

**CITY OF CALHOUN  
REGULAR CITY COUNCIL MEETING  
DEPOT COMMUNITY ROOM  
109 SOUTH KING STREET  
MARCH 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. Mayor Palmer welcomed members of the leadership group, including Jerry Crawford, Director of Water and Sewer.
3. Minutes of the February 24, 2003 regular City Council meeting were approved as written.
4. Mayor's comments:
  - a. Mayor Palmer stated a vacancy had occurred on the library board due to the resignation of Bob Agee. The board had submitted possible candidates. Mayor Palmer commended Mr. Agee for his years of service on the library board. He recommended appointment of Mr. Edward Weldon. Mayor Palmer stated Mr. Weldon earned a PhD degree in American History from Emory University, where he taught for years, as well as at Converse College. Mr. Weldon later entered the field of archives and records management, being the first archivist in the State of New York and Deputy Archivist of the United States. In 1982, he was named Director of the Georgia Department of Archives and History. He retired in 2000, the year he was honored with a Governor's Award in the Humanities. He is a past president and a fellow in the Society of American Archivists. He is married to the former Jane Powers, who is a resident of Calhoun. Councilman Woods made a motion to appoint Mr. Weldon to fill the unexpired term of Mr. Agee, second by Councilman Denmon, with Councilman Woods, Councilman Denmon, Councilwoman Potts and Mayor Pro Tem Shelton voting affirmatively, motion carried.
  - b. Mayor Palmer reminded the Council and public that April 20 through April 26 would be recognized as Georgia Cities Week.
  - c. Mayor Palmer reviewed a proposed resolution regarding Junior Miss Day and asked for adoption. Councilman Woods made a motion to approve, second by

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

- d. Mayor Palmer gave a first reading of a parade permit application, which had previously been a traditional parade, from Brent Parker for “March of the Cross” on April 18, 2003 at 4:00 p.m. Councilwoman Potts made a motion to approve the request for a traditional parade at that date and time, subject to DOT approval, second by Mayor Pro Tem Shelton, with Councilwoman Potts, Mayor Pro Tem Shelton, Councilman Woods and Councilman Denmon voting affirmatively, motion carried.

5. Council Comments:

a. Mayor Pro Tem Shelton stated:

- 1) The police department made 811 cases in the month of February 2003, with anticipated fines of \$117,385.00. They actually collected \$105,230.50 on previous cases. There were 10 DUI’s cases. They issued 401 warning tickets, responded to 77 highway accidents and 23 private property accidents, with 15 injuries. They provided 86 escorts, wrote 1117 incident reports, responded to 110 burglar alarms, and drove 60,731 miles on patrol. 6,030 came to the police department from 911.
- 2) The fire department responded to 65 calls during the month of February, with estimated fire damages of \$8,000.00. The fire department completed training during the month on records and reports. They assisted the police department with a road check, conducted a fire extinguisher and home safety class for the construction trade classes at Calhoun High School and completed all station and vehicle maintenance. Fire inspection performed 49 fire inspections and conducted a fire extinguisher class for 160 people, sold one fuel installation permit and attended three pre-construction meetings on the hospital expansion.

b. Councilman Woods stated:

- 1) The Harris Arts Center service has been relocated to accommodate the new theater. The Apache Industries chiller load addition is complete. Crews installed a 1,500 KVA pad mounted transformer and underground primary. The filter plant wiring and controls are complete. Program and testing is nearing completion. Well pump and high service pump electrical equipment is on order. Construction of the telecommunications building and interior are almost completed by city personnel. The enhanced security lighting of the water treatment plant is complete. Projects in engineering and design include line additions from College Street to Curtis parkway. This is planned to coordinate with a system-wide improvement project, which will include Curtis Parkway line expansion, coordinated fault protection and possibly a new electric substation for the 2003-2004 budget year. The Fox & Bridle building addition of 300 KW has been engineered and scheduled for construction in March. The new Calhoun Elementary School load is being incorporated in the Curtis Parkway system improvement project. There are 37 work orders in process for street and security lighting, 21 for new business and maintenance and there were 16 after hour trouble calls.

- 2) The telecommunications department assisted the vendors and computer installation for a network on missing children, installed drug task force and gang task force phone and computer networks for the police department. They started installation of an internet connection for the Seventh-day Adventist Church and assisted the library in adding 12 new workstations and a computer hub. They completed process for all public IP address changes, as requested by Georgia Public Web.
  - 3) During the month, the electric inspection department issued 12 permits, provided 50 inspections, set 16 meters. They sold 30,784,716 kWh of electricity during the month.
- c. Councilman Denmon stated:
- 1) The waste treatment plant treated a daily average of 11.25 million gallons per day (MGD.) The average BOD effluent was 19, the average suspended effluent was 23 and the average COD effluent was 95.
  - 2) The water and sewer construction department made 115 water taps during the month and 66 sewer taps. They installed 5 new fire hydrants in the unincorporated area of Gordon County. They changed 16 water connections from old lines to newer lines on Weber-Dale Drive. They made one 8 by 6 hot taps for development on Highway 41 at Brookstone Subdivision. They repaired 33 water leaks and 30 water meters and they changed out 8 meters.
  - 3) The water treatment plant treated a daily average of 11.371 (MGD) of raw water at the well and at the raw water intake.
  - 4) The building inspection department issued a total of 36 permits during the month of February for construction costs estimated at \$1,423,258. This included four new residential homes and five residential remodeling permits, one industrial addition and two new commercial buildings.
- d. Councilwoman Potts stated:
- 1) The street department street sweeper cleaned 31 miles of curb and gutter. They hauled 79 loads of stone and erected 27 new street signs. They completed 26 shop work orders. The weather has been a major factor in the completion of the downtown park. Bricks are being laid on the gazebo and the walkway. Bathrooms are under construction. The metal roof, fountain and clock will be installed in the near future. The street department ran storm water maintenance plans on February 21, checking all drains. They hauled 33 loads of top soil from Red Bud to the Old Harris-Beamer Road landfill. They installed 25 feet of drain pipe and built a 24 x 24 storm water box on May Street. They cleaned out ditches on Adair, Edwards and Maplewood Drive. They dug out and patched on Pisgah Way, Line Street and several other spots, using 58 tons of asphalt. They worked at the River Park, cleaning up storm debris and worked on roads at the brush stockpile yard.
  - 2) The sanitation department ran their commercial trash routes and 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 painted the inside of the Depot and the cemetery shop building.

- 4) The cemetery department marked and supervised the opening and closing of 10 gravesites and performed routine maintenance at Fain and Chandler cemeteries. They sold 3 burial spaces. They assisted contractors with the installation of 9 new monuments.
- 5) The safety committee inspected Fields Ferry Golf Course. There were 2 workers' comp accidents and 2 vehicle accidents during the month.
- 6) Animal control housed 5 dogs and 3 cats during the month, and issued 1 first warning and 2 second warnings for leash law violations. They responded to 17 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.
- 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) Mayor Palmer gave a second 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.
  - 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 any evidence from the applicants regarding notification to the adjoining property owners.
  - c) Mr. Anderson stated he understood he would not have to notify any of the adjoining property owners.
  - d) Attorney Bailey stated the matter was heard by the Zoning Advisory Board and no one attended the meeting on behalf of the applicants. However, the matter was carried forward. Without the notices being mailed to the adjoining property owners, it would not be proper for a final disposition of the matter and he would recommend the matter be disapproved on that basis.
  - e) Mayor Palmer stated in reference to prior similar circumstances, the matter could be extended until April 14, 2003 to allow Mr. Eubanks and Mr. Anderson an opportunity to notify the adjoining property owners and to bring the matter to the Mayor and Council for the rescheduled public hearing on April 14, 2003 at 7:00 p.m. However, he stated, to be fair to the applicant, he would ask the chairman of the Zoning Advisory Board to give a report on the recommended action by the Zoning Advisory Board.
  - f) Councilwoman Potts stated the matter came before the Zoning Advisory Board and following reports from the zoning committee composed of city department heads, it was ascertained as follows:

- (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 **not** create a hardship for the applicant.
- (c) There are no special conditions that are peculiar to the piece of property involved.
- (d) If relief is granted, it **would** cause substantial detriment to the public good or impair the intent and purposes of the zoning ordinance by failing to provide proper fire coverage for the subject property and its surrounding properties.

Based on these findings, the Zoning Advisory Board recommended denial of the request for variances.

- g) Mayor Palmer stated the extension of the public hearing until April 14 would allow Mr. Eubanks and Mr. Anderson the opportunity to mail notices to the adjoining property owners and to attend the meeting on that date for a continuation of the hearing.
- 2) 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, 14<sup>th</sup> District, 3<sup>rd</sup> Section of Gordon County, Georgia.
  - 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 March 6, 2003 at 4:30 P.M. at the Depot Community Room. Based upon information obtained from the Zoning Review Committee and from the applicant, it was determined by the Zoning Advisory Board as follows:

(1)	The proposal as stated would be suitable in view of the use and development of the adjacent and nearby property.
(2)	The zoning would not adversely affect the usability of the adjoining or nearby property.
(3)	The property, as it is currently zoned 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.
(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)	N/A
- d) Attorney Bailey stated the applicant, Attorney Ledbetter, was unable to attend because of a school board meeting at the same time. However, he had attended the Zoning Advisory Board and since no one had filed an objection to the request, he had told Mr. Ledbetter that he would explain his absence to the Mayor and Council.
- e) Mayor Palmer inquired if there were any other comments. There were none and the public hearing was closed.
- f) Councilwoman Potts made a motion to waive the third and fourth reading and approve the request for rezoning from R-1 to C-2 for the property at 165 Marine Drive. The motion was seconded by Councilman Woods, with Councilwoman Potts, Councilman

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

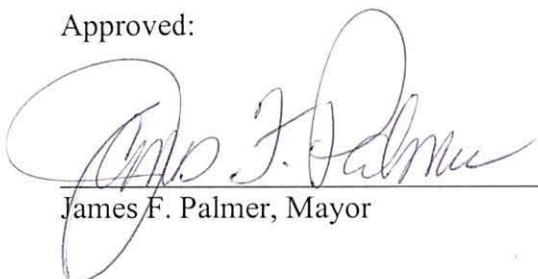
b. Other Hearings and Comments:

- 1) Mayor Palmer gave a second reading to the beer package license application of Fast Petroleum, Inc. at 1402 Highway 41 South, Sharon K. Wright, Alcohol Manager. Mayor Palmer opened a public hearing. He stated the police report for Ms. Wright was clear. He asked if there were any comments by the applicant. There were none. He asked if there were any comments by others. There were none. The public hearing was closed. Councilwoman Potts made a motion to approve the application, second by Councilman Woods, with Councilwoman Potts, Councilman Woods, Councilman Denmon and Mayor Pro Tem Shelton voting affirmatively, motion carried.
- 2) Mayor Palmer opened a public hearing on the water system improvements, which would be funded through the State Revolving Fund (SRF) administered by the Georgia Environmental Facilities Authority (GEFA.)
  - a) Director of Utilities Kelly Cornwell stated the project, which would be funded through the State Revolving Fund included improvements to the water treatment plant, primarily to the filtration, which would allow the permit to be expanded following completion of these improvements, but it also included installation of two additional tanks in the unincorporated area which would improve pressure and the capability of providing water at times when pumps are out.
  - b) Councilman Woods inquired if there would be any line expansion associated with the project.
  - c) Director Cornwell stated there would be additional line expansion to loop lines in several areas such as the 136 corridor on both ends; also, the Brownlee Mountain area would have expanded area. It would take approximately 18 to 24 months to complete the project, once bids were taken.
  - d) Mayor Palmer inquired if there were any other comments. There were none and the public hearing was closed.
- 3) Mayor Palmer opened a public hearing on the proposed CDBG application to be submitted by April 1, 2003 for water and sewer infrastructure improvements.
  - a) Director Cornwell stated the application, if successful, would allow water and sewer line improvements in the King Street to McConnell Road area and to Line Street to Highway 53 drainage basin area. He stated these were some of the older system lines in the city and if this project is funded, it would allow the city to have made approximately 80% improvements in the older lines within the community.
  - b) Mayor Palmer stated the application would be for \$500,000.00 and would be similar in nature to Phase I and II of the Mill Village project.

- c) Mayor Palmer inquired if there were any additional comments. There were none and the public hearing was closed.
  - d) Councilman Woods made a motion to authorize the Mayor to sign the application and all required documents. The motion was seconded by Mayor Pro Tem Shelton, with Councilman Woods, Mayor Pro Tem Shelton, Councilman Denmon and Councilwoman Potts voting affirmatively, motion carried.
7. Old business: **none.**
8. New business:
- a. Mayor Palmer gave a first reading of a pawn shop application by Cash One Payday Advance and Title Pawn, 374 South Piedmont Street and 1108 Red Bud Road, Delia Machel Rhymer, Manager of both locations. Mayor Palmer stated a second reading could be held March 24, 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.
  - b. Mayor Palmer gave a first reading of a request for R-1B zoning and annexation of a house and lot at 107 Daisy Street by Earl and Mary Lou Hilley. He stated the earliest date possible for a public hearing would be April 14, 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.
  - c. Mayor Palmer gave a first reading of a request for zoning of R-1B and annexation of a house and lot at 108 Daisy Street by Buren Max Gregory. Mayor Palmer stated the earliest date possible for a public hearing would be April 14, 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.
  - d. Mayor Palmer gave a first reading of a rezoning request by Randy and Robin Freeman as agents for Jerry Phillips for property located at 307 Henderson Bend Road. The request is to rezone from C-2 to R-2 to expand apartments on the adjoining the property. Mayor Palmer stated the earliest date possible for a public hearing would be April 14, 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.
  - e. Mayor Palmer gave a first reading of a zoning variance request for Tires, Inc. for an extension of one year (first renewal request) for a construction trailer on site at 301 Wellco Lane. Mayor Palmer stated the earliest date possible for a public hearing would be April 14, 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.

- f. Mayor Palmer gave a first reading and review of a fee ordinance regarding fire prevention violations in Municipal Court. Eddie Peterson, Director of Public Safety and Public Works reviewed the proposed ordinance and the dollars associated with the various violations. Mayor Palmer stated the request could have a public hearing set for March 24, 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.
  - g. Eddie Peterson, Director of Public Safety and Public Works reviewed the bids for the StreetScape project. He stated DOT had recommended the low bid of Valley Crest Landscape for the project. Peterson reviewed the work that would be accomplished in the downtown area and also reviewed the funding. He stated the city will have met its required match of 20% by the time the project starts, for engineering fees since the project has been under way. He stated the project would begin once the water, sewer and drainage work had been completed. Following discussion, Councilman Denmon made a motion to award the contract to Valley Crest Landscape for the base amount of \$339,677.00, with the possibility of alternates as had been bid. The motion was seconded by Councilman Woods, with Councilman Denmon, Councilman Woods, Councilwoman Potts and Mayor Pro Tem Shelton voting affirmatively, motion carried.
9. Other written items not on the agenda:
- a. Mayor Palmer gave a first reading of a request by Brent Erwin as agent for Haley Stephens for zoning C-2 and annexation of a lot that would be utilized for a car wash off of Warrior Path. Mayor Palmer stated the earliest possible date for a public hearing would be April 14, 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.
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 Mayor Pro Tem Shelton, with Councilman Woods, Mayor Pro Tem Shelton, Councilman Denmon and Councilwoman Potts voting affirmatively, motion carried.

Approved:

  
James F. Palmer, Mayor

Submitted:

  
Cathy Harrison, City Administrator