

**CITY OF CALHOUN  
REGULAR CITY COUNCIL MEETING  
DEPOT COMMUNITY ROOM  
109 SOUTH KING STREET  
SEPTEMBER 23, 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, gave the invocation and welcomed everyone in attendance.
2. Mayor Palmer led the group in the Pledge of Allegiance to the United States Flag.
3. Mayor Palmer asked Police Chief Therrell Goswick to come forward to make a special presentation. Chief Goswick stated that on August 29, 2002, a police officer was assisting a Georgia State Trooper with an accident on I-75 when a vehicle occupied by Mrs. Jamie Freeman and her daughter Chelsea was struck in the rear and the vehicle burst into flame. Without thought for his own safety, Officer Freddie Arencibia went into the burning automobile and rescued the mother and child. Chief Goswick read a statement from the Georgia State Patrol Officer Sanford regarding the bravery of Officer Arencibia. Chief Goswick and Mayor Palmer presented the city police department's highest award for valor to Officer Freddie Arencibia along with a resolution regarding the incident. Present for the ceremony was Ms. Jamie Freeman and her daughter, Chelsea.
4. Mayor Palmer asked if there were any amendments to the minutes of the September 9, 2002 regular City Council meeting. There were none and the minutes were approved as written.
5. Mayor's comments:
  - a. Mayor Palmer stated based on a resolution adopted by the State of Georgia, West Line Street, a state route, has officially been given the honorary name of "Veterans Parkway," extending from the intersection of River Street to the intersection of McConnell Road. Mayor Palmer stated he had received a request from the VFW and the American Legion regarding renaming of the street approximately one year ago and since it was a state route, the city proceeded to make the request through the State of Georgia. DOT informed the city that it would be necessary for a resolution to be adopted by the state legislature. This

- was provided by Representative Shanahan, with assistance from Senator Bill Stephens. Mayor Palmer congratulated everyone associated with the project.
- b. Mayor Palmer stated the Golf Advisory Commission had made recommendations to fill the unexpired term of Howard Jones, which extends through June 30, 2004. He stated the commission recommended several names and of those, he would recommend the name of Terry Brumlow. Following discussion, Councilman Woods made a motion to approve the name of Terry Brumlow to fill the unexpired term of Howard Jones through June 30, 2004 on the Golf Advisory Commission. The motion was seconded by Councilman Denmon, with Councilman Woods, Councilman Denmon, Councilwoman Potts and Mayor Pro Tem Shelton voting affirmatively, motion carried.
- c. Mayor Palmer stated Gordon Hospital had made a request to close a section of Curtis Parkway from Red Bud Road to Dews Pond Road from approximately 6:00 p.m. until 8:00 p.m. on October 15, 2002 for the hospital's "Fun Run 2002." Following discussion, Councilman Denmon made a motion to approve the closure, second by Mayor Pro Tem Shelton, with Councilman Denmon, Mayor Pro Tem Shelton, Councilman Woods and Councilwoman Potts voting affirmatively, motion carried.
- d. Mayor Palmer reminded the Council and public of the zoning hearings scheduled for October 14, 2002:
- 1) 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.
  - 2) 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 of the variance, extending approximately one-half of the length of the building area.
  - 3) A request by the city school system for a mobile unit to be located at the elementary school in the rear.
6. Public Hearings and Comments: Mayor Palmer stated a zoning matter had been held over for this meeting and at this time, the public hearing would be reopened on the matter. 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.

- a. The public hearing was reopened for the L. M. Lovingood variance request regarding setback relief to construct an awning at his business near the Highway 41 and Red Bud Road intersection.
  - 1) Mayor Palmer stated that in the absence of a recommendation by the Zoning Advisory Board due to the lack of a quorum, and based upon a remeasurement by the building inspection department, the variance would be approximately 11 feet.
  - 2) Mr. Lovingood stated it was his request to build the 10 by 40 foot awning in order for his business to set up a fruit stand in which he could place flowers and some fruits on the front to entice customers.
  - 3) Attorney Bailey inquired of Mr. Lovingood if it was his intention to move the furniture that is currently sitting under the partially constructed awning. Mr. Lovingood stated it was, within a reasonable period of time. Mr. Bailey inquired if 30 days would be sufficient for the furniture to be move and Mr. Lovingood's response was "Yes, if it was necessary."
  - 4) Councilman Denmon also expressed concern about parking on the front, which could possibly cause injuries to someone due to the close proximity of Highway 41.
  - 5) Councilwoman Potts, who serves as Chairman of the Zoning Advisory Board stated this building and right-of-way were established and constructed years ago when setbacks were uncommon. Over the years, State Route 3, better known as U. S. Highway 41, had been widened to a point that current setbacks are difficult, if not impossible to meet. While

the city would not allow construction of a new building or permanent structure to infringe on the 40-foot setback regulation, the Lovingood request seems reasonable, in light of the location, history, use and type of construction. Also, this variance agreement should not place any type of liability on the city.

- 6) 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:

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|-----|---|
| (a) | N/A   |
| (b) | Yes. The area is non-conforming regarding setbacks.             |
| (c) | No. The situation is common to several businesses in the area.  |
| (d) | Relief will not cause substantial detriment to the public good. |

- 7) Councilwoman Potts made a motion to approve the variance to install a 10-foot awning, which would be attached to the front of the building, with a stipulation to be in place as to Mr. Bailey's earlier comments regarding removal of furniture, etc., within a 30 day period, from the affected area. The motion was seconded by Councilman Woods, based upon his understanding that this is a state route and the city would have no liability regarding the right-of-way. The motion was approved on affirmative votes by Councilwoman Potts, Councilman Woods, Councilman Denmon and Mayor Pro Tem Shelton, motion carried.

7. Old business:

- a. Mayor Palmer stated the city school board and the city had held three public hearings regarding the tax millage for 2002. He stated at this time, there were no recommendations from the public regarding the proposed tax millage. Harrison reviewed the current year's digest, which she stated is lower than the previous year in terms of assessed values for both the city M&O taxes and the school taxes. She stated that based upon these assessment values and based upon the budgets for each government, which were adopted in June 2002, it would be necessary for a new millage to be approved, which would be 14.57 mills for the school and 1.57 mills for the city. The millage for the school would be 0.12 mills higher than the previous year and the millage for the city would be 0.01 mills lower. The net effect would be a new millage of 16.14 mills, which would bring in \$8,059,000.00, compared to the prior year's millage of 16.03 mills, which netted \$8,089,000.00. Harrison stated the actual dollars received would be slightly less than the previous year. However, the millage rate would be slightly higher by 0.11 mills, based on the lower assessed values. Following discussion, Mayor Palmer stated he would entertain a motion regarding setting of the tax millage. Councilman Woods made a motion to set the millage for the city and city schools at 16.14 mills for the year 2002. He also stated the public should be aware that the dollars needed are \$30,000.00 less than the previous year. However the millage is increased slightly by 0.11 mills, based on the lower assessed value of the digest. The motion was seconded by Councilwoman Potts, with Councilman Woods, Councilwoman Potts, Councilman Denmon and Mayor Pro Tem Shelton voting affirmatively, motion carried.

8. New business:

- a. Mayor Palmer stated Mr. Stanley Simpson has proposed donation of approximately 7 acres of property in the flood plane area near the water plant. He stated the property has a sewer easement and since the city is currently appraising property in the immediate area, based on a condemnation of property for a new sewer line, it would be able to provide current value of the property for a letter of donation for Mr. Simpson. Attorney Bailey stated he should receive those appraisals by the end of the week and the city would provide a letter to Mr. Simpson regarding the value of the donation. He also stated he had checked the title to the property and found it was free and clear and would be eligible for donation. Councilwoman Potts made a motion to accept the donation of approximately 7 acres from Mr. Stanley Simpson and to provide a letter of donation based upon the appraisals that will be available. The motion was seconded by Mayor Pro Tem Shelton, with Councilwoman Potts, Mayor Pro Tem Shelton, Councilman Woods and Councilman Denmon voting affirmatively, motion carried. Mayor Palmer expressed appreciation to Mr. Stanley Simpson for his generous donation.

9. Other written items not on the agenda: **none.**

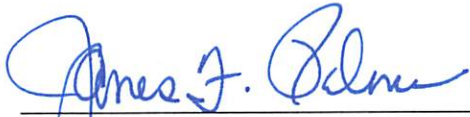
- a. Mayor Palmer stated Kelly Cornwell had been working with Pickens County on an agreement, which will allow water sales to Pickens County, which in turn will allow Pickens County to serve several Gordon County customers in the Ryo area. He stated this contract would be of major benefit to the city and to several residents of Gordon County. It would also serve as an emergency release for water either going to or coming from Pickens County, should there be an emergency in either community. Councilman Woods made a motion to approve the agreement and to authorize the Mayor to sign the documents. He stated the agreement represented progressive thinking by the Utility Director and it was a futuristic approach to the security of the city's water system and he commended Director Cornwell. The motion was seconded by Councilman Denmon. Attorney Bailey stated there were only two changes from the previous draft that had been reviewed by the Council. Those were to change the terms of the agreement to four year terms and also to require that Pickens County not charge Gordon County residents any higher fees for service than they would their customers in Pickens County. The motion was approved on an affirmative vote by Councilman Woods, Councilman Denmon, Councilwoman Potts and Mayor Pro Tem Shelton, motion carried.
- b. Attorney Bailey stated that in order for the city to test property owned by Bowater, it would be necessary for a hold harmless agreement to be executed, which would hold Bowater harmless if there were any accidents by city workers or vehicles on the property and it would hold the city harmless if there was any liability or damage to the property or trees. Following discussion, Councilman Woods made a motion to authorize the hold harmless agreement and to authorize the Mayor to sign the agreement, second by Councilman Denmon, with Councilman Woods Councilman Denmon, Councilwoman Potts and Mayor Pro Tem Shelton voting affirmatively, motion carried.
- c. Attorney Bailey stated the City of Calhoun had received a couple of late notices which are requests for records and discovery, which had been received only a few days prior to a public service hearing, which has been ongoing for the past eight

months. He stated the request is voluminous in its scope and is impossible for the city to respond within the requested time period. He stated he would request the Mayor and Council to grant him permission to review and to draft a Permission for Protective Order regarding these unreasonable requests. Councilman Denmon made a motion to provide such authorization to the city attorney, second by Mayor Pro Tem Shelton, with Councilman Denmon, Mayor Pro Tem Shelton, Councilman Woods and Councilwoman Potts voting affirmatively, motion carried.

10. Work Reports:
  - a. Kelly Cornwell, Director of Utilities: **none.**
  - b. Eddie Peterson, Director of Public Safety and Public Works:
    - 1) Director Peterson stated the City of Calhoun has begun its 2002 road resurfacing, which will allow the city to pave approximately 15% of its total street inventory. This is based upon the LARP paving provided by the state, as well as the House Bill 489 paving provided by Gordon County.
11. Mayor Palmer stated there was no need to move to executive session.
12. Councilman Woods made a motion to adjourn, second by Councilman Denmon, with Councilman Woods, Councilman Denmon, Councilwoman Potts and Mayor Pro Tem Shelton voting affirmatively, motion carried.


Approved:

Submitted:



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James F. Palmer, Mayor



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Cathy Harrison, City Administrator

**CITY OF CALHOUN, GEORGIA  
CITY SCHOOL BOARD  
PUBLIC HEARING ON *AD VALOREM* TAX INCREASE  
DEPOT COMMUNITY ROOM  
SEPTEMBER 23, 2002 – 6:30 P.M.**

**MINUTES**

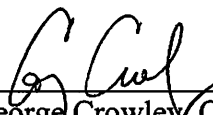
**PRESENT:**           **George Crowley, Chairman, City School Board  
Al Edwards, City School Board  
Ed Moyer, City School Board**

**ALSO PRESENT:**   **Judy Neal, City School Superintendent  
Donald Hood, City School Finance Officer  
                          City School Technical Staff  
James F. Palmer, Mayor  
Cathy Harrison, City Administrator**

1.    Chairman George Crowley opened the public hearing. He stated there was no one in attendance and in view of this, the PowerPoint presentation prepared for the public was not shown.
  
2.    The meeting was adjourned at approximately 6:45 p.m.

Approved:

Submitted:

  
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George Crowley, Chairman  
City School Board

  
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Cathy Harrison, City Administrator

**MINUTES OF THE PRE-CONSTRUCTION CONFERENCE  
ECHOTA MILL VILLAGE, PHASE II PROJECT  
MAYSE CONSTRUCTION COMPANY, INC.  
CONFERENCE ROOM  
700 WEST LINE STREET  
CALHOUN, GEORGIA  
SEPTEMBER 18, 2002**

**ATTENDANCE:**      **Jerry Crawford, Director of Water and Sewer  
Cass Kelley, Mayse Construction Company  
Buck Owen, Mayse Construction Company  
Todd Langford, City Engineering Department  
Brandon M. Cook, City Engineering Department  
Brent Allen, Department of Community Affairs  
Cathy Harrison, City Administrator**

1. Jerry Crawford called the meeting to order, welcomed everyone and apologized for being a few minutes late to the meeting.
2. Brent Allen reviewed the payroll requirements with the contractor, stating each individual working on the project must be listed by their classification. The contractor must have signed statements for any deductions other than taxes and insurance. He explained employees must be paid time-and-a-half for any time over 40 hours per week. They must be paid no lower than the wage decision for the project. They must also post the wage decision on the job site. Harrison reviewed employee interviews which are required for the grant.
3. The group discussed the process for pay requests. Jerry Crawford suggested the contractor meet with the engineering staff, Todd Langford and/or Brandon Cook, to review each pay request before it is submitted to the Director for his approval. Following his approval, it will be forwarded to the City Administrator for processing and forwarding to DCA for a grant draw.
4. The group reviewed the proposed contracts and determined the amount stated in the contracts was not correct. The city, in its final decision to award the contract, did not take the full amount of one of the deductions and the final contract amount is \$492,744.29. Jerry Crawford stated he would return the contracts to the engineer for the changes to be made. Also, he would request additional copies of the plans from the engineering firm.
5. Jerry Crawford reported the city will obtain the DOT permits for the project and forward to the contractor.
6. Jerry Crawford and Administrator Harrison reviewed the easements which required condemnation action. However, this work should be completed to the level required within the next week in order for the contractor to be ready to move forward with the start date of the project.
7. Jerry Crawford, Cathy Harrison and Cass Kelley discussed the arbitration section currently included in the proposed contract. In the legal review of the contract, the City

Attorney, William P. Bailey, had requested that portion be deleted from the contract. Mr. Kelley explained that the company preferred the arbitration clause remain. Mr. Kelley provided the name of their attorney, Wayne Peters of Gearhouse, Peters & Lockerbie of Chattanooga, Tennessee, with the understanding that Mr. Peters would contact Mr. Bailey regarding the matter.

8. The group reviewed the construction dates. Mr. Kelley stated it is his intention at this time to have one crew in the area working, which would normally work a five day work week. However, if rain is a factor, it may require work on Saturdays. Mr. Kelley stated he understood the necessity to have driveways open for the residents to enter and exit their houses. There will be need for streets to be closed but alternate access routes will need to be provided as much as possible. Jerry Crawford reported that the day-to-day inspection would be handled by Brandon M. Cook and Todd Langford of the city's engineering department. Should they not be available for questions or review of special needs, then Jerry Crawford should be contacted.
9. Jerry Crawford reported the city would acquire the land disturbance permit for the project.
10. Brent Allen reported that he would need verification of local funding that was spent to match the project.
11. Cass Kelley reported that he intends to begin the project on October 21, 2002. However, he will have people in the area during a layout prior to that time. The contract has a construction period of 304 days. However, he stated he hoped the project would take less time. The contractor also stated he would need a minimum of five sets of the plans.
12. The meeting adjourned at approximately 11:30 a.m.

Submitted:

  
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Cathy Harrison, City Administrator

**CITY OF CALHOUN, GEORGIA  
CITY SCHOOL BOARD  
PUBLIC HEARING ON *AD VALOREM* TAX INCREASE  
DEPOT COMMUNITY ROOM  
SEPTEMBER 9, 2002 – 3:00 P.M.**

**MINUTES**

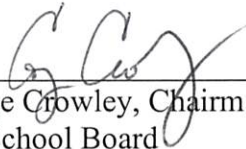
**PRESENT:**                 **George Crowley, Chairman, City School Board**  
                                  **Al Edwards, City School Board**  
                                  **Ed Moyer, City School Board**  
                                  **Marc Ethridge, City School Board**  
                                  **Amy Atkinson, City School Board**

**ALSO PRESENT:**    **Judy Neal, City School Superintendent**  
                                  **Donald Hood, City School Finance Officer**  
  **City School Technical Staff**  
                                  **James F. Palmer, Mayor**  
                                  **Cathy Harrison, City Administrator**

1.     Chairman George Crowley opened the public hearing. He stated there was no one in attendance and in view of this, the PowerPoint presentation prepared for the public was not shown.
  
2.     The meeting was adjourned at approximately 3:20 p.m.

Approved:

Submitted:

  
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George Crowley, Chairman  
City School Board

  
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Cathy Harrison, City Administrator

**CITY OF CALHOUN, GEORGIA  
CITY SCHOOL BOARD  
PUBLIC HEARING ON *AD VALOREM* TAX INCREASE  
DEPOT COMMUNITY ROOM  
SEPTEMBER 9, 2002 – 10:00 A.M.**

MINUTES

PRESENT:           **George Crowley, Chairman, City School Board  
Amy Atkinson, City School Board  
Ed Moyer, City School Board  
Marc Ethridge, City School Board**


ABSENT:           **Al Edwards, City School Board**

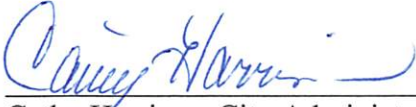
ALSO PRESENT:   **Judy Neal, City School Superintendent  
Donald Hood, City School Finance Officer  
                          City School Technical Staff  
Cathy Harrison, City Administrator  
Bill Mathews, Citizen**

1.     Chairman George Crowley opened the public hearing.
2.     Bill Mathews acknowledged that he had previously been versed on the needs of the schools in terms of taxes and had no need to see the PowerPoint presentation.
3.     The Board acknowledged that no other member of the public was present and the meeting was adjourned at 10:10 a.m.

Approved:

Submitted:

  
\_\_\_\_\_  
George Crowley, Chairman  
City School Board

  
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Cathy Harrison, City Administrator