

**CITY OF CALHOUN
REGULAR CITY COUNCIL MEETING
DEPOT COMMUNITY ROOM
109 SOUTH KING STREET
FEBRUARY 10, 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. Councilman Denmon gave the invocation.
2. Mayor Palmer led the group in the Pledge of Allegiance to the United States Flag.
3. Minutes of the January 27, 2003 regular City Council meeting were approved as written.
4. Mayor's comments:
 - a. Mayor Palmer stated the "Friends of the Gem" had requested permission to close Harlan Street on Saturday, May 3, 2003 from 8:00 a.m. until 6:00 p.m. for a Spring Bazaar for a fund raiser for the Old Gem Theatre renovation. Following review, Councilman Woods made a motion to approve the request, second by Councilwoman Potts, with Councilman Woods, Councilwoman Potts, Councilman Denmon and Mayor Pro Tem Shelton voting affirmatively, motion carried.
 - b. Mayor Palmer reminded the Council and general public of the hearing scheduled for March 10, 2003 for Fast Petroleum, Inc. for a beer package license for 1402 Highway 41 South.
 - c. Mayor Palmer reminded the Council and public of "Georgia Cities Week," April 20-26, 2003, which is sponsored by the Georgia Municipal Association.
5. Council Comments:
 - a. Mayor Pro Tem Shelton stated:
 - 1) The police department made 774 cases in the month of January 2003, with anticipated fines based on December cases, of \$130,817.50. They actually collected \$87,283.00 on previous cases. There were 12 DUI's cases. They issued 462 warning tickets, responded to 66 highway accidents and 28 private property accidents, with 4 injuries. They provided 90 escorts,

wrote 1090 incident reports, responded to 151 burglar alarms, and drove 59,718 miles on patrol. 6,776 came to the police department from 911.

- 2) The fire department responded to 52 calls during the month of January, with estimated fire damages of \$27,900.00. The calls included 18 accidents with 11 injuries and one fatality. They responded to 12 false alarms and 6 other calls. The fire department personnel completed training during the month on fire extinguisher drills for public education. They assisted the police department with road checks and completed all station and vehicle maintenance checks. Fire inspection performed 57 fire inspections and 4 burn site inspections. They attended 1 pre-construction meeting and participated in 24 hours of training.

b. Councilman Woods stated:

- 1) During the month of January, the electric department continued working with Metropolitan Communications in the construction of two 100-foot towers on Mount Alto water tank site. One tower will be used jointly with Gordon County and both are replacements for towers destroyed in the May 1, 2002 storm. Radio systems are on order. Traffic control and flashing signals have been installed for Gordon County's Belwood Elementary School. The filter plant wiring and controls are 99% complete and testing is nearing completion. The well pump and high service pump electrical equipment bids have been received and will coordinate with pump and motor deliveries. Construction of the telecommunications building is 100% complete with interior offices still under construction by city personnel. Service to the Catoosa Senior Citizens Apartments on Timms Road is complete. Projects in design include the line addition from College Street to Curtis Parkway, the Fox & Brindle Building addition, the Apache addition and the Calhoun Elementary School. There are 54 work orders in process for street and security lighting, 34 for new business and there were 10 after hours trouble calls.
- 2) During the month of January, the electric department issued 7 permits, provided 36 inspections, set 98 meters and purchased 25,864,783 kWh of wholesale power.
- 2) The telecommunications department has completed a fiber line crossing of I-75 at Gee Road and provided installation to the Georgia Machine Company. They completed ACH installation and setup to allow customers to pay bills through automatic bank drafts. They started installation of an internet connection for the Seventh-day Adventist Church and they completed the new Georgia Central Information Center GCIC interface for the police department and the sheriff's office. Cal-net is assisting the library with 10 to 12 new work stations and they began process for IP address changes as requested by the Georgia Public Web.

c. Councilman Denmon stated:

- 1) The water treatment plant treated a daily average of 11.949 million gallons per day (MGD) of raw water during the month of December.

- 2) The waste treatment plant treated a daily average of 7.937 MGD. The average BOD effluent was 16, the average suspended effluent was 20 and the average COD effluent was 88.
- 3) The water and sewer construction department made 44 water taps during the month and 3 sewer taps. They installed 5 new fire hydrants, repaired 74 water leaks and 58 water meters. They changed out 10 water meters and responded to 62 calls.
- 4) The building inspection department issued a total of 39 permits during the month of January for construction costs estimated at \$4,520,000.

d. Councilwoman Potts stated:

- 1) The street department street sweeper cleaned 28 miles of curb and gutter. They hauled 84 loads of stone and erected 28 new street signs. They completed 23 shop work orders. Work continues to progress on the new downtown park; the gazebo roof is on, concrete is being poured on walkways and the fountain is under construction. The Curtis Parkway is 95% complete, with the department hauling dirt and sowing grass for backfilling of the sidewalks. Permits have been applied for with DOT to connect the sidewalk with the existing sidewalk at Red Bud Road. The street department ran their storm water maintenance plan on January 29. They hauled 60 loads of top soil from Red Bud to the Old Harris-Beamer Road landfill. They installed a drain pipe and built a 24 x 24 storm water box at the electric department. They cleaned out ditches at North and South Industrial Boulevard.
- 2) The sanitation department ran their commercial trash routes, serviced vehicles.
- 3) The parks department provided their routine maintenance on city property, water tank sites and right-of-ways. They continued work on the new addition to the parks department and completed various jobs at the police department, telecommunications, animal control and the recycling center.
- 4) The cemetery department marked and supervised the opening and closing of 8 gravesites and performed routine maintenance at Fain and Chandler cemeteries. They sold 4 burial spaces.
- 5) The safety committee inspected fire stations 1, 2 and 3. There were 2 workers' comp accidents and 2 vehicle accidents during the month.
- 6) Animal control housed 14 dogs and 12 cats during the month, and issued 1 first warning and 4 second warnings for leash law violations. They responded to 60 customer calls.
- 7) The Main Street Director and committees completed an audit on February 10, provided by the Department of Community Affairs. The audit was successful and the audit team stated they would recommend the Calhoun site for national certification. Councilwoman Potts expressed appreciation to the committees and to Beve Ryberg, Main Street Director, for their excellent work.

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.
- b. 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) A request for a zoning variance by Daniel Burger to allow a mobile unit at the entrance to the Prime Outlet Mall on Belwood Road, for use as a fruit and vegetable stand.
 - a) A public hearing was opened.
 - b) Harrison reported that notification to adjoining property owners had been completed, signs had been placed on the property and notices had been published in the local legal organ.

- c) Councilwoman Potts stated the Zoning Advisory Board had met on this matter on February 6, 2003 at 4:30 P.M. at the Depot Community Room. She stated the applicant, Mr. Burger, had leased the property without realizing he needed permission for a mobile unit on the site. She stated the request was similar to previous requests at the location. Although it was not a permanent building, the Zoning Advisory Board had recommended it be approved for one year, with the possibility for one more year renewal.
- d) Mayor Palmer inquired if there were any comments by the applicants. There were none. He inquired if there were any comments by the public. There were none and the public hearing was closed.
- e) Following discussion, Councilwoman Potts made a motion to waive the third and fourth reading and approve the request for a one-year variance with the opportunity for a maximum of one renewal, based upon the following findings:

- (a) There are no extraordinary or exceptional conditions pertaining to the particular piece of property in question.
- (b) The application of this ordinance regarding the variance request for this particular piece of property would create a hardship for the applicant, Daniel Burger if not granted.
- (c) There are no special conditions that are peculiar to the piece of property involved.
- (d) If relief is granted, it would not cause substantial detriment to the public good or impair the intent and purposes of the zoning ordinance for a short period of time.

The motion was seconded by Councilman Woods, with Councilwoman Potts, Councilman Woods, Councilman Denmon and Mayor Pro Tem Shelton voting affirmatively, motion carried.

- 2) A request for zoning of C-2 and annexation by James F. Ledbetter as Agent for Rodney Harbin for 0.64 acres of undeveloped land off Red Bud Road, directly behind Harbin Drugs.
 - a) A public hearing was opened.
 - b) Harrison reported that notification to adjoining property owners had been completed, signs had been placed on the property and notices had been published in the local legal organ.
 - c) Councilwoman Potts stated the Zoning Advisory Board had met on this matter on February 6, 2003 at 4:30 P.M. at the Depot Community Room. She stated the Zoning Advisory Board had determined the zoning of C-2 is compatible with the zoning in the surrounding area. It will fill in an area surrounded by other property already in the city. She stated the owner currently does not have any plans for development of the property but will use for parking at this time and may use the lot for office space at a later date. Councilwoman Potts stated the Zoning Advisory Board had recommended zoning of C-2 and annexation.

- d) Mayor Palmer inquired if there were any comments by the applicant.
- e) Mr. Ledbetter, as agent for Mr. Harbin, stated the property is directly behind the Harbin Drug property. It is planned for office development in the future and for parking at this time. He stated his client is interested in having this small parcel also annexed, since the remainder of his family's property is located within the city.
- f) Mayor Palmer asked if there were any other public comments. There were none and the hearing was closed.
- g) Councilwoman Potts made a motion to waive the third and fourth reading and approve the request for C-2 zoning and annexation of the 0.64 acres of undeveloped land off Red Bud Road directly behind Harbin drugs, based on the following:

- (1) The proposal as stated would be suitable in view of the use and development of the adjacent and nearby property.
- (2) The C-2 zoning and annexation would not adversely affect the usability of the adjoining or nearby property.
- (3) The property, as it is currently zoned in the county would have a reasonable economic use as currently zoned.
- (4) The proposal would not result in excessive or burdensome use of streets, transportation, utilities or schools and the owner understands that development and infrastructure requirements would be at his expense.
- (5) It was understood that capital costs for water, sewer, street improvements, etc., would be at the expense of the owner.
- (6) The proposal is in conformity with the policy and intent of the land use plan.
- (7) There are no existing or changing conditions recognized that would affect the use and development of the property.
- (8) It was not determined that there were any other factors relevant to balancing the interest in promoting public health, safety and general welfare against the right to the unrestricted use of the property.

The motion was seconded by Councilman Woods and Councilman Denmon, with Councilwoman Potts, Councilman Woods, Councilman Denmon and Mayor Pro Tem Shelton voting affirmatively, motion carried.

- b. Other Hearings and Comments: **none.**
7. Old business: **none.**
8. New business:
- a. Mayor Palmer stated the Georgia Civil War Heritage Trails Trustees for Calhoun and Gordon County had been requested to be a part of the signs all through Georgia in places of historic events during the Civil War. The cost for two signs would be \$10,000.00 and the two signs would be placed at the Calhoun Depot and

the City of Resaca. The request would also include maintenance costs for the signs. The proposed participants in the program would be Calhoun, Gordon County, Chamber of Commerce, Historical Society and the City of Resaca, at a cost of \$2,000.00 each, plus maintenance costs. Following review, Councilman Woods made a motion to authorize the expenditure of \$2,000.00 plus maintenance costs to be a part of the Georgia Civil War Heritage Trails signs as proposed by the trustees. The motion was seconded by Councilman Denmon, with Councilman Woods, Councilman Denmon, Councilwoman Potts and Mayor Pro Tem Shelton voting affirmatively, motion carried.

- b. Mayor Palmer gave a first reading of a request by James F. Ledbetter, as agent for Jack and Elva Crump, to rezone approximately 4.494 acres from R-1 to C-2 at 165 Marine Drive, located in Land Lot 311, 14th District, 3rd Section of Gordon County, Georgia. He stated the earliest date and time for a public hearing would be March 10, 2003 at 7:00 p.m. Councilman Denmon made a motion to set the public hearing for that date and time, second by Councilwoman Potts, with Councilman Denmon, Councilwoman Potts, Councilman Woods and Mayor Pro Tem Shelton voting affirmatively, motion carried.
- c. Mayor Palmer stated the Council members had a copy of the proposed budget calendar for 2003-2004 in their packets and each had an opportunity to review. Councilman Woods asked that the dates for the retreat be amended to indicate work sessions that would be held on April 14, 2003 at approximately 7:30 p.m. and April 15 and 16 at 6:30 p.m., as needed. The preparation of the second draft would begin on April 17 through May 9. Following discussion, Councilman Woods made a motion to make these amendments and to approve the calendar as amended, second 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 request by William L. Eubanks, Sr. and Jack L. Anderson, Sr. for a 45-foot fire code variance for lots 5 and 8 and a 30-foot fire code variance for lots 6 and 7 of the property at 145 Marine Drive, for a new development. He stated the earliest date and time for a public hearing would be March 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 Denmon, with Councilwoman Potts Councilman Denmon, Councilman Woods and Mayor Pro Tem Shelton voting affirmatively, motion carried.

9. Other written items not on the agenda:

- a. Mayor Palmer stated the Council would need to set a public hearing for the planned improvements to the water system that are proposed to be funded by the state revolving loan fund. He stated the earliest date possible, following proper advertising, would be March 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.


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 stated it was not necessary to move to executive session.
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