

**CITY OF CALHOUN
REGULAR CITY COUNCIL MEETING
DEPOT COMMUNITY ROOM
109 SOUTH KING STREET
SEPTEMBER 10, 2001, 7:00 P.M.**

MINUTES

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

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

1. Mayor Palmer called the meeting to order, welcomed everyone in attendance. The Invocation was given by Councilman Denmon.
2. Mayor Palmer led the group in the Pledge of Allegiance to the United States Flag.
3. Minutes of the August 27, 2001 regular City Council meeting were approved as written.
4. Mayor's comments:
 - a. Mayor Palmer also reminded the Council of the joint GMA/ACCG Legislative Conference will be held in Atlanta on October 1-3, 2001.
 - b. Mayor Palmer announced the City of Calhoun was recognized as a pioneer award recipient at the Governor's Workplace Literacy Program on Friday, September 7, 2001. He stated this is in reference to the city's sponsored training for employees to receive their GED certification. The city currently has five employees in the program. He stated there were several other cities and one county involved in the program, along with numerous businesses throughout the state. He stated Mannington received their 5-year certification in this program and Mohawk received their 10-year certification.
 - c. Mayor Palmer reminded the Council of a public hearing for a beer, wine and liquor pouring request, with a public hearing scheduled on October 8, 2001 at 7:00 P.M. for the Libby Sanders application for 455 Belwood Road, Prime Outlet Mall, a new location.
5. Council Comments:
 - a. Mayor Pro Tem Shelton stated:
 - 1) During the month of August, the police department made 800 cases, with anticipated fines of \$136,232.50. 16 cases were for driving under the influence and 547 warning tickets were issued. The department collected \$107,860.50 in fines from previous cases. The officers worked 395

incidents and 66 highway accidents with 14 injuries. They provided 30 private property accident investigations with no injuries. They also provided 47 escorts and responded to 117 alarms.

- 2) The fire department responded to 54 calls in August. One of the calls was an industrial call. However, the actual amount of damages on the industrial call is not available at this time. They responded to 12 false alarms and performed 22 inspections. They provided hose practice training and routine maintenance on their equipment and facilities. They assisted several of the schools with their fire safety programs.

b. Councilman Woods stated:

- 1) The electric department purchased 30,346,059 kilowatts of electricity in August. They issued 37 permits, provided 50 inspections and set 23 meters. They have multiple construction projects for underground service in subdivisions and for lighting, which are continuing, and for the Stepp project, the John Wayne Hall Condominium project, and the Kerry Baking Company. There is an approximate 1,000 KW addition for Mohawk's Calhoun American Rug operation in progress, which will result in manufacturing load additions. Multiple maintenance projects have been performed on the well site, the waste treatment plant and the water treatment plant. A very dangerous night time pole replacement on College Street was accomplished safely and professionally by the Calhoun electric crews.
- 2) Telecommunications upgraded one Mohawk service from 10 megabytes to 100 megabytes and renewed two T-1 contracts. Splicing has been completed on the Mannington relocation and also a new dark fiber lease is under construction for Mohawk. A new Internet connection is under construction for Dr. White's Calhoun office and negotiations are nearing completion on the interconnection with telecommunications organizations outside of the city.

c. Councilman Denmon stated:

- 1) The water and sewer construction department completed 49 water taps and 6 sewer taps during the month. They installed 2,700 feet of 2-inch water line to the marina at Carters Lake. They installed 975 feet of 6-inch water line to the new airport hangars along Highway 41 South. There were 79 water leaks and 28 water meters repaired. There were 8 meter change-outs and 137 miscellaneous calls.
- 2) The waste treatment plant treated an average flow of 8.350 million gallons per day (MGD). The average BOD effluent was 14, the average suspended effluent was 16 and the average COD effluent was 102.
- 3) The water treatment plant pumped 12.946 MGD of raw water. Well #3 pumped a daily average of 851,000 gallons per day.
- 4) The Building Inspector issued 59 permits for construction of \$1.4 million during the month of August.

d. Councilwoman Potts stated:

- 1) The street department brush truck picked up 5,260 cubic yards of brush and leaves. The street sweeper cleaned 46 miles of curb and gutter. The department hauled 65 loads of stone and erected 23 new street signs. They completed 38 shop work orders. The city street paving list is 90% complete, with the following streets being paved: North King Street, 500 feet of Saddle Mountain Loop, Second Avenue, Flora Drive, Laura Place, Fern Way, a 500-foot section of Forest Heights, East Belmont Drive, Short Street, West Drive, Edwards Lane, Harkins Street, Harris Street, McConnell Road South, Martin Luther King Drive, a 700-foot section of Gee Road, Elm Street, a 200-foot section of Park Avenue, a 400-foot section of Oak Street, and a 200-foot section of West Court Street. They dug out and installed 200 feet of 18-inch pipe and build a 24 by 24 storm water box on York Place. They dug out and based a 150-foot section of Bowling Industrial Way, installed four 12-inch parking bollards at a fire hydrant on North King Street. They dug out a bad section of a parking lot at the recreation department shop and poured a 14 by 20-foot dumpster pad. They dug out a large tree stump and poured 100 feet of sidewalk on College Street. They installed 40 feet of 15-inch diameter pipe and graded the police impound lot for paving. They patched potholes at Eastside and Calhoun Elementary Schools and patched water cuts at Heritage Hills Condos and Calhoun Wholesale. They assisted the Main Street Director in getting ready for the 50's party at the Depot.
 - 2) The sanitation department ran their regular commercial trash route, serviced and washed trucks and gained three new 4-yard dumpster accounts.
 - 3) The parks department provided their routine maintenance on city property right-of-ways and water tank right-of-ways. They completed construction of 160 feet of poured wall on Piedmont Street as part of a right-of-way agreement. They installed new plumbing in the street department bathroom, began construction on a water valve pit on Pine Street.
 - 4) The cemetery department marked and supervised the opening and closing of 13 gravesites, performed routine maintenance at Fain and Chandler cemeteries and sold 8 gravesites during the month.
 - 5) The safety committee reported there were 2 workers' comp accidents and 3 vehicle accidents in August. The Safety Committee inspected the administration facilities.
 - 6) Animal control housed 17 dogs and 8 cats during the month, and issued two first warnings, one second warning and one third warnings for leash law violations. They disposed of two deer killed on city streets and responded to 37 customer calls.
6. Public Hearings and comments:
- a. Mayor Palmer stated at this time, public hearings on zoning matters would be held. The public would have the opportunity to make pro and con comments with a ten-minute maximum time limit for each side of the matter. Each person speaking would be required to have filed a Financial Disclosure Statement five days prior to the hearing, and each person would be required to give their name and address before speaking. An inquiry was made to determine if any of the

elected officials had filed a disclosure statement regarding ownership or special interest in the agenda items. The response was negative.

- 1) Mayor Palmer stated the only zoning matter was a zoning change request by Joe E. Moore for 1.829 acres in the northwest corner of a parcel lying east of Highway 41, from A-1 to C-2, and to rezone 18.277 acres lying east of Highway 41 and joining the above parcel from A-1 to Industrial-H.
 - a) A public hearing was opened.
 - b) Harrison reported that notification to adjoining property owners had been completed, signs had been placed on the property and notices had been published in the local legal organ.
 - c) Mayor Palmer requested a report from the Zoning Advisory Board meeting.
 - d) Councilwoman Potts stated the Zoning Advisory Board met on the matter on September 6, 2001. She stated the Zoning Advisory Board had several questions following the review of the Zoning Review Committee's information. She stated the proposed purchaser of the property had stated he was unaware of any wetlands on the property. However, he was aware of a small area that did remain wet for periods of time due to a drainage problem, which could be alleviated. He stated he would need to make further inquiries to find out anything regarding wetlands. In reference to sewer, he was aware of the limitations. In reference to the need for DOT permits, he already had discussions with DOT and was aware of the requirement to build a road for super-paving to city street specifications. She stated following this review, the Zoning Advisory Board had recommended approval of the voting change for both parcels.
 - e) Mayor Palmer inquired if there were any comments by the property owner. There were none. He inquired if there were any other comments by the general public. There were none.
 - f) The public hearing was closed.
 - g) Councilwoman Potts made a motion to approve the request for rezoning the smaller tract from A-1 to C-2 and the larger tract from A-1 to I-G, in accordance with the new zoning ordinance. This motion would also include the concerns that had been focused on by the Zoning Advisory Board and the Zoning Review Committee. The motion was seconded by Councilman Woods, with Councilwoman Potts, Councilman Woods, Councilman Denmon and Mayor Pro Tem Shelton voting affirmatively, motion carried.
 - 2) Councilwoman Potts stated on behalf of the Zoning Advisory Board, she wished to express appreciation to the staff for their work on the improvements to the zoning ordinance; she said most particularly to Attorney Bailey, who had drafted and redrafted the proposed changes several times.
- b. Other hearings:
- 1) Councilman Woods made a motion to table the Terry Langley and Emory Cantrell, et al, revolving loan application. The motion was seconded by

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

7. Old business:

- a. Mayor Palmer stated at this time, he would entertain a motion from the Council to remove the Brian D. Wilson annexation request from a tabled motion. Councilman Denmon made a motion to remove the item from the table, second by Mayor Pro Tem Shelton with Councilman Denmon, Mayor Pro Tem Shelton, Councilman Woods and Councilwoman Potts voting affirmatively, motion carried. Mayor Palmer stated this would represent a third reading of a request for annexation of tract two, consisting of 13.816 acres off the Harris Beamer Road for R-2 zoning for construction of apartments. Mayor Palmer asked for a motion to reset a public hearing for October 8, 2001 at 7:00 P.M., with a Zoning Advisory Board hearing on October 4, 2001 at 4:30 P.M. He stated it would be appropriate for the adjoining owners to be renotified due the zoning ordinance amendment and also due to the lapse of time since the item was tabled. Following discussion, Councilman Woods made a motion to set the public hearing before the Mayor and Council on October 8, 2001 at 7:00 P.M. and to request the applicant to renotify the adjoining property owners of the public hearing and the Zoning Advisory Board hearing. The motion was seconded by Mayor Pro Tem Shelton, with Councilman Woods, Mayor Pro Tem Shelton, Councilman Denmon and Councilwoman Potts voting affirmatively, motion carried.

8. New business:

- a. Attorney Bailey gave a first reading of an ordinance amendment for the Abatement of Nuisances. He reviewed the changes in the July 1 legislation approved by the General Assembly, which required local governments to take certain actions in regard to abatement of nuisances. He stated under the new regulations, those items would go through the municipal court system rather than a hearing before the building inspector. He stated the findings of the Court would be forwarded to the county tax assessor and this office would take a priority lien on property similar to property tax. It also would deal with how individuals were to be notified, with those affected being allowed to be served by certified mail as opposed to personal service under the old requirements. He forwarded a copy of the proposed changes to each member of the City Council, along with his memorandum outlining the specific changes and he would be available to review any of those with any member of the Council prior to the next meeting. Mayor Palmer asked for a motion to set a public hearing on September 24, 2001 at 7:00 P.M. Councilman Woods made a motion to set the public hearing on that date and time, second by Councilman Denmon, with Councilman Woods, Councilman Denmon, Councilwoman Potts and Mayor Pro Tem Shelton voting affirmatively, motion carried.
- b. Mayor Palmer stated the city had received a request from Friendship Baptist Church for closing of Neal Street from West Line Street to the top of M. L. King, Jr. Street on Saturday, November 3, 2001 from 8:00 A.M. until 8:00 P.M. for the Fall Fellowship Carnival for children and youth. Following discussion, Councilman Denmon made a motion to approve the request, second by

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

- c. Mayor Palmer stated the city had received two requests for street donations:
 - 1) SWL Developers, Inc. for streets in Summerfield Subdivision off Dews Pond Road. He stated the city attorney had approved the title opinion and the warranty deed. He also stated Kevin McEntire, Street Superintendent had reviewed the streets and had approved them. Following discussion, Councilman Woods made a motion to accept the streets as city streets, second by Councilman Denmon, with Councilman Woods, Councilman Denmon, Councilwoman Potts and Mayor Pro Tem Shelton voting affirmatively, motion carried.
 - 2) Brent Stepp Construction Company, Inc. for streets off Curtis Parkway: Laurel Creek Road, Covington Lane and cul-de-sac, Ashton Court and cul-de-sac, Kelan Terrace and cul-de-sac, Bristol Place and cul-de-sac, and Vinings Way. He stated the city attorney had also reviewed the title opinion and proposed warranty deed and the street superintendent had approved the streets. Following discussion, Councilman Woods made a motion to approve the request, second by Councilman Denmon, with Councilman Woods, Councilman Denmon, Councilwoman Potts and Mayor Pro Tem Shelton voting affirmatively, motion carried.
- d. Mayor Palmer stated the city had received a request from La Perla and St. Clements Church to utilize the private parking lot at 188 Bryant Parkway after business hours for a non-alcoholic festival to celebrate Mexican Independence Day on September 15, 2001 until 11:00 P.M. Mayor Palmer stated the request is on private property and by evidence obtained, it is indicated the property owner has approved. He stated the approval of the Mayor and Council is not required. However, he reminded the group they must be mindful of all city ordinances, parking, etc., since there are homes located in the immediate area.
- e. Mayor Palmer gave a first reading of a request by J. Lane Bearden, Administrator of the estate of Bethel Gilreath, for zoning of R-1A (under guidelines of new ordinance) and annexation of property located at 1131 Dews Pond Road, a lot 100 by 200 feet. The earliest date for public hearing would be October 8, 2001 at 7:00 P.M. Councilwoman Potts made a motion to set the public hearing for that date and time, second by Councilman Woods, with Councilwoman Potts, Councilman Woods, Councilman Denmon and Mayor Pro Tem Shelton voting affirmatively, motion carried.
- f. Mayor Palmer stated the city had received a notice of manager change for an alcohol license at Fast Food and Fuel #186, Highway 41 South, from Betty Sue Youmans to Toni Yvonne Hope. Police report is clear. The applicant resides in Gordon County and is age 26. Following review, Councilman Woods made a motion to approve the manager change, second by Mayor Pro Tem Shelton, with Councilman Woods, Mayor Pro Tem Shelton, Councilman Denmon and Councilwoman Potts voting affirmatively, motion carried.
- g. Mayor Palmer gave a first reading of a request by the Southern Land Company for zoning of R-1B and annexation of 73.425 acres on the Harris Beamer Road, to be used for construction of approximately 215 single-family dwellings. The earliest date for a public hearing would be October 8, 2001 at 7:00 P.M.

Councilman Denmon made a motion to set the public hearing for that date and time, second by Councilwoman Potts, with Councilman Denmon, Councilwoman Potts, Councilman Woods and Mayor Pro Tem Shelton voting affirmatively, motion carried.

- h. Mayor Palmer gave a first reading of a Liquor and Wine Package application by Augustus Rawson King, IV for ABC Liquor at 769 Highway 53 SE, formerly owned and licensed by James Steven Lingerfelt, Inc. The earliest date for a public hearing would be October 22, 2001 at 7:00 P.M. Following discussion, Councilman Woods made a motion to set the public hearing for that date and time, second by Councilwoman Potts, with Councilman Woods, Councilwoman Potts, Councilman Denmon and Mayor Pro Tem Shelton voting affirmatively, motion carried.
- i. Mayor Palmer stated the city had also received a second notice of a manager change for a beer pouring license for Kurani Pizza, Inc., doing business as Pizza Hut, from Sonia Pack to Alisa M. Hughes. He stated the police report is clear and the applicant resides in Gordon County. Following discussion, Councilwoman Potts made a motion to approve the manager change for Kurani Pizza to Alisa M. Hughes, second by Councilman Woods, with Councilwoman Potts, Councilman Woods, Councilman Denmon and Mayor Pro Tem Shelton voting affirmatively, motion carried.

9. Other written items not on the agenda:

- a. Mayor Palmer gave a first reading of a zoning variance request filed by the city school system to allow batting cages to be erected off of Yellow Jacket Drive, with a 20-foot variance to build closer to the street than permitted by the current zoning ordinance. He stated the earliest date for a public hearing on the matter would be October 8, 2001 at 7:00 P.M. Following discussion, Mayor Pro Tem Shelton made a motion to set the public hearing at that date and time, second by Councilman Denmon, with Mayor Pro Tem Shelton, Councilman Denmon, Councilman Woods and Councilwoman Potts voting affirmatively, motion carried.
- b. Mayor Palmer gave a first reading of a request for zoning of R-1 and annexation by Michael Clark for 111 Shadowood Drive in the Amakanata area. He stated the earliest date for a public hearing on the matter would be October 8, 2001 at 7:00 P.M. Following discussion, Councilman Woods made a motion to set the public hearing at that date and time, second by Councilwoman Potts, with Councilman Woods, Councilwoman Potts, Councilman Denmon and Mayor Pro Tem Shelton voting affirmatively, motion carried.

10. Work Reports:

- a. Kelly Cornwell, Director of Utilities: The City of Calhoun has almost completed the work that would allow pressure improvements in the Plainville, Rock Creek areas. The pressure would be doubled. However, the city was providing a two-month notice to residents in the area. These residents would be notified by a letter in their water bills; by notices posted at City Hall and at the offices of the Director of Utilities. He stated maps would be posted of the area and the notification would include notifying residents they may need to check with a plumber to see if they need to add a pressure reducer valve in order to prevent breaks in their lines,

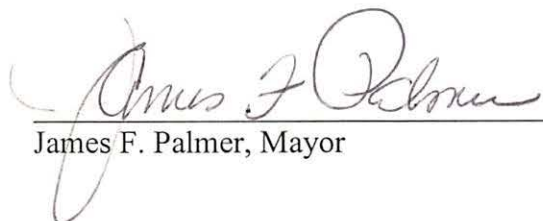
particularly if their lines are several years old. He stated the notification would also include a notice to those who lease to forward the information along to the property owners. Director Cornwell also stated the Public Service Commission had granted certification to the Georgia Public Web, which should assist rural Georgia in opening up broad-band activities for rural communities.

- b. Eddie Peterson, Director of Public Safety and Public Works: There will be a pre-construction meeting this Thursday at 3:00 P.M. at the Library regarding the roof project. Bids will be opened on September 20 on the project and should be completed in January. He stated the canopy installation at the pool is almost completed. There will be some additional paving to be done behind the pool. However, the swimming pool restrooms and dressing rooms will be renovated this winter. The bridge should be in for the Clarence E. Harris Park. A new road accessing the bridge is under way and this work should be completed in October. The contractor for the pedestrian pathways has assured the city their work will be completed by the same date. Peterson stated in addition to the report provided by Councilwoman Potts regarding paving of city streets for the year, a LARP project for paving on C.L. Moss Parkway should be completed within the next two weeks. This should give us approximately seven miles of paving during the year. He expressed appreciation to Gordon County for their assistance with this work. He also stated the street department would be receiving a control for left turns for the intersection of Oothcalooga and River Street, which should assist with school traffic control. He stated, in reference to the police department, in reviewing the prior year's numbers, the police department, in spite of growth, has been able to reduce accidents by 40% and reduce personal injuries by 50% during the period. He also stated the road check personnel are seeing fewer DUI's and more people wearing seat belts. Safety is being promoted by the police department. In their current operations, they are issuing as many as three warnings for every citation issued.

11. Mayor Palmer inquired if it was necessary to move to executive session. The response was negative.
12. Councilwoman Potts made a motion to adjourn, second by Mayor Pro Tem Shelton, with Councilwoman Potts, Mayor Pro Tem Shelton, Councilman Woods and Councilman Denmon voting affirmatively, motion carried.

Approved:

Submitted:


James F. Palmer, Mayor


Cathy Harrison, City Administrator

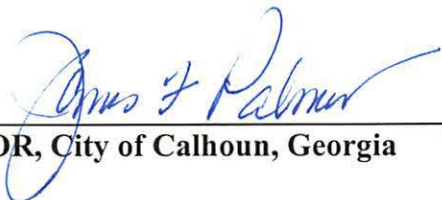
Zoning Application No: **193**

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 September 2001 to consider a zoning change request by Joe E. Moore for 1.829 acres in the northwest corner of a parcel lying east of Highway 41, from A-1 to C-2, and to rezone 18.277 acres lying east of Highway 41 and adjoining the above parcel from A-1 to Industrial-H. ("The Application")

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

1. The public notice of the hearing was published in the Calhoun Times as required under § 14.2.2 of the Ordinance.
2. All required signs giving notice of the public hearing were placed upon the property as required under § 14.2.2 of the Ordinance.
3. All presently adjoining landowners received notice of the public hearing and a copy of the Application as required pursuant to § 14.4 of the ordinance.
4. All disclosures of any conflict of interest required by Title 36, Chapter 67A of the Official Code of Georgia Annotated have been reported.
5. **The findings of the Zoning Review Committee and the Zoning Advisory Board are hereby made a part of this record.** The findings and recommendations of the Zoning Advisory Board were reviewed and accepted as the findings of the Mayor and Council as follows: **Based upon the information provided, the board recommended approval of the request for zoning changes. However, the 18.277 acres would be designated Industrial-G rather than Industrial-H, to conform to the requirements of the new zoning ordinance.**
6. List any additional findings, if necessary, to support additional conditions: **none.**
7. Review of the Standards set out in § 14.5 of the Ordinance: **Substantial compliance with standards.**
8. Based upon the foregoing findings, the Application is:
 - (a) Approved X
 - (b) Denied
 - (c) Approved with express Condition

Number Voting: 4
In Favor: 4
Abstaining: 0
Opposed: 0



MAYOR, City of Calhoun, Georgia