

**CITY OF CALHOUN
REGULAR CITY COUNCIL MEETING
DEPOT COMMUNITY ROOM
109 SOUTH KING STREET
MARCH 26, 2001 - 7:00 P.M.**

MINUTES

PRESENT: James F. Palmer, Mayor
John D. Shelton, Jr., Mayor Pro Tem
Ronald H. Woods, Councilman
Ray Denmon, Councilman
Lorene Potts, Councilwoman

ALSO: William P. Bailey, City Attorney
Kelly Cornwell, Director of Utilities
Eddie Peterson, Director of Public Safety and Public Works
Cathy Harrison, City Administrator

1. Mayor Palmer called the meeting to order, welcomed everyone in attendance and gave the invocation.
2. Mr. Bohannon and Troop 13 from the Oostanaula Scouts led the group in the Pledge of Allegiance to the United States Flag. Mayor Palmer expressed appreciation to Mr. Bohannon and to his troop, which this past year has sponsored two Eagle Scouts. He commended Mr. Bohannon on his work in the community.
3. Minutes of the March 12, 2001 Regular City Council meeting were approved as written.
4. Mayor's Comments:
 - a. Mayor Palmer reviewed the GMA request to authorize the 2001 amended and restated articles of incorporation for the Georgia Municipal Association. He reviewed the proposed changes and reviewed a resolution authorizing the changes by the City of Calhoun. Following discussion, Councilman Woods made a motion to approve the proposed amended and restated articles of incorporation and to authorize the Mayor to sign. The motion was seconded by Mayor Pro Tem Shelton, with Councilman Woods, Mayor Pro Tem Shelton, Councilman Denmon and Councilwoman Potts voting affirmatively, motion carried.
 - b. Mayor Palmer stated the City Council had been requested to provide a letter of support for Action Ministries to apply for DCA funding to provide transitional housing for the City of Calhoun and Gordon County. During a discussion with Nan Barnett of Family Connection, she had stated the organization of Action Ministries had been started in the early 1970's by the Methodist Ministry and they currently are working with Family Connection for one transitional house in the area. The funding would provide additional transitional housing for needy families. Mr. Curtis Rivers, a minister who is associated with Action Ministries reviewed activities they have ongoing and gave some examples of the work sponsored through Action Ministries. Following discussion, Councilman Woods made a motion to authorize the Mayor to sign a letter of support for DCA funding. The motion was seconded by Councilman Denmon, with Councilman Woods,

Councilman Denmon, Councilwoman Potts and Mayor Pro Tem Shelton voting affirmatively, motion carried.

c. Mayor Palmer reminded the Council of hearings on April 23, 2001 at 7:00 P.M., as follows:

- 1) The beer, wine and liquor pouring license request of Basem Sam Salame for the Oyster Pub and Restaurant at 468 Highway 53 East, a new location.
- 2) The liquor and wine package license request hearing on April 23, 2001 for Mukhi, Inc., Mukesh S. Patel, Manager, for an existing business of John Bell at 960 North Wall Street.

d. Mayor Palmer reminded the Council of the zoning hearings scheduled for April 9, 2001, as follows:

- 1) A zoning variance request by Dr. Brent Box and Jerry W. Braden requesting permission to provide the public road, which will serve only these two facilities at a width of 50 feet, which is less than the present code requires.
- 2) A zoning variance request of John and Deborah Harris for a zero side setback to allow construction of a carport at 324 South River Street.

5. Public Hearings and Comments:

a. Mayor Palmer gave a second reading of a revolving loan application of BC Holdings, LLC, Jerry W. Braden, sole member, for \$151,200.00 for a portion of the funding for a proposed senior citizen housing development off Timms Drive for ten years, with 3 permanent full-time jobs and several construction jobs during the 18 month construction phase.

- 1) Mayor Palmer opened a public hearing and asked for a report from the Loan Advisory Commission, with Councilman Woods reporting. Councilman Woods stated the Loan Advisory Commission had met on March 19, 2001 to review the application. While the application for \$151,200.00 did not meet the requirements in terms of permanent jobs created, it would recommend that amount only if approved by DCA as an exception. If DCA does not provide that exception, then the Loan Advisory Commission would recommend a loan of \$50,000.00, based upon the three permanent full-time jobs to be created.
- 2) There were no other comments and the hearing was closed.
- 3) Councilman Woods made a motion to approve the original amount subject to DCA approval, based upon an exception to the number of jobs created. However, if not approved by DCA, then the loan would be made for \$50,000.00, based upon the three permanent full-time jobs created. It would be subject to the DCA tax credit approval of the application by BC Holdings, LLC. The motion was seconded by Councilman Denmon, with Councilman Woods, Councilman Denmon, Councilwoman Potts and Mayor Pro Tem Shelton voting affirmatively, motion carried.

b. Mayor Palmer gave a second reading of a revolving loan application of Impact Furniture, Inc., Gail Poole, President, for \$100,000.00 for 10 years, with the creation of 6 new jobs. The request is to partially fund the remodeling and stocking necessary to reopen the store in Calhoun on Park Avenue.

- 1) Mayor Palmer opened a public hearing.
- 2) Councilman Woods stated the Loan Advisory Commission met on this application also and based upon the number of jobs to be created, the

recommendation of the Commission was to approve the application for a ten year period.

- 3) There were no other comments and the public hearing was closed.
 - 4) Councilman Woods made a motion to approve the request, based upon the creation of the jobs as outlined in the application and based upon the information provided in the application. The motion was seconded by Councilwoman Potts, with Councilman Woods, Councilwoman Potts, Councilman Denmon and Mayor Pro Tem Shelton voting affirmatively, motion carried.
- c. Councilman Woods stated the Loan Advisory Commission had also reviewed new policies that had been forwarded from the Department of Community Affairs, which governs local Revolving Loan Funds statewide. The new policies are more liberal and based upon information from DCA, it was the recommendation that the new policies be adopted, as well as maintaining the older policies, in order for both policies to meet any loan situation that may occur in the future. Following discussion, Councilman Woods made a motion to adopt the new policies and maintain the existing policies. The motion was seconded by Councilman Denmon, with Councilman Woods, Councilman Denmon, Councilwoman Potts and Mayor Pro Tem Shelton voting affirmatively, motion carried.
- d. Councilman Woods stated the Loan Advisory Commission had also recommended appointments to fill the unexpired terms of Nancy Mathis and Jim Black, who have resigned from the Loan Advisory Commission. The Loan Advisory Commission recommended Charles Hall to fill the unexpired term of Nancy Mathis, which would expire June 30, 2004, and Gloria Brown to fill the unexpired term of Jim Black, which would expire June 30, 2002. Following discussion, Councilman Woods made a motion to approve those recommendations for the remainder of the terms, second by Councilwoman Potts, with Councilman Woods, Councilwoman Potts, Councilman Denmon and Mayor Pro Tem Shelton voting affirmatively, motion carried. Mayor Palmer expressed appreciation to Nancy Mathis and Jim Black for their past service on the Loan Advisory Commission.
- e. A public hearing was opened on the beer, wine and liquor pouring license request of SCS Enterprise, Inc., Steve Crowe, President, for the Crowe's Nest Restaurant, a new location at 114 Court Street. Mayor Palmer stated the local alcohol manager had a clear police report and based upon the criteria for a new location, the application was clear. There were no comments from the public and the hearing was closed. Councilman Woods made a motion to approve the beer, wine and liquor pouring license request for SCS Enterprise, Inc., Steve Crowe, President, second by Councilwoman Potts, with Councilman Woods, Councilwoman Potts, Councilman Denmon and Mayor Pro Tem Shelton voting affirmatively, motion carried.
6. Old Business:
- a. Mayor Palmer made a request for authorization to sign the CDBG award documents for the Mill Village Phase II grant of \$493,970.00. Mayor Pro Tem Shelton made a motion to approve the documents and to authorize the Mayor to sign, second by Councilman Denmon, with Mayor Pro Tem Shelton, Councilman Denmon, Councilman Woods and Councilwoman Potts voting affirmatively, motion carried.

- b. Mayor Palmer stated it would be necessary for the city to hold a public hearing regarding the award of the CDBG grant and the proposed activities. He stated he would entertain a motion for that hearing on April 9, 2001 at 7:00 P.M., as well as an information meeting at the Echota Baptist Church on April 10, 2001 at 6:00 P.M. at which the area residents might be more fully informed of the activities that will take place during the two-year construction period. Following discussion, Councilman Denmon made a motion to set the public hearing for the award of the grant and outlining those activities for April 9, 2001 at 7:00 P.M. at the Depot Community Room and to further provide an informational meeting on April 10, 2001 at 6:00 P.M. at the Echota Baptist Church for area residents. The motion was seconded by Mayor Pro Tem Shelton, with Councilman Denmon, Mayor Pro Tem Shelton, Councilman Woods and Councilwoman Potts voting affirmatively, motion carried.

7. New Business:

- a. Mayor Palmer gave a first reading of an ordinance amendment regarding the official adoption of Codes: building, mechanical, gas, plumbing, electrical, etc. He asked for a public hearing to be set for the next meeting. Councilman Denmon made a motion to set a public hearing on April 9, 2001 at 7:00 at the Depot Community Room, second by Mayor Pro Tem Shelton, with Councilman Denmon, Mayor Pro Tem Shelton, Councilman Woods and Councilwoman Potts voting affirmatively, motion carried.
- b. Mayor Palmer gave a first reading of a beer, wine and liquor pouring license request for Stuffansuch, Inc., Ronald V. Gallinat, Manager, for the location presently operated as Brangus Restaurant at 732 Highway 53 East. Mayor Palmer stated the earliest date for a public hearing would be either April 23, 2001 or May 14, 2001. Since it is impossible to meet the ordinance of not less than 30 or more than 45 days according to our regular meetings, he would recommend April 23, 2001 at 7:00 P.M. as the date for the hearing. Following discussion, Councilwoman Potts made a motion to set the public hearing on April 23, 2001 at 7:00 P.M., second by Councilman Woods, with Councilwoman Potts, Councilman Woods, Councilman Denmon and Mayor Pro Tem Shelton voting affirmatively, motion carried.
- c. Mayor Palmer gave a first reading of a \$45,000.00 Revolving Loan Application of Calhoun Affordable Housing Development, Inc. for creation of three new full time jobs, with the funds to be used for a housing development for the elderly, in an area off of Curtis Parkway. The application is associated with the company's DCA home and tax credits program. Following review, Councilman Woods made a motion to set the public hearing for April 9, 2001 at 7:00 P.M., second by Councilman Denmon, with Councilman Woods, Councilman Denmon, Councilwoman Potts and Mayor Pro Tem Shelton voting affirmatively, motion carried.
- d. Mayor Palmer stated the engineering agreement with Consolidated Technologies, Inc. for Phase II of the Mill Village Project had been reviewed by Kelly Cornwell and Jerry Crawford. Mr. Cornwell and Mr. Crawford proposed some amendments for a revised amount of \$40,543.00, with the city providing all inspection during the construction phase. Attorney Bailey also recommended some revisions regarding limitations of liability and the removal of reference to arbitration. Mayor Palmer stated it is necessary to move forward with adoption, even though the revised contracts have not been received, in order for the project

to move forward. Councilman Woods made a motion to approve the engineering agreement with Consolidated Technologies, Inc. for \$40,543.00, based upon the revised contracts, which meet the criteria as outlined by Mr. Cornwell, Mr. Crawford and Attorney Bailey. The motion was seconded by Mayor Pro Tem Shelton, with Councilman Woods, Mayor Pro Tem Shelton Councilman Denmon and Councilwoman Potts voting affirmatively, motion carried.

- e. A first reading was given of a pawn license application by JWC Investment Company, Inc., d/b/a Fast Cash Title Pawn and Check Cashing, Charles A. Farrell, Manager, at 203 West Belmont Drive. Mayor Palmer state the earliest date for a public hearing would be April 9, 2001 at 7:00 P.M. Following review, Councilman Woods made a motion to set the public hearing for that date and time at the Depot Community Room, second by Councilwoman Potts, with Councilman Woods, Councilwoman Potts, Councilman Denmon and Mayor Pro Tem Shelton voting affirmatively, motion carried.

8. Other written items not on the agenda:

- a. Mayor Palmer reviewed a request by Finlay Development, Inc., a company out of Jacksonville Beach, Florida, in which they requested a resolution supporting their development of senior citizen housing through the DCA Home and Tax Credit Program. The housing will consist of 56 apartment units for senior citizens, aged 62 years and older, in Land Lot 132, 14th District and 3rd Section of Gordon County, Georgia. Based upon the request meeting the same criteria as three other previous requests, Mayor Palmer asked the Council to consider the proposed resolution supporting the Finlay Development, Inc. application. Following discussion, Councilman Woods made a motion to approve and adopt the resolution, second by Mayor Pro Tem Shelton, with Councilman Woods, Mayor Pro Tem Shelton, Councilman Denmon and Councilwoman Potts voting affirmatively, motion carried.
- b. Mayor Palmer stated the developers SWL Developers, Inc. had requested the streets identified as Summerfield Drive, Summerfield Lane, Summerfield Court and Summerfield Way, located in the Summerfield Subdivision be approved as public city streets, based upon a final determination of Street Superintendent McEntire, to determine if all corrections had been satisfactorily made. Following discussion of the proposal to dedicate said streets to the City of Calhoun, and based upon the issuance of a warranty deed and a clear title opinion, Councilman Denmon made a motion to accept subject to confirmation of Street Superintendent Kevin McEntire, that all improvements had been satisfactorily made, second by Mayor Pro Tem Shelton, with Councilman Denmon, Mayor Pro Tem Shelton and Councilwoman Potts voting affirmatively, motion carried. Councilman Woods abstained, since he had purchased lots in the subdivision.

9. Work Reports:

- a. Director of Utilities Kelly Cornwell stated the city had reviewed a proposed presentation by Townware for the development of a website for the City of Calhoun. He stated the website would allow the City of Calhoun to basically create the website. With the assistance of a software license and specific training, it would allow members of the City of Calhoun staff to keep the website updated on a continual basis. He stated the initial cost would be \$1,500.00 for a one-time setup and training fee and the software license and maintenance would be at the rate of \$500.00 per month. Following discussion of the proposal, Councilman

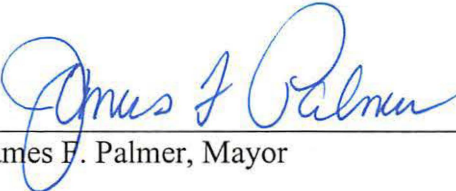
Woods made a motion to approve, stating he sat in on the initial meeting and he felt development of the website and the continual updates will be most beneficial for the city. The motion would be to include authorization for the training and initial setup fee of \$1,500.00 and the software license agreement of \$500.00 monthly. The motion was seconded by Councilman Denmon, with Councilman Woods, Councilman Denmon, Councilwoman Potts and Mayor Pro Tem Shelton voting affirmatively, motion carried.

- b. Eddie Peterson, Director of Public Safety and Public Works gave an update on projects, stating the pool project is continuing for fencing and improvements to the diving board and the pool area, with an anticipated completion date of the first week in May. The roof for the complex should be completed by mid-April. The pedestrian trail is under construction and delays due to winter weather have been experienced. However, the project should be completed by late May or early June. The softball building at the recreation complex on River Street should be completed in July. On the library roof, while bids had been taken previously, they were outdated and new bids are being taken and should be available within the next couple of weeks. Peterson stated he and Beve Ryberg had attended a DOT Streetscape meeting regarding the Streetscape grant of \$460,000.00, which will be available in October 2001. He stated the process seems to have been improved during the past couple of years and this project should run much smoother than the pedestrian trail, with an engineering firm hired by DOT to assist the recipients. Peterson and Mayor Palmer expressed appreciation to the County Commission for their assistance and to the Clarence E. Harris Foundation.


10. Mayor Palmer inquired if it was necessary to move to Executive Session. The response was negative.
11. Councilwoman Potts made a motion to adjourn, second by Councilman Woods, with Councilwoman Potts, Councilman Woods, Councilman Denmon and Mayor Pro Tem Shelton voting affirmatively, motion carried.

Approved:

Submitted:



James F. Palmer, Mayor



Cathy Harrison, City Administrator

**CITY OF CALHOUN
GEORGIA**

RESOLUTION

WHEREAS, the Board of Directors of the Georgia Municipal Association has recommended to the membership approval and adoption of amended and restated articles of incorporation for GMA; and

WHEREAS, the City of Calhoun is a member of GMA entitled to vote for approval or disapproval of such amended and restated articles of incorporation;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Calhoun, that the City of Calhoun **APPROVES** the attached 2001 Amended and Restated Articles of Incorporation for the Georgia Municipal Association, Inc.

BE IT FURTHER RESOLVED that this ballot shall be returned to the Georgia Municipal Association, attention LEGAL DEPARTMENT, by the city clerk on or before April 20, 2001.

RESOLVED this 26th day of March 2001.

City of Calhoun, Georgia



James F. Palmer, Mayor

Attest:



Cathy Harrison, City Administrator

**AMENDED AND RESTATED
ARTICLES OF INCORPORATION OF
THE GEORGIA MUNICIPAL ASSOCIATION, INC.**

I.

The name of the corporation is: "Georgia Municipal Association, Inc."

II.

The corporation shall have perpetual duration.

III.

The corporation is organized pursuant to the Georgia Nonprofit Corporation Code to carry out essential governmental functions for and on behalf of its members and other government entities, including, but not limited to, the following specific purposes:

- A. Exchange and disseminate information and ideas for the more efficient administration and conduct of local government and affairs;
- B. Represent the collective interests of its members with the executive, legislative, and judicial branches of state and federal government;
- C. Facilitate improvements in local government within the State of Georgia by providing appropriate technical assistance, publications and expert advice to members;
- D. Conduct research in areas of interest to members and make the results of the research available to members and other interested parties;
- E. Serve as a repository of publications, research materials, and data related to the operations of local government and the duties and responsibilities of local government officials, and make the materials available to members;
- F. Develop and operate programs and services designed to promote efficient and cost effective operation of local government, including employee benefit programs, financing programs, fee and tax collection programs, and purchasing services;
- G. Develop and conduct conferences, seminars, meetings and workshops that will provide educational opportunities and training for local government officials and forums for the exchange of information and ideas among local government officials;
- H. Promote constructive and cooperative intergovernmental relations by developing and maintaining relationships with groups representing local, state and regional governments;
- I. Promote the general welfare of local governments and urban areas of this State in such a manner as may be authorized from time to time by the corporation's Board of Directors; and
- J. Do any and all things necessary and proper for the benefit of its members.

In furtherance of these purposes, the corporation shall be authorized to receive and use payments, grants, donations and contributions from any source in furtherance of its purposes. In carrying out its corporate purposes, the corporation shall have all powers allowed corporations under the Georgia Nonprofit Corporation Code and other applicable state and federal laws and all of the corporation's income shall accrue to the benefit of the local governments that become members of the corporation.

IV.

The method of election of directors shall be as provided in the bylaws.

V.

The corporation will not be organized or operated for pecuniary gain or profit, and it shall have no capital stock.

VI.

The corporation shall have one (1) class of member. Any municipality or consolidated government of Georgia by proper action of its legislative body and the payment of annual dues as prescribed in the bylaws of the corporation may become a member of the corporation. Each municipality or consolidated government holding membership in the corporation shall be equally privileged with every other municipality and consolidated government holding membership therein in its voice and vote in the election of officers and directors and upon any proposition presented for discussion or decision at any meeting of members. The Board of Directors of the corporation may prescribe such additional reasonable qualifications for membership, as it may deem appropriate.

VII.

In the event of dissolution of the corporation or surrender of the corporate charter, all property of the corporation shall be donated to one or more municipalities of the State of Georgia as determined by the Board of Directors. Upon failure of the Board of Directors to provide for the disposition of said property upon dissolution, said property shall inure to the State of Georgia. In any event, none of the property of the corporation shall inure to the benefit of any person or profit organization.

RECOMMENDED by an affirmative vote of the Board of Directors of the Georgia Municipal Association, Inc. January 20, 2001; and

APPROVED by an affirmative vote of members of the Georgia Municipal Association in accordance with the provisions of Code Section 14-3-1003.

IN WITNESS WHEREOF, the undersigned attest and execute these Articles of Incorporation this day _____ day of _____ 2001.

James A. Calvin
Executive Director
Georgia Municipal Association

Andrew J. Harris, Jr.
President
Georgia Municipal Association

**CITY OF CALHOUN
GEORGIA**

RESOLUTION OF SUPPORT

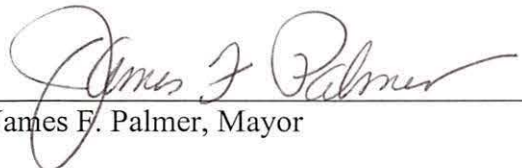
WHEREAS, the City is informed that Finlay Development, Inc., a corporation organized and existing under the laws of the State of Florida, intends to develop The Meetinghouse at Calhoun, located on 8 acres of property in Land Lot 132, 14th District, 3rd Section, Gordon County, Georgia, which will contain 56 apartment units for seniors age 62 and older, and is to be developed through the use of Low Income Housing Tax Credits Allocated by the Georgia Department of Community Affairs.

WHEREAS, in accordance with the Consolidated Plan of the City or State addressing the need for additional affordable housing, the City desires the Development to proceed, thereby furthering the public purposes of the City.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and City Council of the City of Calhoun are in full support of the proposed development by Finlay Development, Inc. and understand the nature of the proposed development.

IN WITNESS WHEREOF, I have hereunto signed my name as Mayor of the City of Calhoun, and caused the official seal of the City of Calhoun to be affixed hereto this 26th day of March 2001.

City of Calhoun, Georgia



James F. Palmer, Mayor

Attest:



Cathy Harrison, City Administrator