

**CITY OF CALHOUN
REGULAR CITY COUNCIL MEETING
DEPOT COMMUNITY ROOM
109 SOUTH KING ST
April 25, 2011 7:00 P.M**

MINUTES

PRESENT: James F. Palmer, Mayor
George R. Crowley, Mayor Pro Tem
David Hammond, Councilman
Al Edwards, Councilman
Matt Barton, Councilman

ALSO: Eddie Peterson, City Administrator
Linda Brookshire, Asst. City Administrator
William P. Bailey, City Attorney
Garry Moss, Police Chief
Larry Vickery, Superintendent of Electric
Jeff Defoor, Asst. Superintendent of Electric
Jerry Crawford, Director of Water & Sewer
Alicia Stewart General Director of Finance
Andrea Bramlett Utility Director of Finance
Brad Carrick, Superintendent of Telecommunications

1. Mayor Palmer called the meeting to order and welcomed everyone in attendance.
 - a) Mayor Palmer gave the invocation
2. Mayor Palmer led the group in the Pledge of Allegiance to the United States Flag.
3. Mayor Palmer asked that the following be added to the agenda; Lorene Potts speaking on behalf of the DDA, First reading of a Pawn Brokers Ordinance to be added as item H. under new business, a 2012 SPLOST project list to be added as item I. under new business, and Councilman Edwards has a request on behalf of the D.A.R.E. program. Councilman Hammonds made a motion to approve the additions to the agenda, with all voting affirmatively.
4. Councilman Hammond made a motion to approve the minutes of April 11, 2011 regular Council meeting, and the minutes of April 11, 2011 executive session meeting. The motion was seconded by Councilman Crowley with all voting affirmatively.
5. **Mayor's Comments**
6. **Public Hearings: None**

7. Old Business:

- A. Mayor Palmer gave the second reading of the Pain Clinic and Pain Medication Ordinance.
- Attorney Bailey addressed the Council regarding the proposed Pain Clinic Ordinance. He mentioned that with the passing of Georgia Senate Bill 36 during the last Legislative Session, and the expected signature of Governor Deal, the new law would allow doctors, druggists, and law enforcement to search a state database to uncover those who abuse and take advantage of the current schedule II, III, and IV painkillers. He stated that while Senate Bill 36 would help fill the "donut hole" attorney Bailey recommended the passage of the City of Calhoun Pain Clinic and Pain Medication Ordinance. Councilman Crowley made a motion to approve the ordinance. The motion was second by Councilman Barton, with all voting affirmatively.
- B. Administrator Peterson reviewed the current Westside CDBG as it applies to housing and a retaining wall at 118 McConnell Road. Peterson explained that Mary Mays has information which was confirmed by two long time City employees, that the City of Calhoun had taken Mays' property when McConnell Road was widened in the late 1960's. A retaining wall was constructed in the late 1960's to secure Ms. Mays front yard from erosion and collapse. The current block wall is in disrepair and subject to failure. Next Administrator Peterson stated that there were some other issues associated with the acquisition of three parcels of property. 714 Court Street and 710 MLK Blvd. have titles in which heirs have been extremely difficult to resolve. 608 Court Street has an appraisal of \$8,000 and a tax evaluation of \$43,000. This discrepancy in real value makes acquisition difficult. After a discussion on the probabilities of acquiring the three properties, through negotiations between unknown owners and the City of Calhoun, it was determined that additional efforts would not provide any type of evidence of valid ownership.
- Councilman Hammond made a motion to replace the wall at 118 McConnell Road. The motion was second by Councilman Edwards with all voting affirmatively.
 - Councilman Barton made a motion to contact DCA and request a reduction in the CDBG in the estimated amount \$119,000 for the acquisition of the three properties located at 714 Court Street, 710 MLK Blvd, and 608 Court Street. The motion was second by Councilman Edwards with all voting affirmatively.
 - Councilman made a motion for Attorney Bailey to pursue nuisance abatement for the properties of 714 Court Street, 710 MLK Blvd, and 608 Court Street. The motion was second by Councilman Hammond.
- C. Mayor Palmer gave the second reading of a beer package license and wine package license from Dildar Singh, manager, D/B/A Quick Stop, for a location of 461 Harris Beamer Road, Calhoun, Ga. The public hearing is set for May 9, 2011.
- D. Mayor Palmer gave the second reading of a Beer Pouring License and Wine Pouring License from Jim Morris, Jr., manager, LJ Foods, D/B/A Schroeder's New Deli, for a location of 120 Cornerstone Way, Suite 2, Calhoun, Ga. The public hearing is set for May 9, 2011.

8. New Business

- A. Tony Farrell addressed the Mayor and Council concerning downtown parking. Mr. Farrell expressed his concern with inadequate parking for downtown businesses, customers, and their employees. Mayor Palmer stated that the two hour parking ordinance would be placed on hold, and reviewed periodically, in downtown, until the parking deck issue was addressed. Mayor Palmer also encouraged business owners, such as Mr. Farrell, to work with the DDA and Mainstreet Program, to review Calhoun's parking situation, and develop some parking ideas which would address the concerns of businesses, customers, and employees.
- Lorene Potts, representing the Calhoun DDA, stated that the DDA was also concerned with downtown parking and requested the Mayor and Council to officially suspend the two hour parking ordinance violation fees until the parking deck is reconstructed. Councilman Edwards made a motion to suspend the downtown parking penalties. The motion was second by Councilman Barton with the stipulation that the parking situation would be addressed every three months, with all voting affirmatively.
- B. Administrator Peterson provided the Mayor and Council with the third quarterly report for the General Government. Peterson explained that each department was under the 75% budget number with the overall average of 70.1%. Revenues were at 75.8% with an excess of \$1,270,017 revenues over expenditures. Peterson commended department heads for holding a tight rein on their respective departments. The Calhoun Special Funds were also in a solid position as relates to the time of the fiscal year. (Copy Attached)
- C. Andrea Bramlett, Finance Director for Utilities, reported on the water, sewer, electric, and telecom funds for 75% of the year. As with General Fund the Utility Funds were within acceptable ranges on expenditures and revenues.
- Councilman Hammond made a motion to accept the reports from Peterson and Bramlett. The motion was second by Councilman Barton, with all voting affirmatively.
- D. Administrator Peterson requested a budget amendment for the Recreation Department which would provide for three ASA Georgia Association Berth Softball Tournaments to be held; April 29- May 1, 2011, May 6- May 8, 2011, and June 10- June 12, 2011. The funds collected from the tournament gate and registration would balance against improvement to softball fields. Councilman Barton made a motion to approve the request. The motion was second by Councilman Hammond with all voting affirmatively. (Copy Attached)
- E. Attorney Bailey read some proposed changes in the Calhoun Taxi Ordinance which would allow for certain requirements pertaining to citizenship or legal residence, a plot of the actual physical location of the taxi operation, and changes in required insurance. Mayor Palmer stated that tonight would be regarded as a first reading with the second reading to be held on May 9, 2011. (Copy Attached)

- F. Peterson explained a change in the business license Administrative application fee which would allow for a \$100 fee to be directed toward the actual administration of the processing of certain types of business licenses. The current ordinance provides that the \$100 application fee be directed toward the actual cost of the business license with zero amounts going toward the processing work of staff. Mayor Palmer stated that tonight would be regarded as a first reading with the second reading to be held on May 9, 2011. (Copy attached)
 - G. Peterson explained that within the Solid Waste Ordinance there were needs for changes in some definitions and the number of allowable 96 gallon containers prior to the requirement of a common commercial dumpster. Mayor Palmer stated that tonight would be regarded as a first reading with the second reading to be held on May 9, 2011. (Copy attached)
 - H. Attorney Bailey at the request of Chief Moss and Gordon County presented a model Pawn Brokers Ordinance for Calhoun. The ordinance would allow for pawn transactions to be placed in a data base for law enforcement review. Momentary fees for this process will be placed on those who pawn items rather than the pawn business. This is a first reading.
9. Mayor Palmer announced the proposed SPLOST capital list was ready for submission to the Council and included:

Peters Street Per City County 50/50 Agreement	Curb/Gutter, Drainage, Sidewalks, R/W Utilities, Engineering, Base, Paving, Intersection Improvements, Signals Traffic Control Devices and Connector Street Improvements	\$2,000,000
Public Safety	Police Vehicle Fleet Police and Fire Communications Upgrades	\$ 650,000 \$ 100,000
Library Upgrades	Modify Existing Facilities And Computer Upgrades	\$ 500,000
Recreation Improvements	Ball Fields, Walking Trails, Lighting, Fencing Restrooms/Concession/Operational Building, Upgrades to Existing Facilities, Completion Of McDaniel Station Park	\$2,500,000
Public Works	Replace Capital Equipment; Leaf Truck, Sweeper Boom Mower, Backhoe, Dump Truck, Salt Dome, Sidewalk/Pedestrian Improvements, Milling, Resurfacing	\$1,000,000
Utility Fleet and	Backhoes, Dump Trucks, Vacuum Truck,	\$ 700,000

Service Equipment	Electrical Service Trucks, Water and Sewer Service Trucks	
Utility System	Water, Sewer, Electrical and Tele-communications Upgrades	\$2,600,000
Total		\$10,050,000

Any overage will be used for repair and renovation of City owned buildings and property including capital improvement and equipment.

Matt made a motion to approve the submitted list and forward to the Gordon County Board of commissioners. Al Second.

- a. Councilman Edwards made a motion to purchase 274 D.A.R.E. tee shirts for the Calhoun Middle School D.A.R.E. program with the shirts being paid for by monies from the Assets Seizure Fund #1 in the amount of \$1,742.64. David seconded.
- b. The Mayor presented a MEAG resolution to change the signature requirements for MEAG transactions from James F. Palmer and Kelly Cornwell to James F. Palmer and Andrea Bramlett. David motion. George Second.

10. No work reports

11. Matt motioned to go into executive session. Al second.

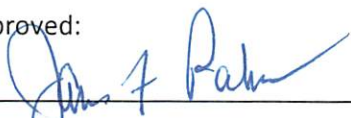
12. David motioned to go out of executive session. Matt second.

13. Matt motioned to return to regular session. Al second.

14. Mayor Palmer announced that the Council had discussed a personnel matter and no votes were taken.


15. David motioned to adjourn. Matt second.

Approved:



James F. Palmer, Mayor

Submitted:



Eddie Peterson, City Administrator

CITY OF CALHOUN
Regular City Council Meeting
Depot Community Room
109 South King Street
April 25, 2011


EXECUTIVE SESSION MINUTES

Present: James F. Palmer, Mayor
Al Edwards, Mayor Pro Tem
George Crowley, Councilman
David Hammond, Councilman
Matt Barton, Councilman

Also: Eddie Peterson, City Administrator
Bill Bailey, City Attorney

- A. Mayor Palmer opened the meeting.
- B. The purpose of the Executive Session was to discuss the offer and status of Mr. Glenn McMannus as relates to the position of Utilities Director.
- C. The Mayor and Council discussed the annual salary of \$128,000 and a maximum of \$2,000 in relocation fees were discussed. Mr. McMannus would have no formal contract but would serve at the pleasure of the Mayor and Council just as any other Department Head. Wednesday, April 27, 2011 at 5:00 P.M. would be the deadline for a response from Mr. McMannus.
- D. Councilman Hammond made a motion to adjourn the Executive Session, Councilman Barton seconded the motion, all voted aye, motion approved.

Approved:



James F. Palmer, Mayor

Submitted:



Eddie Peterson, City Administrator

**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 4-25-11 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. [O.C.G.A §50-14-3(4)]
- 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 Walley

Witness

James F. Palmer

James F. Palmer, Mayor

Sworn to and subscribed to before
me this 19th day of
May, 2011.



Misty Caudle

Notary Public for the State of Georgia