

**CITY OF CALHOUN  
REGULAR CITY COUNCIL MEETING  
DEPOT COMMUNITY ROOM  
109 SOUTH KING STREET  
OCTOBER 12, 1998, 7:00 P.M.**

**MINUTES**

PRESENT: JAMES F. PALMER, MAYOR  
RONALD H. WOODS, MAYOR PRO TEM  
HENRY HOLLAND, COUNCILMAN  
RAY M. DENMON, COUNCILMAN

ABSENT: JOHN D. SHELTON, JR., COUNCILMAN

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

1. Mayor Palmer called the meeting to order and welcomed everyone. Councilman Holland gave the Invocation.
2. Mayor Palmer led the group in the Pledge of Allegiance to the United States Flag.
3. Minutes of the September 28, 1998 regular City Council Meeting were approved as written.
4. Mayor's Comments:
  - a. Mayor Palmer reported he and Councilman Denmon, along with Director Cornwell, Larry Vickery and Administrator Harrison had attended the MEAG Power regional meeting in Cartersville on October 6, 1998. He stated Mayor Sam Smith of Cartersville had been the host and the new President and CEO of MEAG, Bob Johnston, had briefed the group on deregulation. There were also comments from Representative Bob Erwin.
  - b. Mayor Palmer stated members of the group had attended the pre-legislative meeting of GMA and ACCG in Atlanta. Those attending were Mayor Pro Tem Woods, Councilman Denmon, Councilman Shelton, Administrator Harrison and Director Cornwell. Mayor Palmer stated Councilman Denmon had obtained his required training as a new City elected official.
  - c. Mayor Palmer reminded the Council of the public hearings scheduled for November 9, 1998.
    - 1) A zoning variance request of Safco II for a 4-foot setback for an on premise sign on Maple Street;
    - 2) A new zoning and annexation request of Retha Pritchard Poarch for a house and lot at 1130 Dews Pond Road for R-2 zoning;
    - 3) A new zoning and annexation request of Wesley R. Hudgins for a house and lot at 119 Dan Cheri Drive for R-1 zoning;
    - 4) A rezoning request of Beth Maddox for 312 Piedmont Street to be rezoned from C-2 to R-1;
  - d. Mayor Palmer announced the Northwest Regional Hospital Mayor's Day celebration would be scheduled December 9, 1998 at 10:00 A.M. He stated Calhoun, along with other cities in the region have been asked to participate in collecting gifts for patients within the region who will not otherwise have gifts available for them. He stated a list of acceptable gifts for the patients is available, and citizens may drop off gifts at City Hall between now and December 8. He stated this was the 40<sup>th</sup> anniversary of the Mayor's Day trips to Regional Hospitals throughout Georgia, and he asked the community to once again be a part of this worthy cause.
5. Council Comments:
  - a. Mayor Pro Tem Woods:
    - 1) He stated several streets had been paved by the Street Department during the month of September. Those included Caverns Way, Caverns Place, 400 feet of Caverns Drive, the downtown parking lot, McConnell Road, Stonehaven Drive, Court Street, Crystal River Drive, Overlook Drive, Rolling River Drive and Oothcaloga Street. He stated City crews took out and patched cuts on Timber Ridge, McConnell Road, Melony Lane, Court Street and Caverns Way, using over 72 tons of asphalt. He stated the crews had also poured 50 feet of curb and gutter on College Street and 50 feet of sidewalk at City Hall. They had installed

- a new driveway and put down 500 square feet of sod at the soccer field. They took out and based 5000 square feet of concrete that had been washed out due to a main water line break on South Industrial Boulevard. They built 150 feet of asphalt curb on Devonwood Drive, worked on streets in Gray's Landing, preparing for LARP Paving, took out 400 feet in 55 foot sections of top soil and installed pipe for construction of the new parking lot for the Recreation Department. They ran the storm water maintenance plan for September 21, 1998. They ran the brush truck route, bush-hogged, and hauled 51 loads of stone.
- 2) The Sanitation Department, in addition to running its regular commercial route, gained three 4-yard customers, one 6-yard customer and one 8-yard customer.
  - 3) The Parks Department completed construction of a 20 by 30 foot building for the Sewer Infiltration Department. They maintained grass cutting and trimming on all streets, City department yard and other areas.
  - 4) The Cemetery Department performed its routine maintenance on both Fain and Chandler Cemeteries, supervised the opening and closing of nine graves, and Cemetery Custodian, who also serves as the City's Risk Management Director, hosted a program on crime prevention and how not to become a victim.
  - 5) Animal Control housed 24 dogs and 34 cats. They issued 4 first warnings, 1 third warning and 1 fourth warning for leash law violations. They answered 78 complaint calls.
  - 6) The Maintenance Shop completed 75 work orders for all departments.
- b. Mayor Palmer gave a report for Councilman Shelton, who was out of town.
- 1) He stated the Main Street Director had been planning the Hoe-down to be held later, had awarded its first Façade Grant for the Arts Council, and had attended an ISTE A presentation in order to learn the new requirements for applying for ISTE A funding.
  - 2) He stated the Police Department made 160 arrests, of which 10 were DUI charges. They collected \$32,178.91 in fines. They issued 46 warning tickets and 376 parking tickets. They investigated 178 incidents and 111 accidents. They provided 111 escorts and responded to 89 burglar alarms.
- c. Councilman Holland stated:
- 1) The Water and Sewer Construction Department made 36 water taps and three sewer taps during the month. They repaired 36 water leaks and changed out 54 meters. They responded to 7 sewer calls.
  - 2) The Infiltration Crew cleared 17,850 of right-of-way, inspected 7,000 feet of sewer line, and made two major repairs to manholes.
  - 3) The Water Plant pumped an average daily flow of 14.86 million gallons per day (MGD) of raw water during the month of September.
  - 4) The Sewer Plant treated an average of 7.281 MGD, with the BOD effluent being 6, the suspended solid effluent being 16, and the COD effluent being 135.
  - 5) Councilman Holland stated the Golf Advisory Commission met on September 21, with a report that a favorable variance of \$20,700.00 was a result of two months of activities into the new fiscal year.
  - 6) He stated the Industrial Development Authority did not meet during the month of October.
- d. Councilman Denmon stated:
- 1) The Electric Department sold 34,653,856 kilowatt hours of electricity during the month of September to a customer base of 4,054. They issued 11 permits and provided 20 inspections during the month.
  - 2) The Building Inspectors' Office issued 32 permits for a total of \$1,806,680.00 of construction during the month of September.
6. Public Hearings and Comments: Mayor Palmer announced 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 would need to file a disclosure statement regarding ownership or any special interest in any of the agenda items. The response was negative.
- a. Mayor Palmer gave a second reading of a new zoning request of Avis Norwood for a house and lots located at 630 Peters Street for R-1 zoning and annexation.
- 1) Harrison stated the signs had been posted on the property, legal advertisements had been placed in the local legal organ, and the adjoining property owners had been notified.
  - 2) A public hearing was opened.
  - 3) Mayor Pro Tem Woods stated the Zoning Advisory Board had met on October 8, 1998. He stated the findings had determined the property owned by Ms. Avis

Norwood did not require any additional construction. The main objective was to obtain sewer for the property. Water was currently available. The property is located on a public street, and the size of the lot is sufficient for the R-1 zoning as requested. He stated, based on all the information available on the request, the recommendation of the Zoning Advisory Board was to accept the property for R-1 zoning and annexation.

- 4) There were no other comments, and the public hearing was closed.
- 5) Mayor Pro Tem Woods made a motion to waive the third and fourth readings and accept for R-1 zoning and annexation. The motion was seconded by Councilman Holland, with Mayor Pro Tem Woods, Councilman Holland and Councilman Denmon voting affirmatively, motion carried.

b. # 651 A third reading was given of the Joe Powell, Gregg Powell, and Russell Powell new zoning request of R-1 and annexation for property adjacent to Spring Valley Subdivision, being approximately 64 acres located in Land Lot 299.

- 1) Harrison reported the signs on the property had been placed, a second advertisement in the local legal organ had been placed, since it was a third reading, and the adjoining property owners had been notified.
- 2) The public hearing was opened.
- 3) Mayor Pro Tem Woods reported on the Zoning Advisory Board meeting on October 8, 1998. Mayor Pro Tem Woods stated the Zoning Review Committee composed of department heads had met on October 2, and their findings were that the development would have two entrances; one on Lilac Way and one on Iris Way from Spring Valley Drive. The Fire Department had stated all homes must be within 500 feet of a fire hydrant, which will require fire hydrants every 1000 feet at a minimum. Peterson had stated he presented the developers with a request for a comprehensive storm water plan, a hydrology study, a transportation study, a development and design plan, and a construction plan. He had also stated a soil and sedimentation plan and water and sewer plans would be required. He stated that at this time, the developers had shown good faith in providing preliminary information on the development. He stated he would also request but could not require 4-foot sidewalks to be installed, which would increase safety and livability of the development. He stated based on the consensus of the Zoning Review Committee, zoning of R-1 was recommended, as well as annexation. The Committee noted that prior to any grading or building permits would be issued, all the items referred to earlier would need to be submitted, reviewed and approved by the appropriate officials.
- 4) Mayor Pro Tem Woods stated there were several of the Spring Valley residents available to make comments, as well as the developers. He stated for the developers, that Mr. Stewart had presented a preliminary transportation report, and also a preliminary Plat indicating approximately 101 lots. However, it noted that 4 or 5 lots would be lost due to the soil and sedimentation study. He also presented preliminary covenants for the area, which were stronger than were those for the Spring Valley Subdivision. He also stated the original Spring Valley development had originally been planned for additions to the development. He stated a 12-inch sewer line had been installed on Stewart Drive in order to handle the additional development. He stated that storm water flows would be directed away from Spring Valley, as indicated by the topographical study. He stated at this time, he and Mr. Powell were not prepared to install sidewalks, due to the additional cost to the project. Ms. Ola Tucker of 122 Tulip Way stated that she had done a traffic flow study on September 15. She had also measured Stewart Drive, indicating Stewart Drive was 20-foot wide in paved area, and McDaniel Station Road was 21-foot wide. She stated she had taken a second traffic count near Nell's Market on September 19. She stated she was concerned with the speed of traffic on Stewart Drive, and concerned for the safety of children in the neighborhood. She also stated she had reviewed the water pressure to determine that 80 pounds of pressure was the maximum in the area. Mr. Daniel Skiffen of 105 Tulip Way stated his primary concern was traffic. He stated there are not sufficient policemen in the area to provide protection from speeders in the community. He stated if more homes were built, this would only add to the problem. Mr. Jack Silvers of 172 Bryan Street stated he is concerned with water pressure. He stated the developers had stated water pressure gauges were in the area. However, there are no pressure gauges in the subdivision. He stated he had lived there for ten years and he had never seen a fire hydrant opened in the ten years, and he did not believe any testing had been done on the fire hydrants. He also stated Nell's Market has the highest traffic count in the City, and that Flora Drive is also very dangerous. Mayor Pro Tem Woods stated he had reported to the delegation from Spring Valley that some of their earlier concerns were of storm water, and since the previous meeting, he

and City staff had met with the Beamer family and had acquired a license, which enabled the City to enter on private property, and to clear the creek area of debris, in order for the water flows to have an unobstructed path and to prevent some of the overflowing in the Spring Valley area during the winter months to come. He stated the Police Chief and Public Safety Director would work together to address some of the problems, as outlined by the citizens. He stated the members of the Zoning Advisory Board present felt that the annexation and zoning of R-1 was very reasonable, and the problems addressed should be responded to by the City. The members stated it was an obligation of the elected officials to continue to review applications and to provide opportunities for development. He stated based upon the review of all the information provided, it was the recommendation of the Zoning Advisory Board that the property be zoned R-1 and annexed.

- 5) Mayor Palmer asked if there were any comments by the developer. Mr. Milton Stewart introduced himself, stating that he lived at 524 Water Tank Road. He stated the proposed development would be a joint development between himself and Joe Powell. He stated the original Spring Valley development had been planned with future growth in mind, that he had paid for larger sewer line, sufficient to serve up to 1000 households. He stated the surrounding property is zoned R-1, and that the covenants that have been proposed are available for review, and should demand a higher level for the new construction, and should in no way diminish the value of the homes in Spring Valley.
  - 6) Mayor Palmer asked if there were other comments.
  - 7) Ms. Ola Tucker of 122 Tulip Way stated she had reviewed the preliminary transportation report, and that she did not believe the traffic count as listed was correct. She also stated the report called for the paved area on Stewart Drive to be 23 feet wide, but it is actually 20 feet wide, with two very bad curves. She stated the area needs playground for children and she asked why the developers couldn't enter the proposed development from Thelma Drive. She stated there are existing sewer line problems in the area.
  - 8) Mr. Daniel Skiffen of 105 Tulip Way stated once again that his major concern was the traffic, that there were not sufficient police available to provide the proper level of police protection. He stated he was retired and he had an opportunity to view the development during all hours, and he would demand that additional police protection for traffic needs in the area be addressed. He also stated the area definitely needed a park for children in the existing and new proposed area.
  - 9) There were no other comments and the public hearing was closed.
  - 10) Mayor Pro Tem Woods stated based upon all the facts available, he would make a motion to approve the request for R-1 zoning and annexation, with the stipulations that had been addressed earlier.
  - 11) Mayor Palmer asked for comments by the Council.
  - 12) Mayor Pro Tem Woods stated the City will continue to monitor the traffic situation in Spring Valley and in the area. He stated that at the present time, installation of a guardrail along the curves is being considered. Councilman Holland stated the City may not always be interested in large tracts of property for annexation, but the City will be reviewing its growth patterns and territory, and will be looking at annexation requests within and near its current boundaries.
  - 13) The motion was seconded by Councilman Denmon, with Mayor Pro Tem Woods, Councilman Denmon and Councilman Holland voting affirmatively, motion carried.
- c. Mayor Palmer stated the new zoning and annexation request of William F. Williams had been withdrawn.

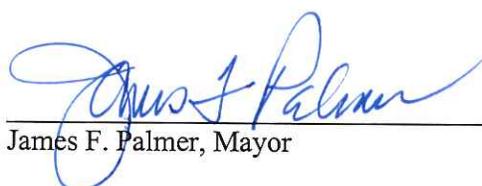
7. Other hearings:

- a. # 652 A third reading of the Street Ordinance was given by Mayor Palmer. A public hearing was reopened. There were no comments and the hearing was closed. Mayor Pro Tem Woods made a motion to waive the fourth reading and to approve the ordinance as presented. The motion was seconded by Councilman Holland, with Mayor Pro Tem Woods, Councilman Holland and Councilman Denmon voting affirmatively, motion carried.
- b. Harrison gave a third reading of the Fee Schedule Resolution, stating that on a second review of the proposed price for repaving cuts in City streets by other utility companies, the staff is presently proposing the fee be changed to \$60.00. Mayor Palmer stated that based upon this additional change, the resolution will be held for a fourth reading in order to give everyone time to review.

8. Old Business:

- a. Mayor Palmer stated the evaluation by the Geo-technical engineers is presently in process, and that a full update on the cellular tower evaluation would be held until the next meeting.
  - b. Director Cornwell reviewed the water and sewer installation policy, stating that EPD had reviewed and issued their final approval for the policy as proposed. He stated the specifications referred to in the policy are not an official part of the policy since they will be changing frequently due to mandated changes from the State and Federal governments. Following discussion, Councilman Holland made a motion to approve the policy as presented and approved by EPD. The motion was seconded by Mayor Pro Tem Woods, with Councilman Holland, Mayor Pro Tem Woods and Councilman Denmon voting affirmatively, motion carried.
  - c. Attorney Bailey gave a first reading of the proposed resolution associated with the re-funding of the Calhoun Recreation Authority revenue bonds. He stated a meeting with the Calhoun Recreation Authority would be held on October 19, 1998, that legal ads would need to be placed in the legal organ on October 28 and November 4, and a second reading before the Mayor and Council of the lease agreement and the resolution would be done at a special meeting of the City Council on October 19, or no later than October 26.
9. New Business:
- a. Mayor Palmer read a proposed resolution, which outlines the present unwritten policy regarding sewer taps beyond the city limits. Following review of the resolution, Councilman Holland made a motion to adopt the resolution. The motion was seconded by Councilman Denmon, with Councilman Holland, Councilman Denmon and Mayor Pro Tem Woods voting affirmatively, motion carried.
  - b. A first reading was given of a new zoning of R-1 and annexation request of Joe M. Stepp for lot 6 located on Kent Lane and York Place in Devonwood Subdivision. Mayor Pro Tem Woods made a motion to set the public hearing for November 9, 1998 at 7:00 P.M. The motion was seconded by Councilman Denmon, with Mayor Pro Tem Woods, Councilman Denmon and Councilman Holland voting affirmatively, motion carried.
10. Other written items not on the agenda:
- a. Harrison stated the first was a new zoning and annexation request of Dianne and Harlan Tucker for a house and lot at 777 Henderson Bend Road for R-1 zoning. She stated the first available date for a public hearing would be November 9. Mayor Pro Tem Woods made a motion to set the public hearing for November 9, 1998 at 7:00 P.M. The motion was seconded by Councilman Holland, with Mayor Pro Tem Woods, Councilman Holland and Councilman Denmon voting affirmatively, motion carried.
  - b. Harrison stated the second items was a zoning variance request of G. Bonner Construction Company for a 10-foot setback variance for a subdivision entrance sign on Towne Lake Drive off Dews Pond Road. Harrison stated the first available date for a public hearing would be November 9, 1998 at 7:00 P.M. Following discussion, Councilman Holland made a motion to set the public hearing for November 9, 1998 at 7:00 P.M. The motion was seconded by Councilman Denmon, with Councilman Holland and Councilman Denmon voting affirmatively, and with Mayor Pro Tem Woods abstaining, since he has a financial interest in the company. The motion was approved.
11. Director Cornwell stated he had presented the Council with an update on the current status of the projects currently open. He stated the sewer improvements should be complete and the punch list completed by the end of October. He stated the Water Plant project is behind approximately one month. However, the company had agreed they would have the sediment pond area completed and the paving done by the end of October, prior to wet weather.
12. Mayor Palmer asked if there was a need to move to Executive Session. There were no items to be discussed.
13. Mayor Pro Tem Woods made a motion to adjourn, second by Councilman Holland, with Mayor Pro Tem Woods, Councilman Holland and Councilman Denmon voting affirmatively, motion carried.

Approved:

  
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 James F. Palmer, Mayor

Submitted:

  
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 Cathy Harrison, City Administrator