

**CITY OF CALHOUN
REGULAR CITY COUNCIL MEETING
DEPOT COMMUNITY ROOM
109 SOUTH KING STREET
AUGUST 13, 2001, 7:00 P.M.**

MINUTES

**PRESENT: James F. Palmer, Mayor
Ronald H. Woods, Councilman
Ray M. Denmon, Councilman
Lorene Potts, Councilwoman**

ABSENT: John D. Shelton, Jr., Mayor Pro Tem

**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, welcomed everyone in attendance and gave the Invocation.
2. Mayor Palmer led the group in the Pledge of Allegiance to the United States Flag.
3. Minutes of the July 23, 2001 regular City Council meeting were approved as written.
4. Mayor's comments:
 - a. Mayor Palmer reminded the Council of the National League of Cities annual meeting will be held in Atlanta this year in early December. He requested members who wish to attend to notify Administrator Harrison.
 - b. Mayor Palmer also reminded the Council that the GMA/ACCG Joint Legislative Conference will be held in Atlanta on October 1-3. This is an important meeting and he asked those members of the Council who plan to attend to please notify Administrator Harrison.
 - c. Mayor Palmer stated it would be necessary for a voting delegate and an alternate to be appointed for the Joint Legislative Conference on October 1-3. He recommended Mayor Pro Tem Shelton as the voting delegate and Councilman Woods as the voting alternate. Following discussion, Councilman Denmon made a motion to appoint Mayor Pro Tem Shelton as the voting delegate and Councilman Woods as the voting alternate. The motion was seconded by Councilwoman Potts, with Councilman Denmon, Councilwoman Potts and Councilman Woods voting affirmatively, motion carried.
 - d. Mayor Palmer reminded the public of two elections in the city this year, one on September 18, 2001 regarding a proposal to extend the countywide SPLOST for school purposes. The second is the regular municipal election to be held on November 6, 2001 for two Council positions and three School Board positions.

5. Council Comments:

a. Mayor Palmer stated in the absence of Mayor Pro Tem Shelton, he would provide his reports:

- 1) The fire department responded to 67 calls in July with estimated fire damages of \$67,700.00. The fire department performed 19 inspections. The provided first aid and CPR training for all current firefighters. The fire department has promotions within the department during the month. First was Chuck Poarch being promoted to Captain of the A-Shift. Charlie Kirby was promoted to Captain of the C-Shift. Todd Sisson was promoted to Lieutenant of the A-Shift and Terry Mills was promoted to Lieutenant and Fire Inspector.
- 2) During the month of July, the police department made 757 cases, with anticipated fines of \$141,332.00. 20 cases were for driving under the influence and 548 warning tickets were issued. The department collected \$114,656.38 in fines from previous cases. The officers worked 51 Highway accidents with 18 injuries. There were 45 private property accidents with no injuries. They also provided 46 escorts and responded to 192 alarms. The police department logged 55,745 mile on patrol during the month of July.
- 3) Mayor Palmer stated the police department filed two requests for withdrawals from the special drug funds. The first was for \$667.00 to go to the "Super-1" drug program, per a request by Billy Dills from the Calhoun High School. This is an annual contribution made by the city in order to support the "Super-1" drug program at the school. The second request was for \$6,300.00 to reimburse the vehicle maintenance and repair account of the police department for completely equipping a vehicle for the new code enforcement officer and to convert a vehicle for the canine unit. The vehicle previously used was not satisfactory and a new vehicle had to be updated and properly equipped in order to provide the service. Following review of both requests, Councilman Woods made a motion to approve the first request for \$667.00 for the "Super-1" program, second by Councilman Denmon, with Councilman Woods, Councilman Denmon and Councilwoman Potts voting affirmatively, motion carried. Councilman Woods made a motion to approve the second request for \$6,300.00 to upgrade a vehicle for the code enforcement officer and another for the canine unit, second by Councilwoman Potts, with Councilman Woods, Councilwoman Potts and Councilman Denmon voting affirmatively, motion carried.

b. Councilman Woods stated:

- 1) The electric department continues to work on projects for the Wright Development on Peters Street, the John Wayne Hall Condominium project, Kerry Baking Company, which is approximately 95% complete, the Stepp project, Deerfield Subdivision, Maplewood, Summer Trace, Quail Run, as well as street lighting projects and the county's New Town Road widening project electric utility relocations. The siren project was completed in June and the appropriate portion was released to the county

emergency management for their operation and control. Other various projects are in design or construction, such as the downtown Streetscape project, the walking trail project and various other departmental projects within the city. During the month of July, the electric department issued 35 permits, provided 100 inspections and set 26 meters. The electric system purchased 30,111,182 kilowatts of electricity in July for resale.

- 2) Telecommunications is completing multiple new services and maintaining existing service operations. A new T-1 internet service for Georgia-Cumberland Academy has been contracted and engineering and construction are under way.
- 3) The generator is operating quite well mechanically. However, July's cooler temperatures did not produce the hours in which prices were beneficial. However, the Acworth sale has proven very beneficial for the city. July's production was 2,002 megawatt hours, with a calculated revenue for July of \$71,000.00, including \$56,000.00 from Acworth.
- 4) Councilman Woods stated the Main Street Partnership will be holding a special event on August 24, 2001, which will be co-sponsored by the North Georgia National Bank. This will be "The Celebration of the 50's" at the Depot parking lot. It will feature Reese Williams and the Zodiacs, along with Eastern Seaboard. It will be necessary to close King Street from the corner of Oothcalooga Street to the Hardee's entrance, as well as the portion of Oothcalooga Street west of the railroad to the King Street/Oothcalooga Street intersection, both to be closed from 4:00 P.M. until 11:00 P.M. on that date. Following discussion, Councilman Woods made a motion to close both streets for that time period on August 24, 2001. The motion was seconded by Councilman Denmon, with Councilman Woods, Councilman Denmon and Councilwoman Potts voting affirmatively, motion carried.
- 5) The Main Street Partnership also stated a "Street Advisory Committee" has been formed and will have their first meeting on August 16 with the design firm of Jaeger & Co. This committee will advise the company what the community would like to see accomplished. They also met with garden clubs, beautification groups, and master gardeners to develop a landscape plan for the library area by the Indian. Ken Payne has worked with the group to develop a marketing campaign for downtown. It will be "Downtown is what's up!" and will be used in all downtown development activity.

c. Councilman Denmon stated:

- 1) The water treatment plant pumped 368,306,000 gallons of raw water during the month of July 2001, for a daily average of 11.88 MGD. Well #3 pumped 18,615,000 gallons of finished water into the system for a daily average of 930,000 gallons per day.
- 2) The water and sewer construction department completed 54 water taps and 8 sewer taps during the month. They completed the Carters Lake water line project. They also repaired 73 leaks and 35 meters. They changed out 36 meters.

- 3) The waste treatment plant treated an average flow of 7.557 million gallons per day. The average BOD effluent was 11, the average suspended effluent was 15 and the average COD effluent was 81.

d. Councilwoman Potts stated:

- 1) The street department brush truck picked up 5,480 cubic yards of brush and leaves. The street sweeper cleaned 47 miles of curb and gutter. The department hauled 35 loads of stone and 53 loads of chert during the month. They erected 12 new street signs and completed 24 shop work orders. The department is currently constructing a new sidewalk with curb and gutter on East Line Street that will run 1 mile, from Sequoyah terrace to the traffic signal at Curtis Parkway. The job is to be completed in four phases during the year. The first phase, from Sequoyah to Wexford drive, is complete and is approximately 1,500 feet long. The work included sawing and taking out the edge of the street and digging out along the length of the street to accommodate the curb and gutter, grading and base. The job has caused traffic problems in the area and for this, the crews expressed their apology. However, the utilization of the sidewalk will be enjoyed by many of the residents. The street department hauled and spread 53 loads of chert to build a pad for a new water pumping station on Highway 53. They sawed, took out and repoured 77 feet of curb on Piedmont Street. They hauled 85 loads of wood chips to the new condominiums on 8th Street. These chips are for sale to the general public for \$20.00 per load.
- 2) The sanitation department ran their regular commercial trash route, serviced and washed trucks.
- 3) The parks department cut grass, trimmed, raked and picked up trash at city departments, right-of-way, and water tank sites. They also built new cabinets at the police department and worked on the new dispatch office at the Sheriff's Department. They poured the footers, installed rebar and set forms for a wall on Piedmont Street associated with purchase of right-of-way.
- 4) The cemetery department marked and supervised the opening and closing of 9 gravesites, performed routine maintenance at Fain and Chandler cemeteries and sold 5 gravesites during the month.
- 5) The safety committee reported there were no workers' comp accidents and 3 vehicle accidents in July. The Safety Committee inspected the police department.
- 6) Animal control housed 30 dogs and 12 cats during the month, and issued two first warnings, one second warning and two third warnings for leash law violations. They responded to 47 customer calls.

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 had filed a disclosure statement regarding ownership or special interest in the agenda items. The response was negative.

- 1) Mayor Palmer gave a second reading of a zoning variance request by Attorney Terry Brumlow for Mitchell Brumlow for permission to build a 70 by 185-foot addition to an existing building at 734 River Street. The variance request is to allow the floor level to be built at the same level as the existing floor of the building, which is below “base flood level.”
 - 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) Mayor Palmer requested a report from the Zoning Advisory Board meeting.
 - d) Councilwoman Potts stated the Zoning Advisory Board met on the matter on August 9, 2001 at 4:30 P.M. and heard the report of the Zoning Review Committee. The Zoning Review Committee reported the property is listed on the current flood maps as being in a flood area and as such, would require a variance or a letter requesting a map revision to the FEMA group. The committee also stated they felt that based upon previous flood conditions, the maps may be in error for this particular portion of the city. The committee also stated a previous addition was added in 1998 and the addition had been built over an existing sewer line. The Zoning Advisory Board had also determined the 1998 addition had not gone through the channels for a variance, but had been approved by the city in error. Councilwoman Potts stated a member of the Zoning Advisory Board was quite familiar with the building and could also attest to the statements made by members of the Zoning Review Committee that the building did not flood during heavy periods of rain. The Zoning Advisory Board members recommend a variance be granted upon receipt of a signed disclaimer releasing the city from any responsibility for damage from flooding in the requested addition or the one completed in 1998. They felt this did not set a precedent for future building in the floodplain area. Also, they requested the construction not be allowed over a sewer line.
 - e) Mayor Palmer inquired if the applicant had any comments.
 - f) Terry Brumlow, attorney for Mitchell Brumlow, stated the owners were willing to provide a disclaimer letter to the city, as requested by the Zoning Advisory Board. A sample was provided to the Mayor and Council for their review. If they felt it was adequate, it could be signed and delivered to the city for its records.
 - g) There were no other comments and the hearing was closed.
 - h) Councilman Woods stated he felt the request would not set a precedent and he felt the proposed disclaimer would meet the

guidelines as outlined by the Zoning Advisory Board. He made a motion to approve the zoning variance with the stipulation that the addition not be built over a sewer line and upon receipt of the disclaimer. The motion was seconded by Councilwoman Potts, with Councilman Woods, Councilwoman Potts and Councilman Denmon voting affirmatively, motion carried.

b. Other hearings:

- 1) Mayor Palmer stated at this time, a public hearing would be continued on the proposed amendments to the zoning ordinance. He asked attorney Bailey to review those changes.
 - a) Attorney Bailey stated that since the last hearing, the Council had held a work session and a few additional minor changes had been made. He stated Industrial-G zoning would prevail. However, Industrial-H zoning would be removed. He stated the only difference between the two zonings was that the previous Industrial-G had allowed landfills and junkyards. With those two items removed, all other would be covered under Industrial-G. They had also amended the minimum square footage for apartments from 1,050 to allow it to depend on the number of bedrooms in the apartment, with a one-bedroom apartment being 800 square feet, the 2-bedroom being 950 square feet and a 3-bedroom being 1,150 square feet. Also, the C-2 zoning would not allow truck terminals. Attorney Bailey also reviewed the new "Planned Development Area," which would allow larger tracts to have a proposed development to be submitted by the owner to the city for their consideration and if approved, it could allow mixed zoning and smaller lot sizes, etc., depending upon factors that could be outlined by the owners in their request.
 - b) Following the review, Mayor Palmer asked if there were any comments by the Council.
 - c) Councilman Woods stated he felt the process, which had included staff members as well as the Mayor and Council and City Attorney working jointly over the past five months had developed an ordinance that is easy to read and understand and should be easy to enforce. He felt it would be an excellent document that could be in place for a number of years. He commended the staff, Council and the City Attorney for their diligent work in this area.
 - d) Mayor Palmer stated he would also like to commend the staff and City Attorney for their work and also the Council members for meeting on this item for many hours to review and provide their input. He stated the finished product should be a document that can be easily used by the public and staff for several years.
 - e) Mayor Palmer then asked if there were any comments by the public.

- f) Harold Faith from the Fox Subdivision inquired about the size of apartments and apartments that would be located in areas with single-family housing.
- g) Mayor Palmer stated the ordinance would provide for separation of single-family housing and multi-family housing in the new ordinance, with the exception of the planned development area, which could have a mixture. Also, the new ordinance would have an increase in the districts, which would also allow different lot sizes and different utilization of the lot for actual buildings.
- h) Dwight Wilson asked if the old ordinance would be enforced for 12 months.
- i) Mayor Palmer stated it would be, to allow those people who currently have property zoned under the old ordinance to begin substantial improvements on their property. However, if these improvements are not started and under way at the expiration of one year, they will come under the jurisdiction of the new ordinance.
- j) Mr. Wilson asked if this was not a long period of time to allow construction starts and would it not encourage a flood of building for these areas.
- k) Mayor Palmer stated at least the amendment of the ordinance will cut that time down from the next 25 years to the next 12 months and will allow us to move forward with the new development codes within 12 months for these areas.
- l) There were no other comments and the hearing was closed.
- m) Mayor Palmer once again expressed appreciation for the many months of dedicated review and continual amendments to bring the final document to a useful, beneficial ordinance, which could be easily implemented. He stated unless there were any other concerns by the Council, he would entertain a motion for approval.
- n) Councilman Woods made a motion to adopt the amendment to the zoning ordinance to include all amendments as discussed and made to date. The motion was seconded by Councilman Denmon, with Councilman Woods, Councilman Denmon and Councilwoman Potts voting affirmatively, motion carried.


7. Old business: **none.**

8. New business:

- a. Mayor Palmer gave a first reading of a request for a zoning change from A-1 to C-2 by Joe E. Moore for 1.829 acres in the northwest corner of a parcel lying east of Highway 41, and a change from A-1 to Ind-H for 18.277 acres lying east of Highway 41 and joining the above parcel. Mayor Palmer stated the earliest date for a public hearing would be September 10, 2001 at 7:00 P.M. Councilman Woods made a motion to set the public hearing for September 10, 2001 at 7:00 P.M., second by Councilman Denmon, with Councilman Woods, Councilman Denmon and Councilwoman Potts voting affirmatively, motion carried.

- b. Mayor Palmer gave a first reading of a request by Terry Langley, Emory Cantrell, et al, for a revolving loan of \$500,000.00 for construction of a building for a new business to be established in the city. The request would be coordinated with a local bank loan. The business would create 105 jobs by March 2005, with over 51% being low to moderate-income jobs. The earliest date for a public hearing would be August 27, 2001 at 7:00 P.M. Councilwoman Potts made a motion to set the public hearing for August 27, 2001 at 7:00 P.M., second by Councilman Woods, with Councilwoman Potts, Councilman Woods and Councilman Denmon voting affirmatively, motion carried.
9. Other written items not on the agenda:
 - a. Attorney Bailey stated at 1:00 on August 13, 2001, the Airport Authority Board had approved a resolution that would authorize a bond issue for \$685,000.00 for a new terminal to be built at the airport and relocation of the fuel system. An intergovernmental contract would be needed from the city and county to agree to fund half of the debt service each for the bond issue. He stated this would replace an earlier commitment from the city and county for a loan that had been requested through USDA Rural Development. This loan would be at a slightly lower interest rate. Following discussion, Councilman Woods made a motion to adopt a resolution approving the intergovernmental agreement in which the city would agree to fund up to one-half of the debt service for construction of the terminal and relocation of the fuel system. The motion was seconded by Councilwoman Potts, with Councilman Woods, Councilwoman Potts and Councilman Denmon voting affirmatively, motion carried.
 10. Work Reports:
 - a. Kelly Cornwell, Director of Utilities – **no report.**
 - b. Eddie Peterson, Director of Public Safety and Public Works - **no report.**
 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 and Councilman Denmon voting affirmatively, motion carried.

Approved:



James F. Palmer, Mayor

Submitted:



Cathy Harrison, City Administrator

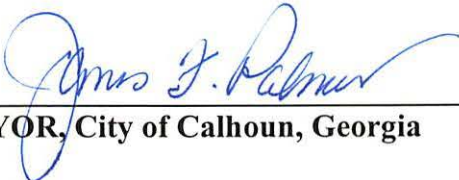
Zoning Application No: **192**

A public hearing was conducted pursuant to Section 14-2-3 of The Zoning Ordinance of the City of Calhoun, Georgia ("the ordinance") before the Mayor and Council of the City of Calhoun, Georgia on the 13th day of August 2001 to consider a zoning variance request by Attorney Terry Brumlow for Mitchell Brumlow for permission to build a 70 by 185-foot addition to an existing building at 734 River Street. The variance request is to allow the floor level to be built at the same level as the existing floor of the building, which is below "base flood level." ("The Application")

During the public hearing, the Application was discussed in an open meeting and the following findings were made:

1. The public notice of the hearing was published in the Calhoun Times as required under § 14.2.2 of the Ordinance.
2. All required signs giving notice of the public hearing were placed upon the property as required under § 14.2.2 of the Ordinance.
3. All presently adjoining landowners received notice of the public hearing and a copy of the Application as required pursuant to § 14.4 of the ordinance.
4. All disclosures of any conflict of interest required by Title 36, Chapter 67A of the Official Code of Georgia Annotated have been reported.
5. **The findings of the Zoning Review Committee and the Zoning Advisory Board are hereby made a part of this record.** The findings and recommendations of the Zoning Advisory Board were reviewed and accepted as the findings of the Mayor and Council as follows: **Based upon the information provided, the board recommended approval of the request for a zoning variance with the stipulation that the addition not be built over a sewer line.**
6. List any additional findings, if necessary, to support additional conditions: **They required a signed disclaimer releasing the city from any responsibility for damage from flooding in the requested addition or the one completed in 1998.**
7. Review of the Standards set out in § 14.5 of the Ordinance: **Substantial compliance with standards.**
8. Based upon the foregoing findings, the Application is:
 - (a) Approved X
 - (b) Denied _____
 - (c) Approved with express Condition _____

Number Voting: 3
In Favor: 3
Abstaining: 0
Opposed: 0



MAYOR, City of Calhoun, Georgia