

**CITY OF CALHOUN
REGULAR CITY COUNCIL MEETING
DEPOT COMMUNITY ROOM
109 SOUTH KING ST
JANUARY 27, 2014 7:00 P.M.**

MINUTES

PRESENT: James F. Palmer, Mayor
Al Edwards, Mayor Pro Tem
George Crowley, Councilman
David Hammond, Councilman
Matt Barton, Councilman

ALSO: Eddie Peterson, City Administrator; Larry Vickery, Utilities General Manager; Paul Worley, City Clerk; George Govignon, City Attorney; Garry Moss, Chief of Police; Jeff Defoor, Director of Electric Utilities

1. Mayor Palmer called the meeting to order and welcomed everyone in attendance.
 - A. Mayor Pro Tem Edwards gave the invocation.
2. Boy Scout Troup #22 led the group in the Pledge of Allegiance to the United States Flag.
3. Mayor Palmer asked for the agenda to be amended under new business to declare items from the Police Department to be declared surplus. Councilman Hammond made a motion to approve the agenda as amended, Councilman Crowley seconded the motion. All voted aye, motion approved.
4. Councilman Barton made a motion to approve the minutes of the January 13, 2014 City Council Meeting. Councilman Crowley gave a second with all voting aye, motion approved.
5. **Mayor's Comments:**
 - A. Mayor Palmer welcomed Boy Scout Troup #22 who were in attendance. Troup 22 introduced themselves and the City Council discussed their recent experiences at the Georgia Municipal Association's Mayors Day Conference with the Troup.
6. **Public Hearings and Comments:**
 - A. Mayor Palmer opened the public hearing for a taxicab regulatory license application for Patricia Hodge D/B/A: Taxi Los Buenos Amigo at a location of 360 South Piedmont Street.

- Mr. Peterson stated that all signs and advertising requirements have been met.
- Mayor Palmer asked for public comments. There were no comments and the public hearing was closed.
- Councilman Crowley made a motion to approve the taxicab license request. Councilman Barton gave a second with all voting aye, motion approved.

7. Old Business:

- A. Mayor Palmer conducted the second reading of a sign variance request by Butch Baur DBA: Waffle House at a location of 260 West Belmont Drive. The sign variance is to vary from the allowed 25 feet to 50 feet in height of the sign and to vary from the allowed 120 square feet to 250 square feet for the face of the sign. The Zoning Advisory Board will meet on February 6th and the public hearing will be on February 10th.

8. New Business:

- A. Mayor Palmer conducted the first reading of a taxicab regulatory license application for Maria Flores D/B/A: Taxi El Mexicono at a location of 203 Richardson Road Suite #60. Councilman Hammond made a motion to set the public hearing for February 24th. Councilman Crowley gave a second with all voting aye, motion approved.
- B. Mayor Palmer read a list of items to declare surplus used by the Public Works Department. Items include a 1997 Ford F-150 VIN# 1FTDF17W0VLA68966, 4 Simplicity 38" cut riding mowers, 4 Stihl weed eaters, and 1 Makita circular saw. Councilman Hammond made a motion to declare the items surplus. Councilman Barton gave a second with all voting aye, motion approved.
- C. Mayor Palmer read a list of items to declare surplus by the Police Department. Items include a 2002 Dodge Grand Caravan VIN# 2B4GP44391R677379, which was purchased with asset seizure funds, a 2007 Mercury Mariner VIN# 4M2YU81147KJ17361, purchased with asset seizure funds; a 2006 Chevy Equinox VIN# 2CNDL13F566087484, purchased with city general budget funds. Councilman Barton made a motion to declare the items surplus. Councilman Hammond gave a second with all voting aye, motion approved.
- D. Mayor Palmer conducted the reading of a resolution creating a modern and updated zoning map of the Calhoun Downtown Business District. Attorney Govignon explained that this was an effort to unify various resolutions that have incorporated parcels into the Downtown Business District over several years. To help simplify and clarify this district a unifying map and description has been produced. Councilman Hammond asked if this included any new parcels and the answer was no. However, new parcels could be considered in the future. Councilman Barton made a motion to approve the resolution as read. Councilman Edwards gave a second with all voting aye, motion approved. (Resolution attached)

9. Other written items not on the agenda: None

10. Work Reports:

A. Administrator Eddie Peterson

- Administrator Peterson stated that there was a General Government cash report included in the agenda packet. The report showed a strong cash flow position which is needed for day to day operations and to met payroll obligations. Also the reserves are within the City's financial policy of having three months operating expenses on hand.

B. General Manager Larry Vickery


- General Manager Vickery stated that there had been a resolution between the City and Comcast involving a pole attachment dispute and presented a memorandum of agreement between the City and Comcast of Georgia/Virginia, Inc. (MOA attached) Councilman Hammond made a motion to allow the Mayor to sign the memorandum of agreement. Councilman Barton gave a second with all voting aye, motion approved.

C. City Attorney George Govignon

- Attorney Govignon stated that the new sign ordinance has been implemented and City staff is active in talking with businesses about compliance issues.

11. Councilman Hammond made a motion to adjourn. The motion was seconded by Councilman Barton with all voting aye, motion approved.

Approved:



James F. Palmer, Mayor

Submitted:



Paul Worley, City Clerk

STATE OF GEORGIA
CITY OF CALHOUN

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL
CLARIFYING THE BOUNDARIES OF THE DOWNTOWN DEVELOPMENT AREA
AND PROVIDING A UNIFORM GEOGRAPHICAL DESCRIPTION;
TO REPEAL CONFLICTING RESOLUTIONS; AND FOR OTHER PURPOSES.**

WITNESSETH:

WHEREAS, the Downtown Development Authority of Calhoun, Georgia was created and enacted by an ordinance of this Mayor and Council dated August 23, 1982; and

WHEREAS, said enacting ordinance also created and defined the Downtown Development Area; and

WHEREAS, said area is now designated at the "Zoning District DBD" by virtue of the enactment of the new sign ordinance provisions of Ordinance No. 927 as passed by the Mayor and City Council on November 25, 2013; and

WHEREAS, said signage is now regulated by the provisions of The Calhoun Code, Zoning Code, Article X, Sections 10.10 through 10.10.3; and

WHEREAS, said geographical area/description of the Downtown Development Area has been modified, clarified or expanded and cobbled together by action of the Mayor and City Council through various resolutions dated April 24, 1983, February 13, 1984, February 27, 1984, July 23, 1984, April 28, 1986; and September 23, 1991; and

WHEREAS, with the enactment of Ordinance No. 927 requires that a updated and complete geographical description of the Downtown Development Area is required to better allow for the regulation, permitting, and policing of signage in the affected areas;

NOW, THEREFORE, in order to fully clarify the expanded boundaries of the Downtown Development Area adopted at the meeting of this Mayor and Council held ~~February~~ ^{January} 27, 2014

BE IT RESOLVED that the expanded boundaries of the Downtown Development Area adopted on April 25, 1983 and governed by the Zoning District DBD for signage, be now clarified as follows:

**BOUNDARY DESCRIPTION OF DOWNTOWN
DEVELOPMENT AREA**

BEGIN AT THE INTERSECTION of Yellow Jacket Drive and Pine Street; thence running north along and with the west right-of-way of Yellow Jacket Drive to the intersection of Oothcalooga Street, thence running northeast along and with the north right-of-way of Oothcalooga Street to the intersection with River Street; thence running northwest along and with the west right-of-way of River Street to the intersection with West Line Street; thence running east along and with the south right-of-way of West Line Street to the intersection with North King Street and then across to the north the right-of-way of West Line Street to the southeast corner of the property of Rome Hosiery Mills, LLC, (being denominated on the Calhoun Tax Map/GIS as Parcel C11-167; said map being available at <http://www.cityofcalhoun-ga.com/gis>); thence running north along and with the east property line of the Rome Hosiery Mills, LLC, lot to the northwest corner of said lot; thence running east along and with the north property line of the Rome Hosiery Mills, LLC, lot until reaching the southwest corner of the property of Whittenburg Properties, Inc. (C24-235); thence running northeast along and with the east property line of the Whittenburg Properties, Inc, lot until reaching the northwest corner of same; thence running east along and with the north property line of the Whittenburg Properties, Inc, lot until reaching the northeast corner of same; thence running northeast along and with the east property line of the additional Whittenburg Properties, Inc. Lot (C24-231) until reaching the southwest corner of the property of Lynn Whittenburg (C24-231A); thence running northeast along and with the east property line of the Lynn Whittenburg lot until reaching the northwest corner of same; thence running southeast along and with the north property line of the Lynn Whittenburg lot; thence running northeast across Harlan Street and the railroad right of way to the northwest

corner of the property of BHL Properties, LLC (C24-099); thence running along and with the north property line of the BHL Properties, LLC, lot and the south right-of-way of Fain Street to the intersection of North Wall Street; thence running from the west right of way of North Wall Street to the eastern right-of-way of North Wall Street and the northwest corner of the property of Catherine W. Matthews (C24-084); thence running southwest along and with the west property line to the southwest corner of the Catherine W. Matthews lot and the northwest corner of the property of Joel Ostuw (C24-092); thence running southeast along and with the east property line to the northeast corner of the Joel Ostuw; thence running southwest along and with the east property line to the Joel Ostuw lot, along and with the east property line of the property of Brian Gregory Brannon and Melissa B. Nichel (C24-093), along and with the east property line of the property of Kenneth C. Fuller (C24-094), along and with the east property line of the property of Joel E. Ostuw (C24-095), along and with the east property line of the property of Clifford A. and Mary Free (C24-096) and the north right of way of East Line Street; thence running along and with the north right-of-way of East Line Street to the intersection of College Street; thence running along and with the east right-of-way of College Street to the intersection of Trammel Street and the south right-of-way of same and the northwest corner of the property of Branch Banking & Trust (C24-167); thence running southwest to the northwest corner of the property of D. L. Walraven (C24-172); thence running along and with the north property line of the D. L. Walraven lot to the northeast corner of same; thence running southwest along and with the east property line of the D. L. Walraven lot, and southwest along and with the east property line of the property of Ross Neal (C24-174) to the southeast corner of same; thence running south across the right-of-way for Boston Road and the property of Lauren K. Davis (C24-226) to the northeast corner of the property of Kenny Fuquea (C25-077); thence running south along and with the east property line of the Kenny Fuquea lot to the south right-of-way of Hicks Road/Sequoyah Terrace; thence running with and along the south right-of-way of Hicks Road/Sequoyah Terrace to the northeast corner of the John Thomas Burgess property (C25-078); thence running

along and with the east property line of the John Thomas Burgess lot to the southeast corner of same; thence running west along and with the south property line of the John Thomas Burgess lot to the southeast corner of the property of Gary M. Edgemon, Dentist (C25-079); thence running east along and with the south property line of the Gary M. Edgemon, Dentist lot to the northwest corner of the property of TWOFER, LLC, (C25-081); thence running south along and with the east property line of the TWOFER, LLC, lot, and the east property line of the property of Opal M. Powers (C25-082), and the east property line of the property of Brandi Greeson Richards (C25-083) and the southwest corner of same; thence running along and with the north property line of the property of John H. Lord (C25-084) to the northeast corner of same; thence running south along and with the east property line of the John H. Lord lot to the southeast corner of same; thence running west along and with the south property line of the John H. Lord lot to the northwest corner of the property of Mary Marie Silvers (C25-085); thence running west along and with the east property line of the Mary Marie Silvers lot to the southeast corner of same; thence running west along and with the south property line Mary Marie Silvers lot to the northeast corner of the property of Tim A. Haney (C25-086); thence running along and with the east property line of the Tim A. Haney lot, and the east property line of the property of National Property Holdings, LLC, (C25-088), and the east property line of the property of James Woodruff Hobgood and Richard T. Hobgood (C25-090), and the east property line of the properties owned by Dobbs South Piedmont Properties, LLC, (C25-092, C25-093, C25-095), and the east property line of the property of J. Haley Stephens (C25-096), and the east property line of the property of Rusty Haradon (C26-109) until the southeast corner of the Rusty Haradon lot; thence running west along and with the north right-of-way of Cove Street to the intersection of Piedmont Street; thence running across Piedmont street and west along and with the north right-of-way of same to the intersection of South Wall Street; thence running along and with the west right of way of South Wall Street until the intersection of Maple Street; thence running along and with the south right-of-way of Maple Street over the railroad right of way; thence

running along and with the east right-of-way of Maple Street and the south right-of-way of Maple Street until the intersection of South River Street; thence running across the right-of-way of South River Street to the intersection of Pine Street and thence running along and with the south right-of-way of Pine Street to the intersection with Yellow Jacket Drive and **THE ORIGINAL POINT OF BEGINNING.**

BE IT FURTHER RESOLVED that the above description determined to be present meets and bounds of the Downtown Development Area is not exact, and further reference is hereby made to Exhibit A to this resolution which is the aerial/GIS map of the City of Calhoun.

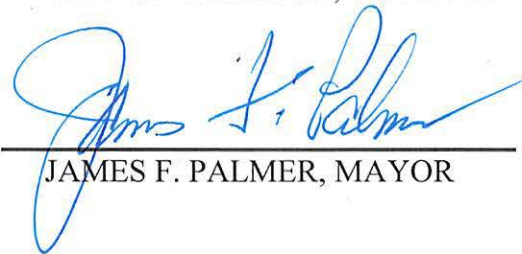
BE IT FURTHER RESOLVED that the purpose and intent of this resolution is to more particularly define, unify and clarify in 2014 the present boundaries of the Downtown Development Area originally created by the action of April 25, 1983. It is further the intention that the Eastern boundary of said area be defined as the Easternmost boundary of those tract or lots described herein.

BE IT FURTHER RESOLVED that all resolutions in conflict herewith are hereby repealed.

Adopted and approved this 27th day of January, 2014.

CITY OF CALHOUN, GEORGIA

BY:



JAMES F. PALMER, MAYOR

ATTEST:


PAUL WORLEY, CITY CLERK

MEMORANDUM OF AGREEMENT

between

The City of Calhoun, Georgia

and

Comcast of Georgia/Virginia, Inc.

This Memorandum Of Agreement (MOA) memorializes a mutually agreed upon resolution between the City of Calhoun (the City) and Comcast of Georgia/Virginia, Inc. (Comcast) preceding the entering of a new Pole Attachment Agreement between these two same parties.

The City and Comcast have come to an agreement with regards to any outstanding amounts due or owed for pole rental fees, inventory fees, or any other charges related to the existing Pole Attachment Agreement.

The agreed upon resolution is as follows:

1. Comcast will make payment in the amount of \$16,159.59 to the City of Calhoun to cover a) back rent due through 12/31/12, b) 2007 pole count documentation and c) 2012 pole count expenses.

2. Calhoun and Comcast will execute the ECG/CTAG model Pole Attachment Agreement with an effective date of 1/1/13. The pole rent schedule per attachment shall be as follows:

- 2013 \$20.64
- 2014 \$19.26
- 2015 \$17.88
- 2016 \$16.50

Through this MOA, both parties are made whole with respect to poles and pole attachments as of January 1, 2013. Upon execution of the new Pole Attachment Agreement, pole rent will be issued to Comcast for 2013 and 2014 using the rate schedule above and will be payable within 30 days.

For the City of Calhoun:

Mayor

Date:

For Comcast of Georgia/Virginia, Inc.:

Date:

1-28-14

CITY OF CALHOUN, GEORGIA

**RESOLUTION
TO ADOPT PROPOSED DISTRIBUTION
OF HOTEL MOTEL TAXES
COLLECTED PURSUANT TO STATE LAW
AND ORDINANCE NOS. 691, 704 AND 921**

WHEREAS the Mayor and City Council first enacted an occupancy tax with a rate of five percent (5%) effecting the hotel and motel industry within the municipal limits pursuant to Ordinance Nos. 691 and 704 in accordance with O.C.G.A. §48-13-50(a)(3), said provisions being Chapter 86, ARTICLE II. HOTEL/MOTEL OCCUPANCY TAX; and

WHEREAS the Georgia General Assembly did enact new occupancy tax provisions and rates pursuant to O.C.G.A. §48-13-50(b) et seq. allowing the City to add an additional three percent (3%) rate to the existing excise tax for the specific purposes of contracting for tourism promotion and tourism product development to enhance a visitor's experience within the municipality; and

WHEREAS the Mayor and City Council did enact said additional three percent rate in accordance with the provisions of O.C.G.A. §48-13-50(b) et seq. (for a total rate of 8%) by virtue of Ordinance No. 921; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Calhoun that the following proposed distribution schedule of all funds collected by virtue of said excise tax shall be approved as follows:


- 3.5% Distributed to the Chamber of Commerce for the 2% promotion of tourism required by (a)(3) and the 1.5% Destination Marketing Organization (DMO) required by (b)(5)(A);
- 2% Distributed to the Industrial Development Authority for continued industrial development from the 3% under (a)(3) which is free of "tourism" requirements;
- 1% Distributed to the Recreation Authority for Tourism Product Development (TPD) (of the total 1.5% for TPD required by (b)(5)(B));
- .5% Distributed to the Downtown Development from the 3% under (a)(3) which is free of "tourism" requirements;
- .5% Distributed to the City for general TPD use as required by (b)(5)(B); and

.5% Distributed to the City from the remainder of the 3% under (a)(3) which is free of "tourism" requirements.

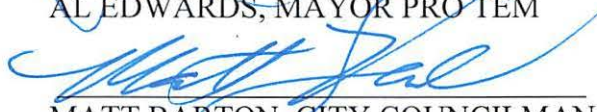
RESOLVED this 13th day of January, 2014



JAMES F. PALMER, MAYOR



AL EDWARDS, MAYOR PRO TEM



MATT BARTON, CITY COUNCILMAN



GEORGE CROWLEY, CITY COUNCILMAN



DAVID HAMMOND, CITY COUNCILMAN

ATTEST:



PAUL WORLEY, CITY CLERK

(SEAL)

