

**CITY OF CALHOUN
REGULAR CITY COUNCIL MEETING
DEPOT COMMUNITY ROOM
109 SOUTH KING STREET
CALHOUN, GA
NOVEMBER 24, 2008 7:00 P.M.**

MINUTES

**PRESENT: James F. Palmer, Mayor
George R. Crowley, Mayor Pro Tem
Ray Denmon, Councilman
David Hammond, Councilman
Al Edwards, Councilman**

**ALSO: William P. Bailey, City Attorney
Kelly Cornwell, Director of Utilities
Eddie Peterson, City Administrator
Heather Evans, Deputy City Clerk**

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. Councilman Hammond made a motion to approve the agenda. The motion was seconded by Councilman Denmon with all voting affirmatively, motion carried.
4. Mayor Pro Tem Crowley made a motion to approve the minutes of the November 10, 2008 regular City Council meeting as written. The motion was seconded by Councilman Edwards with all voting affirmatively, motion carried.
5. **Mayors Comments:**
 - A. Mayor Palmer reminded the public of the Mayor's Motorcade to N.W. Regional Hospital to deliver donated Christmas gifts to make sure the patients are remembered. He stated City Hall will receive gifts from donors until the day of the event which is December 16, 2008.
 - B. Mayor Palmer reminded everyone to vote for the run-off election. He stated early voting ends November 26 with the Election Day being December 2, 2008.
 - C. Mayor Palmer reminded the public that City Hall and Calhoun Utilities will be closed Thursday November 27, 2008 for the Thanksgiving holiday.
 - D. Mayor Palmer reminded everyone of the upcoming annual Christmas parade to be held downtown on Thursday December 11, 2008 @ 7:00 pm.
 - E. Mayor Palmer asked Councilman Edwards to review the upcoming Zoning Hearings.

- Councilman Edwards stated the Zoning Public Hearings for December 6, 2008 were as follows and has a Zoning Advisory Board date of December 4, 2008.
 1. A 5' sign variance request by Cassie Dixon for a location of 100 Trammell Street.
 2. A 50' sign height variance request by Nimish Patel for a hotel sign location on Lovers Lane.
 3. A zoning change request by Terry Brumlow from R-1 to C-N for a location of 812 East Line Street.
- Councilman Edwards stated the Zoning Public Hearing for January 12, 2008 was as follows and has a Zoning Advisory Board date of January 8, 2008.
 1. A 15' variance request by CGA Global LLC for a set-back of 4.18 acres located on Thomas Street to build a 4500 sq foot office addition.

6. **Public Hearings:**

- A. Mayor Palmer opened the public hearing on a taxi license request by Olga M. Moss Deleon d/b/a Los Buenos Amigos Taxi with a business address of 408 Court Street # 1.
- Mayor Palmer stated the police report was clear and the business is already in operation with a new owner taking over, keeping the same name and address.
 - Mayor Palmer asked if there were any there were any questions/comments. There were none.
 - The public hearing was closed.
 - Mayor Pro Tem Crowley made a motion to approve the taxi license request by Olga M. Moss Deleon d/b/a Los Buenos Amigos Taxi with a business address of 408 Court Street # 1 The motion was seconded by Councilman Hammond with all voting affirmatively, motion carried.

8. **Old Business:**

- A. Mayor Palmer gave a 2nd reading of a wine package license request by Chaudhari Enterprises, LLC d/b/a BP with Ashish Chaudhari as authorized agent for a location of 312 North Wall Street.
- Mayor Palmer stated the public hearing is set for December 8, 2008.
- B. Mayor Palmer gave a 2nd & final reading of the 2009 beer-wine-liquor renewal license requests.

Beer Package

- ❖ Phil Beamer for Phil Beamer Distributor d/b/a Liberty
- ❖ Phil Beamer for Phil Beamer Distributor d/b/a BP
- ❖ Ray Tierce for Tierce's Little Giant Grocery Store
- ❖ Barbara V. Bishop for Dixie Beverage Shop
- ❖ Roy Thomas Aaron for South 41 Package
- ❖ Raymond J. Brown for J&J's Package Store
- ❖ Ashish Kumar R. Chaudhari for Chaudhari Enterprises d/b/a BP

Beer & Wine Package

- ❖ Douglas Lloyd Busch for Kroger Store # 393
- ❖ Karen Aldridge for The Pantry, Inc. d/b/a Kangaroo Express # 3513
- ❖ Karen Aldridge for The Pantry, Inc. d/b/a Kangaroo Express # 3563
- ❖ Karen Aldridge for The Pantry, Inc. d/b/a Kangaroo Express # 3519
- ❖ Hanna Soliman for LA Kyrillos, LLC d/b/a The Food Mart #530

- ❖ Kishor Shah for R&R Beer & Tobacco
- ❖ Davis Michael Bernier, Jr. for Retail Marketing Corp d/b/a Food Outlet, IGA
- ❖ Patsy Colleps for J&P Package

Beer, Wine, Liquor Package

- ❖ Yogesh Patel for Siya Enterprises Inc, d/b/a Party Liquor
- ❖ Lindsey Lewis for B&L Liquor, Inc
- ❖ Kamlesh Patel for Mukhi, Inc. d/b/a Calhoun Liquor
- ❖ Champ Kelly for Red Bud Liquor Store, Inc.

Beer Pouring

- ❖ Kitty Leung for Great Wall Restaurant
- ❖ Melba Jane Price for Kurani Pizza d/b/a Pizza hut
- ❖ Kristina Maddux-Lawrence for JDK Foods, Inc d/b/a Schroder's New Deli

Beer & Liquor Pouring

- ❖ Luis Rey Fitz, Solis for El Rayos
- ❖ Martin Carranza for Los Gallos De Mexico
- ❖ Juana Naranjo for El Pueblito Mexican Restaurant
- ❖ Edna Talley for Renis Barrett Memorial Home, Inc. d/b/a VFW Post 5376

Beer, Wine, Liquor Pouring

- ❖ Ian B. Wonderling for Ruby Tuesday
- ❖ Jeff Mathis for Rare Hospitality International, Inc. d/b/a Longhorn Steakhouse
- ❖ Juan Leon Escamilla for El Nopal
- ❖ William T. Howard for Los Reyes

Combination beer Package / Pouring and Liquor Pouring in Private Club

- ❖ William Whittenburg for American Legion Post 47
- C. Mayor Palmer gave a 2nd & final reading of the 2009 Pawn License Request.
- ❖ Frank McDonald for National Title Pawn of Calhoun, Inc.
 - ❖ Larry E. Knight for Corner Pawn & Auto Sales, Inc
 - ❖ Tim Langston for This & That Pawn Shop
 - ❖ Kent Popham for The Cash Store d/b/a Cash Store of Calhoun
 - ❖ Nancy P. Long for D&S Pawn
 - ❖ Douglas Driscoll for Park Avenue Pawn & Jewelry
 - ❖ Rod Aycox for Instant Cash Loans on Car Titles, Inc. d/b/a Loan Max
- D. Mayor Palmer asked Attorney Bailey for review of the Adult Entertainment Ordinance.
- Attorney Bailey stated the current Adult Entertainment Ordinance has been in place since 1993 and the ordinance is now questionable due to recent court cases which indicated that municipalities may regulate adult entertainment businesses secondary effects, but they cannot regulate their content and First Amendment rights. Mr. Bailey stated though there are currently no adult entertainment businesses located in Calhoun certain items need to be addressed in the Calhoun Ordinance to meet current laws and regulations.
 - Attorney Bailey also stated that the Mayor and Council members had been given a book entitled "everything you always wanted to know about regulating sex businesses" (Eric Damian Kelly and Connie Cooper, American Planning Association, December 2000) and were aware of its general contents.
 - Attorney Bailey stated alcohol could not be served in the adult entertainment establishments and the business would have to be at least 1,000 feet from any residence, school, church or daycare center and at least 500 feet from any establishment at which alcohol is served.

- Attorney Bailey asked Police Chief Garry Moss to state his military / law enforcement background and to give his professional observations on secondary impacts of adult entertainment businesses.
 - Chief Moss stated his background as follows:
 - 1965 to 1969 US Army Military Police
 - 1971 to 1988 US Army Military Police Investigator
 - 1988 to 1989 Police Officer Panama City Florida
 - 1989 to 1990 Intercept Security East Lansing, MI
 - 1990 Mum International Fall Church VA Diplomatic Security at US Embassy
 - 1991 to 2004 Calhoun Police Department various positions
 - 2005 to present Calhoun Police Chief
 - Chief Moss indicated that during his nearly 40 years in military and civilian law enforcement he has personally witnessed negative secondary impacts in adult entertainment districts such as increased crime rates, depreciation of property values, and deterioration of community character and quality of life in or near the adult entertainment areas. Chief Moss also stated that during his military career it was part of his responsibility to counsel many families whose spouse has frequented adult entertainment establishments which in turn seemed to create a host of problems at home; spending family money at the establishment, returning home intoxicated; and domestic violence.
- Mayor Pro Tem Crowley asked Chief Moss to explain the physical character of the immediate area surrounding adult entertainment type businesses.
- Chief Moss stated the surrounding areas are typically similar type businesses or mostly vacant properties. Moss stated his experience leads him to believe adult entertainment businesses decreases property values for the surrounding areas and also attracts sexual predators.
- Mayor Pro Tem Crowley and Councilman Edwards, both bankers, indicated that high vacancy rates are often associated with lower property values.
- Councilman Hammond asked Chief Moss if this would cause the need for additional manpower in the police department to adequately control the areas.
- Chief Moss stated, based on his experience, if an adult entertainment business was in place in Calhoun the Police Department would require additional patrolmen, special operations, and criminal investigation personnel.
- Councilman Denmon stated within his 30 plus years of military experience he has witnessed domestic disputes and divorce related to adult entertainment establishments.
- Attorney Bailey stated a proposed application fee of \$750.00 would have to be determined by the Mayor and Council.
- Councilman Hammond recommended the fee double to \$1,500.00
- Mayor Palmer stated the 120 day moratorium would expire November 28, 2008.
- Attorney Bailey concluded his statements and explanations and requested the current moratorium be extended 45 days and set the 1st reading for December 8, 2008 with a public hearing on December 22, 2008.
 - Mayor Pro Tem Crowley made a motion to set the public hearing for December 22, 2008 with a 1st reading on December 8, 2008. The motion was seconded by Councilman Hammond with all voting affirmatively, motion carried.

9. **New Business:**

- A. Administrator Peterson stated that Calhoun was chosen for Georgia Initiative for Community Housing and the grant has set aside funds for administration, planning and management for the West End Revitalization Phase I project. He stated the Steedley Firm was a part of a part of the application project and is a reliable firm with a strong background. He stated the Steedley Firm presented a proposal and it is his recommendation that the City use the Steedley Firm for administration throughout the remainder of the project.
- Councilman Edwards made a motion to accept the Steedley Firm proposal. The motion was seconded by Mayor Pro Tem Crowley with all voting affirmatively, motion carried.
- B. Mayor Palmer read an alcohol manager change request by Mapco Express d/b/a Fast Food and Fuel #'s 3505 & 3520 from William Lee Carter to Alex Warren.
- Mayor Palmer stated the police report was clear.
 - Council Hammond made a motion to approve the alcohol manager request. The motion was seconded by Mayor Pro Tem Crowley with all voting affirmatively, motion carried.
- C. Mayor Palmer read an alcohol manager change request by Food Lion, LLC from Nelda Dorsey to Robert N. Westmoreland Jr.
- Mayor Palmer stated the approval process would depend on the background check verification.
 - Mayor Pro Tem Crowley made a motion to approve the alcohol manager change after the pending background check is verified clear. The motion was seconded by Councilman Edwards with all voting affirmatively, motion carried.
- D. Mayor Palmer gave a 1st reading of a beer package license request of ABC Convenience Store with Devin Desai as authorized agent for a location of 703 Oothcalooga Street.
- Mayor Palmer stated per the November 10, 2008 meeting, he stated the item died to a lack of a motion which was incorrect. He stated this item would begin with a 1st reading as of this day November 24, 2008 with a public hearing date of December 22, 2008.
 - Councilman Hammond made a motion to set the public hearing for December 22, 2008. The motion was seconded by Councilman Edwards with all voting affirmatively, motion carried.
- E. Mayor Palmer gave a 1st reading of additional 2009 beer-wine-liquor license renewal requests.

Beer and Wine Pouring

- ❖ Jeff Erwin for Dub's High on the Hog, Inc.

Beer Package

- ❖ Alex Warren for Mapco Express # 3505 d/b/a Fast Food and Fuel
- ❖ Alex Warren for Mapco Express # 3520 d/b/a Fast Food and Fuel
- ❖ Vilas V. Patel for Knight's Hi Tech

Beer and Wine Package

- ❖ Robert N. Westmoreland Jr. for Food Lion

Beer-Wine-Liquor Package

- ❖ Jaimin Patel for Liquor Mart

- F. Mayor Palmer gave a 1st reading of additional 2009 pawn license renewal request.

- ❖ Hugh M. Austin for Title Exchange & Pawn

- G. Mayor Palmer gave a 1st reading of additional 2009 taxi license renewal requests.

- ❖ Andres Hernandez for Taxi Oasis
- ❖ Ruben Ochoa Flores for Bimbo Taxi
- ❖ Maria Garcia for Local Taxi

- H. Mayor Palmer read a request from the City of Calhoun General Government Finance Department to approve budget amendments.
- Administrator Peterson reviewed the amendments to be made. (Copy attached)
 - Mayor Pro Tem Crowley made a motion to approve the budget amendments as submitted. The motion was seconded by Councilman Demon with all voting affirmatively, motion carried.
- I. Mayor Palmer read a request to approve the Revolving Loan application submitted by Racemark International.
- Mayor Pro Tem Crowley reviewed the finding of the Revolving Loan Committee that met on November 21, 2008. He stated the Committee would approve the loan if the following requirements were met.
 1. The City of Calhoun would be given a first lien on the existing building, with the loan amount not to exceed \$500,000, with all existing debt on the building paid in full. If there will be other liens on the building, Calhoun will have the first position.
 2. Corporate documents from Yellowstone Trust, LLC, must be made available, and include Articles of Organization, current resolution of signers, minutes authorizing the transaction, and operating agreement.
 3. Title Insurance.
 4. Guaranty of Racemark International, LLC.
 5. Assignment of leases and rents.
 6. Flood documentation and insurance if required.
 7. Proof of insurance.
 8. Personal guarantee from Racemark owners and financial information of the guarantors. This information would include 3 years of personal tax returns and current personal financial statements.
 - Mayor Pro Tem Crowley made a motion to approve the Revolving Loan request by Racemark International pending the met requirements provided by the Revolving Loan Committee. The motion was seconded by Councilman Hammond with all voting affirmatively, motion carried.

10. **Other Written Items Not on the Agenda:** NONE

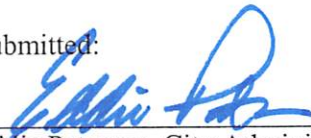
11. **Work Reports:** NONE

12. Councilman Denmon made a motion to adjourn. The motion was seconded by Councilman Hammond with all voting affirmatively, motion carried.

Approved:


James F. Palmer, Mayor

Submitted:


Eddie Peterson, City Administrator