

**CITY OF CALHOUN  
REGULAR CITY COUNCIL MEETING  
DEPOT COMMUNITY ROOM  
109 SOUTH KING STREET  
AUGUST 12, 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: 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.
2. Councilman Denmon gave the invocation and led the group in the Pledge of Allegiance to the United States Flag.
3. Minutes of the July 22, 2002 regular City Council meeting were approved as written.
4. Mayor's comments:
  - a. Mayor Palmer commended the late Howard Jones for his past service and many hours of dedication to serve on the Golf Advisory Commission and the Downtown Development Authority. He stated Mr. Jones had given of his time and energies and had been a valued member of both groups.
  - b. Mayor Palmer congratulated the city school system for its successful August 8, 2002 groundbreaking for the new school complex. He also expressed appreciation to Raymond King for his generous donation, which helped to make this event possible.
  - c. Mayor Palmer reminded everyone of the joint ACCG-GMA fall conference to be held in Atlanta on September 30 through October 2, 2002, and asked those who wish to attend to notify Administrator Harrison. He also stated a voting delegate would be needed for the conference. Mayor Pro Tem Shelton made a motion to nominate Councilman Denmon as the voting delegate, second by Councilman Woods, with Mayor Pro Tem Shelton, Councilman Woods and Councilwoman Potts voting affirmatively, motion carried.
  - d. Mayor Palmer reminded everyone that school is beginning this week. He asked that everyone slow down and drive safely.
  - e. Mayor Palmer reminded everyone of the second solid waste public hearing on September 3, 2002 at 7:00 p.m. at the Gordon County Courthouse.
  - f. Mayor Palmer reminded everyone of the August 22, 2002 "Unity Run" in downtown Calhoun, beginning at the Calhoun High School at 7:00 p.m. and ending at the Gordon Central High School.

- g. Mayor Palmer stated that due to Mayor Pro Tem Shelton's failing health, he would recommend Councilman Woods be appointed temporarily to serve as the voting delegate for the Coosa Valley Regional Development Center. Following review, Councilman Denmon made a motion to appoint Councilman Woods to serve as the voting delegate for the Coosa Valley Regional Development Center, second by Councilwoman Potts, with Councilman Denmon, Councilwoman Potts and Mayor Pro Tem Shelton voting affirmatively, motion carried.
- h. Mayor Palmer stated that due to this shift, he would also recommend that Lorene Potts be moved to the Downtown Development Authority as the voting delegate and city representative and that he be appointed to the Golf Advisory Commission. Following review, Mayor Pro Tem Shelton made a motion to appoint Councilwoman Potts to the Downtown Development Authority and Mayor Palmer to the Golf Advisory Commission. The motion was seconded by Councilman Denmon, with Mayor Pro Tem Shelton, Councilman Denmon and Councilman Woods voting affirmatively, motion carried.

5. Council Comments:

a. Mayor Pro Tem Shelton stated:

- 1) The fire department responded to 66 calls during the month of July with damages of \$5,250.00. They responded to 23 accidents, 18 with injuries, and one with a fatality. The firefighters continued to receive training and also provided a safety fair at Wal-Mart. He stated the fire inspector made 73 inspections during the month of July and attended two pre-construction meetings.
- 2) The police department made 935 cases in the month of July 2002, with anticipated fines of \$150,032.50. They had 16 cases of driving under the influence; 236 speeding citations were issued; 371 warning tickets were issued. \$100,864.50 in fines was collected from previous cases. They worked 58 accidents with 16 injuries and 31 private property accidents with no injuries. They provided 65 escorts and responded to 129 alarms. They logged 56,431 miles on patrol during the month.

b. Councilman Woods stated:

- 1) The electric department installed lighting in several locations, including the adult training center and Northwest Georgia Internal Medicine. The hospital addition and Cat Craft on Executive Drive are in the design and engineering phase, with a portion of the temporary service already installed. A lighting proposal is also being engineered for the hospital. The Wayne Hall condominiums are under construction again. Construction of underground electrical facilities and new services continue at the Brian Wright project on Peters Street, at the Owens Apartments on Harlan Street, the Stewart Apartments on Forest Heights, and the Stepp project.
- 2) The telecommunications system has made a number of new installations during July. The airport has received an inter-connection to the city's phone system and is waiting on an occupancy certificate in order to move into their new location. Northwest Georgia Internal Medicine has contracted and received a 1.5 megabyte internet service. Fox & Brindle completed a 256 Kb connection and similar contracts are in process for Mannington. A section of fiber line on Harlan Street was replaced as a

result of the May storm. The replacement of the Cal-net building has been permitted and started on a site adjacent to the electric department.

- 3) The generator operated for 90 hours in July and produced approximately 10,916,000 kWh of electricity at an average price of 5.42¢ per kWh. The energy market remains soft, with market prices generally at or below the generator strike price.
- 4) During the month of July, the electric department issued 24 permits, provided 46 inspections, set 18 meters and purchased 30,011,000 kWh of wholesale power for resale.

c. Councilman Denmon stated:

- 1) The water treatment plant treated a daily average of 12.364 million gallons per day (MGD) of raw water during the month. Well number 3 was also in operation and pumped 346,207,000 gallons during the month of July.
- 2) The waste treatment plant treated a daily average of 7.138 MGD. The average BOD effluent was 9, the average suspended effluent was 17 and the average COD effluent was 74.
- 3) The water and sewer construction department made 72 water taps in the month of July and 8 sewer taps. They completed work on new water and sewer lines in the old Mill Condo complex. They installed 3300 feet of 6-inch water line on Oak Grove Road and 900 feet of 6-inch waterline along Jolly Road. There were 53 leaks repaired, 18 water meters repaired and 102 miscellaneous calls.
- 4) The building inspection department issued 76 permits for an estimated \$4,984,000 of construction during the month of July. This included five residential apartments, with 7 buildings and 51 units. The building inspectors also made 228 inspections during the month.

d. Councilwoman Potts stated:

- 1) The street department sweeper cleaned 39 miles of curb and gutter. The department hauled 96 loads of stone, placed 31 street signs and completed 25 shop work orders. The first half of the month was spent on final brush and debris cleanup from the tornado. Work started on the new BB&T Park in the downtown area. Sidewalks, curbs, trees and stumps were removed in preparation for the construction. They removed and poured 1722 feet of sidewalk and 112 feet of curb and gutter that had been damaged by the storm. They dug out and patched streets on Meadow Lane, Meadowbrook Road and Fred Hurley Road, using 18.64 tons of asphalt. They cleaned ditches along right-of-way on Louise Avenue and Florence Avenue. They back-filled all new curbs and sidewalks with top soil and grass.
- 2) The sanitation department ran their routine commercial routes, serviced their vehicles and gained two 4-yard, one 6-yard and one 8-yard dumpsters accounts during the month.
- 3) The parks department personnel provided routine maintenance and cleanup on city property, water tank sites and right-of-ways. The maintenance crew worked on repairs at various city departments.
- 4) The cemetery department marked and supervised the opening and closing of 12 gravesites and performed routine maintenance at Fain and Chandler cemeteries.

- 5) The safety committee reported 2 workers' comp accidents and three vehicle accidents during the month. They conducted a safety inspection of the street department.
- 6) Animal Control housed 41 dogs and 12 cats. They issued four first warnings and one second warning for leash law violations and responded to 41 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.

**STANDARDS GOVERNING THE EXERCISE OF ZONING POWER**

- (1) Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.
- (2) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.
- (3) Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.
- (4) Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools.
- (5) Whether there will be capital costs for capital improvements to serve the area. Capital costs shall include water mains, sewer mains, new street pavement or widening, new fire stations or equipment, new police stations or equipment, and other like costs.
- (6) Whether the zoning proposal is in conformity with the policy and intent of the land use plan.
- (7) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for their approval; or disapproval of the zoning proposal.
- (8) Whether there are other factors relevant to balancing the interest in promoting the public health, safety, morality or general welfare against the right to the unrestricted use of property.

**VARIANCE CONSIDERATIONS (ONE OR MORE)**

- (a) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.
- (b) The application of this ordinance to the particular piece of property would create an unnecessary hardship.
- (c) Such conditions are peculiar to the particular piece of property involved.
- (d) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this ordinance, provided, however, that no variance may be granted for a use of land or building or structure that is prohibited by this ordinance.

- 1) Mayor Palmer gave a second reading of a zoning variance request by Adventist Health Systems, Inc. for a 40-foot height variance for a hospital addition at 1035 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) Councilwoman Potts stated the Zoning Advisory Board met on this matter on August 8, 2002 at 4:30 p.m. at the Depot and determined that the request would not be harmful to the surrounding owners. The hospital architects and engineers are working with city departments regarding infrastructure and meeting the city codes and policy requirements. Councilwoman Potts stated the Zoning Advisory Board had recommended approval of the variance request.
  - d) Mayor Palmer inquired if there were any comments by the applicant. There were none.
  - e) He asked if there were any comments by the public. There were none.
  - f) The public hearing was closed.
  - g) Following review of the four standards of variance considerations, the Mayor and Council made the following findings, numbered in accordance to the standards listed above:

(a)	N/A.
(b)	Failure to grant a height variance would create an unnecessary hardship for the hospital and would not allow them utilization of the current facility.
(c)	N/A.
(d)	The relief, if granted, will not cause any substantial detriment to the public good.
  - h) Councilwoman Potts made a motion to waive the third and fourth reading and to approve the request for a zoning variance of 40 feet in height. The motion was seconded 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 request by Flipper McDaniel to rezone property at 317.5 Cherry Hill Drive from R-2 to C-N.
  - 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) Councilwoman Potts stated the Zoning Advisory Board met on this matter on August 8, 2002 at 4:30 p.m. at the Depot and determined that the zoning of Restricted C-N, to exclude retail sales, would be more suitable for the area than residential zoning. The board also determined a variance of 92 feet from a hydrant would be required since the nearest hydrant is 392 feet from the building. Councilwoman Potts stated the Zoning Advisory Board had

recommended approval of the zoning change with these conditions, as outlined.

- d) Mayor Palmer inquired if there were any comments by the applicant. There were none.
- e) He asked if there were any comments by the public. There were none.
- f) The public hearing was closed.
- g) Following review of the four standards of variance considerations, the Mayor and Council made the following findings, numbered in accordance to the standards listed above:

- (a) The property is not well suited to its current zoning because of the area and entrances.
- (b) N/A
- (c) The conditions are particular for this piece of property, based on its access and surroundings.
- (d) Relief, if granted, will not cause substantial detriment to the public good.

- h) Councilwoman Potts made a motion to waive the third and fourth reading and to approve Restricted C-N zoning which excludes retail sales and a variance of 92 feet from the nearest fire hydrant. The motion was seconded 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 request for new zoning of R-1 and annexation by Loel McKinnon for a house and lot on Fuller Street. Open public hearing.
- 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) Councilwoman Potts stated the Zoning Advisory Board met on this matter on August 8, 2002 at 4:30 p.m. at the Depot and determined that the correct zoning, based on the size of the lot, would be R-1A. The Zoning Review Committee had recommended cleanup of the lot prior to annexation and the Zoning Advisory Board had determined that cleanup had been completed. The board determined the request was within the guidelines of the long range plans and a hydrant could not be set in the immediate area, since sufficient sized water lines were not in the immediate area. She stated it was the recommendation of the board to rezone the property as R-1A and annex.
  - d) Mayor Palmer inquired if there were any comments by the applicant. There were none.
  - e) He asked if there were any comments by the public. There were none.
  - f) The public hearing was closed.
  - g) Following review of the eight standards of zoning considerations, the Mayor and Council made the following findings, numbered in accordance to the standards listed above:

- (1) The zoning proposal will be suitable to the surrounding area, which includes residential, with nearby commercial zoning.
- (2) There will be no adverse affect to adjacent or nearby property.
- (3) The property has a limited use as it is currently zoned.
- (4) Approval of the request will result in better utilization of the property and coordinate with the surrounding area.
- (5) Applicant will bear the cost of sewer connection.
- (6) The request will conform to the land use plan.
- (7) N/A
- (8) The annexation and zoning of the property as R-1A would promote public health and safety for the property.

h) Councilwoman Potts made a motion to waive the third and fourth reading and to approve zoning of R-1A and annexation of the property, 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 request for zoning of PRD and annexation by Worth Enterprises, Inc., Donald Hollingsworth, President, for approximately 175 acres off Dews Pond 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) Councilwoman Potts stated the Zoning Advisory Board met on this matter on August 8, 2002 at 4:30 p.m. and determined there would be a maximum of 142 single-family homes, with a minimum of 2,400 square feet of heated space. There would be a maximum of 26 acres used for development of condos, with a minimum of 1200 square feet of square feet of heated space. There would be 21% of the property used as walking trails, lake and common green spaces. There would be a swimming and tennis center, a club house, a covered pavilion and playgrounds. The owner had amended his plans to include a second entrance to accommodate the length of the streets in the complex, which exceed 2000 feet. The city attorney had determined that the complex could not be a gated community if streets were to be dedicated to the city. However, following construction and dedication to the city, the homeowners' association could petition the city to dedicate the streets back to the association if they wished to have a gated community. However, maintenance would be the responsibility of the homeowners' association. The city attorney also recommended that streets over the dams be granted to the city by easements rather than fee simple title. The board determined the developer understands the requirements to meet all policies and codes of the city before and during construction. The board determined the development will take ten years or more and recommended the Mayor and Council review annual department needs to accommodate this development and other similar developments, which will add to the need for

additional manpower, equipment, etc. Councilwoman Potts stated that based on all these factors, the board recommended approval.

- d) Mayor Palmer inquired if there were any comments by the applicant. There were none.
- e) He asked if there were any comments by the public.
- f) Mayor Palmer read a letter of opposition that had been forwarded by Mr. Scott Haynes, who had also filed his financial disclosure at City Hall prior to providing his comments. He stated Mr. Haynes was concerned with the growth in the area and with the stress on the city's water and sewer system, the ambulance service, the fire and police departments. Mayor Palmer stated all of these items are considered prior to consideration for zoning of any annexation matter. Mayor Palmer stated Mr. Haynes' comments would become a part of the record as "Exhibit A."
- g) There were no other comments and the public hearing was closed.
- h) Following review of the eight standards of zoning considerations, the Mayor and Council made the following findings, numbered in accordance to the standards listed above:

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| <ul style="list-style-type: none"><li>(1) The requested zoning and development, as proposed, is suitable and coordinates with adjoining property.</li><li>(2) Will not adversely affect nearby property.</li><li>(3) The property is currently vacant and has no economic use at this time.</li><li>(4) The proposal will result in additional utilization of streets, transportation facilities, utilities and schools. However, the development will be built over a ten year period and the city will consider these matters on a year-to-year budget basis.</li><li>(5) Applicant will pay all costs for infrastructure development.</li><li>(6) The proposed development conforms to the intent of the land use plan.</li><li>(7) The area surrounding the property is moving toward development from farm and agricultural uses to residential use.</li><li>(8) The utilization of the property as outlined will promote public health and safety when developed as proposed.</li></ul> |
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- i) Councilwoman Potts made a motion to waive the third and fourth reading and to approve zoning of PRD annexation of the approximately 175 acre complex and to include the attorney's comments regarding the inability to accept the streets as public streets if the community were gated; however, with the understanding that the homeowners' association could petition the Mayor and Council to return the streets to the association once the community is built out. Also, the motion would include a requirement that the road area over the two dams be dedicated to the city in the form of an easement as opposed to a fee simple title. Following these considerations the motion was seconded by Councilman Woods, with Councilwoman Potts, Councilman Woods, Councilman Denmon and Mayor Pro Tem Shelton voting affirmatively, motion carried.

b. Other Hearings:

- 1) Mayor Palmer opened a public hearing on the beer pouring application of Kurani Pizza, d/b/a Pizza Hut on Highway 53 east, with Shiraz Charanice as manager. Mayor Palmer stated the police report was clear for the applicant and he asked if there were any comments. There were none and the hearing was closed. Councilwoman Potts made a motion 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 opened a public hearing on a new speed limit ordinance for on-system and off-system streets. Eddie Peterson, Director of Public Safety and Public Works reviewed those streets that are listed as on-system and off-system and stated in order for the city to comply with the requirements for traffic control devices, the city must adhere to the recommendations of the Department of Transportation regarding the setting of speed limits. He stated the new speed limits will result in two or three signs that will need to be changed regarding the new speed limits. Mayor Palmer asked if there were any comments. There were none and the hearing was closed. Councilman Woods made a motion to waive the third and fourth reading and to approve the speed limit ordinance as recommended by the Department of Transportation and by the Director of Public Safety and Public Works. The motion was seconded by Councilwoman Potts, with Councilman Woods, Councilwoman Potts, Councilman Denmon and Mayor Pro Tem Shelton voting affirmatively, motion carried.

7. Old business: **none.**

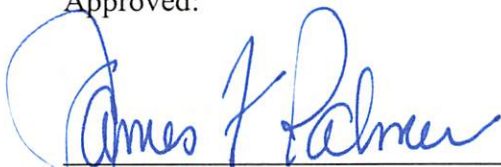
8. New business:

- a. Mayor Palmer stated County Commission Chairman Sid Collins had a presentation for the Mayor and Council. Chairman Collins stated the county had eliminated 2.59 mills of taxes and due to this elimination, it was necessary for several areas of House Bill 489 to be renegotiated and signed by the participating cities and by the county. He stated these areas were recreation, streets and bridges and water-sewer. He stated he and the county commissioners had approved these revisions on August 6, 2002. Mayor Palmer stated these provisions had been reviewed for the past month by the Council members and asked if there were any additional questions. There were none and the hearing was closed. Councilman Woods made a motion to waive the third and fourth reading and to approve the agreements, second by Mayor Pro Tem Shelton, with Councilman Woods, Mayor Pro Tem Shelton, Councilman Denmon and Councilwoman Potts voting affirmatively, motion carried. Councilman Woods stated he wished to commend Chairman Collins and the Commission for their ability to work with the City of Calhoun and to provide these changes in one-and-a-half days, whereas, the previous House Bill 489 agreements had taken over a year to complete. Mayor Palmer stated this provided an opportunity for both the County Commission and the City Council to look past the issues and to look toward the future and to what would be beneficial to the citizens of Calhoun and Gordon County. He stated it

was a pleasure working with the Chairman and Commissioners regarding these items.

- b. Mayor Palmer gave a first reading of a request by Roy and Jean Chastain for zoning of R-1A and annexation of a house and lot at 102 West Drive. Mayor Palmer stated the earliest date for a public hearing would be September 9, 2002 at 7:00 p.m. 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 zoning variance request by Luke Lovinggood for construction of a 12 x 40 foot awning on the front of his business at 836 North Wall Street. Mayor Palmer stated the earliest date for a public hearing would be September 9, 2002 at 7:00 p.m. Councilman Denmon made a motion to set the public hearing at that date and time, second by Councilman Woods, with Councilman Denmon, Councilman Woods, Councilwoman Potts and Mayor Pro Tem Shelton voting affirmatively, motion carried.
  - d. Mayor Palmer gave a first reading of a request by Flipper McDaniel to rezone property at 802 South Wall Street from R-1 to C-2. Mayor Palmer stated the earliest date for a public hearing would be September 9, 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.
9. Other written items not on the agenda: **none.**
  10. Work Reports:
    - a. Kelly Cornwell, Director of Utilities: **none.**
    - b. Eddie Peterson, Director of Public Safety and Public Works stated he wished to commend Lenny Nesbitt on his recent training received and also to commend Chief Goswick who served as a sponsor to Chief Nesbitt for this training.
  11. Mayor Palmer stated it was not necessary to move to executive session at this time.
  12. Councilman Woods made a motion to adjourn, second by Mayor Pro Tem Shelton, with Councilman Woods, Mayor Pro Tem Shelton, Councilman Denmon and Councilwoman Potts voting affirmatively, motion carried.

Approved:



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James F. Palmer, Mayor

Submitted:



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Cathy Harrison, City Administrator

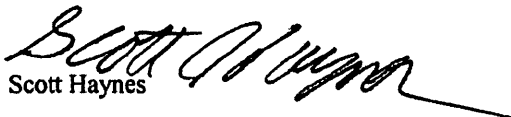
**“EXHIBIT A”**

My opposition of the City annexing into the county is as follows:

1. Dewspond Road has to much traffic on it.
2. More homes means more garbage at the landfill. The landfill will not live up to it's life expectance. We must plan ahead for our children.
3. The city is already to far East of I-75. There is no Fire Station on the East side of I-75. The city's Fire and Police Department already has to wide of an area to cover .
4. By adding more homes into the city may jepardize it's ISO fire rating. How many current city home's, business, and industral owner would like it to pay more fire insurance.
5. What about storm water run off? Has anyone thought about the people down New town Creek, that would catch most of the run off from the project? Does anyone here even care? I do. I know what it is like to be flooded out, because of poor drainage and over development in the area.
6. Ambulance service is another area of great concern. Bud Owens ansd the staff of Gordon Hospital do a great job with what they have. But there is already to many delayed responds in the city and the county for comfort. One delayed respond can cost someones life. It is not the ambulance service fault, they are already under man and under equiped to keep up with Calhoun and Gordon countys growing pains. They run theirself ragged but they do a first rate job.
7. What about water and sewer needs? More homes means less water pressure for homes and fire hydrants. It means less pure unused water for our downstream neighbors in Floyd County. It means more treated sewage water down to them.

I feel any more annexation of county property into the city would have a negative impact on all.

Thank you

  
Scott Haynes