

**CITY OF CALHOUN  
REGULAR CITY COUNCIL MEETING  
DEPOT COMMUNITY ROOM  
109 SOUTH KING STREET  
JULY 12, 2004, 7:00 P.M.**

**MINUTES**

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

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

**ALSO: William P. Bailey, City Attorney  
Kelly Cornwell, Director of Utilities  
Eddie Peterson, Director of Public Safety and Public Works  
Cathy Harrison, City Administrator**

1. Mayor Palmer called the meeting to order and welcomed everyone in attendance. He stated in lieu of an invocation, he would like to have a moment of silent prayer in remembrance of Mr. George Chambers. He stated Mr. Chambers was not only a former principal in the city school system but he was a devoted citizen that served on many community committees. His quiet, unassuming ways of helping others were an inspiration for the entire community.
2. Mayor Palmer led the group in the Pledge of Allegiance to the United States Flag.
3. Minutes of the June 21, 2004 regular City Council meeting were approved as written.
4. Mayor's comments:
  - a. Mayor Palmer reminded everyone of the special city election that will be held in conjunction with the county election on July 20, 2004 to fill the unexpired term of Councilman John D. Shelton, Jr. He reminded everyone that early voting is possible during the week of July 12 through 16 at the county Courthouse.
  - d. Mayor Palmer reminded the Council and public of a hearing on July 26, 2004 on a new beer and wine pouring license request by Tammy Y. West, doing business as Thurston's, Inc., a restaurant at 114 Court Street.
5. Council Comments:
  - a. Mayor Palmer stated:
    - 1) The police department had a request for \$10,000.00 to be transferred from the police special fund account for the purchase of equipment needed for the special response team. Public Safety Director Eddie Peterson stated the equipment will be in the form of weapons and ammunition and will provide the needed tools for the special services group. Mayor Palmer inquired if there were any comments or questions from the Council. There were none. He asked if there was a motion to approve the \$10,000.00 transfer. Councilman Denmon made a motion to authorize the \$10,000.00 transfer for purchase of equipment, second by Mayor Pro Tem Potts, with

Councilman Denmon and Mayor Pro Tem Potts voting affirmatively, motion carried.

- 2) The police department made 589 cases in June, consisting of 103 warrants, 53 speeding tickets, and 433 other cases. They collected \$88,617.00 in fines. There were 16 DUI cases and 34 warnings tickets.. They worked 53 highway accidents and provided 80 escorts. They filed 1,529 incident reports and responded to 221 alarms. They drove 52,270 miles on patrol.
  - 2) The fire department responded to 57 calls for service during the month of June. 6 were for fire incidents with estimated damages of \$3,300.00. The incidents consisted of one for over-pressure, 16 rescue and emergency medical incidents including 1 death, 14 hazardous conditions incidents, 3 service calls, 1 good intent call, 13 false alarms, and 3 special incident calls. The fire department personnel continued training on the aerial truck operations and maintenance. They completed tagging and marking the location of all fire hydrants in the city. The Haz-Mat team worked at the G-8 summit. Firefighters completed all regularly scheduled station and vehicle maintenance. The fire inspection division provided 33 inspections during the month consisting of 17 annual inspections, 3 new businesses, 9 requested and 4 follow-ups. The fire inspector attended 1 preconstruction meeting.
- b. In the absence of Councilman Crowley, who is on vacation, Mayor Palmer stated he would proceed with Councilman Crowley's report:
- 1) During the month of June, the electric department continued reconstruction and relocation on line routes along North Wall Street and related re-conducting on College Street and Piedmont Street will follow. The new construction will provide improved service and reliability for the North Calhoun area. He stated they erected concrete poles for the distribution line changes along Park Avenue. He stated the reconstruction and transfers in this area should be complete by the end of July. The electric department will provide street lighting for the next phase at Brookstone and Laurel Ridge developments. They will also do work on traffic signals at C. L. Moss Parkway, River Street, Curtis Parkway and Laurel Place, as soon as materials are delivered. Mayor Palmer stated there are projects under engineering and design, such as the water pumping station expansion, the line relocation for Gordon Hills Shopping Center on Peters Street, and construction for Waterford Condos on Barrett Road. He stated work orders are in process for May were 50 street and security lighting, 46 new business and maintenance, and 18 after hours callouts.
  - 2) The telecommunications section completed construction of new fiber-optic lines and telephone nodes for the Calhoun Elementary School and moved and reassigned Eastside School and Calhoun Middle School services. They also set up a web hosting site for learning labs, completed an agreement with Gordon County for installation of a short fiber-optic line to the Foremost Building, and completed phone and data service lines for the new sewer maintenance building. Also, the department noted that on July 5 and 6, a storm in the downtown area resulted in fallen trees and

this in turn, resulted in power outages that took the remainder of the day and evening to repair.

- 3) During the month of June, the electric department issued 15 permits, provided 84 inspections, set 12 meters and purchased over 34 million kWh of electricity.

c. Councilman Denmon stated:

- 1) The water treatment plant pumped a total of 386,760,000 gallons of water during the month with a daily average of 12.892 million gallons. Approximately 36% of the total water for the month was produced by the wells at Brittany Drive.
- 2) The waste treatment plant treated a daily average of 6.195 million gallons during the month of June. The average BOD effluent was 5, the average suspended effluent was 15 and the average COD effluent was 91.
- 3) The water and sewer construction department completed 60 water taps, repaired 51 leaks, installed 5,813 feet of 12-inch line and 644 feet of 8-inch line. They set 57 new meters, repaired 7 meters, installed 5 new fire hydrants, and replaced 1 fire hydrant. They responded to 295 calls.
- 4) The building inspection department issued 67 permits for the month for estimated construction of \$4,618,900.00. Of this, \$2,400,000.00 was for new industrial projects and \$1,300,000.00 was for new residential permits.

d. Mayor Pro Tem Potts stated:

- 1) The street department installed 14 new street signs, completed 38 shop work orders, dug out cuts and patched on Pine Lane, Golden Circle, Richardson Road, Donna Street, Park Avenue, Hicks Street, Stewart Street, Jolly Road, Tracy Street, Thomas Street, Woodridge Drive, and the airport, using over 137 tons of asphalt. They dug out, plated and poured concrete to repair water cuts on Wall Street. They built a 24 x 24 storm water box, blew out and repaired pipes associated with a drainage problem at the intersection of Hillcrest and Sequoyah Terrace.
- 2) The sanitation department ran their routine commercial routes and gained one 4-yard dumpster account.
- 3) The parks department crews provided their regular care of all city property grounds and maintenance of the city fountains. They completed construction of 3 dumpster enclosures at the downtown parking lot. They also installed a new floor in the Cal-net trailer.
- 4) The cemetery department supervised the opening and closing of 14 spaces and sold 14 grave spaces during the month. They performed routine maintenance at both Fain and Chandler Cemeteries.
- 5) The safety department reported no workers' comp accidents and no vehicle accidents during the month of June. They provided a safety inspection at the police department.
- 6) Animal control department responded to 95 customer calls during the month.

6. Public Hearings and Comments:

- a. Mayor Palmer stated at this time, public hearings on zoning matters would be held. The public would have the opportunity to make pro and con comments with

a ten-minute maximum time limit for each side of the matter. Each person speaking would be required to have filed a Financial Disclosure Statement five days prior to the hearing, and each person would be required to give their name and address before speaking. An inquiry was made to determine if any of the elected officials had filed a disclosure statement regarding ownership or special interest in the agenda items. The response was negative. Mayor Palmer reviewed the Standards Governing the Exercise of Zoning Power, as follows:

**STANDARDS GOVERNING THE EXERCISE OF ZONING POWER**

- (1) Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.
- (2) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.
- (3) Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.
- (4) Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools.
- (5) Whether there will be capital costs for capital improvements to serve the area. Capital costs shall include water mains, sewer mains, new street pavement or widening, new fire stations or equipment, new police stations or equipment, and other like costs.
- (6) Whether the zoning proposal is in conformity with the policy and intent of the land use plan.
- (7) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for their approval; or disapproval of the zoning proposal.
- (8) Whether there are 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 property.

**VARIANCE CONSIDERATIONS (ONE OR MORE)**

- (a) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.
- (b) The application of this ordinance to the particular piece of property would create an unnecessary hardship.
- (c) Such conditions are peculiar to the particular piece of property involved.
- (d) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this ordinance, provided, however, that no variance may be granted for a use of land or building or structure that is prohibited by this ordinance.

- 1) Mayor Palmer announced the zoning and annexation request of Buddy Gray had been withdrawn. He also stated the request for a sight distance variance by Kevin and Brenda Allen had been referred to the county, since the sight distance problem is on a county road.

- 2) Mayor Palmer stated the five Erwin Street zoning and annexation requests, either by Ronnie Holbrook as owner or Ronnie Holbrook as Agent for other owners, of five parcels would be considered in one group. However, anyone could address any of the items individually. Mayor Palmer reviewed the five items as follows:

- ① A request for zoning of R-1B and annexation by Ronnie Holbrook, as agent for Malisey Dutton, for lots at 120, 120A and 124 Erwin Street.
- ② A request for zoning of R-1B and annexation by Ronnie Holbrook as agent for Carl Bowman, for lots at 121 Erwin Street.
- ③ A request for zoning of R-1B and annexation by Ronnie Holbrook as agent for Edward Holbrook, for lots at 119 Erwin Street.
- ④ A request for zoning of C-2 and annexation by Ronnie Holbrook for lots at 110, 112 and 114 Erwin Street.
- ⑤ A request for zoning of C-2 and annexation by Ronnie Holbrook as agent for Keeva and William Parker, for lots at 108 Erwin Street.

- a) A public hearing was opened.
- b) Harrison reported that signs had been placed on the property, notices had been published in the local legal organ and evidence of notification to adjoining property owners had been received.
- c) Mayor Pro Tem Potts stated the Zoning Advisory Board had met on this matter on July 8, 2004 at 4:30 p.m. She stated the board determined that the annexations would infill an island. Although lots 120, 120-A and 124 Erwin Street contained two trailers, the applicant understood completely that once these trailers are removed, they cannot be replaced with other trailers. Mayor Pro Tem Potts stated the Zoning Advisory Board had gained information from the Zoning Review Committee, and based upon the standards government the exercise of zoning power, they had recommended approval of each of the five items with the requested zoning.
- d) Mayor Palmer inquired if there were any comments by the applicant. There were none.
- e) Mayor Palmer asked if there were any comments by any member of the public. There were none and the hearing was closed.
- f) The zoning criteria were determined to be as follows:

- (1) The requests would permit a use that is suitable in view of the use and development of adjacent and nearby property.
- (2) The proposals would not adversely affect the existing use or usability of adjacent or nearby property.
- (3) The property as currently zoned does have a reasonable economic use.
- (4) The zoning proposals would not result in a use that would cause excessive or burdensome use of existing streets, transportation or schools, since the properties are currently developed.
- (5) There will be no costs for capital improvements for the properties since the infrastructure is already in place for the existing homes and businesses.

- (6) The proposals are in conformity with the policy and intent of the land use plan and will infill an island.
- (7) There are no existing or changing conditions that affect the use and development of the property.

- g. Based on these criteria, Mayor Pro Tem Potts stated she would make a motion to approve each of the requests for zoning and annexation, as requested, second by Councilman Denmon and approved.
- 3) Mayor Palmer gave a second reading of a request for zoning of R-1B and annexation by Richard T. O'Mahony for a house and lot at 110 Cherokee Drive.
- a) A public hearing was opened.
  - b) Harrison reported that signs had been placed on the property, notices had been published in the local legal organ and she had received evidence of notification to adjoining property owners.
  - c) Mayor Pro Tem Potts stated the Zoning Advisory Board also reviewed this matter on July 8, 2004. She stated this property would also infill an area. Although there is an address problem for homes in the area, Mr. O'Mahony is an employee of E-911. He indicated that emergency vehicles would be able to be successfully routed to his address in case of an emergency. Mayor Pro Tem Potts also indicated he had been requested to make a formal request for correction of the addresses to the proper county officials, since they are on a county road. Mayor Pro Tem Potts stated it was the recommendation of the Zoning Advisory Board to zone R-1B and annex.
  - d) Mayor Palmer asked if there were any comments or questions by the applicant.
  - e) Mr. O'Mahony stated he had no comments but was available to answer questions.
  - f) Mayor Palmer asked if there were comments by the Council or public. There were none and the hearing was closed.
  - g) The zoning criteria were determined to be as follows:
    - (1) The proposal would permit a use that is suitable in view of the use and development of adjacent and nearby property.
    - (2) The proposal would not adversely affect the existing use or usability of adjacent or nearby property.
    - (3) The property as currently zoned does have a reasonable economic use.
    - (4) The zoning proposal would not result in a use that would cause excessive or burdensome use of existing streets, transportation or schools, since the property is an existing structure and no new development is planned.
    - (5) There will be no costs for capital improvements for the property since the costs for infrastructure have already been paid by the owner.
    - (6) The proposal is in conformity with the policy and intent of the land use plan.

- (7) There are no existing or changing conditions that affect the use and development of the property.
- (8) The only relevant factor to balance the interest of safety and general welfare would be that the property will be an infill of an island.

h) Following review of these factors, Mayor Pro Tem Potts made a motion to approve the request for zoning of R-1B and annexation of the house and lot, second by Councilman Denmon and approved.

4) Mayor Palmer gave a second reading of the request by James Rayford and Betty Jean Justice for a 12-foot zoning variance on the front of a house for a 10-foot porch on the house at 124 Telfair Street.

- a) A public hearing was opened.
- b) Harrison reported that signs had been placed on the property, notices had been published in the local legal organ and she had received evidence of notification to adjoining property owners.
- c) Mayor Pro Tem Potts stated the Zoning Advisory Board also heard this request on July 8, 2004 at 4:30 p.m. The property at 124 Telfair Street is on a secondary street with low traffic volume. There were no objections to the variance request and the board recommended approval.
- d) Mayor Palmer asked if there were any questions or comments by the applicant. There were none.
- e) Mayor Palmer asked if there were any comments by the Council or public. There were none and the hearing was closed.
- f) The zoning criteria were determined to be as follows:

- (a) There are no extraordinary or exceptional conditions pertaining to the particular piece of property in question.
- (b) The application of the zoning ordinance could create an unnecessary hardship.
- (c) There are no conditions peculiar to this particular piece of property.
- (d) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes or intent of this ordinance.

f) Mayor Pro Tem Potts made a motion to approve the request for a 12-foot zoning variance, second by Councilman Denmon and approved.

b. Other hearings or comments:

- 1) Mayor Palmer stated there was a request to speak filed by Aref Altamimi regarding water connection fees. Mr. Altamimi was not in attendance.

7. Old business: **none.**

8. New business:

- a. Mayor Palmer asked Attorney Bailey to give a first reading of an alcohol ordinance amendment. Attorney Bailey stated the ordinance would allow an amendment to Section 6.1 of the City of Calhoun Code of Ordinances and

amendment also of Ordinance Number 656. He stated the first amendment would be to strike the definition of malt beverage in Section 6.1 and insert a new definition regarding changing the volume of 6% alcohol for malt beverage to 14% to be in accordance with changes in the state law. The second section of the amendment would also be an amendment to Section 6.1, which would delete the existing definition of a restaurant and to insert in its place a new definition of a restaurant which is very similar to the definition provided in state regulations, with the understanding that at least 60% of the gross income must come from sale of meals prepared and consumed on the premises, as opposed to sale of alcoholic beverages. The third section of amendments would be to strike the provision of Section 6-40 in the code and insert a new section regarding an applicant being at least 21 years of age who legally resides in the United States and who is a resident of Gordon County, Georgia, with the provision that residency in Gordon County shall not be a requirement if the applicant designates a resident of the county as a store manager and such designee is over the age of 21 and lawfully resides in the United States, who shall be responsible for all matters relating to the license. Mayor Palmer stated the earliest possible date for a public hearing would be August 9, 2004 at 7:00 P.M. Mayor Pro Tem Potts made a motion to set the public hearing for that date and time, second by Councilman Denmon and approved.

- b. Mayor Palmer gave a first reading of a liquor and wine package license request by Warren Z. Pass, d/b/a ABC Liquor at 769 Highway 53 East, SE. The current license is in the name of Johnny Bryant and he has confirmed the sale of the business. Mayor Palmer stated the earliest possible date for a public hearing would be August 23, 2004 at 7:00 p.m. Councilman Denmon made a motion to set the public hearing for that date and time, second by Mayor Pro Tem Potts, and approved.
- c. Mayor Palmer stated the city had received requests for approval of two traditional parades, and they would be considered individually.
  - 1) The Cherokee Capital Fair Parade on the traditional route on Saturday, September 11, 2004 at 11:00 a.m. Mayor Palmer stated if the request is approved, it would be subject to DOT approval. Councilman Denmon made a motion to approve the traditional Cherokee Capital Fair Parade on the traditional route for September 11, 2004 at 11:00 a.m. subject to DOT approval, second by Mayor Pro Tem Potts, and approved.
  - 2) Mayor Palmer stated the Christmas Parade on the extended traditional route on Highway 41 to the intersection of Piedmont Street would be scheduled on Thursday, December 9, 2004 at 7:00 p.m. He stated if the request is approved, it should also be subject to DOT approval. Mayor Pro Tem Potts made a motion to approve the Christmas Parade on the extended traditional route on December 9, 2004 at 7:00 p.m., subject to DOT approval, second by Councilman Denmon, and approved.
- d. Mayor Palmer gave a first reading of a request by Stephen M. Cochran for zoning of R-1 and annexation of a house and lot at 634 Peter Street. He stated the earliest possible date for a public hearing would be August 9, 2004 at 7:00 p.m. Mayor Pro Tem Potts made a motion to set the public hearing for that date and time, second by Councilman Denmon, and approved.
- e. Mayor Palmer gave a first reading of a beer pouring license request by Mariano Lopez of the En Familia Restaurant at 355 Richardson Road, Suite #1, a new

location. He stated the earliest possible date for a public hearing would be August 23, 2004 at 7:00 p.m. Councilman Denmon made a motion to set the public hearing for that date and time, second by Mayor Pro Tem Potts, and approved.

- f. Mayor Palmer gave a first reading of a beer package license request by Kamlesh V. Patel at 102 William Street near the intersection of Dews Pond Road and Lover's Lane, a new location. He stated the earliest possible date for a public hearing would be August 23, 2004 at 7:00 p.m. Councilman Denmon made a motion to set the public hearing for that date and time, second by Mayor Pro Tem Potts, and approved.
- g. Mayor Palmer gave a first reading of a request by Armour of God Ministries, Inc. for a sign variance to use an existing sign at 925 Oothcaloga Street at the former Astro Dye administrative office. He stated the earliest possible date for a public hearing would be August 9, 2004 at 7:00 p.m. Mayor Pro Tem Potts made a motion to set the public hearing for that date and time, second by Councilman Denmon, and approved.

9. Other written items not on the agenda: **none.**

10. Work Reports:

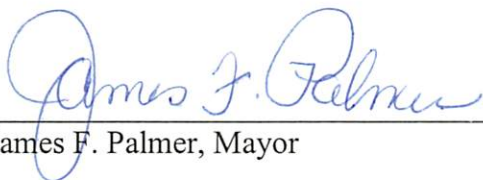
- a. Kelly Cornwell, Director of Utilities: **none.**
- b. Eddie Peterson, Director of Public Safety and Public Works stated construction on the traffic signals on Curtis Parkway and Laurel Lane would begin within the next week and should be completed within the next three to four weeks. He recommended that traffic seek an alternate route during this construction period.

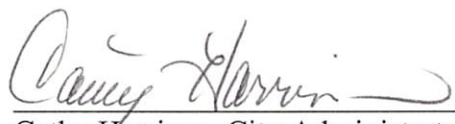
11. Mayor Palmer stated there was no need to move to Executive Session.

12. Mayor Pro Tem Potts made a motion to adjourn, second by Councilman Denmon, with both voting affirmatively, motion carried.

Approved:

Submitted:

  
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James F. Palmer, Mayor

  
\_\_\_\_\_  
Cathy Harrison, City Administrator