



**CITY COUNCIL MEETING  
AUGUST 26, 2019- 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

**ALSO:** Eddie Peterson, City Administrator; Larry Vickery, Utilities Administrator; Paul Worley, Assistant City Administrator; Sharon Nelson, City Clerk; George Govignon, City Attorney; Jeff Defoor, Director of Electric Utilities; Tony Pyle, Police Chief; Lenny Nesbitt, Fire Chief; Kyle Ellis, Director of Water & Wastewater.

**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 August 26, 2019 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 August 12, 2019. Councilman Denmon gave a second with all voting aye. Motion approved.

**5. Mayor's Comments**

A. Mayor Palmer announced that Calhoun city offices will be closed Monday, September 2<sup>nd</sup> in observance of Labor Day.

- B. Mayor Palmer announced that the City of Calhoun had been awarded the Certificate of Achievement for Excellence in Financial Reporting for its comprehensive annual financial report for the fiscal year ending June 30, 2018. The certificate of achievement is the highest form of recognition in the area of governmental accounting and financial reporting. Individual award of Financial Reporting Achievement has been awarded to Andrea Bramlett, Director of Finance.
- C. Mayor Palmer announced that qualifying for the municipal general election was held August 19<sup>th</sup> through the 21<sup>st</sup> with the following qualifying:

<b>Mayor</b>	James (Jimmy) Palmer, Incumbent
<b>City Council Post 1:</b>	Jackie Palazzolo, Incumbent
<b>City Council Post 2:</b>	Al Edwards, Incumbent Judy Peterson
<b>School Board Post 4:</b>	Eddie Reeves, Incumbent
<b>School Board Post 5:</b>	Becky Gilbert George Don Hood

He also noted that October 7<sup>th</sup> would be the last day to register to vote in the November 5<sup>th</sup> election, and that early voting begins on October 14<sup>th</sup>.

**6. Public Hearing and Comments**

Mayor Palmer announced that 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 speaking having filed a financial disclosure statement five days prior to the hearing if required, 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 amendments to Chapter 6, Section 6-34 and 6-40 of the City of Calhoun Code of Ordinances pertaining to store manager residency requirements for establishments serving alcohol. The amendment will allow for residents of counties adjacent to Gordon County to serve as store managers of establishments serving alcoholic beverages. Mayor Palmer stated that currently the ordinance only allows for Gordon County residents to be store managers. The new ordinance adds adjacent counties to allow businesses a larger pool of qualified employees.
  - Mayor Palmer opened the public hearing.
  - City Administrator Peterson stated that all legal requirements and notices had been met.
  - Mayor Palmer opened the floor for public comments. There were none.
  - Mayor Palmer closed the public hearing and called for a motion concerning the ordinance amendment.
  - Mayor Pro Tem Crowley made a motion to approve the changes to the ordinance as presented. Councilman Denmon gave a second with all voting aye, motion approved.

- B. Public hearing of a Beer pouring license, at a location of 273 Hwy 53 East, Suite 1, by Wings of Calhoun, LLC, DBA Buffalo Luke's. The owner/applicant is Robert Stoll. The store manager has not been named at this time.
- Mayor Palmer opened the public hearing.
  - City Administrator Peterson stated that all legal requirements and notices had been met.
  - Mayor Palmer opened the floor for public comments. There were none, and the public hearing was closed.
  - Mayor Pro Tem Crowley made a motion to table the vote on the item until a store manager has been named. Councilman Edwards gave a second with all voting aye. Motion approved.

7. **Old Business**

- A. Mayor Palmer gave the second reading of an ordinance and adoption agreement to amend and restate the Retirement Plan for the Employees of the City of Calhoun, Georgia, to update the Plan to comply with PPA, HEART, WRERA, and other applicable federal laws and guidance. City Administrator Peterson stated the ordinance was required for all cities participating in the deferred compensation plan in order to comply with IRS regulation updates. Councilman Edwards made a motion to adopt the ordinance. Councilwoman Palazzolo gave a second with all voting aye. Motion approved.
- B. Mayor Palmer gave the second reading of a sign size variance request of 125 square feet, to vary from the required 25 square feet limit up to a total of 150 square feet for the face of the sign. Also, a sign height variance request of 15 feet, to vary from the required 15 feet limit up to a total of 30 feet for the height of the sign, at a location of 225 Lovers Lane, by Ortwein Sign, on behalf of Dews Pond, LLC (Food City). The sign variance requests are for a total of two signs; one at the Dews Pond Road entrance to the property and one at the Lovers Lane Road entrance. The Zoning Advisory Board is scheduled to meet on September 5<sup>th</sup> and the public hearing will be on September 9<sup>th</sup>.
- C. Mayor Palmer gave Second reading of a Beer Package License, at a location of 876 North Wall Street, by Kiesha's Produce. The owner/applicant is Lakiesha Cudd, who will also serve as the store manager. The public hearing will be on September 9<sup>th</sup>.

8. **New Business**

- A. Mayor Palmer gave the first reading of a Beer and Wine Package License, at a location of 1133 South Wall Street, by Tajddin Investment, Inc. The owner/applicant is Nooruddin Rajwani. The proposed store manager is Timothy Hight. The public hearing will be on September 23<sup>rd</sup>.
- B. Mayor Palmer gave the first reading of amendments to certain sections of Part II- Code of Ordinances, Chapter 6, Article VI, Microbreweries, to change certain definitions, eliminating minimum size requirements, and to allow for samples with set per day limits. Eligible for public hearing on September 23<sup>rd</sup>.
- C. Mayor Palmer read a request by the Calhoun Electric Department to surplus a 1989 GMC Dump Truck on Gov Deals. VIN number is 1GDM701YOKV505062; mileage is 59,154. Councilman Edwards made a motion to approve the request. Mayor Pro Tem Crowley gave a second with all voting aye.

- D. Mayor Palmer read a request from Calhoun Police Department to purchase new weapons for officers of the Calhoun Police Department with Federal Asset Charging Account #5 in the amount of \$13,083.70. Mayor Pro Tem Crowley made a motion to approve the request. Councilman Denmon gave second with all voting aye. Motion approved.
- E. Mayor Palmer read a request from Calhoun Police Department to donate to the Council of Alcohol & Drugs in support of the House of Addiction project, which is organized by the Drugs Don't Work program of the Gordon County Chamber of Commerce. Donation amount \$500.00 from Federal Asset Sharing Account #5. Mayor Pro Tem Crowley made a motion to approve the request. Councilman Denmon gave a second with all voting aye. Motion approved.
- F. Mayor Palmer read a request by Calhoun Police Department for permission to declare a 2006 Crown Vic Patrol vehicle, VIN# 2FAFP71W86X163397, as surplus. Councilwoman Palazzolo made a motion to approve the request. Councilman Edwards gave a second with all voting aye. Motion approved.

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

10. **Work Reports:**

- A. Eddie Peterson, City Administrator gave the July, 2019 General Government Cash Report noting that total operating account funds were \$2.258 million. He noted the golf account balance for the month was \$126,085.62. He stated this was the first time the account has had a balance this good since early 2000. The 2018 SPLOST has \$1.828 million and the 2011 SPLOST has \$1.620 million. The Revolving Loan Fund is down from \$1 million in 2017, to \$200,273 for July, which is a very good position for this fund. Total special funds, reserves and savings were \$6.491 million. The General Fund accounts continue to be very strong.
- B. Larry Vickery, Utilities Administrator gave the Utilities Cash Report for the month of July noting that total operating accounts were \$4.318 million, total savings and reserves were \$7.633 million, for a grand total of \$11.951 million. Councilman Denmon made a motion to approve the cash reports as submitted. Mayor Pro Tem Crowley gave a second with all voting aye. Motion approved.
- C. George Govignon, City Attorney had nothing to report.

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

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

13. **Motion to Adjourn**

There being no additional business 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 7:19 p.m.

Approved:

  
James F. Palmer, Mayor

Submitted:

  
Sharon Nelson, City Clerk

**A RESOLUTION AUTHORIZING  
THE EXERCISE OF EMINENT DOMAIN RIGHTS  
TO PROCEED IN LITIGATION FOR  
THE CONDEMNATION OF CERTAIN EASEMENT  
RIGHTS FOR THE INSTALLATION AND  
MAINTENANCE OF THE SEWER LINE FOR  
SOUTH SEWER EXTENSION - PROJECT #267**

**WHEREAS**, the City of Calhoun Utilities Department has laid out and determined to construct a certain sewer line as a part of its sewage treatment system serving the residents of the City of Calhoun, Georgia and future economic growth southward along the areas in proximity to United States Route 41 and designated as **SOUTH SEWER EXTENSION - PROJECT #267**. Being a project to furnish sewer service to the area encompassed in the Project and requiring a permanent easements as more fully shown and described on maps and drawings on file in the office of the Water and Sewer Director for the City of Calhoun, Georgia, 700 West Line Street, Calhoun, Georgia; and

**WHEREAS**, in order to maintain the projected schedule of the sewer line construction by the City of Calhoun, it is necessary that two remaining easements and other rights for the construction of the Project be acquired without delay due to questions regarding clarity of title and absent or unidentified holders of an interest in said lands located in Land Lot 175 in the 15th District and 3rd Section of Gordon County, Georgia and better identified by Map and Parcel Number 048-001; and

**WHEREAS**, the parcels of easements and other rights as herein described and as listed below, shown of record as owned by the person(s) named herein, all as described and shown in the two (2) Exhibits to this Resolution hereinafter enumerated, all of said annexes, being by reference made a part of this Resolution, are essential for the construction of said Project.

**PARCEL NUMBER: 01**

**CERTAIN EASEMENT RIGHTS AS DESCRIBED IN ATTACHED EXHIBIT A**

**Land Lot 175, 15th Dist., 3rd Sec. of Gordon Co., GA – Map and Parcel Number 048-001**

**POSSIBLE PROPERTY OWNERS OR HOLDERS OF AN INTEREST:**

- (1) 16.67% Albert and Ethelyn Daniel Trust dated U/A DTD 10/14/1982 FBO Ethelyn D. Daniel
- (2) 16.67% Albert and Ethelyn Daniel Trust dated U/A DTD 10/14/1982 FBO Ethelyn D. Daniel
- (3) 16.67% Albert and Ethelyn Daniel Trust dated U/A DTD 10/14/1982 FBO Ethelyn D. Daniel
- (4) 16.67% Albert and Ethelyn Daniel Trust dated U/A DTD 10/14/1982 FBO Ethelyn D. Daniel
- (5) 11.11% Clay Benson Dyar III
- (6) 11.11% Robert Hardy Dyar
- (7) 11.11% Lollis Hardy Dyar

**PROPERTY UPON WHICH TO EXERCISE EMINENT DOMAIN:**

All that tract or parts of land lying and being in the fifteenth district and third section of Gordon County, Georgia, and being the farm formally belonging to the J.P. Dyar Estate, and known as the Clark place and described as follows: One hundred and fifteen acres more or less on the Dixie Highway and bounded on the North by lands of Dan Yarbrough on the west by lands of D.F. Holcomb and the Dixie Highway and on the South by lands of R.L. Franklin and on the East by lands of J.P. Kinman Estate. This is known as the Dun Clark Place.

The title, estate or interest in the above described lands, required by the City of Calhoun is as follows: A permanent easement not exceeding 20 feet in width, totaling approximately .028 acres in all, is condemned for the right to construct and maintain a sewer line in the described area together with a temporary construction easement not exceeding 30 feet, totaling approximately .036 acres in all for a period of time to expire one (1) year from the date the Project is completed.

**PARCEL NUMBER: 02**

**CERTAIN EASEMENT RIGHTS AS DESCRIBED IN ATTACHED EXHIBIT B**

**Land Lot 175, 15th Dist., 3rd Sec. of Gordon Co., GA – Map and Parcel Number 048-001**

**POSSIBLE PROPERTY OWNERS OR HOLDERS OF AN INTEREST:**

- (1) 16.67% Albert and Ethelyn Daniel Trust dated U/A DTD 10/14/1982 FBO Ethelyn D. Daniel
- (2) 16.67% Albert and Ethelyn Daniel Trust dated U/A DTD 10/14/1982 FBO Ethelyn D. Daniel
- (3) 16.67% Albert and Ethelyn Daniel Trust dated U/A DTD 10/14/1982 FBO Ethelyn D. Daniel
- (4) 16.67% Albert and Ethelyn Daniel Trust dated U/A DTD 10/14/1982 FBO Ethelyn D. Daniel
- (5) 11.11% Clay Benson Dyar III
- (6) 11.11% Robert Hardy Dyar
- (7) 11.11% Lollis Hardy Dyar

**PROPERTY UPON WHICH TO EXERCISE EMINENT DOMAIN:**

All that tract or parts of land lying and being in the fifteenth district and third section of Gordon County, Georgia, and being the farm formally belonging to the J.P. Dyar Estate, and known as the Clark place and described as follows: One hundred and fifteen acres more or less on the Dixie Highway and bounded on the North by lands of Dan Yarbrough on the west by lands of D.F. Holcomb and the Dixie Highway and on the South by lands of R.L. Franklin and on the East by lands of J.P. Kinman Estate. This is known as the Dun Clark Place.

The title, estate or interest in the above described lands, required by the City of Calhoun is as follows: A permanent easement not exceeding 20 feet in width, totaling approximately .308 acres in all, is condemned for the right to construct and maintain a sewer line in the described area together with a temporary construction easement not exceeding 30 feet, totaling approximately .479 acres in all for a period of time to expire one (1) year from the date the Project is completed.

**WHEREAS** the City Calhoun Utilities staff have attempted to negotiate a transfer of these easements for value with Al Daniel, a majority interest holder, or legal representative of same, with regard to the property, this action is required to obtain judicial approval of the taking in the absence of the ability to obtain the consent of all interested parties, or the identity and location of all interested parties. The negotiated terms, agreed upon with Mr. Daniel on or about June 24<sup>th</sup> of this year, are memorialized in the attached Exhibit "C" collectively and represent the basis upon which the resolution to exercise eminent domain is necessary to initiate judicial proceedings regarding condemnation so that the City may be permitted to begin construction in accord with the current time line set forth by the contracted provider. The negotiated terms memorialized within Exhibit "C" are to be incorporated within the filed pleadings for the Superior Court proceedings upon adoption of this resolution.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the City of Calhoun, Georgia that the circumstances are such that it is necessary that the easements and construction easements as described in the above described parcels and attached exhibits to this Resolution be acquired by judgment in rem against said property by condemnation under the provision of the Official Code of Georgia Annotated Sections 22-2-130 thru 22-2-142; and

**BE IT FURTHER RESOLVED** that the City of Calhoun proceed to acquire the title, estate and interest described in the annexes to this Resolution by condemnation under the provisions of said Code, and the City Attorney is authorized and directed to file in rem condemnation proceedings in the Superior Court of Gordon County to acquire said title, estate or interest in said lands and to cause to be deposited in the Court the sum determined to be just compensation pending the results from the Assessor appointed by the Court, all in accordance with the provisions of said Code.

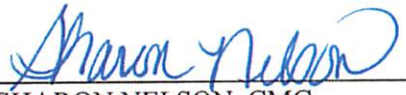
SO RESOLVED and ADOPTED by the MAYOR and CITY COUNCIL at the regularly scheduled meeting of the governing authority, and a unanimous vote of approval by all members of the COUNCIL this the 9th day of September, 2019.

CITY OF CALHOUN  
a municipal corporation of the  
STATE OF GEORGIA

BY:

  
\_\_\_\_\_  
JAMES F. PALMER, MAYOR

ATTEST:

  
\_\_\_\_\_  
SHARON NELSON, CMC  
Clerk of the City of Calhoun, Ga.



