

**CITY OF CALHOUN
REGULAR CITY COUNCIL MEETING
DEPOT COMMUNITY ROOM
109 SOUTH KING STREET
FEBRUARY 11, 2002, 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
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.
 - a. Councilwoman Potts gave the invocation.
2. Mayor Palmer led the group in the Pledge of Allegiance to the United States Flag.
3. Minutes of the January 21, 2002 regular City Council meeting were approved as written.
4. Mayor's comments:
 - a. Mayor Palmer recognized special guests present for a special presentation. He introduced George Crowley, CEO of the local branch of BB&T.
 - 1) George Crowley stated he would depart from his regular duties as school board chairman, including asking for approval of a budget and would instead, acting on behalf of BB&T and Kenneth Boring, he would make a special presentation to the City of Calhoun and the citizens of Calhoun-Gordon County. The presentation would be the dedication of 1.2 acres, the city block located north of BB&T to be utilized as a city park.
 - 2) Mr. Tom Bond, Director of BB&T, stated it had been a pleasure working with Ken Boring and other directors for several years and then with the new bank officials of BB&T, making this early dream a reality.
 - 3) Gail Williams stated the gift from BB&T represented their interest in being part of the local community.
 - 4) J. C. Maddox, Director of BB&T, stated this is the realization of a dream originated by Kenneth Boring.
 - 5) Mr. Kenneth Boring stated it had been a dream for many years and it can be a facility to be enjoyed for many years into the future.
 - 6) Greg Sims was recognized for his role in developing plans for the proposed park.
 - 7) Mayor Palmer stated that on behalf of the elected officials, staff, employees and citizens of Calhoun and Gordon County, the city would accept the park and would pledge to develop the park in accordance with

the plans and wishes of the benefactors. He stated he wished to say thank you for a most generous donation that would be utilized by generations for many years into the future.

- 8) Councilman Woods stated Calhoun is very fortunate to have corporate citizens who care about the quality of life and this generous gift will be utilized and enjoyed by Calhoun and its citizens.
 - 9) Councilwoman Potts expressed appreciation on behalf of the Downtown Development Authority and the Main Street Program, stating it would be used and enjoyed by many.
 - 10) Mayor Pro Tem Shelton expressed appreciation to the delegation, especially to Ken Boring, for the generosity in such a presentation.
 - 11) Councilman Denmon expressed appreciation to Mr. Boring and the directors and to BB&T, stating he was thankful that God had laid this presentation on their hearts and minds. It was a generous gift to the citizens.
- b. Mayor Palmer stated that on January 14, 2002, the city authorized consulting with the low bidder on the Mill Village project, if acceptable to the Department of Community Affairs. The Department had since notified the city that they would recommend the project be re-bid, deleting the lateral line work, which could be completed by the city, since all bids were over budget. He stated new advertisement is currently in place and the bids, along with a recommendation should be available to the Council by February 25, 2002.
- c. Mayor Palmer stated members of the Council and staff had attended the Mayors' Day Legislative Meeting in Atlanta on January 26-28, 2002. He stated this annual meeting allows everyone to meet with their local elected officials, to hear presentations by the Governor and his staff, and to have a broader understanding of what local cities and counties can expect from the current legislative body.
- d. Mayor Palmer reminded the Council and public of a public hearing on February 25, 2002 at 7:00 P.M. regarding a request for a beer pouring license by Kurani Pizza, Inc., d/b/a Pizza Hut, Inc. at 613 Highway 53 East, with Alisa Hughes as alcohol manager.

5. Council Comments:

- a. Mayor Pro Tem Shelton stated:
 - 1) The fire department responded to 70 calls during the month of January, with estimated fire damages of \$456,300.00. The calls included 27 accidents with 11 injuries. They responded to 20 false alarms and their calls included five private homes. He stated the fire department personnel had completed training on chemical storage. They provided training for fire safety week for the Girl Scouts. They performed 32 fire inspections, many of which were at the airport hangars.
 - 2) The police department made 770 cases in the month of January 2002 with anticipated fines of \$111,615.00. He stated they issued 319 warning tickets, worked 389 incidents and collected over \$94,000.00 in actual fines from previous cases.
- b. Councilman Woods stated:

- 1) During the month of January, the electric department continued underground utility installations at various locations. The first billing of the Calhoun Electric System Industrial 1 rate was implemented recently. It was designed to accomplish conservation initiatives by its larger industrial customers. He stated the first billing had been right on target. He stated the electrical installation work for the Rome pump station had been completed and the electric department continues to monitor and make adjustments as needed. He stated additional heaters had been installed at the waste treatment plant and the copper conductor change out on Crest Drive and surrounding areas is complete and should limit the potential for adverse weather outages. He stated the city had no outage time due to the threat of snow and ice recently and he felt this was a result of an aggressive tree trimming policy. During the month, the electric department issued 25 permits, provided 75 inspections, set 26 meters and purchase from its wholesaler 27,173,000 kWh of electricity.
 - 2) The telecommunications department is constructing five miles of fiber-optic cable in conjunction with the Dalton interconnection. Materials are currently on site and work is in progress. Several new service inquiries have been received regarding this project. The county complex installation at the permitting area is complete.
- c. Councilman Denmon stated:
- 1) The water and sewer construction department made 38 water taps during the month of January and 3 sewer taps. They changed out over 26 water services from an old 2-inch line to an 8-inch line along Newtown Road, following the change out of the 2-inch to 8-inch line along Newtown Road. They installed 200 feet of 8-inch sewer line on Green Row to replace an old 6-inch sewer line. This was part of the original Mill Village project. They replaced 10 sewer service lines along Green Row as well. They installed 700 feet of 2-inch water line along Green Row to replace an old dilapidated 2-inch line. They started the new Plainville pump station on January 21, 2002. They repaired 43 water leaks and 34 water meters, changed out 18 meters and responded to 124 miscellaneous calls.
 - 2) The sewer treatment plant treated a daily average of 9.239 million gallons per day (MGD.) The average BOD effluent was 19, the average suspended effluent was 21 and the average COD effluent was 112.
 - 3) The water treatment plant treated a daily average of 11.392 MGD of raw water during the month. Well #3 pumped an average of 1.544 MGD of water.
 - 4) The building inspection department issued a total of 66 permits during the month of January for construction costs estimated at \$1,355,000.
- c. Councilwoman Potts stated:
- 1) The street department brush truck picked up 4,340 cubic yards of brush and leaves. The street sweeper cleaned 34 miles of curb and gutter. The department hauled 89 loads of stone and erected 19 new street signs. They completed 42 shop work orders. They dug out and poured 250 feet of 8-inch PVC pipe for drains and cleaned up construction debris at the new recreation department concession stand building. They sold and hauled 32

loads of wood chips to the condos on 8th Street. They constructed a pit for a roll-off dumpster so the sewer cleanout truck and grit screen can empty into the dumpster and it can be hauled to the landfill. They formed and poured a headwall and pad at the mouth of the pipe at the baseball field, dug out, based and paved a 50 foot section of Peters Street, paved 200 feet of Stones Loop for sewer construction and street repairs. They planted 25 Leland Cypress Trees and fertilized all existing trees at the substation at the Clarence E. Harris River Park. They cleaned out a 1,000 foot section of brush along the property line at Chandler Cemetery, worked on Peters Street cleaning out ditches and blowing out driveway lines.

- 2) The sanitation department ran their commercial trash routes, serviced vehicles and gained two 6-yard dumpster accounts during the month.
- 3) The parks department provided their routine maintenance on city property, water tank sites and right-of-ways. They completed construction of an equipment shed at the water plant and performed various maintenance jobs at the police department and the Depot and started construction of an equipment shed at the cemetery.
- 4) The cemetery department marked and supervised the opening and closing of 13 gravesites and performed routine maintenance at Fain and Chandler cemeteries.
- 5) The safety committee reported 7 workers' comp accidents and 2 vehicle accidents during the month. They conducted a safety inspection of the electric department.
- 6) Animal control housed 11 dogs and 8 cats during the month, and issued 1 first warning for a leash law violation. 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 for A-1 or other provisional zoning and annexation by James F. and Mary Faye Jones for approximately 16 acres at 2229 Red Bud Road.
 - 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 had met on this matter on February 7, 2002 at 4:30 P.M. at the Depot Community Room.

- aa. The board had determined the applicant was agreeable to R-1 zoning and annexation with variances.
 - bb. The zoning Advisory Board determined from immediate adjoining property owners to the west of the Jones property that there was no problem with the proposed R-1 zoning, provided restrictive use for the commercial activity on the property was outlined.
 - cc. The Zoning Advisory Board had a clear understanding with Mr. Jones, the property owner, that any future development on the property would require a variance and would require an appearance before the Zoning Advisory Board.
 - dd. The Zoning Advisory Board determined from information provided by Donald Hollinsworth that the annexation would allow future annexation and development of his property south of the Jones property.
 - ee. Following a report from the fire inspector, the Zoning Advisory Board determined that without a fire hydrant located on the property or on Red Bud Road, the current level of fire protection could not be provided to the property.
 - ff. Based upon these factors, it was the consensus of the Zoning Advisory Board to recommend zoning of R-1 and annexation of the property, with a variance allowing limited activity in the commercial building presently located on the property. It would not allow any enlargement of the building and activity would be limited to low volume traffic and classified as light commercial (i.e. inventory storage, church, cabinet shop, countertop business, etc.) which would not provide any offensive noise, dust, lighting, vibration or other activity that would be detrimental or intrusive to a residential area. Another variance would allow up to 6 head of cattle or horses in the pasture portion of the property. A variance would allow the continuation of construction of a barn. However, it would not allow any permanent outdoor storage of products or materials associated with the commercial building. The Zoning Advisory Board conveyed to the owners, Mr. and Mrs. James Jones, that under the present conditions and without additional fire hydrants added to the owner's property or on Red Bud Road, the city would be unable to provide its normal level of fire protection to the property. Based upon these restrictions the Zoning Advisory Board would recommend approval.
- e) Attorney Bailey stated the Zoning Advisory Board had heard the presentation by the fire inspector, which stated that without the location of a fire hydrant on Red Bud Road or on the private property, the fire department would be unable to provide its normal level of service should a fire occur on the 16 acres. Attorney

- Bailey stated this had been made very clear and once again asked for indication from Mr. Jones that he understood.
- f) Mr. Jones confirmed that he did understand.
 - g) Mayor Palmer asked if there were any other comments by the owner. There were none.
 - h) Mayor Palmer asked if there were any comments by the public. There were none and the hearing was closed.
 - i) Councilwoman Potts made a motion to approve zoning of R-1 and annexation of the James F. and Mary Faye Jones property, **with the variances as stipulated above.** The motion was seconded by Councilman Denmon, with Councilwoman Potts, Councilman Denmon and Mayor Pro Tem Shelton voting affirmatively, motion carried. Councilman Woods abstained.
- 2) Mayor Palmer gave a second reading of a request for zoning of R-1B and annexation by Home Mart Builders, Inc. for approximately 11 acres off Jones Road.
- 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 this item was also heard by the Zoning Advisory Board on February 7, 2002 at 4:30 P.M. She stated the Zoning Advisory Board reviewed the proposed architectural drawings for the project off Jones Road and determined the developer intends to build 29 homes (for sale, not rent) valued between \$100,000 and \$129,000. The homes would have 1,250 to 1400 square feet. There was an understanding that the developer would implement and record covenants consistent with the preliminary draft presented to the Zoning Advisory Board. The developer would make extra efforts to improve the sight distance by widening the entrance to the project. The developer would adhere to all requirements regarding hydrology and engineering reports and studies. Based upon these factors, it was the recommendation of the Zoning Advisory Board to recommend zoning of R-1B and annexation of the property.
 - e) Mayor Palmer inquired if there were any comments by the property owner or his designee.
 - f) Terry Brumlow stated that in the absence of Mr. Frix, he was available to answer any questions. Otherwise, he would appreciate an approval as outlined by the Zoning Advisory Board.
 - g) Mayor Palmer asked if there were comments from the public. There were none and the hearing was closed.
 - h) Councilwoman Potts made a motion to approve zoning of R-1B and annexation for Home Mart Builders, Inc. for approximately 11 acres off Jones Road, **with the stipulations as listed above.** The motion was seconded by Councilman Denmon, with

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

b. Other Hearings and Comments:

- 1) Mayor Palmer gave a second reading of a new ordinance regarding fire hydrants and fire safety requirements. Eddie Peterson stated the city currently has an ISO rating of 4 and the proposed ordinance would be a factor in continuing enjoyment of that rating. Mayor Palmer inquired if there were any questions or comments by the public. There were none and the hearing was closed. Councilman Woods made a motion to waive the third and fourth reading and to approve, second by Councilwoman Potts, with Councilman Woods, Councilwoman Potts, Councilman Denmon and Mayor Pro Tem Shelton voting affirmatively, motion carried.
- 2) Mayor Palmer stated Julie Graves, President of the Right to Life Group and others were present to officially present petitions that had been collected in the community in opposition to a proposed abortion clinic. Dr. Larry Tilley, Legislative Committee Chairman of the group, delivered the following statement:

“On the date of June 18, 2001 over 300 citizens attended a Calhoun City Council meeting after hearing of the possibility of an abortion facility locating in our community. Due to this overwhelming outcry, the Gordon County Right to Life Chapter was organized as a voice of the citizens. In two and a half months, during the initial stand against the facility, we obtained 4,897 signatures of citizens who vehemently oppose the practice of abortion and particularly the opening of a local abortion facility.

Although the immediate threat of an abortion facility opening in our community has passed we feel strongly that the City Council members should use their governing authority to reflect the Judeo-Christian morals and beliefs of our community as well as protect the lives of unborn children. Therefore we are here tonight to present to you a copy of the signed petitions. Based upon the response of the people as evidenced by these petitions, we respectfully request that in the future the City Council exercise its legal authority through zoning or other means to discourage an abortion facility from threatening our fair city again. Please accept our gratitude for your openness to hear our concerns and your kind assistance in the past. We understand the difficulty of this situation and we appreciate your support.”

Following the statement, Dr. Larry Tilley presented the petition containing 4,897 signatures.

Mayor Palmer stated he understood the group had made a statement that they would like to meet with the Mayor and Council regarding any efforts that might be considered to assist in defeat of any further developments of this nature. He stated the Council would be agreeable to meet with the Right to Life group.

7. Old business:

- a. Mayor Palmer stated the City of Calhoun has received the loan documents for an SRF loan through the state for \$4,436,050 for the sewer interceptor project at 3%

for 20 years. He stated it would be necessary to adopt a motion to approve the loan and authorizing himself and the Administrator to sign all related documents. Jerry Crawford stated the project was very much needed. It has been in the planning stages for a number of months. The current line is filled to capacity and is presently limiting development in the area. Mayor Palmer stated the engineering for the project had been provided by the city for a substantial savings. Following discussion, Councilman Woods made a motion to approve the loan from SRF for \$4,436,050 at 3% for 20 years and to authorize the Mayor and Administrator to sign all related 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.

8. New business:

- a. In reference to the first reading of the tree ordinance, Mayor Palmer asked that this be delayed in order to seek additional input from the Industrial Development Authority, as it relates to economic development.
- b. Mayor Palmer gave a first reading of a pawn license request by National Title Pawn of Calhoun at 117 West Belmont Avenue. The earliest date for a second reading and public hearing would be February 25, 2002 at 7:00 P.M. Following discussion, Councilman Denmon made a motion to set the public hearing at that date and time, second by Councilwoman Potts, with Councilman Denmon, Councilwoman Potts, Councilman Woods and Mayor Pro Tem Shelton voting affirmatively, motion carried.
- c. Mayor Palmer gave a first reading of a beer package license request of Larry Manasreh, owner of the former R&R Convenience Store at 400 West Line Street. Mayor Palmer stated the earliest date for a hearing would be March 25, 2002 at 7:00 P.M. Councilman Woods made a motion to set the public hearing at that date and time, second by Councilman Denmon, with Councilman Woods, Councilman Denmon, Councilwoman Potts and Mayor Pro Tem Shelton voting affirmatively, motion carried.
- d. Mayor Palmer read a request from the Echota Vann Shrine Club for June 1, 2002 at 10:00 A.M. for a parade on the traditional route on file with the DOT. Following review, Councilwoman Potts made a motion to approve the request for a parade on June 1, 2002 at 10:00 A.M., subject to approval by the department of transportation, 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: **none.**

10. Work Reports:

- a. Kelly Cornwell, Director of Utilities: Attorney Bailey stated in the absence of Mr. Cornwell, he had reviewed a mutual non-disclosure agreement that had been provided by BellSouth Telecommunications, Inc., AT&T Corporation, Lockheed Martin Corporation, and Electronic Data Systems Corporation, which will be dealing with several local governments with telecommunications systems in Georgia. The non-disclosure agreement has the proper clause, which allows cities to comply with public inquiries. However, it allows the city the opportunity to

notify these four entities prior to forwarding any information that has been obtained from these companies. Mayor Palmer stated the governor's program regarding telecommunications has encouraged local governments to be included. Therefore, the four companies involved require all participants through the MEAG Telecommunications Group to sign the Mutual Non-disclosure Agreement. Following discussion, Councilman Woods made a motion to approve and to authorize the Mayor to sign the agreement, second by Councilman Denmon, with Councilman Woods, Councilman Denmon, Councilwoman Potts and Mayor Pro Tem Shelton voting affirmatively, motion carried.

b. Eddie Peterson, Director of Public Safety and Public Works: **no report.**

11. Mayor Palmer inquired if it was not necessary to move to executive session. The response was negative. Attorney stated that in reference to Executive Session, the minutes from the last Executive Session, which had authorized the Mayor to consult with BB&T and to sign any necessary documents regarding the donation of the park be made part of the public minutes.
12. Councilman Woods made a motion to adjourn, second by Councilman Denmon, with Councilman Woods, Councilman Denmon, Councilwoman Potts and Mayor Pro Tem Shelton voting affirmatively, motion carried.

Approved:

Submitted:



James F. Palmer, Mayor



Cathy Harrison, City Administrator

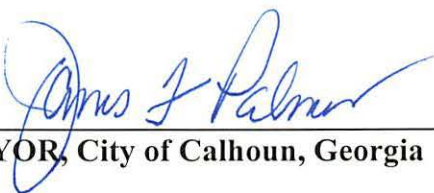
Zoning Application No: **203**

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 11th day of February 2002 to consider a request for zoning of R-1B and annexation by Home Mart Builders, Inc. for approximately 11 acres off Jones Road. ("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 R-1B zoning, with the adoption of covenants.**
6. List any additional findings, if necessary, to support additional conditions: **The developer would make extra efforts to improve the sight distance by widening the entrance to the project.**
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

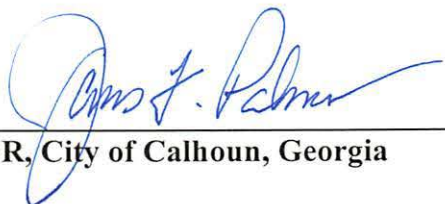
Zoning Application No: **202**

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 11th day of February 2002 to consider a request for A-1 or other provisional zoning and annexation by James F. and Mary Faye Jones for approximately 16 acres at 2229 Red Bud Road. ("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 R-1 zoning with variances.**
6. List any additional findings, if necessary, to support additional conditions: **It was verified that the owners, Mr. and Mrs. James Jones, understood that under the present conditions and without additional fire hydrants added to the owner's property or on Red Bud Road, the city would be unable to provide its normal level of fire protection to the property.**
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