

NOVEMBER 11, 1996

7:00 P.M.

REGULAR CITY COUNCIL MEETING  
CITY COUNCIL CHAMBERS  
226 SOUTH WALL STREET

PRESENT: JOHN D. MEADOWS, III, MAYOR  
JOHN D. SHELTON, MAYOR PRO-TEM  
PAUL MCENTIRE, COUNCILMAN  
JIMMY PALMER, COUNCILMAN  
RONALD H. WOODS, COUNCILMAN

ALSO: WILLIAM P. BAILEY, CITY ATTORNEY  
KELLY CORNWELL, DIRECTOR UTILITIES/PUBLIC  
WORKS  
EDDIE PETERSON, ASST. DIRECTOR UTILITIES/  
PUBLIC WORKS  
CATHY HARRISON, CITY ADMINISTRATOR

1. Mayor Meadows welcomed everyone to the meeting, called the meeting to order and gave the Invocation.
2. Mr. Tony Bray of Scout Troop 13, who recently received his Eagle Scout designation, led the group in the Pledge of Allegiance to the U.S. Flag.
3. Minutes of the October 28, 1996 Regular City Council Meeting were approved as written.
4. Mayor's Comments:
  - a. Mayor Meadows welcomed the remaining members of Boy Scout Troop 13 of Oostanaula, along with their leader Mr. Bohannon.
  - b. Mayor Meadows read a resolution which was adopted by the Council, recognizing Mr. Hoyt Edwards on his retirement, after being an employee of the City of Calhoun for 35 years and two months, and serving as an Alderman and Mayor for a ten year period prior to actual employment by the City. He commended Mr. Edwards for his 45 years of dedicated service to the City of Calhoun, and presented a watch engraved on behalf of the Mayor and Council. He also stated that Mr. Edwards would be receiving a ring as a prior Mayor from the City, and asked Mr. Edwards to be fitted at his earliest opportunity.
  - c. Mayor Meadows announced Public Hearings scheduled for December 9, 1996, however, on review, Mayor Meadows stated the Council would be attending a National League of Cities Meeting on the 9th, and asked for a motion to reset the December 9, 1996 meeting to December 16, 1996. Following review, Mayor Pro-Tem Shelton made a motion to reschedule the December 9, 1996 Council Meeting until December 16, 1996 at 7:00 P.M., 2nd by Councilman Woods with Mayor Pro-Tem Shelton, Councilman Woods, Councilman McEntire and Councilman Palmer voting affirmatively, motion carried. Mayor Meadows stated the following zoning matters originally scheduled for December 9, 1996 would be held over until December 16, 1996 at 7:00 P.M.:
    - (1) Annexation/New Zoning Request of Laurel Clark for property located at 988 North Wall Street for C-2 zoning;
    - (2) Zoning Change Request of Laurel Clark for property located at 990 North Wall Street from R-1 to C-2 zoning;
    - (3) Zoning Variance Request of In Home, Inc. for property located at 1279 Mauldin Road for a 10 ft. set back on the south side of the property to allow for a larger building expansion.
  - d. Mayor Meadows once again reminded everyone of the Mayor's

Motorcade to Northwest Regional Hospital on December 4, 1996. He stated the motorcade would leave Calhoun at 9:00 A.M. from City Hall.

- e. Mayor Meadows stated that he is presently serving on a GMA Task Force to review the recommendations of the Georgia Future Communities Commission. He stated in a recent meeting in Atlanta, the Task Force had found that all cities and counties which had reviewed the recommendation of the Commission had not been pleased, and would not approve the majority of the recommendations as cited. He stated the group would have a second meeting in December, and he would keep the Council advised.
- f. Mayor Meadows commended the voters in Calhoun, Gordon County for their excellent voting record on November 5, 1996, and congratulated all candidates.
- g. Mayor Meadows stated November 11, 1996 was a National Holiday recognizing veterans of all armed services. He stated the City of Calhoun, in its second year, had founded a tradition of recognizing its employees who had served in the armed services, and a special program was held on November 11, 1996 with the assistance of Jeff Jones of First Baptist Church.
- h. Mayor Meadows introduced Ted Collins, a member of the County Commission, who requested the City of Calhoun consider participation in the Belwood Road widening which has been approved by the State on a 60/40 contract. Mr. Collins stated that all but two had donated right-of-way for the project, and had also agreed to help fund part of the local cost. He stated the road widening project would be behind Mathews Carpets, coming out near the lake, which would give easier access to the outlet mall area and to Belwood School. Mayor Meadows stated the City had previously agreed to provide in kind work, however, since County Commissioner Collins was asking for additional support, the Council would need to review the proposed amendments to its budget for January to determine if cash would be available since the City has a very large street project underway in its current budget, in which it is also required to fund the total 40% local cost on the project in addition to all engineering which is extensive. Mayor Meadows assured Commissioner Collins that the City would participate in the project.
- j. Mayor Meadows stated the State has issued a permit to the City of Calhoun for its well project which will allow the City to have an additional 2.6 million gallons per day for a ground water withdrawal from its newly developed wells. He stated it would take several months to install the transmission lines and have the facility ready for start up. He stated the project had been in study and consideration for the past three years, and had been in the City's long range plans for the past five years.

5. Council's Comments:

- a. Mayor Pro-Tem Shelton stated the Police Department made 226 arrests, of which 14 were for UI. They collected \$21,810.00 in fines, issued 109 parking violations, investigated 210 incidents, 120 accidents, provided 59 escorts, and answered 55 burglar alarms for the month of October, 1996. The Fire Department responded to 53 calls for approximately \$7,500.00 in damages. Mayor Pro-Tem Shelton stated the Fire Department currently has 16 members in training in a first responders class in association with the County and the Emergency Management Department.
- b. Councilman McEntire stated the Waste Treatment Plant

treated an average daily flow of 8.612 million gallons per day, with the average BOD effluent being 28, the average suspended effluent 25 and the average COD effluent 149. The Water Treatment Plant pumped a daily average of 13.241 million gallons per day during the month of October, with a daily average of 12.466 million gallons per day in October, 1995. He stated the Water/Sewer Construction Department made 65 water taps and three sewer taps. He stated they installed 680 ft. of two inch PVC water line. He stated the sewer infiltration crew cleared 5,000 ft. of right-of-way, located 84 manholes, inspected and mapped for approximately 25,200 ft. of line, replaced ten cleanouts, replaced one manhole cover, cemented six manhole rings and covers, removed nine beaver dams and smoke tested several lines. The crew also assisted in repairing a 12 inch sewer line in the Meadowbrook Subdivision area.

- c. Councilman Palmer stated the Electric Department had sales in October of 41,415,390 KWH to a customer base of 3,871. They provided 42 inspections, issued 10 permits and set 22 electric meters. Mr. Palmer also stated the Airport Authority Board recently lost a member, Mr. Alton Cadenhead, and the County had named Marvin Taylor as his successor. He stated he wished to commend Mr. Taylor for his willingness to serve on the Authority.
- d. Councilman Woods stated the Street Department continued to base the parking lot at the soccer fields, remove basin material at the Water Plant, haul basin material to the new ball fields on Sugar Valley Road, patched potholes, installed street signs and reconstructed curb on Buena Vista. He stated the Sanitation Department continued its regular commercial pickup and maintenance of dumpsters. He stated the Parks Department finished work at the Civic Auditorium, did their general clean up of public grounds and trash pickup. The Cemetery Department overviewed opening and closing for six sites during the month, and general maintenance and repair work at both cemeteries. The Rabies Control Department housed 29 dogs and 38 cats during the month of October. No dangerous dogs were reported. They licensed one new animal and gave one second time leash law warning.

6. Public Hearings & Comments:

- a. Celina Branton of Jones Avenue requested the city consider resurfacing the remainder of Jones Avenue. She stated she had been a long time resident, and the area had not been resurfaced in some time, however, it had been repaired on numerous occasions. Mayor Meadows assured Ms. Branton that the City had listed Jones Avenue on the LARP List requesting State assistance, and that it was one of the higher priority streets from the City's consideration, however, the State would do their own inspection, and would notify the City in January of those streets which would be eligible for resurfacing in the spring of 1997.
- b. Mayor Meadows stated that the zoning policy called for all items to be considered in alphabetical order when reviewed for zoning matters, however, the state requires property to be contingent. He stated there were four parcels which were to be reviewed on the current agenda that would be out of alphabetical order, in order for the annexation to fall in a manner to assure contingent boundaries.
- c. A 2nd reading of the Annexation/New Zoning Request of Jeanette Burch for property located in Lot 40 of Thornwood Subdivision for R-1 zoning. A public hearing was opened. Following evidence of findings the public

ord. No. 595

hearing was closed. SEE ATTACHED EXHIBIT NO. 001.

- d. A 2nd reading of the Annexation/New Zoning Request of James and Mary Jones for property located at 113 Edwards Street for R-2 zoning was given. A public hearing was opened. Following evidence of findings, the public hearing was closed. SEE ATTACHED EXHIBIT NO. 002.
- Ord. No. 596 e. A 2nd reading of the Zoning Variance Request of Mike Meadows for property located on Curtis Parkway for signs not on premise to be constructed. A public hearing was opened, at which time Wayne Charles spoke requesting the Council issue a favorable ruling on the request. The hearing was closed. SEE ATTACHED EXHIBIT NO. 003.
- f. A 2nd reading of the Annexation/New Zoning Request of Daniel Mowery for property located at 105 White Street for R-2 zoning was given. A public hearing was opened. Following evidence of findings, the public hearing was closed. SEE ATTACHED EXHIBIT NO. 004.
- Ord. No. 597 g. A 2nd reading of the Zoning Variance Request of Hugh Dell and Dollie West for property known as 906-910 South Wall Street for relief of the required number of parking spaces from 94 to 66, and confirmation that no buffer will be required. A public hearing was opened. Following evidence of findings, the public hearing was closed. SEE ATTACHED EXHIBIT NO. 006.
- h. A 2nd reading of the Annexation/New Zoning Request of Buford J. Wilson for approximately four acres off Highway 41, South, near the Tom B. David Airport for C-2 zoning was given. A public hearing was opened. Following evidence of findings, the public hearing was close. SEE ATTACHED EXHIBIT NO. 007.
- Ord. No. 599 i. A 2nd reading of the Annexation/New Zoning Request of Nina Walraven for property located on Highway 41, South, south of Torrington for A-1 zoning was given. A public hearing was opened. Councilman Woods, Chairman of the Zoning Advisory Board, stated the matter in question was tabled by the Zoning Advisory Board since Ms. Walraven was not available at the meeting, and the Board wished to make sure that Ms. Walraven understood that there was a difference in the agricultural zoning for the City as compared to the agricultural zoning of the County. The City A-1 zoning requires that no development of the property can be done unless a public road was erected, and the structure will have at least 25 feet of frontage on the public road. However, the County exempted any reference to frontage on public roads for A-1 zoning. Mayor Meadows stated on the recommendation of Councilman Woods, the matter was tabled. Ms. Nina Walraven was in attendance at the meeting, and asked that she be allowed to speak on the matter. Councilman Woods made a motion to untable the matter, 2nd by Councilman McEntire with Councilman Woods, Councilman McEntire, Councilman Palmer and Mayor Pro-Tem Shelton voting affirmatively to untable the matter, motion carried. A lengthy discussion was held on the matter on the differences in the City and County zoning for A-1 property. Attorney Bailey reviewed both ordinances, and reviewed the situation with Ms. Walraven. Ms. Walraven excused herself from the meeting room, discussed the matter with her consultants, and addressed the Council and asked that they proceed with a decision on the matter. Councilman Woods made a motion to annex the property for A-1 zoning, with the stipulation that development adhere to City requirements and the developer pay for any utility development cost, 2nd by Councilman McEntire with Councilman Woods, Councilman McEntire, Councilman Palmer and Mayor Pro-Tem Shelton voting affirmatively, motion carried. Mayor Meadows stated the motion did not consider all aspects as required by the Zoning Ordinance, and asked for a motion
- Ord. No. 598

to void the last motion. Councilman Woods made a motion to void the action previously taken on the Nina Walraven request, 2nd by Councilman Palmer with Councilman Woods, Councilman Palmer, Councilman McEntire and Mayor Pro-Tem Shelton voting affirmatively, motion carried. Mayor Meadows reopened the public hearing, determined all the notices had been mailed to the adjoining property owners, all signs had been erected on the property giving notice of the hearing, as well as, being published in the Calhoun Times. He also confirmed there were no disclosures in reference to conflicts of interest, and that the findings confirmed the development would need to adhere to City codes and ordinances, and utility development costs were to be borne by the property owner. The public hearing was closed, Councilman Woods made a motion to approve the request for A-1 zoning with the findings as discussed as evidence by ZONING EXHIBIT NO. 005, 2nd by Councilman McEntire with Councilman Woods, Councilman McEntire, Councilman Palmer and Mayor Pro-Tem Shelton voting affirmatively, motion carried. Mayor Pro-Tem Shelton stated the Zoning Advisory Board did not consider the requests of Marvin Taylor, Joe Moore and L.P. Owens, since the Nena Walraven matter had been tabled. The three annexation and zoning requests were tabled until the December 16, 1996 Council Meeting.

- j. A 2nd reading of the Amusement License Request of Diane Kirby as the new owner of R & R Grocery at 400 West Line Street was given. A public hearing was opened. There were no comments, and the hearing was closed. Councilman Palmer made a motion to approve the request subject to a clear Police Report, 2nd by Mayor Pro-Tem Shelton with Councilman Palmer, Mayor Pro-Tem Shelton, Councilman McEntire and Councilman Woods voting affirmatively, motion carried.

7. Old Business:

- a. The Mayor and Council reviewed proposed rental policies for the Depot community room, and following review Councilman McEntire made a motion that these be approved as temporary rental policies for the Depot community room, 2nd by Councilman Woods with Councilman McEntire, Councilman Woods, Councilman Palmer and Mayor Pro-Tem Shelton voting affirmatively, motion carried.

8. New Business:

- a. The Council reviewed a Manager Change Request of Fast Petroleum, Inc. for their Beer and Wine Package License. The Manager Change to be from Betty Sue Youmans to Teresa D. Lunsford. Harrison stated the City had not received its Police Report on the Request at this time, and Mayor Pro-Tem Shelton made a motion to approve the request subject to a clear police report, 2nd by Councilman Palmer with Mayor Pro-Tem Shelton, Councilman Palmer, Councilman McEntire and Councilman Woods voting affirmatively, motion carried.
- b. A 1st reading of the Amusement License Request of Russell Offutt as the new owner of Triangle Grocery located at 101 New Town Road was presented. Councilman McEntire made a motion to set the public hearing on the request for November 25, 1996 at 7:00 P.M., 2nd by Mayor Pro-Tem Shelton with Councilman McEntire, Mayor Pro-Tem Shelton, Councilman Palmer and Councilman Woods voting affirmatively, motion carried.
- c. A 1st reading of the Beer, Wine and Liquor License Renewals for 1997 were given:

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1. American Legion - C.L. Rutledge - Beer/Liquor Package and Pouring.
2. Arch City Package - Otto L. Defoor - Beer Package
3. Atlanta Gate Restaurant - Soleh Rashid - Beer, Wine & Liquor Pouring
4. B & L Liquor - Lindsey Lewis - Wine and Liquor Package
5. Calhoun Liquor Store - John H. Bell - Wine and Liquor Package
6. Golden Gallon, Inc. - Nancy G. Williams - Beer Package
7. Gondolier Pizza of Calhoun, Inc. - Evangelos Pateritsas - Beer Pouring.
8. El Pueblito Mexican Restaurant, Inc. - Juana Naranjo - Beer and Liquor Pouring
9. Makibe Corp. d/b/a Holiday Inn Restaurant - Betty Gilbert - Beer, Wine and Liquor Pouring
10. J.J.'s Package Store - Raymond J. Brown - Beer Package
11. Jimmy's Package - Alton Defoor - Beer Package
12. B & L Beverage - Cindy Bockholt - Beer Package
13. Pizza Hut, Inc. - Rick Heidemann - Beer Pouring
14. Red Bud Liquor Store - Champ Kelly - Wine and Liquor Package
15. J & P - Patsy Colleps - Beer and Wine Package
16. South 41 Package - Roy T. Aaron - Beer and Wine Package
17. Speedy's Spirits Shop, Inc. - James Thomason, Manager - Wine and Liquor Package
18. Troy's Package - Ronald Robinson - Beer Package
19. V.F.W. - Lois Crump - Beer Package/Pouring
20. Wallace Enterprises - Kim Sanders - Beer and Wine Package
21. Highway 53 Package - Terry Ross - Beer and Wine Package
22. Dixie Beverage Shop - Barbara V. Bishop - Beer Package
23. China Hall - Yong Hwang Laing - Beer and Wine Pouring
24. Los Reyes Mexican Restaurant - William Terry Howard - Beer, Wine and Liquor Pouring
25. Fast Petroleum, Inc. - Teresa Lunsford - Beer Package
26. S.G.P., Inc. d/b/a Brangus Cattle Company - Curt Lucas - Beer and Liquor Pouring
27. Deb's Place - Debra Stephens - Beer Pouring

Councilman Palmer made a motion to set the public hearing for November 25, 1996 at 7:00 P.M., 2nd by Councilman McEntire with Councilman Palmer, Councilman McEntire, Councilman Woods and Mayor Pro-Tem Shelton voting affirmatively, motion carried.

- d. A 1st reading of the Amusement License Renewals for 1997 were given:

1. Calhoun Bowling Center - James H. Roark
2. King's Skating Palace - Harvey A. King
3. Martin Theater - Randall Farrell
4. Pizza Hut, Inc. - Rick Heidemann
5. American Legion - Thomas J. McCarey, Jr.
6. Betty's Flea Market - Betty Richie

Councilman McEntire made a motion to set the public hearing for November 25, 1996 at 7:00 P.M., 2nd by Councilman Palmer with Councilman McEntire, Councilman Palmer, Councilman Woods and Mayor Pro-Tem Shelton voting affirmatively, motion carried.

- e. A 1st reading of the Pawn License Renewals for 1997 were given:

1. Calhoun Trophy & Sporting Goods - Jimmy Gee
2. Cannonballs - Kenneth McEntyre
3. North Georgia Pawn - Walter James
4. This & That - Clyde McEntyre
5. Otasco/Coast to Coast - Jimmy Payne
6. Park Avenue Pawn & Jewelry - Douglas Driscoll
7. Pete's Music City - C. L. Cochran
8. Title Exchange & Pawn of Calhoun - Deborah A. Shuler
9. D & S Pawn - Bobby J. Dobbs
10. A & A Title Pawn - Alex W. Feagin
11. Cash Express - Mike H. Horton
12. PCI Capital Corp. d/b/a Pawn Mart - Joseph Robert Sillers

Mayor Pro-Tem Shelton made a motion to set the public hearing for November 25, 1996 at 7:00 P.M., 2nd by Councilman McEntire with Mayor Pro-Tem Shelton, Councilman McEntire, Councilman Palmer and Councilman Woods voting affirmatively, motion carried.

- f. A 1st reading of the New Ownership Beer Package License Request of ABC Oasis Package Store located at 767 1/2 Highway 53 East for ownership to be effective January 1, 1997 with James Thomason as owner. Councilman McEntire made a motion to set the public hearing for November 25, 1996 at 7:00 P.M., 2nd by Councilman Palmer with Councilman McEntire, Councilman Palmer, Councilman Woods and Mayor Pro-Tem Shelton voting affirmatively, motion carried.

9. Other Written Items Not on the Agenda:

- a. Councilman Woods made a motion to adopt a resolution recognizing the 30 years of community service by the Winner's Club, 2nd by Mayor Pro-Tem Shelton with Councilman Woods, Mayor Pro-Tem Shelton, Councilman McEntire, and Councilman Palmer voting affirmatively, motion carried.
- b. Following a review of the Manager Change Request submitted by Pizza Hut of America, Inc. to change from Janet Elrod to Rickey Lamonte Heidemann. Councilman Palmer made a motion to approve the Manager Change subject to a clear police report, 2nd by Mayor Pro-Tem Shelton with Councilman Palmer, Mayor Pro-Tem Shelton, Councilman Woods and Councilman McEntire voting affirmatively, motion carried.
- c. Following review of a lease reviewed at a prior meeting with Mike Meadows, to use the lot across from the Depot for additional parking as needed for a lease price of one dollar per year, plus upkeep of the lot. Councilman McEntire made a motion to approve and to authorize the Mayor to sign, 2nd by Councilman Woods with Councilman McEntire, Councilman Woods, Councilman Palmer and Mayor Pro-Tem Shelton voting affirmatively, motion carried.
- d. A 1st reading was given to the Annexation/New Zoning Request of Herman Timms for approximately four acres of property located off Warrior Path for C-2 zoning. Following review of the application, Councilman Woods made a motion to set the public hearing for December 16, 1996 at 7:00 P.M., 2nd by Councilman Palmer with Councilman Woods, Councilman Palmer, Councilman McEntire and Mayor Pro-Tem Shelton voting affirmatively, motion carried.
- e. A 1st reading was given to the Russell McBrayer

Annexation Request of approximately 6.9 acres located on Dews Pond Road near Strickland Lake for R-2 zoning. Said property to be developed into 18 building lots for single family housing. Following review, Councilman Woods made a motion to set a public hearing for December 16, 1996 at 7:00 P.M., 2nd by Mayor Pro-Tem Shelton with Councilman Woods, Mayor Pro-Tem Shelton, Councilman McEntire and Councilman Palmer voting affirmatively, motion carried.

f. The Council asked for additional information on the easement request for underground power across the City's property on Boone Ford Road.

10. Director Cornwell's Work Report:

a. Cornwell stated he would like to add his appreciation for the State Permit on the 2.6 million gallon pumping capacity for the new well which will be completed by the City. He expressed appreciation to John Sweitzer, as did the Mayor and Council.

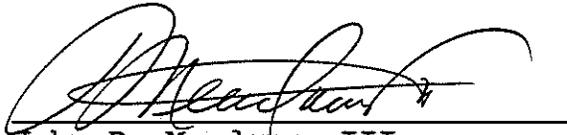
11. Councilman Woods made a motion to adjourn to Executive Session for legal matters, 2nd by Councilman Palmer with Councilman Woods, Councilman Palmer, Councilman McEntire and Mayor Pro-Tem Shelton voting affirmatively, motion carried.

12. Councilman Woods made a motion to adjourn to General Session, 2nd by Councilman Palmer with Councilman Woods, Councilman Palmer, Councilman McEntire and Mayor Pro-Tem Shelton voting affirmatively, motion carried.

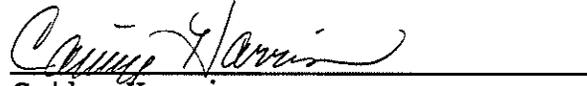
13. Councilman McEntire made a motion to adjourn, 2nd by Councilman Woods with Councilman McEntire, Councilman Woods, Councilman Palmer and Mayor Pro-Tem Shelton voting affirmatively, motion carried.

Approved:

Submitted:



John D. Meadows, III  
Mayor



Cathy Harrison  
City Administrator