

**CITY OF CALHOUN
REGULAR CITY COUNCIL MEETING
DEPOT COMMUNITY ROOM
109 SOUTH KING STREET
NOVEMBER 9, 1998, 7:00 P.M.**

MINUTES

PRESENT: JAMES F. PALMER, MAYOR
RONALD H. WOODS, MAYOR PRO TEM
JOHN D. SHELTON, JR., COUNCILMAN
HENRY HOLLAND, COUNCILMAN
RAY M. DENMON, COUNCILMAN

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

1. Mayor Palmer called the meeting to order and welcomed everyone. Mayor Palmer explained an attendance roster was being circulated, and asked each one in attendance to please sign, this being in regard to the Community Development Block Grant public hearing, which will be held later in the meeting.
 - a. Councilman Holland gave the Invocation.
2. Mayor Palmer led the group in the Pledge of Allegiance to the United States Flag.
3. Minutes of the October 26, 1998 regular City Council Meeting were approved as written.
4. Mayor's Comments:
 - a. Mayor Palmer expressed sympathy to Don McGinnis and to his family on the loss of his mother.
 - b. Mayor Palmer stated November 11, 1998 is Veteran's Day. He expressed appreciation to all community veterans who have served in the armed services, for their commitment to our country and our ideals of freedom. He recognized by name all City employees who are veterans.
 - c. Mayor Palmer announced three public hearings scheduled for November 23, 1998:
 - 1) Beer Package License request for Billy Lee Loy for a current location operated as Highway 53 Package Store.
 - 2) An amendment of the Alcoholic Beverage Ordinance.
 - 3) The new Business License Ordinance for Gas Marketers.
 - d. Mayor Palmer reminded everyone of the Mayor's Motorcade to Northwest Regional Hospital on December 9, 1998 at 10:00 A.M. He encouraged citizens to attend the motorcade and ceremony at the hospital. He also reminded everyone of the importance of providing gifts for the patients from our area who are currently patients at Northwest Regional Hospital.
 - e. Mayor Palmer congratulated those local candidates who were successful in the election on November 3, 1998, those being Sidney Collins, Ted Collins, Thomas Shanahan and Bill Stephens. He commended those citizens who took time to vote and stated he was also pleased with the fact that the Calhoun-Gordon County area had a better than expected turnout for the election.
5. Council Comments:
 - a. Mayor Pro Tem Woods stated:
 - 1) The Street Department, during the month of October, patched Hawthorne Drive, Park Avenue, Adair Street, Hillcrest Drive and Dogwood Drive, using over 6.28 tons of asphalt. They installed 265 feet of 8-inch pipe, 80-feet of 15-inch pipe, and built four 24 by 24 catch basin drains. They hauled chert; crusher run; graded and rolled base for new Recreation Department parking lot; and cleared 2500 feet of ditch right-of-way at Spring Valley Subdivision. They worked with the Electric Department, cutting and hauling off large trees on East Belmont Drive; installed 180-feet of 24-inch and 20-feet of 18-inch pipe; built 3 junction boxes; landscaped at Presbyterian Church; installed 155-feet of 24-inch drain; covered and built two 24 by 24 catch basins at entrance of Towne Lake Drive; cut street and installed 120 feet of 30-inch pipe at the Recreation Department; installed 20 feet of 15-inch pipe for a driveway at Cherry Hill Drive and Derby

Lane; put a three-way stop into operation and removed ripple strips on Trammell Street; sawed out curbs; built three 24 by 30 catch basin drains and repoured curb at Wexford Subdivision; pushed up and burned two large bush areas at Spring Valley and Dews Pond well sites; cleared out sediment pond with dozer at well sites; built 250-feet of rip-rap headwall at the Recreation Department; ran the brush truck route, bush-hogged right-of-way; and hauled 61 loads of stone.

- 2) The Sanitation Department, ran their commercial route, gained three 8-yard 2-yard and 6-yard dumpster accounts; serviced and cleaned vehicles.
 - 3) The Parks Department built roof and installed fan and shutters on the new water pump station at Resaca; reworked bathroom and all fixtures on the old Line Street Gymnasium; maintained, cut and trimmed grass on all City properties.
 - 4) The Cemetery Department supervised the opening and closing of nine grave spaces; performed maintenance at both Fain and Chandler Cemeteries; and conducted monthly and quarterly risk management safety inspections.
 - 5) Animal Control housed 27 dogs and 25 cats. They issued 4 licenses; gave 1 leash-law warning, and answered 46 complaint calls during the month.
 - 6) The Maintenance Shop completed 81 work orders for all City departments.
 - 7) Mayor Pro Tem Woods stated the signal light for State Route 53 and South Industrial Blvd. has had the Department of Transportation permit approved. A utility pole located at the intersection has been relocated. The street design and layout has been completed. The gas line on Highway 53 will not need relocating, and BellSouth is currently working on a 4 to 5 day relocation of phone lines in the area. Calhoun has completed drainage and water line construction, and North Georgia Paving has a contract for the street widening, curb, gutter, island and striping on South Industrial Blvd. The project should be completed by Christmas.
 - 8) The traffic signal for Red Bud Road and College Street has been approved. There will be turn lanes on College Street, and there will be a pedestrian crosswalk on Red Bud Road. Design and specifications for the street construction are being put in final form. A major utility pole will need to be relocated and the street radii, both north and south, will need to be tapered and striped. It is the City's goal to have the project completed in January 1999.
- b. Councilman Shelton stated:
- 1) During the months of October 1998, the Police Department made 227 arrests, of which 12 were DUI's. They collected \$26,821.00 in fines, issued 96 warning tickets, and 486 parking tickets. They investigated 217 incidents and 125 accidents. They provided 130 escorts and responded to numerous burglar alarms.
 - 2) The Fire Department answered 63 calls during the month of October, 15 involving injuries, for a property loss of \$15,500.00. They provided 41 inspections and also provided on-site training for their firefighters. They also provided safety information for the third and fourth grades at the elementary school, and also had several classes visit the fire station during the month of October. The Fire Department also announced the warning signal grants had been approved and over the next few months, those should be available for installation.
- c. Councilman Holland stated:
- 1) The Water and Sewer Construction Department made 47 water taps and 6 sewer taps; installed 700 feet of water line and 700 feet of sewer line on Frontage Road; 560 feet of 2-inch line on Craig Road; installed 2-inch line in two areas at Heritage Hills; repaired 37 leaks and changed out 11 meters.
 - 2) The Infiltration Crew cleared 11,200 feet of right-of-way, inspected 22,000 feet of sewer line with the smoke system, and repaired numerous manhole problems.
 - 3) The water plant pumped an average daily flow of raw water of 13.514 million gallons per day (MGD).
 - 4) The Sewer Plant treated a daily average of 7.265 MGD. The BOD for October was 5; suspended solids 15; and COD effluent was 125. Councilman Holland expressed his appreciation for the low effluent ratings during the month of October, and commended Carlton Rogers and his staff.
- d. Councilman Denmon stated:
- 1) The Electric Department sold 31,695,248 kilowatt hours of electricity to a customer base of 3,996 customers during the month of October.
 - 2) The Building Inspection Department issued permits for 8 new residential houses, 1 new commercial building and 1 new industrial building, as well as additions for residential, commercial and industrial during the month of October 1998.

6. Public Hearings and Comments:

- a. Mayor Palmer announced 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. Mayor Palmer inquired if any of member of the Council had any ownership or special interest in any of the agenda items. Mayor Pro Tem Woods stated he had a financial interest in the first item, the request of G. Bonner Construction for a variance. Mayor Palmer asked that this acknowledgment be entered into the record.

- 1) A second reading was given to the zoning variance request of G. Bonner Construction Company for a 10-foot setback variance for a subdivision entrance sign on Towne Lake Drive off Dews Pond Road.
 - a) A public hearing was opened.
 - b) Administrator Harrison stated that notices had been published in the legal organ, the adjoining property owners were notified, and signs were placed on the property.
 - c) Peterson stated the Zoning Advisory Board heard a report for the Zoning Review Committee, which stated the property is on Dews Pond Road; there is an 80 foot right-of-way, which allows a 10-foot variance to be some distance from the edge of the pavement. The Zoning Review Committee had stated there would be no problem with maintenance of the right-of-way or with sight distance. The location did not interfere with water and sewer lines in the area, nor would it be a hazard for fire protection entering the property. The general consensus of the Committee to recommend approval to the Zoning Advisory Board.
 - d) The Zoning Advisory Board stated that the request complies with a minimum of one of the four standards required for a variance. They considered the information provided, with Mr. Lewis and Mr. Bond stating they were familiar with the location and the site, and their recommendation was to approve the request as stated.
 - e) There were no other comments and the hearing was closed.
 - f) Councilman Holland made a motion to waive the third and fourth readings and to approve the 10-foot variance. The motion was seconded by Councilman Shelton, with Councilman Holland, Councilman Shelton and Councilman Denmon voting affirmatively, and Mayor Pro Tem Woods abstaining. The motion was approved.
- 2) A second reading was given to a new zoning and annexation request of Wesley R. Hudgins for a house and lot at 119 Dan Cheri Drive for R-1 zoning.
 - a) A public hearing was opened.
 - b) Harrison stated that notices had been published in the legal organ, the adjoining property owners were notified, and signs were placed on the property.
 - c) Mayor Pro Tem Woods stated the Zoning Advisory Board had heard the request on November 5, 1998. He stated the Zoning Review Committee had reviewed the application, and had found the primary reason for annexation was the ability to connect to sewer, which was located approximately 80 feet from the property. Sewer could be extended on the road right-of-way with the understanding that Mr. Hudgins would be responsible for repairing a cut in a driveway of the adjoining property owner. The Building Inspector had no problem with the application since it did not involve any new construction or additions to the property. The Street Department stated the street is narrow in the area in front of the house. Residential garbage pickup will be available for the property. It was the consensus of the Zoning Review Committee to recommend approval.
 - d) The Zoning Advisory Board stated they were familiar with the property. Since the request conforms to the long range plans on file for the City, it was the recommendation of the Zoning Advisory Board to zone R-1 and to annex as requested.
 - e) There were no other comments and the public hearing was closed.
 - f) Mayor Pro Tem Woods made a motion to waive the third and fourth readings and to approve the request for R-1 zoning and annexation. The motion was seconded by Councilman Denmon, with Mayor Pro Tem Woods, Councilman Denmon, Councilman Shelton and Councilman Holland voting affirmatively, motion carried.
- 3) A second reading was given to the rezoning request of Beth Maddox for a house and lot at 312 Piedmont Street to be rezoned from C-2 to R-1.
 - a) A public hearing was opened.

- b) Harrison stated that notices had been published in the legal organ, notices to all the adjoining property owners had not yet been received, and signs were placed on the property.
 - c) Mayor Pro Tem Woods stated the Zoning Advisory Board had requested the matter be tabled until December 14, 1998 and that he would make the motion to table. The motion was seconded by Councilman Denmon, with Mayor Pro Tem Woods, Councilman Denmon, Councilman Shelton and Councilman Holland voting affirmatively, motion carried.
- 4) A second reading was given of the new zoning and annexation request of Retha Pritchard Poarch for a house and lot at 1130 Dews Pond Road for R-2 zoning.
- a) A public hearing was opened.
 - b) Harrison stated that notices had been published in the legal organ, the adjoining property owners were notified, and signs were placed on the property.
 - c) Mayor Pro Tem Woods stated the Zoning Advisory Board had heard the matter on November 5, and following a review of the Zoning Review Committee, which stated the property is requesting annexation based upon the advantages of police protection, water rates, lower home insurance rates, etc. Also, the property was determined to be suitable for R-2 zoning, since it was adjacent to other property zoned R-2. It was determined the property owner has no plans to improve the property at this point. However, there may be additional development of the property at a later date. The Street Department stated the property is located in a very high traffic area on Dews Pond Road. Drainage may be a consideration for additional development of the property at a later date. However, it was the general consensus of the Zoning Review Committee to recommend approval to the Zoning Advisory Board.
 - d) Members of the Zoning Advisory Board were familiar with the location of the property, stating that it was compatible for the requested zoning, and was compatible with the City's long range plans.
 - e) There were no other comments and the hearing was closed.
 - f) Mayor Pro Tem Woods made a motion to waive the third and fourth readings and to approve the new zoning of R-2 and annexation. The motion was seconded by Councilman Denmon, with Mayor Pro Tem Woods, Councilman Denmon, Councilman Shelton and Councilman Holland voting affirmatively, motion carried.
- 5) A second reading was given of the zoning variance request of Safco II for a 6-foot setback for an on-premise sign on Maple Street.
- a) A public hearing was opened.
 - b) Harrison stated that notices had been published in the legal organ, the adjoining property owners were notified, and signs were placed on the property.
 - c) Mayor Pro Tem Woods stated the Zoning Advisory Board had reviewed the matter on November 5, and had first heard the report of the Zoning Review Committee, which stated the request met one of the four criteria for zoning variances. There was no problem with sight distance or with maintenance of right-of-way regarding the request. There was no interference with water or sewer lines. The property is located off of a public street, and it was the consensus of the Zoning Review Committee to recommend approval the Zoning Advisory Board.
 - d) The Zoning Advisory Board was familiar with the location of the property, and concurred with the request and with the report of the Zoning Review Committee.
 - e) There were no other comments and the hearing was closed.
 - f) Mayor Pro Tem Woods made a motion to waive the third and fourth readings and to approve the variance request, second by Councilman Holland, with Mayor Pro Tem Woods, Councilman Holland, Councilman Shelton and Councilman Denmon voting affirmatively, motion carried.
- 6) A second reading was given of the new zoning and annexation request of Joe M. Stepp for Lot 6 on the corner of Kent Lane and York Place in Devonwood Subdivision for R-1 zoning.
- a) A public hearing was opened.
 - b) Harrison stated that notices had been published in the legal organ, the adjoining property owners were notified, and signs were placed on the property.
 - c) Mayor Pro Tem Woods stated the Zoning Advisory Board had heard the matter on November 5. The Zoning Review Committee stated the

property is located on a City street. It is a large lot with the developer planning to split the lot. However, both lots would have 15,000 square feet, as required in R-1 zoning. The property is eligible for sewer, with the cost of extending sewer being borne by the developer, as well as the repair to the road. It was determined there would be no drainage problems with the property. However, there may be future drainage problems in the area as more development occurs. The Zoning Review Committee stated the proposed development conforms to the City's long range plan, and based upon these factors, the Zoning Review Committee Recommended to the Zoning Advisory Board that the request be approved.

- d) Members of the Zoning Advisory Board stated they were familiar with the location of the property and upon hearing the factors considered by the Review Committee, recommended the property be zoned R-1 and annexed, as requested.
 - e) There were no other comments, and the hearing was closed.
 - f) Mayor Pro Tem Woods made a motion to waive the third and fourth readings and to approve the new zoning of R-1 and annexation of the property. The motion was seconded by Councilman Holland, with Mayor Pro Tem Woods, Councilman Holland, Councilman Shelton and Councilman Denmon voting affirmatively, motion carried.
- 7) A second reading was given to the new zoning and annexation request of Dianne and Harlan Tucker for a house and lot at 777 Henderson Bend Road for R-1 zoning.
- a) A public hearing was opened.
 - b) Harrison stated that notices had been published in the legal organ, the adjoining property owners were notified, and signs were placed on the property.
 - c) The Zoning Advisory Board stated they had also met on this matter on November 5, 1998, and heard a review of the request by the Zoning Review Committee. The Zoning Review Committee stated the property is located on a county road which is currently in very poor condition. It is a house and lot with no plans for additions. The property would be eligible for residential garbage pickup, but City electricity is not available to the location. It would have access to city sewer, with the cost of extending the line and making the connection to be at the expense of the property owner. The property currently has city water. The request for new zoning and annexation conforms to the long range plan of the City, and the Zoning Review Committee recommended approval.
 - d) The Zoning Advisory Board reviewed the location of the property and the surrounding area, reviewed the location from the current fire hydrant, which is approximately 1300 feet away, and reviewed the location of sewer in the area. Based upon all the factors considered, the Zoning Advisory Board recommended approval of the request for new zoning of R-1 and annexation.
 - e) There were no other comments and the hearing was closed.
 - f) Mayor Pro Tem Woods made a motion to waive the third and fourth readings and to approve for new zoning of R-1 and annexation, second by Councilman Shelton, with Mayor Pro Tem Woods, Councilman Shelton, Councilman Holland and Councilman Denmon voting affirmatively, motion carried.
- b. Other Hearings:
- 1) A second reading was given of the amusement license request of Truck Stop Games, L. L. C., Keith Farrish, at the A. T. Williams Oil Company on Highway 41 North at I-75 for 13 arcade machines.
 - a) A public hearing was opened.
 - b) Mayor Palmer stated the police report was clear and asked if there were any comments regarding the application. There were no comments and the hearing was closed.
 - c) Councilman Holland made a motion to approve the request for a license for 13 arcade machines, second by Mayor Pro Tem Woods, with Councilman Holland, Mayor Pro Tem Woods, Councilman Shelton and Councilman Denmon voting affirmatively, motion carried.
 - 2) Mayor Palmer opened a public hearing on the City's proposed application to the Department of Community Affairs for a Community Development Block Grant for the second phase of the Echota Mill Village project.
 - a) Mayor Palmer stated, if funded, the grant would allow infrastructure improvements to water and sewer lines, which are some of the oldest in

the City. He reviewed the City's policy of renewal and replacement of older lines within the community. He stated this funding would allow us to increase this type of renovation.

- b) John Sweitzer of Sweitzer Engineering stated the project will cover the area of approximately 64 houses located on the south side of Highway 156 off College Street, Short North Wall Street, Old Red Bud Road and Highway 41. He stated there would be no displacement of persons for the project, and that a local match of 5% for any of the grant above \$200,000.00 would be required. The grant would require a survey of the neighborhood, which is in process by the City of Calhoun. He stated the amount of the grant available might make it possible for sidewalk improvements to be added to the area, as well as repaving the streets in the area. He stated the water and sewer lines would be replaced on individual properties to within 5-feet of the homes. If the home-owners wish to replace beyond that point into the home, it would be at their expense. However, the connection from the tap to within 5-feet of the home would be done through the grant, at no cost to the property owners.
- c) Mr. Sweitzer then asked if there were any suggestions or comments from the audience regarding the proposed grant. There were none.
- d) Harrison stated the City had held a public hearing and also a public meeting at the Echota Baptist Church two years ago, when the first phase of the Echota Mill Village project was being considered. She stated the support of the community was extremely strong, and the support continues into the application process of phase two.
- e) Mayor Palmer asked if there were any other suggestions for possible grant applications from any of the audience. There were none.
- f) Based on this information, Mayor Palmer closed the hearing and asked Mr. Sweitzer to proceed and file the application by November 30.

7. Old Business: Construction of cellular tower:

- a. Kelly Cornwell reviewed the results of the Geo-Hydro test following two drillings into the land area, with no rock discovered, which would mean a tower could be erected very inexpensively on the property. He also stated the bids that were received were favorable for rental income of the cellular tower and he recommended the Council proceed with the erection of the tower.
- b. Based on this information, Councilman Denmon made a motion to set a public hearing on the City's proposal to erect a tower on the property on Hillcrest Drive for November 23, 1998 at 7:00 P.M. The motion was seconded by Councilman Shelton, with Councilman Denmon, Councilman Shelton, Mayor Pro Tem Woods and Councilman Holland voting affirmatively, motion carried.

8. New Business:

- a. Mayor Palmer stated the County is currently moving its school bus shop operation to a new area, and has asked the City School System if they have any interest in the property located on Pine Street. He stated the school is currently considering the proposal, and they will keep us informed of the project.
- b. Special License Renewals:
 - 1) A first reading was given of the Beer, Wine and Liquor License renewal requests for 1999, as follows:

Business Name	Manager Name	License Type
American Legion Post 47	Thomas J. McCary, Jr. (Manager change request to Jack Whitter)	BWL Pouring
Arch City Package	Otto L. DeFoor	Beer Package
Atlanta Gate Restaurant	Saleh A. Rashid	BWL Pouring
B&L Liquor, Inc	Lindsey Lewis	Liquor/Wine Package
B&L Beverage	Cindy L. Bockholt	Beer Package
Blue Sky Petroleum, LLC	Kari Baumez	Beer/Wine Package
Calhoun Liquor Store	John H. Bell	Liquor/Wine Package
China Hall	Yong Hwang Laing	Beer/Wine Pouring
Dixie Beverage Shop	Barbara Bishop	Beer Package
El Pueblito Mexican Rest.	Juana Naranjo	Beer/Liquor Pouring
Fast Food & Fuel	Betty Sue Youmans	Beer Package
Golden Gallon, Inc.	Nancy Gayle Williams	Beer Package
Gondolier Pizza	Evangelos Pateritsas	Beer Pouring

Great Wall Chinese Rest.	Kitty Leung	Beer Pouring
Highway 53 Package Shop	Bill Loy	Beer Package
J J's Package Store	Raymond J. Brown	Beer Package
J & P	Patsy Colleps	Beer/Wine Package
Jimmy's Package	Alton DeFoor	Beer Package
Los Reyes Mexican Rest.	William T. Howard	BWL Pouring
Pizza Hut, Inc.	Sonia Pack	Beer Pouring
Red Bud Liquor Store, Inc.	Champ Kelly	Liquor/Wine Package
South 41 Package	Roy Thomas Aaron	Beer/Wine Package
Speedy's Spirits, Inc.	Glenn Bryant	Wine/Liquor Package
Troy's Package	Ronald B. Robinson	Beer Package
VFW	Alesia Russell Chester	Beer Pouring

- 2) A first reading was given of the Amusement License renewal requests for 1999 as follows:

Business Name	Manager Name
American Legion Post 47	Thomas J. McCary, Jr. (Manager change request to Jack Whitter)
Calhoun Bowling Center	James H. Roark
King's Skating Palace	Harvey A. King
Triangle Grocery	Russell Offutt
VFW	Lois Crump

- 3) A first reading was given of the Pawn Shop License renewal requests for 1999, as follows:


Business Name	Manager Name
Bubba-John Pawn Mart	Laurence Mauldin
Calhoun Trophy & Sporting Goods	Jimmy Gee
Cash Express	Cal Rountree
D&S Pawn	Nancy P. Long
North Georgia Pawn Shop	Walter James
Otasco/Coast to Coast	Jimmy M. Payne
Pete's Music City & Pawn	Clifford L. Cochran
Park Avenue Pawn & Jewelry	Douglas Driscoll
PCI Capital Corp, d/b/a Pawn Mart	Janice King
Title Exchange & Pawn	Hugh M. Austin
This & That Pawn Shop	Clyde E. McEntyre

- 4) Mayor Palmer stated that all these special license renewals will be eligible for second readings and consideration of approval on November 23, 1998, at 7:00 P.M.
- c. A first reading was given of a sign variance request of Cracker Barrel for a 130 foot high, free standing, 356 square foot double faced, on-premise sign on Highway 53 East at I-75. Mayor Pro Tem Woods made a motion to set the public hearing on the request for December 14, 1998 at 7:00 P.M. The motion was seconded by Councilman Denmon, with Mayor Pro Tem Woods, Councilman Denmon, Councilman Shelton and Councilman Holland voting affirmatively, motion carried.
- d. A first reading was given of a request by Paul Lusk for new zoning of R-1 and annexation of approximately 15 acres of property currently owned by J. D. Moreland and Paul Lusk on the Dews Pond Road east of Green Meadow Lane. Mayor Pro Tem Woods made a motion to set the public hearing on the request for December 14, 1998 at 7:00 P.M., second by Councilman Denmon, with Mayor Pro Tem Woods, Councilman Denmon, Councilman Shelton and Councilman Holland voting affirmatively, motion carried.
- e. A first reading was given of a request by Jack May, as Agent for Melton J. May, for new zoning of Industrial-G and annexation of approximately 10 acres of property located on Highway 41 South next to Western Plastics. The building proposed to be built at the location would have 80,000 square feet. Mayor Pro Tem Woods made a motion to set the public hearing for December 14, 1998 at 7:00 P.M. The motion was seconded by

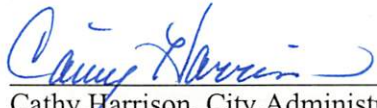
Councilman Shelton, with Mayor Pro Tem Woods, Councilman Shelton, Councilman Holland and Councilman Denmon voting affirmatively, motion carried.

- f. Administrator Harrison asked the Council to consider extending the *ad valorem* tax due date until January 15, 1999. She stated the digest had been delayed in approval, and there was a delay in the printing of the tax notices and the tax digest. Therefore, in order to comply with the law and give each taxpayer 60 days' notice that it would be after January 10 before a due date could be considered. She asked the Council to consider the date of January 15 as the City's official due date, with anything paid after that date accruing interest at the rate of 12%. Councilman Shelton made a motion to extend the *ad valorem* tax due date to January 15, 1999, second by Councilman Denmon, with Councilman Shelton, Councilman Denmon, Mayor Pro Tem Woods and Councilman Holland voting affirmatively, motion carried.
 - g. A first reading was given of the Limousine License Application for L. L. Limo, Inc., Dr. Susy Vergot, Owner. Councilman Denmon made a motion to set the public hearing for November 23, 1998 at 7:00 P.M. The motion was seconded by Councilman Shelton, with Councilman Denmon, Councilman Shelton, Mayor Pro Tem Woods and Councilman Holland voting affirmatively, motion carried.
 - h. A first reading was given of the request of Gordon B. Bearden for new zoning of C-2 and annexation of approximately 24 acres in Land Lot 238, 14th District, 3rd Section of Gordon County, Georgia, on Curtis Parkway. Mayor Pro Tem Woods made a motion to set the public hearing for December 14, 1998 at 7:00 P.M. The motion was seconded by Councilman Shelton, with Mayor Pro Tem Woods, Councilman Shelton, Councilman Holland and Councilman Denmon voting affirmatively, motion carried.
 - i. A first reading was given of the request of Bob and Carol Nance for new zoning of Industrial-G and annexation of property on Nance Road, off Highway 41 North. Mayor Pro Tem Woods made a motion to set the public hearing for December 14, 1998 at 7:00 P.M., second by Councilman Shelton, with Mayor Pro Tem Woods, Councilman Shelton, Councilman Holland and Councilman Denmon voting affirmatively, motion carried.
9. Other written items not on the agenda: none
 10. Director Cornwell's work report: Director Cornwell stated he had provided each of the elected officials with an update on the current projects in process. He stated most of these were moving along at the expected rate. He reviewed a water problem in the Fairmount area and commended the Water Construction Department for their prompt action and diligence to correct the problem on an older line resulting from the Fairmount water system purchase.
 11. Following a recommendation by the City Attorney, Mayor Pro Tem Woods made a motion to move to Executive Session for legal and Real Estate Matters. The motion was seconded by Councilman Shelton, with Mayor Pro Tem Woods, Councilman Shelton, Councilman Holland and Councilman Denmon voting affirmatively, motion carried.
 12. Mayor Pro Tem Woods made a motion to move to General Session, second by Councilman Holland, with Mayor Pro Tem Woods, Councilman Holland, Councilman Shelton and Councilman Denmon voting affirmatively, motion carried.
 13. Mayor Pro Tem Woods made a motion to adjourn, second by Councilman Holland with Mayor Pro Tem Woods, Councilman Holland, Councilman Shelton and Councilman Denmon voting affirmatively, motion carried.

Approved:


James F. Palmer, Mayor

Submitted:


Cathy Harrison, City Administrator

**CITY OF CALHOUN
CITY COUNCIL MEETING
EXECUTIVE SESSION
DEPOT COMMUNITY ROOM
109 SOUTH KING STREET
NOVEMBER 9, 1998 – 9:00 P.M.**


MINUTES

PRESENT: JIMMY PALMER, MAYOR
RONALD H. WOODS, MAYOR PRO TEM
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JOHN SWEITZER, SWEITZER ENGINEERING
CATHY HARRISON, CITY ADMINISTRATOR

1. Mayor Palmer called the executive session to order.
2. Mayor Palmer asked Kelly Cornwell, Director of Utilities and Public Works, and John Sweitzer of Sweitzer of Sweitzer Engineering, to review the discussions held within the last few weeks with Mr. Bates regarding Big Springs, and also to review the proposal received by the City from Mr. Bates' attorney. Mr. Cornwell and Mr. Sweitzer continued to review the history of discussions with Mr. Bates regarding Big Springs in terms of a twenty year lease with a right to purchase at the end of the twenty years; a possible forty year lease with a right to purchase at the end of forty years; or an outright purchase. The discussion continued with the recent proposal received from Mr. Bates' attorney in which the volume for water to be retained by Mr. Bates for his Spring Water Business had been increased, as well as the number of acres proposed to be sold or leased to the City had been decreased and the price for lease, as well as purchase, had been increase substantially above those from the last discussion. Following a review of the proposal, it was the consensus of the elected officials that the City has an interest in the water from Big Springs, and the elected officials asked Mr. Cornwell and Mr. Sweitzer to continue with their discussions with Mr. Bates, and to keep the Council informed of their progress.
3. The Executive Session was adjourned at 9:30 P.M.

Approved:



James F. Palmer, Mayor

Submitted:



Cathy Harrison, City Administrator

Zoning Application No: 83

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 November 1998, to consider the **zoning request of Dianne and Harlan Tucker for a house and lot at 777 Henderson Bend Road for R-1 zoning and annexation.**

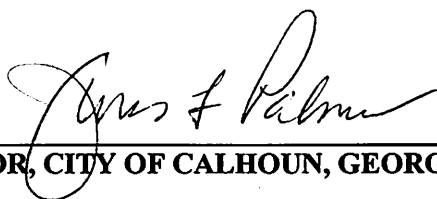
During the public hearing, the Application was discussed in an open meeting and the following findings were made:

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: **Applicant is interested in sewer in the future, but has no immediate problem with her septic tank. A 2-inch water line currently serves the property. Sewer is available by crossing the property of Lenville Rader at 224 Overlook Drive. The cost of extending that sewer line, acquiring the easement, and making the connection would be at the expense of the property owner. The property is located on a county road, which is in extremely bad condition at this time. The property would be eligible for residential garbage pickup. There are no drainage problems. There are no immediate plans by the property owner for any expansion of the house currently located on the property. The Fire Chief stated a fire hydrant is located approximately 1300 feet away in Gray's Landing, which is accessible by hose to serve the property.**
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: 4
In Favor: 4
Opposed: 0



MAYOR, CITY OF CALHOUN, GEORGIA

Zoning Application No: 82

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 November 1998, to consider the **zoning request of Joe M. Stepp for lot 6 on the corner of Kent Lane and York Place in Devonwood Subdivision for R-1 zoning and annexation.**


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: **It was the finding of the Committee that the property owner desired to split the property for development of two lots. However, the required square footage will be available. It is located on a City street and sewer is currently available and could be extended a short distance to the property. A hydrant is on Cambridge Court, a very short distance from the property, with sufficient flows. There is no drainage problem on the property at this time. However, future development in the immediate area may cause some drainage problems. The property would be eligible for City electric service. A city street, York Place, would need to be cut in order to extend the sewer to the property, with repairs at the expense of the applicant.**
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: 4
In Favor: 4
Opposed: 0



MAYOR, CITY OF CALHOUN, GEORGIA

Zoning Application No: 81

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 November 1998, to consider the zoning request of Safco II for a 4-foot setback variance for an on-premise sign on Maple Street.

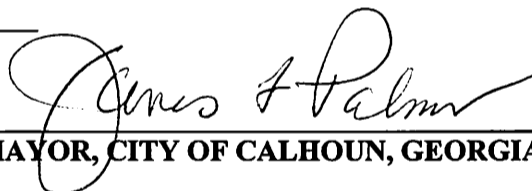
During the public hearing, the Application was discussed in an open meeting and the following findings were made:

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: **There was no problem with the request from the standpoint of the Building Inspectors. The Street Department stated there was no problem with sight distance. There were no problems with water, sewer or electric lines or with the Fire Codes.**
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 four standards.**

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: 80

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 November 1998, to consider the zoning request of Retha Pritchard Poarch for a house and lot at 1130 Dews Pond Road for R-2 zoning and annexation.

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: **A sewer easement had been obtained from Ms. Poarch several months earlier, and she had been allowed a sewer tap as payment for the easement. She applied for R-2 zoning so that her lot could be developed later by her children. There is a fire hydrant across the street with sufficient flow. The property is in a high traffic area. There may be drainage problems at the back of the property, which may impact future development. The lot is eligible for City trash pickup, but is out of the area served by the City Electric Department.**
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: 4
In Favor: 4
Opposed: 0



MAYOR, CITY OF CALHOUN, GEORGIA

Zoning Application No: 79

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 November 1998, to consider the **zoning request of Wesley R. Hudgins for a house and lot at 119 Dan Cheri Drive for R-1 zoning and annexation.**

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 rental property and is having septic tank problems. There were no problems from the viewpoint of the Building Inspectors. The Street Department stated the street is narrow in the area in front of the house and there is slow drainage in the area. Residential garbage pickup is available. There is a fire hydrant located 300 feet away. Sewer is approximately 80 feet from the property. However, the sewer hookup would require cutting the concrete drive of the property next door. Repair of this cut would be at the expense of the applicant.**
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: 4
In Favor: 4
Opposed: 0



MAYOR, CITY OF CALHOUN, GEORGIA

Zoning Application No: 78

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 November 1998, to consider the **zoning request of G. Bonner Construction Company for a 10-foot setback variance for a subdivision entrance sign on Towne Lake Drive off Dews Pond Road.**

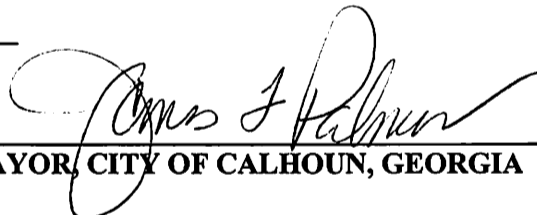
During the public hearing, the Application was discussed in an open meeting and the following findings were made:

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 right-of-way of the Dews Pond Road is 40 feet from the center line, which will set the sign back several feet from the paved area. The Building Inspectors and Fire Department had no problem with the placement. There was no interference with water or sewer lines in the area, and the Street Department stated there was no problem with sight distance.**
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: 4
In Favor: 3
Abstained: 1
Opposed: 0



MAYOR, CITY OF CALHOUN, GEORGIA