

**CITY OF CALHOUN
REGULAR CITY COUNCIL MEETING
DEPOT COMMUNITY ROOM
109 SOUTH KING ST
NOVEMBER 12, 2012 7:00 P.M.**

MINUTES

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

**ALSO: Eddie Peterson, City Administrator
Larry Vickery, Utilities General Manager
George Govignon, City Attorney
Jeff DeFoor, Director of Electric Utilities
Paul Worley, City Clerk
Lenny Nesbitt, Fire Chief
Randy Gallman, Calhoun Police Department
Garry Moss, Police Chief
Jerry Crawford, Water and Sewer Director
Larry Deaton, Calhoun Police Department**

1. Mayor Palmer called the meeting to order and welcomed everyone in attendance.
 - A. Mayor Palmer gave the invocation.
2. Mayor Palmer led the group in the Pledge of Allegiance to the United States Flag.
3. Councilman Barton made a motion to approve the agenda, Councilman Edwards seconded the motion. All voted aye, motion approved.
4. Councilman Hammond made a motion to approve the minutes of the October 22, 2012 City Council Meeting. Councilman Edwards gave a second with all voting aye, motion approved.
5. **Mayor's Comments:**
 - A. The Gordon County Youth Leadership 2013 class was in attendance. The class includes 42 students from all four high schools in the County. The class is sponsored by the Gordon County Chamber of Commerce Leadership program.
 - B. Mayor Palmer reminded the public of a hotel sign and building variance for Nimish Patel at a location of 1002 Hwy 53 E SE. Property owner is East 53 Commercial Development, LLC. Applying for a 50' variance for a sign and a 25' height variance to build a four story hotel. The ZAB will meet on December 6th and the public hearing will be on December 10th.
 - C. City offices will be closed to observe Thanksgiving on Thursday November 22nd.

- D. Mayor Palmer announced that there would be a ribbon cutting ceremony for the completion of Streetscapes phase III and a ground breaking ceremony for Streetscape phase IV on Tuesday, November 13th at 11:00am in front of the Gordon County Court House.

6. Council Comments:

- A. Mayor Pro Tem Edwards gave the October reports as follows:

1) Police Department

- Made 680 cases with 11 DUI's
- Fines collected by Municipal Court - \$65,861.20
- Issued 847 warnings
- Investigated 48 highway accidents, 34 private property accidents
- Provided 68 escorts
- 1,671 incident reports
- Responded to 805 alarms
- Miles patrolled: 58,916
- Responded to 5,057 calls for service by E-911

2) Municipal Court and Probation

- Total Court cases- 311
- Court cases dropped- 60
- Number of Bond forfeitures- 171
- Number of Probation cases- 45
- Probation Payments- \$13,057.00
- Probation Revocations- 6
- Failure to appear- 28
- Prisoner transports- 17

3) Fire Department- Suppression

- Responded to 144 calls for service for the suppression division, 4 fire incidents for damages
- Responded to 94 medical service calls
- Responded to 11 hazardous conditions incidents
- Responded to 15 false alarms or false calls, 8 good intent
- Assisted with Fire Prevention Programs during Fire Prevention Week at Calhoun City Schools, Calhoun First Baptist, and David's Day Care for a total of 2,144 children attending the programs.

Training Division

- Department completed 533 man hours of training.
- All shift personnel attended a due regard class on accidents at Georgia North Western College hosted by the Georgia State Patrol.

4) Fire Inspection Department

- 102 total reported activities/inspections which included 17 annual inspections, 22 requested inspections, 14 follow-up or re-inspections, and 45 consultations

5) Downtown Development Authority and Main Street Program

- The DDA and Gordon County Young Farmers will host many events in downtown for National Farm/City Week, November 15-22.
- Gordon County Young Farmers meeting on November 15th at the BB&T Park which is open to the public.
- We will have the ribbon cutting for phase III and ground breaking for phase IV of Streetscape on Tuesday November 13th.
- The Christmas Parade will be December 13th at 7pm.

B. Councilman Barton gave the October as follows:

1) Street Department

- Completed 21 shop and 22 street department work orders.
- Placed 10 new street signs.
- Repaired utility cuts and several pot holes at various locations around town using 8 tons of asphalt.
- Repaired sidewalks on Fain Street and Line Street.
- Replaced several bricks that were damaged in the sidewalk on Court Street.

2) Cemetery Department

- Performed routine maintenance on Fain and Chandler Cemetery.
- Supervised the opening and closing of 9 grave sites.
- Sold 10 new grave spaces.
- Worked 10 grave sites.

3) Rabies Control

- Housed 19 dogs, and 11 cats
- Issued 7 warning
- Answered 55 customer calls

4) Parks Department

- The Parks Department grounds crew picked up litter, hauled garbage to the dump, books from the library and maintained records at records room.
- Mowed and weedeated approximately 19 miles of sidewalk, 29 islands, and 42 other designated places in the City.
- The building and maintenance crew performed routine maintenance on designed city buildings and all fountains.

5) Safety Committee

- Safety topic- Fire extinguisher safety
- Safety Inspection- Sewer construction
- Accidents: Vehicle Accident-2
- Workers Comp: 2

6) Recreation Department

- **Youth Football** – The 2012 Youth Football regular season was completed on October 23. All-star teams for 7-8; 9-10; and 11-12 were selected on October 16 and 17. The All-Star teams will begin post season play on November 10.
- **Youth Soccer**- The 2012 fall soccer league was completed on October 22nd. All-Star teams have been selected and began season play on November 10th.
- Youth basketball assessments and drafts were held on October 27th and 29th.
- **UPCOMING EVENTS:** Calhoun Recreation Department will be hosting the following GRPA 5th District tournaments in November:
Soccer – November 10, 16 and 17 – U10 Coed; U12 Coed; U10 Girls; U12 Girls Football – November 13, 15 and 19 – 7-8; 9-10; and 11-12

C. Mayor Palmer gave the October report as follows:

1) Water, Sewer, and Engineering

- Maintenance crews are approximately 75% complete with the upgrades to the Coosawattee intake. The project consists of replacing check valves and switch gears for three of the four raw water pumps.
- Water system flushing program is in progress again. The largest portion of the system has been completed.
- Water and Sewer relocation for the Union Grove Interchange has begun and is approximately 85% complete.
- Harris Beamer Water Main – This project is under construction with 7,000' of pipe installed.
- SR 136 and I-75 GDOT water main relocation- GDOT has given the City a notice to proceed to begin relocation of utilities. Construction has begun and is approximately 30% complete.

2) Water Treatment Plant Facility

- Total gallons withdrawn: 292,680,000
- Daily average: 9,441,290
- Wells: 130,040,000
- Big Springs: 0
- Percent produced by Brittany Drive: 44.4
- Rainfall- 2.10"

3) Waste Water Treatment Plant Facility

- Treated a daily average of 3.470 MGD, with an average BOD effluent of 5, average suspended effluent of 9, and an average COD of 45.

4) Water Distribution

- 3 Water connections, 37 water service leaks repaired, 32 water main leaks repaired, 4 fire hydrants repaired, 16 calls to patch roads or repair

yards, 59 utility locates called in for work orders, 314 utility locates responded to, and 124 misc. calls

- Began installing new 6" water line along Hunts Road to upgrade old 2" line.
- Continued installing 8" ductile iron pipe along Highway 156 to Harris Beamer Road.

5) Waste Water Collection

- 2,200' Sanitary Sewer Services TV inspected, 275 utility locates completed, 2 lift station repairs completed, 5,600' sanitary sewer lines cleaned, 87 manholes opened and inspected

6) Building Inspection Department

- Issued 20 permits for an estimated cost of \$317,000.00. This included 2 new commercial, 1 commercial remodeling, 2 residential electrical, 1 residential HVAC, 1 new commercial HVAC, 1 industrial electrical, 2 grading, and 5 sign permits

D. Councilman Hammond gave the October report as follows:

1) Electric Department

- The City of Calhoun has sent six of its finest to help with the power restoration caused by Hurricane Sandy. Allan McCormick, Greg Dodd, Lee Crump, Gary Teague, Nick Land and Scotty Harmon left Tuesday, October 30, 2012 to help rebuild the electrical infrastructure around the Maryland and West Virginia area.
- The help was requested through the Electric Cities of Georgia (ECG) as part of the American Public Power Association (APPA) Mutual Aid Agreement. Jon Beasley, ECG Training and Safety Superintendent, will coordinate volunteers from Calhoun, Dalton, Griffin, Ellaville, LaGrange and Elberton, all Electric Cities of Georgia members, to repair the devastation caused by Hurricane Sandy.

Work orders in process or completed

- Newly created- 103
- Completed and closed- 103
- Consisting of:
 - Street and security lighting-45
 - New business-2
 - Distribution Maintenance-6
 - After hours trouble and callouts-16
 - City electrical maintenance-14
 - Meter maintenance/replacement- 103
 - New customer meter sets- 16
 - Monthly total system locate tickets processed- 228

Electric System supplied – 36,922,195 kwh in October

New October record. This is up 17.6% from 2011 and 12% over the previous October record set in October of 2005. All monthly records are now in 2011 and 2012.

2) Telecommunications Departments:

- Installed two new Internet connections.
- Upgraded equipment at two Internet customer's site.
- Started point-to-point circuit construction to upgrade a 10 Meg circuit to 50 Meg.
- Disconnected one Internet connection.
- Opened conversations with several phone system vendors to explore phone system replacement or upgrade.
- Moved Municipal Court's application software to another server after their server crashed.
- Opened 29 and closed 28 work orders.

3) Geographic Information Systems:

- Created map for Street Department for showing proposed paving locations
- Worked with Electric Department to correct electrical phasing inventory for substation 2.
- Created map for Fire Department to assist in search for missing person.
- Continue to assist the cemetery with web mapping and plot management.
- Updated changes between physical addressing and billing account information.
- Continue to assist Engineering with wastewater inflow/infiltration project, water valve identification tagging, and water hydrant and hydrant valve inventory.
- Removed water system flushing schedule after completion of project.
- Updated City and GIS websites

4) Northwest Georgia Regional Commission

- Councilman Hammond explained that the commission is the Federal and State funding arm to local governments. All 12 regions meet in South Georgia for their annual meeting. Georgia Senator Saxby Chambliss spoke to the group about the importance of being good stewards of special purpose local option sales taxes. Splost projects for the City of Calhoun includes a library expansion, new police fleet, recreation improvements, improvements to Peters Street, and several other projects.

5) Airport

- Currently doing environmental engineering studies concerning the new taxiway. The airport is the 7th largest permanent based aircraft airport in the state of Georgia.

7. Public Hearings and Comments:

- A. Mayor Palmer opened the public hearing for of an annexation and zoning request of R-1 for 2.672 acres by Rick Lumpkin at a location of 1023 Sugar Valley Road.
- Mr. Peterson stated that all signs and advertising requirements have been met.
 - Councilman Edwards stated that the Zoning Advisory Board met on November 8th and recommended that the annexation and zoning request be granted with an additional recommendation that a fire hydrant be installed in the near future to comply with City fire protection distance requirements. The installation of a fire hydrant in this area would also improve fire protection to an existing apartment complex across the street.
 - Mayor Palmer asked if there were any comments from the applicant or the public. There were no comments.
 - Mayor Palmer closed the public hearing.
 - Councilman Edwards made a motion to approve the annexation of 1023 Sugar Valley Road. Councilman Hammond gave a second with all voting aye, motion approved.
 - Councilman Edwards made a motion to approve the zoning of R-1 for the property at 1023 Sugar Valley Road. Councilman Crowley gave a second with all voting aye, motion approved.
- B. Mayor Palmer opened a public hearing for an ordinance amendment to section 38 of Chapter 6- Alcoholic Beverages of the Calhoun Code of Ordinances. City Attorney Govignon explained that the ordinance amendment is required to clarify and strengthen the objective standards for granting or denial of alcohol ordinances. It also establishes an appeal process.
- Mr. Peterson stated advertising requirements have been met.
 - Mayor Palmer asked for public comments. There were no comments.
 - Mayor Palmer closed the public hearing and asked for a motion.
 - Councilman Edwards made a motion to approve the ordinance change to section 38 of Chapter 6. Councilman Crowley gave a second with all voting aye, motion approved.
- C. Mayor Palmer opened a public hearing for an ordinance to amend section 97 of Chapter 66- Parks and Recreation of the Calhoun Code of Ordinances. City Attorney Govignon explained that the ordinance amendment is mandated to comply with 2011 Legislative changes to state law which presently would allow any person with a valid weapons carry license to carry a weapon in all parks, historic sites, or recreational areas.
- Mr. Peterson stated advertising requirements have been met.
 - Mayor Palmer asked for public comments. There were no comments.
 - Mayor Palmer closed the public hearing and asked for a motion.
 - Councilman Hammond made a motion to approve the ordinance change to section 97 of Chapter 66. Councilman Crowley gave a second with all voting aye, motion approved.

- D. Mayor Palmer opened a public hearing for a beer and wine pouring license requested by Laura Gray Bridges DBA: Fork in the Road Dinner at a location of 474 Red Bud Road.
- Mr. Peterson stated notices and advertising requirements have been met.
 - Mayor Palmer asked for public comments. There were no comments.
 - Mayor Palmer closed the public hearing and asked for a motion.
 - Councilman Hammond made a motion to approve the beer and wine pouring license. Councilman Barton gave a second with all voting aye, motion approved.

8. Old Business: None

9. New Business:

- A. Councilman Barton made a motion to move the second December City Council Meeting from December 24th to December 17th. Councilman Hammond gave a second with all voting aye, motion approved.
- B. Councilman Crowley gave a report on the Revolving Loan Committee meeting concerning an application for Bee Kids Academy by Larry and Carol Vickery. Councilman Crowley stated that there were a couple of questions about the application that have been answered satisfactory and the Revolving Loan Committee recommended that the request be granted. Councilman Crowley made a motion to approve the Revolving Loan application request. Councilman Edwards gave a second with all voting aye, motion approved.
- C. Mayor Palmer read a proposed road dedication request from OWR, LLC, a Georgia Limited Liability Company of 1.11 acres off of Highway 41/S.R. 3, including a 70 foot right of way, currently known as Enterprise Drive which is more particularly described by the "Survey for: Right of Way for Enterprise Drive Inside Industrial Development ENTERPRISE SOUTH" prepared by H. Gregory Massey, GRLS No. 2760, of Massey Surveying, Inc, Calhoun, Georgia dated August 31, 2012, recorded in the office of the Clerk of Superior Court of Gordon County, Georgia, in Plat Book 50, at page 243. The limited liability company would be responsible for the payment of any ad valorem taxes for the year 2012. Councilman Crowley made a motion for acceptance of said land and structure subject to this requirement. Councilman Hammond gave a second with all voting aye, motion approved.
- D. Mayor Palmer read an alcohol- Beer, Wine, Liquor manager change request for Ingles Markets #64 at a location of 466 E. Hwy 53 SE. The prior manager was Terry Bouldin and the proposed manager is Jamie Bearden. Councilman Hammond made a motion to approve the manager change request. Councilman Crowley gave a second with all voting aye, motion approved.
- E. Mayor Palmer read an alcohol- Beer, Wine, Liquor manager change request for American Legion Post 47 at a location of 401 West Line Street. The prior manager was Donna Blair and the proposed manager is Terry B. Henderson. Councilman Barton made a motion to approve the manager change request. Councilman Crowley gave a second with all voting aye, motion approved.

- F. Mayor Palmer read a request by the Calhoun Police Department to declare the following vehicles as surplus property. 19- 2006 Crown Vic. Patrol cars and 2- 2001 Crown Vic Patrol cars. (VIN numbers attached)
- G. Mayor Palmer read a request by Suzanne Roland, Director of the Downtown Development Authority, for road closings. We will be co-hosting a street festival with the Gordon County Young Farmers for Farm/City week on November 17th. The request is to close Court Street (Wall to King) and the section of Park Avenue (Harlan to Oothcaloga) that is used for festivals from 8 am until 4 pm. Councilman Edwards made a motion to approve the road closure. Councilman Crowley gave a second with all voting aye, motion approved.
- H. Mayor Palmer stated that there was a list of business license renewals included in the agenda. Mayor Palmer asked the Council to review the list and the renewals will be eligible for approval at the next council meeting.

10. Other written items not on the agenda: None

11. Work Reports:

A. City Administrator Peterson- None

B. General Manager Vickery

- Mr. Vickery stated that there should be an updated Resaca sewer agreement ready for review before the next council meeting.

C. George Govignon, City Attorney

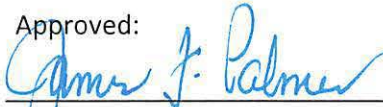
- City Attorney Govignon reported an agreement between the City and Habitat for Humanity of Gordon County regarding the use of lands located in the area designated by the West Calhoun Redevelopment Plan. The City would exchange two lots for a larger and more valuable tract of land presently held by the organization. Habitat for Humanity would also have the ability to receive additional properties obtained by the City in return for the remaining balance of equity. Councilman Crowley made a motion to allow the Mayor's execution of the proposed agreement. Councilman Edwards gave a second with all voting aye, motion approved. (copy attached)

12. Mayor Palmer stated that there was a need to go into executive session to discuss personnel matters. Councilman Barton made a motion to go into executive session. Councilman Edwards gave a second with all voting aye, motion approved.

13. Councilman Barton made a motion to return to regular session. Councilman Crowley gave a second with all voting aye, motion approved.

14. Mayor Palmer announced that the executive session regarded the review of applications for the position of City Attorney. The City of Calhoun advertised the position in the Calhoun Times and on the City's website. Mayor Palmer and the Council commended Mr. Govignon for doing a great job filling in for the late Bill Bailey. Councilman Barton made a motion to appoint George Govignon as City Attorney. Councilman Crowley gave a second with all voting aye, motion approved.
15. 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

**Calhoun Police Department Surplus Vehicle list for 11/12/12 City
Council Meeting**

- 2006 Ford Crown Victoria Vin # 2FAFP71W26X163380
- 2006 Ford Crown Victoria Vin # 2FAFP71W46X163381
- 2006 Ford Crown Victoria Vin # 2FAFP71W86X163383
- 2006 Ford Crown Victoria Vin # 2FAFP71WX6X163384
- 2006 Ford Crown Victoria Vin # 2FAFP71W16X163385
- 2006 Ford Crown Victoria Vin # 2FAFP71W56X163387
- 2006 Ford Crown Victoria Vin # 2FAFP71W76X163388
- 2006 Ford Crown Victoria Vin # 2FAFP71W96X163389
- 2006 Ford Crown Victoria Vin # 2FAFP71W76X163391
- 2006 Ford Crown Victoria Vin # 2FAFP71W96X163392
- 2006 Ford Crown Victoria Vin # 2FAFP71W66X163396
- 2006 Ford Crown Victoria Vin # 2FAFP71W16X163399
- 2006 Ford Crown Victoria Vin # 2FAFP71W46X163400
- 2006 Ford Crown Victoria Vin # 2FAFP71W66X163401
- 2006 Ford Crown Victoria Vin # 2FAFP71W86X163402
- 2006 Ford Crown Victoria Vin # 2FAFP71WX6X163403
- 2006 Ford Crown Victoria Vin # 2FAFP71W16X163404
- 2006 Ford Crown Victoria Vin # 2FAFP71WX7X154640
- 2006 Ford Crown Victoria Vin # 2FAFP71W17X154641
- 2001 Ford Crown Victoria Vin # 2FAFP71W61X196696
- 2001 Ford Crown Victoria Vin # 2FAFP71W11X196699

CITY OF CALHOUN
Regular City Council Meeting
Depot Community Room
109 South King Street
November 12, 2012

EXECUTIVE SESSION 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
Paul Worley, City Clerk

- A. Mayor Palmer stated that there was a need to go into executive session to discuss personnel matters. Councilman Barton made a motion to go into executive session. Councilman Edwards gave a second with all voting aye, motion approved.
- B. Mayor Palmer opened the executive session and stated that there was a need to discuss the position of City Attorney. As agreed previously, the City advertised the position in the Calhoun Times and on the City's website to accept applications. There were two resumes submitted and reviewed during the executive session, George Govignon and George Salley from Cedartown. The Mayor and Council all complemented George Govignon as he has filled in after the passing of Bill Bailey. The consensus was that Mr. Govignon has done an exceptional job fulfilling the duties of City Attorney.
- C. The discussions were concluded and no votes were taken.
- D. Councilman Edwards made a motion to adjourn the Executive Session, Councilman Barton seconded the motion, all voted aye, motion approved.

Approved:



James F. Palmer, Mayor

Submitted:



Paul Worley, City Clerk

STATE OF GEORGIA
COUNTY OF GORDON
CITY OF CALHOUN

AFFIDAVIT REGARDING CLOSURE OF OPEN MEETINGS

Personally appeared before the undersigned officer, duly authorized under the laws of the State of Georgia to administer oaths, James F. Palmer, Mayor, who in his capacity as Chairperson or the person presiding over a City Council meeting of the City of Calhoun and after being first duly sworn, certifies under oath and states to the best of his knowledge and belief the following:

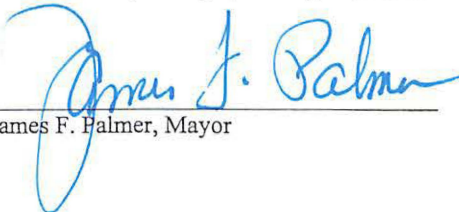
At its meeting held on 11/12 the Council's Executive Session voted to go into closed session and exclude the public from all or a portion of its meeting. The legal exceptions applicable to the exempt matters addressed during such closed meeting are as follows (Check or initial, as appropriate:)

- Discussing or deliberating upon the appointment, employment, compensation, hiring, disciplinary action, dismissal, periodic evaluation or rating of a government officer or employee. [O.C.G.A §50-14-3(6)]
- Privileged consultation with legal counsel pertaining to pending or threatened litigation, claims, administrative proceedings or settlements. [O.C.G.A §50-14-2]
- Discussing the future acquisition of real estate. [O.C.G.A §50-14-3(4)]
- Staff meetings for investigative purposes under duties or responsibilities imposed by law. [O.C.G.A §50-14-3(1)]
- Tax matters made confidential by state law. [O.C.G.A §50-14-2]
- Inspection of physical facilities under the jurisdiction of the City Council. [O.C.G.A §50-14-1(a)(2)]
- Meeting with a governing body, officer, agent or employee of another agency at a location outside the geographical jurisdiction of the City Council at which no final action is taken. [O.C.G.A §50-14-1(a)(2)]
- Other (Explanation and citation to statutory authority required:)

I certify that the subject matter of the closed meeting or the closed portion of this meeting was devoted to matters of official business or policy within the exceptions provided by law as set forth above.



Witness



James F. Palmer, Mayor

Sworn to and subscribed to before
me this 14th day of
November, 2012.



Notary Public for the State of Georgia

exp 8/22/16

**AGREEMENT FOR THE EXCHANGE OF PROPERTY
LOCATED THE WEST CALHOUN URBAN REDEVELOPMENT PLAN
BETWEEN THE CITY OF CALHOUN,
A POLITICAL SUBDIVISION OF THE STATE OF GEORGIA
AND HABITAT FOR HUMANITY OF GORDON COUNTY, INC,
A NOT FOR PROFIT DOMESTIC CORPORATION**

This Agreement, (hereinafter referred to as "Agreement"), is made as of the ____ day of October, 2012 the "Effective Date"), by and between Habitat for Humanity of Gordon County, Inc., (hereinafter referred to as "HABITAT"), and The City of Calhoun, Georgia a Georgia Municipal Corporation, (hereinafter referred to as "the CITY"). HABITAT and the CITY are collectively known as the "Parties" to this Agreement.

RECITALS:

WHEREAS, the CITY prepared an Urban Redevelopment Plan for submission to the Georgia Department of Community Affairs (DCA) as provided for in O.C.G.A. 36-61-1 et. seq. to rehabilitate, conserve, or redevelop a defined geographical area; and

WHEREAS, the CITY adopted the West Calhoun Urban Redevelopment Plan by unanimous consent during the normal session of the Mayor and Council on February 23, 2009 as reflected in the minutes for said meeting; and

WHEREAS, through this redevelopment plan the CITY identified a defined geographic area in the municipal limits for inclusion in the Urban Redevelopment Area and a desire to work with public and private sector partners to ensure that the desired redevelopment is achieved; and

WHEREAS, by taking such action the CITY identified the influences on the geographic areas designated and intent to work diligently to foster conditions conducive to redevelopment specifically within the West Calhoun Urban Redevelopment Area; and

WHEREAS, the CITY acquired two parcels of property in said area through the continuing redevelopment effort, to wit:

- (a) *A lot of .24 acres located at 617 Martin Luther King Jr. Boulevard, Calhoun, Map & Parcel No. C11-062; and*
- (b) *A lot of .09 acres located at 116 McConnell Road, Calhoun, Map & Parcel No. C11-040.*

WHEREAS, the CITY intends to continue to identify properties to obtain under its redevelopment plan; and

WHEREAS, HABITAT owns a similarly undeveloped tract of land also lying geographically within inside the same area identified by the West Calhoun Urban Redevelopment Plan, to wit:

A lot of 2.47 acres located between Line Street and Martin Luther King Boulevard, Calhoun, Map & Parcel No. C11-060.

WHEREAS, the property held by HABITAT is adjacent to recreational property already employed by the CITY, and would not otherwise be functional for residential dwellings, and

WHEREAS, if HABITAT were to obtain the two parcels owned by the CITY, being hereby previously described by map and parcel number, they would be better developed for continued residential use; and

WHEREAS these properties had residential structures previously, making them suitable to the purposes for which HABITAT is formed; and

WHEREAS, the parties to this agreement acknowledge that such new construction would improve the neighborhoods covered by the redevelopment zone; and

WHEREAS, were the CITY to obtain the undeveloped property presently held by HABITAT and would develop it in such a way to benefit the neighborhood thus best serving the purposes of the

West Calhoun Urban Redevelopment Plan.

AGREEMENT:

THEREFORE, in consideration of the recitals set forth above, and other good and valuable consideration, the CITY and HABITAT hereby agree as follows:

ITEM ONE

HABITAT shall transfer title to the CITY, in fee simple, the 2.47 acres of real property owned within the redevelopment zone located at Map and Parcel No. C11-060, being more particularly described as:

All that tract or parcel of land lying and being in the 14th District and 3rd Section of Gordon County, Georgia, and located in the City of Calhoun and being apart of Land Lot 206 therefore described as follows: BEGINNING at a Metal Fence Post located 606 feet Westerly as measured along the Southern margin of the right of way of Line Street (60 feet right of way) from a point formed by the intersection of the Southern margin of right of way of Line Street and the Western margin of right of way of River Street; thence South 05 degrees 24 minutes 17 seconds West a distance of 537.20 feet; thence South 89 degrees 24 minutes 17 seconds West a distance of 201.00 feet; thence North 05 degrees 05 minutes 28 seconds East a distance of 537.20 feet to a wood-fence post; thence North 89 degrees 24 minutes 17 seconds East a distance of 201.00 feet; which is the POINT OF BEGINNING, having an area of 2.47 acres. This property is more particularly described by a plat of survey recorded at Plat Book 50 Page 111 in the office of the Clerk of the Superior Court of Gordon County, Georgia.

Said parcel of land having been transferred to HABITAT by QUITCLAIM DEED OF GIFT from Aladdin Manufacturing Corporation on or about September 15, 2011, and being recorded in the Gordon County Deed Records at Deed Book 1724, Pages 125-128.

ITEM TWO

The CITY will transfer title to HABITAT, in fee simple, the two parcels of real property owned within the redevelopment zone located at (1) Map and Parcel No. C11-062 and (2) Map and Parcel No. C11-040, more particularly described as follows:

- (a) *A lot of .24 acres located at 617 Martin Luther King Jr. Boulevard, Calhoun, Map & Parcel No. C11-062 being more particularly described in a Warranty Deed from SONIA CURTIS*

to the City, recorded in the Gordon County Deed Records in Deed book 1617, Page 470 as:

All that tract or parcel of land lying and being in the 14th District and 3rd Section of Gordon County, Georgia, and being Lot No. 2 of Block "C" of the Harkins Addition to Calhoun, Georgia, as shown by a plat of said Harkins Addition, dated June, 1899, which said plat is recorded in Deed Book 0, Page 459, Deed Records of Gordon County, Georgia.

- (b) *A lot of .09 acres located at 116 McConnell Road, Calhoun, Map & Parcel No. C11-040 being more particularly described in a Warranty Deed from TRACY KYLE UPSHAW to the City, recorded in the Gordon County Deed Records in Deed book 1609, Page 149 as:*

All that tract or parcel of land lying and being in the City of Calhoun and being located on the East side of McConnell Road, more particularly described as follows: BEGINNING at a point on the East side of McConnell Road a distance of 172 feet North from the Northeast corner of the intersection of McConnell Road and Court Street as measured along the East side of McConnell Road; thence North 06 degrees 45 minutes East 50 feet; thence South 83 degrees 15 minutes East 75 feet; thence South 06 degrees 45 minutes West 50 feet; thence North 83 degrees 15 minutes West 75 feet to the POINT OF BEGINNING. There being a plat of the above described property prepared by Peter L. Bakkum, Surveyor, of date November 20, 1957, recorded in the office of the Clerk of the Superior Court of Gordon County, Georgia in Plat Book 2 Page 277, to which said plat and the record thereof reference is hereby made for a full and complete description of the lands herein conveyed.

Said lands are further identified as 116 McConnell Road, Calhoun, Georgia.

Said properties shall be employed exclusively as residential housing, with a preference for low income, "sweat equity" based housing assistance.

ITEM THREE

(a) The parties, at the time of the execution of this agreement, acknowledge a certain inequity of financial value in the exchange of the properties described in Items One and Two in favor of the CITY. The property held by HABITAT has a value of \$95,000.00 as appraised in 2011. The properties held by the City have a combined value of \$31,584.86 (\$26,338.00 for the actual purchases and \$4,821.86 in costs for clearing structures and preparing land for use). This provides HABITAT with a future credit of \$63,415.14.

(b) The CITY agrees that there will be a continuing effort to identify additional parcels of property located within the geographical area described in the West Calhoun Urban Redevelopment

Plan.

(c) To address this inequity in financial value, and to better situate HABITAT in this exchange, the CITY agrees to transfer title to the properties in the plan area for which the CITY obtains title within the first sixty (60) months immediately following the execution of this agreement until sufficient property has been exchanged to equal the approximate remaining balance of \$63,415.14 for the 2.47 acres at the date of the agreement.

Each additional property shall be submitted to HABITAT for review and inspection 30 days prior to the execution of a legal conveyance. The CITY shall certify at the time of the submission that the property is in compliance with all codes and regulations and is suitable for single family residential construction described herein. HABITAT may reject said property if it believes the property to be unsuitable for its purposes and those purposes described herein, however, the CITY shall be afforded a reasonable amount of time, not less than 90 days from the date of the CITY'S receipt of such rejection in writing, to remedy any such defect. In determining value for equalization of consideration in this exchange HABITAT agrees to be bound by the tax assessments or purchase price paid by the City for the property conveyed whichever is greater. Additionally, in determining value, the CITY shall receive additional financial credit for the costs of clearing any derelict or condemned structures, removal of all materials, and possible upgrades to water/sewer/electrical utilities to make the subject property suitable for purposes of HABITAT described herein.

Said future properties shall be employed exclusively as residential housing, with a preference for low income, "sweat equity" based housing assistance.

Additionally, the CITY shall certify that said property will be provided with municipal water and sewer connections. The parties may also extend the duration of this clause for an additional

maximum of sixty (60) months upon mutual agreement of the parties, should same be required.

ITEM FOUR

Each of the conveyances described herein will be made by warranty deed and will convey good and marketable fee simple title to the property described.

ITEM FIVE

This Agreement represents the entire agreement between the parties but this Agreement shall survive the execution of the deeds conveying the properties described above until such time as the terms of ITEM THREE of this agreement have expired.

ITEM SIX

This Agreement shall be construed in accordance with the laws of the State of Georgia and County of Gordon. All disputes, controversies or claims arising out of or in connection with this Agreement shall be litigated in Gordon County, Georgia.

ITEM SEVEN

Subject to the limitations of this Agreement, the Parties hereto shall execute and deliver, at the request of the other Party hereto, any further documents or instruments, and shall perform any further acts that may be reasonably required to fully effectuate the exchange transaction intended in this Agreement.

ITEM EIGHT

Nothing in this Agreement is intended nor shall be construed to establish any agency relationship, partnership or joint venture between HABITAT and the CITY.

ITEM NINE

This Agreement may not be amended or modified in any respect whatsoever, except by an

instrument in writing signed by the Parties hereto.

SIGNATURES AND EXECUTIONS TO APPEAR ON NEXT PAGE

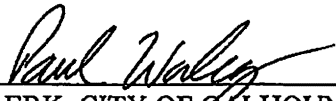
IN WITNESS WHEREOF, the parties have, by and through their respective duly authorized officer, hereunto and unto a duplicate original, set their respective signatures and seals, the day and year first above written.

THE CITY OF CALHOUN

BY:  (SEAL)

JIMMY PALMER, MAYOR

ATTEST:


CLERK, CITY OF CALHOUN

HABITAT FOR HUMANITY
OF GORDON COUNTY, INC.

BY:  (SEAL)

TITLE Chairman of the Board

ATTEST:


SECRETARY FOR CORPORATION