

**CITY OF CALHOUN
REGULAR CITY COUNCIL MEETING
DEPOT COMMUNITY ROOM
109 SOUTH KING ST
MARCH 26, 2012 7:00 P.M.**

MINUTES

**PRESENT: James F. Palmer, Mayor
Al Edwards, Mayor Pro Tem
George Crowley, Councilman
David Hammond, Councilman
Matt Barton, Councilman**

**ALSO: Eddie Peterson, City Administrator
Bill Bailey, City Attorney
Larry Vickery, Utilities General Manager
Jeff DeFoor, Director of Electric Utilities
Paul Worley, City Clerk
Gary Moss, Chief of Police
Jerry Crawford, Water and Sewer Director
Suzanne Roland, Mainstreet Director
Lenny Nesbitt, Fire Chief**

- 1.** Mayor Palmer called the meeting to order and welcomed everyone in attendance.
 - A. Mayor Pro Tem Edwards gave the invocation.
- 2.** Mayor Palmer led the group in the Pledge of Allegiance to the United States Flag.
- 3.** Councilman Crowley made a motion to approve the agenda, Councilman Barton seconded the motion. All voted aye, motion approved.
- 4.** Councilman Hammond made a motion to approve the minutes of the March 12, 2012 City Council Meeting. Councilman Crowley gave a second with all voting aye, motion approved.
- 5. Mayor's Comments:**
 - A. Mayor Palmer reminded the public that there will be a public hearing on April 9th for an annexation and zoning of R-1B for 0.69 acres at a location of 181 Kentucky Drive for Charles Fuller Jr. The ZAB will meet on April 5th.
 - B. Mayor Palmer reminded the public that there will be a public hearing on April 9th for an annexation and zoning of R-1B for 0.66 acres at a location of 174 Kentucky Drive for George Russell. The ZAB will meet on April 5th.
 - C. Mayor Palmer reminded the public that there will be a public hearing on April 9th for an annexation and zoning of C-2 for 0.542 acres at a location of 1201 Dews Pond Road for Gordon Investors, LLC. The ZAB will meet on April 5th.

- D. Mayor Palmer reminded the public that there will be a public hearing on April 9th for an annexation and zoning of R1-B for 1.54 acres at a location of 390 Hensley Road for Henry Cox. The ZAB will meet on April 5th.
- E. Mayor Palmer reminded the public that there will be a public hearing on April 9th for a zoning change request of C-2 to R1-B at a location of 607 Court Street for Benja and Marisa Curtis. The ZAB will meet on April 5th.

6. Public Hearings and Comments:

- A. Mayor Palmer opened the public hearing for a beer and wine package license request by Raman Sharma D/B/A: North Wall BP at a location of 312 North Wall Street.
 - Mr. Peterson stated that all signs and advertising requirements have been met.
 - Mayor Palmer asked if there were any comments from the applicant or the public. There were no comments.
 - Mayor Palmer closed the public hearing.
 - Councilman Hammond made a motion to approve the beer and wine package license request. Councilman Crowley gave a second with all voting aye, motion approved.

- B. Mayor Palmer opened a public hearing for a taxicab regulatory license application for Luis Cesar Valencia D/B/A: Piolin Taxi Cab at a location of 820 North Wall Street.
 - Mr. Peterson stated that all signs and advertising requirements have been met.
 - Mayor Palmer asked if there were any comments from the applicant or the public. There were no comments.
 - Mayor Palmer closed the public hearing.
 - Councilman Hammond stated that there are already two taxicab businesses operating out of this physical address and made a motion to deny this request. Councilman Barton gave a second with all voting aye, motion approved. Councilman Hammond also stated that he would like to impose a moratorium on issuing taxicab licenses effect today, March 26th, and lasting for 90 days. This will give the City time to research the taxicab ordinance and put in clear parameters that taxicab operators have to have one stand alone physical address. This will give our public safety officers the opportunity to properly inspect the vehicles and review the drivers of these vehicles to ensure the safety of our community. Councilman Hammond made a motion to impose a taxicab moratorium effect today, March 26th, and lasting for 90 days. Councilman Barton gave a second with all voting aye, motion approved.

- C. Mayor Palmer opened a public hearing for a beer package license request by Luz Elena Henderson D/B/A: San Marcos Market at a location of 90 East May Street.
 - Mr. Peterson stated that advertising requirements have been met.
 - Mayor Palmer asked for any comments.

- There were no comments and the public hearing was closed.
 - Councilman Crowley made a motion to approve the beer package license request. Councilman Edwards gave a second with all voting aye, motion approved.
- D. Mayor Palmer opened a public hearing for a beer, wine, and liquor license request by Vilas Patel D/B/A: Warehouse Liquor Store at a location of 255 West Line Street.
- Mr. Peterson stated that advertising requirements have been met.
 - Mayor Palmer asked for comments starting with the applicant or their representative.
 - Mr. Dan Bumgardner of 132 Victory Drive spoke on behalf of the applicant. Mr. Bumgardner stated that he did not believe that the proposed store would create an unsafe environment and provided the Mayor and Council with a map showing violent crime density around liquor store locations. Mr. Bumgardner stated that there was no correlation between crime frequencies and the location of liquor stores. Mr. Bumgardner stated that there will be an increased police presence across the street from this location with the new City fuel depot. Mr. Bumgardner stated that this area is an existing commercial area and has the typical traffic congestion. He believes the liquor store would not increase the congestion, and that there are not any existing liquor stores in the immediate area. Mr. Bumgardner stated that comments concerning young people getting into trouble with alcohol were not a government issue. There are several facilities close by that already sell alcohol, so the zoning is appropriate. Signed petitions of supporters of the liquor store were also presented to the Mayor and Council.
 - Mrs. Kathy Hunton of 211 Gordon Avenue stated that she has been a customer of the applicants for three years, and believed that they were very responsible and trustworthy to be selling alcohol. She stated that this store is very close to her house, and she has no problem with the proposed store.
 - Mrs. Kathy Davis of 142 Greystone addressed the Council stating that she was against the proposed new liquor store that has already been denied once. Mrs. Davis stated that she grew up in this area which still has a lot of elderly residents close by. Mrs. Davis stated that the new liquor store would increase traffic which is already heavy in this area, and that she did not want a liquor store at this location.
 - Mrs. Janie Aker of 114 Brandon Court stated that she was opposed to the proposed liquor store because the McConnell Road Community Center is located close by. She stated that a lot of young people are at the community center on a regular basis, and she believes that the proposed liquor store would make it to convenient for young people to get alcohol.
 - Mrs. Tonya Vondenburger of 118 Northview Drive stated that she works for the Patel's at Hi-Tech and vouched for the current store not selling alcohol to minors. She stated that three facilities close by already serve alcohol and she did not see why the proposed liquor store would change anything.

- Mr. Danny Elrod stated that he supported the proposed liquor store because he would rather somebody pick up their liquor and take it home versus going to some of the close by clubs that serve by the drink and then drive home.
- A gentleman that stated he also worked for the Patel's at Hi-Tech stated he did not see a problem with building a liquor store. He said that it would be a convenient location for people.
- Mr. Willie Campbell of 304 West Line Street stated he was opposed to the proposed liquor store. Mr. Campbell lives on Line Street and did not want to see a liquor store on this street. Mr. Campbell stated he wanted his street and neighborhood to stay as clean as possible.
- Mrs. Mary Mays of 118 McConnell Road stated that she was opposed to the proposed liquor store. Mrs. Mays stated that some people are responsible, but some people are not responsible when it comes to alcohol. Mrs. Mays stated that if anybody wanted liquor they would not have to drive far to get it.
- Mr. Doug Hall of 101 Jackson Street stated that he was opposed to the request, because Calhoun already had enough beer and liquor stores.
- Mrs. Iona Campbell of 316 West Line Street stated she lived directly across the road from the proposed liquor store. Mrs. Campbell stated she was opposed to the store because it would increase an already busy street.
- Mrs. Cynthia Mann speaking for herself and Mrs. Henreitta McClure who lives at 324 West Line Street stated that they were opposed to the proposed liquor store. She believes that this area seems to be a hot spot for these types of facilities and does not want to see another one built.
- Mayor Palmer asked for further comments and after hearing none closed the public hearing. Mayor Palmer asked for a motion.
- Hearing no motion Attorney Bailey stated that if there was not a motion the application would be denied.
- Councilman Crowley addressed the audience and stated that there are twelve guidelines concerning approving and denying alcohol licenses. Councilman Crowley stated that he felt like there were three problems with this application originally and two have been resolved. One issue concerns a guideline stating the character of the neighborhood immediately adjacent to the proposed location. Councilman Crowley stated that this area is already zoned commercial so the store would probably not be an issue for this guideline. Councilman Crowley stated that another guideline that is debatable is the proximity of the proposed location to any other establishment selling alcoholic beverages. Councilman Crowley also stated that guideline number six states the responsibility to take into consideration the feelings and attitudes of those residing in the area adjacent to the proposed location. Councilman Crowley stated that there have been several people to speak against the proposed store who do not live on the street, but several people spoke against the store that do live on Line Street.

Councilman Crowley stated he believed that the Council should be consistent in that there has been instances in the past where people have shown up who live adjacent or in the area in opposition and the Council has denied applications in the past.

- Councilman Hammond stated that he believed that there has been a good debate on this application. Councilman Hammond stated that he does not believe that you can legislate morality. He also stated that as a citizen he is personally frustrated when his wishes for the community are not heard and that would dictate his vote. Councilman Hammond stated he has respect for the builders and owners for the right to build the liquor store, but also believes that you have to consider the wishes of the community.
 - Mayor Palmer stated that the request has been denied due to a lack of a motion.
- E. Public hearing to amend the alcoholic beverage ordinance to allow for the sale of alcoholic beverages by the package and for consumption on the premises on Sundays.
- Mayor Palmer stated that there were a few corrections and adjustments that needed to be made to the proposed ordinance. Mayor Palmer asked for the proposed ordinance to be amended and be held for a third reading.
 - Councilman Crowley made a motion to amend the proposed ordinance by setting the cutoff time on Sunday alcohol package and pouring sales at 11:00pm and to add the word “except” in Section 6-92 (b). The motion also includes a public hearing for the amended ordinance to be held on the April 9th City Council meeting. Councilman Hammond gave a second with all voting aye, motion approved.

7. Old Business: None

8. New Business:

- A. Suzanne Roland with the Downtown Development Authority requested the support of the Mayor and Council for Cherokee Mill Lofts. Mrs. Roland stated that this will be an application for \$500,000 in Redevelopment Funds through the Department of Community Affairs, Office of Economic Development toward the proposed \$9.7-million adaptive reuse of the former O’Jay Mills building into 60 units of affordable apartments for families. At this point, \$6.9-million in equity will come from federal housing tax credits and \$2-million from state housing tax credits. A companion application for DCA Funds for \$800,000 was submitted by Calhoun Affordable Housing Development, Inc. on March 15. The project needs the additional \$500,000 in the form of a loan to help the project compete statewide and to improve its feasibility and sustainability. Councilman Barton made a motion of support and to proceed with the application. Councilman Hammond gave a second with all voting aye, motion approved.
- B. Mayor Palmer read a road closing request by the Gordon Hospital Foundation for the annual “Run for Your Life 5K”. The run is scheduled for Thursday, April 26th

6:30pm-7:30pm. The request is to close off Curtis Parkway between Red Bud Road and Dews Pond Road and through the Derby/Normandy/Devonwood neighborhood during race hours. Councilman Hammond made a motion to approve the road closing request. Councilman Crowley gave a second with all voting aye, motion approved.

- C. Mayor Palmer reviewed the Georgia Emergency Management Agency (GEMA)-Homeland Security Georgia Search and Rescue Team (GSAR) memorandum of agreement. GEMA started the GSAR teams as special regional response teams comprised of qualified local governmental public safety entities, and supplies these teams with appropriate equipment, training, and exercises to enable these teams to assist the State and other parties with GSAR personnel, equipment, facilities, services, supplies, and other resources during an emergency or disaster. This agreement will expire on January 31, 2016. Councilman Hammond made a motion to allow the Mayor to sign the memorandum of agreement. Councilman Crowley gave a second with all voting aye, motion approved.
- D. Mayor Palmer reviewed an actual cost utility agreement and resolution with the Georgia Department of Transportation involving utility relocation at the Union Grove I-75 interchange. The agreement is for \$114,500 to be payed by GDOT for the relocation of City water lines. Councilman Edwards made a motion to allow the Mayor to sign the actual cost utility agreement and resolution between GDOT and the City of Calhoun. Councilman Crowley gave a second with all voting aye, motion approved.
- E. City Administrator Peterson reviewed the revised City of Calhoun's organizational charts. Mr. Peterson stated that the general side's revision reflects an organizational change of bringing the probation department out from under the court system's supervision and has probation answering directly to the city administrator. General Manager Vickery stated on the utility side that there was one title change. Councilman Crowley made a motion to approve the revised organizational charts. Councilman Barton gave a second with all voting aye, motion approved.

9. Other written items not on the agenda: None

10. Work Reports:

A. Eddie Peterson, City Administrator

- Administrator Peterson announced that construction on a new building next to the Recreation football field will soon be underway. Mr. Peterson stated that the building will be about 2,500 square feet and will contain restrooms, concessions, storage, and office space. The building should be ready in time for football season this fall. Mr. Peterson said this is an indication of 2011 SPLOST money already at work.

B. Bill Bailey, City Attorney

- Mr. Bailey stated that there was a need to go into executive session to discuss possible expansion of utility infrastructure that could involve the possible

acquisition of real estate and also involve future confidentiality agreements that could be in place concerning utilities. Mr. Bailey stated that there will be no votes during executive session.

11. Councilman Edwards asked to speak before going into executive session. Councilman Edwards made an announcement that the Calhoun Downtown Development Authority will host a "Roundtable" discussion meeting at the Calhoun Depot at 6:15 p.m., Tuesday, March 27th. The discussion will involve the BBQ Boogie and Blues, and Phases III and IV of Streetscape.
12. Councilman Hammond made a motion to go into executive session. Councilman Edwards gave a second with all voting aye, motion approved.
13. Councilman Hammond made a motion to adjourn the executive session. Councilman Crowley gave a second with all voting aye, motion approved.
14. Councilman Crowley made a motion to return to regular session. Councilman Hammond gave a second with all voting aye, motion approved.
15. Mayor Palmer announced that possible real estate acquisitions were discussed and no votes were taken.
16. Councilman Crowley made a motion to adjourn the regular session. The motion was seconded by Councilman Barton with all voting aye, motion approved.

Approved:

Submitted:

James F. Palmer, Mayor

Paul Worley, City Clerk