

**CITY OF CALHOUN
REGULAR CITY COUNCIL MEETING
DEPOT COMMUNITY ROOM
109 SOUTH KING STREET
DECEMBER 20, 1999, 7:00 P.M.**

MINUTES

**PRESENT: James F. Palmer, Mayor
Ronald H. Woods, Mayor Pro Tem
John D. Shelton, Jr., Councilman
Henry E. Holland, Councilman
Ray M. Denmon, Councilman**

**ALSO: William P. Bailey, City Attorney
Cathy Harrison, City Administrator**

1. Mayor Palmer called the meeting to order and welcomed everyone in attendance.
 - a. Councilman Holland gave the Invocation.
2. Mayor Palmer led the group in the Pledge of Allegiance to the United States Flag.
3. Minutes of the December 13, 1999 regular City Council meeting were approved as written.
4. Mayor's Comments:
 - a. Mayor Palmer reminded the public that City Hall would be closed on December 24 and 27, 1999 for Christmas holidays. However, City Hall will be open on December 31 past midnight for Y2K calls and collection of taxes. Standby personnel will be available from all departments for response.
 - b. Mayor Palmer congratulated the Mainstreet program and the partnership committee for their recent production of Christmas with Santa, which served over 400 children in the community.
 - c. Mayor Palmer reminded the public that the City's *ad valorem* tax deadline has been extended to January 14, 2000 for 1999 taxes.
 - d. Mayor Palmer conveyed congratulations to David Lance, who was recently recognized by Georgia Trend Magazine as one of the hundred most influential men in Georgia.
 - e. Mayor Palmer expressed his personal appreciation to Councilman Holland for his ten years of public service to the City of Calhoun. He stated eight of these years were on the City School Board and two years as a City Councilman. Mayor Palmer read a proposed resolution, which was adopted by the full Council. Mayor Palmer presented the resolution and a numbered print of the City's logo to Councilman Holland and wished him the very best in his future endeavors. Each Councilman and the Mayor Pro Tem expressed their appreciation to Councilman Holland for his years of service.
 - f. Mayor Palmer reminded the public of the January 10, 2000 public hearings as follows:
 - 1) A new zoning and annexation request for 1.110 acres in the 14th District, 3rd Section, Land Lot 226 of Gordon County, being property owned by Coosa Valley Tech and being Southwest of the school. Also, 1.35 acres owned by the school, being in Land Lot 226 and also being southwest of the school.
 - 2) A new zoning of R-2 and annexation request of B&B, Inc. for 6.051 acres off Peters Street in Land Lot 267, 14th District, 3rd Section of Gordon County, Georgia.
 - g. Mayor Palmer stated that Director Cornwell was in the hospital for minor surgery and was unable to attend the meeting and Assistant Director Peterson had also found it necessary to be taken to the emergency room and was unable to attend the meeting.
5. Public Hearings and Comments: **none.**
6. Old Business:
 - a. A second reading was given of a resolution regarding Georgia Municipal Association's request for cities to adopt an official written Code of Ethics. Mayor Palmer stated that in order for the City of Calhoun to be recognized as one of those cities officially adopting the Code of Ethics, he would like to have the resolution approved and forwarded to GMA prior to the end of the year. Following discussion, Mayor Pro Tem Woods made a motion to adopt the resolution as written, second by Councilman Holland, with Mayor Pro Tem Woods, Councilman Holland, Councilman Shelton and Councilman Denmon voting affirmatively, motion carried.

- b. Mayor Palmer gave a first reading of the proposed Code of Ethics Ordinance. Following discussion, Mayor Pro Tem Woods made a motion to set the public hearing for the proposed ordinance for January 10, 2000 at 7:00 P.M., second by Councilman Denmon, with Mayor Pro Tem Woods, Councilman Denmon, Councilman Shelton and Councilman Holland voting affirmatively, motion carried.
 - c. A reading was given of the official resolution adopting the amendment to the Employee Pension Plan as previously authorized. Following discussion, Councilman Holland made a motion to approve the resolution authorizing those proposed changes, second by Councilman Shelton, with Councilman Holland, Councilman Shelton, Mayor Pro Tem Woods and Councilman Denmon voting affirmatively, motion carried.
7. New Business: **none.**
8. Other written items not on the agenda:
- a. A reading was given of a resolution in which the City confirmed the continuation of fluoridation of the City's water system. The resolution also authorized the Mayor to sign a grant application and all necessary documents for the replacement of fluoridation equipment for the City's water system. The resolution was approved on a motion by Councilman Denmon and a second by Councilman Shelton, with Councilman Denmon, Councilman Shelton, Mayor Pro Tem Woods and Councilman Holland voting affirmatively, motion carried.
 - b. City Engineer Ross Wilburn gave a review of the City's Risk Management Plan as it relates to the handling of potentially hazardous materials used at the water and sewer plants. He stated the materials have been used since the 1940's at the water plant and since 1970 at the sewer plant. Engineer Wilburn explained the training that is required of employees and emergency personnel for any potential spills at the City's wastewater, water or raw water intake facilities. He stated that a copy of the plan is available to be reviewed at any time by any member of the public at the office of the Director of Utilities and Public Works, 700 West Line Street. Following Mr. Wilburn's report, a public hearing was opened for any questions or comments by the public. There were no comments. Mayor Palmer expressed his appreciation to Engineer Wilburn for his review of the matter and also commended the city personnel for their many years of safe handling of these materials. He also stated his appreciation to the Emergency Management Department headed up by Tim Reeves and by the City's Fire Department, which responds to possible problems at any of the city locations.
9. Mayor Palmer asked if it was necessary to move to Executive Session. The response was negative.
10. Councilman Holland made a motion to adjourn, second by Mayor Pro Tem Woods, with Councilman Holland, Mayor Pro Tem Woods, Councilman Shelton and Councilman Denmon voting affirmatively, motion carried.

Approved:


James F. Palmer, Mayor

Submitted:


Cathy Harrison, City Administrator

**CITY OF CALHOUN
GEORGIA**

RESOLUTION

WHEREAS, the Board of Directors of the Georgia Municipal Association has established a Certified City of Ethics program; and

WHEREAS, the City of Calhoun wishes to be certified as a Certified City of Ethics under the GMA program; and

WHEREAS, part of the certification process requires the Mayor and Council to subscribe to the ethics principles approved by the GMA Board;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Calhoun, Georgia that as a group and as individuals, the governing authority subscribes to the following ethics principles, as defined in GMA's "Model Code of Ethics for Georgia City Officials," dated September 1999, and pledges to conduct its affairs accordingly:

- Serve Others, Not Ourselves;
- Use Resources With Efficiency And Economy;
- Treat All People Fairly;
- Use The Power Of Our Position For The Well Being Of Our Constituents;
- Create An Environment Of Honesty, Openness And Integrity.

ADOPTED and made effective this 20th day of December 1999.

CITY OF CALHOUN, GEORGIA



James F. Palmer, Mayor

ATTEST:



Cathy Harrison, City Administrator

CITY OF CALHOUN
GEORGIA

RESOLUTION

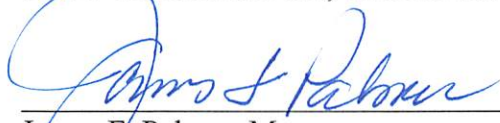
WHEREAS, the City of Calhoun reestablished its Employee Pension Plan with AmSouth Bank, effective July 1, 1996; and

WHEREAS, the City of Calhoun desires to amend the plan in order to add more investment opportunities and to allow frequent investment changes and daily telephone access for account information;

NOW, THEREFORE, BE IT RESOLVED, the Mayor and Council of the City of Calhoun, Georgia affirm that the City Administrator is authorized to enter into that certain First Amendment to the City of Calhoun Employees' Pension Plan (which amendment changes the Plan from a "balance forward" valuation method to a "daily value" valuation method, increases the level of account that may be "cashed out" from \$3,500.00 to \$5,000.00 (or such greater amount as may be permitted,) and removes the requirement that Participant self-directed investment changes must be conveyed to the Trustee in writing,) a copy of which is attached to this action as Exhibit "A", upon such terms and conditions as the City Administrator, in her discretion, shall deem advisable and in the best interest of the City, this authority to continue until revoked in writing by the City Council.

ADOPTED and made effective this 20th day of December 1999.

CITY OF CALHOUN, GEORGIA


James F. Palmer, Mayor


Ronald H. Woods, Mayor Pro Tem


John D. Shelton, Councilman


Henry Holland, Councilman


Ray M. Denmon, Councilman

Attest:


Cathy Harrison, City Administrator

EXHIBIT "A"

FIRST AMENDMENT TO THE CITY OF CALHOUN EMPLOYEES' PENSION PLAN

THE FIRST AMENDMENT to the City of Calhoun Employees' Pension Plan ("Plan") is adopted effective as of January 1, 2000 by the City of Calhoun, Georgia ("Employer").

WITNESSETH:

WHEREAS, the Employer established the Plan effective July 1, 1996, to benefit the Employer's eligible employees and for the exclusive benefit of its eligible employees; and

WHEREAS, under the terms of the Plan, the Employer retains the right to amend the Plan;

NOW, THEREFORE, effective as of January 1, 2000, the Employer in accordance with the provisions of the Plan pertaining to the amendment thereof, hereby amends the Plan as follows, and any provision in the Plan which is inconsistent herewith shall be deemed revised or amended, but only to the extent necessary to comply with and carry out the purposes set forth in these amendments:

1. Subparagraph 4.3(e) is deleted in its entirety and the following is substituted therefor:
 - (e) As of each Anniversary Date and as of each other valuation under the Plan, any earnings or losses (net appreciation or net depreciation) of the Trust Fund shall be allocated in the same proportion that each Participant's and any Former Participant's nonsegregated accounts bear to the total of all Participant's and any such Former Participant's nonsegregated accounts as of such date.
2. Subsection 4.7(a) is deleted in its entirety and the following is substituted therefor:
 - (b) The Administrator, in his sole discretion, may determine that all Participants be permitted to direct the Trustee as to the investment of all or a portion of the interest in any one or more of their individual account balances. If such authorization is given, Participants may, subject to a procedure established by the Administrator and applied in a uniform nondiscriminatory manner, direct the Trustee to invest any portion of their account in specific assets, specific funds or other investments permitted under the Plan and the directed investment procedure. That portion of the account of any Participant so directing will thereupon be considered a Directed Investment Account, which shall not share in Trust Fund earnings.
3. Sections 5.1 and 5.2 are deleted in their entirety and the following is substituted therefor:

5.1 VALUATION OF THE TRUST FUND

The Administrator shall direct the Trustee, as of each Anniversary Date, and at such other date or dates (including "daily valuations"), herein called "valuation date," to determine the net worth of the assets comprising the Trust Fund as it exists on the "valuation date." In determining such net worth, the Trustee shall value the assets comprising the Trust Fund at their fair market value as of the "valuation date" and shall deduct all expenses for which the Trustee has not yet obtained reimbursement from the Employer or the Trust Fund.

5.2 METHOD OF VALUATION

In determining the fair market value of securities held in the Trust Fund, which are listed on a registered stock exchange, the Administrator shall direct the Trustee to value the same at the prices they were last traded on such exchange. Any unlisted security held in the Trust Fund shall be valued at its bid price next preceding the close of business on the "valuation date," which bid price shall be obtained from a registered broker or an investment banker. In determining the fair market value of assets other than securities for which trading or bid prices cannot be obtained, the Trustee may appraise such assets itself, or in its discretion, employ one or more appraisers for that purpose and rely on the values established by such appraiser or appraisers.

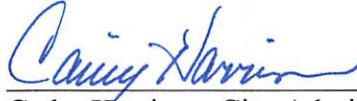
4. The third paragraph of Subsection 6.4(a) is deleted in its entirety and the following is substituted therefor:
 - 6.4(a)(3) If the value of a Terminated Participant's Vested benefit derived from Employer and Employee contributions does not exceed \$5,000 (or such greater amount as may be permitted by applicable law, regulations or other authority from time-to-time) and has never exceeded such amount at the time of any prior distribution, the Administrator shall direct the Trustee to cause the entire Vested benefit to be paid to such Participant in a single lump sum.

5. Subsections 6.5(c) and (d) are deleted in their entirety and the following is substituted therefor:
 - (c) The present value of a Participant's joint and survivor annuity derived from Employer and Employee contributions may not be paid without his written consent if the value exceeds, or has ever exceeded \$5,000 (or such greater amount as may be permitted by applicable law, regulations or other authority from time to time) at the time of any prior distribution. Further, the spouse of a Participant must consent in writing to any immediate distribution. If the value of the Participant's benefit derived from Employer and Employee contributions does not exceed \$5,000 (or such greater amount as may be permitted in the manner set forth above) and has never exceeded such amount at the time of any prior distribution, the Administrator may immediately distribute such benefit without such Participant's consent. No distribution may be made under the preceding sentence after the "annuity starting date" unless the Participant and his spouse consent in writing to such distribution. Any written consent required under this paragraph must be obtained not more than 90 days before commencement of the distribution and shall be made in a manner consistent with Section 6.5(a)(2).
 - (d) Any distribution to a Participant who has a benefit which exceeds, or has ever exceeded, \$5,000 (or such greater amount as may be permitted by applicable law, regulations or other authority from time-to-time) at the time of any prior distribution shall require such Participant's consent if such distribution commences prior to the later of his Normal Retirement Age or age 62. With regard to this required consent:
 - (1) No consent shall be valid unless: the Participant has received a general description of the material features and an explanation of the relative values of the optional forms of benefit available under the Plan that would satisfy the notice requirements of Code Section 417.
 - (2) The Participant must be informed of his right to defer receipt of the distribution. If a Participant fails to consent it shall be deemed an election to defer the commencement of payment of any benefit. However, any election to defer the receipt of benefits shall not apply with respect to distributions, which are required under Section 6.5(e).
 - (3) Notice of the rights specified under this paragraph shall be provided no less than 30 days and no more than 90 days before the "annuity starting date."
 - (4) Written consent of the Participant to the distribution must not be made before the Participant receives the notice and must not be made more than 90 days before the "annuity starting date."
 - (5) No consent shall be valid if a significant detriment is imposed under the Plan on any Participant who does not consent to the distribution.

6. Subsection 6.6(e) is deleted in its entirety and the following is substituted therefor:
 - (e) If the present value of the Pre-Retirement Survivor Annuity derived from Employer and Employee contributions does not exceed \$5,000 (or such greater amount as may be permitted pursuant to applicable law, regulations or other authority from time-to-time) and has never exceeded such amount at the time of any prior distribution, the Administrator shall direct the immediate distribution of such amount to the Participant's spouse. No distribution may be made under the preceding sentence after the annuity starting date unless the spouse consents in writing. If the value exceeds, or has ever exceeded, \$5,000 (or such greater amount as is described above) at the time of any prior distribution, an immediate distribution of the entire amount may be made to the surviving spouse, provided such surviving spouse consents in writing to such distribution. Any written consent required under this paragraph must be obtained not more than 90 days before commencement of the distribution and shall be made in a manner consistent with Section 6.5(a)(2).

IN WITNESS WHEREOF, the Employer by its duly authorized officer has executed this First Amendment as of January 1, 2000.

CITY OF CALHOUN, GEORGIA



Cathy Harrison, City Administrator

**CITY OF CALHOUN
GEORGIA**

RESOLUTION

WHEREAS, the City of Calhoun water system began utilizing fluoride on May 27,1957; and

WHEREAS, this action authorizing fluoridation has not been repealed and remains in force; and


WHEREAS, the Georgia Rural Water Association assists local water systems with statewide grants to replace worn fluoridation equipment; and

WHEREAS, water system' s fluoridation equipment is over thirty years old and in need of replacement;

NOW, THEREFORE, BE IT RESOLVED the Mayor, James F. Palmer, is hereby authorized to sign an agreement, a grant application and necessary documents for replacement of the fluoridation equipment for the City of Calhoun water system.

ADOPTED and made effective this 20th day of December 1999.

City of Calhoun, Georgia



James F. Palmer, Mayor

Attest:



Cathy Harrison, City Administrator