

**CITY OF CALHOUN
REGULAR CITY COUNCIL MEETING
DEPOT COMMUNITY ROOM
109 SOUTH KING STREET
CALHOUN, GA
AUGUST 11, 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. Councilman Edwards gave the invocation.
2. Mayor Palmer led the group in the Pledge of Allegiance to the United States Flag.
3. Mayor Prom Tem Crowley made a motion to approve the agenda. The motion was seconded by Councilman Hammond with all voting affirmatively, motion carried.
4. Councilman Hammond made a motion to approve the minutes of the July 28, 2008 regular City Council meeting as written. The motion was seconded by Councilman D with all voting affirmatively, motion carried.
5. **Mayors Comments:**
 - A. Mayor Palmer asked Councilman Edwards to review the zoning hearing scheduled for October 13, 2008 with the Zoning Advisory Board meeting on October 9, 2008.
 1. A 6 foot variance request by Neva Faith Wetton to build a 10'x20' open garage at 81 Echota 2nd Street.
6. **Council Comments:**
 - A. Councilman Edwards gave the July reports as follows:
 - 1) The Street Department:
 - o Routine maintenance of brush truck, bush hog, and street sweeper routes.
 - o Placed 5 new street signs
 - o Completed 23 shop and 32 street department work orders
 - o Ran storm water maintenance plan on July 8th checking all grates and pipes inside the City

- Laid 40 ft. 12 in pipe, hauled dirt to fill in around bridge abutments, landscaped and grassed both sides of the new bridge at the recreation center.
 - Build forms, pour concrete pads and install 4 – park benches purchased by the beautification committee at the new playground.
 - Remove remaining silt fencing, cut and haul brush and fill in ruts along the creek banks at the 58 acre park.
 - Build enclosures and mulch around 9-12 ft oak trees that were planted in the main parking lot at the 58 acre park. Planted 1 – 12 ft oak tree at the island in the soccer field parking lot.
- 2) The Parks and Maintenance Department:
- Performed general maintenance in all departments when called upon. (Buildings crew)
 - Grounds crew performed general grounds work [mowing, trimming, trash pick-up, spraying, weed pulling, and edging at departments as needed, sidewalks and other designated areas.
 - Completed maintenance jobs for the City Hall, Street Department and the Depot.
- 3) Cemetery Department:
- Supervised the opening and closing of 8 grave sites
 - Performed routine maintenance on Fain and Chandler Cemeteries
 - Sold 28 new grave spaces
 - Assisted Contractors with installation of 8 new monuments
 - Worked 10 grave sites
- 4) Animal Control:
- Housed 13 dogs and 35 cats
 - Answered 78 customer calls
 - Issued 2 first warnings for leash law violation
- 5) Safety Committee:
- Had a safety topic of Foot Protection
 - Inspected Water Construction on July 15, 2008
 - 0 accidents reported
- B. Councilman Denmon gave the July reports as follows:
- 1) The Water Treatment Plant Facility:
- Pumped a total of 363,930,000 gallons of water for a daily average of 11,739,677 million gallons
 - The Brittany Drive Treatment Plant produced 27.8% of the City's potable water for the month.
- 2) The Waste Treatment Plant:
- Treated a daily average of 4.774 MGD, with an average BOD effluent of 6, average suspended effluent of 13, and an average COD effluent of 57.
- 3) The Water Construction Department:
- Made 21 water connections
 - Made 58 water connections changed out with new meter
 - Repaired 52 water leaks

- Installed 200 feet of 2" PVC pipe
 - Installed 18 2" meters
 - Responded to 417 locates
 - Responded to 102 utility locates
 - 44 emergency locates called in for repairs
 - Responded to 276 misc. calls
- 4) The Sewer Construction Department:
- Provided 7 sewer connections during the month
 - Repaired 20 sanitary services
 - Inspected 733 ft of sanitary sewers
 - Repaired 2 sanitary sewer mains
 - Completed 293 locates
 - Repaired 1 lift station
 - Responded to 4 calls for sewer service (3 on customer side)
 - Cleaned sewer lines totaling 8,000 feet
 - Opened and inspected 56 manholes
 - Provided 5 road wash downs for Water Construction Department
 - Cleared 6,000 sewer line right of ways
 - Repaired yard off Kenmoreland Drive where new sewer main was installed by contractor
 - Removed dead trees from sewer line right of way where sewer was installed several years ago off Union Grove Church Road @ Hwy. 53
 - Cleared perimeter of Big Springs area for installation of new fence around spring
- 5) The Sludge Department:
- Applied 1,680 cubic yards representing 212.2 dry tons of sludge
- 6) Building Inspection Department:
- Issued 58 permits for an estimated cost of \$1,647,357.00. This included 1 grading, 2 new residential, 4 residential remodeling, 1 new commercial, 3 commercial remodeling, 5 residential plumbing, 2 commercial plumbing, 7 residential HVAC, 6 commercial HVAC, 13 residential electrical, 5 commercial electrical, 5 sign permits, 1 soil & erosion, 2 pool permit & 1 NOI.
- C. Councilman Crowley gave his July reports as follows:
- 1) The Electric Department:
- Long Term Projects Under Construction:
- The electric upgrade of older clarifiers and thickeners at the Waste Treatment Plant is complete. The new back wash pump is in place at the Water Plant and control installation is underway. The utilities construction crews will be supported by electric maintenance personnel as needed to complete all remaining Waste treatment plant projects and controls.
 - Phase II of the System Loss Program for 2007-2008 engineering study revision phase is complete to accommodate system load characteristic changes. Switching equipment bid preparation is complete and the required brackets and switches are on order. Initial training on capacitor controls is complete. Recent statistics indicate a 3% power factor improvement as a result of continuing work.

- Pump control and electrical installations are in progress for the Folsom and Millers Ferry locations and material has been ordered. Maintenance and repair at other sites are in process.
- The electric AMR Project as included the installation of the first tower installation on the Hillcrest Tank site. Installations for Fire Tower Rd. and Antioch Tank sites are under construction. The first electric meters are due for shipment in August.

Projects and Maintenance Under Construction:

- Inspection and tagging of the existing underground installations and overhead grounding maintenance continue to be scheduled weekly.
- Pole replacement is in process for all tested and rejected poles. The 2008 pole inspections complete an 8 year cycle for the entire electric system. Additional poles needing replacement this year were found. All lighting pole replacements have been completed at the Calhoun Recreation Department.
- Service for the Badcock Building on South Wall Street is waiting on customer to complete.
- The electric 300 Kva service to the new El Napol restaurant has been completed. The transformer has been set. An outdoor lighting installation is complete. Waiting on developer to energize.
- The new Century Bank on West Belmont and Kobelco additional service are engineered and waiting in developer construction to progress.
- The Coosa Senior Complex Phase 2 is in engineering and design with temporary overhead service in process.
- Tree trimming and clearing continues for Meadow Lane, Curtis Parkway and Mims Drive areas. Spot trimming will also target "Hot Spots" in the Industrial areas.
- Street and security lighting – 27
- New business and maintenance – 104
- After hours trouble callouts – 13

During the Month of July the Electric Department:

- Set 6 meters
 - Provided maintenance/replacement for 8 meters
 - Purchased over 23 million KWH of electricity in June
-
- Councilman Hammond read a request from the Electric Department to declare the following vehicle and equipment surplus property and to be sold on Gov Deals.
 1. One 1990 Ford F350 VIN # 1FDJF37H21NB27111
 2. One Hewlett-Packard Design Jet 780c plus plotter/printer, Model c-47098 Serial # ESA7432075 (non-operable)
 3. Radio – Microwave Data Transceiver – Model 2000 series, serial # 3350965-A17, operating when removed from service
 4. Radio – Microwave Data Master station – Model 2000 series, Serial # 6B125, operating when removed from service
 5. CRT Video Monitor 19", Model MF-5121, Serial # 888221, Operating when removed from service
 6. CRT Video Monitor 15", Model MA-1450, serial # 59452752, Operating when removed from service
 7. Two (2) Dot Matrix Printers, Model # A95652, serial # B72P6300 and 561125171LX, operating when removed from service
 8. Miscellaneous cables, coaxial cables, UPS battery boxes, keyboards, usable when removed from service

- Mayor Pro Tem Crowley made a motion to declare the items surplus and to be sold on GovDeals. The motion was second by Councilman Hammond with all voting affirmatively, motion carried.
- 2) Telecommunications Department:
- Finished internet connections for Calhoun School System and Timber Ghost
 - Moved internet connection for Hawk Aviation
 - Signed internet agreement with VTI Transport
 - AMR- pulled fiber to top of Fire Tower Rd. Put out request for quotes to pull fiber to Antioch water tower antenna location. Started DOT permit for fiber crossing at Interstate 75 and Dews Pond Rd.
 - Received hardware for new backup server
 - Attended the Harris Southeast Users Group meeting in Savannah
 - Opened 37 work orders and closed 25
- During the Month of July the GIS Department:
- Hired Micky Beckman to fill new GIS Analyst position (Started August 4th)
 - Started search for software to manage fiber cable in GIS
 - Set up 42 inch plotter at City Hall
 - Supported AMR project
 - Continued to assist the Electric and Engineering departments on converting AutoCAD drawings into GIS system.
- D. Councilman Hammond gave his July reports as follows:
- 1) The Police Department:
- Made 638 cases with 5 DUI's
 - Fines collected by Municipal Court - \$62,552.50
 - Issued 393 warnings
 - Investigated 48 highway accidents and 32 private property accidents, 0 injuries, 0 fatalities
 - Provided 105 escorts
 - Filed 1,754 incidents reports
 - Responded to 105 alarms
 - Patrolled 51,699 miles
 - Responded to 5,453 calls for service by E-911
 - The Calhoun Police Department participated in the Commercial Equipment Direct Assistance Program during the month of July. This program is sponsored and funded by the Department of Homeland Security, Federal Emergency Management Agency and the National Preparedness Directorate. The United States Army, Electronic Proving Ground, administers the program on behalf of the Department of Homeland Security and FEMA.
 - The police department received a ZISTOS Detection/Deterrence Search & Surveillance system. The shipment included a WalkAbout II Display and Sling Harness; sunshade; color camera; infrared monochrome camera; audio module; headphones; right angle adapter; rechargeable batteries; battery charger, battery pack; flexible baton; telescoping poles; and carry case; all valued at approximately \$8,000.
- 2) The Fire Department:
- Responded to 78 calls for service, 12 fire incidents for damages totaling an estimated \$326,000

- Overpressure rupture, explosion, overheat (No Fire)
- Responded to 26 emergency medical service calls with 19 injuries and 1 deaths
- Responded to 9 hazardous conditions incidents
- Responded to 7 miscellaneous service calls, 21 false alarms, 1 special incident and 1 good intent
- Completed in-house training during the month for all firefighters on State required core skills along with additional department training
- Completed all scheduled station and vehicle maintenance
- All shift members attended Life Force Helicopter Safety and Landing
- Conducted Fire Extinguisher class for Liberty tire recycling with 30 students

3) Fire Inspection Department:

- Provided 81 inspections during the month: 10 annual, 6 new business, 52 requested, 13 follow-up re-inspections
- Attended 2 plan reviews
- Issued 3 sprinkler permits
- Attended annexation/zoning meetings on new properties
- Continued school inspections for Calhoun City Schools, Gordon Central and Ashworth Schools
- Inspectors attended LEPC meeting, North GA Fire Investigators Association meetings
- Lt. Dooley attended City Safety committee meeting
- Inspectors attended Fire Safety Symposium July 15,16,17 at GPSTC in Forsyth
- Began moving Fire Inspections into the new offices behind Station #2 at 3921 Richardson Road.

4) Coosa Valley RDC:

- Councilman Hammond explained the merger between North Georgia RDC and Coosa Valley RDC. He also stated that the current president was not re-elected during the July elections.

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 for each side of the matter and with each person speaking giving their name and address and with each person speaking having filed a financial disclosure statement five days prior to the hearing if required. 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 CN zoning request by Larry W. and Kathy S. Brown for 4.05 acres located at 122 Nelson Lake Road.
 - The public hearing was opened.
 - Peterson stated signs on the property, notices to the adjoining property owners and notices to the local legal organ were completed.
 - Mayor Palmer asked Mr. Brown is he had any comments.
 - Mr. Brown stated he and Mrs. Brown purchased the property approximately 2 years ago. The intent of the purchase was to use the house for special

events such as banquets, weddings, etc. He stated they wished to expand the house after all regulations are met but in order to be financially stable for the expansion that they must operate as a restaurant for a while after all regulations are met.

- Mayor Palmer asked if there were any questions/comments
- Councilman Edwards explained the findings of the Zoning Advisory Board
- Attorney Bailey requested that the CN zoning have the stipulation that the property can only be used as a bed & breakfast – banquet type facility and not as any other commercial use as stated within the CN zoning ordinance.
- Mr. Brown stated they had no other plans beside what had been stated and did not intend on selling the property.
- 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 is currently zoned C-1.
- (4) The zoning proposal may result in additional traffic during events on existing streets and will not impact utilities or schools.
- (5) The capital expense associated with the development of the property will be incurred by 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 would give supporting grounds for their approval or disapproval of the zoning proposal.
- (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.

- Councilman Edwards made a motion to annex the request Larry W. and Kathy S. Brown for 4.05 acres located at 122 Nelson Lake Road. The motion was seconded by Councilman Denmon with all voting affirmatively, motion carried.
- Councilman Edwards made a motion to zone the request by Larry W. and Kathy S. Brown for 4.05 acres located at 122 Nelson Lake Road CN with the stipulation that the property can only be used as a bed & breakfast – banquet type facility and not as any other commercial use as stated within the CN zoning ordinance. The motion was seconded by Councilman Denmon with all voting affirmatively, motion carried.

B. Other Public Hearings:

- A. Mayor Palmer opened the public hearing on a taxi license request by Talesha Stone with a business address of 203 Richardson Road Suite 80 – Point Shopping Center.
- 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 by Talesha Stone with a business address of 203 Richardson Road Suite 80 –

Point Shopping Center. The motion was seconded by Councilman Denmon with all voting affirmatively, motion carried.

- B. Mayor Palmer opened the public hearing on a beer pouring license request by El Parrel with Juan Guillen Grandoes as authorized agent for restaurant located at 203 Richardson Road.
- Mayor Palmer asked if there were any questions/comments.
 - Attorney Bailey stated the applicant had a DUI conviction in 2006 and in 2007 violated his driving permit. He stated factors from the Calhoun Code of Ordinances section 6:38.
 - The applicant was not present during the hearing
 - Councilman Hammond made a motion to deny the beer pouring license request by El Parrel with Juan Guillen Grandoes as authorized agent for restaurant located at 203 Richardson Road. The motion to deny was seconded by Mayor Pro Tem Crowley with all voting affirmatively, motion carried.
- C. Mayor Palmer opened the public hearing on the Amendment to Chapter 94 in the Calhoun Code or Ordinances cross Connection Section.
- Mayor Palmer briefly explained the Ordinance.
 - Mayor Palmer asked if there were any questions/comments. There were none.
 - Mayor Pro Tem Crowley made a motion to approve the Amendment to Chapter 94 in the Calhoun Code or Ordinances cross Connection Section. The motion was seconded by Councilman Hammond with all voting affirmatively, motion carried.
- D. Mayor Palmer opened the public hearing on the Proposed Flood Damage Prevention Ordinance.
- Attorney Bailey explained the changes and removal of certain terms and definitions in the existing Ordinance. (Revised Ordinance Attached)
 - Councilman Crowley made a motion to approve the Proposed Flood Damage Prevention Ordinance. The motion was second by Councilman Denmon with all voting affirmatively, motion carried.

8. **Old Business:**

- A. Mayor Palmer gave a 2nd reading of a taxi license request by Ruben Ochoa Flores d/b/a Bimbo Taxi with a business address of 637 Oothcalooga Street.
- Mayor Palmer stated the public hearing is set for August 25, 2008.
- B. Mayor Palmer gave a 2nd reading of a beer pouring license request for JDK foods, Inc d/b/a Schroeder's New Deli with Bonnie Kristina Maddux-Lawrence as authorized agent for a location of 120 Cornerstone Way Suite 2 in Harmony Square.
- Mayor Palmer stated the public hearing is set for August 25, 2008
- C. Request to adopt a Resolution supporting the EIP Application for Racemark International LLC.
- Administrator Peterson explained to the Mayor and Council that by signing the Resolution the city was under no obligation to Racemark concerning this application.
 - Mayor Palmer read the Resolution.
 - Mayor Pro Tem Crowley made a motion for the Mayor to sign the Resolution. The motion was second by Councilman Denmon with all voting affirmatively, motion carried.

9. **New Business:**

- A. Mayor Palmer read a parade request by Gordon Central High School for the Annual Homecoming Parade on September 18, 2008 at 3:30 pm on the traditional route.
- Councilman Denmon made a motion to approve the parade request by Gordon Central High School for the Annual Homecoming Parade on September 18, 2008 at 3:30 pm on the traditional route. The motion was seconded by Councilman Hammond with all voting affirmatively, motion carried.
- B. Mayor Palmer read a request by United Way of Gordon County to hold Unity Run XV on Tuesday September 30, 2008 beginning at 6:30 pm. He stated the route will remain the same as last year which started at Gordon Central High School and ended in downtown Calhoun at the corner of Park Avenue and Court Street.
- Councilman Hammond made a motion to approve the request by United Way of Gordon County to hold Unity Run XV on Tuesday September 30, 2008 beginning at 6:30 pm. The motion was seconded by Councilman Edwards with all voting affirmatively, motion carried.
- C. Mayor Palmer gave a first reading of an annexation and C-2 zoning request by Hilda Jane Davis and Danny Keith Davis for 1.51 acres located at 1367 US 41 North.
- Mayor Palmer stated the earliest date for a public hearing would be October 9, 2008.
 - Councilman Denmon made a motion to set the public hearing for that date. The motion was seconded by Mayor Pro Tem Crowley with all voting affirmatively, motion carried.
- D. Mayor Palmer gave a first reading of a beer-wine-liquor package license request by Yogesh Patel, authorized agent, with a business location of 101 Williams Street.
- Mayor Palmer stated the earliest date for a public hearing would be September 8, 2008.
 - Mayor Pro Tem Crowley made a motion to set the public hearing for that date. The motion was seconded by Councilman Edwards with all voting affirmatively, motion carried.

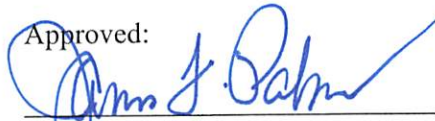
10. **Other Written Items Not on the Agenda: NONE**

11. **Work Reports:**

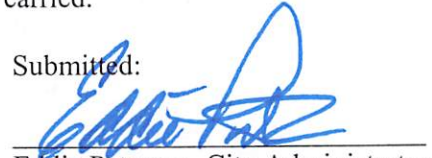
- A. Kelly Cornwell – Director of Utilities
1. Director Cornwell Asked the Mayor and Council for their consideration in approving the Utilities Cash Report. (Attached)
 - Councilman Denmon made a motion to approve the Utilities Cash Report. The motion was seconded by Councilman Edwards with all voting affirmatively, motion carried.
 2. Director Cornwell explained an Intergovernmental Agreement between The City of Calhoun and Bartow County for Interconnection of Water Distribution Systems.
 - Director Cornwell explained how this agreement will allow exchange in water supplies from the City of Calhoun and Bartow County in time of need for short periods of time.
 - Mayor Palmer asked if signing this agreement would allow the City of Calhoun to be eligible for grant funds.
 - Director Cornwell explained that the State sets aside money for grants and that the City of Calhoun should qualify for this grant.

- Mayor Pro Tem Crowley made a motion approve the Intergovernmental Agreement between The City of Calhoun and Bartow County for Interconnection of Water Distribution Systems.

12. Councilman Edwards 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

DIVISION 2. CROSS CONNECTIONS*

Sec. 94-81 Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Auxiliary intake means any piping connection or other device whereby water may be secured from a source other than that normally used.

Bypass means any system of piping or other arrangement whereby the water may be diverted around any part or portion of a water purification plant.

Cross connection means any physical arrangement whereby a public water supply is or may be connected directly or indirectly with a nonpotable water supply or unapproved water supply system, sewer, drain, conduit, pool, storage reservoir, plumbing fixture, or other device which contains or may contain contaminated water, liquid, gases, sewage, or other waste of unknown or unsafe quality, which may be capable of imparting contamination to the public water supply as the result of backflow bypass arrangements, jumper connections, removable sections, swivel or change-over devices, and other temporary, permanent, or potential connections through which or because of which backflow or backsiphonage could or would occur.

Interconnection means any system of piping or other arrangement whereby the public water supply is connected directly with a sewer, drain, conduit, pool, storage reservoir, or other device which does or may contain sewage or other waste or liquid which would be capable of imparting contamination to the public water supply.

Person means any and all persons, natural or artificial, including any individual, firm or association, and any municipal or private corporation organized or existing under the laws of this or any other state or county.

Public water supply means the waterworks system furnishing water to the citizens of the city and the county for general use and which supply is recognized as the public water supply by the state department of natural resources, environmental protection division.
(Code 1988, 11-80)

Cross reference – Definitions generally, 1-2

Sec. 94-82. Compliance with state and federal law

The city public water supply is to comply with chapter 391-3-5-.13 of the Georgia Rules for Safe Drinking Water and PL 93-523 of the Federal Safe Drinking Water Act, legally adopted in accordance with this division, which pertains to cross connections and establish an effective, on-going program to control these undesirable water uses.
(Code 1988, 11-81)

Sec. 94-83. Violations: penalties.

It shall be unlawful for any person to cause a cross connection, auxiliary intake, bypass, or other interconnection to be made, or allow one to exist for any purpose whatsoever, and any person who neglects or refused to comply with any of the provisions of this division shall be deemed guilty of a misdemeanor and punished by a fine in the municipal court as is provided for in section 1-7, and each day of continued violation after conviction shall constitute a separate offense. In addition to such fines and penalties, the director of utilities of the city shall be empowered to discontinue the public water supply service to any premises upon which there is found to be a cross connection, auxiliary intake, bypass, or interconnection, and service shall not be restored until such cross connection, auxiliary intake, bypass, or interconnection has been discontinued.
(Code 1988, 11-82)

Sec. 94-84, Filing of statement of nonexistence of cross connections.

Any person whose premises are supplied with water from the public water supply, and who also has on the same premises a separated source of water supply or stores water in an uncovered or unsanitary storage reservoir from which the water stored therein is circulated through a piping system, shall file with the director of utilities a statement of the nonexistence of unapproved or unauthorized cross connections. Such statement shall also contain an agreement that no cross connection, auxiliary intake, bypass, or interconnection will be permitted upon the premises.
(Code 1988, 11-83)

Sec. 94-85. Inspections.

- (a) It shall be the duty of the city public water supply to cause inspections to be made of all properties served by the public water supply where cross connections with the public water supply are deemed possible. The frequency of inspections and reinspections based on potential health hazards involved shall be as established by the director of utilities.
- (b) The director of utilities or authorized representative shall have the right to enter, at any reasonable time, any property served by a connection to the city public water supply for the purpose of inspecting the piping systems thereof of cross connections, auxiliary intakes, bypasses, or interconnection. On request, the owner, lessee, or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross connections.
(Code 1988, 11-84)

Sec. 94-86. Correction of existing conditions

Any person who now has cross connections, auxiliary intakes, bypasses or interconnections in violation of the provisions of this division shall be allowed a reasonable time within which to comply with the provisions of this division. After a thorough investigation of existing conditions and an appraisal of the time required to complete the work, the amount of time to be in compliance shall be designated by the director of utilities, subject to review and appeal to the mayor and council in accordance with the procedure outlined in section 18-33(e).
(Code 1988, 11-85)

Sec. 94-87. Conditions requiring protective devices; inspection and maintenance of protective devices.

- (a) Where the nature of use of the water supplied to premises by the water department is such that it is deemed that :
- (1) It is impractical to provide an effective air gap separation;
 - (2) The owner and/or occupant of the premises cannot or is not willing to demonstrate to the official in charge of the system, or his designated representative, that the water use and protective features of the plumbing are such as to pose no threat to the safety or potability of the water supply;
 - (3) The nature and mode of operation within the premises are such that frequent alterations are made to the plumbing; or
 - (4) There is a likelihood that protective measures may be subverted, altered, or disconnected;

The director of utilities, or his designated representative, shall require the use of an approved protective device on the service line serving the premises to ensure that any contamination that may originate in the customer's premises is contained therein. The protective device shall be a reduced pressure zone type backflow preventer or other device approved by the director of utilities-utilities or his authorized representative as to manufacturer, model, and size. The type of approved device shall be established by the degree of hazard for each specific location. The method of installation of the backflow protective devices shall be approved by the director of utilities prior to installation and shall comply with the criteria set forth by the director of utilities. or his authorized representative The installation shall be at the expense of the owner or occupant of the premises.

- (b) The department shall have the right to inspect ~~and test the devices~~ delete on an annual basis or whenever deemed necessary by the director of utilities or his designated representative. ~~Water service shall not be disrupted to test the device without the knowledge of the occupant of the premises.~~ delete

- (c) ~~Where the use of water is critical to the continuance of normal operations or protection of life, property, or equipment, duplicate units shall be provided to avoid the necessity of discontinuing water service to test or repair the protective devices. Where only one unit is installed and the continuance of service is critical, the director of utilities shall notify, in writing, the occupant of the premises of plans to discontinue water service and arrange for a mutually acceptable time to test and/or repair the device.~~ The owner or occupant of the premises shall be responsible for annual testing and submittal of test data. Testing shall be conducted by an approved certified tester. Failure of a backflow prevention device shall be considered as non-compliance and immediate repairs are required. The water system shall require the occupant of the premises to make all repairs shall be borne by the owner or occupant of the premises. These repairs shall be made by qualified personnel, acceptable to the director of utilities.
(Code 1988, 11-86)

Sec. 94-88. Labeling of nonpotable water supply

The potable water supply made available on the properties served by the public water supply shall be protected from possible contamination as specified in the division. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as follows:

WATER UNSAFE FOR DRINKING

The minimum acceptable sign shall have black letters one inch high located on a red background.

(Code 1988, 11-87)

Sec. 94-89 – 94-110. Reserved.

FLOOD DAMAGE PREVENTION ORDINANCE

ARTICLE 1. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES

SECTION A. AUTHORIZATION

Article IX, Section II of the Constitution of the State of Georgia and Section 36-1-20(a) of the Official Code of Georgia Annotated have delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Mayor and Council of the City of Calhoun, GEORGIA, hereby ordains as follows:

SECTION B. FINDINGS OF FACT

- (1) The flood hazard areas of City of Calhoun, Georgia are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood relief and protection, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- (2) These flood losses are caused by the occupancy in flood hazard areas of uses vulnerable to floods, which are inadequately elevated, flood-proofed, or otherwise unprotected from flood damages, and by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities.

SECTION C. STATEMENT OF PURPOSE

It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) require that uses vulnerable to floods, including facilities, which serve such uses, be protected against flood damage at the time of initial construction;
- (2) restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which increase flood heights, velocities, or erosion;
- (3) control filling, grading, dredging and other development which may increase flood damage or erosion, and;

- (4) prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands;
- (5) control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters.

SECTION D. OBJECTIVES

The objectives of this ordinance are:

- (1) to protect human life and health;
- (2) to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
- (3) to help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas.
- (4) to minimize expenditure of public money for costly flood control projects;
- (5) to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (6) to minimize prolonged business interruptions, and;
- (7) to insure that potential homebuyers are notified that property is in a flood area.

ARTICLE 2. GENERAL PROVISIONS

SECTION A. LANDS TO WHICH THIS ORDINANCE APPLIES

This ordinance shall apply to all Areas of Special Flood Hazard within the jurisdiction of the City of Calhoun, Georgia.

SECTION B. BASIS FOR AREA OF SPECIAL FLOOD HAZARD

The Areas of Special Flood Hazard identified by the Federal Emergency Management Agency in its Flood Insurance Study (FIS), dated September 26, 2008, with accompanying maps and other supporting data and any revision thereto, are adopted by reference and declared a part of this ordinance.

For those land areas acquired by a municipality through annexation, the current effective FIS dated September 26, 2008, with accompanying maps and other supporting data and any revision thereto, for City of Calhoun in Gordon County are hereby adopted by reference.

Areas of Special Flood Hazard may also include those areas known to have flooded historically or defined through standard engineering analysis by governmental agencies or private parties but not yet incorporated in a FIS.

The Repository for public inspection of the Flood Insurance Study (FIS), accompanying maps and other supporting data is located: 700 W. Line Street, Calhoun, GA 30701.

SECTION C. ESTABLISHMENT OF DEVELOPMENT PERMIT

A Development Permit shall be required in conformance with the provisions of this ordinance PRIOR to the commencement of any Development activities.

SECTION D. COMPLIANCE

No structure or land shall hereafter be located, extended, converted or altered without full compliance with the terms of this ordinance and other applicable regulations.

SECTION E. ABROGATION AND GREATER RESTRICTIONS

This ordinance is not intended to repeal, abrogate, or impair any existing ordinance, easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

SECTION F. INTERPRETATION

In the interpretation and application of this ordinance all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the governing body, and; (3) deemed neither to limit nor repeal any other powers granted under state statutes.

SECTION G. WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur; flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the Areas of Special Flood Hazard or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of City of Calhoun or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

SECTION H. PENALTIES FOR VIOLATION

Failure to comply with the provisions of this ordinance or with any of its requirements, including conditions and safeguards established in connection with grants of variance or special exceptions shall constitute a violation. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$1,000.00 or imprisoned for not more than 60 days, or both, and in addition, shall pay all costs

and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Calhoun from taking such other lawful actions as is necessary to prevent or remedy any violation.

ARTICLE 3. ADMINISTRATION

SECTION A. DESIGNATION OF ORDINANCE ADMINISTRATOR

The building official is hereby appointed to administer and implement the provisions of this ordinance.

SECTION B. PERMIT PROCEDURES

Application for a Development Permit shall be made to the building official on forms furnished by the community PRIOR to any development activities, and may include, but not be limited to the following: plans in duplicate drawn to scale showing the elevations of the area in question and the nature, location, dimensions, of existing or proposed structures, earthen fill placement, storage of materials or equipment, and drainage facilities.

Specifically, the following information is required:

(1) Application Stage -

- (a) Elevation in relation to mean sea level (or highest adjacent grade) of the lowest floor, including basement, of all proposed structures;
- (b) Elevation in relation to mean sea level to which any non-residential structure will be flood-proofed;
- (c) Design certification from a registered professional engineer or architect that any proposed non-residential flood-proofed structure will meet the flood-proofing criteria of Article 4, Section B (2):
- (d) Description of the extent to which any watercourse will be altered or relocated as a result of a proposed development, and;

(2) Construction Stage -

For all new construction and substantial improvements, the permit holder shall provide to the Administrator an as-built certification of the regulatory floor elevation or flood-proofing level immediately after the lowest floor or flood proofing is completed. Any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When flood proofing is utilized for non-residential structures, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same.

Any work undertaken prior to submission of these certifications shall be at the permit holder's risk.

The City of Calhoun shall review the above referenced certification data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being allowed to proceed. Failure to submit certification or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

SECTION C. DUTIES AND RESPONSIBILITIES OF THE ADMINISTRATOR

Duties of the building official shall include, but shall not be limited to:

- (1) Review proposed development to assure that the permit requirements of this ordinance have been satisfied.
- (2) Review proposed development to assure that all necessary permits have been received from governmental agencies from which approval is required by Federal or State law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334. Require that copies of such permits be provided and maintained on file.
- (3) Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding.
- (4) When Base Flood Elevation data or floodway data have not been provided in accordance with Article 2 Section B, then the building official shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other sources in order to administer the provisions of Article 4.
- (5) Review and record the actual elevation in relation to mean sea level (or highest adjacent grade) of the lowest floor, including basement, of all new or substantially improved structures in accordance with Article 3, Section B (2).
- (6) Review and record the actual elevation, in relation to mean sea level to which any new or substantially improved structures have been flood-proofed, in accordance with Article 3, Section B (2).
- (7) When flood-proofing is utilized for a structure, the building official shall obtain certification of design criteria from a registered professional engineer or architect in accordance with Article 3(B)(1)(c) and Article 4(B)(2) or (D)(2).
- (8) Make substantial damage determinations following a flood event or any other event that causes damage to structures in flood hazard areas.

(9) Notify adjacent communities and the Georgia Department of Natural Resources prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).

(10) For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to the FEMA to ensure accuracy of community flood maps through the Letter of Map Revision process. Assure flood carrying capacity of any altered or relocated watercourse is maintained.

(11) Where interpretation is needed as to the exact location of boundaries of the Areas of Special Flood Hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the building official shall make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Ordinance.

(12) All records pertaining to the provisions of this ordinance shall be maintained in the office of the building official and shall be open for public inspection.

ARTICLE 4. PROVISIONS FOR FLOOD HAZARD REDUCTION

SECTION A. GENERAL STANDARDS

In ALL Areas of Special Flood Hazard the following provisions are required:

(1) New construction and substantial improvements of existing structures shall be anchored to prevent flotation, collapse or lateral movement of the structure;

(2) New construction and substantial improvements of existing structures shall be constructed with materials and utility equipment resistant to flood damage;

(3) New construction or substantial improvements of existing structures shall be constructed by methods and practices that minimize flood damage;

(4) Elevated Buildings - All New construction or substantial improvements of existing structures that include ANY fully enclosed area located below the lowest floor formed by foundation and other exterior walls shall be designed so as to be an unfinished or flood resistant enclosure. The enclosure shall be designed to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater.

(a) Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:

(i) Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;

(ii) The bottom of all openings shall be no higher than one foot above grade; and,

(iii) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwater in both direction.

(b) So as not to violate the "Lowest Floor" criteria of this ordinance, the unfinished or flood resistant enclosure shall only be used for parking of vehicles, limited storage of maintenance equipment used in connection with the premises, or entry to the elevated area, and

(c) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.

(5) All heating and air conditioning equipment and components (including ductwork), all electrical, ventilation, plumbing, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(6) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable State requirements for resisting wind forces.

(7) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(8) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;

(9) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding, and;

(10) Any alteration, repair, reconstruction or improvement to a structure, which is not compliant with the provisions of this ordinance, shall be undertaken only if the non-conformity is not furthered, extended or replaced.

SECTION B. SPECIFIC STANDARDS

In ALL Areas of Special Flood Hazard the following provisions are required:

- (1) New construction and/or substantial improvements - Where base flood elevation data are available, new construction and/or substantial improvement of any structure or manufactured home shall have the lowest floor, including basement, elevated no lower than one foot above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with standards of Article 4, Section A (4), "Elevated Buildings".
 - (a) All heating and air conditioning equipment and components (including ductwork), all electrical, ventilation, plumbing, and other service facilities shall be elevated at or above one (1) foot above the base flood elevation.

- (2) Non-Residential Construction - New construction and/or the substantial improvement of any structure located in A1-30, AE, or AH zones, may be flood-proofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be water tight to one (1) foot above the base flood elevation, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the official as set forth above and in Article 3, Section C. (6).

- (3) Standards for Manufactured Homes and Recreational Vehicles - Where base flood elevation data are available:
 - (a) All manufactured homes placed and/or substantially improved on:
 - (1) individual lots or parcels,
 - (2) in new and/or substantially improved manufactured home parks or subdivisions,
 - (3) in expansions to existing manufactured home parks or subdivisions, or
 - (4) on a site in an existing manufactured home park or subdivision where a manufactured home has incurred "substantial damage" as the result of a flood, must have the lowest floor including basement, elevated no lower than one foot above the base flood elevation.

 - (b) Manufactured homes placed and/or substantially improved in an existing manufactured home park or subdivision may be elevated so that either:
 - (i) The lowest floor of the manufactured home is elevated no lower than one foot above the level of the base flood elevation, or

(ii) The manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least an equivalent strength) of no less than 36 inches in height above grade.

(c) All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. (Ref. Article 4(A)(6) above)

(d) All recreational vehicles placed on sites must either:

(i) Be on the site for fewer than 180 consecutive days.

(ii) Be fully licensed and ready for highway use. (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions), or

(iii) The recreational vehicle must meet all the requirements for "New Construction", including the anchoring and elevation requirements of Article 4, Section B (3)(a)(c), above.

(4). Floodway - Located within Areas of Special Flood Hazard established in Article 2, Section B, are areas designated as floodway. A floodway may be an extremely hazardous area due to velocity floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights. Therefore, the following provisions shall apply:

(a) Encroachments are prohibited, including earthen fill, new construction, substantial improvements or other development within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the encroachment shall not result in any increase in flood levels or floodway widths during a base flood discharge. A registered professional engineer must provide supporting technical data and certification thereof.

(b) ONLY if Article 4 (B)(4)(a) above is satisfied, then any new construction or substantial improvement shall comply with all other applicable flood hazard reduction provisions of Article 4.

SECTION C. BUILDING STANDARDS FOR STREAMS WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS AND/OR FLOODWAY (A-ZONES) -

Located within the Areas of Special Flood Hazard established in Article 2, Section B, where streams exist but no base flood data have been provided (A-Zones), OR where base flood data have been provided but a Floodway has not been delineated, the following provisions apply:

(1) When base flood elevation data or floodway data have not been provided in accordance with Article 2(B), then the building official shall obtain, review, and reasonably utilize any scientific or historic base flood elevation and floodway data available from a Federal, State, or other source, in order to administer the provisions of Article 4. ONLY if data are not available from these sources, then the following provisions (2&3) shall apply:

(2) No encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty feet, whichever is greater, measured from the top of the stream bank, unless certification by a registered professional engineer is provided demonstrating that such encroachment shall not result in more than a one (1) foot increase in flood levels during the occurrence of the base flood discharge.

(3) In special flood hazard areas without base flood elevation data, new construction and substantial improvements of existing structures shall have the lowest floor of the lowest enclosed area (including basement) elevated no less than three (3) feet above the highest adjacent grade at the building site. (NOTE: Require the lowest floor to be elevated one foot above the estimated base flood elevation in A-Zone areas where a Limited Detail Study has been completed). Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of Article 4, Section A (4) "Elevated Buildings".

(a) All heating and air conditioning equipment and components (including ductwork), all electrical, ventilation, plumbing, and other service facilities shall be elevated no less than three (3) feet above the highest adjacent grade at the building site.

The building official shall certify the lowest floor elevation level and the record shall become a permanent part of the permit file.

SECTION D. STANDARDS FOR AREAS OF SHALLOW FLOODING (AO ZONES) -

Areas of Special Flood Hazard established in Article 2, Section B, may include designated "AO" shallow flooding areas. These areas have base flood depths of one to three feet (1'-3') above ground, with no clearly defined channel. The following provisions apply:

(1) All new construction and substantial improvements of residential and non-residential structures shall have the lowest floor, including basement, elevated to the flood depth number specified on the Flood Insurance Rate Map (FIRM), above the

highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated at least three feet (3) above the highest adjacent grade. Openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of Article 4, Section A (4), "Elevated Buildings".

The building official shall certify the lowest floor elevation level and the record shall become a permanent part of the permit file.

(2) New construction or the substantial improvement of a non-residential structure may be flood-proofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be water tight to the specified FIRM flood level plus one (1) foot, above highest adjacent grade, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the official as set forth above and as required in Articles 3(B)(1)(c) and (3)(B)(2).

(3) Drainage paths shall be provided to guide floodwater around and away from any proposed structure.

SECTION E. STANDARDS FOR SUBDIVISIONS

(1) All subdivision and/or development proposals shall be consistent with the need to minimize flood damage;

(2) All subdivision and/or development proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;

(3) All subdivision and/or development proposals shall have adequate drainage provided to reduce exposure to flood hazards, and;

(4) For subdivisions and/or developments greater than fifty (50) lots or five (5) acres, whichever is less, base flood elevation data shall be provided for subdivision and all other proposed development, including manufactured home parks and subdivisions. Any changes or revisions to the flood data adopted herein and shown on the FIRM shall be submitted to FEMA for review as a Conditional Letter of Map Revision (CLOMR) or Conditional Letter of Map Amendment (CLOMA), whichever is applicable. Upon completion of the project, the developer is responsible for submitting the "as-built" data to FEMA in order to obtain the final LOMR.

SECTION F. STANDARDS FOR CRITICAL FACILITIES

- (1) Critical facilities shall not be located in the 100-year floodplain or the 500-year floodplain.
- (2) All ingress and egress from any critical facility must be protected to the 500-year flood elevation.

ARTICLE 5. VARIANCE PROCEDURES

- (A) The City Council as established by the City of Calhoun shall hear and decide requests for appeals or variance from the requirements of this ordinance.
- (B) The board shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the building official in the enforcement or administration of this ordinance.
- (C) Any person aggrieved by the decision of City Council may appeal such decision to the Superior Court of Gordon County, as provided in Section 5-4-1 of the Official Code of Georgia Annotated.
- (D) Variances may be issued for the repair or rehabilitation of Historic Structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a Historic Structure and the variance is the minimum to preserve the historic character and design of the structure.
- (E) Variances may be issued for development necessary for the conduct of a functionally dependent use, provided the criteria of this Article are met, no reasonable alternative exists, and the development is protected by methods that minimize flood damage during the base flood and create no additional threats to public safety.
- (F) Variances shall not be issued within any designated floodway if ANY increase in flood levels during the base flood discharge would result.
- (G) In reviewing such requests, the City Council shall consider all technical evaluations, relevant factors, and all standards specified in this and other sections of this ordinance.
- (H) **Conditions for Variances:**
 - (1) A variance shall be issued ONLY when there is:
 - (i) a finding of good and sufficient cause,
 - (ii) a determination that failure to grant the variance would result in exceptional hardship, and;

(iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(2) The provisions of this Ordinance are minimum standards for flood loss reduction; therefore any deviation from the standards must be weighed carefully. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and, in the instance of an Historic Structure, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building.

(3) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation of the proposed lowest floor and stating that the cost of flood insurance will be commensurate with the increased risk to life and property resulting from the reduced lowest floor elevation.

(4) The building official shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

(I) Upon consideration of the factors listed above and the purposes of this ordinance, the City Council may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

ARTICLE 6. DEFINITIONS (note: * data must be inserted)

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

"Accessory Structure" means a structure having minimal value and used for parking, storage and other non-habitable uses, such as garages, carports, storage sheds, pole barns, hay sheds and the like.

"Addition (to an existing building)" means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition, which is connected by a firewall or is separated by an independent perimeter load-bearing wall, shall be considered "New Construction".

"Appeal" means a request for a review of the building official's interpretation of any provision of this ordinance.

"Area of shallow flooding" means a designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet, and/or where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

"Area of special flood hazard" is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. In the absence of official designation by the Federal Emergency Management Agency, Areas of Special Flood Hazard shall be those designated by the local community and referenced in Article 2, Section B.

"Base flood," means the flood having a one percent chance of being equaled or exceeded in any given year.

"Base Flood Elevation (BFE)" The elevation shown on the Flood Insurance Rate Map for Zones AE, AH, A1-A30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO, V1-V30, and VE that indicates the water surface elevation resulting from a flood that has a one percent chance of equaling or exceeding that level in any given year.

"Basement" means that portion of a building having its floor sub grade (below ground level) on all sides.

"Building Official," means the City of Calhoun Building Inspector as appointed by the City Administrator or any City employee designated by the City Administrator.

"Critical Facility" means any public or private facility, which, if flooded, would create an added dimension to the disaster or would increase the hazard to life and health. Critical facilities include:

- (a) structures or facilities that produce, use, or store highly volatile, flammable, explosive, toxic, or water-reactive materials;
- (b) hospitals and nursing homes, and housing for the elderly, which are likely to contain occupants who may not be sufficiently mobile to avoid the loss of life or injury during flood and storm events;
- (c) emergency operation centers or data storage centers which contain records or services that may become lost or inoperative during flood and storm events; and
- (d) generating plants, and other principal points of utility lines.

"Development" means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, and storage of materials or equipment.

"Elevated building" means a non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

"Existing construction" Any structure for which the "start of construction" commenced before November 12, 1990. [i.e., the effective date of the FIRST floodplain management code or ordinance

adopted by the community as a basis for that community's participation in the National Flood Insurance Program (NFIP)].

"Existing Manufactured Home Park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and final site grading or the pouring of concrete pads) is completed before November 12, 1990. [i.e., the effective date of the FIRST floodplain management regulations adopted by a community].

"Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.

"Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (a.) the overflow of inland or tidal waters; or
- (b.) the unusual and rapid accumulation or runoff of surface waters from any source.

"Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by the Federal Insurance Administration, where the boundaries of areas of special flood hazard have been defined as Zone A.

"Flood Insurance Rate Map (FIRM)" means an official map of a community, issued by the Federal Insurance Administration, delineating the areas of special flood hazard and/or risk premium zones applicable to the community.

"Flood Insurance Study" the official report by the Federal Insurance Administration evaluating flood hazards and containing flood profiles and water surface elevations of the base flood.

"Floodplain" means any land area susceptible to flooding.

"Flood proofing," means any combination of structural and non-structural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

"Freeboard" means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway

conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

"Highest adjacent grade" means the highest natural elevation of the ground surface, prior to construction, adjacent to the proposed foundation of a building.

"Historic Structure" means any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c. Individually listed on a state inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or
- d. Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
 1. By an approved state program as determined by the Secretary of the Interior, or
 2. Directly by the Secretary of the Interior in states without approved programs.

Lowest floor means the lowest floor of the lowest enclosed area, including basement. An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage, in an area other than a basement, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of other provisions of this code.

"Manufactured home" means a building, transportable in one or more sections, built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

"Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Mean Sea Level" means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD).

"National Geodetic Vertical Datum (NGVD)" as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

"New construction" means ANY structure (see definition) for which the "start of construction" commenced on or after November 12, 1990 and includes any subsequent improvements to the structure. [* i.e., the effective date of the FIRST floodplain management ordinance adopted by the community as a basis for community participation in the (NFIP)].

"New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after November 12, 1990. [i.e., the effective date of the first floodplain management regulations adopted by a community].

"North American Vertical Datum (NAVD)" as corrected in 1988 is a vertical control used as a reference for establishing varying elevations within the floodplain.

"Recreational vehicle" means a vehicle, which is:

- a. built on a single chassis;
- b. 400 square feet or less when measured at the largest horizontal projection;
- c. designed to be self-propelled or permanently towable by a light duty truck; and
- d. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Start of construction" means the date the development permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of the structure such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation, and includes the placement of a manufactured home on a foundation. (Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of buildings appurtenant to the permitted structure, such as garages or sheds not occupied as dwelling units or part of the main structure. (NOTE: accessory structures are NOT exempt from any ordinance requirements) For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"Structure" means a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank.

"Subdivision" the division of a single lot into two or more lots for the purpose of sale or development.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

"Substantial improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during a 5-year period, in which the cumulative cost equals or exceeds fifty (50) percent of the market value of the structure prior to the "start of construction" of the improvement. NOTE: *The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring.* This term includes structures, which have incurred "substantial damage", regardless of the actual amount of repair work performed.

For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include (1) those improvements of a structure required to comply with existing violations of state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions and which have been identified by the Code Enforcement Official, and not solely triggered by an improvement or repair project, or (2) any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure".

"Substantially improved existing manufactured home parks or subdivisions" is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

"Variance" is a grant of relief from the requirements of this ordinance, which permits construction in a manner otherwise prohibited by this ordinance.

"Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, or other certifications, or other evidence of compliance required by this ordinance is presumed to be in violation until such time as that documentation is provided.

ARTICLE 7. SEVERABILITY

If any section, clause, sentence, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Ordinance.

Ordinance adopted on August 11, 2008.

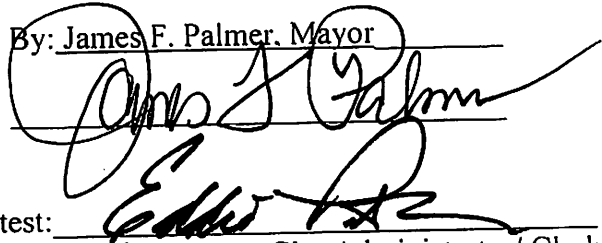
First Reading: 7/28/2008

Second Reading: 8/11/2008

Certified by: Heather Evans
Heather Evans, Deputy Clerk

City of Calhoun, Georgia

By: James F. Palmer, Mayor



Attest: Eddie Peterson
Eddie Peterson, City Administrator/ Clerk

Date: August 11, 2008

INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE CITY OF CALHOUN, GEORGIA AND BARTOW COUNTY, GEORGIA
FOR
INTERCONNECTION OF WATER DISTRIBUTION SYSTEMS

This AGREEMENT, made and entered into this 17th day of August, 2008, by and between THE CITY OF CALHOUN, GEORGIA (hereinafter called the CITY) and BARTOW COUNTY, GEORGIA (hereinafter called the COUNTY), political subdivisions of the State of Georgia, acting through their respective governing bodies,

WITNESSETH:

WHEREAS, the CITY and COUNTY each own and operate a public water system; and

WHEREAS, the distribution lines from the two systems are in close proximity; and

WHEREAS, an interconnection between the two systems could provide emergency backup and supply to the other; and

WHEREAS, the CITY and COUNTY are amenable to providing potable water to each other in times of need through an interconnection; and

WHEREAS, the CITY and COUNTY each have the capacity to provide such service; and

Whereas, each entity is willing to pay for the required construction within its service area plus one-half the cost of the necessary metering station to provide such an interconnection; and

Whereas, financial assistance may be available from the State of Georgia for such an interconnection;

NOW, THEREFORE, in consideration of the promises and mutual covenants hereinafter set forth, and for other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, the City of Calhoun and Bartow County agree as follows:

1. Required construction

The interconnection will require installation of approximately 22,700 ft of 12" waterline, a booster pump station on the Calhoun side of the interconnection and a metering station at

terminated sooner. Termination shall be accomplished by written notice from one party delivered to the legal mailing address of the other party, by certified mail, with thirty (30) days notice from the date of delivery to the date of termination.

8. Effective Date

This Agreement shall become effective upon receipt of funding from the Georgia Water Supply Competitive Grant Program and allocation of local funds by the respective Parties.

9. Severability

Should any phrase, clause, sentence or paragraph of the Agreement be held invalid or unconstitutional, the remaining provisions shall remain in full force and effect.

10. Law and Venue

This Agreement shall be governed by the laws of the State of Georgia. Should any conflict as to its term or application arise and the parties be unable to resolve them amicably, such conflict shall be resolved through litigation in the exclusive venue of a Court of the Cherokee Judicial Circuit of Georgia. Each party hereby waives its right to a jury trial and agrees to a hearing before a judge of the Cherokee Circuit.

11. Assignment

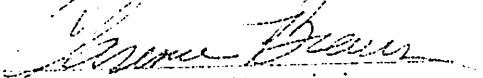
Neither the CITY nor the COUNTY shall not transfer or assign its interest in this Agreement to any other party without the express written consent of the other party.

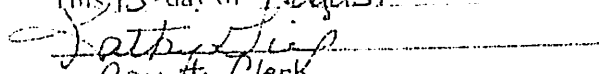
12. Waiver

A failure to initiate action pertaining to any breach of the terms of this Agreement shall not be deemed as a waiver of the rights of action and all such uninitiated rights of action shall be cumulative.

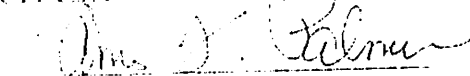
IN WITNESS WHEREOF, the parties hereto have executed this Agreement:

BARTOW COUNTY, GEORGIA


Clarence Brown, Commissioner

This 13th day of August, 2008

County Clerk

CITY OF CALHOUN, GEORGIA


James F. Palmer, Mayor

This 12th day of August, 2008

City of Calhoun Resolution
*Supporting the EIP Application for
Racemark International, LP*

WHEREAS, the Georgia Department of Community Affairs has established the Community Development Block Grant, Employment Incentive Program (EIP) grants to assist cities and counties with improvements to economic development, public facilities and housing in Georgia, and

WHEREAS, there exists in the City of Calhoun the need to improve employment opportunities and to promote the health, welfare, safety, and economic security of its citizens by providing them with diverse opportunities and by assisting new businesses to locate in the City.

NOW THEREFORE IT BE RESOLVED by the Mayor and City Council that they support the application for CDBG/EIP funds to loan to Racemark International, LP to purchase a facility to operate in the City of Calhoun.

BE IT FURTHER RESOLVED that the Mayor is authorized and directed to act as the official representative of the City.

BE IT FURTHER RESOLVED that the Mayor is authorized to enter an agreement for outside grant administration services relating to the application and subsequent grant (if funded) and to execute all required documents relating to said grant application.

BE IT FURTHER RESOLVED that a true and dedicated commitment has been made to the project for its successful completion so that this City of Calhoun business may provide new jobs for low – to moderate – income families.

BE IT RESOLVED this 11th day of August, 2008




Mayor

CERTIFICATION

I do hereby certify that the foregoing is a true and correct copy of the Resolution duly adopted by the City on the date so stated in said Resolution. I further certify that I am the City Clerk and that said Resolution has full force and effect the 11th day of August, 2008.

ATTEST:



City Clerk