

**CITY OF CALHOUN
REGULAR CITY COUNCIL MEETING
DEPOT COMMUNITY ROOM
109 SOUTH KING STREET
OCTOBER 27, 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 October 13, 2003 regular City Council meeting were approved as written.
4. Mayor's comments:
 - a. Mayor Palmer reminded everyone 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 at this time, absentee ballots and early voting ballots are available at City Hall. Early voting is available October 27 through October 31, 2003 and absentee ballots are available from October 27 through November 3, 2003.
 - b. Mayor Palmer reminded everyone of the annual Mayor's Christmas motorcade to Northwest Georgia Regional Hospital on December 4, 2003 at 10:00 a.m. He and others from the community will be taking gifts to the patients from Gordon County. He stated any citizen who wishes to make a donation of a gift for those less fortunate may bring gifts to City Hall at 226 South Wall Street between now and December 4, 2003.
 - c. Mayor Palmer reminded the Council of the work session from 9:00 a.m. until 4:00 p.m. regarding municipal financial statements. The program will be sponsored by the University of Georgia, Carl Vinson Institute of Government.
 - d. Mayor Palmer reminded the public of Halloween, which will be observed by children age 12 and under, on October 31, 2003 from 5:30 to 9:00 p.m. He reminded motorists to be extremely careful and to be watchful for children on city streets and sidewalks.
 - e. Mayor Palmer reminded the elected officials of the GMA Mayors' Legislative Conference in Atlanta on January 24-26, 2004. He reminded each one of the importance of meeting with the local State Representatives and Senators to determine the legislative that will be of importance to local government.

- f. Mayor Palmer reminded the public of a public hearing on November 24, 2003 at 7:00 p.m. on a beer package license request by Sheona, Inc., Earl Bethea, Manager, at 703 Oothcalooga Street.
 - g. Councilwoman Potts reviewed the zoning matters scheduled for public hearings on November 10, 2003.
 - 1) A zoning change request from R-2 to C-2 by Terry Brumlow as agent for Scott Williams and Robert W. Miller for a lot on Curtis Parkway, being approximately 3 acres in Land Lot 231 of the 14th District and 3rd Section of Gordon County, Georgia.
 - 2) A zoning variance request by the Calhoun First Methodist Church for an on-premise sign that meets code except for two feet in height.
 - 3) A variance request by Southern Advertising for two Home Depot signs at 1280 Curtis Parkway. The request is for two 102 square foot, 25-foot tall pylon signs for adequate exposure.
 - 4) A zoning variance request by Whittenburg Properties, Inc. to build a triplex at 605 College Street on property zoned R-2, which had previously had a single-family frame house located thereon.
5. Public Hearings and Comments:
- a. Mayor Palmer opened a public hearing on the adopting ordinance for the updated Charter and Code for the city. He stated the update brings forward, in codification form, all the ordinances that have been adopted since the last full update over ten years ago. He stated this would codify our ordinances up through June 2003.
 - 1) Attorney Bailey stated one of the major points will be to bring the fines and sentences allowed by local governments into conformance with state law, as addressed in Section 4 of the Code.
 - 2) Mayor Palmer asked if there were any comments. There were none and the public hearing was closed.
 - 3) Councilman Woods made a motion to waive the third and fourth reading and adopt the ordinance, second by Mayor Pro Tem Shelton, with Councilman Woods, Mayor Pro Tem Shelton, Councilman Denmon, and Councilwoman Potts voting affirmatively, motion carried.
 - b. Mayor Palmer opened a public hearing on the ordinance establishing rules and regulations for public parks and recreation areas. He stated since all members of the Council were not able to attend the work session and discuss the overall proposal for the parks, he would ask that it be held. Councilman Woods made a motion to table the matter, second by Councilman Denmon, with Councilman Woods, Councilman Denmon, Councilwoman Potts and Mayor Pro Tem Shelton voting affirmatively, motion carried.
 - c. Mayor Palmer opened a public hearing on the beer pouring license of Abujaber, Inc., d/b/a Lizzi's Deli, Amanda Marie Allen, Manager, a previously approved location at 203 Richardson Road, Suite 110. Mayor Palmer stated the police report was clear on the alcohol manager. He stated the general report was available for the Council to review and asked if there were any comments by the applicant or the public. There were none and the public hearing was closed. Councilman Woods made a motion to approve the beer pouring license request of Abujaber, Inc., d/b/a Lizzi's Deli, Amanda Marie Allen, Manager, second by Councilwoman Potts, with Councilman Woods, Councilwoman Potts,

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

- d. A public hearing was opened on the beer package license request of The Pantry, d/b/a Golden Gallon, with Karen Aldridge, Manager, at 702 East Highway 53, a previously approved location. Mayor Palmer stated the police report was clear and the general report was available for the Council to review. He asked if there were any comments by the applicant or the public. There were none and the public hearing was closed. Councilwoman Potts made a motion to approve the beer package license request of The Pantry, d/b/a Golden Gallon, with Karen Aldridge, Manager. The motion was seconded by Councilman Woods, with Councilwoman Potts, Councilman Woods, Councilman Denmon and Mayor Pro Tem Shelton voting affirmatively, motion carried.
 - e. Mayor Palmer opened a public hearing on a revolving loan application for \$270,000.00 by Charles A. "Tony" Farrell, d/b/a Personal Tax Services, Inc., for renovation and capital expense for a new location on Park Avenue, formerly known as Impact Furniture.
 - 1) Councilman Woods stated the Loan Advisory Committee had reviewed the application. There were several items that needed further discussion with the applicant and he would ask that the matter be tabled at this time.
 - 2) Councilman Woods made a motion to table until November 10, 2003, second by Councilman Denmon, with Councilman Woods, Councilman Denmon, Councilwoman Potts and Mayor Pro Tem Shelton voting affirmatively, motion carried.
 - f. Mayor Palmer stated Mr. Lamar Whittenburg wished to present a beer package license application for 295 West Line Street, a grocery and fuel sales business and he wished to make comments regarding the present ordinance.
 - 1) Mr. Whittenburg stated the present ordinance is unfair in that it does not allow beer package sales in a convenience store, which makes it unfair for several local merchants who are in the city and pay city taxes, since there are approximately three other locations that are technically in the county but are within the metro area of the city and are allowed to have beer sales inside a convenience store, capturing city customers off city streets. He asked the Council to amend the ordinance and to make it more fair for the convenience store owners to apply for package sales to be a part of their regular grocery items, without a separate business and completely separated portion of their store being dedicated to beer sales.
 - 2) Mayor Palmer stated the Mayor and Council have several items they will be reviewing regarding the alcohol ordinance in the future. However, he stated that in addition to those persons who have similar views as Mr. Whittenburg, there are many others who have expressed appreciation to the Council for their current ordinance and for the current management of the ordinance. Mayor Palmer stated that if Mr. Whittenburg wished to apply for an alcohol beverage license at the 295 West Line Street location at this time, he would need to meet the conditions of the current ordinance.
 - 3) There were no additional comments from Mr. Whittenburg.
6. Old business:
- a. Mayor Palmer stated the Golf Advisory Board had recommended the renewal of the snack bar contract for Becky Lanier and he would ask the Council to consider

this request. Councilman Woods made a motion to renew Becky Lanier's snack bar contract for an additional year, second by Councilwoman Potts, with Councilman Woods, Councilwoman Potts, Councilman Denmon and Mayor Pro Tem Shelton voting affirmatively, motion carried.

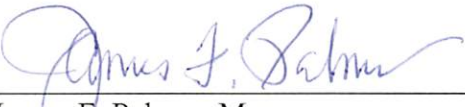
- b. Mayor Palmer reminded the Council and public of a fly-in at the Tom B. David Airport on November 1, 2003. He stated there would be rides for children, a pancake breakfast and a lunch. It would be an excellent time for the public to view and enjoy the new renovations at the Tom B. David Airport. He stated also that due to the current ongoing renovations, which are major for the airport, it will require the airport to be closed beginning November 3 for approximately one month, in order to complete the major portion of the renovations.
7. New business: **none.**
 8. Other written items not on the agenda: **none.**
 9. Work Reports:
 - a. Kelly Cornwell, Director of Utilities:
 - 1) Cornwell stated there have been significant delays on the purchase of two sites for water reservoirs to complement the city's current water system. He stated this is in a loan package with GEFA, which will enable the city to make major renovations to its water system and water treatment plant. He stated the owners of the property for both sites are in agreement with the amount of funds offered for purchase of the property. However, both sites also have an outstanding mortgage on the property and there is a holdup on getting proper releases in order for the titles to be exchanged. He stated in order to move forward in a timely manner, it would be necessary for the property to go through condemnation so that the outstanding bids on the water reservoirs can be accepted and honored.
 - a) Attorney Bailey reviewed both resolutions and asked the Council to adopt each one individually.
 - b) Councilman Woods made a motion to approve the resolution authorizing the condemnation of 3.824 acres owned by Springs Back LLC and to move forward as quickly as possible in order that construction and bids can be accepted, second by Councilman Denmon, with Councilman Woods, Councilman Denmon, Councilwoman Potts and Mayor Pro Tem Shelton voting affirmatively, motion carried.
 - c) Councilman Woods made a motion to approve the resolution authorizing the condemnation of 1.80 acres owned by Tim and Patty Norton in order that the city may move forward with the appropriate loan and contract for the erection of a water reservoir in a timely manner. The motion was seconded by Councilman Denmon, with Councilman Woods, Councilman Denmon, Councilwoman Potts and Mayor Pro Tem Shelton voting affirmatively, motion carried.
 - 2) Director Cornwell stated the city currently has an outdated Invirex belt press system that was purchased in 1985 that is obsolete, is surplus property and is unsalvageable. It would cost the city approximately

\$600.00 to remove and divest itself of the equipment. He stated he currently has a local industry that wishes to purchase the belt press for \$1.00 and remove without cost to the city, relocating it for their use. He stated he would recommend the ability to make this sale for \$1.00, which would ultimately save the city approximately \$599.00 in removal costs. Following discussion, Councilman Denmon made a motion to declare the 1985 Invirex belt press as unsalvageable surplus property and to authorize the sale for \$1.00. The motion was seconded by Mayor Pro Tem Shelton, with Councilman Denmon, Mayor Pro Tem Shelton, Councilman Woods, and Councilwoman Potts voting affirmatively, motion carried.

- b. Eddie Peterson, Director of Public Safety and Public Works:
 - 1) Director Peterson stated McDaniel Station Road is ready for paving and the project should be completed in the very near future and the road reopened.
- 10. Mayor Palmer asked if there was any need to move to Executive Session. There was none.
- 11. 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:



James F. Palmer, Mayor



Cathy Harrison, City Administrator

**RESOLUTION AUTHORIZING THE CONDEMNATION
OF CERTAIN LAND FOR A WATER STORAGE TANK SITE
NORTON PROPERTY**

WHEREAS, the City of Calhoun has undertaken the improvement of its water system within the City limits and throughout areas of Gordon County, Georgia, and

WHEREAS, as a part of said project of improvements the City will cause to be constructed a two million gallon capacity water storage tank in the Northwesterly area of Gordon County, Georgia, on land to which it must acquire fee simple title; and

WHEREAS, the City is to borrow from the Georgia Environmental Facilities Authority under the Drinking Water State Revolving Fund a loan in the amount of \$5,570,000.00 at 3% interest (the "GEFA loan") and must satisfy certain loan conditions before the project can begin, including, but not limited to the acquisition of all real property necessary to complete the project improvements; and

WHEREAS, time is of the essence of the loan commitment from the Georgia Environmental Facilities Authority and the City must obtain fee simple title to the water tank site in an expeditious manner; and

WHEREAS, the City of Calhoun is authorized pursuant to Article I, Section 1-103(A) of its Charter to acquire real property by condemnation for its waterworks system, inside or outside the City limits; and

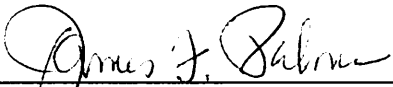
WHEREAS, in order to complete the loan documents for the GEF A loan the City must acquire 1.80 acres of land lying and being in Land Lot 290 in the 14th District and 3rd Section of Gordon County, Georgia as described in Plat Book 42 Page 48 as filed in the office of the Clerk of the Superior Court of Gordon County, Georgia and presently owned by Tim Norton and Patti Cook Norton;

NOW, THEREFORE, BY IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF CALHOUN, GEORGIA that the condemnation proceedings be filed in the Superior Court of Gordon County, Georgia, seeking to condemn fee simple title to 1.80 acres of land in Land Lot 290 in the 14th District and 3rd Section of Gordon County, Georgia, as described at Plat Book 42 Page 48 as filed in the office of the Clerk of the Superior Court of Gordon County , Georgia, presently owned by Tim Norton and Patti Cook Norton for the purpose of constructing and maintaining thereon a water storage tank as a part of the City's waterworks system, and

BE IT FURTHER RESOLVED that the City Attorney is authorized to file in the City's name condemnation proceedings under the Special Master (O.C.G.A Section 22-2-101, et seq.) method as soon as reasonably possible and upon obtaining a judgment satisfactory to the City the amount of said judgment shall be paid immediately by the City into the registry of the Clerk of the Superior Court of Gordon County , Georgia.


SO RESOLVED this 27th day of October 2003, in an open, regularly called meeting.

City of Calhoun, Georgia



James F. Palmer, Mayor

Attest:



Cathy Harrison, City Administrator/Clerk

**RESOLUTION AUTHORIZING THE CONDEMNATION
OF CERTAIN LAND FOR A WATER STORAGE TANK SITE
SPRINGBANK, LLC PROPERTY**

WHEREAS, the City of Calhoun has undertaken the improvement of its water system within the City limits and throughout areas of Gordon County, Georgia, and

WHEREAS, as a part of said project of improvements the City will cause to be constructed a two million gallon capacity water storage tank in the Southeasterly area of Gordon County, Georgia, on land to which it must acquire fee simple title; and

WHEREAS, the City is to borrow from the Georgia Environmental Facilities Authority under the Drinking Water State Revolving Fund a loan in the amount of \$5,570,000.00 at 3% interest (the "GEFA loan") and must satisfy certain loan conditions before the project can begin, including, but not limited to the acquisition of all real property necessary to complete the project improvements; and

WHEREAS, time is of the essence of the loan commitment from the Georgia Environmental Facilities Authority and the City must obtain fee simple title to the water tank site in an expeditious manner; and

WHEREAS, the City of Calhoun is authorized pursuant to Article I, Section 1-103(A) of its Charter to acquire real property by condemnation for its waterworks system, inside or outside the City limits; and

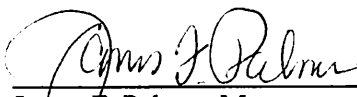
WHEREAS, in order to complete the loan documents for the GEF A loan the City must acquire 3.824 acres of land lying and being in Land Lot 98 in the 15th District and 3rd Section of Gordon County, Georgia as described in Plat Book 42 Page 134 as filed in the office of the Clerk of the Superior Court of Gordon County, Georgia and presently owned by Springbank, LLC;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF CALHOUN, GEORGIA that the condemnation proceedings be filed in the Superior Court of Gordon County, Georgia, seeking to condemn fee simple title to 3.824 acres of land in Land Lot 98 in the 15th District and 3rd Section of Gordon County, Georgia, as described at Plat Book 42 Page 134 as filed in the office of the Clerk of the Superior Court of Gordon County, Georgia, presently owned by Springbank, LLC for the purpose of constructing and maintaining thereon a water storage tank as a part of the City's waterworks system, and

BE IT FURTHER RESOLVED that the City Attorney is authorized to file in the City's name condemnation proceedings under the Special Master (O.C.G.A Section 22-2-101, et seq.) method as soon as reasonably possible and upon obtaining a judgment satisfactory to the City the amount of said judgment shall be paid immediately by the City into the registry of the Clerk of the Superior Court of Gordon County, Georgia.


SO RESOLVED this 27th day of October 2003, in an open, regularly called meeting.

City of Calhoun, Georgia



James F. Palmer, Mayor

Attest:



Cathy Harrison, City Administrator/Clerk