

**CITY OF CALHOUN
REGULAR CITY COUNCIL MEETING
DEPOT COMMUNITY ROOM
109 SOUTH KING ST
MAY 20, 2013 7:00 P.M.**

MINUTES

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

ALSO: Eddie Peterson, City Administrator; Larry Vickery, Utilities General Manager; Paul Worley, City Clerk; George Govignon, City Attorney; Garry Moss, Chief of Police; Jerry Crawford, Water and Sewer Director; Jeff Defoor, Director of Electric Utilities; Officer Jeremy Thompson; Major Larry Gilbert; Lieutenant John McGivern; Sergeant James Stanfield; Lieutenant Tony Pile; Officer Christy Nicholson; Officer Joe Yother; Sergeant Tom Petty; Officer Tony Cedano; Major Randy Gallman; Sergeant Kenneth Carson; Officer Mark Carlson

- 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 Hammond made a motion to approve the agenda and Councilman Barton seconded the motion. All voted aye, motion approved.**
- 4. Councilman Crowley made a motion to approve the minutes of the May 13, 2013 City Council Meeting. Councilman Edwards gave a second with all voting aye, motion approved.**
- 5. Mayor's Comments:**
 - A. Mayor Palmer read a letter of commendation from Police Chief Garry Moss concerning the life saving efforts of Calhoun Police Officer Jeremy Thompson. Officer Thompson was able to save the life of an elderly gentleman who was suffering from dementia by rescuing him from his vehicle that was partly submerged in a pond on US 41 North on March 12, 2013. The 88 year old gentleman was reported missing from Fannin County on March 11th. The individual was flown by Life Force to Erlanger Medical Center and admitted to ICU and is now recovering. The police department forwarded this information to the National Chiefs of Police Association, who in turn submitted it to the American Police Hall of Fame, who then awarded the National Recognition Life Saving**

Award and Medal to Officer Thompson. Chief Moss commended Officer Thompson and all of his Police Officers for their hard work and dedication to public safety.

- B. Mayor Palmer reminded the public of an annexation and zoning of R-1B for 1.39 acres at a location of 118 Spencer Drive for Wesley and Christy Brown. The ZAB meeting will be on June 6th and the public hearing will be on June 10th.
- C. Mayor Palmer reminded the public that the second public hearing on the annual operating budget for fiscal year 2014 will be on June 10th.

6. Public Hearings and Comments:

- A. Mayor Palmer opened the public hearing for a variance request for reduction in minimum square footages required for 1, 2, and 3 bedroom apartments for proposed renovation of existing building at 305 McConnell Road. The request comes from American Home Properties and Cherokee Mill Lofts, LLC. The square footage proposal does meet DCA Office of Affordable Housing unit criteria. The variance request would be for a total of 724 square feet out of the total project square footage of 61,735. The variance would affect 18 out of the 60 units.
 - Mr. Peterson stated that all signs and advertising requirements have been met.
 - Councilman Edwards stated that the Zoning Advisory Board met on May 16th. The ZAB recommended that the variance request be granted.
 - 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 variance request. Councilman Barton gave a second with all voting aye, motion approved.

7. Old Business:

- A. Mayor Palmer conducted the second reading of a sign variance request by the Harris Art Center to allow for a 4' by 6' sign to be placed on a 6' pole at a location of 212 South Wall Street. The ZAB will meet on June 27th and the public hearing will be on July 8th.
- B. Mayor Palmer conducted the second reading of an annexation and zoning request of C-2 for 2.07 acres and a zoning change for 0.918 acres from R-1 to C-2 by Kurt Kelly, William C. Kelly, Stephanie Lynne Robertson Sullivan Trust for a location of 845 Red Bud Road. Description of proposed use is possible expansion or additional parking for Gordon Hospital. The Zoning Advisory Board will meet on June 27th and the public hearing will be on July 8th.
- C. Mayor Palmer conducted the second reading of variance requests by Habitat for Humanity of Gordon County, Inc. at a location of 116 McConnell Road. Variance #1- Building a 960 sq. ft. house which is a 190 sq. ft. variance from the required 1,150 sq. ft. Variance #2- A 5' variance from required 20' rear setback. Variance #3- A 2' variance from the required 10' side set back on the south side of the house. The Zoning Advisory Board will meet on June 6th and the public hearing will be on June 10th.

8. New Business:

- A. The Calhoun Fire Department is requesting a 1980 Mack Fire Pumper Truck with a two stage Waterous fire pump. Per ISO audit the department has more reserve engines than are needed. The fire truck VIN number is 1M1H123Y0BM001089. Councilman Edwards made a motion to declare the fire truck as surplus. Councilman Hammond gave a second with all voting aye, motion approved.
- B. Mayor Palmer read a road closure request by Myra Hogan with New Beginning Ministries to close a section of Short McConnell Road starting at the Pine Street entrance and then going north about 160 feet to the entrance of the back parking lot of the Calhoun Housing Authority on June 8th from 9:00am to 6:00pm for the church's annual Fun Day. Councilman Barton made a motion to approve the road closure request. Councilman Crowley gave a second with all voting aye, motion approved. Mayor Palmer also stated that the Calhoun Housing Authority has also been notified of the event.
- C. Mayor Palmer conducted the first reading of an ordinance amendment to the Hotel/Motel Occupancy Tax to allow for an increase from 5% to 8% for the purpose of enhancing and promoting travel and tourism. Attorney Govignon stated that at the 5% rate, the City of Calhoun has dedicated two percent to the Chamber of Commerce as the tourism promotion monies required by O.C.G.A. §48-13-51(a)(3). The remaining 3% is being provided for the purpose of continued industrial development, with 2% going to the Industrial Development Authority, and the remainder to the Chamber. Should Calhoun Municipal Code Section 86-34, now enabled by the enactment of Act 96, be amended to include a new rate of 8%, then the following proposed method would meet all of the statutory requirements as outlined in the attachment:

3.5% to the Chamber of Commerce for the 2% promotion of tourism (a)(3) and the 1.5% DMO¹ required by (b)(5)(A) presuming as they are a specifically cited agency in the statute;

2% to the Industrial Development Authority for continued industrial development and these funds would not have to be specifically designated to the purpose of TPD² as these funds would constitute the City's remaining 3% under (a)(3) which is free of "tourism" requirements;

1% to the Recreation Authority and these funds would not have to be specifically designated to the purpose of TPD as these funds would constitute the City's remaining 3% under (a)(3) which is free of "tourism" requirements;

.5% to the Downtown Development Authority for TPD required by (b)(5)(B);
and

¹Destination Marketing Organization

²Tourism Product Development

1% to the City for general TPD use as required by (b)(5)(B).

With regard to projects that would qualify as TPD, the statute will require that each expenditure pass the following test:

- (a) Are the expenditure of funds for the creation or expansion of physical attractions?
- (b) Are the physical attractions available and open to the public?
- (c) Will the physical attractions improve the destination appeal to visitors, support their experience, and used by visitors?

If the proposed projects employing these TPD funds satisfy all three prongs, then the statutory requirements are met and prevent any issues for the Department of Community Affairs annual Hotel Tax Report annually.

Councilman Hammond stated that there will be an audit trail and that it will be available to the public and different agencies within the community that are interested in how the funds are being spent to make sure they are following the letter of the law required by the Department of Community Affairs. Councilman Crowley made a motion to set the public hearing for June 10th. Councilman Edwards gave a second with all voting aye, motion approved.


9. Other written items not on the agenda: None

10. Work Reports:

- A. Administrator Eddie Peterson
- B. General Manager Larry Vickery
 - Mr. Vickery stated that the utility division has made a request to charge off \$113,732.18 of unpaid utility bills for fiscal year 2012-2013. This represents only 1/23 of 1% of all billed services. Mr. Vickery thanked Judith Arnold and read a statement from customer service manager Joyce Lingerfelt thanking Margaret Peeler, Rhonda Crider, and Annissa Clark along with the tellers for their assistance and hard work collecting unpaid bills. Councilman Hammond made a motion to approve the \$113,732.18 charge offs out of a total billing amount of \$47,602,253.54. Councilman Crowley gave a second with all voting aye, motion approved.
- C. City Attorney George Govignon

11. City Attorney Govignon stated that there was a need to go into executive session with the grounds being attorney/client privilege due to threatened litigation. Councilman Hammond made a motion to go into executive session. Councilman Barton gave a second with all voting aye, motion approved.
12. Councilman Hammond made a motion to return to regular session. Councilman Barton gave a second with all voting aye, motion approved.
13. Councilman Hammond made a motion to adjourn the regular session. The motion was seconded by Councilman Barton with all voting aye, motion approved.

Approved:



James F. Palmer, Mayor

Submitted:



Paul Worley, City Clerk

CITY OF CALHOUN
Regular City Council Meeting
Depot Community Room
109 South King Street
May 20, 2013

EXECUTIVE SESSION MINUTES

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

Also: George Govignon, City Attorney
Eddie Peterson, City Administrator
Paul Worley, City Clerk
Larry Vickery, Utilities General Manager

- A. City Attorney Govignon stated that there was a need to go into executive session with the grounds being attorney/client privilege due to threatened litigation [O.C.G.A. 50-14-2]. Councilman Hammond made a motion to go into executive session. Councilman Barton gave a second with all voting aye, motion approved.
- B. The executive session was opened and City Attorney Govignon stated that he wanted to update the Mayor and Council concerning threatened litigation. The litigation concerns the receipt of an *anti litem* notice concerning civil rights violations. Also, Mr. Govignon stated that he had fulfilled an open records request for a different former probationer.
- C. The discussions were concluded and no votes were taken.
- D. Councilman Hammond 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 5-20-13 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, authorize negotiations to purchase, dispose of, or lease property. [O.C.G.A §50-14-3(b)]
- 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.

Paul Waley
Witness

James F. Palmer
James F. Palmer, Mayor

Sworn to and subscribed to before
me this 20 day of
May, 2013.



Misty Caudle
Notary Public for the State of Georgia

My Commission
Expires June 11, 2013