

**CITY OF CALHOUN  
REGULAR CITY COUNCIL MEETING  
DEPOT COMMUNITY ROOM  
109 SOUTH KING STREET  
MAY 10, 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  
Eddie Peterson, Assistant Director of Utilities and Public Works  
Cathy Harrison, City Administrator**

1. Mayor Palmer called the meeting to order and welcomed everyone.
  - 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 April 26, 1999 regular City Council Meeting and the May 4, 1999 special City Council Meeting were approved as written.
4. Mayor's Comments:
  - a. Mayor Palmer stated the Mayor and Council had made the decision at the special council meeting on May 4 to partner with Peachtree Natural Gas and become a licensee for gas service in the North Georgia area. Mayor Palmer encouraged residents and businesses in Gordon, Murray and Floyd counties to sign up for gas service as soon as possible. He stated gas would be free for residential customers for the months of June, July and until August 11. There would be a base charge associated with the cost of handling the gas through the pipelines owned by Atlanta Gas Light, but the cost of actual gas would be free for that period of time.
  - b. Mayor Palmer announced the City of Calhoun has received a \$254,250.00 CDBG grant for the rebuilding of the burned out business on Court Street. Architectural services will begin very soon.
  - c. Mayor Palmer announced the U. S. General Store will be at the Calhoun Depot on May 11, with specialized individuals available to assist those interested in starting a small business or those who are presently operating a small business. He encouraged all to attend.
  - d. Mayor Palmer announced two public hearings scheduled for May 24, 1999 at 7:00 P.M.:
    - 1) The Beer pouring and liquor pouring (class E) license requests of Rebecca L. Quarles for the El Rayos Mexican Restaurant, to be located at 360 Piedmont Street (Former site of Madison Steak House and The Place on Piedmont.)
    - 2) The beer pouring license request of Shadi J. Ibrahim for Lizzi's Deli and Grill Restaurant to be located at 203 Richardson Road.
  - e. Mayor Palmer announced the City Hall drive-in window will be closed for repairs on May 24, 1999. He stated the inside services will be available to respond to all the requests from customers. The window should be available for reopening on May 25.
5. Council Comments:
  - a. Mayor Pro Tem Woods stated:
    - 1) The Electric Department continues line construction projects on River Street, C. L. Moss Parkway, Harlan Street and Fain Street, in order to complete the new substation interfaces. All storm related problems were repaired as they occurred last week. New service and maintenance have continued on the expanded construction schedule. During the month of April 1999, the Electric Department had sales of 27,067,216 kWh of electricity to a customer base of 4,077. The department provided 32 inspections, issued 11 permits and set 18 meters.
    - 2) The Telecommunications Department completed an additional fiber and copper line lease project for Carriage Industries. Billings for Carriage services are completed as well. Crews have started optic interface construction for the generator and new substation to provide SCADA and carrier related connections. The City's internal phone and data system recurring costs have been slashed due to a reduction in the number of ISDN interfaces with BellSouth.
  - b. Councilman Shelton stated:
    - 1) The Fire Department responded to 76 calls during the month of April 1999, with fire losses estimated at \$14,300.00. There were 45 inspections during the month

and the Fire Department provided training on hazardous material for 11 members of their department. These classes were held at Mohawk. They also assisted with training fairs at the schools.

- 2) The Police Department made 271 arrests, 13 for UI, and collected \$31,740.00 in fines. They issued 52 warning tickets, 500 parking tickets, investigated 129 accidents with 31 associated injuries, responded to 181 burglar alarms and provided 121 escorts.

c. Councilman Holland stated:

- 1) The Street Department installed a 20-foot driveway tile on Shadowood Drive. They ran storm water maintenance check plans on all drains and pipes on April 6. In conjunction with the County Road Department, they paved the Recreation Department parking lot. They installed 1500 feet of silt fence and hauled dirt to slopes at the new electrical substation on Moss Parkway. They installed 62 feet of 24-inch pipe, hauled fill dirt, graded and compacted chert and gravel for the road entering the new substation. They completed hauling and grading of dirt for the gas pipeline berm at the generator site, cleared and built a 100 by 100 foot pad for the gas generator substation and started work on the access road for the substation. They cleared two spots for methane gas monitoring wells and hauled dirt to the lower spots at the old Harris-Beamer landfill. They constructed 200 feet of rip-rap ditch and grass along the right-of-way at the Scottish Inn. They ran the brush truck route, bush-hogged right-of-ways, ran street sweeper route, worked 52 shop orders and hauled 65 loads of stone.
- 2) The Sanitation Department ran its commercial trash route, gaining two 6-yard and one 8-yard dumpster accounts.
- 3) The Parks Department began construction of four new offices and hallways at the Water and Sewer Construction Department, maintained all city grounds, including sidewalks, yards, tank and pump sites.
- 4) The Cemetery Department supervised the opening and closing of 11 graves, sold 8 grave spaces, and performed routine maintenance at Fain and Chandler Cemeteries.
- 5) The Risk Management Director reported there were no workers' compensation accidents and one vehicle accident during the month of April
- 6) The Animal Control Department housed 47 dogs and 20 cats during the month, issued 7 first-warnings and disposed of animals killed on the highway, and responded to 15 inquiry calls.

d. Councilman Denmon stated:

- 1) The Water Treatment Plant pumped a daily average of 12.690 million gallons of raw water per day for the month of April 1999.
- 2) The Sewer Treatment Plant treated a daily average of 9.188 million gallons per day, with the average BOD effluent being 13, suspended solids effluent being 22 and the COD effluent being 105.
- 3) The Water and Sewer Construction Department installed 59 water taps and four sewer taps. They installed 2,635 feet of 2-inch water line, repaired 29 leaks and provided 26 change-outs of meters.
- 4) The Building Inspection Department issued 33 permits during the month of April 1999 for total construction estimated at \$1,113,500.00 for residential, commercial and industrial development. This included permits for 7 new residential projects including one 8-unit apartment and 2 commercial projects.

6. 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 would need to file a disclosure statement regarding ownership or special interest in any of the agenda items. The response from all four Councilmen and the Mayor was negative.

a. A second reading was given of the zoning change request from R-1 to C-N for a lot on Metter Lane for Lindsay K. Lewis.

- 1) A public hearing was opened and Harrison reported that signs had been posted on the property, notices had been published in the legal organ and sent to all the adjoining property owners.
- 2) Mayor Pro Tem Woods gave a report from the Zoning Advisory Board. He stated the board had met on May 6 to hear all the zoning requests. He stated the Board heard a report from the Zoning Review Committee in which the Street Department reported the width of Metter Lane is only 12 feet. The narrow street would not allow a garbage truck or other large service truck to enter the property. Water is not currently available from Metter Lane. Therefore, access would need to be provided from Highway 41. The Police Department stated they were concerned with the sight distance as traffic exits from Metter Lane into Highway 41, because of the protrusion of the former Volunteer Action Center building.

The Electric Department can serve any new facility placed on the site and will inspect any new construction. A fire hydrant is available off Chandler Street with proper flows to serve the facility. The long-range plans for the City would allow the property to be developed as commercial property. Mayor Pro Tem Woods stated that Mr. John Shivers, as agent for Lindsay Lewis, reported that prior to the purchase of the property by the Lewis family, a mobile home had been located on the property, which had both water and sewer service. Those have since been disconnected. However, the taps should be available and could be utilized for the property when and if construction begins. He stated there are no immediate plans for any construction on the property, but the owner understands the only proper utilization for the lot would be commercial activity.

- 3) There were no other comments and the public hearing was closed.
  - 4) Mayor Pro Tem Woods made a motion to waive the third and fourth readings and to change the zoning from R-1 to C-2 for the lot, as requested, second by Councilman Shelton, with Mayor Pro Tem Woods, Councilman Shelton, Councilman Holland and Councilman Denmon voting affirmatively, motion carried.
- b. Mayor Palmer gave a second reading of the new zoning request of Paul Lusk for R-2 zoning and annexation of approximately 7 acres adjoining Forest Height Apartments off Highway 53 West.
- 1) A public hearing was opened and Harrison reported that signs had been posted on the property, notices had been published in the legal organ and sent to all the adjoining property owners.
  - 1) The Zoning Advisory Board reported this matter was also heard on May 6, 1999, with the Zoning Review Committee reporting the property is part of a 30 acre tract, which will be developed for apartments and duplexes. The development will adjoin the Forest Heights Apartments. However, the development will have future access from Highway 53. There was concern expressed for sewer extension from the Maplewood line, since that line is relatively flat and is marginal in its service to Maplewood at this time. The cost to re-lay the line would be approximately \$70,000.00. The Zoning Review Committee stated it would be more advantageous to review plans for the entire 30-acre tract, in order to determine storm drainage, street layout, and proposed water and sewer lines. The Zoning Advisory Board heard response from Paul Lusk, stating that he and two partners would be developing the area. No permanent plans have been made, but preliminary plans indicate the 7 acres would be the immediate development and would be primarily duplexes. However, the full acreage will also include apartments. He stated the full acreage will have access into Highway 53. He stated they were working with the Industrial Development Authority regarding connection to sewer from a line that will be extended for the Industrial Development Authority's new industrial park, rather than tying onto the Maplewood line.
  - 2) There were no further questions and the public hearing was closed.
  - 3) Mayor Pro Tem Woods made a motion waive the third and fourth readings and to approve the new zoning of R-2 and annexation. The motion was seconded by Councilman Denmon, with Mayor Pro Tem Woods, Councilman Denmon, Councilman Shelton and Councilman Holland voting affirmatively, motion carried.
- c. Mayor Palmer gave a second reading to the new zoning request for zoning of C-2 and annexation of property south of Sonic Drive-In on Highway 41 South for Larry C. Martin.
- 1) A public hearing was opened and Harrison reported that signs had been posted on the property, notices had been published in the legal organ and sent to all the adjoining property owners.
  - 2) Mayor Pro Tem Woods stated the Zoning Advisory Board had reviewed the application on May 6, 1999 and had heard a report from the Zoning Review Committee in which it was indicated that Mr. Martin currently has hydro and soil erosion plans. He stated a water problem that had developed at the time the Sonic Drive-In had been relocated had also been addressed in the hydro study provided by Mr. Martin. He stated it was the understanding of the Building Inspector that a building permit and grading permit will be requested for construction of a commercial bank. The Street Department stated that the facility would be located on a state route. Should the developer build on the property at the rear of the proposed site, it would be necessary for a street to be constructed into the property, in order for the property to be located at least 25 feet on a public road. Commercial trash pickup will be available for the property. The Police Department stated the property is located within the city's current patrol area and would not add to the patrol route. The Electric Department can provide service to the new facility and inspection of the facility during construction. The Building Inspector stated the proposed construction would need to meet all

- codes. The Fire Department stated that additional hydrants might be required, dependent upon the level of development. Water and sewer are available for the site, with normal tap fees. The proposed development is within the City's long-range plans. Mayor Pro Tem Woods stated the board also heard comments from J. C. Maddox, as agent Mr. Martin, encouraging the board to zone the property C-2 and annex, in order for it to be developed as a commercial bank.
- 3) Following review by the Zoning Advisory Board, Mr. Maddox stated at this time, they had no comments but would be available to respond to any questions from the Council.
  - 4) There were no other comments and the hearing was closed.
  - 5) Mayor Pro Tem Woods made a motion waive the third and fourth readings and to zone the property C-2 and annex. The motion was seconded by Councilman Holland, with Mayor Pro Tem Woods, Councilman Holland, Councilman Shelton and Councilman Denmon voting affirmatively, motion carried.
- d. A second reading was given of the new zoning of C-2 and annexation request of William C. Price, Jr. for property on South Wall Street on which Price Floor Covering is currently located.
- 1) A public hearing was opened and Harrison reported that signs had been posted on the property, notices had been published in the legal organ and sent to all the adjoining property owners.
  - 2) Mayor Pro Tem Woods reported the results of the Zoning Advisory Board meeting on May 6, 1999, stating the Zoning Review Committee had determined the applicant is interested in connecting to the City's public sewer system. There is an existing drive from Highway 41 South into the facility. There are no current plans to enlarge the facility. There appear to be no storm water problems on the property at this time. The Fire, Electrical and Building Inspectors will be available to review the site, if the property is annexed. The committee also stated the area fits within the long-range plans for the City.
  - 3) There were no other comments and the hearing was closed.
  - 4) Mayor Pro Tem Woods made a motion to waive the third and fourth readings and to zone C-2 and annex the property on South Wall Street known as Price Floor Covering. The motion was seconded and Councilman Holland, with Mayor Pro Tem Woods, Councilman Holland, Councilman Shelton and Councilman Denmon voting affirmatively, motion carried.
- e. Mayor Palmer gave a second reading to the new zoning of C-2 and annexation request of Christopher McCracken for property located on the lot adjoining that of William C. Price, Jr. on South Wall Street.
- 1) A public hearing was opened and Harrison reported that signs had been posted on the property, notices had been published in the legal organ and sent to all the adjoining property owners.
  - 2) Mayor Pro Tem Woods stated the Zoning Advisory Board had also heard the McCracken request on May 6, 1999, and understands the property is undeveloped at this time. However, Mr. McCracken intends to build a chiropractic clinic with other rental offices, of approximately 5,000 square feet. The Zoning Review Committee had stated that based upon the level of development for the site and the fact that a house is located behind the property, there would be quite a bit of storm water to be handled and a hydro study would be needed for the property. The Police Department stated there would be no problem, since the property is within the current patrol area. The Electric Department indicated they would serve the new facility and would provide electrical inspections. The Building Inspector stated the development must adhere to the current building codes. The Fire Department stated there would be problem with the proposed development, as long as it met fire codes. The Water and Sewer Construction Department reported there is currently an 8-inch water line at the front of the property and sewer would be accessible from the back, provided property owner obtains the necessary easements. The development conforms to the long-range plans of the City of Calhoun.
  - 3) There were no other comments and the hearing was closed.
  - 4) Mayor Pro Tem Woods made a motion to waive the third and fourth readings and to approve the property for C-2 zoning and annexation. The motion was seconded by Councilman Holland, with Mayor Pro Tem Woods, Councilman Holland, Councilman Shelton and Councilman Denmon voting affirmatively, motion carried.
- f. Mayor Palmer gave a second reading of the zoning change request from Industrial to C-2 zoning, of Joe M. Stepp, as agent for Ismail and Myrtle Esener, for Tract 4, 1.04 acres north of Echota Baptist Church, south of Red Bud Road, west of College Street, for retail development. The request includes a variance to waive the rear setback to allow the building to be built next to the rear retaining wall. The request for the variance was made due to the shape of the lot and to the fact that the property is bound on all sides by streets.

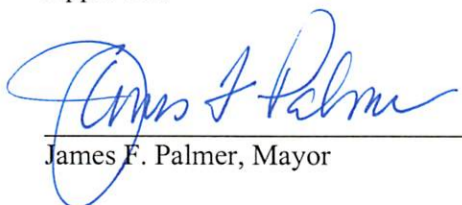
- 1) A public hearing was opened and Harrison reported that signs had been posted on the property, notices had been published in the legal organ and sent to all the adjoining property owners.
- 2) The Zoning Advisory Board heard the matter on May 6, 1999. Based upon reports from the Zoning Review Committee, the driveway into the facility would need to be from Highway 156, since any side entrances would be too near the intersections. Storm water management would need to be addressed prior to the issuance of a building permit. Commercial trash pickup by the City would be available. The Street Department stated the variance request is reasonable, since the developer has rebuilt portions of the retaining wall, since it had been in very poor condition. The Police Department stated the development would not impact their patrol route. The Electric Department stated it would be able to serve the facility and would provide electrical inspections. The Building Inspector stated hydro, soil and grading permits would need to be issued prior to any construction. They also stated that repairs to the current retaining wall would make the setback variance request acceptable. The Fire Department stated they could provide fire protection from existing hydrants at College Street and the Old Water Works Road, which have sufficient flows to cover the development. Sewer is available at the intersection and there is an 8-inch water line east of College Street. The proposed development conforms to the long-range plans for the City. It was the consensus of the committee to recommend the granting of the variance and the zoning change from Industrial to C-2 zoning. Mayor Pro Tem Woods stated the Zoning Advisory Board heard from Michael Langston, representing the Board of Deacons of the Echota Baptist Church, who had expressed concern for the variance request. He stated the church has no problem with the zoning change request. However, their concern was for the safety of the neighborhood children in the area, who would be tempted to vault from the retaining wall to the roof of the proposed building, should it be allowed to be built very near the wall. The Deacons also expressed concern for additional traffic due to the development, which might be on roads such as Short North Wall Street, which circles the church. Mayor Pro Tem Woods stated the traffic light planned for the intersection of Red Bud Road and College Street should greatly enhance traffic flow in the area and make it much safer. Mayor Pro Tem Woods also reviewed the seven standards that must be considered prior to any zoning matter. The Zoning Advisory Board stated it felt the owner of the facility would take measures to assure that the roof was protected. There was a recommendation from the Zoning Advisory Board to rezone the property from Industrial to C-2 and grant the zoning variance.
- 3) Mayor Palmer asked if the developer had any comments at this time. Mr. Stepp stated at this time, he had no comments.
- 4) Mayor Palmer asked if there were other comments.
- 5) Mike Langston of 170 Craigtown Road, representing the church, stated they were concerned primarily with the variance. They were concerned for traffic and also safety of the neighborhood children, who are not supervised at all times. He stated the church was concerned that it would be a temptation for the children to vault from the wall to the building. He stated they were opposed to the variance. Mr. Doyle Phillips of 157 Pine Drive stated the owner of the property had promised the church for years that it would be maintained and that a wall would be built which would keep children off the slope. However, the property owner had never built the wall. Mr. Randy Jones of 286 Wilson Lake Road, a member of the church, also stated that he was concerned with entrances into the project, with traffic that might impact the traffic flow around the church. He stated if traffic increases, it would be possible for traffic to travel too fast and not make the curve and land on the roof of the new construction.
- 6) Mr. Joe Stepp stated in response to the concerns of the church, he had made improvements to the wall, which should allow the wall to remain in place for 30 to 40 years. He stated he could not address the promises that had been made earlier to the church. However, he has purchased the property outright from Dr. Esener and he will maintain the property, which will include any shrubs and other plantings that would be put on the property to shield the structure from the church. He stated he had not decided on a roofline for the structure at this time. However, he will make every attempt to prevent any vaulting from the wall to the roof.
- 7) There were no additional comments and the hearing was closed.
- 8) Mayor Pro Tem Woods made a motion to waive the third and fourth readings and to approve the zoning change from Industrial to C-2 and to grant the variance, to be approved by the Building Inspector, as it relates to safety entrances at the back of the building. The motion was seconded by Councilman Holland, with Mayor Pro Tem Woods, Councilman Holland, Councilman Shelton and Councilman Denmon voting affirmatively, motion carried.

7. Other Hearings:
  - a. A public hearing was opened on the City's operating and capital expense budget for the fiscal year July 1, 1999 through June 30, 2000.
    - 1) Harrison proceeded to review the funds proposed for expenditures and revenues for the General Fund, the Water-Power-Sewer Fund, Telecommunications Fund, the Golf Enterprise Fund, Debt Service Funds and for the Revolving Loan Fund. Harrison stated that each individual fund was balanced and at this time, all anticipated revenues and expenditures have been included, with the exception of the new gas service, which is being initiated by the City, and the school budget, which is not available at this time.
    - 2) There were no comments and the public hearing was closed.
    - 3) Mayor Pro Tem Woods made a motion to set the second public hearing for June 14, 1999 at 7:00 P.M., second by Councilman Shelton, with Mayor Pro Tem Woods, Councilman Shelton, Councilman Holland and Councilman Denmon voting affirmatively, motion carried.
  - b. Mayor Palmer stated the City's elected officials would be attending the GMA Conference at its normal meeting date of June 28, and he recommended the June 28 Council Meeting be moved to June 21. Following discussion, Mayor Pro Tem Woods made a motion to move the June 28 Council Meeting to June 21 at 7:00 P.M. The motion was seconded by Councilman Denmon, with Mayor Pro Tem Woods, Councilman Denmon, Councilman Shelton and Councilman Holland voting affirmatively, motion carried.
8. Old business:
  - a. Mayor Palmer stated that additional amendments to the purchasing policy had been made available for the Council to review. Those were the items that had been discussed earlier, with a request for those items to be rewritten. The Mayor also stated that the level of different types of purchasing to be required had been expanded, making it easier for the department heads to abide by the policies. There were no comments. Councilman Denmon made a motion to approve the proposed amendments to the purchasing policies, second by Councilman Holland, with Councilman Denmon, Councilman Holland, Mayor Pro Tem Woods and Councilman Shelton voting affirmatively, motion carried.
  - b. Utility Charge-Offs: Mayor Palmer stated the Council had received information from Administrator Harrison regarding utility charge-offs, in accordance with audit policies for the prior year. He stated during the past two week period, the Customer Service Department had collected \$2,476.57, reducing the total recommended for charge-off to \$29,479.42, which represents 1/10 of one percent of the amount billed for the same period. Following discussion, Councilman Shelton made a motion to approve the charge-off request, second by Councilman Denmon, with Councilman Shelton, Councilman Denmon, Mayor Pro Tem Woods and Councilman Holland voting affirmatively, motion carried.
9. New Business:
  - a. Mayor Pro Tem Woods made a motion appointing the voting delegate as Larry Vickery, Electric Superintendent and Cathy Harrison, City Administrator as alternate, to the MEAG annual meeting and election of directors in June 1999.
  - b. Councilman Holland made a motion to appoint Harold Thompson as a commissioner for the Calhoun Housing Authority for a term ending March 25, 2004. Mr. Thompson will be replacing Frank Dickinson, who retired from the Housing Authority in March, after 16 years of service. The motion was seconded by Councilman Denmon, with Councilman Holland, Councilman Denmon, Councilman Shelton and Mayor Pro Tem Woods voting affirmatively, motion carried. Mayor Palmer stated that not only had Mr. Dickinson served 16 years on the Housing Authority, but he had also service 12 years as Mayor of the City of Calhoun, for the period from January 1962 through December 1973. He stated Mr. Dickinson was to be commended for his many years of community activity.
  - c. Councilman Shelton made a motion to approve the renewal of the transportation agreement for the nutrition program with the Coosa Valley RDC. He stated the RDC will provide the van. The City will furnish the driver, gas, oil and maintenance of the vehicle. The motion was seconded by Councilman Denmon, with Councilman Shelton, Councilman Denmon, Mayor Pro Tem Woods and Councilman Holland voting affirmatively, motion carried.
10. Other written items not on the agenda:
  - a. Mayor Palmer stated the Historical Society had recommended a new street be named Frank Dickinson Drive. The new street would be located off Mauldin Road near the former Dana Building. The Historical Society had also recommended the street in Fain Cemetery currently named Strain Street be renamed to Anabelle Lane and the street in Fain currently named Magnolia be renamed to Strain Street. Following discussion Councilman Holland made a motion to set a public hearing on the request for May 24, 1999 at 7:00 P.M., second by Councilman Shelton, with Councilman Holland,

- Councilman Shelton, Mayor Pro Tem Woods and Councilman Denmon voting affirmatively, motion carried.
- b. A first reading was given to a zoning variance request from Mrs. Max Brannon on her flower cart for the erection of a pre-constructed cover, which would allow vehicles to be loaded and unloaded in bad weather. Mayor Palmer stated the earliest date for a public hearing on the matter would be June 14, 1999. Following discussion, Mayor Pro Tem Woods made a motion to set a public hearing on the matter on June 14, 1999 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.
  - c. Mayor Palmer stated the City of Calhoun had received recommendations from the current insurance agent regarding the City's group medical plan, which is presently being furnished on a six-month contract by CIGNA. He stated the contract was six months, due to the fact that CIGNA took over the City's group medical insurance coverage at the time Family Plus discontinued coverage. He stated it is the recommendation of the agents that the City continue with the existing plan with the current rates for an additional 12-month period. The 6-month period has not been sufficient for the account to be rated and it will not be rated until they have at least 11 months of activity. Following discussion, Councilman Shelton made a motion to renew the current contract with CIGNA at the same rates for an additional 12-month period. The motion was seconded by Councilman Denmon, with Councilman Shelton, Councilman Denmon, Mayor Pro Tem Woods and Councilman Holland voting affirmatively, motion carried.
11. Work report of Kelly Cornwell, Director of Utilities and Public Works:
    - a. Mayor Palmer stated that Director Cornwell had minor surgery and is presently in the hospital and was unable to attend the meeting. Assistant Director Peterson stated he had no comments at this time.
  12. Report of William P. Bailey, City Attorney:
    - a. Attorney Bailey stated that in an effort to properly define a church, as it relates to the alcoholic beverage ordinance, he had drafted a recommendation for the Council to consider as a first reading of an ordinance. The requirements would include that the church would be a permanent building in which persons regularly assemble for religious worship, and the building is situated on real estate owned by an entity qualified as an exempt religious organization under Section 501(c)(3) of the Internal Revenue Code of 1986, and as amended. Following discussion, Councilman Denmon made a motion to set the public hearing on the alcoholic beverage ordinance amendment for May 24, 1999 at 7:00 P.M. The motion was seconded by Councilman Shelton, with Councilman Denmon, Councilman Shelton, Mayor Pro Tem Woods and Councilman Holland voting affirmatively, motion carried.
    - b. Attorney Bailey stated that in 1997, Mr. Bill Walraven, Mr. Stanley Simpson and Mr. Jim Hobgood had donated an easement to the City of Calhoun on Highway 41 North, which would allow gravity flow sewer to their property to be developed in the area. He stated, at a later date, it was determined that it would be less expensive for the developers to install a lift station and to sewer the property from the lift station, whereby they provided the City with a second easement, installed the lift station, and then granted the City title to the lift station. He stated it was the request of the developers at this time that the City abandon the original easement, which would have allowed gravity flow sewer to their property, and which was granted to the City on September 29, 1997. Mark Williamson from the Water and Sewer Construction Department confirmed that indeed, the original easement was no longer needed, since the entire development is now sewered from the pump station and the City currently has an easement and title to the pump station. Following discussion, Councilman Denmon made a motion to authorize the Mayor to sign a quit claim deed, conveying the original easement back to the developers. The motion was seconded by Councilman Shelton, with Councilman Denmon, Councilman Shelton, Mayor Pro Tem Woods and Councilman Holland voting affirmatively, motion carried.
  13. Mayor Palmer inquired if there was any need to move to executive session. There was none.
  14. Mayor Pro Tem Woods made a motion to adjourn, second by Councilman Holland, with Mayor Pro Tem Woods, Councilman Holland, Councilman Shelton and Councilman Denmon voting affirmatively, motion carried.

Approved:

Submitted:

  
James F. Palmer, Mayor

  
Cathy Harrison, City Administrator

**CITY OF CALHOUN  
GEORGIA**

**RESOLUTION**


**WHEREAS**, the Calhoun Housing Authority has heretofore been duly organized pursuant to the Georgia Housing Authorities Law, as amended; and

**WHEREAS**, the term of Frank Dickinson as a Commissioner ended due to his resignation on March 25, 1999;


**NOW, THEREFORE, BE IT RESOLVED** that pursuant to the Georgia Housing Authorities Law, as amended, by virtue of my office as Mayor, I hereby appoint Harold Thompson to serve as Commissioner for the five-year term ending March 25, 2004.

**IN WITNESS WHEREOF**, I have hereunto signed my name as Mayor of the City of Calhoun, and caused the official seal of the City of Calhoun to be affixed hereto this 10<sup>th</sup> day of May 1999.

City of Calhoun, Georgia

  
\_\_\_\_\_  
James F. Palmer, Mayor

Attest:

  
\_\_\_\_\_  
Cathy Harrison, City Administrator

**Certificate of City Clerk**

I hereby certify that the above and foregoing is a true and correct copy of the Certificate of Appointment of Commissioner of the Housing Authority of the City of Calhoun, Georgia, filed in the office of the City Clerk on the 10<sup>th</sup> day of May 1999.

**WITNESS** my hand the official seal of the City of Calhoun, Georgia, this 10<sup>th</sup> day of May 1999.

(SEAL)

  
\_\_\_\_\_  
Cathy Harrison, City Clerk

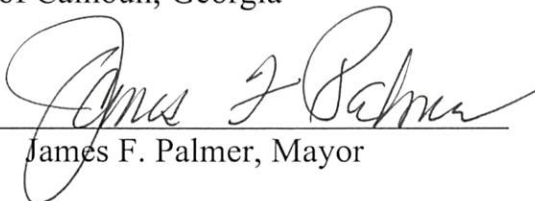
CITY OF CALHOUN  
GEORGIA

RESOLUTION

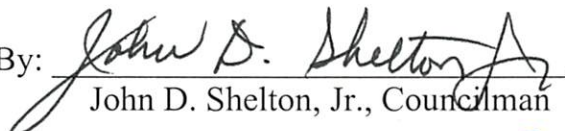
**BE IT RESOLVED** by the Mayor and Council of the City of Calhoun that Larry Vickery, Electric Superintendent, is hereby appointed to serve as this City's voting delegate on the Municipal Electric Authority of Georgia's Election Committee, with authority to cast all votes to which this city is entitled. Cathy Harrison, City Administrator, is appointed as alternate voting delegate.

**ADOPTED** and made effective this 10<sup>th</sup> day of May 1999.

City of Calhoun, Georgia

By:   
James F. Palmer, Mayor


By:   
Ronald H. Woods, Mayor Pro Tem

By:   
John D. Shelton, Jr., Councilman

By:   
Henry Holland, Councilman

By:   
Ray M. Denmon, Councilman

Attest:

  
Cathy Harrison, City Administrator


**Zoning Application No: 98**

A public hearing was conducted pursuant to Section 14-2-3 of The Zoning Ordinance of the City of Calhoun, Georgia ("the ordinance") before the Mayor and Council of the City of Calhoun, Georgia on the 10<sup>th</sup> day of May 1999, to consider **the zoning change request of Lindsay K. Lewis for a lot on Metter Lane from R-1 to C-N zoning** (the Application.)

During the public hearing, the Application was discussed in an open meeting and the following findings were made:

1. The public notice of the hearing was published in the Calhoun Times as required under § 14.2.2 of the Ordinance.
2. All required signs giving notice of the public hearing were placed upon the property as required under § 14.2.2 of the Ordinance.
3. All presently adjoining landowners received notice of the public hearing and a copy of the Application as required pursuant to § 14.4 of the ordinance.
4. All disclosures of any conflict of interest required by Title 36, Chapter 67A of the Official Code of Georgia Annotated have been reported.
5. The findings and recommendations of the Zoning Advisory Board were reviewed and accepted as the findings of the Mayor and Council as follows: The Street Department reported the width of Metter Lane is only 12 feet. It would not allow a garbage truck or other large service truck to enter the property from such a narrow street. Water is not available from Metter Lane and would need to be accessed from Highway 41. The Police Department stated they were concerned with the sight distance as traffic exits from Metter Lane into Highway 41, because of the former Volunteer Action Center building. The Electric Department can serve a new facility with electricity and inspections for any new construction. A fire hydrant is available off Chandler Street with proper flows to serve any new facility. The City's long-range plans would allow the property to be developed as commercial property. However, these items reviewed by the board would need to be addressed prior to the issuance of any building permits. Mr. John Shivers, as agent for Lindsay Lewis stated that prior to the purchase of the property by the Lewis family, a mobile home had been located on the property, which had both water and sewer service. However, those were disconnected but probably could still be utilized for future taps. There are no immediate plans for any construction on the property, but the only proper utilization for the lot would be commercial activity.
6. List any additional findings, if necessary, to support additional conditions: **none.**
7. Review of the Standards set out in § 14.5 of the Ordinance: **Substantial compliance with seven standards.**
8. Based upon the foregoing findings, the Application is:
  - (a) Approved   X
  - (b) Denied
  - (c) Approved with express Condition

**Number Voting:** 4  
**In Favor:** 4  
**Opposed:** 0

  
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**MAYOR, CITY OF CALHOUN, GEORGIA**

**Zoning Application No: 99**

A public hearing was conducted pursuant to Section 14-2-3 of The Zoning Ordinance of the City of Calhoun, Georgia ("the ordinance") before the Mayor and Council of the City of Calhoun, Georgia on the 10<sup>th</sup> day of May 1999, to consider the new zoning of R-2 and annexation of approximately 7 acres for Paul Lusk adjoining Forest Height Apartments off Highway 53 West (the Application.)

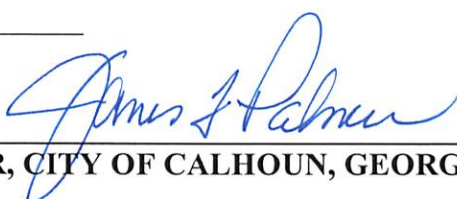
During the public hearing, the Application was discussed in an open meeting and the following findings were made:

1. The public notice of the hearing was published in the Calhoun Times as required under § 14.2.2 of the Ordinance.
2. All required signs giving notice of the public hearing were placed upon the property as required under § 14.2.2 of the Ordinance.
3. All presently adjoining landowners received notice of the public hearing and a copy of the Application as required pursuant to § 14.4 of the ordinance.
4. All disclosures of any conflict of interest required by Title 36, Chapter 67A of the Official Code of Georgia Annotated have been reported.
5. The findings and recommendations of the Zoning Advisory Board were reviewed and accepted as the findings of the Mayor and Council as follows: The seven acres adjoins the Forest Heights Apartments and would be located off the public road known as Forest Heights Drive. However, the 7 acres would be a part of a 30 acre development for multi-family housing. The group stated it would be more advantageous for the city to review full sewer, water, storm water and street development plans for the entire 30 acre project, in order to make sure all areas of concern by the City were addressed. The first area of concern was the request to connect to the existing sewer line from Maplewood, which is an 8-inch line, very flat, with marginal ability to serve the Maplewood area. The estimated cost to relay the line would be approximately \$70,000.00. The second area of concern was major drainage problems in the area, and also the addition of approximately 400 vehicles when fully developed, creating street congestion inside the development. The project would need to meet all fire codes, which would include all households in a multi-housing development to be no farther than 300 feet from a hydrant. The Street Department stated the development of the seven acres could be accomplished from Forest Heights Drive. However, full development of the 30 acres should include one or more entrances off Highway 53. Peterson stated the project met the long-range plans for the area and the development of the seven acres could be accommodated. The Police Department stated full development of the area will impact the department. The Consensus of the committee was that the development for multi-family housing met long-range plans and is compatible with development in the area. However, proposed development plans for the full area would enable the City to assess the impact on all city services.

While speaking to the Board, Paul Lusk stated he and two partners for the proposed projects had preliminary plans, but did not have full scale plans. He stated their preliminary plans called for the current seven acres to be utilized for duplexes, with apartments to be considered for the other acreage in the development at a later date. He stated they were not seeking sewer from the Maplewood line at this time. They have discussed sewer from another area, since the Industrial Development Authority will be adding sewer to their new industrial park and it would be advantageous for the partners to consider sewer from that area. Lusk stated at this time there were no plans for streets or other development in the area, but they would be having other entrances into the project from Highway 53 as more development followed.

6. List any additional findings, if necessary, to support additional conditions: **none.**
7. Review of the Standards set out in § 14.5 of the Ordinance: **Substantial compliance with seven standards.**
8. Based upon the foregoing findings, the Application is:
  - (a) Approved   X
  - (b) Denied
  - (c) Approved with express Condition

**Number Voting:** 4  
**In Favor:** 4  
**Opposed:** 0

  
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MAYOR, CITY OF CALHOUN, GEORGIA

**Zoning Application No: 100**

A public hearing was conducted pursuant to Section 14-2-3 of The Zoning Ordinance of the City of Calhoun, Georgia ("the ordinance") before the Mayor and Council of the City of Calhoun, Georgia on the 10<sup>th</sup> day of May 1999, to consider **the new zoning request for zoning of C-2 and annexation of property south of Sonic Drive-In on Highway 41 South for Larry C. Martin** (the Application.)


During the public hearing, the Application was discussed in an open meeting and the following findings were made:

1. The public notice of the hearing was published in the Calhoun Times as required under § 14.2.2 of the Ordinance.
2. All required signs giving notice of the public hearing were placed upon the property as required under § 14.2.2 of the Ordinance.
3. All presently adjoining landowners received notice of the public hearing and a copy of the Application as required pursuant to § 14.4 of the ordinance.
4. All disclosures of any conflict of interest required by Title 36, Chapter 67A of the Official Code of Georgia Annotated have been reported.

1. The findings and recommendations of the Zoning Advisory Board were reviewed and accepted as the findings of the Mayor and Council as follows: Mr. Martin currently has hydro and soil erosion plans and has a permit from Gordon County for the soil erosion plan, since the property is currently in the county. The water problem that had developed at the time the Sonic Drive-In had been relocated had also been addressed in the hydro study provided by Mr. Martin. It was the understanding of the Building Inspector that a building permit and grading permit will be requested for construction of a commercial bank on the property. The Street Department stated that the facility would be located on a state route. However, it had been the understanding of the Street Superintendent from pre-construction meetings with the developer that a street would be built into the property in order for the property at the back to be located on a public street. He stated the street to be constructed will need to meet city specifications, and any permits for driveways off Highway 41 would need to be applied for by the developer from DOT. Commercial trash pickup would be available for the property. The Police Department stated the property is located within the city's current patrol area and would not add any additional burden to the Department. The Electric Department would be able to provide service to the new facility and inspection of the facility during construction. The Building Inspector stated the proposed construction would need to meet all codes. The Fire Department stated that additional hydrants might be required, dependent upon the level of development. The Water and Sewer Construction Department stated that water was on the same side of the street and would be available from an 8-inch line. Sewer is at the back of the property and can be extended to the site for the bank project for connection fees only, provided all easements are available. The committee stated the proposed development would need to meet all codes as outlined and would meet the City's long-range plans.

5. List any additional findings, if necessary, to support additional conditions: **none.**
6. Review of the Standards set out in § 14.5 of the Ordinance: **Substantial compliance with seven standards.**
7. Based upon the foregoing findings, the Application is:
  - (a) Approved   X
  - (b) Denied
  - (c) Approved with express Condition

**Number Voting:** 4  
**In Favor:** 4  
**Opposed:** 0

  
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**MAYOR, CITY OF CALHOUN, GEORGIA**

**Zoning Application No: 101**

A public hearing was conducted pursuant to Section 14-2-3 of The Zoning Ordinance of the City of Calhoun, Georgia ("the ordinance") before the Mayor and Council of the City of Calhoun, Georgia on the 10<sup>th</sup> day of May 1999, to consider the **new zoning of C-2 and annexation request of William C. Price, Jr. for Price Floor Covering located on South Wall Street** (the Application.)


During the public hearing, the Application was discussed in an open meeting and the following findings were made:

1. The public notice of the hearing was published in the Calhoun Times as required under § 14.2.2 of the Ordinance.
2. All required signs giving notice of the public hearing were placed upon the property as required under § 14.2.2 of the Ordinance.
3. All presently adjoining landowners received notice of the public hearing and a copy of the Application as required pursuant to § 14.4 of the ordinance.
4. All disclosures of any conflict of interest required by Title 36, Chapter 67A of the Official Code of Georgia Annotated have been reported.

1. The findings and recommendations of the Zoning Advisory Board were reviewed and accepted as the findings of the Mayor and Council as follows: **The property owner has stated he would be interested in a tap into the City's public sewer system. The current building is located on a state route, Highway 41 South, with an existing drive into the facility. There appears to be no storm water problem on the property at this time and there was no indication from the property owner that he wishes to add any additions to the existing building. The Police Department stated they currently have patrols in the area and no additional manpower would be needed. The Electric Department stated it is an existing business and the City would not be eligible to provide service. The Water and Sewer Construction Department reported that sewer would be available, provided easements were negotiated by the applicant and made available to the City. Harrison stated that the existing business would be subject to city *ad valorem* taxes and city business license requirements. It was noted that at the time of annexation, the property would be inspected by the electrical, fire and building inspectors of the City. The request conforms to the long-range plans for the city.**

5. List any additional findings, if necessary, to support additional conditions: **none.**
6. Review of the Standards set out in § 14.5 of the Ordinance: **Substantial compliance with seven standards.**
7. Based upon the foregoing findings, the Application is:
  - (a) Approved   X
  - (b) Denied
  - (c) Approved with express Condition

**Number Voting: 4**  
**In Favor: 4**  
**Opposed: 0**

  
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**MAYOR, CITY OF CALHOUN, GEORGIA**


**Zoning Application No: 102**

A public hearing was conducted pursuant to Section 14-2-3 of The Zoning Ordinance of the City of Calhoun, Georgia ("the ordinance") before the Mayor and Council of the City of Calhoun, Georgia on the 10<sup>th</sup> day of May 1999, to consider **the new zoning of C-2 and annexation request of Christopher McCracken for property located on the lot adjoining that of William C. Price, Jr. on South Wall Street** (the Application.)

During the public hearing, the Application was discussed in an open meeting and the following findings were made:

1. The public notice of the hearing was published in the Calhoun Times as required under § 14.2.2 of the Ordinance.
2. All required signs giving notice of the public hearing were placed upon the property as required under § 14.2.2 of the Ordinance.
3. All presently adjoining landowners received notice of the public hearing and a copy of the Application as required pursuant to § 14.4 of the ordinance.
4. All disclosures of any conflict of interest required by Title 36, Chapter 67A of the Official Code of Georgia Annotated have been reported.
5. The findings and recommendations of the Zoning Advisory Board were reviewed and accepted as the findings of the Mayor and Council as follows: **the property is currently vacant. However, plans are to develop a chiropractic clinic and other rental offices on the site. The proposed new structure will be located on Highway 41 South and could be served from an existing road cut into the property. However, this would need to be confirmed by the applicant with the Cartersville DOT office. The Police Department stated there would be no problem, since the property is within the current patrol area. The Electric Department indicated this would be a new service and the city would be able to serve and would provide electrical inspections. The Building Inspector stated a hydro-study would be needed, since the property has a downhill slope with a house located at the rear of the property. The Fire Department reported there were no problems with the proposed development, as long as it met fire codes. The Water and Sewer Construction Department reported there was an 8-inch water line currently located under the sidewalk on Highway 41 and would be accessible to the property. Sewer would be extended from the rear, provided easements are available. The request conforms to the long-range plans of the City of Calhoun.**
6. List any additional findings, if necessary, to support additional conditions: **none.**
7. Review of the Standards set out in § 14.5 of the Ordinance: **Substantial compliance with seven standards.**
8. Based upon the foregoing findings, the Application is:
  - (a) Approved   X
  - (b) Denied
  - (c) Approved with express Condition

**Number Voting: 4**  
**In Favor: 4**  
**Opposed: 0**

  
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**MAYOR, CITY OF CALHOUN, GEORGIA**

**Zoning Application No: 103**

A public hearing was conducted pursuant to Section 14-2-3 of The Zoning Ordinance of the City of Calhoun, Georgia ("the ordinance") before the Mayor and Council of the City of Calhoun, Georgia on the 10<sup>th</sup> day of May 1999, to consider the zoning change request from Industrial to C-2 zoning, of Joe M. Stepp, as agent for Ismail and Myrtle Esener, for Tract 4, 1.04 acres north of Echota Baptist Church, south of Red Bud Road, west of College Street, for retail development. The request includes a variance to waive the rear setback to the rear street and to allow the building to be built next to the retaining wall. The request for the variance was made due to the shape of the lot and to the fact that the property is bound on all sides by streets (the Application.)"

During the public hearing, the Application was discussed in an open meeting and the following findings were made:

1. The public notice of the hearing was published in the Calhoun Times as required under § 14.2.2 of the Ordinance.
2. All required signs giving notice of the public hearing were placed upon the property as required under § 14.2.2 of the Ordinance.
3. All presently adjoining landowners received notice of the public hearing and a copy of the Application as required pursuant to § 14.4 of the ordinance.
4. All disclosures of any conflict of interest required by Title 36, Chapter 67A of the Official Code of Georgia Annotated have been reported.
5. The findings and recommendations of the Zoning Advisory Board were reviewed and accepted as the findings of the Mayor and Council as follows: The driveway into the facility would need to be from Highway 156, since any side entrances would be too near the intersections. Storm water management would need to be addressed prior to the issuance of a building permit. Commercial trash pickup by the City would be available. The Street Department stated the variance request for the setback to the retaining wall, which had been replaced recently due to poor condition, would be satisfactory. The Police Department stated the development would not impact their patrol route. The Electric Department stated it would be able to serve the facility and would provide electrical inspections. The Building Inspector stated hydro, soil and grading permits had been issued for the property and also agreed the retaining walls had been repaired and would be an acceptable setback for the variance request. The Fire Department stated they could provide fire protection from existing hydrants at College Street and the Old Water Works Road, which have flows exceeding 1,000 gallons per minute. The Water and Sewer Construction Department stated there is an 8-inch water line east of College and a sewer line at the intersection, which can serve the development. Peterson stated the request fits into the long-range plans for the city. It was the consensus of the committee that the standards for reviewing the variance request had been met, due to the shape of the lot and the fact that it is surrounded on all sides by streets. The committee members also stated that commercial development is possible, as long as it meets all existing codes.

Chairman Woods recognized Michael Langston, a representative of the Echota Baptist Church, who resides at 170 Craigtown Road. Mr. Langston stated he was speaking on behalf of the Board of Deacons. The church is concerned with the rezoning, and also, the church had questions on the reasoning for the variance. He stated the widening of Highway 41 would cause additional traffic burdens on College Street and the church was concerned that the streets in and around the church would be used a shortcuts due to the increased activity in the area. He also stated the church was concerned for children in the area, which might find it an attractive nuisance in terms of trying to vault from the retaining wall to the roof of the proposed building.

Chairman Woods stated the traffic light planned for Red Bud Road and College Street should greatly enhance traffic flow in the area and make the traffic on the roads near the church much safer. Ed Lewis stated he felt that an owner of the facility would take measures to assure that the roof was protected.

6. List any additional findings, if necessary, to support additional conditions: **none.**
7. Review of the Standards set out in § 14.5 of the Ordinance: **Substantial compliance with seven standards.**
8. Based upon the foregoing findings, the Application is:
  - (a) Approved   X
  - (b) Denied
  - (c) Approved with express Condition

Number Voting: 4  
In Favor: 4  
Opposed: 0

  
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MAYOR, CITY OF CALHOUN, GEORGIA