

**CITY OF CALHOUN
REGULAR CITY COUNCIL MEETING
DEPOT COMMUNITY ROOM
109 SOUTH KING STREET
FEBRUARY 27, 2006, 7:00 P.M.**

MINUTES

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

**ALSO: William P. Bailey, City Attorney
Kelly Cornwell, Director of Utilities
Cathy Harrison, City Administrator**

1. Mayor Palmer called the meeting to order and welcomed everyone in attendance, especially the member from the member from the Leadership Committee. He expressed his appreciation to those individuals who are interested in their community and who joined the leadership group to learn more about their community.
 - a. Councilman Crowley 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 minutes of the February 13, 2006 regular City Council meeting minutes, Councilman Denmon made a motion to approve as written, second by Councilman Crowley with Councilman Demon, Councilman Crowley, Councilman Hammond and Mayor Pro Tem Potts voting affirmatively, motion carried.
4. Mayor's comments:
 - a. Mayor Palmer reviewed a recommendation of the Downtown Development Authority regarding the appointment of the reorganized Historic Preservation Commission. Mayor Palmer stated it is the recommendation of DDA to appoint: Martha Claire Adams for a one year term, Sue Haney for a two year term, Suzanne Hutchinson-Smith for two year term, Jim Lay for three year term and Ed Weldon for a three year term. These terms to end on the City's fiscal year June 30. The DDA recommended Mayor Pro Tem Potts serve as a non-voting liaison member. Councilman Hammond made a motion to appoint the following individuals as recommended by DDA. List in motion: Martha Claire Adams June 30, 2007, Sue Haney June 30, 2008, Suzanne Hutchinson-Smith June 30, 2008, Jim Lay June 30, 2009, Ed Weldon June 30, 2009, Lorene Potts as a non-voting liaison member.
The motion was second by Councilman Denmon with Councilman Hammond, Councilman Denmon and Councilman Crowley voting affirmatively, motion carried.

- b. Mayor Palmer announced a beer and wine public hearing on a pouring license request of Dub's High on the Hog Restaurant located at 349 S. Wall Street. The hearing will be March 13, 2006 at 7:00 p.m.
- c. Mayor Palmer ask Mayor Pro Tem Potts to review the zoning hearing schedules for March 13, 2006 and April 10, 2006:

Mayor Pro Tem Potts stated there are two items scheduled for March 13, 2006 at 7:00 p.m.:

- 1) A request by Bryan Wright requests zoning of C-2 and annexation for .44 acres at the intersection of Kelly Court and South Wall Street.
- 2) A request by Andy Carlson of Carlson & Jones Architects, agent for Calhoun Presbyterian Church for a zoning variance request of 10 foot on Windsor Drive to accommodate an expansion of the Church facility.

Mayor Pro Tem Potts stated the hearing schedule for April 10, 2006 at 7:00 p.m.:

- 1) A zoning request of R-1B and annexation by Larry Clark, for a house and 3 lots located at 115 Crestview Drive.
- 2) A zoning variance by Walter and Wanda Gail Printup for a lot located at 119 McConnell Road. The variance will include a 14 foot variance on the south side of the lot and a 10 foot variance on the north side of the lot.
- 3) A zoning request of R-1B and annexation of Melanie Whitehead, agent for Richard and Deloris Dean for approximately 40 acres located at 631 Liberty Road SW.
- 4) A zoning change request from industrial to R-1B by DMK Holdings, LLC., for approximately 5 acres off of Beamer Road that currently adjoins a 35 acre tract owned by DMK Holdings, LLC.
- 5) A zoning variance request by Friends of the Gem, Inc., for a lighted marquee and sign for the building at 1116 N. Wall Street, Calhoun, GA.

5. Other Hearings and Public Comments:

- a. Mayor Palmer stated representative of the Calhoun Affordable Housing Inc., and proposed Developers met with the Mayor and Council at the work session at noon. They provided a request for support of a development for a Senior Village and Work Force Development Housing located off of Curtis Parkway, South of Fred's. The Developers and Calhoun Affordable Housing ask for a Resolution of support, consideration of adoption of a redevelopment plan and asked for waiver of water taps and a building permit for the projects. Mayor Palmer stated the City has previously granted Resolutions of support for similar developments. He stated the Council would like to continue to review the proposal for the redevelopment plan. However, they would not be able to provide any public funding for the project. He stated this matter will be reviewed again on March 13, 2006.
- b. Mayor Palmer opened a public hearing on a beer and wine pouring license request of the Double Deuce Diner, formerly known as Fried Green Tomato Restaurant at 913 Highway 53 East with Andreas Theodorakis as the authorized agent. Mayor Palmer stated the police report is clear and the property is a former location for a beer and wine pouring license. Mayor Palmer asked if there were any comments or questions by the

Council or public. There were none and the public hearing was closed. Councilman Crowley made a motion to approve the beer and wine pouring license. 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 ask Director Cornwell and Attorney Bailey to review the proposal for a confidential agreement between Calhoun Telecommunications, City of Calhoun and Optical Entertainment Network, Inc. Director Cornwell stated the City proposes to utilize a test node for fiber to the home for a specific test location and the company has products that the City might be able to utilize and to expand the use of its fiber. Attorney Bailey stated the agreement that was proposed by Optical Entertainment did not address the public records law and he had made those amendments so it would conform to the requirements under the law and it will still allow the company challenge any records request made by anyone through the proper channels. Mayor Palmer asked if there were any questions by the Council. There were none. He asked if there was a motion regarding the proposed agreement. Councilman Crowley made a motion to approve the agreement and to authorize the Mayor to sign. The motion was second by Councilman Denmon with Councilman Crowley, Councilman Denmon, Councilman Hammond and Mayor Pro Tem Potts voting affirmatively, motion carried.
- b. Mayor Palmer reviewed a proposed resolution that would finalize the transfer of ownership on the Sonoraville Sewer Line from County to the City and would also transfer the loan from the Gordon County to the City, at the Georgia Environmental Facilities Authority. Following review of the resolution, Councilman Hammond made a motion to adopt and to authorize those individuals as outlined in the resolution to sign all the required documents. The motion was second by Councilman Denmon, Councilman Hammond, Councilman Denmon, Councilman Crowley and Mayor Pro Tem Potts voting affirmatively motion carried.

7. New business:

- a. Mayor Palmer asked Administrator Harrison to review a request for a 2003 Advalorem tax refund. Administrator Harrison stated CAF had filed a request with Gordon County in 2004 regarding a reporting error on their inventory. She stated the tax assessors' office had confirmed it was a reporting error and had provided documentation for the County Commissioners who in turn provided a refund of the County taxes. The company realized it did not include all the taxes and following receipt of the County's payment, requested a refund of the City taxes. This request was received by the City on December 5, 2005. Harrison stated she also confirmed with the tax assessor's office the validity of the request and also confirmed the calculations regarding the refund. The amount was \$46,913.62 due from the City School System and \$4,911.40 due from the City M&O taxes for a total of \$51,825.02. She stated the tax assessor also informed her that the City would have one year to make the refund. She stated her recommendation would be to wait until December 2006 to provide the refund in

order for the City and the City School System to build this into their current budget since those dollars are not available in the current budget. Following discussion Mayor Pro Tem Potts made a motion to approve the refund and the time frame as recommended by the Administrator. The motion was second by Councilman Crowley with Mayor Pro Tem Potts, Councilman Crowley, Councilman Denmon and Councilman Hammond voting affirmatively, motion carried.

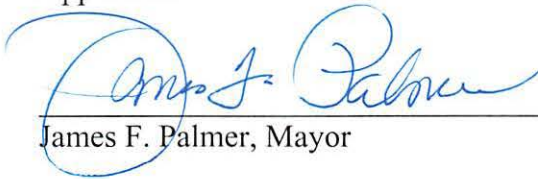
- b. Mayor Palmer gave a first reading of a beer and wine pouring license request of Patterson-Wilson Enterprises, d/b/a Schroeder's Restaurant, Ricky M. Patterson as the authorized agent for the facility located at 119 Kelly Court. Mayor Palmer stated the earliest date for a public hearing would be March 27, 2006 at 7:00 p.m. Councilman Hammond made a motion to set the public hearing for the date and time. The motion was second by Councilman Denmon with Councilman Hammond, Councilman Denmon, Councilman Crowley and Mayor Pro Tem Potts voting affirmatively, motion carried.
- c. Mayor Palmer stated the City has received a water connection request for the Prayer Baptist Church at 10859 Highway 225. He stated the church is located near the City's water service area. He stated the water department and their lab had tested the water from the church well and determined there was no evidence of bacteria but it has a tremendous turbidity problem and it has a strong odor. The problem can be cured on the short term but due to low usage the problem will be a reoccurring matter. The Council stated it is there understanding from their representative, the Church had limited funding and had asked for consideration. Following discussion, Councilman Hammond made a motion to authorize a $\frac{3}{4}$ inch connection to the church at $\frac{1}{2}$ the cost with the ability of installment payments. The motion was second by Councilman Denmon with Councilman Hammond, Councilman Denmon, Councilman Crowley and Mayor Pro Tem Potts voting affirmatively, motion carried.

8. Other written items not on the agenda:

- a. Mayor Palmer provided each of the Council members a letter from the Recreation Commission requesting that Bettina Briggs be appointed to serve the remainder of Melanie Moore's term that expires June 30, 2006. Following review of the recommendation, Councilman Crowley made a motion to appoint Bettina Briggs to serve the unexpired term of Melanie Moore on the Calhoun Recreation Commission. The motion was second by Councilman Denmon with Councilman Crowley, Councilman Denmon, Councilman Hammond and Mayor Pro Tem Potts voting affirmatively, motion carried.
Mayor Palmer expressed appreciation to Melanie Moore for her years of service on the Recreation Commission and for her devotion to her community.
- b. Mayor Palmer gave a first reading of a pawn license request of Instant Cash Loans on Car Titles, Inc. d/b/a Loan Max for 539 Highway 53 East, SE. He stated the earliest date for a second reading of the application would be March 13, 2006 at 7:00 p.m. Councilman Denmon made a motion to set the public hearing for that date and time, second by Councilman Crowley with Councilman Denmon, Councilman Crowley, Councilman Hammond and Mayor Pro Tem Potts voting affirmatively, motion carried.

9. Work reports:
 - a. Kelly Cornwell, Director of Utilities: **no report.**
 - b. Mayor Palmer stated in the absence of Eddie Peterson, Director of Public Safety and Public Works, he would report the trash service is improving substantially. BFI cans have been removed and the new vendor, Mauldin's Trash Service is becoming more familiar with the routes and the pick up services are becoming more routine. He again encouraged anyone with questions or problems to contact Mauldin's Trash Service at (706) 625-4053.
He stated the City has received notification from DOT that the red light for Harmony Church Road and Highway 156 Red Bud Road, would be forthcoming. The City has ordered materials and the City and County will be meeting to plan the road work that will be required at the time of implementation.
10. Attorney Bailey stated it was not necessary to move to Executive Session.
11. Councilman Denmon motion to adjourn, second by Councilman Hammond, with Councilman Denmon, Councilman Hammond, Councilman Crowley and Mayor Pro Tem Potts voting affirmatively, motion carried.

Approved:



James F. Palmer, Mayor

Submitted:



Cathy Harrison, City Administrator

City of Calhoun, GA
RESOLUTION # 006

WHEREAS, the governing body of the Borrower has determined to borrow not to exceed \$1,480,395.66 from Georgia Environmental Facilities Authority (the "Lender") to finance a portion of the costs of acquiring, constructing, and installing the environmental facilities described in Exhibit A to the hereinafter defined Loan Agreement (the "Project"), pursuant to the terms of a Loan Agreement (the "Loan Agreement") between the Borrower and the Lender, the form of which has been presented to this meeting; and

WHEREAS, the Borrower's obligation to repay the loan made pursuant to the Loan Agreement will be evidenced by a Promissory Note (the "Note") of the Borrower, the form of which has been presented to this meeting;

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Borrower that the forms, terms, and conditions and the execution, delivery, and performance of the Loan Agreement and the Note are hereby approved and authorized.

BE IT FURTHER RESOLVED, by the governing body of the Borrower that the terms of the Loan Agreement and the Note (including the interest rate provisions, which shall be as provided in the Note) are in the best interests of the Borrower for the financing of the Project, and the governing body of the Borrower designates and authorizes the following persons to execute and deliver, and to attest, respectively, the Loan Agreement, the Note, and any related documents necessary to the consumption of the transactions contemplated by the Loan Agreement.

James F. Palmer
(Name of Person to Attest Documents)

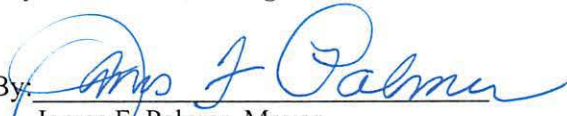
Mayor
(Title)

Cathy Harrison
(Name of Person to Attest Documents)

City Administrator / Clerk
(Title)

ADOPTED this 27th day of February, 2006.

City of Calhoun, Georgia

By: 
James F. Palmer, Mayor

Attest:


Cathy Harrison, City Administrator/Clerk