all of ESG Operations, LLC’s rights, title, and interest as well as all its obligations under this Agreement and Inframark, LLC assumes all of ESG Operations, LLC’s obligations under this Agreement commencing and effective January 1, 2023. The City hereby consents to said transfer and assignment effective January 1, 2023.

All other terms and conditions remain in effect in accordance with the Agreement referenced in this Amendment.

Both parties indicate their approval of this Amendment No. 1 by signature below.

Authorized signatures:

Authorized Signature:

ESG OPERATIONS, LLC

CITY OF CLARKESVILLE

By: _____
Daniel E. Groselle, PE, Principal

By: _____
Mayor

INFRAMARK, LLC d/b/a
ESG OPERATIONS

Reviewed and Approved:

By: _____
Daniel E. Groselle

City Attorney

Chief Executive Officer

APPENDIX – B – LOCATION OF FACILITIES WITHIN THE PROJECT

The City of Clarkesville is served by a conventional water treatment facility located at 608 Sherwood Drive, Clarkesville, GA. The source of raw water is the Soque River. The plant has three raw water pumps, an on-site reservoir that gravity flows to the water plant. The water flows to the mechanical flash mix then through the over under flocculation chamber and is split between two sedimentation basins. Water is then filtered through two dual media (sand and anthracite) to the clearwell. Water is pumped to town by the three high service pumps (HSPs) utilizing the existing distribution system.

The backwash waste flow is pumped to the two lagoons by the alum sludge pumps. The lagoons and pump station are on site.

There are four elevated storage tanks in the system.

Name	Size (MG)	Height (ft)/ OvFI MSL
Elementary School	.300	1572
Scovill	.175	1564
Piedmont	.250	1580
Hardman	.300	1625

All of the flows are metered (raw, treated, finished, and backwash waste) as required by the permits.

Permits numbers:

Withdrawal – 068-1201-03

Permit to Operate – CS1370002

NPDES for lagoons – GAG640159

APPENDIX – B1 – WATER TREATMENT PLANT CHARACTERISTICS

ESG shall be responsible for meeting the Safe Drinking Water Rules quality requirements of the City's Permit to Operate a Water System unless one or more of the following occurs;

- (1) Raw water quantity is less than the allowable withdrawal amount needed to meet the system demand ,
- (2) Raw water quality is degraded beyond the plant's ability to treat the water quality due to a man- made or natural disaster, or
- (3) If the water treatment plant and/or associated appurtenances is inoperable or can operate only at a reduced capacity on account of construction activities, fire, flood, adverse weather conditions or other causes beyond ESG's control.

ESG shall not be responsible for fines or legal actions arising from:

Toxic or foreign substances contained in raw water supply; insufficient raw water supply; vandalism; acts of God, or any other event not intended under the terms of this Agreement to be under ESG's control.

APPENDIX – B – LOCATION OF FACILITIES WITHIN THE PROJECT

The City of Clarkesville is served by a conventional wastewater treatment facility. The Water Pollution Control Plant is located at 293 Plant Drive, Clarkesville, GA. The discharge point for wastewater effluent is the Soque River. The influent passes through a manual barscreen before being pumped by three alternating influent pumps that push the untreated wastewater to the top of the facility, allowing for gravity feed through the rest of the facility's processes. The wastewater flows first to grit removal and then through primary clarification. Alkalinity and pH are adjusted here using lime slurry. Flow can then be directed in series or parallel through the aeration basin and or the trickling filter depending on the amount of flow being received. Wastewater then flows to secondary clarification where the mixed liquor is returned to aeration and the effluent moves to the chlorine contact chamber for disinfection. Disinfection is achieved using chlorine gas and removed with sodium bisulfite. All flows leaving the plant as effluent is monitored and recorded by way of flow meter as required by NPDES permit. Sludge generated by the process is stored in an aerobic digester and dewatered by belt filter press before being hauled by an outside contractor to the landfill. Wastewater is collected utilizing the existing collection system by way of gravity as well as pumping via five (5) separate lift stations.

NPDES for the WPCP – GA0032514

APPENDIX – B1 – WASTEWATER TREATMENT PLANT CHARACTERISTICS

ESG shall operate the WPCP so that effluent will meet the requirement of the current NPDES permit. ESG shall be responsible for meeting the effluent quality requirements of the City's NPDES permit unless one of the following occurs; (1) the influent contains Biologically Toxic Substances that cannot be removed by the existing process and facilities; (2) dischargers into the City's sewer system violate any or all regulations as stated in the Water and Sewer Ordinance; (3) the flow, influent BOD5, suspended solids, and or ammonia loading exceeds the WPCP design parameters for the facility which are summarized in the table below.

Parameter	Monthly Average	Weekly Average
Flow (MGD)	0.75 MGD	0.94 MGD
BOD5	30 mg/l	45 mg/l
TSS	30 mg/l	45 mg/l
Ammonia as N	17.4 mg/l	26.1 mg/l
Total Phos. as P	0.5 mg/l	0.75 mg/l

CLARKESVILLE MAIN STREET

OATH OF OFFICE

I, _____, having been duly appointed by the City Council of Clarkesville, Georgia, to serve as a Board Member of the Clarkesville Main Street, will do so to the best of my ability. I will faithfully perform all the duties and obligations of this office so as to benefit those whom I have been entrusted to serve. I commit to the high ethical standards and the goals of the Clarkesville Main Street, and will represent no special interest other than the public interest, in accordance with the laws of Georgia and the laws of Clarkesville.

Adopted the 9th day of January, 2023 by the Clarkesville Mayor and Council.

Sworn and subscribed before me

This ____ day of _____, in the year _____.

Mayor, City of Clarkesville

Board Member signature

Chair, Clarkesville Main Street