

**CITY OF CALHOUN
REGULAR CITY COUNCIL MEETING
DEPOT COMMUNITY ROOM
109 SOUTH KING STREET
DECEMBER 13, 1999, 7:00 P.M.**

MINUTES

**PRESENT: James F. Palmer, Mayor
Ronald H. Woods, Mayor Pro Tem
John D. Shelton, Jr., Councilman
Henry E. Holland, Councilman
Ray M. Denmon, Councilman**

**ALSO: William P. Bailey, City Attorney
Kelly Cornwell, Director of Utilities and Public Works
Eddie Peterson, Assistant Director of Utilities and Public Works
Cathy Harrison, City Administrator**

1. Mayor Palmer called the meeting to order and welcomed everyone in attendance.
 - a. 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 November 22, 1999 regular City Council meeting were approved as written.
4. Mayor's Comments:
 - a. Mayor Palmer reported that he and Councilman Shelton had attended the Mayor's Motorcade to Northwest Regional Hospital on December 8, 1999. Mayor Palmer commended those citizens who had contributed generously with gifts and money for patients at Northwest Regional Hospital. He stated the event was very humbling but most rewarding.
 - b. Mayor Palmer announced the second City Council meeting in December had been moved from December 27 to December 20, due to the holidays, and also, the January 24 meeting had been moved to January 31 to accommodate the GMA meeting in Atlanta.
 - c. Mayor Palmer announced that City Hall would be open and able to respond to inquiries regarding Y2K situations past midnight on December 31, 1999. He stated that standby crews and various personnel would be available also to respond, should inquiries need attention.
 - d. Mayor Palmer wished a happy holiday season to all Calhoun citizens. He also commended all those who were active participants and supporters of the parade of lights, held the first weekend in December. He stated it was a very beautiful event with many, many participants in the parade.
5. Council Comments:
 - a. Mayor Pro Tem Woods stated the Electric Department had numerous kWh sales during the month of November to a customer base of 4,123. The Electric Department provided 29 inspections, issue 12 permits and set 17 meters during the month. In the absence of a written work report, Larry Vickery stated the Electric Department had continued work on the Stewart-Powell Subdivision. They had completed the Christmas lights in the downtown area. The Telecommunications Department had continued work on the Mohawk connection. They also had installed one mile of line to Carriage facilities off Mauldin Road. Generator work continues under warranty.
 - b. Councilman Shelton stated the Fire Department answered 69 calls during the month of November, with fire damages estimated at \$11,900.00. They assisted with 24 accidents, which were included in the 69 calls. They provided 42 inspections during the month of November. The Fire Department provided basic rescue training to firefighters. They also attended a two-day vehicle emergency rescue class. They also assisted in a joint meeting with other area communities regarding establishing a regional hazardous response team. The Police Department responded to 224 incidents, 119 accidents in which there were 26 injuries. They provided 69 escorts and answered 133 burglar alarms.
 - c. Councilman Holland stated the Street Department completed construction on Piedmont Street. They ran the storm water maintenance plan on November 2 for testing and for removing obstructions. They installed 100 feet of 12-inch drain tile, covered and grassed an area on Dorsey Street. They installed 45 feet of 15-inch pipe on Irwin Street and on First Street. They installed 42 feet of 8-inch pipe at Fire Station #2. They backfilled dirt behind newly poured walls on Victory Drive, cleaned out ditches on Old Red Bud Road, spread several loads of wood chips on the playground at Calhoun Pre-K, contracted with Northwest Georgia Paving to pave Cherry Street and Florence Avenue, dedicated the

newly accepted city street, naming the street Frank Dickinson Drive. They also ran the brush truck, street sweeper and leaf vacuum routes, hauled 92 loads of stone and completed 42 work orders for the shop. The Sanitation Department ran their commercial trash routes during the month and serviced vehicles. They gained three 4-yard customers, one 6-yard customer and one commercial can account. The Parks Department completed construction of a 16 x 20 building at well site #3. They mowed, trimmed, raked leaves and picked up trash at all city yards and right-of-ways, installed metal roof on the city radio building. The Cemetery and Safety Departments supervised the opening and closing of ten graves, performed routine maintenance on Fain and Chandler Cemeteries. There was no safety inspection during November. Animal Control housed 44 dogs and 17 cats, issued 5 first warnings for leash law violations, responded to 39 customer inquiries and disposed of 3 deer.

- d. Councilman Denmon stated the Water Treatment Plant pumped 344,451,000 gallons of raw water during the month for a daily average of 11.482 million gallons. Well #3 pumped a total of 38,532,000 during the month of November, for a daily average of 1.284 million gallons. The Waste Treatment Plant treated a daily average of 7.579 MGD. The average BOD effluent was 10, the average suspended effluent 11 and the average COD effluent was 100. The Water and Sewer Construction Department made 47 water taps during November and 4 sewer taps, they installed 7420 feet of 8-inch PVC water line. They installed 720 feet of 6-inch water line along Baxter Road. They installed 370 feet of 2-inch water line along Webb Road and 250 feet of 2-inch line along Greeson Road. The Building Inspection Department issued a total of 60 permits during the month of November for a total of \$1,906,178.00 of construction to be completed. During the month, they provided 142 inspections. Of the total construction, \$1,033,000.00 was for residential construction, \$872,000.00 was for commercial.

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 needed to file a disclosure statement regarding ownership or special interest in any of the agenda items. The response was negative.

- 1) Mayor Palmer gave a second reading of a request for zoning of Industrial-G and annexation by Wayne Braud for property at 237 Nance Road, consisting of approximately 8 acres and 5 lots of Sky Way Subdivision on Highway 41 North.

- a) Mayor Palmer stated the Zoning Advisory Board had heard the matter on December 9. Based upon the Council's previous action to ensure that industrial buildings of more than 12,000 square feet would be sprinkled, Mr. Braud and the owners did not wish to sprinkle their 30,000 and 20,000 square foot buildings at this time. Therefore, they elected to withdraw their application for annexation should the Council enforce this provision. Mayor Palmer stated it was the Council's intent to act upon the ordinance which had been previously passed.

- 2) A second reading of a request was given for zoning of C-2 and annexation of Hometowne Lodge, Inc. for approximately 4 acres off Golden Circle Drive.

- a) A public hearing was opened.
 b) Harrison reported that notices had been sent to the adjoining property owners, notices had been published in the legal organ and signs had been posted on the property.

- c) Councilman Holland stated the Zoning Advisory Board had heard this matter on December 9, 1999, with Mr. Robert Lane, one of three owners of the business, giving a concise review of the proposed plans for construction on the site. He stated the matter had also been addressed by Patsy Thacker of the Calhoun Housing Authority, which owns and operates Housing Authority facilities adjoining the proposed property. Councilman Holland stated there was discussion arising from the Zoning Review Committee regarding the ownership of Golden Circle. Based upon their recommendation to table until further discussion between the Housing Authority and the City of Calhoun had transpired regarding the title for the property. Based upon the information from the Zoning Review Committee and the property owner as it

- regards the application, the Zoning Advisory Board voted to recommend the matter be tabled at this time.
- d) Following discussion, Councilman Shelton made a motion to table the matter, second by Mayor Pro Tem Woods, with Councilman Shelton, Mayor Pro Tem Woods, Councilman Holland and Councilman Denmon voting affirmatively, motion carried.
- 3) Mayor Palmer stated at this time the sign variance request by Irvin Properties, owner of Burger King Restaurant to be located at 115 Travelers Path, which had been previously tabled, would require a motion to bring the matter back to the table. Councilman Holland made the motion to bring the matter to the table, second by Councilman Shelton, with Councilman Holland, Councilman Shelton, Mayor Pro Tem Woods and Councilman Denmon voting affirmatively, motion carried.
- a) Mayor Palmer stated that based upon the second reading of the request by Irvin Properties to develop the property for Burger King at 115 Travelers Path, a request was being made for a sign variance with a sign face of 372 square feet and a height of 120 feet.
 - b) A public hearing was opened.
 - c) Harrison reported that notices had been sent to the adjoining property owners, notices had been published in the legal organ and signs had been posted on the property.
 - d) Councilman Holland stated the Zoning Advisory Board had reviewed the matter on December 9, 1999 based on information from the Zoning Review Committee and in consultation with the City Attorney, they had determined the area could be treated as an off-premise sign in the extended quadrant area. He stated based on this consideration, the square footage would be well within the limits of the new ordinance. Also, based upon the new ordinance, the height of the sign in this particular quadrant could be considered based upon the distance of the top of the sign compared to the sight level of the sign from the roadway, which would, in essence, make the actual variance in the neighborhood of 10 feet for the 120 foot sign. Councilman Holland stated that based upon the information reviewed and available, it was the recommendation of the Zoning Advisory Board to grant the requested variance and to allow the sign of 120 feet to be erected. Terry Brumalow, representing the property owners, stated it was the intent of the property owners to develop the property for a Burger King restaurant and to have a sign, which would market their product available to the viewing public on I-75. It would be similar to other signs presently in the area.
 - e) There were no comments from the Council.
 - f) The public hearing was closed.
 - g) Councilman Holland made a motion to approve the request and to allow the variance, second by Mayor Pro Tem Woods, with Councilman Holland, Mayor Pro Tem Woods, Councilman Shelton and Councilman Denmon voting affirmatively, motion carried.
- 4) A second reading was given of a request for a zoning change from R-2 to C-2 by Tommy Joe and Doris K. Kirk for a lot at 214 North River Street.
- a) A public hearing was opened.
 - b) Harrison reported that notices had been sent to the adjoining property owners, notices had been published in the legal organ and signs had been posted on the property.
 - c) Councilman Holland stated the Zoning Advisory Board had heard this matter on December 9, and based upon the information from the Zoning Review Committee, found the application to be in order and recommended the request be approved.
 - d) The daughter of Tommy Joe and Doris Kirk spoke on their behalf, stating the family wished to convert the property to commercial in order for them to establish a retail facility on the property.
 - e) There were no questions by the Council.
 - f) The public hearing was closed.
 - g) Councilman Holland made a motion to approve the request for rezoning from R-2 to C-2, second by Mayor Pro Tem Woods, with Councilman Holland, Mayor Pro Tem Woods, Councilman Shelton and Councilman Denmon voting affirmatively, motion carried.
- 5) A second reading was given of a request for a zoning variance by Thurman Carpets, Inc. for a mobile unit for an office and training unit at 805 Curtis Parkway.
- a) A public hearing was opened.

- b) Harrison reported that notices had been sent to the adjoining property owners, notices had been published in the legal organ and signs had been posted on the property.
 - c) Councilman Holland stated the matter had been reviewed by the Zoning Advisory Board on December 9, and based upon information available from the Zoning Review Committee and from previous requests, it was the recommendation of the Zoning Advisory Board to recommend a 12-month permit for the mobile unit.
 - d) There were no comments on behalf of the property owner.
 - e) There were no comments from the Council and the public hearing was closed.
 - f) Councilman Holland made a motion to recommend a variance for a 12-month permit, second by Councilman Denmon, with Councilman Holland, Councilman Denmon, Mayor Pro Tem Woods and Councilman Shelton voting affirmatively, motion carried.
- b. Other Hearings: **none.**

7. Old Business:

- a. A second reading was given of the Beer, Wine and Liquor License renewal applications for the year 2000:

Business Name	Manager Name	License Type	Date Received
Grill Villa Juarez	Elizabeth Martinez	Beer & Liquor Pouring	11/8/99
Los Reyes Mexican Rest.	William T. Howard	BWL Pouring	11/8/99
Speedy's Spirits, Inc. (ABC	Walter David Fowler	Wine/Liquor Package	11/9/99

Following review, Councilman Holland made a motion to approve these for the year 2000, second by Mayor Pro Tem Woods, with Councilman Holland, Mayor Pro Tem Woods, Councilman Shelton and Councilman Denmon voting affirmatively, motion carried.

- b. A second reading was given of the Amusement License Renewals for the year 2000:

Business Name	Manager Name	Number of Machines	Date Received
VFW	Rhonda Hyde	10	11/19/99
Pizza Hut	Sonia Pack	2	11/19/99
Triangle Grocery	Russell Offutt	4	11/8/99

Mayor Pro Tem Woods made a motion to approve those renewals for the year 2000, second by Councilman Denmon, with Mayor Pro Tem Woods, Councilman Denmon, Councilman Shelton and Councilman Holland voting affirmatively, motion carried.

- c. A second reading was given of the Taxicab License Renewal for the year 2000:

Business Name	Manager Name	Date Received
Lara, Ofelio L.		11/19/99
Spanish Taxi	Martinez, Jose	11/22/99

Councilman Holland made a motion to approve the renewal requests for 2000, second by Mayor Pro Tem Woods, with Councilman Holland, Mayor Pro Tem Woods, Councilman Shelton and Councilman Denmon voting affirmatively, motion carried.

8. New Business:

- a. A first reading was given of a resolution regarding GMA's request for cities in Georgia to adopt a Code of Ethics. Mayor Palmer stated that a second reading of the resolution would be held on December 20, 1999.
- b. Mayor Palmer stated the city officials had received a proposed draft of an ordinance regarding the Code of Ethics. Mayor Palmer stated the Council would need sufficient time to review because the Code of Ethics not only included the Council and key management officials for the City, but also included all board and commission members who are appointed by the City Council and that in order to adopt a Code of Ethics which would meet the needs of all these groups, sufficient time would be needed to review properly. He stated a first reading will be held on December 20, with final adoption scheduled for January 10, 2000.


- c. A first reading was given of a new zoning of Industrial-G and annexation request for 1.110 acres in the 14th District, 3rd Section, Land Lot 226 of Gordon County, being property owned by Coosa Valley Tech and being Southwest of the school. The request also includes 1.35 acres owned by the school, being in Land Lot 226 and also being southwest of the school. Councilman Denmon made a motion to set the public hearing for January 10, 2000 at 7:00 P.M., second by Mayor Pro Tem Woods, with Councilman Denmon, Mayor Pro Tem Woods, Councilman Shelton and Councilman Holland voting affirmatively, motion carried.
 - d. A first reading was given of a new zoning of R-2 and annexation request of B&B, Inc. for 6.051 acres off Peters Street in Land Lot 267, 14th District, 3rd Section of Gordon County, Georgia. Mayor Pro Tem Woods made a motion to set the public hearing for January 10, 2000 at 7:00 P.M., second by Councilman Denmon, with Mayor Pro Tem Woods, Councilman Denmon, Councilman Shelton and Councilman Holland voting affirmatively, motion carried.
 - e. Mayor Palmer stated the City currently has a three-year insurance contract for all of its liability and property and content coverage. However, the company presently going into the second year of service on the contract, has decided it will not insure property and contents any longer. Therefore, it was necessary for the City to seek bids for this coverage. Bids were taken and of the bids received, it is the recommendation to award the bid to the low bidder Chubb Insurance, which also includes flood coverage, for a price of \$64,821.00, which is consistent with the present pricing of the coverage with AIG. Following discussion, Councilman Holland made a motion to approve the bid, second by Mayor Pro Tem Woods, with Councilman Holland, Mayor Pro Tem Woods, Councilman Shelton and Councilman Denmon voting affirmatively, motion carried.
9. Other written items not on the agenda: **none.**
10. Work report of Director of Utilities and Public Works, Kelly Cornwell.
- a. Director Cornwell stated the City of Calhoun, under its contract with Municipal Electric Authority of Georgia, had previously requested that supplemental services such as marketing be handled through a separate business unit and not be charged across the board to all MEAG participants, unless they wish to avail themselves of the services. He stated that in reviewing the proposed marketing contract for services, he would recommend the City consider energy services for approximately \$9,307.00, pricing and support services for approximately \$11,038.00, special services for retail customers for \$8,759.00 and economic development services for \$2,810.00 under the proposed marketing contract. Attorney Bailey stated he had reviewed the proposed contract and had signed off as to form and content. Following discussion, Mayor Pro Tem Woods made a motion to approve the request to enter the marketing agreement for approximately \$30,000.00 worth of services, with the understanding that the City would have an option to remove itself from the contract with 30-days notice to cancel. The motion was seconded by Councilman Shelton, with Mayor Pro Tem Woods, Councilman Shelton, Councilman Holland and Councilman Denmon voting affirmatively, motion carried.
 - b. Director Cornwell stated the telecommunications group, which currently has seven members, had established a non-profit Georgia Public Web, Inc., which would allow the 32 Telecom-MEAG member cities to participate and to use this vehicle to market any reserve telecommunications services they presently have available. He stated this type of situation was in the original arrangements but was derailed when MEAG failed to obtain a statewide license allowing them the opportunity. The formation of the Georgia Public Web, Inc. as a non-profit entity, would provide that opportunity. Following discussion, Mayor Pro Tem Woods made a motion to approve the request and to authorize the Mayor to sign and to designate Kelly Cornwell as the representative for the City of Calhoun. The motion was seconded by Councilman Denmon, with Mayor Pro Tem Woods, Councilman Denmon, Councilman Shelton and Councilman Holland voting affirmatively, motion carried.
 - c. Eddie Peterson gave a full report on the Piedmont Street project, stating that it is completed with the exception of striping. He stated the striping engineer will be available to review proposed plans in order to make sure all areas, especially the high pedestrian traffic areas, are addressed, specifically in front of the Courthouse. Peterson stated, initially the Council had met with DOT Executive Director Shackelford in early 1996, at which time Shackelford had stated he would issue a DOT contract, provided the City of Calhoun would provide engineering and storm drainage and the local share cost for base, paving and curbing on the project. He stated the DOT would participate on the base and

paving, sidewalk and curb and gutter work. In May of 1996, an engineering firm was contracted and they provided the plans for the project. Also, rights-of-way were procured during the next 18 month period. In the fall of 1998, the project was bid and a bid came in at \$2.3 million. The project was deemed to be unacceptable at that level and a second bid was taken. The second bid came in at the same level. The Council reviewed the project and restructured in another direction and the proposed estimate at that time was \$1 million to provide the work. The proposal was reviewed again, with the City determining that a drainage system would be a way to lower the cost of the project and give very similar results. In June of 1999, the project was started and in 20 of the 26 weeks in which the project was in progress, the City work crews worked six and seven days per week to complete the job. The total cost is approximately \$700,000.00, less a little over \$100,000.00 being received from the Department of Transportation. The project took approximately six months and was not without problems of access and ability for the traveling public to utilize. However, the people who owned businesses and homes on the street were provided access during the construction phase. Eddie Peterson stated many people were responsible for completion of the project. However, he wished to commend Jerry Crawford for the profiles and layouts that he was able to help the City with, which lowered the cost; the Water and Sewer Construction Department for their work and coordination of the project; the gas company; Northwest Georgia Paving, for their assistance in pricing parts of the project. He also expressed appreciation to Julian James and the county work crews for the time they spent on the project. He commended Attorney William P. Bailey for his judicious and prudent work regarding right-of-way. He commended Leon Lewis for his work as the DOT Inspector, and last but not least, he commended Kevin McEntire, who was the project supervisor for the work and who worked faithfully and tirelessly to see the project through to completion. He also commended the Mayor and Council for their support during the period. Mayor Pro Tem Woods stated that he commended Eddie Peterson for his oversight of the project of that magnitude. Mayor Palmer stated the contract included a lot of renewal and replacement work for water and sewer, which the City was able to do based on the extensive road work that was under way and that those figures were also included in the above quoted costs.

11. Mayor Palmer asked if it was necessary to move to Executive Session. The response was negative.
12. Councilman Holland made a motion to adjourn, second by Councilman Shelton, with, Councilman Holland, Councilman Shelton, Mayor Pro Tem Woods and Councilman Denmon voting affirmatively, motion carried.

Approved:

Submitted:



 James F. Palmer, Mayor



 Cathy Harrison, City Administrator