CITY COUNCIL MEETING
OCTOBER 11, 2021 - 7:00 PM
109 SOUTH KING STREET
DEPOT COMMUNITY ROOM

MINUTES

PRESENT: **James F. Palmer, Mayor**
George R. Crowley, Mayor Pro Tem
Ray Mitchell Denmon, Councilman
Al Edwards, Councilman
Jackie Palazzolo, Councilwoman

SPEAKING: **Haley Stephens – 3217 Red Bud Road**
Cindy Tucker – Executive Director, Tiny House Hand Up
Butch Layson – 320 Trammell Street
Ladella Childers – 115 Wayne Street, SW
Austin Hopkins – 413 Beamer Road
Thomas Sorensen – 115 Gilmore Circle
Robert Taylor – 396 Harris Beamer Road
Candra Gubaci – 632 Beamer Circle
David Edwards – 1080 Peachtree Street, NE #2909, Atlanta, GA 30309

ALSO: Paul Worley, City Administrator; Larry Vickery, Utilities Administrator; Kyle Ellis, Assistant Utilities Administrator; Sharon Nelson, City Clerk; George Govignon, City Attorney; Major Ken Carson, Calhoun Police Department; Lenny Nesbitt, Fire Chief.

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 October 11, 2021 agenda as presented. Councilwoman Palazzolo gave a second with all voting aye. Motion approved.

4. **Amendment or Approval of Minutes**
Mayor Pro Tem Crowley made a motion to approve the minutes of the City Council meeting of September 27, 2021. Councilman Denmon gave a second with all voting aye. Motion approved.

5. **Mayor's Comments**
Mayor Palmer made the following presentations and announcements:
   A. Proclamation for National Education Week submitted by Dr. Joann T. Meadows. Dr. Meadows provided apples for council members as well as those present at the meeting. Mayor Pro Tem Crowley made a motion to approve the proclamation. Councilwoman Palazzolo gave a second with all voting aye. Motion approved.
   B. Early voting begins Tuesday, October 12th and ends Friday, October 29th. We will have early voting on Saturday October 16th and Saturday, October 23rd from 9:00 a.m. to 5:00 p.m. in the Board of Elections and Voter Registration Office, located across the street from the Post Office.
   C. October 22nd is the last day to mail or issue absentee ballots.
   D. The City of Calhoun will observe Halloween on Sunday, October 31st from 5:00pm to 9:00pm for ages 12 and under. Also, Downtown Calhoun merchants and businesses will host Trick or Treat in Downtown Calhoun on Friday, October 29th from 4:00pm until 6:00pm.

6. **Council Comments**
   A. Councilwoman Palazzolo submitted September reports as follows:
      1) **Water and Sewer Operations**
      Water Treatment Plant
      - Total gallons withdrawn: 322,910,000
      - Daily average: 10,763,666
      - Wells: 126,820,000
      - Big Springs: 0
      - % produced by Brittany Drive: 39.2%
        - Brittany Dr. daily production to capacity: 35.82%
        - Mauldin Rd. daily production to capacity: 40.85%
        - Rainfall for November – 4.07"

      Waste Water Treatment Plant
      - Treated a daily average of 7.492 MGD, with an average BOD effluent of 4, average suspended effluent of 8, and an average COD of 39.

      Water Distribution & Wastewater Collection
      - 320 work orders completed, 36 new water connections, 26 water service leaks repaired, 10 water main leaks repaired, 0 water services changed to new main lines, 165 meter changes, 53 utility locates called in for work orders, 579 utility locates responses.

- 2,650 feet of Sanitary Sewer Services TV inspected, 459 utility locates completed, 20,400 feet sanitary sewer lines cleaned, 57 new sewer connections installed, 2 sanitary sewer services repaired.

2) **Water and Sewer Construction**

Projects Under Construction

- 319 Grant Lynn Creek Project- Focus has shifted to additional green infrastructure project and agricultural BMP. Meeting with landowners to participate in agricultural projects.
- Fox Subdivision 2" galvanized water line replacement project 286. Materials are on site ready for contractor to begin.
- Eastside sewer replacement project- Contractor working on pre-construction CCTV survey
- Old Fairmount Hwy Sewer Line Extension- Project is Complete
- Sewer Extension Hwy 41 South- Materials on Order.

Projects in Design & Development

- South Interceptor Flow Study
- Brittany Drive Standby Generator Grant

3) **Library**

- There are 10,151 library card holders, 1489 library visitors, and 3,102 total circulation.
- There were 62 story time attendance, 0 adult program attendance, 101 new users, 790 e-books, 800 audio books, 184 computer logins, and 5,072 Facebook visits.

B. Councilman Edwards submitted September reports as follows:

1) **Police Department**

- Made 210 cases with 3 DUI's
- Fines collected by Municipal Court - $31,484.50
- Issued 309 warnings
- Investigated 54 highway accidents, 37 private property accidents
- Obstruction - 7
- Lethal Weapon Encounter - 1
- Alarm responses - 158
- Miles patrolled: 41,437

2) **Municipal Court**

- Total Court cases- 207
- Court cases dropped- 8
- Number of Bond forfeitures- 105
- Number of Probation cases- 11
- Failure to appear- 13
- Subpoenas served- 3

3) **Fire Department**
Fire Suppression Division

199 Total reported calls for service for the Suppression Division

Dispatched Calls

0 Fire, other
0 Structure Fire
1 Mobile Property (Vehicle) Fire
1 Natural Vegetation Fire
1 Outside Rubbish Fire
3 Total Fire Calls

49 Medical Assist
78 Emergency Medical Services Incident
0 Lock- In
0 Search for Lost Person
0 Water or ice related rescue
11 Rescue or EMS Standby
138 Total Medical Calls

0 Combustible / Flammable Liquids Spills and Leaks
1 Chemical Release, Reaction or Toxic Condition
2 Electrical Wiring / Equipment problems
3 Total Hazardous Conditions Incidents (NO FIRE; Leaks, Spills, Electrical Hazards; All Other Hazardous Conditions without injuries)

0 Potential Accident
3 Person In Distress
1 Service Call - Other
2 Public Service Assistance
5 Total Service Calls (Water Leak; Assist Other Agencies with Non-Emergency Calls)

0 Good intent Call
0 Total Good Intent Calls (Smoke / Odor check; Investigation of Unknown Problem)

26 Dispatched and Canceled En-Route
5 Wrong location / No Emergency Found
0 Steam or gas mistaken for smoke
1 Haz Mat Release investigation w/ no Haz Mat found
5 False Alarm and False Call Other
1 Malicious Mischievous false alarm
5 System or Detector Malfunction
7 Unintentional System / Detector Operation (No Fire)
50 Total False Alarms or False Calls

0 Severe Weather & Natural Disaster
0 Total Severe Weather & Natural Disaster Calls
0 Special Incident Type (Citizen Complaint; Other)
0 Total Special Incident Type

Additional Fire Department Activities

- Completed routine Dept. Maintenance and duties
- Continued Participating in meetings on COVID-19 response protocols and issues with local agencies (by video conference).
- Had a booth with Personnel for Fire Prevention set up at BBQ Boogie and Blues along with Medics working each night.

Training Division

795 - Total Man Hours of training during the month.

Training consisted of:

- Training consisted of pump operations, ventilation, search and rescue and territory familiarization.
- Recruit school will complete this week after 8 weeks with National / State certification testing (NPQ) on Oct. 22.The recruits received approximately 9 hours of training per day plus 1 hour of P/T in the mornings. Participation from current CFD Firefighters helped make this class once again be very successful for the recruits.

Fire Inspections - Public Safety Education -Code Enforcement Division

65 Total Reported Activities / Inspections completed during the month.

Inspections / Enforcement Activities

8	Annual Inspection
3	New Business Inspections
27	Requested Inspections
0	Follow Up, Re-Inspections
0	Burn Site Inspections
3	Plan Reviews
0	Pre-Construction Meeting
0	Sprinkler Permits Issued
0	Fuel Tank Permit (Install, Removal or Service)
22	Consultations
0	Fire Drills
0	Illegal Burning Citations
2	Zoning / Annexation Meetings

Additional Inspection - Public Safety & Codes Division Activities

Inspector Duvall taught Fire Alarms and Sprinkler Systems class for the Recruit school.
Inspector Duvall Worked BBQ Boogie and Blues booth for CFD
Inspector Fox out due to Covid.

4) **Safety Committee**
   - The safety committee did not meet in the month of September.
     - Vehicle accidents: 0
     - Workers compensation: 3

C. Councilman Denmon submitted September reports as follows:

1) **Public Works**

Street Department

1. Completed 32 shop and 28 street dept. work orders.
2. Installed 4 new street signs.
3. Repair two storm drains on College Street.
4. Repair potholes and utility cuts around town using 12 tons of asphalt.

Cemetery Department

1. Performed routine maintenance on Fain and Chandler cemetery.
2. Supervised the opening and closing of 19 grave sites.
3. Repaired front porch at recycling center.

Parks Department

1. The grounds crew picked up litter, mowed, trimmed bushes, hauled garbage to the dump, and maintained records at records room.
2. The maintenance crew maintained designated buildings downtown.
3. Cut trees and brush back on Hughey Street.

Animal Control

- Housed 10 dogs and 8 cats
- Number of dogs adopted: 0
- Number of cats adopted: 1
- Number of dogs rescued: 7
- Number of cats rescued: 4
- Number of dogs reclaimed by owner: 0
- Number of cats reclaimed by owner:1
- Number of dogs euthanized: 0
- Number of cats euthanized: 0
- Number of warnings given: 7
- Number of bite cases: 1
- Citations issues: 1

2) **Recreation Department**

1. **FALL PROGRAMS:**

Youth Football – Games started on September 11. Twenty-five games were played at our facilities throughout the month. Our teams also traveled to Bartow Co., Cartersville, Catoosa Co., Gordon Co., and Trion Recreation facilities to play games during the month.
Youth Soccer- Games started on September 11. Ninety-two games were played throughout the month.

Youth Volleyball – Games started September 9. Our teams are participating with LaFayette, Catoosa County, Trion and Summerville. Forty-two matches were played in our gym throughout the month. Our teams also traveled to play away matches.
Adult Fall Softball – Games started on September 13. There are eight teams participating in the Men's league with twenty games played during the month.
Tennis Center – EVTA and STA Flex League Play

2. **FACILITIES:**
The following facilities were reserved throughout the month for events: Playground Pavilion – 9 events Ratner Pavilion – 7 events Pool – 1 event

3. **PARK MAINTENANCE:**
The following parks maintenance items were completed during the month:
    - Trash and tree limbs throughout the park
    - Mowed all parks weekly
    - Prepared high school softball field
    - Prepared middle school softball field
    - Repaint middle school football practice field
    - Mow, weedeat, edged Rec football field
    - Groomed flower planters
    - Groomed front entrance and grounds of tennis center
    - Lay out and painted flag football field
    - Repainted soccer fields
    - Refertilized rec football field
    - Prepped adult softball fields
    - Fire ant control

4. **WEBSITE USAGE**

CalhounRec.com	Facebook
2,308 – Sessions	4,176 – Post Engagements
2,279 – Users	4,243 – Reached
4,938 – Page Views	8- Posts

3) **<u>Downtown Development Authority</u>**
The DDA held their regularly scheduled meeting. The DDA Director attended the annual Georgia Downtown Conference. Derrick Williams with Trackside Pizza located at 112 South Park Avenue expanded his business and opened at the end of September. The 10th annual BBQ, Boogie & Blues was a success. The DDA has partnered with United Way again to have the Pumpkin Patch from October 16th- 28th. The Downtown Trick or Treating will be on October 29th from 4-6:30. The DDA is encouraging everyone to shop local.

D. Mayor Pro Tem Crowley submitted September reports as follows:

1) **Electric Department**

- Construction continues on the new Calhoun Early Learning Academy at 380 Barrett Road.
- Construction continues on the Harbin Clinic's 11,700 sq. ft. expansion.
- The LED Streetlight upgrade continues around the City.
- Construction has begun for the 11 new single family homes at the Old Mill development. Engineering has begun on the next 11 homes on Old Mill Lane.
- Calhoun's Electrical crews have returned after 28 days helping restore power to the devastated areas caused by hurricane Ida. The crew provided Mutual Aid to Abbeville, Morgan City and Houma Louisiana.

WORK ORDERS IN PROCESS OR COMPLETED FOR SEPTEMBER:

• NEWLY CREATED	69
• COMPLETED AND CLOSED	53
• CONSISTING OF:	
• CAPITAL CONSTRUCTION	19
• STREET AND SECURITY LIGHTING-	10
• DISTRIBUTION MAINTENANCE	13
• OUTAGES / TROUBLE CALLS	2
• WORK FOR OTHER DEPARTMENTS	19
• NEW METER SETS	3
• METER MAINTENANCE/REPLACEMENT	6
• ELECTRIC LOCATE TICKETS PROCESSED-	240

The City of Calhoun's Electrical load for September 2021 is estimated to be about 35 million kilowatt hours (kWh's). This is about 1/2 million kWh's more than September of 2020. Actual numbers will be released around October 18th.

In September the Educational Solar Array, a partnership between Calhoun Utilities, Calhoun City Schools and the Georgia Environmental Finance Authority (GEFA), produced 6,910 kWh's of electricity and provided a carbon offset of 10,500 pounds or the equivalent carbon sequestration of 122 trees.

Monthly Energy Production Report

Generated for Jeff DeFoor
on 10/06/2021

Calhoun Utilities

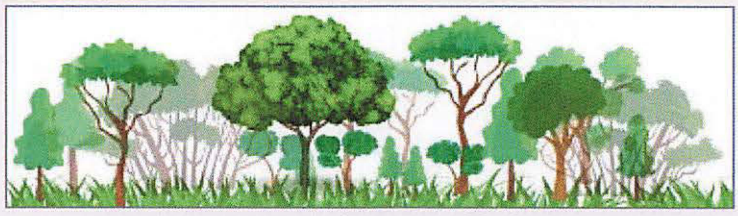
Calhoun, GA

This report provides energy production for September.

Week	Peak Power	Energy Produced
09/01/2021 - 09/07/2021	39.1 kW	1.89 MWh
09/08/2021 - 09/14/2021	39.1 kW	1.91 MWh
09/15/2021 - 09/21/2021	33.8 kW	647 kWh
09/22/2021 - 09/28/2021	39.1 kW	1.99 MWh
09/29/2021 - 09/30/2021	39.1 kW	474 kWh
September 2021 Total:		**6.91 MWh**
Previous Month Total:		**6.93 MWh**
Year to Date:		**35.8 MWh**
Lifetime Production:		**36.4 MWh**

Your **Carbon Offset** for this month: 10,500.0 lbs

You have offset the equivalent of: **122 Trees**



2) **Telecommunications**
   - Added four internet customers and disconnected one.

- Installed new server for analyzing file server use.
- Upgraded file server to resolve critical issue caused by analytics server.
- Replaced phone line for Electric Department fax.
- One of the compressors in the central office air conditioning unit has locked up. Service provider ordering new compressor to replace.
- Added 1200 Megabit of bandwidth to existing customers.
- Setting up trial for better Wi-Fi solutions for several departments.
- Depending on configurations, new computer orders are taking anywhere from one to ten weeks to arrive.
- Opened 10 and closed 9 work orders.

Geographic Information Systems

- Performed GIS System updates.
- Created Water System Layer for Brittany Drive Service Area.
- Updated zoning map and parcel data.
- Updated water meter data and mapping.
- Generated Electric usage reports.
- Updated Fiber maps.
- Updated Fire pre-plan for buildings
- Updated Physical addressing, building and billing information.
- Updated City and GIS web sites
- City employee GIS login statistics
    - Total logins – 1184
    - Top three layers accessed
        - Water – 379
        - Metering – 257
        - Electric – 163

3) **Building Inspections**

- Issued 130 permits for an estimated cost of $24,941,607, collected $131,725 in permit fees. This included 36 new residential, 1 residential remodel, 0 new commercial, 3 commercial remodel, 1 new industrial, 0 industrial remodel, 12 residential plumbing, 22 residential electrical, 0 commercial plumbing, 12 residential HVAC, 1 commercial HVAC, 0 commercial electrical, 0 industrial plumbing, 0 industrial HVAC, and 1 industrial electrical. 390 total inspections.

7. **Public Hearing and Comments**

Announce at this time, public hearings will be held. The public will have the opportunity to make pro and con comments with a ten minute maximum time limit for each side of the matter, with each person giving their name and address. An inquiry should be made to determine if any elected official has filed a disclosure statement regarding ownership or special interest in any of the agenda items. Zoning Land Use Maps on display in Council Chambers for Zoning Advisory Board and Council hearings.

A. Public hearing of a variance request of 610 feet less than the minimum floor area requirement for R-1B, from 1,150 feet to 540 feet, at Beamer Road and Harris Beamer Road, (CG33-098) by Tiny House Hand Up, Inc. The Zoning Advisory Board meeting was held on October 7th.

a. Mayor Palmer opened the public hearing.
b. City Administrator Worley Report on legal requirements and notices stating that all had been met.
c. Councilwoman Palazzolo gave the report on the Zoning Advisory Board stating that no motion was made and therefore there was no recommendation by the Board.
d. Mayor Palmer opened the floor for comments beginning with the applicant.
e. Haley Stephens addressed those present discussing his efforts over the previous five and a half years to build affordable housing for first time home owners and seniors wishing to downsize. A petition with over 500 signatures in support of "tiny housing" was received by Mr. Stephens prior to his first application to build tiny houses. He discussed housing statistics from 1999 and 2014 which he stated showed poverty rates for Gordon County at 9.9% and 17.8% respectively. He stated that he felt that tiny homes allowed free enterprise to work where government has not been able. He stated that Tiny House Hand Up, Inc. has had $100k in donations and assets of $500k. He stated that nationwide a person would need to earn $24.90 per hour to afford a modest 2-bedroom home. He stated that the poverty level for 2018 was 30% and he wasn't sure what it will be post-pandemic. He stated that the corporation had six points to ensure good neighbors: (1) protective covenants; (2) Home Owners Association; (3) no rentals; (4) mixed use neighborhood making traffic flow less than Industrial zoning; (5)a Southern Living cottages format; and, (6) pride of ownership. He stated that the City has a golf course but no affordable housing.
f. Mayor Palmer addressed Mr. Stephens noting that the 2019 (most current data available) poverty level for Gordon County is 12.3%, which is lower than Bartow, Whitfield and Floyd counties. Floyd County is the highest with a poverty level of 16.4%. He also noted that the Calhoun Housing Authority and New Foundations were working together on a Georgia Initiative for Community Housing (GICH) and there could be opportunities to partner with them in the future. He noted the many accomplishments of the GICH program over the last eight years which included rehabs to more than 275 homes for low and very low income homes. He also noted that the City has demolished 20 dilapidated homes in Calhoun and have had 18 home renovations. He also noted that wages in Gordon County have increased by 7.8% in the past three years, which is the highest percentage increase of wage growth in the 15 county Northwest Georgia regions.

g. Cindy Tucker stated that she had spoken with the Housing Authority and New Foundations and felt that Tiny House Hand Up was in a gap in comparison to what these groups were doing.
h. Mayor Palmer reiterated that Habitat for Humanity and New Foundations has built new housing and have also taken part in the GHIC program he had mentioned to her earlier. He stated that the City is a partner in that affordable housing initiative and City Administrator Worley is on their Board.
i. Councilwoman Palazzolo stated the she received a message over the weekend insinuating that she is bedfellows with her fellow councilmen over this variance request. She stated that she wanted this on the record because it couldn't be further from the truth. She noted that (1) she was offended and wondered if she would have received this message is she was a man? (2) She stated that she votes based on fact and her personal research, as well as the information she gathers from the community members that are for and against the project, as well as the applicant. She doesn't vote based on someone telling her or asking her to vote a certain way. She stated that you could address anyone of the council members and they will tell you that she votes independently. They can attest that she has voted against all of them at one time or another.
j. Butch Layson begin to speak in opposition of the variance when Mr. Stephens called "point of order" stating that Mr. Layson came to him to purchase the property. No violation of *Roberts Rules of Order* had been made and Mr. Layson was allowed to continue with his comments. Mr. Layson stated that he owns the property across the street from the Tiny House Hand Up property and that he did offer to purchase the property, although he didn't know why that would matter. He stated that his main problem with the request was that the property was rezoned to R-1B. He noted that he served on the Gordon County Planning Commission for eight (8) years and had to learn a huge volume of regulations. Most variances are for only a few feet to meet a setback, etc. Cutting the required square footage by more than half seems more like changing the ordinance. He stated that he felt a variance request was not the way to do it. He also stated that he didn't picture a resale value helping anyone. The homes will depreciate and it will hurt the value of the surrounding homes. If located in a downtown pocket closer to the city with doctors and shopping nearby a homeowner might be able to sell for a profit. He stated that he just didn't picture the resale value helping anyone. He noted again that he felt it would depreciate and hurt the value of the other homes. He wasn't concerned with his property as he can do something different, or just leave the property sitting there.
k. Ladella Childers stated that she felt that small houses in the neighborhood would bring the value of her home, and surrounding homes down. She felt the homes should be closer to the city to allow for closer shopping and medical treatment. Homes in her

neighborhood are over 1,150 square feet. She also stated that she would like to know what names were on the petition as no one in her neighborhood was asked to sign it.

l. Austin Hopkins addressed the council stating he only had a couple of questions. (1) If there was a reason the property will not hold a 1,150 square foot house? (2) Who will run the HOA long-term? His concerns were that it would dissolve and there would be no one to take it over. Mayor Palmer answered Mr. Hopkins first question stating that there were four ordinance hardship conditions that must be met that allow for a variance and at least one or more of those conditions must be met. Mr. Hopkins stated the applicants were not able to answer the hardship conditions question during the Zoning Advisory Board meeting.

m. Thomas Sorenson stated that he had built early in his subdivision and was told there would be covenants and a HOA and it didn't happen, and he has no confidence of it happening here either.

n. Robert Taylor wanted to know what would happen if families had children? Would they be made to move? Would there be an age limit on who could purchase the homes?

o. Candra Gubaci stated that nicer homes were being built in the area. They have had to puts gates in as they already have a problem with people assuming the area is a dumping ground. She felt these low income homes would be hard for the families to keep up and cause more issues in the area.

p. A petition signed by 41 property owners in the area stating that the requested variance would negatively affect their properties and together signed the petition requesting the council to reject the variance was circulated to council members for review. City Attorney Govignon stated the petition was included with the agenda item at the work session earlier today. (copy attached)

q. There being no other comments Mayor Palmer closed the public hearing and called for a motion concerning the variance request.

r. The request died for lack of a motion.

B. Public hearing of a zoning change request from R-2 to PRD (planned residential development) for 39+/- acres located at the termination of Millers Lane (C35-031 & C35-032), by Venture Communities, LLC. The Zoning Advisory Board was held on October 7th.

a. Mayor Palmer opened the public hearing.

b. City Administrator Worley Report on legal requirements and notices stating that all had been met.

c. Councilwoman Palazzolo gave the report on the Zoning Advisory Board stating that they voted in favor of the zoning change.

d. Mayor Palmer opened the floor for comments beginning with the applicant.

e. David Edwards, developer for the applicant stated that he had no additional comments but was available for any questions.

f. There being none, Mayor Palmer closed the public hearing and called for a motion concerning the zoning change.
g. Councilwoman Palazzolo made a motion to approve the zoning request of PRD. Mayor Pro Tem Crowley gave a second with all voting aye. Motion approved.

C. Public hearing of a beer and wine package license request at a location of 703 Oothcalooga Street, by Samrat Business, LLC d/b/a ABC Convenience Store. The owner, Kumar Tharpa will also serve as the store manager.
   a. Mayor Palmer opened the public hearing.
   b. City Administrator Worley Report on legal requirements and notices stating that all had been met.
   c. Mayor Palmer opened the floor for comments beginning with the applicant.
   d. There being none, Mayor Palmer closed the public hearing and called for a motion concerning the alcohol license request.
   e. Mayor Pro Tem Crowley made a motion to approve the beer and wine package request. Councilman Denmon gave a second with all voting aye. Motion approved.

8. **Old Business:**
   A. Mayor Palmer gave the second reading of a beer and wine pouring request at a location of 100 Peter Street, Suite 8, by Kristel Rivera d/b/a Boriken Restaurant. The owner will also serve as the Store Manager. The public hearing is scheduled for October 25th.

9. **New Business:**
   A. Mayor Palmer gave the first reading of an ordinance to amend, strike or change certain sections of Part II – Code of Ordinances, Appendix A – Zoning, Article VII – Use Requirements by District, Section 7-14, PRD, Planned Residential Development; to repeal all conflicting ordinances, to fix an effective date; and for other purposes. Eligible for a public hearing November 8th. City Attorney Govignon stated that the City has begun a review of Section 7-14 of the municipal zoning ordinance governing Planned Residential Development zoning regulations in order to more appropriately address the issues connected with growth which include, among other matters, service delivery, infrastructure development and repair, impact on City schools, and fire and police protection resulting from the standards now in effect. In order to delay any further expansion of the City limits until the new regulations and rules governing PRD zoning provisions ordinance have been amended there will be a moratorium as to the accepting and granting of any future applications for annexation or re-zoning for PRD effective immediately and remaining in force for a period of time no longer than 30 days from today. All other applications under the present zoning ordinance may continue to be made. The moratorium applies only to applications for annexation and/or zoning of lands under Planned Residential Development. Councilman Denmon made a motion to adopt the moratorium for PRD zoning. Mayor Pro Tem Crowley gave a second with all voting aye. Motion approved.

B. Mayor Palmer stated that a motion needed to allow Mayor Palmer to sign a purchase contract for real estate located at 325 South Wall Street, being parcel C25-165. City Administrator Worley stated that the property is contiguous to Fire Station 1 and consists of 0.67 acres which will double the footprint of the downtown location. It would also provide immediate relief to space issues for administrative office staff. He recommended adoption of the purchase contract. Councilman Edwards made a motion to allow Mayor Palmer to sign the purchase contract. Councilwoman Palazzolo gave a second with all voting aye. Motion approved.

C. Mayor Palmer read a parade request by Gordon County Schools, on the traditional route for the Gordon Central Homecoming Parade on Thursday, October 28th starting at 7:00 p.m. Councilman Denmon made a motion to approve the parade request, subject to GDOT approval. Councilwoman Palazzolo gave a second with all voting aye. Motion approved.

D. Mayor Palmer gave the floor to Utilities Administrator Vickery to discuss a resolution approving Amendment No. 3 to the Intergovernmental participant Contract among all members respecting participation in Electric Cities of Georgia, Inc; and for other purposes. Utilities Administrator Vickery stated that the resolution allows authorization of a renewal contract for Electric Cities of Georgia. He noted these were minor adjustments to the joint purchasing segment of the agreement. The City has provided the required two-year notice to eliminate the City of Calhoun as a participant as we no longer need the services. The resolution will need to be adopted as we are still within the two-year period after notice was given. Mayor Pro Tem Crowley made a motion to adopt the resolution as presented. Councilman Edwards gave a second with all voting aye. Motion approved.

E. Mayor Palmer read a request by First Baptist Church to close the section of Fain Street from College Street to Pitts Street on Monday, October 22nd and Tuesday the 23rd from 10:00 a.m. to 11:00 a.m. for the Anne Jones Memorial Preschool to allow the children to participate in "Trunk or Treat". Parents of the children attending the preschool will be parked in the parking lot off Fain Street and this will allow the children to cross the street safely. Councilman Edwards made a motion to approve the request. Councilman Denmon gave a second with all voting aye. Motion approved.

F. Mayor Palmer gave the floor to City Administrator Worley for recommendation for bid award to construct a new Records Retention Building. City Administrator Worley stated the City had been looking at this project for several years as we are in need of a dedicated records retention building. This will be a 10,000 square foot building to be located on Kirby Road. This project was bid through our purchasing department in a sealed bid process as a "turn-key" project for which there is no intent to retain a separate Construction Manager (CM). The intention was the responsible bidder would handle all aspects of the project as the general contractor with minimal municipal involvement. There were a total of 3 sealed bids submitted, with there being only a 4% difference between the bid price of the first and second lowest bid proposals. Therefore, given the lack of a gross disparity of price, and the familiarity with only one of the two providers in the local area, both options were evaluated and concerns have risen regarding Riley Contracting, Inc. after following up several of bidder provided job performance references. He stated that he had a telephone conversation with the contact for the "Sequoya High School Athletic Building Cherokee County" and comments specifically included that the lowest bidding

corporation is a "one man show", "subs everything out", and could sometimes be "cantankerous". They said he did complete the project (4,200 square foot hitting building) and was generally pleased. However, City Administrator Worley stated that he had concerns over the "one man show" comment. An email response from Hall County Board of Education specifically advised and recommended using a separately designated construction manager if awarding to Riley, and their "experience with Riley was not as smooth as I am accustomed to." Other concerns were that no projects have been done specifically in the area of Northwest Georgia by Riley, while Momon has completed several public works construction projects in the same region. City Attorney Govignon was asked to review the bid documents by City Administrator Worley for legal questions, additional investigation and recommendation. Municipal Counsel was given the floor to assess his findings. City Attorney Govignon stated that he had searched the corporate history between the two competing bidders via the records available through the Secretary of State Corporations Division and found that Riley Contracting began with the formation of a limited liability company on December 1, 2010 at a residential address in Albany, Georgia. Five years later on April 6, 2015 the company was converted into a corporation with note that the LLC consisted of only one member. The registered principal address for the corporation changed to another address located in Senoia, Georgia, but remained located in a residential subdivision. The bid documents identify the address as 106 Eagle Run. Both addresses are still homes in the same subdivision where there is no mixed use. Momon Construction was incorporated with the Secretary of State on October 23, 2000. Referral information seems to confirm that the lowest bidder, Riley Contracting, appears to still be operating out of a private residence with the corporation's principle address, it's "brick and mortar" location having always been a private residence located within a subdivision neighborhood for the duration of the existence of the business. This would conform to the notion that this is a contractor that would heavily rely upon sub-contractors who may or may not be located in the area or traveling from south of Atlanta. Legally, there are four unique and neutral facts in considering which of these two bidders would be the "responsible" choice pursuant to OCGA §36-91-21(b)(4) when awarding the contract: (1) Between the two bids the second lowest bidder has the most experience on this size project and within this region of the state; (2) The reference note that the lowest bidder is more of a "one man show" corroborated by the filing history with the Secretary of State and location of the corporation "principle address" or "business office" in a privately owned home in a residential subdivision; (3) The reference note that the City might need to separately hire a project manager or assign a municipal employee to basically "supervise the supervisor;" and (4) The different estimates on time of completion given the current market forces concerning materials and the lowest bidder's date for completion does not reference any concern with when the project might be initiated whereas the second lowest bidder instead provides seven (7) months from the date of first draft and includes a significant discount for a start date. All of these reasons demonstrate that the decision to award the bid to the second lowest bidder would be in accordance with the statute as the responsible and responsive bidder, and not merely an arbitrary and capricious decision. Administrator Worley made the recommendation to award the bid to Momon Construction. Mayor Pro Tem Crowley

made a motion to award the bid to Momon Construction, the responsible bidder. Councilman Denmon gave a second with all voting aye. Motion approved.

10. **Other Written Items Not on the Agenda**

11. **Work Reports**

    A. Paul Worley, City Administrator had nothing to report.

    B. Larry Vickery, Utilities Administrator had nothing to report.

    C. George Govignon, City Attorney had nothing to report.

12. **Motion to move to Executive Session, if needed**

13. **Motion to return to General Session**

14. **Motion to Adjourn**
    There being no other business to come before the Council, Mayor Pro Tem Crowley made a motion to adjourn. Councilman Denmon gave a second with all voting aye. The motion was approved and the meeting adjourned at 8:14 p.m.

Approved:

James F. Palmer, Mayor

Submitted:

Sharon Nelson, City Clerk

Department of Conservation
Division of Mines

Dear Zoning Advisory Board Member,

It has come to our attention that the owners of parcel CG33-098 located at the corner of Beamer Rd and Harris Beamer Rd have applied for a variance to the zoning ordinance. We feel that this will negatively affect our properties and together sign this petition to request the board to reject the variance to reduce the minimum square footage from the required 1,150 to less than 600.

Name	Address	Signature	Date
Kacee Offutt	110 Koufax Dr SW	Kacee Offutt	9/22/21
Garrett Saylors	108 Koufax Dr SW	[illegible]	9-22-21
Alexis Saylors	108 Koufax Dr SW	Alexis Saylors	9-22-2021
Gerald Shook	111 Koufax Dr	[illegible]	9-23-2021
Tracy Bennett	103 Madison Dr SW	Tracy Bennett	9-23-21
Monty Bennett	103 Madison Dr SW	Monty Bennett	9-23-21
Myles Bennett	103 Madison Dr SW	Myles Bennett	9-23-21
Drew Wakraven	112 Koufax Dr SW	[illegible]	9-23-21
Phil Aloisio	107 Koufax Dr SW	Phil Aloisio	9/23/21
Susan Aloisio	107 Koufax Dr. SW	[illegible]	9/23/21
Jennifer Topete	114 Koufax Dr SW	[illegible]	9/23/21
Cathy Ayers	116 Koufax Drive	Cathy Ayers	09/23/21
William Green	122 Koufax	[illegible]	09/23/21
Tonya Podbielski	124 Koufax	[illegible]	9/23/21
Keila Flores	115 Koufax Dr SW	[illegible]	9/23/21
Tori Hopkins	413 Beamer rd SW	[illegible]	9/23/21
Austin Hopkins	413 Beamer rd SW	Austin Hopkins	9/23/21
Tracy Lyness-Wood	407 Beamer rd SW	Tracy Lyness-Wood	9-23-21
James Wood	407 Beamer rd SW	[illegible]	9-23-21
Fernando M	405 Beamer Rd SW	Fernando Macario	9-23-21
Christian Virgil Jimenez	403 Beamer Rd SW	Christian Virgil Jimenez	9-23-21
Clinton Bell	104 Gilmore Circle	[illegible]	9-23-21
Kevin Parker	106 Gilmore Circle	[illegible]	9.23.21
Holly Parker	106 Gilmore Circle	[illegible]	9-25-21
Brady Parker	106 Gilmore Circle	Brady Parker	9-23-21
Thomas Sorensen	115 Gilmore Circle	[illegible]	9-23-21
Stephanie Sorensen	115 Gilmore Circle	[illegible]	9-23-21

Dear Zoning Advisory Board Member,

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Name	Address	Signature	Date
CALEB EGONES	101 KOUFAX DR	Caleb	9/22/21
William Slater	221 Gilmore cir		10-6-21
Lynne Nesbitt	121 Overland DR	Lynne Nesbitt	10-6-21
Richard Nesbitt	121 Overland DR.	Richard Nesbitt	10-6-21

Dear Zoning Advisory Board Member,

It has come to our attention that the owners of parcel CG33-098 located at the corner of Beamer Rd and Harris Beamer Rd have applied for a variance to the zoning ordinance. We feel that this will negatively affect our properties and together sign this petition to request the board to reject the variance to reduce the minimum square footage from the required 1,150 to less than 600.

Name	Address	Signature	Date
Autumn Gibson	119 Gilmore Circle, Calhoun	Autumn Gibson	9/23/21
[illegible]	121 Gilmore Circle Calhoun	WILLIAM L BISHOP	9/23/21
Will Bates	213 Gilmore Circle Calhoun	Will Bates	9/23/21
Zander Hatcher	212 Gilmore Circle SW		9-23-21
Katie Hatcher	212 Gilmore Circle SW		9-23
Patrick Jackson	225 Gillmore Cir SW		9-23-21
Amanda Jackson	" Calhoun, GA 30701		9-23-21
Kristin Walraven	112 Koufax DR Calhoun GA 30701	K-[illegible]	9/23/21
Ashley Mears	103 Koufax Dr, Calhoun, GA 30701	A Mears	9/23/21
Allison Mitchell	390 New Zion Rd SW 30701	Allison Mitch	10.07.21

A RESOLUTION OF City of Calhoun

APPROVING AMENDMENT NO. 3 TO THE INTERGOVERNMENTAL PARTICIPANT CONTRACT AMONG ALL MEMBERS RESPECTING PARTICIPATION IN ELECTRIC CITIES OF GEORGIA, INC.; AND FOR OTHER PURPOSES

WHEREAS, all 52 political subdivisions or other governmental bodies owning or operating electric distribution systems in the State of Georgia (the "Participants"), including **City of Calhoun** (the "Participant"), caused to be formed Electric Cities of Georgia, Inc. ("ECG"), as successor to GMA's Electric Section, on September 2, 1992, in order to facilitate increased joint action among the Participants; and

WHEREAS, ECG is a Georgia nonprofit corporation under the Georgia Nonprofit Code, an instrumentality of the Participants under Section 115 of the Internal Revenue Code, and operates on a nonprofit basis on behalf of each of the Participants, having no purpose other than to benefit the Participants directly or through economies of scale, and all of its Annual Costs and benefits are shared and allocated among the Participants; and

WHEREAS, the 52 Participants have entered into an Intergovernmental Participant Contract, dated as of February 1, 2013 (the "Contract"), setting forth the terms of certain services to be provided by ECG on each of their behalf (the "Services"); and

WHEREAS, the Participants desire that certain amendments be made to the Contract respecting Exhibit A-7 – Joint Purchasing, and the Contract, pursuant to Section 403 thereof, may be amended with the written approval of 75% of the Participants that would be affected by such amendment ("Affected Participants") using the weighted vote methodology set forth in such section;

NOW, THEREFORE, be it resolved by the governing body of the Participant in a meeting duly assembled, and it is hereby resolved by authority thereof, as follows:

Section 1. The Participant hereby (1) approves each of the amendments provided for by that certain draft Amendment No. 3 to the Contract among the Participants in substantially the form attached hereto as Exhibit A (the "Amendment") and (2) approves and authorizes the execution and delivery of the Amendment. Such Amendment shall be executed by (the Participant "Authorized Official" for ECG activities), attested by the appropriate officer of the Participant, and shall have the Participant's seal affixed thereto, and shall be delivered to ECG on behalf of the other Participants. Execution of the Amendment as authorized herein shall be conclusive evidence of the Participant's approval thereof.

Section 2. The Participant hereby authorizes the Authorized Official to take any further actions and execute and deliver any other documents necessary to carry out the purpose of this Resolution.

Section 3. All resolutions or parts of resolutions in conflict herewith are hereby repealed.

RESOLVED this 4thday of October, 2021.

CITY OF CALHOUN

James F. Palmer

By: James F. Palmer

Its: Mayor

[SEAL]

Attest: [illegible]

Its: City Clerk

CLERK/SECRETARY'S CERTIFICATE

I, the undersigned Clerk/Secretary of the **City of Calhoun** (the "Participant"), DO HEREBY CERTIFY that the foregoing pages constitute a true and correct copy of a Resolution adopted by the Participant at an open public meeting duly and lawfully assembled in accordance with Official Code of Georgia Annotated Section 50-14-1, at which a quorum was present and acting throughout. The original of the Resolution has been duly recorded in the minute book of the Participant, which is in my custody and control.

WITNESS MY HAND this _4th day of _October, 2021.

(SEAL)

CITY OF CALHOUN

S Nelson

Sharon Nelson, City Clerk

Its: Clerk/Secretary


CITY OF
MOUNTAIN VIEW
CALIFORNIA

PARTICIPANT: City of Calhoun

Check the Blank Below to approve the attached hereto IPC Amendment #3 – Exhibit A-7

____	IPC Amendment #3 – Exhibit A-7

City of Calhoun

By: James F. Palmer

Print Name: James F. Palmer

Print Title: Mayor

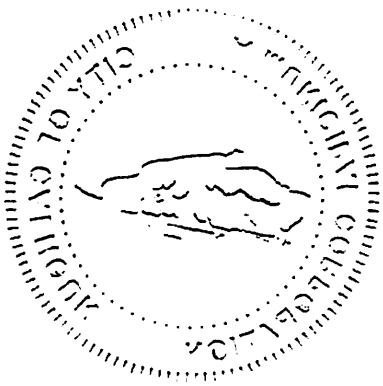
Attest: Sharon Nelson

Print Name: Sharon Nelson

Print Title: City Clerk

(SEAL)

[SIGNATURE PAGE TO AMENDMENT NO. 3 TO INTERGOVERMENTAL PARTICIPANT CONTRACT]


CITY OF
LAWRENCE
COLORADO

IPC Amendment #3

Exhibit A-7

Joint Purchasing (JP)

The Joint Purchasing ("JP") Service includes, among other things:

- Aggregating annual purchase needs across members for common utility inventory items,
- Aggregating purchase needs across members for larger, product-specific buys on a quarterly or as-needed basis (such as 3-phase transformers, large switchgear, etc.),
- Developing common standards and specifications for utility inventory items, and
- Developing the mechanism to buy/sell excess inventory.

ECG may add additional inventory and products from time to time. Purchase contracts for inventory and products are between a Participant and a contractor. ECG's JP Service includes bidding and other procurement and sales assistance only.

The Annual Costs of the JP Service shall be allocated to each Participant confirming its agreement to receive the JP Service for a Fiscal Year (together, the "JP Participants") based upon allocating Fiscal Year Costs to all JP Participants equally. Over and under recoveries related to such Service shall be allocated on the same basis.