

**CITY OF CALHOUN
REGULAR CITY COUNCIL MEETING
DEPOT COMMUNITY ROOM
109 SOUTH KING STREET
SEPTEMBER 9, 2002, 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, welcomed everyone in attendance and gave the invocation.
2. Mayor Palmer led the group in the Pledge of Allegiance to the United States Flag.
3. Minutes of the August 26, 2002 regular City Council meeting were approved as written.
4. Mayor's comments:
 - a. Mayor Palmer stated there had been two public hearings for the school budget and the slight increase in the tax millage rate for the school for 2002-2003, held at 10:00 a.m. and 3:00 p.m. He stated the third public hearing would be held on September 23, 2002 at 6:30 p.m.
 - b. Mayor Palmer stated the Arts Council is requesting to reschedule their production, "A Little Night Music" concert, from their original date of September 7, 2002 to October 5, 2002. They requested a street closing on Piedmont Street in the same area. Following consideration, Councilman Woods made a motion to approve, second by Councilwoman Potts, with Councilman Woods, Councilwoman Potts, Councilman Denmon and Mayor Pro Tem Shelton voting affirmatively, motion carried.
 - c. Mayor Palmer stated he had received a request from the Housing Authority to reappoint Larry Roye to the authority for a term that would expire April 24, 2007. Following review, Councilman Woods made a motion to reappoint Larry Roye to the Calhoun Housing Authority Board, for a term expiring on April 24, 2007, second by Councilman Denmon, with Councilman Woods, Councilman Denmon, Councilwoman Potts and Mayor Pro Tem Shelton voting affirmatively, motion carried.
 - d. Mayor Palmer stated the Main Street Partnership would sponsor a September 11, 2002 "Remember 9-11" meeting from 9:00 to 9:30 a.m. at the Depot. He also announced there would be a similar remembrance at 1:30 p.m. at the new county complex.

5. Council Comments:

- a. Mayor Pro Tem Shelton read a proposed proclamation regarding “Remember 9-11.” Following review, Councilman Woods made a motion to adopt the proclamation, second by Councilman Denmon, with Councilman Woods, Councilman Denmon, Councilwoman Potts and Mayor Pro Tem Shelton voting affirmatively, motion carried.
- b. Mayor Pro Tem Shelton stated:
 - 1) During the month of August 2002, the police department made 917 cases, with anticipated fines of \$165,580.00. He stated 21 of the cases were for driving under the influence; 202 speeding citations were issued; 554 warning tickets were issued. \$84,447.66 in actual fines were collected from previous cases.
 - 2) The fire department responded to 73 calls for service with estimated fire damages of \$55,500.00. They responded to 25 accidents, 17 with injuries. They responded to 9 false alarms. They also responded to two single-family dwellings, one restaurant, one industry, five vehicle fires, four grass fires, one trash fire, four mutual aids, 7 hazardous material leaks, four live wires and 10 other miscellaneous calls. During the month, they completed training for all firefighters on incident command, fire hydrant location, streets and maps. They participated at the “Camp Sunshine” at Belwood School. Members attended a 40-hour incident command school conducted by the federal government at Texas A & M. They coordinated and participated in the hazardous materials weapons of mass destruction drills with the 4th WMD Civil Support Team from Dobbins, with the Calhoun police department, the county fire department, Gordon County emergency management services, GEMA and other local, state and federal agencies. They assisted with the United Way Fun Run and completed all routine station and vehicle maintenance. The fire inspector conducted 39 inspections and attended two pre-construction planning meetings.
 - 3) Mayor Palmer stated following the 9-11 incident one year ago, America had recovered and united together because it is a strong nation. He stated it is important for the country to remember the day and show their appreciation to those services that are rendered on a daily basis for the protection of the citizens. Mayor Palmer stated our current Homeland Security Director, Chief Therrell Goswick, has agreed to serve on a statewide committee and as such has found that it might be a conflict of interest with him serving as the local Homeland Security Director. Following this notification, Mayor Palmer asked that the Council consider appointing Lenny Nesbitt as the Homeland Security Director. Following discussion, Councilman Woods made a motion to appoint Fire Chief Lenny Nesbitt as the city’s Homeland Security Director, second by Mayor Pro Tem Shelton, with Councilman Woods, Mayor Pro Tem Shelton, Councilman Denmon and Councilwoman Potts voting affirmatively, motion carried.
- b. Councilman Woods stated:
 - 1) Similar to the song by Ray Stephens regarding an out of control squirrel, a similar squirrel had caused a considerable amount of damage at substation #2 on Friday, August 30. He stated the squirrel contacted the bus side primary on circuit N6462. The damage was extensive on the MEAG

owned breaker. However, the electric crews were able to bypass the affected equipment and restore service in about 45 minutes. Repair is under way by MEAG service construction at this time. Additional primary installations were completed at the Wayne Hall project, the high school football concession stand area, and others. The electric system personnel have performed 74 street and security lighting work orders throughout the electric service area. A total of 125 work orders for new business and maintenance were performed by the crews during the month.

- 2) Telecommunications system has made a number of new installations during August. The airport is now interconnected to the city's phone system. The new T-1 internet connections are under construction for Georgia Cumberland Academy and Mannington Industries. Additionally, a 128k service for Precision Computer and a VPN connection for Apache Mills has been installed. The Calnet crews have assisted in repairs of cut fiber and copper communications at Gordon Hospital and Mohawk Industries. A review and study of new network switch equipment is under way as a result of a manufacturer stopping production and support of some of our current equipment. The replacement Calnet building has been permitted and started on a site adjacent to the electric department.
- 3) The generator operated 94 hours in July, producing 1.9 million kWh at an average price of 5.17¢. The energy market was soft during the month of August permitting limited hours of operation.
- 4) During the month of August, the electric department issued 43 permits, provided 45 inspections, set 29 meters and purchased 34,755,545 kWh of wholesale power for resale.
- 5) Councilman Woods stated that on September 13, there will be a tailgate party for the Calhoun High School Yellow Jacket team, sponsored by the First Methodist Church at 6:00 p.m. He stated everyone was invited to attend.

c. Councilman Denmon stated:

- 1) The water treatment plant treated a daily average of 15.179 million gallons per day (MGD) of raw water during the month. Well #3 pumped an average of 1.3 MGD.
- 2) The waste treatment plant treated a daily average of 7.271 MGD. The average BOD effluent was 11, the average suspended effluent was 16 and the average COD effluent was 97.
- 3) The water and sewer construction department made 37 water taps in the month and 6 sewer taps. They installed 3,300 feet of 6-inch water line along the Brown Farm Road. They repaired 105 water leaks and 21 meters. They made 8 change outs and responded to 75 other calls.
- 4) The building inspector issued 112 permits during the month of August for total construction of \$3,634,300.00. They provided a total of 276 inspections.

d. Councilwoman Potts stated:

- 1) The street department hauled 66 loads of stone, installed 22 street signs and completed 21 shop work orders. The street sweeper cleaned 43 miles of curb and gutter. Work continues on the new BB&T park in the downtown area. Grading and fill dirt is near completion. Utilities are being placed under ground and construction of the park will begin this

month. He stated the street department dug out and poured 20 feet of curb and sidewalk and a dumpster pad at the middle school. They removed and poured two driveway aprons, 55 feet of sidewalk and 56 feet of curb and gutter on Woodland Avenue that was damaged during the storm. They dug out and patched streets on Richardson Road, Line Street, Pisgah Way, Burton Drive, Peters Street, Erwin Street and Woodland Avenue, using 35 tons of asphalt. They cleaned out ditches along right-of-way on Riverview Drive, cleared brush and stumps that fell during the storm from Colbert Cemetery Road, and helped with the setup of the 50's party at the Depot.

- 2) The sanitation department ran their commercial trash routes and they serviced and washed vehicles.
- 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 and assisted with building new offices at the electric department.
- 4) The cemetery department marked and supervised the opening and closing of 8 gravesites and performed routine maintenance at Fain and Chandler cemeteries.
- 5) The safety committee reported 3 workers' comp accidents and 3 vehicle accidents during the month. They conducted a safety inspection of the water plant.
- 6) The animal control department housed 30 dogs and 11 cats. They issued 2 first warnings, 2 second warnings and 1 third warning for leash law violations and responded to 49 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.

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 read a request by Roy and Jean Chastain for zoning of R-1A and annexation of a house and lot at 102 West 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 met on this matter on September 5, 2002 at 4:30 P.M. However, a quorum was not present and there was no official recommendation regarding the item. Councilwoman Potts did state the Zoning Review Committee composed of department heads had met on August 29, 2002 and a recommendation of the building inspector had been to zone the property at R-1B, since the size of the house would fit that designation better under the new ordinance for the city.
 - d) Mayor Palmer inquired if there were any comments by the applicant or the public. There were none and the public hearing was closed.
 - e) Following review of the four standards of variance considerations, the Mayor and Council made the following findings, numbered in accordance to the standards listed above:

- (1) Yes, property will be residential in a residential area.
- (2) No, should not adversely affect usability of nearby property.
- (3) Property has a reasonable economic use as proposed to be zoned.
- (4) Will not cause a burdensome use on existing infrastructure, facilities, utilities or schools.
- (5) No substantial capital cost to serve.
- (6) The request fits within the long-range plans and land use plans for the city.

(7)	N/A
(8)	N/A

- f) Councilwoman Potts made a motion to zone the property R-1B and annex, second by Councilman Woods, with Councilwoman Potts, Councilman Woods, Councilman Denmon and Mayor Pro Tem Shelton voting affirmatively, motion carried.
- 2) Mayor Palmer read a zoning variance request by Luke Lovingood for construction of a 12 x 40 foot awning on the front of his business at 836 North Wall Street.
 - a) Attorney Bailey stated the matter was reviewed by those members of the Zoning Advisory Board that were present and Mr. Lovingood had an opportunity to ask questions. However, he did state there was an unclear report as to the exact variance that would be required due to the width of the right-of-way. He asked that this property be measured by the building inspector and a report issued to the Mayor and Council in order that they may make a more informed vote on the matter at the September 23 meeting.
 - b) Following discussion, Councilman Woods made a motion to table the matter until September 23, 2002, second by Councilwoman Potts, with Councilman Woods, Councilwoman Potts, Councilman Denmon and Mayor Pro Tem Shelton voting affirmatively, motion carried.
- 3) Mayor Palmer reviewed a request by Flipper McDaniel to rezone property at 802 South Wall Street from R-1 to C-2.
 - 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) Attorney Bailey stated the property included a sewer easement and also a creek, which would need to be maintained according to state regulations. The property owner had been so notified.
 - d) Mayor Palmer inquired if there were any comments by the applicant or the public. There were none and the public hearing was closed.
 - e) Following review of the four standards of variance considerations, the Mayor and Council made the following findings, numbered in accordance to the standards listed above:

(a)	Property is in a low area with a creek and a major sewer line easement.
(b)	The residential zoning would be a hardship for continuing use since the area is predominately commercial zoning.
(c)	N/A.
(d)	Changing of the zoning would not negatively affect the public good or impair the use of the ordinance.
 - f) Councilman Woods made a motion to rezone the property from R-1 to C-2, second by Councilman Denmon, with Councilman Woods, Councilman Denmon, Councilwoman Potts and Mayor Pro Tem Shelton voting affirmatively, motion carried.

b. Other Hearings: none.

7. Old business:
 - a. Mayor Palmer reviewed a solid waste 5-year plan update resolution calling for transmission and review of the update by Coosa Valley RDC. Councilwoman Potts made a motion to adopt the resolution, second by Mayor Pro Tem Shelton, with Councilwoman Potts, Mayor Pro Tem Shelton, Councilman Woods and Councilman Denmon voting affirmatively, motion carried.
 - b. Mayor Palmer reviewed a resolution for the SRF loan for drinking water improvements at the water plant, which would also include construction of two new storage reservoirs and associated water line improvements. The resolution would not only approve the application but would authorize the Mayor to sign. Councilman Denmon made a motion to adopt the resolution, second by Mayor Pro Tem Shelton, with Councilman Denmon, Mayor Pro Tem Shelton, Councilman Woods and Councilwoman Potts voting affirmatively, motion carried.

8. New business:
 - a. Mayor Palmer gave a first reading of a zoning variance request by T. Joseph Campbell for east (back) and north (side) of the property in order to construct an addition to the existing house at 415 Pisgah Way. He stated the earliest date for a public hearing would be October 14, 2002 at 7:00 p.m. Councilman Denmon made a motion to set the public hearing at that date and time, second by Councilwoman Potts, with Councilman Denmon, Councilwoman Potts, Councilman Woods and Mayor Pro Tem Shelton voting affirmatively, motion carried.
 - b. Mayor Palmer gave a first reading of a request by Russell Owen for a zoning variance for partial relief of the required buffer between R-1 and R-2 zoned property at Harmony Church Road and Park Place. The variance would be for 20 feet at the widest point and one foot at the most narrow point for the variance, extending approximately one-half of the length of the building area. Mayor Palmer stated the earliest date for a public hearing would be October 14, 2002 at 7:00 p.m. Councilwoman Potts made a motion to set the public hearing at that date and time, second by Councilman Denmon, with Councilwoman Potts, Councilman Denmon, Councilman Woods and Mayor Pro Tem Shelton voting affirmatively, motion carried.

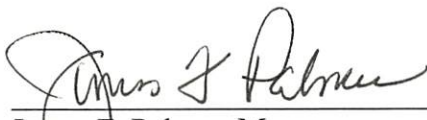
9. Other written items not on the agenda:
 - a. Mayor Palmer gave a first reading of a request by the city school system for a mobile unit to be located at the elementary school in the rear. He stated the earliest date for a public hearing would be October 14, 2002 at 7:00 p.m. Councilman Denmon made a motion to set the public hearing at 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 stated the city school system had filed a recommendation for their appointment for the Library Board to replace Sylvia Brumbelow, who was resigning due to health problems. The recommendation was to appoint Julie Stephens to fill Sylvia Brumbelow's unexpired term until February 2004.

Following discussion, Mayor Pro Tem Shelton made a motion to appoint Julie Stephens to the Library Board to fill the unexpired term of Sylvia Brumbelow, second by Councilwoman Potts, with Mayor Pro Tem Shelton, Councilwoman Potts, Councilman Woods and Councilman Denmon voting affirmatively, motion carried.

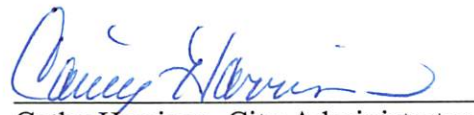
10. Work Reports:
 - a. Kelly Cornwell, Director of Utilities: **none.**
 - b. Eddie Peterson, Director of Public Safety and Public Works: **none.**
 - c. Mayor Palmer stated in a report on recreation, the Recreation Commission Board expressed appreciation to all city departments for their assistance with the preliminary cleanup following the May 1 storm. He stated a second phase of work had been under way at the park and it was looking much better. He stated the activity at the recreation department had been very good, with 227 participants in the swimming program. Signups for football have established 16 teams. Soccer signups will be September 14 and they are expecting 746 participants and 160 volunteers for coaching. He stated there were several teams that placed in the state during the softball season.
11. Mayor Palmer stated it was not necessary to move to executive session at this time.
12. Mayor Pro Tem Shelton made a motion to adjourn, second by Councilwoman Potts with Mayor Pro Tem Shelton, Councilwoman Potts, Councilman Woods and Councilman Denmon voting affirmatively, motion carried.

Approved:

Submitted:



James F. Palmer, Mayor



Cathy Harrison, City Administrator

**City of Calhoun
Georgia**

**RESOLUTION OF SUBMITTAL OF THE COMPREHENSIVE SOLID
WASTE MANAGEMENT PLAN UPDATE FOR GORDON COUNTY AND
THE CITIES OF CALHOUN, FAIRMOUNT, PLAINVILLE, RANGER
AND RESACA.**

WHEREAS, the Gordon County Board of Commissioners has completed a Solid Waste Management Plan Five Year Short-Term Work Program update for the period of 2003-2007; and

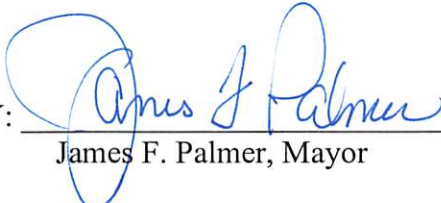
WHEREAS, the five year short-term program update was prepared in accordance with the minimum planning standards and procedures for solid waste management established by the Georgia Comprehensive Solid Waste Management Act, O.C.G.A. §12-8-20 *et seq.*, including the minimum public participation requirements; and

WHEREAS, City of Calhoun officials provided updated information for the five year short-term program regarding solid waste management in the Calhoun area;


NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the City of Calhoun hereby submit the solid waste management five year short-term work program update for the period of 2003-2007 to the Coosa Valley Regional Development Center for regional review, as required by the Georgia Comprehensive Solid Waste Management Act.

ADOPTED, this the 9th day of September 2002.

CITY OF CALHOUN, GEORGIA

BY: 
James F. Palmer, Mayor

ATTEST:

BY: 
Cathy Harrison, City Administrator

**CITY OF CALHOUN
GEORGIA**

RESOLUTION

WHEREAS, the City of Calhoun owns and operates a water system which serves the City of Calhoun and Gordon County, in addition to fringe areas of Whitfield, Murray, Floyd and Bartow Counties, which are not reasonably accessible by other water systems; and

WHEREAS, the City of Calhoun has been mandated to add storage capacity in areas that presently have no storage capacity; and

WHEREAS, the City of Calhoun has been mandated by the Georgia Environmental Protective Division to improve the filter process at the Calhoun water treatment facility in order to increase the daily permit level; and

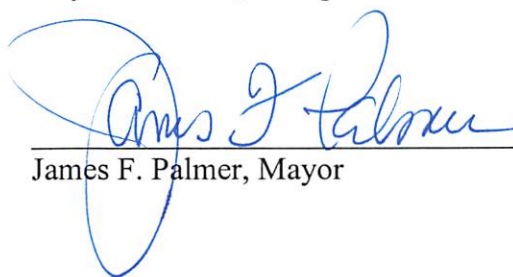
WHEREAS, these system upgrades will necessitate water line improvements in several areas of the county,

NOW, THEREFORE, BE IT RESOLVED the Mayor and Council of the City of Calhoun hereby authorize the filing of a \$5,570,000.00 application with the Drinking Water SRF Program of the Georgia Environmental Facilities Authority to fund these mandated water system improvements; and

BE IT FURTHER RESOLVED, the Mayor and Council authorize the Mayor and City Administrator/Clerk to sign all documents necessary for the application.

ADOPTED this the 9th day of September 2002.

City of Calhoun, Georgia



James F. Palmer, Mayor

Attest:



Cathy Harrison, City Administrator

**City of Calhoun
Georgia**

P R O C L A M A T I O N

WHEREAS, in an unprovoked and senseless act of terrorism, four civilian aircraft were hijacked on September 11, 2001, and crashed in New York City, Pennsylvania and the Pentagon; and

WHEREAS, innocent United States citizens of all heritages, as well as visiting citizens of foreign nations were killed and injured as a result of these horrific acts; and

WHEREAS, while we as a Union still continue to recover from the unspeakable loss of so many innocent lives, the indomitable spirit of the United States has been revitalized and given way to numerous expressions of heroism and patriotism; and

WHEREAS, the threat of terrorism, destruction and senseless violence must be banished for any free society to exist; and

WHEREAS, the City of Calhoun shares in the grief and will commemorate the one-year anniversary of the September 11 tragedies;

NOW THEREFORE, BE IT RESOLVED, by the City of Calhoun that we extend our deepest condolences to the innocent victims of these unprovoked actions by terrorists, as well as to their families and their friends; and

BE IT FURTHER RESOLVED, that we salute the heroism of public safety and rescue workers, volunteers, local officials and those who responded to these tragic events with courage, selfless compassion, determination and skill; and

BE IT FURTHER RESOLVED, we dedicate September 11, 2002 as

“ALWAYS REMEMBER 9-11 DAY,”

a day to mourn, reflect and rededicate ourselves to ending terrorism in commemoration of the anniversary of the terrorist attacks; and

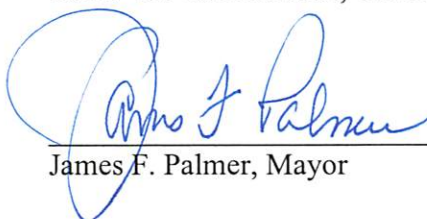
BE IT FURTHER RESOLVED, we encourage all our citizens to honor the victims of September 11 by reaffirming our commitment to sustaining our newfound patriotism through volunteerism, community involvement and service; and

BE IT FURTHER RESOLVED, we as citizens dedicate our time, talents and energy to lift one another up and foster a new level of understanding and awareness. Let us honor the memory of all those who died by being of service to one another and by building the “stronger, more perfect union” our founding fathers called for.

ADOPTED this, the 9th day of September 2002.

CITY OF CALHOUN, GEORGIA

ATTEST:



James F. Palmer, Mayor



Cathy Harrison, City Administrator/Clerk