

**CITY OF CALHOUN**  
Regular City Council Meeting  
Depot Community Room  
109 South King Street  
June 8, 2009 - 7:00 P.M.

**Present:** James F. Palmer, Mayor  
George Crowley, Mayor Pro Tem  
Ray Denmon, Councilman  
Al Edwards, Councilman  
David Hammond, Councilman

**Also:** Eddie Peterson, City Administrator  
Garry Moss, Police Chief  
Jerry Crawford, Water/Sewer Director  
William P. Bailey, Attorney

1. Mayor Palmer called the meeting to order and welcomed everyone in attendance.
  - A. Councilman Edwards gave the invocation.
2. Mayor Palmer led the Pledge of Allegiance to the United States Flag.
3. Councilman Denmon made a motion to approve the proposed agenda. Councilman Crowley seconded the motion. All voted aye.
4. Mayor Palmer ask that the approval of minutes dated May 11, 2009 and May 18, 2009. Councilman Hammond made a motion to approve both sets of minutes. Councilman Crowley seconded the motion. All voted aye.
5. **Mayor's Comments:**
  - A. **Councilman Edwards made a motion to move the regular Council meeting of June 22, 2009 to June 15, 2009 due to the annual Georgia Municipal Association meeting scheduled for June 20 - 23, 2009. Councilman Denmon seconded the motion. All voted aye.**
  - B. Mayor Palmer recognized Councilman David Hammond's recent nomination and selection as First Vice President for the Georgia Municipal Association's District One. Mayor Palmer remarked on Councilman Hammond's hard work and dedication to Calhoun and the best interest of 502 other member cities in Georgia.

## 6. Council Comments:

- A. The monthly departmental reports were given by Councilman Edwards, Denmon, Crowley, and Hammond. Councilman Hammond noted that the Coosa Valley Regional Development Center was being dissolved and a new Commission was formed which includes the North Georgia Regional Development Center. The new 15 county organization will be known as the Northwest Georgia Regional Planning Commission and begins operations July 1, 2009.

## 7. Public Hearings:

Mayor Palmer stated at this time the public hearing on zoning matters will be held. The public will have the 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 giving their name and address and with each person speaking having filed a financial disclosure statement five days prior to the hearing if required. Mayor Palmer ask if any elected official has filed or needed to file a disclosure statement regarding any ownership or special interest in the agenda items.

All Council members stated they had no personal interest in any of the agenda items. Mayor Palmer stated that his son-in-law, Rick Brown, was a party to the annexation and C-2 zoning request of the SunTrust Bank 67.337 acres located at I-75 and SR 225. Mayor Palmer said he would conduct the hearing but would have no input or vote should there be a tie situation. Mayor Palmer stated that the land use and zoning maps are on display at the City Council Chambers for both the Zoning Advisory Board and the City Council hearings and the Council members have a copy of the Zoning Minutes from the latest Zoning Advisory Board meeting.

A. Mayor Palmer read the request for a zoning change from C-2 to a Wireless Facility tower site on 8 acres located at 805 Curtis Parkway by T-Mobile South, LLC.

- The Public Hearing was opened
- Peterson stated the hearing date and time signs were on the property, notices to the adjoining property owners and notices to the local legal organ were completed.

Councilman Edwards reviewed the Zoning Advisory Boards findings and recommendation to the Mayor and Council. Councilman Edwards stated that the ZAB recommended a change from C-2 to a Wireless Facility tower site.

Mr. Lannie Green, 4 Concourse Parkway, Suite 300, Atlanta, Ga., represented T-Mobile South, LLC. Mr. Green explained the process for siting a tower and stated that T-Mobile met all City requirements. There were no other comments. Mayor Palmer closed the public hearing.

**Councilman Edwards made a motion to approve the request from T-Mobile South LLC., for a change from C-2 to a Wireless Tower Facility for 8 acres located at 805 Curtis Parkway, Calhoun, Georgia. Councilman Denmon seconded the motion. All voted aye.**

B. Mayor Palmer read a request from James E. Warren for a 10 foot rear setback to build a 48 square foot house addition for a location of 125 Brandon Court.

- The Public Hearing was opened.
- Peterson stated the hearing date and time signs were on the property, notices to adjoining property owners and notices to the local legal organ were complete.

Councilman Edward reviewed the Zoning Advisory Board findings and recommendation to the Mayor and Council. Councilman Edwards stated the ZAB recommended the 10 foot rear setback variance be granted to Mr. Warren.

There were no other comments. Mayor Palmer closed the public hearing. **Councilman Edwards made a motion to approve a 10 foot rear setback to build a 480 square foot house addition at a location of 125 Brandon Court, Calhoun, Ga. Councilman Denmon seconded the motion. All voted aye.**

C. Mayor Palmer read a request for annexation and zoning of C-2 for 67.337 acres at I-75 and SR 225 as presented by SunTrust Bank.

- The Public Hearing was opened.
- Peterson stated the hearing date and time signs were on the property, notices to the adjoining property owners and notices to the local legal organ were complete.

Councilman Edwards reviewed the Zoning Advisory Board findings and recommendations to the Mayor and Council. Councilman Edwards stated the ZAB recommended annexation and zoning of C-2, without comment on the Echota Historic Overlay District requirements, for the 67.337 acres as submitted by SunTrust Bank.

Mr. John Fortin, 226 Hillcrest Drive, Calhoun, Georgia asked to speak on behalf of SunTrust Bank, the trustee for the current property owners. Mr. Fortin emphasized there were no development plans for the property at this time and request the Mayor and Council honor the recommendation of the ZAB. Mr. Fortin ask the Mayor and Council not to table or delay the official action on the pending annexation and zoning request.

Mr. Rick Brown, 210 ½ Victory Drive, Calhoun, Georgia stated that the Family wanted to bring the property into the City of Calhoun for long term planning purposes. Again, there are no plans for development at this time. Mr. Brown objected to the Echota Historic Overlay District requirements imposed by Gordon County due to restrictions on many

areas of development. He felt the Trust and Family would be placed in an unfair and less competitive position for development when compared to other interstate interchanges that did not have historic restrictions. Mr. Brown remarked that the Trust and Family requested a level playing field and that 5 acres of the property had been donated as a buffer and green space for the adjoining property owners in the past.

Mrs. Cindy Brown, 174 Langston Drive, Calhoun, Georgia asked about the 15 percent reduction of forest property and felt the historic value of the area was of prime importance.

Mr. Keith West, 300 Langston Drive, Calhoun, Georgia asked about the Echota Historic Overlay District and requested the Mayor and Council to table the matter for further study.

Mr. Scott Hammontree, 143 Langston Drive, Calhoun, Georgia was concerned on what type of structures could be constructed on the site. Mayor Palmer explained the zoning process and that no industrial construction could occur in C-2 zoned property.

Mrs. Judy Bailey, Gordon County Commissioner, stated she was at the meeting to answer any questions about the Echota Historic Overlay District and the process that Gordon County had gone through to designate the property as commercial with certain restrictions. Commissioner Bailey remarked that the historic value of the area should be protected and was concerned that there were no plans from SunTrust on the development or sale of the property. Mrs. Bailey ask if the Mayor and Council did annex and zone the property C-2 that the Gordon County Echota Historic Overlay District requirements follow the process into the City.

There were no other comments. Mayor Palmer closed the Public Hearing.

**Councilman Edwards made a motion to annex 67.337 acres at I-75 and SR 225 as presented by SunTrust Bank to the Mayor and Council. The motion died for lack of a second.**

Councilman Crowley stated that the City of Calhoun has been placed in an awkward situation due to the fact that the City was not involved in the Echota Historic Overlay District process and that annexation and zoning by the City, of this property, would raise many questions and issues that have not addressed in the past and would be difficult to resolve if annexation and zoning were approved.

**Councilman Crowley made a motion to deny annexation of 67.337 acres at I-75 and SR 225 as presented by SunTrust Bank to the Mayor and Council. Councilman Hammond seconded the motion. Councilman Crowley, Hammond, and Denmon vote aye. Councilman Edwards voted no.**

Mayor Palmer explained that the zoning request for SunTrust and the annexation and

zoning request by Mr. Paul Lusk for 5.07 acres at I-75 and SR 225 were no longer eligible for consideration due to the denial of the annexation for SunTrust.

D. Mayor Palmer opened the Public Hearing on the changes and updates to the Official City of Calhoun Zoning Map. Mayor Palmer stated that the Official Map is on display at the Council Chambers at the Depot every business day. Mayor Palmer also commended the Calhoun GIS Department and Building Inspectors Office for their hard work on updating and presenting the new map. There were no other comments. The Public Hearing was closed.

**Councilman Crowley made a motion to approve the Official Zoning map, as revised March 2009. Councilman Edwards seconded the motion. All voted aye.**

E. Mayor Palmer opened the second Public Hearing on the 2009 - 2010 City of Calhoun Budget.

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City Administrator Peterson reviewed the proposed General Fund budget. Peterson gave an overview of the budget which included; revenues, fund balances, special funds, departmental budgets, debt service, proprietary funds, and enterprise funds. Peterson also presented recommendations on property tax rates and solid waste rates. (Copy attached) This concluded the second of two required public hearings.

Utility Director Cornwell reviewed the proposed Utility Fund budget. Cornwell discussed various departmental objectives and provided explanations of total expenses and revenues.

School Board Chairperson Atkinson reviewed the 2009 - 2010 school budget. Superintendent Michele Taylor gave additional information on expenses, revenues, possible millage rate, and funding from state and federal sources.

Mayor Palmer and the entire Council commended the school board, Dr. Taylor, and Don Hood for their hard work and dedication in extremely difficult times.

Debra Ginter expressed her concerns about the state of the economy, tax rates, and spending by government. Mayor Palmer express the same concerns and assured Mrs. Ginter that extreme measures had been taken in this years budgets as far as manpower, capital equipment, reserves, and minimizing tax rates. Mayor Palmer stated that the property tax rate is projected and the City will not know until the 2009 property digest is submitted by the Tax Assessors's Office what exact millage would be required.

## 8. New Business

B. Mayor Palmer read the first of two readings for a Beer Package License for La Costena

Min Market with Cleopatra Alvarez at 609 North Wall Street. The Public Hearing date is set for July 27, 2009. **Councilman Hammond made a motion to set the public hearing date. Councilman Crowley seconded the motion. All voted aye.**

C. Mayor Palmer read the first of two readings for a Taxi License request by Migual a Catalan d/b/a Old American Taxi for the location of 910 North Wall Street. **Councilman Denmon made a motion to set the public hearing. Councilman Crowley seconded the motion. All voted aye.**

12. Work Reports:

Director Cornwell reported on the utility charge offs for 11 months and one week of 2008 - 2009.

There being no other business Councilman Hammond made a motion to adjourn. Councilman Denmon seconded the motion. All voted aye.