

**CITY OF CALHOUN
REGULAR CITY COUNCIL MEETING
DEPOT COMMUNITY ROOM
109 SOUTH KING STREET
AUGUST 11, 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 and welcomed everyone in attendance.
 - a. Mayor Palmer gave the invocation.
2. Mayor Palmer led the group in the Pledge of Allegiance to the United States Flag.
3. Minutes of the July 28, 2003 regular City Council meeting were approved as written.
4. Mayor's comments:
 - a. Mayor Palmer reminded the Council and staff of the meeting with the new Executive Director of the Georgia Department of Community Affairs, Mr. Mike Beatty, on August 27, 2003 at 12:30 p.m. at the Depot.
 - b. Mayor Palmer reminded everyone of the city election to be held on November 4, 2003. The location for the election will be the Calhoun Recreation Department at 601 South River Street from 7:00 a.m. until 7:00 p.m.
 - c. Mayor Palmer announced that the City of Calhoun is permitted to use lever machines in the city's general election and will do so due to lower operating expense.
 - d. Mayor Palmer announced that there had been a change in the voting law which would allow citizens to vote early by absentee ballot during the week immediately prior to the election. Those wishing to vote by absentee ballot would not be required to provide a reason.
 - e. Mayor Palmer announced that qualifying for candidates would begin September 8, 2003 at 8:30 a.m. at City Hall and would end at 4:30 p.m. on Sept 12, 2003.
 - f. Mayor Palmer announced that the last day for citizens to register to vote in the November election would be October 6, 2003 at 5:00 p.m. at either City Hall or the County Registrar's office.
 - g. Mayor Palmer announced that the City Council and the County Commission had an opportunity to have one of several planned work sessions regarding the proposed agreements on sewer projects. He stated the first work session had been held at 2:00 p.m. today at 700 West Line Street.

- h. Mayor Palmer stated there still remains one vacancy on the Zoning Advisory Board. This vacancy would be to fill the unexpired term of Jesse Leazer through December 31, 2004. Mayor Palmer recommended Jerry Carrol for the position. Following review, Mayor Pro Tem Shelton made a motion to approve Jerry Carrol for the term ending December 31, 2004, second by Councilman Denmon, with Mayor Pro Tem Shelton, Councilman Denmon, Councilman Woods and Councilwoman Potts voting affirmatively, motion carried.

5. Council Comments:

a. Mayor Pro Tem Shelton stated:

- 1) During the month of July, the police department made 804 cases, of which 117 were warrants, 106 were for speeding and 581 other cases. They logged anticipated fines of \$111,907.00 and collected \$91,121.00 in previous fines. There were 11 DUI cases, 300 warnings and 58 highway accidents. They provided 106 escorts, completed 1,638 incident reports, responded to 184 alarms, and drove 55,448 miles on patrol. They responded to 7,185 calls for service via E-911.
- 2) The fire department responded to a total of 70 calls during the month of July, with estimated fire damages of \$8,250.00. The calls included 17 EMS and accident calls with 11 injuries. There were 21 false alarms. The fire department continued training of all firefighters on fire streams and hydraulics during the month. They conducted a fire extinguisher and safety class at the Pliant Corporation for approximately 50 employees. They conducted 6 pre-fire plans at local businesses and industries, and they completed all station and vehicle maintenance.
- 3) The fire inspector conducted 41 inspections in July. The inspector also attended a class at the Georgia Fire Academy and attended two pre-construction meetings.

b. Councilman Woods stated:

- 1) The electric department completed primary service to the police department's gun range. The maintenance crew completed and energized service for building and convenience wiring. The underground primary construction for the new elementary school has been installed. Transformer and terminations will progress with the building as it is constructed. The underground electric service to Whittenburg Apartments on Harlan Street has been completed. Crews have worked with both the Calhoun and Gordon County schools on temporary classroom readiness. The electric department is nearing completion on long-range power supply plans, load forecast and generation needs. They have completed the lighting design for the new Calhoun Elementary School and a lighting design for the senior complex off of Warrior Path. The Home Depot service is in engineering stages. The work orders in progress for July include 47 street and security lighting, new business and maintenance and 30 after hour callouts.
- 2) Telecommunications completed wiring on the new offices at the police department, completed fire and copper line links for gas pump camera ready system and placed security in service on the city's network. They continued installation of MUNIS software for key personnel computers for

the new purchase order system. The Dixie Group contracts were re-configured, which resulted in one new contract. New internet connections were made for WJTH, Fox Systems and Tiles of Calhoun. The telecommunications section completed plans and organization of sales and marketing programs in August.

- 3) The generator has run approximately 15% for July and produced 276,000 kWh.
- 4) During the month of July, the electric department issued 12 permits, provided 59 inspections and set 9 meters. During the month of June, the electric department purchased 34,310,000 kWh of wholesale power.

c. Councilman Denmon stated:

- 1) The water treatment plant pumped a daily average of 13.546 million gallons per day (MGD) of raw water. This included the Brittany Drive pumping station for the well, which produced an average of 2.5 MGD for the month.
- 2) The waste treatment plant treated an average flow of 10.430 MGD. The average BOD effluent was 9, the average suspended effluent was 14 and the average COD effluent was 71.
- 3) The water and sewer construction department completed 104 water taps and 7 sewer taps. They continued work on the downtown water and sewer lines and the Covington Bridge Road water line. They accepted water and sewer lines in the following subdivisions: Brookstone, Phase II and Harmony Church, Phase I. They accepted water lines in King Point Subdivision off of Harris Beamer Road. They repaired 42 water leaks and 10 water meters. There were 8 meter change-outs and 71 miscellaneous calls. They installed 55 new installations for water and responded to 7 sewer calls.
- 4) The building inspection department issued 55 permits in the month of July for total construction estimated at \$1,884,000.00, with new residential construction of \$1,355,000.00.

d. Councilwoman Potts stated:

- 1) During the month of July, the street sweeper cleaned 42 miles of curb and gutter. The street department hauled 89 loads of stone, placed 6 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 and continued work at the old industrial landfill, hauling in 306 loads of fill dirt and provided grading. They ran the storm water maintenance plan on July 10, checking all the pipes and grates inside the city. They dug out and put down new stone base on 120 feet of street that had broken down due to heavy traffic on Curtis Parkway. The streets paved during July were Pisgah Way, Springdale Drive, Old Belwood Road and 200 feet of Curtis Parkway. The street department installed 48 feet of 12-inch pipe, built storm water box and laid 180 feet of 15-inch pipe and graded a 100 by 60 foot parking lot at the telecommunications building. They installed handicap ramps for the DOT at the intersection of Richardson Road and Highway 53.

- 2) The sanitation department ran their commercial trash routes and serviced vehicles. They gained one 6-yard commercial dumpster account. The brush truck hauled 84 loads of yard debris.
- 3) The parks department provided their routine maintenance on city property, water tank sites and right-of-ways, raking leaves and picking up litter. They continued work on the new recreation department pavilion.
- 4) The cemetery department marked and supervised the opening and closing of 12 gravesites. They sold 20 burial spaces. They assisted contractors with the installation of 5 new monuments. They performed routine maintenance at both Fain and Chandler Cemeteries.
- 5) There were 5 workers' comp accidents and 2 vehicle accidents during the month.
- 6) Animal control housed 30 dogs and 38 cats during the month. They issued 1 first warning and 1 third warning for leash law violations. They responded to 51 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. 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 second reading of a request for zoning of R-1 and annexation of a house and lot at 217 Lake Drive by Erwin J. Joham, as agent for Helen and Paul Bornhauser.
 - 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 heard this matter on August 7, 2003. Following a report from the Zoning Review Committee plus the individual review of the site by members of the Zoning Advisory Board, the board felt there are ongoing problems at the site which are being eradicated by Mr. Joham under the direction of the Gordon County Building Inspector's office. She stated it was the recommendation of the Zoning Advisory Board that due to this ongoing work, the request should be denied until such time that the work is completed, with the owners filing a request for annexation following successful completion of the work.
 - d) Mayor Palmer asked if there were any comments by the applicant.
 - e) Mr. Joham stated he is a relative of Helen and Paul Bornhauser, who presently reside in California. He has been working on the property and anticipates it will be finalized within the next couple of weeks. He asked the Council to annex the property contingent upon the completion.
 - f) The Mayor and Council discussed the situation with the continuing efforts by Mr. Joham and determined that there were several issues that would need to be clarified.
 - g) The public hearing was closed.
 - h) Following review, Councilwoman Potts made a motion to deny the request at this time but to waive the 12-month time minimum for reapplying as currently exists in the zoning ordinance. The motion was seconded by Councilman Denmon.
 - i) During discussion, Councilman Woods reviewed the precedent that waiving the 12 month time period might set and he was not sure this was a message the Council wished to send to the community.
 - j) Following further discussion, Councilwoman Potts stated she would amend her motion to deny the request at this time.

Councilman Denmon stated he would change his second to conform to the new motion made by Councilwoman Potts, with Councilwoman Potts Councilman Denmon, Councilman Woods and Mayor Pro Tem Shelton voting to deny the request for annexation, based on the following:

- (1) The zoning proposal would not permit a use that is suitable in view of adjacent and nearby property;
- (2) The proposal could adversely affect the use or usability of nearby property.
- (3) The property in question does have economic use as currently zoned.
- (4) The proposed change in zoning would not cause an excessive burden on existing streets, facilities or schools.
- (5) The capital costs for improvements would be borne by the owner.
- (6) The zoning request is in conformity with the policy and intent of the land use plan.
- (7) There are other existing or changing conditions affecting the use and development of the property which give supporting grounds for disapproval of the zoning proposal.
- (8) There are current factors relevant to in promoting the public health, safety, morality or general welfare that should be addressed before the zoning proposal is considered.

2) Mayor Palmer gave a second reading of a request by Michael and Darla Morgan for a 10-foot rear setback variance to construct a bath house at 171 Timber Ridge Lane.

- a) A public hearing was opened.
- b) Harrison reported that Mr. Morgan had provided evidence that he had discussed the matter with all adjoining property owners and there was no objection to the request. 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 heard this request on August 7, 2003. Based upon their findings and the report of the Zoning Review Committee, they recommended the request for a zoning variance be granted.
- d) Mayor Palmer asked if there were any comments by the applicant.
- e) Mr. Morgan stated the application was pretty straight forward and he had nothing to add but would respond to any questions.
- f) The Mayor and Council had no comments or questions, there were no public comments and the public hearing was closed.
- g) Councilwoman Potts made a motion to waive the third and fourth reading and approve the request based on the following findings:

- (a) There are extraordinary or 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, based on the shape and location of the lot.
 - (d) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this ordinance.
 - h) The motion was seconded by Councilman Woods, with Councilwoman Potts, Councilman Woods, Councilman Denmon and Mayor Pro Tem Shelton voting affirmatively, motion carried.
- 3) A second reading was given of a request for zoning of R-1 and annexation of a house and lot at 394 Linda Lane by D. F. Williams.
 - 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 this matter had also been heard by the Zoning Advisory Board on August 7, 2003. Based on their individual review of the property, the report of the Zoning Review Committee and the zoning standards, the Zoning Advisory Board recommended zoning of R-1B and annexation. Councilwoman Potts stated that due to the size of the house on the lot, R-1B would be the most appropriate zoning.
 - d) Mayor Palmer asked if there were any comments by the applicant or the public. There were none and the hearing was closed.
 - e) Councilwoman Potts made a motion to waive the third and fourth reading and approve the request based on the following:
 - (1) The zoning proposal would permit a use that is suitable in view of adjacent and nearby property;
 - (2) The proposal would not adversely affect the use or usability of nearby property.
 - (3) The property in question does have economic use as currently zoned.
 - (4) The proposed change in zoning would not cause an excessive burden on existing streets, facilities or schools.
 - (5) The capital costs for improvements would be borne by the owner.
 - (6) The rezoning request is in conformity with the policy and intent of the land use plan.
 - (7) There are no other existing or changing conditions affecting the use and development of the property which give supporting grounds for approval or denial of the zoning proposal.
 - (8) There are no 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.
 - f) The motion was seconded by Councilman Woods, with Councilwoman Potts, Councilman Woods, Councilman Denmon and Mayor Pro Tem Shelton voting affirmatively, motion carried.

4) Mayor Palmer gave a third reading of a request for zoning variance by the Gordon County Board of Education for additional mobile classrooms at Ashworth Middle School, Gordon Central High School and at the central office.

- a) A public hearing was opened.
- b) Harrison reported that notification to adjoining property owners had been completed, with the exception of three. However, the board had provided evidence of their attempt to notify those owners. Signs had been placed on the property and notices had been published in the local legal organ on two occasions.
- c) Councilwoman Potts stated the matter had been heard by the previous Zoning Advisory Board and had only been held over due to the lack of notification of the adjoining property owners. She stated they recommended approval.
- d) Mayor Palmer asked if there were any comments by the applicant or public. There were none and the hearing was closed.
- e) Councilwoman Potts made a motion to waive the fourth reading and approve the request approve the variance based on the following:

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| <ul style="list-style-type: none">(a) There are no extraordinary or 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) N/A(d) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this ordinance. |
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f) The motion was seconded by Councilman Woods, with Councilwoman Potts Councilman Woods, Councilman Denmon and Mayor Pro Tem Shelton voting affirmatively, motion carried.

b. Other hearings or comments: **none**.

7. Old business:

a. Councilman Woods made a motion to table the approval of the city zoning map, second by Councilwoman Potts, with Councilman Woods, Councilwoman Potts, Councilman Denmon and Mayor Pro Tem Shelton voting affirmatively, motion carried.

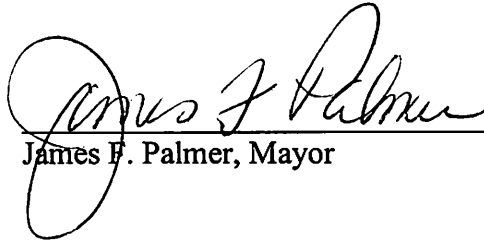
8. New business:

a. Mayor Palmer gave a first reading of a request for zoning of R-1B and annexation and a variance by Ricki Weaver for property on Woodland Circle. The variance would be to allow access to the property from Woodland Circle, due to the small amount of frontage by the lot on Woodland Circle, due to the size of the lot on the circle drive. Mayor Palmer stated the earliest date for a public hearing would be September 8, 2003 at 7:00 p.m. Councilwoman Potts made a motion to set the public hearing for that date and time, second by Councilman Denmon, with Councilwoman Potts, Councilman Denmon, Councilman Woods and Mayor Pro Tem Shelton voting affirmatively, motion carried.

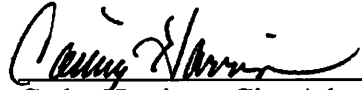
12. Councilman Woods made a motion to adjourn, second by Councilwoman Potts, with Councilman Woods, Councilwoman Potts, Councilman Denmon and Mayor Pro Tem Shelton voting affirmatively, motion carried.

Approved:

Submitted:



James F. Palmer, Mayor



Cathy Harrison, City Administrator