

**CITY OF CALHOUN
REGULAR CITY COUNCIL MEETING
DEPOT COMMUNITY ROOM
109 SOUTH KING STREET
APRIL 26, 2004, 7:00 P.M.**

MINUTES

**PRESENT: James F. Palmer, Mayor
Lorene Potts, Mayor Pro Tem
Ray M. Denmon, Councilman
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.
 - a. Councilman Crowley gave the invocation.
2. Mayor Palmer led the group in the Pledge of Allegiance to the United States Flag.
3. Following review, minutes of the April 12, 2004 regular City Council meeting were approved with one amendment to page 10: leave out the words "and Charter" in item 8-f.
4. Mayor's comments:
 - a. Mayor Palmer stated the city is presently taking applications for candidates who wish to qualify for Council Post #4, to fill the remaining term of John D. Shelton, Jr. Qualification will continue through April 30, 2004 at 4:30 p.m. Those individuals already qualified at this time are Linda Sainato and Eddie Hall. Mayor Palmer reminded everyone that the last day to register to vote in this election is June 21, 2004.
 - b. Mayor Palmer reminded the public of a city budget hearing on May 10, 2004 at 7:00 p.m.
 - c. Mayor Palmer also reminded the public of a public hearing for the adoption of the official zoning map and re-adoption of the Code of Ordinances on May 10, 2004 at 7:00 p.m.
 - d. Mayor Palmer reminded the Council of a hearing on May 24, 2004 at 7:00 p.m. on the request of Hussein Asadi for a beer pouring license for the Back Gate Restaurant at 355 Richardson Road, Suite 3.
 - e. Mayor Pro Tem Potts reminded the Council and public of the zoning hearings scheduled for May 10, 2004, as follows:
 - 1) A request for R-1B zoning and annexation by David Heramb of lots 8, 9, 10, 11, 12 and 13 of Skyline Subdivision off of Viking Drive, which is located off Jones Road.
 - 2) A request for Industrial zoning and annexation by Enoch Overby, Administrator for the Estate of Miriam Sitton, for approximately 50 acres off Belwood and Marine Drive.

- 3) A request for zoning of PRD and annexation by Riverside Developers, LLC, Paul Lusk, for 120 acres connected to Riverside Subdivision (Gray's Landing) on Riverside Drive.

5. Public Hearings and Comments:

- a. Mayor Palmer opened a public hearing on the beer, wine and liquor pouring license of Gerardo Herrera, manager for Los Rene's Mexican Restaurant at the Prime Outlet Mall, Suite 12, a new location. Mayor Palmer stated the police report was clear. He stated the location was new and has been checked regarding parking; distance from churches, schools and homes; etc. He asked if there were any questions or comments by the applicant. Mr. Herrera stated he had none. Mayor Palmer asked if there were any comments by anyone in attendance. There were none and the hearing was closed. Mayor Pro Tem Potts made a motion to approve the beer, wine and liquor pouring license request, second by Councilman Crowley, with Mayor Pro Tem Potts, Councilman Crowley and Councilman Denmon voting affirmatively, motion carried.

6. Old business:

- a. Mayor Palmer stated the fourth reading of a taxi license request by Alba Parra for Taxi Acapulco would not be needed since she had withdrawn her application. Her father, who presently has the license, is planning to remain in the United States and operate the business and she will remain as a driver. However, her father is requesting to move from Suite 3-B to Suite 1 at 235 West Line Street. Utilities have been changed and a copy of the new lease has been obtained. His request is for approval of the location change. Following discussion, Councilman Denmon made a motion to approve the location change to Suite 1, 235 West Line Street, second by Councilman Crowley, with Councilman Denmon, Councilman Crowley and Mayor Pro Tem Potts voting affirmatively, motion carried.
- b. Mayor Palmer reminded the Council members they have a 24-month history of taxi applications, with a copy of the requirements and code section. He asked each Council member to review for future action.

7. New business:

- a. Mayor Palmer asked the Council to consider a request to approve and authorize the Mayor to sign all documents and contracts with the Georgia Department of Transportation regarding leveling and resurfacing 1.88 miles of city streets, including Old Dalton Road, Stewart Drive, and Riverview Drive. Following review, Councilman Crowley made a motion to approve the contract with DOT and to authorize Mayor Palmer to sign all documents, second by Councilman Denmon, with Councilman Crowley, Councilman Denmon, and Mayor Pro Tem Potts voting affirmatively, motion carried.
- b. Mayor Palmer asked the Council to consider an authorization and approval for the Mayor to sign all documents and contracts with the Georgia Department of Transportation for 18,536 square yards of surfacing for interior streets and parking area at the new Calhoun Primary/Elementary School. Following review, Mayor Pro Tem Potts made a motion to approve and to authorize the Mayor to sign the contract and all documents associated with the contract for the 18,536 square yards of surfacing for interior streets and parking area at the new Calhoun Primary/Elementary School, second by Councilman Denmon, with Mayor Pro

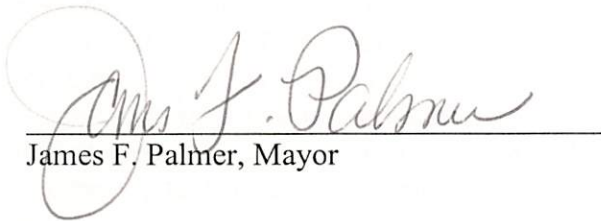
Tem Potts, Councilman Denmon and Councilman Crowley voting affirmatively, motion carried.

- c. Mayor Palmer stated the Golf Advisory Commission has officially requested permission to place an early order for 20 new golf carts, since carts were not purchased in the current fiscal year and the prime golf season is under way. He stated the new carts will replace 20 existing carts and the Golf Advisory Commission had reviewed the bids and made a selection based upon price as well as performance of the two types of carts currently operated at the course. Following discussion, Councilman Crowley made a motion to authorize the early order of the carts for delivery but for payment to be made in the appropriate fiscal year 2004-2005. The motion was seconded by Councilman Denmon, with Councilman Crowley, Councilman Denmon and Mayor Pro Tem Potts voting affirmatively, motion carried.
- d. Mayor Palmer read a request by Martin Carranza, Alcohol Manager of Los Gallos de Mexico Restaurant, to move their existing beer pouring license from Suite 9 at 225 West Line Street to Suite 2 at 235 West Line Street, in order to have more seating capacity at the restaurant. Mayor Pro Tem Potts stated the applicant has no infractions and the relocation should be for capacity reasons only. Following discussion, Mayor Pro Tem Potts made a motion to approve the location change, second by Councilman Crowley, with Mayor Pro Tem Potts, Councilman Crowley and Councilman Denmon voting affirmatively, motion carried.
- e. Mayor Palmer gave a first reading of a request by Martin Carranza, Alcohol Manager of Los Gallos de Mexico Restaurant to add liquor pouring to the existing beer pouring license for the new location at Suite 2, 235 West Line Street. Mayor Palmer stated based on the current ordinance, a hearing on May 24, 2004 would not meet the restriction of “not less than 30 days” and June 14, 2004 would not meet the restriction of “not over 45 days.” He stated that based upon these dates, it would be up to the Council to set a date for the public hearing. Attorney Bailey stated the existing licensee has had no infractions. It is a currently operated business with a current beer pouring license and he would recommend the Council waive the “not less than 30 days” requirement as stated in the ordinance and authorize the public hearing to be held on May 24, 2004 at 7:00 p.m. Following additional discussion, Mayor Pro Tem Potts made a motion to set the public hearing for May 24, 2004 at 7:00 p.m., second by Councilman Denmon, with Mayor Pro Tem Potts, Councilman Denmon, and Councilman Crowley voting affirmatively, motion carried.
- f. Mayor Palmer stated a request had been received from Bud Owens, EMS Director, to close Yellow Jacket Drive on Tuesday, April 27, 2004 at 10:00 a.m. or Thursday, April 29, 2004 at 10:00 a.m. (rain date) for a “Prom Mock-Crash Reenactment.” He stated the closing would allow the reenactment on the street and sufficient space for students from all three high schools to attend. Following review, Councilman Crowley made a motion to authorize the street closing for either Tuesday, April 27 or, in case of rain, Thursday, April 29, 2004 at 10:00 a.m. The motion was seconded by Councilman Denmon, with Councilman Crowley, Councilman Denmon and Mayor Pro Tem Potts voting affirmatively, motion carried.

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

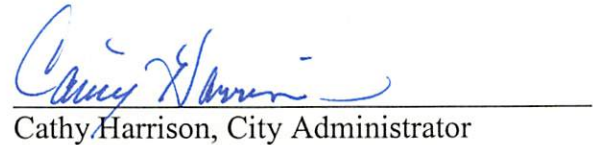
9. Work Reports:
 - a. Kelly Cornwell, Director of Utilities: **none.**
 - b. Eddie Peterson, Director of Public Safety and Public Works: **Submitted in written form and attached hereto as "Exhibit A."** He also stated Chief Goswick had a recommendation at this time. Chief Goswick stated on a routine stop of Taxi Rio Lerma, in checking his insurance, it was discovered that the taxi owner did not have the proper level of insurance, as required by the Code and he would ask that the license be suspended until he has obtained the proper insurance. Chief Goswick stated the licensee had visited City Hall and had been notified by Ms. Harrison of the proper amount of insurance and the interpreter at City Hall had called his agent to inquire about the new insurance for the licensee. Following review, Councilman Crowley made a motion to suspend the taxi license of Rio Lerma until proper insurance has been obtained, second by Councilman Denmon, with Councilman Crowley, Councilman Denmon and Mayor Pro Tem Potts voting affirmatively, motion carried.
10. Mayor Palmer stated there was no need to move to Executive Session.
11. Mayor Pro Tem Potts made a motion to adjourn, second by Councilman Denmon, with Mayor Pro Tem Potts, Councilman Denmon and Councilman Crowley voting affirmatively, motion carried.

Approved:



James F. Palmer, Mayor

Submitted:



Cathy Harrison, City Administrator

“EXHIBIT A”

**Projects Update April 2004
By Eddie Peterson**

1. **Downtown Streetscape:** The DOT allocated \$397,866 for Calhoun's Streetscape project. To date the DOT has paid Valley Crest \$321,315 which leaves a balance of \$76,551. The remainder of the project includes stamping and coloring of the crosswalks. The local DOT office requires this work to be completed and night.
2. **McDaniel Station Road:** The road improvements are complete and all payments have been made to Northwest Georgia Paving. The project total was \$860,513 with \$10,000 retainage and an additional \$7,662 paid by the IDA for repairs to the south end of the road.
3. **Sidewalk Repair:** For the past four weeks the Street Department has concentrated on sidewalk repair and section replacements at various locations.
4. **Curtis Parkway and Laurel Lane Signal:** Signal equipment has been ordered and design plans should be complete by May 7, 2004. At that point we will bid the project and begin some property acquisition. The project will include signalization, turn lanes, radius widening, passing lane, and stripping.
5. **Creekview Drive School Access:** A copy of the property appraisal was received by Mr. Walter Hackett on April 23, 2004. Mr. Hackett said he would be in Calhoun the third week of May to discuss Calhoun's street requirements for access into the new school. At that time we will need to make a final offer because of time limitations.
6. **Swimming Pool Restroom Renovations:** The renovations are on schedule and should be complete by the second week of May 2004. This will allow the pool to open by mid-May 2004.
7. **Signal Equipment:** Signal equipment for the intersection of SR 136 and Sr 156 connector at the National Guard Armory has been ordered and should arrive by late May 2004.
8. **Recreation SPLOST:** We will be working on plans for the tennis complex and lighting of two soccer fields during the next several weeks. At the present time Recreation SPLOST monies are at \$600,000 for disbursement. Monthly SPLOST recreation revenues for the City of Calhoun are in the \$60,000 range.
9. **North Calhoun By-Pass Study:** Met with GDOT Planners on April 19, 2004 to discuss North Wall Street from Line Street to Red Bud Road. They had requested our 1992 Transportation Study for review and wanted our feelings on certain traffic flows. The latest time table for the study completion is May 2004. I got feeling during the meeting that GDOT had concentrated on a by-pass more than widening North Wall Street. When we receive the study a trip to meet with Commissioner Linnenkohl might be worthwhile.