

**CITY OF CALHOUN
REGULAR CITY COUNCIL MEETING
DEPOT COMMUNITY ROOM
109 SOUTH KING ST
FEBRUARY 25, 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
Jeff DeFoor, Director of Electric Utilities
George Govignon, City Attorney
Garry Moss, Chief of Police
Jerry Crawford, Water and Sewer Director

1. Mayor Palmer called the meeting to order and welcomed everyone in attendance.
 - A. Councilman Crowley gave the invocation.
2. Mayor Palmer led the group in the Pledge of Allegiance to the United States Flag.
3. Councilman Crowley made a motion to approve the agenda and Councilman Barton seconded the motion. All voted aye, motion approved.
4. Councilman Hammond made a motion to approve the minutes of the February 11th, 2013 City Council Meeting. Councilman Barton gave a second with all voting aye, motion approved.
5. **Mayor's Comments:**
 - A. Mayor Palmer reminded the public of an annexation and zoning of R-1 for 8.04 acres at a location of 527 Henderson Bend Road for Tolbert Brooks Gallman. The ZAB meeting will be on March 7th and the public hearing will be on March 11th
6. **Public Hearings and Comments: None**
7. **Old Business: None**

8. New Business:

- A. Andy Hightower with Robinson Tire Company was on the agenda to discuss the use of banners, but was not in attendance. Mayor Palmer stated that the Council discussed the use of banners and other sign ordinance issues at the work session. City Attorney Govignon will be working on updating the current sign ordinance to ensure all new case law is considered and make changes if necessary. Mayor Palmer acknowledged that the City does have a current sign ordinance in place that needs to be enforced. Some properties in business areas are Gordon County parcels and not subject to the City's sign ordinance.
- B. Mayor Palmer conducted the first reading of a taxicab license request for Carlos Aldama Robles, owner, D/B/A: Los Buenos Amigos at a location of 360 Piedmont Street. Councilman Crowley made a motion to set the public hearing for March 25th. Councilman Edwards gave a second with all voting aye, motion approved.
- C. Mayor Palmer conducted the first reading of a taxicab license request for Herver Antonio Espinoza, owner, D/B/A: Taxi El Quetzal at a location of 430 South Wall Street. Councilman Barton made a motion to set the public hearing for March 25th. Councilman Crowley gave a second with all voting aye, motion approved.
- D. Mayor Palmer read a road closure request: Downtown Development Authority request to replace DDA members Mr. Jimmy Phillips and Mrs. Holly Carpenter. The DDA recommendations for fulfillment of the unexpired terms are Mr. Brian Ruddell with Calhoun Paint and Decorating and Mr. Derrick Williams with Duke's Restaurant. Mr. Ruddell's suggested appointment to replace Mrs. Carpenter is from March 1, 2013 to November 1, 2015. Mr. Williams' suggested appointment to replace Mr. Phillips is from June 1, 2013 to June 1, 2014. Councilman Edwards made a motion to approve the appointments of Mr. Ruddell and Mr. Williams. Councilman Crowley gave a second with all voting aye, motion approved. Mayor Palmer took the time to thank those who are willing to serve on various boards and volunteer their time for the betterment of the community.
- E. Mayor Palmer read a road closure request: The tourism Committee would like to request street closings in connection with the BBQ, Blues, and Boogie event. The festival will begin at 5:00 pm on Friday, April 26th until 10 pm. Then Saturday, April 27th from 10 am until 5 pm. The road closure request is for the section of Court Street from the Railroad tracks to Wall Street and Park Avenue from Oothcalooga Street to Harlen Street. Councilman Edwards stated that the event was very successful last year and made a motion to approve the road closure request. Councilman Hammond gave a second with all voting aye, motion approved.
- F. Mayor Palmer read a request by Danny Stephens, Water Treatment Superintendent, to declare as surplus four Wallace & Tiernan V-Notch chlorinators. The approximate age of the chlorinators is 25 years and the City has not been able to use them for several years. Councilman Barton made a motion to declare the four chlorinators as surplus. Councilman Hammond gave a second with all voting aye, motion approved. Also, the request includes the chlorinators be donated to Catoosa Utilities in Ringgold, GA. Catoosa Utilities still uses this type of chlorinator. Councilman Barton made a motion to approve the donation of the surplus chlorinators to Catoosa Utilities. Councilman Crowley 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
- C. Attorney George Govignon

11. City Attorney Govignon stated that there was a need to go into executive session to discuss authorization for negotiations regarding a property lease. Section 50-14-3(b)(1)(b) allows for executive session for negotiations to purchase, dispose of, or lease property, (D) allows for contracts on same, and (E) allows for option to purchase same. Councilman Hammond made a motion to go into executive session. Councilman Barton gave a second with all voting aye, motion approved.

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


13. There was nothing to report from the executive session and Councilman Barton made a motion to adjourn the regular session. The motion was seconded by Councilman Hammond 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
February 25, 2013

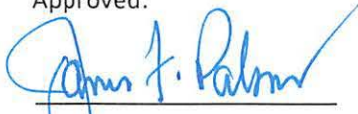
EXECUTIVE SESSION MINUTES

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

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

- A. City Attorney Govignon stated that there was a need to go into executive session to discuss authorization for negotiations regarding a property lease. Section 50-14-3(b)(1)(b) allows for executive session for negotiations to purchase, dispose of, or lease property, (D) allows for contracts on same, and (E) allows for option to purchase same. 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 an upcoming renewal of the lease on the Big Springs bottling plant. There was some minor damage at the facility after the January 30th tornado. It was discovered that the insurance required by the lease covered fire and operational accidents, but did not cover storm damage. The Mayor and Council discussed the options of how to include a more comprehensive casualty insurance policy in the lease or to transfer the insurance liability to the City. Mayor Palmer stated that more information would be needed before a decision could be made.
- 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 2-25-13 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 25 day of
February, 2013.



Misty Caudle
Notary Public for the State of Georgia