

**CITY OF CALHOUN  
REGULAR CITY COUNCIL MEETING  
DEPOT COMMUNITY ROOM  
109 SOUTH KING STREET  
OCTOBER 8, 2001, 7:00 P.M.**

**MINUTES**

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

**ABSENT: Ray M. Denmon, Councilman**

**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 and gave the invocation.
2. Mayor Palmer led the group in the Pledge of Allegiance to the United States Flag.
3. Minutes of the September 24, 2001 regular City Council meeting were approved as written.
4. Mayor's comments:
  - a. Mayor Palmer also reminded the public of the city general election on November 6, 2001, with two contested school board posts. The first is School Board Post #1, with incumbent Amy Atkinson and Tony Swink. The second is School Board Post #3, with Mark Ethridge and Alan Holcomb. There would be one additional School Board post and two City Council posts that are uncontested. He announced absentee ballots are available at City Hall for those who qualify.
  - b. Mayor Palmer reminded the Council and public that the Crowe's Nest Restaurant on Court Street opened on October 1, 2001 and as a result of the opening, a final public hearing on the grant for rebuilding of the blighted building will be held on October 22, 2001 at 7:00 P.M.
  - c. Mayor Palmer reminded the Council of a public hearing on the Gary Spritzer beer and wine pouring license request for a restaurant at 455 Belwood Road, Suite 66, on November 12, 2001.
  - d. Mayor Palmer recognized Mrs. Marguarite Faw, Chairperson of the Gordon County Hospital Authority. Mrs. Faw in turn recognized members of her board who were present: Jamie Smith, Jimmy Brown, L. P. Owens, and their attorney, Thomas Shannahan. She also stated Lamar Harrison, a member of their board, was not in town for the meeting. Chairperson Faw stated the Hospital Authority Board wished to present to the Mayor and Council three defibrillators, to be used

as first responder apparatus for three city fire trucks. Mayor Palmer and members of the Council expressed their appreciation to the Hospital Authority Board for their generous donation and pledged to use the items for the good of the community. The personnel are in the process of being trained to operate the equipment.

- e. Mayor Palmer also reminded the community of the Mayor's Motorcade to Northwest Regional Hospital, an annual event, which will be held this year on Tuesday, December 4, 2001. He stated gifts for patients may be delivered to City Hall prior to that date for transport to the Hospital.
- f. Mayor Palmer commended Bud Owens and Tim Reeves for their National EMT Award, which they will be receiving shortly for the EMT services in Gordon County.

5. Council Comments:

a. Mayor Pro Tem Shelton stated:

- 1) The police department had a very active September 2001. They made 895 cases, with anticipated fines of \$135,645.00. 18 cases were for driving under the influence and 319 warning tickets were issued. The department collected \$105,691.50 in fines from previous cases. The officers worked 397 incidents with 23 injuries and 22 private property accidents. They provided 46 escorts and answered 114 burglar alarms. The police department logged 61,606 miles on patrol during the month of September.
- 2) The fire department responded to 49 calls in September, with estimated fire damage of \$351,750. There were 12 accident calls with 15 injuries and 1 fatality. They responded to 2 private dwellings, 1 apartment, 3 industrial and 3 brush fires. There were 15 false alarms and they performed 24 annual inspections, 5 new inspections and 12 mobile classroom inspections. They provided public relations training for all firefighters and completed routine maintenance on their equipment and facilities. They attended and assisted in a bus extrication class and had a booth at the Cherokee Capital Fair.

b. Councilman Woods stated:

- 1) The electric department continued its multiple construction projects for underground subdivision service and lighting. They also worked on the second phase of the Stepp commercial project. The Stepp and Kerry projects are nearing completion. An approximate 1,000 kW addition for Mohawk's Calhoun American Rug operation is in progress and includes a substantial manufacturing load addition. Multiple maintenance projects have been performed on the well site, the waste treatment plant and the water treatment plant. The contract tree-trimming crew is back in Calhoun and will be working in the Cherry Hill and Hillcrest area. The electric system purchased 33,093,705 kWh of electricity from MEAG during the month of September.
- 2) Telecommunications completed the underground of one service from 10 megabytes to 100 megabytes. Additional service contracts for interconnections in the Dalton area are pending final interconnection issues. Also, a new dark fiber lease is under construction and a new internet connection has been completed and negotiations for an additional Dalton interconnection is in progress.

- 3) The generator operated for 12 hours in September and 15 so far in October. Natural gas prices have dropped, which allowed the city to provide additional services.
  - 4) At this time, Councilman Woods stated he was forwarding a recommendation by the Downtown Development Authority Board for the appointment of Suzanne Hutchinson to fill the former position of Bill Mathews on the board. The term would be four years, beginning November 2001 and ending November 2005. He stated the former member, Mr. Bill Mathews, had been very active on the board and had assisted with a lot of the development that had been ongoing for the last several years. Following discussion, Councilman Woods made a motion to appoint Suzanne Hutchinson to fill the four year term, second by Mayor Pro Tem Shelton, with Councilman Woods, Mayor Pro Tem Shelton and Councilwoman Potts voting affirmatively, motion carried.
  - 5) In another item, Councilman Woods stated the Council had been briefed by Kelly Cornwell at the work session of an unbudgeted item for telecommunications, which he recommended to the Mayor and Council for adoption. This would be an interconnection with Calhoun and Dalton and would have a 15-year amortization, with the possibility of a 5-year amortization if enough customers are connected due to the interconnection. He stated the cost of the project would be \$111,040.00 and he would recommend the unbudgeted item be approved by the Mayor and Council and funding be appropriated during the budget amendments in January. Following discussion, Councilman Woods made a motion to approve, second by Mayor Pro Tem Shelton, with Councilman Woods, Mayor Pro Tem Shelton and Councilwoman Potts voting affirmatively, motion carried.
- c. Mayor Palmer gave a report for Councilman Denmon, stating:
- 1) The water treatment plant pumped an average of 11.669 million gallons per day (MGD) of raw water during the month of September 2001. Well #3 pumped a daily average of 1.278 MGD of finished water.
  - 2) The waste treatment plant treated a daily average of 7.658 MGD. The average BOD effluent was 10, the average suspended effluent was 14 and the average COD effluent was 90.
  - 3) The water and sewer construction department completed 25 water taps and 4 sewer taps during the month. They installed 4,700 feet of 2-inch water line to Carters Lake. They installed 400 feet of 6-inch water line along Briarwood Drive as a replacement of an old 2-inch galvanized line. They repaired 61 water leaks and 15 water meters.
- d. Councilwoman Potts stated:
- 1) The street department brush truck picked up 2,960 cubic yards of brush and leaves. The street sweeper cleaned 42 miles of curb and gutter. The department hauled 43 loads of stone and erected 29 new street signs. They completed 21 shop work orders. They dug out, formed and poured a ramp and dumpster pad at the Calhoun animal control building. They installed 48 feet of 30-inch concrete pipe and built a 400-foot access road to a new bridge site at the soccer fields. They sold and hauled 45 loads of wood chips to a new house on York Place. They dug out and patched soft spots

and paved the remaining section on Mauldin Road under the DOT LARP contract. They paved the police impound lot and the firing range. They started digging out and pouring curbs on the second phase of the Line Street sidewalk project and they ran the storm water maintenance plan on September 24, checking all grates and pipes within the city limits. They hauled stone and graded the Ranger Water Tank Road.

- 2) The sanitation department ran their regular commercial trash route and they serviced and washed trucks.
- 3) The parks department provided their routine maintenance on city property, water tank sites and right-of-ways. They completed construction a water valve pit on Pine Street, built and installed a circular bench around a large oak tree at the Depot and pressure washed the shop building. They painted the transformers at the recreation department.
- 4) The cemetery department marked and supervised the opening and closing of 10 gravesites, performed routine maintenance at Fain and Chandler cemeteries and sold 10 gravesites during the month.
- 5) The safety committee reported 3 workers' comp accidents and 3 vehicle accidents in September. The Safety Committee inspected the recreation facilities.
- 6) Animal control housed 19 dogs and 7 cats during the month, and issued one first warning and one second warning for leash law violations. They responded to 39 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 gave a second reading of a request by J. Lane Bearden, Administrator of the estate of Bethel Gilreath, for zoning of R-1A and annexation of property located at 1131 Dews Pond Road, a lot 100 by 200 feet. A request had been made to hold until November for notification of adjoining property owners.
- 2) Mayor Palmer gave a second 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.
  - 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 October 4, 2001. Following review of the reports of the Zoning Review Committee and being familiar with the site where the batting cages would be erected, it was the opinion of the Zoning Advisory Board to recommend approval of the request.
  - e) Mayor Palmer asked if there were any other comments. There were none and the hearing was closed.
  - f) Councilwoman Potts made a motion to approve the 20-foot variance, which would allow the school to build the batting cages closer to Yellow Jacket Drive than allowed in the current ordinance. The motion was seconded by Councilman Woods, with Councilwoman Potts, Councilman Woods and Mayor Pro Tem Shelton voting affirmatively, motion carried.
- 3) Mayor Palmer gave a second reading of a request for zoning of R-1 and annexation by Michael Clark for 111 Shadowood Drive in the Amakanata area. He stated a request had been made to hold until November for notification of adjoining property owners.
  - 4) Mayor Palmer stated the request had been received from the applicant to withdraw the request for annexation by Southern Land Company of 73.425 acres on Harris-Beamer Road.
  - 5) Mayor Palmer gave a second reading of a request by Brian D. Wilson for zoning of R-2 and annexation of tract two, consisting of 13.816 acres off the Harris Beamer Road for construction of apartments.
    - b) Harrison reported that notification to adjoining property owners had been completed, with the exception of one and the applicant provided evidence that they had attempted to notify the property owner. 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 heard the matter on October 4, 2001. Councilwoman Potts stated the Zoning Advisory Board had no objections to the type of development that was being proposed for the acreage. However, they had questions of the Mayor and Council regarding the percentage of R-2 development compared to the percentage of R-1 development in the City of Calhoun at the present time. They also had questions regarding the direction the Mayor and Council wished to take on all annexations at this time. Therefore, they felt it would be more appropriate that the final decision on this matter be handled by the Mayor and Council.
    - e) Mayor Palmer asked if there were any comments by the applicant or his designee.
    - f) Mr. David Archer, representing Brian Wilson, stated the Council was familiar with the 13 acre site for the proposed project, which would be an asset for the Calhoun-Gordon County area. He stated his client would be willing to accept a conditional zoning which would be allowed, per the city's local zoning ordinance. He stated

the 13 acre development is part of a larger project, a total of 122 acres to be developed by Mr. Wilson and his father. He stated it will be a high-end complex that they hope to build along the lines of Walton Green in Kennesaw near the college. He stated the developer, Brian Wilson, would present further information in this regard.

- g) Mr. Wilson provided photos and possible layout plans, which would provide the square footage as required by the city's zoning ordinance for 1, 2 and 3 bedroom units. Brian Wilson stated he would be available to answer any questions the Mayor and Council might have.
- h) Councilman Woods stated the city had revised its zoning ordinance and he felt the new ordinance would be good for all new construction and would be beneficial to the community for many years in the future. He stated he was pleased to see the developer had followed the guidelines as outlined in the new ordinance regarding the square footage.
- i) Following a review of the photos and layout plans, Ms. Potts requested a file copy. Councilwoman Potts stated the application for annexation was pending at the time the moratorium was enacted to allow the city time to revise its zoning ordinance.
- j) Councilwoman Potts stated the Zoning Advisory Board recognized the applicant has incurred some expense to date and believes this expense should be taken into consideration. The applicant has indicated that the R-2 development on this property would present apartments with a monthly rental of \$700.00 plus and would be built and landscaped similar to the development known as Walden Green in Cobb County at the northeast intersection of I-75 and Wade Green Road. The development would be restricted by covenants running with the land.
- k) The public hearing was closed.
- l) Councilwoman Potts made a motion to annex the property into the City of Calhoun as R-2 property under the zoning ordinance of August 13, 2001, subject to the condition that restrictive covenants governing the use of this property, substantially similar to those utilized by Walden Green in Cobb County, Georgia and recorded in the office of the Clerk of the Superior Court of Gordon County, Georgia, before the Mayor signs the zoning annexation ordinance. The motion was seconded by Mayor Pro Tem Shelton, with Councilwoman Potts, Mayor Pro Tem Shelton and Mayor Palmer voting affirmatively and with Councilman Woods abstaining, motion carried.

b. Other hearings: **none.**

7. Old business: **none.**

8. New business:

- a. Mayor Palmer read a proposed proclamation regarding October as “Disability Employment Awareness Month.” Following review, Councilwoman Potts made a motion to approve the proclamation, second by Councilman Woods, with Councilwoman Potts, Councilman Woods and Mayor Pro Tem Shelton voting affirmatively, motion carried.
  - b. Mayor Palmer gave a first reading of a pawn license request for The Cash Store, Inc., Kent Popham, Owner, at 1108 South Wall Street, Suite 3. He stated a second reading could be held on October 22, 2001 at 7:00 P.M.
  - c. A first reading was given of a request by Tom Griffith for a 10-foot zoning variance to build a garage at his home at 502 College Street. The request is to build the garage on the north property line. The earliest date for public hearing would be November 12, 2001 at 7:00 P.M. Mayor Pro Tem Shelton made a motion to set the public hearing for that date and time, second by Councilman Woods, with Mayor Pro Tem Shelton, Councilman Woods and Councilwoman Potts voting affirmatively, motion carried.
  - d. Mayor Palmer gave a first reading of a request for rezoning from C-2 to Ind-G by Gary S. Spritzer for 4.58 acres on Executive Drive. The earliest date for public hearing would be November 12, 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 and Mayor Pro Tem Shelton voting affirmatively, motion carried.
9. Other written items not on the agenda:
- a. Mayor Palmer gave a first reading to a proposed ordinance amendment that would allow the cost of a business license to be adjusted from \$50.00 to \$75.00, as per Georgia Code for a community of 10,000 or above in population. He stated the effective date of the ordinance would be January 22, 2001 and could be held for a public hearing on October 22. Following discussion, Mayor Pro Tem Shelton made a motion to set the public hearing on October 22, 2001 at 7:00 P.M., second by Councilman Woods, with Mayor Pro Tem Shelton, Councilman Woods and Councilwoman Potts voting affirmatively, motion carried.
  - b. Mayor Palmer stated the City of Calhoun had borrowed a little more than \$700,000.00 for recreation projects before the Special Purpose Local Option Sales Tax monies were available. The bond money had been invested and he asked for a motion to authorize the Administrator to pay off the recreation bonds. Following discussion, Councilwoman Potts made a motion to authorize the Administrator to pay the outstanding recreation bonds from the bond proceeds. The motion was seconded by Mayor Pro Tem Shelton, with Councilwoman Potts, Mayor Pro Tem Shelton and Councilman Woods voting affirmatively, motion carried. Mayor Palmer stated he would like to take this opportunity to once again express his appreciation of Gordon County officials for sharing the Special Purpose Local Option Sales Tax, Recreation and Road funds, with the City of Calhoun. He stated there are several projects ongoing at this time, with some being complete or 99% complete, and a few remaining items are in the process of being completed. He stated these were very evident for citizens to review and enjoy.
10. Work Reports:


- a. Kelly Cornwell, Director of Utilities: **none.**
- b. Eddie Peterson, Director of Public Safety and Public Works: The street department is requesting a 1986 Caterpillar D7G bulldozer, serial #65U5456, to be declared surplus property. Mayor Pro Tem Shelton made a motion to authorize the item to be listed as surplus property for sale at auction the first part of November 2001, second by Councilman Woods, with Mayor Pro Tem Shelton, Councilman Woods and Councilwoman Potts voting affirmatively, motion carried.

11. Mayor Palmer inquired if it was necessary to move to executive session. The response was negative.

12. Councilman Woods made a motion to adjourn, second by Mayor Pro Tem Shelton, with Councilman Woods, Mayor Pro Tem Shelton and Councilwoman Potts voting affirmatively, motion carried.

Approved:

Submitted:



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James F. Palmer, Mayor



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Cathy Harrison, City Administrator

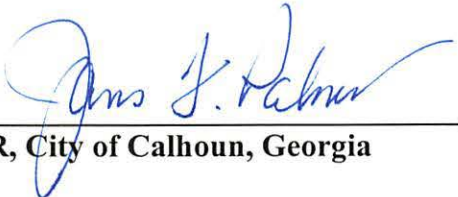
Zoning Application No: **195**

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 **8<sup>th</sup> day of October 2001 to consider a request by Brian D. Wilson for zoning of R-2 and annexation of tract two off Harris Beamer Road, consisting of 13.816 acres, for construction of apartments. ("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 of R-2 and annexation.**
6. List any additional findings, if necessary, to support additional conditions: **none.**
7. Review of the Standards set out in § 14.5 of the Ordinance: **Substantial compliance with seven 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**

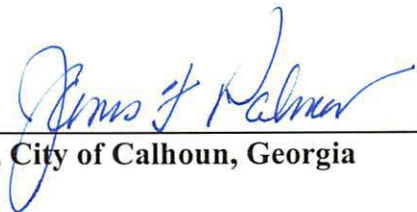
Zoning Application No: **194**

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 **8<sup>th</sup> day of October 2001 to consider a zoning variance request by the City School System to allow batting cages to be erected off Yellow Jacket Drive, with a 20-foot variance to build closer to the street than permitted by the current zoning ordinance. ("The Application")**

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

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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 a 20-foot zoning variance**
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

  
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**MAYOR, City of Calhoun, Georgia**