

**CITY OF CALHOUN
REGULAR CITY COUNCIL MEETING
DEPOT COMMUNITY ROOM
109 SOUTH KING STREET
CALHOUN, GA
FEBRUARY 12, 2007, 7:00 P.M.**

MINUTES

**PRESENT: James F. Palmer, Mayor
Lorene Potts, Mayor Pro Tem
Ray M. Denmon, City Councilman
George R. Crowley, City Councilman
David Hammond, City Councilman**

**ALSO: William P. Bailey, City Attorney
Kelly Cornwell, Director of Utilities
Eddie Peterson, Director of Public Safety/Public Works
Cathy Harrison, City Administrator**

1. Mayor Palmer called the meeting to order and welcomed everyone in attendance. He gave a special welcome to the Youth Leadership Groups from all four high schools. He asked each of the 44 young people present to stand and give their name and what school they attend. Mayor Palmer introduced Larry Deaton. Larry Deaton introduced the remaining leaders for the youth group. Mayor Palmer expressed appreciation to the group for their willingness to attend in order to understand more about how local governments operate.
2. Mayor Pro Tem Potts led the group on the invocation.
3. Mayor Palmer led the group in the Pledge of Allegiance to the United States Flag.
4. Mayor Palmer asked if each member of the Council had reviewed the January 22, 2007 Regular City Council minutes. He asked if there was a motion to amend or approve the minutes as written. Councilman Crowley made a motion to approve the January 22, 2007 minutes as written. The motion was second by Councilman Hammond with Councilman Crowley, Councilman Hammond, Councilman Denmon, and Mayor Pro Tem Potts voting affirmatively, motion carried.
4. Mayors Comments:
 - a. Mayor Palmer stated Terry Brumlow, Attorney for 312 Land Co., LLC had originally requested the annexation and zoning request of 28 acres of property south of Kentucky Fried Chicken, be tabled until February 12, 2007. Mayor Palmer stated he had received another request from Attorney Brumlow requesting the table continue until March 12, 2007. Mayor Palmer stated the Zoning Advisory Board had tabled their consideration of the matter until March 8, 2007. Following review Councilman Hammond made a motion to continue the tabled motion on the annexation and zoning request of the 28 acres until March 12, 2007 at 7:00 p.m. The motion was second by Councilman Denmon with Councilman Hammond, Councilman Denmon, Councilman Crowley and Mayor Pro Tem Potts voting affirmatively, motion carried.
 - b. Mayor Palmer reminded the Council and the public of a presentation that will be held by Terry Manning of North Carolina regarding the "The Millennia

Generation.” It will be held at the Coosa Technical College on the Calhoun-Gordon County campus on February 22, 2007 from 9:00 a.m. until noon.

- c. Mayor Palmer stated he had received a letter from the Industrial Development Authority regarding the current appointment for Jimmy Silvers, City appointee, and the expiration of his term on April 27, 2007. The Industrial Development Authority had recommended the re-appointment of Mr. Silvers for another four year term beginning April 27, 2007. Following review Councilman Crowley made a motion to re-appoint Jimmy Silvers for a four year term for the Industrial Development Authority beginning April 27, 2007. The motion was second by Councilman Hammond with Councilman Crowley, Councilman Hammond, Councilman Denmon and Mayor Pro Tem Potts voting affirmatively, motion carried.
 - d. Mayor Palmer asked Mayor Pro Tem Potts to review the proposed public hearings scheduled for March 12, 2007 at 7:00 p.m.
 - 1) A request for annexation and zoning of PRD by Russell Owen for approximately 19.7 acres located at 103 Cypress Street, NE, Calhoun off of Tate Bend Road.
 - 2) A variance request for set backs by George Russell for property located at 519 Pine Street. The request is for a variance of 17 foot at the rear of the property
 - 3) A rezoning request by Tim and Susan McGowan for 1.04 acres located at 381 Old Dalton Road, Calhoun. The request is to rezone from Industrial to C-2.
 - 4) A request for annexation and Industrial zoning by James F. Ledbetter, Attorney for Oostanaula Properties, Inc. for approximately 39.27 acres located at 742 McDaniel Station Road, Calhoun.
5. Council Comments:
- a. Mayor Pro Tem Potts stated during the month of January:
 - 1) The Street Department:
 - Placed 14 new street signs.
 - Completed 24 shop work orders.
 - Ran the storm water maintenance plan on January 18th checking all grates and pipes.
 - Installed a second run of 3,000 feet of DOT silk fence at the new 58 acre recreation park.
 - Cut trees and brush off the bank along C. L. Moss Parkway at the soccer fields.
 - Installed 250 feet of 18-inch metal pipe and built two, 24 X 24 storm water boxes on Victory Drive.
 - Cut and hauled off two trees from Dorsey Street’s right-of-way.
 - Started work sawing, removing bad base material, dipping ditches and replacing the base area with compact stone on Welco Lane.
 - 2) The Sanitation Department:
 - Ran commercial routes.
 - Serviced vehicles.
 - Gained one, 6-yard and one, 8-yard dumpster accounts.
 - 3) The Parks and Maintenance Department:
 - Grounds crew picked up litter, leaves, and maintained fountains at all City departments and parks.

- Completed maintenance jobs at City Hall, Library, Police Department, Water Treatment, Street Department and the Depot.
 - Started restoration of the train caboos at the Depot.
 - Painted the office at Fain Cemetery.
- 4) The Cemetery Department:
 - Supervised the opening and closing of 14 grave sites.
 - Sold 11 new grave spaces.
 - Contractors set 6 new monuments.
 - 5) The Animal Control Department:
 - Responded to 64 customer calls.
 - Issued one first warning for leash law violation.
 - 6) The Safety Committee: Topic for the month was “Spill Containment”
 - Inspected the Sewer Construction Department on January 16, 2007.
 - Two personal accidents.
- b. Councilman Denmon stated during the month of January:
- 1) The Water Treatment Plant Facility:
 - Treated a daily average of 12.088 million gallons per day during the month of January.
 - The Brittany Drive Plant produced 40.2% of the City’s potable water sold in January.
 - 2) The Water Construction Department:
 - Made 37 water connections.
 - Changed out 15 new water meters.
 - Repaired 34 meter leaks.
 - Installed 2,400 feet of PVC water line, 440 feet of 6-inch ductile iron line, 3,420 feet of 8-inch PVC line, 40 feet of 12-inch ductile iron line and 100 feet of 4-inch ductile iron line.
 - Set 63 meters.
 - Installed 2 fire hydrants.
 - Pulled 44 meters.
 - Responded to 40 shop calls.
 - Provided 420 locates for developers and others.
 - Called in 77 locates for City work.
 - Responded to 19 emergency locates that had been called in.
 - Received 175 miscellaneous check calls.
 - 3) The Waste Treatment Plant:
 - Pumped a daily average flow of 6.878 million gallons per day with an average BOD effluent of 8, average suspended effluent 15, and average COD effluent of 62.
 - 4) The Sewer Construction Department:
 - Made 11 sewer connections.
 - Repaired 12 sewer service lines.
 - Repaired 5 manholes.
 - Repaired 3 sewer mains.

- Inspected 15 sewer lines for a total of 1,650 feet.
 - Provided 328 locates for developers and others.
 - Repaired one lift station.
 - Responded to 5 service calls.
 - Cleaned 19 sewer lines for a total of 6,650 feet.
 - Opened and inspected 33 manholes.
- 5) The Sludge Department:
- Applied 2,112 cubic yards of sludge for a total of 231.2 dry tons
- 6) The Building Inspection Department:
- Issued 74 permits for a total estimated construction cost of \$4,241,900.00.
- c. Councilman Crowley stated during the month of January:
- 1) The Electric Department:
- Continued upgrading the old clarifiers and thickeners at the Waste Treatment Plant.
 - Worked on the Pine Chapel pump controls and associated SCADA.
 - The System Protection Project continued in its second year.
 - The System Capacitor, Phase I has been completed.
- Projects under construction:
- Continuing the rewiring and remodeling at the Annex building.
 - Continuing underground construction for East Line Street at the Commons.
 - Avalon Estates Subdivision on Beamer Road is in final design.
 - Installed an emergency generator for Fire Station #1.
 - Continued work at the new tennis building at the Recreation Department.
- Projects in Engineering and Design:
- Tires Inc. is requiring a new 1,500 Kw expansion and this project is in design.
 - Calhoun OBGYN Association Project on Curtis Parkway has been designed and materials are on requisition.
 - Streetscape Project is in preliminary design.
 - Relocation for DOT intersection improvement projects at multiple locations have been primarily designed and estimated for DOT.
 - The McDaniel Station at Highway 53 intersection right-of-way is being acquired by Gordon County and additional estimates have been provided.
 - The City has reached an agreement with NGEMC for joint construction of electrical lines on McDaniel Station Road and the project is near completion.
 - Completed 58 street and security lighting work orders.
 - 39 work orders for new business and maintenance.
 - Responded to 10 after hour call outs.
 - Issued 27 permits.
 - Provided 91 inspections.
 - Set 13 electric meters.
 - Purchased almost 25 million KWH of wholesale electricity.
- 2) The Telecommunications Department:
- Finished construction of a new internet connection for Life Force at the Airport.
 - Completed construction of fiber relocation for Mannington's expansion.

- Completed a point-to-point service for Century Bank in addition to their Cartersville and new Calhoun Branches.
- Signed an agreement with Gordon County for internet service at the new Highway 41 North facility.
- Replaced and relocated fiber and copper services to the Utilities Administration Building on West Line Street.
- Continued construction of internet service for Coble Elementary School.
- Opened 14 work orders and completed 9.
- Opened and closed 12 trouble calls.

d. Councilman Hammond reviewed the following reports:

1) The Police Department:

- Made 567 cases including 92 for speeding and 4 for DUI's.
- Issued 482 warnings.
- Collected \$94,155.00 in fines.
- Responded to 62 highway accidents.
- Responded to 19 private property accidents with 2 injuries and no fatalities.
- Provided 102 escorts.
- Worked 1,667 incidents.
- Responded to 213 alarms.
- Patrolled 56,773 miles.
- Responded to 4,535 calls from E-911.
- Issued 70 parking citations.

2) The Fire Department:

- Responded to 46 calls for service including 10 fire incidents with estimated damages of \$358,000.00
- Responded to 15 emergency medical services with 17 injuries and no fatalities, 6 hazardous condition incidents, 4 service calls, 3 good intent calls and 7 false alarms.
- Received 114 phone calls for after hour utility services.
- Conducted training for the Sewer Plant employees regarding the use of breathing gear.
- Department personnel completed oil changes and maintained all department vehicles and generators.
- Firefighters completed in-house training during the month for State required core skills along with additional departmental training.
- Completed all scheduled station and vehicle maintenance.

3) The fire inspection division:

- Provided 59 inspections during the month including 17 annual, 3 new businesses, 11 requested, 27 follow up re-inspections, 1 burn site inspection and 1 plan review.
- Inspectors attended the State Fire Inspectors meeting in Forsyth.

Councilman Hammond stated the Coosa Valley RDC had received notice that their Area on Aging would have some additional grant funds available for eligible senior citizens. He stated Coosa Valley RDC may be contacted for more information regarding this program.

Councilman Hammond stated he had received a request from the Police Department for permission to transfer \$4,000.00 from Confiscated Funds in order to purchase Drug Track Software. He stated this program would be beneficial for the operation of the department. Councilman Hammond stated he would make a motion to approve the transfer of \$4,000.00 from Confiscated Funds for purchase of the software. The motion was second by Councilman Denmon with Councilman Hammond, Councilman Denmon, Councilman Crowley and Mayor Pro Tem Potts voting affirmatively, motion carried.

5. Public hearings and comments:

a. Mayor Palmer stated at this time the Mayor and Council would hear zoning matters. The public would have the opportunity to make pro and con comments with a ten minute maximum time limit for each side of the matter and with each person speaking having filed a Financial Disclosure Statement five days prior to the hearing if required and each person giving their name and address. Mayor Palmer inquired if any of the elected officials had filed or needed to file a disclosure statement regarding ownership or special interest in any of the agenda items. The response was negative.

1) Mayor Palmer gave a second reading of a request for annexation by Richard Rogers for approximately 78 acres located in Land Lot 153, 178 Gordon County, 15th District, 3rd Section.

1a) Mayor Palmer also gave a second reading of a request for Industrial zoning by Richard Rogers for approximately 78 acres located in Land Lot 153, 178 Gordon County, 15th District, 3rd Section if annexation is approved. He stated these items would be reviewed in the same public hearing but he would ask for separate motions on each.

a) A public hearing was opened.

b) Harrison reported that notices to the adjoining property owners, signs on the property and notices to the local legal organ had been completed.

c) Mayor Pro Tem Potts stated this matter had been heard before the Zoning Advisory Board on February 8, 2007 at 4:30 p.m. She stated the Zoning Advisory Board had determined the 78 acre tract was eligible for annexation and recommended approval. Mayor Pro Tem Potts stated in terms of Industrial zoning for the tract, the Board had determined it was compatible with zoning in the area. The Zoning Advisory Board had recommended Industrial zoning for the request.

d) Mayor Palmer asked if there were any comments by the applicant. L.P. Owens stated he was representing Richard Rogers. He stated the property in question has been in one family for over 150 years. It is currently being developed and will be beneficial to the community.

e) Mayor Palmer asked if there were any questions or comments by the public. There were none. He asked if there were any questions or comments by the Council. There were none and the public hearing was closed.

f) The findings of the Mayor and Council for the annexation were:

(1) The property is contingent to other City property and is eligible for annexation.

(2) The property is within the long range boundary limits planned for the City.

g) Mayor Pro Tem Potts made a motion to waive the third and fourth reading and approve the request by Richard Rogers to annex approximately 78

acres located in Land Lot 153, 178 Gordon County, 15th District, 3rd Section of Gordon County, GA. The motion was second by Councilman Crowley with Mayor Pro Tem Potts, Councilman Crowley, Councilman Denmon and Councilman Hammond voting affirmatively, motion carried.

- h) The findings of the Mayor and Council regarding zoning of the above referenced property were:

STANDARDS GOVERNING THE EXERCISE OF ZONING POWER

- (1) The zoning requested is Industrial and is compatible to the zoning of adjoining property.
- (2) The zoning proposal will not adversely affect the existing use or usability of adjacent or nearby property.
- (3) The property to be effected by the zoning proposal has a limited economic use as currently zoned in the County.
- (4) The zoning proposal will result in a use which will not cause an excessive burden or use of existing streets, transportation, utilities or schools. The development cost will be born by the developer.
- (5) The capital cost associated with the project, such as utility extensions, egress and ingress lanes as required by the State Department of Transportation and etc. will be paid by the developer.
- (6) The zoning proposal is in conformity with the policy and intent of the land use plan.
- (7) There are no other existing and changing conditions effecting the use and development of the property, which gives supporting grounds for approval or disapproval.
- (8) There are no other factors relevant to balancing the interest and promoting the public health, safety morality or general welfare against the right of the unrestricted use of the property.

- i) Mayor Pro Tem Potts made a motion to waive the third and fourth reading and make a motion to approve Industrial zoning for the property. The motion was second by Councilman Hammond with Mayor Pro Tem Potts, Councilman Hammond, Councilman Denmon and Councilman Crowley voting affirmatively, motion carried.
- 2) Mayor Palmer gave a second reading of a request to rezone from Industrial to C-2 by James Rasbury for 4.58 acres located at 161 Executive Drive. (Former Cat's Craft).
- a) A public hearing was opened.
 - b) Harrison reported that notices to the adjoining property owners, signs on the property and notices to the local legal organ had been completed.
 - c) Mayor Pro Tem Potts stated this request had been heard before the Zoning Advisory Board on February 8, 2007 at 4:30 p.m. and based upon the surrounding location and the type of building it was, the recommendation of the Zoning Advisory Board was to rezone the property C-2.
 - d) Mayor Palmer inquired if there were any comments by the applicant. There were none.
 - e) Mayor Palmer asked if there were comments by the public. There were none. He asked if there were any questions or comments by the Council. There were none and the pubic hearing was closed.
 - f) The findings of the Mayor and Council were as follows:

STANDARDS GOVERNING THE EXERCISE OF ZONING POWER

- (1) The zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.
- (2) The zoning proposal will not adversely affect the existing use or usability of adjoining or nearby property.
- (3) The property to be effected by the zoning proposal has a reasonable economic use as currently zoned Industrial.
- (4) The zoning proposal will not result in a use that will or could cause an excessive burden on the existing streets, transportation facility, utilities or schools.
- (5) Any capital costs required for the rezoning and utilization of the building and property will be at the expense of the owner.
- (6) The zoning proposal is in conformity with the policy and intent of the land use plan.
- (7) There are no other existing or changing conditions effecting the use and development of the property which gives supporting grounds for approval or disapproval.
- 8) There are no other factors relevant to balancing the interest and promoting the public health, safety morality or general welfare against the right of the unrestricted use of the property.

g) Mayor Pro Tem Potts made a motion to waive the third and fourth reading and to rezone the 4.5 acres located at 161 Executive Drive from Industrial to C-2 zoning. The motion was second by Councilman Denmon with Mayor Pro Tem Potts, Councilman Denmon, Councilman Crowley and Councilman Hammond voting affirmatively, motion carried.

- 3) Mayor Palmer gave a second reading for a variance request by Rave Hospitality d/b/a Long Horn Steakhouse. The request is for a sign variance on the proposed property located at the Intersection of GA Hwy 53 and Lovers Lane Road. The variance would be for an additional 349 square feet for the sign and an additional 95 feet for the height of the sign.
 - a) A public hearing was opened.
 - b) Harrison reported that notices to the adjoining property owners, signs on the property and notices to the local legal organ had been completed.
 - c) Mayor Pro Tem Potts stated this request had been heard before the Zoning Advisory Board on February 8, 2007 at 4:30 p.m. She stated based upon the grade of the property as it relates to the streets and the surrounding area and based upon previous variances given for similar signs in the immediate area it was the recommendation of the Zoning Advisory Board to approve the sign variance as requested.
 - d) Mayor Palmer inquired if there were any comments by the applicant. Mr. Stephen Smith, Manager of the project stated his group is anxious to complete the project and to open in early June. He stated the project will add approximately 100 jobs to the community. He stated the Managing Partner, Jeff Mathis and he were available to answer any questions.
 - e) Mayor Palmer asked if there were comments by the public. There were none. He asked if there were any questions or comments by the Council. There were none and the pubic hearing was closed.

f) The findings of the Mayor and Council were as follows:

VARIANCE CONSIDERATIONS (ONE OR MORE)

- (a) There are no extraordinary or exceptional conditions pertaining to the particular piece of property in question regarding size, shape or topography.
- (b) The application of this ordinance would create an unnecessary hardship.
- (c) Such conditions as the fact the property is lower in this area requiring a higher sign in order to be at the same level as others in the general area are or peculiar to the particular piece of property involved.
- (d) Relief, if granted, would not cause substantial detrimental to the public good or impair the purpose and intent of the ordinance since similar variances for signs of this size have been granted in the general area.

g) Mayor Pro Tem Potts made a motion to waive the third and fourth reading and approve the sign variance request of 349 square feet for the sign and an additional 95 feet for height. The motion was second by Councilman Crowley with Mayor Pro Tem Potts, Councilman Crowley, Councilman Denmon and Councilman Hammond voting affirmatively, motion carried.

6. Other Hearings and Public Comments:

a. Mayor Palmer stated there were no additional public hearings. He stated there were two people on the agenda for public comments.

1) Mr. Frank Guest presented a review of his water consumption for his apartment during the last several months. He questioned the variance in the number of days and the individual reading cycles. He had questions regarding the minimum 2,000 gallon usage that is covered under the first \$12.00 of the bill. Mr. Guest stated he felt those months that have fewer usage days is a disadvantage to individuals with low consumption. He stated they might use less during those periods of time and more during the next month with additional days in a reading cycle.

Mayor Palmer reviewed the rate schedule and the minimum covering the first 2,000 gallons, stating an individual was only charged for any additional gallons above the minimum. He stated regardless of the number of days in the reading cycle the minimum bill would be \$12.00 whether they use one or 2,000 gallons. He stated this is how the bills are calculated and he felt it was fair and everyone is billed in the same manner. Mr. Guest questioned the meter reading of only 1,000 gallons when the meter actually could be read into the hundreds and even a tenth of a gallon. Mayor Palmer stated even though the meter was only read for 1,000 gallons, any additional 100 gallons that were above the 1,000 would flow over into the 1,000 on the next monthly cycle and there was no loss in the number of gallons in the calculations.

Mayor Palmer thanked Mr. Guest for his interest and for his presentation.

2) Mr. Gene Kostreba of Liberty Tires stated his former company Tires Inc., had been purchased by Liberty Tires and by the middle of the summer the expansion would be in place and would create an additional 25 jobs. He stated the purpose of his visit was to express appreciation to Kevin McEntire, Street Superintendent and his work crew. They worked diligently to repair Welco Lane, from the base up to a level that will make

it more suitable for heavy traffic. He stated they did an excellent job in all types of weather and he wanted to thank the Street Department for a job well done.

7. Old Business:

- a. Mayor Palmer gave a second reading of a taxi license request of Maria Eugenia Depaz, Taxi Service known as J and D. The commercial office will be located at 374 S. Piedmont Street, Calhoun, GA. He stated the police report was clear. He asked if there were any comments by the Council. There were none. Councilman Hammond made a motion to approve the request for a taxi license for Maria Eugenia Depaz, Taxi Service known as J and D based upon insurance, proper markings of the vehicle and proper approval of drivers as per the code. The motion was second by Councilman Denmon with Councilman Hammond, Councilman Denmon, Councilman Crowley and Mayor Pro Tem Potts voting affirmatively, motion carried.

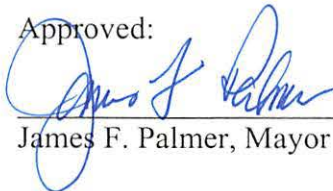
8. New Business:

- a. Mayor Palmer stated the American Legion filed a request to lower their alcohol license fees as a fraternal organization, similar to the lower rate that had been authorized by the County effective January 2008. Mayor Palmer stated there is additional information the City has requested and this item will be reviewed again on February 26, 2007.
- b. A first reading of a zoning variance request by Donna McEntyre, agent for Northwest Georgia Bank for a construction mobile unit to be placed at 1125-1131 Dews Pond Road for up to 24-36 months during their construction. Mayor Palmer stated the earliest date for a public hearing being April 9, 2007 at 7:00 p.m. He stated the procedures do allow a construction unit to be used up to 36 months, however, it is done in 12 month increments with the possibility of renewal if needed. Councilman Hammond made a motion to set the public hearing for April 9, 2007 at 7:00 p.m. The motion was second by Mayor Pro Tem Potts with Councilman Hammond, Mayor Pro Tem Potts and Councilman Denmon voting affirmatively, motion carried. Councilman Crowley abstained.
- c. Mayor Palmer stated each member have been provided with a copy of the proposed Election Calendar that meets the Municipal Election Code for the year 2007. Councilman Hammond made a motion to approve the City Municipal Election Calendar as printed. The motion was second by Councilman Denmon with Councilman Hammond, Councilman Denmon, Councilman Crowley and Mayor Pro Tem Potts voting affirmatively, motion carried.
- d. Mayor Palmer stated the proposed City Budget Calendar for Fiscal Year 2008 had also been provided and he asked if there were any comments. Mayor Palmer reviewed the dates for the public hearings and for the final adoption. Councilman Crowley made a motion to adopt the City Budget Calendar as proposed for Fiscal 2008. The motion was second by Councilman Hammond with Councilman Crowley, Councilman Hammond, Councilman Denmon and Mayor Pro Tem Potts voting affirmatively, motion carried.
- e. Mayor Palmer read a proposed Resolution regarding the mandated State Records Retention Schedule that had been updated and circulated in 2006. Councilman Denmon made a motion to approve the Resolution and adopt the new mandated State Records Retention Schedule. The motion was second by Councilman

Crowley with Councilman Denmon, Councilman Crowley, Councilman Hammond and Mayor Pro Tem Potts voting affirmatively, motion carried.

9. Other Written Items not on the Agenda: None.
10. Work Reports:
 - a. Director of Utilities, Kelly Cornwell stated the Inter-Participant Contract that had been approved earlier for Acworth regarding the sale of kW as excess reserve capacity had been declined because they were able to purchase permanent kW's from the City of Marietta. They no longer needed the excess reserve capacity from the City of Calhoun. However, the City of Norcross now requests to purchase 2,090 kW as excess reserve capacity at \$18.46 per kW for one year. Councilman Crowley made a motion to approve the sale of the excess reserve capacity to the City of Norcross and to authorize the Mayor to sign the contract. The motion was second by Councilman Hammond with Councilman Crowley, Councilman Hammond, Councilman Denmon and Mayor Pro Tem Potts voting affirmatively, motion carried.
 - b. Director of Public Safety/ Public Works, Eddie Peterson stated he had filed his year end report in January and had no additional comments.
11. Mayor Palmer stated at this time it was necessary to move to Executive Session in order to discuss the purchase of real estate. Councilman Crowley made a motion to move to Executive Session to discuss the purchase of real estate. The motion was second by Councilman Hammond with Councilman Crowley, Councilman Hammond, Councilman Denmon and Mayor Pro Tem Potts voting affirmatively, motion carried.
12. Councilman Crowley made a motion to return to General Session. The motion was second by Councilman Hammond with Councilman Crowley, Councilman Hammond, Councilman Denmon and Mayor Pro Tem Potts voting affirmatively, motion carried.
13. Mayor Pro Tem Potts made a motion to authorize the purchase of property off of Kirby Road surrounded by other City property from Flipper McDaniel for a price of \$45,000.00. The motion was second by Councilman Crowley with Mayor Pro Tem Potts, Councilman Crowley, Councilman Denmon and Councilman Hammond voting affirmatively, motion carried. Councilman Hammond made a motion to authorize the Director of Utilities, Kelly Cornwell to negotiate with Flipper McDaniel regarding an encroachment agreement for property located on Highway 41 North, at the former Resaca water reservoir tank site. The motion was second by Councilman Denmon with Councilman Hammond, Councilman Denmon, Councilman Crowley and Mayor Pro Tem Potts voting affirmatively, motion carried.
14. Councilman Hammond made a motion to adjourn. The motion was second by Councilman Crowley with Councilman Hammond, Councilman Crowley, Councilman Denmon and Mayor Pro Tem Potts voting affirmatively, motion carried.

Approved:


James F. Palmer, Mayor

Submitted:


Cathy Harrison, City Administrator

**CITY OF CALHOUN
CALHOUN, GEORGIA
RESOLUTION**

WHEREAS, the City of Calhoun has previously adopted the records retention schedule required by the State of Georgia, and

WHEREAS, the City of Calhoun has a records retention area and currently protects these records as required, and

WHEREAS, the State of Georgia amended the records retention schedule in 2005 and distributed the revised schedule for 2006 training conferences,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Calhoun that the 2005 amended records retention schedule be adopted and implemented as soon as possible.

ADOPTED this 12th day of February 2007.

City of Calhoun, Georgia

By: _____

James F. Palmer, Mayor

Attest:



Cathy Harrison, City Administrator/Clerk

City of Calhoun
Budget Calendar for Fiscal Year 2007 - 2008

Date	Procedure	Action to be Taken By
May 14, 2007 - 7:00 p.m.	Public Hearing	Mayor, Council
May 16, 2007	Receive school's final draft of Budget	Mayor, Council and City Administrator
May 17 - 31, 2007	Prepare final Budget Proposal	City Administrator, Administrative Assistant
May 21, 2007	Prepare second Legal Notice of hearing on June 12, 2007	Administrative Assistant
May 23, May 30, and June 6, 2007	Publish Legal Ad for Public Hearing	Legal Organ
June 11, 2007	Second Public Hearing	Mayor, Council
June 12 – 15, 2007	Prepare Final Draft	City Administrator, Administrative Assistant
June 18, 2007 (Meeting date rescheduled due to GMA Conference.)	Adoption of Budget	Mayor, Council
June 22, 2007	Prepare Legal Ad of Adopted Budget	Administrative Assistant
June 27 and July 4, 2007	Publish Ad of Adopted Budget	Legal Organ
June 19 – 29, 2007	Print Final Adopted Budget and Distribute to Mayor and Council, Department heads and Library	City Administrator, Administrative Assistant

City of Calhoun
Budget Calendar for Fiscal Year 2007 - 2008

Date	Procedure	Action to be Taken By
February 21, 2007	Distribute Budget information to Department heads - Supervisors	Department heads prepare initial projections for management review
March 9, 2007	Department heads review proposals with immediate supervisor	Management / Department heads
March 19 – 23, 2007	Management meet and review Department head proposals	Management review - Cornwell - Harrison
March 24 – 31, 2007	Prepare First Draft	City Administrator - Administrative Assistant
April 2 – 5, 2007	Review total combined first draft	Cornwell - Harrison
April 5 – 10, 2007	Amend first draft for Council Work Session	City Administrator, Administrative Assistant
April 16, 2007	Prepare legal notice regarding public hearing on May 14, 2007	Administrative Assistant
April 18, 25 and May 2, 9, 2007	Publish ad for first public hearing on May 14, 2007	Legal Organ
April 11, 18, 2007	Publish ad for work session	Administrative Assistant
and April 23, 2007	Work Sessions	Mayor, Council, Director Utilities, Director of Public Works, City Administrator
April 24, - May 11, 2007	Prepare second Draft	City Administrator, Administrative Assistant
May 14, 2007 - Noon	Noon Work Session with School Board	Mayor, Council, Management, School Board and Superintendent

City Of Calhoun, Georgia 2007 General Election Calendar

1. November 6, 2007 – Date of Election (Georgia Election Code § 21-2-9b).
2. September 17, 2007 – Prepare Notice (Call) of Election and run 9/19/07, 9/26/07, 10/3/07. (Georgia Election Code § 21-2-9b)
3. August 6, 2007 Prepare Notice of Qualifying dates – Publish August 8, 2007, August 15, 2007, August 22, 2007.
4. August 27, 2007 – 8:30 A. M. First Date and Time of Candidate Qualification. [Georgia Election Code, § 21-2-132(3)(A)]
5. August 31, 2007 – 4:30 P. M. Closing Date and Time for Candidate Qualification. [Georgia Election Code § 21-2-132(3)(A)]
6. September 7, 2007 – Last date to file and publish a Notice to be a Write-in Candidate. [Georgia Election Code § 21-2-133]
7. September 12, 2007 – Last day to file affidavit stating that Notice of Intention to be a Write-in Candidate has been published in accordance with O.C.G.A. § 21-2-133.
8. October 9, 2007 – 5:00 P. M. Last Date and Time for Voter registration for the General City Election. [Georgia Election Code § 21-2-224(A)]
9. Filing Fees Are: (3% of income) [Georgia Election Code § 21-2-131(a) 1A.
 Mayor - \$432.00
 Council Member - \$144.00
 [Georgia Election Code § 21-2-131(a)(1)]
 School Board - \$1.00
10. Posts to be filled on November 6, 2007:

<u>Post:</u>	<u>Currently Held By:</u>
Mayor	James F. Palmer, Mayor
Council Post #1	George Crowley
Council Post #2	Lorene Potts
School Board Post #4	Al Edwards
School Board Post #5	Tony Swink
11. March 31, 2007 – First Campaign Contribution Disclosure report due from all candidates per state law. (FILE WITH CITY CLERK AT CITY HALL.)
12. June 30, 2007 – Second First Campaign Contribution Disclosure report due from all candidates and all current officials who have served in 2004. (FILE WITH CITY CLERK AT CITY HALL.)
13. September 30, 2007 – Third First Campaign Contribution Disclosure report due from all candidates. (FILE WITH CITY CLERK AT CITY HALL.)
14. October 25, 2007 – Fourth First Campaign Contribution Disclosure report due from all candidates. (FILE WITH CITY CLERK AT CITY HALL.)
15. December 31, 2007 – Fifth First Campaign Contribution Disclosure report due from all candidates and all current officials who have served in 2007. (FILE WITH CITY CLERK AT CITY HALL.)
16. Candidates will be furnished information, which must be filed with the state at the time of qualification.
17. All Elected Officials and candidates **must** file an Annual Financial Disclosure Report by July 1, 2007. Reports are to be filed with the CITY CLERK AT CITY HALL.
18. Runoff Election – If no Candidate receives a majority, the two receiving the highest number of votes will run again on December 4, 2007 from 7:00 A. M. until 7:00 P. M. as per Georgia Code § 21-2-501(c).
19. Absentee Ballot Voting – Article 10 of the State Election Code - Date Prepared must be at least 21 days prior to election, available for mailing to qualified voters. § 21-2-384(a) (Will be available as soon as ballots are printed following the last day of qualifying.)

**STATE OF GEORGIA
COUNTY OF GORDON
CITY OF CALHOUN**

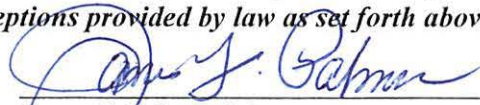
AFFIDAVIT REGARDING CLOSURE OF OPEN MEETINGS

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 the meeting held on February 12, 2007 the City 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.

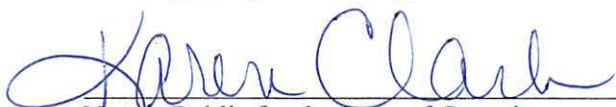


James F. Palmer, Mayor
City of Calhoun, Georgia



Witness

Sworn to and subscribed to before
me this 12th day of February, 2007.



Notary Public for the State of Georgia



**CITY OF CALHOUN
REGULAR CITY COUNCIL MEETING
DEPOT COMMUNITY ROOM
109 SOUTH KING STREET
CALHOUN, GA
FEBRUARY 12, 2007 - 7:50 P.M.**

EXECUTIVE SESSION MINUTES

PRESENT: **James F. Palmer, Mayor**
Lorene Potts, Mayor Pro Tem
Ray M. Denmon, City Councilman
George R. Crowley, City Councilman
David Hammond, City Councilman

ALSO: **William P. Bailey, City Attorney**
Kelly Cornwell, Director of Utilities
Eddie Peterson, Director of Public Safety/Public Works
Cathy Harrison, City Administrator

1. Mayor Palmer opened the meeting.
2. Mayor Palmer stated the City of Calhoun had been notified by Flipper McDaniel and Associates of property that had been listed for sale. The property includes a mobile unit and approximately one half acre off of Kirby Road. It is surrounded by other by City property. He stated based upon a memorandum from the City Administrator and the Director of Utilities they had confirmed the pricing of the Lusk property and the pricing from DOT for property purchased in the same area priced at \$50,000.00 an acre and based upon that price the current value of the land itself would be approximately \$23,000.00. According to the county tax assessor's office, the value of the mobile home was slightly over \$18,000.00. He stated if the City utilized the land surrounding the property without ownership it would require the City to provide set backs from the property utilizing a portion of its property and it would in fact diminish the usefulness of other City property.

Attorney Bailey stated the estimates quoted regarding the purchase price are sufficient. He reviewed the title and stated there is a security deed on the property and he felt it was paid but not removed from record. He stated this matter would need to be cleared resolved. Attorney Bailey also stated there was a name change on one of the parties that would need to be confirmed. The title would need to be cleared by Flipper McDaniel prior to purchase. Mayor Palmer asked if there were any other comments. There were none.

3. Mayor Palmer stated the next item was the issue that Mr. McDaniel had brought to the City's attention. He purchased property off of Highway 41 North that adjoins City property and he discovered, through a survey, a building located on his property has encroached on the City property by approximately 7 feet. He stated this encroachment dates back several years. Mayor Palmer stated Mr. McDaniel had expressed in an interest in exchanging his fees associated with the aforementioned sale of property for a release of the encroachment, in order to clear the title.

Mayor Palmer inquired if there were any questions regarding the proposal. There were none.

Approved:


James F. Palmer, Mayor

Submitted:


Cathy Harrison, City Administrator