

**CITY OF CALHOUN  
REGULAR CITY COUNCIL MEETING  
DEPOT COMMUNITY ROOM  
109 SOUTH KING STREET  
CALHOUN, GA  
JANUARY 8, 2007, 7:00 P.M.**

**MINUTES**

**PRESENT: James F. Palmer, Mayor  
Lorene Potts, Mayor Pro Tem  
Ray M. Denmon, City Councilman  
George R. Crowley, City Councilman  
David Hammond, City Councilman**

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

1. Mayor James F. Palmer called the meeting to order and welcomed everyone in attendance. Councilman Hammond gave the invocation.
2. Mayor James F. Palmer led the group in the Pledge of Allegiance to the United States Flag.
3. Councilman Crowley made a motion to adopt the minutes of the December 18, 2006 regular City Council Meeting as written. The motion was second by Councilman Hammond with Councilman Crowley, Councilman Hammond, Councilman Denmon and Mayor Pro Tem Potts voting affirmatively, motion carried.
5. Mayor Palmer gave the State of the City Address for 2007 as follows:

**2007 STATE OF THE CITY ADDRESS  
JAMES F. PALMER, MAYOR**

I would like to begin by saying thank you for allowing me the opportunity to serve. It is an honor and a privilege and I will always do my best to make decisions that are in the best interest of the City of Calhoun.

I want to thank the Council, Mayor Pro Tem Potts, Councilmen Ray Denmon, George Crowley and David Hammond. They give unselfishly of their time and talents. They have set policy and promoted short-term and long-term planning, worked with staff, department head's and employee's and made 2006 a very successful year.

We remain one of the fastest growing Cities in the State, with a 27.21% population growth in a 5 year period. (July 2000 - 10,867 to July, 2005 - 13,570). Last year we issued 538 building permits for \$21 million of Commercial and Industrial Development and \$18 million of Residential Development.

The elected officials and staff worked with Mac Tec on a new 20-Year Comprehensive Plan that will be coordinated with Gordon County. We held public workshops in October 2006 with over 200 people participating.

The City, County and Industrial Development Authority coordinated efforts for several new industries adding over 300 new jobs and the expansion of several existing industries that resulted in the Retention of over 500 jobs.

Safety for all citizens and visitors to Calhoun continues to be a priority. The fire and police departments are responsible for the protection of over 14 square miles with a service delivery population of approximately 40,000 people daily.

The police department responded to over 55,000 calls through E-911. They made 7,732 cases and issued 5,472 warnings. More importantly, they removed 111 drunk drivers from City streets.

The police department assigned two officers to the Regional Safe Streets Program in coordination with State Agencies and Dalton-Whitfield County Law Enforcement Officers. This Regional approach has proven to be very beneficial to our community.

The fire department responded to 697 calls and provided 438 inspections. They joined other area public safety departments in filing applications for public safety Grants. They were successful and received a grant for over \$1 million dollars from Home Land Security for vehicles and equipment that will allow the communities to respond more efficiently to emergency calls.

Recreational opportunities continue to improve with the renovation and addition of tennis courts for a total of 15 1<sup>st</sup> Class Courts. The soccer program continues to grow and additional professional personnel have been added. Grading and infrastructure work has begun on the 58 acres adjoining the current recreation property.

The Main Street Program provided 4 concerts at the BB&T City Park that brought approximately 15,000 people to downtown area and "A visit with Santa" brought 350 children to the Depot with their parents. Main Street is currently working on Phase II of the Streetscape Program for a portion of Wall Street that will be completed with the aid of a DOT Grant in the amount of \$250,000.00.

The customer service personnel assisted 20,000 customers at City Hall and responded to 4,400 inquiries by telephone monthly. They had a 99.83% collection rate on utility bills.

The electric department purchased over 386 million KWH in 2006. This is an increase of 12.5%, or an additional 44 million KWH's in 5 years. The City is currently working with MEAG to purchase additional generation that will be necessary to meet future demands.

The street department repaved over 4 miles of City streets during the year. That is a total over 40 miles in the last 7 years. The City has repaved 100 of its 325 streets during this period, as a result of SPLOST. They coordinated a City, County and State traffic signal project at the intersection of Harmony Church Road and Highway 156. SPLOST dollars were also used to purchase a new dozer and street sweeper.

Last year the water department treated and sold 4.7 billion gallons of water and set a record for monthly sales in August with 15.8 MGD. This included water pumped from

the Coosawattee River and the Brittany Drive Well Facility. The Spring Connection Project is in design and will be funded by SPLOST dollars. The Mauldin Road Water Plant Improvement Project was completed which provides the possibility of increased capacity.

The Pine Chapel Transmission Line and Booster Pump Project was completed below budget projections and we are now selling wholesale water to Chatsworth and Pickens County.

The sewer department treated over 2.5 billion gallons of waste and made over 189 sewer connections. Work continues on the upgrade of the older portions of the waste treatment plant plan and should be completed in early 2007.

We have successfully worked with the County Commissioners and joint authorities on several projects that has benefited all Gordon County.

I would like to thank the retired County Commissioners for the job they did and their willingness to serve. We will offer our continued assistance and cooperation to the new Board of Commissioners.

This year the millage rate for City M&O taxes is 1.67. This is \$66.80 on a \$100,000.00 house. For this you get police protection, fire protection, garbage services, recreation, parks, animal control, maintenance of streets and right-of-ways and many other services. This year 90¢ of every City and School tax dollar goes to the school and 10¢ goes for City M&O Services.

Calhoun continues to be one of the outstanding cities in Georgia. 2006 was a good year and we expect 2007 to be even better. We will continue to stress long range planning and development in all areas serviced by the City. We will seek improvements and continue to replace our older infrastructure so it does not become a burden on future generations. The City of Calhoun remains dedicated to providing the best services at the least possible cost.

6. Mayor Palmer announced the 2007 appointments of City Council Members for reporting purposes for various departments of the City would be as follows:
  - a. Mayor Pro Tem Potts: Street, Sanitation, Cemetery, Animal Control, Parks, Zoning Advisory Board, Main Street Partnership and Downtown Development Authority
  - b. Councilman Denmon: Water Plant, Sewer Plant, Water Construction, Sewer Construction, Building Inspection
  - c. Councilman Crowley: Electric Department, Telecommunications, Revolving Loan Advisory Commission, and Airport Authority.
  - d. Councilman Hammond: Police, Fire, Coosa Valley Regional Development Center
  
7. Mayor Palmer stated at this time he would ask for a motion regarding of the selection of a Mayor Pro Tem for the calendar year 2007. Councilman Hammond made a motion to appoint Lorene Potts as Mayor Pro Tem for 2007. The motion was second by

Councilman Denmon with Councilman Hammond, Councilman Denmon and Councilman Crowley voting affirmatively, motion carried. Councilman Crowley made a motion to close the nominations. The motion was second by Councilman Hammond with Councilman Crowley, Councilman Hammond and Councilman Denmon voting affirmatively, motion carried and Lorene Potts was selected as Mayor Pro Tem.

- 8-a. Mayor Palmer asked for a motion to appoint City Department Heads for the year 2007. He asked for a motion for the Department Heads for the General Government Division. Councilman Denmon made a motion to appoint the following as Department Heads for the General Government Division for the calendar year 2007.

**General Government Division:**

City Administrator / Clerk / Finance Director - Cathy Harrison  
Director of Public Safety and Public Works - Eddie Peterson  
Police Chief - Garry Moss  
Fire Chief - Lenny Nesbitt  
Street Department Superintendent - Kevin McEntire  
Recreation Director - Ronnie Reeves  
Golf Professional - Eric Stewart  
Superintendent of Golf Maintenance - Harold F. Franklin

The motion was second by Councilman Crowley with Councilman Denmon, Councilman Crowley, Councilman Hammond and Mayor Pro Tem Potts voting affirmatively, motion carried.

- 8-b. Mayor Palmer stated he would entertain a motion regarding the City Department Heads for the Utilities Division for the year 2007. Councilman Crowley made a motion to appoint the following Department Heads for the Utilities Division for the calendar year 2007:

**Utilities Division:**

Director of Utilities - Kelly E. Cornwell  
Director of Water and Sewer - Jerry Crawford  
Water Plant Superintendent - Danny Stephens  
Water Construction Superintendent - Kenneth Logan  
Sewer Plant Superintendent - Carlton F. Rogers  
Sewer Construction Superintendent - Mark Williamson  
Water and Sewer Maintenance Superintendent - Bobby Robertson  
Electric Superintendent - Larry Vickery  
Telecommunications Superintendent - Brad Carrick

The motion was second by Councilman Hammond with Councilman Crowley, Councilman Hammond, Councilman Denmon and Mayor Pro Tem Potts voting affirmatively, motion carried.

9. Mayor Palmer stated at this time he would accept a motion for the selection of City Chaplain for 2007. He stated Dr. Bert Vaughn serves as the current City Chaplain and has served since 1986. Mayor Pro Tem Potts made a motion to reappoint Dr. Bert Vaughn as City Chaplain for 2007. The motion was second by Councilman Crowley with Mayor Pro Tem Potts, Councilman Crowley, Councilman Hammond and Councilman Denmon voting affirmatively, motion carried.

10. Mayor Palmer asked for a motion to appoint the City Attorney for 2007. He stated the current City Attorney is William P. Bailey. Councilman Crowley made a motion to reappoint William P. Bailey as City Attorney for 2007. The motion was second by Councilman Denmon with Councilman Crowley, Councilman Denmon, Councilman Hammond and Mayor Pro Tem Potts voting affirmatively, motion carried.
11. Mayor Palmer asked for a motion to appoint the Municipal Court Judge for 2007. He stated the Honorable Suzanne Hutchinson – Smith currently serves as Municipal Court Judge. Mayor Pro Tem Potts made a motion to reappoint the Honorable Suzanne Hutchinson – Smith as the Municipal Court Judge for 2007. The motion was second by Councilman Denmon with Mayor Pro Tem Potts, Councilman Denmon, Councilman Hammond and Councilman Crowley voting affirmatively, motion carried.
12. Mayor Palmer asked for a motion to appoint the Indigent Defense Attorney for 2007. He stated Ms. Rebecca Paris currently serves in that position. Councilman Crowley made a motion to reappoint Ms. Rebecca Paris as Indigent Defense Attorney for 2007. The motion was second by Councilman Denmon with Councilman Crowley with Councilman Denmon, Councilman Hammond and Mayor Pro Tem Potts voting affirmatively, motion carried.
13. Mayor Palmer stated at this time he would entertain the motion to appoint the Town Marshal for 2007. He stated this position is currently held by Randy Jackson. Councilman Hammond made a motion to reappoint Randy Jackson as Town Marshal for 2007. The motion was second by Councilman Denmon with Councilman Hammond, Councilman Denmon, Councilman Crowley and Mayor Pro Tem Potts voting affirmatively, motion carried.
14. Mayor Palmer stated at this time he would entertain the motion to appoint the Independent City Auditors for 2007. He stated the current auditors are R.M. Dobbs & Co. Councilman Crowley made a motion to appoint R.M. Dobbs & Co. as City Auditors for 2007. The motion was second by Councilman Hammond with Councilman Crowley, Councilman Hammond, Councilman Denmon and Mayor Pro Tem Potts voting affirmatively, motion carried.
15. Mayor Palmer read a proposed Banking Resolution for 2007 as identified as Exhibit “A”. Following review of the Resolution, Councilman Hammond made a motion to adopt the Banking Resolution as presented. The motion was second by Councilman Denmon with Councilman Hammond, Councilman Denmon and Mayor Pro Tem Potts voting affirmatively, motion carried. Councilman Crowley abstained since he is an employee of North Georgia National Bank.
16. Other comments by Mayor Palmer:
  - a. Mayor Palmer reminded everyone of the Martin Luther King, Jr. Celebration that will be held in the Community from January 13-15, 2007. He asked everyone to be aware of the different events and to attend as many as possible.
  - b. Mayor Palmer reminded the Council Members of the Mayor’s Day Training Conference in Atlanta on January 20-22. The Conference is scheduled on the day of a City Council Meeting, therefore, there will not be a Work Session on January

22<sup>nd</sup>. The Regular City Council Meeting will be held on January 22, 2007 at 7:00 p.m.

c. Mayor Palmer asked Mayor Pro Tem Potts to review the public zoning hearings scheduled for February 12, 2007 at 7:00 p.m. as follows:

- 1) A request for annexation and C-2 zoning by Richard Rogers for approximately 78 acres located in Land Lot 153, 178 Gordon County, 15<sup>th</sup> District, 3<sup>rd</sup> Section.
- 2) A rezoning request of C-2 by James Rasbury for 4.58 acres located at 161 Executive Drive.
- 3) A sign variance request by Rave Hospitality d/b/a Long Horn Steakhouse. The request is for a sign variance for the proposed property at the Intersection of GA Hwy 53 and Lovers Lane Road. The variance would be for an additional 349 square feet for the sign and an additional 95 feet for the height.

17. Council Comments:

a. Mayor Pro Tem Potts stated during the month of December 2006:

1) The street department:

- Ran the brush truck, leaf vacuum and street sweeper for their normal routes during December.
- Completed 16 shop work orders.
- Placed 6 new street signs.
- Ran the storm water maintenance plan on December 7, 2006, checking all grates and lines within the City.
- Hauled 15 loads of top soil to the golf course.
- Worked the annual Christmas Parade setting up bleachers and assisted the police department by setting up cones and barricades for road closures.
- Hauled dirt and stone to the City School Bus lot to increase the parking area.
- Cleaned out 3,000 feet of ditch line at the new Recreation Park.

2) The sanitation department:

- Ran their routine commercial routes. They gained 1 six yard dumpster account during the month.

3) The parks and maintenance division:

- Installed a new metal roof on the Fain Cemetery Office and Shop.
- Formed and poured a generator pad at Fire Station #1.

4) The cemetery department:

- Supervised the opening and closing of 11 grave sites.
- Sold 12 new grave spaces.
- Assisted contractors with the setting of 6 new monuments.

5) The animal control division:

- Responded to 39 customer calls.
- Issued 2 first warnings for lease law violations.
- Housed 23 dogs and 7 cats.
- Purchased a new 2007 F-150 Ford Truck for the Animal Control Officer.

6) The safety committee: Topic for the month, "Hand Trucks and Dollies"

- Inspected the water plant on December 12, 2006.
- Reported 1 vehicle accident during the month.

b. Councilman Denmon stated during the month of December:

- 1) The water treatment plant facility:
  - Pumped and daily average of 11.419 million gallons of raw water per day during the month of December.
  - The Brittany Drive Plant produced 40.5% of the City's potable water.
- 2) The water construction department:
  - Made 18 water connections.
  - Changed out 17 new water meters.
  - Repaired 39 leaks.
  - Installed 900 feet of 12 inch duct iron pipe and 900 feet of 8 inch pvc water line.
  - Set 44 meters.
  - Installed 3 fire hydrants.
  - Responded to 42 calls at the shop.
  - Provided 446 locates for developers and others.
  - Called in 72 locates for City activity.
  - Responded to 117 miscellaneous calls for service.
- 3) The waste treatment plant:
  - Treated a daily average flow of 5.139 million gallons per day.
  - Average BOD effluent was 7.
  - Average suspended effluent 11.
  - Average COD effluent of 62.
- 4) The sewer construction department:
  - Made 7 sewer connections.
  - Repaired 9 sewer service lines.
  - Repaired 3 sewer manholes.
  - Inspected 13 sewer services for a total of 1,250 feet.
  - Assisted developers with 256 locates.
  - Repaired 2 lift stations.
  - Responded to 4 sewer calls.
  - Cleaned 8 sewer lines for a total of 2,400.
  - Opened and inspected 26 manholes.
  - The work at the intersection at Newtown Road and Red Bud Road is 99% complete as of December 8, 2006.
- 6) The building inspection department:
  - Issued 42 permits during the month for an estimated cost of \$3.982 million dollars for construction.
- 5) The sludge department:
  - Applied 1,616 cubic yards of sludge for a total of 197.352 dry tons.

c. Councilman Crowley stated:

1) The electric department during the month of December:

- Continued working on long term projects, such as the Waste Treatment Plant, Pine Chapel pump controls and associated SCADA installation.
- The System Protection Project continues in its second year and the System Capacitor Project phase I, is complete and phase II will include switched capacitors in various areas.
- Projects and maintenance under construction include the Annex building for remodeling and rewiring, East Line Commons by Stepp Construction, Avalon Estates Subdivision on Beamer Road and the Waterford Condo's on Barrett Road.

Projects in engineering and design include:

- Tires Inc.
- Calhoun OBGYN Association on Curtis Parkway.
- The electric department is assisting the Georgia DOT with several locations for signal design and replacement.
- Completed 71 street and security lighting projects.
- 30 new business and maintenance requests.
- Responded to 12 after hour call outs.
- Issued 12 permits.
- Provided 33 inspections.
- Set 8 meters.
- Purchased almost 26 million KWH of electricity from the wholesaler.

2) The telecommunications department:

- Completed an Internet connection at Mannington.
- Completed construction on a T1 and 10 Meg Ethernet connection for Apache Mills.
- Signed an agreement for Century Bank that will connect between Cartersville and Calhoun's Branches.
- Installed a new internet connection for Starr-Mathews Insurance Agency.
- Opened 11 work orders and completed 11.
- Opened and completed 4 trouble calls.

d. Councilman Hammond stated during the month of December the police and fire reports were as follows:

1) The police department:

- Made 651 cases including 100 for speeding, 12 for DUI's and 494 others.
- Collected \$70,001.00 for fines in previous cases.
- Issued 419 citations.
- Responded to 84 highway accidents and 39 private property accidents with 4 injuries and no fatalities.
- Provided 82 escorts.
- Worked 1,295 incident reports.
- Responded to 216 alarms.
- Patrolled 43,168 miles.
- Responded to 4,463 calls for service from E-911.
- Issued 113 parking citations.

- 2) The fire department:
- Responded to 68 calls for service including 5 for fire incidents for estimated damages of \$4,000.00.
  - Responded to 31 emergency medical services, accidents and rescue incidents, with 36 injuries and no fatalities, 11 hazardous condition incidents, 3 service calls, 3 good intent, responded to 14 false alarms and 1 special incident call.

Other department activities:

- 143 phone calls for After Hours Utilities were received and dispatched.
- Worked with police department at the annual Christmas Parade.
- Completed in house training during the month for all firefighters on State required core skills.
- Completed all station and vehicle maintenance.

- 3) The fire inspection division:
- Provided 78 inspections during the month, including 16 annual, 14 new businesses, 14 requested, 45 follow up and 4 burn site inspections.
  - Attended North Georgia Code Officials meeting.
  - Conducted Fire Department Public Safety Awareness Programs.
  - Conducted a Christmas Safety Coloring Book contest at Calhoun Primary for Kindergarten and First Grade.

18. Public hearings and Comments:

- a. Mayor Palmer announced at this time the public hearing on zoning matters. He stated the public would have an opportunity to make pro and con comments with a ten-minute maximum time limit for each side of the matter and with each person speaking having filed a Financial Disclosure Statement five days prior to the hearing if required, and each person providing their name and address before speaking. Mayor Palmer inquired if any member of the Council needed to file a disclosure statement regarding ownership or special interest in the agenda item. Councilman Crowley stated he had an interest in items 2 and 3. He would abstain from any activity on those items. Mayor Palmer stated the City zoning maps are on display for everyone to review. He stated a copy of criteria regarding zoning matters is included in the information provided for the Council.

**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 the 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 stated the first item was a second request for an annexation by Terry Brumlow, for 28.625 acres located in Land Lots 274 and 303, 14<sup>th</sup> District, 3<sup>rd</sup> Section of Gordon County, south of Kentucky Fried Chicken. He stated the City had received a written request from the Attorney requesting the matter be tabled until February 8, 2007 for the Zoning Advisory Board Meeting and February 12, 2007 for the City Council Meeting in order for the applicant to review the findings of the Zoning Review Committee.  
Mayor Pro Tem Potts made a motion to table the matter for the City Council until February 12, 2007 at 7:00 p.m. The motion was second by Councilman Crowley with Mayor Pro Tem Potts, Councilman Crowley, Councilman Denmon and Councilman Hammond voting affirmatively, motion carried.
- 2-3) Mayor Palmer stated item 2 and item 3 were reviewed together by the Zoning Advisory Board. Both items were requested by North Georgia Bank, Donna McEntyre agent for Ethel Gilreath Estate/Lane Bearden, Laural Bearden, and D. Lynn Bearden. Item 3 is for Pauline Davis/ Reed Davis, POA the request is for approximately 1 acre located at 1131 Dews Pond Rd for rezoning both parcels from Residential to C-2.
  - a. Mayor Palmer inquired if the notices to the adjoining property owners, signs on the property and notices to the local legal organ had been completed.
  - b. Administrator Harrison stated the first two items, the notices to adjoining property owners and signs on the properties had been completed, however, the two items had not be finalized by email to the local legal organ and when this had been discovered the notices were resent for publication. The publish time extended beyond January 8, 2007 making it necessary for the items to be held for the January 22, 2007 Council Meeting.
  - c. Mayor Palmer stated these two items would be held over and opened for public hearings on January 22, 2007 at 7:00 p.m.

- 4) Mayor Palmer stated the final item is a request for annexation and C-2 zoning by Mahendra Patel for 1.38 acres located at 1033 Fairmount Highway. Mayor Palmer stated the items will be considered initially for the public hearing and the report from the Zoning Advisory Board, however, they will be voted on as separate items.
- a. A public hearing was opened.
  - b. Administrator Harrison reported the notices to the adjoining property owners, signs on the property and notices to the local legal organ had been completed.
  - c. Mayor Palmer asked for a report from the Zoning Advisory Board. Mayor Pro Tem Potts stated the Zoning Advisory Board had heard this matter on January 4, 2007 at 4:30 p.m. and the Board had determined the property is surrounded by other City property and C-2 zoning is in the immediate area.
  - d. Mayor Pro Tem Potts stated it was the recommendation of the Zoning Advisory Board to recommend annexation and C-2 zoning
  - e. Mayor Palmer asked if there were any questions or comments by the applicant or by the public. There were none. He asked if there were any questions by the Council regarding the application. The Council inquired if the documentation, requested by the Zoning Advisory Board, had been received. Administrator Harrison confirmed the information had been received and made a part of permanent file. Mayor Palmer asked if there were any additional questions. There were none.
  - f. The hearing was closed.
  - g. Mayor Palmer asked for a motion regarding the request for annexation for 1.3 acres at 1033 Fairmount Highway by Mahendra Patel. Mayor Pro Tem Potts stated based upon the findings and the recommendation of the Zoning Advisory Board she would make a motion to annex the property as stated. The motion was second by Councilman Crowley with Mayor Pro Tem Potts, Councilman Crowley, Councilman Denmon and Councilman Hammond voting affirmatively, motion carried.
- 4b) Mayor Palmer asked for a motion regarding the request for C-2 zoning of the before mentioned property.
- h. Mayor Pro Tem Potts stated the findings of the Zoning Advisory Board were as follows:

**The findings of the Mayor and Council were:**

**STANDARDS GOVERNING THE EXERCISE OF ZONING POWER**

- 1) The zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.
- 2) The zoning proposal will not adversely affect the existing use or usability of adjacent or nearby property.
- 3) The property to be effected by the zoning proposal has a reasonable economic use as currently zoned in the unincorporated part of the county.
- 4) The zoning proposal will not have an excessive burden on existing streets, schools or utilities since it has been previously developed.
- 5) Development costs were paid by the developer at the time of construction.
- 6) The zoning proposal is in conformity with the policy and intent of the land use plan.
- 7) There are no other existing or changing conditions effecting the use and development of the property which supports grounds for approval or disapproval.

8) There are no other factors relevant to balancing the interest and promoting the public health, safety morality or general welfare against the right to the unrestricted use of the property.

- i. Mayor Pro Tem Potts stated she would waive the third and fourth reading and make a motion to approve the request for zoning of C-2 for the 1.3 acres located at 1033 Fairmount Highway as requested by Mahendra Patel. The motion was second by Councilman Denmon with Mayor Pro Tem Potts, Councilman Denmon, Councilman Crowley and Councilman Hammond voting affirmatively, motion carried.

19. Other Hearings and Public Comments: None.

20. Old Business: None.

21. New Business:

- a. Mayor Palmer gave a first reading of a beer and wine package license by Wal-Mart Superstore, Food Division at 450 West Belmont Drive with Linda Maples as the Authorized Agent. He stated the earliest date for a public hearing will be February 12, 2007 at 7:00 p.m. Councilman Hammond made a motion to set the public hearing for that date and time. The motion was second by Councilman Crowley with Councilman Hammond, Councilman Crowley, Councilman Denmon and Mayor Pro Tem Potts voting affirmatively, motion carried.
- b. A request for property exchange between the City of Calhoun and Raymond H. and Eva Bagwell. The property in question is 8 feet on the west side of the City Annex Building at 700 West Line Street and a small portion of property at the southwestern part of the tract that protrudes out, adjoining the Bagwell property. The small protruding tract is owned by the City and can be exchanged for the 8 feet on the west side of the Annex Building and extending back the length of the City property. Mayor Palmer explained that both properties are land locked and an appraiser had determined they are of equal value. He stated the item had been advertised. The exchange of property will allow the City to increase its parking space and provide a drive around the facility to allow better access by the public. Attorney Bailey stated Mayor Palmer had reviewed the situation correctly. The exchange of property had been advertised four times as required by the code. He stated both tracts had been appraised and it is appropriate for the Mayor and Council to consider a motion to allow transfer of deeds. Councilman Crowley made a motion to authorize the transfer of deeds and authorize the Mayor to sign the Warranty Deed from the City to Mr. and Mrs. Bagwell. The motion was second by Councilman Denmon with Councilman Crowley, Councilman Denmon, Councilman Hammond and Mayor Pro Tem Potts voting affirmatively, motion carried. (Exhibit "B")
- c. Mayor Palmer gave a first reading of a request for annexation and zoning of PRD by Russell Owen for approximately 19.7 acres located at 103 Cypress Street, NE, Calhoun off of Tate Bend Road. He stated the earliest date for a public hearing will be March 12, 2007 at 7:00 p.m. Mayor Pro Tem Potts made a motion to set the public hearing for that date and time. The motion was second by Councilman Crowley with Mayor Pro Tem Potts, Councilman Crowley, Councilman Denmon and Councilman Hammond voting affirmatively, motion carried.

- d. Mayor Palmer gave a first reading of a variance request for setbacks by George Russell for property located at 519 Pine Street, Calhoun. The request is for a variance of 17 foot at the rear of the property. He stated the earliest date for a public hearing will be March 12, 2007 at 7:00 p.m. Mayor Pro Tem Potts made a motion to set the public hearing for that date and time. The motion was second by Councilman Denmon with Mayor Pro Tem Potts, Councilman Denmon, Councilman Crowley and Councilman Hammond voting affirmatively, motion carried.
  - e. Mayor Palmer gave a first reading of a rezoning request by Tim and Susan McGowan for 1.04 acres located at 381 Old Dalton Road, Calhoun. The request is to rezone from Industrial to C-2. He stated the earliest date for a public hearing will be March 12, 2007 at 7:00 p.m. Councilman Crowley made a motion to set the dates for the public hearing for that date and time. The motion was second by Councilman Hammond with Councilman Crowley, Councilman Hammond, Councilman Denmon and Mayor Pro Tem Potts voting affirmatively, motion carried.
22. Other written items not on the agenda:
- a. Mayor Palmer gave a first reading of a request for annexation and Industrial zoning by James F. Ledbetter, Attorney acting on behalf of Oostanula Properties, Inc. for approximately 39.27 acres located at 742 McDaniel Station Road, Calhoun. He stated the earliest possible date for a public hearing for the annexation and Industrial zoning would be March 12, 2007 at 7:00 p.m. Mayor Pro Tem Potts made a motion to set the public hearing for that date and time. The motion was second by Councilman Denmon with Mayor Pro Tem Potts, Councilman Denmon, Councilman Hammond and Councilman Crowley voting affirmatively, motion carried.
23. Work Reports:
- a. Director of Utilities Kelly Cornwell stated there will be a Special MEAG Meeting on January 29, 2007 from 9:00 am until noon. The meeting will be held in Cartersville, Bartow County regarding the additional generation power that is being proposed by Georgia Power and MEAG. MEAG Cities will have opportunities to purchase additional generation power. He reminded everyone of the importance of this meeting and asked each member of the Council and Staff to attend.
  - b. Director of Utilities, Kelly Cornwell stated the City has an opportunity to purchase a small tract of property to allow access for the water line to the water reservoir off Timber Hollow Road. The property is valued at \$8,810 per acre and the cost of the property for 1.43 acres would be \$12,598.30. He stated he would recommend the money to be deducted from the recent sale of property in Plainville from a previous abandoned water tank site. He stated the request would be subject to a title opinion by Attorney Bailey. Following discussion, Councilman Hammond made a motion to authorize the purchase of the 1.43 acres for \$12,598.30 off Timber Hollow Road with the understanding the purchase price of the site would be deducted from the proceeds of the former tank site sale in Plainville. The proposal would be subject to a clear title opinion from Attorney Bailey. The motion was second by Councilman Crowley with Councilman

Hammond, Councilman Crowley, Councilman Denmon and Mayor Pro Tem Potts voting affirmatively, motion carried.

- c. Director of Public Safety and Public Works, Eddie Peterson. No report.
- 24. Mayor Palmer inquired if it was necessary to move to Executive Session, the response was negative.
- 25. Mayor Pro Tem Potts made a motion to adjourn, second by Councilman Denmon with Mayor Pro Tem Potts, Councilman Denmon, Councilman Crowley and Councilman Hammond voting affirmatively, motion carried.

Approved:

Submitted:

---

James F. Palmer, Mayor

---

Cathy Harrison, City Administrator