

**CITY OF CALHOUN
REGULAR CITY COUNCIL MEETING
DEPOT COMMUNITY ROOM
109 SOUTH KING ST
JANUARY 23, 2017 7:00 P.M.**

MINUTES

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

ALSO: Paul Worley, Assistant City Administrator/City Clerk; Larry Vickery, Utilities General Manager; George Govignon, City Attorney; Garry Moss, Police Chief; Lenny Nesbitt, Fire Chief; Jerry Crawford, Water and Sewer Director; Jeff Defoor, Director of Electric Utilities; Danny Stephens, Water Superintendent; Suzanne Roberts, DDA Director

- 1. Mayor Palmer called the meeting to order and welcomed everyone in attendance.
A. Councilman Edwards gave the invocation.**
- 2. Mayor Palmer led the group in the Pledge of Allegiance to the United States Flag.**
- 3. Councilman Hammond made a motion to approve the agenda. Councilman Barton seconded the motion. All voted aye, motion approved.**
- 4. Councilman Barton made a motion to approve the minutes of the January 9, 2017 City Council Meeting. Councilwoman Palazzolo gave a second with all voting aye, motion approved.**
- 5. Mayor's Comments:**
- 6. Public Hearings and Comments: None**
- 7. Old Business: None**
- 8. New Business:**
 - A. Mayor Palmer read a request from the DDA, CVB and Chamber of Commerce Tourism Committee requesting street closings in connection with the Annual BBQ Boogie & Blues Special Event. The professional BBQ competitors will be in Downtown to set up for the competition on Thursday, April 27, 2017. This will require that the short block of King Street between Court Street and Oothcalooga Street be limited access only. This block will remain closed until Saturday, April 29th at 9:00pm. In addition to this short block closure, we request the section of Park Avenue from Harlen Street to Oothcalooga Street be closed/limited access only from Friday afternoon at 2:00pm until Saturday at 7:00pm. We request permission to completely close the section of Court Street from**

King Street to Wall Street on Friday, April 28th from 3:00pm until 7:00pm Saturday, April 29th. In addition, we request for SR3 (Wall Street) to be closed from the intersection of East Line Street and SR3 to the intersection of Hicks Street and SR3 on Saturday, April 29th from 7:00am to 7:00pm. The times are to give ample time for setup and take down of all booths. The request is subject to GDOT approval for state routes. Mayor Palmer asked if DDA Director Suzanne Roberts wanted to make any comments. Mrs. Roberts stated she has talked with the merchants who are on Wall Street and most of them are ok with the road closure. Sarah Husser has talked with most of the people involved with the Chamber of Commerce and they are ok with it as well. Councilman Hammond asked Suzanne if she has run into any negatives at all. Suzanne stated there has been some negatives from some citizens and city employees, but not the merchants. Councilman Hammond suggested that Suzanne contact the fleet directors at Mohawk, Shaw, Beaulieu, and he would be glad to contact Pilgrims JBS. These are the ones who would have most of the fleet traffic on Saturday's, and this will give them prior notice. Mayor Palmer asked Chief Moss if he had anything to add. Chief Moss stated number one is the truck traffic and asked where it is going and how is it going to work. If they are diverted down Oak Street the State would have to let us use a flashing sign to give notice for all truck traffic to use River Street. If they won't loan us a sign there will be an additional police officer there, because Mohawk and Shaw are not the only trucks that run through Hwy 41 on Saturdays. Also, what happens if there is an accident on I-75? All the traffic would be routed down Hwy 41. Another thing Chief Moss didn't understand was that this is supposed to be about BBQ, Boogie, and Blues, but you are blocking 90 parking spaces for potential visitors. They will have to find parking elsewhere and walk. The only other parking is the Library, the parking deck, and parking on either side of Court Street is the only really close parking. Someone figured out that you would have 2.5 people per parking space, so that would be 250 people who would be denied parking. A lot of tourist who come through town who don't know about it will come down Wall Street and see the activities and decide to stop to see what is going on. They won't be able to see it from Piedmont Street. Regions Bank would not be able to use their drive through, because you won't be able to get out of it. People can't get gas at the BP or get to Cool's Clean up shop because they can't get out. The jewelry store and other businesses on Wall Street will be affected because people are not going to walk. All the other parking downtown is taken up. The few handicapped parking spaces that we have will be closed, so they will have to find other options. It will take over \$2,000 for police officers. Councilman Barton asked Suzanne if she wanted to address any of the issues. Suzanne stated that they have planned shuttles with golf carts to address parking issues. We will have to evaluate the handicapped parking further. We plan to have the barbecuers in the Court Street area to park elsewhere so the Library parking lot can be utilized by the citizens. Mayor Palmer asked about where the shuttles would come to and from. Suzanne stated that the shuttles would run from the Methodist Church, the Baptist Church, and the high school mostly. Mayor Palmer asked if Chief Nesbitt had any comments. Chief Nesbitt stated that the Fire Department usually makes arrangements to not go through town from station one and we usually station someone downtown within the event. It would make things more difficult, but we can work around them as we have every year. Councilman Hammond asked if there was a central planning committee that is working on the specifics that the Chief addressed. Suzanne stated yes there was a committee and the next meeting will be on Thursday to discuss logistics. We have a map for planning how the traffic will be re-

routed with the help of the Street Department, and Northwest Georgia Paving will let us use two of their flashing detour signs. Councilman Hammond asked when GDOT gives approval or denies, do they do any review of what the plans are and do they voice professional opinions both pro and con? Paul Worley stated that yes GDOT requires us to submit the basic information for the road closure request. Also, in the past to get approval of the two day event we have to provide the detour plan with a map and explanations. Usually the parades are very routine, but the larger events they like to see more details of how the traffic will be controlled. However, if they do approve of the event they always emphatically state that it is our liability and responsibility to execute the plan. Councilman Hammond stated that he assumed if they did see a real strategic flaw they wouldn't grant approval, is that correct? Mr. Worley stated yes. Councilman Barton stated that he thought that this was a trial to see how it works out this year and if it doesn't work it can be done differently next year. Suzanne stated yes, this is not permanent. Councilman Barton stated he knows it can work as one of the restaurants he goes to is Fusco's in Downtown Acworth and sometimes they have car shows and have Hwy 41 blocked there as well. The scenario concerning the interstate would be terrible, but it could be worked around and no worse than going down Hwy 41 right now either. Suzanne stated that the plan right now is to move the kid zone down to the South Wall Street section and have a car show on North Wall Street. Of course this is subject to change. Councilwoman Palazzolo stated in other words you would not have all the blowups down at BB&T Park, so the kids would not be going all the way down Park Avenue and then down to the Park. Suzanne stated that was correct. Chief Moss stated that they could have a car show on Park Avenue between Harlan Street and Trammell Street. Councilman Barton stated he was just referring to another city that had a car show, but they had blocked off Hwy 41 in Downtown Acworth for a more lengthy space than what we are talking about and it does work. Mayor Palmer asked if there were any other questions or comments concerning the road closure requests. Councilman Hammond made a motion to go ahead and move forward with the request as long as GDOT sees no issues and gives their stamp of approval, and we have a plan to address the issues that the Police Chief has brought up, and recommend the planning committee get back with public safety and have as many of the negatives as we can to identify a solution involved for those, so I will make a motion with those stipulations. Councilman Edwards gave a second with all voting aye, motion approved.

9. Other written items not on the agenda:

10. Work Reports:

A. Assistant City Administrator Paul Worley

- Paul Worley reviewed the General Government and Utilities monthly cash report with both funds in a good cash position. The month of December 2016 had an unusually high level of expenses due to three payrolls hitting in one month versus the typical two. Also, the City pays out any unused sick leave and the yearly payment of property and casualty insurance all hit in the month of December. The City's General Government reserves continue to allow for three months total operations, which is consistent with the Financial Policy. The City property taxes collections are now at about 90%. The

City's revolving loan fund cash account has increased significantly due to an early payoff from Results Based Solutions (RBS). However, there is a new loan that was closed recently for \$90,000. The fund is governed by the Georgia Department of Community Affairs and one of the stipulations is that you cannot have more than 30% of the total assets in cash. The cash account is again over that threshold, so the City will be seeking to make some additional loans. There have been several inquiries of late and hopefully we will make some more loans in the near future. Attorney Govignon stated that RBS elected to pay off early. There were several issues with the loan. One being the overseas corporation that was the ultimate title holder for the purchase of the property and our two local citizens based here were grantors who wanted to come off the loan because they were no longer employees. It is unfortunate that this loan had to be paid back early, but it would have been difficult to restructure the loan given all the changes. However, Attorney Govignon stated he has had some conversations with Bill Thompson of the Development Authority concerning additional prospects for new loans. Mayor Palmer asked for any questions or comments concerning the cash reports. Councilman Barton made a motion to approve the cash reports. Councilman Edwards gave a second with all voting aye, motion approved.

B. Utilities General Manager Larry Vickery

- Larry Vickery stated that the Electric Department worked during the recent storms to help restore power and had most back on by midnight. There was some pole damage on Executive Drive that took until about 4:30am to get the power restored there. Mr. Vickery stated that under the Electric Department's Mutual Aid Agreement with other Electric Cities of Georgia, the Electric Department will be sending a crew to Albany, GA to assist in the restoration of power due to the recent tornados. Calhoun Electric Department will be sending five men, two bucket trucks, and one digger derrick to assist. They will be gone for five to seven days to answer the call of help from those hit hardest by the storms. Councilman Hammond stated that the Council was with MEAG yesterday evening in Atlanta and all the communities that represent MEAG. We did have some peers from Albany, Adel, and other places that had to leave due to the emergency and any assistance we can give would be well received and appreciated. Mayor Palmer stated that Calhoun has had other MEAG cities come to our aid in the past, so anything we can do to help other communities in return is most welcome. Thank you to the Electric Department and the men going to help.

C. City Attorney George Govignon


- George Govignon stated that the Municipal Court Judge did issue an order on 204 Hunts Drive for the nuisance proceeding. We will be looking next at the Mill Village and other properties that we have already litigated. If the Council receives any other complaints on specific properties we can add them to the list and set up a special court date to process at the same time. The owner of 204 Hunts Drive is deceased, so there is no change to ownership or the title. The ruling today was to verify that there was not a pending probate matter, which we are not aware of. If that is the case then we have 30 days and then we will be able to go in and demolish that structure. Also, we have been in touch with Animal Control to start working on a new animal control ordinance. Finally, Chief Moss has helped by assigning Sergeant Stanfield to help with the cars on

the impound lot. There were some issues with whether some were seized or not and will have to restart the abandoned car procedure. Once the orders are in place by the Magistrate Court, we can sell them on GovDeals or at auction, but they will be sold as is and bundled. The procedure is to file the lien to ascertain ownership under the state statute. Then we get the lien and we can sell them under specific procedures and it will be the responsibility of the buyer to go out and get a clean title.

11. City Attorney Govignon stated that there was a need to go into executive session with the grounds being attorney/client privilege due to possible litigation [O.C.G.A. 50-14-2] concerning the Red Bud Road interchange lighting, discussion concerning personnel matters according to OCGA 50-14-3(6), and real estate matters according to OCGA 50-14-3(b). Councilman Barton stated that he would recuse himself from the personnel matter. Councilman Hammond made a motion to go into executive session. Councilwoman Palazzolo gave a second with all voting aye, motion approved.
12. Councilman Edwards made a motion to adjourn the executive session. Councilwoman Palazzolo gave a second with all voting aye, motion approved.
13. Councilman Edwards made a motion to return to regular session. Councilwoman Palazzolo gave a second with all voting aye, motion approved. Mayor Palmer stated that there was a need for action following the executive session. The first item being a motion to allow the Mayor to sign a purchase agreement with the Industrial Development Authority. Councilman Hammond made the stated motion. Councilman Barton gave a second with all voting aye, motion approved. Attorney Govignon asked the Mayor and Council for a motion to authorize the City Attorney to send the offer, after consulting with outside counsel and with staff, to Henry Tharpe tomorrow to see if the City gets a response. If the response is not satisfactory then we proceed with litigation as discussed. Councilman Edwards gave the stated motion to proceed. Councilman Hammond gave a second with all voting aye, motion approved. Attorney Govignon asked if there was a need to make a motion concerning the personnel issue with the water plants. Councilman Hammond made a motion to move forward with what was discussed in the meeting in letting the managers handle the structure of the two plants with consideration given to as close to equality in pay as possible. Councilwoman Palazzolo gave a second. Councilman Hammond, Councilwoman Palazzolo, and Councilman Edwards voted aye. Councilman Barton abstained.
14. Councilman Hammond made a motion to adjourn the regular session. The motion was seconded by Councilwoman Palazzolo with all voting aye, motion approved.

Approved:

Submitted:



James F. Palmer, Mayor



Paul Worley, City Clerk

**STATE OF GEORGIA
COUNTY OF GORDON
CITY OF CALHOUN
AFFIDAVIT REGARDING CLOSURE OF OPEN MEETINGS**

Personally appeared before the undersigned officer, duly authorized under the laws of the State of Georgia to administer oaths, James F. Palmer, Mayor, who in his capacity as Chairperson or the person presiding over a City Council meeting of the City of Calhoun and after being first duly sworn, certifies under oath and states to the best of his knowledge and belief the following:

At its meeting held on 1/23/17 the Council's Executive Session voted to go into closed session and exclude the public from all or a portion of its meeting. The legal exceptions applicable to the exempt matters addressed during such closed meeting are as follows (Check or initial, as appropriate:)

- Discussing or deliberating upon the appointment, employment, compensation, hiring, disciplinary action, dismissal, periodic evaluation or rating of a government officer or employee. [O.C.G.A §50-14-3(6)]
- Privileged consultation with legal counsel pertaining to pending or threatened litigation, claims, administrative proceedings or settlements. [O.C.G.A §50-14-2]
- Discussing the future acquisition of real estate, authorize negotiations to purchase, dispose of, or lease property. [O.C.G.A §50-14-3(b)]
- Staff meetings for investigative purposes under duties or responsibilities imposed by law. [O.C.G.A §50-14-3(1)]
- Tax matters made confidential by state law. [O.C.G.A §50-14-2]
- Inspection of physical facilities under the jurisdiction of the City Council. [O.C.G.A §50-14-1(a)(2)]
- Meeting with a governing body, officer, agent or employee of another agency at a location outside the geographical jurisdiction of the City Council at which no final action is taken. [O.C.G.A §50-14-1(a)(2)]
- Other (Explanation and citation to statutory authority required:)

I certify that the subject matter of the closed meeting or the closed portion of this meeting was devoted to matters of official business or policy within the exceptions provided by law as set forth above.

Paul Waley
Witness

James F. Palmer
James F. Palmer, Mayor

Sworn to and subscribed to before
me this 23 day of
January, 2017.

Misty Caudle
Notary Public for the State of Georgia

