

**CITY OF CALHOUN
REGULAR CITY COUNCIL MEETING
DEPOT COMMUNITY ROOM
109 SOUTH KING ST
OCTOBER 8, 2012 7:00 P.M.**

MINUTES

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

Absent: George Crowley, Councilman

ALSO: Eddie Peterson, City Administrator
Larry Vickery, Utilities General Manager
George Govignon, City Attorney
Jeff DeFoor, Director of Electric Utilities
Paul Worley, City Clerk
Lenny Nesbitt, Fire Chief
Terry Mills, Assistant Fire Chief
Garry Moss, Police Chief
Jerry Crawford, Water and Sewer Director
Kenny Rogers, Key Accounts
Amy Atkinson, City School Board Chair
Eddie Reeves, City School Board
Rhoda Washington, City School Board
Debra Moyer, City School Board
Michelle Taylor, School Superintendent

1. Mayor Palmer called the meeting to order and welcomed everyone in attendance.
 - A. Kenny Rogers gave the invocation.
2. Mayor Palmer led the group in the Pledge of Allegiance to the United States Flag.
3. Councilman Barton made a motion to approve the agenda, Councilman Edwards seconded the motion. All voted aye, motion approved.
4. Councilman Hammond made a motion to approve the minutes of the September 24, 2012 City Council Meeting. Councilman Barton gave a second with all voting aye, motion approved.
5. **Mayor's Comments:**
 - A. Mayor Palmer presented a retirement plaque to Mike Brown who has served with the Calhoun Fire Department for 27 years. Mayor Palmer appreciated his dedication and service to the community. Mayor Palmer and Councilman Hammond expressed their appreciation to the Fire Department's commitment to public safety and helping educate the youth about fire safety.
 - B. Mayor Palmer asked Jeff Defoor and Kenny Rogers to give a presentation concerning Public Power Week. Jeff Defoor presented information concerning the history of Calhoun Utilities. The Calhoun Electric Department has received the Century Award from the American Public Power Association for over 100 years of service. The City of

Calhoun started providing power in 1907 and water in 1898. Mr. Defoor stated that Calhoun Utilities provides the best value in price, service and dependability and that the community owns the company. The Calhoun electric supply has a 99.625% uptime and is the third lowest rate per 1500 Kwh use in the state of Georgia. In 1908 the power cost per Kwh was 10 cents and today's average per Kwh is 9.4 cents. Kenny Rogers also presented some photography from the early 1900s of utility projects in Calhoun. Mr. Rogers also invited the public to a 100 year celebration at Calhoun Utilities on October 11th for a customer/employee appreciation day. (public power proclamation attached)

- C. Mayor Palmer announced that there will be a regional GMA meeting in Rome on October 16th and possibly a GMA HomeTown Connections meeting with local legislators at the Calhoun Depot on October 12th.
- D. Mayor Palmer conducted the swearing in of David Scoggins to the Calhoun City Board of Education Post 3 to fulfill the unexpired term of Eddie Hall. (Oath of Office attached) Mayor Palmer commended the School Board for their dedication and service.
- E. Mayor Palmer announced a Certificate of Recognition from the International Association of Chiefs of Police: The National Law Enforcement Challenge recognizes the Calhoun Police Department for their dedication to traffic safety and saving lives through their exceptional performance in the 2011 National Law Enforcement Challenge. Calhoun Police Chief Garry Moss stated that the police department supplies monthly traffic statistics to the State of Georgia to participate in the Governor's Challenge. The Calhoun Police Department has placed in the top 40 in 10 of the last 11 years for accident prevention and for fewest fatalities.
- F. Mayor Palmer stated that the City of Calhoun Finance Department has been awarded the Certificate of Achievement for Excellence in Financial Reporting for its comprehensive annual financial report for the fiscal year ending June 30, 2011. The certificate of achievement is the highest form of recognition in the area of governmental accounting and financial reporting. Individual award of Financial Reporting Achievement has been awarded to Andrea Bramlett, Director of Finance.
- G. Mayor Palmer reminded the public of a variance request by Haley Stephens at a location of parcel C65-026 on Red Bud Road. The ZAB will meet on November 8th and the public hearing will be on November 12th.
- H. Mayor Palmer reminded the public of an annexation and zoning request of R-1 for 2.672 acres by Rick Lumpkin at a location of 1023 Sugar Valley Road. The ZAB will meet on November 8th and the public hearing will be on November 12th.

6. Council Comments:

- A. Mayor Pro Tem Edwards gave the September reports as follows:

1) Police Department

- o Made 578 cases with 7 DUI's
- o Fines collected by Municipal Court - \$46,305.20
- o Issued 603 warnings
- o Investigated 47 highway accidents, 28 private property accidents
- o Provided 75 escorts
- o 1,648 incident reports
- o Responded to 754 alarms
- o Responded to 4,508 calls for service by E-911

2) Municipal Court and Probation

- Total Court cases- 311
- Court cases dropped- 60
- Number of Bond forfeitures- 171
- Number of Probation cases- 45
- Probation Payments- \$13,057.00
- Probation Revocations- 6
- Failure to appear- 28
- Prisoner transports- 17

3) Fire Department- Suppression

- Responded to 143 calls for service for the suppression division, 1 fire incidents for damages
- Responded to 102 medical service calls
- Responded to 13 hazardous conditions incidents
- Responded to 11 false alarms or false calls, 10 good intent
- Began the boot drive for the Georgia Firefighters Burn Foundation with Gordon County Fire Department.

Training Division

- Department completed 679 man hours of training.
- Training division hosted a 3 day Georgia Fire Academy class on Building Construction.
- Received building materials from Fire Facilities and Fox & Brindle began erection of steel frame at the training center.

4) Fire Inspection Department

- 143 total reported activities/inspections which included 1 annual inspections, 2 new business inspections, 39 requested inspections, 15 follow-up or re-inspections, and 74 consultations

5) Downtown Development Authority and Main Street Program

- The punch list for Streetscape Phase III will be complete by mid October. The Concept Report for Streetscape Phase IV has been submitted to Moreland Altobelli and Georgia DOT and we could possibly begin the process to accept bids for a construction company within the first quarter of 2013. All contractors are encouraged to watch the Calhoun Times legal ads for the notice to accept bids over the next few months.
- Harvest Fest, a downtown street festival, will be held Saturday, October 27th from 10 am until 4 pm.

B. Councilman Barton gave the September reports as follows:

1) Street Department

- Completed 23 shop and 22 street department work orders.
- Placed 38 new street signs.

- Inspected and maintained approximately 98 miles of streets and storm drainage.
 - Repaired utility cuts and several pot holes at various locations around town using 37 tons of asphalt.
 - Paved 1.6 miles of the walking trail at the 58 acre park using 589 tons of asphalt
- 2) **Cemetery Department**
- Performed routine maintenance on Fain and Chandler Cemetery.
 - Supervised the opening and closing of 13 grave sites.
 - Sold 27 new grave spaces.
 - Worked 13 grave sites.
- 3) **Rabies Control**
- Housed 17 dogs, and 11 cats
 - Issued 10 warning
 - Answered 62 customer calls
- 4) **Parks Department**
- The Parks Department grounds crew picked up litter, hauled garbage to the dump, books from the library and maintained records at records room.
 - Mowed and weedeated approximately 19 miles of sidewalk, 29 islands, and 42 other designated places in the City.
 - The building and maintenance crew performed routine maintenance on designed city buildings and all fountains.
 - Began restoring the benches at the Depot.
- 5) **Safety Committee**
- Safety topic- Respiratory hazards
 - Safety Inspection- Sewer plant
 - Accidents: Vehicle Accident-0
 - Workers Comp: 0
- 6) **Recreation Department**
- **Youth Football** – The Calhoun Recreation Department was excited to have the grand opening of the new concession- bathroom facility at the Recreation Complex on Monday, September 10. This facility is a great addition that enhances the Youth Football field. 3 weeks of youth football were completed with games being played on Mondays, Tuesdays, Thursdays and Saturdays.
 - Two staff members attended the Georgia Recreation and Parks Association Park Maintenance Field Day hosted by Acworth Parks and Recreation
- C. Mayor Palmer gave the September report as follows:

1) Water, Sewer, and Engineering

- The Brittany Drive Expansion Project- Construction of the filter structures is complete. Forming of the walls for the pipe gallery is complete.
- Maintenance crews are approximately 65% complete with the upgrades to the Coosawattee intake. The project consists of replacing check valves and switch gears for three of the four raw water pumps.
- Water system flushing program is in progress again. The largest portion of the system has been completed.
- Water and Sewer relocation for the Union Grove Interchange has begun and is approximately 65% complete.
- Harris Beamer Water Main – This project is under construction with 3800' of pipe installed.
- SR 136 and I-75 GDOT water main relocation- GDOT has given the City a notice to proceed to begin relocation of utilities. Construction should begin in mid October.

2) Water Treatment Plant Facility

- Total gallons withdrawn: 292,460,000
- Daily average: 9,748,666
- Wells: 98,630,000
- Big Springs: 21,160,000
- Percent produced by Brittany Drive: 40.9
- Rainfall- 5.25"

3) Waste Water Treatment Plant Facility

- Treated a daily average of 3.651 MGD, with an average BOD effluent of 9, average suspended effluent of 11, and an average COD of 46.

4) Water Distribution

- 6 Water connections, 41 water service leaks repaired, 32 water main leaks repaired, 570' of 2" pvc water line installed, 22 change out of meters, 60 utility locates called in for work orders, 379 utility locates responded to, and 95 misc. calls
- Completed installing 2" pvc line along Thelma Drive and Quinton Drive to replace old 2" galv. line.
- Began installing 8" ductile iron pipe along Highway 156 to Harris Beamer Road.

5) Waste Water Collection

- 1,350' Sanitary Sewer Services TV inspected, 271 utility locates completed, 2 lift station repairs completed, 4,700' sanitary sewer lines cleaned, 78 manholes opened and inspected

6) Building Inspection Department

- Issued 15 permits for an estimated cost of \$35,048.00. This included 0 new residential, 1 commercial remodeling, 3 residential electrical, 2

residential HVAC, 1 new industrial HVAC, 1 industrial electrical, and 3 sign permits

D. Councilman Hammond gave the September report as follows:

1) Electric Department

MAJOR CONSTRUCTION PROJECTS INCLUDE:

- Calhoun High School, Pole Inspection is 50% complete finding only 13 rejects, Installing 26 Decorative Street Lights at Mt Vernon Condos, Three (3) New Electrical Services at the Villages and Two (2) New Electrical Services on College Street, as well as, Relighting Downtown with Christmas Lights.
- Future new business in electrical engineering phase: Streetscape phase 4, Lighting new walking path and lighting exit 312

Work orders in process or completed

- Newly created- 128
- Completed and closed- 87
- Consisting of:
 - Street and security lighting-43
 - New business-5
 - Distribution Maintenance-5
 - After hours trouble and callouts-5
 - City electrical maintenance-20
 - Meter maintenance/replacement- 69
 - New customer meter sets- 10
 - Monthly total system locate tickets processed- 194

Electric System supplied – 37,603,154 kwh in September

This is up 11% from 2011 and 4 % over the previous September record in 2005.

2) Telecommunications Departments:

- Installed one new Internet connection.
- Upgraded equipment at one Internet customer's site.
- Started engineering for new Internet customer. Requires new city pole attachment application.
- Completed installation of network and phone equipment in new CID building.
- Added Internet control to city computers to stop viruses from web sites.
- Continued to evaluate firewalls.
- Received demonstration unit and started evaluating upgraded access delivery equipment.
- Opened 36 and closed 31 work orders.

3) Geographic Information Systems:

- Upgraded servers and users' computers to the latest version of GIS software.
- Modified Cemetery program for better web mapping and plot management.
- Helped clean up electric map connectivity data and provided training.
- Continue to assist the cemetery with web mapping and plot management.
- Updated changes between physical addressing and billing account information.
- Continue to assist Engineering with wastewater inflow/infiltration project, water valve identification tagging, and water hydrant and hydrant valve inventory.
- Updated City and GIS websites

4) Northwest Georgia Regional Commission

- Working on a regional package for environmental planning and Calhoun and Gordon County are in the center of the 15 county Northwest Georgia region. Calhoun is situated very well when it comes to quality of life issues such as schools, healthcare, and job opportunities.

5) Airport

- Currently doing environmental engineering studies concerning the new runway. The airport is the 7th largest permanent based aircraft airport in the state of Georgia.

7. Public Hearings and Comments:

A. Mayor Palmer opened the public hearing for an annexation and zoning of R-1B for 0.45 acres at a location of 123 Thomas Street for Patsy Hall.

- Mr. Peterson stated that all signs and advertising requirements have been met.
- Councilman Edwards stated that the Zoning Advisory Board met on October 4th and recommended that the annexation and zoning request be granted. Councilman Edwards also stated that this meeting was the first for new board member Tony Swink and thanked him for his willingness to serve.
- Mayor Palmer asked if there were any comments from the applicant or the public. There were no comments.
- Mayor Palmer closed the public hearing.
- Councilman Edwards made a motion to approve the annexation of 123 Thomas Street. Councilman Barton gave a second with all voting aye, motion approved.
- Councilman Edwards made a motion to approve the zoning of R-1B for the property at 123 Thomas Street. Councilman Hammond gave a second with all voting aye, motion approved.

8. Old Business:

- A. Mayor Palmer conducted the second reading of a taxicab operator regulatory license request by Rolando Gonzalez, D/B/A: Taxi Tacanal, at a location of 96 East May Street. The public hearing will be on October 22nd.

9. New Business:

- A. Mayor Palmer reviewed the intergovernmental agreement for the allocation and distribution of proceeds from the energy excise tax between Gordon County, City of Calhoun, City of Fairmount, City of Plainville, and City of Resaca. The State of Georgia pursuant to O.C.G.A. 48-13-110 has allowed counties and cities the option of continuing the 2% local portion of a 6% State energy excise tax. This is a partial continuation of an existing energy tax that was repealed at the state level. The energy excise tax will be distributed between Gordon County and the municipalities according to the LOST and SPLOST formulas. Local businesses will be getting a 4 percent break for the state portion of the energy tax. Councilman Hammond made a motion to allow the Mayor to sign the intergovernmental agreement. Councilman Edwards gave a second with all voting aye, motion approved. (copy attached)
- B. Mayor Palmer conducted the first reading of an ordinance to amend section 38 of Chapter 6 Alcoholic Beverages of the Calhoun Code of Ordinances. City Attorney George Govignon explained that the ordinance amendment is required to clarify and strengthen the objective standards for granting or denial of alcohol licenses. The ordinance also creates a specific appeal process before the Mayor and City Council for an applicant's denial before restoring to the judicial process. There will be a second reading on October 22nd.
- C. Mayor Palmer conducted the first reading of an ordinance to amend section 97 of Chapter 66- Parks and Recreation of the Calhoun Code of Ordinances. City Attorney George Govignon explained that the ordinance amendment is mandated to comply with 2011 Legislative changes to state law which presently would allow any person with a valid weapons carry license to carry a weapon in all parks, historic sites, or recreational areas. There will be a second reading on October 22nd.
- D. Mayor Palmer conducted the first reading of a beer and wine pouring license request by Laura Gray Bridges DBA: Fork in the Road Dinner at a location of 474 Red Bud Road. Councilman Hammond made a motion to set the public hearing for November 12th. Councilman Barton gave a second with all voting aye, motion approved.
- E. Mayor Palmer conducted the first reading of a hotel sign and building variance for Nimish Patel at a location of 1002 Hwy 53 E. SE. Property owner is East 53 Commercial Development, LLC (Flipper McDaniel). Applying for a 50' variance for a sign and a 25' height variance to build a four story hotel. The ZAB will meet on December 6th and the public hearing will be on December 10th.

10. Other written items not on the agenda: None

11. Work Reports:

A. City Administrator Peterson- None

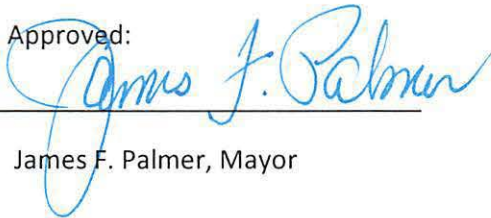
B. General Manager Vickery

- Mr. Vickery asked the Council to declare on item as surplus- One (1) Altec Bucket Truck City if Calhoun Truck # 28. The truck is a 1998 Ford F Series VIN-3FEWF80C8XMAO3700 Tag # 145090. This bucket truck has been retired from the active vehicle fleet. Mr. Vickery also asked for this item to be donated to Electric Cities of Georgia, a nonprofit training organization that the City has used for many years. Councilman Hammond made a motion to declare the truck surplus and to donate it to the Electric Cities of Georgia. Councilman Barton gave a second with all voting aye, motion approved.

C. George Govignon, City Attorney- None

12. Councilman Barton made a motion to adjourn. The motion was seconded by Councilman Hammond with all voting aye, motion approved.

Approved:



James F. Palmer, Mayor

Submitted:



Paul Worley, City Clerk

**OATH OF OFFICE
CITY SCHOOL BOARD**

“I, David Scoggins, do solemnly swear (or affirm) that I will truly perform to the best of my abilities the duties of Calhoun Board of Education Member, Post 3, by adopting and enforcing such measures as in my judgment shall be best calculated to promote the educational needs of the inhabitants of the City of Calhoun and the common interest thereof.”

This, the 8th day of October 2012.

David Scoggins

STATE OF GEORGIA
COUNTY OF GORDON

**INTERGOVERNMENTAL AGREEMENT FOR THE ALLOCATION AND DISTRIBUTION
OF PROCEEDS FROM THE ENERGY EXCISE TAX**

THIS INTERGOVERNMENTAL AGREEMENT, made and entered into as of the 18th day of September, 2012, by and between **GORDON COUNTY, GEORGIA**, a political subdivision of the State of Georgia, (the "County"), and the **CITY OF CALHOUN**, the **CITY OF FAIRMOUNT**, the **CITY OF PLAINVILLE**, and the **CITY OF RESACA**, municipal corporations of the State of Georgia, (the "Participating Municipalities", individually and collectively).

WITNESSETH:

WHEREAS, Article IX, Section III, Paragraph I(a) of the Constitution of Georgia (the "Intergovernmental Contracts Clause") authorizes the County and the Participating Municipalities to contract, for a period not exceeding 50 years; and

WHEREAS, the County is authorized pursuant to O.C.G.A. § 48-13-110 *et seq.*, (the "Energy Excise Tax Act") to levy and collect an excise tax on the sale, use, storage, or consumption of energy ("Energy Excise Tax") when such sale, use, storage, or consumption of energy would have constituted a taxable event for purposes of the sales and use tax under O.C.G.A. § 48-8-1 *et seq.*, but for the exemption in O.C.G.A. § 48-8-3.2; and

WHEREAS, pursuant to O.C.G.A. § 48-13-113, the County and the municipalities of the County have met together and conferred to discuss whether or not the Energy Excise Tax should be levied within the special district within Gordon County; and

WHEREAS, pursuant to O.C.G.A. § 48-13-114, the County and the Participating Municipalities have determined that an Energy Excise Tax should be levied; and

WHEREAS, O.C.G.A. § 48-13-114(a)(1) requires the County and the Participating Municipalities within the County to execute an intergovernmental agreement which provides for the distribution of proceeds in accordance with O.C.G.A. § 48-13-114(c) prior to the adoption of an ordinance by the County levying and imposing the Energy Excise Tax.

NOW, THEREFORE, in consideration of the mutual promises and undertakings made in this Agreement, the benefits flowing to the parties hereto and to the citizens of each under this Agreement, and for good and valuable consideration the County and the Participating Municipalities consent and agree as follows:

SECTION 1
REPRESENTATIONS & MUTUAL COVENANTS

(A) The County makes the following representations and warranties which may be specifically relied upon by all parties as a basis for entering this Agreement:

(i) The County is a political subdivision duly created and organized under the Constitution of Georgia;

(ii) The governing authority of the County is duly authorized to execute, deliver, and perform this Agreement; and

(iii) This Agreement is a valid, binding, and enforceable obligation of the County.

(B) Each Participating Municipality makes the following representations and warranties which may be specifically relied upon by all parties as a basis for entering this Agreement:

(i) Each Participating Municipality is a municipal corporation duly created and organized under the Laws of the State of Georgia;

(ii) The governing authority of each Participating Municipality is duly authorized to execute, deliver, and perform this Agreement;

(iii) This Agreement is a valid, binding, and enforceable obligation of each Participating Municipality; and

(iv) Each Participating Municipality is located wholly or partially within the geographic boundaries of the special district created in the County.

(C) It is the intention of the County and each Participating Municipality to comply in all respects the provisions of the Energy Excise Tax Act and all provisions of this Agreement shall be construed in light of the provisions of the Energy Excise Tax Act.

(D) The County and each Participating Municipality agree to maintain thorough and accurate records concerning the receipt of proceeds under this Agreement.

SECTION 2
CONDITIONS PRECEDENT

(A) The obligations of the County and each Participating Municipality pursuant to this Agreement are conditioned upon the adoption of an ordinance by the County levying and imposing the Energy Excise Tax in accordance with the provisions of the Energy Excise Tax Act.

(B) This Agreement is further conditioned upon the collecting of Energy Excise Tax revenues by the County and the transferring of those revenues to the general fund of the County and the general fund of each Participating Municipality.

SECTION 3
ADMINISTRATION AND COLLECTION COSTS

In accordance with O.C.G.A. § 48-13-114(b), the proceeds of the Energy Excise Tax shall be allocated and distributed by the governing authority of the County at the end of each calendar month, and, of such proceeds, an amount equal to 1 percent of such proceeds collected by the County shall be paid into the general fund of the County to defray the costs of collection and administration.

SECTION 4
ALLOCATION AND DISTRIBUTION OF REMAINDER PROCEEDS

(A) In accordance with O.C.G.A. § 48-13-114 (b) and (c), the remainder of the proceeds following the subtraction of costs of collection and administration under

Section 3 of this Agreement shall be allocated and distributed by the governing authority of the County pursuant to this Agreement as provided in this Section.

(B) Such remaining proceeds shall be allocated and distributed by the governing authority of the County within 30 days following the end of each calendar month to the general fund of the County and to the general fund of each Participating Municipality in accordance with the applicable provisions of O.C.G.A. § 48-13-114 (c)(1) or (2) as follows:

(1) If two local sales and use taxes are in effect in the special district, an amount equal to one-half of the proceeds shall be distributed to the County general fund and the general fund of each Participating Municipality located in the County according to the same proportionate share as specified under the distribution provisions of the first local sales and use tax and an amount equal to one-half of the proceeds of the excise tax shall be distributed to the County general fund and the general fund of each Participating Municipality located in such County according to the same proportionate share as specified under the distribution provisions of the second local sales and use tax; or

(2) If only one such local sales and use tax is in effect in the special district, then the proceeds of the excise tax shall be distributed to the County general fund and the general fund of each Participating Municipality located in the County according to the same proportionate share as specified under the distribution provisions of the local sales and use tax.

(C) Such remaining proceeds shall not be subject to any use or expenditure requirements provided for under the provisions of law of the local sales and use

taxes which are now subject to exemption under O.C.G.A. § 48-8-3.2 and are authorized to be expended in the same manner as would have otherwise required under such local sales and use tax provisions of law or to be expended for any lawful purpose.

(D) Copies of the distribution formulas for the Local Option Sales Tax and the Special Purpose Local Option Sales Tax are attached hereto and incorporated by reference herein as Exhibit A.

SECTION 5
COUNTY ORDINANCE ADOPTION

In accordance with O.C.G.A. § 48-13-114 (a)(1), following the execution of this Agreement by the County and each Participating Municipality, the County agrees to adopt timely an ordinance levying the Energy Excise Tax pursuant to O.C.G.A. § 48-13-110 *et seq.*

SECTION 6
ENTIRE AGREEMENT

This Agreement, including any attachments or exhibits, constitutes all of the understandings and agreements between the County and the Participating Municipalities with respect to all matters relating to the imposition, levy, collection, administration, allocation, and distribution of proceeds of the Energy Excise Tax. Furthermore, this Agreement supersedes all prior agreements, negotiations, and communications of whatever type, whether written or oral, between the parties hereto with respect to such matters.

SECTION 7
AMENDMENT OR MODIFICATION OF AGREEMENT

This Agreement shall not be amended or modified except by agreement in writing executed by the governing authorities of the County and the Participating Municipalities.

SECTION 8
GOVERNING LAW

This Agreement shall be deemed to have been made and shall be construed and enforced in accordance with the Constitution and laws of the State of Georgia.

SECTION 9
SEVERABILITY

Should any phrase, clause, sentence, or paragraph of this Agreement be held invalid or unconstitutional, the remainder of the Agreement shall remain in full force and effect as if such invalid or unconstitutional provision were not contained in the Agreement unless the elimination of such provision detrimentally reduces the consideration that any party is to receive under this Agreement or materially affects the operation of this Agreement.

(Text continued to next page)

SECTION 10

COMPLIANCE WITH LAW

The County and each Participating Municipality shall comply with all applicable local, state, and federal statutes, ordinances, rule, and regulations.

SECTION 11

NO CONSENT TO BREACH

No consent or waiver, express or implied, by any party to this Agreement, to any breach of any covenant, condition, or duty of another party shall be construed as a consent to or waiver of any future breach of the same.

SECTION 12

COUNTERPARTS

This Agreement may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

SECTION 13

EFFECTIVE DATE OF ENERGY EXCISE TAX

The County and each Participating Municipality agree that the Energy Excise Tax shall become effective date on January 1, 2013.

SECTION 14
MEDIATION

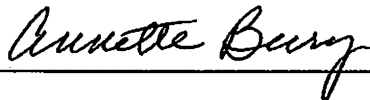
The County and each Participating Municipality agree to submit any controversy arising under this Agreement to mediation for a resolution. The parties to the mediation shall mutually select a neutral party to serve as mediator. Costs of mediation shall be shared equally among the parties to the mediation.

IN WITNESS WHEREOF, the County and the Participating Municipalities, acting by and through their duly authorized agents, have caused this Agreement to be executed in multiple counterparts under seals on the date indicated herein.

GORDON COUNTY, GEORGIA

BY: 
Chair, Board of Commissioners

(SEAL)

ATTEST: 
Clerk

MUNICIPALITIES

CITY OF CALHOUN, GEORGIA

BY: James J. Palmer
Mayor

(SEAL)

ATTEST: Paul Wiley
Clerk

CITY OF FAIRMOUNT, GEORGIA

BY: Harry & Pierce
Mayor

(SEAL)

ATTEST: Kristi Coker
Clerk

CITY OF PLAINVILLE, GEORGIA

BY: Lally Johnston
Mayor

(SEAL)

ATTEST: Sandra Langston
Clerk

CITY OF RESACA, GEORGIA

BY: Samuel Allen
Mayor

(SEAL)

ATTEST: *Debra J. Smith*
Clerk

Exhibit A

Energy Excise Tax Distribution Formulas

Jurisdiction	LOST Distribution Formula	SPLOST Distribution Formula
Gordon County	69.35%	79.35%
Calhoun	28.35%	18.62%
Fairmount	1.30%	0.98%
Resaca	1.00%	0.66%
Plainville	0.00%	0.39%
Total	100.00%	100.00%

Distribution Certificate



CERTIFICATE OF DISTRIBUTION

TO: State Revenue Commissioner

Pursuant to an Act of the Georgia General Assembly, effective January 1, 1980, relating to Local Sales & Use Taxes, the governing authorities for the qualifying municipalities and the county located within the special district coterminous with the boundaries of Gordon County hereby certify that the proceeds of the combination city/county local sales and use tax generated in such district shall be distributed by the State Revenue Commissioner as follows:

City of <u>Calhoun</u>	shall receive	<u>28.35</u>	%
City of <u>Fairmount</u>	shall receive	<u>1.30</u>	%
City of <u>Resaca</u>	shall receive	<u>1.00</u>	%
City of _____	shall receive	_____	%
City of _____	shall receive	_____	%
County of <u>Gordon</u>	shall receive	<u>69.35</u>	%

This certificate shall continue in effect until such time as a new certificate shall be executed as provided in said Act.

By executing this schedule the county and cities, acting through their respective officers, represent that all municipalities lying wholly or partly in the tax jurisdiction have been given an opportunity to show that they are 'qualified municipalities,' as that term is used in the Act, and that all municipalities listed herein as recipients are 'qualified' and so may receive distribution from the proceeds of the tax.

Executed on behalf of the governing authorities of the qualifying municipalities representing not less than a majority of the aggregate population of all qualifying municipalities located within the special district and the governing authority of the county, this 7th day of Aug 2012.

James J. Palmer Calhoun
MAYOR OF THE CITY OF Calhoun

MAYOR OF THE CITY OF

MAYOR OF THE CITY OF

MAYOR OF THE CITY OF

MAYOR OF THE CITY OF

Julie Bailey
CHAIRMAN BOARD OF COMMISSIONERS OF
Gordon COUNTY