

**CITY OF CALHOUN  
REGULAR CITY COUNCIL MEETING  
DEPOT COMMUNITY ROOM  
109 SOUTH KING STREET  
SEPTEMBER 22, 2003, 7:00 P.M.**

**MINUTES**

**PRESENT: James F. Palmer, Mayor  
John D. Shelton, Jr., Mayor Pro Tem  
Ronald H. Woods, Councilman  
Ray M. 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. Mayor Palmer led the group in the Pledge of Allegiance to the United States Flag.
3. Minutes of the September 8, 2003 regular City Council meeting were approved as written.
4. Mayor's comments:
  - a. Mayor Palmer reminded the public of the City General Election scheduled for November 4, 2003 at the Recreation Center at 601 South River Street from 7:00 a.m. to 7:00 p.m. He stated two of the races would have opposition, the first being City Council Post #2, being sought by Lorene Potts, incumbent, and Loel McKinnon. The other is School Board Post #5, being vacated by George Crowley and being sought by Robert "Bob" Butler and Tony Swink.
  - b. Mayor Palmer reminded the Council of an opportunity to attend a session on understanding the Municipal Financial Statements. The presentation will be made by the University of Georgia, Carl Vinson Institute of Government. The session will be held at the Calhoun Depot on October 28, 2003 and will serve the Northwest Georgia Region. Mayor Palmer expressed appreciation to the elected officials who had signed up for the meeting.
  - c. Mayor Palmer reminded the Council and public of a hearing on October 13, 2003 at 7:00 p.m. for a beer and wine pouring license application by SOL, Inc., Evelyn Chastain, Manager for a restaurant known as City Café at 915 Highway 53 SE, at I-75.
  - d. Mayor Palmer stated Councilwoman Potts would review the zoning hearings scheduled for October 13, 2003:
    - 1) A request for a 9-foot zoning variance by Jimmy Knight to allow construction of a sunroom at the southeast portion of the house at 139 Alyssa Lane.
    - 2) A request by G. Bonner Development Company, Inc. for zoning of R-1B and annexation of approximately 7 acres adjoining Devonwood and

Towne Lake Ridge. The application includes two variance requests as follows:

- a) A reduction of minimum lot widths from 90 feet to 75 feet for lots 3, 4, 5, 6, 7, 8, 16, 17, 18, 19, 20 and 21, and a reduction in cul-de-sac width of 5 feet for lots 10 and 13; and
  - b) A variance on the allowable lot yield of 21 for the development to 23 lots.
- 3) A zoning change and zoning variance request by MetroGroup Development, LLC for the following:
    - a) Rezone 416 North Wall Street from O&I to C-2 and request the abandoned single-family home at 406 North Wall Street be removed and the land used for C-2 development.
    - b) Zoning variance to reduce the parking spaces per ordinance of 90 to 56. Based upon current industry standards for drug stores, 56 would be adequate.
    - c) A request for a 25-foot stream variance for the ditch on the western property line near the railroad bed.
  - 4) A request by John and Alean Fleming and Johnnie Mae Boone for a zoning change from C-2 to R-1B for property at 310 West Line Street to continue residential usage. The lot contains a single-family home that has been in existence for over 40 years.
  - 5) A request for zoning of R-1B and annexation of a house and lot (0.646 acre) at 102 Oxford Drive by Lance J. Bentley.
  - 6) A request for zoning of R-1B and annexation and a variance by Ricki Weaver for property on Woodland Circle. The variance would allow access to the property from Woodland Circle. However, due to the small amount of road frontage a variance would be required.

5. Public Hearings and Comments:

- a. Mayor Palmer stated there had been three public hearings held regarding the slight increase for the City School System tax millage for the current school year. He asked if there were any questions by the public. There were none. Based upon no need for additional hearings, he stated he would ask that the item regarding setting the millage under new business, Item d, be moved up and he asked Administrator Harrison to review the current digest, budget and five-year millage history.
  - 1) Harrison stated the city and school's current digest, while it is slightly higher in total figures than the prior year, it includes approximately \$9 million in reevaluations. With the exception of this \$9 million, the digest is lower than it was for the prior year, thereby reducing the rollback millage to less than the millage for the previous year. This necessitated an increase in the school's millage in order to meet their budget, as was presented to the Mayor and Council in June, at the time the current year's budget was adopted. Harrison stated in order to meet that budget, it would be necessary to increase the school's millage to 14.71 mills, up from 14.57 mills last year. The city's millage would be lowered from 1.57 mills to 1.54 mills. Therefore, to raise the necessary millage for both budgets as advertised in June 2003, it would be necessary for the total millage to be set at 16.25 mills, up from 16.14 mills from the prior year. This would

allow a slight cushion for errors and appeals of the digest. Harrison also stated the five-year history of taxes for both the City Board of Education and the City of Calhoun had been advertised, as per legal requirements. Those histories reviewed the digest and millage, along with any actual dollar increases and percentage increases or decreases during the five-year history, plus the proposed millage for the current year.

- 2) Mayor Palmer asked if there were any questions regarding the presentation. There were none.
  - 3) Councilman Woods made a motion to set the tax millage for the current year for both the City of Calhoun and the City School System at 16.25 mills. 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 the Martin Carranza beer pouring license request for Los Gallos De Mexico Restaurant at 235 West Line Street, Suite 9, a new location. A public hearing was opened. He stated the police report for Mr. Carranza was clear. A review of the criteria for new locations indicated a favorable review of the items. Mayor Palmer asked if there were any questions or comments regarding the application. Councilman Woods asked Mr. Carranza if he was aware it would be necessary for him to purchase a business license and begin operations for a full restaurant operation prior to purchasing a beer pouring license. Mr. Carranza stated it was his plan to open his restaurant the first of October. There were no other comments and the hearing was closed. Councilwoman Potts made a motion to approve the beer pouring license for Martin Carranza for Los Gallos De Mexico Restaurant at 235 West Line Street, Suite 9, subject to the purchase of a business license and opening of a full restaurant at the approved location. The motion was seconded by Councilman Woods, with Councilwoman Potts, Councilman Woods, Councilman Denmon and Mayor Pro Tem Shelton voting affirmatively, motion carried.
- c. Mayor Palmer opened a public hearing on the closing of the EIP and REBA grants which served to provide infrastructure improvements for the Kerry Project. He stated the grants were applied for by the city and county, with the City of Calhoun acting as lead agent. These grants were some of the primary reasons that Kerry chose to locate in the state of Georgia and in Calhoun.
- 1) Harrison provided the following information regarding both grant programs:
    - a) The City of Calhoun, as lead agent for the Calhoun-Gordon County grant applications to induce Kerry, Inc. to locate its Georgia plant in Calhoun, Gordon County in October 2001, received two approvals. The first was an EIP grant for water and sewer infrastructure in the amount of \$178,785.00. The water included a line extension to the property sufficient for the production process and sufficient to provide fire protection. The sewer included a line extension and a pumping station sufficient to serve the industry and adjoining property. The work was completed in 2002. The grant was officially closed in 2003 and the work came in under the original budget by \$15,582.17, for a final cost of \$163,202.83.

- b) The second, a REBA grant, was for \$75,000.00, and assisted with the railroad spur from the CSX rail line on Kerry property to allow rail delivery to the building. The company receives bulk supplies of flour for its bread crumb production. The total cost of the project for the full rail spur expansion, both on the CSX right-of-way and on Kerry property was \$429,557.87. The cost of extension on CSX property was \$245,741.00 and was funded by Kerry, Inc. The cost on the private property was paid by the grant of \$75,000.00 with a local match shared by the city and county, and by Kerry, Inc.
  - c) The industry, Kerry, Inc., provided a total investment of \$24,757,757.35 in land, buildings and equipment and presently provides 44 new jobs for the community, of which 23 are low to moderate income jobs. The building is large enough to double the production as the process is perfected and the cost of production is lowered. The jobs will increase as production increases. The Calhoun plant has the most modern ovens and processes owned by the company and as the production costs are lowered, more of the company's business will be shifted to the Calhoun site.
- 2) Mayor Palmer asked if there were any questions or comments regarding the two grants. There were none and the public hearing was closed.

6. Old business: **none.**

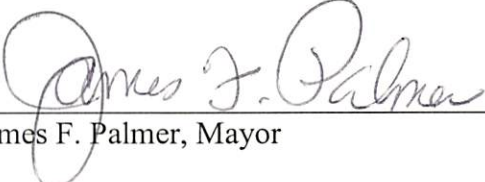
7. New business:

- a. Mayor Palmer gave a first reading of a taxi license request for Heliodoro Parra-Rodriguez at 216 Calhoun Avenue. Mayor Palmer stated the address is a home address but Mr. Rodriguez had been notified that it would be necessary for him to have a commercial address before his license could be considered. Mayor Palmer stated the earliest possible date for a public hearing would be October 13, 2003 at 7:00 p.m. Councilwoman Potts made a motion to set the public hearing for that date and time, second by Councilman Woods, with Councilwoman Potts, Councilman Woods, Councilman Denmon and Mayor Pro Tem Shelton voting affirmatively, motion carried.
- b. Mayor Palmer gave a first reading of a taxi license request for Jose Luis Brito-Samudio for 1108 South Wall Street, Suite #1. Mayor Palmer stated this is a business address and the earliest date for a public hearing would be October 13, 2003 at 7:00 p.m. Councilman Woods made a motion to set the public hearing for that date and time, second by Councilman Denmon, with Councilman Woods, Councilman Denmon, Councilwoman Potts and Mayor Pro Tem Shelton voting affirmatively, motion carried.
- c. Mayor Palmer gave a first reading of a beer and wine package license application for Ayaan, Inc., d/b /a/ ABC#4, Teresa L. Moss, Manager, for 703 Oothcalooga Street. Mayor Palmer stated the earliest date for a public hearing would be October 27, 2003 at 7:00 p.m. Mayor Pro Tem Shelton made a motion to set the public hearing for that date and time, second by Councilman Denmon, with Mayor Pro Tem Shelton, Councilman Denmon, Councilman Woods and Councilwoman Potts voting affirmatively, motion carried.

8. Other written items not on the agenda: **none.**
  
9. Work Reports:
  - a. Kelly Cornwell, Director of Utilities: **none.**
  - b. Eddie Peterson, Director of Public Safety and Public Works: **none**
  
10. Councilman Woods made a motion to move to Executive Session for personnel matters, second by Mayor Pro Tem Shelton, with Councilman Woods, Mayor Pro Tem Shelton, Councilman Denmon and Councilwoman Potts voting affirmatively, motion carried.
  
11. Councilman Woods made a motion to move back to General Session at approximately 7:35 p.m., second by Councilman Denmon with Councilman Woods, Councilman Denmon, Councilwoman Potts and Mayor Pro Tem Shelton voting affirmatively, motion carried.
  
12. Executive Session Report:
  - a. Following Executive Session, Councilman Woods made a motion to approve new rental rates based on 30% loss in business for both the pro shop operations and the snack bar operations at the Fields Ferry Golf Course. He first made a motion to lower the rental rate for the pro shop operations from \$700.00 per month to \$400.00 per month. The motion was seconded by Councilwoman Potts, with Councilman Woods, Councilwoman Potts, Councilman Denmon and Mayor Pro Tem Shelton voting affirmatively, motion carried.
  - b. Councilman Woods stated he would make a motion to lower the rental rate for the snack bar operation, which presently has a monthly rate of \$800.00 for the spring, summer and fall months and \$500.00 during the winter months. His motion was to level the rental rate at \$500.00 per month for the snack bar operations. 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 made a motion to increase the hourly legal expense for the City Attorney from \$100.00 to \$110.00 per hour, beginning immediately. The motion was seconded by Councilman Denmon, with Councilman Woods, Councilman Denmon, Councilwoman Potts and Mayor Pro Tem Shelton voting affirmatively, motion carried.
  
13. Councilman Woods made a motion to adjourn, second by Councilman Denmon, with Councilman Woods, Councilman Denmon, Councilwoman Potts and Mayor Pro Tem Shelton voting affirmatively, motion carried.

Approved:

Submitted:

  
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James F. Palmer, Mayor

  
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Cathy Harrison, City Administrator

**CITY OF CALHOUN  
CITY COUNCIL MEETING  
EXECUTIVE SESSION  
DEPOT COMMUNITY ROOM  
109 SOUTH KING STREET  
SEPTEMBER 22, 2003 – 7:30 P.M.**

**MINUTES**

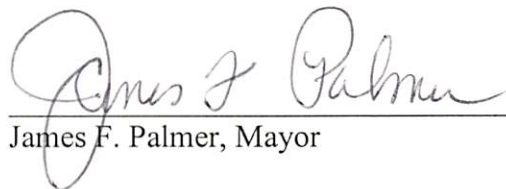
**PRESENT:** James F. Palmer, Mayor  
John D. Shelton, Jr., Mayor Pro Tem  
Ronald H. Woods, Councilman  
Ray M. Denmon, Councilman  
Lorene Potts, Councilwoman

**ALSO:** Kelly Cornwell, Director of Utilities  
Eddie Peterson, Director of Public Safety and Public Works  
Cathy Harrison, City Administrator

1. Mayor Palmer stated the city employee who presently leases the pro shop has seen a drastic reduction in sales over the last several months. This has lowered his overall compensation from the City of Calhoun. Mayor Palmer stated sales have dropped by over 30%, reducing his income dramatically. He stated the same situation has occurred for the lessee of the snack bar, Becky Lanier. He stated it would be his recommendation and that of the Golf Advisory Board to consider lowering the monthly rental rates in order to offset this dramatic loss in revenue for the lessees and also to encourage both to continue their operations and excellent customer service. These items were discussed by the Mayor and Council.
2. Mayor Palmer stated the second matter he would like to discuss is the current legal rate per hour that is being paid by the City of Calhoun. He stated in a review of other legal rates in the immediate community, he would recommend an increase at the present time of 10%, with the rate to be reviewed again at the next budget consideration and the matter not be allowed to linger for another three years before it is considered.
3. Following discussion, the Executive Session was closed and the Council agreed to move back to General Session at approximately 7:35 p.m.

Approved:

Submitted:

  
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James F. Palmer, Mayor

  
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Cathy Harrison, City Administrator

**STATE OF GEORGIA  
COUNTY OF GORDON  
CITY OF CALHOUN**

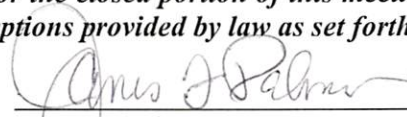
**AFFIDAVIT REGARDING CLOSURE OF OPEN MEETINGS**

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 September 22, 2003, the City 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. [O.C.G.A §50-14-3(4)]
- 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.*



James F. Palmer, Mayor  
City of Calhoun, Georgia

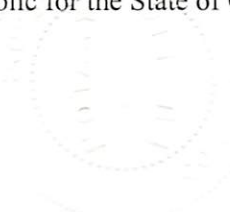


Witness

Sworn to and subscribed to before  
me this 23 day of September 2003.



Notary Public for the State of Georgia



**CITY OF CALHOUN, GEORGIA  
CITY SCHOOL BOARD  
PUBLIC HEARING ON *AD VALOREM* TAX INCREASE  
· DEPOT COMMUNITY ROOM  
· 109 SOUTH KING STREET  
SEPTEMBER 22, 2003 – 6:30 P.M.**

**MINUTES**

**PRESENT:**           **George Crowley, Chairman, City School Board  
Al Edwards, Vice Chairman, City School Board  
Ed Moyer, City School Board  
Amy Atkinson, City School Board**

**ALSO PRESENT:**   **Judy Neal, City School Superintendent  
Donald Hood, City School Finance Officer  
                          City School Technical Staff  
James F. Palmer, Mayor  
Ray Denmon, City Councilman  
Cathy Harrison, City Administrator  
Bob Butler, Candidate for City School Board**

1.     Chairman George Crowley called the meeting to order and opened the third public hearing on the school tax millage for 2003-2004 and on the 5 year history of tax millage for the school and the City of Calhoun.
  
2.     Chairman Crowley showed a slide presentation reviewing the total amount of the school budget for the current year, which exceeds \$16 million, of which over \$7 million is derived from taxes. He indicated the school system had seen a doubling in cost of their liability insurance for the prior year and anticipate those costs to continue into the current year. The school has also seen a state mandated lowering of approximately \$250,000.00 in the prior school year of the state's funding. They are expecting a similar cut in the current year and possibly a second cut before the year ends. He stated the school board installed a freeze on spending in February 2003 in anticipation of state cuts. The school has been able to maintain its programs but has stopped other spending unless absolutely necessary. In spite of the fact that there were no wage increases for teachers, there were step increases that are automatic based upon additional training and years of service. He stated based upon all of these factors, it was necessary to increase the budget slightly above the dollars that were contributed toward the budget from taxes. Chairman Crowley also reviewed the accomplishments of the students of the school system. He reviewed the growth, which indicates over 150 students were added to the system in the prior year, for a total system enrollment of over 2,800 students.
  
3.     Harrison reviewed the five-year history of tax millage for both the City of Calhoun and the School Board. She also reviewed how the rollback millage is calculated and how it affected the current year's need to advertise. She stated the tax digest saw a \$20 million decrease in inventories and equipment for local industry. There was growth to offset a portion of this. However, it did not fully offset the loss and the digest prior to reevaluation was lower than the prior year, causing the rollback millage to be less than the prior year for both the city and the school system. She stated it was necessary for the city to lower its millage to 1.54. With

the additional needs of the City School Board, it was necessary to raise their millage slightly to 14.71 mills, up from 14.57 mills.

4. Chairman Crowley asked if there were any questions.
5. Bob Butler asked for information regarding the percentage of minorities in the school system and how the language barrier was addressed.
6. Judy Neal reviewed the population, indicating that at this time, there is a 19% population of Spanish speaking students in the system. She stated the school has implemented conversational Spanish from kindergarten through elementary school, with programs in both the middle school and high school grades.
7. Following discussion, Chairman Crowley closed the hearing at approximately 6:50 p.m.

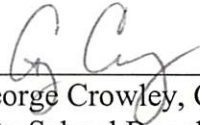
Submitted:

Approved:



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Cathy Harrison, City Administrator



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George Crowley, Chairman  
City School Board

**CITY OF CALHOUN, GEORGIA  
CITY SCHOOL BOARD  
PUBLIC HEARING ON *AD VALOREM* TAX INCREASE  
DEPOT COMMUNITY ROOM  
109 SOUTH KING STREET  
SEPTEMBER 15, 2003 – 5:30 P.M.**

**MINUTES**

**PRESENT:**                 **George Crowley, Chairman, City School Board  
Al Edwards, Vice Chairman, City School Board  
Amy Atkinson, City School Board**

**ALSO PRESENT:**     **Judy Neal, City School Superintendent  
Donald Hood, City School Finance Officer  
City School Technical Staff  
Cathy Harrison, City Administrator**

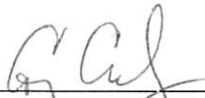
1.     Chairman George Crowley called the meeting to order and opened the second public hearing on the school tax millage for 2003-2004 and on the 5 year history of tax millage for the school and the City of Calhoun.
2.     There was no one in attendance other than the Board and school personnel.
3.     Chairman Crowley closed the hearing at 5:45 p.m.

Submitted:

Approved:



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Cathy Harrison, City Administrator



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George Crowley, Chairman  
City School Board

**CITY OF CALHOUN, GEORGIA  
CITY SCHOOL BOARD  
PUBLIC HEARING ON *AD VALOREM* TAX INCREASE  
DEPOT COMMUNITY ROOM  
109 SOUTH KING STREET  
SEPTEMBER 15, 2003 – 10:00 A.M.**


**MINUTES**

PRESENT:           **George Crowley, Chairman, City School Board  
Al Edwards, Vice Chairman, City School Board  
Amy Atkinson, City School Board**

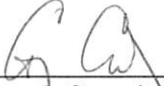
ALSO PRESENT:   **Judy Neal, City School Superintendent  
Donald Hood, City School Finance Officer  
                          City School Technical Staff  
Cathy Harrison, City Administrator  
Tony Swink, Citizen**

1.     Chairman George Crowley called the meeting to order and opened the public hearing on the school tax millage for 2003-2004 and on the 5 year history of tax millage for the school and the City of Calhoun.
  
2.     Chairman Crowley reviewed the funding structure for the City School System, explaining approximately 50% of the total school budget is funded by local taxes. Mr. Crowley stated the state-mandated cuts in the prior year and those projected for the current fiscal year have placed a burden on local school systems all over the state. He reviewed those areas of increase: insurance, fuel costs, benefits and step pay increases, even though the normal across the board, cost of living increases had been eliminated in the current year. He stated the preponderance of all these items, as well as a lower than anticipated tax digest had made it necessary to have a .14 mill increase.
  
3.     Harrison reviewed the five year tax history for the city M&O tax and the City Board of Education M&O tax. She also reviewed the regulations regarding determining "rollback" millage and the need to advertise if the Board or Council's budget needs exceeded the revenue produced by the "rollback" millage.
  
4.     The hearing was adjourned at approximately 10:25 a.m.

Submitted:

  
\_\_\_\_\_  
Cathy Harrison, City Administrator

Approved:

  
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George Crowley, Chairman  
City School Board