

**CITY OF CALHOUN
REGULAR CITY COUNCIL MEETING
DEPOT COMMUNITY ROOM
109 SOUTH KING STREET
CALHOUN, GA
MARCH 26, 2007, 7:00 P.M.**

MINUTES

**PRESENT: James F. Palmer, Mayor
Ray M. Denmon, City Councilman
George R. Crowley, City Councilman
David Hammond, City Councilman**

ABSENT: Lorene Potts, Mayor Pro Tem

**ALSO: William P. Bailey, City Attorney
Kelly Cornwell, Director of Utilities
Eddie Peterson, Director of Public Safety/Public Works
Cathy Harrison, City Administrator**

1. Mayor Palmer called the meeting to order and welcomed everyone in attendance.
2. Mayor Palmer gave the invocation.
3. Mayor Palmer led the group in the Pledge of Allegiance to the United States Flag.
4. Following review of the March 12, 2007 Minutes of the regular City Council Meeting, Councilman Crowley made a motion to approve as written. The motion was second by Councilman Hammond with Councilman Crowley, Councilman Hammond and Councilman Denmon voting affirmatively, motion carried.
5. Mayors Comments:
 - a. Mayor Palmer expressed congratulations to Dr. Michele Taylor on being selected for Superintendent by the School Board. Mayor Palmer pledged that he and the Council will continue to work with the new Superintendent to make the City School System the best it can possibly be.
 - b. Mayor Palmer congratulated the Sequoyah Tennis Association on a successful block party on March 24, 2007 at the new tennis complex. He stated there were over 300 people in attendance in the afternoon and it was a very successful outing with several new memberships for the Association.
 - b. Mayor Palmer reminded the public of "United for a Drug Free Community" Parade on Saturday, April 28, 2007 at noon, on a special parade route. He stated it is his understanding that the Governor will be attending the parade.
 - c. Mayor Palmer stated the GMA Conference that will be held in June will require voting delegates for the GMA, June Business Session and also for the District One Caucus. Councilman Hammond made a motion to appoint Ray Denmon as the voting delegate and Mayor Palmer as an alternate. The motion was second by Councilman Crowley with Councilman Hammond, Councilman Crowley and Councilman Denmon voting affirmatively motion carried.
 - d. Mayor Palmer stated there are three separate training sessions available on July 25, 2007 in Athens for elected officials. He stated if anyone was interested in attending to please notify Administrator Harrison.
 - e. Mayor Palmer reviewed a Proclamation declaring April as National Library month and asked for consideration by the Council. Councilman Hammond made a motion

to approve the Proclamation. The motion was second by Councilman Crowley with Councilman Hammond, Councilman Crowley and Councilman Denmon voting affirmatively motion carried.

- f. Mayor Palmer stated the City of Calhoun has the authority to review the basic rates of cable companies operating within the City. He stated Comcast had forwarded their information and the City had contracted these review services with the Georgia Municipal Association. He stated following their review they had concluded that the basic rates as proposed by Comcast are lower than those that are authorized under Federal guidelines.
- g. Mayor Palmer stated Congressman, Phil Gingrey had set an alternate date to meet with the City and County Elected Officials on April 12, 2007 at 3:00 p.m. The meeting would be to review any assistance the City or County Officials determine they need from Congress during the next fiscal year.
- h. Mayor Palmer stated public hearings for zoning matters on April 9, 2007 at 7:00 p.m. are as follows:

- 1) A variance request by North Georgia National Bank, Donna McEntyre authorized agent to allow a mobile unit on the construction site to serve as an office until the permanent facility is complete at 1125-1131 Dews Pond Road, SE, Calhoun. The unit will be there approximately 24-36 months

Mayor Palmer stated there were two tabled motions that are rescheduled.

- 2) A request for annexation and zoning of C-2 for approximately 17 acres located off Hwy 53, East, South of Kentucky Fried Chicken, by Terry Brumlow, agent.
- 3) A request for annexation and zoning of PRD by Russell Owen for approximately 19.7 acres off of Tate Bend Road.
- i. Mayor Palmer stated Councilman Hammond and Councilman Crowley had attended the Municipal Electric Authority Economic Conference and he asked if they had comments. Councilman Hammond stated the majority of the speakers at the conference encouraged each community to market their community and to utilize the services of MEAG in their marketing projects. He stated listening to other leaders from various communities in the state that he was very pleased with Calhoun's location and its industrial and commercial base. Councilman Crowley stated he wished to express appreciation to Municipal Electric Authority. He stated their personnel had been very helpful with securing grant funding for the Mohawk Expansion Project. He also stated he understood that more community plans need to be developed with a proper mixture, not only with residential development but commercial development and allowing space for industrial development in order to have a healthy, vibrant community.

5. Other Hearings and Public Comments:

- a. Mayor Palmer opened the public hearing on the beer package license request for 461 Harris Beamer Road formerly known as Ray's Grocery, by Jeff Knight. He stated at the noon work session the group had reviewed the standards for new services for all the alcohol license requests that were coming before the Council. He stated on this particular item the police report was clear and it was determined that there is adequate parking, very limited alcoholic sales within the vicinity of the package request. He stated the application did include a surveyor's certificate indicating the location is not within 600 feet of a church or a school. Mayor Palmer asked if there were any comments by the applicant or by the public. There were none. He asked if there were any questions by the Council. There were none. The public hearing was closed. Councilman Crowley made a motion to approve the request. The motion was second by Councilman Hammond with Councilman Crowley, Councilman Hammond and Councilman Denmon voting affirmatively, motion carried.

- b. Mayor Palmer opened the public hearing on the beer and wine package license request of Gordhanbhai G. Patel for 1204 Red Bud Road, Ramada Inn. He stated this was also a new location and had been reviewed in a similar fashion as the Jeff Knight request. He stated their surveyor's certificate had indicated the property is not within 600 feet of a church or school. There is adequate parking. He stated the applicant had also issued a statement stating they were aware of the limitations of their sales to registered guests only. Attorney Bailey stated in reviewing Section 3-9-10 and 3-9-11 of the State Code, he had determined the requests as filed for a room to be located at the motel through which the registered guests could make purchases for alcoholic beverages was not in the allowable range of the statute. He stated the statutes did allow in-room-service and it did allow locked refrigerators within the guest room. However, what they had proposed is not currently allowed in the State Code and therefore would not be eligible for the license as proposed by the applicant. Mayor Palmer asked if there was a motion by the Council. Councilman Hammond made a motion to deny the request. The motion was second by Councilman Denmon with Councilman Hammond, Councilman Denmon and Councilman Crowley voting affirmatively, motion carried.
- c. Mayor Palmer stated a second reading of a request for relief of an ordinance requiring a fire hydrant to be located within 300 feet of a commercial structure, by Alan Jackson for property located off Gee Road. Mayor Palmer stated there was a report by the Deputy Fire Chief, Terry Mills regarding this request. Attorney Bailey stated according to the Code of Ordinances, the code regarding the requirement did not provide for a variance and the only way the request could be considered would be for an amendment to the actual ordinance. Mayor Palmer stated a variance several years earlier had been allowed for a fire hydrant location within the immediate area with the understanding that there would not be any additional development in the area that would not meet the code. He stated since that time, the Council has been very diligent in its requirement that new structures meet the code. He stated he would ask for a motion regarding the request. Councilman Crowley made a motion to deny the request. The motion was second by Councilman Hammond with Councilman Crowley, Councilman Hammond and Councilman Denmon voting affirmatively, motion carried.

7. Old Business: None.

8. New Business:

- a. Mayor Palmer asked Councilman Hammond to review a request by the Fire Department. Councilman Hammond stated the Fire Department had declared a 1980 O'nan Generator as non-operable and asked that it be approved as surplus property and authorization for it to be sold as scrap material since it is not eligible to be used as a generator. He stated the estimated value is less than \$200.00. Councilman Hammond stated he would make a motion to declare the generator as surplus property and authorize it to be sold as scrap material. The motion was second by Councilman Denmon with Councilman Hammond, Councilman Denmon and Councilman Crowley voting affirmatively, motion carried.
- b. Administrator Harrison stated the City's election machinery, the Shoop voting machines are quite heavy and cumbersome and she is concerned they may damage the new gym floor at the Recreation Department, which serves as the City's voting precinct. She stated she had asked the County Election Commission to provide a quote for conducting the City's regular General Elections and any run offs that might be needed. She stated she had a reply from Ms. Shea L. Hicks, Chairperson of the County Board of Elections and Voter Registration. The cost was estimated to be slightly over \$2,000.00 which is in line with the cost, if provided by the City. She stated it would be her recommendation to the Mayor and Council to contract with Gordon County and apply through the Department of Justice for permission for the

County Board of Elections to hold City Elections. Following discussion, Councilman Crowley made a motion authorize a contract with the County Board of Elections and Voter Registration for the group to hold City General Elections or any special elections that may occur in the future, until further notice. The motion was second by Councilman Denmon with Councilman Crowley, Councilman Denmon and Councilman Hammond voting affirmatively, motion carried.

- c. Mayor Palmer stated the City had received a request from Vickie Spence, Director of United Way for a change in the annual United Way 5-K Unity Run that is scheduled for Tuesday, August 28, 2007 beginning at 7:00 p.m. The run would be on a new route, and Ms. Spence stated it is a new route to encourage runners and walkers to join the race, that has served as the largest race, north of Atlanta in the past. Following review of the route and receipt of the confirmation from the Police Chief, that he had reviewed and approved the route, Councilman Hammond made a motion to approve. The motion was second by Councilman Denmon with Councilman Hammond, Councilman Denmon and Councilman Crowley voting affirmatively, motion carried.
- d. Mayor Palmer reviewed a CDBG Resolution that would authorize the Mayor to sign the CDBG application and all necessary documents and to authorize the matching funds that would be necessary for the project, to be included in the City's 2007-2008 fiscal year budget. Following review Councilman Denmon made a motion to approve the Resolution and to authorize the Mayor to execute. The motion was second by Councilman Crowley with Councilman Denmon, Councilman Crowley and Councilman Hammond voting affirmatively, motion carried.

9. Other Written Items not on the Agenda:

- a. Mayor Palmer stated that slightly over a year ago the Mayor and Council had approved annexation and zoning of PRD for approximately 14 acres located off of Timms Road, west of the medical complex. He stated the owners of the property, no longer desire to develop the property as authorized under their PRD plan and they had a proposed sale for a portion of the property which would negate the PRD zoning. He stated Jerry Braden, agent for Red Bud Village, LLC., is requesting approximately 7 acres of the property to be re-zoned from PRD to R-2, to allow construction of Phase II of the Senior Village Apartments that he currently owns, to be located south of the existing property. Mayor Palmer stated in order for Mr. Braden to be eligible for the May, tax credit funding through the Department of Community Affairs, it would be necessary for the rezoning be completed prior to May 1, 2007. He stated in an effort to accommodate the request it would require a first reading on March 26, 2007 for the property and it would require a special Zoning Advisory Board Meeting on April 19, 2007 at 4:30 p.m. and a second reading and public hearing for the Mayor and Council on April 23, 2007 at 7:00 p.m. He asked if the Council would entertain a motion for those dates for the zoning request. Councilman Crowley made a motion to authorize the Zoning Advisory Board's special meeting on April 19, 2007 at 4:30 p.m. and April 23, 2007 at 7:00 p.m. for the Mayor and Council's public hearing. The motion was second by Councilman Hammond with Councilman Crowley, Councilman Hammond and Councilman Denmon voting affirmatively, motion carried.
- b. Mayor Palmer stated since the PRD would no longer be an eligible zoning for the property, the owners for the remaining portion of the property, Red Bud Village, LLC., had requested the remainder of the property be rezoned to C-2 and it be eligible to be heard of the same dates as the previous request. Following discussion Councilman Hammond made a motion to set the special Zoning Advisory Board meeting for April 19, 2007 at 4:30 p.m. and the public hearing by the Mayor and

Council for April 23, 2007 at 7:00 p.m. The motion was second by Councilman Crowley with Councilman Hammond, Councilman Crowley and Councilman Denmon voting affirmatively, motion carried.

10. Work Reports:

- a. Director of Utilities, Kelly Cornwell stated bids had been advertised and received for the roofing of the auditorium, located near the High School. He stated there were three bids.
- 1) Roofcraft Systems Inc., for \$335,250.00
 - 2) Fox & Brindle Construction, Co. Inc., for \$194,000.00
 - 3) S. Garrett & Co., for \$172,528.00

Director Cornwell stated that based upon the low bid of S. Garrett, he had determined that the existing roof that is being constructed by S. Garrett, at the Utilities Administration Building has had a delay and in order for their bid to be considered, he required the company to provide a time line regarding engineering and delivery of materials since there was a window of time for the roofing to be completed, which is at the time school is out during the summer months. The letter had been received from the bidder, and subsequently the architect and he had determined that the work being conducted by the company was quality work and it was his recommendation, as well as the Directors recommendation to accept the bid of S. Garrett & Co. Following review, Councilman Crowley made a motion to accept the low bid of \$172,528.00 by S. Garrett & Co. The motion was second by Councilman Hammond with Councilman Crowley, Councilman Hammond and Councilman Denmon voting affirmatively, motion carried.

- b. Director of Public Works/ Public Safety, Eddie Peterson stated the City of Calhoun would be eligible for hazardous waste funds through a Resolution for the state that had been passed earlier. However, at that time the state had no funds in the special account and he would ask for authorization for the Mayor to sign the request for reimbursement of \$39,000.00 for engineering expenses from the state. Following review, Councilman Hammond made a motion to authorize the Mayor to sign the necessary documents requesting reimbursement. The motion was second by Councilman Crowley with Councilman Hammond, Councilman Crowley and Councilman Denmon voting affirmatively, motion carried.
- c. Attorney Bailey stated in reference to the 60 day Moratorium that had been filed on March 12, 2007 regarding the City's Sign Ordinance, he would request the Council to review and forward any changes they feel needs to be made prior to April 9, 2007 in order for the first reading of the ordinance to be held on the 9th and in order for notices to be filed regarding a public hearing on April 23, 2007 at 7:00 p.m. Attorney Bailey asked if those time lines would be acceptable for the Mayor and Council and they confirmed it would. He stated if there were many changes after the first reading, it might necessitate the Moratorium be extended if an additional reading was required.

11. Mayor Palmer stated there was no need to move to Executive Session.

12. Councilman Hammond made a motion to adjourn. The motion was second by Councilman Crowley with Councilman Hammond with Councilman Crowley and Councilman Denmon voting affirmatively, motion carried.

Approved:


James F. Palmer, Mayor

Submitted:


Cathy Harrison, City Administrator

City of Calhoun
Georgia

RESOLUTION

WHEREAS, the City of Calhoun has surveyed the west area of the City, the West End community, between McConnell and Fair Road, West Line Street and Court Street, and has determined the need for infrastructure improvements (water, sewer, and fire protection) and housing rehabilitation; and

WHEREAS, the West End Community has met with the City of Calhoun to present their findings of community issues and opportunities, including housing rehabilitation and infrastructure improvements (sewer improvements, vacant housing improvements, improved police and fire protection, lighting and sidewalk improvement, and rehabilitation of the McConnell Street Community Center); and

WHEREAS, the West End area is eligible for assistance through the Georgia Department of Community Affairs Community Development Block Grant (CDBG) program; and

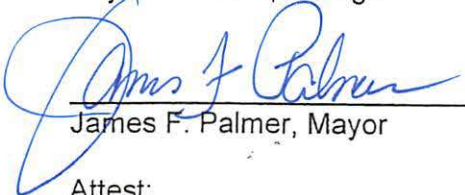
WHEREAS, the CDBG grant will require a local match in funding for the project in the amount of **\$411,000.00**

NOW, THEREFORE, BE IT RESOLVED, the Mayor and City Council of the City of Calhoun hereby approve the filing of a CDBG application, authorize the Mayor to sign all required documents, and authorize the local match, as needed;

BE IT FURTHER RESOLVED, the city Budget Officer is authorized to include the project in the upcoming fiscal year 2007-2008 budget.

ADOPTED this 26th day of March 2007.

City of Calhoun, Georgia



James F. Palmer, Mayor

Attest:



Cathy Harrison, City Administrator