

**CITY OF CALHOUN
REGULAR CITY COUNCIL MEETING
DEPOT COMMUNITY ROOM
109 SOUTH KING STREET
CALHOUN, GA
OCTOBER 8, 2007 7:00 P.M.**

MINUTES

**PRESENT: James F. Palmer, Mayor
Lorene L. Potts, Mayor Pro Tem
Ray Denmon, Councilman
George Crowley, Councilman
David Hammond, Councilman**

**ALSO: William P. Bailey, City Attorney
Cathy Harrison, City Administrator**

1. Mayor Palmer called the meeting to order and welcomed everyone in attendance. Mayor Palmer gave the invocation.
2. Mayor Palmer led the group in the Pledge of Allegiance to the United States Flag.
3. Mayor Palmer stated the proposed agenda has been amended to add an annexation for approximately 4 acres on Hwy 53 East by Grado Inc. for C-2 zoning and also the first reading of an ordinance regarding drought conditions, water conservation, and penalties for improper use of water.
4. Councilman Hammond made a motion to adopt the amended agenda. The motion was second by Councilman Crowley with Councilman Hammond, Councilman Crowley, Councilman Denmon, and Mayor Pro Tem Potts voting affirmatively, motion carried.
5. Mayor Palmer stated each member had a copy of the September 24, 2007 regular City Council Meeting minutes and the special meeting of October 1, 2007. He asked if there was a motion to amend or approve. Councilman Crowley made a motion to approve both sets of minutes as written. The motion was second by Councilman Hammond with Councilman Crowley, Councilman Hammond, Councilman Denmon, and Mayor Pro Tem Potts voting affirmatively, motion carried.
6. **Mayors Comments:**
 - A. Mayor Palmer stated it was his pleasure to announce the City of Calhoun had been designated as a Signature Community by the Georgia Department of Community Affairs. He stated only five cities were recognized for the designation for 2007 and that Calhoun was selected from the Northwest Georgia area. He stated the project that will be included will be the West Calhoun Redevelopment Project. He stated it has taken the City three years to achieve the designation and it was primarily due to many of the community leaders and staff members that had worked diligently to improve the application each year. He stated the designation will allow the City to receive up to \$50,000.00 in redevelopment planning funds; additional DOT LARP paving funds; it will allow the City to apply for CDBG Black Grants each year; and it will allow the City to

- save ½% on any GIFA or SRF Loans associated with infrastructure for the project area. He stated the City was very pleased with the announcement.
- B. Mayor Palmer reminded the Council of the regional meeting by DCA on October 11, 2007 at the Calhoun Depot at 10:00 A.M. He stated the meeting will be a Town Hall meeting and will review the services that are available by DCA and will ask for ideas for improvement.
- C. Mayor Palmer reminded the public of the City General Election to be held on November 6, 2007 from 7:00 A.M. until 7:00 P.M. at the Calhoun Precinct, Calhoun Recreation Department on South River Street.
- D. Mayor Palmer reminded the public the last day to register to vote for the City Election will be October 9, 2007.
- E. Mayor Palmer reminded the public of the Mayor's Motorcade to Northwest Regional Hospital to deliver Christmas gifts to patients to make sure they are remembered. He stated that any citizens wishing to provide gifts for patients may leave those at City Hall until December 4, 2007, the day of the Motorcade.
- F. Mayor Palmer stated it was his pleasure to recognize four City employees who have achieved 30 years of service. He stated the City had a Resolution regarding their years of service for each one and he asked for a motion to adopt the Resolutions. Councilman Hammond made a motion to adopt all four Resolutions. The motion was second by Councilman Denmon with Councilman Hammond, Councilman Denmon, Councilman Crowley, and Mayor Pro Tem Potts voting affirmatively, motion carried. Mayor Palmer and the four council members acknowledged Judith Arnold, Mike Caldwell, Crawford Greeson, and Don McGinnis for their 30 years of service.
- G. Mayor Palmer reminded the Council of the GMA District One Meetings. He stated there would be three. A meeting in Hiram on October 16 at 5:30 P.M., at Chickamauga on October 17 at noon, and at Ellijay on October 25 at 10:00 A.M. He urged everyone to attend at least one of the meetings.
- H. Mayor Palmer asked Mayor Pro Tem Potts to review the zoning hearings scheduled for November 12, 2007.
1. Annexation and zoning request of R-1 for Kevin J. Santori for a house and lot at 453 Thornwood Place.

6. **Council Comments:**

- A. Mayor Pro Tem Potts gave the September reports as follows:
- 1) The Street Department:
 - o Placed 11 new street signs
 - o Completed 21 shop work orders
 - o Hauled 152 Tandem loads of stone to the parking lots at 58 acre site
 - o Grated and compacted area at the 58 acre recreation park
 - o Completed annual LARP paving contract that included Woodland Circle, Woodrow Street, Crestmont Drive, Victory Court, Mt. Vernon Drive, and the City paving that included Crestmont Way and the side street off of Woodland Circle
 - o Removed top soil, based and grated, and installed 1,320 feet of silk fence around the walking trail at the 58 acre recreation park
 - o Poured and backfilled 9,360 square feet of sidewalk around the football field at the 58 acre recreation park
 - o Hauled off a large tree cut by the Electric Department on Jackson Street

- Installed 80 feet of 30 inch drainage pipe along the walking trail at the 58 acre park
- 2) The Parks and Maintenance Department:
- Completed maintenance jobs for the Animal Control Center, Community Center, and Library
 - Installed plates, post, and started work on the trusses for the new recreation pavilion at the 58 acre park
 - Contractors put in the plumbing and laid block for the restrooms for the new pavilion at the 58 acre park
- 4) Cemetery Department:
- Supervised the opening and closing of 6 grave sites
 - Sold 14 new grave spaces
 - Assisted Contractors with installation of 6 new monuments
- 5) Animal Control:
- Responded to 70 customer calls.
 - Housed 15 dogs and 4 cats
 - Issued no fines for lease law violations
- 6) Safety Committee:
- Had a safety topic on handling chemicals safely
 - Inspected City Hall and the Downtown Annex
 - Reported 3 workers compensation accidents
- B. Councilman Denmon gave the September reports as follows:
- 1) The Water Treatment Plant Facility:
- Pumped a daily average of 13,060 MGD of raw water
 - The Brittney Drive Well accounts for 22.46% of the City's potable water for September
- 2) The Waste Treatment Plant:
- Treated a daily average of 5.02 MGD, with an average BOD effluent of 4, average suspended effluent of 8, and an average COD effluent of 53
 - Councilman Denmon stated the numbers continue to go down
- 3) The Water Construction Department:
- Made 12 water connections
 - Repaired 91 leaks
 - Set 60 meters
 - Replaced 2 fire hydrants
 - Received 30 calls at the shop
 - Provided 489 locates for developers
 - Called in 51 locates for City work
- 4) The Sewer Construction Department:
- Provided 21 sewer connections during the month
 - Repaired 10 sewer services lines
 - Repaired 5 manholes

- Inspected 45 sewer mains for a total of 8,829 feet
 - Inspected 10 sewer service line for a total of 860 feet
 - Provided 277 locates for developers
 - Repaired 2 lift stations
 - Received 2 after hour calls
 - Cleaned 33 sewer mains totaling 9,900 feet
 - Opened and inspected 46 manholes
 - Replaced 90 feet of 12-inch sewer with 12-inch ductile iron incased in 20 inch steel casing for Sample Factory expansion off of McConnel Road
- 5) The Sludge Department:
- Applied 1,904 cubic yards representing 243.7 dry tons of sludge
- 6) Building Inspection Department:
- Issued 36 permits for an estimated \$829,000.00 of new construction
- C. Councilman Crowley gave the September reports as follows:
- 1) The Electric Department:
- Long Term Projects Under Construction:
- They continued to upgrade the older clarifiers and thickeners under construction at the Waste Treatment Plant. The project remains approximately 80% complete.
 - Phase II of the System Loss Program for 2007-2008; they are currently in the Engineering Revision Phase
 - The System Reliability Project will begin in November with new equipment already received
- Projects and Maintenance Under Construction:
- New Recreation Project has had permanent electric service installed
 - The Avalon Estates Subdivision continues under construction
 - Temporary electric service was supplied to Liberty Tire Recycling (Tires, Inc)
 - Pad Mount transformer and service installation was provided for the Salem Road pump station
 - New projects for Magnolia Plaza and Willow Brook remain under construction
 - The Civic Auditorium roof and HVAC system project continues
 - Relocating facilities for Starbucks and Pizza Hut are ongoing
 - The contracted line relocation for Kobelco and the Hwy 136 Bridge construction are complete.
- Work Orders in Process or Completed for August:
- Street and security lighting – 36
 - New business and maintenance – 27
 - After hours trouble callouts – 15
- 2) Telecommunications Department:
- Completed a new T-1 service for Gordon Hospital
 - Completed internet service for Sample Barn, Sample Factory, Brumbelow Group, and Strategic Outsourcing
 - Started the removal of T-1 service for Mohawk's Edmond Street facility and replaced that service with 100 MBS at the Pine Street facility
 - Completed relocating all computers and phones for the Utility Administration building and the Community Development area of the Line Street facility.

During the Month of September the Electric Department:

- Issued 10 permits
- Performed 32 inspections
- Set 12 meters
- Purchased over 36 million KWH of electricity

D. Councilman Hammond gave the September reports as follows:

- 1) The Coosa Valley RDC:
 - Reviewed the Comp Plan for Calhoun and Gordon County and transmitted those to DCA for their review
 - Worked with Mohawk and Faus for their lay offs, work force reduction
- 2) The Police Department:
 - Made 665 cases with 15 DUI's & 77 Speeding
 - Collected \$92,792.00 in fines
 - Issued 688 warnings
 - Responded to 68 highway accidents
 - Responded to 30 private property accidents
 - Provided 71 escorts
 - Filed 1,695 incident reports
 - Responded to 242 alarms
 - Patrolled 55,191 miles
 - Responded to 5,635 calls from 911
 - Issued 5 parking citations
- 3) The Fire Department:
 - Responded to 45 calls for service, 7 fire incidents for damages totaling \$12,000.00
 - Responded to 12 emergency medical service calls with 19 injuries
 - Responded to 9 hazardous conditions incidents
 - Responded to 3 miscellaneous service calls, 2 good intents, 12 false alarms
 - Received and responded to 97 calls for after hour's utility request during the month.
 - Completed in house training for all fire fighters on state required core skills along with additional department training
 - Completed all station and vehicle maintenance.
- 4) Fire Inspection Department:
 - Conducted 35 inspections during the month; 2 annual, 2 new business, 12 requested, 3 follow-ups, 14 consultations, 1 plan review, 1 pre construction meeting
 - Issued 3 sprinkler permits
 - Fire extinguisher training for 20 at Alliant Health Care
 - Fire Drills at Calhoun Primary and Calhoun High School
 - Inspector Evans attended City Safety meeting
- 5) Councilman Hammond stated he received a request from the Calhoun Police Department to transfer \$6,000.00 from the Asset Seizure Fund to purchase an 84 foot training tower that can be utilized by the Police Department and the Fire Department for training. Councilman Hammond stated he would make a motion

to approve the purchase with Asset Seizure Funds. The motion was second by Councilman Crowley, with Councilman Hammond, Councilman Crowley, Councilman Denmon, and Mayor Pro Tem Potts voting affirmatively, motion carried.

7. **Zoning and other Public Hearings:**

A. Mayor Palmer stated at this time the public hearing on zoning matters will be held. The public will have an opportunity to make pro and con comments with a ten minute maximum time limit and with each person speaking having filed a financial disclosure statement five days prior to the hearing if required. He ask that each person provide their name and address. Mayor Palmer made an inquiry to determine if any elected official has filed or needed to file a disclosure statement regarding any ownership or special interest in the agenda item. There were none. Mayor Palmer stated that the land use maps are on display at the Council Chambers for both the Zoning Advisory Board and the City Council hearings and the Council members have a copy of the Zoning Minutes from the latest Zoning Advisory Board Meeting.

1. Mayor Palmer gave a second reading of an annexation and zoning of C-2 request for approximately 1 acre on Kelley Court off of South Wall Street for owners James P. and Shelly H. Rasbury.
 - o The public hearing was opened.
 - o Harrison stated that notices to the adjoining property owners, signs on the property, and notices in the local legal organ had been completed.
 - o Mayor Palmer asked for a report from the Zoning Advisory Board.
 - o Mayor Pro Tem Potts stated the Zoning Advisory Board met on this matter on October 4, 2007 and they had determined the property and the immediate area had a drainage problem and that it would require special attention in order to address the drainage. She stated it was determined by the Zoning Advisory Board that it would be in the best interest of the City to annex the property and zone it commercial.
 - o Mayor Palmer asked if there were any comments by the applicant. There were none.
 - o Mayor Palmer asked if there were any comments by the Council. There were none.
 - o The public hearing was closed.
 - o The findings of the Mayor and Council were:

- | |
|---|
| <ol style="list-style-type: none">(1) The zoning proposal will permit a use that is suitable in view of the use and development of the adjacent and nearby property.(2) The zoning proposal will not adversely affect the existing use or usability of the adjacent or nearby properties.(3) The property to be effected by the zoning proposal has a reasonable economic use as currently zoned in the unincorporated area.(4) The zoning proposal will not result in a use that will cause an excessive burden to existing streets, utilities, and to schools.(5) The capital cost for improvements for the area such as extension of any water or sewer mains, establishment of fire hydrants to meet code, will be at the expense of the developer.(6) The zoning proposal is in conformity with the policy and intent of the land use plan. |
|---|

- (7) The only condition regarding the application of concern was drainage in an area that has existing drainage problems. It was the findings of the Mayor and Council that these drainage problems be addressed during the development of the lots by the developer.
- (8) There are no other factors relevant to balancing the interest in promoting the public health, safety, morality, or general welfare against the right to the unrestricted use of the property with the exception of drainage concerns.

- Mayor Pro Tem Potts stated that based upon the findings of the Mayor and Council, she would make a motion to approve the annexation of the approximately 1 acre consisting of lot 5 & 6 on Kelley Court on South Wall Street owned by James P. and Shelly H. Rasbury. The motion was second by Councilman Crowley with Mayor Pro Tem Potts, Councilman Crowley, Councilman Denmon, and Councilman Hammond voting affirmatively, motion carried.
- Mayor Pro Tem Potts made a motion to zone the newly annexed property as C-2. The motion was second by Councilman Crowley with Mayor Pro Tem Potts, Councilman Crowley, Councilman Denmon, and Councilman Hammond voting affirmatively, motion carried.

2. Mayor Palmer gave a second reading of the annexation and zoning request of C-2 for approximately 3.167 acres of Mauldin Road by Stanley Simpson.

- The public hearing was opened.
- Harrison stated that notices to the adjoining property owners, signs on the property, and notices in the local legal organ had been completed.
- Mayor Pro Tem Potts stated the Zoning Advisory Board met on October 4, 2007 regarding this item and had determined it would be in the best interest of the City to annex the 3.167 acres as C-2 and if there should be an exit and entrance for the development off of Mauldin Road, it would require a de-cel lane and if it is off Short Mauldin Road it would not require a de-cel lane.
- Mayor Palmer asked if there were any comments by the applicant. There were none.
- Mayor Palmer asked if there were any comments by the Council. There were none.
- The public hearing was closed.
- The findings of the Mayor and Council were:

- (1) The zoning proposal will permit a use that is suitable in view of the use and development of the adjacent and nearby property.
- (2) The zoning proposal will not adversely affect the existing use or usability of the adjacent or nearby properties.
- (3) The property to be effected by the zoning proposal has a reasonable economic use as currently zoned in the unincorporated area.
- (4) The zoning proposal will not result in a use that will cause an excessive burden to existing streets, transportation, and to schools.
- (5) The capital cost for improvements will be at the expense of the developer.

- (6) The zoning proposal is in conformity with the policy and intent of the land use plan.
- (7) There are no other existing or changing conditions effecting the use and development of the property which could give grounds for their approval or disapproval of the zoning proposal.
- (8) The only factor found was, Simpson had donated the property behind the 3.167 acres to the City of Calhoun and it includes a lake that will handle drainage and will flow to the creek. The donation will allow the City to have additional green space in the area.

- Mayor Pro Tem Potts stated that based upon the findings of the Mayor and Council that she would make a motion to annex the property of approximately 3.167 acres off of Mauldin Road by Stanley Simpson with the understanding if the development requires an entrance off of Mauldin Road, it would require a de-cel lane and if it is off Short Mauldin Road it would not require a de-cel lane. The motion was second by Councilman Denmon with Mayor Pro Tem Potts, Councilman Denmon, Councilman Crowley, and Councilman Hammond voting affirmatively, motion carried.
- Mayor Pro Tem Potts made a motion to zone the newly annexed property as C-2. The motion was second by Councilman Crowley with Mayor Pro Tem Potts, Councilman Crowley, Councilman Denmon, and Councilman Hammond voting affirmatively, motion carried.

B. Other Hearings and Public Comments:

1. A public hearing was opened on a beer package license request of Hasmukh G. Patel for a new location at 703 Oothcalooga Street for a grocery store.
 - Mayor Palmer stated the police report is clear. The distance from churches and schools are met and there is sufficient parking. He asked if there were any comments.
 - Wilburn Aker, Chairman of the Calhoun Housing Authority, stated the Housing Authority is very near the location and that it has low and moderate income individuals in the units and that it would be a detriment to the community to have alcoholic beverage in the immediate area.
 - Celeste Chatham stated she has a small business located on Oothcalooga Street and her primary customer base is from the low to moderate income families in the nearby area. She also stated she felt having alcoholic beverages in the immediate area made it more tempting for individuals to spend funds on alcoholic beverages rather than necessities.
 - Mayor Palmer asked if there were any other comments.
 - Mr. Brumbelow, attorney for Mr. Hasmukh. G. Patel, stated his client had met the requirements as outlined in the ordinance and he would ask Mr. Patel be given an opportunity to operate the business and provide the services.
 - Mayor Palmer inquired if there were any other comments. There were none.
 - The hearing was closed.

- Mayor Palmer asked if there was a motion regarding the license application. There were none.
- Mayor Palmer stated the request would die due to a lack of a motion.

8. **Old Business:**

- A. Mayor Palmer asked for a motion to remove the American Legion alcohol manager change request from the tabled motion of September 24, 2007.
- Councilman Crowley made a motion to remove the item from the table of September 24, 2007. The motion was second by Councilman Hammond with Councilman Crowley, Councilman Hammond, Councilman Denmon, and Mayor Pro Tem Potts voting affirmatively, motion carried.
 - Mayor Palmer reopened the matter stating that due to the current alcohol manager as approved by the City not being an officer of the American Legion that the State would not provide a state license.
 - Mayor Palmer stated the request had been amended for Lamar Whittenburg whom is an officer of the Legion to apply as the alcohol manager.
 - Attorney Bailey stated there was a case that has appeared on the police report, however it had been determined the case had been dismissed and there was no cases in the last 10 years and the applicant was eligible to serve as alcohol manager.
 - Following discussion, Mayor Pro Tem Potts made a motion to approve the request for the alcohol manager change to Lamar Whittenburg. The motion was second by Councilman Crowley with Mayor Pro Tem Potts, Councilman Crowley, Councilman Denmon, and Councilman Hammond voting affirmatively, motion carried.

9. **New Business:**

- A. Mayor Palmer stated that in reference to the appointment of a member on the Recreation Commission that one of the three that had been recommended had changes in his employment that made it impossible for him to serve at this time. Mayor Palmer stated that the remaining individuals will be reviewed with the Recreation Commission to make sure that those individuals are still willing to serve on the Commission and the item will be on the next agenda.
- B. Mayor Palmer stated the City had received a proposal for the Fire Department building addition.
- Harrison stated the City of Calhoun had followed the guidelines for a public works project and had taken proposals with proper advertisement. She stated the City had received three proposals and only one was under the budget of \$250,000.00. Harrison stated the low proposal was from Martin Horner and based upon his references, he has limited development for commercial activity and based upon pricing they were concerned regarding the pricing for steel and etc. She also stated the City had received a review by Greg Sims for the two lower bids, one from Horner Construction and one from Fox & Brindle, and based upon his review, it was determined the Fox & Brindle proposal was superior in terms of the services that would be provided for heating and air, roofing, windows, and etc. and that since it was not an apple to apple proposal that he felt more comfortable with the superior bid from Fox & Brindle.
 - Harrison stated the proposals had been reviewed by the Public Works Director and also by the Fire Department personnel, Lenny Nesbitt, Fire Chief and Terry Mills, Deputy Fire Chief. She stated the Public Works Director stated the City's past experience with the tennis complex and the work at BB&T

park that had been provided by Fox and Brindle had worked extremely well and he would recommend the proposal from Fox and Brindle be considered and he be authorized to negotiate the work to bring it back to the budget of \$250,000.00.

- It was the recommendation of Chief Nesbitt and Deputy Chief Mills that the proposal from Fox and Brindle be considered based on the experience and references issued by the company.
- Following discussion, Councilman Hammond made a motion to approve the proposal of Fox and Brindle and to authorize the Public Safety Director, the Fire Chief, and the Deputy Chief to negotiate with Fox and Brindle to bring the addition back in line with the budget of \$250,000.00.
- The motion was second by Councilman Denmon with Councilman Hammond, Councilman Denmon, Councilman Crowley, and Mayor Pro Tem Potts voting affirmatively, motion carried.

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

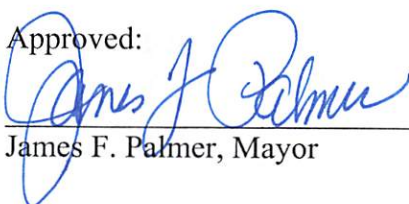
- A. Mayor Palmer gave a first reading of an annexation application for approximately 4 acres off of Hwy 53 East for C-2 zoning by Grado, Inc. He stated the earliest date for a possible hearing would be December 10, 2007 @ 7:00 P.M.
 - Mayor Pro Tem Potts made a motion to set the public hearing for that date and time. The motion was second by Councilman Denmon with Mayor Pro Tem Potts, Councilman Denmon, Councilman Crowley, and Councilman Hammond voting affirmatively, motion carried.
- B. Mayor Palmer stated the City Attorney would review and provide a first reading of a proposed ordinance that tracks the Environmental Protection Division of the Georgia Department of Natural Resources guidelines for drought conditions and water conservation. He stated the proposed ordinance also outlines the penalties for failure to follow the guidelines of the ordinance and the state guidelines.
 - Attorney Bailey stated the ordinance also provides a higher level of opportunity for the Director of Utilities to base his findings on the immediate conditions of the community rather than the state wide conditions as outlined in the state guidelines.
 - Mayor Palmer stated a second reading and public hearing could be held on this matter on October 22, 2007 with possible adoption at that time.

11. **Work Reports: NONE**

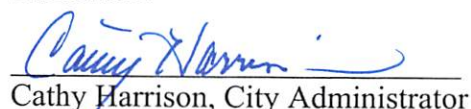
12. Mayor Palmer inquired if there was a need to move to executive session. There was none.

13. Councilman Hammond made a motion to adjourn. The motion was second by Councilman Denmon with Councilman Hammond, Councilman Denmon, Councilman Crowley, and Mayor Pro Tem Potts voting affirmatively, motion carried.

Approved:


James F. Palmer, Mayor

Submitted:


Cathy Harrison, City Administrator