

**CITY OF CALHOUN
REGULAR CITY COUNCIL MEETING
DEPOT COMMUNITY ROOM
109 SOUTH KING STREET
CALHOUN, GA
JULY 23, 2007 7:00 P.M.**

MINUTES

**PRESENT: James F. Palmer, Mayor
Lorene Potts, Mayor Pro Tem
David Hammond, Councilman**

**ABSENT: Ray Denmon, Councilman
George R. Crowley, Councilman**

**ALSO: William P. Bailey, City Attorney
Kelly Cornwell, Director of Utilities
Eddie Peterson, City Administrator in Training
Cathy Harrison, City Administrator**

1. Mayor Palmer called the meeting to order and welcomed everyone in attendance. Councilman Hammond gave the invocation.
2. Mayor Palmer led the group in the Pledge of Allegiance to the United States Flag.
3. Mayor Palmer stated the City had received a proposed agenda and at this time he would ask if there were any amendments, additions, or if the agenda was ready for approval.
 - o Councilman Hammond made a motion to approve the agenda as written. The motion was second by Mayor Pro Tem Potts with Councilman Hammond, Mayor Pro Tem Potts, and Mayor Palmer voting affirmatively, motion carried.
4. Mayor Palmer asked if there were any corrections or amendments to the minutes of the July 9, 2007 Regular City Council Meeting.
 - o Mayor Pro Tem Potts made a motion to adopt the minutes as written. The motion was second by Councilman Hammond with Mayor Pro Tem Potts, Councilman Hammond, and Mayor Palmer voting affirmatively, motion carried.
5. Mayors Comments:
 - a. Mayor Palmer stated the City is very busy at this time relocating Utility Administrative Personnel to the new facility at 700 West Line Street. He stated that paving of the parking and driveway area should be completed in the next few days and the remaining customer service area will be ready to relocate to the Utility Administration Building and begin business at that location on August 6th.
 - b. Mayor Palmer announced the committee to assist the City with the application for the Signature Community Grant has met and the application will be completed and submitted by August 1st to the Department of Community Affairs.
 - c. Mayor Palmer stated the City of Calhoun has a Revolving Loan Fund that originated in the early 1980's when a local industry, Carriage Industries, managed by Clarence Harris applied for an Urban Development Action Grant in the amount of \$300,000.00 for the City of Calhoun. He then filed an application for a loan of the \$300,000.00 to coordinate with bonds that he was obtaining for his business.

The loan through the City assisted him in obtaining a lower bond rating. The repayment of the \$300,000.00 loan enabled the City of Calhoun to begin its Revolving Loan Fund. At this time the fund has grown to over 1.6 million dollars and has created almost 400 jobs in the community. Mayor Palmer stated at this time there are available funds for any business activity that will create jobs within the City, he stated applications are available and will be processed through a volunteer Revolving Loan Committee.

- d. Mayor Palmer requested Mayor Pro Tem Potts to review the public hearings scheduled for August 13, 2007 at 7:00 P.M. and the one hearing scheduled for August 13, 2007 at 7:00 P.M.
 1. Cheviot Hill Property, LLC, agent for Harmony Road Development, to change zoning from C-2 to R-2 for approximately 14.4 acres at 1401 Dews Pond Road.
 2. Annexation and zoning request of C-2 was filed by 312 Land Company, LLC for three small tracts joining the 28 acre site off of Hwy 53 east behind Kentucky Fried Chicken, and rezoning of a small tract from R-2 to C-2.
 3. A zoning variance request of 18 feet on the eastside of South Calhoun Baptist Church at 500 Pine Street to allow a building expansion due to membership growth.

6. Public Hearings and Comments:
 - a. Mayor Palmer opened the public hearing of a beer pouring license request of Cynthia Villarreal for Prime Outlet Restaurant on Belwood Road.
 - o Mayor Palmer stated the location had had a previous alcohol license, there is sufficient parking, it is a proper distance from both a school and church, and the police report on the authorized agent is clear.
 - o Ms. Villarreal stated she understood her application would be for a package license.
 - o The City Attorney and City Administrator questioned Ms. Villarreal regarding if she wished for the beer in either can or glass containers to be opened and consumed with food or if she wished for it to be sold in bulk.
 - o Her response was that it was to be consumed with food.
 - o The City Attorney and City Administrator then explained that type of license qualifies as a pouring license.
 - o Mayor Palmer asked if there were any other comments or questions. There were none and the hearing was closed.
 - o Councilman Hammond made a motion to approve the beer pouring license for Cynthia Villarreal for Prime Outlet Restaurant on Belwood Road. The motion was second by Mayor Pro Tem Potts with Councilman Hammond, Mayor Pro Tem Potts, and Mayor Palmer voting affirmatively, motion carried.

 - b. Mayor Palmer opened the public hearing on the Amendment to the Code Section 78-62 of the City Code of Ordinances regarding Solid Waste (limbs, brush, & etc.)
 - o Mayor Palmer stated the Amendment would clarify the maximum limbs, leaves, and brush that would be picked up by the City of Calhoun would be 26 cubic yards. He stated it would also give the size of limbs in length and diameter.

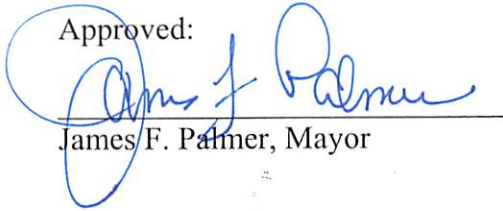
- Mayor Palmer stated in order for everyone to be completely aware of the change in the ordinance that a second public hearing would be held on August 13, 2007 at 7:00 P.M.
6. Old Business: None.
7. New Business:
- a. Mayor Pro Tem Potts stated the Street Department had two surplus property items and she made a motion that they be declared surplus property and be authorized for sale on GMA Gov Deals Program. Items included:
 - 1. 1 - Miller Big 40G Welder – Serial # JJ521294
 - 2. 1 – 1991 Komatsu dozer, D63E – Serial # 01122
 - The motion was second by Councilman Hammond with Mayor Pro Tem Potts, Councilman Hammond, and Mayor Palmer voting affirmatively, motion carried.
 - b. Mayor Palmer stated the City of Calhoun by virtue of purchasing additional property adjoining the sewer plant last year from Paul Lusk had located thereon a double wide mobile home 27'x56' and the City of Calhoun wished to declare the mobile home as surplus property and authorize it to be sold by seal bid.
 - Councilman Hammond made a motion to recognize the mobile home as surplus property and to authorize it for sale by seal bid. The motion was second by Mayor Pro Tem Potts with Councilman Hammond, Mayor Pro Tem Potts, and Mayor Palmer voting affirmatively, motion carried.
 - c. Mayor Palmer stated the City of Calhoun also wished to declare the Resaca Tank Site which is less than 1 acre in the Resaca area and the unused water reservoir as surplus property. He stated the City no longer had a need for the reservoir or the property for its utility system.
 - Councilman Hammond made a motion to declare the property and the abandoned water reservoir as surplus property and to authorize it to be sold by seal bid with minimum prices to be determined by the department head. The motion was second by Mayor Pro Tem Potts with Councilman Hammond, Mayor Pro Tem Potts, and Mayor Palmer voting affirmatively, motion carried.
 - d. Mayor Palmer stated the Board of Elections and Registration will conduct the City's general nonpartisan election in November; however the City must appoint a few election officials. He stated those consist of a Superintendent, Assistant Superintendent, and a Deputy Registrar.
 - Mayor Pro Tem Potts made a motion to appoint Cathy Harrison as Election Superintendent and Eddie Peterson as Assistant Election Superintendent and Deputy Registrar. The motion was second by Councilman Hammond with Mayor Pro Tem Potts, Councilman Hammond, and Mayor Palmer voting affirmatively, motion carried.
 - Mayor Palmer stated that oaths for all positions will be given to the election officials at City Hall.
 - e. Mayor Palmer reviewed the 2007 General Nonpartisan Election Calendar stating the election date would be November 6, 2007 at the Recreation Department on River Street. The Superintendent will accept candidates registration for the election beginning on August 27, 2007 @ 8:30 A.M. and ending on August 31, 2007 @ 4:30 P.M. Those posts that will be up for re-election will be the Post of Mayor, City Council Post 1 presently held by George Crowley, City Council Post 2 presently held by Lorene Potts, School Board Post 4 presently held Al Edwards,

School Board Post 5 presently held by Tony Swink. He stated the last date for voter registration will be October 9, 2007.

- f. Mayor Palmer gave a first reading of a beer pouring license for Maya, Inc. d/b/a Atlanta Gate Restaurant at 203 Richardson Road Suite 110, with Jamil Ibrahim as authorized agent. He stated the corporation had been sold to Saleh Rashid and the earliest date for a public hearing would be August 27, 2007 @ 7:00 P.M.
 - o Mayor Pro Tem Potts made a motion to set the public hearing for that date and time. The motion was second by Councilman Hammond with Mayor Pro Tem Potts, Councilman Hammond, and Mayor Palmer voting affirmatively, motion carried.
 - g. Mayor Palmer stated in order for the City Administrator in training to be effectively trained, it is necessary for the Resolution authorizing City Officials to sign checks be amended to include Eddie Peterson. He read the proposed Resolution.
 - o Councilman Hammond made a motion to adopt the Resolution. The motion was second by Mayor Pro Tem Potts with Councilman Hammond, Mayor Pro Tem Potts, and Mayor Palmer voting affirmatively, motion carried.
 - h. Councilman Hammond made a motion to authorize a transfer of \$18,000.00 from the Police Fund, Asset Seizure Account, in order to purchase a vehicle for the Special Operations Department. The motion was second by Mayor Pro Tem Potts with Councilman Hammond, Mayor Pro Tem Potts, and Mayor Palmer voting affirmatively, motion carried.
8. Other Written Items not on the Agenda: None
9. Work Reports:
- a. Kelly Cornwell, Director of Utilities, no report.
 - b. Eddie Peterson, City Administrator in training, stated the Local Emergency Planning Committee known as LEPC had requested both the City and County to adopt a Resolution that will recognize them as a Emergency Planning Committee for the community that will allow them to procure grant funds to assist in the management of hazardous waste materials and etc. During discussion Councilman Hammond stated as a local business person, this committee is very important and will aid the City in registering hazardous materials that are in the community in various commercial and industrial sites and will allow it to be in a better position to assist should any accident occur. Following discussion Councilman Hammond made a motion to adopt the Resolution. The motion was second by Mayor Pro Tem Potts with Councilman Hammond, Mayor Pro Tem Potts, and Mayor Palmer voting affirmatively, motion carried.
10. Mayor Palmer stated it was necessary to move to Executive Session to discuss real estate.
11. Councilman Hammond made a motion to move to Executive Session, the motion was second by Mayor Pro Tem Potts with Councilman Hammond, Mayor Pro Tem Potts, and Mayor Palmer voting affirmatively, motion carried.
12. Councilman Hammond made a motion to move back to General Session, the motion was second by Mayor Pro Tem Potts with Councilman Hammond, Mayor Pro Tem Potts, and Mayor Palmer voting affirmatively, motion carried.

13. Mayor Palmer stated that the group discussed several road projects that could possibly require purchase of right-of-way for the project. He stated some of these included the McDaniel/Highway 53 Intersection, Peters Street, and others. He stated the Council did not wish to make a motion but merely to confirm that they are favorable for moving forward in discussions with the County.
14. Mayor Palmer stated at this time he would ask for a motion to adjourn.
15. Mayor Pro Tem Potts made a motion to adjourn, second by Councilman Hammond with Mayor Pro Tem Potts, Councilman Hammond, and Mayor Palmer voting affirmatively, motion carried.

Approved:


James F. Palmer, Mayor

Submitted:


Cathy Harrison, City Administrator



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

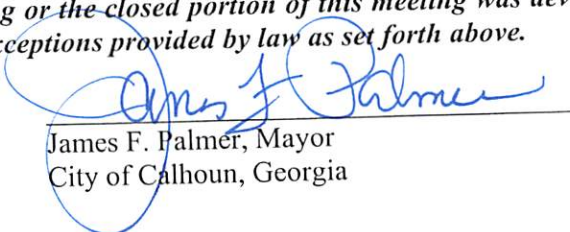
AFFIDAVIT REGARDING CLOSURE OF OPEN MEETINGS


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 July 23, 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 :)

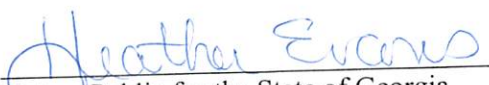
- Discussing or deliberating upon the appointment, employment, compensation, hiring, disciplinary action, dismissal, periodic evaluation or rating of a government officer or employee. [O.C.G.A §50-14-3(6)]
- Privileged consultation with legal counsel pertaining to pending or threatened litigation, claims, 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 23rd day of July, 2007.


Notary Public for the State of Georgia



**CITY OF CALHOUN
REGULAR CITY COUNCIL MEETING
DEPOT COMMUNITY ROOM
109 SOUTH KING STREET
CALHOUN, GA
July 23, 2007 – 8:00 P.M.**

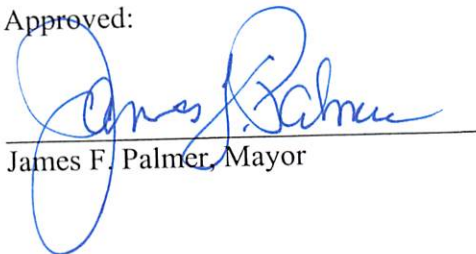
EXECUTIVE SESSION MINUTES

PRESENT: **James F. Palmer, Mayor
Lorene Potts, Mayor Pro Tem
David Hammond, City Councilman**

ALSO: **William P. Bailey, City Attorney
Kelly Cornwell, Director of Utilities
Eddie Peterson, City Administrator in Training
Cathy Harrison, City Administrator**

1. Mayor Palmer opened the meeting.
2. Mayor Palmer stated the purpose of the discussion was to discuss weather or not the City was favorable to continue discussions with the County for road improvements for the McDaniel intersection, Peters Street, Dews Pond Area, and section of OMC Drive at Union Grove.
3. The group discussed projects that may include right-of-way purchase; however the right-of-way more than likely would be purchased by the County; however the City will participate if the projects move forward.
4. Mayor Palmer stated at this time there was no amounts or time frames to vote on; however he needed to determine if the City Council was favorable in moving forward with discussions with the County on the projects.
5. The Council confirmed they were favorable.
6. Councilman Hammond made a motion to return to General Session. The motion was second by Mayor Pro Tem Potts with Councilman Hammond, Mayor Pro Tem Potts, and Mayor Palmer 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, Georgia designates AmSouth Bank, Branch Banking & Trust, Georgia Bank & Trust, North Georgia National Bank, Regions Bank, Unity National Bank and Wachovia Bank as authorized City Depositories; and

WHEREAS, the City of Calhoun, Georgia has established an investment policy which utilizes local banks within defined guidelines; and

WHEREAS, the City of Calhoun, Georgia has varying amounts available for deposit and investment;

NOW, THEREFORE, BE IT RESOLVED, the City of Calhoun shall utilize the following funds with employees and elected officials being authorized to sign checks, withdrawals, etc. (Two Signatures Required):

Pooled Funds Account, WPS Enterprise Funds, General Funds, Utility Deposits, Revenue Sinking Funds, Debt Service Funds, Special Project Funds, Golf Enterprise Funds – Signatures of two of the following: Cathy Harrison, Linda Brookshire, Kelly Cornwell, Eddie Peterson, or James F. Palmer;

Payroll Funds – Signatures of two of the following: Cathy Harrison, Kelly Cornwell, Eddie Peterson, or James F. Palmer;


BE IT FURTHER RESOLVED, the Finance Officer, Cathy Harrison, shall be authorized to establish or have established new accounts or investments for the above mentioned funds or new funds created in accordance with the investment policy or at the direction of the Mayor and Council.

ADOPTED this the 23rd day of July, 2007.

City of Calhoun, Georgia


James F. Palmer, Mayor

Attest:


Cathy Harrison, City Administrator/Clerk