

**CITY OF CALHOUN
REGULAR CITY COUNCIL MEETING
DEPOT COMMUNITY ROOM
109 SOUTH KING STREET
OCTOBER 9, 2000 - 7:00 P.M.**

MINUTES

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

ABSENT: Ronald H. Woods, Mayor Pro Tem

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

1. Mayor Palmer called the meeting to order, 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 September 25, 2000 regular City Council meeting were approved as written.
4. Mayor's Comments:
 - a. Mayor Palmer read a proposed proclamation regarding fire prevention week for the week of October 8 through 14. Following discussion, Councilman Denmon made a motion to approve, second by Councilman Shelton, with Councilman Denmon, Councilman Shelton and Councilwoman Potts voting affirmatively, motion carried.
 - b. Mayor Palmer reminded the public, Council and staff that the city will participate in the GMA's Mayor's Motorcade, scheduled for Northwest Regional Hospital on December 5, 2000. Mayor Palmer stated this was an opportunity for citizens of the community to make a donation or to provide a Christmas gift for a patient at Northwest Regional Hospital. City Hall will be a collection point for gifts.
 - c. Mayor Palmer inquired if any member of the Council wished to attend the GMA fall district meeting on October 23 at noon at the Ringgold City Hall. Mayor Palmer stated the Council had agreed to move the work session normally held at noon to 10:00 A.M. to allow members of the Council to attend the district meeting.
 - d. Mayor Palmer reminded the Council of the public hearing on the VFW request for a liquor pouring license to be held October 23, 2000 at 7:00 P.M.

- e. Mayor Palmer recommended appointments to fill the terms of deceased and resigned members of the Calhoun Recreation Authority. He asked that John D. Meadows, III, whose term expired on June 30, 2000, be reappointed for a term to end June 30, 2006. Councilman Denmon made a motion to reappoint John D. Meadows, III, as requested, second by Councilman Shelton, with Councilman Denmon, Councilman Shelton and Councilwoman Potts voting affirmatively, motion carried. Mayor Palmer requested that the unexpired term of Jim Black be filled by Lorene Potts, scheduled to expire on June 30, 2002. He asked that the term of Mike Jones be filled by Lester Rampy with an expiration of June 30, 2002. He asked that the term of Bob Nance be filled by John Lord, with an expiration date of June 30, 2004 and the term of Thomas J. Brown, Jr. be filled by Rick Brown, with an expiration date of June 30, 2004. Following discussion, Councilman Denmon made a motion to approve the new members of the Calhoun Recreation Authority as requested by Mayor Palmer, second by Councilwoman Potts with Councilman Denmon, Councilwoman Potts and Councilman Shelton voting affirmatively, motion carried.

5. Council Comments:

- a. Mayor Palmer gave a brief report of the electric department in the absence of Mayor Pro Tem Woods:
 - 1) The electric department sold 35,003,087 kWh of electricity in September to a customer base of 4,181. They provided 24 inspections, issued 16 permits and set 2 meters.
- b. Councilman Shelton stated:
 - 1) The Police Department collected \$96,487.00 in fines in September 2000. They made 753 cases, with anticipated fines of \$155,543.00. They issued 416 warning tickets with 13 being for DUI. Officers and investigators worked 415 incidents during the month. They worked 89 accidents with 38 injuries, provided 59 escorts and answered 134 burglar alarms. The police department logged 40,935 miles on patrol during the month of September.
 - 2) The Fire Department responded to 65 calls during the month of September, with fire damages estimated at \$8,500.00. Of the 65 calls, 35 were accidents with 32 injuries. They responded to 15 false alarms and provided 38 inspections. They also provided fire home safety classes, assisted the police department with parade traffic control and also painted the internal facility at station #1.
- c. Councilman Denmon stated:
 - 1) The water treatment plant pumped an average of 11.904 million gallons per day of raw water. Well #3 pumped a daily average of 1.357 MGD of water.
 - 2) The waste treatment plant treated a daily average of 7.996 million gallons per day with the average BOD effluent of 14, the average suspended solids of 20 and the average COD effluent of 116.
 - 3) The water and sewer construction department made 39 water taps in the month of September and 5 sewer taps. They updated water lines along Anthony Drive, Cagle Road and DeFoor Road and continued work on the

Carters Lake water line project. They repaired 38 water leaks and installed 31 new meters and assisted in 9 sewer calls.

d. Councilwoman Potts stated:

- 1) The Street Department ran the brush truck and street sweeper routes during the month of September. They also bush hogged right-of-way, hauled 104 loads of stone, put up signs and completed 38 shop work orders. They contracted for a tub grinder to mulch all the brush collected during the past year. They formed and poured 27 feet of curb and gutter, they patched a parking lot at Dr. Baker's office on Curtis Parkway, and worked with the tree trimming group to haul off large trees on Piedmont Street and at the Mount Alto water tank. They dug out, poured and landscaped 348 of curb and gutter in spring valley subdivision. They installed 4 sections of guardrail on Jolley Road and Chandler Street at closed railroad crossings. They picked up sever loads of brush cut by the right-of-way clearing crews. They laid 20 feet of 48-inch pipe and 16 feet of 24-inch pipe. They built a junction box and landscaped the ditch at a new traffic light at Dews Pond and Curtis Parkway. Kevin McEntire was re-certified as an erosion control supervisor by the Georgia D.O.T.
- 2) The sanitation department ran their routine commercial trash routes and serviced and maintained their vehicles. They gained one 4-yard and one 6-yard dumpster account.
- 3) The Parks Department cut grass, trimmed, raked and picked up trash at all city facilities including, right-of-ways at water tank sites throughout the county. They built new bookcases for City Hall and for the Annex. They started building steps and handrails for the mobile units at Eastside and Calhoun Elementary Schools.
- 4) The Cemetery Department marked and supervised the opening and closing of 13 gravesites. They provided routine maintenance at Fain and Chandler Cemeteries and had a total of 12 gravesite sales.
- 5) The Safety Committee inspected the street department during the month of September. There were three workers' comp accidents and two vehicle accidents during the month.
- 6) The animal control department housed 40 dogs and 36 cats during the month. They issued 3 first warnings and 2 second warnings for leash law violations. They responded to 60 customer inquiries and disposed of 2 deer, 4 opossums.

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) A second reading was given of a request for zoning of C-2 and annexation by Ronald & Landa Culberson for approximately 0.7 acres at 1318 U. S. Highway 41 South.
 - 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 had heard the matter on October 5 at 4:30 P.M. Following a review of the Zoning Review Committee's report, it was the determination of the Zoning Advisory Board to recommend zoning of C-2 and annexation of the Culberson property.
 - d) There were no comments by the applicant or the public.
 - e) The public hearing was closed.
 - f) Councilwoman Potts made a motion to waive the third and fourth readings and to approve C-2 zoning and annexation of the property, subject to receipt of a plat, which meets state requirements. The motion was seconded by Councilman Denmon, with Councilwoman Potts, Councilman Denmon and Councilman Shelton voting affirmatively, motion carried.
- 2) Mayor Palmer announced that a request for zoning of A-1 and annexation by James F. and Faye T. Jones for approximately 16 acres at 2229 Red Bud Road had been withdrawn.
- 3) Mayor Palmer gave a second reading to a request for R-2 zoning and annexation by Jack Knight for approximately 22 acres at 146 and 266 Henderson bend Road N.W.
 - 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 reported the Zoning Advisory Board heard this matter on October 5. Following a review of the report from the Zoning Review Committee, and a discussion by the members of the Zoning Advisory Board, a motion was made to recommend zoning of R-2 and annexation of the property.
 - d) There were no comments by the applicant or the public and the hearing was closed.
 - g) Councilwoman Potts made a motion to waive the third and fourth readings and to approve zoning of R-2 and annexation, acknowledging receipt of the proper plat, second by Councilman Shelton, with Councilwoman Potts, Councilman Shelton and Councilman Denmon voting affirmatively, motion carried.

b. Other hearings: **none.**

7. Old Business:

- a. Mayor Palmer gave a second reading of the Wellhead Protection Resolution for Well #3 and future sites. Director Cornwell stated the city currently has a wellhead protection program in place. However, the state required a resolution be

adopted by the Mayor and Council regarding the protection of the wellhead and future sites. There were no other comments. Councilman Shelton made a motion to approve the resolution, second by Councilman Denmon, with Councilman Shelton, Councilman Denmon and Councilwoman Potts voting affirmatively, motion carried.

8. New Business:

- a. A first reading was given of a business license tax ordinance amendment in order for the license tax ordinance to conform to state law. Attorney Bailey reviewed those areas being amended and the purpose of the amendments. Following discussion, Councilwoman Potts made a motion to set a public hearing for October 23, 2000 at 7:00 P.M., second by Councilman Denmon, with Councilwoman Potts, Councilman Denmon and Councilman Shelton voting affirmatively, motion carried.
- b. Mayor Palmer stated that Robert Miller and Scott Williams had requested zoning of C-2 and annexation of approximately .75 acre on property adjoining the Joe Stepp property on Curtis Parkway southwest of Idle Acres. Councilman Denmon made a motion to set the public hearing for November 13, 2000 at 7:00 P.M., second by Councilwoman Potts, with Councilman Denmon, Councilwoman Potts and Councilman Shelton voting affirmatively, motion carried.
- c. Mayor Palmer gave a first reading of a zoning change request from Industrial-H to R-2 zoning of Stanley Simpson for 4.779 acres east of Jolley Road. Councilman Denmon made a motion to set the public hearing for November 13, 2000 at 7:00 P.M., second by Councilman Shelton, with Councilman Denmon, Councilman Shelton and Councilwoman Potts voting affirmatively, motion carried.
- d. A first reading was given of a request for zoning of I-G and annexation by Jean Welch as agent for William F. Williams for approximately 24 acres off Dews Pond Road. Mayor Palmer state the property was in two tracts, the first being approximately 22.7 acres, which would be located east of I-75 and 1.7 acres on the west side of I-75 and bound at the back by CTI Transport. Councilman Shelton made a motion to set the public hearing for November 13, 2000 at 7:00 P.M., second by Councilwoman Potts, with Councilman Shelton, Councilwoman Potts and Councilman Denmon voting affirmatively, motion carried.
- e. A first reading was given of a request for zoning of R-2 and annexation of approximately 2.34 acres (an island) on Barrett Road by Bob and Carol Nance. Councilman Denmon made a motion to set the public hearing for November 13, 2000 at 7:00 P.M., second by Councilman Shelton, with Councilman Denmon, Councilman Shelton and Councilwoman Potts voting affirmatively, motion carried.
- f. A first reading was given of a request for a zoning change from Industrial-H to R-2 by Dyetron, Inc. for 16.26 acres off the east side of Jolley Road. Councilman Denmon made a motion to set the public hearing for November 13, 2000 at 7:00 P.M., second by Councilman Shelton, with Councilman Denmon, Councilman Shelton and Councilwoman Potts voting affirmatively, motion carried.
- g. A first reading was given of a request for a zoning variance by Metro Sign Services, Inc. as agent for Holiday Inn Express for a sign variance off Highway 53 East for the Holiday Inn Express use as a directional sign as follows:

- Decrease the right of way setback on an off premise sign from 100 feet to 30 feet.
- Decrease the setback from 25 feet to 15 feet from the property line.
- Locate off-premise sign 20 feet away from another off-premise sign.

Councilman Denmon made a motion to set the public hearing for November 13, 2000 at 7:00 P.M., second by Councilman Shelton, with 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 zoning of R-2 and annexation by Donald T. Pierce for a house and lot at 217 Hood Street. Councilwoman Potts made a motion to set the public hearing for November 13, 2000 at 7:00 P.M., second by Councilman Denmon, with Councilwoman Potts, Councilman Denmon and Councilman Shelton voting affirmatively, motion carried.


10. Work report of Director of Utilities and Public Works: **none.**

11. Mayor Palmer stated it was not necessary for the Council to move to executive session.

12. Councilwoman Potts made a motion to adjourn, second by Councilman Denmon, with Councilwoman Potts, Councilman Denmon and Councilman Shelton voting affirmatively, motion carried.

Approved:

Submitted:



James F. Palmer, Mayor



Cathy Harrison, City Administrator

**CITY OF CALHOUN
GEORGIA**

R E S O L U T I O N

BE IT RESOLVED by the Mayor and Council of the City of Calhoun, Georgia in Council duly assembled and it is hereby resolved by the authority of same that the following resolution known as the Wellhead Protection Resolution is adopted and made a part of the official documents of the City of Calhoun, to wit:

SECTION 1: Short Title and Purpose:

- a. This resolution shall be known as the "Wellhead Protection Resolution;"
- b. The purpose of this resolution is to insure the provision of a safe and sanitary drinking water supply for the city by the establishment of wellhead protection zones surrounding the wellheads for all wells that are the supply sources for the city water system and by the designation and regulation of property uses and conditions, which may be maintained within such zones.

SECTION 2: Definitions: When used in this resolution, the following words and phrases shall have the meanings given in this section.

- a. **Hazardous waste or material** - - any waste or material which, because of its quantity, concentration or physical, chemical or infectious characteristics may:
 - 1) Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitation reversible illness; or
 - 2) Pose a substantial present or potential hazard to human health or to the environment when improperly treated, stored, transported, disposed of or otherwise managed.
- b. **Sanitary Landfill** - - A disposal site where solid wastes, including putrescible wastes or hazardous wastes, are disposed of on land by placing earth cover thereon.
- c. **Wellhead** - - The upper terminal of a well, including adapters, ports, seals, valves and other attachments.

SECTION 3: Establishment of wellhead protection zone: There is hereby established a use district to be known as a wellhead protection zone, identified and described as all the area within a circle, the center of which is the center of any city water supply wellhead and the radius of which is 150 feet.

SECTION 4: Permitted uses: The following uses shall be permitted within wellhead protection zones:

- a. Any use permitted within existing agricultural or single family residential districts, except that the minimum residential lot size for a lot, any portion of which lies within the wellhead protection zone shall not be less than one acre; and

- b. Any other open land use where any building located on the property is incidental and accessory to the primary open land use.

SECTION 5: Prohibited Uses: The following uses or conditions shall be and are hereby prohibited within wellhead protection zones, whether or not such use or condition may otherwise be ordinarily included as a part of a use permitted under Section 4 of the resolution:

- a. Surface use or storage of hazardous material, expressly including commercial use of agricultural pesticides;
- b. Septic tanks or drain fields appurtenant thereto;
- c. Impervious surfaces, other than roofs of buildings, and streets, driveways and walks serving buildings permitted under Section 4 of this resolution;
- d. Sanitary landfills;
- e. Hazardous water disposal sites;
- f. Stormwater infiltration basins;
- g. Underground storage tanks;
- h. Sanitary sewer lines within 150 feet of a wellhead.

SECTION 6: Administration: The policies and procedures for administration of any wellhead protection zone established under this resolution, including without limitation those applicable to non-conforming uses, exceptions, enforcement and penalties, shall be the same as provided in the existing water and sewer policies of the City of Calhoun, as the same is presently enacted or may from time to time be amended.

THIS RESOLUTION SHALL BE EFFECTIVE as of the 9th day of October 2000. All resolutions in conflict herewith shall be and the same are hereby repealed.

ADOPTED and made effective this 9th day of October 2000.

CITY OF CALHOUN, GEORGIA



James F. Palmer, Mayor

ATTEST:



Cathy Harrison, City Administrator

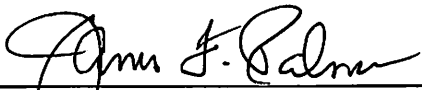
Zoning Application No: **164**

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 9th day of October 2000 for a request for R-2 zoning and annexation by Jack Knight for approximately 22 acres at 146 and 266 Henderson bend Road N.W. ("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 of the Zoning Review Committee and the Zoning Advisory Board are hereby made a part of this record.** The findings and recommendations of the Zoning Advisory Board were reviewed and accepted as the findings of the Mayor and Council as follows: **Based upon the information provided, the board recommended approval of R-2 zoning and annexation.**
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 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

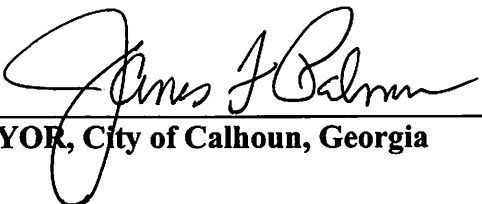
Zoning Application No: **163**

A public hearing was scheduled 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 9th day of October 2000 for a request for zoning of A-1 and annexation by James F. and Faye T. Jones of approximately 16 acres at 2229 Red Bud Road. ("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 of the Zoning Review Committee and the Zoning Advisory Board are hereby made a part of this record. However, the request was withdrawn on the day of the hearing.**
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: **none.**
8. Based upon the foregoing findings, the Application is:
 - (a) Approved _____
 - (b) Denied _____
 - (c) Approved with express Condition _____
 - (d) Withdrawn X

Number Voting: 0
In Favor: 0
Opposed: 0



MAYOR, City of Calhoun, Georgia


Zoning Application No: **162**

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 9th day of October 2000 for a request for zoning of C-2 and annexation by Ronald & Landa Culberson for approximately 0.7 acres at 1318 U. S. Highway 41 South. ("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 of the Zoning Review Committee and the Zoning Advisory Board are hereby made a part of this record.** The findings and recommendations of the Zoning Advisory Board were reviewed and accepted as the findings of the Mayor and Council as follows: **Based upon the information provided, the board recommended approval of C-2 zoning and annexation.**
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 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