

**CITY OF CALHOUN
REGULAR CITY COUNCIL MEETING
DEPOT COMMUNITY ROOM
109 SOUTH KING STREET
JULY 8, 2002, 7:00 P.M.**

MINUTES

**PRESENT: James F. Palmer, Mayor
John D. Shelton, Jr., Mayor Pro Tem
Ronald H. Woods, Councilman
Lorene Potts, Councilwoman**

ABSENT: Ray M. Denmon, Councilman

**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. 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 June 17, 2002 regular City Council meeting were approved as written.
4. Mayor's comments:
 - a. Mayor Palmer welcomed Danny Stephens as the new water plant superintendent, replacing Estes Pass.
 - b. Mayor Palmer stated the GMA Conference held June 22-26, 2002 in Savannah was one of the best conferences he had attended in some time. He stated there were several things handled in a different manner from the past. The groups had district caucuses and the caucus group from North Georgia determined they would establish quarterly meetings, with the first meeting being in the Calhoun area. He stated they also reviewed the legislative agenda for the upcoming year and reviewed the items that had been passed during the previous legislative session.
 - c. Mayor Palmer stated the Golf Advisory Commission had recommended reappointment of three members: Rae Quinn, Ricky Lake and Rick Brown, for six year terms. Following discussion, Councilman Woods made a motion to reappoint Rae Quinn, Ricky Lake and Rick Brown for six year terms beginning July 1, 2002. The motion was seconded by Mayor Pro Tem Shelton, with Councilman Woods, Mayor Pro Tem Shelton and Councilwoman Potts voting affirmatively, motion carried.
 - d. Mayor Palmer stated United Way had requested the city's support for the annual Unity Run in downtown Calhoun on August 22, 2002 at 7:00 P.M. He stated their request included assistance from the street department and the police department regarding rights-of-way for their run.

5. Council Comments:

a. Mayor Pro Tem Shelton stated:

- 1) The police department made 864 cases in the month of June 2002, with anticipated fines of \$134,837.00. They had 16 cases of driving under the influence; 229 speeding citations were issued; 459 warning tickets were issued. \$92,750.00 in fines was collected from previous cases. They worked 72 accidents, provided 72 escorts and responded to 144 alarms. They logged 59,353 miles on patrol during the month.
- 2) The fire department responded to 55 calls with damages of \$156,250.00. They responded to 14 accidents, 10 with injuries. They responded to 15 false alarms and provided 29 inspections. The firefighters continued to receive training and also provided training for local corporations.

b. Councilman Woods stated:

- 1) The electric department continued to correct and repair operational problems resulting from the May 1 storm. He stated thunder storms during the month of June had caused additional problems with limbs falling on service lines, etc. He stated MEAG had furnished substation additions, which were placed in service in June. Now, local crews are installing main line switches that will provide the system interconnections during the month of July. The electrical service for the training center on Highway 53 Spur continues to be an ongoing project for the department, as well as service to the McDaniel Station Road industrial area. Construction of underground electrical facilities continues at the Brian Wright project on Peters Street, at Owens Apartments on Harlan Street and Stewart Apartments on Forest Heights.
- 2) Telecommunications system has installed a new T-1 service for Mohawk, a T-1 internet service for Georgia Tufters, and Phillips Staffing has also added a 128k internet service and a 256k internet service is being installed for Fox & Brindle. The airport is in the process of being added to the city's telephone and data network system. Bids for the telecommunications building have been received, with Fox & Brindle being selected as the low bidder. The building will replace the facility damaged during the May 1 storm.
- 3) The generator operated 23 hours in June and produced approximately 486,700 kWh of electricity at an average price of 5.64¢ per kWh. The energy market remains soft, with market prices generally at or below the generator strike price.
- 4) During the month of June, the electric department issued 24 permits, provided 44 inspections, set 15 meters and purchased 31,462,728 kWh of wholesale power for resale.

c. Mayor Palmer provided the report for Councilman Denmon who is at summer Army Reserve Camp, stating:

- 1) The water treatment plant treated a daily average of 12.264 million gallons per day (MGD) of raw water during the month. Well number 3 was not operational during the month of June. However, it has been placed back on line during the month of July.
- 2) The waste treatment plant treated a daily average of 7.508 MGD. The average BOD effluent was 11, the average suspended effluent was 14 and the average COD effluent was 91.

- 3) The water and sewer construction department made 67 water taps in the month of June and 12 sewer taps. They completed work on a 6-inch water line on Riverview Drive. They installed 2700 feet of 6-inch water line on Nelson Road and installed 600 feet of water line in the new Boswell Estates off of Miller's Ferry Road and installed 480 feet of 12-inch sewer line in the Brent Stepp commercial development on Curtis Parkway.
- d. Councilwoman Potts stated:
- 1) The street department sweeper cleaned 35 miles of curb and gutter. The department hauled 48 loads of stone, placed 13 street signs and completed 29 shop work orders. They continued cleaning up storm debris during the month, with the free pickup of large debris ending on June 21. The city brought in contractors with large track-hoe loaders and tandem dump trucks to finish the large tree and stump removal. City crews continue to clean up and provide their regular brush routes for pickup. Residents are asked not to bring stumps or large trees to the street for pickup any longer. The street department hauled 120 tons of sand to the Depot to assist with the "Sunny Beach Street" party during the month.
 - 2) The sanitation department ran their commercial trash routes, serviced and washed vehicles and gained one 4-yard dumpster account during the month. They purchased a 2002 Mack front-loader trash vehicle.
 - 3) The parks department personnel provided routine maintenance on city property, water tank sites and right-of-ways. The maintenance crew worked on repairs at various city departments.
 - 4) The cemetery department marked and supervised the opening and closing of 11 gravesites and performed routine maintenance at Fain and Chandler cemeteries.
 - 5) The safety committee reported 2 workers' comp accidents. No vehicle accidents were reported during the month. They conducted a safety inspection of the fire department.
 - 6) Councilwoman Potts stated the Main Street Partnership Board wished to close King Street at the corner of Oothcalooga Street north 160 feet to the edge of Hardee's entrance, and Oothcalooga Street from the railroad west of King Street, past the entrance to the parking lot for the August 9 "Celebration of the 50's." Councilwoman Potts made a motion to close the streets as listed, second by Councilman Woods, with Councilwoman Potts, Councilman Woods and Mayor Pro Tem Shelton voting affirmatively, motion carried.
 - 7) Councilwoman Potts also stated on July 19, 2002 there would be a gospel singing in the new community park. She stated details would follow.
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.

- 1) Mayor Palmer read a zoning variance request by Gordon County Training Center for location of two mobile offices for a new training center on Highway 53 West on a portion of the old Experiment Station property.
 - 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 met on this matter on July 3, 2002 at 4:30 P.M. A quorum was not present. However, each item was discussed with those members present. She stated the representative, Mr. James Joy, of the training center, had reported that one of the two units would be a new unit, which has a DCA stamp. The other is being reviewed and hopefully will be certified by DCA within the next ten days. She stated according to Mr. Joy, the units will be placed on permanent foundations, will have shingle roofs and siding to match the new facility being constructed. The facilities will be placed on septic tanks at this time. She also stated the current fire code calls for a fire hydrant to be located within 300 feet of the units. However, the training center had purchased a fire tap on Highway 53 Spur, which is approximately 200 additional feet further from the units. Therefore, they have requested a variance of 200 feet, since they would presently be unable to comply with the fire code. Councilwoman Potts stated the property is owned by Gordon County and the county is not legally required to apply for a zoning variance. However, they are complying with the policy the city follows in requesting the variance.
 - d. Mayor Palmer inquired if there were any comments by the applicant or the public. There were none and the public hearing was closed.
 - d) Councilwoman Potts made a motion to approve the recommendation regarding the variance for the mobile units and also to grant a 200-foot variance for the fire hydrant, indicating the mobile units would be on property owned by Gordon County and would be erected in a manner to coordinate with the new construction, would be set on permanent foundations with shingle roofs and siding to match the new building. The motion was seconded by Councilman Woods, with Councilwoman Potts, Councilman Woods and Mayor Pro Tem Shelton voting affirmatively, motion carried.
- 2) Mayor Palmer gave a second reading of a request for new zoning of R-1 and annexation by Loel McKinnon for a house and lot on Fuller Street.
 - a) Mayor Palmer stated the city had been informed that the legal notices had not been mailed to the adjoining property owners. Therefore it would be necessary to hold the item over until August 12, 2002.
- 3) Mayor Palmer gave a zoning variance request by Larry Rhinehart, d/b/a L&D Computers, to allow a mobile unit office at 655 Red Bud Road until

the office building has been repaired or rebuilt due to the May 1, 2002 storm.

- 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 also reviewed this matter with those members present on July 3, 2002. She stated this emergency situation arose due to the May 1 storm and the need for Mr. Rhinehart to continue his business during the rebuilding of his leased office. She stated based on the amount of construction that has been completed on the building to date, it would only be necessary for the variance to be granted for approximately 90 days.
 - d) Mayor Palmer inquired if there were any comments from the applicant or the public. There were none and the hearing was closed.
 - e) Councilwoman Potts made a motion to grant a 90 day variance for Mr. Larry Rhinehart due to the emergency conditions created by the May 1 storm, second by Councilman Woods, with Councilwoman Potts, Councilman Woods and Mayor Pro Tem Shelton voting affirmatively, motion carried.
- 4) Mayor Palmer gave a second reading of a zoning variance request by Mitch Talley for 14 feet to allow construction of a garage at 114 Hillcrest Drive.
- 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 members present had reviewed this matter also on July 3, 2002 and had determined that the applicant desired to build a detached garage. The variance would be from the street and not from a side or back property line. There had been no objections by the adjoining property owners.
 - d) Mayor Palmer inquired if there were any comments by the applicant or the public. There were none and the hearing was closed. Councilman Woods made a motion to approve the variance request for 14 feet to allow construction of a garage at 114 Hillcrest Drive, second by Councilwoman Potts, with Councilman Woods, Councilwoman Potts and Mayor Pro Tem Shelton voting affirmatively, motion carried.
- b. Other Hearings:
- 1) Mayor Palmer opened a public hearing on the beer pouring application of Vickey Brown for Losposada Restaurant at the Knight's Inn on U. S. Highway 41 North. Mayor Palmer stated the police report for Ms. Brown was clear. He inquired if there were any other comments from the public. There were none and the hearing was closed. Councilwoman Potts made a

motion to approve the request, second by Councilman Woods, with Councilwoman Potts, Councilman Woods and Mayor Pro Tem Shelton voting affirmatively, motion carried.

- 2) Mayor Palmer opened a public hearing regarding renovation of the older portion of the sewer plant, utilizing a state revolving loan. Engineer Bob Peoples stated the project resulted from a study which was started by him approximately 6 months ago, in which it was determined that upgrading the older portion of the plant would allow the city to have additional capacity equating to 4 million gallons per day. This would be a portion of the 16 million gallons per day which is permitted by the stated. He stated the project would require a state revolving fund loan of approximately \$4.6 to \$4.8 million dollars. He stated the project would allow the system to grow and expand. Mayor Palmer asked if there were any other comments by the Council or staff. There were none and the hearing was closed.

7. Old business: **none.**

8. New business:

- a. Mayor Palmer stated the city had received two traditional parade requests:
 - 1) Cherokee Capital Fair, Saturday, September 7, 2002 at 11:00 A.M. Councilwoman Potts made a motion to approve for that date and time, subject to DOT approval, second by Councilman Woods, with Councilwoman Potts, Councilman Woods and Mayor Pro Tem Shelton voting affirmatively, motion carried.
 - 2) Calhoun Christmas Parade, Friday, December 6, 2002 at 7:00 P.M. Councilman Woods made a motion to approve the request for that date and time, subject to DOT approval, second by Mayor Pro Tem Shelton, with Councilman Woods, Mayor Pro Tem Shelton and Councilwoman Potts voting affirmatively, motion carried.
- b. Mayor Palmer gave a first reading of a request for zoning of PRD (Planned Residential Development) and annexation by Worth Enterprises, Inc., Donald Hollingsworth, President, for approximately 175 acres off Dews Pond Road. Mayor Palmer stated the earliest date for a public hearing would be August 12, 2002 at 7:00 P.M. Councilwoman Potts made a motion to set the public hearing at that date and time, second by Councilman Woods, with Councilwoman Potts, Councilman Woods and Mayor Pro Tem Shelton voting affirmatively, motion carried.
- c. Mayor Palmer gave a first reading of a request by Flipper McDaniel to rezone property at 317.5 Cherry Hill Drive from R-2 to C-N. Mayor Palmer stated the earliest date for a public hearing would be August 12, 2002 at 7:00 P.M. Councilman Woods made a motion to set the public hearing at that date and time, second by Councilwoman Potts, with Councilman Woods, Councilwoman Potts and Mayor Pro Tem Shelton voting affirmatively, motion carried.
- d. Mayor Palmer gave a first reading of a zoning variance request by Adventist Health Systems, Inc. for a 40-foot height variance for a hospital addition at 1035 Red Bud Road. Mayor Palmer stated the earliest date for a public hearing would be August 12, 2002 at 7:00 P.M. Councilman Woods made a motion to set the public hearing at that date and time, second by Councilwoman Potts, with

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

- e. Mayor Palmer gave a first reading of a request for a beer pouring license by Kurani Pizza, Inc., Shiraz Charanice, Manager, doing business as Pizza Hut at 613 Highway 53 East. Mayor Palmer stated the earliest date for a public hearing would be August 12, 2002 at 7:00 P.M. Councilwoman Potts made a motion to set the public hearing at that date and time, second by Councilman Woods, with Councilwoman Potts, Councilman Woods and Mayor Pro Tem Shelton voting affirmatively, motion carried.
9. Other written items not on the agenda:
- a. Mayor Palmer stated the Coosa Valley Technical College had requested a \$150,000.00 loan from the Revolving Loan Fund in order to purchase additional property for the school's campus. He stated the earliest possible date for a hearing would be July 22, 2002 at 7:00 P.M. Councilman Woods made a motion to set the public hearing at that date and time, second by Councilwoman Potts, with Councilman Woods, Councilwoman Potts and Mayor Pro Tem Shelton voting affirmatively, motion carried.
10. Work Reports:
- a. Kelly Cornwell, Director of Utilities: **none**.
 - b. Eddie Peterson, Director of Public Safety and Public Works: **none**.
11. Mayor Palmer asked for a report from Attorney Bailey. Attorney Bailey stated that per the June 17, 2002 meeting, at which time the Mayor and Council issued a moratorium for permits for R-2 zoned areas in which a single-family house was located or had previously been located. He stated he had drafted an amendment to the zoning ordinance addressing that issue and other issues that had resulted due to the May 1, 2002 storm, which accentuated the problems caused from the former zoning of R-2 in which single-family housing was zoned under this zoning, since they did not qualify for R-1 zoning.
- a. Attorney Bailey stated the first item addressed in the ordinance amendment was that of the definitions of mobile homes and manufactured homes. He stated according to the state code, the language presently preferred is manufactured housing. The proposed amendments would change the language to indicate that mobile homes include those that were manufactured prior to June 15, 1976 and those manufactured after that date would be referred to as manufactured housing.
 - b. Attorney Bailey stated the amendment to the ordinance would allow those neighborhoods which have historically been single-family areas, even though they are zoned R-2, to remain single-family housing areas if the lots of record have existed for 40 years or more. He stated the current ordinance does not allow any single-family housing in R-2 zoning. However, the ordinance amendment would allow those individuals who have lots of record for more than 40 years with single-family housing to apply for a variance and rebuild a single-family house or repair a single-family house that might have been damaged during the May 1 storm.
 - c. He also stated an additional change was the requirements for manufactured housing, which would require a minimum acreage of 5 acres, with a maximum of 3 manufactured homes per acre on a minimum lot of 10,000 square feet, with a lot being 50 feet wide or more.

- d. He stated there would also be an amendment which would codify current policy as it regards modular units which are used for educational and construction purposes. He stated modular units for educational purposes could possibly have a variance for twelve months with any that needed longer time to have a renewal applied for through the zoning variance process. He also stated construction trailers would be permitted through the building inspection department and would not be required to go through the zoning variance process.
 - e. Mayor Palmer stated the public hearing on the amendments would be held on July 22, 2002 at 7:00 P.M. on this matter and further hearings would be held if needed.
12. Mayor Palmer stated it was not necessary to move to executive session at this time.
12. Councilman Woods made a motion to adjourn, second by Mayor Pro Tem Shelton, with Councilman Woods, Mayor Pro Tem Shelton and Councilwoman Potts voting affirmatively, motion carried.

Approved:



James F. Palmer, Mayor

Submitted:



Cathy Harrison, City Administrator