

**CITY OF CALHOUN
REGULAR CITY COUNCIL MEETING
DEPOT COMMUNITY ROOM
109 SOUTH KING STREET
CALHOUN, GA
JULY 25, 2005, 7:00 P.M.**

MINUTES

**PRESENT: James F. Palmer, Mayor
Lorene Potts, Mayor Pro Tem
George R. Crowley, Councilman**

**ABSENT: Ray M. Denmon, 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 Palmer called the meeting to order and welcomed those in attendance. Councilman George Crowley gave the invocation.
2. Mayor Palmer led the group to the Pledge of Allegiance to the United States Flag.
3. Following review of the July 11, 2005 regular City Council meeting minutes, Councilman Crowley made a motion to approve as written. Second by Mayor Pro Tem Potts, with Councilman Crowley, Mayor Pro Tem Potts, and Mayor Palmer voting affirmatively, motion carried.
4. Mayors Comments
 - a. Mayor Palmer stated Councilman Denmon was out due to military duty and Councilman Hammond was out for business purposes.
 - b. Mayor Palmer stated the Council Members had a proposed LARP paving list that will be submitted to the state. He asked the members to review and notify the Public Works Director if there were any additions to the list. Public Works Director, Peterson stated over the last ten years the City has resurfaced approximately 80% of City streets.
 - c. Mayor Palmer asked the Council to review the DOT PRC-10-5007-00 (305) right-of-way agreement for the Clarence King Road (Mohawk Connector Road). He also asked the Council to authorize him to sign the right-of-way agreement, the contract, and any other related documents to procure the paving agreement. Mayor Pro Tem Potts made a motion to approve and to authorize the Mayor to sign the right-of-way agreement for the Clarence King Road Project. The motion was second by

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

Mayor Pro Tem Potts made a motion to approve the paving contract that will arrive following execution of the right-of-way agreement, and to authorize the Mayor to sign. Councilman Crowley second the motion, with Mayor Pro Tem Potts, Councilman Crowley, and Mayor Palmer voting affirmatively, motion carried.

- d. Mayor Palmer stated each member of the Council had a proposed resolution prepared by County Attorney, Suzanne Hutchinson, relating to the disbursement of SPLOST fund, provided the county wide SPLOST referendum is approved in November. Councilman Crowley made a motion to adopt the resolution and to authorize the Mayor to sign the resolution and all related documents. The motion was second by Mayor Pro Tem Potts, with Councilman Crowley, Mayor Pro Tem Potts and Mayor Palmer voting affirmatively, motion carried.

- e. Mayor Palmer asked Mayor Pro Tem Potts to review the zoning hearings schedule for August 8, 2005 at 7:00 p.m.

- 1) A request of Howard L. and Brenda Brock for zoning of A-1 and annexation of approximately 13 acres at 1403 McDaniel Station Road SW.
- 2) Rickey and Lisa Holden for zoning of R-1 and annexation of approximately 2 ½ acres at 1363 McDaniel Station Road SW.
- 3) A rezoning request of Ridge Row LLC, filed by Joe Stepp Member for rezoning property at 711 South Wall Street from R-2 to C-2.
- 4) A zoning of R-1A and annexation request by Paul Lusk for annexation of approximately 41 acres adjoining the current Park Place development. The purpose of the annexation and development would be for Phase II of Park Place.
- 5) A zoning variance of Hopeton and Donna T. Foster for property at 208 Crest Drive. The request would allow construction of an apartment building with four units. There is currently a single family house in poor condition on the property and the property is currently zoned R-2.

5. Public Hearings and Comments:

- a. Mayor Palmer re-opened the public hearing on the Five Year Capital Plan. He stated each member of the Council had received the proposed plan two weeks ago for review and consideration. He stated the plan had been provided by the staff and department heads. He asked if there were any comments or remarks from the Council or Public. There were none. The hearing was closed. Councilman Crowley made a motion to approve the Five Year Capital Plan, second by Mayor Pro Tem Potts, with Councilman Crowley, Mayor Pro Tem Potts, and Mayor Palmer voting affirmatively, motion carried.

- b. Mayor Palmer re-opened the public hearing on the Historic Preservation Ordinance and asked Attorney Bailey to review amendments to the various sections. Attorney Bailey stated in section three, as it relates to the commission members, the numbers and appointments, he had re-written the first paragraph and the second paragraph had been deleted. Section four, item D, he stated sections three and four should be reversed since notification to the Historic Preservation Division should be accomplished prior to consideration by the City Council and in number nine of the

same section, he had added in the words Mayor and City Council prior to Commission in the last sentence. Section number six, item B, he stated sections two and three were deleted. He stated should a property owner fail to provide ordinary maintenance, the City's Nuisance Ordinance would provide adequate protection. Mayor Palmer asked if there were any comments regarding the proposed amendments to the Historic Preservation Ordinance. There were none. Mayor Palmer stated the Mayor and Council had considered the proposed Historic Preservation Ordinance for several weeks, and they had reviewed preliminary drafts for over six months. Mayor Pro Tem Potts stated in order for the City to maintain its Main Street Program and continue to have state and national certification, it was necessary for the City to adopt a Historic Preservation Ordinance. Mayor Palmer asked if there were any other comments. There were none. The hearing was closed. Mayor Pro Tem Potts made a motion to approve the Historic Preservation Ordinance including the changes as reviewed by Attorney Bailey, the motion was second by Councilman Crowley, with Mayor Pro Tem Potts, Councilman Crowley and Mayor Palmer voting affirmatively, motion carried.

- c. In reference to the appointment of a Historic Preservation Committee, Mayor Pro Tem Potts stated she would recommend the Zoning Advisory Board Members be appointed initially as the Historic Preservation Committee since they are familiar with the City through their duties on the Zoning Advisory Board. Those members are Jerry Carroll, Roger Rigney, Cathy Mathews, Eddie Hall and herself. Following review, Councilman Crowley made a motion to appoint the Zoning Advisory Board Members as the Historic Preservation Committee. Those being Jerry Carroll, Roger Rigney, Cathy Mathews, Eddie Hall and Mayor Pro Tem Potts. The motion was second by Mayor Pro Tem Potts, with Councilman Crowley, Mayor Pro Tem Potts, and Mayor Palmer voting affirmatively, motion carried.
- d. Mayor Palmer opened the public hearing on the Century Rental & Sales Pawn License request for 355 South Wall Street. Mayor Palmer stated there was a clear police report. The area in question is a commercial area. Mayor Palmer asked if there were any questions or comments. There were none. The hearing was closed. Councilman Crowley made a motion to approve the request for Century Rental & Sales for a pawn license, the motion was second by Mayor Pro Tem Potts, with Councilman Crowley, Mayor Pro Tem Potts and Mayor Palmer voting affirmatively, motion carried.
- e. Mayor Palmer opened a public hearing on the Mitzi Hutcthinson's beer and wine pouring request for Thurston's Restaurant, a prior approved location. Mayor Palmer stated the police report has not been received and any consideration would need to be made based upon a proper police report being received. Mayor Palmer asked if there were any comments or questions. There were none. The hearing was closed. Mayor Pro Tem Potts made a motion to approve the beer and wine pouring license for Mitzi Hutchinson, the motion was second by Councilman Crowley, with Mayor Pro Tem Potts, Councilman Crowley and Mayor Palmer voting affirmatively, motion carried.

6. Old Business: none

7. New Business:

- a. Mayor Palmer stated the Mayor and Council had received a pouring license request from Ruby Tuesdays a national restaurant chain. He stated it would be necessary for the alcohol ordinance to be amended, since the restaurant may not have a local resident as a manager. He stated that at the time this amendment to the alcohol ordinance is being considered there are also several other sections of the ordinance that have been requested to be amended, in order to be similar to guidelines of Gordon and surrounding communities in terms of beer and wine license requirements.
Mayor Palmer asked Attorney Bailey to review the proposed changes. Attorney Bailey stated the first proposed change is section 6-34, which would allow corporate license holders to designate a store manager who would be a natural person and a resident of the state of Georgia, authorized to receive notice of any violation of its license or privilege or to receive service of citation under the laws of the state of Georgia. He stated the City would continue issuing licenses to individuals or to partnerships, requiring the store manager to be a person who meets the requirements of a resident of the City or County and being of the proper age.
He stated the next proposed change is a change in 6-44 of the code as it relates to the ownership or interest in multiple licenses. He stated in this proposed change no person or individual shall be issued more than two retail alcoholic beverage license nor shall any person or any individual be permitted to have a beneficial interest in more than two retail license. This change would be made in conjunction with what is allowed under state regulations.
He stated the next proposed change is in section 6-45, which allows a limitation on the number of license within families or corporations. This change would allow no person or member of such person's immediate family to hold or control any interest in more than two class C licenses in the City.
The next section 6-93, relates to the sale of products, other than alcoholic beverages. He stated no class C license shall sell or offer for sale or display stock at such place of business where distilled spirits are offered other than the following: tobacco products, beverages containing no alcohol and commonly used to dilute distilled spirits, ice, paper or styrofoam or plastic cups.
Section 6-94 is regarding the separation of facilities for package stores. He stated a license for retail package sale of malt beverage and a license for the retail package sale of distilled spirits are separated from each other by a solid non-transparent wall from floor to ceiling. Attorney Bailey stated the definition of a package store is being proposed to be amended also.
Mayor Palmer stated these proposed changes would be considered for a minimum of two public hearings and he would ask for a motion for those to be set for August 8, 2005 and August 22, 2005. Mayor Pro Tem Potts made a motion to set the public hearing for those dates August 8, 2005 and August 22, 2005, at 7:00 p.m. The motion was second by Councilman Crowley with Mayor Pro Tem Potts, Councilman Crowley and Mayor Palmer voting affirmatively, motion carried.
- b. Mayor Palmer stated a copy of a proposed ordinance amendment was provided in each members packet regarding the Hotel/Motel tax in the tax reference section of the existing ordinance and state law. Attorney Bailey stated there are several levels of Hotel/Motel tax and the new requirement provides that each jurisdiction that adopts the

Hotel/Motel tax declare the specific code section that applies to their jurisdiction. He stated this is a housekeeping ordinance amendment. It does not change the way the City is doing business, nor does it change the percentage the City collects, which is currently 5%. He stated the proposed ordinance amendment would be available for adoption, since it is merely a housekeeping ordinance amendment. Following review Councilman Crowley made a motion to approve the Hotel/Motel ordinance amendment as presented, second by Mayor Pro Tem Potts with Councilman Crowley, Mayor Pro Tem Potts, Mayor Palmer voting affirmatively, motion carried.

8. Other written items not on the agenda:

- a. Mayor Palmer stated Marion Lee Whitaker at 767 Highway 53, has filed a request for a wine package license to coordinate with her current Beer Package license. He stated the earliest date for a public hearing would be August 22, 2005. Mayor Pro Tem Potts made a motion to set the public hearing for the package license application for August 22, 2005, at 7:00 p.m. Second by Councilman Crowley with Mayor Pro Tem Potts, Councilman Crowley and Mayor Palmer voting affirmatively, motion carried.


9. Work Reports:

- a. Director of Utilities, Kelly Cornwell stated the Sonoraville sewer line is not quite complete but is operational for the Sonoraville School at this time. He stated the south sewer interceptor project is complete. The water plant and sewer plant construction projects are all on schedule.
- b. Director of Public Safety/Public Works, Eddie Peterson stated he had attended a meeting at the Cartersville DOT office last week and had reviewed the work programs for Calhoun and Gordon County. He stated one of the primary projects on the list is the Highway 41 project, from Line Street to Red Bud Road for conversion to a three lane road with intersection improvement. He stated this two-lane road has over 20,000 cars per day, making improvements important. He stated the state had initially considered four lanes with a turning lane. However, right-of-way cost exceeded the cost of construction making the project unaffordable. The three lanes with intersection improvements should be affordable.
He stated there were proposed projects such as the Union Grove Interchange and others on the list that also were important to the community.

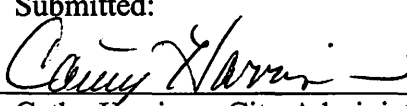
10. Mayor Palmer stated that it was not necessary to move to Executive Session.

11. Councilman Crowley made a motion to adjourn, second by Mayor Pro Tem Potts with Councilman Crowley, Mayor Pro Tem Potts and Mayor Palmer voting affirmatively, motion carried.

Approved:


James F. Palmer, Mayor

Submitted:


Cathy Harrison, City Administrator