

**CITY OF CALHOUN
REGULAR CITY COUNCIL MEETING
DEPOT COMMUNITY ROOM
109 SOUTH KING STREET
JULY 9, 2001, 7:00 P.M.**

MINUTES

**PRESENT: James F. Palmer, Mayor
John D. Shelton, Jr., Mayor Pro Tem
Ronald H. Woods, Councilman
Ray M. Denmon, Councilman
Lorene Potts, Councilwoman**

**ALSO: William P. Bailey, City Attorney
Kelly Cornwell, Director of Utilities
Eddie Peterson, Director of Public Safety and 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. Minutes of the June 18, 2001 regular City Council meeting and the July 2, 2001 special City Council meeting were approved as written.
4. Mayor's comments:
 - a. Mayor Palmer reminded the Council of two alcohol license request hearings scheduled for July 23, 2001 at 7:00 P.M:
 - 1) A beer package license request by TriCo VII Petroleum Inc., #978, Kim Sanders, Manager for a location at 731 Highway 53, East, previously known as Blue Sky Petroleum.
 - 2) A request of Kurani Pizza, Inc., d/b/a Pizza Hut, Sonia Pack, Manager, for a beer pouring license for the restaurant at 613 Highway 53 East. The restaurant currently has a license under the name of Pizza Hut, Inc. who will provide management until new license is considered for approval.
 - b. Mayor Palmer stated the Mayor, Council and staff attended the GMA annual conference June 23 through 26. The meeting was exceptional, giving each the opportunity to attend various committee meetings and legislative meetings. He stated the group not only heard comments by the governor and lieutenant governor, but also heard sessions regarding DOT efforts, economic development, and a review of legislative issues for the next year, including water issues for the State of Georgia. He stated these meetings were not only beneficial for the workshops and training sessions but also from the information that could be gleaned from other mayors and council members throughout the state. He commended the elected officials for their willingness to attend.

- c. Mayor Palmer stated at this time, he would ask Attorney Bailey to review an executive decision regarding a gift to the City of Calhoun. Attorney Bailey stated at the end of last week, it became apparent that the city board of education, through the City of Calhoun, would have an opportunity to receive a gift of property, which would allow the city board of education to expand its facilities. He stated Mr. Raymond King, on behalf of Oothcalooga L.L.L.P., had made an offer to dedicate 39.192 acres of land to the city for the city board of education. The transaction included the purchase of 2.8 acres at a price of \$83,948.00. The total value of the combined acreage, 41.992 acres, is \$1,250,000.00, as per an appraisal by A-1 Appraisals. He stated there was not sufficient time to notify of a meeting to complete the transaction and the Mayor and Chairman of the school board, meeting with Mr. King, the city school superintendent, the city attorney and the city administrator, closed the transaction on July 6, 2001. Mayor Palmer stated the gift to the school board was a most beneficial gift and would be utilized by the school system for many years into the future. He expresses appreciation to Mr. Raymond F. King for his generosity. Following the discussion, Councilman Woods made a motion to validate the executive decision by Mayor Palmer, the city attorney and the city school board chairman and to approve the purchase of the 2.8 acres and to issue a letter validating the gift from Mr. Raymond F. King. The motion was seconded by Councilman Denmon, with Councilman Woods, Councilman Denmon, Councilwoman Potts and Mayor Pro Tem Shelton voting affirmatively, motion carried.
- d. Mayor Palmer stated at this time, the city would ask the City Attorney William P. Bailey and Jim Pannell, to review a proposed school project and proposed resolutions to be considered by the City Council. Mr. Pannell and Mr. Bailey reviewed a proposal by the Gordon County school board and the city school board, with both adopting resolutions on the same day of July 9, 2001, which will allow them to request the calling of a referendum for September 18, 2001, to extend the Special Purpose Local Option Sales Tax for educational purposes, which will expire in June 2002. The purpose of the extension will be to allow capital improvements for both boards of education. Mr. Pannell stated the projects identified by the city school board include a new primary school and a new elementary on the property previously discussed. It would include improvements to the current elementary school, which would be renovated for relocation of the middle school and renovation of the high school to expand into the present facility occupied by the middle school. He stated these capital improvements would add life to each section of the city school system. He stated the cost of the projects had been estimated at approximately \$20 million. However, the five-year SPLOST would raise approximately \$14.9 million for the school. Therefore, general obligation bonds would need to be issued in order for the projects to move forward on a timely basis. He stated the school board's request is for the Mayor and Council to approve the re-imposition of the Special Purpose Local Option Sales Tax and to approve a referendum regarding this matter on September 18, 2001. A second resolution would be to approve the issuance of obligation bonds in the amount of \$20 million, should it be approved by referendum.

- 1) Following questions regarding the amount of payment from the Special Purpose Local Option Sales Tax for principal and interest during the first five-year period and regarding the level of projects considered by the Gordon County board of education and the need for both systems to extend for a third five-year period, Councilwoman Potts made a motion to adopt a resolution calling for a general obligation school bond election to be held on September 18, 2001 and for other purposes. The motion was seconded by Councilman Woods, with Councilwoman Potts, Councilman Woods, Councilman Denmon and Mayor Pro Tem Shelton voting affirmatively, motion carried.
- 2) Councilman Denmon made a motion to adopt a resolution approving the re-imposition, levy and collections of the Special Purpose Local Option Sales Tax within Gordon County for use by the city school system and the Gordon County school system, upon approval of the majority of the qualified voters within Gordon County in a referendum to be held September 18, 2001. The motion was seconded by Mayor Pro Tem Shelton, with Councilman Denmon, Mayor Pro Tem Shelton, Councilman Woods and Councilwoman Potts voting affirmatively, motion carried.

5. Council Comments:

a. Mayor Pro Tem Shelton stated:

- 1) During the month of June 2001, the police department made 798 cases and issued 785 warning tickets. They estimated fines for the month at \$128,845.00, with 22 DUI cases. They had actual fines collected during the month of June of \$86,438.00. They investigated 81 accidents with 33 injuries and two fatalities. They investigated 30 property cases, provided 46 escorts and responded to 130 burglar alarms. The traffic patrol had a total of 46,866 miles logged during the month.
- 2) The fire department responded to 67 calls in June and 26 accidents with 20 injuries. They responded to 22 false alarms and provided 16 inspections. They worked with the Friendship Church on a special day regarding safety and they also provided fire drills for senior citizens. Mayor Pro Tem Shelton stated Charlie Kirby has been promoted to Shift Captain.

b. Councilman Woods stated:

- 1) The electric department provided 36 inspections, issued 20 permits and set 13 meters. The electric department also continued on its many construction projects carried over from the prior month.
- 2) The generator operated over 6 hours on July 9 and he hopes it will operate even more during the next few weeks. He stated the strike price is in the mid-\$40's due to the lower gas prices. Benefits from the generator should be more evident for the current fiscal year, as opposed to the prior year, due to gas prices.

c. Councilman Denmon stated:

- 1) The waste treatment plant treated an average flow of 8.199 million gallons per day (MGD.) The average BOD effluent was 13, the average suspended effluent was 16 and the average COD effluent was 93.

- 2) The water and sewer construction department completed 66 water taps and 6 sewer taps during the month. They installed 3700 feet of 6-inch water line along Beason Road for the new Stonemill Subdivision. They installed a 6-inch fire tap for Carriage Carpet on Union Grove Road and installed a 12-inch fire tap for Apache Mills on River Street.
 - 3) The water treatment plant pumped an average of 11.237 MGD of raw water during the month of June 2001. Well #3 pumped a daily average of 1.263 MGD.
- d. Councilwoman Potts stated:
- 1) The street department brush truck picked up 4,160 cubic yards of brush and leaves. The street sweeper cleaned 41 miles of curb and gutter. The department hauled 86 loads of stone, installed 22 new street signs and completed 39 shop work orders. The department dug out a 1,000-foot area on the edge of East Line Street for the new sidewalk and curb construction. They completed grading, hauling chert and building berms at the police firing range. They dug out and patched on Line Street and Woodrow Street, using 19.47 tons of asphalt. Gordon County paved Mauldin Road to Henderson Bend Road and Harlan Street for the city. The street department took out and repoured a 45 by 25-foot section of driveway on Piedmont Street to make corrections on previous construction. They dug out 160 feet on Piedmont Street for a poured wall. They hauled and spread 90 tons of sand for "Sunny Beach Street" at the Depot and dug out ditches on Derby Lane, MLK Boulevard, Hick Street and First Street.
 - 2) The sanitation department ran their regular commercial trash route, using their new vehicle. They serviced and washed trucks and gained two new 4-yard dumpster accounts.
 - 3) The parks department cut grass, trimmed, raked and picked up trash at city departments, right-of-way, and water tank sites. They worked on various jobs at City Hall, the police department, the library and the recycling center. They scraped and painted the pool filter building at the recreation department.
 - 4) The cemetery department marked and supervised the opening and closing of 14 gravesites, performed routine maintenance at Fain and Chandler cemeteries and sold 23 gravesites during the month.
 - 5) The safety committee inspected the water and sewer department and investigated four workers' comp accidents, 2 vehicle accidents and 1 damage to city property accident during June.
 - 6) Animal control housed 30 dogs and 17 cats during the month, and issued one first warning and two second warnings for leash law violations.
6. Public Hearings and comments:
- a. Mayor Palmer stated 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. Each person speaking would be required to have filed a Financial Disclosure Statement five days prior to the hearing, and each person would be required to give their name

and address before speaking. An inquiry was made to determine if any of the elected officials has filed a disclosure statement regarding ownership or special interest in any of the agenda item. Councilman Woods stated he previously filed a disclosure statement on the item up for consideration.

- 1) Mayor Palmer gave a second reading of a zoning variance request by TuRon Development Company for a variance of 5 feet on the south side setback for Lot 6 of the Quail Run Subdivision.
 - a) A public hearing was opened.
 - b) Harrison reported that notification to adjoining property owners had been completed, signs had been placed on the property and notices had been published in the local legal organ.
 - c) Councilwoman Potts stated the Zoning Advisory Board had met on the matter on July 5, 2001 at 4:30 P.M. They had reviewed the request and determined that the variance in question was the result of a footing that had been poured approximately four to five feet within the setback area. However, the setback area was larger than normal, since the side setback was required to be 30 feet due to a street. She stated the property also had another side that fronted on a second street, requiring setbacks from streets on two sides of the property. She stated, based on these factors, the Zoning Advisory Board had recommended approval of the request.
 - d) Mayor Palmer inquired if there were other comments by the owner. There were none.
 - e) He asked if there were any comments by the public and there were none.
 - f) There were no other comments and the hearing was closed.
 - g) Councilwoman Potts made a motion to waive the third and fourth reading and to approve the request, second by Mayor Pro Tem Shelton, with Councilwoman Potts, Mayor Pro Tem Shelton and Councilman Denmon voting affirmatively and Councilman Woods abstaining, motion carried.

- b. Other hearings:
 - 1) A second reading was given of the first portion of the zoning ordinance amendments by Attorney Bailey. Attorney Bailey stated following consideration by the Mayor and Council, the city's current zoning ordinance would be amended in several areas, as follows:
 - a) Page two would be expanded. Definitions would be expanded from 29 to 71, specifically such definitions as family, floor area and loft apartment.
 - b) Page four of the ordinance; the districts would be expanded to 14.
 - c) Single family housing would be covered under R-1, R-1A and R-1B and would also have an area for planned residential districts.
 - d) There would be amendments on page 9 regarding buffers.
 - e) On page ten, the use requirements for the zoning districts would be amended.

- f) Page 11, the R-2 zoning would be amended to disallow any single-family construction in R-2 zoned areas and to expand the R-2 zoned area, requiring a minimum of 1,050 square feet.
- g) On page 13, the C-1 district would be amended to allow loft apartments.
- h) The planned residential development would allow mixed use. The overall plan would be submitted to the Zoning Advisory Board and to all personnel with the city for their review, with a recommendation to be forwarded to the City Council for their recommendation.
- i) Page 16 of the chart regarding setbacks would be amended for all of the new zoning districts. He stated the ordinance would also include the sign ordinance, which would be changed, adding clarifying language on the downtown area.
- j) The tower ordinance would be included and would be amended to add in all the new districts.
- k) The zoning ordinance would also be amended to include the current penalties, as allowed under the charter and also to make the changes that had been previously approved regarding the members and a non-voting presiding officer. Also, a more clear definition regarding a quorum would be included.
- l) Mayor Palmer stated this second reading constituted a public hearing and asked if there were any questions or comments from the general public. There were none.
- m) Mayor Palmer stated a second hearing would be held on July 23, 2001 at 7:00 P.M.

7. Old business:

- a. Councilman Woods stated at this time, it would be proper for the City of Calhoun to transfer title of the property at 114 Court Street to the Downtown Development Authority and to authorize a loan to the Downtown Development Authority for the procurement of the property and for the transfer, in order for the lease for the restaurant to be finalized by the Downtown Development Authority and for lease payments to be forwarded to the City of Calhoun as loan payments and for insurance for the facility. Councilman Woods stated he would make a motion to authorize the City of Calhoun to transfer title to the Downtown Development Authority and to authorize the loan. The motion was seconded by Councilwoman Potts, with Councilman Woods, Councilwoman Potts, Councilman Denmon and Mayor Pro Tem Shelton voting affirmatively, motion carried.

8. New business:

- a. Mayor Palmer gave the first reading of a zoning variance request filed by attorney Terry Balliew for Mitchell Balliew for permission to build a 70 x 185 ft. addition to an existing building at 734 River Street. He stated that floor level is below the base flood level and that the request is to allow the addition to also be at the same level as the existing floor. He stated the earliest possible date for a public hearing would be August 13, 2001, at 7:00 P.M. Councilman Woods made a motion to

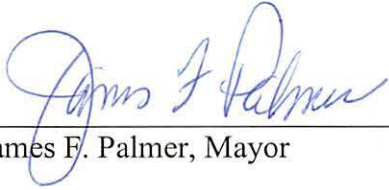
- set a the public hearing for that date and time, second by Mayor Pro Tem Shelton, with Councilman Woods, Mayor Pro Tem Shelton, Councilman Denmon and Councilwoman Potts voting affirmatively, motion carried.
- b. Mayor Palmer reviewed a request from the Coosa Valley RDC to renew the agreement for transportation for the nutrition program for the elderly. He stated this program is an excellent program in which the City of Calhoun has participated for several years and which benefits many in our community. He stated in the agreement, Coosa Valley furnishes a van and insurance. The City of Calhoun will furnish a driver, fuel and repairs. He stated the current van is very old and has become very expensive to operate and to keep in a safe condition. He stated he felt it would be proper for the City of Calhoun to renew with a request to renew subject to a new or improved van or with the Coosa Valley RDC assuming maintenance of the van. Following discussions, Councilwoman Potts made a motion to approve the agreement subject to a new or improved van or subject to the RDC assuming maintenance of the van. The motion was seconded by Mayor Pro Tem Shelton, with Councilwoman Potts, Mayor Pro Tem Shelton, Councilman Denmon and Councilman Woods voting affirmatively, motion carried.
 - c. Mayor Palmer stated Gordon Central High School has filed a traditional homecoming parade request for October 12, 2001 at 3:00 P.M. Councilman Denman made a motion to approve subject to D.O.T. approval, second by Mayor Pro Tem Shelton, with Councilman Denmon, Mayor Pro Tem Shelton, Councilwoman Potts and Councilman Woods voting affirmatively, motion carried.
 - d. Mayor Palmer stated November 6, 2001 would be the date of the City of Calhoun Municipal Election and he requested the City of Calhoun to adopt a resolution appointing officials for the City of Calhoun Election. Following review of the resolution, Councilman Denmon made a motion to approve the resolution naming those City Election Officials, second by Councilman Woods, with Councilman Denmon, Councilman Woods, Councilwoman Potts and Mayor Pro Tem Shelton voting affirmatively, motion carried. Mayor Palmer issued the oath of office to Election Superintendent Cathy Harrison.
 - e. Mayor Palmer stated the City of Calhoun had received a request sometime earlier from the VFW regarding a request to rename West Line Street to Veterans Memorial Drive. He stated there is a section of the street that currently bears another name. At the present time, the Department of Transportation has agreed to allow the City of Calhoun to consider this request. The city is reviewing and will bring the matter back to the agenda.
9. Other written items not on the agenda: **none.**
10. Work Reports:
- a. Kelly Cornwell, Director of Utilities – **no report.**
 - b. Eddie Peterson, Director of Public Safety and Public Works: Peterson stated the LARP paving for Forest Avenue has been completed. Within the very near future, the County will pave approximately seven miles of City streets in

accordance with House Bill 489. He stated Charlie Kirby and Chuck Porch have been promoted to captain at the fire department.

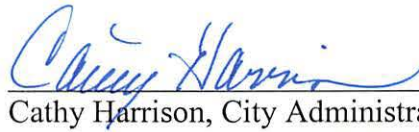
11. Mayor Palmer inquired if it was necessary to move to executive session. The response was negative.
12. Councilman Woods made a motion to adjourn, second by Councilwoman Potts, with Councilman Woods, Councilwoman Potts, Councilman Denmon and Mayor Pro Tem Shelton voting affirmatively, motion carried.

Approved:

Submitted:



James F. Palmer, Mayor



Cathy Harrison, City Administrator

CITY OF CALHOUN, GEORGIA

RESOLUTION

WHEREAS, the City of Calhoun, Georgia will hold a general municipal election on November 6, 2001; and

WHEREAS, it is necessary to appoint an Election Superintendent, Registrar, Election Manager, Assistant Election Manager and Absentee Ballot Clerk prior to the election; and


WHEREAS, the State of Georgia Election Code requires the City of Calhoun to obtain its list of registered voters from the County Registrar, it is necessary to appoint a Municipal Registrar, authorized to receive and review the list at least 14 days prior to the election; and

WHEREAS, the Absentee Ballot Clerk, the Election Manager and the Assistant Election Manager must both be residents of the city;


NOW, THEREFORE, BE IT RESOLVED the Mayor and Council of the City of Calhoun, Georgia hereby appoint Cathy Harrison, who has the mandatory 12 hours of training in 2001, as Election Superintendent; Sandra Long, Absentee Ballot Clerk; Melissa Boyd, Election Manager, Ms. Bonnie Johnson, Assistant Manager, and Cathy Harrison, Registrar, for the November 6, 2001 General Municipal Election.

ADOPTED this the 9th day of July 2001.

City of Calhoun

By: 
James F. Palmer, Mayor

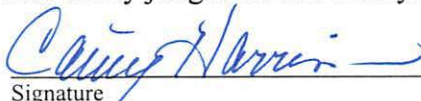
Attest:


Cathy Harrison, City Administrator/Clerk

Oath of Office for Election Superintendent:

I, Cathy Harrison, do swear (or affirm) that I will, as superintendent, duly attend the ensuing election (or primary) during the continuance thereof, that I will, to the best of my ability, prevent any fraud, deceit or abuse in carrying on the same, that I will make a true and perfect return of the said election, and that I will at all times truly, impartially and faithfully perform my duties in accordance with Georgia laws to the best of my judgment and ability.

7/9/01
Date


Signature