

**CITY OF CALHOUN
REGULAR CITY COUNCIL MEETING
DEPOT COMMUNITY ROOM
109 SOUTH KING STREET
APRIL 12, 1999, 7:00 P.M.**

MINUTES

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

**ALSO: 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.
 - 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 March 22, 1999 regular city council meeting were approved as written.
4. Mayor's Comments:
 - a. Mayor Palmer reminded everyone of the GMA district meeting for District 1 on April 21, 1999 at 6:30 P.M. at the Holiday Inn, I-75 in Cartersville. He stated the current president of District 1 is Mayor Doyal Penson from Adairsville, and he will be host for the meeting. He urged all City Councilmen to attend, if possible.
 - b. Mayor Palmer stated at this time he was very honored to give recognition to two employees who have reached the thirty year mark in their careers with the City. Those two employees, Mr. Jerry Quinn and Mr. J. Richard Chastain, were hired a month apart in 1969, for the fire department. Mayor Palmer read resolution honoring both employees and presented watches to each.
 - c. Mayor Palmer announced the Mill Village CDBG grant request for \$500,000.00 did not make the cut in the competition throughout the state, and would not be eligible this year. However, the City will review its ratings for the grant application and will apply again next year.
 - d. Mayor Palmer reminded the Council of the budget work session scheduled for April 14, 1999 at 4:00 P.M. at the Depot.
5. Council Comments:
 - a. Mayor Pro Tem Woods stated:
 - 1) The Telecommunications Department completed interconnections for Carriage Industries, for 100 Mb service for Multitex and Color Masters, the latest addition to the Carriage Industries Company. An additional connection has been contracted for the transportation offices at Carriage. The Telecommunications Department received a pricing request from Mohawk for T-1 connectivity, from American Weavers to the corporate office at South Industrial Boulevard.
 - 2) The Electric Department crews are continuing construction of the distribution ties for the gas generator; substation exits and conductor pulls remain to be completed. Electric personnel are assisting with all facets of the generator installation. New business constructions and connections are under way for Chick-fil-A, McKennons Shop, Georgia Textile expansion, multiple residences and small commercial establishments. The signal installations at College Street and Redbud Road, as well as W. C. Bryant Parkway are awaiting delivery. The Electric Department had sales of 26,251,800 kWh of electricity in the month of March 1999, to a customer base of 4037. They performed 22 electrical inspections, issued 11 permits, and set 10 meters.
 - b. Councilman Shelton stated:

- 1) The Fire Department responded to 51 calls during the month of March 1999, with property loss of \$11,500.00. Of the 51 fire calls, 18 were calls associated with accidents. The Fire Department performed 41 fire inspections and provided training of their on-duty personnel. They also assisted the divers and the emergency crews with the search for a missing person for part of the month. The Fire Department also assisted the Winners Club with their March of Dimes drive, and received visitors from the Red Bud Elementary School.
 - 2) The Police Department made 311 arrests during the month of March 1999, of which 11 were DUI's. They collected \$39,147.00 in fines, issued 69 warning tickets, 443 parking tickets, investigated 108 accidents, responded to 129 burglar alarms and assisted with 108 escorts.
- c. Councilman Holland stated:
- 1) The Street Department constructed new driveways into the City Annex at 700 West Line Street, for the Building Inspection area. They ran storm water maintenance checks on March 3 and March 15, checking all drains and lines. They completed hauling of chert and gravel for the pad at the Water Department building addition. They continued building the dirt berm for the new gas generator and pipeline. They built 20 x 50 foot temporary construction entrance at the new substation site. They took out and repoured concrete at the Recreation Department for a walk to move the voting machines, poured a footer for a sign at the City Annex, and poured 50 feet of sidewalk on Line Street. They measured and mapped proposed streets for paving for 1999-2000. They patched Frontage Road, Boston Road and Shenandoah Drive, with 4.04 tons of asphalt. They cleared and graded two well sites and access roads at Harris Beamer Landfill. They ran the brush truck route, collecting limbs and leaves, and cleaned out storm drains. They hauled 63 tons of stone.
 - 2) The Sanitation Department continued to run the commercial trash route, serviced and washed trucks, and they gained two new 4-yard customers and two commercial can accounts.
 - 3) The Parks Department completed construction of the new office at the Water Treatment Plant, replaced ceiling and reinforced sheetrock at the McConnell Road Community Center, began their city right-of-way and public grounds maintenance program for the year.
 - 4) The Cemetery supervised the opening and closing of 18 graves and sold 15 grave spaces.
 - 5) The Risk Management Director reported no workers' compensation or vehicle accidents during the month of March. They conducted a safety inspection at the Calhoun Recreation Department on March 10, and held their monthly safety meeting.
 - 6) The Animal Control Department housed 24 dogs and 23 cats during the month, issued 2 first-warnings and responded to 15 complaint calls.
 - 7) The golf course is having a strong spring season and at this time, they are meeting or exceeding income budget levels and expenses have been lower than budget levels.
 - 8) The Industrial Development Authority is continuing in the current law suit regarding the property formerly known as the Experiment Station property. Councilman Holland stated he would keep the Council informed of the status of the lawsuit.
- d. Councilman Denmon stated:
- 1) The Water Treatment Plant pumped a daily average of 11.518 million gallons of raw water per day for the month of March 1999.
 - 2) The Sewer Treatment Plant treated a daily average of 9.372 million gallons per day, with the average BOD effluent being 13, suspended solids effluent being 23 and the COD effluent being 87.
 - 3) The Building Inspection Department issued 50 permits during the month of March 1999 for total construction estimated at \$3,336,950.00 for residential, commercial and industrial development.
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. Mayor Palmer read the list of registered speakers for the zoning matters at hand. Mr. Bill Mathews inquired if Frank Sullivan would be allowed to speak as a representative of the First Methodist Church Board, since their registered Jean Overby, was not able to attend the meeting. Mayor Palmer inquired if the applicant's attorney had any problem with Mr. Sullivan being allowed to speak. The response was that there was no problem.

- a. Mayor Palmer stated the first item on the agenda would be the zoning change request of Vivian Byrd for property located at 110 East Line Street, with a request to rezone from R-1 to C-2 zoning.
 - 1) Mayor Palmer opened the public hearing.
 - 2) Harrison reported she had received indication that the adjoining property owners had been notified, notices had been placed in the local legal organ, and signs had been placed on the property of the applicant.
 - 3) Mayor Pro Tem Woods stated the Zoning Advisory Board had met on the matter on April 8, 1999 at 4:30 P.M., had reviewed the request, and heard numerous speakers, both pro and con for the project. Mayor Pro Tem Woods stated a draft copy of the minutes of the Zoning Advisory Board meeting were available for each Councilman to review and for those individuals interested in the item to review. He stated he would be happy to respond to any questions, and the recommendation of the Zoning Advisory Board was to deny the request for rezoning from R-1 to C-2.
 - 4) At this time, Mayor Palmer stated he would entertain comments. The first would be a report and presentation by the applicant.
 - 5) J. C. Maddox, Attorney for Mrs. Vivian Byrd, and as a representative of CVS, stated that based upon the wishes of Mrs. Vivian Byrd, he was filing a formal request for the matter to be withdrawn at this time. There were no comments or questions from the Council. The hearing was closed.
- b. A second reading was given of the zoning change request of Joel E. Ostuw for approximately 1/3 acre at 415 North Wall Street, with a request to rezone from O&I to C-2 zoning.
 - 1) Mayor Palmer opened the public hearing.
 - 2) Harrison reported she had received indication that the adjoining property owners had been notified, notices had been placed in the local legal organ, and signs had been placed on the property of the applicant.
 - 3) Mayor Palmer asked for a report from the Zoning Advisory Board.
 - 4) Mayor Pro Tem Woods stated the Zoning Advisory Board had also met on this matter on April 8, 1999 at 4:30 P.M. and based upon information from the applicant and from numerous speakers on the matter, the Zoning Advisory Board had recommended the request be approved for a zoning change from O&I to C-2 zoning.
 - 5) Mayor Palmer inquired if there were any comments from the Council. There were none. He inquired if there were any comments from the applicant.
 - 6) Mr. Maddox stated he also represented Mr. Joel E. Ostuw and that he would re-emphasize the request to rezone the property from O&I to C-2. There were no comment from the audience and the public hearing was closed.
 - 7) Mayor Pro Tem Woods made a motion to waive the third and fourth readings and to rezone the property from O&I to C-2. The motion was seconded by Councilman Shelton, with Mayor Pro Tem Woods, Councilman Shelton, Councilman Holland and Councilman Denmon voting affirmatively, motion carried.

7. Other Hearings: **none.**

8. Old business: **none.**


9. New Business:

- a. Mayor Palmer stated the City of Calhoun had received a request from DOT, with proposed city right-of-way agreements between the City and DOT, one for a deceleration lane on State Route 136 Connector at State Route 156, and one for a right turn lane on State Route 156 at C. L. Moss Parkway. Peterson stated this was 2 of 4 radius change requests that would be needed to better facilitate downtown truck traffic. Following discussion, Councilman Holland made a motion to approve the two requests as reviewed by Mayor Palmer and to authorize Mayor Palmer to sign the right-of-way agreements. The motion was seconded by Mayor Pro Tem Woods, with Councilman Holland, Mayor Pro Tem Woods, Councilman Shelton and Councilman Denmon voting affirmatively, motion carried.

- b. Mayor Palmer gave a first reading to the request of Joe M. Stepp, as agent for Ismail and Myrtle Esener, to rezone Tract 4, 1.04 acres north of Echota Baptist Church, south of Red Bud Road and west of College Street, from Industrial to C-2 for retail development. Also, the request included a variance request to waive the rear setback to be the retaining wall currently in place, due to the shape of the lot and to the fact that the property is bound on all sides by streets. Mayor Pro Tem Woods made a motion to set the public hearing for May 10, 1999 at 7:00 P.M., second by Councilman Holland, with Mayor Pro Tem Woods, Councilman Holland, Councilman Shelton and Councilman Denmon voting affirmatively, motion carried.
 - c. Mayor Palmer gave a first reading of the new zoning and annexation request of Larry C. Martin for .78 acres located south of the Sonic Drive-In on Highway 41 South and north of the McEntyre property. The request is to zone C-2 for development of a commercial bank. Councilman Holland made a motion to set the public hearing for May 10, 1999 at 7:00 P.M., second by Mayor Pro Tem Woods, with Councilman Holland, Mayor Pro Tem Woods, Councilman Shelton and Councilman Denmon voting affirmatively, motion carried.
 - d. A First reading was given of a zoning change request of Lindsay K. Lewis for property located on Metter Lane and bound on the west by Highway 41 North, being identified as Tract 4. The request is to change from R-1 to C-N zoning. Mayor Pro Tem Woods made a motion to set the public hearing for May 10, 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.
 - e. Mayor Palmer gave a first reading of new zoning and annexation request of Paul Lusk for 6.948 acres off Forest Heights Drive and adjoining Phase 2 of Forest Heights Apartments. The request is to zone as R-2 for development of duplexes and possibly, apartments. Mayor Pro Tem Woods made a motion to set the public hearing for May 10, 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.
 - f. Mayor Palmer gave a first reading of the new zoning and annexation request of William C. Price, Jr. for property on Highway 41 South for approximately one acre occupied by Price Floor Covering for C-2 zoning. Mayor Pro Tem Woods made a motion to set the public hearing for May 10, 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.
 - g. A first reading was given of new zoning and annexation request of Christopher B. McCracken for approximately ½ acre on Highway 41 South, east of Price Floor Covering for C-2 zoning. Councilman Denmon made a motion to set the public hearing for May 10, 1999 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.
 - h. Mayor Palmer gave a first reading of 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.) Councilman Holland made a motion to set the public hearing for May 24, 1999 at 7:00 P.M., second by Councilman Denmon, with Councilman Holland, Councilman Denmon, Mayor Pro Tem Woods and Councilman Shelton voting affirmatively, motion carried.
 - i. A first reading of the Calhoun Sporting Goods, Inc. pawn shop license request of Roy A. King, Jr. and Stephen Fox, as owners/managers of the store formerly known as Calhoun Trophy and Sporting Goods, owned by Jimmy Gee on South Wall Street. Mayor Palmer stated a second reading would be held on April 26, 1999 at 7:00 P.M.
10. Other written items not on the agenda:
- a. A reading of the Shrine Parade request for July 24, 1999 at 11:00 A. M., as a tradition parade, along the route in downtown Calhoun on Highway 41, as currently on file with DOT. Following review, Councilman Denmon made a motion to approve the request, subject to approval from DOT. The motion was seconded by Councilman Holland, with Councilman Denmon, Councilman Holland, Councilman Shelton and Mayor Pro Tem Woods voting affirmatively, motion carried.
11. Work report of Kelly Cornwell, Director of Utilities and Public Works:
- a. Director Cornwell stated he had received a report from the engineer regarding the text forwarded to EPD regarding the filtration for well number 3. He stated the state will review the material and will proceed with the issuance of a permit.
 - b. Cornwell stated the north booster pump had been on line for approximately two weeks. He stated the comments from the residents in the north Resaca and Hill City area had been very positive regarding the additional water pressure.

- c. Cornwell stated the water plant project is nearing completion, with the only item remaining being paving, and with good weather for several days, the project can be completed.
 - d. Cornwell stated the generator delivery date had been delayed by one week, due to problems with permitting. However, the contractor is making a trip to Texas and will make sure the generator is shipped and scheduled to arrive next week. The substation work is on schedule and he has been promised by the contractor that the work crews will work double shifts to make up the week's delay, in order for the generator project to be completed on time.
 - e. Cornwell stated the South Industrial red light is functioning and has been for the last several days, and is helping the traffic flow off South Industrial Boulevard into West Belmont Drive.
12. Mayor Palmer stated there was no need to move to Executive Session.
13. 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:



James F. Palmer, Mayor

Submitted:



Cathy Harrison, City Administrator

**CITY OF CALHOUN
GEORGIA**

RESOLUTION

WHEREAS, Jerry Quinn has been a City employee since February 17, 1969; and

WHEREAS, Jerry Quinn has been a Firefighter, and Apparatus Engineer, a Lieutenant, Captain and Inspector for City of Calhoun Fire Department during his career; and

WHEREAS, Jerry Quinn was appointed Assistant Fire Chief on February 19, 1983; and

WHEREAS, Jerry Quinn has received the following certifications from the national Board on Fire Service Professional Qualifications:

- Fire Officer V
- State Emergency Medical Technician
- Fire Instructor I
- Hazardous Materials Response – Operations Level
- Apparatus Engineer
- Service Pump Testing
- Training Coordinator
- Basic Arson Investigator; and

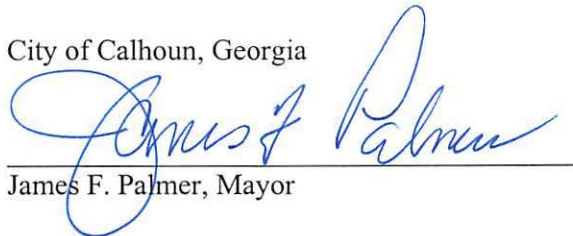
WHEREAS, Jerry Quinn also received other recognition and certification for training from the State Marshal's Office, Georgia Department of Community Affairs, Environmental Protection Agency, Department of the Army, National Fire Academy, Georgia Fire Academy, University of Georgia, Georgia Tech, Georgia Emergency Management Agency, Georgia Fire Investigators Association and the Red Cross Organization;

NOW, THEREFORE, BE IT RESOLVED, the Mayor and Council of the City of Calhoun hereby commend Jerry Quinn for his thirty years of faithful and dedicated service to the City of Calhoun and its citizens;

BE IT FURTHER RESOLVED, the Mayor and Council express appreciation to Jerry Quinn for his personal efforts in the development of a Fire Department which has evolved from a shift of three men and one station to several shifts composed of thirty-six firefighters and three stations.

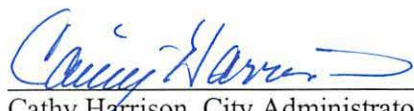
ADOPTED this the 12th day of April 1999.

City of Calhoun, Georgia



James F. Palmer, Mayor

Attest:



Cathy Harrison, City Administrator

**CITY OF CALHOUN
GEORGIA**

R E S O L U T I O N

WHEREAS, J. Richard Chastain has been a City employee since March 23, 1969; and

WHEREAS, J. Richard Chastain has been a Firefighter, an Apparatus Engineer, a Lieutenant, and was promoted to Captain in 1983 of the Calhoun Fire Department; and

WHEREAS, J. Richard Chastain has received the following certifications during his career:

- Fire Officer III
- NPQ Instructor II
- State Fire Instructor
- Hazardous Materials Response – Operations Level
- Pump Service Testing
- Basic Arson Investigator; and

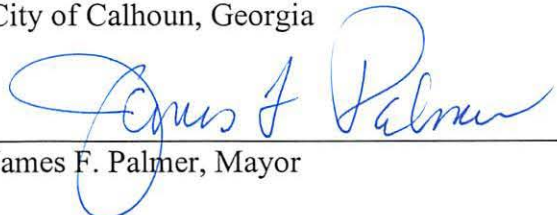
WHEREAS, J. Richard Chastain has received certification in over 50 other topics from the Georgia State Fire Academy, Department of the Army, the Georgia Emergency Management Agency, the Red Cross Organization, the University of Georgia and Georgia Tech; and

WHEREAS, J. Richard Chastain has seen the Calhoun Fire Department grow from a shift of three men and one station to a total of 36 men and three stations; and

NOW, THEREFORE, BE IT RESOLVED, the Mayor and Council of the City of Calhoun hereby commend J. Richard Chastain for his thirty years of dedicated service to the City of Calhoun, its citizens and for the protection of their property.

ADOPTED this the 12th day of April 1999.

City of Calhoun, Georgia



James F. Palmer, Mayor

Attest:



Cathy Harrison, City Administrator

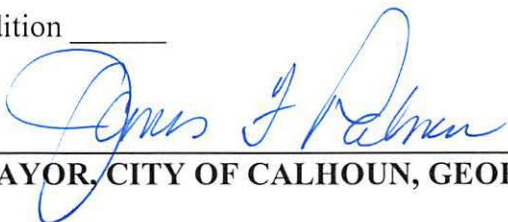
Zoning Application No: 97

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 12th day of April 1999, to consider the zoning change request from O & I to C-2 zoning by Joel E. Ostuw, for property located at 415 North 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 Inspector and Street Superintendent stated the drainage for this property must tie in to the drainage being planned for the street improvements to be made by the Georgia Department of Transportation. The Street Superintendent stated that residential or commercial trash service, whichever would be appropriate, would be available for the property. The Police Department stated there would be no problem with the development, since there is currently a fairly high level of activity from the funeral home, which often requires police assistance. The City has a 6-inch water line and an 8-inch sewer line on 41 and Line Street. It may be possible for the existing connections on these locations to be utilized. The area is within the City's electrical service area, and the City will provide electrical inspections for development. The Fire Department reported the property can be served at this time from existing fire hydrants. The new zoning fits in the overall long range plans for the City. The general consensus of the group was to recommend approval of the zoning change from O&I to C-2 zoning.**
- 5.
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



MAYOR, CITY OF CALHOUN, GEORGIA