

**CITY OF CALHOUN  
REGULAR CITY COUNCIL MEETING  
DEPOT COMMUNITY ROOM  
109 SOUTH KING STREET  
CALHOUN, GA  
SEPTEMBER 26, 2005, 7:00 P.M.**

**MINUTES**

**PRESENT: James F. Palmer, Mayor  
Lorene Potts, Mayor Pro Tem  
Ray M. Denmon, City Councilman  
George R. Crowley, City Councilman  
David Hammond, City 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 David Hammond gave the invocation.
2. Mayor James F. Palmer led the group in the Pledge of Allegiance to the United States Flag.
3. Mayor Palmer stated the minutes for the regular September 12, 2005 City Council Meeting, the September 19, 2005, Special Public Hearing at 6:30 p.m. and the September 19, 2005, Special City Council Meeting at 7:00 p.m. were in their folders and ask if there were any questions or proposed amendments. There were none. Councilman Hammond made a motion to approve all three sets of minutes as written, second by Councilman Denmon with Councilman Hammond, Councilman Denmon, Councilman Crowley and Mayor Pro Tem Potts voting affirmatively, motion carried.
4. Mayor's comments:
  - a. Mayor Palmer expressed sympathy to the family of Donna Smith, the Assistant Librarian for Gordon County, who passed away unexpectedly. He also expressed sympathy to Terry Mills, Fire Inspector, and to his family due to the loss of his father, Alton Mills.
  - b. Mayor Palmer reminded everyone that Halloween will be celebrated by children 12 and under on October 31, 2005, from 5:00 p.m. until 9:00 p.m.
  - c. Mayor Palmer reminded everyone of the annual Mayor's Motorcade to Northwest Regional Hospital. He stated the City will collect gifts for patients at City Hall until December 12, 2005 and they will be delivered by Motorcade on December 13, 2005. He stated these gifts will be utilized for patients, many whom are from Gordon County, at the Christmas season but will also be used for birthdays during the year.
  - d. Mayor Palmer ask Mayor Pro Tem Potts to review the public hearings for zoning matters scheduled for October 10, 2005:

- 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 postponing of 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.
  - 8) Zoning variance of W.H. Ortwein for a sign to increase height from 15 foot to 23 foot and square footage from 25 foot to 84 foot at 160 Robinson Road.
  - 9) A zoning variance of Frank Gentry, Jr. to locate a manufactured home on his proposed annexation of approximately 7 acres off of Nelson Lake Road, until his new home is constructed.
- e.) Mayor Palmer ask Mayor Pro Tem Potts to review the zoning hearing schedule for November 14, 2005:
- 1) A zoning variance request of Martha Juanita T. Muse for 1 acre (out of 6 acre tract) at 1066 Sugar Valley Road, NW for rezoning as commercial in order to build a pet grooming shop.
  - 2) A zoning request of PRD and C-2 plus annexation by Darin Hardin for approximately 130 acres located at 700 Lover's Lane Rd.
  - 3) A zoning request of C-2 and annexation by Darin Hardin for approximately 17 acres located at on the Northwest corner of Dews Pond Road and Harmony Church Road.
  - 4) A zoning request of R-1 and annexation by Joe Stepp for approximately 14.388 acres located on Meadowbrook Road.
- f.) Mayor Palmer reviewed the Beer, Wine and Liquor hearings scheduled for October 10, 2005.
- 1) A Beer-Wine package license for Smith & Woods Management Corp., Derrick McClinic, authorized agent for the food store at W.C. Bryant Parkway (former drug store area).

- 2) A Beer-Wine package license request for Kroger, Inc., Doug Bush, authorized agent for store # 393 at 136 West Belmont Drive, Calhoun, GA.
  - 3) A Beer package license request for Pantry Inc., d/b/a Kangaroo Express, with Hope Kammeraud, authorized agent for store # 3563 at 1401 Red Bud Road, Calhoun, GA.
  - 4) A Beer package license for Pantry Inc., d/b/a Kangaroo Express, Judy P. Ellis, authorized agent for store # 3518 at Hwy 225 at Hwy 41, Calhoun, GA.
  - 5) A Beer package license request for Pantry Inc., d/b/a Golden Gallon, Joyce Moody, authorized agent for store # 3563 at 1476 Red Bud Road, Calhoun, GA.
  - 6) A Beer package license for Whittenberg Inc., d/b/a Hi-Tech Fuel, Linda Whittenberg, authorized agent at 295 W. Line Street, Calhoun, GA.
  - 7) A Beer, Wine and Liquor pouring license request for a second restaurant for Los Gallos de Mexico Inc., with Martin Carranza as the authorized agent for 1220 Red Bud Road.
  - 8) A Beer and Wine Package license for Food Lion Inc., located at 1512 Red Bud Road with Robert Candler as the authorized agent.
  - 9) A Beer Package license to accompany an existing Liquor Package license for Mr. Ghulam Akbar Khan, d/b/a G.A.K Package at 2261 U.S. 41 North.
  - 10) A Beer Package license for Cristobol Vazquez d/b/a Tienda El Salvador Grocery Store, at 309 Court Street.
5. Public hearings and Comments:
- a. Mayor Palmer opened the public hearing on the beer, wine and liquor pouring license for Vasvill Enterprises, LLC d/b/a El Agave Mexican Restaurant with Edgar Vazquez as the authorized agent. He stated the license is a request for the restaurant area at the Outlet Mall on Belwood Road. It is a prior location and meets other requirements. The police report for the authorized agent is clear. Mayor Palmer asks if there were any comments by the applicant or by the public. There were none. The hearing was closed. Councilman Crowley made a motion to approve the request as stated. 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 Victoria Choate had requested the opportunity to discuss water outages in the Oostanaula area. Ms. Choate's stated in case the elected officials were not aware, water outages have been prevalent in the Oostanaula area. She stated within the last month the water had been out four times and there were times when the breaks would be at night and it would be late the next evening before she would have water again. She asks what the circumstances were and when she could expect a relief from water outages. Mayor Palmer stated in an effort to improve the overall water system, a pump had been added to that delivery area and it had increased pressure on the lines. He stated the lines that serves the area has older pvc piping and unfortunately was installed on an improper bedding by a contractor several years earlier and as a result the added pressure on the line caused movement of the line and improper rock bed has caused

breaks in the line. He stated it is in the City's long range plan to replace approximately 1½ miles of line in that area and also to review the size currently needed. This will be in the fiscal year, July 2006 – June 30, 2007. Ms. Choate's expressed appreciation for the Council's review of the situation and for their decision to address the problem in the long term.

6. Old Business:

- a. Mayor Palmer stated the information regarding the garbage bids are provided in the packet, and information includes interviews by the two low bidders and information regarding references. The information was provided by the review committee that was headed up by Mayor Pro Tem Potts, Director Peterson, Administrator Harrison, Kevin McEntire and Barry Bohannon. He reviewed the actual dollars as listed in the bids: Mauldin Trash Service, \$31,930.88 per month for an annual amount of \$383,170.56; Waste Services, \$32,463.88 per month for annual amount of \$389,566.56; BFI, \$33,733.28 per month for an annual amount of \$404,799.36. He stated the matter had been reviewed in detail and he asked if there were any questions or comments. There were none. Councilman Crowley made a motion to accept the low bid of Mauldin Trash Service, with a start date of February 1, 2006. The motion was second by Councilman Denmon with Councilman Crowley, Councilman Denmon, Councilman Hammond and Mayor Pro Tem Potts voting affirmatively, motion carried.

Mayor Palmer, Mayor Pro Tem Potts, Councilman Hammond, Councilman Denmon and Councilman Crowley individually stated the City was lucky to have received these two bids, both being very close. The experience the City had previously had with Kenny Fuqueau, who works for Waste Services was a primary asset with that company and it was a very tough decision. The City was very pleased with the excellent bids. Mayor Palmer congratulated Ms. Mauldin who was in attendance, and stated the City looked forward to working with them on the contract.

7. New Business:

- a. Mayor Palmer stated the City had been informed that Gordon Central High School would not request their traditional homecoming parade, therefore the sponsors of the Alzheimer's Forget Me Not Parade had requested their slot for their October 15, 2005 parade. Following review Mayor Pro Tem Potts made a motion to approve, subject to DOT approval. The motion was second by Councilman Hammond with Mayor Pro Tem Potts, Councilman Hammond, Councilman Denmon and Councilman Crowley voting affirmatively, motion carried.

8. Other written items not on the agenda:

- a. Mayor Palmer stated the City had received an application from Barbara Bishop to renew her beer package license to conform to the new guidelines allowing sales within her grocery store as opposed to a separate package store. He stated the address would remain the same at Red Bud Road and the earliest date for a public hearing would be October 24, 2005, at 7:00 p.m. He asked for a motion to set the public hearing for that date and time. Councilman Crowley made a motion to set the date for October 24, 2005, at 7:00 p.m. 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 in 1992 the City of Calhoun purchased property from Alton Mills to build a water reservoir or a water tank but based upon system changes another site has been selected and a reservoir built there and the Mills property will no longer be needed. He stated there was a stipulation in the original warranty deed that stated, if the property was not utilized by the City for a water reservoir or a water tank, it would be offered first to the seller, Alton Mills at the original price of \$28,000.00. Following discussion Councilman Denmon made a motion to authorize the sale to the estate of Alton Mills, the property in question for a price of \$28,000.00 and to authorize the Mayor to sign the deed conveying the property that was originally recorded under deed book 361, page 673. The motion was second by Councilman Crowley with Councilman Denmon, Councilman Crowley, Councilman Hammond and Mayor Pro Tem Potts voting affirmatively, motion carried.
- c. Mayor Palmer stated the City had previously approved the team of MacTech, to provide the City with a comprehensive plan, a feasibility study for impact fees and information that would be needed to negotiate House Bill 489 in 2007. He stated the Council had requested additional information outside the scope of the comprehensive plan for recreation and the package for all of these items would be a total of \$93,950.00. In order for the City to move forward, authorization for signing the contracts for these amounts, a motion would need to be made to approve the contract and to authorize him to sign. Mayor Palmer also stated there were items regarding ownership of the documents and working papers, and environmental issues that the County had questioned and both the City and County understand the final contract will be amended to include these changes. Following discussion Councilman Hammond made a motion to authorize the Mayor to sign a contract with MacTec that will include the items outlined for a total price of \$93,950.00 provide the contract is amended as discussed. The motion was second by Mayor Pro Tem Potts with Councilman Hammond, Mayor Pro Tem Potts, Councilman Denmon and Councilman Crowley voting affirmatively, motion carried.

9. Work Reports:

- a. Director of Utilities Kelly Cornwell stated he has ongoing projects at the water treatment plant and at the waste water plant and both projects are proceeding well. The office complex project is also moving along well in terms of renovation of 700 West Line Street building. He also stated the electric department has sent a third crew to Lafayette, Mississippi to assist with electric system damage in their area as a result of hurricane Katrina and hurricane Rita.
- b. Director of Public Safety and Public Works Eddie Peterson stated he had filed a report with the Mayor and Council, however, as a part of that report he was asking for approval for a change order, for the Mohawk Project. He stated the industry had requested the elevation of the road match their loading dock elevation. This request had added to the contract due to the added cost of base material. He was successfully in obtaining a lower price from \$12.00 per square yard down to over \$7.00 per square yard. However, the total additional cost would be approximately \$140,000.00 above the original contract. He stated there were a few items that would have a negative impact on the contract and at this

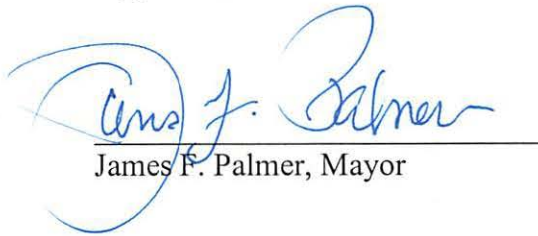
time he did not have a final number but at this time he would request the Council to consider approval of the \$140,000.00 change order. Following discussion Councilman Crowley made a motion to authorize the \$140,000.00 change order. The motion was second by Councilman Denmon with Councilman Crowley, Councilman Denmon, Councilman Hammond and Mayor Pro Tem Potts voting affirmatively, motion carried.

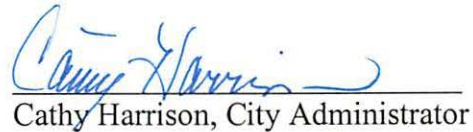
In reference to a question by Councilman Hammond, Director Peterson stated the City of Calhoun and Gordon County have plans in place to deal with disasters. The City has successfully dealt with snow storms and tornados over the last several years and local plans calls for organizations as well as local governments working together and that has been the best method for dealing with disasters, in the past.

10. Attorney Bailey stated there was no reason to move to Executive Session.
11. Councilman Hammond made a motion to adjourn, second by Mayor Pro Tem Potts with Councilman Hammond, Mayor Pro Tem Potts, Councilman Denmon and Councilman Crowley voting affirmatively, motion carried.

Approved:

Submitted:

  
James F. Palmer, Mayor

  
Cathy Harrison, City Administrator

## EXHIBIT "A"

Work Report  
September 2005  
Eddie Peterson

**1. Mohawk Road:** The bridge portion of Clarence King Drive is complete. Northwest Georgia Paving bid \$150,000 for the bridge and the actual cost was over \$200,000. The 5,000 foot road is close to final grade. Northwest Georgia Paving is also building Mohawk's interior roads and parking. Mohawk has "pulled" NWGP off Clarence King Drive to work on their roads. This has basically stopped our road building. Kenny Morton, Mohawks construction manager, has informed Calhoun that NWGP will be on his site for 20 or more days and can then shift back to the Calhoun road project. Without inclement weather our road project will require five weeks to complete. This puts the project into mid or late November 2005. We have resolved the 18,358 additional cu. yds. of haul and fill material. Also Georgia Power was in the process of moving poles and lines on Old Dixie Highway when Katrina hit the gulf coast. Georgia Power left for Mississippi and officials informed us they are not sure when they will finish our job.

**2. Street Scape Application:** We have submitted the FY 2006 and 2007 GDOT Transportation Enhancement Application. Calhoun has asked for Street Scape Phase II, from Hicks Street north to Line Street. The project would be similar to what we have done on Court Street; brick sidewalks, trees, lighting, curb/gutter, drainage, crossings, bumpouts, handicapped and safety improvements. The GDOT requested amount is \$1,000,000 with Calhoun's match at \$250,000. It's doubtful that Calhoun would be funded the entire one million dollars. There is approximately \$50,000,000 to be divided between 90 cities and 20 counties in Georgia. The final decision on which cities and counties receive TE funding is determined by Mike Evans who is the 10<sup>th</sup> District GDOT Board member. The final selection will be made in December 2005.

**3. LARP Resurfacing:** We completed resurfacing Curtis Parkway from Red Bud Road to Dog Wood Drive and Hill Crest Drive. Th paving cost \$64,674 with GDOT LARP paying \$ 26,738 and Calhoun paying \$37,936. Our part was paid with SPLOST funds.

**4. Tennis Courts:** Design and bid specifications continue to be developed. Specs should be on the street by mid October 2005.

**5. Soccer Fields:** Harold Franklin will have a new irrigation pump installed and working at the soccer fields by mid-week. The original pump was constantly burning out due to trash and debris in the wet well. The new pump has a different design and should function without problems.

**6. Stream Mitigation Bank:** We have approximately 3,000 lineal feet of Oothcalooga Creek frontage associated with our River Street and 58 acre recreation sites. There is a possibility of placing a 100 ft stream buffer in a conservation easement and selling stream mitigation credits at \$40 per foot. I am working with Wetland & Ecological Consultants and Wetland Technologies for a firmer pricing and other requirements involved in stream buffer credits. I will keep you informed.

**7. Safe Streets:** Chief Moss is working with the FBI, ICE, City of Dalton, and Whitfield County

on some issues in Calhoun. Before entering this crime reduction program we wanted to be sure that Calhoun would not be left out on resources and manpower. At the present time we are comfortable that Calhoun is part of the process as agreed upon.

**8. McDaniel Station Road:** We have started construction on the access road from McDaniel Station Road to the 58 acre recreation area. This road should be complete within three weeks. At that time we can provide some temporary parking and practice fields.

**9. Disaster Preparedness:** With the recent hurricanes's in the Gulf Coast region it brings home again what can happen during weather events or other types of disasters. While the worst effects of hurricanes have less impact on Calhoun we are subject to weather events such as tornados, snow, ice storms, and flooding. March 13, 1993 we had 18 inches of snow which collapsed many of our industrial plants which in turn caused our water system to "almost crash". May 1, 2002 tornado's hit Calhoun and caused major power outages and transportation problems. The attached photo is the Calhoun Elementary Gym. If the storm had occurred at 7:45 A.M. instead of 4:15 A.M. this facility would have been full of school children. We remember the flooding in middle and southwest Georgia in 1995 when 25 inches of rain fell in 24 hours (\$300,000,000 and 31 dead). Our greatest potential for accidents involves CSX railroad, industrial mishaps, and transportation related events involving, chemicals, explosions, fires, and spills. Events such as these could have widespread and long lasting impacts on our community. There are criminal events such as bomb threats, hostage situations, and civil disorder which could be disasters in themselves on right. Then there is the potential for health issues; SARS, monkey virus, and any number of infectious virus which could quarantine a community. We have seen over the past two weeks how unpredictable any type of mass evacuation can become. SR 3 is the alternate for traffic when an accident occurs on I-75. Rerouting of I-75 traffic occurs several times each year. While this is not impossible to deal with it does require all of our police resources to handle traffic control. We have Mutual Aid Agreements with Gordon County, Dalton, Chatsworth, Whitfield, and GMAG. We also have strong ties with the All Hazards Council and the resources that could be provided from that standpoint. Our weakest link within the City seems to be the lack of universal cell phones. While the Police, Fire, Gordon County 911, and GEMA uses Southern Linc, most other City departments have different cell phone providers. No two events are alike but there are certain similarities involved in disasters. The public expects Calhoun to be prepared with manpower, equipment, communications, mutual aid agreements, and various plans of action. After the event occurs the type of **response** is critical to the health, safety and welfare of the public. The **recovery** phase involves getting back to normal and involves many public and private agencies, organizations, and businesses. While we don't know what the next "event" will be in Calhoun, one thing is sure, things will happen that require our best efforts.

