

**CITY OF CALHOUN  
REGULAR CITY COUNCIL MEETING  
DEPOT COMMUNITY ROOM  
109 SOUTH KING STREET  
CALHOUN, GA  
April 9, 2007 7:00 P.M.**

**MINUTES**

**PRESENT: James F. Palmer, Mayor  
Lorene Potts, Mayor Pro Tem  
Ray M. Denmon, City Councilman  
David Hammond, City Councilman**

**ABSENT: George R. Crowley, City Councilman**

**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. Councilman Hammond gave the invocation.
2. Mayor Palmer led the group in the Pledge of Allegiance to the United States Flag.
3. Councilman Hammond made a motion to approve the minutes of the March 26, 2007 regular City Council Meeting. The motion was second by Councilman Denmon with Councilman Hammond, Councilman Denmon, and Mayor Pro Tem Potts voting affirmatively, motion carried.
4. Mayors Comments:
  - a. Mayor Palmer reminded the council and the public of the United Way Drug Free Community Parade on Saturday April 28, 2007 at noon on a special parade route that will begin and end at the Yellow Jacket Stadium.
  - b. Mayor Palmer reminded the council of three training sessions that will be held on July 25<sup>th</sup>, 2007 in Athens for six hours each. He asked for any council member that wished to attend to please contact Administrator Harrison.
  - c. Mayor Palmer welcomed members of the Gordon County Leadership Group and he asked that those in attendance stand and give their names and occupations.
  - d. Mayor Palmer reminded the council members of the meeting with Congressman Phil Gingrey at the Chamber on April 12, 2007 at 3:00 P.M. He stated the meeting will be with Congressman Gingrey and with members of the county commission.
  - e. Mayor Palmer reminded the council and public of two zoning change requests.
    1. Jerry Braden for approximately seven acres off of Timms Road adjoining the existing senior village housing currently owned by Mr. Braden. The request is to rezone from PRD to R2 for phase two of the senior village development.
    2. The Red Bud Village, LLC for the remaining portion of the original fourteen acres off of Timms Road, left of the Box Medical Complex. The request is to rezone from PRD to C2.

- f. Mayor Palmer announced that the zoning hearing for these two items will be April 19, 2007 at 4:30 P.M. and the public hearing by the Mayor and Council will be April 23, 2007 at 7:00 P.M.

5. Council Comments:

a. Mayor Pro Tem Potts stated:

1) The Street Department:

- Ran the brush truck, leaf vacuum and street sweeper on routine routes.
- Placed 12 new street signs.
- Completed 24 shop work orders.
- Ran the storm water maintenance plan on March 1st checking all grates and pipes within the city.
- Worked with the grade-all equipment digging ditches on Riverview Drive, Richardson Road, Stewart Drive, West May Street, and North Industrial Boulevard.
- Dug out and patched cuts on Peters Street, Erwin Street, Alton Drive, Old Red Bud Road, Mims Drive, East Belmont Drive, and Kirby Lane utilizing 20.06 tons of asphalt.
- Dug out and replaced 35 feet of damaged curb and gutter in Grey's Landing.
- Spent the remaining part of the month at the new 58 acre recreation park laying out, hauling, grading, and compacting dirt on the football and softball fields. The pad for the football field is complete and the pad for the softball field is 90 percent complete. Final grading and irrigation systems plus sodding will be completed in the near future.

2) The Sanitation Department:

- Ran routine commercial routes.
- Serviced vehicles.
- Gained one, 4-yard dumpster account.

3) The Parks and Maintenance Department:

- Ground's crew picked up litter, mowed, and maintained fountains at all City departments and parks.
- Completed maintenance jobs for City Hall and the Library.
- Painted bathrooms at the new tennis court building.
- Pressure washed and painted the Train Caboose at the Depot.
- Continued work on a new bathroom at the Water Treatment Plant.

4) The Cemetery Department:

- Performed routine maintenance at Fain and Chandler Cemeteries.
- Supervised the opening and closing of 11 grave sites.
- Sold 19 new grave spaces.
- Assisted contractors in placing 4 new monuments.

5) The Animal Control Department:

- Housed 20 dogs and 30 cats.
- Issued one first warning for leash law violations.
- Responded to 52 customer calls.

6) The Safety Committee: Topic for the month was "Arriving And Leaving From Work Safely"

- Inspected the Golf Department on March 13<sup>th</sup>.
- One vehicle accident and two workers compensation accidents during March.

b. Councilman Denmon stated:

- 1) The Water Treatment Plant Facility:
  - Treated a daily average of 12.069 million gallons per day
  - The Brittany Drive Plant produced 35% of the City's potable water.
- 2) The Waste Treatment Plant:
  - Pumped a daily average flow of 6.29 million gallons per day with an average BOD effluent of 9, average suspended effluent 12, and average COD effluent of 64.
- 3) The Sewer Construction Department:
  - Made 26 sewer connections.
  - Repaired 10 sewer service lines.
  - Repaired 4 manholes.
  - Inspected 10,569 feet of sewer mains.
  - Inspected 12 sewer services for a total of 1,150 feet.
  - Provided 307 locates.
  - Repaired 2 lift stations.
  - Responded to 2 service calls.
  - Cleaned 40 sewer lines for a total of 14,000 feet.
  - Opened and inspected 63 manholes.
- 5) The Sludge Department:
  - Disposed of 2,064 cubic yards of sludge for a total of 225.9 dry tons
- 6) The Building Inspection Department:
  - Issued 59 permits for a total estimated construction cost of \$2,291,300.00

c. Mayor Palmer stated that on behalf of Councilman Crowley who was unable to attend:

- 1) The Electric Department:
  - Issued 23 Permits.
  - Provided 33 inspections.
  - Set 2 Meters.
  - Sold 26,953,354 kilowatts of electricity.

Long Term Projects:

- Upgraded the old clarifiers and thickeners at the Waste Treatment Plant.
- Worked on the Pine Chapel pump and controls.
- The work on the System Protection Project continues in its 2<sup>nd</sup> year and the System Capacitor Project phase I is complete.

Projects in maintenance under construction:

- Construction continues work at the Annex, remodeling and rewiring.
- Completed work on the HVAC systems and electrical support. However electrical support continues.
- The McDaniel Station Industrial Line Project is designed and materials have been acquired.
- Began installation of Lighting for two fields at the Recreation Department.
- Underground construction of East Line Street Commons by Stepp Construction is underway.
- Began the Avalon Estates Subdivision on Beamer Rd.

- New Tennis Building is being wired.
- The new 1,500 KW expansion for Tires, Inc.'s is under construction.

Projects in engineering and design:

- Calhoun OBGYN facility on Curtis Pkwy.
- Streetscape project in downtown Calhoun.
- Relocation for Georgia DOT intersection improvement projects.
- Signalization is in design for DOT

Work orders in process or completed for March:

- Street and security lighting- 31
- New business and maintenance- 20
- After hours trouble callouts- 10

Telecommunications section:

- Completed construction on the Gordon County's internet service for their new Hwy. 41 North, Jail and Firehouse Facilities.
- Installed a new domain controller server and ordered a new email server.
- Installed data racks and patch panel for services to the Utilities Administration Building on Line Street.
- Started construction on the fiber line for the internet service to faculty houses at Georgia Cumberland Academy.
- Filed an annual FCC report for 2006
- Opened 8 work orders and completed 7. Opened 11 and closed 11 trouble calls.

d. Councilman Hammond reviewed the following reports:

1) The Police Department:

- Made 797 arrests with 132 warrants, 77 for speeding and 9 for DUI's.
- Collected \$115,744.00 in fines.
- Issued 512 warnings.
- Responded to 72 highway accidents.
- Responded to 29 private property accidents, with 2 injuries and no fatalities.
- Provided 140 escorts.
- Issued 1,812 incident reports.
- Responded to 208 alarms.
- Patrolled 49,977 miles.
- Responded to 5,346 service calls from E-911.
- Issued 51 parking citations.

2) The Fire Department:

- Responded to 50 calls for service including 9 fire incidents with estimated damages of \$10,500.00
- Responded to 20 emergency medical services, 8 hazardous condition incidents, 2 service calls, 9 false alarms and 2 special incident calls.
- Responded to 70 phone calls for after hour utility services.
- On March 5<sup>th</sup> they assisted with the Prom Crash Scene reenactment at Gordon Central High School.
- On March 13<sup>th</sup> Engine 21 conducted fire safety education at Chick fil a.
- On March 17<sup>th</sup>, they conducted a Teen Hazmat Drill at the Gordon County Fire Station.
- On March 22<sup>nd</sup> they cooked hamburgers for Relay for Life, making \$2,324.00.

- On March 23<sup>rd</sup> Engine 11 operated in the Operation Drive Smart Program at Calhoun High School.
  - On March 27<sup>th</sup> a dive team assisted Bartow County in finding a drowning victim.
  - Completed in house training.
  - Completed all station and vehicle maintenance.
- 3) The fire inspection division:
- Provided 80 inspections during the month including 18 annual, 7 new businesses, 4 requested, 15 follow up re-inspections, 26 consultations, 8 commercial burn site inspections and 2 plan reviews.
  - Issued sprinkler permits at Johnson Lake Road, Tires Inc, Osh Kosh, Shaw D-4 building, Maurices, Faus Group, and Long Horn Steak House.
  - Attended plan review meetings with contractors Lane Bryant and Calhoun High School Concession Building
  - Conducted fire extinguisher class for teachers at the First Baptist Pre-School.
6. Public Hearings and Comments:
- a. Mayor Palmer noted that the first item on the original agenda was a variance request for North Georgia National Bank. However it had been determined that the proposed building to be located on the site would meet the building code as a stand alone building since it would be a commercial/industrial building, it would have permanent foundation and it would have a DCA sticker with 3<sup>rd</sup> party inspection.
- b. Mayor Palmer stated that the next two items had been tabled previously by the Council and that before they can be considered he will need a motion to bring the first item from the table.
- 1) Mayor Palmer stated a request for annexation and zoning of C2 for approximately 28.88 acres located off of Hwy 53 East, South of Kentucky Fried Chicken by Terry Brumlow, agent.
- Mayor Pro Tem made a motion to remove the item from the table for discussion. The motion was second by Councilman Hammond with Mayor Pro Tem Potts, Councilman Hammond and Councilman Denmon voting affirmatively, motion carried.
- a) A public hearing was opened.
- b) He asked if all notices to the adjoining property owners, signs on the property, and notices to the local legal organ had been completed. Harrison confirmed.
- c) Mayor Palmer asked for the report of the Zoning Advisory Board.
- d) Mayor Pro Tem Potts stated the board had met on April 5, 2007 and had determined the request was eligible for annexation and that C2 would be the appropriate zoning for the property. With the additional entrance off of Richardson road plus the easement on Highway 53, it would be an excellent site for additional commercial development in the area. She stated their recommendation was to annex and zone C2.
- e) Mayor Palmer asked if there were any comments by the applicants.
- f) Terry Brumlow, agent for the owners, stated the property in question would be an excellent commercial site. He also stated the owners purchased additional property and planned to enlarge and develop the Poarch Loop Road into a public street off of Richardson Road.
- g) Mayor Palmer asked if there were any questions or comments by the public or by the Council. There were none, and the hearing was closed.

- a) Mayor Palmer asked for separate motions regarding the items.
- b) The findings of the Mayor and Council regarding annexation
- c) were:

(1) The property is contiguous and is eligible for annexation.

- h) Mayor Pro Tem Potts made a motion to waive the third and fourth reading and approve the request for annexation for the proposed 28.88 acres located off Highway 53 East, south of Kentucky Fried Chicken into the City of Calhoun. The motion was second by Councilman Hammond with Mayor Pro Tem Potts, Councilman Hammond, and Councilman Denmon voting affirmatively, motion carried.
- i) The findings of the Mayor and Council regarding zoning of the above referenced property were:

**STANDARDS GOVERNING THE EXERCISE OF ZONING POWER**

- (1) The zoning requested is compatible to the zoning of adjoining property.
- (2) The zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.
- (3) The zoning proposal will not adversely affect the existing use or usability of adjacent property that is zoned primarily commercial.
- (4) The property to be effected by the zoning proposal has a limited economic use as currently zoned.
- (5) The zoning proposal will result in a use that will cause additional utilization of streets and utilities. However, the streets in the development will be developed at the owner's expense and the utilities extended to the site will be at the owner's expense.
- (6) The capital cost as referenced in item five will be born by the developer.
- (7) The zoning proposal is in conformity with the policy and intent of the land use plan.
- (8) There are no other existing and changing conditions effecting the use and development of the property that would either support approval or disapproval of the proposal.

- j) Mayor Pro Tem Potts made a motion to zone the foresaid property as C2. The motion was second by Councilman Hammond with Mayor Pro Tem Potts, Councilman Hammond, and Councilman Denmon voting affirmatively, motion carried.

- 3) Mayor Palmer stated in reference to a request for annexation by Russell Owen for approximately 19.7 acres located off of Tate Bend Road for PRD zoning, the City had received a written request by Mr. Owen for the application to be tabled until April 23, 2007 since he had additional information that he would like to present to the Mayor and Council at that time. Mayor Pro Tem Potts made a motion to extend the public hearing until April 23, 2007 at 7:00 p.m. The motion was second by Councilman Denmon with Mayor Pro Tem Potts, Councilman Denmon, and Councilman Hammond voting affirmatively, motion carried.

a. Attorney Bailey stated that in reference to the first reading for the proposed amendments to the city sign ordinance, he had discussed in depth with the Mayor and Council at the noon work session. He stated the Council had asked him to rework specific areas as it relates to prohibiting commercial signs in residential areas and to review specific areas for spacing of signs, specifically Curtis Parkway and other heavy industrialized areas near the interstate. He stated that he would make those changes and present an amended version to the Mayor and Council prior to April 23, 2007. Also, the amended version will be posted on the bulletin board at City Hall and will be available for public review.

b. Mayor Palmer stated that a public hearing will be held on April 23, 2007 at 7:00 P.M. and if there are additional changes, and the Mayor and Council feel they need additional time to be familiar with all the changes, the adaption may be extended for an additional thirty days.

8. New Business:

a. Mayor Palmer gave a first reading of a request by Jack Holmes, agent for Sean Samples, for a zoning change of approximately one acre known as 375 Curtis Parkway. The request is to rezone from R2 to C2. Councilman Denmon made a motion to set the public hearing for June 11, 2007 at 7:00 P.M. The motion was second by Mayor Pro Tem Potts with Council Denmon, Mayor Pro Tem Potts, and Councilman Hammond voting affirmatively, motion carried.

b. Mayor Palmer gave a first reading of a zoning change request by Deanna Muse for approximately  $\frac{3}{4}$  of an acre at 1060 Sugar Valley Road. He stated the request is to rezone from CN to R1B. Councilman Hammond made a motion to set the public hearing for June 11, 2007 at 7:00 P.M. The motion was second by Councilman Denmon with Councilman Hammond, Councilman Denmon, and Mayor Pro Tem Potts voting affirmatively, motion carried.

c. Mayor Palmer gave a first reading of a variance request by Riverview Baptist Church to allow two mobile educational structures to be located at 153 Riverview Drive at the church for approximately 12 to 24 months. Mayor Palmer stated that if a variance is approved that it would be for 12 months and any additional time would require a renewal request. Mayor Pro Tem Potts made a motion to set the public hearing for June 11, 2007 at 7:00 P.M. The motion was second by Councilman Hammond with Mayor Pro Tem Potts, Councilman Hammond, and Councilman Denmon voting affirmatively, motion carried.

d. Mayor Palmer gave a first reading of a beer, wine, & liquor pouring license request by Rare Hospitality International Inc. doing business as Long Horn Steakhouse of Calhoun with Jeff Mathis as the authorized agent. The property is located at 1301 Lover's Lane Road. Councilman Denmon made a motion to set the public hearing for May 14, 2007 at 7:00 P.M. The motion was second by Councilman Hammond with Councilman Denmon, Councilman Hammond, and Mayor Pro Tem Potts voting affirmatively, motion carried.

9. Other Written Items not on the Agenda: None.

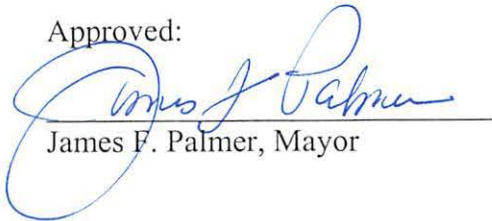
10. Work Reports:

a. Director of Utilities, Kelly Cornwell stated he had found that many of the public were not aware that the drought declaration that had been made in the previous year by EPD had not been lifted. He stated that in the prior year, the year ended with approximately a shortage of five inches of rainfall and that thus far in 2007 we are approximately six inches short of rainfall. He stated that while we do not have an

immediate water problem in the Gordon County area, that the state EPD has continued its drought control methods and city policies that are approved by EPD require the city to provide penalty measures. He stated those penalties include a first warning, a second offense with a disconnect and a \$100.00 reconnection fee and the third offense requires removal of the meter. However he stated that he felt that a fourth step is needed. Rather than a third offense with a meter removal, it would become the fourth and the third offense would be a disconnection with a \$200.00 reconnection fee. He stated that his department will be sending flyers with everyone's bill to remind them of the drought conditions. There will also be publications in the local legal organ and also on the local radio station. He stated that Georgia EPD is very serious regarding drought conditions.

- b. Director of Public Works/ Public Safety, Eddie Peterson stated that he had issued his monthly report and that it is available for everyone to review. (Exhibit "One") He stated that the tennis building will be completed in seven days and that will be the final part of the tennis improvement at the Calhoun Recreation Department.
11. Mayor Palmer stated there was no need to move to Executive Session.
  12. Mayor Pro Tem Potts made a motion to adjourn. The motion was second by Councilman Hammond with Mayor Pro Tem Potts, Councilman Hammond, and Councilman Denmon voting affirmatively, motion carried.

Approved:

  
James F. Palmer, Mayor

Submitted:

  
Cathy Harrison, City Administrator