

**CITY OF CALHOUN  
REGULAR CITY COUNCIL MEETING  
DEPOT COMMUNITY ROOM  
109 SOUTH KING STREET  
OCTOBER 11, 2004, 7:00 P.M.**

**MINUTES**

**PRESENT: James F. Palmer, Mayor  
Lorene Potts, Mayor Pro Tem  
Ray M. Denmon, Councilman  
George R. Crowley, Councilman  
David Hammond, 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 Hammond gave the invocation.
2. Mayor Palmer led the group in the Pledge of Allegiance to the United States Flag.
3. Minutes of the September 27, 2004 regular City Council meeting were approved as written on a motion by Mayor Pro Tem Potts and a second by Councilman Denmon, with Mayor Pro Tem Potts, Councilman Denmon, Councilman Crowley and Councilman Hammond voting affirmatively, motion carried.
4. Mayor's comments:
  - a. Mayor Palmer reminded the public of the date for trick-or-treating for Halloween, October 30, 2004. Since Halloween actually falls on Sunday, the holiday will actually be celebrated on Saturday, October 30, 2004, from 5:30 p.m. to 9:00 p.m. for children aged 12 and under. Mayor Palmer reminded the motorists to be careful, since there will children on streets and sidewalks in large numbers.
  - b. Mayor Palmer reminded the Council and public of the annual Mayors' Motorcade to Northwest Regional Hospital to take Christmas gifts to patients who have little contact with family members, including several patients from Gordon County. The Motorcade will be held December 9, 2004, leaving Calhoun at 9:15 a.m.
  - c. Mayor Palmer reminded the Council of the Cartersville Regional District GMA meeting on October 26, 2004 at 5:30 p.m.
  - d. Mayor Palmer reminded the Council and public of a hearing on October 25, 2004 at 7:00 p.m. on a 2005 beer and wine package license by Yamnua Krupa, Inc., Kishor Shah, Manager, at 400 West Line Street, an existing location.
  - e. Mayor Palmer reminded the Council and public of zoning hearings scheduled for October 25, 2004:
    - 1) A request by Brent Stepp, Inc. for zoning of PRD and annexation of approximately 40 acres off East Line Street, adjacent to property owned by Bill Pass. Also, in conjunction with this item, there is a request by

Brent Stepp Construction Company, Inc. for rezoning from R-2 to PRD of approximately 17 acres off Laurel Creek Road, for combining with the above-mentioned 40 acre tract. This portion of the PRD project would be for single-family housing on lots averaging 7,500 square feet, as was allowable in the R-2 zoning.

- 2) A request for zoning of C-2 and annexation by Buford Wilson for Lot 350 and 351, a part of the property at 920 North Wall Street containing the Dollar General Store.

5. Council Comments:

a. Councilman Denmon stated:

- 1) The water treatment plant treated 381,910,000 gallons of raw water during the month of September for a daily average of 12.73 million gallons. He reported that 30% of the city's potable water for the month came from the Brittany Drive wells.
- 2) The waste treatment plant treated a daily average of 7.07 million gallons during the month of September. The average BOD effluent was 10, the average suspended effluent was 15 and the average COD effluent was 77.
- 3) The sewer construction department made 7 sewer connections. They repaired 10 sewer services, 4 manholes, and 1 sewer main. They inspected 5 sewer mains for a total of 900 feet. They inspected 6 sewer services for a total of 500 feet. They completed 217 locates, repaired 1 lift stations, responded to 10 service calls, and cleaned 24 sewer lines for 9,100 feet. The bush-hogged 3000 feet of sewer right-of-way and removed 7 beaver dams from sewer right-of-way. They cleaned the grit pit at the sewer plant twice and assisted with several storm drains for the street department.
- 4) The building inspection department issued 56 permits for the month for estimated construction of \$3,560,450.00. The largest of these permits were for industrial and industrial additions for over \$1.5 million. Permits for over \$800,000.00 in commercial construction were also issued, along with \$950,000.00 in residential permits.

b. Mayor Pro Tem Potts stated:

- 1) During the month of September, the street department placed 11 new street signs and completed 34 shop work orders. They continued work at the police firing range, raising the shooting berms and building sharpshooter mounds. 13 street department employees became certified at the DOT traffic flagging school. They put 2 traffic signals into operation, one at Curtis Parkway and Laurel Creek Road, and one at Highway 136 and Sugar Valley Road.
- 2) The sanitation department ran their routine commercial routes, serviced vehicles and gained one 8-yard dumpster account.
- 3) The parks department crews provided their regular care of all city property grounds including outlying areas around water reservoirs. They completed maintenance jobs for the waste treatment plant, City Hall, the street department and the building inspection department. They tore out

the old garage building and hauled off the debris from the Calhoun High School.

- 4) The cemetery department sold 11 grave spaces and aided in the setting of 8 new monuments.
- 5) Risk management reported no vehicle accidents for the month and no workers' comp accidents for the month.
- 6) The animal control department responded to 33 customer calls.

c. Councilman Crowley stated:

- 1) During the month of September, the electric department completed reconduction of line routes along College Street to improve reliability. They completed the traffic signals at Peters Street and Curtis Parkway. The construction of the conductor replacement on Park Avenue, Piedmont Street and Hicks Street continues. The water plant pumping expansion work continues. The first phase of the system protection and reliability project is scheduled to begin in October. The Park Avenue Streetscape construction is in progress and lines are being replaced to the new poles. Projects in engineering and design included the formal bid for the soccer complex lighting on October 8, 2004. Construction will start in mid-October. The electric department staff reviewed the MEAG distribution services inventory control customer information and work order management program. The new Church of Christ complex on Dews Pond Road is in engineering and design. Work orders included 37 for street and security lighting, 44 for new business and maintenance and 11 for after-hours call-ins.
- 2) Telecommunications spliced 24 fibers for Apache Mills. They replaced a Georgia Fiber Web router, which had caused an 8-hour outage. They will study for future redundancy. They completed a dark fiber service for Shaw Industry. They completed construction of internet connections for three P-services. They began optic line installation for XL brands for internet service and they filed their required reports to the PSC. They opened 43 work orders and completed 35 in September.
- 3) During the month of September, the electric department issued 6 permits, provided 67 inspections, set 24 meters and purchased over 37 million kilowatt hours of electricity. In addition, the electric department assisted in repairs following the recent hurricanes that have hit our neighboring communities. They assisted the City of Griffin, Georgia and also Ft. Pierce, Florida. The employees that assisted were Kevin Stroup, Scotty Harmon, Dennis Henry, Matthew Stamey, Alan McCormick and Dale Black. These individuals were recognized. Mayor Palmer stated it was the city's pleasure to assist these areas because since May 1, 2002, the City of Calhoun is very much aware of the importance of this type of assistance to a community who has had a traumatic experience.

d. Councilman Hammond stated:

- 1) In the month of Sept, the police department made 622 cases, including 40 warnings, 138 speeding tickets, and 444 other charges. They collected \$95,202.50 in fines. There were 13 DUI cases and 390 warning tickets.

They worked 33 private property accidents, including 3 injuries and no fatalities. They drove 55,948 miles on patrol.

- a) Councilman Hammond stated the police department had requested a transfer from the asset seizure funds of \$9,000.00 to assist with the purchase of machinery, equipment and renovations to the Calhoun firing range. Following review, Councilman Hammond made a motion to approve the request, second by Councilman Denmon, with Councilman Hammond, Councilman Denmon, Councilman Crowley and Mayor Pro Tem Potts voting affirmatively, motion carried.
- 2) The fire department responded to 53 calls for service during the month of September. This included 4 fire incidents with estimated damages of \$5,000.00. They responded to 19 accidents with 16 injuries reported, and 1 fatality. There were 8 hazardous condition incidents, 3 service calls, 1 good intent call, 15 false alarms, and 3 special incident calls. The department continued training for all firefighters on hose testing. They conducted safety classes for the pre-K at First Baptist for 126 children. They completed testing of all fire hoses. They completed maintenance around all 702 fire hydrants and they assisted with the Cherokee Capital Fair and Calhoun Homecoming parades. Firefighters completed all regular maintenance of stations and vehicles. The fire inspector conducted 33 inspections during the month, of which 18 were annual inspections, 2 new business inspections, 6 requested and 7 follow-ups. The inspector also assisted with 3 fire prevention programs at First Baptist, conducted 4 fire extinguisher classes for Mohawk with approximately 85 people and conducted 2 new underground tank site inspections at Lover's Lane and Dews Pond Road.

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 gave a second reading of a request by John Barrow of Architectural Signing, Inc., agent for Gordon Hospital, for a 40 square foot sign face size variance for the hospital sign.
  - 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 October 7, 2004 at 4:30 p.m. She stated comments were presented by the applicant and by Mr. Frank Cochran, Jr. The hospital gave a presentation regarding the need to have a larger directional sign to make sure patients are properly forwarded to the entrance of the hospital. The Zoning Advisory Board recommended approval of the request.
  - d) Mayor Palmer inquired if there were any comments by the applicant.
  - e) Carlene Jamerson, Hospital Administrator, stated the height of the sign is in accordance with the ordinance. The width and the face is the area for which a variance is being requested. This is due to a desire to have a well-designed directional sign for the hospital, to combat complaints that the present signage, which is smaller, does

not meet the needs of the general public, both from the interstate and from other routes to the hospital.

- f) Mayor Palmer stated Frank Cochran, Jr. had signed a request to speak on the matter. Mr. Cochran stated he resided in Calhoun and he had been in the sign business 13 years earlier for several years. The proposed sign variance is 30% over the ordinance and he cannot see the need for a larger sign. He produced a smaller replica of the proposed sign, stating it should meet the needs of the hospital.
- g) In rebuttal, Ms. Jamerson stated as was presented to the Zoning Advisory Board, the request is from a medical standpoint for direction to make sure people are properly routed to the entrance for emergencies and for prompt care. She stated the sign is well-designed and would not be offensive and a request for medical purposes, would be an excellent opportunity for a variance.
- h) Mayor Palmer asked if there were any questions by the Council. There were none and the hearing was closed.
- i) Mayor Pro Tem Potts expressed appreciation to Mr. Frank Cochran, Jr. for his comments. She stated the Zoning Advisory Board had heard pro and con comments and made a recommendation to approve the request, based on the following criteria:

**VARIANCE CONSIDERATIONS (ONE OR MORE)**

- (a) There are no extraordinary or exceptional conditions pertaining to the particular piece of property in question.
- (b) The strict application of the zoning ordinance to this particular piece of property would 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.

- j) Based on that recommendation, Mayor Pro Tem Potts made a motion to approve the request for the sign variance, second by Councilman Hammond, with Mayor Pro Tem Potts, Councilman Hammond, Councilman Denmon and Councilman Crowley voting affirmatively, motion carried.
- 2) Mayor Palmer gave a second reading of a zoning variance request by Susan Hyde for a 5-foot setback variance for the east and west side of a lot at 207 Chandler Street, in order to allow construction of a single-family house with approximately 1,600 square feet.
- 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 October 7, 2004 at 4:30 p.m. The Zoning Advisory Board recommended approval of the request based on

information provided by the Zoning Review Committee and other information.

- d) Mayor Palmer asked if there were any comments or questions by the applicant. There were none.
- e) Mayor Palmer stated two individuals had registered to speak, Jane and Ed Weldon. Mr. Weldon spoke at the Zoning Advisory Board hearing. His comments commended the applicant for planning a single-family structure that would be in keeping with the neighborhood.
- f) Mayor Palmer asked if there were any other comments by the Council. There were none and the hearing was closed.
- g) The findings, based upon the zoning standards, were as follows:

**VARIANCE CONSIDERATIONS (ONE OR MORE)**

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| <ul style="list-style-type: none"><li>(a) There are extraordinary or exceptional conditions pertaining to the size of the particular piece of property in question in that it is very narrow.</li><li>(b) The strict application of the zoning ordinance to this particular piece of property would create an unnecessary hardship.</li><li>(c) There are no conditions peculiar to this particular piece of property other than the width.</li><li>(d) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes or intent of this ordinance.</li></ul> |
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- h) Mayor Pro Tem Potts made a motion to approve the request for a 5-foot setback variance on the east and west sides of the lot at 207 Chandler Street be approved, second by Councilman Denmon, with Mayor Pro Tem Potts, Councilman Denmon, Councilman Crowley and Councilman Hammond voting affirmatively, motion carried.

- 3) Mayor Palmer gave a second reading of a request by North Georgia National Bank for a zero setback variance from the south side easement for a sign at 100 Red Bud Road.
  - 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 October 7, 2004 at 4:30 p.m. The Zoning Advisory Board recommended approval of the request based on information provided by the Zoning Review Committee and other information.
  - d) Mayor Palmer asked if there were any comments by the applicant.
  - e) Attorney Tom Shanahan, representing the bank, stated he was available to respond to any questions by the Council. He stated the request is for a zero setback to allow a directional sign that will serve the drive-in facility and will not affect anyone other than the Country Cupboard property and the bank.
  - f) There were no questions or comments by the Council or public and the hearing was closed.

g) The zoning criteria were determined to be as follows:

**VARIANCE CONSIDERATIONS (ONE OR MORE)**

- (a) There are extraordinary or exceptional conditions pertaining to the size of the particular piece of property in question in terms of its size, shape, and topography.
- (b) The strict application of the zoning ordinance to this particular piece of property would create an unnecessary hardship.
- (c) There are conditions peculiar to this particular piece of property since it is served by an easement.
- (d) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes or intent of this ordinance.

h) Based on these findings, Mayor Pro Tem Potts made a motion to approve the request for a zero-setback variance for the property at 100 Red Bud Road by North Georgia National Bank, second by Councilman Crowley, with Mayor Pro Tem Potts, Councilman Crowley, Councilman Denmon and Councilman Hammond voting affirmatively, motion carried.

4) Mayor Palmer gave a second reading of a request by Haley Stephens for a zoning variance to change the number of required parking spaces from 53 to 47 in the development of property on the west side of Warrior Path.

- 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 October 7, 2004 at 4:30 p.m. Based upon information provided by the applicant, the Zoning Review Committee and based upon discussions at the hearing, it was the recommendation of the Zoning Advisory Board that the request be lowered to comply with the proposed ordinance amendments that the Council is considering at this time, which would lower the request to a minimum of 35 spaces.
- d) Mayor Palmer asked if there were any comments or questions by the applicant. There were none.
- e) Mayor Palmer asked if there were any comments by the public or Council members. There were none and the hearing was closed.
- f) The zoning criteria were determined to be as follows:

**VARIANCE CONSIDERATIONS (ONE OR MORE)**

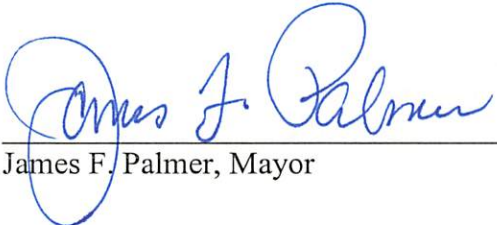
- (a) There are extraordinary or exceptional conditions pertaining to the particular piece of property in question in terms of its size, shape, or topography.
- (b) The strict application of the zoning ordinance to this particular piece of property would create an unnecessary hardship.
- (c) There are conditions peculiar to this particular piece of property in that there may be infringements by the road.
- (d) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes or intent of this ordinance, especially since the Council is presently

considering an amendment that would reduce the required number of parking spaces in commercial areas.


- g) Based on these findings, Mayor Pro Tem Potts made a motion to reduce the number of parking spaces to a minimum of 35, which would be in conformance with the proposed ordinance amendments in process. The motion was seconded by Councilman Crowley, with Mayor Pro Tem Potts, Councilman Crowley, Councilman Denmon, and Councilman Hammond voting affirmatively, motion carried.
- 5) Mayor Palmer stated the Brent Stepp Construction Company had requested their rezoning request be held over so it could be heard with their annexation request on October 25, 2004 at 7:00 p.m.
- b. Other hearings or comments:
- 1) Mayor Palmer stated at this time, a public hearing would be opened and would continue on October 25 and November 8, 2004 on the zoning ordinance amendments. He asked Attorney Bailey to review those items:
    - a) Attorney Bailey stated the first item for amendments is the definitions of on-premise and off premise signs. The second area is to reduce the required number of parking spaces in commercial areas to 3.5 per 1,000 square feet of building floor space. The third item adds a minimum square footage of 10,000 square feet for lots for single-family houses in PRD classification. It would also establish minimum square footages for multi-family housing, including a minimum square footage of 800 square feet for a one bedroom unit, 900 square feet for a two bedroom unit, and 1150 square feet for a three bedroom unit.
7. Old business: **none.**
8. New business:
- a. Mayor Palmer gave a first reading of a request by Lois Hand for a 3-foot setback variance for a sign at 919 South Wall Street. The sign will replace a sign for Sassy Scissors which was destroyed in the storm in May 2002. He stated the earliest date for a hearing would be November 8, 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, with Mayor Pro Tem Potts, Councilman Denmon, Councilman Crowley and Councilman Hammond voting affirmatively, motion carried.
  - b. Mayor Palmer gave a first reading of a request by Flipper McDaniel for rezoning from R-2 to C-2 of property at 562 West Belmont Drive. He stated the earliest date for a hearing would be November 8, 2004 at 7:00 p.m. Councilman Hammond made a motion to set the public hearing for that date and time, second by Councilman Denmon, with Councilman Hammond, Councilman Denmon, Councilman Crowley and Mayor Pro Tem Potts voting affirmatively, motion carried.

- c. Mayor Palmer gave a first reading of a request by Flipper McDaniel as agent for Sandra McFather for rezoning from R-2 to C-2 of property at 560 West Belmont Drive. He stated the earliest date for a hearing would be November 8, 2004 at 7:00 p.m. Councilman Crowley made a motion to set the public hearing for that date and time, second by Councilman Denmon, with Councilman Crowley, Councilman Denmon, Councilman Hammond and Mayor Pro Tem Potts voting affirmatively, motion carried.
9. Other written items not on the agenda: **none.**
  10. Work Reports:
    - a. Kelly Cornwell, Director of Utilities stated the tank and water line projects are moving quite well, with the tanks being almost 100% complete, and the water line extensions to connect those tanks being 95% complete. The South Interceptor Sewer Project is 48% complete, and the Sonoraville Sewer Project is progressing extremely well.
    - b. Eddie Peterson, Director of Public Safety and Public Works: **no report.**
    - c. William P. Bailey, City Attorney stated he had received a memorandum from Jerry Crawford, Director of Water and Sewer, dated September 3, in which he addressed the matter of the inability to get cases heard through the District Attorney's office for misdemeanors for people accessing fire hydrants in the unincorporated area. He stated the city does not have police jurisdiction in those areas and it is extremely hard to get those cases considered on an overcrowded calendar in the District Attorney's office. Attorney Bailey stated that while these may seem like minor cases, they are very important, because it has the potential to do catastrophic damage to the city's water system, which provides water for the entire community. He also stated that with the new Homeland Security Act, tampering with water systems is a federal violation and can be a felony. He requested permission from the Council to meet with the County Attorney to explore the possibility of an ordinance adopted by the county that could move these cases through the Magistrate's Court to prosecute people who tamper without proper inspection and proper assurance that they have backflow prevention systems that will not allow any infiltration into the city's water system. The Council gave the attorney authority to move in this area.
  11. Mayor Palmer stated there was no need to move to Executive Session.
  12. Councilman Hammond made a motion to adjourn, second by Councilman Denmon, with Councilman Hammond, Councilman Denmon, Councilman Crowley and Mayor Pro Tem Potts voting affirmatively, motion carried.

Approved:

  
James F. Palmer, Mayor

Submitted:

  
Cathy Harrison, City Administrator