



**CITY COUNCIL MEETING
DECEMBER 11, 2017- 7:00 PM
109 SOUTH KING STREET
DEPOT COMMUNITY ROOM**

MINUTES

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

ALSO: Eddie Peterson, City Administrator; Paul Worley, Assistant City Administrator; Sharon Nelson, City Clerk; George Govignon, City Attorney; Jeff Defoor, Director of Electric Utilities; Garry Moss, Police Chief; Lenny Nesbitt, Fire Chief; Jerry Crawford, Director of Water & Wastewater; Larry Vickery, City Planner; and Commander Don Colburn, Special Operations.

1. Council Meeting Called to Order

Welcome

Mayor Palmer called the meeting to order and welcomed everyone in attendance.

Invocation

Mayor Palmer gave the invocation.

2. Pledge of Allegiance

Mayor Palmer led the group in the Pledge of Allegiance to the United States Flag.

3. Amendment or Approval of Proposed Agenda

Mayor Pro Tem Barton made a motion to approve the December 11, 2017, agenda as presented. Councilwoman Palazzolo gave a second with all voting aye. Motion approved.

4. Amendment or Approval of Minutes

Councilman Hammond made a motion to approve the regular minutes of the November 27, 2017, City Council meeting. Councilwoman Palazzolo gave a second with all voting aye. Motion approved.

5. Mayor's Comments

- A. Mayor Palmer extended his sympathies to Mayor Pro Tem Barton for the loss of his father, stating that we had lost a great member of our community and a very good man.
- B. Mayor Palmer gave the December 5th Run-off election results as follows: Ray Mitchell Denmon - 329; Alvin Long – 302.
- C. Mayor Palmer announced that Calhoun City offices will be closed on Monday, December 25th and Tuesday, December 26th for the Christmas Holidays, and January 1st for of New Year's Day.

6. Council Comments

- A. Councilman Edwards submitted November reports as follows:

1) Water, Sewer, and Engineering

Water and Sewer Systems Active Projects

- The 2" Galvanized Line Replacement Project -The project as a whole is approximately 90% complete. Lewis Dr., Cindy Ln., Kirk Dr. off Peters Street are nearing completion. The last scheduled areas are Beamer Cir., Overland Dr., and Emory Ln. off Beamer Road.
- The new NPDES permit for the Wastewater Treatment Plant went into effect March 1, 2016. The chemical feed lines are under construction. As part of the new NPDES requirements, steps are underway to meet the storm water segment of the Watershed Protection Plan. We are currently investigating possibilities for a Section 319 grant for storm water improvements.
- The Nutrient Trading Monitoring Pilot Program – Year Two of the program is scheduled to begin August 11th.
- Wastewater Treatment Plant Motor Control Center Upgrades Phase II – MCC's are on site and installation is in progress and going very well.
- South Calhoun By-Pass Utility relocations- The section of water main along Union Grove Road is nearing completion. Crews are nearing completion on the area at Hwy 53 East. The remaining areas are US 41 and McDaniel Station Road.
- Pisgah Drainage Area Sewer Replacement – Bid opening was January 4, 2017. IPR Southeast is the contractor. The contractor is making good progress and should be finished with the project by late-August.
- Our maintenance department has completed painting of the interior of the Glassrock tank at a cost of approximately \$50,000. The lowest bid for this project was \$284,000. This tank will be put in service while the 6.0 MG Cook tank is offline for repairs.

Water & Sewer Projects in Development

- Airport Sanitary Sewer Relocation- Relocating approximately 4500 feet of sewer main to accommodate the airport expansion.

Streamed Live: <https://www.youtube.com/watch?v=jtxkVdrgyqk>

- S.R. 156 Water Main Relocation (GDOT/ RR Bridge Replacement @ Ranger) – Plans have been submitted to GDOT.
- North Wall Street and Redbud Road Intersection improvements- GDOT asked for and was given an estimate to relocate any utilities in conflict with the proposed project.
- Hwy 41 South at Lynn Creek (GDOT Widening Project) – Plans have been submitted to GDOT.

Projects in Engineering Conceptual Design

Sewer

- Blackwood Creek Trunk Sewer Replacement
- Yarborough Street Replacement Sewer
- Louise Ave., Cherry St., and Florence Ave. Sewer Replacement

Water

- Bellwood Road Water Transmission Main
- Curtis Parkway Water Main
- Reeves Station Water Main (replacing existing 6" C. I. with an 8")
- Second Interconnect with Pickens County

2)Water Treatment Plant Facility

- Total gallons withdrawn: 296,110,000
- Daily average: 9,870,333
- Wells: 111,780,000
- Big Springs: 0
- % produced by Brittany Drive: 37.7%
- Brittany Dr. daily production to capacity: 31.57%
- Mauldin Rd. daily production to capacity: 38.40 %
- Rainfall for November – 1.08"

3)Waste Water Treatment Plant Facility

- Treated a daily average of 3.389 MGD, with an average BOD effluent of 4, average suspended effluent of 10, and an average COD of 54.

4)Water Distribution

- 554 work orders completed, 19 new water connections, 8 water service leaks repaired, 11 water main leaks repaired, 13 water services changed to new main lines, 404 meter changes, 35 utility locates called in for work orders, 412 utility locates responses.

5)Waste Water Collection

- 2,250 feet of Sanitary Sewer Services TV inspected, 286 utility locates completed, 5,200 feet sanitary sewer lines cleaned, 21 new sewer connections installed, 3 sanitary sewer services repaired.

6) Police Department

- Made 395 cases with 10 DUI's
- Fines collected by Municipal Court - \$36,614
- Issued 547 warnings
- Investigated 56 highway accidents, 37 private property accidents
- Escorts - 50
- Incident reports -1,306
- Alarm responses - 198
- Miles patrolled: 46,234

7) Municipal Court & Probation

- Total Court cases- 417
- Court cases dropped- 114
- Number of Bond forfeitures- 227
- Number of Probation cases- 33
- Failure to appear- 48
- Subpoenas served- 9

8) Fire Department

Fire Suppression Division

171 Total reported calls for service for the Suppression Division

Responses to Calls

- 4 Fire Incidents (\$1,500.00 in estimated Fire damage)
- 0 Overpressure Rupture, Explosion, Overheat (NO FIRE)
- 109 Emergency Medical Services / Rescue (Injuries, Medical, or Fatality)
- 4 Hazardous Conditions Incidents (NO FIRE; Leaks, Spills, Electrical Hazards; All Other Hazardous Conditions without injuries)
- 6 Service Calls (Water Leak; Assist Other Agencies with Non Emergency Calls)
- 30 Good Intent Calls (Smoke / Odor check; Investigation of Unknown Problem)
- 14 False Alarms or False Calls
- 0 Severe Weather & Natural Disaster
- 0 Special Incident Type (Citizen Complaint; Other)

Additional Fire Department Activities

- Assisted with Fire Prevention program at Catoosa Senior Village Phase 1 & 2.
- Completed all routine vehicle and station maintenance.

Training Division

CFD completed 462 Total Man Hours of training during the month.

Training consisted of:

- Training topics this month consisted of:
Officer Training
Fire Attack
Vehicle Extrication

**Fire Inspections - Public Safety Education -
Code Enforcement Division**

107 Total Reported Activities / Inspections completed during the month.

Inspections

| | |
|----|---------------------------|
| 24 | Annual Inspection |
| 4 | New Business Inspections |
| 23 | Requested Inspections |
| 24 | Follow Up, Re-Inspections |
| 3 | Burn Site Inspections |
| 2 | Plan Reviews |
| 0 | Pre-Construction Meetings |
| 0 | Sprinkler Permits Issued |
| 0 | Tank Permit |
| 27 | Consultations |
| 0 | Illegal Burning Citations |

Streamed Live: <https://www.youtube.com/watch?v=jtxkVdrgyqk>

Additional Inspection - Public Safety & Codes Division Activities

- Inspections coordinated and helped teach the previously listed Fire Safety class during November.
- Conducted Fire Extinguisher class for Gordon Central High School.
- Inspections attended the City Zoning and Annexation meeting.

9)Building Inspections Department

- Issued 78 permits for an estimated cost of \$2,975,585, collected \$21,799 in permit fees. This included 24 new residential, 4 residential remodel, 10 residential electrical, 12 residential plumbing, 6 residential HVAC, 1 new commercial, 3 commercial remodel, 4 commercial electrical, 2 commercial plumbing and 3 commercial HVAC. 234 total inspections.

B. Mayor Pro Tem Barton submitted November reports as follows:

1)Electric Department

- Construction continues on the new Holiday Inn Express.
- Construction continues on 10 new units at J.W. Plaza.
- Pole replacement continues on Curtis Parkway and Dews Pond Road.
- New Residential services are continuing at Madison Garden and Willow brook
- Rock Bridge Community Church at Curtis Parkway, Crystal Cavern Spring Water at River Street and Bryan Young car lot on Warriors Path are in Electric Engineering.

WORK ORDERS IN PROCESS OR COMPLETED FORJULY:

| | |
|---------------------------------|----|
| • NEWLY CREATED | 95 |
| • COMPLETED AND CLOSED | 92 |
| • CONSISTING OF: | |
| • CAPITAL CONSTRUCTION | 12 |
| • STREET AND SECURITY LIGHTING- | 32 |
| • DISTRIBUTION MAINTENANCE | 9 |
| • OUTAGES / TROUBLE CALLS | 12 |
| • WORK FOR OTHER DEPARTMENTS | 27 |
| • NEW METER SETS | 11 |
| • METER MAINTENANCE/REPLACEMENT | 6 |

| | |
|--|------------|
| <ul style="list-style-type: none"> • Electric Locate Tickets Processed- | <p>188</p> |
|--|------------|

The City of Calhoun’s Electrical load for November is projected to be about 32,800,000 kilowatthours which is about the same as last year. Actual numbers will be released around December 18th.

2)Telecommunications Department

Telecommunications

- Connected two new internet customers quoted three new services.
- Started pulling fiber for Brittany Well project. Still need 3 vaults installed.
- Successfully ported over 500 phone numbers to a new phone circuit. Turned in the school system phone numbers; the last set of numbers to port. Trying to schedule for January 2nd.
- Resolved issue between new model of phone and network addressing. Current phone model is no longer available from vendor.
- Installed operating system updates on two servers.
- Opened 10 and closed 8 work orders.

Geographic Information Systems

- Installed new version of ESRI software onto ArcGIS Server and database
- Continued to build GIS layer updates
- Assisted with Water GIS Modeling Sessions
- Updated the following GIS layers
 - Water system meter data
 - Fire Department fire pre-plans for industrial and commercial buildings
 - Physical addressing for building and billing information
- Updated City and GIS web sites

3)Downtown Development Authority

The DDA director attended a Business Engagement Committee meeting; a Young Professionals meeting & Chamber of Commerce Booster Breakfast. The HPC held its regularly scheduled meeting.

Hamilton Health Care System is presenting a Downtown Winter Wonderland in the Depot parking lot on December 14th, 15th & 16th. It will feature a 30 x 40 ice skating rink along with food trucks, pictures with Santa and more. To sign up for the ice rink and times for the event please visit downtowncalhounga.com. The Christmas Parade is December 14th at 7 P.M. We hope to see the community there!

4)Safety Committee

- The safety committee met on November 7th and the topic was ladder safety.
- A safety inspection was completed on November 14th at the Water Plant.

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- Vehicle accidents: 0
- Workers compensation: 3

C. Councilwoman Palazzolo submitted November reports as follows:

1) **Street Department**

- Completed 35 shop and 33 street dept. work orders.
- Installed 4 new street signs.
- Began the annual leaf clean up all over town.
- Cut and removed trees at the soccer fields.
- Replaced a section of sidewalk on Harlan Street.

2) **Cemetery Department**

- Performed routine maintenance on Fain and Chandler cemetery.
- Supervised the opening and closing of 9 grave sites.
- Sold 10 new grave spaces.

3) **Parks Department**

- The grounds crew picked up litter, hauled garbage to the dump, and maintained records at records room while mowing and weed eating downtown areas.
- The maintenance crew maintained designated buildings downtown.
- Worked on Christmas decorations for downtown.
- Cleaned curbs to be painted.

4) **Animal Control**

- Housed 12 dogs and 15 cats
- Number of dogs adopted: 65
- Number of cats adopted: 0
- Number of dogs rescued: 3
- Number of cats rescued: 11
- Number of dogs reclaimed by owner: 2
- Number of cats reclaimed by owner: 0
- Number of dogs euthanized: 0
- Number of cats euthanized: 0
- Number of warnings given: 15
- Number of bite cases: 1
- Citations issues: 0

5) **Recycling**

- | | | |
|-----------------|----------|----------|
| • OCC | 0.0 tons | \$ 0.00 |
| • Loose OCC | 1.7 tons | \$238.00 |
| • Plastics | 0.0 tons | \$ 0.00 |
| • Paper | 8.0 tons | \$640.00 |
| • Mixed Plastic | 0.0 tons | \$ 0.00 |
| • Glass | 4.3 tons | \$ 64.50 |

Streamed Live: <https://www.youtube.com/watch?v=jtxkVdrgyqk>

- Aluminum 000 lbs \$326.00
- Steel Cans 892 lbs \$ 24.53

6) Recreation Department

1- PROGRAMS –

Youth Basketball – Registration for youth basketball concluded with 328 boys and girls registering to participate. Teams have been formed and practices began on November 18. Scheduled games will begin on Monday, December 11. Games will be played at Billy Bearden Recreation Center and Calhoun Middle School gym.

Youth Football – The all-star football teams participated in the GRPA 5th District Football Championships November 9-18. Our agency hosted games on November 9, 11, 16 and the championship games on November 18 at Phil Reeve Stadium. The GRPA North Regional's were hosted by our agency on December 2-3 with the Calhoun 11-12 team advancing to the GRPA Championships which will be played December 9 in Tifton, Ga.

Youth Soccer – The all-star soccer teams participated in the GRPA District tournament in Dalton November 11 – 18. The U8, u10 and u12 Girls and u14 Coed advanced to the GRPA State tournament held December 1-2 in Dalton. The u14 Coed team won the GRPA State Championship December 1- 2 and the U8 and u12 Girls finished runner-up in the state tournament.

Tennis – Jr level tournaments held – November 3-4. Adult leagues were played throughout the month.

2 -FACILITY USE –

- Ratner Pavilion – 4 events
- Playground Pavilion – 4 events
- Recreation Center
- Meeting Room – 8 events Community Room – 1 event
- Gym – 9 events

3- WEBSITE/FACEBOOK –

| FACEBOOK | WEBSITE |
|-------------------|-----------------|
| 4,340 reached | 1,819 reached |
| 10 posts | 864 engagements |
| 2,404 engagements | 6 posts |
| 112 – Shares | |

4 -STAFF CONTINUING EDUCATION

- Kim Townsend, Jeff Davis, Sharon Meadows, Hailey Amick and David Mitchell attended the
- Georgia Recreation and Parks Association conference during the week of November 6-9, 2017 in Columbus.

Streamed Live: <https://www.youtube.com/watch?v=jtxkVdrgyqk>

- A total of 44 hours of continuing education were obtained by staff attending Educational sessions.

D. Councilman Hammond submitted November reports as follows:

1) Councilman Hammond reminded everyone that council meetings are streamed live on youtube so that you can go back and judge what is being done here at your community table. He said he assumed that the new Council taking their seats in January will elect to continue this coverage. He congratulated Ray Denmon and George Crowley, noting they were both at the work session today getting caught up on what is going on in our community.

2) **Northwest Georgia Regional Commission**

- **Unemployment:** Calhoun/Gordon County is at 4.2% unemployment which is below the regional and state rates of 4.3%. These rates are driven by manufacturing for the most part. Salaries are at \$39,163 on average, an increase related entirely to manufacturing base that is here. Murray County has the highest unemployment rate in our region at 5.5%. In reviewing prior year unemployment rates, Councilman Hammond noted that in 2007 and 2008 Calhoun was at 13 and 14%.
- **Workforce:** The Workforce Innovation and Opportunity Act provides education, training and employment opportunities for individuals in Northwest Georgia. The RDC works in a fifteen-county area that includes Bartow, Catoosa, Chattooga, Dade, Fannin, Floyd, Gilmer, Gordon, Haralson, Murray, Paulding, Pickens, Polk, Walker, and Whitfield counties. The Northwest Georgia Regional Commission administers the federally-funded program for the chief elected officials in our fifteen counties.
- **Area on Aging:** The Georgia Department of Human Resources has designated the Northwest Georgia Regional Commission as the Area Agency on Aging (AAA) and in this capacity, the RDC plans, coordinates and administers programs for older Georgians throughout the planning and service area. An Area Agency on Aging Advisory Council, which includes consumers, advises on senior programs. The provision of services is administered by the AAA through contracts with service-provider agencies. This program provides services such as meals on wheels, homebound clients, individuals suffering with memory loss, and care provider respite. These services are all available to citizens in Gordon County who need assistance.
- **Planning:** The Northwest Georgia Regional Commission assists member local governments with implementing the Georgia Planning Act of 1989. Local comprehensive plans address community needs and objectives for economic development, community facilities, natural and historic resources, housing, and land use. Plans must be updated every ten years.
- The NWGRC encourages counties and municipalities to work together to identify common problems and opportunities and to seek countywide solutions through joint plans. Local plans were used to develop a joint regional plan that identifies opportunities for counties and municipalities to work

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together on a multi-county basis. The Northwest Georgia Regional Commission has prepared a regional plan for the 15-county State Service Delivery Region 1.

- The NWGRC also assists local governments with preparing solid waste management plans as required by the Georgia Comprehensive Solid Waste Management Act. These services are implemented in partnership with the Georgia Department of Community Affairs. Further information on planning in Georgia can be found on-line at [Georgia Planning.com](http://GeorgiaPlanning.com).

3) Revolving Loan Fund

- Councilman Hammond noted that the Council was dealing with the issue of having way too much money a couple of months ago. We got some big loans that just went through and we have two others that are pending.
- Local job creation program where City businesses are eligible to borrow \$20,000 per job created/retained if loan is approved.
- The program has resulted in 692 jobs created.
- 2% interest rate with a 50% match from another source required.
- There is currently \$361,768 available to be loaned.

4) Library

- The Calhoun-Gordon County Library is jointly funded by the Calhoun City Council and Gordon County Commissioners. It is an Authority made up of volunteer servants that are appointed by the governing bodies. The City currently owns the building, which was updated last year with SPLOST funds.
- Free Basic English classes are offered every Saturday from 10:00 AM to 12:00 Noon. Free child care is offered for those that are attending the Basic English classes.

5) Tom B. David Airport

- Councilman Hammond notified those present that there would be an airport meeting tomorrow at 12:00 p.m., which is open to the public for anyone wishing to attend.
- The Airport is an authority supported by both Gordon County and the City of Calhoun. The airport is the 7th largest permanent based aircraft airport in the state of Georgia. The six counties that have more aircraft have populations of 150,000 or greater, where Gordon County only has 56,000. The Airport is currently working on two projects: One is a \$5 million expansion of the commercial hanger bays to be used for jet aircraft. Leading Edge Consultants is working on the build out for commercial jet traffic. Ad valorem taxes in excess of \$130K per jet housed at the Airport are expected annually. A regional carrier has signed to bed two jets in Calhoun; the second project is a \$10 million taxiway which will give the Airport the ability to land and take off twice the amount of aircraft it currently does. This is 100% of federal dollars allocated to Georgia airports.
- Councilman Hammond noted that we are down to the two last meetings of the year and that he is hoping and assuming that the Council photos will stay at

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City Hall and Calhoun Utilities. He also told those present that phone numbers are issued to elected officials so that citizens may contact them with any concerns, and all calls are welcomed. Council members want to know what is not working and what is working. They recently received a letter with a very positive comment about our employees and a break-down service. It is always good to hear that. He also reminded everyone that the 2018 SPLOST was passed at the election we just had and contained two very important projects. The first was the path project, which will be for the first mile of pathway in the community. He encouraged attendees to remind their Council that was passed and that they would like to see it completed as quickly as possible. The other project is recycling, which is growing continually. Funding was included in the SPLOST for a building so that we wouldn't have to share a joint building with the school system. In years to come this Council will be debating where recycling is going to go, whether there will be curbside pickup or what, so if you have an interest in that feel free to call council members and let them know what your wishes are. As a final reminder, Councilman Hammond stated that term limits were passed by the voters at a 61.5% margin. He encouraged those present to contact their elected officials and encourage them to take this all the way to state house and make a Charter change. The wording used was exactly the same as the City of Marietta and they have gone forward with theirs and now have term limits in place. Also, there was a vote for expanded Council and that passed also. If you would like to see your community to progress and move forward then pick up the phone and reach out and call these individuals and let them know what your wishes are. Tune in every week that we have a meeting and know what is going on. Stay informed and take an active role.

7. Public Hearing and Comments

Mayor Palmer announced at this time, public hearings will be held. The public will have the opportunity to make pro and con comments with a ten minute maximum time limit for each side of the matter, with each person speaking having filed a financial disclosure statement five days prior to the hearing if required, with each person giving their name and address. An inquiry should be made to determine if any elected official has filed a disclosure statement regarding ownership or special interest in any of the agenda items. Zoning Land Use Maps on display in Council Chambers for Zoning Advisory Board and Council hearings.

- A. Councilman Hammond made a motion to remove from the table the public hearing of a zoning change request from Ind-G to R-2 for 1.95 acres, at a location of 203 Edmond Street, by Haley Stephens. Mayor Pro Tem Barton gave a second with all voting aye. City Attorney Govignon stated the request had been withdrawn by the applicant and rendered moot.
- B. Councilman Hammond made a motion to remove from the table the public hearing of a variance request to reduce minimum square footage 500 feet, from 800 square feet to 300 square feet, at a location of 203 Edmond Street, by Haley

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Stephens. Mayor Pro Tem Barton gave a second with all voting aye. City Attorney Govignon stated the request had been withdrawn by the applicant and rendered moot.

- C. Public hearing of an annexation and zoning request of C-2, for 1.33 acres, at a location of parcel number GC-57066, Hwy 53, by William Jenson of Jetz Foods, LLC. The Zoning Advisory Board meeting was held on December 7.
- Mayor Palmer opened the public hearing.
 - City Administrator Peterson stated that all legal requirements have been met.
 - Councilwoman Palazzolo stated that the Zoning Advisory Board was in favor of the annexation and zoning request.
 - Mayor Palmer called for comments concerning the annexation and zoning request. There were none.
 - Mayor Palmer closed public hearing and called for a motion concerning the annexation request.
 - Councilwoman Palazzolo made a motion to approve the annexation request. Councilman Edwards gave a second with all voting aye. Motion approved.
 - Mayor Palmer called for a motion concerning the zoning request.
 - Councilwoman Palazzolo made a motion to approve the zoning request of C-2. Councilman Edwards gave a second with all voting aye. Motion approved.
- D. Public hearing of a side set back variance request of 12 feet, to reduce the minimum distance from 20 feet to 8 feet, at a location of 170 Fred Hurley Road, by Jason Everts. The Zoning Advisory Board meeting was held on December 7.
- Mayor Palmer opened the public hearing.
 - City Administrator Peterson stated that all legal requirements have been met.
 - Councilwoman Palazzolo stated that the Zoning Advisory Board was in favor of the variance request.
 - Mayor Palmer called for comments concerning the variance request. There were none.
 - Mayor Palmer closed the public hearing and called for a motion concerning the variance request.
 - Councilwoman Palazzolo made a motion to approve the variance request. Councilman Edwards gave a second with all voting aye. Motion approved.
- E. Public hearing for consideration of the 2018 renewal application for Taxi Express.
- Mayor Palmer opened the public hearing and called for comments concerning the renewal application.

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- City Attorney Govignon stated the matter for consideration would be the 2018 license renewal for taxi cab certificate number 12378, for Taxi Express. Issues brought to the attention of Mr. Govignon by the City Clerk warranted the matter being brought to the Council's attention. There are two different matters for consideration under the Taxi ordinance: 1) Section 22-265. – Consideration for issuance of certificate of operation; and 2) Section 22-272. - Right of suspension by license and inspection department; revocation. Under Section 22-265 the items under consideration are (1) protests, complaints and testimony in favor of; and (9) other facts considered relevant by the mayor and council. Section 22-272 allows for the City Clerk to suspend with cause and without prior notice for any violation of any law or ordinance for the United States, the State of Georgia, or the City of Calhoun. That is to be brought before the Mayor and Council for a hearing. The applicant can appear and defend. The council at that time can take these actions which are to continue the suspension, place the operator on probation for a fixed term to ensure compliance; revoke the certificate of operation; or restore the certificate such that it remains in full force. As counsel for the City Mr. Govignon passes no judgment either way on the information that was brought to his attention. He stated his responsibility is to bring the matter to the Council and Mayor's attention on the renewal application because it is unusual in that we had information coming in and presented in summary form as follows: On November 10, 2017, the City Clerk received an open records request, and that open records request was specifically regarding information and materials for license number 12378 during the 2017-2018 period. As that matter progressed it became apparent, as shown in Exhibit A and Exhibit B. Exhibit A being an accident report in which two different pieces of information, one in orange, and the others in green. The information in green indicates that a Khalyse Wilkerson was operating a 2010 Toyota Corolla, vin number ending in 5474, owned by Moises Robleto here in the City and was in a collision on May 12, 2017 (information in orange). These two become important because, later, the individual seeking the information via the open records request had produced Exhibit B. Exhibit B is the Ethio-American Insurance Policy denial for the day of loss, May 12, 2017, for the insured Moises Robleto, for an unlisted, unauthorized driver, Khalyse Wilkerson. The reason that also became problematic for the City is because the 2010 Toyota Corolla with the tag number matching the tag number on the incident report, and the vin number ending in 5474, is listed on the 2018 renewal application for enlistment as a taxi for hire, but was not listed in the 2017. This actually occurring in the middle of the 2017 year was problematic. That is because, pursuant to our Code, and pursuant to the notice to provide, there is an examination and inspection of vehicles in service is required; liability insurance is required; an application to change the number of taxicabs is required, and a taxicab driver's permit is required. If the vehicle was in operation

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as a taxicab at the time there was no liability insurance for the driver because the driver did not have a taxicab driver's permit, nor was there an application at any point between the renewal in 2017 and the renewal application for 2018 to list this vehicle specifically as one being pressed into service. Mayor Palmer asked if the vehicle had received an inspection. City Attorney Govignon stated that he had no records personally, but we also had not received the report for the accident, which is another requirement of the Code. Section 22-240 states that all accidents arising from, or in connection with, the operation of any taxicab which results in death or injury to any person, damage to any vehicle, or to any property in an amount exceeding the sum of \$500 shall be reported within 24 hours from the time of occurrence to the police department on a form to be furnished by such department. That could be covered by the accident report so it was not cited as one of the concerns. The open records requests were filed by Rebecca Valasquez, who is present tonight and may want to comment. This is being put before the Mayor and Council in a public hearing to allow for consideration of all facts. City Attorney Govignon stated again, I take no position as to whether revocation is necessary or whether denial is necessary. These are facts that needed to be brought to the attention of the governing authority before simply renewing without consideration.

- Mayor Palmer opened the floor for comments from the business owner, Mr. Moises Robleto, 629 Peters Street, unit D. Mr. Robleto addressed Council members stating that the vehicle in question was purchased two weeks prior to the accident and had been in Renaldo's Auto Repair Shop on Hwy 41 for repairs. He produced a copy of the purchase agreement and bill from the auto repair shop for review by council members. He noted this was the reason the vehicle was not listed on the 2017 application. He produced vehicle inspection records for the car showing that it was inspected by the Calhoun Police Department on November 22nd, after the record requests were made. He also stated that Khalyse Wilkerson was not listed on the insurance because she was not a driver for the taxicab company and accepted total responsibility for the negligence. He stated her car was in the mechanics shop and the other lady involved in the accident was at the same mechanics shop. He stated that he had given her permission to drive the car while hers was in the repair shop. His insurance company would not assume responsibility because she was not a listed driver on the policy for his business. He asked council members to renew his license because he has four people on his payroll. He again stated that he would take responsibility for the damages to the other vehicle. Councilman Hammond stated that one of the reasons this Council decided to start inspections and registration was because they knew there was a need for this service in this community, but they wanted to protect the community as they use this service; that they were in safe automobiles with trained drivers who had passed physical inspections and followed the rules. Mr. Robleto stated that this

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was a very unusual circumstance. Ms. Wilkerson was a very good friend and the car was not ready yet so he let her use it while hers was being repaired. Councilman Hammond stated that this situation seemed to be minor as far as damages, but his mind always goes to a worse-case scenario. If we were looking at a fatality here the situation that caused it would still be the same. There would have been a violation of our taxicab policy and Mr. Robleto's management decision led to that. Councilman Hammond stated that he was of the opinion there would have to be a strict punishment so that this type of situation won't happen again. Mr. Robleto stated that he agreed with Councilman Hammond's opinion because he felt responsible for the situation and his lack of judgment. He stated they have had the license for many years with no other issues. He stated his business is listed as an emergency service for the 911 dispatchers and the hospital as well. He stated that they are the only company that provides 24 hour service in town and all of his drivers are very responsible and professional drivers. Councilman Hammond asked Chief Moss if the police department had dealt with any past issues that this Council should hear about. Chief Moss stated the only question he had was the same company that charged a man \$40 to go from Holiday Inn Express to Bojangles? He also stated that when he called to speak to the owner he was rude and hung up on him. Mr. Robleto stated that he has no explanation for that and no recollection of that incident. They do not charge anything like that. He stated that he is the dispatcher and the owner and they only charge \$5.00 per ride. They try to treat everyone fair and consistent.

- City Attorney Govignon stated that the driver of the other vehicle and the owner of the other car are present and would like to address the Council as well, as the damage to their car was \$13,752. Maria Castano addressed the Council stating that she was the owner of the car her daughter was driving that day. She stated that the picture of the vehicle that her daughter took that day was marked as a Taxi Express vehicle. She stated that in 2016 there was another accident involving a Taxi Express vehicle which Ethio-American Insurance also declined to pay because the driver was not listed on the policy. She told Council members that she had provided a copy of the letter to the City Clerk. She stated that she was fortunate that she has uninsured motorist coverage which paid a portion of the damages related to the accident. She stated that all of the inconveniences of dealing with this issue have been time-consuming, stressful, and they have had to pay a lot out of their own pocket. She noted that more than \$13,000 in damages was more than just a little bump on the side. She stated that if something was not done about this it was going to continue; she did not want them to go out of business because they do provide a good service to the community, however she wanted to ensure this did not happen to other people. Councilman Hammond asked the taxicab owner why this was not handled before it got to this governing body so that it wasn't an issue.

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You admitted damages; why didn't you just take care of the necessary cost factors? Mr. Robleto presented council members with a picture of her car stating that there was a discrepancy with the actual damage charge. His repair was \$2,000. He stated he did believe that she did have to go through a lot of inconveniences but they have had no communications. This was his first time meeting her. He just received paperwork through the courthouse that they were seeking compensation. Mr. Robleto stated that was the reason it had not been taken care of; it was never brought to their attention until recently. Ms. Castano stated that her insurance company was handling all of the communications to Mr. Robleto. She noted they had just finished trying to pay and complete everything after seven months. She stated that she does have the repair costs and the work was done at Ed Voyles. It took a long time and has been a very big hassle. She stated she was glad that there was nothing serious with her family.

- City Attorney Govignon stated the four options available to the Mayor and Council after having this public hearing are (1) continue the current suspension, however no suspension has been put in place so that is not currently on the table; (2) place the operator on probation for a set term to ensure compliance; (3) revoke the certificate of operation, which in this effect would be to non-renew; or, (4) restore the certificate so that it remains in full force. He stated that as counsel for the City it was his advice, based upon the facts right now, to strongly consider option two (2), to place the renewal on to a probation status of no less than six months to ensure that all statements made tonight on the record are followed through with. This should be adequate time for progress to be made to determine if they can come off probationary status or not. In other words, if no action is taken until the 175th day then there is bad-faith compliance. If there is action taken during the entire 180 day then there is good-faith compliance and no need to be on a probationary status. He stated it is not his intent as the representative of the City to harm anyone's means of making a living, but the reason we enacted the statute when I first drafted it after Mr. Bailey passed away was to create a position the City could use to protect individuals. Mayor Palmer asked Mr. Govignon if six months would be satisfactory, or should it be a year when the natural process of renewals would come back in place. Mr. Govignon stated that it could be a 12 month probationary license; that is perfectly acceptable with stipulations as well. He stated his recommendation was a six month probation that would be subject to review for continued operation at that time.
- Councilman Hammond made a motion to place Taxi Express on six month probation subject to review of any issues regarding Taxi Express drivers or the fleet, with periodic inspections for continued operation at the end of the six month period. If anything comes into violation his recommendation would be that the next council proceeds with revocation of the taxicab license. He stated to Mr. Robleto that he is glad

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he provides a service to our community, and obviously the community values the service, but we have to protect everybody here. Again, this could have very easily been a much worse-case scenario. We need to get it across that we want safe vehicles, certified drivers, licensed drivers with insurance on our highways. Mayor Pro Tem Barton seconded the motion and told Mr. Robleto he needs to communicate with the City and the Plaintiff, and give her kudos because she does not want you to go out of business or hurt your other employees. He stated he felt that Ms. Castanon was being very considerate to Mr. Robleto in his opinion. He suggested he communicate very well with what you plan to do to rectify this situation. If this hasn't been rectified satisfactorily in six months you will not have a license. City Attorney Govignon stated, just to clarify for the record of the Minutes the motion is to renew for a probationary period not to exceed six months a review at that time. Councilman Hammond stated with periodic inspections by the police department on your company and your drivers to be sure that all letters of the law are being met. Mr. Robleto stated this was very reasonable and thanked Councilman Hammond. Mayor Palmer stated there had been a motion and a second and called for all those in favor with all voting aye. Motion approved.

8. **Old Business**

None

9. **New Business**

A. **Zoning Change Request - Lusk**

Mayor Palmer gave the first reading of a Zoning Change Request from R-2 to C-2, for .482 acres, at a location of 208 River Street, by Samantha Lusk. The Zoning Advisory Board meeting will be held on January 4, 2018. The public hearing will be held on January 8, 2018.

B. **Beer Package License Application – San Marcos**

Mayor Palmer gave the first reading of beer package alcoholic beverage license application for San Marcos, at a location of 90 East May Street. The public hearing is scheduled for January 8, 2018.

C. **Surplus Request – Calhoun Fire Department**

Mayor Palmer read a request from the Calhoun Fire Department to present the following items to be sold as surplus equipment.

- 1994 Ford Ranger Mileage 170,707 VIN # 1FTCR10AXRUD59198 this vehicle is in fair condition and currently in service and operational.
- Homelite 3500 Watt Generator with a Briggs and Stratton gas powered engine. Serial # 54403799

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The Department is requesting that monies from the sale of these items be used to purchase new headsets for the Fire Engines to upgrade what is currently 10 year old equipment and technology.

Mayor Pro Tem Barton made a motion to approve the surplus request. Councilman Hammond gave a second with all voting aye. Motion approved.

D. Annual Business License Renewal Readings

Beer Pouring

- Wings 101 of Calhoun DBA: World of Wings

Mayor Pro Tem Barton made a motion to approve the license. Councilwoman Palazzolo gave a second with all voting aye. Motion approved.

Beer and Wine Pouring

- Wall Street Catering

Councilman Edwards made a motion to approve the license. Mayor Pro Tem Barton gave a second. Councilman Edwards, Mayor Pro Tem Barton, and Councilman Hammond voted aye. Councilwoman Palazzolo abstained. Motion approved.

Beer, Wine, & Liquor Pouring

- Longhorn

Mayor Pro Tem Barton made a motion to approve the license. Councilman Hammond gave a second with all voting aye. Motion approved.

Beer and Wine Package

- A Knight's #2

Mayor Pro Tem Barton made a motion to approve the license. Councilman Hammond gave a second with all voting aye. Motion approved.

Beer Package

- A Knight Hi Tech
- Food Mart & Tobacco

Mayor Pro Tem Barton made a motion to approve the licenses. Councilman Hammond gave a second with all voting aye. Motion approved.

Beer, Wine, Liquor Package

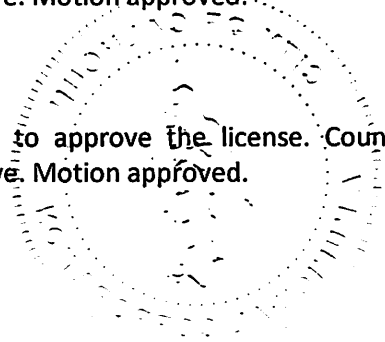
- Warehouse Liquor Store

Mayor Pro Tem Barton made a motion to approve the license. Councilman Hammond gave a second with all voting aye. Motion approved.

Beer/Wine Pouring Theatre

- Harris Arts Center

Mayor Pro Tem Barton made a motion to approve the license. Councilman Hammond gave a second with all voting aye. Motion approved.



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Taxi

- Taxi Edwin
- Taxi Tacana

Councilman Edwards made a motion to approve the licenses. Councilwoman Palazzolo gave a second with all voting aye. Motion approved.

E. Fiscal Year 2017 4th Quarter Budget Amendments

City Administrator Peterson presented the 4th quarter fiscal year end budget amendments. He noted the following items that stand out: under legal and auditing, the Walker v. Calhoun \$206,000, and \$200,000 for the auditorium, which were unbudgeted items. Engineering had \$23,682 for the design guidelines for commercial and apartments, and things of that nature. Interdepartmental Service budget was \$8,500 with total expenses of \$29,819. This was for downtown events work done by the electric department. In revenues, Local Option Sales Tax was \$82,000 more than budgeted and Insurance Premium Tax was \$100,000 more than budgeted. One area not covered was the delinquent property tax collections for 2014 and back. \$600,000 was collected for the Calhoun school system. In secondary funds, the Hotel Motel amounts continue to increase above budgeted amounts. A full breakdown was provided to council members.

Councilman Hammond made a motion to approve the 4th quarter budget amendments as presented. Councilwoman Palazzolo gave a second with all voting aye.


10. Motion to Adjourn

Mayor Pro-Tem Barton made a motion to adjourn. Councilwoman Palazzolo gave a second with all voting aye. Motion approved.

Submitted:


Sharon Nelson, CMC, City Clerk

Approved:


James F. Palmer, Mayor

