

**CITY OF CALHOUN  
REGULAR CITY COUNCIL MEETING  
DEPOT COMMUNITY ROOM  
109 SOUTH KING STREET  
CALHOUN, GA  
DECEMBER 19, 2005, 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 Works / Safety  
Cathy Harrison, City Administrator**

1. Mayor James F. Palmer called the meeting to order and welcomed everyone in attendance. Mayor Palmer gave the invocation.
2. Mayor Palmer led the group in the Pledge of Allegiance to the United States Flag.
3. Following review of the regular City Council Meeting minutes on December 12, 2005, Councilman Hammond made a motion to approve as written. The motion was second by Councilman Denmon with Councilman Hammond, Councilman Denmon, Councilman Crowley and Mayor Pro Tem Potts voting affirmatively, motion carried.
4. Mayor's comments:
  - a. Mayor Palmer expressed sympathy on behalf of himself and members of the Council to the family of Charlie Walraven. Mr. Walraven was a retired City employee with over 20 years of service.
  - b. Mayor Palmer stated on behalf of himself and the Council that he and the Council wished the citizens of the City of Calhoun a very Merry Christmas and a Happy New Year.
  - c. Mayor Pro Tem Potts stated she and other staff members of the City attended the Northwest Regional Hospital, Mayor's Motorcade. She stated gifts were taken from the City and they visited the hospital facility and viewed the artwork and handcrafted work of the patients. She stated it was a very impressive occasion. Mayor Palmer expressed appreciation to ladies at City Hall who had collected over \$247.00 in donations and approximately \$253.00 in gifts for the patients at Northwest Regional Hospital.
  - d. Mayor Palmer asked Mayor Pro Tem Potts to review the zoning hearings scheduled for January 9, 2006 at 7:00 p.m. and February 13, 2006 at 7:00 p.m.:
    - 1) A request from Dwight L. Walraven for zoning of R-1B and annexation for a house and lot located at 104 Florence Avenue. This hearing is scheduled for January 9, 2006 at 7:00 p.m.
    - 2) A request from Red Bud Village, LLC an application for PRD zoning and annexation of approximately 15 acres West of medical offices on Timms

Road. Also two variance relief requests regarding density and unit size to accommodate the development of a residential retirement community.

- 3) A request of David J. Baker as agent for T.J. Barnette and Frida Kirby zoning request for C-2 zoning and annexation of approximately  $\frac{3}{4}$  acre tract located N.W. of Calhoun Auto Outlet at 446 Highway 53 East. These two items will be heard on February 13, 2006 at 7:00 p.m.

5. Public Hearings and Comments:

- a. A public hearing was opened on the EIP Grant regarding road improvements for Clarence King Drive. Mayor Palmer stated the purpose of the hearing is to notify the public of the receipt of an Employment Incentive Program Grant commonly known as an EIP Grant through the Georgia Department of Community Affairs for construction of an access road for Mohawk Industries. He stated the Grant is for \$500,000.00 and it is under the public facilities and improvement's portion of the program. There are local leverages with the total project. Those include a private investment from Mohawk Industries of over \$34 million dollars. In kind for sewer and clearing for the road from the City of approximately \$262,000.00 and site preparations through a One Georgia Edge Grant of over \$760,000.00. The construction is to be completed and jobs provided within 2 years, November 17, 2007. He stated the beneficiaries of this project will be the retention of 485 existing jobs plus 20 new jobs. He stated of this number there will be low and moderate income jobs, 353 for existing retained jobs and 11 from the new jobs. He stated there is no displacement associated with the program. However, there is fair housing guidelines information available for distribution at the rear of the Council Chambers. Mayor Palmer asked if there were any comments by the Council or by the public. There were none. Councilman Crowley stated he certainly appreciated the EIP Grant that allows the City to provide additional jobs and to retain jobs that would have otherwise have been lost from the State. Councilman Hammond concurred and expressed his appreciation also. Eddie Peterson, Public Works Director stated the road project will include over 5,200 feet for the road as well as a concrete bridge. He stated the project is 90% complete and should be totally complete well before the deadline of the Grant period. Mayor Palmer asked if there were any additional comments. There were none. The public hearing was closed. Councilman Denmon approved and authorized the Mayor to sign any documents associated with the Grant on behalf of the City of Calhoun. The motion was second by Councilman Crowley with Councilman Denmon, Councilman Crowley, Councilman Hammond and Mayor Pro Tem Potts voting affirmatively, motion carried.
- b. Mayor Palmer opened a public hearing on the proposed ordinance amendment on building code updates and asked Attorney Bailey to review. Attorney Bailey reviewed the heading of the proposed ordinance amendment. He stated he had reviewed the ordinance in detail at the last meeting and the summary of the proposed amendment includes the City's action to re-adopt the existing 14 codes that are renamed as International Building Codes and extend those from 14 to 24. Mayor Palmer asked if there were any questions or comments. There were none. The hearing was closed. Councilman Denmon made a motion to waive the third and fourth readings and to adopt the ordinance amendment regarding building codes. The motion was second by Councilman Crowley, Councilman Denmon,

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

6. Old Business:

- a. Mayor Palmer gave a second reading of the proposed resolution regarding amending the Freeport Exemption Regulations for the City. Attorney Bailey stated this resolution was also reviewed in detail by the Council at the Prior Council Meeting on December 12, 2005. He stated the summary of the proposed resolution allows the City to extend the Freeport Exemption currently granted for 20% of one of the three items allowable by State law to include 20% on all three levels. Attorney Bailey stated this was in reference to the authorization he had been granted under the 1994 referendum. Mayor Palmer asked if there were any questions or comments. There were none. Mayor Pro Tem Potts made a motion to adopt the resolution extending the Freeport Exemption to include 20% exemption on all three levels. The motion was second by Councilman Hammond with Mayor Pro Tem Potts, Councilman Hammond, Councilman Denmon and Councilman Crowley voting affirmatively motion carried.

7. New Business:

- a. Kelly Cornwell, Director of Utilities gave a first reading of a skipped amendment in the recently amended water and sewer installation policy. He stated this amendment will clarify credits that will be allowable to developers. He stated copies are available for the Mayor and Council to review. Mayor Palmer stated a second reading will be held on January 9, 2006.
- b. Mayor Palmer gave a first reading of a beer and wine package license application for Pryih Niclha Inc. for food and fuel store at 901 North Wall Street at the Red Bud Road intersection. He stated this is a new location and the earliest date for a public hearing will be January 23, 2006 at 7:00 p.m. Councilman Hammond made a motion to set the public hearing for that date and time. The motion was second by Councilman Denmon with Councilman Hammond, Councilman Denmon, Councilman Crowley and Mayor Pro Tem Potts voting affirmatively, motion carried.
- c. Councilman Hammond stated the police department has received a court awarded confiscated vehicle. A 1996 Plymouth Voyager van and they wish to declare this as surplus property and authorize it for sale through GovDeals program through GMA. He stated he would make a motion to that effect. The motion was second by Councilman Denmon with Councilman Hammond, Councilman Denmon, Councilman Crowley and Mayor Pro Tem Potts voting affirmatively, motion carried.

8. Other written items not on the agenda:

- a. Mayor Palmer stated there is a new application from Ingles Food Market located on Highway 53 East for a beer and wine package license with their food sales operation. He stated the earliest date for a public hearing would be January 23, 2006 at 7:00 p.m. Mayor Pro Tem Potts made a motion to set the public hearing for that date and time. The motion was second by Councilman Crowley with Mayor Pro Tem Potts, Councilman Crowley, Councilman Denmon and Councilman Hammond voting affirmatively, motion carried.

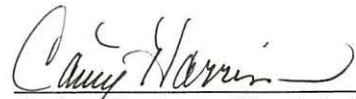
9. **Work Reports:**
  - a. Director of Utilities Kelly Cornwell stated he had no report.
  - b. Director of Public Works and Public Safety, Eddie Peterson stated the City in conjunction with Gordon County; Hampton Inn, Food Lion and the Department of Transportation are reviewing a temporary solution for the Red Bud Road and Harmony Church Road Intersection traffic signal. He stated the City had forward interim turn lane design plans to DOT, they had asked for these plans to be refined and resubmitted as concept drawings to meet the minimum standards. He stated these are presently being drafted and they will be forwarded to the DOT for review and if approved a traffic signal could be at the location within 2-3 months. Mayor Palmer stated this is one of the most dangerous intersections in the City and he was very grateful to obtain this information.
  
10. Mayor Palmer stated it is necessary to move to Executive Session for real estate matters. Councilman Hammond made a motion to move from general session into executive session for real estate matter. The motion was second by Councilman Denmon with Councilman Hammond, Councilman Denmon, Councilman Crowley and Mayor Pro Tem Potts voting affirmatively, motion carried.
  
11. 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. Mayor Palmer stated as a result of the executive session the developer, Paul Lusk, had made an offer to the City of Calhoun, whereby the City may wish to purchase 33.4 acres of land adjoining the waste treatment facility on Kirby Road. He stated Mr. Lusk is willing to sell the City of Calhoun half of the property at the appraised value of approximately \$30,000.00 per acre and he would donate the second half of the property. He stated there is a cell tower located on the property with a remaining 18 year time frame on the contract. He stated both the developer and the City had obtained the current value of the contract and Mr. Lusk had agreed to use the lower value of the contract. He is asking the City to pay for one half of that contract which would be \$41,530.00 and he will donate the second half. He stated under this proposal the City would pay \$502,050.00 for 16.7 acres with the City also paying \$41,530.00 for one half of the present value of cell tower contract for a total package of \$543,580.00 with the understanding that the City would issue a tax letter for his donation of \$524,480.00. Mayor Palmer stated this would allow the City to protect the waste water system and would also allow future site development. Kelly Cornwell, Director of Utilities, recommended the Mayor and Council consider this offer. He stated it will allow the City to have property for future expansions for the waste treatment facility and will allow the City to protect the stream and property. Councilman Crowley made a motion to purchase one half of the property at the appraised total value \$502,050.00 and to also purchase the cell tower contract at one half of the lowest determined value of \$41,530.00 for a total amount of \$543,580.00 and to issue a tax credit letter to Mr. Lusk for \$524,480.00 including the cell tower consideration. The motion was second by Councilman Hammond with Councilman Crowley, Councilman Hammond, Councilman Denmon and Mayor Pro Tem Potts voting affirmatively, motion carried.

Councilman Crowley made a motion to authorize the Mayor to sign all necessary documents regarding the transfer of the contract, purchase of the property and the issuance of the tax credit letter. The motion was second by Mayor Pro Tem Potts with Councilman Crowley, Mayor Pro Tem Potts, Councilman Denmon and Councilman Hammond voting affirmatively, motion carried.

12. Councilman Crowley made a motion to adjourn, second by Mayor Pro Tem Potts with Councilman Crowley, Mayor Pro Tem Potts, Councilman Denmon and Councilman Hammond voting affirmatively, motion carried.

Approved:

Submitted:

  
\_\_\_\_\_  
James F. Palmer, Mayor  
\_\_\_\_\_  
Cathy Harrison, City Administrator

**CITY OF CALHOUN  
REGULAR CITY COUNCIL MEETING  
DEPOT COMMUNITY ROOM  
109 SOUTH KING STREET  
CALHOUN, GA  
DECEMBER 19, 2005 - 7:35 P.M.**


**EXECUTIVE SESSION MINUTES**

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

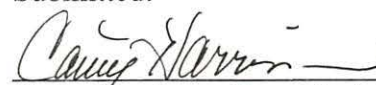
**ALSO:** William P. Bailey, City Attorney  
Kelly Cornwell, Director of Utilities  
Eddie Peterson, Director of Public Works/Public Safety  
Cathy Harrison, City Administrator  
Paul Lusk, Developer

1. Mayor Palmer stated that the purpose of the Executive Session is to hear a proposal from developer, Paul Lusk regarding a proposed sale and donation of property adjoining the waste treatment facility off of Kirby Road.
2. Developer, Paul Lusk stated he had held the property for several years and had not had any desire to sell the property but he had several inquiries in the last few months and he felt he would make an initial offer to the City since it adjoins other City property. He stated he had the property appraised by A-1 Appraisal and Associates for a total value of \$985,000.00. He stated if the proposal can be concluded by year end he would ask the City to purchase one half of the 33.4 acres, 16.7 acres at a price of approximately \$30,000.00 an acre. The 18 year contract for the cell tower located on the property, has been evaluated for present day value by the developer and the City, and he had agreed to use the lower value of approximately \$83,000.00. He stated he would ask the City to pay one half of that contract value and he would donate the remaining half. The net effect would be a total purchase package by the City in the amount of \$543,580.00 and a tax credit donation package from him of \$543,580.00.
3. The Council reviewed the appraisal, the plat of the property and discussed title work to be prepared by the City Attorney and they determined the City would be able to complete the transaction by year end. Attorney Bailey acknowledged the language of the cell tower contract does not expressly allow Mr. Lusk to transfer ownership of the contract and he asked if Mr. Lusk would be willing to work with the City in making sure this contract is fully transferred to the City. Mr. Lusk acknowledged that he would do so. Mayor Palmer asked if there were any additional questions or comments. The Council expressed to Mr. Lusk their appreciation to him for the offer in view of other requests for consideration of the property. Mayor Palmer stated at this time he would entertain a motion to return to general session. Councilman Crowley made a motion to move 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.

Approved:

  
James F. Palmer, Mayor

Submitted:

  
Cathy Harrison, City Administrator

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

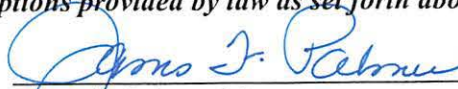
**AFFIDAVIT REGARDING CLOSURE OF OPEN MEETINGS**

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 its meeting held on December 19, 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 12<sup>th</sup> day of January, 2006

  
\_\_\_\_\_  
Notary Public for the State of Georgia

**CITY OF CALHOUN, GEORGIA**

**RESOLUTION TO ADOPT  
FREEPORT EXEMPTIONS AS TO  
INVENTORY PURSUANT TO  
O.C.G.A. SECTION 48-5-48.2**

**WHEREAS**, pursuant to the provisions of Section 48-5-48.2 of the Official Code of Georgia Annotated (as authorized by Article VII Section II Paragraph III of the 1983 Constitution of the State of Georgia) a referendum has been had in the City of Calhoun known as the Freeport Referendum regarding the exemption of certain property as described in the aforementioned provisions, and

**WHEREAS**, the electors of the City of Calhoun, Georgia have approved in said referendum the exemption of all three classes of inventory described in the aforementioned provisions, namely;

- a. Inventory of goods in the process of manufacture or production which shall include all partly finished goods and raw materials held for direct use or consumption in the ordinary course of the taxpayer's manufacturing or production business in the State of Georgia.
- b. Inventory of finished goods manufactured or produced within the State of Georgia in the ordinary course of the taxpayer's manufacturing or production business when held by the original manufacturer or producer of said finished goods, and
- c. Inventory of finished goods which, on the first day of January, are stored in a warehouse, dock, or wharf, whether public or private, and which are destined for a shipment to a final destination outside the State of Georgia and inventory of finished goods which are shipped into the State of Georgia from outside this State and stored for transshipment to a final destination outside this State.

**WHEREAS**, the Mayor and Council of the City of Calhoun (its governing authority) wish to implement the exemptions approved by the voters as herein before described.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the City of Calhoun that:

a. The class of inventory described as inventory of goods in the process of manufacture and production which shall include all partly finished goods and raw materials held for direct use or consumption in the ordinary course of the taxpayer's business in the State of Georgia be hereby exempt from ad valorem taxation at the rate of twenty per cent (20%) of the value of said property as defined in the aforementioned Code provision, with said exemption commencing January 1, 2006; and


b. The class of inventory of finished goods manufactured or produced within the State of Georgia in the ordinary course of the taxpayer's manufacturing or production business when held

by the original manufacturer or producer of said finished goods be hereby exempt from ad valorem taxation at the rate of twenty per cent (20%) of the value of said property as defined in the aforementioned Code provisions, with said exemption commencing January 1, 2006; and

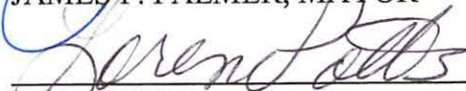
c. The class of inventory of finished goods which, on the first day of January, are stored in a warehouse, dock or wharf, whether public or private, and which are destined for a shipment to a final destination outside the State of Georgia and inventory of finished goods which are shipped into the State of Georgia from outside this State and stored for transshipment to a final destination outside this State be hereby exempt from ad valorem taxation at the rate of twenty per cent (20%) of the value of said property as defined in the aforementioned Code provisions, with said exemption commencing January 1, 2006; and

d. The City Clerk/Administrator is further directed to immediately transmit a copy of this Resolution to the Georgia State Revenue Commissioners.

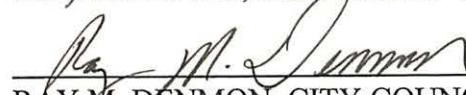
RESOLVED this 19 day of December, 2005.

  
\_\_\_\_\_

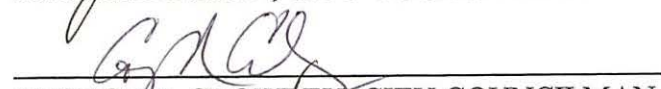
JAMES F. PALMER, MAYOR

  
\_\_\_\_\_


LORENE POTTS, MAYOR PRO TEM

  
\_\_\_\_\_

RAY M. DENMON, CITY COUNCILMAN

  
\_\_\_\_\_

GEORGE R. CROWLEY, CITY COUNCILMAN

  
\_\_\_\_\_

DAVID HAMMOND, CITY COUNCILMAN

ATTEST:

  
\_\_\_\_\_

CATHY HARRISON,  
CITY CLERK/ADMINISTRATOR

(SEAL)