

**CITY OF CALHOUN
REGULAR CITY COUNCIL MEETING
DEPOT COMMUNITY ROOM
109 SOUTH KING STREET
CALHOUN, GA
NOVEMBER 27, 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 Safety/Public Works
Cathy Harrison, City Administrator**

1. Mayor Palmer called the meeting to order and welcomed everyone in attendance. Councilman Denmon 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 November 13, 2006 Regular City Council Meeting Minutes, 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 members of Troop 39 with their Chaplin, Mr. Brock and he asked for each of the young men to introduce themselves to the group. Following introductions, Mayor Palmer stated he had been a previous member of Troop 39, although he was not a founding member, he knew the benefits of Scouting for young men. He extended his appreciation to each one for their desire to work toward Merit Badges and to learn good stewardship and good leadership.
 - b. Mayor Palmer announced the Mayor's Motorcade to the Northwest Regional Hospital on December 12, 2006. The ceremony will be held at the hospital at 10:00 a.m. He stated he and any members of the Council that wish to attend would leave at approximately 9:00 a.m. He stated anyone who wishes to donate gifts or cash for the patients at Northwest Regional Hospital could leave those at City Hall anytime prior to December 12, 2006.
 - c. Mayor Palmer reminded the Council Members of the GMA Mayor's Day – Legislative Conference in Atlanta on January 20-22, 2007. He stated the all day training session for elected officials is scheduled for Saturday and he recommended that everyone plan to attend.
 - d. Mayor Palmer announced the City streets that were dedicated on November 13, 2006 tentative to the City receiving a list of cost, in order for the streets to be added to the City's fixed assets, have been received and the streets are officially accepted.

- e. Mayor Palmer remind the Council of a public hearing scheduled for December 11, 2006 at 7:00 p.m. for a beer package license request by Jeff Knight for Hi Tech Fuel located at 295 West Line Street.
 - f. Mayor Palmer read a proposed Resolution from the City and County honoring Stand Watie, Cherokee native son of Gordon County. Following review of the proposed Resolution, Mayor Pro Tem Potts made a motion to adopt the Resolution as written. The motion was second by Councilman Crowley with Mayor Pro Tem Potts, Councilman Crowley, Councilman Denmon and Councilman Hammond voting affirmatively, motion carried. (Exhibit "A")
 - g. Mayor Palmer asked Mayor Pro Tem Potts to review the Zoning Hearings scheduled for December 11, 2006, at 7:00 p.m.
 - 1) A first reading of a request for annexation and C-2 zoning by Flipper McDaniel, for approximately 2 acres located at 1201 Dews Pond Road.
 - 2) A first reading of a request for re-zoning from Agricultural to C-2 by Steve C. Moore for approximately 28.5 acres located at the corner of Belwood Road and Union Grove Road.
 - 3) A first reading of a sign variance request by Russell Owen. The request is for a 4 foot variance on set-back, 8 foot over height maximum and 251 foot over on total allowed square footage.
 - 4) A first reading of an annexation request by Rebecca Brown for 2.044 acres at 128 New Town Road for R-1A zoning.
 - h. Zoning Hearings scheduled for January 8, 2007, at 7:00 p.m.
 - 1) A request for annexation and C-2 zoning by Mahendra Patel, for 1.38 acres located at 1033 Fairmount Hwy.
 - 2) A first reading of an annexation request and C-2 zoning request by Terry Brumlow, for 28.625 acres located in Land Lots 274 and 303, 14th District, 3rd Section of Gordon County, south of Kentucky Fried Chicken and etc.
 - 3) A request by North Georgia Bank, Donna McEntyre agent for Ethel Gilreath Estate/Lane Bearden, Laural Beardon, and Dlynn Beardon. The request is for rezoning of R-1B to C-2 for approximately 1 acre located at 1131 Dews Pond Rd.
 - 4) A request by North Georgia Bank, Donna McEntyre agent for Pauline Davis/ Reed Davis, POA the request is to rezone to C-2 for property located at 1125 Dews Pond Rd.
5. Public hearings and comments:
- a. Mayor Palmer opened the public hearing on the beer package license request of Sam's Real Estate Holdings - GA, LLC and LSAA, Inc., located at 921 Hwy 53, East, with Medhat Karoute, as authorized agent. Mayor Palmer stated the police report is clear. The location has had a previous license. He asked if there were any comments by the applicant, public or Council. There were no comments and the hearing was closed. Councilman Crowley made a motion to approve the request for the remainder of 2006 and for 2007. The motion was second by Councilman Hammond with Councilman Crowley, Councilman Hammond, Councilman Denmon and Mayor Pro Tem Potts voting affirmatively, motion carried.

6. Old Business:

- a. Mayor Palmer gave a second reading to the following beer, wine and liquor applicants regarding their requests for renewal license for 2007:

B&L Liquor, Inc	Lindsey Lewis	100 Highway 53 SE	Calhoun, GA 30701	629-0482	B, W & L Pkg
Food Lion	Robert Canders	1512 Red Bud Rd	Calhoun, GA 30701	625-3906	B&W Pkg
J & P Package	Patsy Colleps	549 Highway 53	Calhoun, GA 30701	625-4154	B & W Pkg
Lizzi's Deli & Grill / Abujaber, Inc.	Mary Alma Blasengame	203 Richardson Rd	Calhoun, GA 30701	624-1982	B, W & L Pour
Mapco Express d/b/a Fast Food & Fuel Mapco Express d/b/a Fast Food & Fuel	William Lee Carter William Lee Carter	326 West Line St 1402 US HWY 41 S	Calhoun, GA 30701 Calhoun, GA, 30701	625-3445 602-2233	B Pkg B Pkg
The Pantry, Inc. d/b/a Kangaroo Express #3513	Karen Aldridge	1476 Red Bud Rd	Calhoun, GA 30701	629-7696	Beer Pkg
The Pantry, Inc. d/b/a Kangaroo Express #3563	Karen Aldridge	1401 Red Bud Rd	Calhoun, GA 30701	602-0111	Beer Pkg
The Pantry, Inc. d/b/a Kangaroo Express #3519	Karen Aldridge	702 Hwy 53 E	Calhoun, GA 30701	625-9127	B & W Pkg

Councilman Hammond made a motion to approve those applicants for renewal of their 2007 license. The motion was second by Councilman Crowley with Councilman Hammond, Councilman Crowley, Councilman Denmon and Mayor Pro Tem Potts voting affirmatively, motion carried.

- b. Mayor Palmer gave a second reading to the following pawn applicants' requests for renewal license for 2007:

Cash Express	Cal Rountree	203 West Belmont Drive	Calhoun, GA 30701	602-1888
Instant Cash Loans on Car Titles, Inc. d/b/a Loan Max	Rod Aycox	539 Hwy 53 East, SE	Calhoun, GA 30701	624-1000
National Title Pawn of Calhoun, Inc.	Frank McDonald	117 West Belmont Street	Calhoun, GA 30701	629-9099
Pete's Music City & Pawn	Clifford L. Cochran	115 South Wall Street	Calhoun, GA 30701	629-4463
This & That Pawn Shop	Clyde E. McEntyre	408 South Wall Street	Calhoun, GA 30701	625-0820
Title Exchange & Pawn	Hugh M. Austin	105 South River Street	Calhoun, GA 30701	629-8794

Councilman Denmon made a motion to approve those applicants for renewal of their 2007 license. 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 second reading of taxi applicants' requests for renewal license for 2007.

Los Buenos Amigos Taxi	Sonia Romero	408 Court Street	Calhoun, Georgia 30701	706-624-0304
Taxi Latino	Romualdon "Rojo" Martinez	802 North Wall Street	Calhoun, Georgia 30701	706-602-3339
Taxi Oasis	Andres A. Hernandez	203 Richardson Rd	Calhoun, Georgia 30703	706-463-7158
Taxi Guerrero	Maria de la luz Palmerin-Vega	904 B. North Wall Street	Calhoun, Georgia 30703	706-629-5812
Taxi Bienvenido	Luis M. Santana	1108 S. Wall Street, Suite 3	Calhoun, Georgia 30701	706-483-1493

Mayor Pro Tem Potts made a motion to approve those applicants for renewal of their 2007 license. The motion was second by Councilman Hammond with Mayor Pro Tem Potts, Councilman Hammond, Councilman Denmon and Councilman Crowley voting affirmatively, motion carried.

7. New Business:

- a. Mayor Palmer gave a first reading for the beer/wine package license request for Ingles Market as a renewal for 2007. He stated the second reading would be held on December 11, 2006.

- b. Mayor Palmer stated the first meeting in December is scheduled for the 11th and the second meeting is normally scheduled on the 4th Monday, which is December 25th, Mayor Palmer asked the Council to move the second meeting to December 18, 2006 in order to honor the holidays. Following review Councilman Hammond made a motion to move the December 25, 2006 regular scheduled meeting date to December 18, 2006 at 7:00 p.m. 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 James Mathews had attended the Council's Noon Work Session and reviewed the insurance proposals for liability and property coverage for both the City and the City School System for the year beginning December 12, 2006 through December 11, 2007. He stated Mr. Mathews had reviewed several companies, including GERMA, the GMA Insurance Program. He determined the best proposal for the City of Calhoun would be Travelers Insurance an "A" rated company for City coverage. He stated the total price that includes elected officials liability coverage, police liability coverage, general liability coverage, vehicle and property insurance would total \$432,973.00. He stated this represents a \$19,000.00 increase from the prior year, however, there is additional property, additional vehicles and additional police officers. He stated there were some changes in terms of a reduction in price in some areas and some increases in others. There was a mandate by the State of Georgia that requires communities to provide a minimum of \$500,000.00 liability insurance for vehicle coverage and this will cost an additional \$5,500.00. He stated the best coverage for the City Schools liability and property coverage would be through UTICA Mutual an "A"-rated company that has a history of providing coverage for school systems. He stated their coverage is a few hundred dollars higher than the prior year. He stated their total premium would be \$117,104.00. Mayor Palmer asked if there were any questions or comments regarding the proposals. Councilman Hammond stated he appreciated the effort by Mr. Mathews regarding the quotes. He is extremely proud of the rates for coverage for this year and he would make a motion to approve the proposal as recommended by Mr. Mathews. The motion was second by Councilman Crowley with Councilman Hammond, Councilman Crowley, Councilman Denmon and Mayor Pro Tem Potts voting affirmatively, motion carried.
- d. Mayor Palmer gave a first reading of the adoption of the 2006 International Building Codes listing those item by item. Attorney Bailey stated in addition to the codes the amendments and any appendices to these codes would also be adopted as well as the procedures for appeals and due process. Mayor Palmer stated a public hearing on the Ordinance Amendment would be held on December 11, 2006 at 7:00 p.m. (Exhibit "B")
- e. Administrator Harrison stated, while the City of Calhoun did not have a Municipal Election in 2006, there was a question regarding school tax exemption for senior citizens that was posed both to county and city citizens. She stated the total votes cast in the City of Calhoun were 2,066 with 1,762 "yes" votes and 304 "no" votes.

8. Other Written Items not on the Agenda: None.

9. Work Reports:
- a. Director of Utilities, Kelly Cornwell stated the City of Acworth has met with the City of Calhoun regarding a renewal of a contract with the City of Calhoun for the purchase of 5 Mega Watts of generation for reserve at a price of \$15.00 per KW. He stated this would be equivalent to \$35,625.00 for the term of the contract that would be from January 1, 2007 through December 31, 2007. He stated if approved it would be subject to approval by the City of Acworth. Following discussion Councilman Crowley made a motion to approve the proposed contract renewal at a price of \$15.00 per KW for the calendar year 2007, subject to approval by the City of Acworth. The motion was second by Councilman Denmon with Councilman Crowley, Councilman Denmon, Councilman Hammond and Mayor Pro Tem Potts voting affirmatively, motion carried.
 - b. Director of Public Works/ Public Safety, Eddie Peterson stated he is applying for a grant for a bridge for pedestrians to cross the creek from the River Street Recreation Park to the new park site composed of 58 acres that had been purchased from the Industrial Development Authority. He proposed a Resolution that would authorize the application and authorize the Mayor to sign. Following review Councilman Denmon made a motion to adopt the Resolution and authorize the Mayor to sign. The motion was second by Councilman Crowley with Councilman Denmon, Councilman Crowley, Councilman Hammond and Mayor Pro Tem Potts voting affirmatively, motion carried. (Exhibit "C")
 - c. Director of Public Works/ Public Safety, Eddie Peterson stated it is possible the police department may receive an award of a mobile command center vehicle and they should receive notification in the near future.
10. Mayor Palmer inquired if there was a need to move to Executive Session. The response was negative.
11. Mayor Pro Tem Potts made a motion to adjourn. The motion was 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

Exhibit "A"

RESOLUTION
of the
GORDON COUNTY BOARD OF COMMISSIONERS
AND CITY OF CALHOUN

DECEMBER AS STAND WATIE MONTH

Whereas, Stand Watie was born in Oothcaloga Valley Cherokee County, now known as Gordon County, on December 12, 1806; and

Whereas, Stand Watie grew up in what is now Gordon County, Georgia; and

Whereas, Stand Watie was part-time Editor of The Cherokee Phoenix, Clerk of the Cherokee Supreme Court, Clerk of the Cherokee Council, and official interpreter at New Echota; and

Whereas, Stand Watie was in the Confederate Army and was the first Indian or Native American to become Brigadier General in any branch of armed forces; and was the last to sign a treaty with the United States on June 23, 1865.

BE IT THEREFORE RESOLVED, that the Gordon County Board of Commissioners and City of Calhoun declare the month of December 2006, as **STAND WATIE MONTH** in memory and honor of the 200th anniversary of the birth of this native son of Gordon County. -

Signed this twenty-first day of November, in the year of our Lord, two thousand and six.

BOARD OF COMMISSIONERS

CITY OF CALHOUN

Alvin Long, Chairman

Jimmy Palmer, Mayor

Exhibit "B"

AN ORDINANCE AMENDING SECTION 18-31 OF THE CODE OF ORDINANCES OF THE CITY OF CALHOUN TO INCLUDE AND ADOPT CERTAIN STANDARD CODES OF TECHNICAL REGULATIONS REGARDING BUILDING CODES AS ADOPTED BY THE GEORGIA LEGISLATURE IN GEORGIA LAWS, 2004 AT PAGE 551, SECTION 1, TO FIX AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

SECTION ONE: The Mayor and Council of the City of Calhoun ordains that Section 18-31 of the Code of Ordinances be amended as follows:

(a) By deleting in its entirety Section 18-31(a) and inserting in lieu thereof the following:

“Sec. 18-31. Adopted.

(a) The following Georgia State Minimum Codes as set out in O.C.G.A. §8-2-20 (9)(B)(I), as amended, are hereby adopted by reference as though they were copied fully in this section:

- (1) International Building Code (ICC) 2006 Edition
- (2) International Fuel Gas Code (ICC) 2006 Edition
- (3) International Mechanical Code (ICC) 2006 Edition
- (4) International Plumbing Code (ICC) 2006 Edition
- (5) International Electrical Code (NFPA) 2005 Edition
- (6) International Fire Code (ICC) 2006 Edition
- (7) International Energy Conservation Code (ICC) 2000 Edition
- (8) International Residential Code (ICC) 2006 Edition
- (9) International Property Maintenance Code (ICC) 2003 Edition
- (10) International Existing Building Code (ICC) 2003 Edition
- (11) All applicable appendices of the Codes enumerated in items 1-10 adopted by the Board of Directors of the Georgia Department of Community Affairs.

SECTION TWO: 1. The Georgia State Minimum Codes shall be enforced by the City of Calhoun Building Inspector (“building inspector).

2. The City of Calhoun Board of Zoning Appeals as established in Article XII of the City of Calhoun Zoning Ordinance (Ordinance No. 732, as amended) shall review, hear and decide appeals where it is alleged there is an error in any order, requirement, decision of

determination made by the building inspector in the enforcement of any Georgia State Minimum Code as adopted by this ordinance. (hereinafter "building codes").

3. Appeals to the Board of Zoning Appeals may be taken by any person aggrieved by any decision of the building inspector pertaining to a building code(s). Such appeal shall be taken within sixty (60) days of the date of decision by filing with the building inspector and with the City Clerk as secretary to the Board of Zoning Appeals a written notice of appeal specifying the grounds thereof. The building inspector shall within five (5) business days transmit to the City Clerk all documents and papers constituting the record upon which the action appealed from was taken. The Board of Zoning Appeals shall fix a date for the hearing of the appeal no later than twenty (20) days from the date of receipt of the written appeal by the City Clerk, and give at least ten (10) days notice to the parties in interest, and decide the same within five (5) business days from the date of the hearing. Upon a hearing, any party may appear in person, or by agent or by attorney.

4. In exercising its power, the Board of Zoning Appeals may, reverse or affirm, wholly or partly, or may modify the decision of the building inspector. The concurring vote of a majority of the members of the Board shall be necessary to reverse or modify any decision of the building inspector. The Board shall inform all the parties involved of its decision and its reason therefore. Recourse from a decision by the Board shall be to a court of competent jurisdiction.

SECTION THREE: This Ordinance shall be effective the date of passage and adoption as hereinafter designated.


SECTION FOUR: All ordinances and parts of ordinances in conflict with this Ordinance are repealed.

SECTION FIVE: Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such declaration shall not affect the validity of the ordinance


as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

The above and foregoing Ordinance amendment was duly passed and approved at the meeting of the Mayor and Council of the City of Calhoun, Georgia this 11th day of December, 2006.

FIRST READING _____
SECOND READING _____
THIRD READING _____



JAMES F. PALMER, MAYOR
CITY OF CALHOUN, GEORGIA

ATTEST: 

CATHY HARRISON, CLERK/ADMINISTRATOR
CITY OF CALHOUN, GEORGIA

Exhibit "C"

**City of Calhoun, Georgia
Authorizing Resolution**

WHEREAS, the City of Calhoun provides recreational services and opportunities for Calhoun and Gordon County; and

WHEREAS, the population of Calhoun increased by 50 percent from 1990 to 2000, and has continued to increase six percent per year from 2000 to 2006; and

WHEREAS, the Gordon County, Georgia Comprehensive Plan 1992 - 2012, recommends the expansion of trails by addressing the configuration of the existing facility; and

WHEREAS, the City of Calhoun has purchased 58 adjoining greenway acres for the express purpose of City and County recreational opportunities; and

WHEREAS, the Georgia Department of Natural Resources is the authorized administrative agency for the implementation of the Recreational Trails Program; and

WHEREAS, the City of Calhoun is aware that the 2006 Recreational Trails Program is currently available in a 80/20 grant format for project sponsors; and

WHEREAS, the City of Calhoun understands and is fully aware of the criteria, timetable, requirements, permitting guidelines, obligations for submission, possible awarding, and implementation of the Recreational Trails Program;


NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Calhoun, Georgia that a Recreational Trails Program application be submitted to the Georgia Department of Natural Resources for an 80/20 grant for the purpose of design, engineering, permitting, construction and installation of a pedestrian bridge across Oothcalooga creek, which would link and make available Calhoun's existing 40 acre recreation complex to 58 acres of additional greenway which will be utilized for trails, outdoor education, disabled facilities, and other recreational purposes.

ADOPTED, this 27th day of November 2006.

CITY OF CALHOUN, GEORGIA


James F. Palmer, Mayor

Attest:


Cathy Harrison, City Administrator/
City Clerk