

**CITY OF CALHOUN  
REGULAR CITY COUNCIL MEETING  
DEPOT COMMUNITY ROOM  
109 SOUTH KING STREET  
CALHOUN, GA  
AUGUST 28, 2006, 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 Safety / Public Works  
Cathy Harrison, City Administrator**

1. Mayor Palmer welcomed everyone in attendance and called the meeting to order. Councilman Denmon gave the invocation.
2. Mayor Palmer led the group in the Pledge of Allegiance to the United States Flag.
3. Following a review of the August 14, 2006 Minutes of the Regular City Council Meeting, Councilman Crowley made a motion to approve as written. The motion was second by Councilman Denmon with Councilman Crowley, Councilman Denmon and Councilman Hammond and Mayor Pro Tem Potts voting affirmatively, motion carried.
4. Mayors Comments
  - a. Mayor Palmer reminded everyone of the United Way Unity Run scheduled for August 29, 2006 on the route that was approved at the prior meeting.
  - b. Mayor Palmer stated the Council received notice from MacTec, who is preparing the Comprehensive Plan, of four sets of dates that are available for open meetings with stakeholders and with the general public. Mayor Palmer stated the Council had reviewed the dates and their preference, in priority order, was September 27-28, October 18-19, and October 4-5. Mayor Palmer stated the dates will need to be coordinated with the county since it will be a combined meeting.
  - c. Mayor Palmer reminded the Council of the GMA Training Session that is available for elected officials in Macon on October 13, 2006. He stated if anyone is interested in attending, please notify the City Administrator.
  - d. Mayor Palmer reminded the Council of the Walkable Communities Workshop that will be held at the Rome Forum on August 31, 2006 from 9:00 a.m. until 5:30 p.m. He encouraged anyone interested to contact the City Administrator in advance.
  - e. Mayor Palmer asked Mayor Pro Tem Potts to review the zoning hearings. Mayor Pro Tem Potts stated the zoning hearing scheduled for September 11, 2006 at 7:00 p.m. is a request by:
    - 1) Randall and Donna McEntyre for annexation and R-1B zoning request for a house and lot located at 105 West Drive.
  - f. Mayor Pro Tem Potts stated the zoning hearings scheduled for October 9, 2006 at 7:00 p.m. are:

- 1) A zoning variance by Jennifer Krupp for a 7 foot variance on the South side of the property located at 508 Woodland Avenue to allow construction of a garage and extra bedrooms.
  - 2) A request for annexation and R-1 zoning by Shawn and Tonya Prather for 4 acres located at 486 Henderson Bend Road.
  - g. Mayor Palmer asked Councilman Hammond to review and introduce the new Assistant Fire Chief. Councilman Hammond stated following a selection process that included several surrounding fire chiefs and chief fire officials, as well as one independent individual from industry, those person's wishing to apply for the position had been given a request for providing information and background. They were interviewed individually and the group made their selection. He stated it was unanimous that Terry Mills be appointed the Assistant Fire Chief. However, the group did wish to convey to the City and to the other applicants that there were several good applicants and the City was very fortunate to have the depth of qualified people on staff. Councilman Hammond introduced Terry Mills to the group.
  - h. Mayor Palmer stated that the City Council has a vacancy on the Zoning Advisory Board. He stated there were several applicants that had been considered but based on prior experience and availability of time, the Council recommended Add Layson and he would entertain a motion for that appointment, to fill the vacant position of Cathy Matthews. Councilman Crowley made a motion to appoint Add Layson to the Zoning Advisory Board to serve the unexpired term of Cathy Matthews. The motion was second by Councilman Denmon with Councilman Crowley, Councilman Denmon, Councilman Hammond and Mayor Pro Tem Potts voting affirmatively, motion carried.
5. Public hearings and comments:
- a. Mayor Palmer opened the public hearing for a beer package license request of Mapco Express d/b/a Fast Food and Fuel, William Lee Carter authorized agent for 328 West Line Street and 41 Highway South. Mayor Palmer stated the police report was clear. He asked if there were any comments by the public or by the Council. Mayor Palmer stated that both locations has been previously reviewed for its criteria and had been previously approved for licenses. There were no other comments and the hearing was closed. Councilman Crowley made a motion to approve Mapco Express d/b/a Fast Food and Fuel, William Lee Carter authorized agent for 328 West Line Street and 41 Highway South. The motion was second by Councilman Hammond with Councilman Crowley, Councilman Hammond, Councilman Denmon and Mayor Pro Tem Potts voting affirmatively, motion carried.
6. Old Business:
- a. Mayor Palmer briefly reviewed the process that had been involved in the formation of the Five Year Capital Plan. He stated that while it is impossible to consider everything that might occur in the next five year period that it is important that the City provide basic information that will be helpful in the City's Comprehensive Plan. He stated it is a Capital Plan that will be reviewed on an annual basis and updated. He asked if there were any questions or comments by the Council. Councilman Crowley stated he wished to convey his appreciation to management and department heads for their work in this effort. He stated it represented a great deal of time and thought and he appreciated everyone's effort. That message was echoed by the remaining Council Members. Mayor Palmer

stated at this time he would ask for a motion to adopt the Five Year Capital Plan as per the following Resolution. Mayor Pro Tem Potts made a motion to adopt the Resolution regarding the Five Year Capital Plan. 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. Councilman Denmon reviewed a 1995 F-150 Ford vehicle Vin# 1FTEF15N6SNB27579 that has been declared as surplus property by the building inspection department and he asked for permission for the vehicle to be listed on GovDeals through GMA for public sale. Following discussion Councilman Crowley made a motion to authorize the vehicle as surplus property and to authorize its sale through GovDeals GMA Program. The motion was second by Councilman Hammond with Councilman Crowley, Councilman Hammond, Councilman Denmon and Mayor Pro Tem Potts voting affirmatively, motion carried.
- b. Councilman Hammond stated the police department has requested a 1997 Chrysler Sebring Vin# 4C3AU52NXVE157773 be declared as surplus property and to authorize the vehicle to be sold on GovDeals through the GMA program. He made a motion for that vehicle to be so declared and authorized to sell. The motion was second by Councilman Crowley with Councilman Hammond, Councilman Crowley, Councilman Denmon and Mayor Pro Tem Potts voting affirmatively, motion carried.
- c. Mayor Palmer stated the City had received a traditional parade request from Gordon Central High School for October 19, 2006 at 3:30 p.m. for their homecoming. He stated this would be on the City's traditional parade route. He stated if approved it would need to be subject to DOT approval. Following review Councilman Denmon made a motion to approve the request, subject to DOT approval. The motion was second by Councilman Crowley with Councilman Denmon, Councilman Crowley, Councilman Hammond and Mayor Pro Tem Potts voting affirmatively, motion carried.
- d. Mayor Palmer gave a first reading of a variance request filed by Riverside II, LLC, for a 10 foot variance from the City's minimum front set back on a local street for single-family housing for 80 acres located off Henderson Bend Road. Mayor Palmer stated the earliest date for a public hearing would be October 9, 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 Denmon with Mayor Pro Tem Potts, Councilman Denmon, Councilman Hammond and Councilman Crowley voting affirmatively, motion carried.
- e. City Administrator Harrison reviewed the Tax Digest numbers that had been forwarded from the tax assessors' office. She reviewed the possible Millage that would be needed based upon the June Budget. She stated that based upon the increase in the Digest in both the School M&O and for the City M&O that it would allow the City to set a Millage following public hearings for a combined Millage rate of 16.25 Mills. She stated the rollback Millage for the City was more than the proposed City M&O Millage of 1.67. However, the Schools were slightly lower than the proposed Millage of 14.58. She stated that based upon this it would be necessary for the School to have a minimum of three public

hearings in order for the Millage to be officially adopted. Mayor Palmer asked if there were questions or comments regarding the Millage. He stated the City will move forward with setting the dates for the School's public hearing in order for the final Digest to be forwarded to the State for approval.

- f. Mayor Palmer stated at this time the City would hold a revocation hearing on the Taxi License of Taxi Domingo, Larry Carver, owner. Attorney Bailey stated that under the City's Ordinance section 22, regarding Taxi License, on August 6<sup>th</sup>, and August 13<sup>th</sup> drivers for Taxi Domingo had been observed transporting and selling alcohol and cases had been made against the drivers and the business license had been suspended as of August 13, 2006. Attorney Bailey stated the Investigative Officer, Jay Marquez is available to respond to any questions. He stated the police department had interviewed Mr. Carver and determined that he had no knowledge of the activity. He is a truck driver and is away a great deal of the time and had left the operation of the business up to family members. He stated that in reference to Section 22 of the Code that Mr. Carver's license can be revoked, suspended and he can be charged civil penalties. At this point Attorney Bailey swore in Officer Marquez. Officer Marquez as per his report he had observed drivers of the taxi cab company on more than one occasion. A case had been made based upon evidence that the driver did disguise and deliver beer to a residential address. He stated this was on a Sunday. There was no checking of identification or age. He also stated that based upon his investigation it had been determined that Mr. Carver, as owner of the business had been unaware of the activity. Mayor Palmer asked if there any questions of Officer Marquez. The Council asked Officer Marquez if he felt the driver had made an attempt to hide or disguise the beer. He reiterated that on one occasion it had been placed in a Coca Cola container and disguised as Coca Cola. The Council asked if the taxi cabs had been located at the business address or at a residential address. Officer Marquez stated they had been located at a residential address and as a result the residence had been searched. Mayor Palmer asked if the owner, Mr. Larry Carver had any questions or comments. Mr. Carver stated that he is a truck driver and he is away a great deal. His original intention had been to assist her daughter and her husband Mr. Domingo with a business. He stated in the last few weeks his daughter and Mr. Domingo had separated and even though he spot checked the business when he was in town, he felt as though some of their operations had been hidden from him. Mr. Carver stated that his ex-wife and her sister had agreed to assist him while he was out of town and to make sure the business is operated in a proper manner. He has established a handbook to be issued to each driver with their signature acknowledging receipt of the handbook and an understanding of the rules and regulations. He stated it is his desire to reduce his taxi's from five to three. He stated the drivers in question have been released and will no longer be working for his business. Mayor Palmer asked if there were any questions. Councilman Crowley stated he felt the handbook is an excellent idea and if the business is allowed to reopen it will require Mr. Carver to take a more active roll in the operations. Councilman Hammond also reiterated even though Mr. Carver was not charged, he is ultimately responsible for all employees who work for him and it is his responsibility to make sure they obey the rules. Mayor Palmer stated the service that is provided by the taxi companies is a vital service for the community, however they must be observant of the rules and regulations and

must suffer any consequences if they fail to follow the rules and regulations. Mayor Palmer stated based upon the evidence and based upon the testimony of the officer and Mr. Carver, he would recommend supervision of the license for a full month beginning August 13<sup>th</sup> and continuing until September 13, 2006. Mr. Carver's Company be on probation through the end of the calendar year 2006 and he be issued a civil penalty of \$200.00 that must be paid prior to re-issuance of his license. Mayor Palmer asked if there were any other comments. There were none. Mayor Pro Tem Potts made a motion to approve the suspension of Taxi Domingo's license for the period of August 13<sup>th</sup> until September 13<sup>th</sup>, 2006. The cab company will be on probation through the remainder of 2006 and there will be a civil penalty of \$200.00 and this will be required to be paid prior to the re-issuance of the license. The motion was second by Councilman Denmon with Mayor Pro Tem Potts, Councilman Denmon, Councilman Hammond and Councilman Crowley voting affirmatively, motion carried.

8. Other Written Items not on the Agenda:

- a. Mayor Palmer stated there was an additional item that was not on the original agenda. He stated this was a renewal of the Coosa Valley RDC Contract on Aging. He stated the contract provided that Coosa Valley RDC would provide the van and the insurance for the van. The City would provide a driver, fuel and maintenance of the vehicle. He stated this vehicle is used to transport food to elderly citizens in the City and also allows transport of citizens to the Senior Citizen Center for food on weekdays. He stated it is a contract that has been enforced for several years and he recommended the Council renew the contract. Councilman Hammond stated he is aware of this activity, not only in our community, but in several other communities and the important part it plays for senior citizens. He made a motion to renew the contract and to authorize the Mayor to sign. The motion was second by Councilman Denmon with Councilman Hammond, Councilman Denmon, Councilman Crowley and Mayor Pro Tem Potts voting affirmatively, motion carried.

9. Work Reports:

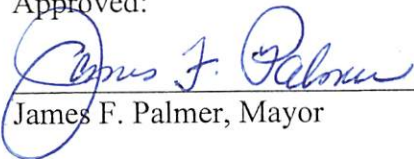
a. Director of Utilities, Kelly Cornwell

- 1) Director Cornwell stated the City had asked for bids for a waste activated sludge pump for the sewer improvement project that is currently being funded by the SRF. He stated under that program bids must be officially approved by the Mayor and Council. He stated the City had received bids from three vendors: GPM, for \$17,604.00, Flygt, \$17,873.00 and Kesco, \$13,441.00. He stated Flygt and GPM had bid on a five horse power motor while Kesco bid on a four horse power as per the specs. He stated the four horse power motor was on the outer limits of performance and a five horse power motor would be a plus for the operation. He stated he contacted Kesco and asked what their bid would be if they increased the four horse power motor to five horse power. They had not responded in writing but verbally stated it would be less than \$1,000.00, making their bid \$14,441.00, which would be lower than the other two bids. Mr. Cornwell confirmed that he had not divulged the pricing of the other two bids during his conversation with Kesco. Following consideration Councilman Crowley made a motion to authorize the five horse power motor and to select the low bid of Kesco not to exceed \$14,441.00. The motion was second by Councilman Denmon with Councilman Crowley, Councilman Denmon,

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

- b. Director of Public Works/ Public Safety, Eddie Peterson stated the City had originally received a bid for \$929,326.00 for the tennis courts. He stated he had reduced that bid by \$341,621.00 without dramatically changing the scope of the project. He stated since that time the sub-contractor had received engineering drawings of the project, drawn to scale and those had been digitized and quantities calculated and in that process plans had been reduced in size which reduced their estimate in quantities. He stated that however the sub-contractor had provided sufficient amounts of material at all levels to complete the project and those additional quantities cost approximately \$43,361.00. He stated he had confirmed those quantities and he had confirmed the pricing. He asked that be an addition to the contract. He also stated in his deduction process he had removed some vital parts of sidewalks that needed to be retained in the project, specifically 2,375 square feet of sidewalk. He stated that amount would add an additional \$11,875.00 back to the contract for a final contract of \$642,941.00. Following review and discussion Councilman Hammond made a motion to amend the original contract from \$929,326.00 to a final contract of \$642,941.00. The motion was second by Councilman Denmon with Councilman Hammond, Councilman Denmon, Councilman Crowley and Mayor Pro Tem Potts voting affirmatively, motion carried.
10. Mayor Palmer asked if there were any items that required and Executive Session. There were none.
11. Councilman Crowley made a motion to adjourn. The motion was second by Councilman Denmon with Councilman Crowley, Councilman Denmon, Councilman Hammond and Mayor Pro Tem Potts voting affirmatively motion carried.

Approved:

  
James F. Palmer, Mayor

Submitted:

  
Cathy Harrison, City Administrator