

**CITY OF CALHOUN
REGULAR CITY COUNCIL MEETING
DEPOT COMMUNITY ROOM
109 SOUTH KING STREET
CALHOUN, GA
SEPTEMBER 22, 2008 7:00 P.M.**

MINUTES

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

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

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 proposed agenda. The motion was seconded by Councilman Denmon with all voting affirmatively, motion carried.
4. Councilman Edwards made a motion to approve the minutes of the September 8, 2008 regular City Council Meeting as written. The motion was seconded by Councilman Crowley with all voting affirmatively, motion carried.
5. Mayors Comments:
 - A. Mayor Palmer reminded those 18 and older that voter registration continues until October 6, 2008. Also those who wish to vote early can go to the Courthouse Annex from September 22 until October 31, 2008 and cast their ballot.
 - B. Mayor Palmer stated that Calhoun had received an \$800,000 grant from the Georgia Department of Community Affairs for renovations to the West Calhoun area. The work will involve water, sewer, housing, street and sidewalk upgrades.
 - Councilman Crowley made a motion to allow the Mayor to sign the CDBG grant award between the City of Calhoun and the Georgia Department of Community Affairs. The motion was seconded by Councilman Hammond with all voting affirmatively, motion carried.
 - C. Mayor Palmer asked Councilman Edwards to review the zoning hearings scheduled for October 13, 2008 and November 10, 2008.
 - Councilman Edwards stated the following items have a public hearing date of October 13, 2008 at 7:00 pm with a Zoning Advisory Board Meeting on October 9, 2008 at 4:30 pm.
 1. A 6 foot variance request by Neva Faith Wetton to build a 10'X20' open garage at 81 Echota 2nd Street.
 2. An annexation and C-2 zoning request by Danny Keith and Hilda Jane Davis for 1.51 acres located at 1367 US 41 North.

- Councilman Edwards stated the following item has a public hearing date of November 10, 2008 at 7:00 pm with a Zoning Advisory Board Meeting on November 6, 2008 at 4:30 pm.
 1. A 16' height variance request by Gordon County Development Authority for approximately 42 acres on McDaniel Station Road.

6. Public Hearings and Comments:

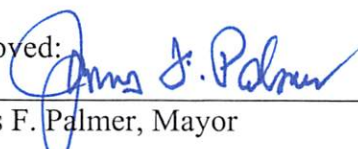
- A. Mayor Palmer opened the public hearing on a taxi license request by Maria Garcia with a business location of 802 North Wall Street.
 - Mayor Palmer asked if there were any questions/comments. There were none.
 - The public hearing was closed.
 - Mayor Pro Tem Crowley made a motion to approve the taxi license request Maria Garcia with a business location of 802 North Wall Street. The motion was seconded by Councilman Denmon with all voting affirmatively, motion carried.
- B. Mayor Palmer opened the public hearing on the Steep Slope Ordinance.
 - Mayor Palmer read the heading/body of the Steep Slope Ordinance.
 - Mayor Palmer asked if there were any questions/comments. There were none.
 - The public hearing was closed.
 - Mayor Pro Tem Crowley made a motion to approve the Steep Slope Ordinance. The motion was seconded by Councilman Edwards with all voting affirmatively, motion carried.

7. New Business:

- A. Keith Burchett requested to speak and was placed on the agenda but was not present when called at the meeting.
- B. Mayor Palmer read a parade request by Major Alan Cunningham for a Veterans Day Parade to be held on November 8, 2008 on the regular route.
 - Councilman Hammond made a motion to approve the Veterans Day Parade. The motion was seconded by Councilman Denmon with all voting affirmatively, motion carried.
- C. Mayor Palmer gave a 1st reading of a beer-wine-liquor pouring license request by El Napol Restaurant with Juan Leon Escamilla as authorized agent for a location of 179 Golden Circle.
 - Mayor Palmer stated the earliest date for a public hearing is October 27, 2008
 - Councilman Hammond made a motion to set the public hearing for October 27, 2008. The motion was seconded by Mayor Pro Tem Crowley with all voting affirmatively, motion carried.
- D. Mayor Palmer gave a 1st reading on a 5' variance for sign (floral shop) by Cassie Dixon for a location of 100 Trammell Street.
 - Mayor Palmer stated the earliest date for a public hearing would be December 8, 2008.
 - Councilman Edwards made a motion to set the public hearing for December 8, 2008. The motion was seconded by Councilman Denmon with all voting affirmatively, motion carried.
- E. Mayor Palmer gave a 1st reading on a 50' sign height variance request by Nimish Patel for a hotel location on Lovers Lane.
 - Mayor Palmer stated the earliest date for a public hearing is December 8, 2008.

- Councilman Edwards made a motion to set the public hearing for December 8, 2008. The motion was seconded by Councilman Hammond with all voting affirmatively, motion carried.
- F. Mayor Palmer gave a 1st reading of a zoning change request by Terry Brumlow from R-1 to C-N for a location of 812 East Line Street.
- Mayor Palmer stated the earliest date for a public hearing is December 8, 2008.
 - Councilman Edwards made a motion to set the public hearing for December 8, 2008. The motion was seconded by Councilman Denmon with all voting affirmatively, motion carried.
8. Work Reports:
- A. Kelly Cornwell, Director of Utilities, asked for approval to declare as surplus a list of items from the electrical department and to sell on GovDeals.
- 500 KVA, Conventional Transformers
 1. Dowze 2.0 serial #83L34429B
 2. Delta 5.5 serial #46001721
 3. Delta 5.5 serial #46001711
 4. Westinghouse 1.8 serial# 73AL9472
 5. Westinghouse 1.8 serial# 81A093998
 6. Westinghouse 2.8 serial# 86A510967
 - 300 KVA, Conventional Transformers
 1. Westinghouse 1.5 serial#72AK11056
 2. Westinghouse 2.4 serial#88A230768
 3. F/a Transformer 2.6 serial#233991776
 4. Howard 2.2 serial#45950-2178
 5. Howard 2.2 serial#45951-2178
 6. Westinghouse 1.6 serial#A735ZE5AAA
 7. Westinghouse 2.8 serial#72AK9990
 8. GE 3.2 serial#267827A698
 9. Westinghouse 1.5 serial#73AC13170
 10. Westinghouse 1.5 serial#73AC4467
 11. GE 3.2 serial#267825P69A
 12. Kullman 3.5 serial#257618
 13. GE 3.2 serial# H267827P69A
- B. Kelly Cornwell, Director of Utilities, requested authority to negotiate the 2009 supplemental power supply contract for Calhoun's power supply and then allow Mayor Palmer to sign the new pricing agreement.
- Attorney Bailey stated that appropriate parameters between three and six million watts and certain market pricing should be adhered to by Cornwell.
 - Mayor Pro Tem Crowley made a motion giving Kelly Cornwell authority to negotiate the 2009 supplemental power supply contract for Calhoun's power supply and then allow Mayor Palmer to sign the new pricing agreement. The motion was seconded by Councilman Hammond with all voting affirmatively, motion carried.
9. Councilman Hammond made a motion to adjourn. The motion was seconded by Mayor Pro Tem Crowley with all voting affirmatively, motion carried.

Approved:


James F. Palmer, Mayor

Submitted:


Eddie Peterson, City Administrator

Ordinance 879

ORDINANCE ESTABLISHING STANDARDS FOR PROTECTION OF STEEP SLOPES AND GRADING ACTIVITY WITHIN CITY OF CALHOUN, GEORGIA; PROVIDING PROCEDURES FOR LAND DISTURBANCE PERMITS

WHEREAS, the Mayor and City Council of the City of Calhoun finds that the natural resources of the City of Calhoun, Georgia are of vital importance to the City of Calhoun, Georgia and its citizens; and

WHEREAS, the Mayor and City Council of the City of Calhoun recognizes that protection of steeply sloping terrain in the City of Calhoun, Georgia, is beneficial for preventing erosion, reducing storm water runoff, reducing impacts to water quality, and flood control; and that grading be designed to retain existing natural vegetation where applicable; and

WHEREAS, the Mayor and City Council of the City of Calhoun finds that the health, safety and general welfare of the citizens of the City of Calhoun shall benefit from the adoption of steep slopes and grading requirements within the City of Calhoun.

NOW, THEREFORE, LET IT BE ORDAINED, by the Mayor and City Council of the City of Calhoun as follows:

Section 1. Title.

This ordinance shall be known as the “City of Calhoun, Georgia Steep Slopes Protection and Grading Ordinance.”

Section 2. Intent and Purpose.

The purpose of this ordinance is to recognize and require adherence to city regulations and guidelines that govern the development of land that contains steep slopes within incorporated City of Calhoun, Georgia. In addition, the intent of this ordinance is to minimize the grading and site disturbance of steep slopes and other environmentally sensitive areas as defined in the 2008-2028 City of Calhoun Comprehensive Plan by restricting land disturbances in such areas. Moreover, this section is intended to protect natural resources, public health, safety, and the general welfare of the citizens of incorporated City of Calhoun.

Section 3. Definitions.

The following definitions shall apply in the interpretation and enforcement of this article, unless otherwise specifically stated:

“**Applicant**” means any person who seeks permission to engage in any regulated activity on any land that contains steep slope areas, as those terms are defined therein.

“Department” means the City of Calhoun Department of Community Development.

“Land Disturbing Activity” means any activity which may result in soil erosion from and the movement of sediments into waters or onto lands within the city, including, but not limited to, clearing, dredging, grading, excavating, transporting, and filling of land but not including agricultural practices as described in the City of Calhoun Soil Erosion and Sedimentation Control Ordinance.

“Land Disturbance Permit” means an official authorization issued by the Department, allowing defoliation or alteration of a site or the commencement of any construction activities, including but not limited to, clearing, grubbing, dredging, grading, excavating, transporting, and filling of land, but not including agricultural operations as defined in Official Code of Georgia Annotated (O.C.G.A. § 1-3-3).

“Grading” means the movement of earth by mechanical means to alter the gross topographic features, including elevation and slope, to prepare a site for final grading and construction of facilities, including structures, parking lots, and roads.

“Professional Engineer” means a professional engineer that has been licensed by the state of Georgia, having met the provisions thereof.

“Professional Landscape Architect” means a professional landscape architect that has been licensed by the state of Georgia, having met the conditions therein.

“Regulated Activity” means any activity which will, or which reasonably may be expected to result in the alteration of steep slopes.

“Slope” means the ratio of elevation change to horizontal distance, expressed as a percentage. Slope is computed by dividing the vertical distance (“rise”) by the horizontal distance (“run”).

“State Waters” means as defined by Georgia Erosion Sedimentation Act, O.C.G.A. §12-7-1 et seq., any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the state which are not entirely confined and retained completely upon the property of a single individual, partnership, or corporation.

“Steep Slope” means any slope with a minimum rise of ten feet that has a slope percentage greater than thirty-three percent (33%) (10 foot vertical “rise” over a 30 foot horizontal “run”).

“Steep Slopes Map” means the latest edition of the City of Calhoun Government maps for incorporated City of Calhoun, Georgia depicting slopes greater than 33 percent generated from the United States Geological Survey, Topography Maps, and the City of Calhoun G.I.S. Department.

Section 4. Establishment of Jurisdictional Steep Slopes

Although the Steep Slopes Map can be used for concept plan submittals, it does not necessarily represent the boundaries of jurisdictional steep slopes within incorporated City of Calhoun, Georgia and shall not serve as a substitute for delineation of steep slope boundaries as identified by a physical

topographic site survey, performed by a professional land surveyor. Any local government action under this ordinance shall not relieve the landowner from federal and state permitting requirements.

Section 5. Authority and Applicability.

The terms and provisions of this Ordinance regarding undeveloped, undisturbed steep slopes, established herein, shall apply to all development which requires issuance of a land disturbance permit within incorporated City of Calhoun, Georgia. The terms and provisions of this Ordinance regarding grading, established herein, shall apply to all residential development which requires issuance of a land disturbance permit within incorporated City of Calhoun, Georgia.

No land disturbance permit will be issued by the Department without it being determined that the proposed development is in compliance with the provisions of this ordinance.

Section 6. Slope Construction Restrictions.

Table 1 below provides development restrictions for each steep slope category. These restrictions apply to contiguous land areas greater than 5,000 square feet.

Table 1-Slope Development Restrictions		
Slope Category	Illustration of slope type (Rise over Sum)	Development Restrictions
Greater than 33%, but less than 40%	3.4 ft. rise over 10-ft run = (34%) slope	Building and site preparation may not occur unless a plan is submitted by a design professional of record (licensed professional engineer or landscape architect) and approved by the Department. The plan must indicate design/construction techniques that will not have adverse environmental impacts as determined by the Department.
40% or greater 4.0 ft	4.0 ft. rise over 10ft. run = (40%) slope Land disturbing activity shall not be conducted	Land disturbing activity shall not be conducted in areas containing 40% or greater slopes unless a variance is granted by Mayor and Council (except detention ponds and water\quality features are allowed on slopes not exceeding 50%).

Section 7. Grading Restrictions.

Table 2 below provides grading restrictions with respect to lot area. These restrictions apply to proposed residential development.

Table 2-Grading Restrictions	
Lot Area Category	Grading Restrictions
Greater than 15,000 square feet	Only roads and utilities grading allowed
8,000 square feet to 15,000 square feet	No more than 100 feet from the right-of-way shall be disturbed (except roads and utilities). No grading activity allowed in the required rear yard setback.
Less than 8,000 square feet	No grading restrictions.

Section 8. Steep Slopes Plan Requirements.

The following information shall be required for any concept plan for development on a lot or parcel that includes slopes greater than thirty-three percent (33%) in a land disturbance area:

- a. Steep slope areas on concept plans, based on the on the Generalized Steep Slopes Map or field run topography, shall be labeled and identified through cross-hatching and/or separate colors.
- b. Other engineering and environmental considerations may be required by the Department to determine whether the proposed development will create a threat to the public health, safety, and general welfare, or cause slope failure, erosion, or increases in the rate of storm water discharge entering adjacent properties.
- c. Steep slope easements (slope areas of 40% or greater) shall be recorded on final plat documents as applicable

Section 9. Exemptions

The following shall be exempted from the steep slopes and/or grading requirements of this ordinance as indicated:

- 1) Mining activities permitted by the Georgia Department of Natural Resources under the Surface Mining Act (exempt from steep slopes and grading restrictions).
- 2) Land disturbing activities conducted for City transportation and water/sewer improvement projects (exempt from steep slopes and grading restrictions).
- 3) Land disturbing activities conducted by any public utility under the regulatory jurisdiction of the Public Service Commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in Official Code of Georgia Annotated (O.C.G.A. 36-18-1) (exempt from steep slopes and grading restrictions).
- 4) Conservation subdivisions (exempt from steep slopes and grading restrictions).
- 5) Recreation and amenity areas including trails and foot paths (exempt from grading restrictions)

Section 10. Legally Non-Conforming Use Provisions.

Concept Plans that are part of a zoning or use permit application, or subdivision application submitted to the City prior to the effective date of this ordinance, are exempt from the restrictions in Sections 6 and 7 for three years after the effective date of adoption of this ordinance.

Section 11. Appeal Procedures.

Should the owner of a lot or parcel want to conduct a land disturbing activity in conflict with the requirements of this ordinance, the owner shall request an appeal before the Mayor and City Council. An analysis of the direction, rate, and volume of storm water runoff leaving each area within a slope category is required in addition to the requirements in the storm water ordinance.

Section 12. Violations and Penalties.

- a. Upon written notice, work that is being done in contradiction to the provisions of this ordinance shall be stopped immediately.
- b. A lawfully issued Land Disturbance Permit may be suspended, revoked, or modified upon finding that the holder is in violation of the terms of the permit or any portion of this ordinance. Written notice of this action shall be provided to the holder of the permit who shall comply with the directives contained therein.
- c. Upon inspection of the site, any individual conducting activity found in violation of this ordinance in regards to disturbance of a steep slopes area shall be fined \$1,000.00 per day until such land is replanted to City erosion and sedimentation standards.
- d. Upon inspection of the site, any individual conducting activity found in violation of this ordinance in regards to grading shall be fined \$1,000.00 per day until such land is replanted to standards as determined by the City of Calhoun Building Inspector.

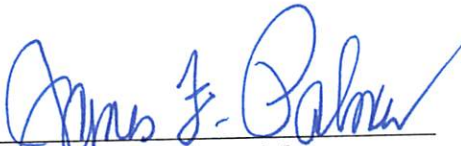
Section 13. Validity.

Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance in whole or any part thereof other than the part declared invalid.

ENACTED, by the Mayor and Council of the City of Calhoun, Georgia, this day of _____, 2008.


CITY OF CALHOUN, GEORGIA

BY:



James F. Palmer, Mayor

ATTEST:



Eddie Peterson, City Administrator