

**CITY OF CALHOUN
REGULAR CITY COUNCIL MEETING
DEPOT COMMUNITY ROOM
109 SOUTH KING STREET
CALHOUN, GA
MAY 9, 2005, 7:00 P.M.**

MINUTES

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

ABSENT: Ray M. Denmon, Councilman

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

1. Mayor James F. Palmer called the meeting to order and gave the invocation.
2. Mayor James F. Palmer led the group in the Pledge of Allegiance to the United States Flag.
3. Following the review of the April 25, 2005 regular city Council minutes, Councilman Hammond made a motion to approve as written, second by Mayor Pro Tem Potts, with Councilman Hammond, Mayor Pro Tem Potts and Councilman Crowley voting affirmatively, motion carried.
4. Mayor's comments:
 - a. Mayor Palmer asked Mayor Pro Tem Potts to review the zoning hearings scheduled for May 23, 2005. Mayor Pro Tem Potts stated that they were as follows:
 - 1) An R-1B zoning and annexation request of Terry Brumlow, agent for Gerald W. and Edith King for approximately 48 acres in Land Lot 122, at the 15th District, 3rd Section of Gordon County, GA., located on Nelson Lake Road.
 - 2) An Industrial/R-1B zoning and annexation request of Clarence B. King for approximately 105 acres located on Union Grove Road with a small portion fronting on Hensley Road.
 - 3) A zoning variance request by Carrie Smith, as agent for Ronald and Landa Culberson, the request being for a 30-foot variance to the set-back on the north and south sides of property to allow construction of an Emergency Veterinary Clinic at 1318 Highway 41 South, Calhoun, GA.

The waste treatment plant treated a daily average of 9.052 million gallons per day with BOD effluent at 11, average suspended effluent at 25, and the average COD effluent at 97.

The water construction department made 31 connections during the month, changed out 16 meters and repaired 45 leaks. They installed 800 feet of 2-inch line, 803 feet of 6-inch, and 700 feet of 8-inch. They set 59 meters, installed two new fire hydrants, and repaired two old fire hydrants. They responded to 437 requests for locates, and they called in 73 locates for city work. They responded to 66 miscellaneous calls for service and changed 19 meter cut offs.

The sewer construction department made 32 connections, repaired 10 sewer services, and repaired 4 manholes. They inspected sewer mains for a total of 4,260 feet. They inspected sewer services for a total of 700 feet. They provided 231 locates, repaired 3 lift stations and responded to 5 sewer service calls. They cleaned 45 sewer lines for a total 15,750 feet and they opened and inspected 22 manholes.

Sludge disposal personnel applied 1,712 cubic yards of 204 dry tons during April, 2005.

The building inspection department issued 70 permits for construction totaling \$10,918,250.00. This includes 13 new residential units at 2.3 million dollars, 2 new industrial units at 7.5 million dollars, and 3 new commercial for \$833,000.00.

- c. Councilman Crowley stated that during the month of April the electric department completed two projects under construction, Hannah Hills development on Jones Road, and The Village, Bristol Place phase 2.

They continued to work on the water plant pumping expansion at the water treatment plant. The first phase of the system protection and reliability project has been completed on Hill Crest Drive.

The soccer lighting complex has been completed.

The electrical work at the New Union Grove Pump Station has been completed.

Projects in engineering and design include a joint construction project on Barrett Road, and the Red Bud, Newtown Barrett Road intersection is currently in design. Work orders that were in process or completed for April included street and security lighting 32, new business and maintenance 25, after hours trouble call outs of 12.

Telecommunications completed a connection for the Gordon County detective offices. Signed an internet agreement with Chem-Tech, signed a new agreement with Dalton Utility for a T-1, at Shaw Industries, Calhoun Counseling Center and On Time Express.

New equipment has been installed and is being tested to closely track city employee's internet use.

There is also planning underway for the Mohawk Connectivity at Union Grove Road for telecommunications.

Cal-net crews opened 23 work orders in April.

The electric department issued 7 permits during the month, provided 48 inspections and installed 38 meter sets.

The electric department system purchased 30,847,355 KWH of electricity in March, 2005.

- d. Councilman Hammond stated during the month of April 2005 the police department made 732 cases; those included 74 warrants, 184 speeding, 6 DUI's,

14 juvenile cases, and 454 others. They collected \$84,817.00 in fines, issued 336 warnings, provided 68 escorts, responded to 185 alarms, received calls for service from 911, totaling 4,146, issued 116 parking citations and collected parking fines of \$555.00, and patrolled 51,035 miles during the month.

The fire department responded to 50 calls during the month of April; 10 fire incidences, 12 emergency medical, 13 hazardous conditions, 4 service calls, 2 good intent calls, 9 false alarms.

During the month they completed in house training on state required core drills, ventilation, and multi-family dwellings.

The haz-mat team attended training in Dalton.

The CFD personnel attended chlorine classes with water plant employees.

They assisted with the crash scene re-enactment at Gordon Central High School.

The inspector also gave a presentation at career day at Gordon Central High School.

They began flow testing of city maintained fire hydrants. They tagged new hydrants and updated hydrant valves.

The inspection division completed 28 inspections during the month, 7 general type inspections, 7 re-inspections, 4 new business inspections, 8 consultations, and 2 outside burn requests.

Councilman Hammond also stated that he attended a meeting with Coosa Valley RDC as they prepared their schedules for comprehensive planning for cities and counties in the north Georgia area.

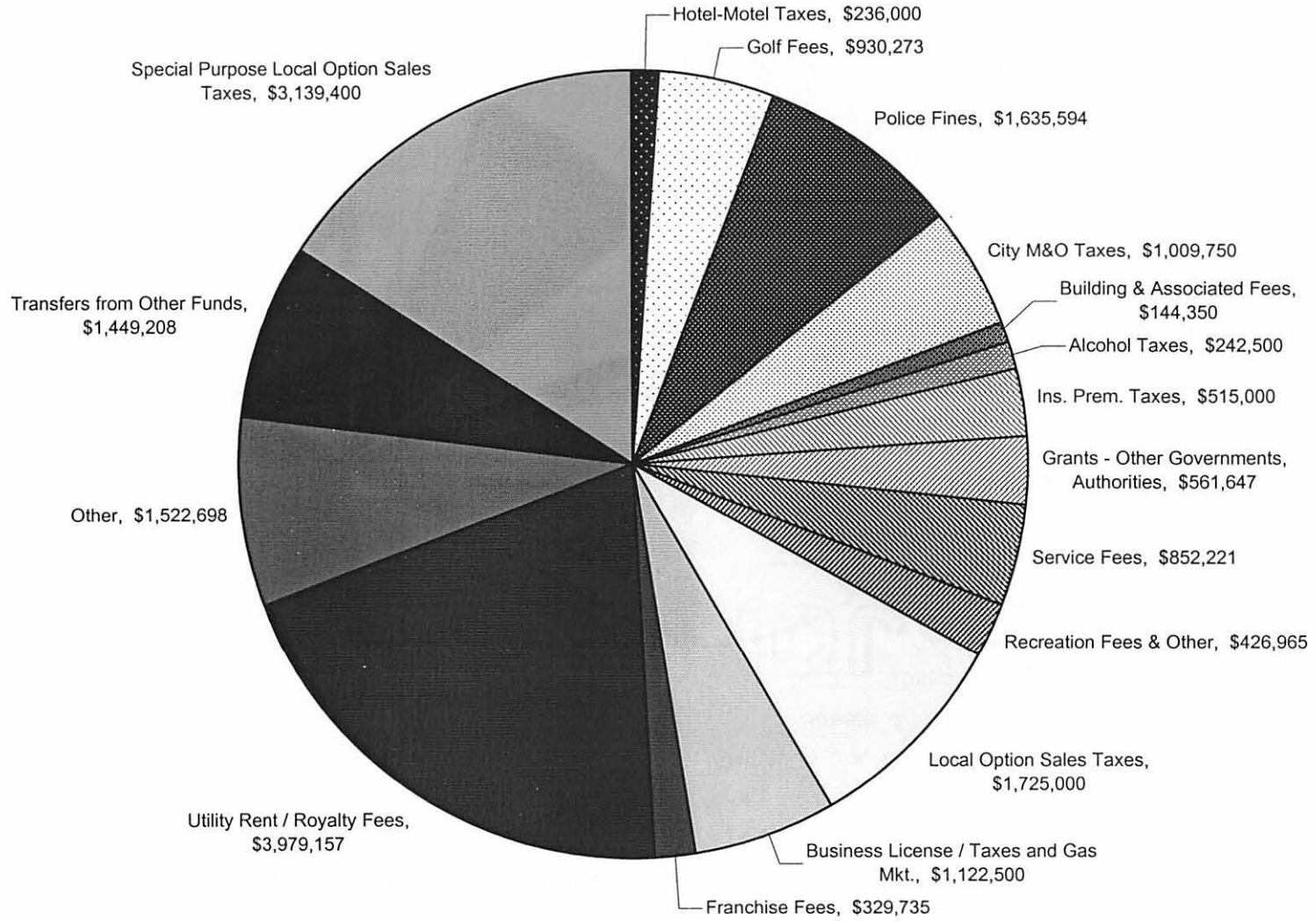
6. Public hearings and comments

(Mayor Palmer announced there were no zoning hearings scheduled for May 9, 2005.)

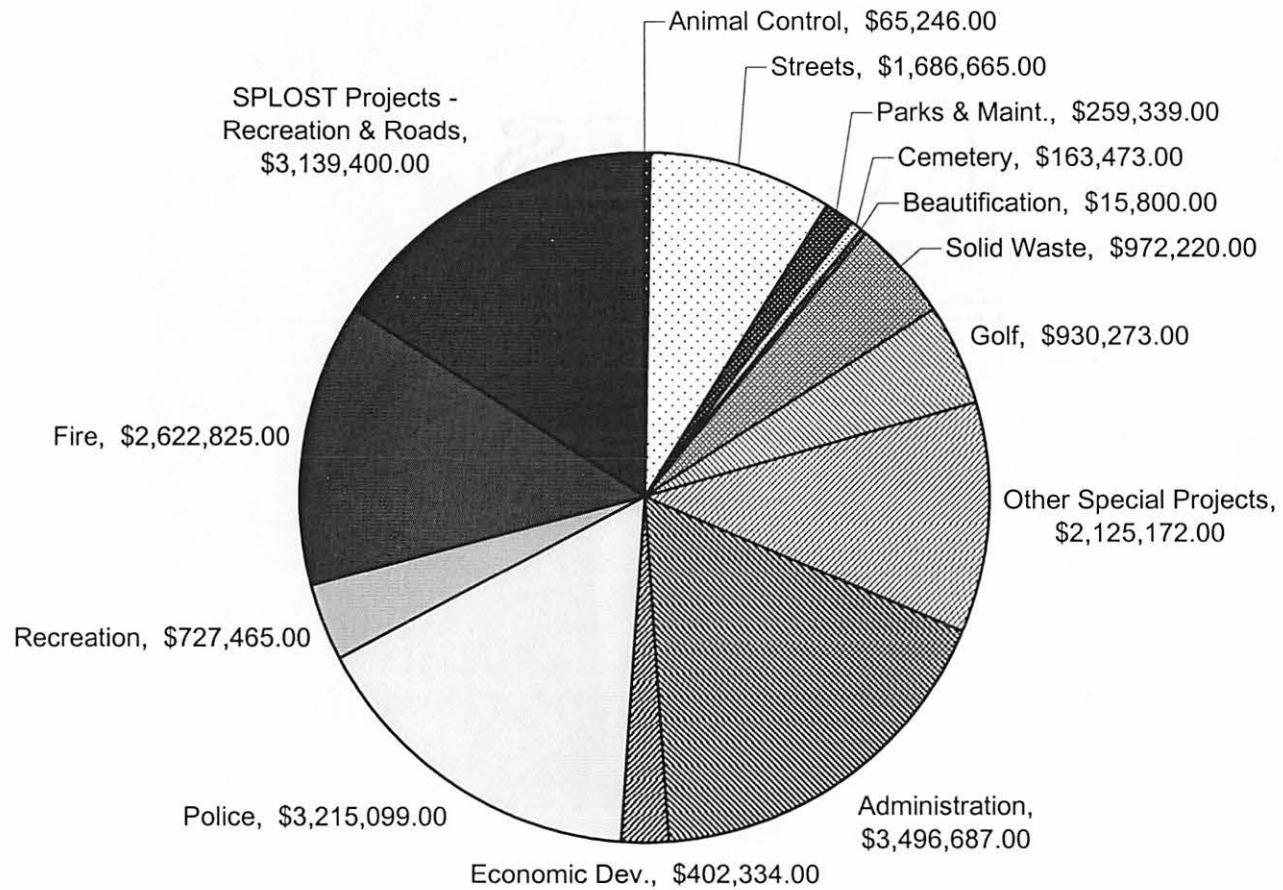
- a. The public hearing for a beer, wine, and liquor pouring license for El Rayos Mexican Restaurant Inc., Lois Fitz Folis, president and manager at 360 Piedmont Street was opened. Mayor Palmer stated this location has a current beer, and liquor license and that the president and the manager is now eligible to apply for the license in his name, since he has a permanent residency card and currently meets the new requirements in the Alcohol Ordinance. He also stated the police report is clear as defined in the Alcohol Ordinance. He asked if there were any comments by the applicant or by the public, there were none and the public hearing was closed. Councilman Crowley made a motion to approve the request, second by Councilman Hammond, with Councilman Crowley, Councilman Hammond, and Mayor Pro Tem Potts voting affirmatively, motion carried.
- b. A public hearing was opened on the City's proposed budget for 2005-2006. Harrison reviewed the proposed budget as outlined in Exhibit "A". She stated all of the items are included for the operating budget with the exception of the school's local share funding. These figures will be added prior to the second public hearing following a recommendation by the school board.
- c. Mayor Palmer reopened the hearing on the zoning amendment as it relates to the increased set-back footage for Curtis Parkway. Attorney Bailey stated this is the final hearing for the change requiring an additional set-back on Curtis Parkway, except for the area that abuts 3 lanes, as was in affect on January 2005. Mayor Palmer inquired if there were any comments or questions by the public or the

Exhibit "A"

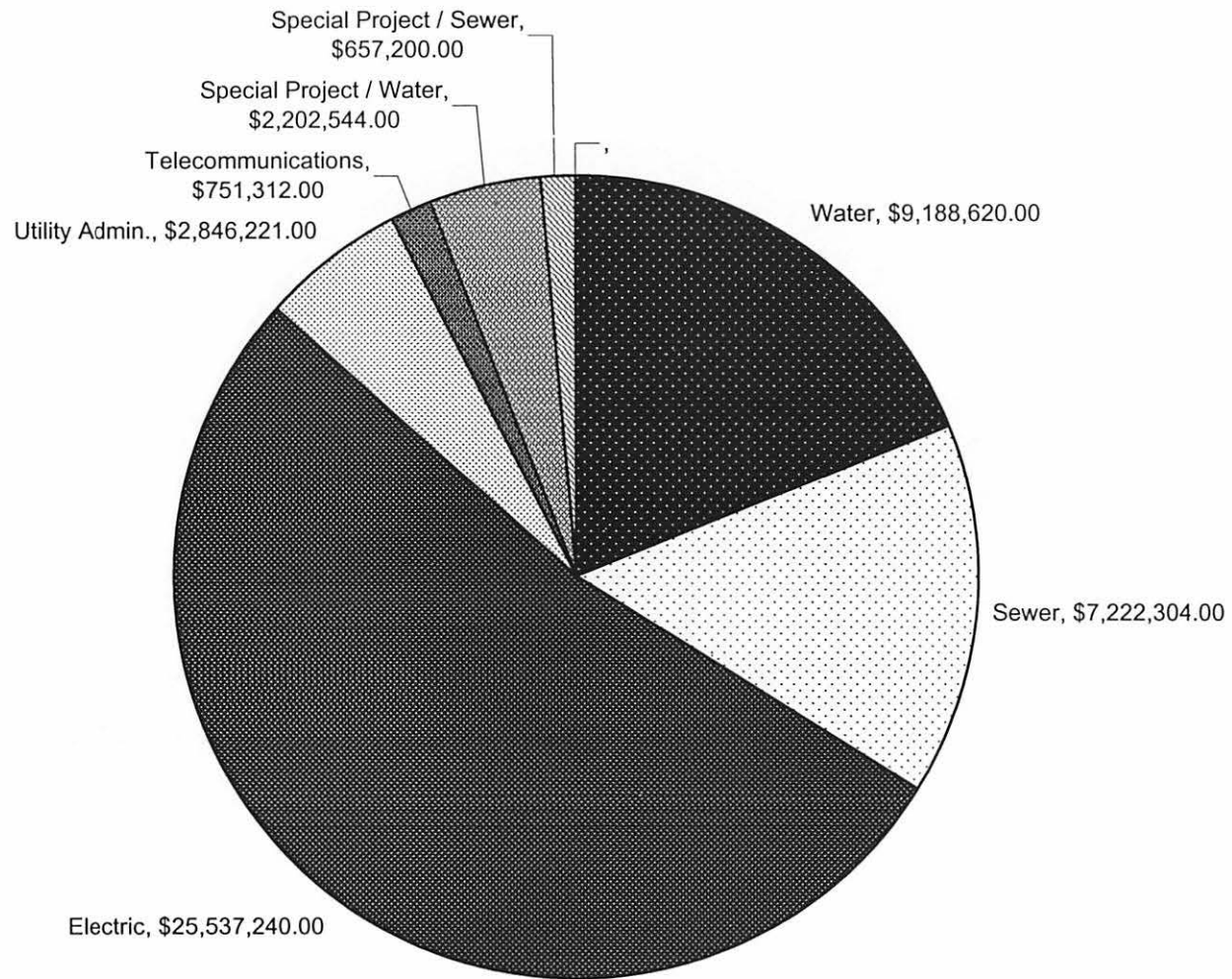
Funding Sources \$19,821,998.00



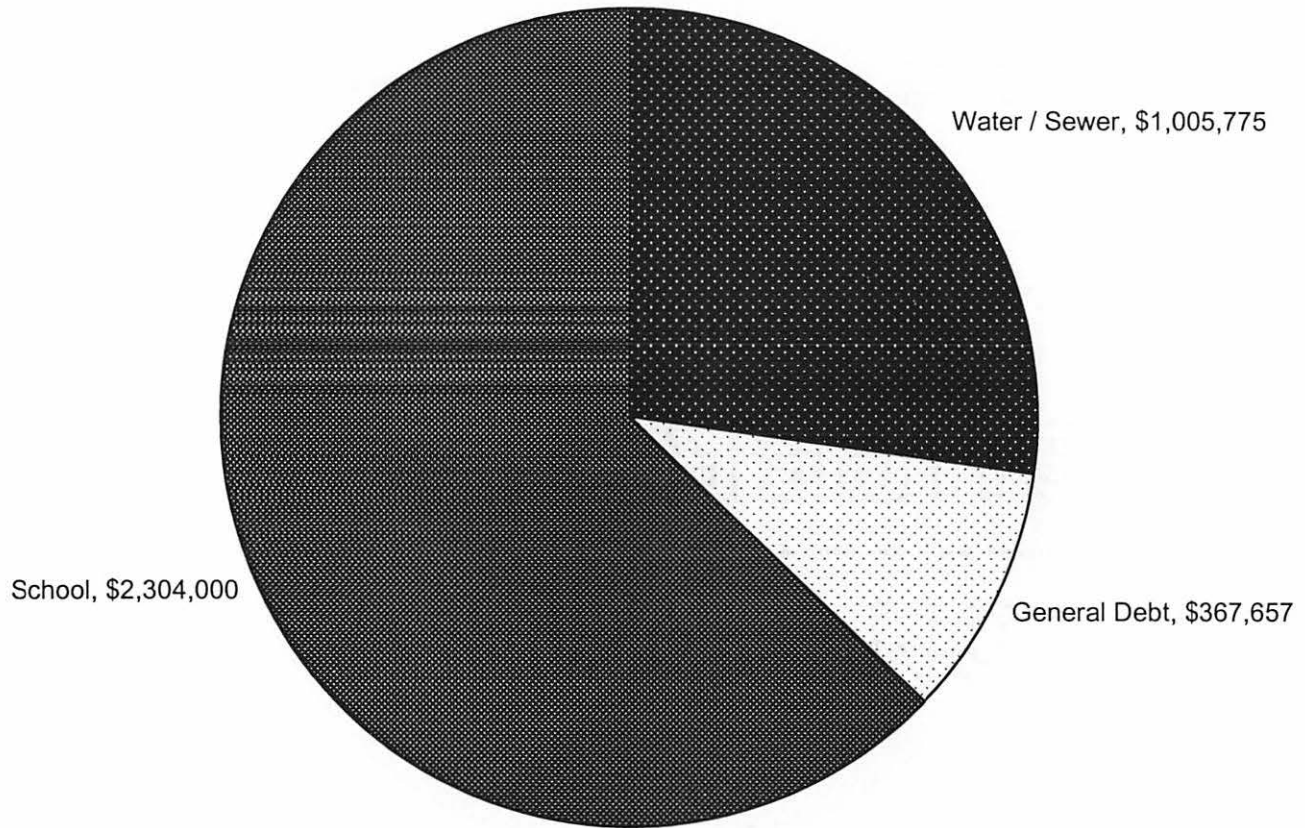
General Fund and Associated General Government Services \$19,821,998.00



Utility Funds and Associated Special Fund Revenues and Services \$48,405.441.00



Bond Debt \$3,677,432.00



**TOTAL BUDGET
\$ 71,904,871.00**

Notes:

Major Management Structure changes projected to occur during the fiscal year.

1.) Separation of functions to include two areas:

Utilities and General Government

New Utility Administration office under renovation at 700 West Line Street (Estimated date of completion June 2006)

2.) Proposed Budget addresses growth and escalating fuel cost:

a. Adoption of Rent / Royalty Funding Policy from Utility Funds to General Fund.

b. Utility Funds (water & sewer) include step two rate increases as projected in the prior year's cost study.

Water increase - 13¢ per 1,000 gallons – Industrial

19¢ per 1,000 gallons – Commercial & Residential

Sewer increase - 12¢ per 1,000 gallons - Industrial

32¢ per 1,000 gallons – Commercial & Residential

c. Electric wholesale rates increased – no retail increase projected

d. Increase garbage pick up – disposal fees from \$3.00 monthly for residential to \$8.00 per month (new bid taken on residential service this fiscal year)

e. Increase city M&O taxes by approximately ½ mill

f. Projected population to increase by 5%

Council. There were none. The hearing was closed. Mayor Pro Tem Potts made a motion to approve the zoning amendment as submitted by Attorney Bailey, second by Councilman Hammond, with Mayor Pro Tem Potts, Councilman Hammond, and Councilman Crowley voting affirmatively, motion carried.

- d. Mayor Palmer re-opened a public hearing on the City of Calhoun and GMA Pension Plan Agreement regarding amending the life insurance options in the plan and other minor changes as recommended by the GMA Pension Attorney, Angela Nixon. He asked if there were any comments by the public or by the Council. There were none. The public hearing was closed. Councilman Hammond made a motion to approve and to authorize the Mayor to sign the document, second by Councilman Crowley, with Councilman Hammond, Councilman Crowley, and Mayor Pro Tem Potts voting affirmatively, motion carried.
- e. Mayor Palmer opened a public hearing on the Pawn License request of Betty Lee Pack, 601 South Wall Street. He stated the police report is clear. He asked if there were any comments by the applicant, public, or by the Council. There were none. The hearing was closed. Councilman Crowley made a motion to approve the request, second by Councilman Hammond, with Councilman Crowley, Councilman Hammond and Mayor Pro Tem Potts voting affirmatively, motion carried.

7. Old Business:

- a. Mayor Palmer stated there was an additional request from the telecommunications department for surplus property consideration, in order for it to be included in the proposed sale, as authorized at the previous meeting. Following the review of the items, Councilman Crowley made a motion to declare the items as surplus property and authorize that they be included on the sales through the internet as was previously authorized. The motion was second by Councilman Hammond, with Councilman Crowley, Councilman Hammond, and Mayor Pro Tem Potts voting affirmatively, motion carried.

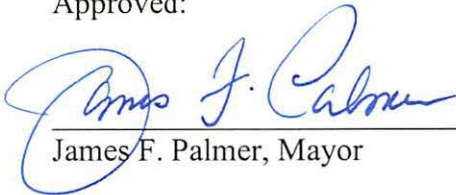
8. New Business:

- a. Mayor Palmer gave a first reading of an A-1 zoning and annexation request of two applications totaling approximately 48 acres, owned by Elizabeth Box, at 650 Nelson Lake Road. He stated the earliest possible date for public hearing would be June 20, 2005 at 7:00 p.m. Mayor Pro Tem Potts made a motion to set the public hearing for that date and time, second by Councilman Crowley, with Mayor Pro Tem Potts, Councilman Crowley and Councilman Hammond voting affirmatively, motion carried.
- b. Mayor Palmer gave a first reading of an R-1A zoning and annexation request of approximately 146 acres, owned by Brent and Cheryl Box, in Land Lots 92,118,119,122, and 123 of the 15th District, 3rd Section of Gordon County, GA. Mayor Palmer stated that the earliest date for a public hearing would be June 20, 2005, at 7:00 p.m. Mayor Pro Tem Potts made a motion to set the public hearing for that date and time, second by Councilman Crowley, with Mayor Pro Tem Potts, Councilman Crowley, and Councilman Hammond voting affirmatively, motion carried.
- c. Mayor Palmer gave a first reading of a zoning variance request of the Calhoun Civil Air Patrol to establish permanent offices at the Tom B. David Airport by

- utilizing 3 mobile structures on a site designated by the Airport Authority Board. (This request is currently pending by the Airport Authority Board.) Mayor Palmer stated they are also applying for a DOT permit for a right-of-way for a driveway for entrance and exit off of Highway 41 South. He stated that the earliest possible date for a public hearing would be June 13, 2005 at 7:00 p.m. Councilman Hammond made a motion to set the public hearing for that date and time, second by Councilman Crowley, with Councilman Hammond, Councilman Crowley, and Mayor Pro Tem Potts voting affirmatively, motion carried.
- d. Mayor Palmer gave a first reading of an R-2 zoning and annexation request of Gary W. Bailey, for 4 existing apartment units at 103 Parker Drive. He stated the earliest possible date for a public hearing would be June 20, 2005 at 7:00 p.m. Councilman Crowley made a motion to set the public hearing for that date and time, second by Councilman Hammond, with Councilman Crowley, Councilman Hammond and Mayor Pro Tem Potts voting affirmatively, motion carried.
- e. Mayor Palmer stated the City had received a request from the Industrial Developmental Authority Board for re-appointment by the City for Ray Towers for an additional four year term on the Industrial Development Authority Board. Following review Councilman Hammond made a motion to authorize Ray Towers for an additional four year term, and to authorize the request be forwarded to the Gordon County Board of Commissioners. The motion was second by Councilman Crowley, with Councilman Hammond, Councilman Crowley, and Mayor Pro Tem Potts voting affirmatively, motion carried.
- f. Mayor Palmer stated that the City had received the DOT, LARP paving contracts for Hillcrest and Curtis Parkway for the project known as LAU05S007-00(910). Following review Councilman Hammond made a motion to approve the contracts, and to authorize the Mayor to sign. The motion was second by Councilman Crowley, with Councilman Hammond, Councilman Crowley and Mayor Pro Tem Potts voting affirmatively, motion carried.
9. Other written items not on the agenda:
- a. Mayor Palmer stated that the City had received a request by Christine O'Mahony for the Council to consider a beer pouring license for their new business established at 100 Peter Street Suite 1, which was formally know as Pasquales Restaurant. He stated that the new owners had classified this as a "hardship" request, needed in order to establish and maintain a business, requesting the earliest possible date for a public hearing. Mayor Palmer stated that if a "hardship" was considered that it could be voted on as early as May 23, 2005, at 7:00 p.m. Following discussion Councilman Hammond made a motion to set the public hearing based on the "hardship" conditions for May 23, 2005 at 7:00 p.m. The motion was second by Councilman Crowley, with Councilman Hammond, Councilman Crowley, and Mayor Pro Tem Potts voting affirmatively, motion carried.
10. Work Reports:
- a. Kelly Cornwell, Director of Utilities, stated that he had no additional comments other than those expressed to the Mayor and Council at the work session.
- b. Eddie Peterson, Director of Public Safety and Public Works: no report.

11. Mayor Palmer stated that it was necessary to move to Executive Session for a legal item regarding land acquisition. Mayor Pro Tem Potts made a motion to adjourn for Executive Session for the item as stated by Mayor Palmer, the motion was second by Councilman Hammond, with Mayor Pro Tem Potts, Councilman Hammond, and Councilman Crowley voting affirmatively, motion carried.
12. Following Executive Session, Mayor Pro Tem Potts stated that based upon the findings and the recommendations of the City Attorney that she would make a motion to dismiss the condemnation case involving the Walter Hackett property on Creekview Drive as referenced in case number 04CV44160 in Gordon County Superior Court, in consideration of a waiver of fees, legal expense, and all costs associated with case. The motion was second by Councilman Crowley, with Mayor Pro Tem Potts, Councilman Crowley, and Councilman Hammond voting affirmatively, motion carried.
13. Councilman Hammond made a motion to adjourn, second by Mayor Pro Tem Potts, with Councilman Hammond, Mayor Pro Tem Potts, and Councilman Crowley voting affirmatively, motion carried.

Approved:



James F. Palmer, Mayor

Submitted:



Cathy Harrison, City Administrator

**CITY OF CALHOUN
REGULAR CITY COUNCIL MEETING
DEPOT COMMUNITY ROOM
109 SOUTH KING STREET
CALHOUN, GA
MAY 9, 2005 - 8:00 P.M.**

EXECUTIVE SESSION MINUTES

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


ABSENT: Ray M. Denmon, Councilman

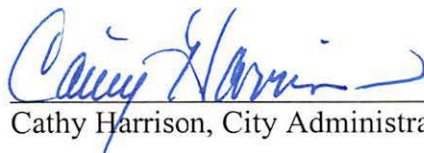
**ALSO: William P. Bailey, City Attorney
Kelly Cornwell, Director of Utilities
Eddie Peterson, Director of Public Works/Public Safety
Cathy Harrison, City Administrator**

1. Mayor Palmer stated that the purpose of the Executive Session was to discuss property acquisitions that had been attempted through a condemnation of the Walter Hackett property on Creekview, as a means of providing additional access and exit area for the new city school facility located off of Raymond King Drive. Attorney Bailey reviewed the procedure that had been handled thus far, stating that Walter Hackett had opposed the condemnation, but a special master had been obtained. The special master had reviewed the findings from both the City Attorney and Mr. Hackett's Attorney, and based on those, had provided a proposed price for the acquisition of the property. Mr. Hackett had appealed and that is the current status. Attorney Bailey stated that presently Mr. Hackett has an offer from an outside buyer for the property in excess of \$2,000,000.00, however, one of the exceptions for the sale of the property include a settlement of the condemnation. Attorney Bailey stated that following review of the proposal from the attorney for Walter Hackett, that it would be his recommendation to agree to the dismissal of the condemnation for case number 04CV44160 at the Gordon County Superior Court, in consideration of waiver of fees, legal expense, and all costs associated with the action. Following the review of the information provided by Attorney Bailey, Mayor Palmer inquired if there were any additional questions from the Council concerning this matter. There were none. Mayor Pro Tem Potts made a motion to end the Executive Session and move to General Session, the motion was second by Councilman Crowley, with Mayor Pro Tem Potts, Councilman Crowley, and Councilman Hammond voting affirmatively, motion carried.

Approved:

Submitted:


James F. Palmer, Mayor


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 its meeting held on May 9, 2005, 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 9th day of May, 2005.



Notary Public for the State of Georgia