

**CITY OF CALHOUN  
REGULAR CITY COUNCIL MEETING  
DEPOT COMMUNITY ROOM  
109 SOUTH KING STREET  
JUNE 11, 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 and welcomed everyone in attendance. Councilman Denmon gave the Invocation.
2. Mayor Palmer led the group in the Pledge of Allegiance to the United States Flag.
3. Minutes of the May 21, 2001 regular City Council meeting were approved as written.
4. Mayor's comments:
  - a. Mayor Palmer recognized Chris Gribble, a Scout Master working toward a leadership badge, who was in attendance and whose scout leader is Jim Prater.
  - b. Mayor Palmer stated the city is making progress on its zoning ordinance amendment. This includes a proposal drafted by Attorney Bailey as well as a report from Coosa Valley Regional Development Center. He stated in order to provide the required public hearings and to make sure all citizens have an opportunity to review the proposed amendments, he would request the annexation moratorium be extended until July 23, 2001, in order to accomplish this. Following discussion, Councilman Woods made a motion to extend the annexation moratorium until July 23, 2001, second by Mayor Pro Tem Shelton, with Councilman Woods, Mayor Pro Tem Shelton, Councilman Denmon and Councilwoman Potts voting affirmatively, motion carried.
  - c. Mayor Palmer reminded the Council and public of the change in the next meeting, which will be held June 18, 2001.
  - d. Mayor Palmer reminded the Council of the beer package license public hearing scheduled for June 18, 2001 for Patricia DeFoor for Arch City Package Store.
5. Council Comments:
  - a. Mayor Pro Tem Shelton stated:
    - 1) The police department made 858 arrests during the month of May 2001, of which 16 were DUI's, with anticipated fines of \$149,866.00 to be

collected from these cases. They issued 665 warning tickets and collected \$90,665.00 in fines from previous cases. The officers and investigators worked 81 accidents, provided 55 escorts, and responded to 133 alarms. They logged 49,954 miles in patrols. Mayor Pro Tem Shelton stated the police department has requested \$994.00 from the drug seizure funds in order to purchase a special vest for the department. Following discussion, Mayor Pro Tem Shelton made a motion to approve the request, second by Councilman Denmon, with Mayor Pro Tem Shelton, Councilman Denmon, Councilman Woods and Councilwoman Potts voting affirmatively, motion carried.

- 2) The fire department responded to 62 calls in May, with estimated fire damage of \$85,900.00. They responded to 27 accidents with 20 injuries. They responded to 16 false alarms and provided 14 fire inspections during the month. They assisted with several community projects, including the Belwood School "Water Day." They provided preventive maintenance training for their firefighters.

b. Councilman Woods stated:

- 1) The electric department purchased over 29,749,738 kWh of electricity from its wholesaler during the month. They provided 61 inspections, set 14 meters and issued 29 permits. The department is continuing to work on several construction projects, including the Stepp development on Curtis Parkway, the Wright project on Peters Street, the John Wayne Hall condominium project, the Kerry Baking Plant, as well as several subdivision projects, such as Deerfield, Maplewood, Summer Trace and Quail Run, in addition to street lighting projects.
- 2) Telecommunications continues to sign new customers for internet service and for fiber connections. They are adding T-1 connections for the city school system.
- 3) The generator ran two days during the month of May.

c. Councilman Denmon stated:

- 1) The water and sewer construction department completed 62 water taps and 15 sewer taps during the month. They installed 780 feet of 12-inch sewer line to replace an old clay sewer line damaged during construction of the walking trail. They installed 140 feet of 6-inch water line at Heritage Hills Condo Addition, 440 feet of 4-inch water line on Thompson Loop Road and 1800 feet of 2-inch line along Midway Road. They repaired 72 water leaks and 35 meters. They changed 12 meters.
- 2) The water treatment plant pumped an average of 11.237 million gallons per day (MGD) during the month of May. Well #3 pumped a daily average of 1.376 MGD.
- 3) The waste treatment plant treated an average flow of 7.29 MGD. The average BOD effluent was 14, the average suspended effluent was 17 and the average COD effluent was 107.

d. Councilwoman Potts stated:

- 1) The street department brush truck picked up 4,240 cubic yards of brush and leaves during the month of May. The street sweeper cleaned 38 miles of curb and gutter. The department hauled 91 loads of stone, installed 37 new street signs and completed 33 shop work orders. The department dug out ditches, installed 525 feet of pipe at the recreation department and covered with topsoil and grass. The pipe ranged from 12 to 24 inches. They sawed out 1,375 feet of old sidewalk along East Line Street and constructed new sidewalks. They graded and based a 60 x 45-foot parking lot at the corner of Court and King Street. They started grading, hauling chert and building berms at the police firing range. They dug out and patched Highway 53, Fairmount and Harkins Street, using 36.56 tons of asphalt. They also announced that Vulcan Materials had named Jack Edwards of the street department as truck driver of the year.
  - 2) The sanitation department ran their regular commercial trash route, using their new vehicle. They serviced their vehicles and gained one 4-yard dumpster account.
  - 3) The parks department cut grass, trimmed, raked and picked up trash at city departments, right-of-way, and water tank sites. They built a new fluoride building at Dews Pond well. They painted the inside of the shop at the parks department building.
  - 4) The cemetery department marked and supervised the opening and closing of 11 gravesites, performed routine maintenance at Fain and Chandler cemeteries and sold 20 gravesites during the month.
  - 5) The safety department reported three workers' comp accidents and 1 vehicle accident during May. The safety committee inspected the sewer plant.
  - 6) Animal control housed 15 dogs and 6 cats during the month, and issued no warnings for leash law violations and responded to 42 customer inquiries during the month.
6. Mayor Palmer stated that in order to accommodate Mr. Bryce Holcomb, Jr. from Atlanta, he would move item "a" under Old Business up on the agenda. Mr. Holcomb, Director of public finance with Salomon Smith Barney would review the water and sewer re-funding resolution, which would need to be adopted, regarding re-funding of the outstanding water and sewer revenue bonds and seven GEFA loans, in order to obtain a lower interest rate.
- a. Mr. Holcomb stated he wished to extend his congratulations to the Mayor and Council. He stated that during the process, due to the excellent management of the city, Moody's had improved the bond rating on the proposed issue. Due to timeliness in the market, he had been able to market the bonds at a very advantageous price and procure rates that average 4.3%, as opposed to the current average of 5.7% on all of the items to be refinanced. Mr. Holcomb distributed brochures to the Mayor and Council and reviewed the numbers of the proposed re-funding as well as the rating report from Moody's. Mr. Holcomb stated it was indeed a pleasure to work with the City of Calhoun on this issue and he once again commended the city on its management. He stated as a result of the re-issuance of the bonds, it would be possible for the city to update its bonding

ordinance, which at this time was issued in 1955. He stated the update would allow the city to refinance bonds in the future under more current financial requirements.

- b. Attorney William P. Bailey reviewed the proposed resolution regarding the refunding and also the bond purchase agreement with Salomon Smith Barney for sale of the bonds.
- c. Following discussion with Attorney Bailey and Bryce Holcomb, Councilman Woods made a motion to adopt the resolution authorizing the refunding and to authorize the Mayor to execute the resolution. The motion was seconded by Councilman Denmon, with Councilman Woods, Councilman Denmon, Councilwoman Potts and Mayor Pro Tem Shelton voting affirmatively, motion carried.
- d. Mayor Pro Tem Shelton made a motion to authorize the sale of the bonds to Salomon Smith Barney and to authorize the Mayor to sign the bond purchase agreement. The motion was seconded by Councilman Woods, with Mayor Pro Tem Shelton, Councilman Woods, Councilman Denmon and Councilwoman Potts voting affirmatively, motion carried.
- e. Mayor Palmer and Councilman Woods expressed their appreciation to Bryce Holcomb for keeping the city informed of the opportunities and for his responsiveness in this project. They also commended him on the timing of the sale and also the excellent rates the city was able to procure, which saved the city in present value savings, approximately \$397,000.00, and half a million dollars over the life of the bonds.

7. 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 needed to file a disclosure statement regarding ownership or special interest in any of the agenda items. The response was negative.
  - 1) Mayor Palmer gave a second reading of a request by the Calhoun City Board of Education for a zoning variance to locate a mobile classroom unit at the back of the elementary school and one mobile classroom unit at the back of Calhoun High School.
    - a) A public hearing was opened.
    - b) Harrison reported that notices had been sent to adjoining property owners, signs had been placed on the property and notices had been published in the local legal organ.
    - c) Councilwoman Potts stated the Zoning Advisory Board had met on the matter on June 7, 2001 at 4:30 P.M. During the hearing, it was determined that the mobile units were needed due to growth. They would be properly inspected and they would need to remain on site for approximately 3 years. She stated the Zoning Advisory Board had recommended the request be approved.

- d) Mayor Palmer inquired if there were other comments.
  - e) Judy Neal, Superintendent of City Schools, stated these units were needed due to the increased enrollment throughout the school system.
  - f) There were no other comments and the hearing was closed.
  - g) Councilwoman Potts made a motion to waive the third and fourth reading and to approve the request, second by Councilman Woods, with Councilwoman Potts, Councilman Woods, Councilman Denmon and Mayor Pro Tem Shelton voting affirmatively, motion carried.
- 2) Mayor Palmer gave a second reading of a zoning variance request by Robin and Tracey Gentry for a lot at 151 Twin Oaks Drive. The request is for a 1.6-foot setback variance on the side of the property.
- a) A public hearing was opened.
  - b) Harrison reported that notices had been sent to adjoining property owners, signs had been placed on the property and notices had been published in the local legal organ.
  - c) Councilwoman Potts stated the Zoning Advisory Board had met on the matter on June 7, 2001 at 4:30 P.M. The 1.6-foot came as a result of a construction error, which was originally scheduled to be corrected at the time an adjoining house was built. However, the correction was not made and the error remained. She stated after thorough review, it was determined that the request was minimal and the Zoning Advisory Board had recommend approval.
  - d) Mayor Palmer inquired if there were other comments from the owners.
  - e) A representative from Century 21 stated there were no comments on behalf of the owner. However, she would be available to respond to any questions.
  - f) There were no questions or comments and the hearing was closed.
  - g) Councilwoman Potts made a motion to waive the third and fourth reading and to approve the request, second by Councilman Woods, with Councilwoman Potts, Councilman Woods, Councilman Denmon and Mayor Pro Tem Shelton voting affirmatively, motion carried.
- 3) Mayor Palmer gave a second reading of a zoning variance request by Bob and Mary Ann Hodges for 401 Pisgah Way. The request is for a 16-foot variance to allow house to be built closer to the street, in line with other houses on the street.
- a) A public hearing was opened.
  - b) Harrison reported that notices had been sent to adjoining property owners, signs had been placed on the property and notices had been published in the local legal organ.
  - c) Councilwoman Potts stated the Zoning Advisory Board had met on the matter on June 7, 2001 at 4:30 P.M. She stated the proposed house would be built in a location from which an older 2-story house had been removed. It would be in line with other houses on

the street. There were no other vacant lots in the immediate area. The city had no plans for widening of the street at this time. Based upon this information, the request fit within the zoning variance criteria and the Zoning Advisory Board recommended approval of the request.

- d) Mayor Palmer inquired if there were comments by the property owner or others in the audience.
  - e) Bob Hodges stated the request was straightforward and was simply a request to align the house with others on the street.
  - f) There were no other comments and the hearing was closed.
  - g) Councilwoman Potts made a motion to waive the third and fourth reading and to approve, second by Councilman Woods, with Councilwoman Potts, Councilman Woods, Councilman Denmon and Mayor Pro Tem Shelton voting affirmatively, motion carried.
- 4) Mayor Palmer gave a second reading of a zoning change and variance request by Jayanth and Ujwala Manay for 210 South King Street. The request is to rezone from Industrial to C-2, to reduce the required parking spaces from 50 to 22 and for a variance of a zero setback on Mill Street. The proposed use would be for office buildings for lease.
- a) A public hearing was opened.
  - b) Harrison reported that notices had been sent to adjoining property owners, signs had been placed on the property and notices had been published in the local legal organ.
  - c) Councilwoman Potts stated the Zoning Advisory Board had met on the matter on June 7, 2001 at 4:30 P.M. It had been determined that the actual parking spaces required by the ordinance would be 60 rather than 50. However, Mrs. Manay had proposed to reduce the size of the building, which would allow additional parking spaces for a total of 33 spaces or slightly over half. The Zoning Advisory Board members recognized that a public parking lot was within 500 feet of the proposed construction. They also reviewed the request for zero setback on Mill Street and determined that it is the only unpaved street in Calhoun and has very little usage. They also recognized that commercial zoning in the area would be more appropriate than industrial. Based on the proposed changes in plans expressed by Mrs. Manay, which would allow additional parking, the Zoning Advisory Board had recommended approval of the request.
  - d) Mayor Palmer inquired if there were any comments by the owners.
  - e) Mrs. Manay stated she would like to commend the city for its thoroughness in reviewing these items. She had no idea of the amount of time and work spent on these requests and she would commend the city for the investigation and the time spent in reviewing the request.
  - f) There were no other comments and the hearing was closed.
  - g) Councilwoman Potts made a motion to waive the third and fourth reading and to approve the request for 33 parking spaces, based

upon the proposed amendment to the building plans, to approve the zero setback on Mill Street and to change the zoning from Industrial to C-2. The motion was seconded by Councilman Denmon, with Councilwoman Potts, Councilman Denmon, Councilman Woods and Mayor Pro Tem Shelton voting affirmatively, motion carried.

- 5) Mayor Palmer gave a second reading of a zoning variance request by Dan E. and Melinda L. Phebus for 207 Sunset Hills to allow owners to build within three feet of north property line.
  - a) A public hearing was opened.
  - b) Harrison reported that notices had been sent to adjoining property owners, signs had been placed on the property and notices had been published in the local legal organ.
  - c) Councilwoman Potts stated the Zoning Advisory Board had met on the matter on June 7, 2001 at 4:30 P.M. and determined the property owners were interested in building a separate enclosed garage. The lots in Sunset Hills were quite large and the building would actually be about 100 feet from the nearest property owner's home. The garage would be outside the view of the other home except for winter months. As best they could determine, there was no objection from the adjoining property owner. She stated based upon this information, it was the recommendation of the Zoning Advisory Board to approve the request.
  - d) Mayor Palmer asked if there were comments by the property owners or the audience.
  - e) Mr. Phebus responded he and his wife were available to answer questions.
  - f) There were no other comments and the hearing was closed.
  - g) Councilwoman Potts made a motion to waive the third and fourth reading and to approve the request to allow construction of an enclosed garage, second by Councilman Denmon, with Councilwoman Potts, Councilman Denmon, Councilman Woods and Mayor Pro Tem Shelton voting affirmatively, motion carried.

b. Public Comments:

- 1) City School Board Chairman George Crowley gave a presentation regarding the school system's accomplishments during the past year and also reviewed their budgetary needs for the upcoming year. He reviewed those areas that had been increased and those areas that had been cut in terms of positions, in order to lower the request to \$800,000.00 for the next fiscal year. Following the report by Chairman Crowley, Mayor Pro Tem Shelton stated he wished to commend the board for their dedication to the school system and to the children of the community. Mayor Palmer echoed Mayor Pro Tem Shelton's remarks, stating he knows firsthand that the board members do not receive any compensation and serve only from a desire to be of benefit to the children of the community. He commended each one and recognized those in attendance: Al Edwards, Amy Atkinson,

George Crowley and Becky Mathews, as well as Judy Wilson, who was not in attendance. Mayor Palmer expressed appreciation to the new City School Superintendent, Judy Neal and to Don Hood for their efforts in preparing the budget in a format that was easily read and understood.

- 2) Mayor Palmer stated that Mr. Tom Greeson, who had been listed on the agenda had called and rescheduled for June 18, 2001, since he was unable to attend.

c. Other hearings:

- 1) Mayor Palmer gave a second reading of a revolving loan request of Supervision Services, Inc. for \$45,000.00 for the purchase of a primary business office on Piedmont Street. He stated the purchase would create three new jobs and retain three jobs.
  - a) A public hearing was opened and Mayor Palmer asked for a report from the Loan Advisory Commission.
  - b) Councilman Woods stated the commission, composed of bankers and business people in the community, had reviewed the loan application for \$45,000.00, secured by a second mortgage on the property and by personal endorsements of the owners of the business. The loan would be at 5% interest. AmSouth Bank would make a loan for additional purchase money and would secure their loan with a first mortgage. Councilman Woods stated the Loan Advisory Commission had recommended approval of the loan as outlined.
  - c) There were no other comments and the hearing was closed.
  - d) Councilman Woods made a motion to approve, second by Mayor Pro Tem Shelton, with Councilman Woods, Mayor Pro Tem Shelton, Councilman Denmon and Councilwoman Potts voting affirmatively, motion carried.
- 2) Mayor Palmer stated the Council would now consider the proposed parking ordinance, which had been read three times previously. The public hearing on this item had been extended and would be reopened. However, prior to that, he would like to make some comments regarding the downtown.
  - a) Mayor Palmer stated several years ago, the Mayor and Council approved a Main Street Program, hired a full-time Main Street Director and reactivated the Downtown Development Authority, appointing seven members. A commitment was made by the Mayor and Council to encourage development in the downtown area. The Downtown Development Authority has been very determined in their efforts to make improvements. Some of these include a successful grant application, which will provide streetscape improvements for the downtown area, which amount to almost \$500,000.00. Several façade grants, which have been made to local downtown building owners have improved the appearance in the downtown area. Appropriate programs and social activities bring in the general public to the downtown area on frequent

occasions each year. These events are planned for and enjoyed not only by retail merchants but service groups as well. The Downtown Development Authority is made up of not only retail owners and merchants and also service providers in the downtown area. Mayor Palmer stated he would like to make sure everyone understands that the Downtown Development Authority is an organization that is designed to provide improvements for all of downtown, not only for the retail merchants.

- b) Mayor Palmer stated the public hearing would now be reopened and asked Councilman Woods to review the proposed ordinance.
- c) Councilman Woods stated the proposed ordinance is a compromise ordinance designed to address limited parking for specific sections of public parking in the downtown area, with over half of it being unregulated and the section regulated would not be so regulated on Saturday, Sunday or legal holidays. It would also stipulate fines for extended parking beyond the timeframe and would provide for enforcement.
- d) Attorney Bailey reviewed a couple of sections that have been amended since the prior reading which would be included in the final ordinance, should it be adopted.
- e) Mayor Palmer inquired if there were other comments.
- f) Mr. Bill Thompson, Attorney, 206 South Wall Street, stated he has two buildings vacant on either side of his business office. He stated there is no parking problem on the entire street, only during the days when court is in session. He stated a former friend of his, J. B. Langford, had a philosophy that it was not prudent to pass a bad law. Mr. Langford had served as Senator and Representative for Gordon County in years past and he always admired that philosophy of Mr. Langford. He stated he felt the current ordinance would pit one segment of the downtown against another segment. It is directed toward employees who park in the downtown area and he was opposed to the parking ordinance.
- g) Valerie Allen of Valerie's stated contrary to previous comments regarding retail business in the downtown area, her business is excellent. She has a good customer base and there are parking problems stemming from employees who park in the downtown area, taking away from retail customer parking. She stated she has signed several petitions in which customers and merchants indicate they are interested in addressing the existing parking problems.
- h) Mr. Tim Haney of Haney Jewelry, stated the town definitely needs a parking ordinance. Compromises have been made over the last two years for a proposed ordinance. He stated, personally, he would liked to have passed a parking ordinance without any compromise but he understands compromise is necessary. He stated he has many years of service in the downtown area and his philosophy and the philosophy of his father before him, was that the parking spaces were to be used by customers and as a result, he

and his employees have always used the public parking lot as opposed to using parking spaces on the street, because he felt it was improper for him to use spaces that might cause his neighbor to lose business.

- i) Mr. James Wyatt, an attorney who has moved from the downtown, stated a parking ordinance is not the solution. The real issue is to fill the vacant buildings in the downtown area. Enforcing building codes and using the space more wisely is the answer to the problem.
- j) Lisa McCanless stated there are many deficiencies in the ordinance. There were over 1,100 signatures, with 30% from businesses, who were opposed for their own reasons. She stated the present proposed parking ordinance would be endorsing a section of the retail community.
- k) Jim Mathews of Starr-Mathews Insurance stated both sides of the issue are valid. He stated he feels the parking problem is more perception than reality and the main problem is courthouse parking during court week. He stated his area is one of those areas hit at the time of court. However, 95% of the time, he is able to find a parking space. He stated there is limited parking and efforts should be made to increase parking in the downtown area. This could be accomplished with the city and county working together.
- l) Vincent Bagwell of Calhoun Watch Shop stated customers will be ticketed and the downtown will lose customers. He also inquired if he would lose his handicap space, which he had used for many years.
- m) Councilman Woods responded that the customers who receive parking tickets could have those validated at any of the downtown merchants, not only the primary store they entered, but any of the downtown merchants. Mayor Palmer stated the city has no plans for removing the handicap parking space, as indicated by Mr. Bagwell.
- n) There were no other comments and the hearing was closed.
- o) Mayor Palmer stated he appreciated each person's interest and input.
- p) Councilman Woods stated the bell is ringing for all parties to become involved. The proposed ordinance affects less than half of the spaces.
- q) Mayor Palmer stated he would entertain a motion to approve or deny the proposed parking ordinance.
- r) Councilman Woods made a motion to adopt the proposed ordinance with the amendments as referred to by Attorney Bailey. The motion was seconded by Councilwoman Potts, with Councilman Woods, Councilwoman Potts and Mayor Pro Tem Shelton voting affirmatively and Councilman Denmon voting negatively.

- s) Mayor Palmer stated the motion to approve carried by a majority vote.
- 3) A public hearing was opened on the city's budget for the fiscal year 2001-2002, as per the attached, provided by the Budget Officer, Cathy Harrison.
  - a) Following the comments and report of Mrs. Harrison, Mayor Palmer asked if there were further comments.
  - b) There were none and the public hearing was closed.
  - c) Mayor Palmer stated the budget would be considered for adoption on June 18, 2001.
- 8. Old business: Mayor Palmer stated since the one item had been considered earlier, there were no remaining old business items.
- 9. New business:
  - a. Mayor Palmer stated the Housing Authority Board had recommended Kay W. Goldberg to fill the position formerly held by Jim Franklin for a period ending June 11, 2006. Following discussion, Councilman Denmon made a motion to approve the recommendation, second by Councilman Woods, with Councilman Denmon, Councilman Woods, Councilwoman Potts and Mayor Pro Tem Shelton voting affirmatively, motion carried.
  - b. Mayor Palmer gave a first reading of amendments to the resolutions regarding the price of goods and services provided by the city. The proposed rate increases would be effective July 1, 2001. He stated these were for the rates resolutions regarding water, sewer and electric rates; building inspection rates; utility connection fees; and telecommunications fees. He stated these had been addressed during the budget hearing and would be more fully addressed at the next Council meeting. He stated a second reading would be held on June 18, 2001.
  - c. Mayor Palmer entertained a request for closure of the section of Piedmont Street directly behind the Arts Council on June 23, 2001 for their presentation of "A Little Night Music Under the Stars." The closing is requested from 6:00 P.M. until midnight. Mayor Palmer inquired if there was a report by Police Chief Goswick.
    - 1) Chief Goswick stated it would be difficult to control pedestrians in the area without the street being closed and he did not have enough police manpower available to provide escorts from the public parking deck over to the site continuously from 6:00 P.M. until 12:00. Therefore, he would recommend closing the street for the width of the public parking lot, which would be south of the entrance into the public parking lot and north of the Boston Road exit into Piedmont Street. He stated his department would work with Kevin McEntire of the street department to properly close the road. Notification would need to be put up at Hicks Street that no through traffic would be allowed and they would need to detour onto Hicks Street and Wall Street, as an alternate route.
    - 2) Following discussion, Councilman Denmon made a motion to approve, second by Mayor Pro Tem Shelton, with Councilman Denmon, Mayor Pro

Tem Shelton, Councilman Woods and Councilwoman Potts voting affirmatively, motion carried.

- 3) Attorney Bailey stated that in the request for a road closing, he had noticed a reference to the serving of wine by the Arts Council. He stated the Arts Council does not have a pouring license and the city would need to put them on notice that they would not be able to sell alcoholic beverages.
  - d. A first reading was given of a zoning variance request by TuRon Development Company for a variance of 5 feet on the south side setback for Lot 6 of the Quail Run Subdivision. The earliest date for a public hearing would be July 9, 2001 at 7:00 P.M. Councilman Denmon made a motion to set the public hearing for that date and time, second by Mayor Pro Tem Shelton, with Councilman Denmon, Mayor Pro Tem Shelton and Councilwoman Potts voting affirmatively, and Councilman Woods abstaining, motion carried.
  - e. A first reading was given of a beer package license request by TriCo VII Petroleum Inc., #978, Kim Sanders, Manager, for a location at 731 Highway 53, East, previously known as Blue Sky Petroleum. The earliest date for a public hearing would be July 23, 2001 at 7:00 P.M. Councilman Woods made a motion to set the public hearing for that date and time, second by Councilman Denmon, with Councilman Woods, Councilman Denmon, Councilwoman Potts and Mayor Pro Tem Shelton voting affirmatively, motion carried.
  - f. A first reading was given of a request by Kurani Pizza, Inc., d/b/a Pizza Hut, Sonia Pack, Manager, for a beer license for the restaurant at 613 Highway 53 East. The restaurant currently has a license under the name of Pizza Hut, Inc. who will provide management until the license for new ownership is considered. Mayor Palmer stated the earliest date for a public hearing would be July 23, 2001 at 7:00 P.M. Councilman Woods made a motion to set the public hearing for that date and time, second by Mayor Pro Tem Shelton, with Councilman Woods, Mayor Pro Tem Shelton, Councilman Denmon and Councilwoman Potts voting affirmatively, motion carried.
10. Other written items not on the agenda:
- a. A revolving loan request by the Crowe's Nest Restaurant for \$95,000.00 from Steve Crowe for over 20 jobs to be created, with the funding to be used to provide equipment and materials for the restaurant, which will open in July. Councilman Denmon made a motion to set the public hearing for June 18, 2001 at 7:00 P.M., second by Mayor Pro Tem Shelton, with Councilman Denmon, Mayor Pro Tem Shelton, Councilman Woods and Councilwoman Potts voting affirmatively, motion carried.
  - b. Mayor Palmer stated the street department had requested a 1995 chassis, which had previously been used for the city's commercial garbage pickup, to be declared surplus property and to be sold by sealed bids, since the next public auction could be as much as two years away and the vehicle would lose value during that time. Following review, Councilman Denmon made a motion to declare the 1995 chassis as surplus property and to allow it to be offered for sealed bids, second by Mayor Pro Tem Shelton, with Councilman Denmon, Mayor Pro Tem Shelton, Councilman Woods and Councilwoman Potts voting affirmatively, motion carried.

- c. Mayor Palmer stated there was a public comment requested by Doug Hall. Mr. Hall stated he would request the Council to consider adopting a cat leash law to aid those citizens who are continually having cat problems. Mayor Palmer stated cats were quite a bit different from dogs in that they do not respond to commands in the same manner that dogs do. It is impossible to fence them in by the same methods you do dogs. It is a little difficult to consider cats in the same manner and under the same guidelines as dogs. However, the city would investigate how other cities deal with the problem of cats and would give it every consideration.

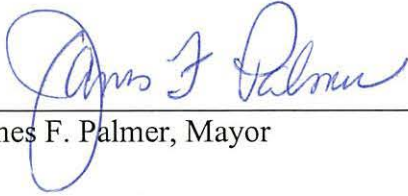
11. Work reports:

- a. Kelly Cornwell, Director of Utilities:
  - 1) Mr. Cornwell reminded everyone of the watershed meeting on Thursday evening, June 14, 2001, at the Depot at 6:30 P.M. regarding the city's watershed plans. The meeting will be conducted by Coosa Valley Regional Development Center. He encouraged everyone to attend.
  - 2) Mr. Cornwell stated the City of Calhoun had an opportunity to buy a portion of a combustion turbine project initiated by the Municipal Electric Authority of Georgia, due to the fact that the City of Marietta chose to not participate and their share has been made available. At this time, there are approximately 32 other cities, which have decided the additional opportunity was a good one for them and he would recommend it for the City of Calhoun. It would allow the city to address a stable base for both price and availability of wholesale power. This opportunity, plus the single-cycle natural gas generator that the city recently purchased, should give the city ten years with stable power and pricing. He stated the 3.6% of the project output of approximately 16.2 megawatts would cost approximately \$9 million dollars from the city, with payment to begin in the year 2004. At approximately the same time, the city would finalize payment on its single-cycle natural gas generator. He stated MEAG would not have this opportunity within the next few years and it was an opportunity the City of Calhoun could not afford to pass up in order to provide security for its system that it needed. Following review and discussion, Councilman Woods made a motion to approve the adoption of the resolution, which was read by Attorney Bailey, and to authorize the procurement of approximately 3.6% of the project and to authorize the Mayor and City Administrator to sign the necessary documents. 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.
- b. Eddie Peterson, Director of Public Safety and Public Works, stated he wished to report that at this time, the recreation roof is 99% complete, the major part of the pool project is complete. It will be necessary to rework the restrooms and other parts of the pool operation. However, the pool itself is complete and ready for use. He stated these projects were made possible through the funding by Gordon County through the SPLOST recreation program.

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

Approved:

Submitted:



---

James F. Palmer, Mayor



---

Cathy Harrison, City Administrator

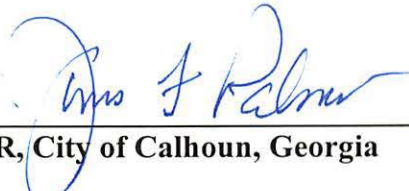
Zoning Application No: **190**

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 11<sup>th</sup> day of June 2001 to consider a zoning variance request by **Dan E. and Melinda L. Phebus for 207 Sunset Hills to allow owners to build within three feet of north property line. (“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 a 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

  
\_\_\_\_\_  
**MAYOR, City of Calhoun, Georgia**

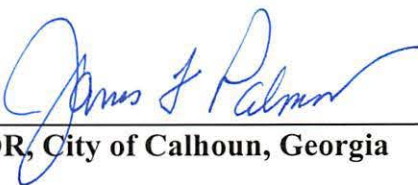
Zoning Application No: **189**

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 11<sup>th</sup> day of June 2001 to consider a request for a zoning change and variance request by Jayanth and Ujwala Manay for 210 South King Street. The request is to rezone from Industrial to C-2, to reduce the required parking spaces from 50 to 22, and for a zero setback on Mill Street. The proposed use would be for office buildings for lease. ("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: **Ujwala Manay stated she had revised the size of the building to be a structure 80 feet by 150 feet, which would allow additional parking spaces, up to 33, for the property. The building would have fire walls and would be sprinkled. Based upon this information, the board recommended approval of the request for a 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

  
\_\_\_\_\_  
MAYOR, City of Calhoun, Georgia

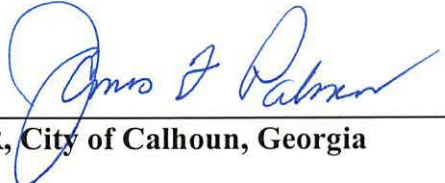
Zoning Application No: **188**

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 **11<sup>th</sup> day of June 2001 to consider a request by Bob and Mary Ann Hodges for 401 Pisgah Way. The request is for a 16-foot variance to allow house to be built closer to the street, in line with other houses on the street. ("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 a 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

  
\_\_\_\_\_  
**MAYOR, City of Calhoun, Georgia**

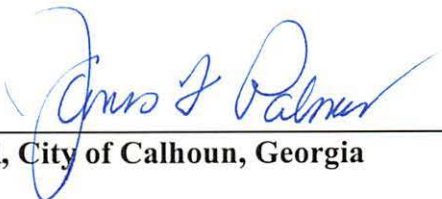
Zoning Application No: **187**

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 11<sup>th</sup> day of June 2001 to consider a request by Robin and Tracey Gentry for a lot at 151 Twin Oaks Drive. The request is for a 1.6-foot setback variance on the side of the property. ("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 a 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

  
\_\_\_\_\_  
**MAYOR, City of Calhoun, Georgia**

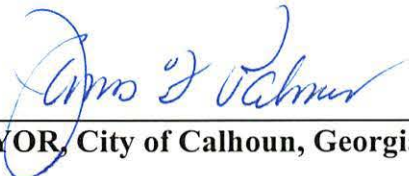
Zoning Application No: **186**

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 11<sup>th</sup> day of June 2001 to consider a request of Calhoun City Board of Education for a zoning variance to locate a mobile classroom unit at the back of the elementary school and one mobile classroom unit at the back of Calhoun High School. ("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 a 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

  
\_\_\_\_\_  
MAYOR, City of Calhoun, Georgia

**RESOLUTION OF THE MAYOR AND COUNCIL OF  
THE CITY OF CALHOUN APPROVING A SECOND  
AMENDMENT TO THE COMBUSTION TURBINE SALES  
CONTRACT OF FEBRUARY 15, 1999 WITH THE MUNICIPAL  
ELECTRIC AUTHORITY OF GEORGIA**

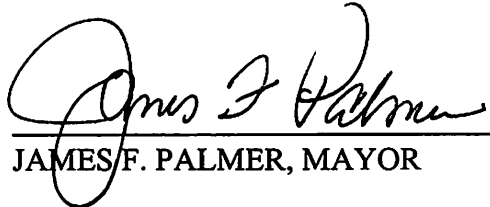
WHEREAS, a Combustion Turbine Power Sales Contract ("the Contract") was entered into between the parties hereto as of February 15, 1999 and subsequently amended by the First Amendment; and,

WHEREAS, the City of Marietta has elected to withdraw from the Combustion Turbine Project with the consent of the Authority, and its Obligation Shares were offered to the other CT Participants; and


WHEREAS, Certain CT Participants have elected to assume portions of Marietta's Combustion Turbine Obligation Share, and their Combustion Turbine Obligation Shares have been recalculated accordingly.

NOW, THEREFORE, BE IT RESOLVED that the Second Amendment to the Combustion Turbine Power Sales Contract is hereby approved and the (Mayor) is authorized to execute and the Clerk is authorized to attest, Seal, and deliver the Contract and to perform all acts necessary to its implementation and completion as the act of the City of Calhoun.

Adopted, this June 11, 2001.

  
\_\_\_\_\_  
JAMES F. PALMER, MAYOR

ATTEST:

  
\_\_\_\_\_  
CATHY HARRISON, CITY ADMINISTRATOR