

NOVEMBER 10, 1997

7:00 P. M.

REGULAR CITY COUNCIL MEETING
DEPOT COMMUNITY ROOM
109 SOUTH KING STREET

PRESENT: JOHN D. MEADOWS, III, MAYOR
JOHN D. SHELTON, MAYOR PRO-TEM
JIMMY PALMER, COUNCILMAN
RONALD H. WOODS, COUNCILMAN
HENRY E. HOLLAND, COUNCILMAN

ALSO: WILLIAM P. BAILEY, CITY ATTORNEY
KELLY CORNWELL, DIRECTOR UTILITIES/PUBLIC WORKS
EDDIE PETERSON, ASST. DIRECTOR UTILITIES/PUBLIC WORKS
CATHY HARRISON, CITY ADMINISTRATOR

1. Mayor Meadows called the meeting to order, welcomed everyone and gave the invocation.
2. Mayor Meadows led the group in the Pledge of Allegiance to the U. S. Flag.
3. Minutes of the October 27, 1997 Regular City Council Meeting were approved as written.
4. Mayor Meadows swore in Henry Holland to fill the unexpired term of Paul McEntire for City Council Post Two.
5. Mayor's Comments:
 - a. Mayor Meadows expressed appreciation to all city voters who voted in the City General Election on November 4, 1997. He expressed congratulations to the winners, Henry Holland and Amy Atkinson, and expressed appreciation to all the candidates for their well run races.
 - b. Mayor Meadows appointed Councilman Holland to oversee the Water Plant, Sewer Plant and Water/Sewer Construction Departments, with reporting for those to begin in December 1997.
 - c. Mayor Meadows announced the Mayor's Motorcade to Northwest Regional Hospital will be on December 10, 1997 at 9:00 A. M., with the ceremony to begin at 10:00 A. M. He also assigned Lenny Nesbitt, Fire Chief and Willie Mitchell, Police Chief as the collection agents for gifts and donations for patients of the Northwest Regional Hospital. Mayor Meadows stated that Calhoun, Gordon County has quite a number of patients at the hospital during the year, and he would certainly appreciate everyone remembering those individuals at Christmas.
 - d. Mayor Meadows reminded everyone of the public hearing scheduled for November 19, 1997 at 7:30 P. M. at the Gordon County Courthouse regarding the amendment and the five year update to the Solid Waste Management Plan.
 - e. Mayor Meadows reminded everyone of a November 18, 1997 Ground Breaking for the Floyd/Gordon County Regional Development Project. He stated this would take place at 11:00 A. M. on the site.
6. Council's Comments:
 - a. Mayor Meadows stated the Water Plant pumped a daily average of 12.135 MGD per month. He stated the Waste Treatment Plant treated a daily average of 9.107 MGD with the average BOD effluent being 21, average suspended effluent being 28 and the average COD effluent being 130. He stated the Water/Sewer Construction Department made 61 water taps and 42 sewer taps in October. They installed 220 ft. of two inch PVC water line, 560 ft. of four inch PVC water line, 1,600 ft. of six inch PVC water line on Erwin Hill Road and 8,045 ft. of six inch PVC water line on Fairview Road. The sewer inflow/infiltration crew cleared 8,050 ft. of sewer line right-of-way, installed two rings and covers, rehabilitated nine manholes, raised one manhole ring and cover and repaired one manhole that was leaking. They also removed six beaver dams and conducted smoke tests on Erwin Street. The backflow crew installed 23 new meter yolks, with proper backflow protection. Both crew members, Scotty Harmon and Kacee Black, attended the backflow tester certification class in Carrolton, and both crew members passed their final exam and are now certified backflow prevention testers.
 - b. Mayor Pro-Tem Shelton stated the Police Department made 243 arrests in October, of which 15 were DUI. They collected \$39,217.00 in fines, issued 128 warning tickets and 139 parking tickets. They investigated 100 accidents, provided 127 escorts and responded to 113 burglar alarms. The Fire Department provided safety classes for City schools and several churches. They also had fire fighters attending training seminars. They are presently painting fire hydrants in the City limit area. They responded to 59 calls in October and had approximately \$9,000.00 in damages. They provided 60 residential inspections, 40 business inspections and 56 annual inspections.
 - c. Councilman Palmer stated the Building Inspection Department issued permits for three new residential homes for \$288,000.00, one new commercial for \$1,700,000.00, one

apartment for \$140,000.00 with total value of construction permits issued for new and remodeling of \$2,086,000.00 for the month. The Electric Department sold 29,445,138 KWH of electricity to a customer base of 3,874. They provided 44 inspections. The Electric Department is presently installing Christmas decorations with tree trimming of right-of-way within the city limit area. The Telecommunications System is in a "burn in" position at this point, and members of the department will attend a network meeting on Tuesday. The downtown Main Street Program is busy with its activities planned for the month of December (Breakfast with Santa and the Downtown Christmas Parade).

- d. Councilman Woods stated the Street Department crews removed old pavement and patched streets that included River Street, Reeves Street, Peters Street, Maple Street, Elm Street, Oothcalooga Street and College Street. Patching for the month of October included 11 work days with a total volume of 105.4 tons of asphalt. They also hauled 74 tandem dump loads of gravel for the Street Department and Water/Sewer Construction Department. Work continued on the soccer field parking lot in clearing the grounds for the Clarence E. Harris River Park. They completed work on the Stephens and Davis property off Curtis Parkway which involved a sewer project. The Street Department took out and repoured sections of sidewalk on Woodland Avenue, Line Street, Trammel Street and the Depot. The crews ran storm water maintenance, plan checking on all drainage systems within the City on October 14 and October 24. They widened the turning radius at the four way stop on Richardson Road and Flowers Road. They installed eight ft. 15 inches and four ft. 12 inch pipe to remove drainage at the Recreation Department. They cut right-of-way on Peters Street, Dews Pond Road, the Mill Village and Fox Subdivision. They put up warning signs around the dangerous curve on Stewart Drive. The Sanitation Department continued to run commercial routes and gained three new commercial accounts. The Parks Department completed the building addition for the Parks Department. They removed sections of the roof, and replaced ceiling tile and decking at the old water plant on College Street, moved equipment and furnishings from the old parks shop into their new building. The grounds and maintenance crew performed their routine maintenance on rights-of-way at water tanks, pump stations and around the city. The Cemetery Department assisted in locating grave spaces for funeral homes for openings and closings of graves, performed the annual maintenance, and Mr. Keith Cochran, the Cemetery Sexton and Kevin McEntire, Street Superintendent attended a Worker's Compensation seminar in Gainesville, and will continue to develop the City's safety program. The Street Department Shop completed 53 work orders for all city vehicles. Rabies Control housed 47 dogs and 19 cats, issued eight first warnings, two second warnings and one third warning.

7. Public Hearings & Comments:

Mayor Meadows announced public hearings for zoning matters would be held at this time. He stated they would be held in alphabetical order with reports by the Zoning Advisory Board. He stated public hearings will have pro and con comments, with a ten minute maximum time limit on each. He stated each person speaking is required to have filed a financial disclosure statement five days prior to the hearing, and must give their name and address. Mayor Meadows asked if any council member needed to file a disclosure statement on any of the items to be considered. Councilman Woods responded that he had filed a disclosure statement, since he had a financial interest in Bonner Construction Company. Mayor Meadows proceeded with the public hearings.

- a. A 2nd reading of the Annexation/New Zoning Request of G. Bonner Construction Company for Lot 13 of Thornwood Drive for R-1 zoning. A public hearing was opened. Harrison reported that advertisement, placement of signs and notification of adjoining property owners had been completed. Councilman Woods stated the Zoning Advisory Board had met on November 10, 1997 at 4:30 P. M., however, a quorum was not present. He stated they reviewed the request and the comments by the Zoning Review Committee which included reference as to water being available in the area; proper street and driveway locations; no sewer being available for the lot; a septic tank permit has been obtained; area being contiguous to other city property and being within the police route; and sufficient fire safety protection being available in the area. There were no other comments, and the hearing was closed. Councilman Palmer made a motion to waive the 3rd and 4th readings, and to approve the annexation for R-1 zoning, 2nd by Mayor Pro-Tem Shelton with Councilman Palmer, Mayor Pro-Tem Shelton and Councilman Holland voting affirmatively, motion carried. Councilman Woods abstained from voting.
- b. A 3rd reading of the Zoning Variance Request of Ronnie Holbrook for a 10 ft. variance off the rear of the property located on Oothcalooga Street north of Calhoun Middle School was given. A public hearing was opened. Harrison reported advertisement, placement of signs and notification of adjoining property owners had been completed. Councilman Woods stated the Zoning Advisory Board had considered the request for a second time. He stated Mr. Holbrook had submitted a drawing to scale which indicated the building would be 40'x 40', and indicated a sufficient number of parking spaces and their placement on the lot, as well as, the entrance which would be located off Oothcalooga Street. Mr. Holbrook also indicated the building would be a commercial metal building with masonry walls. He stated at this time, he still did not have the specific type of business that would be located on the property. Councilman Woods stated the Zoning Advisory Board made an unofficial recommendation (due to absence of

a quorum) to approve the zoning variance for 10 feet. There were no other comments, and the hearing was closed. Councilman Woods made a motion to approve the 10 ft. variance request, 2nd by Mayor Pro-Tem Shelton with Councilman Woods, Mayor Pro-Tem Shelton, Councilman Palmer and Councilman Holland voting affirmatively, motion carried.

- c. A 2nd reading of the Annexation/New Zoning Request of Manhar N. Patel for property located at 2261 Highway 41 North which presently contains a motel and restaurant for C-2 zoning was given. A public hearing was opened. Harrison stated the advertisement, placement of signs and notification of adjoining property owners had been completed. Zoning Advisory Board Chairman Ronald H. Woods stated the Board had reviewed the request, and based upon information from the Zoning Review Committee, which included sewer availability for the property, stating the necessary easement for the sewer tap had been obtained; water is currently serving the property; the property is in the City's patrol area; there is sufficient fire protection for the area; drainage is no problem for the current construction but would need to be addressed should additional construction occur. The Zoning Advisory Board stated they would request that if the annexation and new zoning is approved, the property should be inspected by the fire, building and electrical inspectors prior to approval. Councilman Woods also noted that this property is on the outer limits of the area which can be served by the City's existing Fire Department, and also police patrols are stretched at this point. He asked the Council to consider these items. There were no other comments, and the hearing was closed. Councilman Woods made a motion to approve the request for annexation and new zoning of C-2 subject to approval by the fire, building and electrical inspectors in compliance with the city code, 2nd by Councilman Palmer with Councilman Woods, Councilman Palmer, Councilman Holland and Mayor Pro-Tem Shelton voting affirmatively, motion carried.
- d. A 2nd reading of the Annexation/New Zoning Request of Diane Poole for approximately two acres south of the Coosa Tech Satellite off Harris-Beamer Road for C-2 zoning was given. A public hearing was opened. Harrison reported advertisement, placement of signs and notification of adjoining property owners had been completed. Zoning Advisory Board Chairman Woods stated the Board had reviewed the application and had found the property to be vacant property located directly on Beamer Road, that it was not developed in any manner at this time, however, the owners of the property had been informed that should the property be developed, it would be the responsibility of the owner or developer to pay for the cost of proper construction of a driveway in the proper location and water/sewer development in addition to storm water considerations. There were no other comments and the hearing was closed. Councilman Woods made a motion to waive the 3rd and 4th readings and to approve the request for annexation for C-2 zoning, 2nd by Councilman Palmer with Councilman Woods, Councilman Palmer, Councilman Holland and Mayor Pro-Tem Shelton voting affirmatively, motion carried.
- e. A 2nd reading of the Annexation/New Zoning Request of Ronald and Lorene Potts for approximately two acres off Erwin Street in Land Lot 266 of the 14th District and 3rd Section of Gordon County, Georgia for R-2 zoning was given. A public hearing was opened. Harrison stated that advertisement, placement of signs and notification of adjoining property owners had been completed. Zoning Advisory Board Chairman Woods stated the matter had been reviewed at their meeting on November 10, 1997. He stated the property was developed at this time, that it had water and sewer connections and proper driveways. He stated garbage pickup would be available if annexed and that the property is contiguous to other City owned property. He stated it was in an area which had proper fire protection and was within the city's police patrol area. There were no other comments and the hearing was closed. Councilman Woods made a motion to waive the 3rd and 4th readings and to approve the request for annexation at R-2 zoning, 2nd by Councilman Palmer with Councilman Woods, Councilman Palmer, Councilman Holland and Mayor Pro-Tem Shelton voting affirmatively, motion carried.
- f. A 2nd reading of the Annexation/New Zoning Request of Bulah S. Timms, submitted by David J. Timms, Power of Attorney, for approximately 2.6 acres adjoining other property of the Calhoun Medical Park off Warrior Path for C-2 zoning. A public hearing was opened. Harrison stated that advertisement, placement of signs and notification of adjoining property owners had been completed. Councilman Woods stated the Zoning Advisory Board had reviewed the matter, and as a part of their review, the Zoning Review Committee made the statement that the property was being annexed by the property owner for C-2 zoning, and would then be purchased by the Calhoun Medical Park Group which would begin development plans at that point. The Zoning Review Committee recommended the Zoning Advisory Board make the property owner aware that should development occur, that the property would need to be addressed in terms of the street that would be used for entrance into the property, that if Timms Road is used, that it would need to be widened at the developer's expense. He stated that the developer would need to provide line extensions for sewer and water into the area, and that it would be necessary for them to provide the engineering for not only those areas, but also for storm water management and for driveway construction. There were no other comments and the hearing was closed. Councilman Woods made a motion to waive the 3rd and 4th readings and approve the annexation for C-2 zoning, however, he asked that the minutes reflect the findings of the Zoning Advisory Board and Zoning Review Committee, and that they be made a part of the record, 2nd by Councilman Palmer with Councilman

Woods, Councilman Palmer, Councilman Holland and Mayor Pro-Tem Shelton voting affirmatively, motion carried.

"Other Hearings":

- g. Harrison stated the City of Calhoun had received a Community Development Block Grant in October 1994 for \$343,950.00. She stated the City had made several improvements in the Crest Drive/Gallman Avenue area, however, the City had several delays in obtaining the numerous rights-of-way that were required for the project. She stated the project included approximately 4,700 linear feet of sewer trunk lines with service connections to 48 units, including rehabilitated connections and 5,420 ft. of lateral lines serving approximately 128 persons, of which 117 were low to moderate income persons. She stated approximately 9,000 linear ft. of water line was installed by the contractor, 2,000 ft. by the City, plus lateral lines to the homes, with total service connections to 106 units, serving approximately 297 persons of which 270 were low to moderate income persons. The project also included an addition of fire hydrants for fire protection in the area, and construction of a street connection from Ola to Yarborough Streets for better traffic flow, and to allow better access for emergency vehicles. The street section included installation of a 64"x43" pipe for drainage, the road improvements served approximately 297 persons, of which 270 were low to moderate income persons. These numbers being derived from a survey provided earlier in the project. The total cost at the end of the project was \$334,429.94. in CDBG Grant money, \$111,030.65 in cost by the city for total area improvements of \$445,460.59. Harrison stated the City was very pleased with the work accomplished with the grant, and that grant files and reports would be available for inspection by the public at City Hall during normal business hours.

8. **Old Business:**

- a. Harrison gave the official election report indicating the following:

City Council Post Two (unexpired term of Paul McEntire)

Ray M. Denmon	512
Henry E. Holland	548

Council Post Three

Jimmy Palmer	789
--------------	-----

Council Post Four

John D. Shelton, Jr.	723
----------------------	-----

School Board Post One

Amy M. Atkinson	528
Debra Owens Guinter	506

School Board Post Two

Judith L. Wilson	731
------------------	-----

School Board Post Three

Becky Bond Mathews	759
--------------------	-----

There were 1026 votes cast in person and 41 absentee ballots returned and counted, for a total electoral vote of 1067.

The current voter registration list indicates over 5,300 registered voters from a population of 8,000 or 66.25%, which is high compared to other municipalities. Gwen McCarver and I will be reviewing the list to make sure that voters are assigned to the proper voting precinct in order for their votes to be for the correct school board and other local elected positions.

The turnout was better than usual with voters taking the construction in the precinct in stride.

- b. On a request by Harrison for tax bills to be extended for 1997 until January 15, 1998 since the City had received its printed notices late, and since it is necessary for the City to give a full 60 days notice prior to the deadline, Councilman Woods made a motion to extend the official deadline to January 15, 1998, 2nd by Mayor Pro-Tem Shelton with Councilman Woods, Mayor Pro-Tem Shelton, Councilman Palmer and Councilman Holland voting affirmatively, motion carried.

9. **New Business:**

a. A 1st reading of the Manager Change Request of S.G.P., Inc. d/b/a Brangus Cattle Company for Beer/Wine/Liquor Pouring from Cheryl Watters to Richard Musclla who resides at 112 Riverview Drive was given. Mayor Meadows stated the proposed manager, Richard Musclla, has lived in the area for approximately four years and has a clear police report. Councilman Palmer made a motion to approve the Manger Change, 2nd by Mayor Pro-Tem Shelton with Councilman Palmer, Mayor Pro-Tem Shelton, Councilman Woods and Councilman Holland voting affirmatively, motion carried.

b. A 1st reading of the Beer/Wine/Liquor Renewal License Requests for 1998 was given. They are as follows:

1. Atlanta Gate Restaurant – Saleh A. Rashid – Beer/Wine/Liquor Pouring
2. ABC Package Store – Terry G. Ross – Beer Package
3. American Legion Post 47 – C. L. Rutledge – Beer Package/Pouring
4. Arch City Package – Otto L. DeFoor – Beer Package
5. B&L Liquor, Inc. – Lindsey Lewis – Liquor/Wine Package
6. B&L Beverage – Cindy Bockholt – Beer Package
7. Calhoun Liquor Store – John H. Bell – Wine/Liquor Package
8. China Hall – Yong Hwang Laing – Beer/Wine Pouring
9. Dixie Beverage Shop – Barbara Bishop – Beer Package
10. El Pueblito Mexican Restaurant – Juana Naranjo – Beer/Liquor Pouring
11. Fast Petroleum, Inc d/b/a Fast Food & Fuel – Teresa Lunsford – Beer Package
12. Golden Gallon, Inc. – Nancy Gayle Williams – Beer Package
13. Gondolier Pizza of Calhoun, Inc. – Evangelos Pateritsas – Beer Pouring
14. Makibe Corp. d/b/a Howard Johnson of Calhoun – Maxmillian Kim – Beer/Wine/Liquor Pouring
15. J.J.'s Package Store – Raymond J. Brown – Beer Package
16. J&P – Patsy Colleps – Beer/Wine Package
17. Jimmy's Package – Alton DeFoor – Beer Package
18. Los Reyes Mexican Restaurant – William T. Howard – Beer/Wine/Liquor Pouring
19. Pizza Hut, Inc. – Sonia Pack – Beer Pouring
20. Red Bud Liquor Store – Champ Kelly – Liquor/Wine Package
21. Savannah's Restaurant – Priscilla Jean Kelly – Beer/Wine/Liquor Pouring
22. S.G.P., Inc. d/b/a Brangus Cattle Company – Cheryl Watters – Beer/Wine/Liquor Pouring
23. South 41 Package – Roy Thomas Aaron – Beer/Wine Package
24. Speedy's Spirits, Inc. – James D. Thomason – Wine/Liquor Package
25. Troy's Package – Ronald B. Robinson – Beer Package
26. VFW – Lois Crump – Beer Pouring

Councilman Palmer made a motion to set the public hearing for November 24, 1997 at 7:00 P. M., 2nd by Councilman Woods with Councilman Palmer, Councilman Woods, Councilman Holland and Mayor Pro-Tem Shelton voting affirmatively, motion carried.

c. A 1st reading of the Pawn License Renewal Requests for 1998 was given. They are as follows:

1. A&A Title Pawn – Alex Wayne Feagin
2. Calhoun Trophy & Sporting Goods – Jimmy Gee
3. Cannonballs – Kenneth McEntyre
4. Cash Express – E. Cal Rountree
5. Otasco/Coast to Coast – Jimmy Payne
6. D&S Pawn – Nancy P. Long
7. North Georgia Pawn Shop – Walter James
8. Pete's Music City & Pawn – Clifford L. Cochran
9. Park Avenue Pawn & Jewelry – Douglas Driscoll
10. PCI Capital Corp. d/b/a Pawn Mart – Janice King
11. Title Exchange & Pawn of Calhoun – Karen L. DeBerry
12. This & That Pawn Shop – Clyde E. McEntyre
13. Bubba-John Pawn Mart – Laurence Mauldin

Councilman Holland made a motion to set the public hearing for November 24, 1997 at 7:00 P. M., 2nd by Mayor Pro-Tem Shelton with Councilman Holland, Mayor Pro-Tem Shelton, Councilman Palmer and Councilman Woods voting affirmatively, motion carried.

d. A 1st reading of the Amusement License Renewal Requests for 1998 was given. They are as follows:

1. American Legion – C. L. Rutledge
2. Betty's Flea Market – Betty Richey
3. C&N Amusement – Anna D. Casey
4. Martin Theater – Randall Farrell
5. Calhoun Bowling Center – James H. Roark
6. King's Skating Palace – Harvey A. King

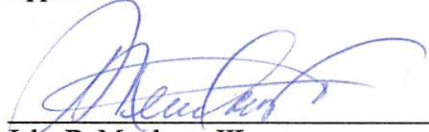
7. Pizza Hut, Inc. – Sonia Pack
8. R&R Food Store – Diane Kirby
9. Triangle Grocery – Russell Offutt
10. VFW – Lois Crump
11. Joe's Variety Shop – Joan Bushnell

Councilman Woods made a motion to set the public hearing for November 24, 1997 at 7:00 P. M., 2nd by Councilman Holland with Councilman Woods, Councilman Holland, Councilman Palmer and Mayor Pro-Tem Shelton voting affirmatively, motion carried.

- e. A 1st reading of the Annexation/New Zoning Request of G. Bonner Construction Company for Lot 34 of Thornwood Drive for R-1 zoning was given. Following questions regarding the street access into the area, Councilman Palmer made a motion to set the public hearing for December 8, 1997 at 7:00 P. M., 2nd by Mayor Pro-Tem Shelton with Councilman Palmer, Mayor Pro-Tem Shelton and Councilman Holland voting affirmatively, motion carried. Councilman Woods abstained from voting.
- f. A 1st reading of the Annexation/New Zoning Request of G. Bonner Construction Company for Lot 44 of Thornwood Subdivision for R-1 zoning was given. Councilman Palmer made a motion to set the public hearing for December 8, 1997 at 7:00 P. M., 2nd by Mayor Pro-Tem Shelton with Councilman Palmer, Mayor Pro-Tem Shelton and Councilman Holland voting affirmatively, motion carried. Councilman Woods abstained from voting.
- g. A 1st reading of the Annexation/New Zoning Request of G. Bonner Construction Company for Lot 41 of Thornwood Subdivision for R-1 zoning was given. Mayor Pro-Tem Shelton made a motion to set the public hearing for December 8, 1997 at 7:00 P. M., 2nd by Councilman Holland with Mayor Pro-Tem Shelton, Councilman Holland and Councilman Palmer voting affirmatively, motion carried. Councilman Woods abstained from voting.
- h. A 1st reading of the Zoning Change Request of Echota Properties, LLC, Raymond King and Stephen Fox for property located at 965 North Wall Street to change from commercial to industrial zoning. Councilman Woods made a motion to set the public hearing for December 8, 1997 at 7:00 P. M., 2nd by Mayor Pro-Tem Shelton with Councilman Woods, Mayor Pro-Tem Shelton, Councilman Palmer and Councilman Holland voting affirmatively, motion carried.
- i. A 1st reading of the Annexation/New Zoning Request of Stanley Simpson and Bill Walraven for approximately 6.979 acres located west of the I-75 frontage road at Highway 41 North in Land Lot 85 in the 14th District and 3rd Section of Gordon County, Georgia for C-2 zoning was given. Councilman Woods made a motion to set the public hearing for December 8, 1997 at 7:00 P. M., 2nd by Mayor Pro-Tem Shelton with Councilman Woods, Mayor Pro-Tem Shelton, Councilman Palmer and Councilman Holland voting affirmatively, motion carried.
- j. A 1st reading of the Annexation/New Zoning Request of the Artisans Plant, Inc., formerly Harco, Inc. for property known as 125 Nance Road, North of the Simpson/Walraven Property on North 41 Highway for C-2 zoning was given. Councilman Palmer made a motion to set the public hearing for December 8, 1997 at 7:00 P. M., 2nd by Councilman Woods with Councilman Palmer, Councilman Woods, Councilman Holland and Mayor Pro-Tem Shelton voting affirmatively, motion carried.
- k. A 1st reading of the Annexation/New Zoning Request of Carolyn Shepherd Cochran for Lots 15, 16, 17, 18, part of 19, part of 31 and all of Lots 32,33, 34 and 35 of the Skyway Subdivision on Highway 41, North, adjacent to the Artisan Plant property for C-2 zoning was given. Councilman Woods made a motion to set the public hearing for December 8, 1997 at 7:00 P. M., 2nd by Mayor Pro-Tem Shelton with Councilman Woods, Mayor Pro-Tem Shelton, Councilman Palmer and Councilman Holland voting affirmatively, motion carried.
- l. A 1st reading of the Annexation/New Zoning Request of Mydrin, Inc. (formerly Backings, Inc.) for property known as 129 Nance Road, N. E., Lots 49, 50, 60 and 69 consisting of approximately 18.5 acres adjacent to the Carolyn S. Cochran property for Ind.-G zoning. Councilman Woods made a motion to set the public hearing for December 8, 1997 at 7:00 P. M., 2nd by Mayor Pro-Tem Shelton with Councilman Woods, Mayor Pro-Tem Shelton, Councilman Palmer and Councilman Holland voting affirmatively, motion carried.
- m. A 1st reading of the amendments to the Zoning Code were reviewed by Attorney William P. Bailey. Following review and comments, Councilman Woods made a motion to set a full reading on November 24, 1997 and a public hearing on December 8, 1997 at 7:00 P. M., 2nd by Mayor Pro-Tem Shelton with Councilman Woods, Mayor Pro-Tem Shelton, Councilman Palmer and Councilman Holland voting affirmatively, motion carried.
- n. Attorney Bailey stated that he had been unable to complete all the amendments to the Street Ordinance, and asked that it be held for a later date.
- o. Attorney Bailey gave a first reading to the City Alcohol and Drug Ordinance for safety sensitive positions. He asked that a full reading be held on November 24, 1997 at 7:00 P. M. with a public hearing for December 8, 1997 at 7:00 P. M. Following review by the Mayor and Council, Councilman Palmer made a motion to set a public hearing for the ordinance on November 24, 1997 if the City could obtain legal ads sufficient for the item between now and November 24, 1997. If not, it will be scheduled for December 8, 1997, 2nd by Councilman Woods with Councilman Palmer, Councilman Woods, Councilman Holland and Mayor Pro-Tem Shelton voting affirmatively, motion carried.

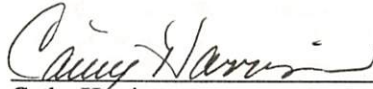
- p. Attorney Bailey stated the Bond Attorneys currently handling the bonds for the Gordon County SPLOST funds had stated that if the City desired at any time to issue bonds for their portion of the SPLOST funds, that it would be necessary for the City to pass a resolution within six months from the voting date of September 16, 1997. Attorney Bailey stated the matter might be held at this time to give the City School Board an opportunity to discuss the matter further. He stated he would bring the matter back to the attention of the Council prior to the expiration of the six months period.
 - q. A request for a public hearing to be set on November 24, 1997 at 7:00 P. M. for a Police Grant of \$11,922.00 for equipment purchases through the Department of Justice was requested by Harrison with Councilman Palmer making a motion to set the hearing for that time, 2nd by Mayor Pro-Tem Shelton with Councilman Palmer, Mayor Pro-Tem Shelton, Councilman Woods and Councilman Holland voting affirmatively, motion carried.
 - r. Attorney Bailey reviewed several amendments to the Charter under the Home Rule Act as afforded cities and counties. He reviewed those items in the charter which the City wished to amend, and asked that a second reading be held on November 24, 1997 and a 3rd reading on December 8, 1997 with a public hearing on December 8, 1997. Following discussion, Councilman Palmer made a motion to approve the request for a 2nd reading on November 24, 1997 and a 3rd reading on December 8, 1997, as well as, a public hearing at 7:00 P. M., 2nd by Councilman Woods with Councilman Palmer, Councilman Woods, Councilman Holland and Mayor Pro-Tem Shelton voting affirmatively, motion carried.
10. Other Written Items not on the Agenda:
- a. A 1st reading was given to the Ruth Shepherd Annexation/New Zoning Request for property known as 148 and 146 Harris-Beamer Road located south of the Coosa Valley Technical Satellite and joining the Diane Poole Property as mentioned earlier for C-2 zoning. Councilman Woods made a motion to set the public hearing on the request for December 8, 1997 at 7:00 P. M., 2nd by Councilman Palmer with Councilman Woods, Councilman Palmer, Councilman Holland and Mayor Pro-Tem Shelton voting affirmatively, motion carried.
11. Director Cornwell's Work Report:
- a. Director Cornwell stated the item he had could be addressed with the Mayor and Council in Executive Session as a legal matter.
12. Councilman Woods made a motion to move to Executive Session for legal consultation with Attorney Bailey, 2nd by Councilman Palmer with Councilman Woods, Councilman Palmer, Councilman Holland and Mayor Pro-Tem Shelton voting affirmatively, motion carried.
13. Councilman Woods made a motion to move to General Session, 2nd by Councilman Palmer with Councilman Woods, Councilman Palmer, Councilman Holland and Mayor Pro-Tem Shelton voting affirmatively, motion carried.
14. Mayor Meadows reported that in Executive Session, the Board had authorized the Mayor to sign a contract which would settle an additional potential law suit with MEAG.
15. Mayor Meadows stated there were a couple of other items which would need to be considered by the Council.
- a. Mayor Meadows stated he had received a request from the owner of the property on which Fuller Cemetery is located. He stated during the excavation of the grave sites, that approximately 19 additional unmarked and unidentified graves had been located, in addition to the 30 original. He stated the owners, at the recommendation of the expert on site, had requested that the unidentified graves be located on one grave space, not more than three per space, since the remains would be contained within a burial box of 1.5'x3'. Following consideration, Councilman Palmer made a motion to approve the request that any spaces above the 30 originally contracted, could be utilized at three per space, as per the recommendations for those unidentified remains if approved by the family of some of the known survivors, 2nd by Councilman Woods with Councilman Palmer, Councilman Woods, Councilman Holland and Mayor Pro-Tem Shelton voting affirmatively, motion carried.
 - b. Following discussion, Councilman Woods stated that in view of the many years of service that Councilman Holland had given to the Industrial Development Authority, that he felt that it would be more advantageous to the City for Mr. Holland to serve as the liason member from the Council to the Industrial Development Authority, rather than his appointment. He resigned his appointment and made a motion to appoint Councilman Holland as the liason member to the Industrial Development Authority from the Mayor and Council, 2nd by Councilman Palmer with Councilman Woods, Councilman Palmer, and Mayor Pro-Tem Shelton voting affirmatively, motion carried.
16. Councilman Woods made a motion to adjourn, 2nd by Councilman Palmer with Councilman Woods, Councilman Palmer, Mayor Pro-Tem Shelton and Councilman Holland voting affirmatively, motion carried.

Approved:



John D. Meadows, III
Mayor

Submitted:



Cathy Harrison
City Administrator

"I do solemnly swear (or affirm) that I will truly perform to the best of my abilities the duties of City Councilman by adopting and enforcing such measures as in my judgement shall be best calculated to promote the general welfare of the inhabitants of the City of Calhoun and the common interest thereof."



Henry Holland
Council Post Two
November 10, 1997

NOVEMBER 10, 1997

9:45 P. M.

EXECUTIVE SESSION
DEPOT COMMUNITY ROOM
109 SOUTH KING STREET

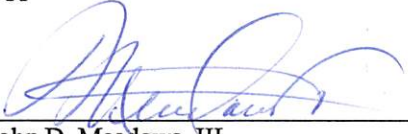
PRESENT: JOHN D. MEADOWS, III, MAYOR
JOHN D. SHELTON, MAYOR PRO-TEM
JIMMY PALMER, COUNCILMAN
RONALD H. WOODS, COUNCILMAN
HENRY E. HOLLAND, COUNCILMAN

ALSO: WILLIAM P. BAILEY, CITY ATTORNEY
KELLY CORNWELL, DIRECTOR UTILITIES/PUBLIC WORKS
EDDIE PETERSON, ASST. DIRECTOR UTILITIES/PUBLIC WORKS
CATHY HARRISON, CITY ADMINISTRATOR

1. Kelly Cornwell gave a review of the proposal which had been submitted by MEAG Power regarding the closure of the supplemental power account which the Authority has held for some 20 years which originally had been funded with bond fund proceeds, but which had been utilized for rate improvements over the years. He stated MEAG had hired a consultant to determine the ownership of the account based on the 20 years utilization, and the MEAG staff had also provided information of ownership of the account. He stated the two final results were considered with a compromise of the two which was offered to close out the \$7,999,960.00 account for all 48 participants. The City's share of that account would be \$628,613.00. He stated the City's share of a \$12,000,000.00 settlement from the working capital and cost reduction account would be \$471,196.00. He stated that MEAG had offered to settle potential claims by the City of Calhoun for the years 1995 and 1996 in the amount of \$114,088.00. MEAG had stated that these were calculated based on the law suit which had been won by the City of Calhoun in a previous matter for the years 1993 and 1994. Following discussion by the Council, Councilman Woods made a motion to settle the potential law suit for the amounts indicated by MEAG, and to authorize the Mayor to sign the agreement, 2nd by Mayor Pro-Tem Shelton with Councilman Woods, Mayor Pro-Tem Shelton, Councilman Palmer and Councilman Holland voting affirmatively, motion carried.

2.
Approved:

Submitted:



John D. Meadows, III
Mayor



Cathy Harrison
City Administrator

Zoning Application No. 37

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 10th day of November, 1997 to consider Zoning Variance Request of Ronnie Holbrook for a 10 ft. variance off the rear of the property located on Oothcalooga Street north of Calhoun Middle School.

_____ ("the Application").

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

1. The public notice of the hearing was published in the Calhoun Times as required in Section 14.2.2. of the Ordinance.

2. All signs giving notice of the public hearing required under Section 14.2.2. of the Ordinance were timely erected on the property.

3. All present adjoining land owners received notice of the public hearing and a copy of the Application as required by Section 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: Recommend 10ft. variance on back property line to maximize the number of parking spaces.

6. List any additional findings, if necessary to support additional conditions: _____

7. Review of the Standards set out in Section 14.5 of the Ordinance: Substantial compliance with seven standards.

Based on 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. 38

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 10th day of November, 1997 to consider Annexation/New Zoning Request of Manhar N. Patel for property located at 2261 Hihgway 41, North containing a motel and restaurant for C-2 zoning.

_____ ("the Application").

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

1. The public notice of the hearing was published in the Calhoun Times as required in Section 14.2.2. of the Ordinance.

2. All signs giving notice of the public hearing required under Section 14.2.2. of the Ordinance were timely erected on the property.

3. All present adjoining land owners received notice of the public hearing and a copy of the Application as required by Section 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: Recommend annexation at C-2 zoning subject to approval by Fire, Electric and Building Inspectors.

6. List any additional findings, if necessary to support additional conditions: If additional construction is needed, a soil and sedimentation permit would be required along with a storm water drainage study.

7. Review of the Standards set out in Section 14.5 of the Ordinance: Substantial compliance with seven standards.

Based on 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. 39

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 10th day of November, 1997 to consider Annexation/NEw Zoning Request of Dianne Poole for approximately two acres south of the Coosa Tech Satellite off Harris-Beamer Road for C-2 zoning.

_____ ("the Application").

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

1. The public notice of the hearing was published in the Calhoun Times as required in Section 14.2.2. of the Ordinance.
2. All signs giving notice of the public hearing required under Section 14.2.2. of the Ordinance were timely erected on the property.
3. All present adjoining land owners received notice of the public hearing and a copy of the Application as required by Section 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: Recommend annexation for C-2 zoning.

6. List any additional findings, if necessary to support additional conditions: No sewer available; water available with limited pressure; should property be developed, owners would need to extend water lines from a larger line for proper fire protection.

7. Review of the Standards set out in Section 14.5 of the Ordinance: Substantial compliance with seven standards.

Based on 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. 40

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 10th day of November, 19 97 to consider Annexation/New Zoning Request of Ronald & Lorene Potts for approx. two acres off Erwin Street in Land Lot 266 of the 14th District and 3rd Section of Gordon County, Georgia for R-2 zoning.

_____ ("the Application").

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

1. The public notice of the hearing was published in the Calhoun Times as required in Section 14.2.2. of the Ordinance.

2. All signs giving notice of the public hearing required under Section 14.2.2. of the Ordinance were timely erected on the property.

3. All present adjoining land owners received notice of the public hearing and a copy of the Application as required by Section 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: Recommend annexation for R-2 zoning.

6. List any additional findings, if necessary to support additional conditions: _____

7. Review of the Standards set out in Section 14.5 of the Ordinance: Substantial compliance with seven standards.

Based on 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. 41

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 10th day of November, 1997 to consider Annexation/New Zoning Request of Bulah S. Timms, submitted by David I. Timms, Power of Attorney for approximately 2.6 acres adjoining other property of Calhoun Medical Park off Warrior Path for C-2 zoning.

_____ ("the Application").

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

1. The public notice of the hearing was published in the Calhoun Times as required in Section 14.2.2. of the Ordinance.

2. All signs giving notice of the public hearing required under Section 14.2.2. of the Ordinance were timely erected on the property.

3. All present adjoining land owners received notice of the public hearing and a copy of the Application as required by Section 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: Recommend annexation for C-2 zoning.

6. List any additional findings, if necessary to support additional conditions: Developer needs to indicate whihc road would be used as an access road and make sure it meets city standards. Developer would need to run additional water and sewer lines to property. Developer would need storm water management

7. Review of the Standards set out in Section 14.5 of the Ordinance: Substantial compliance with seven standards. engineering and permit for soil & sed.

Based on 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