

**CITY OF CALHOUN
REGULAR CITY COUNCIL MEETING
DEPOT COMMUNITY ROOM
109 SOUTH KING STREET
JULY 13, 1998, 7:00 P.M.**

MINUTES

PRESENT: RONALD H. WOODS, MAYOR PRO TEM
 JOHN D. SHELTON, JR., COUNCILMAN
 HENRY HOLLAND, COUNCILMAN

ALSO: WILLIAM P. BAILEY, CITY ATTORNEY
 KELLY CORNWELL, DIRECTOR OF UTILITIES AND PUBLIC WORKS
 CATHY HARRISON, CITY ADMINISTRATOR

1. Mayor Pro Tem Woods called the meeting to order and welcomed everyone in attendance
 - a. Mr. Jack Foley, minister of the First Presbyterian Church, gave the invocation.
2. Mayor Pro Tem Woods led the group in the Pledge of Allegiance to the United States Flag.
3. Minutes of the June 22, 1998 regular City Council Meeting were approved on a motion from Councilman Holland, with one change to item 6-b, third line, to change the last word from "below" to "of", 2nd by Councilman Shelton, and approved.
4. Mayor Pro Tem's Comments:
 - a. Mayor Pro Tem Woods stated that following the public hearing on July 13, 1998, the Cellular Tower Ordinance would continue on July 27, 1998.
 - b. Mayor Pro Tem Woods reminded everyone of the special City election being held on July 21, 1998, in conjunction with the County primaries.
 - c. Mayor Pro Tem Woods stated that he, Councilman Holland, and Councilman Shelton, along with several of the staff, had attended the annual GMA Conference, and had not only heard the Republican and Democratic candidates for governor speak to the group, but had also attended many interesting work sessions. He stated the group attended various sessions in order to cover the full agenda.
 - d. Mayor Pro Tem Woods stated the Street Department completed the extension and cul-de-sac at the end of Garden Hills Drive. They patched Park Avenue, King Street, Harlan, Chandler, Pisgah Way, Woodland, and Saddle Mountain Drive, using approximately 88.94 tons of asphalt. They completed an extension of the soccer field parking lot, added 1,500 square feet of sod grass at the soccer fields, installed 160 feet of 15 inch drain tile on Garden Hills Drive, spread and returned sand from the Depot to Basic Materials, cleared 1,000 feet of right-of-way for power lines at the new well site at Dews Pond, poured 650 feet of curb and gutter and 610 feet of cart path at Field's Ferry Golf Course. The Sanitation Department continued its commercial trash pickups and gained two commercial customers. The Parks Department completed the City's in-kind work on the new Arts Council building, attended a seminar on how to work around asbestos, and continued their work of maintaining the grounds at City buildings, street rights-of-way, and water tank rights-of-way. The Cemetery Department supervised opening and closing of five gravesites and did maintenance at both Fain and Chandler Cemeteries. The Street Shop completed 58 work orders for all City departments. The Animal Control Shelter has 35 dogs and 28 cats, and answered 53 complaint calls.
5. Council Comments:
 - a. Councilman Shelton stated:
 - 1) The Fire Department conducted training for firefighters. They completed testing of 555 pieces of hose at a total length of 27,750 feet, per NFPA standards. They performed routine maintenance on all vehicles and stations. The Fire Department received 15 fans from the Max Poole family to give out during the hot weather to people needing assistance. They answered 53 calls in June, with a total estimated fire damage of \$10,150.00, and performed 44 building inspections.
 - 2) The Police Department officers and investigators worked 203 incidents, making 178 arrests, 7 being for DUI. \$32,491.00 in fines was collected. 56 warning tickets and 508 parking violations were issued. Officers worked 112 accidents involving 39 injuries. They provided 127 escorts and answered 147 burglar alarms. The Police Department held an event at the Calhoun Bowling Alley with the Whitfield County Chapter of the Georgia Special Olympics. The Crime Prevention Unit was asked to come out and talk to the Special Olympics kids about safety and to serve as Master of Ceremonies at the events. Approximately 100 children and adults were present from all over the Northwest Georgia area. One fingerprinting activity was held at Wal-Mart where approximately 100 children were fingerprinted and the prints were given to their parents. Approximately 300 citizens were contacted during this time by the Police Department Crime Prevention Unit.

b. Councilman Holland stated:

- 1) The Water and Sewer Construction Department made 47 water taps during the month of June and 5 sewer taps, installed 150 feet of 2-inch line and 525 feet of sewer line. They answered eight sewer calls and several water calls.
- 2) The Sewer Infiltration Crew cleared 38,650 feet of sewer right-of-way, responded to numerous calls and provided maintenance for six sewer leaks. They also attended three days of training.
- 3) The Water Treatment Plant pumped an average of 13.4 million gallons per day of raw water.
- 4) The Sewer Treatment Plant treated an average of 7.9 million gallons per day.
- 5) The Electric Department sold 29,209,298 KWH of electricity to a customer base of 4,043, and provided 32 inspections.
- 6) The Industrial Development Authority adopted a strategic plan for Calhoun-Gordon County for economic development.

6. Public Hearings:

a. Mayor Pro Tem Woods stated at this time on the agenda, public hearings on zoning matters would be held. He stated the public was invited to make pro and con comments with a ten minute maximum time limit for each side of the matter, with each person speaking having filed a Financial Disclosure Statement five days prior to the hearing, and with each person giving their name and address. Mayor Pro Tem Woods inquired if any of the elected officials had filed a disclosure statement regarding any ownership or special interest in either of the agenda items. The response was negative.

- 1) A second reading was given of the Annexation and New Zoning Request of Thomas H. McBee, executor of the estate of Mr. and Mrs. Claude McBee, for approximately nine acres at the intersection of New Town Road and Jones Road, for R-2 zoning. A public hearing was opened. Harrison reported signs, notices to adjoining property owners, and published notices had been completed in the appropriate manner. Harrison stated the Zoning Advisory Board had heard this matter on July 9, 1998 at 4:30 P.M., having first received a report from the Zoning Review Committee made up of Department Heads, to review every aspect of the proposed development. The Committee had determined the area would be divided into 28 building lots, with one main street ending in a cul-de-sac. The lots would be 10,000 to 12,000 square feet, with a few as large as ½ acre. The houses would be approximately 1200 to 1300 square feet of living space, with unfinished basements of 500 to 700 square feet. In some cases, the basements would be finished, increasing the finished living space to 1900 to 2000 square feet. The houses would be priced from the low to high \$80's. A storm water drainage plan would be required for the development, as well as a soil and sedimentation plan. The proposed entrance of the road into New Town Road had a sight distance problem on New Town Road. The trash service would be available on completion of the development of the project. The Building Inspection Department had reported the development would be similar to Gray's Landing which is presently sold out, and the proposed development would be the only one in this price range of housing to accommodate City residents. The Water and Sewer Construction Departments had reported an 8-inch water main located on the north side of New Town Road could be extended to the property. The sewer line is approximately 300 feet away on New Town Road, and could be extended at an estimated cost of \$51,000. The Police Department had stated the area was within the City's patrol area and would only slightly increase the patrol area. The Fire Department stated at least one, and possibly two fire hydrants would be required to provide proper fire protection. While the City would not serve electricity, they would provide electrical inspections for the development. The Zoning Advisory Board was informed that Mayor Pro Tem Woods, the Street Department Superintendent, and the Assistant Director of Utilities and Public Works had met with the County Administrator to review the County plans for improving New Town Road, and that if those plans were implemented, sight distance would not be a problem for the drive. However, if those plans were not implemented immediately, the sight distance problem would remain and would need to be solved prior to any issuance of a building permit. Following those reports, the motion had been recommended for approval of annexation for R-2 zoning by the Zoning Advisory Board. There were no comments by the public and the public hearing was closed. Councilman Holland made a motion to waive the 3rd and 4th reading and to approve for annexation at R-2 zoning, 2nd by Councilman Shelton, and approved. # 639
- 2) A second reading was given of the A. T. Williams Oil Company request for an on-premise sign variance, which would accommodate a sign of 150 feet in height, and increase sign space to advertise three businesses. A public hearing was opened. Harrison reported the signs, published notices and notices to the adjoining property owners had been completed in an appropriate manner. Harrison stated the Zoning Advisory Board had also heard this matter on July 9, 1998, with the Zoning Review Committee reporting that the Building Inspection Department had no problem with the request as listed, since there are signs in the immediate area of that height. They also had no problem with the additional sign space since the sign would be used to advertise three separate businesses located on the property. The Assistant Director of Utilities had inquired about drainage plans for the site, and the Building Inspection Department had stated the drainage for the property is being handled very well, with a local grading company providing the grading work and the drainage being diverted into a current drainage area. Based upon these factors, the Zoning Review Committee made a recommendation to the Zoning Advisory

Board to recommend approval. The Zoning Advisory Board heard from Mr. Steve Williams, the owner of A. T. Williams Oil Company, stating that the topography indicated that the area is below grade and that a sign height addition would be needed. He stated as an owner/operator of the facility, it was his desire not to have the sign any taller than was absolutely necessary because of cost. However, it must be tall enough to be effective for his business. He stated the operation would be managed by his business as the owner, and would employ between 100 and 125 people, with a monthly payroll of \$50,000. He stated it would increase the sales tax base by 35 to 40 million dollars. Stanley Simpson, who had visited one of the A. T. Williams sites further north on I-75 stated it was a clean operation, and handled very professionally. Based upon this information, the Zoning Advisory Board had recommended approval of the variance request. In comments by the general public, Dr. Leroy Rabb inquired about the size of the sign and the type of advertising. A copy of the proposed signage was presented to Dr. Rabb for his review. His comments were that it certainly would be ugly. There were no other comments, and the hearing was closed. Councilman Shelton made a motion to waive the 3rd and 4th readings and to approve the request for a zoning variance, 2nd by Councilman Holland, and approved.

b. Other Hearings:

- 1) A public hearing was reopened on the Cellular Tower Ordinance with Director Cornwell recommending that Telecom Technologies, Inc. be selected to provide a review of the proposed Cellular Tower Ordinance, and to also review possible sites for cellular towers within the City, and the possibility of public owned cellular towers. Following the recommendation, Councilman Holland made a motion to approve Telecom Technologies, Inc. to do the study at an approximate cost of \$2,000.00. 2nd by Councilman Shelton, and approved. In other comments on the proposed Cellular Tower Ordinance, attorney Steve Greenberg, who represents SprintCom, stated he wished to again emphasize that he has an interest in the ordinance, and he has proposed some amendments and has presented those in writing. He introduced Matt Donnley of SprintCom, who is also very interested, and has presented a proposal for use of City property for cellular towers. Mr. David Nix of Telecom Technologies stated that on behalf of his company, who will be working with Arcadis Engineering, he will look forward to developing a very effective Cellular Tower Ordinance for the City of Calhoun. There were no other comments, and Mayor Pro Tem Woods continued the hearing until July 27, 1998.
- 2) A second reading of the Golf Advisory Commission Ordinance amendment was given. A public hearing was opened. There were no comments, and the hearing was closed. Councilman Holland made a motion to waive the 3rd and 4th readings, and to approve, 2nd by Councilman Shelton, and approved. 639-B
- 3) A second reading of the proposed amendment of the Loan Advisory Commission Ordinance and policies was given. A public hearing was opened. There were no comments, and the hearing was closed. Councilman Shelton made a motion to waive the 3rd and 4th readings, and to approve, 2nd by Councilman Holland, and approved. 640

7. Old Business:

- a. Councilman Holland stated the Golf Advisory Commission had recommended three new members for the Golf Advisory Commission, as per the ordinance amendment just approved. He stated their recommendation was for Lorraine Potts with a term to expire June 30, 2004, Ray Quinn with a term to expire June 30, 2002, and Lester Rampy with a term to expire June 30, 2000. Following the recommendation, Councilman Shelton made a motion to approve those proposed new members, 2nd by Councilman Holland, and approved.
- b. Harrison stated the Loan Advisory Commission had recommended Valerie Allen to serve the term of Mary Richie, with her term to expire June 30, 2004. Harrison also asked to confirm the term ending dates of the existing members of the Loan Advisory Commission;
 - 1) David Lance June 30, 2000
 - 2) Henry Holland June 30, 2000
 - 3) Jim Black June 30, 2002
 - 4) Larry Roye June 30, 2002
 - 5) Nancy Mathis June 30, 2004
 - 6) Sandy Reese June 30, 2004Harrison stated she served on the Commission, and her appointment was an annual appointment by the Council, expiring currently on June 30, 1999. Following this information, Councilman Shelton made a motion to approve the appointment of Valerie Allen for the term as stated, and to confirm the expiration date of all the Loan Advisory Commission members' terms, 2nd by Councilman Holland, and approved.

8. New Business:

- a. A first reading was given of Annexation and New Zoning Request of Randall and Donna McEntyre for a lot on Highway 53 East, Land Lot 275, 14th District, 3rd Section of Gordon County, Georgia, next to "Checkers" for C-2 zoning. Councilman Shelton made a motion to set the public hearing for August 10, 1998 at 7:00 P. M., 2nd by Councilman Holland, and approved.
- b. A first reading was given of Stanley Simpson's zoning change request for a tract on Highway 41 North, adjoining the Georgia Bank & Trust Branch Bank, to be rezoned from Ind.-G to C-2. Councilman Holland made a motion to set the public hearing for August 10, 1998 at 7:00 P. M., 2nd by Councilman Shelton, and approved.
- c. A first reading was given of the Annexation and New Zoning Request of Randy C. Mincey, et al, for a lot located on Kenmorland Circle in Land Lot 266, 14th District, 3rd Section of Gordon

- County, Georgia, for R-1 zoning. Councilman Shelton made a motion to set the public hearing for August 10, 1998 at 7:00 P. M., 2nd by Councilman Holland, and approved.
- d. A first reading was given of the Annexation and New Zoning Request of Doug and Debbie Thomason for Lot 14, Belwood Park Subdivision off Highway 41 South, for R-2 zoning. Councilman Holland made a motion to set the public hearing for August 10, 1998 at 7:00 P. M., 2nd by Councilman Shelton, and approved.
- e. A first reading was given of a Zoning Variance Request of Celeste Chattam, as agent for Marie Silvers for a lot on Wilson street for setback relief to allow construction of mini-storalls. Councilman Shelton made a motion to set the public hearing for August 10, 1998 at 7:00 P. M., 2nd by Councilman Holland, and approved.
- f. A request was made by Mount Calvary Baptist Church for a parade on the City route of Piedmont and Park Avenue for August 1, 1998 at 10:00 A.M. for approximately 25 vehicles. The request would be for a Vacation Bible School parade. The Council stated they would recommend the parade begin at the First Methodist Church parking lot, travel south on Piedmont Street to the intersection of Hicks Street, turning right on Hicks Street, crossing Highway 41, and turning right on Park Avenue, proceeding to the City parking lot, where the parade would be disbanded. The Council stated this route would make it necessary for the parade to cross Highway 41 at only one location. Following discussion, Councilman Holland made a motion to approve the parade request on the route as outlined, 2nd by Councilman Shelton, and approved.
- g. Harrison stated the City is requesting a third Law Enforcement Block Grant in the amount of \$12,429.00, which will require a 10% match. Harrison stated the grant request would be for capital items associated with drug enforcement. She stated the 10% could be taken from the City Police account, from confiscated vehicles, and other paraphernalia awarded to the City by the Courts. Following discussion, Councilman Shelton made a motion to approve the grant application, and authorize the Mayor Pro Tem to sign, 2nd by Councilman Holland, and approved.
9. Other written items not on the agenda:
- a. Mayor Pro Tem Woods reviewed an inquiry from Gordon County regarding the possibility of the County extending sewer lines within 200 feet of the Sanders Subdivision, with the County inquiring what requirements would be made by the City if the County installed the sewer line. Mayor Pro Tem Woods stated that according to City policy, the area is eligible for annexation and the property must be annexed prior to sewer being connected to the property. The property owners would be required to install the sewer from the end of the line as installed by funds from the County, as well as paying their sewer connection fee.
- b. In response to an inquiry by United Way to use the outside area of the Depot for concluding their annual fund drive on October 29, 1998, from approximately 5:30 to 7:30 P. M., Councilman Holland made a motion to approve, 2nd by Councilman Shelton, and approved.
10. Work report of Director Kelly Cornwell: Cornwell stated he had met with engineers and with officials of Ruby Collins Construction Company regarding a punch list for completing the Sewer Plant. He stated the project would be within budget, and they were presently discussing liquidated damages, since the project had taken longer than was under contract. He stated the City had applied to EPD for their 16 million gallon per day permit, and that since the project had been delayed, the City had extended the Industrial Plant Permits for an additional 120 days, until the City receives its 16 million gallon per day permit. He stated the Water Plant project is continuing, as well as the well project, which should be completed by late fall, and which would add 2 million gallons per day to the City system. He stated the City had also installed a temporary pump on the Sugar Valley Road to improve water pressure until the Mydrin Pump project is completed.
11. Councilman Shelton made a motion to move to executive session for one legal matter, and for a legal report by the City Attorney, 2nd by Councilman Holland, and approved.
12. A motion was made to return to general session by Councilman Holland, 2nd by Councilman Shelton, and approved.
13. From the discussion in Executive Session, a motion was made by Councilman Holland to authorize Mayor Pro Tem Woods to sign a confidentiality agreement with GDS Associates, Inc. and a consulting contract with Power Engineering Associates, Inc. for the evaluation of the worth and acquisition potential of the City's electric distribution system for a fee of \$10,000.00. 2nd by Councilman Shelton, and approved.
14. Councilman Holland made a motion to adjourn, 2nd by Councilman Shelton, and approved.

Approved:


Ronald H. Woods, Mayor Pro Tem

Submitted:


Cathy Harrison, City Administrator

CITY OF CALHOUN
CITY COUNCIL MEETING
EXECUTIVE SESSION
DEPOT COMMUNITY ROOM
109 SOUTH KING STREET
JULY 13, 1998 – 8:15 P.M.

MINUTES

PRESENT: RONALD H. WOODS, MAYOR PRO TEM
JOHN D. SHELTON, JR., COUNCILMAN
HENRY HOLLAND, COUNCILMAN

ALSO: WILLIAM P. BAILEY, CITY ATTORNEY
KELLY CORNWELL, DIRECTOR UTILITIES AND PUBLIC WORKS
CATHY HARRISON, CITY ADMINISTRATOR

1. Attorney Bailey reported the City had won first local round in terms of the sign lawsuit filed by SMD, LLP. He stated Judge Pope has issued a ruling that there is a purpose stated in the implication in the Interstate Sign Ordinance, where code Section 95A-913 is referenced in Section 10.2.4, and the City would have the opportunity to present further evidence at a hearing. Attorney Bailey stated this did not mean the case was over, but there are two initial choices that the sign company can make: to proceed on trial on the merits of the case, or to seek a certificate of immediate review, which would allow the sign company to appeal the Judge's order to the Supreme Court of Georgia.
2. Kelly Cornwell presented a request from GDS Associates, Inc. that a confidentiality agreement be entered into among the City, NGEMC, and TVA, their advisors, consultants, etc., whereby information obtained in evaluating the worth and acquisition potential of the City's electric distribution system would be treated as confidential in order to protect the interest of all parties. The City's consultant will be Power Engineering Associates, Inc., and its fee will be \$10,000.00.
3. Executive Session was closed.

Approved:



Ronald H. Woods, Mayor Pro Tem

Submitted:



Cathy Harrison, City Administrator

Zoning Application No: 67

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 13th day of July, 1998, to consider **Zoning Variance Request of the A. T. Williams Oil Company request for an on-premise sign variance, which would accommodate a sign of 150 feet in height, and increase sign space to advertise three businesses, (the Application.)**


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

1. The public notice of the hearing was published in the Calhoun Times as required under § 14.2.2 of the Ordinance.
2. All required signs giving notice of the public hearing were placed upon the property as required under § 14.2.2 of the Ordinance.
3. All presently adjoining landowners received notice of the public hearing and a copy of the Application as required pursuant to § 14.4 of the ordinance.
4. All disclosures of any conflict of interest required by Title 36, Chapter 67A of the Official Code of Georgia Annotated have been reported.
5. The findings and recommendations of the Zoning Advisory Board were reviewed and accepted as the findings of the Mayor and Council as follows: **The topography of the area is below grade, necessitating a sign height addition so it can be seen from I-75. The increased surface area is needed to accommodate three businesses on one sign. The additional height requested is similar to signs located in the immediate area.**
6. List any additional findings, if necessary, to support additional conditions: **none.**
7. Review of the Standards set out in § 14.5 of the Ordinance: **Substantial compliance with seven standards.**

Based upon the foregoing findings, the Application is:

- (a) Approved X
- (b) Denied
- (c) Approved with express Condition

Number Voting: 3
In Favor: 3
Opposed: 0



MAYOR, CITY OF CALHOUN, GEORGIA
PRO TEM

Zoning Application No: 66

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 13th day of July 1998, to consider the **Annexation and New Zoning Request of Thomas Hudon McBee, executor for the estate of Mr. and Mrs. Claude McBee, for approximately 9 acres located at the intersection of Jones Road and New Town Road, in Land Lots 158 and 167, 14th District, 3rd Section of Gordon County, Georgia, for R-2 zoning (the Application.)**


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

1. The public notice of the hearing was published in the Calhoun Times as required under § 14.2.2 of the Ordinance.
2. All required signs giving notice of the public hearing were placed upon the property as required under § 14.2.2 of the Ordinance.
3. All presently adjoining landowners received notice of the public hearing and a copy of the Application as required pursuant to § 14.4 of the ordinance.
4. All disclosures of any conflict of interest required by Title 36, Chapter 67A of the Official Code of Georgia Annotated have been reported.
5. The findings and recommendations of the Zoning Advisory Board were reviewed and accepted as the findings of the Mayor and Council as follows: **The property is proposed to be used for a subdivision, with approximately 28 lots on one main street ending in a cul-de-sac. Lots are to be 10,000 to 11,000 square feet, requiring R-2 zoning. A storm water management plan will be needed. A soil and sedimentation plan will be required due to the number of acres involved in the development. An 8-inch water main is located on the north side of New Town Road and can be extended to the property. A cost estimate will be provided to the developer. A sewer line will need to be extended approximately 300 feet down New Town Road at an estimated cost to the developer of \$51,000.00. One or possibly two fire hydrants will need to be installed at the expense of the developer, to provide fire protection for the development. All other services will be available to the location. The Electrical Department will not provide power to the development. However, it will provide electrical inspections. There is inadequate sight distance at the proposed entrance of the subdivision onto New Town Road. The County has plans for improving New Town Road, which would solve the sight distance problem. However, those improvements or other solutions must be in place before building permits are issued for the development.**
6. List any additional findings, if necessary, to support additional conditions: **none.**
7. Review of the Standards set out in § 14.5 of the Ordinance: **Substantial compliance with seven standards.**

Based upon the foregoing findings, the Application is:

- (a) Approved X
- (b) Denied _____
- (c) Approved with express Condition _____

Number Voting: 3
In Favor: 3
Opposed: 0



MAYOR, CITY OF CALHOUN, GEORGIA
PRO TEM