

**CITY OF CALHOUN  
REGULAR CITY COUNCIL MEETING  
DEPOT COMMUNITY ROOM  
109 SOUTH KING STREET  
CALHOUN, GA  
MARCH 13, 2006, 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 Works/Public Safety  
Cathy Harrison, City Administrator

1. Mayor Palmer called the meeting to order and welcomed everyone in attendance. Mayor Palmer gave the invocation.
2. Mayor Palmer led the group in the Pledge of Allegiance to the United States Flag.
3. Following a review of the February 27, 2006 Regular City Council Meeting, Councilman Hammond made a motion to approve as written. The motion was second by Councilman Denmon with Councilman Hammond, Councilman Denmon, Councilman Crowley and Mayor Pro Tem Potts voting affirmatively, motion carried.
4. Mayors Comments:
  - a. Mayor Palmer welcomed Scope Denmon, a member of the Leadership Group and an employee of the Boys and Girls Club, to the regular meeting of the Mayor and Council. He expressed appreciation to all those individuals who are interested in learning more about their community and who are willing to join Leadership Groups in order to find ways to be a productive member of the community.
  - b. Mayor Palmer reminded the Council of the Work Session to review growth projects scheduled for March 24<sup>th</sup> and March 25<sup>th</sup> at the Line Street Conference Room. Part of the scheduled time will be to meet with representatives from MacTec who are presently providing a Comprehensive Plan update for the City and the County.
  - c. Mayor Palmer reminded the Council of the March 27, 2006 public hearing scheduled for 7:00 p.m. for a beer and wine pouring license of Patterson-Wilson Enterprise, d/b/a Schroeder's Restaurant, Rick M. Patterson, authorized agent at 119 Kelly Court.
  - d. Mayor Palmer stated Mainstreet, the Harris Arts Center and the Chamber of Commerce has requested permission to close a portion of Court Street beginning at the intersection of Wall Street to Park Avenue on Saturday, April 29, 2006 from 9 a.m. until 3 p.m. for a special event known as "More Than a Taste of Calhoun". It is the desire of Mainstreet, Harris Art Center and the Chamber of Commerce to make this an annual event if it is successful. He stated if the Council approves the request it should be subject to DOT approval.

Mayor Palmer expressed his appreciation to Mainstreet for checking with the businesses located in the block to make sure they were supporters of the project. He stated they had overwhelmingly expressed their support for the event. Mayor Pro Tem Potts made a motion to approve the road closing on April 29, 2006 from 9 a.m. until 3 p.m. for the portion of Court Street beginning at the Intersection of Wall to Park Avenue, subject to the approval of the Department of Transportation. The motion was second by Councilman Denmon, with Mayor Pro Tem Potts, Councilman Denmon, Councilman Crowley and Councilman Hammond voting affirmatively, motion carried.

- d. Mayor Palmer asked Mayor Pro Tem Potts to review the Council and public hearings scheduled for April 10, 2006 at 7:00 p.m.:
- 1) A first reading of a zoning request of R-1B and annexation of Larry Clark, for a house and 3 lots located at 115 Crestview.
  - 2) A first reading of a zoning variance by Walter and Wanda Gail Printup for a lot located at 119 McConnell Road. The variance would include a 14 foot variance on the south side of the lot and a 10 foot variance on the north side of the lot. (Rear)
  - 3) A first reading for the request for zoning of R-1B and annexation of Melanie Whitehead, agent for Richard and Deloris Dean for approximately 40 acres located at 631 Liberty Road SW.
  - 4) A first reading of a request for a zoning change from industrial to R-1B by DMK Holdings, LLC., for approximately 5 acres off of Beamer Road which currently adjoins a 35 acre tract owned by DMK Holdings, LLC.
  - 5) A request for a zoning variance from the Friends of the Gem, Inc., for a lighted marquee and sign for the building at 1116 N. Wall Street, Calhoun, GA.
- e. Mayor Palmer stated the City has been notified of an Award of a Streetscape Grant in the amount of \$250,000.00. He expressed appreciation to Mike Evans, the DOT Board Member representing our area, Representative Meadows, Representative Graves, Senator Smith and Senator Thomas for their assistance with this grant award.

5. Council Comments:

- a. Mayor Pro Tem Potts stated:
- 1) The street department, during the month of February, placed 10 new street signs, completed 28 shop work orders, dug out and patched on Three Oaks Drive, Thornwood Drive, Little Pine Drive, Marine Drive, Adventist Drive and Mill Street utilizing 44.08 tons of asphalt. They cut down trees for the Department of Natural Resources on Hwy 136 at the Boat Ramp. They worked at the new tennis courts grading, compacting and hauling dirt. They planted 30 new trees at the Clarence Harris River Park near the electrical substation and they started graded and hauling at the new parking lot behind Fire Station #2.
  - 2) The Sanitation department ran their commercial route, serviced vehicles and they did not gain any new dumpsters during the month.
  - 3) The parks department picked up liter and maintained all the fountains at City departments and the local park. They completed maintenance jobs at City Hall and Fields Ferry Golf Course. They placed a new metal roof on the pavilion at Chandler Cemetery. They continued work on remodeling offices at the Annex Building at 700 West Line Street.

- 3) The cemetery department supervised the opening and closing of 7 grave spaces, sold 16 new spaces and contractors set 4 new monuments.
- 4) The Animal Control department responded to 55 customer calls.

b. Councilman Denmon stated:

- 1) The water treatment plant facility pumped a total of 386,760,000 gallons of raw water for the month with a daily average of 12.89 million gallons per day. He acknowledged at this time 36% of the City's potable water comes from the well at the Brittany Drive.
- 2) The water construction department made 31 connections. They changed out 8 water meters and repaired 26 leaks. They installed 140 feet of 6 inch duct iron pipe, 120 feet of 12 inch pvc pipe, 120 feet of 12 inch duct iron water and 3,155 feet of 6 inch pvc water line. They installed 1 new fire hydrant and changed out 1 old fire hydrant. They received 47 calls at the shop, provided 348 locates and called in a request for 66 locates on other property.
- 3) The waste treatment plant treated a daily average flow of 7.62 million gallons per day with the average BOD effluent of 11, average suspended effluent 12, and average COD effluent of 61.
- 4) The sewer construction department made 25 sewer connections, repaired 11 sewer service lines, repaired 3 manholes, inspected 28 sewer lines for a total of 4,395 feet, inspected 8 sewer services for a total of 900 feet, provided 168 locates, repaired 2 lift stations, responded to 8 customer calls, cleaned 30 sewer lines for a total of 10,500 feet and opened, inspected 35 manholes and they installed 450 feet of 8 inch sewer along Elm Street to replace an old concrete line.
- 5) The sludge department applied 2,032 cubic yards of dry tons.
- 6) The building inspection department issued 42 permits for a total estimated construction of \$1.6 million dollars and \$600,000 of that was for residential development.

c. Councilman Crowley stated:

- 1) The electric department, during the month of February, continued work at the water plant pumping expansion, the controls for the well hi-rate water filter study is complete and the waste treatment expansion continues. The projects and maintenance are currently under construction and include the Villages Project on Lennox Rd, the Professional Court complex, the service for Dialysis Centers of America, work continues at Belmont Baptist Church on their expansion and the East Line Street tie in line. All of the sub station #2 circuits are near completion and work on sub station #3 begins in mid-March. The electric department began re-wiring and remodeling at the Annex building at 700 West Line St. Projects in engineering and design include upgrading lines on Richardson Road, Peters Street and McDaniel Station Rd at the Industrial Park, Pine Chapel pump station project and the Whittenburg Condo Project. The department completed 57 street and security light work orders, 28 new business and maintenance and they provided 19 after hour call outs.
- 2) The telecommunications division completed a fiber circuit to Health One Alliance for point to point Ethernet connection with their Dalton office. They continued fiber connections for the electric department for metering Ethernet system, completed construction of a single mode fiber to Starr Mathews Insurance,

upgraded from 10 Megs to 100 Megs for product concepts and developed a new agreement with Shaw Industries for dark fiber.

- 3) During the month of February the electric department opened 11 work orders, closed 9, issued 14 permits, provided 44 inspections, set 4 meters and sold approximately 31,932,831 KWH of electricity.
- 4) Councilman Crowley stated the telecommunications department has several items to be approved as surplus property and to be sold on the website:
  - a. 40 lb propane bottle
  - b. Onan 6500 Genset generator with propane fuel fed connection
  - c. Duo Therm camper heat & air conditioning unit
  - d. Nbase fast Ethernet converter

He stated he would make a motion to declare these items as surplus property and authorize the public sale through GovDeals as per a contract with the GMA. The motion was second by Councilman Hammond with Councilman Crowley, Councilman Hammond, Councilman Denmon and Mayor Pro Tem Potts voting affirmatively, motion carried.

d. Councilman Hammond stated:

- 1) The police department made 517 cases during the month of February, including 97 warrants, 103 cases for speeding and 5 for DUI's. They collected \$76,333.00 for fines, issued 524 warnings, and responded to 70 highway accidents including 6 injuries with 0 fatalities. They provided 83 escorts 1,324 incident reports, responded to 171 alarms, patrolled 49,042 miles, responded to 4,595 service calls from 911 and they issued 47 parking citations.
- 2) The fire department responded to 34 calls for the month, 5 fire incidents, responded to 11 emergency medical service calls and responded to 7 hazardous condition incidents, 3 service calls, 1 good intent and 7 false alarms. They completed in-house training during the month for all firefighters on the State required core skills. Chief Nesbitt and Fire Inspector Mills attended a State-Wide Action Review of Georgia's response to Hurricane Katrina. They assisted the County fire department with a house fire, received, reordered and dispatched 57 calls for after hour utility service and they completed scheduled station and vehicle maintenance.
- 3) The fire inspection division conducted 34 inspections during the month. The inspector attended a hospital board meeting and he conducted a fire extinguisher class for Kerry Corporation for 70 employees.
- 4) Councilman Hammond stated the Coosa Valley RDC met with the Work Force and Investment Board and reviewed a total of 96 individuals who lost their jobs in the Calhoun-Gordon County area and they will be retrained for other work. He stated the Coosa Valley RDC also announced Chatsworth had received an ARC Grant that will allow them to make a connection to the City of Calhoun's water system to assist them with their water needs.

6. Public hearings and comments:

- a. Mayor Palmer announced 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 and with each person speaking having filed a Financial Disclosure Statement if required, five days prior to the hearing, and each person giving their name and address. Mayor Palmer inquired if there was a need for disclosure

statements to be filed by any of the Council Members regarding ownership or special interest in any of the agenda items. The response was negative.

- 1) Mayor Palmer gave a second reading of the Bryan Wright request for zoning of C-2 and annexation for .44 acres at the intersection of Kelly Court and S. Wall Street.
  - a. Mayor Palmer opened the public hearing.
  - b. Harrison reported notices to the local legal organ, adjoining property owners and signs on the property had been completed.
  - c. Mayor Pro Tem Potts stated this item had been reviewed by the Zoning Advisory Board on March 9, 2006. She stated the members of the Zoning Advisory Board felt the property would be an infill for the area and they recommended approval.
  - d. Mayor Palmer asked if there were any other comments or questions. The owner stated he was available to respond to any questions. He asked if there were questions or comments by the Council or by the public. There were none and the public hearing was closed.
  - e. The findings of the Mayor and Council were:

**STANDARDS GOVERNING THE EXERCISE OF ZONING POWER**

- (1) The zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.
- (2) The zoning proposal will not adversely affect the existing use or usability of nearby property.
- (3) The property affected by the zoning proposal currently has a reasonable economic use as zoned.
- (4) The proposal will not cause excessive or burdensome use of existing streets, transportation, utilities or schools.
- (5) There will be no capital costs associated with the property since it is currently developed.
- (6) The zoning proposal will be in conformity and intent of the land use plan.
- (7) The existing and changing conditions primarily is the fact that the property is an island and it will assist with infilling the area.
- (8) The infill will help promote public health and safety from the stand point of public safety departments serving the area.

**VARIANCE CONSIDERATIONS (ONE OR MORE)**

- (a) The request to allow a variance from the property line between the residential property located at the rear with a 5 foot shrubbery row planted between the properties. It would still require a 4 foot variance to accommodate the ordinance requirements. The exceptional conditions regarding the property is the fact that the residential property is currently being utilized as commercial property, an office for the manager of Schroeder's Restaurant.
- (b) The application of the ordinance to this particular piece of property would create an unnecessary hardship.
- (c) N/A
- (d) Relief, if granted, would not cause substantial detriment to the public good and the owner of the adjoining residential property has consented to the variance request.

- f. Mayor Pro Tem Potts stated based upon these findings she would make a motion to waive the third and fourth reading and approve the zoning of C-2 and annexation of .44 acres at the intersection of Kelly Court and S. Wall St.

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

2) Mayor Palmer gave a second reading of the by Andy Carlson of Carlson & Jones Architects, agent for the Calhoun Presbyterian Church for a zoning variance request of 10 foot variance on Windsor Drive to accommodate an expansion of the Church facility was given.

- 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 this item had been heard by the Zoning Advisory Board on March 9, 2006 and determined the church is a compatible facility with the community and the 10 foot variance would not be out of the scope of the long range plans. They would recommend approval of the zoning request.
- d. Mayor Palmer asked if there were any questions or comments by the applicant. Mr. Andy Carlson of Carlson & Jones stated his group and members of the church were available to respond to any questions. Mayor Palmer asked if there were any comments or questions by the Council or by the public. Attorney Bailey stated the Zoning Advisory Board and staff had determined drainage was critical and at capacity in that area and the Architect at the Zoning Advisory Board had acknowledged they would address the problem. He recommended this information be recorded in the minutes in order to enforce the requirement that this be addressed as construction proceeds. Mr. Carlson confirmed they would do so. There were no additional comments, and the hearing was closed.
- d. The findings of the Mayor and Council were:

**VARIANCE CONSIDERATIONS (ONE OR MORE)**

- (a) There are no exceptional conditions pertaining to the shape, size of the lot or the topography.
- (b) The application of this ordinance to this particular piece of property could create an unnecessary hardship.
- (c) The location of the church on this particular piece of property fits well within the community.
- (d) Relief, if granted, will not cause substantial detriment to the public good or impair the purpose and intent of the ordinance, but hopefully will improve drainage in the area.

- e. Mayor Pro Tem Potts made a motion to waive the third and fourth readings and to approve the 10 foot variance on Windsor Drive to accommodate expansion of the church facility with the understanding that the architects meet with the Director of Public Works and adequately address the drainage problem that currently exists in the area. The motion was second by Councilman Hammond, with Mayor Pro Tem Potts, Councilman Hammond, Councilman Denmon and Councilman Crowley voting affirmatively, motion carried.

7. Other hearings and public comments:

- a. Mayor Palmer opened the public hearing on the beer and wine pouring license request by Dub's High on the Hog Restaurant located at 349 S. Wall Street with Jeff Erwin, as authorized agent. He stated it is a new location and the police report is clear. Mayor Palmer asked if there any comments by the applicant. There were none. He asked if there were any questions or comments by the Council or the public. There were none and the hearing was closed. Mayor Pro Tem Potts made a motion to approve the beer and wine pouring license for the Dub's High on the Hog Restaurant at 349 S. Wall Street. The motion was second by Councilman Crowley with Mayor Pro Tem Potts, Councilman Crowley, Councilman Denmon and Councilman Hammond voting affirmatively, motion carried.
- b. Mayor Palmer opened the public hearing on the pawn license request by Instant Cash Loans on Car Titles, Inc., d/b/a Loan Max located at 539 Highway 53, East, SE. The police report for the manager Linda Black is clear. Mayor Palmer asked if there any comments or questions by the Council or by the public. There were none and the hearing was closed. Councilman Crowley made a motion to approve. The motion was second by Councilman Denmon with Councilman Crowley with Councilman Denmon, Councilman Hammond and Mayor Pro Tem Potts voting affirmatively, motion carried.

8. Old Business:

- a. Mayor Palmer stated the Calhoun Affordable request for a Resolution of support will be held until March 27, 2006.

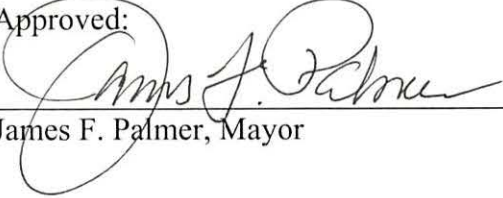
9. New Business:

- a. Mayor Palmer stated the Echota Vann Shrine Club had filed a request for a traditional parade permit, one of the six authorized by the State, for June 3, 2006 at 11:00 a.m. on the traditional route. He stated if the Council approves the application it would be subject to DOT approval. Following review Councilman Hammond made a motion to approve the request for June 3, 2006 at 11:00 a.m. on the traditional route. The motion was second by Councilman Denmon with Councilman Hammond, Councilman Denmon, Councilman Crowley and Mayor Pro Tem Potts voting affirmatively, motion carried.
- b. Mayor Palmer gave a first reading of a zoning variance by Brent Stepp Construction, Inc. for a gated street on a parcel recently annexed off of Meadowbrook Rd adjoining other Stepp Developments: Bristol, Covington and Lennox. He stated the earliest date for a public hearing would be May 8, 2006 at 7:00 p.m. Councilman Denmon made motion to set the public hearing for that date and time. 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 gave a first reading of a zoning change request of Hamp and Shirley Mosely for a lot at 207 Gallman Ave. The request is to change from residential to neighborhood commercial. The earliest date for a public hearing would be May 8, 2006 at 7:00 p.m. Following a review Mayor Pro Tem Potts made a motion to set the public hearing for that date and time, second by Councilman Hammond with Mayor Pro Tem Potts, Councilman Hammond, Councilman Denmon and Councilman Crowley voting affirmatively, motion carried.

10. Written items not on the agenda: None.

11. Work Reports:
  - a. Director of Utilities, Kelly Cornwell no report
  - b. Director of Public Safety/Public Works, Eddie Peterson, stated the Food Lion traffic signal work will begin on Monday with the widening of the intersection. The poles and signals have been ordered and they will arrive and be placed in April and the signal should be ready for operation in May.
12. Attorney Bailey stated there are no items that would require Executive Session.
13. 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