

**CITY OF CALHOUN
REGULAR CITY COUNCIL MEETING
DEPOT COMMUNITY ROOM
109 SOUTH KING STREET
OCTOBER 25, 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
Kelly Cornwell, Director of Utilities and Public Works
Eddie Peterson, Assistant Director of Utilities and Public Works
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 October 11, 1999 regular City Council meeting were approved as written.
4. Mayor's Comments:
 - a. Mayor Palmer announced the "Trick-or-Treat" for Halloween will be on Saturday, October 30, 1999 from 5:30 P.M. until 9:00 P.M. for children aged 12 and under. He asked the traveling public to be aware of children on the streets and sidewalks. Mayor Palmer also announced the Downtown Trick-or-Treat, which is associated with the Hoe-down, also scheduled for Thursday, October 28, 1999 at the Depot. Trick-or-Treat on Thursday will be from 4:00 P.M. until 5:00 P.M. The Hoe-down will start immediately thereafter. He stated this would be open to the general public and would be available for all children under the age of 12 in the downtown area.
 - b. Mayor Palmer congratulated Beve Ryberg on the state award for best promotion for the activity of Rodeo Days, held earlier in the summer.
 - c. Mayor Palmer announced the following public hearings scheduled for November 8, 1999:
 - 1) A new zoning of R-2 and annexation request of B. & B., Inc., Bryan Carden, for 18.63 acres off Peters Street, for upscale luxury apartments.
 - 2) A zoning variance request of the Calhoun Civil Air Patrol for a mobile office unit to be erected on Airport property north of the drive off Highway 41.
 - 3) A zoning variance request by Coosa Valley Tech, Calhoun Campus, for four temporary mobile classrooms, to be located on campus, off Highway 53 South at Beamer Road.
 - 4) A new zoning of R-1 and annexation request of Jimmy L. and Jane Coffey for a house and lot at 623 Peters Street.
 - 5) A sign variance request by Investor Realty Ventures, Inc. for Cracker Barrel Development at I-75, Highway 53 and Lover's Lane Road, regarding a directional sign 4 feet by 8 feet. Not a pylon sign.
 - 6) A sign variance request by Irvin Properties, owner of Burger King Restaurant to be located at 115 Travelers Path, with a sign face of 372 square feet and a height of 120 feet.
 - 7) A zoning variance request of Rosedale Smokehouse for a mobile unit serving as a food outlet, to be located at 511 Court Street.
 - d. Mayor Palmer reminded everyone of the general election to be held on November 2, 1999, beginning at 7:00 A.M. and ending at 7:00 P.M. at the Recreation Department.

- e. Mayor Palmer reminded the public of the Veterans Day service scheduled for November 11, 1999 at 11:00 A.M. at the Courthouse.
 - f. Mayor Palmer reminded everyone of the Mayor's motorcade to Northwest Regional Hospital on December 8, 1999. He stated the public could deliver gifts for patients to City Hall and he and several councilmen would take them to the hospital on December 8.
 - g. Mayor Palmer announced that he, Councilman Shelton and Councilman Denmon had attended the GMA District Meeting in Rome on October 18, 1999. They heard a report from the President of GMA, Evelyn Turner, regarding legal issues that cities would be facing in the next year.
 - h. Mayor Palmer stated the Zoning Advisory Board has had a vacancy due to the death of Mr. Charles Sloan. He stated he had conferred with the remaining longstanding members of the Board, Mr. Tom Bond and Mr. Ed Lewis, and they had recommended Roger Rigney as a candidate for the Zoning Advisory Board, to replace Mr. Sloan. Following discussion, Mayor Pro Tem Woods made a motion to appoint Roger Rigney to fill the unexpired term of Charles Sloan. The motion was seconded by Councilman Shelton, with Mayor Pro Tem Woods, Councilman Shelton, Councilman Holland and Councilman Denmon voting affirmatively, motion carried.
5. Public hearings and comments: **none.**
6. Old Business:
- a. Mayor Palmer announced the engineering references on Consolidated Technologies, Inc. were very good and the company has started work on the CDBG Grant Application for infrastructure work on Phase II of the Mill Village Project.
 - b. Mayor Palmer announced the Director of Utilities and Public Works and the City Administrator had met last week with the President of Peachtree Natural Gas, Deborah Latham. They are presently reviewing a new proposed contract and once that review is completed and proposed changes are indicated, these will be reviewed with the Council.
 - c. Mayor Palmer stated in regard to the DOT Government Project Agreement, regarding turn lanes on State Route 53 from W. C. Bryant Parkway to State Route 3, also known as U. S. Highway 41, it was agreeable with DOT for the particular area of the agreement which the City opposed to be crossed out and initialed and returned to DOT after it was executed. Following discussion, Mayor Pro Tem Woods made a motion to approve the agreement and to authorize the Mayor to sign, based upon the before mentioned understanding from DOT. The motion was seconded by Councilman Denmon, with Mayor Pro Tem Woods, Councilman Denmon, Councilman Shelton and Councilman Holland voting affirmatively, motion carried.
7. New Business:
- a. Mayor Palmer stated a request had been made for a manager change for SGP, Inc. (Brangus) from Pam Hammonds to Nicole Lucas. Mayor Palmer stated Ms. Lucas is a resident of the area and the police report was clear. Following discussion, Councilman Denmon made a motion to approve the manager change to Nicole Lucas, second by Councilman Shelton, with Councilman Denmon, Councilman Shelton, Councilman Holland and Mayor Pro Tem Woods voting affirmatively, motion carried.
 - b. Assistant Director Peterson stated that in review of the current City Ordinances and Charter, held earlier with the City Attorney, Director of Utilities and Public Works, and the City Administrator, it was determined the City lacked an official ordinance regarding open burning. Mr. Peterson stated he had consulted Attorney Bailey and they had written a proposed ordinance, which was reviewed. Following review, Mayor Palmer asked for a motion to set a public hearing for November 8. Councilman Holland made a motion to set the public hearing for November 8, 1999 at 7:00 P.M., second by Councilman Shelton, with Councilman Holland, Councilman Shelton, Councilman Denmon and Mayor Pro Tem Woods voting affirmatively, motion carried.

- c. Mayor Palmer read an Authorizing Resolution for the Clarence E. Harris River Park Development, which would authorize the pedestrian paths around the park area, which would be the first major item of construction for the park. Following discussion of the proposed resolution, Mayor Pro Tem Woods made a motion to adopt the Authorizing Resolution, second by Councilman Shelton, with Mayor Pro Tem Woods, Councilman Shelton, Councilman Holland and Councilman Denmon voting affirmatively, motion carried.
 - d. Mayor Palmer stated the Heritage Hills Condominium is making a request to donate the streets at the Condominiums, as was previously discussed in 1997. Following review, Mayor Palmer stated the matter would be forwarded to the Street Department for their review of the request and that it would be resubmitted at the November 8 meeting.
8. Other written items not on the agenda:
- a. Mayor Palmer stated, in reference to House Bill 489, he and Mayor Pro Tem Woods had met with Chairman Maddox and Commissioner Ted Collins during the prior week to discuss several items. He stated the City had been requested to draft their findings and forward to the County. He stated those had been sent as per the request. He stated tonight at almost 6:00 P.M., he had received the County's counter-proposals and those will be reviewed by the City as soon as possible.
 - b. Mayor Palmer stated the City of Calhoun has received information from the Georgia Municipal Association in which they are requesting each city in the State of Georgia to adopt a Resolution and an Ordinance and to become a certified City of Ethics. He stated the Administrator and Attorney were authorized to draft a proposed resolution and ordinance and forward to the Council for their review.
 - c. Mayor Palmer stated the City of Calhoun had received notice from the Georgia Municipal Association of a new audit service provided by GMA, which will audit hotel-motel tax vendors with any findings of any unpaid taxes to be forwarded to the City of Calhoun or Gordon County, as it relates to hotel-motel taxes. The City and/or County, if the County desires to participate, could pay for the service by electing to allow 35% of any findings to be paid toward the cost of the audit, which would be provided by GMA or its agents, or it could be paid for by an hourly compensation plus expenses. Following discussion, Mayor Pro Tem Woods made a motion to authorize the City to enter into a contract for the audit of hotel-motel tax vendors with the City electing to pay for the service with 35% of the collection of any unpaid taxes. The motion was seconded by Councilman Denmon, with Mayor Pro Tem Woods, Councilman Denmon, Councilman Shelton and Councilman Holland voting affirmatively, motion carried.
 - d. Mayor Palmer stated that Tonya Baker had paid approximately \$15,000.00 for sewer extension to her property on Curtis Parkway, in addition to sewer connection fees and she had requested the area to be reviewed to see if her extension would benefit additional property from which she could enter into a contract for possible reimbursement within the next five-year period. Administrator Harrison stated Mark Williamson had reviewed the area and had determined that approximately five commercial lots could be sewer from the extension and each tap made to any of those five lots in the next five years would be eligible to be made for a connection fee of \$4,000.00, of which Ms. Baker would receive \$2,500.00 per connection. However, if any of the connections required an extension from the Baker manhole, the lot owner would be required to pay that extension cost plus the \$4,000.00 connection fee. Based on this information and understanding, Mayor Pro Tem Woods made a motion to authorize a contract between the City of Calhoun and Tonya Baker in reference to the possible recovery of a portion of her extension costs, based on the estimate lots that could be served from her line. The motion was seconded by Councilman Holland, with Mayor Pro Tem Woods, Councilman Holland, Councilman Shelton and Councilman Denmon voting affirmatively, motion carried.
9. Work report of Director and Assistant Director of Utilities and Public Works:
- a. Director Cornwell stated paving should begin on the CDBG Phase I project on Tuesday, October 26, 1999. He stated the traffic light project at the intersection

- of College Street and Red Bud Road should be ready for hanging the signals, once the crosswalk striping has been completed.
- b. Director Cornwell stated the relocation of water lines on Cash Road is under way and approximately 1,200 feet of line has been re-laid at this time.
 - c. Assistant Director Peterson stated the curb and gutter work on Piedmont Street should begin on Tuesday and paving should start within the next week. He stated he hoped to give a final report on Piedmont at the November 8 Council meeting.
10. Mayor Palmer asked if there was any need to move to Executive Session. There were negative responses from each.
11. 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:

Submitted:



James F. Palmer, Mayor



Cathy Harrison, City Administrator

A RESOLUTION AUTHORIZING THE CONTRACTING WITH THE GEORGIA DEPARTMENT OF TRANSPORTATION FOR FUNDING UNDER THE INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1991.

WHEREAS, the Secretary of the U. S. Department of Transportation and the Commissioner of the Georgia Department of Transportation are authorized to contract for Transportation Enhancement Projects; and

WHEREAS, the contract for financial assistance will impose certain obligations upon the **City of Calhoun**, including the provision of its local share of the project costs in the project; and

WHEREAS, it is required by the U. S. Department of Transportation in accord with the provisions of Title VI of the Civil Rights Act of 1964, that in connection with the filing of an application for assistance under the Intermodal Surface Transportation Efficiency Act the applicant gives an assurance that it will comply with Title VI of the Civil Rights Act of 1964 and other pertinent directives and the U. S. Department of Transportation requirements thereunder; and

WHEREAS, it is the goal of the **City of Calhoun** that Disadvantaged Business Enterprises be utilized to the fullest extent possible in connection with the project and that the definite procedures shall be established and administered to ensure that minority businesses shall have the maximum feasible opportunity to compete for contracts and purchase orders when procuring construction contracts, supplies, equipment contracts, or consultant and other services.

NOW, THEREFORE, BE IT RESOLVED BY THE **CITY OF CALHOUN**


1. That Mayor James F. Palmer is authorized to execute contracts on behalf of the City of Calhoun with the Georgia Department of Transportation for aid in financing construction, and all other activities incidental thereto, of Transportation Enhancement Activity projects pursuant to Section 133 (b)(8) of Title 23 U.S.C.; and all other provisions as set forth in the contract with the Georgia Department of Transportation.

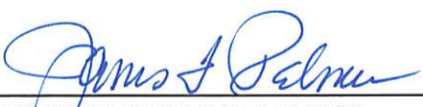
2. That Mayor James F. Palmer is authorized to execute and file an assurance or any other document required by the U. S. Department of Transportation and the Georgia Department of Transportation effectuating the purpose of Title VI of the Civil Rights Act of 1964.

3. That Mayor James F. Palmer is authorized to furnish such additional information as the U. S. Department of Transportation and the Georgia Department of Transportation may require in connection with the application for the Transportation Enhancement Activity project and budget.

4. That Mayor James F. Palmer is authorized to set forth and execute affirmative disadvantaged business policies in connection with percentage participation goal established by the Georgia Department of Transportation.

SO RESOLVED this 25th day of October, 1999.

ATTEST: 
CATHY HARRISON,
CITY CLERK/ADMINISTRATOR


JAMES F. PALMER, MAYOR

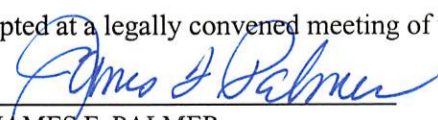
CERTIFICATION

The undersigned duly qualified and acting as Mayor of the **City of Calhoun** certifies the following:

The City of Calhoun has contributed the sum of \$27,800.00 towards preliminary engineering for this project.

The City of Calhoun has identified sufficient resources to complete the Scope of Work for this project and make all payments not covered by the federal Transportation Enhancement Activity funding contribution.

The foregoing is a true and correct copy of a resolution adopted at a legally convened meeting of the City Council held on October 25, 1999.


JAMES F. PALMER
MAYOR, CITY OF CALHOUN, GEORGIA
OCTOBER 25, 1999