

**CITY OF CALHOUN
REGULAR CITY COUNCIL MEETING
DEPOT COMMUNITY ROOM
109 SOUTH KING STREET
MAY 24, 1999, 7:00 P.M.**

MINUTES

**PRESENT: James F. Palmer, Mayor
Ronald H. Woods, Mayor Pro Tem
John D. Shelton, Jr., Councilman
Henry 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 Henry Holland gave the Invocation.
2. Mayor Palmer led the group in the Pledge of Allegiance to the United States Flag.
3. Minutes of the May 10, 1999 regular City Council meeting were approved as written.
4. Mayor's Comments:
 - a. Mayor Palmer recognized three local people who have recently been appointed to state offices, those being: David Smith appointed to the Georgia State Board of Education; David Kolb, Chairman and Chief Executive Officer of Mohawk, appointed to the Georgia State Board of Industry, Trade and Tourism; and Suzanne Hutchinson elected president of the attorney section of the Association of County Commissioners of Georgia. Mayor Palmer extended his congratulations to each one and pledged the City Council's and his support in the performance of their duties.
 - b. Mayor Palmer announced a public hearing on the Ms. Max Brannon zoning variance request for the installation of a pre-constructed cover at the Flower Cart on College Street. The hearing will be June 14, 1999 at 7:00 P.M.
 - c. Mayor Palmer requested a public hearing to be set on the CDBG project for restoration of the burned building on Court Street. He requested the hearing on June 21, 1999. Following discussion, Councilman Shelton made a motion to set the public hearing on June 21, 1999 at 7:00 P.M. The motion was seconded by Councilman Denmon, with Councilman Shelton, Councilman Denmon, Councilman Holland and Mayor Pro Tem Woods voting affirmatively, motion carried.
 - d. Mayor Palmer announced the review of architectural proposals on the burned building scheduled for restoration will be held on June 14, 1999 at 7:00 P.M.
 - e. Mayor Palmer reviewed a resolution regarding the City's approval of amendments to the Georgia Municipal Association bylaws. Following a review of those amendments, Mayor Pro Tem Woods made a motion to adopt the resolution, second by Councilman Shelton, with Mayor Pro Tem Woods, Councilman Shelton, Councilman Holland and Councilman Denmon voting affirmatively, motion carried.
5. Public Hearings and Comments:
 - a. Mayor Palmer introduced the City School Board and asked Chairman George Crowley and Superintendent Larry Harmon to make their report regarding their 1999-2000 budget request. Chairman Crowley stated the budget demands for the City School System have grown again this year. He stated over the last five years, there have been state mandated salary increases, which have necessitated additional increases at the local level. He also stated in this year's budget, over \$600,000.00 in increases was due to mandated or step pay increases. He stated they would be adding additional personnel, in addition to the salary increases. This would also include a Spanish instructor at the Middle School. He stated the budget also increased costs for instruction. He stated the state has increased their allotment over the last few years by eight to ten percent and local growth has been

three to four percent. However, last year, the Board maintained their budget without any additional funding at the local level. He stated this year's budget request represents a 5.5% increase in the local share funds. He stated the Board is requesting \$278,485.00 above the allotment provided for the previous year. This would be for operating costs only. He stated the capital costs will continue to be funded from the Special Purpose Local Option Sales Tax (SPLOST.) Mayor Palmer expressed appreciation to Chairman Crowley and to the School Board members for their dedicated service. He stated their service is made to the community, representing many hours of work, with absolutely no pay for their duties. He commended each one. He also stated their jobs would be harder over the next few years, since deregulation of electricity will mandate numerous changes in the City's operations in every area. He stated the City's contribution from the Electric Department to lower taxes throughout the City may have a short life in the future, and the City must begin to deal with this possibility. Mayor Palmer commended the Board Members for their service and dedication to being good stewards of the school system and of the cost of running the school system.

- b. A third reading was given of the beer and liquor pouring license application of Rebecca Quarles for El Rayos Mexican Restaurant at 360 Piedmont Street, former site of Madison Steak House. Mayor Palmer stated a previous alcohol license had been approved for the site. Harrison reported the police report is clear. Mayor Palmer opened the public hearing. Harrison stated the Building Inspector had reviewed the area to determine if any churches or schools had been built within the regulated footage since the last license for the location. They determined there were none. There were no other comments and the hearing was closed. Mayor Pro Tem Woods made a motion to approve the request, second by Councilman Shelton, with Mayor Pro Tem Woods, Councilman Shelton, Councilman Holland and Councilman Denmon voting affirmatively, motion carried.
- c. A third reading was given of the beer pouring license application of Shadi J. Ibrahim for Lizzi's Deli and Grill Restaurant at 203 Richardson Road. Harrison reported the police reports were clear. A public hearing was opened. Mayor Palmer stated a previous alcohol license had been approved for the site. Harrison reported the Building Inspector had also reviewed this location and determined that no churches or schools had been built within the required distance since the last license had been approved. There were no other comments and the hearing was closed. Councilman Holland made a motion to approve the request, second by Councilman Shelton, with Councilman Holland, Councilman Shelton, Councilman Denmon and Mayor Pro Tem Woods voting affirmatively, motion carried.
- d. A public hearing was opened on the request of the Historical Society to rename two streets in Fain Cemetery. The first request was to rename Strain Street to Anabel Lane, and the second was to rename Magnolia to Strain Street. A public hearing was opened. There were no comments and the hearing was closed. Councilman Holland made a motion to approve the request of the Historical Society to rename both streets. The motion was seconded by Mayor Pro Tem Woods, with Councilman Holland, Mayor Pro Tem Woods, Councilman Shelton and Councilman Denmon voting affirmatively, motion carried.
- e. Mayor Palmer also opened a public hearing on the Historical Society's request to name a new street off Mauldin Road and near the former Dana Building, as Frank Dickinson Drive. There were no comments and the hearing was closed. Councilman Denmon made a motion to approve the request to name the street Frank Dickinson Drive, second by Councilman Shelton, with Councilman Denmon, Councilman Shelton, Councilman Holland and Mayor Pro Tem Woods voting affirmatively, motion carried. Mayor Palmer stated it was most appropriate for the Drive to be named after Frank Dickinson, who had provided many years of dedicated service to the Calhoun, Gordon County area, first in twelve years of service as Mayor of the City of Calhoun, and over sixteen years of service as a member of the Housing Authority Board.
- f. A second reading was given of the ordinance amendment defining a church in the Alcoholic Beverage Ordinance. Mayor Palmer opened a public hearing. There were no comments and the hearing was closed. Mayor Pro Tem Woods made a motion to waive the third and fourth readings and to approve the ordinance amendment. The motion was seconded by Councilman Denmon, with Mayor Pro Tem Woods, Councilman Denmon, Councilman Shelton and Councilman Holland voting affirmatively, motion carried.

6. Old Business:

- a. Mayor Palmer asked for the adoption of a resolution amending the alternate voting delegate for the MEAG election in June 1999, since Ms. Harrison would be unable to attend. He stated the ordinance would name himself as the first alternate voting delegate, and the second alternate voting delegate would be Councilman John D. Shelton, Jr. Following discussion, Councilman Holland made a motion to approve the resolution, second by Mayor Pro Tem Woods, with Councilman Holland, Mayor Pro Tem Woods, Councilman Shelton and Councilman Denmon voting affirmatively, motion carried.
- b. Councilman Denmon made a motion to approve and to authorize the Mayor to sign the LARP paving contracts with the Georgia Department of Transportation for resurfacing Honeysuckle Drive, North Industrial Boulevard, Spring Valley Drive and Victory Drive, for a total of 2.59 miles. The motion was seconded by Councilman Holland, with Councilman Denmon, Councilman Holland, Councilman Shelton and Mayor Pro Tem Woods voting affirmatively, motion carried.
- c. Mayor Pro Tem Woods made a motion to adopt a resolution authorizing the loan from the MEAG Municipal Trust in the principal amount of \$3,400,000.00, including accrued interest for an interest rate of 5.5%, for the additional cost for the gas generator and installation. The resolution would authorize the Mayor to sign the note and all necessary documents. Following discussion, Mayor Pro Tem Woods made a motion to adopt the resolution, second by Councilman Denmon, with Mayor Pro Tem Woods, Councilman Denmon, Councilman Shelton and Councilman Holland voting affirmatively, motion carried.

7. New Business:

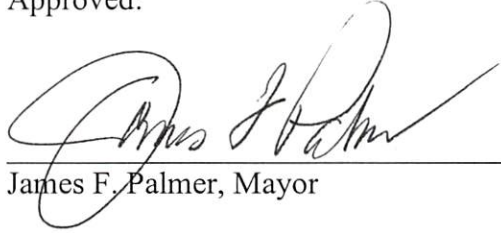
- a. A request had been made by the Main Street Partnership to close King Street at the corner of Oothcalooga to the south edge of the Hardee's entrance on June 25, 1999, from 4:00 P.M. to 10:00 P.M. for "Sunny Beach Street Number II." Mayor Palmer stated the closing of the street would not affect any business nor any resident in the area. He also stated the event last year had been well attended, with the Main Street receiving a state award for the function. Following discussion, Councilman Denmon made a motion to approve the street closing for June 25, 1999 from 4:00 P.M. until 10:00 P.M., second by Councilman Shelton, with Councilman Denmon, Councilman Shelton, Councilman Holland and Mayor Pro Tem Woods voting affirmatively, motion carried.
- b. A first reading was given of a zoning variance request of Philip Beamer for 8 feet at 756 Highway 53 East to allow construction of a canopy over a pump island. The earliest date for a public hearing was June 14, 1999 at 7:00 P.M. Following discussion, Mayor Pro Tem Woods made a motion to set the public hearing on that date, second by Councilman Denmon, with Mayor Pro Tem Woods, Councilman Denmon, Councilman Shelton and Councilman Holland voting affirmatively, motion carried.
- c. A first reading was given of the zoning variance request of Dwight Patterson for an "on premise sign" at 144 Belwood Road, at Dalton Carpet Masters, Inc. The request is for a 50 foot height variance and a 798 square foot sign face variance. Following discussion, Mayor Pro Tem Woods made a motion to set the public hearing on the matter for June 14, 1999 at 7:00 P.M., second by Councilman Holland, with Mayor Pro Tem Woods, Councilman Holland, Councilman Shelton and Councilman Denmon voting affirmatively, motion carried.
- d. Harrison reviewed the request for proposals that she had made regarding the administrative services for the CDBG Innovative Grant associated with the restoration of the burned building downtown. She stated she had forwarded 13 requests for proposals. From the 13 requests, she received two responses. One was from Smith and Allen, stating they appreciated the opportunity but were extremely busy and would not have time to work with the City on the matter. The second one was from Northwest Georgia Administrative Services, David Ronningen, with a proposal to provide the services for \$14,000.00. Harrison stated that Mr. Ronningen had been the person who had assisted the City with the application, which had resulted in the funding. Since there were no additional proposals, Harrison stated she would request the Council consider the only active proposal that was received, that from Northwest Georgia Administrative Services, David Ronningen, for a price of \$14,000.00. Following discussion, Mayor Pro Tem Woods made a motion to accept the recommendation of the City Administrator, second by Councilman Shelton, with Mayor Pro Tem Woods, Councilman Shelton, Councilman Holland and Councilman Denmon voting affirmatively, motion carried.
- e. Attorney Bailey gave a first reading of the proposed ordinance regarding adoption of state regulations, which would allow the City more latitude in municipal tax collection. Following review, Councilman Shelton made a motion to set the public hearing for June 14, 1999 at 7:00 P.M. The motion was seconded by Councilman Denmon, with

Councilman Shelton, Councilman Denmon, Councilman Holland and Mayor Pro Tem Woods voting affirmatively, motion carried.

- f. A first reading was given of a proposed ordinance regarding the rates and charges for natural gas service. Attorney Bailey stated he had met with Harrison and staff members of the Customer Service Department to review the rules, rates and deposits for all city services. He stated, as a result of that meeting he would recommend the adoption of the ordinance, which would allow gas services to track the regulations for water, sewer and electric services, unless they differ from those set forth by the State. Following discussion, Councilman Denmon made a motion to set a public hearing on the proposed ordinance for June 14, 1999 at 7:00 P.M. The motion was seconded by Councilman Holland, with Councilman Denmon, Councilman Holland, Councilman Shelton and Mayor Pro Tem Woods voting affirmatively, motion carried.
8. Other written items not on the agenda:
- a. Mayor Palmer stated the City had received a request from Mr. Gil Smith, Georgia Development II, Inc. regarding the installation of water and sewer taps in the Twin Oaks Subdivision off Newtown Road. He stated this was the first subdivision that had used an outside contractor under the City's new policy, as opposed to using the City's contractor for water and sewer installations. The contractor had made water and sewer taps and was requesting relief from paying the \$400.00 per lot water tap and \$500.00 per lot sewer tap. The contractor, Mr. Gil Smith, was in attendance and stated he felt it was a burden to pay the cost twice. Mayor Palmer asked for input from the Director of Utilities. Cornwell stated he had met with Mr. Smith and Mr. William Lee, joint owners of the corporation, and his recommendation would be to waive the water and sewer tap fees but to charge \$300.00 for the demand charge, which is a part of the sewer tap cost, which helps to defray the cost of the plant and is a part of our normal sewer connection fee. He also stated the water taps that were installed by the contractor are not totally complete and will require some additional materials amounting to approximately \$150.00 for the taps to be complete. He stated his recommendation would be to waive the water and sewer connection fees for each of the lots that have full connection ability, with the exception of the \$450.00 per lot, which would cover those costs as outlined earlier: \$300.00 for the demand portion of the sewer connection costs, and also \$150.00 to complete the water connection. The contractor stated he had 27 lots that had that ability. However, one lot would require a water tap to be made in total by the City, that being lot number 1. Following further discussion, Councilman Holland made a motion to accept the recommendation of the Director of Utilities and Public Works, to require a \$300.00 payment for each sewer connection for each of the 28 lots and a \$150.00 payment for each water connection on the 27 lots which are available for installation of a meter and a complete water tap at a total cost of \$400.00 for lot 1. The motion was seconded by Councilman Denmon, with Councilman Holland, Councilman Denmon, Councilman Shelton and Mayor Pro Tem Woods voting affirmatively, motion carried.
9. Work report of Kelly Cornwell, Director of Utilities and Public Works:
- a. Director Cornwell reported the natural gas tap for the generator has been made. Safety inspection was conducted on Monday, May 24, 1999. The substation will be ready for connection on Wednesday. The transformer is due to arrive on the 25th, and the line can be made hot by Wednesday. By the weekend, a full load on the generator can be tested. Cornwell stated that according to information provided at the last MEAG meeting, summer weather is expected to be hot and dry and range approximately 7 degrees above normal, which will require the City to use the generator on numerous occasions, if this is the case.
 - b. Cornwell stated the pump has been removed from the well off Campbell Road. It has been tested and the infiltration is coming from outside and not from any crevice or broken area in the well itself. He stated the pump is being reinstalled, the filtering process is being completed, and it should be on line by June 15, 1999.
 - c. The work at the Water Plant is 99% complete, dressing up the area is all that remains.
 - d. The Mill Village area is moving along well, with the bulk of the water work being complete. Sewer work is progressing. However, the individual laterals near the houses have not been made. These are about 15% complete. The work in the area is anticipated to be completed within the next two to three months.

10. Mayor Palmer stated it was not necessary to move to Executive Session.
11. Mayor Pro Tem Woods made a motion to adjourn, second by Councilman Shelton, with Mayor Pro Tem Woods, Councilman Shelton, Councilman Holland and Councilman Denmon voting affirmatively, motion carried.

Approved:



James F. Palmer, Mayor

Submitted:



Cathy Harrison, City Administrator

**CITY OF CALHOUN
GEORGIA**

RESOLUTION

WHEREAS, the City of Calhoun has purchased and is currently installing an LM2500 combustion turbine gas generator, which will be used for peaking power; and

WHEREAS, the Mayor and Council of the City of Calhoun have authorized five million dollars of the purchase and installation costs to be paid from City utility reserves; and

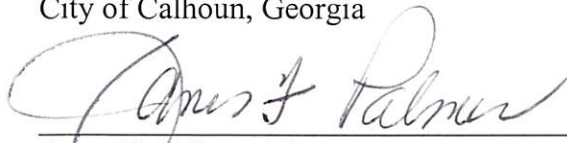
WHEREAS, the remaining cost, estimated to be three million, four hundred thousand dollars is authorized to be funded from a loan of the City's share of funds in the "Municipal Competitive Trust," at an interest rate of 5.5% per annum; and

WHEREAS, the loan will capitalize interest through June 30, 1999, with monthly payments to be made beginning July 1, 1999 and continuing through June 2004;

NOW, THEREFORE, BE IT RESOLVED, Mayor James F. Palmer, is authorized to sign the note and all necessary legal documents to close the loan and guarantee repayment as authorized in Article 6, Paragraph 3, of the Municipal Competitive Trust.

ADOPTED this the 24th day of May 1999.

City of Calhoun, Georgia



James F. Palmer, Mayor




John D. Shelton, Councilman



Ronald H. Woods, Councilman



Henry Holland, Councilman



Ray M. Denmon, Councilman

Attest:



Cathy Harrison,
City Administrator/Clerk/Financial Officer

STATE OF GEORGIA
COUNTY OF GORDON
CITY OF CALHOUN

ORDINANCE NUMBER 671

AN ORDINANCE TO AMEND A DEFINITION IN ORDINANCE 656 REGULATING THE SALE AND SERVING OF ALCOHOLIC BEVERAGES IN THE CITY OF CALHOUN, GEORGIA.

BE IT ORDAINED by the Mayor and Council of the City of Calhoun, Gordon County, Georgia that **Section 2** of Ordinance 656, regulating the sale and serving of alcoholic beverages in the City of Calhoun, Georgia, be amended as follows:

By changing the definition of the word "church" in said Section 2 under definition 4 from:

4. "Church" means a permanent building in which persons regularly assemble for worship.


To read as follows:

4. "Church" means a permanent building in which persons regularly assemble for religious worship and said building is situated upon real estate owned by an entity qualified as an exempt religious organization under **Section 501 (c)(3)** of the Internal Revenue Code of 1986, as amended.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.


THE FOREGOING ORDINANCE was duly approved at the regular meeting of the Mayor and Council of the City of Calhoun, Georgia held on the 24th day of May 1999.

Approved:



James F. Palmer, Mayor
City of Calhoun, Georgia

Attest:



Cathy Harrison, City Administrator/Clerk

Date of First Reading: May 10, 1999

Date of Second Reading: May 24, 1999

Date of Public Hearing: May 24, 1999

Date of Third Reading (if applicable): _____

Date of Fourth Reading (if applicable): _____

**CITY OF CALHOUN
GEORGIA**

R E S O L U T I O N

WHEREAS, the annual MEAG election of directors will be held in June 1999 in Savannah, Georgia; and

WHEREAS, Larry Vickery, Electric Superintendent has been named voting delegate and Cathy Harrison, City Administrator has been named voting alternate; and

WHEREAS, Cathy Harrison, City Administrator will be unable to attend the annual meeting;

NOW, THEREFORE, BE IT RESOLVED, Mayor James F. Palmer is hereby named first alternate and Councilman John D. Shelton, Jr. is hereby named second alternate, with Larry Vickery to remain as voting delegate for the MEAG election in 1999.

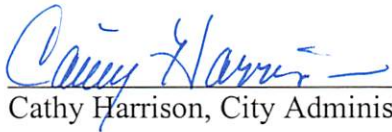
ADOPTED this the 24th day of May 1999.

City of Calhoun, Georgia



James F. Palmer, Mayor

Attest:



Cathy Harrison, City Administrator

**CITY OF CALHOUN
GEORGIA**

R E S O L U T I O N

WHEREAS, the Board of Directors of the Georgia Municipal Association recommended amendments to the GMA bylaws to implement the new district boundaries for GMA; and

WHEREAS, Article X, Section 1 of the GMA bylaws provides for mail ballots by GMA member cities for approval or disapproval of a proposed amendment;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Calhoun, that the City of Calhoun **APPROVES** the following 1999 GMA bylaw amendment:

Article V

Section 1: Officers and Board of Directors

- (b) Board of Directors. The Board of Directors of the Association shall consist of the following:
- (1) The officers of the Association;
 - (2) The Immediate Past President and all other Past Presidents of the Association who are active municipal officials;
 - (3) District Officers holding office designated by the Board for Board membership, provided, however, each district shall have at least two district officers elected to the Board;
 - (4) Eight (8) directors elected from the state-at-large;
 - (5) The president of recognized sections of the Association who are designated by the Board for Board membership
 - (6) The chairman of the Board of Trustees of the Georgia Municipal Employees Benefit System; and
 - (7) May include not more than three (3) members who are not city officials or employees.

Section 2: Qualification, Term, Vacancy

Except as otherwise provided by these bylaws, each member of the Board of Directors and each officer of the Georgia Municipal Association, with the exception of the Executive Director, shall be at all times during their term of office a qualified official of a member city. A qualified official of a member city shall be deemed to be an elected official of the governing body of a member city or an appointed official who is eligible for membership in a section which is recognized by the Board of Directors as provided for in Article VI. To remain a qualified official of a member city, an elected official must continue to be an elected official of the governing body of a member city and an appointed official must continue to be eligible for membership in a recognized section of the Association. The terms of office of the President, officers and members of the Board of Directors shall be one (1) year, commencing on the first day next following the meeting at which elected and until a successor has been chosen and qualified. A vacancy shall occur in any office of the Association in the event that person holding that office resigns or ceases to be an official or employee of a member city. All vacancies on the Board of Directors and in the office of President or any of the vice presidents shall be filled by the remaining members of said Board, and each person so elected or appointed shall serve for the unexpired term of the person in whose stead they are elected. In the absence of the President and vice presidents at any meeting, the Board of Directors shall appoint one of its members to perform the duties of President during that meeting or until the President or a vice president shall appear.

Section 3: Designation of Districts and District Officers

- (b) Each district of the Association shall have offices as designated by the Board.

- (c) Procedures for filling vacancies in the district offices shall be established by the Board of Directors.

Section 4: Nomination of Directors and Officers

Nomination of directors and officers shall be made by a nominating committee, which shall be composed of the members of the Board of Directors of the Georgia Municipal Association. The nominating committee shall submit its report to the membership during the annual business meeting of the Association. Additional nominations may be made from the floor. The election of officers and directors shall be held at the annual meeting of the Association, provided, however, that should any district of this Association, at a district meeting held for and participated in by the members of such district, recommend to the nominating committee their choice for district officers, such action shall be binding upon the nominating committee and the names submitted by the district shall be those submitted by the nominating committee to the Association at its Annual Meeting. District Officers shall succeed automatically to the positions for which they are alternates in case of death, resignation or failure to hold office by their principal.

Section 5: Duties

- (g) District Officers: Duties of each District Officer shall be established by the Board. The District President shall conduct at least one district meeting each year at which district officers are selected in accordance with the procedures established by the Board pursuant to Article V, Section 3(c).

**ARTICLE VII
Meetings**

Section 2: District Meetings

At meetings the District membership shall select its choices for District President, District First Vice President, District Second Vice President and District Third Vice President, for the ensuing year of the Georgia Municipal Association and recommend these choices to the GMA Nominating Committee appointed by the President at the annual meeting. Should no such district meeting be held in any district, the GMA Nominating Committee shall recommend such persons as they may deem best qualified.


BE IT FURTHER RESOLVED that this ballot shall be returned to the Georgia Municipal Association, attention LEGAL DEPARTMENT, by the City Clerk, on or before June 15, 1999.

RESOLVED this 24th day of May 1999.

City of Calhoun, Georgia


James F. Palmer, Mayor

Attest:


Cathy Harrison, City Administrator