

**CITY OF CALHOUN
REGULAR CITY COUNCIL MEETING
DEPOT COMMUNITY ROOM
109 SOUTH KING STREET
SEPTEMBER 8, 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 introduced City Chaplain, Dr. Bert Vaughn, who gave the invocation.
2. Mayor Palmer led the group in the Pledge of Allegiance to the United States Flag.
3. Minutes of the August 25, 2003 regular City Council meeting and the August 29, 2003 special called City Council meeting were approved as written.
4. Mayor's comments:
 - a. Mayor Palmer extended sympathy on behalf of the City Council, staff and himself to the family of Jim Layton in Rome, Georgia. Mayor Palmer state Mr. Layton had been associated with the Coosa Valley RDC for 41 years, serving as the director for the past 14 years. Following an extended illness, he passed away last week.
 - b. Mayor Palmer stated the Coosa Valley RDC had requested the City of Calhoun to name a member to a new Bicycle and Pedestrian Plan Advisory Committee that will be established for the North Georgia region. He stated unless there were other nominations, he would recommend Tom Griffith to be the city's representative on the committee. Following discussion, Councilman Woods made a motion to appoint Tom Griffith as the representative for the City of Calhoun on the Bicycle and Pedestrian Plan Advisory Committee, second by Mayor Pro Tem Shelton, with Councilman Woods, Mayor Pro Tem Shelton, Councilman Denmon and Councilwoman Potts voting affirmatively, motion carried.
 - c. Mayor Palmer reminded everyone of the public hearing on the Martin Carranza beer pouring license application for Los Gallos De Mexico Restaurant at 235 West Line Street, Suite 9, on September 22, 2003 at 7:00 p.m.
 - d. Mayor Palmer reported the following in reference to the recreation department:
 - 1) The football leagues for the recreation department are under way and participation by all age groups numbered 267 in 2002 and 265 in 2003.

He stated the mixture of participation is 34% city residents and 66% county residents.

- 2) For the fall soccer league, 2002 enrollment of all ages was 308. This year it is 338, with the city participation at 37% and county participation at 63%. He stated there are 60 members on all tournament teams, which makes a total of 398 for the 2003 season for soccer.
- 3) He stated preliminary plans have been drafted for the 58.5 acres and the plans will be reviewed with the Recreation Committee and then finalized for future development.

5. Council Comments:

a. Mayor Pro Tem Shelton stated:

- 1) During the month of August, the police department made 689 cases, of which 54 were warrants, 120 were for speeding and 515 other cases. They logged anticipated fines of \$118,000.00 and collected \$71,402.00 in previous fines. There were 10 DUI cases, 459 warnings and 73 highway accidents and 27 private property accidents with 4 injuries. They provided 102 escorts, completed 2,085 incident reports, responded to 146 alarms, and drove 54,829 miles on patrol. They responded to 6,948 calls for service via E-911.
- 2) The fire department responded to a total of 70 calls during the month of August, with estimated fire damages of \$16,000.00. The calls included 11 fire incidents, 19 EMS or rescue incidents, 12 hazardous condition incidents, 3 service calls, 2 good intention calls, 22 false alarms and 1 other type incident. The fire department continued training of all firefighters on hose testing and practices and conducted safety presentations at Step by Step Day Care's grand opening and at Office Depot. They conducted a hazardous material class for 27 new technicians at the police department, the Rome Bomb Squad, Calhoun-Gordon County Drug Task Force, Calhoun Fire Department, Gordon County EMS and hospital personnel. They conducted Haz-mat recertification for 35 Calhoun and Gordon County firefighters and police personnel. They completed all station and vehicle maintenance.
- 3) The fire inspector conducted 54 inspections in August: 9 annual, 8 new business, 20 requested and 17 follow up. The fire inspector also attended a pre-construction meeting for Home Depot.

b. Councilman Woods stated:

- 1) The electric department completed the underground primary service for the new Calhoun Elementary School. One phase conductor had to be repaired as a result of contractor damage. Transformers and terminals will progress with the building construction. They completed service to the Hy-Tech Convenience Store on Line Street, connected new service for Tony Ferrell's building (the former Impact Furniture building) and at the Gordon Central High School's pump station. They completed secondary connections and meter installations for Gordon Hospital and completed a 300 kVA underground pad mount installation for Eckerd Drug Store on Red Bud Road. Projects in engineering and design include the new lighting design for the Calhoun Elementary School. Home Depot service

continues to be in engineering as does the completion of the line expansion project along Curtis Parkway. During the month of July, the electric department responded to 52 street and security light requests, 47 new business and maintenance calls and 23 after-hour callouts.

- 2) The telecommunications department resolved the latest SPAM and virus attacks. They completed internet service to Fox Systems and Tiles of Calhoun. The part-time marketing person, Ray Irish, has made 18 contacts during the last two weeks of August and secured 3 new internet agreements for Foam Products, Dalton Warehouse Floors and Stanton Carpet. They also signed an agreement for T-1 service connection for Modern Fibers for the Georgia Public Web.
- 3) During the month of August, the electric department issued 18 permits, provided 64 inspections and set 22 meters. During the month of July, the electric department purchased 35,881,118 kWh of wholesale power.

c. Councilman Denmon stated:

- 1) The waste treatment plant treated an average flow of 8.415 million gallons per day (MGD.) The average BOD effluent was 7, the average suspended effluent was 11 and the average COD effluent was 83.
- 2) The water treatment plant pumped a daily average of 13.171 MGD of raw water, with the well on Brittany Drive pumping 24.6% of the city's raw water.
- 3) The water and sewer construction department completed 55 water taps and 5 sewer taps in August. They continued work on replacement of the downtown water and sewer lines and the Covington Bridge Road water line. They began changing over water taps to the new main lines in the Mill Village. They repaired 52 water leaks and 12 water meters. There were 5 meter change-outs and 62 miscellaneous calls. They installed 38 new water meters.
- 4) The building inspection department issued 50 permits in the month of August for total construction estimated at \$1,755,659.00, with new residential construction of \$1,500,000.00.

d. Councilwoman Potts stated:

- 1) During the month of August, the street sweeper cleaned 46 miles of curb and gutter. The street department hauled 83 loads of stone, placed 26 new street signs and completed 33 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, at the Calhoun Elementary School, Highpoint Drive, the recreation department, Cherry Hill Drive, Crest Drive, Gallman Avenue, Talley Avenue, Ridge Road and Hicks Street, using 111 tons of asphalt. They completed work at the old industrial landfill, seeding and strawing 20 acres. They ran the storm water maintenance plan on August 4, checking all the pipes and grates inside the city. They laid 24 feet of 12-inch pipe for a new driveway on Devonwood Drive. They dug out and poured 460 feet of sidewalk and installed 5 handicap ramps. They back-filled and grassed at the new sidewalk on Red Bud Road near the hospital. They worked on the DOT LARP list, getting streets ready for paving.

Those streets included East Line Street, Holly Drive, Beamer Road and Jones Road.

- 2) The sanitation department ran their commercial trash routes and serviced and washed vehicles. They gained two 4-yard commercial dumpster accounts.
- 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 continued work on the new recreation department pavilion.
- 4) The cemetery department marked and supervised the opening and closing of 10 gravesites. They sold 21 burial spaces. They assisted contractors with the installation of 7 new monuments. They performed routine maintenance at both Fain and Chandler Cemeteries.
- 5) There were 3 workers' comp accidents and 1 vehicle accident during the month. The safety committee inspected the administration locations.
- 6) Animal control housed 16 dogs and 12 cats during the month. They issued no warnings for leash law violations. They responded to 39 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. Councilwoman Potts stated she serves on the long-range planning committee for the First Baptist Church and she would abstain from any vote on the request filed by the church. 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-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. However, she had not received evidence of notification to adjoining property owners.
- c) Based on this information, Mayor Palmer asked for a motion to table. Councilwoman Potts made a motion to table, second by Councilman Woods, with Councilwoman Potts, Councilman Woods, Councilman Denmon and Mayor Pro Tem Shelton voting affirmatively, motion carried.
- 2) Mayor Palmer gave a second reading of a request for a zoning variance by James Eric Phillips for lots at 509 and 511 Harlan Street. The property is zoned R-2; however, it meets the rule of 40 years of single-family housing. The request is to allow building of multi-family housing.
- 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 heard this request on September 4, 2003. After much discussion regarding the 40-year rule of single-family housing, the Board, with the exception of Cathy Mathews, felt this was an area that had not retained the single-family characteristic. There are currently 120 apartments and 28 single-family homes in the area, with only one owner living in their own home. The board felt it was too late to accomplish what was intended in the July 22, 2002 40-year ordinance. She stated the recommendation based upon the variance criteria was to approve, with the stipulation that the owner be required to provide a hydrological study and also to extend the

nearby 6-inch water line and provide a fire hydrant from the 6-inch line in order to provide proper fire protection. These items are to be completed at the owner's expense.

- d) Mayor Palmer inquired if there were any comments by the applicant.
- e) Jim Phillips, father of Eric Phillips, stated he would ask the Council to consider this item for approval based upon the conditions that had been stated by Councilwoman Potts as findings from the Zoning Advisory Board. He stated the character of the neighborhood had definitely changed since he had lived in the area years ago.
- f) There were no other comments and the hearing was closed.
- g) Following discussion the findings of the Mayor and Council were as follows:

- (a) There are no extraordinary or exceptional conditions pertaining to the size, shape or topography of the lots.
- (b) The strict application of the zoning ordinance to this property would create an undue hardship on the applicant.
- (c) The conditions, as revealed by the applicant and staff are peculiar to this particular piece of property.
- (d) Relief, if granted, would not cause any substantial detriment to the public good or impair the purposes and intent of the ordinance.

- g) Based on these findings, Councilwoman Potts made a motion to waive the third and fourth reading and approve the request based upon the conditions of the water line extension and installation of a fire hydrant and a hydrological study of the property before permits can be issued. 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-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. However, due to the small amount of road frontage a variance would be required.

- 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 noted no one was in attendance to discuss the matter for the applicant or for the community and based upon a telephone request by Mr. Weaver, he would ask for a motion to table the matter until October 13, 2003 at 7:00 p.m.
- d) Councilwoman Potts made a motion to table the motion until that date and time, second by Councilman Woods, with Councilwoman

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

- 4) Mayor Palmer gave a second reading of a zoning variance request by the First Baptist Church of Calhoun, for 15 feet from the required setback off Fain and Pitts Street for new construction of a pre-school facility.
 - 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 on two occasions.
 - c) Councilwoman Potts stated the Zoning Advisory Board had also heard this matter on September 4, 2003. Based upon the fact that Pitts Street is a one way street and the structure would have entrances on both levels (one off Fain Street and one off Pitts Street,) based on a hydrological study and based on the fire protection the variance would allow, it was the recommendation of the Zoning Advisory Board to approve the request.
 - d) Mayor Palmer asked if there were any comments by the applicant.
 - e) Dr. Vaughn stated he was available to respond to any questions.
 - f) There were no questions and the public hearing was closed.
 - g) The findings of the Mayor and Council were as follows:

<ol style="list-style-type: none">(a) There are extraordinary or exceptional conditions pertaining to the size, shape and topography of the property.(b) The strict application of the zoning ordinance to this property would create an undue hardship on the applicant.(c) The conditions are peculiar to this particular piece of property. The zoning variance will allow the current fire safety requirements between buildings to be met.(d) Relief, if granted, would not cause any substantial detriment to the public good or impair the purposes and intent of the ordinance.
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- h) Councilman Woods made a motion to waive the third and fourth reading and approve the variance request based on the hydrological study, second by Councilman Denmon, with Councilman Woods, Councilman Denmon and Mayor Pro Tem Shelton voting affirmatively, and Councilwoman Potts abstaining, motion carried.

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

7. Old business: **none.**

8. New business:

- a. Mayor Palmer gave a first reading of a beer and wine pouring license for SOL, Inc., Evelyn Chastain, Manager, for the restaurant formerly known as City Grill at 915 Highway 53 East, Calhoun. Mayor Palmer stated the earliest date for a public hearing would be October 13, 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 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. He stated the earliest date for a public hearing would be October 13, 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 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:
 - 1) 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
 - 2) A variance on the allowable lot yield of 21 for the development to 23 lots.Mayor Palmer stated the earliest date for a public hearing would be October 13, 2003 at 7:00 p.m. Councilwoman Potts made a motion to set the public hearing for that date and time, second by Mayor Pro Tem Shelton, with Councilwoman Potts Mayor Pro Tem Shelton and Councilman Denmon voting affirmatively and Councilman Woods abstaining, motion carried.
- d. Mayor Palmer gave a first reading of a zoning change and zoning variance request by MetroGroup Development, LLC for the following:
 - 1) 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.
 - 2) Zoning variance to reduce the parking spaces as required by the ordinance from 90 to 56.
 - 3) A request for a 25-foot stream variance for the ditch on the western property line near the railroad bed.Mayor Palmer stated the earliest date for a public hearing would be October 13, 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.

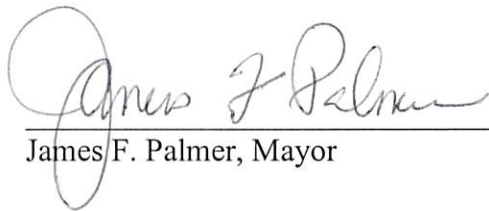
9. Other written items not on the agenda:

- a. Mayor Palmer asked for a motion to set a final hearing on the EIP and REBA Grants that were utilized for infrastructure improvements for the Kerry Industries Project off Salem Road. He stated the earliest possible date for that public hearing would be September 22, 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 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. The lot contains a single-family

home that has been in existence for over 40 years. Mayor Palmer stated the earliest date for a public hearing would be October 13, 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.

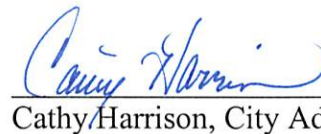
10. Work Reports:
 - a. Kelly Cornwell, Director of Utilities: **no report.**
 - b. Eddie Peterson, Director of Public Safety and Public Works, stated the streets throughout the city are undergoing numerous activities regarding water and sewer lines as well as construction by Atlanta Gas Light for replacement of their gas lines, which will allow them to have many years of serviceable lines in the ground for the Calhoun community. The construction for the gas lines is anticipated to be completed during the month of October. The gas company will send in a crew to do appropriate patching on both streets and sidewalks. Peterson stated the McDaniel Station Road improvements continue, with storm drainage and road improvements and the street should be reopened for traffic by the end of October.
11. Mayor Palmer asked if there was any need to move to executive session. There was none.
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:



James F. Palmer, Mayor

Submitted:



Cathy Harrison, City Administrator