

**CITY OF CALHOUN
REGULAR CITY COUNCIL MEETING
DEPOT COMMUNITY ROOM
109 SOUTH KING STREET
CALHOUN, GA
JANUARY 23, 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 Works / Safety
Cathy Harrison, City Administrator**

1. Mayor Palmer called the meeting to order and welcomed everyone in attendance. Mayor Palmer recognized Tyron Johnson, Leader of Boy Scout Troop 39. Mr. Johnson introduced his associate leaders and asked the four boy scouts who are in the process of working on their Eagle Scout designation to stand and give their names. Mayor Palmer asked if they would lead the group on the Pledge of Allegiance following the invocation. Mayor Palmer gave the invocation.
2. The four Boy Scout attendees lead the group in the Pledge of Allegiance to the United States Flag.
3. Councilman Crowley made a motion to approve the January 9, 2006 regular City Council meeting minutes as written. The motion was second by Councilman Hammond with Councilman Crowley, Councilman Hammond, Councilman Denmon and Mayor Pro Tem Potts voting affirmatively motion carried.
4. Mayors Comments
 - a. Mayor Palmer asked Administrator Harrison to introduce the intern, currently working with the City. Harrison introduced Mathew Bynum, a High School Graduate of Gordon Central and a current student at Kennesaw State College in Political Science. He is working on an internship with the City of Calhoun in several areas according to a curriculum that will allow him to gain credit for one of his senior courses. Harrison introduced him to each member of the Council.
 - b. Mayor Palmer stated he and the Council Members, Director Cornwell, Director Peterson and Administrator Harrison had attended the GMA Legislative Meeting in Atlanta. He stated the Elected Officials attended training on Saturday, in various areas. He stated he attended the Growth Management Session. He stated it was an excellent training session and it was one of the best he has attended. The balance of the meeting revolved around those issues that municipalities will be in contact with their State Legislators regarding their specific needs for their communities. Councilman Crowley stated he attended the Risk Management Training Session on

Saturday and it was an excellent course. He stated it dealt with many of the current issues that Calhoun is facing.

Mayor Pro Tem Potts stated every meeting that she attended revolved around zoning. She stated a great deal of the Municipal Government Session she attended included discussion on eminent domain and inverse condemnation, as proposed Legislation.

David Hammond stated he attended the Finance Session on Saturday. He was pleased to have some insight into the types of revenues available for funding municipal projects.

Councilman Denmon stated he also attended the Finance Session and it was very interesting session. He also attended Human Resource Training.

Mayor Palmer stated the purpose of the meeting is to review all the proposed legislation and all the effects it will have on local government and to determine additional cost that will be imposed on local governments because of new legislation.

- c. Mayor Palmer reminded the Council of a public hearing scheduled for February 13, 2006 at 7:00 p.m. on the wine pouring license for Abujaber, Inc d/b/a Lizzi's Deli at 203 Richardson Road, Alma Blasengame, authorized agent. He stated this will be a hearing for a wine pouring license that will accompany the current beer pouring license for the establishment.
- d. Mayor Palmer announced there would also be a public hearing on the beer pouring license request of Gerardo Herrera for El Aarroyo Restaurant at 355 Richardson Road, Suite 1 on February 13, 2006 at 7:00 p.m.
- e. Mayor Palmer requested Mayor Pro Tem Potts to review the February 13, 2006 and March 13, 2006 hearings on zoning matters:
 1. Mayor Pro Tem Potts stated the first public hearing would be on the Red Bud Village, LLC application for PRD and annexation of approximately 15 acres, whereas to medical offices on Timms Road. This also includes two variance relief requests of density and unit size to accommodate the development of a residential retirement community.
 2. The second hearing for that date is a request by David J. Baker, as agent for T.J. Barnette and Frida Kirby for a zoning request of C-2 zoning and annexation of approximately $\frac{3}{4}$ of an acre located Northwest of the Calhoun Auto Outlet at 446 Hwy 53 East.

The two zoning matters scheduled for March 13, 2006:

1. Bryan Wright requests zoning of C-2 and annexation for .44 acres at the intersection of Kelly Court and South Wall Street.
2. A zoning variance request of Andy Carlson, of Carlson & Jones Architects as agent for the Calhoun Presbyterian Church for a 10 foot variance of set back along Windsor Drive to accommodate an expansion of the Church facility. Mayor Pro Tem Potts stated the Zoning Advisory Board had recently received a notice from Roger Rigney that his term had expired on the Zoning Advisory Board and he would not be available for reappointment. She stated the City had been the beneficiary of approximately 7 years of service for Mr. Rigney on the Zoning Advisory Board. She stated the City appreciated his willingness to serve and his knowledge of the Community, which made him a valuable member of the Zoning Advisory Board. She stated in lieu of his resignation it left a vacancy and she would recommend Mrs. Lynn Rutledge be appointed to serve a term following Roger Rigney. She stated she would make a motion to appoint Lynn Rutledge to the Zoning Advisory Board. The motion was second by Councilman Hammond with Mayor Pro Tem Potts, Councilman Hammond, Councilman

Denmon and Councilman Crowley voting affirmatively for Lynn Rutledge to be appointed to the Zoning Advisory Board.

5. Public Hearings and Comments: None.

6. Other Hearings and Public Comments:

- a. A public hearing was opened on the beer package license request of Pryih Nialha, Inc. for a food and fuel store at 901 North Wall Street at the intersection of Red Bud Road. Mayor Palmer stated this was a new location. He asked if the distance from a church that is located in the area is sufficient for the application to be considered. Eddie Peterson, Director of Public Works stated he measured the distance between the walls of the proposed building and the wall of the Church. It measured 320 feet and that according to our current Ordinance there must be at least 600 feet distance measuring wall to wall. Mayor Palmer stated based on this information this application would be denied as not meeting the criteria of the City Ordinance.
- b. A public hearing was opened on a beer and wine package license request of Ingles Food Market located on Hwy 53 East. Mayor Palmer stated this also was a new location. The police report was clear. The survey and other criteria appeared to be in order. Following review of the application and the criteria, Councilman Crowley made a motion to approve the beer and wine package license request of Ingles Food Market on Hwy 53 East. The motion was second by Councilman Hammond, with Councilman Crowley, Councilman Hammond, Councilman Denmon and Mayor Pro Tem Potts voting affirmatively motion carried.

7. Old Business:

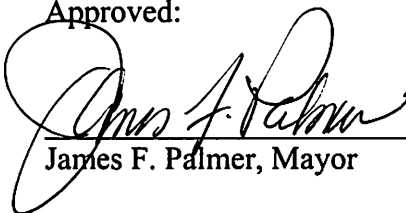
- a. Mayor Palmer gave a second reading of the Title Max of Calhoun, Inc., renewal license request for a pawn shop located at 333 Hwy 53 East for 2006, with Cecily Hay-Sudduth, Manager. Following review Councilman Denmon made a motion to renew the Title Max of Calhoun, Inc., pawn license for 2006. The motion was second by Councilman Crowley with Councilman Denmon, Councilman Crowley, Councilman Hammond and Mayor Pro Tem Potts voting affirmatively motion carried.
- b. Mayor Palmer read a request from Racemark to change their collateral on their recently approved Revolving Loan Application of \$500,000.00. The request is to change the collateral from land and buildings to equipment. Councilman Crowley stated the Revolving Loan Commission had reviewed this application on January 20, 2006 and based upon the information provided and the additional information provided earlier in the day, the Board would recommend the proposed equipment be switched as collateral with the understanding the loan on the equipment would not exceed 50% of the value of the equipment with the maximum amount to be loaned \$500,000 for a period not to exceed 7 years, at 5% in addition to a requirement of a personal guarantee of Mr. and Mrs. Bailey, primary owners of the business. Following a review of the recommendation Councilman Crowley stated he would make a motion authorizing the exchange of collateral from property and buildings to equipment. With the stipulation the equipment loan not to exceed 7 years with the loan value of the equipment to the 50% of the purchased price at an interest rate of 5% and with a personal guarantee of the primary owners, Mr. and Mrs. Bailey. The motion was second by Mayor Pro Tem Potts, Councilman Crowley, Mayor Pro Tem Potts, Councilman Denmon and Councilman Hammond voting affirmatively motion carried.

8. New Business:


- a. Mayor Palmer reviewed a request by the Housing Authority regarding any concessions that could be made regarding a water connection fee for their new office facility. He stated the construction of the office facility would free up an existing unit that would be renovated and used for rental property and would add to the number of housing units available. He stated the City has made concessions regarding water and sewer connections for the Housing Authority as a quasi Governmental Entity in the past. Following discussion Councilman Denmon made a motion to waive the water connection fee for the Calhoun Housing Authority Office Facility as an Intergovernmental waiver. The motion was second by Councilman Crowley with Councilman Denmon, Councilman Crowley, Councilman Hammond and Mayor Pro Tem Potts voting affirmatively motion carried.
- b. Mayor Palmer gave a first reading of a beer and wine pouring request of the Double Deuce Diner of Calhoun Inc., Andreas Theodorakis as the authorized agent for the former location known as the Fried Green Tomato Restaurant at 913 Hwy 53 East. He stated the earliest date for a public hearing would be February 27, 2006 at 7:00 p.m. Following review Councilman Hammond made a motion to set the public hearing for that date and time. The motion was second by Mayor Pro Tem Potts with Councilman Hammond, Mayor Pro Tem Potts, Councilman Denmon and Councilman Crowley voting affirmatively motion carried.
- c. Mayor Palmer asked Councilman Denmon to review the proposed vehicles at the police department as a declaration of surplus property. Councilman Denmon stated there was four vehicles confiscated by the department that are available for declaration as surplus property and for sale through the City's public sale known as GovDeals through the GMA Online Program. Following review of the proposed four vehicles:
 1. 1994 Jeep Grand Cherokee Vin# 1J4GZ78S1RC244684
 2. 1997 Ford Taurus GL Vin# 1FALP52U5VA208940
 3. 1993 Nissan Pathfinder Vin# JN8HD17Y5PW310164
 4. 1994 Chevrolet S10 Blazer Vin# 1GNDDT13W5R0184631Councilman Hammond made a motion to declare these, surplus property and to authorize the sale through the GovDeals, GMA Online Program. The motion was second by Councilman Denmon, with Councilman Hammond, Councilman Denmon, Councilman Crowley and Mayor Pro Tem Potts voting affirmatively, motion carried.
- d. Mayor Palmer stated there was a second request that had been reviewed by the Revolving Loan Commission and he asked Councilman Crowley to review. Councilman Crowley stated a loan to Mr. Jim Davis at Davis Auto Shop, who has had extensive health problems and as a result, Mr. Davis requested 3 quarterly payments on his loan, which is in the last year, be extended to the end of the loan in order for him regain his health and continue in his business operation. Councilman Crowley stated the Revolving Loan Commission had recommended this action since the past payment history of Mr. Davis had been very good and since the balance on the loan was very low and the loan program had a first mortgage on the property. Following discussion Councilman Crowley made a motion for the 3 quarterly payments: due October 1, 2005, January 1, 2006 and April 1, 2006 be moved to the end of the loan with due dates becoming: April 1, 2007, July 1, 2007 and October 1, 2007. The motion also required Mr. Davis to pay for the document cost, associated with the extension of the loan. The motion was second by Councilman Hammond with

- Councilman Crowley, Councilman Hammond, Councilman Denmon and Mayor Pro Tem Potts voting affirmatively motion carried.
- e. Mayor Palmer reviewed the high points of the proposed City's Budget Calendar. He asked if there were any amendments or if there was a motion to approve. Following discussion Councilman Hammond made a motion to approve the proposed City's Budget Calendar as drafted. The motion was second by Councilman Crowley with Councilman Hammond, Councilman Crowley, Councilman Denmon and Mayor Pro Tem Potts voting affirmatively motion carried.
 - f. Mayor Palmer stated there was a proposed lease agreement for the Estate of John Wayne Hall for a small triangle lot at the intersection of North College and Wall Street. He stated since the Council had not had an opportunity to discuss this matter in a work session he would request the proposal be held for a second reading on February 13, 2006. The Council concurred.
9. Other Written Items not on the Agenda: None.
10. Work Reports:
- a. Director Cornwell – no report.
 - b. Director Peterson stated effective February 1, 2006 Mauldin Trash will begin residential garbage pick up for City residents since they won the bid for the business at an earlier bid date. The new cans will be delivered beginning on Tuesday, January 24, 2006 and deliveries continuing through the end of the month. Director Peterson stated BFI would begin their last week of pick up beginning Wednesday, January 25, 2006 and continue through the end of the month. And as they make pick ups they will also pick up the garbage containers owned by BFI. Director Peterson stated new customer packets will be left with each of the new garbage containers being left by Mauldin Trash to acquaint residential customers with their company. The information will contain telephone numbers if they have questions regarding their service and initially there will not be any changes in pick up schedules. Director Peterson stated he is hopeful there will be few problems with the change over of service.
11. Mayor Palmer stated there was no need to move to Executive Session.
12. Councilman Hammond made a motion to adjourn. The motion was second by Councilman Denmon with Councilman Hammond, Councilman Denmon, Councilman Crowley and Mayor Pro Tem Potts voting affirmatively motion carried.

Approved:


James F. Palmer, Mayor

Submitted:


Cathy Harrison, City Administrator