

**CITY OF CALHOUN
REGULAR CITY COUNCIL MEETING
DEPOT COMMUNITY ROOM
109 SOUTH KING ST
MARCH 25, 2013 7:00 P.M.**

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; Larry Vickery, Utilities General Manager; Paul Worley, City Clerk; George Govignon, City Attorney, Garry Moss, Chief of Police, Jerry Crawford, Water and Sewer Director, Jeff Defoor, Director of Electric Utilities, Lenny Nesbitt, Fire Chief; Officer Jeremy Thompson; Major Larry Gilbert; Lieutenant John McGivern; Sergeant James Stanfield; Officer Mark Tanner; Officer Brian Defoor; Officer Fernando Olmedo; Officer John Cuprowski

1. Mayor Palmer called the meeting to order and welcomed everyone in attendance.
 - A. Councilman Crowley 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 and Councilman Barton seconded the motion. All voted aye, motion approved.
4. Councilman Crowley made a motion to approve the minutes of the March 11, 2013 City Council Meeting. Councilman Edwards gave a second with all voting aye, motion approved. Councilman Edwards made a motion to approve the Executive Session Minutes of March 11, 2013. Councilman Crowley gave a second with all voting aye, motion approved.
5. **Mayor's Comments:**
 - A. Mayor Palmer read a letter of commendation from Police Chief Garry Moss concerning the life saving efforts of Calhoun Police Officer Jeremy Thompson. Officer Thompson was able to save the life of an elderly gentleman who was suffering from dementia by rescuing him from his vehicle that was partly submerged in a pond on US 41 North on March 12, 2013. The 88 year old gentleman was reported missing from Fannin County on March 11th. The individual was flown by Life Force to Erlanger Medical Center and admitted to ICU and is now recovering. Chief Moss commended Officer Thompson and all of his Police Officers for their hard work and dedication to public safety.

- B. Mayor Palmer read a National Telecommunicator's Week Proclamation proclaiming April 7th through April 13th National Telecommunicator's Week. Gordon County E-911 Director Debbie Vance was in attendance and invited the Mayor and Council to an open house at the E-911 center on April 16th. Director Vance also issued an invitation for the Mayor and Council to attend the E-911 annual banquet at the Sonoraville Recreation Center on April 18th.

- C. Mayor Palmer announced that there will be a public hearing at the next council meeting on April 8, 2013 concerning the comprehensive plan community work program update. The City of Calhoun is updating the Five Year Community Work Program which is included within the Calhoun Comprehensive Plan 2007-2027. The Five Year Work Program update is required and will be prepared according to the rules promulgated by the Georgia Department of Community Affairs, which are effective on January 1, 2013. A public hearing will be held to obtain public comments on the following:
 - o City of Calhoun Report of Accomplishments regarding the previous Five Year Short Term Work Program 2007-2011
 - o City of Calhoun Character Areas
 - o City of Calhoun Issues and Opportunities
 - o City of Calhoun Community Work Program 2013-2017

6. Public Hearings and Comments:

- A. Mayor Palmer opened the public hearing for a taxicab license request for Carlos Aldama Robles, owner, D/B/A: Los Buenos Amigos at a location of 360 Piedmont Street.
 - Mr. Peterson stated that all signs and advertising requirements have been met.
 - Mayor Palmer asked if there were any comments from the applicant or the public. There were no comments.
 - Mayor Palmer closed the public hearing.
 - Councilman Crowley made a motion to approve the taxicab license request. Councilman Edwards gave a second with all voting aye, motion approved.

- B. Mayor Palmer opened the public hearing for a taxicab license request for Herver Antonio Espinoza, owner, D/B/A: Taxi El Quetzal at a location of 430 South Wall Street.
 - Mr. Peterson stated that all signs and advertising requirements have been met.
 - Mayor Palmer asked if there were any comments from the applicant or the public. There were no comments.
 - Mayor Palmer closed the public hearing.
 - Councilman Crowley made a motion to approve the taxicab license request. Councilman Hammond gave a second with all voting aye, motion approved.

7. Old Business:

- A. Mayor Palmer conducted the second reading of a beer and wine package license request for Stephen Moore DBA: CVS Pharmacy, LLC #4506 at a location of 402 North Wall Street. The public hearing will be on April 8th.

8. New Business:


- A. Mayor Palmer conducted the first reading of a beer and wine package request by Medhat Karout DBA: Sam's Mart #530 at a location of 943 Hwy 53, SE. Councilman Barton made a motion to set the public hearing for April 22nd. Councilman Crowley gave a second with all voting aye, motion approved.
- B. Councilman Barton made a motion to table the road dedication of Cornerstone Way. Councilman Crowley gave a second with all voting aye, motion approved.
- C. Mayor Palmer conducted the first reading of a taxicab license request for Susan Wise, owner, D/B/A: Calhoun Cab at a location of 1297 Curtis Parkway. Councilman Hammond made a motion to set the public hearing on April 22nd. Councilman Barton gave a second with all voting aye, motion approved.

9. Other written items not on the agenda: None

10. Work Reports:

- A. Administrator Eddie Peterson
 - B. General Manager Larry Vickery
 - C. George Govignon
11. City Attorney Govignon stated that there was a need to go into executive session with the grounds being attorney/client privilege due to threatened litigation. Councilman Barton made a motion to go into executive session. Councilman Hammond gave a second with all voting aye, motion approved.
12. Councilman Barton made a motion to return to regular session. Councilman Hammond gave a second with all voting aye, motion approved.
13. Councilman Barton made a motion to adjourn the regular session. The motion was seconded by Councilman Hammond with all voting aye, motion approved.

Approved:



James F. Palmer, Mayor

Submitted:



Paul Worley, City Clerk

CITY OF CALHOUN
Regular City Council Meeting
Depot Community Room
109 South King Street
March 25, 2013

EXECUTIVE SESSION MINUTES

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

Also: George Govignon, City Attorney
Eddie Peterson, City Administrator
Paul Worley, City Clerk
Larry Vickery, Utilities General Manager

- A. City Attorney Govignon stated that there was a need to go into executive session with the grounds being attorney/client privilege due to threatened litigation [O.C.G.A. 50-14-2]. Councilman Barton made a motion to go into executive session. Councilman Hammond gave a second with all voting aye, motion approved.
- B. The executive session was opened and City Attorney Govignon stated that he wanted to update the Mayor and Council concerning threatened litigation. The litigation concerns the receipt of an *anti litem* notice concerning civil rights violations.
- C. The discussions were concluded and no votes were taken.
- D. Councilman Barton made a motion to adjourn the Executive Session, Councilman Hammond seconded the motion, all voted aye, motion approved.

Approved:



James F. Palmer, Mayor

Submitted:



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 3-25-13 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 Walker
Witness

James F. Palmer
James F. Palmer, Mayor

Sworn to and subscribed to before
me this 25th day of
March, 2013.



Misty Caudle
Notary Public for the State of Georgia