

**CITY OF CALHOUN
REGULAR CITY COUNCIL MEETING
DEPOT COMMUNITY ROOM
109 SOUTH KING STREET
CALHOUN, GA
APRIL 10, 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/Works
Cathy Harrison, City Administrator

1. Mayor Palmer called the meeting to order and welcomed everyone in attendance. Councilman Hammond 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 March 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 reminded the Council of the Budget Work Session immediately following the City Council meeting and meetings to be held April 11, 2006 at 6:30 p.m. and April 12, 2006 at 6:30 p.m. if needed.
 - b. Mayor Palmer announced the renaming of the Community Room at the Library to be held on April 13, 2006 at noon.
 - c. Mayor Palmer announced a public hearing on a beer package license request of Tierce's Little Giant to be held on April 24, 2006 at 7:00 p.m.
 - d. Mayor Palmer announced Georgia Cities Week to be held the week of April 23rd through the 30th.
 - e. Mayor Palmer reminded the Council of the GMA Listening Sessions in the District: Rome, April 12, 2006 at 6:00 p.m. and Dalton on April 18, 2006 at 11:30 a.m.
 - f. Mayor Palmer asked Mayor Pro Tem Potts to review the Council and public hearings scheduled for May 8, 2006 at 7:00 p.m.:
 - 1) A zoning variance request of Brent Stepp Construction Co., Inc. for a waiver to build seven houses on a private road in a small tract of land annexed off Meadowbrook Road adjoining other Stepp Developments known as Bristol, Covington and Lennox (Four lots in the area will join a public road)

- 2) A zoning change request of Hamp and Shirley Mosely for a lot at 207 Gallman Avenue. The request is to change from Residential to Neighborhood Commercial.
- 3) A request by D&L Land Co., Larry Knight for zoning of C-2 and annexation of a lot at the intersection of Hines Road and Red Bud Road.

5. Council Comments:

a. Mayor Pro Tem Potts stated:

- 1) The street department, during the month of March, ran their storm water maintenance plan, checked all grates and pipes inside the City's storm sewer system. They ran the brush truck, leaf vacuum and street sweeper routes, put up 12 new street signs and completed 25 shop work orders. They dug out and patched on McConnell Road, Ola Street and Yarbrough Street utilizing 12.52 tons of asphalt. They worked at the new tennis courts hauling dirt to the new Recreation Department Road. They hauled dirt and stone, graded and compacted the parking lot at fire station #2. They laid 20 feet of 24-inch pipe and widened the driveway radius at fire station #2. They put in a new maintenance driveway for the lower portion of Fain Cemetery. They worked with Gordon County Road Department, widening Red Bud Road at Harmony Church Road near Food Lion. This included traffic control, shoulder work and striping. They hauled off brush from the airport, limbs from the trees that had been cut along the sides of the runways.
- 2) The Sanitation department ran their routine commercial route, serviced vehicles and there was no gain in dumpster accounts.
- 3) The parks department maintained all the City Parks and fountains. They continued work on remodeling offices at the Annex Building on Line Street, and painted the interior of the Community Building on McConnell Road.
- 4) The cemetery department supervised the opening and closing of 16 grave spaces, sold 8 new spaces and contractors set 4 new monuments.
- 5) The Animal Control department housed 37 dogs and 11 cats, issued 10 first warnings and 1 second warning for lease law violation and responded to 64 customer calls.
- 6) Mainstreet will begin concerts in May, every third Friday, continuing through June and July. The concerts will feature Mustang Sally, Buck and Duke and others with a final concert in August that will be a local gospel concert. On May 13, 2006 there will be a special program at the Park for law enforcement officers and their families. This will include City of Calhoun and Gordon County safety patrol personnel. The DOT permit has been approved for the closing of Court Street from Wall to Park Avenue and there will be a festival known as "More Than a Taste of Calhoun" held on April 29, 2006 from 9:00 a.m. until 3:00 p.m.

b. Councilman Denmon stated:

- 1) The water treatment plant facility pumped an average of 12.6 MG per day and this represents 40.2% of all potable water produced at the Brittany Drive Plant.
- 2) The water construction department made 36 connections. They changed out 32 water meters and repaired 28 leaks. They installed 2,810 feet of 6 inch ductile iron pipe, 120 feet of 12 inch pvc pipe, 120 feet of 12 inch ductile 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 9 connections during the month of March, repaired 12 service lines, 5 manholes, inspected sewer mains for 2,650 feet, inspected sewer service lines for 900 feet, provided 267 locates, repaired 2 lift stations, responded to 4 service calls and cleaned 25 sewer lines for a total of 8,750 feet. They opened and inspected 25 manholes. They began sewer line replacement along Richards Street, Edwards Street and Elm Street.
- 5) The sludge department applied 2,288 cubic yards of sludge.
- 6) The building inspection department issued 71 permits for a total estimated construction of \$3,843,000.00 during the month and they also provided 213 inspections.

c. Councilman Crowley stated:

- 1) The electric department, during the month of March continued work on the water plant pumping expansion and they also continued work at the waste treatment plant expansion.

Projects that are under construction are: The Dialysis Centers of America and it is near completion; the expansion at the Belmont Baptist Church, installing padmount transformers; the remaining section of East Line Street Tie In, under construction; the wire stringing contractor is scheduled to arrive in late April to coordinate with the additional work on McDaniel Station Road; all of Substation #2 and Substation #3 work continued through March; construction continues on the Annex Building, remodeling and rewiring.

Projects in Design: Engineering for major construction and upgrades of lines along Richardson Road and Peters Street and a new line that will serve the McDaniel Station Industrial Park, Pine Chapel pump station material has been acquired and is waiting on a site selection; engineering for the Whittenburg Condo Project on Barrett Road is complete.

During the month the electric department responded to 39 street and security lighting work orders, new business and maintenance for 38 work orders and they responded to 11 trouble callouts.

- 2) Telecommunications department continued with fiber connections for the metering for the Ethernet system and installed new Central Office equipment. They signed a new internet agreement with Dialysis Corporate of America, purchased a new server for the police department and relocated the IPRO internet services to their new offices on Othcalooga Street. They provided 6 quotes for new service, resulting in 1 agreement. They opened 12 work orders and closed 8.
- 3) The electric department issued 31 permits, provided 44 inspections and set 12 meters and they purchased 29.8 million KWH of electricity at wholesale.

d. Councilman Hammond stated:

- 1) The police department made 607 cases during the month of March, including 45 warrants, 105 for speeding, 6 DUI's and 442 others. They collected on previous cases \$91,478.00 in fines, issued 504 warnings, provided 102 escorts; responded

- to 1,373 incidents, responded to 163 alarm calls, patrolled 51,758 miles, responded to 4,761 service calls from 911 and they issued 88 parking citations.
- 2) The fire department during the month of March responded to 12 fire incidents for estimated damage of \$3,050.00. They responded to 26 emergency medical service calls with 21 injuries. They responded to 9 hazard condition incidents, 4 service calls, 8 good intent and they responded to 13 false alarms. They continued all in house training on all firefighters State core skills. The Haz Mat Team members attended and participated in a chlorine training drill with Gordon County, Dalton and Whitfield Fire Departments. They attended an electric meter class at the electric department. They received, recorded and dispatched 42 phone calls for after hour utilities and service problems. They completed all scheduled routine station and vehicle maintenance.
 - 3) The fire inspection department provided 23 inspections during the month. They conducted a fire extinguisher training class with shift personnel, for 20 people at the Gordon County Health Department. They conducted a fire extinguisher class for shift personnel, for 40 people at the Barrier Bac Company. And they attended a pre-construction meeting for a new subdivision.

Councilman Hammond stated the City wishes to declare the following office supplies, seized vehicles from the police department and items from the water plant as surplus property:

- a. Wilson Jones Printout Binders 9 ½ X 11 Sky Blue / #W14-9511NJA (½ case)
- b. Wilson Jones Printout Binders 14 7/8 X 11 Sky Blue / #WC14-1411WA (3 cases)
- c. 2 - Color Printers HP 870 Cse – deskjet Professional Series (don't work – parts only) includes 4 ink cartridges.
- d. 1- Calculator Sharp Compt QS2760 (Skips digits-parts only)
- e. Box of large mailing envelopes/clasp
- f. Data processing computer labels #42-461 and #70104 (3 boxes approximately 7000 labels)
- g. 1- box of Dictating tapes – 6 new JVC, 8 Sony Magnetic recording tapes 45 minutes and several Scotch 3M)
- j. Miscellaneous print cartridges (IBM Lexmark #1337765, and NuKote #86TL lift off tape)
- k. 2- Stainless steel filter vessels – Brand: Filter Fab, made by Harmsco Industrial Filters Inc. Model # HUR-850-ASME, built in 1998 and Hydro tested to 350 psi.
- l. Stainless steel filter vessel – Pilot study for one micron filter, Brand: Hurricane, made by Harmsco Industrial Filters Inc. Model # HUR 40 HP, design flow rate 50 gpm max, max filtration area 40 sq ft, max operating pressure 150 psi, attached to that is a flow meter – Brand: SENSUS

Declare surplus “seized” property from the police department and authorize public sale:

- | | | |
|----|-----------------------------|--------------------|
| a. | 1995 Chevrolet Truck | #2GCEC19HOS1184875 |
| b. | 1994 Dodge RAM Truck | #3B7HC16X3RM533667 |
| c. | 1996 Mitsubishi Sport Coupe | #JA3AA11A7TU006176 |
| d. | 1988 Lincoln Town Car | #1LNBM82F0Jy835673 |

- e. 1990 Nissan Sentra #1N4GB22BOLC765253
- f. 1982 Honda Civic #JHMSL431XDS007087
- g. 1989 Volvo 740GL #YV1FX8843K1353819
- h. 1986 Honda Accord #1HGGA5429GA062632
- i. 1991 Ford Explorer #1FMDU32X2MUC81195

Following review Councilman Hammond made a motion to declare the property as surplus property and authorize the property to be sold on the GMA website, GovDeals.

6. Public Hearings and Comments:

a. Mayor Palmer announced at this time public hearings on zoning matters will be held. The public will have the opportunity to make pro and con comments with a ten minute maximum time limit for each of the matters and with each person speaking having filed a financial disclosure statement five days prior to the hearing if required and with each person giving their name and address. An inquiry was made to determine if any of the elected officials have filed a disclosure statement regarding ownership or special interest in any of the agenda items and the response was negative.

1) A zoning request of R-1B and annexation by Larry Clark for a house and 3 lots located at 115 Crestview Drive.

- a. A public hearing was opened.
- b. Harrison reported that notices to the adjoining property owners, signs on the property and notices to the local legal organ had been completed.
- c. Mayor Pro Tem Potts stated the Zoning Advisory Board met on April 6, 2006, however a quorum was not present and the items were reviewed by the members in attendance. She stated that it was determined that there was a house on one of the three lots, partially constructed – under a County permit. The remaining two lots would have houses constructed on those that would be served by septic tank, they would include vinyl siding and be sold in a price range of approximately \$109,000.00 to \$114,000.00. The size of the lots meet requirements of R-1B zoning and the size of the houses will also meet the size under the R-1B zoning. The road frontage for all three lots meets the requirements for the zoning as requested.
- d. Mayor Palmer asked if there were any comments by the applicant. Mr. Clark stated he was available to respond to any questions. Mayor Palmer asked if there were any comments by the public or by members of the Council. There were none.
- e. The findings of the Mayor and Council and the Zoning Advisory Board were as follows:

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 adjoining property.
- (3) The property in question has a reasonable economic use as currently zoned in the County.
- (4) The proposal will not result in a use that will be excessively burdensome to existing streets, transportation or to school systems.

- (5) The capital costs associated with the development will be born by the developer.
- (6) The zoning proposal is in conformity and intent of the land use plan.
- (7) There are no other existing or changing conditions affecting the use and the development of the property.
- (8) The three lots will be served by City water and septic tanks since sewer is not available in the area at this time.

f. Based upon these findings Mayor Pro Tem Potts made a motion to waive the third and fourth reading and approve the zoning of R-1B and annexation for the house and 3 lots at 115 Crestview Drive with the understanding the house under construction under a County permit should be completed in 90 days. The motion was second by Councilman Crowley with Mayor Pro Tem Potts, Councilman Crowley, Councilman Denmon and Councilman Hammond voting affirmatively, motion carried.

2) A zoning variance request by Walter and Wanda Gail Printup for a lot located at 119 McConnell Road was given. The variance includes a 14 foot variance on the south side of the lot and a 10 foot variance on the north side of the lot.

- a. A public hearing was opened.
- b. Harrison reported that notices had been forwarded to the adjoining property owners, signs had been placed on the property, and notices had been forwarded to the local legal organ.
- c. Mayor Pro Tem Potts stated this matter was also heard by a few members of the Zoning Advisory Board on April 6, 2006. She stated the lot is 50 feet deep and approximately 150 foot wide. There is a sewer main on the property that serves two other houses. The house to be located on the property will need to be situated so that it does not encroach on the sewer easement line on the property. She also confirmed an older non-conforming house that was in a deteriorated condition had been removed by Mr. and Mrs. Printup following a request filed by the City. They desire to reinstate a home on the property.
- d. Mayor Palmer asked if there were any questions or comments by the applicant. Mr. Walter Printup stated he would like to extend his appreciation to the Zoning Advisory Board and the Building Inspection Staff. He stated he is thankful the City understands the need for single family housing in the area. He also provided a picture of the house that had been removed. He stated the house that will be located on the site will be an improvement. Mayor Palmer asked if there were any comments by other members. Harry Smith, the neighbor located on the west side, stated he is concerned with the closeness to his property. He asked the size of the house that would be located on the property. Mr. Printup responded that it is a 24 X 64 foot house. Mr. Smith stated he has 2 ½ lots on Court Street that adjoins the property and he does not wish to have his property devalued. He asked that the house to be located on the property be moved closer to McConnell Road, which would be east of the sewer line easement. David and Elaine Gardner stated their concern would be that it would be a rental house and they would request that the lessee's of the property be encouraged to keep the property clean and keep trash picked up since they have a fence between their property and the Printup

property. Mayor Palmer asked if there any other comments. There were none and the hearing was closed.

- e. The findings of the Mayor and Council and the Zoning Advisory Board were:

VARIANCE CONSIDERATIONS (ONE OR MORE)

- (a) There are exception conditions pertaining to the piece of property and it is joined by streets on two sides and requires set back from each of those. There is a sewer easement on the property that also must be maintained, making it an exceptional piece of property in terms of trying to locate a house on the property
- (b) The application of the ordinance to this particular piece of property would create an unnecessary hardship.
- (c) The condition as outlined in a. and b. are peculiar to this particular piece of property.
- (d) Relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of the ordinance.

- f. Based upon these findings Mayor Pro Tem Potts made a motion to allow the 14 foot variance on the south side and a 10 foot variance on the north side of the lot. She encouraged the applicant to locate the house as close as possible to McConnell Road and a part of the motion would be to keep the house off the sewer line easement that goes through the property. The motion was second by Councilman Denmon with Mayor Pro Tem Potts, Councilman Denmon, Councilman Crowley and Councilman Hammond voting affirmatively, motion carried.

- 3) Mayor Palmer announced the zoning of R-1B and annexation of Melanie Whitehead as agent for Richard and Delores Dean for approximately 40 acres located at 631 Liberty Road had been withdrawn.

- 4) A request for a zoning change from Industrial to R-1B by DMK Holdings, LLC for approximately 5 acres off of Beamer Road that currently adjoins a 35 acre tract also owned by DMK Holdings, LLC.

- a. A public hearing was opened.
- b. Harrison stated that notices to the adjoining property owners, signs on the property and notices to the local legal organ had been completed.
- c. Mayor Pro Tem Potts stated the members that were present at the Zoning Advisory Board meeting also heard this matter on April 6, 2006. It was determined that there would be houses built on the entire 40 acre tract. These houses would be in a price range of approximately \$175,000.00 and with the volume being built they would be required to provide sewer for the homes. Since sewer is not currently available, they will need to work with the City in terms of extending and addressing the capacity of the lines that would serve the property. Water is available and the property is located on a City street, approximately 20 feet wide. They would be required to adhere to all building codes and drainage requirements.
- d. Mayor Palmer asked if there were any comments by the applicant. There were none. He asked if there were any comments or questions by the Council. There were none and the public hearing was closed.
- e. The findings of the Mayor and Council and the Zoning Advisory Board were:

STANDARDS GOVERNING THE EXERCISE OF ZONING POWER

- (1) The zoning proposal will permit a use that is suitable for the adjacent and nearby property.
- (2) The zoning proposal will not adversely affect the existing use or usability of nearby property.
- (3) The property has a current reasonable economic use.
- (4) The zoning proposal will result in additional use of existing streets and schools.
- (5) The capital cost associated with the project, including those costs for addressing the capacity and extension of sewer will be born by the developer.
- (6) The zoning proposal will be in conformity with the changing trend of the area which is moving from Industrial to Residential and this trend is better suited for the infrastructure for the area.
- (7) The changing conditions and development in the area are also factors.
- (8) There are no other factors relevant to balancing public health, safety or general welfare of the area.

f. Mayor Pro Tem Potts stated that based upon these findings she would make a motion to approve the zoning change from Industrial to R-1B for the 5 acres that adjoins an existing 35 acre tract owned by DMK Holdings, LLC, for the property off of Beamer Road. She stated the total 40 acre tract must be served by City sewer, therefore, the owners of the property will need to address the extension and capacity questions for the sewer. The motion was second by Councilman Hammond with Mayor Pro Tem Potts, Councilman Hammond, Councilman Denmon and Councilman Crowley voting affirmatively, motion carried.

5) Mayor Palmer stated the notifications for the adjoining property owners for the zoning variance for Friends of the Gem and that matter would be held over until May 8, 2006.

7. Other hearings and public comments:

a. Mayor Palmer opened the a public hearing on the adoption of the amended zoning map for the City of Calhoun. He stated the map is located on the bulletin board in the Council chambers. He stated it does include all the annexations and zoning changes through February 2006. He asked if there were any comments. There were none. The hearing was closed. Mayor Palmer stated a second hearing would be held on April 24, 2006 at 7:00 p.m.

8. Old Business: None.

9. New Business:

a.) Mayor Palmer gave a first reading of a zoning variance request of Bob T. and Carol Nance for a 20 foot variance on the east side of property adjoining the Smith property. The property is bound by the Dews Pond Road on the south side. The property is located on Dews Pond Road, east of existing apartments on Barrett Road. He stated the earliest date for a public hearing would be June 12,

2006 at 7:00 p.m. Councilman Denmon made a 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.

- b.) Mayor Palmer gave a first reading of a zoning variance request of Paul Pickard to build a 10 to 12 unit apartment complex on 4 lots located on Carter Street, presently containing mobile home units was given. The property is zoned R-2 under the 40 year rule and the request is for a waiver of the 40 year rule. He stated the earliest date for a public hearing is June 12, 2006 at 7:00 p.m. Mayor Pro Tem Potts made a motion to set the public hearing for that date and time. The motion was second by Councilman Hammond with Mayor Pro Tem Potts, Councilman Hammond, Councilman Denmon and Councilman Crowley voting affirmatively, motion carried.
- c.) Mayor Palmer gave a first reading of a rezoning request of Jason Sloan as agent for Jack Perry for 22.360 acres of property on Highway 53 East across from County Road Offices. The request is to rezone from PRD to C-2. He stated the earliest date for a public hearing is June 12, 2006 at 7:00 p.m. Councilman Denmon made a 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.
- d.) Mayor Palmer gave a first reading of a zoning of C-2 and annexation for 69.448 acres off the Old Highway 53. The property adjoins property on the west owned by Jack Perry and zoned PRD. The request is filed by Jason Sloan as agent for Jack Perry. He stated the earliest date for a public hearing is June 12, 2006 at 7:00 p.m. Councilman Hammond made a motion to set the 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.
- e.) Mayor Palmer gave a first reading of a rezoning request of the Development Authority of Gordon County, for approximately 15.1 acres located on McDaniel Station Road, SW, lots 1 and 2 only. The request is to rezone from Industrial to C-2. He stated the earliest date for the public hearing is June 12, 2006 at 7:00 p.m. Councilman Crowley made a motion to set the public hearing for that date and time. The motion was second by Councilman Denmon with Councilman Crowley, Councilman Denmon, Councilman Hammond and Mayor Pro Tem Potts voting affirmatively, motion carried.

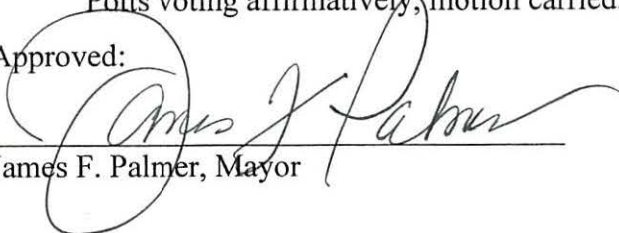
10. Written items not on the agenda: None.

11. Work Reports:

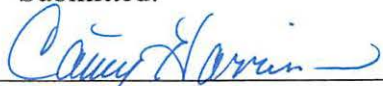
- a. Director of Utilities, Kelly Cornwell no report
- b. Director of Public Safety/Public Works, Eddie Peterson no report.

12. Attorney Bailey stated he had provided a copy of material that he would ask the Mayor and Council to review prior to the May 8, 2006 meeting with the School Board. He stated he would summarize and address with the Mayor and Council at the April 24, 2006 Work Session.
13. There were no items that required Executive Session.
14. Councilman Hammond made a motion to adjourn, second by Councilman Denmon with Councilman Hammond, Councilman Denmon, Councilman Crowley and Mayor Pro Tem Potts voting affirmatively, motion carried.

Approved:


James F. Palmer, Mayor

Submitted:


Cathy Harrison, City Administrator