

**CITY OF CALHOUN
REGULAR CITY COUNCIL MEETING
DEPOT COMMUNITY ROOM
109 SOUTH KING STREET
OCTOBER 13, 2003, 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, 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 September 22, 2003 regular City Council meeting were approved as written.
4. Mayor's comments:
 - a. Mayor Palmer reminded everyone of the City General Election scheduled for November 4, 2003 at the Recreation Center at 601 South River Street from 7:00 a.m. to 7:00 p.m. He stated absentee ballots are now available and a change in state law allows those who wish to vote early to do so by absentee ballot without declaring a reason during the last week prior to the election. This would be beginning October 27 through November 3, 2003.
 - b. Mayor Palmer reminded everyone of the annual Mayor's Christmas motorcade to Northwest Georgia Regional Hospital on December 4, 2003 at 10:00 a.m. He stated this is a long-standing program that was initiated by the Georgia Municipal Association in which an effort was made to provide gifts for patients in order that they might not be forgotten during the holidays. Gifts may be delivered to City Hall at 226 South Wall Street by anyone who wishes to make a donation.
 - c. Mayor Palmer reminded the Council of the October 28, 2003 seminar regarding Municipal Financial Statements. The presentation will be at the Calhoun Depot and sponsored by the University of Georgia, Carl Vinson Institute of Government.
 - d. Mayor Palmer read a proposed proclamation regarding October as "Disability Employment Awareness Month." Following review of the proposed proclamation, Councilwoman Potts made a motion to adopt, second by Councilman Denmon, with Councilwoman Potts, Councilman Denmon, Councilman Woods and Mayor Pro Tem Shelton voting affirmatively, motion carried.
5. Council Comments:
 - a. Mayor Pro Tem Shelton stated:

- 1) The fire department responded to a total of 55 calls for service during the month of September 2003. The calls included 4 fire incidents, 15 EMS or rescue incidents with 18 injuries and fatality, 15 hazardous condition incidents, 3 service calls, 2 good intention calls, 12 false alarms and 4 other type incidents. The fire department completed training of all firefighters on CPR and first aid. They conducted safety presentations at Wal-Mart and fire drills at the Calhoun Middle School. The firefighters are painting and providing maintenance for all fire hydrants on the city's water system. They completed all station and vehicle maintenance activities.
- 2) The fire inspector conducted 51 inspections in September, attended 2 pre-construction meetings, issued 2 sprinkler permits and 1 fuel system permit.
- 3) During the month of September, the police department made 691 cases, with anticipated fines of \$104,350.00 and collected \$86,386.30 on previous cases. There were 14 DUI cases, 443 warnings tickets, 69 highway accidents and 20 private property accidents with 5 injuries. They provided 106 escorts, completed 1,842 incident reports, responded to 127 alarms, and drove 47,527 miles on patrol. They responded to 6,329 calls for service via E-911.

b. Councilman Woods stated:

- 1) The electric department provided wiring and support for construction at the Calhoun Recreation Department's new pavilion. The underground primary service for the new Calhoun Elementary School had to be prepared as a result of contractor damage. The Gordon Hospital service was energized in September. The Eckerd Drug Store service installation was completed last week and should be energized the second week of October. There are several projects in engineering and design. This includes the new water plant pumping expansion, the Park Avenue and downtown service alleys, additional work at Calhoun Elementary and Home Depot. There will be line expansion projects along Curtis Parkway, line re-conducting along East Line Street and Hillcrest Drive. Also, the tree trimming contractor will start work in October. Work 54 street and security lighting work orders completed, 60 new business and maintenance, and 12 after-hour trouble callouts.
- 2) The telecommunications department made 41 contacts in September, resulting in 3 new internet customers, retaining 1 which changed ownership and sold expanded service to an existing customer. There are also 6 new service proposals pending.
- 3) The generator did not run in September because the strike price did not make it advantageous. The turbine will be winterized in November.
- 4) During the month of September, the electric department issued 30 permits, provided 52 inspections and set 18 meters. During the month of August, the electric department purchased 37,027,178 kWh of wholesale power.
- 5) There was no report for the revolving loan fund at this time.
- 6) The Coosa Valley RDC will be meeting shortly to find a replacement for James Layton who headed the division.

c. Councilman Denmon stated:

- 1) The water treatment plant pumped a daily average of 13.331 million gallons per day (MGD) of raw water in September, including 27.4 million gallons from the well on Brittany Drive.
- 2) The waste treatment plant treated an average flow of 7.319 MGD. The average BOD effluent was 7, the average suspended effluent was 14 and the average COD effluent was 95.
- 3) The water and sewer construction department completed 89 water taps and 5 sewer taps in September. They continued work on replacement of the downtown water and sewer lines and the Covington Bridge Road 12-inch water line. They began work on the 12-inch water line along Boone Ford Road. They repaired 48 water leaks and 17 water meters. There were 4 meter change-outs and 74 miscellaneous calls. They installed 56 new water meters and responded to 8 sewer calls.
- 4) The building inspector issued 51 permits in the month of September for total construction estimated at \$1,117,265.00.

d. Councilwoman Potts stated:

- 1) During the month of September, the street sweeper cleaned 44 miles of curb and gutter. The street department hauled 106 loads of stone, placed 17 new street signs and completed 26 shop work orders. They bush-hogged and sprayed all rights-of-way and water tank sites. They dug out and patched sections of Marine Drive, Gordon Hills, Sherwood Drive, Cherry Hill Circle, Oak Street, Pine Street, Woodland Avenue, Timms Road and McConnell Road, using 136 tons of asphalt. They ran the storm water maintenance plan on September 22, checking all lines and grates. They laid 20 feet of 15-inch pipe on Peters Street and Belmont Drive. They dug out and poured 20 feet of curb sections on Rolling River Drive and Shenandoah Drive. They set bleachers at the football stadium after new concrete was poured and started work on the StreetScape storm water project, which included sawing Park Avenue and Court Street and laying 1,122 feet of 48-inch pipe, setting 4 manholes and tying up storm drain pipes and back-filling ditches with stone.
- 2) The sanitation department ran their commercial trash routes and serviced and washed vehicles. They gained one 6-yard commercial dumpster account. The brush truck hauled 55 loads of yard debris.
- 3) The parks department crews provided their routine maintenance on city property, water tank sites and right-of-ways, raking leaves and picking up litter. They are 95% complete on work on the new recreation department pavilion.
- 4) The cemetery department marked and supervised the opening and closing of 9 gravesites. They sold 10 burial spaces. They performed routine maintenance at both Fain and Chandler Cemeteries.
- 5) There were no workers' comp accidents and 1 vehicle accident during the month.
- 6) Animal control housed 17 dogs and 18 cats during the month. They issued 2 first warnings and 1 third warning for leash law violations. They responded to 53 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. Councilman Woods stated item #3 on the agenda, G. Bonner Development Company, Inc. is owned by his son-in-law and therefore, he would file a disclosure and would abstain from any discussion or voting on the matter. Mayor Palmer reviewed the Standards Governing the Exercise of Zoning Power, as follows:

STANDARDS GOVERNING THE EXERCISE OF ZONING POWER

- (1) Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.
- (2) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.
- (3) Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.
- (4) Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools.
- (5) Whether there will be capital costs for capital improvements to serve the area. Capital costs shall include water mains, sewer mains, new street pavement or widening, new fire stations or equipment, new police stations or equipment, and other like costs.
- (6) Whether the zoning proposal is in conformity with the policy and intent of the land use plan.
- (7) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for their approval; or disapproval of the zoning proposal.
- (8) Whether there are other factors relevant to balancing the interest in promoting the public health, safety, morality or general welfare against the right to the unrestricted use of property.

VARIANCE CONSIDERATIONS (ONE OR MORE)

- (a) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.
- (b) The application of this ordinance to the particular piece of property would create an unnecessary hardship.
- (c) Such conditions are peculiar to the particular piece of property involved.
- (d) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this ordinance, provided, however, that no variance may be granted for a use of land or building or structure that is prohibited by this ordinance.

- 1) Mayor Palmer gave a third reading of a request for zoning of R-1B and annexation of a house and lot (0.646 acre) at 102 Oxford Drive by Lance J. Bentley.
 - a) A public hearing was opened.

- b) Harrison reported that signs had been placed on the property and notices had been published in the local legal organ and she had received evidence of notification to adjoining property owners.
- c) Councilwoman Potts stated the matter had been revisited by the Zoning Advisory Board on October 9, 2003 at 4:30 p.m. due to the fact that the applicant had failed to provide evidence of notices to the adjoining property owners. She stated this had now been done and as per the review of the eight standards, the findings were as follows:

- 1) The zoning proposal would permit a use that is suitable in view of the use and development of the adjoining and nearby property.
- (2) The proposal will not adversely affect the existing use or usability of adjacent or nearby property.
- (3) The property is currently located in the unincorporated area of the county and does have a reasonable economic use.
- (4&5) The burden to serve property as currently located would involve the water line extension to provide proper fire protection but it would also offer the same protection for several other homes that are in the area and are currently inside the city limit area.
- (6) The request is in conformance with the policy and intent of the land use plan.
- (7) N/A
- (8) N/A

The Zoning Advisory Board had recommended approval of the request. She did state there were fire safety concerns in the area, which should be addressed in the future by the city.

- d) Mayor Palmer asked if there were any comments by the applicant. There were none.
 - e) He asked if there were any other comments. There were none and the public hearing was closed.
 - f) Councilwoman Potts made a motion to waive the fourth reading and to approve the request for R-1B zoning and annexation of the house and lot at 102 Oxford Drive by Lance J. Bentley, second by Councilman Denmon, with Councilwoman Potts, Councilman Denmon, Councilman Woods and Mayor Pro Tem Shelton voting affirmatively, motion carried.
- 2) Mayor Palmer stated a request by John and Alean Fleming and Johnnie Mae Boone for a zoning change from C-2 to R-1B for property at 310 West Line Street to continue residential usage has been withdrawn by the applicant.
 - 3) A request by G. Bonner Development Company, Inc. for zoning of R-1B and annexation of approximately 7 acres adjoining Devonwood and Towne Lake Ridge. The application includes two variance requests as follows:

- A reduction of minimum lot widths from 90 feet to 75 feet for lots 3, 4, 5, 6, 7, 8, 16, 17, 18, 19, 20 and 21, and a reduction in cul-de-sac width of 5 feet for lots 10 and 13; and
 - A variance on the allowable lot yield of 21 for the development to 23 lots.
- a) A public hearing was opened.
 - b) Harrison reported that signs had been placed on the property, notices had been published in the local legal organ and evidence of notification to the adjoining property owners had been received.
 - c) Councilwoman Potts stated the Zoning Advisory Board had also heard this request on October 9, 2003. Per the board's recommendation, Mr. Bonner would adhere to all building requirements as stated in the city development policies. He would be required to provide storm water and hydrological studies for the development. Also, as discussed, utilities that are to be installed on the cul-de-sac that might require additional easement space would be provided by the developer. It was also noted Mr. Bonner has five styles of homes that he would be building in the area of brick or hardy board or other zoning materials. The Zoning Advisory Board felt the homes in this development should be no less than 1400 square feet, rather than the minimum of 1,150 as provided in the code. This would allow the homes to be more in line with the homes in the area. She stated the findings of the board in its review of the standards for zoning and variance consideration were as follows:

- (1) The zoning proposal would permit a use that is suitable in view of the use and development of the adjoining and nearby property.
- (2) The proposal with increased minimum square footage for homes will not adversely affect the existing use or usability of adjacent or nearby property.
- (3) The property as currently zoned in the unincorporated area as A-1 and has limited economic use as currently zoned.
- (4) The zoning proposal will have an impact on existing streets and utilities. However, these development expenses will be borne by the developer.
- (5) All costs for capital improvements for the property will also be borne by the developer. However, there will be some indirect services such as police and fire that will not be covered by the developer.
- (6) The request is in conformance with the policy and intent of the land use plan.
- (7) N/A
- (8) There are no other factors relevant to balancing the interest and promoting the public health, safety, morality or general welfare against the right to unrestricted use of the property.

VARIANCE CONSIDERATIONS (ONE OR MORE)

- (a) The property as a total does have a distinctive shape which does have some merit for consideration of the variance requests.
- (b) N/A
- (c) N/A
- (d) Relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of the ordinance, provided however that no variance is being granted for land or building structures that are prohibited by the ordinance.

Based on these reviews, the Zoning Advisory Board recommended approval of the annexation and zoning as well as the variances, provided the developer build homes of not less than 1,400 square feet.

- d) Mayor Palmer asked if there were any comments by the developer.
 - e) Mr. Bonner stated the information provided in the Zoning Advisory Board's report was correct and he would be available to answer any additional questions.
 - f) Attorney Bailey asked if there would be other builders who might build in the area, rather than all being built by Mr. Bonner. Mr. Bonner responded there might be a possibility. He did respond that he was preparing covenants and Attorney Bailey inquired if the requirement for the minimum of 1400 square feet could be inserted in the covenants and the response was affirmative.
 - g) Mayor Palmer inquired if there were any other comments by the Council or public. There were none and the hearing was closed.
 - h) Councilwoman Potts made a motion to waive the third and fourth reading and approve the request for R-1B zoning and annexation, with both variances being approved as requested, provided the developer build homes of not less than 1400 square feet and provided this requirement is included in the covenants in order that any other developer would be required to adhere to the same requirements. The motion was seconded by Councilman Denmon, with Councilwoman Potts Councilman Denmon and Mayor Pro Tem Shelton voting affirmatively, and Councilman Woods abstaining, motion carried.
- 4) Mayor Palmer gave a second reading of a request for a 9-foot zoning variance by Jimmy Knight to allow construction of a sunroom at the southeast portion of the house at 139 Alyssa Lane.
- 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 also met on this matter on October 9, 2003. The findings of the Zoning Advisory Board regarding the variance considerations in the code were as follows:

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| (a) | N/A |
| (b) | The strict application of the zoning ordinance to this property would create an undue hardship on the applicant. |
| (c) | N/A |
| (d) | Relief, if granted, would not cause any substantial detriment to the public good or impair the purpose or intent of the ordinance. |

Based on these findings, the Zoning Advisory Board had recommended approval of the 9-foot variance.

- d) Mayor Palmer inquired if there were any comments by the applicant. There were none. He inquired if there were any comments by the Council or public. There were none and the hearing was closed.
- e) Councilman Woods made a motion to waive the third and fourth reading and approve the request for a 9-foot zoning variance at 139 Alyssa Lane, based on findings of the Zoning Advisory Board, second by Councilwoman Potts, with Councilman Woods Councilwoman Potts, Councilman Denmon and Mayor Pro Tem Shelton voting affirmatively, motion carried.
- 5) A zoning change and zoning variance request by MetroGroup Development, LLC for the following:
- Rezone 416 North Wall Street from O&I to C-2 and request the abandoned single-family home at 406 North Wall Street be removed and the land used for C-2 development.
 - Zoning variance to reduce the parking spaces per ordinance of 90 to 56. Based upon current industry standards for drug stores, 56 would be adequate.
 - A request for a 25-foot stream variance for the ditch on the western property line near the railroad bed.
- 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 also met on this matter on October 9, 2003. The findings of the Zoning Advisory Board regarding the variance considerations in the code were as follows:

- | | |
|-------|--|
| (1) | The zoning proposal would permit a use that is suitable in view of the use and development of the adjoining and nearby property. |
| (2) | The proposal will not adversely affect the existing use or usability of adjacent or nearby property. |
| (3) | The property as currently zoned has limited economic use. One house on the property has remained vacant for approximately 8 years. |
| (4&5) | The developer will be required to pay the improvement costs for infrastructure improvements necessary for the proposed project. |

- (6) The request is in conformance with the policy and intent of the land use plan.
- (7) N/A
- (8) N/A

VARIANCE CONSIDERATIONS (ONE OR MORE)

- (a) The project will group together several lots, making it an exceptional piece of property.
- (b) N/A
- (c) There are conditions associated with the application which will need to be cleared prior to development, such as the determination on the stream, whether the variance should be granted by EPD or by the city.

Information provided by the developer and by the Zoning Review Committee indicated the railroad has a 66-foot easement. Therefore, the stream would fall within the railroad's jurisdiction and the MetroGroup would inquire of the railroad regarding the stream. Also, the city's code calls for the EPD director to provide approval regarding the stream variance. She stated the Zoning Advisory Board understood that only a portion of Mr. DiPrima's property would be used by the developer. However, it had been the request of Mr. DiPrima for the total property to be rezoned from O&I to C-2. Councilwoman Potts stated the city had some concerns regarding a metal drainage pipe on the north side of the DiPrima house, which is 20 years old and could not sustain traffic and would need to be replaced by the developer with concrete pipe. The developer indicated they would be purchasing the south portion of Mr. DiPrima's property and the company would not disturb or utilize the property in question. The Zoning Advisory Board also had concerns regarding the driveways near the intersection. They had concerns with the possibility that DOT might make intersection improvements. Councilwoman Potts stated the project had been addressed by the developers and based on their responses and based on the findings, they recommended approval.

- d. Mayor Palmer asked if there were comments by the developer.
- e. Brett Basquin, representing MetroGroup Development, stated the development is being planned to leave sufficient space for intersection improvements. He confirmed the need for the parking variance consideration. Based on their industry standards, their proposed number of spaces would be slightly higher. He discussed the variance request regarding the stream.
- f. Attorney Bailey stated the city adopted the recommended EPD ordinance and it specified the Director of EPD would handle these variances. Should they authorize the city to handle, then the matter would be considered by the city.
- g. There were no other comments and the hear was closed.
- h. Councilwoman Potts made a motion to waive the third and fourth reading and approve the request for a parking space variance, the zoning change from O&I to C-2 and the use of the house and

property at 406 North Wall Street for C-2 use. The motion was seconded by Councilman Woods, with Councilwoman Potts, Councilman Woods, Councilman Denmon and Mayor Pro Tem Shelton voting affirmatively, motion carried.

- 6) Mayor Palmer read a request for zoning of R-1B and annexation and a variance by Ricki Weaver for property on Woodland Circle. The variance would allow access to the property from Woodland Circle. Mayor Palmer announced that this request has also been withdrawn by applicant.

b. Other hearings or comments:

- 1) Mayor Palmer announced a beer package license for Ayaan, Inc., Teresa L. Moss, Manager, scheduled for hearing on October 27, 2003, has been withdrawn and a new request re-filed under new business.
- 2) Mayor Palmer opened a public hearing on the beer and wine pouring license application of SOL, Inc., Evelyn Chastain, Manager, for a restaurant previously known as City Café at 915 Highway 53 East. He stated the police report was clear. This is a new license for this corporation. However, the site has had a previous service. Following review of the criteria, there were no outstanding problems. He stated the request can be approved or denied. Councilwoman Potts made a motion to approve the request for SOL, Inc., Evelyn Chastain, Manager, second by Councilman Woods, with Councilwoman Potts Councilman Woods, Councilman Denmon and Mayor Pro Tem Shelton voting affirmatively, motion carried.
- 3) Mayor Palmer opened a hearing on the taxi license request of Heliodoro Parra-Rodriguez for a commercial location at 1108 S. Wall Street, Suite 3. He stated the application may be approve or denied. However, if approved, it should be subject to production of proper insurance, inspection of cab and qualification of drivers. Mayor Palmer asked if there were any comments. There were none and the hearing was closed. Councilman Woods made a motion to approve the request for a taxi license by Heliodoro Parra-Rodriguez for a commercial location at 1108 S. Wall Street, Suite 3, subject to production of proper insurance, inspection of cab and qualification of drivers, second by Councilman Denmon, with Councilman Woods Councilman Denmon, Councilwoman Potts and Mayor Pro Tem Shelton voting affirmatively, motion carried.
- 4) Mayor Palmer opened a public hearing on a taxi license request by Jose Luis Brito Samudio for a commercial location at 1108 South Wall Street, Suite 1. Mayor Palmer stated this application could also be approved or denied. However, if approved, it should be subject to production of proper insurance, inspection of cab and qualification of drivers. Mayor Palmer asked if there were any comments. There were none and the hearing was closed. Councilwoman Potts made a motion to approve the request subject to production of proper insurance, inspection of cab and qualification of drivers, second by Councilman Woods, with Councilwoman Potts, Councilman Woods, Councilman Denmon and Mayor Pro Tem Shelton voting affirmatively, motion carried.

7. Old business: **none.**
8. New business:
 - a. Attorney Bailey gave a review of the process the city had followed during the past year in recodifying its Code of Ordinances, including its Charter. He stated the codification of the Code would include ordinances through June 16, 2003. The adopting ordinance would simply adopt the new codification and would delete the previous codification and ordinances. It would also establish provisions for penalty and the manner for amending the Code. Mayor Palmer read the heading of the proposed ordinance and stated a public hearing could be held on October 27, 2003 at 7:00 p.m. Councilman Denmon made a motion to set the public hearing for that date and time, second by Mayor Pro Tem Shelton, with Councilman Denmon, Mayor Pro Tem Shelton, Councilman Woods and Councilwoman Potts voting affirmatively, motion carried.
 - b. Mayor Palmer gave a first reading of an ordinance establishing rules and regulations for the use of city parks and recreation areas. He stated the earliest date for a public hearing per the ordinance would be October 27, 2003 at 7:00 p.m. Councilwoman Potts made a motion to set the public hearing for that date and time, second by Councilman Woods, with Councilwoman Potts Councilman Woods, Councilman Denmon and Mayor Pro Tem Shelton voting affirmatively, motion carried.
 - c. Mayor Palmer gave a first reading of a request for a beer pouring license by Abujaber, Inc., d/b/a Lizzy's Deli, Amanda Marie Allen, Manager, at 203 Richardson Road, Suite 110, Calhoun, Georgia. Mayor Palmer stated the earliest date for a public hearing per the ordinance would be November 24, 2003 at 7:00 p.m. However, he stated Mr. Giles Jones, attorney for the applicant, had requested an opportunity to address the Mayor and Council. Mr. Jones stated based on failure of the prior manager of the Deli to communicate the necessity of acquiring a new license before he moved out of town, sales by the new owner had been harmed for the period of time they were unable to sell beer with food. He requested, based upon this hardship, the Mayor and Council at a minimum, consider narrowing the time to November 10, 2003 in order for the license to be renewed and if possible, to consider allowing the proposed manager of the store to be able to continue to sell during the licensing period. The Mayor and Council discussed the precedent the latter proposal would set and stated that there probably would be a problem with the state license if such an allowance were to be made. However, determining that the city could provide the ads for the local legal organ so it could be advertised for two weeks, the Council stated they would be willing to lower the requirement time for the public hearing until October 27, 2003. Based upon this discussion, Councilman Woods made a motion to set the public hearing for a beer pouring license for Abujaber, Inc., d/b/a Lizzy's Deli, Amanda Marie Allen, Manager, at 203 Richardson Road, Suite 110, Calhoun, Georgia for October 27, 2003 at 7:00 p.m. based upon the circumstances and based upon the good record of the location in terms of activity. The motion was seconded by Councilwoman Potts, with Councilman Woods, Councilwoman Potts, Councilman Denmon and Mayor Pro Tem Shelton voting affirmatively, motion carried.
 - d. Mayor Palmer gave a first reading of a beer package license application for the Pantry, Inc. (new owner of Golden Gallon) for store number 3519 at 702 East

Highway 53 SE, Karen Aldridge, Manager. Mayor Palmer stated the earliest date for a public hearing per the ordinance would be November 24, 2003 at 7:00 p.m. He stated this applicant had also expressed a desire to request a lesser time for the public hearing in order for the new owner to be in place for an ongoing operation and for the license to be approved to coincide with the transfer of title for the property. Mayor Palmer stated this is a similar situation to the previous location. It is a current ongoing location and he would have no problem, since the advertising could be accomplished, in making the same recommendation. Following discussion, Councilman Woods made a motion to set the public hearing for a beer package license application for the Pantry, Inc. for store number 3519 at 702 East Highway 53 SE, Karen Aldridge, Manager for October 27, 2003 at 7:00 p.m., based on these conditions. The motion was seconded by Councilwoman Potts, with Councilman Woods, Councilwoman Potts, Councilman Denmon and Mayor Pro Tem Shelton voting affirmatively, motion carried.

- e. Mayor Palmer gave a first reading of a request for a beer and wine package license by Sheona, Inc., Earl Bethea, Manager, at 703 Oothcalooga Street. Mayor Palmer stated the earliest date for a public hearing per the ordinance would be November 24, 2003 at 7:00 p.m. He stated this would be a new location and he would not be in favor of decreasing the time frame in order that the staff could have sufficient time to evaluate the criteria as outlined in the ordinance, provide a police report and to allow proper advertisement with signage at the location for the neighborhood to be aware and to make plans to attend the hearing. Based on this recommendation, Councilman Woods made a motion to set the public hearing for November 24, 2003 at 7:00 p.m., second by Councilwoman Potts, with Councilman Woods Councilwoman Potts, Councilman Denmon and Mayor Pro Tem Shelton voting affirmatively, motion carried.
- f. Mayor Palmer gave a first reading of a resolution authorizing officials and agents to purchase surplus property through the Georgia State Agency for support services. Following review of the proposed officials and the proposed purchasing agents, Councilwoman Potts made a motion to adopt the resolution, second by Councilman Denmon, with Councilwoman Potts Councilman Denmon, Councilman Woods and Mayor Pro Tem Shelton voting affirmatively, motion carried.
- g. Mayor Palmer gave a first reading of a revolving loan application by Charles A. "Tony" Farrell, d/b/a Personal Tax Services, Inc. for \$270,000.00 for renovation and capital expense for a new location on Park Avenue. Request will include creation of 23 new jobs (6 full-time and 17 or more seasonal.) Mayor Palmer stated the earliest date for a public hearing would be October 27, 2003 at 7:00 p.m. Councilman Denmon made a motion to set the public hearing for that date and time, second by Councilman Woods, with Councilman Denmon, Councilman Woods, Councilwoman Potts and Mayor Pro Tem Shelton voting affirmatively, motion carried.
- h. Mayor Palmer gave a first reading of a zoning variance request by Southern Advertising for two Home Depot signs at 1280 Curtis Parkway. The request is for two 102 square foot, 25-foot tall pylon on-premise signs for adequate exposure. He stated the earliest date for a public hearing would be November 10, 2003 at 7:00 p.m. Councilman Woods made a motion to set the public hearing for that date and time, second by Councilman Denmon, with Councilman Woods,

Councilman Denmon, Councilwoman Potts and Mayor Pro Tem Shelton voting affirmatively, motion carried.

- i. Mayor Palmer gave a first reading of a zoning variance request by the Calhoun First Methodist Church for an on-premise sign that meets code except for two feet in height. He stated the earliest date for a public hearing would be November 10, 2003 at 7:00 p.m. Councilwoman Potts made a motion to set the public hearing for that date and time, second by Councilman Woods with Councilwoman Potts Councilman Woods, Councilman Denmon and Mayor Pro Tem Shelton voting affirmatively, motion carried.
- j. Mayor Palmer gave a first reading of a zoning variance request by Whittenburg Properties, Inc. to build a triplex at 605 College Street on property zoned R-2, which had previously had a single-family frame house located thereon. He stated the earliest date for a public hearing would be November 10, 2003 at 7:00 p.m. Councilwoman Potts made a motion to set the public hearing for that date and time, second by Councilman Woods, with Councilwoman Potts, Councilman Woods, Councilman Denmon and Mayor Pro Tem Shelton voting affirmatively, motion carried.
- k. Mayor Palmer gave a first reading of a zoning change request from R-2 to C-2 by Terry Brumlow as agent for Scott Williams and Robert W. Miller for a lot on Curtis Parkway, being approximately 3 acres in Land Lot 231 of the 14th District and 3rd Section of Gordon County, Georgia. He stated the earliest date for a public hearing would be November 10, 2003 at 7:00 p.m. Councilwoman Potts made a motion to set the public hearing for that date and time, second by Councilman Woods, with Councilwoman Potts, Councilman Woods, Councilman Denmon and Mayor Pro Tem Shelton voting affirmatively, motion carried.

9. Other written items not on the agenda: **none.**

10. Work Reports:

a. Kelly Cornwell, Director of Utilities stated he had several bids in association with the city's ongoing utility projects:

- 1) First was for the one year unit price contract for installation of water lines. He stated there were three bids received on September 23, 2003, as follows:

Company	Bid
C&S Construction	\$ 1,035,450.00
Cash Construction	1,490,252.00
Mayse Construction	1,640,109.00

He stated based upon a review of the bids, he would recommend the low bid of C&S Construction for \$1,035,450.00. Following discussion, Councilman Woods made a motion to approve the recommendation of the Director of Utilities for the low bid of C&S Construction, second by Mayor Pro Tem Shelton, with Councilman Woods, Mayor Pro Tem Shelton, Councilman Denmon and Councilwoman Potts voting affirmatively, motion carried.

- 2) Director Cornwell stated the city also took bids for sewer, based on a one year unit contract price for sewer line extensions on September 23, 2003, as follows:

Company	Bid
C&S Construction	\$ 1,247,325.00
Cash Construction	1,983,368.00
Mayse Construction	2,627,912.00

Director Cornwell stated these bids were also tabulated and based upon the findings, he would recommend the low bid of C&S Construction for \$1,247,325.00. He stated the contractor understands that most of the work to be done, both on the water and sewer contracts, will involve SRF funding and will require the contractor to comply with federal and state regulations under this funding program. Following discussion, Councilman Woods made a motion to accept the recommendation of the Director of Utilities and to award the bid to the low bidder, C&S Construction, for \$1,247,325.00, second by Mayor Pro Tem Shelton, with Councilman Woods, Mayor Pro Tem Shelton, Councilman Denmon and Councilwoman Potts voting affirmatively, motion carried.

- 3) Director Cornwell stated that under the water plant improvements, it will be necessary to replace some old, antiquated high service pumps at the treatment plant. One of these pumps is over 100 years old and one is over 60 years old. They have provided excellent service. However, due to the state funding involved through the SRF-GEFA program, it is necessary for all the equipment to be individually bid. He stated the specifications were drafted by our engineering consultant, Peoples and Quigley, Inc., and based upon these specifications, the city received five bids as follows:

Company	Bid
GPM, Inc.	\$ 24,408.00
Southeastern Engineered Equip. Sales Co.	25,721.00
American Turbine Pump Company	27,901.00
Graves Water Services, Inc.	47,106.00
Hydro South, Inc.	40,850.00

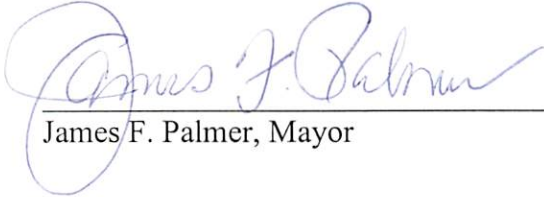
Director Cornwell stated the engineering group, Peoples and Quigley, Inc., had recommended the low bid of GPM, Inc. for \$24,408.00, following tabulation of the bids. Following discussion, Councilman Denmon made a motion to accept the low bid of GPM, Inc., based upon the recommendation of the engineering company and the Director of Utilities, second by Councilman Woods, with Councilman Denmon, Councilman Woods, Councilwoman Potts and Mayor Pro Tem Shelton voting affirmatively, motion carried. (For continuation of report, see "EXHIBIT A")

- b. Eddie Peterson, Director of Public Safety and Public Works: (See "EXHIBIT B")
11. Mayor Palmer stated it would be his recommendation that the work reports submitted by Director Cornwell as to the current status of various construction projects and the work report from Eddie Peterson, Director of Public Safety and Public Works, regarding the current status of work projects, be made a part of the official minutes of the city.
12. Mayor Palmer inquired if it were necessary to move to executive session. Attorney Bailey stated it was not.

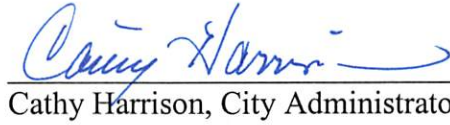
13. Councilman Woods made a motion to adjourn, second by Councilwoman Potts, with Councilman Woods, Councilwoman Potts, Councilman Denmon and Mayor Pro Tem Shelton voting affirmatively, motion carried.

Approved:

Submitted:



James F. Palmer, Mayor



Cathy Harrison, City Administrator

“EXHIBIT A”

**Water & Sewer
Special Projects Status Report
By Kelly Cornwell**

- Mauldin Road Water Treatment Plant Modifications and Water System Improvements, Phase IV: The SRF loan has been approved. We are acquiring property for the two new water storage reservoirs. Engineering has begun on the Mauldin Road WTP improvements. Bids have been received for the two new high service pumps. Two new rate of flow control valves are out for bids. Bids will be received on November 13, 2003. The design has begun for the 85,000 feet of new water mains as part of the SRF project.
- Mauldin Road Water Treatment Plant (Carbon Feed System for taste and odor): The installation is 90% complete.
- The 24" bore under I- 75 has been completed. The contractor is continuing with the installation of the 12" water main on Boone Ford Road. This project should be complete by October 24, 2003.
- The new 12" water main on Covington Bridge Road is 95% complete. This water main will help serve Pickens County.
- Wastewater Treatment Plant Modifications: The new Belt Press has arrived and has been installed. The new lime system has been ordered and is under fabrication, delivery is scheduled for November 2003.
- North Interceptor replacement Sewer: The contractor has approximately 75% of the project completed. We now have the old interceptor abandoned downstream of U.S. 41.
- Echota Mill Village Phase II: The project is complete. The streets are ready for paving.
- Downtown Water and Sewer Rehabilitation Project: Our Water crews have installed 90 % of the new water mains. The sewer rehabilitation project is complete.
- The Gordon County/City of Calhoun Sewer Projects -Sonoraville Project is under design. We have given the county the easement drawings. This will allow the county to proceed with easement acquisitions.
- Surveying for the 41 South Sewer Project is scheduled for November 2003.
- We have received the bids and have completed the evaluation of the bids for the One Year Unit Price Contract for Water and Sewer Lines.
- Environmental Protection Agency-Vulnerability Assessment: EPA as part of the “Homeland Security Act” is requiring all water systems to complete a vulnerability assessment of their water systems. The time frame for completion is based on population served. Our deadline is June 30, 2004. In addition to the assessment we will have to develop an Emergency Response Plan along with addressing the possible threats by implementing countermeasures.

“EXHIBIT B”
Public Works
Special Projects Status Report
By Eddie Peterson

- McDaniel Station Road, which is being primarily funded through the Industrial Development Authority, with assistance from the city and county, should be completed by the end of October. The section between the experiment station and the Highway 53 Spur had been priced by Northwest Georgia Paving for an additional \$60,000.00. However, it can be completed by the city and county for \$30,000.00 and the work will be done by the city.
- The downtown pipe project has been completed to Wall Street. The tie-ins should be completed next weekend, with tie-ins to the curb and catch basins.
- The storm water problem at Line Street and Barrett Road, which is a 40-acre drainage basin, has had a recommendation from an engineering firm to install a 5-foot raised pedestal and increase the box to a 60-inch with a tapered curb on the south side of Barrett Road for water to run across rip rap downstream for scouring.
- The resurfacing at College Street and the Mill Village will begin shortly with the gas company agreeing to mill from Chandler to Nelson Street on both sides of the road and to resurface. The city will provide repaving in the Mill Village area due to the recent water and sewer infrastructure project.
- The pavilion at the recreation park is 95% complete and almost ready for use.
- The Harris-Beamer Landfill has been grassed, grass is up and established over 80% of the site and the city will ask EPD to review during the month of October.
- Director Peterson made the Council aware of a letter received from Eddie Rents regarding the proposed traffic signal to be installed by Home Depot on Curtis Parkway. This matter will be reviewed by the City Attorney.
- Director Peterson stated he and City Administrator Harrison met on October 10, 2003 with the Clarence E. Harris Foundation Board and with Mrs. Bobbye Harris to review the Clarence E. Harris Park. He stated the board seemed to be pleased with the progress made to this point.

**RESOLUTION DESIGNATING CERTIFYING OFFICIALS
AND PROPERTY SELECTORS**

Name of Organization: **City of Calhoun**

The following named individuals are hereby appointed certifying officials with authority to conduct all matters of business pertaining to the acquisition and utilization of Surplus Property acquired through the Georgia State Agency for Support Services Division. They are designated to obligate necessary Donee Organization funds for this purpose and execute Distribution Documents binding the Donee Organization to the terms, conditions reservations and restrictions applying to property obtained through the agency. The list will be updated on a regular basis depending on type of organization. Between update periods, the certifying official is responsible for notifying the State Agency in the event of additions or cancellations to the list. Individuals not listed below will be required to have written authorization from a certifying officer before being admitted to the agency distribution centers.

<u>NAME</u>	<u>TITLE</u>	<u>TELEPHONE</u>
Cathy Harrison	City Administrator	(706) 629-0151
Kelly Cornwell	Director of Utilities	(706) 629-4701
Eddie Peterson	Director of Public Safety and Public Works	(706) 629-4701

The above listed individuals will assume responsibility for appointing property selectors, insure lawful utilization of property, maintain property records on property received, and assure prompt payment on service charge accounts.

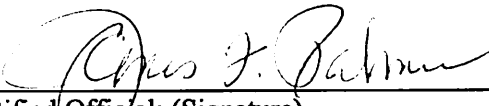
The below listed individuals are designated property selectors and have authority to visit and acquire items of property from the Georgia State Agency for Support Services Division.

<u>NAME</u>	<u>POSITION</u>	<u>UNIT</u>
Therrell Goswick	Police Chief	Police
Lenny Nesbitt	Fire Chief	Fire
Jerry Crawford	Director of Water and Sewer	Water-Sewer
Larry Vickery	Electric Superintendent	Electric
Kevin McEntire	Street Superintendent	Public Works

Date: October 13, 2003

Certified Official: James F. Palmer, Mayor

Date: October 13, 2002



Certified Official: (Signature)