

**CITY OF CALHOUN
REGULAR CITY COUNCIL MEETING
DEPOT COMMUNITY ROOM
109 SOUTH KING STREET
AUGUST 14, 2000 - 7:00 P.M.**

MINUTES

**PRESENT: James F. Palmer, Mayor
Ronald H. Woods, Mayor Pro Tem
John D. Shelton, Jr., Senior Councilman
Ray M. Denmon, Councilman
Lorene Potts, Councilwoman**

**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, welcomed everyone in attendance and gave the invocation.
2. Mayor Palmer led the group in the Pledge of Allegiance to the United States Flag.
3. Minutes of the July 24, 2000 regular City Council meeting were approved as written.
4. Mayor's Comments:
 - a. Mayor Palmer introduced George Van Leuven of the Georgia Municipal Association. Mayor Palmer stated that Mr. Van Leuven has worked with the City of Calhoun at the Georgia Municipal Association since 1990. Mr. Van Leuven presented the Mayor and Council an award recognizing the City of Calhoun as a City of Ethics. Mr. Van Leuven stated Calhoun was one of 33 Georgia cities who had qualified to be selected as a City of Ethics, establishing criteria by which the elected officials would represent the City of Calhoun for its citizens. Mayor Palmer accepted the presentation.
 - b. Mayor Palmer announced Main Street will host a new event called "Celebration of the 50's" on August 18, 2000. Therefore, they request the closing of King Street from the corner of Oothcalooga Street, north to the entrance/exit of Hardee's, from noon until 10:30 P.M. on that date. Following discussion, Mayor Pro Tem Woods made a motion to approve the closing, second by Councilman Shelton, with Mayor Pro Tem Woods, Councilman Shelton, Councilman Denmon and Councilwoman Potts voting affirmatively, motion carried.
 - c. Mayor Palmer requested a motion to approve the reapplication of the Phase II infrastructure improvements at the Echota Mill Village and to authorize the Mayor to sign all necessary documents. Following discussion, Councilman Shelton made a motion to approve and to authorize the Mayor to sign the Phase II CDBG infrastructure grant, second by Councilman Denmon, with Councilman

Shelton, Councilman Denmon, Councilwoman Potts and Mayor Pro Tem Woods voting affirmatively, motion carried.

5. Council Comments:

a. Mayor Pro Tem Woods stated:

- 1) The Electric Department continued with construction projects for sites on Curtis Parkway, Shaw Industries, Dollar General and Fields Ferry Golf Course, which were completed in June. The remaining transformer and service installations will be accomplished as needed. New projects for Heritage Hills Condominiums, Quail Run Subdivision, Greenbrier Apartments, Eastgate Apartment, Forest Avenue Apartments and several new commercial projects, such as the Stepp Project on Curtis Parkway, are in various stages of engineering, design and construction. Multiple new services have been completed and are in progress, such as Spring Valley, Maplewood and street lighting for these projects. The traffic signal work and two signals along Dews Pond are well into construction by the city and county.
- 2) City telecommunications Calnet crews continue city computer interface projects including hardware and software installations, as well as deploying the new Internet service. Additionally, our long distance interface, DS3, is facilitated and tested. We have also engineered and ordered equipment to connect the city's Mitel internal system initially. Early marketing efforts are resulting in a great deal of interest in both Internet and long distance services. Calnet and the electric department staff are participating in the Chamber of Commerce's recently formed technology committee, which should prove to be a resource for new and existing industries and businesses.
- 3) The turbine continues to perform well above last year's maximum output. We have commercially operated with market conditions that have not reflected demand pricing extremes. As the eastern seaboard and Northeastern U.S. have not yet had high temperatures, the market should reflect these changes in the weather for those areas. Statistical reports are available, which indicate the Southeastern electrical wholesale market prices and natural gas prices are greatly escalated over the last year. The city will continue to monitor and operate to optimize the generator's benefits.
- 4) The contract crew for the annual tree clearing began work on August 14, 2000. The community is asked to recognize that tree trimming is a vital part of reliable electric service. Storm damage, animal damage and outage time may be reduced dramatically as a result of a continued line trimming program. Please work with the electric and telecommunications systems in this vital area.

b. Councilman Shelton stated:

- 1) The Fire Department responded to 69 calls during the month of July, with fire damages estimated at \$42,200.00. They responded to 14 accidents and to 14 false alarms. The fire inspection department provided 41 inspections during the month. The Fire Department also worked with the

City of Dalton and the Dalton Hospital regarding hazardous material drills during the month.

- 3) The Police Department made 599 cases, during the month of July, with 27 DUI cases, and fines of \$140,161.00. The police department issued 315 warning tickets and collected \$88,967.00 from old fines. They worked 231 incidents having 92 accidents. This was down from 142 accidents the month before. They provided 52 escorts and responded to 141 alarms.

c. Councilman Denmon stated:

- 1) The water and sewer construction department made 41 water taps during the month of July and 11 sewer taps. They changed out water lines in the Peters Street area near Kirk Drive to switch the area over to the high pressure system. They continued work on the Carter's Lake water line project, repaired 46 leaks and 39 meters, changed out 15 meters and responded to 44 other miscellaneous calls.
- 2) The Water Treatment Plant pumped a total of 383,235,000 gallons of raw water during the month of July for an average of 12.362 MGD. Well #3 pumped a total of 42,233,000 gallons of raw water for a daily average of 1.362 million gallons.
- 3) The waste treatment plant treated a daily average of 7.613 MGD, with the average BOD effluent of 22, the average suspended solids of 24 and the average COD effluent of 144.
- 4) The building inspector issued a total of 41 building permits during the month of July for total construction of \$1,169,888.57.

d. Councilwoman Potts stated:

- 1) The Street Department ran the brush truck and street sweeper routes, bush hogged right-of-way, hauled 90 loads of stone, put up signs and completed 66 shop work orders. They installed 45 feet of 18-inch pipe, built a 24 by 24 inch storm drain box and covered the ditch on 6th Street with topsoil and grass. They installed 2,700 feet of silt fence and hydro-seeded at the pipe yard. They built a pad for new bathrooms at the soccer fields, poured 50 feet of sidewalk at Calhoun High School, poured 45 feet of curb and gutter on River Street, and worked on Brian Drive, sawing, taking out and patching the road, preparing it for paving. They scraped and pressure washed the High School Track, preparing it for resurfacing with a rubber coating.
- 2) The sanitation department ran commercial truck routes and serviced and washed vehicles. They gained two 4-yard and one 6-yard dumpster accounts.
- 3) The Parks Department continued its routine grass cutting, trimming, raking and picking up trash at city department yards, rights-of-way and water reservoirs. They built wire cages for storage of supplies at the downtown annex. They built offices and refurbished other areas at the police department.
- 4) The Cemetery Department marked and supervised the opening and closing of 4 gravesites during the month of July. They provided routine maintenance at Fain and Chandler Cemeteries and had a total of 3 gravesite sales.

- 5) The Safety Committee inspected the administration departments during the month of July and did a follow up inspection at the electric department. During the period, there was one workers' comp accident and three vehicle accidents.
 - 6) The animal control department housed 19 dogs and 29 cats, issued 1 warning for a leash law violation, responded to 45 customer inquiries and disposed of 2 deer, 4 chickens and 1 goat.
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 zoning variance request by Calhoun City Schools for 10 doublewide mobile units to be established at Eastside, Calhoun Elementary and Calhoun Middle School for use as classrooms.
 - a) A public hearing was opened.
 - b) Harrison reported that notices had been sent to adjoining property owners had been mailed. However, the department clerk was away on funeral leave and the proof had not been delivered to City Hall. She recommended that any approval be subject to receipt of the notices. Signs had been placed on the property and notices had been published in the local legal organ.
 - c) Councilwoman Potts stated the Zoning Advisory Board had heard this matter on August 10, 2000 at 4:30 P.M. Following a report of the Zoning Review Committee and hearing statements by Ms. Alice Ann Mullins and George Chambers, it was the recommendation of the Zoning Advisory Board that the mobile units be approved, with the understanding that plantings or screens be placed on the west and south sides of the Eastside School property.
 - d) There were no further comments and the hearing was closed.
 - e) Councilwoman Potts made a motion to waive the third and fourth readings and to approve the variance, subject to the findings of the Zoning Advisory Board and subject to receipt of evidence that notices had been mailed to the adjoining property owners. Mayor Pro Tem Woods seconded the motion, stating he would also add that it was with the understanding that the unit that had been originally located within the setback from Meadow Lane be relocated. Councilwoman Potts, Mayor Pro Tem Woods, Councilman Shelton, Councilman Denmon voted affirmatively. The motion was carried.

- 2) A zoning variance request of Nathan Merritt of U. S. Media, Inc., as agent for Glenn and Ann Carden for a sign to be located at 333 Highway 53 East.
 - A variance to reduce the 1,500-foot minimum spacing on a major thoroughfare, to 500 feet, for a variance of 1,000 feet.
 - A reduction of the current setback from right-of-way from 100 feet to 10 feet, for a 90-foot variance.
 - To increase the height from the current limitation of 25 feet to 70 feet for a 45-foot variance.
 - To waive the setback and spacing requirements from residential zoned areas.
 - a) A public hearing was opened.
 - b) Harrison reported that notices had been sent to adjoining property owners, signs had been placed on the property and notices had been published in the local legal organ, both on the original date and on the amended date.
 - c) Councilwoman Potts stated the Zoning Advisory Board had also met on this matter on August 10, 2000 at 4:30 P.M. and the Zoning Advisory Board heard no new information from the applicant. Based upon a previous review from the Zoning Review Committee, the recommendation was to deny the request.
 - d) There were no other comments and the hearing was closed.
 - e) Councilwoman Potts made a motion to waive the third and fourth readings and to deny the request, second by Mayor Pro Tem Woods, with Councilwoman Potts, Mayor Pro Tem Woods, Councilman Shelton and Councilman Denmon voting affirmatively, motion carried.
- 3) A request for new zoning of R-1 and annexation by Hoyt Whittenburg for .906 acres off East Belmont Drive.
 - a) A public hearing was opened.
 - b) Harrison reported that notices had been sent to adjoining property owners, signs had been placed on the property and notices had been published in the local legal organ.
 - c) Councilwoman Potts stated the Zoning Advisory Board met on this matter also on August 10, 2000 at 4:30 P.M. She stated the Zoning Review Committee had determined the proposal was according to the zoning code. A daycare center could be developed in an R-1 area. They had also recommended that the developer should be aware that he would need to adhere to the local ordinances and building codes, as well as those of the state regarding daycare centers. They had also recommended that all loading and unloading of children be accomplished on the property of the developer, since the street was so narrow.
 - d) The applicant, Hoyt Whittenburg, stated it was his plan to develop a facility of 2,023 square feet for the site. He would develop to allow loading and unloading of children on the property rather than on the street. He was aware that he must meet all local building

codes, as well as all local and state codes regarding the development of a daycare center.

- e) There were no other comments and the hearing was closed.
 - f) Councilwoman Potts made a motion to waive the third and fourth readings and to approve the annexation, second by Mayor Pro Tem Woods, with Councilwoman Potts, Mayor Pro Tem Woods, Councilman Shelton and Councilman Denmon voting affirmatively, motion carried.
- 4) Mayor Palmer stated the application for new zoning of R-2 zoning and annexation by Robert and Vivian Woodring for approximately 6 acres at 255 Davis Drive had been withdrawn by the applicants, as of August 14, 2000.

b. Other hearings:

- 1) A third reading was given of a proposed zoning ordinance amendment regarding an increase in the number of members on the Zoning Advisory Board from four to five.
 - a) A public hearing was opened.
 - b) There were no comments. Mayor Palmer stated the proposed ordinance amendment would allow the board to be expanded to provide a larger group for a quorum. It would also discuss the terms of the members and he would recommend those terms be established on January 1 and if approved, a new appointment be made for the fifth member to serve until December 31, 2000.
 - c) There were no other comments and the hearing was closed.
 - d) Councilwoman Potts made a motion to waive the fourth reading and to approve with the authorization that the newly appointed member be appointed until December 31, 2000 and that the terms be reassessed on the board, as of January 1, 2001. The motion was seconded by Mayor Pro Tem Woods, with Councilwoman Potts, Mayor Pro Tem Woods, Councilman Shelton and Councilman Denmon voting affirmatively, motion carried.
- 2) Mayor Palmer stated that based upon the approval of the amendment to the zoning ordinance, he would recommend Jesse Leazer be appointed as a fifth member until December 31, 2000, at which time, the terms of all members would be reassessed. Following discussion, Councilwoman Potts made a motion to approve the appointment of Jesse Leazer, second by Mayor Pro Tem Woods, with Councilwoman Potts, Mayor Pro Tem Woods, Councilman Shelton and Councilman Denmon voting affirmatively, motion carried.
- 3) In reference to the city's state revolving fund loan application, SRF, for the North Industrial Sewer Interceptor Project, there were no additions to the July 24, 2000 report and no public comments.

7. Old Business:

- a. Mayor Palmer reviewed the proposed policy changes to the purchasing policy in order that the policy may comply with the new regulations under House Bill 1079. Mayor Palmer stated House Bill 1079, which was introduced by Representative Shanahan, was of great benefit to all municipalities and counties in the state, in that it made it much more workable for construction contracts of public facilities. Following discussion, Councilman Denmon made a motion to approve the policy amendments, second by Councilman Shelton, with Councilman Denmon, Councilman Shelton, Councilwoman Potts and Mayor Pro Tem Woods voting affirmatively, motion carried.

8. New Business:

- a. A first reading was given of a zoning request by the Calhoun Church of Christ for a 10 foot setback variance for an on-premise sign at 1001 South Wall Street. Mayor Palmer stated the earliest date for a public hearing would be September 11, 2000 at 7:00 P.M. Councilman Denmon made a motion to set the public hearing for that date and time, second by Councilman Shelton, with Councilman Denmon, Councilman Shelton, Councilwoman Potts and Mayor Pro Tem Woods voting affirmatively, motion carried.
- b. A first reading was given of a request for a zoning variance by Jim Tibbs for a reduced setback from 20 feet to 12 feet at the northwest corner of the lot for a proposed building addition at Georgia Flooring at 150 Gee Road. Mayor Palmer stated the earliest date for a public hearing would be September 11, 2000 at 7:00 P.M. Mayor Pro Tem Woods made a motion to set the public hearing for that date and time, second by Councilwoman Potts, with Mayor Pro Tem Woods, Councilwoman Potts, Councilman Shelton and Councilman Denmon voting affirmatively, motion carried.
- c. A first reading was given of a request for a zoning variance by Jewel Silvers for 123 Adair Street to allow a burned mobile home to be replaced on the property. Mayor Palmer stated the earliest date for a public hearing would be September 11, 2000 at 7:00 P.M. Councilman Denmon made a motion to set the public hearing for that date and time, second by Mayor Pro Tem Woods, with Councilman Denmon, Mayor Pro Tem Woods, Councilman Shelton and Councilwoman Potts voting affirmatively, motion carried.
- d. A first reading was given of a request for a setback variance by James Hopper for property at 355 Richardson Road. Mayor Palmer stated the earliest date for a public hearing would be September 11, 2000 at 7:00 P.M. He stated the request also included a request to zoning the property C-2 and to annex. Mayor Pro Tem Woods made a motion to set the public hearing for that date and time, second by Councilman Denmon, with Mayor Pro Tem Woods, Councilman Denmon, Councilman Shelton and Councilwoman Potts voting affirmatively, motion carried.
- e. A first reading was given of a zoning change request from H. F. Barnette, guardian for Shirley Roach, Hoyt Whittenburg, agent, for approximately 2.10 acres adjoining 235 West Line Street, a corner lot. Mayor Palmer stated the earliest date for a public hearing would be September 11, 2000 at 7:00 P.M. He stated the request was to rezone from Industrial-G to C-2. Councilwoman Potts made a motion to set the public hearing for that date and time, second by Councilman Denmon, with Councilwoman Potts, Councilman Denmon, Councilman Shelton and Mayor Pro Tem Woods voting affirmatively, motion carried.
- f. A first reading was given of a new zoning of R-1 and annexation request by Russ and Lisa Edwards for a house and lot at 413 East Belmont Drive. Mayor Palmer stated the earliest date for a public hearing would be September 11, 2000 at 7:00 P.M. Councilman Shelton made a motion to set the public hearing for that date and time, second by Councilman Denmon, with Councilman Shelton, Councilman

Denmon, Councilwoman Potts and Mayor Pro Tem Woods voting affirmatively, motion carried.

- g. A first reading was given of a beer and wine pouring license request by Danny Ray Locklar, Manager, for Jalapeno's Mexican Restaurant at 235 West Line Street, a new location. Mayor Palmer stated the earliest date for a public hearing would be September 25, 2000 at 7:00 P.M. Mayor Pro Tem Woods made a motion to set the public hearing for that date and time, second by Councilwoman Potts, with Mayor Pro Tem Woods, Councilwoman Potts, Councilman Shelton and Councilman Denmon voting affirmatively, motion carried.
 - h. A first reading was given of a wine and liquor package license request for a new owner at an existing location, James Steven Lingerfelt, Inc., d/b/a ABC Liquor, at 769 Highway 53 East, with Walter D. Fowler as Manager. Mayor Palmer stated the earliest date for a public hearing would be September 25, 2000 at 7:00 P.M. Mayor Pro Tem Woods made a motion to set the public hearing for that date and time, second by Councilman Denmon, with Mayor Pro Tem Woods, Councilman Denmon, Councilman Shelton and Councilwoman Potts voting affirmatively, motion carried.
9. Other written items not on the agenda:
- a. A first reading was given of a request for new zoning of C-2 and annexation by Haley Stephens for approximately 7 acres off Curtis Parkway, lying north of the Sanders Subdivision on Dews Pond Road and south of the mini-store-alls on Red Bud Road. Mayor Palmer stated the earliest date for a public hearing would be September 11, 2000 at 7:00 P.M. Mayor Pro Tem Woods made a motion to set the public hearing for that date and time, second by Councilman Shelton, with Mayor Pro Tem Woods, Councilman Shelton, Councilman Denmon and Councilwoman Potts voting affirmatively, motion carried.
 - b. A first reading was given of a request for a zoning change from A-1 to R-1 by Tecron for approximately 2 acres, a part of the Quail Run Subdivision. Mayor Palmer stated the earliest date for a public hearing would be September 11, 2000 at 7:00 P.M. Councilman Denmon made a motion to set the public hearing for that date and time, second by Councilwoman Potts, with Councilman Denmon, Councilwoman Potts, Councilman Shelton voting affirmatively, with Mayor Pro Tem Woods abstaining, motion carried.
 - c. Mayor Palmer stated the Coosa Valley Tech Foundation had filed a request for a \$78,000.00 loan through the city's Revolving Loan Fund, for purchase of approximately 21 acres, with approximately 5 acres being buildable on property north of the existing property for the school. The property would be used for future development. Mayor Palmer stated the policy is to set a public hearing, but prior to the public hearing, the Loan Advisory Commission will review the proposed application and forward a recommendation to the Council. Mayor Pro Tem Woods made a motion to follow the procedure and the set the public hearing for August 28, 2000 at 7:00 P.M., second by Councilman Denmon, with Mayor Pro Tem Woods, Councilman Denmon, Councilman Shelton and Councilwoman Potts voting affirmatively, motion carried.
 - d. Mayor Palmer stated that in his mail, he had received a proposed LARP paving agreement in which a portion of C. L. Moss Parkway was slated for repaving. This portion would be from Red Bud Road to the Henderson Bend Road. The

first step of the proposal would be to authorize the Mayor and appropriate officials to sign the right-of-way agreement. Mayor Pro Tem Woods made a motion to approve the request, second by Councilman Denmon, with Mayor Pro Tem Woods, Councilman Denmon, Councilman Shelton and Councilwoman Potts voting affirmatively, motion carried.

10. Mayor Palmer stated that Director Cornwell was not available. He had a MEAG meeting and was unable to attend the council meeting. He stated Director Cornwell had requested the council update a service agreement with Arcadis Engineering for general engineering services. The first project would be a work order regarding a grading plan for future work at the generator site. Mayor Palmer stated Attorney Bailey had reviewed the proposed engineering service agreement and he had several recommendations that would be negotiated by Director Cornwell. Following discussion, Mayor Pro Tem Woods made a motion to approve the updated engineering service agreement, subject to incorporation of the recommendations of the city attorney, second by Councilman Shelton, with Mayor Pro Tem Woods, Councilman Shelton, Councilman Denmon and Councilwoman Potts voting affirmatively, motion carried.
11. Mayor Palmer stated it would be necessary to move to executive session for personnel matters. Mayor Pro Tem Woods made a motion to move to executive session, second by Councilman Denmon, with Mayor Pro Tem Woods, Councilman Denmon, Councilman Shelton and Councilwoman Potts voting affirmatively, motion carried.
12. Councilwoman Potts made a motion to return to general session, second by Councilman Denmon, with Councilwoman Potts, Councilman Denmon, Councilman Shelton and Mayor Pro Tem Woods voting affirmatively, motion carried.
13. Councilwoman Potts stated as per the discussion in executive session, a motion would be made to approve raises for the three city management staff in accordance with the budget, to approve the wages for the golf pro as listed in the budget and to approve the use of a car allowance for the Director of Utilities and Public Works, with an agreement to be reached using the recommendations of the external auditors. The motion was seconded by Councilman Denmon, with Councilwoman Potts, Councilman Denmon, Councilman Shelton and Mayor Pro Tem Woods voting affirmatively, motion carried.
14. Councilwoman Potts made a motion to adjourn, second by Councilman Denmon with Councilwoman Potts, Councilman Denmon, Councilman Shelton and Mayor Pro Tem Woods voting affirmatively, motion carried.

Approved:

Submitted:



James F. Palmer, Mayor



Cathy Harrison, City Administrator