



**CITY COUNCIL MEETING
JULY 23, 2018 – 7:00 PM
109 SOUTH KING STREET
DEPOT COMMUNITY ROOM**

MINUTES

PRESENT: James F. Palmer, Mayor
Al Edwards, Councilman
Jackie Palazzolo, Councilwoman

ABSENT: George R. Crowley, Mayor Pro Tem
Ray Mitchell Denmon, Councilman

ALSO: Eddie Peterson, City Administrator; Larry Vickery, Utilities Administrator; Paul Worley, Assistant City Administrator; George Govignon, City Attorney; Jeff Defoor, Director of Electric Utilities; Don Colburn, Commander, Special Operations; Jerry Crawford, Director of Water & Wastewater; Brad Carrick, Telecommunications Director; and Suzanne Roberts, DDA Director.

1. **Council Meeting Called to Order**

Welcome

Mayor Palmer called the meeting to order and welcomed everyone in attendance.

Invocation

Councilman Edwards gave the invocation.

2. **Pledge of Allegiance**

Mayor Palmer led the group in the Pledge of Allegiance to the United States Flag.

3. **Amendment or Approval of Proposed Agenda**

Councilman Edwards made a motion to approve the July 23, 2018 agenda as presented. Councilwoman Palazzolo gave a second with all voting aye. Motion approved.

4. **Amendment or Approval of Minutes**

Mayor Palmer stated that a correction needed to be made in the work reports section of the minutes. The recycling report was included twice and the second listed report after the recreation report was from an old set of minutes, so it needed to be removed. Councilman Edwards made a motion to approve the minutes of the City Council meeting of July 16, 2018 as amended. Councilwoman Palazzolo gave a second with all voting aye. Motion approved.

5. Mayor's Comments:

6. Public Hearing and Comments:

- A. Public Hearing of a beer, wine, and distilled spirits pouring license for Placeritos Bar and Grill, at a location of 235 West Line Street, Suite 2, 3, and 4. The owner, Margarita Martinez, is the proposed store manager.
 - Mayor Palmer opened the public hearing.
 - City Administrator Peterson stated that all notices have been completed.
 - Mayor Palmer opened the floor for public comments.
 - There being none, Mayor Palmer closed the public hearing and called for a motion concerning the Alcohol License Application.
 - Councilwoman Palazzolo made a motion to approve the beer, wine, and distilled spirits pouring license request. Councilman Edwards gave a second with all voting aye, motion approved.

7. Old Business:

- A. Mayor Palmer gave the second reading of an annexation and zoning request of C-2 for 7.26 acres, at a location of 1165 Red Bud Road (GC65-034), by Hamilton Medical Center, Inc. The Zoning Advisory Board meeting is scheduled for August 9, 2018. The public hearing is scheduled for August 13, 2018.
- B. Mayor Palmer gave the second reading of an annexation and zoning request of C-2 for 4.41 acres, at a location of 1611 Dews Pond Road (056A-066), by Darin Hardin. Property owner is Jonathan Maddox, Executor of the estate of Lillian and David Maddox, Sr. The Zoning Advisory Board meeting is scheduled for August 9, 2018. The public hearing is scheduled for August 13, 2018.
- C. Mayor Palmer gave the second reading of an annexation and zoning request of Ind-G for 4.89 acres, at a location of 113 Henderson Bend Road (GC35-093), by CGA Global Realty LLC. The Zoning Advisory Board meeting is scheduled for August 9, 2018. The public hearing is scheduled for August 13, 2018.
- D. Mayor Palmer gave the second reading of a zoning change request from C-2 to R-2 for 8.8 acres, at a location of parcel C67-001, on the corner of Dews Pond and Lovers Lane, by Harmony Rd Development, LLC. The Zoning Advisory Board meeting is scheduled for August 9, 2018. The public hearing is scheduled for August 13, 2018.
- E. Mayor Palmer gave the second reading of a variance request to reduce the buffer requirement on C-2 property bordering residential property from 20 feet down to zero feet, at a location of parcel C67-001, by Harmony Rd Development, LLC. The applicant states that the 20 foot buffer requirement will be implemented on the residentially zoned property instead of the commercially zoned property. The Zoning Advisory Board meeting is scheduled for August 9, 2018. The public hearing is scheduled for August 13, 2018.

8. New Business:

- A. Mayor Palmer read a Special Event Permit and road closure request by United Way of Gordon County for Unity Run XXV to be held on Tuesday, September 25, 2018 at 6:30pm. The Unity Run begins on Warrior Path at Gordon Central High School, crosses Red Bud Road onto Curtis Parkway, right onto Dews Pond Road, right onto Barrett Road, left onto Meadow Lane, left onto Buena Vista continuing on Boulevard Heights, right onto East Line Street, left onto Piedmont Street, right onto North Court Street crosses Hwy 41 and ends at the corner of Court Street and Park Avenue in Downtown Calhoun. GDOT has approved the state route closures as requested. Vickie Spence was in attendance to answer any questions. Councilwoman Palazzolo made a motion to approve the Special Event Permit and road closure request. Councilman Edwards gave a second with all voting aye, motion approved.
- B. Mayor Palmer conducted the first reading of a Taxicab and Limousine Operator Regulatory License Application for Calhoun Taxi, at a location of 360 S. Piedmont Street, by Carmen Zamora. The public hearing will be on August 27th.
- C. Mayor Palmer read a DDA request for road closings in connection with the Annual Harvest Fest Special Event. The request is for permission to completely close the section of Court Street from King Street to Wall Street and Park Avenue from Harlen Street to Oothcalooga Street on Saturday, October 27, 2018 from 8 A.M. until 6 P.M. Councilman Edwards made a motion to approve the road closure request. Councilwoman Palazzolo gave a second with all voting aye, motion approved.
- D. City Attorney George Govignon discussed a proposed participation by the City of Calhoun in an Opioid Class Action Lawsuit. Attorney Govignon stated that this is a class action litigation case against the manufacturers of opioids. The litigation is an effort to recover costs to local governments concerning the effects of the use/misuse, addiction to, abuse, illegal sale, addiction treatment, etc. of prescription opioids. Attorney Govignon stated that the City could participate in the class action at no cost to the City. He just needs authorization to proceed with the paperwork to be one of the participants. Mayor Palmer asked if participating was his recommendation. Attorney Govignon stated that he did recommend the participation in the class action lawsuit. Councilwoman Palazzolo made a motion to enter the City of Calhoun into the Opioid Class Action Lawsuit. Councilman Edwards gave a second with all voting aye, motion approved.
- E. Attorney Govignon discussed a proposed draft of an Intergovernmental Agreement between the Gordon County Development Authority and the City of Calhoun for recreational development. Councilman Edwards made a motion to approve the Intergovernmental Agreement. Councilwoman Palazzolo gave a second with all voting aye, motion approved. (copy attached)

9. Other written items not on the agenda:

10. Work reports:

- A. Eddie Peterson, City Administrator
 - Administrator Peterson reviewed the monthly General Government cash report.

B. Larry Vickery, Utilities Administrator

- Administrator Vickery reviewed the monthly Utility cash report. Councilman Edwards made a motion to approve both cash reports. Councilwoman Palazzolo gave a second with all voting aye, motion approved.

C. George Govignon, City Attorney

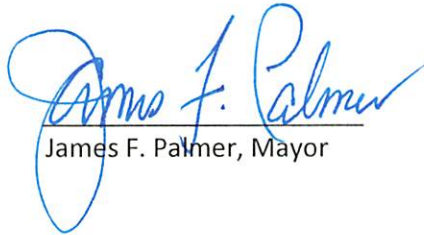
11. **Motion to move to Executive Session, if needed:**

12. **Motion to return to General Session:**

13. **Motion to Adjourn**

There being no further business to come before the Council, Councilwoman Palazzolo made a motion to adjourn. Councilman Edwards gave a second with all voting aye.

Approved:



James F. Palmer, Mayor

Submitted:



Paul Worley, Assistant City Administrator

Intergovernmental Agreement for Recreational Development

WHEREAS the Development Authority of Gordon County ("the Authority") did on or about February 23, 2017 transfer to the City of Calhoun, a municipal corporation of the State of Georgia ("the City") 20.00 acres, more or less, of real property ("the Parcel") for the sum of \$100,000.00, said tract of land being more particularly described by Exhibit A; and

WHEREAS the City is to develop the Parcel as an open air recreation facility in what the parties agree is the "highest and best use" ecologically for the natural "wetland" area and pre-existing overhead high wattage/capacity wiring utility easements; and

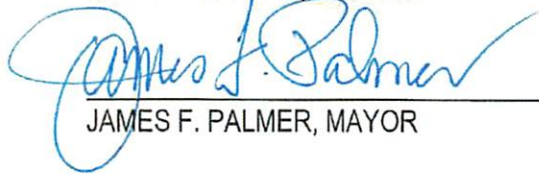
WHEREAS additional funding is necessary for the construction of the proposed facility to supplement the amount provided by the LWCF Grant received by the City; it is therefore agreed as follows:

- (1) The Authority shall cause to be transferred to the City the sum of \$100,000.00 to contribute to the costs associated with the proposed improvements of the Parcel; and
- (2) In consideration for the transfer of said funds, the City shall hereby covenant that the Parcel, shall not be used for any other purpose other than an outdoor recreational facility for a period of not less than ten (10) years from the execution of this agreement.

IN WITNESS WHEREOF, the Authority and the City have caused this Intergovernmental Agreement to be executed and sealed by their duly authorized representatives and their signature dated below following a vote and approval by the governing authority.


APPROVED, AUTHORIZED and AGREED this the 23rd day of July, 2018.

CITY OF CALHOUN, GEORGIA



JAMES F. PALMER, MAYOR

Witnessed by:



SHARON NELSON, CLERK
Paul Worley, Assistant City Administrator

DEVELOPMENT AUTHORITY OF GORDON COUNTY

Witnessed by:

LARRY ROYE, CHAIRMAN

Exhibit A

ALL THAT TRACT OR PARCEL OF LAND lying and being situated in Land Lots No. 242 and No. 263 of the 14th District and 3rd Section of Gordon County, Georgia, containing 20.00 acres, more or less, and being more particularly described according to a plat of survey thereof entitled "Survey for CITY OF CALHOUN" dated May 27, 2016, prepared by Gregory Massey, GRLS No. 2760, MASSEY SURVEYING, INC., Calhoun, Georgia, a copy of said plat of survey being recorded in the office of the Clerk of Superior Court of Gordon County, Georgia, in Plat Book 54, at Page 8, to which said plat and the record thereof reference is hereby made for a full and complete description of the land herein conveyed. A copy of which is additionally attached hereto as Exhibit "A" despite having said plat having been previously recorded.

SUBJECT TO the power line easement noted on said plat, as having been transferred from the **DEVELOPMENT AUTHORITY OF GORDON COUNTY** to the **MUNICIPAL ELECTRICAL AUTHORITY OF GEORGIA** by virtue of the deed of **EASEMENT** recorded in the Gordon County Deed Records on or about December 22, 2014 in Deed Book 1925 on Pages 371-374.

SUBJECT ADDITIONALLY TO THE FOLLOWING RESTRICTIONS:

"Notice of Limitation of Use

The property identified in the attached grant agreement and project boundary map has been acquired or developed with Federal financial assistance provided by the National Park Service (formerly the Heritage Conservation & Recreation Service) of the Department of the Interior in accordance with the Land and Water Conservation Fund Act of 1965, as amended, 16 U.S.C. § 4601-5 et seq. (1970 ed.). Pursuant to a requirement of that law, this property may not be converted to other than public outdoor recreation uses (whether by transfer, sale, or in any other manner) without the express written approval of the Secretary of the Interior. By law, the Secretary shall approve such conversion only if he finds it to be in accord with the then existing comprehensive statewide recreation plan and only upon such conditions as he deems necessary to assure the substitution of other recreation properties of at least equal fair market value and of reasonably equivalent usefulness and location."

PURSUANT to grant limitations, requirements and restrictions in association with the LWCF Grant and receipt of said funds, the City of Calhoun, Georgia shall not be permitted to construct any indoor recreational facility on the lands describe herein.