

**CITY OF CALHOUN  
REGULAR CITY COUNCIL MEETING  
DEPOT COMMUNITY ROOM  
109 SOUTH KING STREET  
CALHOUN, GA  
AUGUST 22, 2005, 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/ Public Works  
Cathy Harrison, City Administrator**

1. Mayor James F. Palmer called the meeting to order and welcomed everyone in attendance. Councilman Denmon gave the invocation.
2. Mayor James F. Palmer led the group in the Pledge of Allegiance to the United States Flag.
3. Minutes of the August 8, 2005 regular City Council Meeting were approved following a motion by Councilman Hammond and a second by Councilman Crowley with Councilman Hammond, Councilman Crowley, Councilman Denmon and Mayor Pro Tem Potts voting affirmatively, motion carried.
4. Mayor's comments:
  - a. Mayor Palmer on behalf of himself and the Council express sympathy to the family of Lewis Couch. He stated that Mr. Couch had served as the Clerk of Superior Court for many years.
  - b. Mayor Palmer stated the City had received a request from the City School System to appoint Misty Holt, a teacher at Calhoun Elementary to the Library Board. Following review Councilman Denmon made a motion to appoint Ms. Holt to the Library Board to fill a vacant position. The motion was second by Mayor Pro Tem Potts with Councilman Denmon, Mayor Pro Tem Potts, Councilman Crowley and Councilman Hammond voting affirmatively, motion carried.
  - c. Mayor Palmer reminded the Council of a zoning hearing on September 12, 2005 at 7:00 p.m. regarding the request of Ronnie Holbrook for rezoning the former Harwell House on College Street from R-2 to R-1B and two variances to allow construction of a garage.
  - d. Mayor Palmer stated there were several zoning hearings scheduled for October 10, 2005 and he asked Mayor Pro Tem Potts to review.
    - 1) A zoning request of A-1 and annexation of approximately 100 feet by 500 feet off of Belwood road, south of Belwood Estates by Mike Jones and Acey Cronan as agents for Raymond King.

- 2) A zoning variance request of R-1B and annexation of Mike Jones and Acey Cronan as agents for Betty Holbrook for lots 39, 40, 41, 42, 43, 31, 32, 33, 34, 29, 30, 25 and 24 off of the platted Dawn Drive and Sonia Drive. This property adjoins the above referenced property.
  - 3) A zoning request of R-1 and annexation by Kris and Kristi McBee for a lot and house at 209 Camelot Drive.
  - 4) A rezoning request of L.P. Owens for property at U.S. 41 and Union Grove Road, the tract consists of approximately 23 acres, with a request to rezone from A-1 to Industrial.
  - 5) A new zoning of R-1B and annexation of approximately 7 acres, lot 4 and tract 1 off Nelson Lake Road as petitioned by Frank Gentry, Jr.
  - 6) A zoning variance of 10 feet from the required setback for Flipper McDaniel's sign to be located at 815 Curtis Parkway SE, a commercial location. The sign otherwise fits the criteria of the sign ordinance.
  - 7) A zoning variance of Mike Bagwell and the Bagwell Family, LLC for construction of multi-family housing on two lots, one on Court Street and one on North River Street currently zoned R-2, but with prior single-family housing history.
5. Mayor Palmer stated at this time Public Hearings would be held:
- a. Mayor Palmer opened the public hearing on the wine package license of Marion Whitaker at 767 Highway 53 East. The license will accompany an existing beer package license at the same location. Mayor Palmer stated Ms. Whitaker's report was clear. Mayor Palmer asked if there were any comments by the public. There were none and the hearing was closed. Councilman Crowley made a motion to approve the wine package license of Marion Whitaker to accompany her current beer package license for 767 Highway 53 East. The motion was second by Councilman Hammond, with Councilman Crowley, Councilman Hammond, Councilman Denmon and Mayor Pro Tem Potts voting affirmatively, motion carried.
  - b. Mayor Palmer stated the second public hearing would be opened on the proposed amendments to the City Alcohol Ordinance. He stated the proposed changes had been thoroughly reviewed previously at the last two Council Meetings, the first reading and also the first public hearing. He stated at this time he would list the areas of amendment and would provide further information if there were any questions or comments.  
He stated the following items are proposed as amendments:
    1. The definition of a package store.
    2. A definition of a store manager.
    3. Ownership and interest in multiple licenses.
    4. Clarify the products to be sold with distilled spirits.
    5. Changes throughout the code to clarify authorization to sell beer and wine in package form. In grocery stores, etc...and clarify the ability to have a free standing package store for a combination of beer, wine and liquor.

Mayor Palmer stated these changes would provide additional opportunities as had been requested by various businesses and individuals in the community in the past. Mayor Palmer asked if there were any comments. There were no comments and the public hearing was closed. Councilman Crowley made a motion to waive the fourth reading and to approve the proposed ordinance amendments. The

motion was second by Councilman Hammond with Councilman Crowley, Councilman Hammond, Councilman Denmon and Mayor Pro Tem Potts voting affirmatively, motion carried.

7. Old Business: None.

8. Old Business:

- a. Mayor Palmer stated the City had received a request from Perry Rawls to hold a block party in a cul-de-sac at Wexford on August 27, 2005 from 4:00 p.m. until 8:00 p.m. He stated no through traffic would be impacted. The block party would end early in the evening. Following review Mayor Pro Tem Potts made a motion to approve. The motion was second by Councilman Hammond with Mayor Pro Tem Potts, Councilman Hammond, Councilman Denmon and Councilman Crowley voting affirmatively, motion carried.
- b. Mayor Palmer gave a 1<sup>st</sup> reading of Revolving Loan Application of Racemark International, LLC for \$500,000.00 to build and relocate a business to Calhoun currently 45 jobs existing, and five additional new jobs. He stated the earliest date for the public hearing would be September 12, 2005 at 7:00 p.m. and in the interim the Revolving Loan Advisory Commission would review and make a recommendation to the Mayor and Council. Councilman Hammond made a motion to set the public hearing for that date and time. The motion was second by Councilman Denmon with Councilman Hammond, Councilman Denmon, Councilman Crowley and Mayor Pro Tem Potts voting affirmatively, motion carried.
- c. Mayor Palmer stated the City had received a request from Southeastern Power Administration (SEPA) for participating customers to be a part of a funded agreement. The agreement would allow prompt and better service from the Southeaster Power Administration but would not increase cost for its participants. Mayor Palmer stated should the City participate it would have an opportunity to nominate representatives to serve on the Project Review Committee. Utility Director Cornwell stated the agreement would be between SEPA and its preferred customers and would allow SEPA to make maintenance and operation upgrades at a faster pace, rather than waiting on requests to be processed and funded through the federal system. These improvements could be made with funding from its current customers with repayment at a later date and without impacting the current rates charged to its preferred customers. Utilities Director Cornwell stated he would recommend approval of the agreement. Following discussion Councilman Crowley made a motion to approve the agreement and to authorize the Mayor to sign all necessary documents. The motion was second by Councilman Denmon with Councilman Crowley, Councilman Denmon, Councilman Hammond and Mayor Pro Tem Potts voting affirmatively, motion carried. Director Cornwell stated the City would have an opportunity to submit proposed names at a later date.
- d. Mayor Palmer stated the City had received a request from Todd Lambert for the City to sign a utility easement on three lots off Beamer Circle. Easements would allow power poles to be relocated and the relocation would accommodate Mr. Lambert who will be building on a lot across from the City lots. Utilities Director Cornwell stated the City was being requested to grant an easement for the guy wiring that is associated with the relocation of the poles, since the poles will be

set on the right-of-way. He stated the easement could be granted to North Georgia Electric Membership Corporation but should they be required to be moved at a later date for any particular use of the lots, the City would not incur costs in relocating the poles. Following discussion Councilman Denmon made a motion to approve the permit for guying and trimming and to authorize Mayor Palmer to sign the appropriate permit document. The motion was second by Councilman Hammond with Councilman Denmon, Councilman Hammond, Councilman Crowley and Mayor Pro Tem Potts voting affirmatively, motion carried.

- e. Mayor Palmer asked the Council to consider adoption of a Murray County Water Agreement that would allow water sales to Murray County. Utilities Director Cornwell stated the contract would allow a minimum of ½ million gallons per day up to 1 ½ million gallons per day with Murray County paying a minimum after construction of the line. The agreement would be for twenty years and the agreement would start on the delivery date of water, but no later than July 1, 2006. Following review of the proposed agreement, Councilman Crowley made a motion to approve and to authorize the Mayor to sign subject to the approval of the Murray County Officials. The motion was second by Councilman Denmon. Following clarification by Attorney Bailey, he stated the agreement would be between the Chatsworth Water Commission and the City of Calhoun. Councilman Crowley stated he would amend his motion for approval of the Chatsworth Water Commission agreement and the authorization for the Mayor to sign the document and approve, subject to the Chatsworth Water Commission's approval. Councilman Denmon stated he would second the amended version, with Councilman Crowley, Councilman Denmon, Councilman Hammond and Mayor Pro Tem Potts voting affirmatively, motion carried.
- f. Mayor Palmer stated the City had received a request of S&B Builders Inc. to dedicate streets at Hannah Hills Subdivision by Brian G. Carden to the City of Calhoun. He stated Mr. Carden had submitted a title opinion, a deed, cost information and the street department Superintendent had provided acknowledgement that the street met the minimum specifications. Following discussion Mayor Pro Tem Potts made a motion to approve and accept the streets at Hannah Hills Subdivision as identified in the deed. The motion was second by Councilman Crowley with Mayor Pro Tem Potts, Councilman Crowley, Councilman Denmon and Councilman Hammond voting affirmatively, motion carried.

9. Other written items not on the agenda:

- a. Mayor Palmer stated the City had received an application for a new beer, wine and liquor license for a company known as El Aque, Edgar Vazquez manager for a restaurant at the outlet mall in Calhoun. He stated the restaurant had previously had a license but is now under new ownership. He stated the earliest possible date for a public hearing on the matter would be September 26, 2005 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.

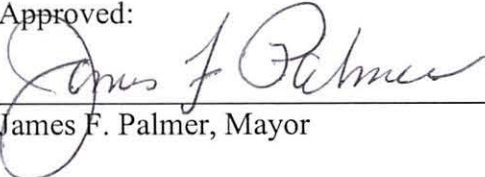
10. Work Reports:

- a. Director of Utilities Kelly Cornwell stated the Kerry Foods transfer from the City of Calhoun to North Georgia Electric Member Corporation as ordered by the Public Service Commission, is almost complete and North Georgia Electric Membership had requested to purchase the line erected by the City of Calhoun to serve the customer. Director Cornwell stated the depreciation cost of the line was \$28,097.01 and he would recommend the Council approve the sale of the line. Following review Councilman Crowley made a motion to authorize the sale of the line at the depreciated value of \$28,097.01. The motion was second by Councilman Denmon with Councilman Crowley, Councilman Denmon, Councilman Hammond and Mayor Pro Tem Potts voting affirmatively, motion carried. (Exhibit "A")
- b. Director of Public Safety and Public Works Eddie Peterson stated he had provided his work report that should be included in the minutes. However, he would remind the Council to review the section regarding the "safe streets" program that is currently in place in the City of Dalton and include a cooperative effort with the City of Dalton, the FBI, and the Department of Immigration regarding safe streets. He stated the City of Calhoun is currently working with the same organization and will implement the program. (Exhibit "B")

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

Approved:

  
James F. Palmer, Mayor

Submitted:

  
Cathy Harrison, City Administrator