

**CITY OF CALHOUN  
REGULAR CITY COUNCIL MEETING  
DEPOT COMMUNITY ROOM  
109 SOUTH KING STREET  
CALHOUN, GA  
MARCH 12, 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 Safety/Public Works  
Cathy Harrison, City Administrator**

1. Mayor Palmer called the meeting to order and welcomed everyone in attendance.
2. Mayor Palmer gave the invocation.
3. Mayor Palmer led the group in the Pledge of Allegiance to the United States Flag.
4. Councilman Crowley made a motion to approve the minutes of the February 26, 2007 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. Mayors Comments:
  - a. Mayor Palmer stated the public hearing for Jeff Knight for a beer package license for 461 Harris Beamer Road, Calhoun, GA., (Formerly known as Ray's Grocery) will be held on March 26, 2007 at 7:00 p.m.
  - b. Mayor Palmer stated the public hearing for the request by Gordhanbhai G. Patel for a beer and wine package license for Ramada Motel at 1204 Red Bud Road would be held on March 26, 2007 at 7:00 p.m. He stated the state allows City's to consider package license for motel's to sell only to registered guests.
  - c. Mayor Palmer stated the GMA nominations for the Key Citizen Award and the Municipal Hall of Fame Awards must be submitted to GMA by April 9, 2007. Mayor Palmer stated due to the assistance State Representative, John Meadows III, has provided to the City, he would recommend that he be nominated by the City of Calhoun for the GMA Key Citizen Award. The Council conquered.
  - d. Mayor Palmer expressed appreciation to members of the West Calhoun Community for their attendance and strong support of a proposal for a CDBG Block Grant for addressing infrastructure and housing improvements in the area. He stated the public hearing was held at McConnell Road on February 27, 2007 and it was very well attended.
  - e. Mayor Palmer stated a request had been filed by the Alzheimer's "Forget Me Not" Parade on Saturday, October 20, 2007 at 11:00 a.m. on the traditional route. Councilman Hammond made a motion to approve the request for that date and time subject to DOT approval. The motion was second by Councilman Crowley with Councilman Hammond, Councilman Crowley, Councilman Denmon and Mayor Pro Tem Potts voting affirmatively, motion carried.

- f. Mayor Palmer stated a parade request had also been filed by “United for a Drug Free Community” for Saturday, April 28, 2007 at 12:00 noon on a special route. Councilman Crowley made a motion to approve the request for that date and time on the special route, subject to DOT approval. The motion was second by Councilman Denmon with Councilman Crowley, Councilman Denmon, Councilman Hammond and Mayor Pro Tem Potts voting affirmatively, motion carried
  - g. Mayor Palmer asked Mayor Pro Tem Potts to review the public zoning hearing scheduled for April 9, 2007 at 7:00 p.m.
    - 1) A variance request by North Georgia National Bank, Donna McEntyre authorized agent to allow a mobile unit on the construction site to serve as an office until permanent facility is complete at 1125-1131 Dews Pond Road, SE, Calhoun. (Approximately 24-36 months)
6. Council Comments:
- a. Mayor Pro Tem Potts stated:
    - 1) The Street Department:
      - Ran the brush truck, leaf vacuum and street sweeper on routine routes.
      - Placed 24 new street signs.
      - Completed 26 shop work orders.
      - Ran the storm water maintenance plan on February 9<sup>th</sup> checking all grates and pipes.
      - Completed the base work, paving and striping on Welco Lane.
      - Worked the first snow of the winter, putting down 12 loads of salt and gravel on City streets.
      - Worked with grade-all digging out ditches on McGinty Drive, North Industrial Blvd, Jolly Road and Kirby Road.
      - Hauled stone and graded a 120x 60 foot pad for transformer storage at the Electric Department.
      - Planted 10 Leland Cypress and 4 Magnolia Trees at the Clarence Harris River Park electrical substation.
      - Dug out and patched on Woodland Drive, North Drive, Old Belwood Road, Heritage Hills Condo’s and the back lot at Gordon Hills Shopping Center using 22.86 tons of asphalt.
      - Removed 75 foot of damaged sidewalks and re-poured them at the animal shelter.
    - 2) The Sanitation Department:
      - Ran commercial routes.
      - Serviced vehicles.
      - Gained one, 4-yard and one, 8-yard dumpster accounts.
    - 3) The Parks and Maintenance Department:
      - Grounds crew picked up litter, raked leaves, and maintained fountains at all City departments and parks.
      - Completed maintenance jobs at Downtown Annex, Library and the Municipal Court.
      - They painted block filler primer on the inside and outside of the new tennis court building.
      - Painted the inside and rails of the Train Caboose at the Depot.
      - Plumbed in a new bathroom at the Water Treatment Plant.

- Reconstructed a lean-to type shed at the Police Department CID Building.
- 4) The Cemetery Department:
    - Provided routine maintenance at Fain and Chandler Cemetery.
    - Supervised the opening and closing of 8 grave sites.
    - Sold 14 new grave spaces.
    - Contractors set 6 new monuments.
  - 5) The Animal Control Department:
    - Housed 31 dogs and 15 cats.
    - Responded to 39 customer calls.
    - Issued one leash law warning.
  - 6) The Safety Committee: Topic for the month was “Computer Work Stations”
    - Inspected the Street and Cemetery Department.
    - One vehicle accident.
- b. Councilman Denmon stated:
- 1) The Water Treatment Plant Facility:
    - Pumped a total of 348 million gallons for an average of 12.432 million gallons per day.
    - The Brittany Drive Plant produced 34.8% of the City’s potable water.
  - 2) The Water Construction Department:
    - Made 26 water connections.
    - Changed out 7 new water meters.
    - Repaired 37 meter leaks.
    - Installed 1,040 feet of PVC water line, 760 feet of 2-inch pvc line.
    - Set 55 new meters.
    - Installed 1 fire hydrant and repaired 1 fire hydrant.
    - Responded to 26 shop calls.
    - Provided 397 locates for developers and others.
    - Called in 75 locates for City work.
    - Responded to 15 emergency locates that had been called in.
    - Received 158 miscellaneous calls checked.
  - 3) The Waste Treatment Plant:
    - Pumped a daily average flow of 6.292 million gallons per day with an average BOD effluent of 9, average suspended effluent 12, and average COD effluent of 64.
  - 4) The Sewer Construction Department:
    - Made 13 sewer connections.
    - Repaired 10 sewer service lines.
    - Repaired 3 manholes.
    - Inspected 14 sewer lines for a total of 1,691 feet.
    - Inspected 16 sewer services for a total of 1,450 feet.
    - Provided 298 locates.
    - Repaired 2 lift stations.
    - Responded to 6 service calls.
    - Cleaned 18 sewer lines for a total of 6,300 feet.
    - Opened and inspected 35 manholes.

- 5) The Sludge Department:
    - Applied 2,064 cubic yards of sludge for a total of 225.9 dry tons
  - 6) The Building Inspection Department:
    - Issued 75 permits for a total estimated construction cost of \$3.148 million dollars.
- c. Councilman Crowley stated:
- 1) The Electric Department long term projects:
    - Work on the Pine Chapel pump controls and associated SCADA.
    - Continue work on the old clarifiers and thickeners at the Waste Treatment Plant.
    - Continued work in the System Protection Project, now in its 2<sup>nd</sup> year and the System Capacitor Project, phase I is complete. Phase II will include switched capacitors in various areas.
- Projects in maintenance under construction:
- Construction continues work at the Annex, remodeling and rewiring.
  - Replaced poles in the McConnell Rd. area in west Calhoun.
  - Completed transfer of lines on Barrett Rd and the Dews Pond Rd. junction pole.
  - Began installation of Lighting for two fields at the Recreation Department.
  - Underground construction of East Line Street Commons by Stepp Construction is underway.
  - The Avalon Estates Subdivision on Beamer Rd. is in final design
  - Completed grade work for Recreation's new Tennis Building.
  - The new 1,500 Kw expansion for Tires, Inc.'s is under construction.
  - The addition for DHM, Inc. is near completion.
- Projects in engineering and design:
- New additions on McConnell Road for Recreation.
  - Calhoun OBGYN facility on Curtis Pkwy.
  - Streetscape project in downtown Calhoun.
  - Relocation for Georgia DOT intersection improvement projects.
- Work orders in process or completed for February:
- Street and security lighting- 29
  - New business and maintenance- 35
  - After hours trouble callouts- 11
  - Issued 10 permits.
  - Performed 48 electrical inspections.
  - Set 7 meters.
  - Purchased over 30 million KWH of electricity.
- Telecommunications section:
- Spliced fiber for Gordon County's internet service at their new Hwy. 41 North, Jail and Firehouse Facilities.
  - Completed the splicing of Fiber and Copper services to the Utilities Administration Building.
  - Finished construction of fiber line and set-up internet service for Coble Elementary School.
  - Moved American Imaging and Georgia Cumberland Academy internet connections to new equipment freeing up four fibers for future use.
  - Signed an agreement Georgia Cumberland Academy for internet access to all faculty homes on campus.
  - Opened 5 work orders and completed 5. Opened 11 and closed 8 trouble calls.

d. Councilman Hammond reviewed the following reports:

1) The Police Department:

- Made 700 cases including 135 for speeding and 6 for DUI's.
- Issued 630 warnings.
- Collected \$97,809.50 in fines.
- Responded to 42 highway accidents.
- Responded to 29 private property accidents with 3 injuries and no fatalities.
- Provided 107 escorts.
- Issued 1,491 incident reports.
- Responded to 176 alarms.
- Patrolled 49,849 miles.
- Responded to 4,960 service calls from E-911.
- Issued 48 parking citations.

2) The Fire Department:

- Responded to 62 calls for service including 9 fire incidents with estimated damages of \$219,500.00
- Responded to 23 emergency medical services with 19 injuries and 1 fatality, 14 hazardous condition incidents, 1 service call, 2 good intent calls, 11 false alarms and 2 special incident calls.
- Responded to 67 phone calls for after hour utility services.
- Assisted with the fire drill for Calhoun Middle School.
- Conducted training for Sewer Plant employees on breathing gear.
- Completed in-house training on firemen on their state required core skills.
- Completed all scheduled station and vehicle maintenance.

3) The fire inspection division:

- Provided 47 inspections during the month including 11 annual, 11 new businesses, 5 requested, 16 follow up re-inspections, 17 consultations, 2 commercial burn site inspections and 2 plan reviews.
- Issued 1 sprinkler permit at Foam Products.
- Issued 2 commercial burn permits.
- Conducted a Plan Review Meetings with contractors for Kane Carpets and Calhoun OBGYN Clinic.
- Attended City Court for citations that had been written.

Councilman Hammond stated he had attended 2 special Coosa Valley RDC meetings:

- Reviewed Comprehensive Plans including Transportation. He stated the state is encouraging Regional Projects, especially in the area of transportation.
- Historical Re-Districting.
- Discussions regarding diversification in the manufacturing base for the Region.
- Hotel/Motel expansion in the Region.
- Projections for industrial development will increase by 55% between now and 2025.

7. Public Hearings and Comments:

a. Mayor Palmer announced at this time the Mayor and Council would hear zoning matters. 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 and with each person speaking having filed a Financial Disclosure Statement five days prior to the hearing

if required and each person giving their name and address. Mayor Palmer inquired if any of the elected officials had filed or needed to file a disclosure statement regarding ownership or special interest in any of the agenda items. The response was negative. Mayor Palmer stated the land use maps are on display in the Council Chambers for consultation by the Zoning Advisory Board, Council Members and the general public.

- 1) Mayor Palmer asked that the 5<sup>th</sup> item, a request for annexation and Industrial Zoning for a request filed by James F. Ledbetter, Attorney for Oostanaula Properties, Inc. for approximately 39.27 acres located at 742 McDaniel Station Road, be moved to the first item since Mr. Ledbetter needed to attend the Gordon County Board of Education Meeting.
  - a) A public hearing was opened.
  - b) Harrison reported that notices to the adjoining property owners, signs on the property and notices to the local legal organ had been completed.
  - c) Mayor Pro Tem Potts stated this matter had been heard on March 8, 2007 and they had determined the property joins other City property and it is zoned industrial in the county. It would be updated and would provide over 100 jobs for the area. She stated it was the recommendation of the Zoning Advisory Board to annex the property and to zone the property industrial.
  - d) Mayor Palmer asked if there were any comments by the applicant or their representative. Attorney Ledbetter stated he represented the owners of Oostanaula Properties. He stated their intention was to sell the property to an Italian Firm that had reviewed the property and determined it could better operate the facility within the City limits of Calhoun. They asked it be annexed and be zoned industrial. He stated they would be building new structures and would invest over \$35 million in the property. He stated he was available to respond to any questions the members may have regarding the property.
  - e) Mayor Palmer asked if there were any questions or comments by the Council or by the public. There were none and the pubic hearing was closed.
  - f) Mayor Palmer asked for separate motions regarding the items.
  - g) The findings of the Mayor and Council regarding annexation were:
    - (1) The property is located west of the airport property which is currently in the City of Calhoun and is eligible for annexation.
  - h) Mayor Pro Tem Potts made a motion to annex the property consisting of 39.27 acres located at 742 McDaniel Station Road. The motion was second by Councilman Crowley with Mayor Pro Tem Potts, Councilman Crowley, Councilman Denmon and Councilman Hammond voting affirmatively, motion carried.
  - i) The findings of the Mayor and Council regarding zoning of the above referenced property were:

**STANDARDS GOVERNING THE EXERCISE OF ZONING  
POWER**

- (1) The zoning requested is compatible to the zoning of adjoining property.
- (2) The zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.
- (3) The zoning proposal will not adversely affect the existing use or usability of adjacent or nearby property.

- (4) The property to be effected by the zoning proposal has a reasonable economic use as currently zoned.
- (5) The zoning proposal will result in a use which will not cause an excessive burden to existing streets, utilities or schools. The cost for capital improvements will be born by the developer.
- (6) The zoning proposal is in conformity with the policy and intent as it existed at the time of the current land use plan.
- (7) There are no other existing and changing conditions effecting the use and development of the property.

- j) Mayor Pro Tem Potts made a motion to zone the foresaid property as industrial. The motion was second by Councilman Crowley with Mayor Pro Tem Potts, Councilman Crowley, Councilman Denmon and Councilman Hammond voting affirmatively, motion carried.
- 2) Mayor Palmer stated Terry Brumlow has requested a continuation of the table on their request for property located on Highway 53 East, South of Kentucky Fried Chicken. Mayor Pro Tem Potts made a motion to extend the table on the motion until April 9, 2007. The motion was second by Councilman Hammond with Mayor Pro Tem Potts, Councilman Hammond, Councilman Denmon and Councilman Crowley voting affirmatively, motion carried.
  - 3a) Mayor Palmer stated in reference to a request for annexation by Russell Owen for approximately 19.7 acres located off of Tate Bend Road for PRD zoning, the City had received a request by Mr. Owen for the application to be tabled until April 9, 2007. Mayor Pro Tem Potts made a motion to table the matter until April 9, 2007 at 7:00 p.m. The motion was second by Councilman Denmon with Mayor Pro Tem Potts, Councilman Denmon, Councilman Crowley and Councilman Hammond voting affirmatively, motion carried.
  - 4) Mayor Palmer gave a second reading regarding a variance request for set backs by George Russell for property located at 519 Pine Street. The request is for a 17 foot variance at the rear of the property.
    - a) A public hearing was opened.
    - b) Harrison stated notices to the adjoining property owners, signs on the property and notices to the local legal organ had been completed.
    - c) Attorney Bailey stated the property in question had been reviewed by the Zoning Advisory Board on March 8, 2007. They had determined the request for the variance to allow the building to be set within 3 feet of the fence at the rear of the property matched the existing building which had been grandfathered in. He stated the Zoning Advisory Board had acknowledged to the applicant there was discussion previously regarding gating of the Yellow Jacket Drive. However, it was determined that this would not hinder the access to the property and the building addition would be 35 feet from Yellow Jacket Drive. Attorney Bailey stated the applicant had been made aware of the method required to correct the drainage problem.
    - d) Attorney Bailey stated this matter had been heard before the Zoning Advisory Board on March 8, 2007 at 4:30 p.m. and they recommended approval.
    - e) Mayor Palmer asked if there were any comments by the applicant. There were none.
    - f) Mayor Palmer asked if there were any questions or comments by the public or by the Council. There were none and the pubic hearing was closed.
    - g) The findings of the Mayor and Council were as follows:

**VARIANCE CONSIDERATIONS (ONE OR MORE)**

- (a) There are no extraordinary and exceptional conditions pertaining to the particular piece of property in question due to size and shape.
- (b) The application to this ordinance to this particular piece of property would create an unnecessary hardship.
- (c) There are no conditions that are peculiar to this particular piece of property.
- (d) Relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of this ordinance.

h) Mayor Pro Tem Potts made a motion to approve the request for a 17 foot variance at the rear of the property located at 519 Pine Street. The motion was second by Councilman Crowley with Mayor Pro Tem Potts, Councilman Crowley, Councilman Denmon and Councilman Hammond voting affirmatively, motion carried.

5) Mayor Palmer gave a second 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.

- a) A public hearing was opened.
- b) Harrison stated notices to the adjoining property owners, signs on the property and notices to the local legal organ had been completed.
- c) Mayor Pro Tem Potts stated this matter had been heard by the Zoning Advisory Board on March 8, 2007. She stated the property was determined to be a vacant lot and was part of the old Herbcraft property. She stated the zoning of commercial is similar to other commercial zoning in the immediate area. She stated it was the recommendation of the Zoning Advisory Board to approve the request to rezone from Industrial to C-2.
- d) Mayor Palmer asked if there were any questions or comments by applicant. Tim McGowan stated the property is part of the old Herbcraft property and it is the intention of the buyer of the property to build a commercial building.
- e) Mayor Palmer asked if there were any questions or comments by the public or by the Council. There were none and the public hearing was closed.
- f) The findings of the Mayor and Council were as follows:

**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.
- (4) The zoning proposal will result in a use which will not cause an excessive burden or use of existing streets, transportation, utilities or schools.
- (5) The cost for capital improvements to serve the project area will be born by the developer or owner.
- (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 gives supporting 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 of the unrestricted use of the property.

- g) Mayor Pro Tem Potts made a motion to rezone the 1.04 acres located at 381 Old Dalton Road from Industrial to C-2. The motion was second by Councilman Denmon with Mayor Pro Tem Potts, Councilman Denmon, Councilman Crowley and Councilman Hammond voting affirmatively, motion carried.

8. Other Hearings and Public Comments:

- 1) Mayor Palmer gave a second reading to an amendment to the City's Alcohol Ordinance, creating a new Class of G-1 for non-profit Veterans Associations.
- a. A public hearing was opened.
- b. Attorney Bailey stated the request was based on a request by the VFW and the American Legion to pay lower alcohol fees for the organizations based upon their non-profit status and based upon their community activity as Gordon County had lowered their fees for their non-profit associations. He stated the new Class created in the Ordinance would allow the Mayor and Council to provide lower fees, equal to or less than those of Gordon County.
- c. Mayor Palmer asked if there were any comments or questions by the Council or by the public. There were none. The hearing was closed. Councilman Hammond made a motion to waive the third and fourth reading and to approve the amendment to the City's Alcohol Ordinance creating a new Class G-1 for non-profit Veterans Associations and to further authorize the fee Resolution to be amended at budget time to lower the fee for Class G to equal those of Gordon County. The motion was second by Councilman Crowley with Councilman Hammond, Councilman Crowley, Councilman Denmon and Mayor Pro Tem Potts voting affirmatively, motion carried. (*Ordinance No. 854*)

9. Old Business: None.

10. New Business:

- a. Mayor Palmer stated a variance request had been filed by Alan Jackson for relief from the City's fire hydrant requirement to allow his building to be 390 feet from the hydrant rather than 300 feet. The property is located off Gee Road. Mayor Palmer stated the public hearing could be held on March 26, 2007 at 7:00 p.m. Councilman Crowley made a motion to set the public hearing for that date and time. The motion was second Councilman Denmon with Councilman Crowley, Councilman Denmon, Councilman Hammond and Mayor Pro Tem Potts voting affirmatively, motion carried.
- b. Mayor Palmer stated a request had been filed by Fields Ferry Golf Course to declare a 1995 Ranger pick-up truck, vin# 1FTDR15X4STA64689, as surplus property and to authorize the sale through GovDeals online auction through GMA. Following discussion Councilman Hammond made a motion to authorize the property as surplus property and to authorize the sale through GovDeals online auction. The motion was second by Councilman Denmon with Councilman Hammond, Councilman Denmon, Councilman Crowley and Mayor Pro Tem Potts voting affirmatively, motion carried.

- c. Mayor Palmer stated the Downtown Development Authority Board had requested reappoint for several of their members as follows.

- 1) Mayor Pro Tem Potts continue to serve as the elected liaison with no expiration scheduled for her term.
- 2) Mrs. Brumlow term expiration date of February 1, 2011.
- 3) Mr. Edwards's term expiration date of June 1, 2011.
- 4) Mr. Phillips term expiration date of June 1, 2011.

Harrison stated all members had obtained the required training to serve on the Downtown Development Authority Board. Following review Councilman Crowley made a motion to re-appoint all the members for the respective terms. The motion was second by Councilman Denmon with Councilman Crowley, Councilman Denmon, Councilman Hammond and Mayor Pro Tem Potts voting affirmatively, motion carried.

- d. Mayor Palmer stated there was a request filed by the Historical Preservation Commission to reappoint Mrs. Martha Claire Adams to the Historic Preservation Commission and her new term would expire on March 1, 2010.

Harrison stated the Commission had been recently appointed by the Council and in order to provide staggered terms, Mrs. Martha Claire Adams had the shorter term and was required to apply for re-appointment. Councilman Hammond made a motion to re-appoint Mrs. Martha Claire Adams to the Historic Preservation Commission. The motion was second by Mayor Pro Tem Potts with Councilman Hammond, Mayor Pro Tem Potts, Councilman Denmon and Councilman Crowley voting affirmatively, motion carried.

11. Other Written Items not on the Agenda: None.

12. Work Reports:

- a. Director of Utilities, Kelly Cornwell stated he had received a written request by Vision Capital Partners regarding sewer rehab work that is required on a current line that is almost at capacity that would serve 12 acres that adjoins Spring Valley. He stated the proposed development of 132 units would provide connection fees that could go toward the rehab work. He stated his department had reviewed the line by camera over the last several days and determined the line was in better shape than what was originally thought and the cost for the work at maximum would be a half million dollars. He stated the connection fees that would be paid by the proposed developer would be slightly under \$400,000.00 and there was a possibility there would be additional cost slightly over \$100,000.00 for the work. However, he stated the work would aid the sewer capacity that serves a portion of the McDaniel Industrial Park as well as property South of the Spring Valley property that had recently had been proposed for annexation and was withdrawn. Following discussion Councilman Crowley made a motion to approve the rehab work on the line provided the developer pay all their extension cost up front, since it would also serve the McDaniel Station Industrial Park property. The motion was second by Councilman Denmon with Councilman Crowley, Councilman Denmon and Mayor Pro Tem Potts voting affirmatively, motion carried. Councilman Hammond voted negatively regarding the number of units that would be added to the City and would further impact schools and other City infrastructure. The motion was carried. (Exhibit "A")
- b. Director of Public Works/ Public Safety, Eddie Peterson stated the City had completed reworking several tennis courts and adding new courts for a total of 15 new courts with new lighting. He stated the tennis shop was almost complete and all of this has been provided with SPLOST dollars.

Mayor Palmer stated the City would like to express appreciation to the citizens for the approval of SPLOST dollars for recreation and roads that had allowed these improvements.

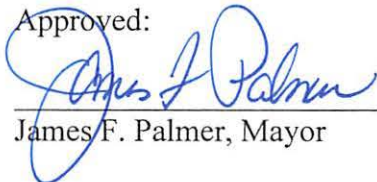
Mr. Peterson stated a grant request that had been filed regarding a pedestrian bridge between the current recreation facility on River Street and the new 58 acres across the creek had not been approved but the application would be re-filed next year.

- c. Attorney Bailey stated in reviewing the City's Sign Ordinance and the recent cases through the 11<sup>th</sup> District Circuit Court of Appeals in 2006, he had determined it is in the best interest of the City of Calhoun to make amendments to its Sign Ordinance to prevent the City from receiving any challenges. He stated he had begun review but the work will take some time to be complete and to advertise the hearings and hold those hearings for the amendment. He stated he respectfully requests the Mayor and Council for a temporary moratorium prohibiting the issuance of any permits for the erection for any sign in the City of Calhoun by the Building Inspector under Article X of the Sign Ordinance contained in the Code of Ordinances in the City of Calhoun for a period not to exceed 60 days beginning March 13, 2007 at 12:01 a.m. for the purpose of allowing the adoption of a new Sign Ordinance to comply with recent decisions through the United States Court of Appeals for the 11<sup>th</sup> Circuit.

Mayor Pro Tem Potts made a motion to grant the moratorium as requested by Attorney Bailey for a 60 day period. The motion was second by Councilman Hammond with Mayor Pro Tem Potts, Councilman Hammond, Councilman Denmon and Councilman Crowley voting affirmatively, motion carried.

13. Mayor Palmer asked if there was a need to move to Executive Session. The response was negative.
14. Councilman Hammond made a motion to adjourn. The motion was second by Councilman Denmon with Councilman Hammond, Councilman Denmon, Councilman Crowley and Mayor Pro Tem Potts voting affirmatively, motion carried.

Approved:



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James F. Palmer, Mayor

Submitted:



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Cathy Harrison, City Administrator

**AN ORDINANCE TO AMEND CHAPTER 6 OF THE CODE OF  
CALHOUN, GEORGIA PERTAINING TO ALCOHOLIC  
BEVERAGES SO AS TO ADD AN ADDITIONAL LICENSE CLASS;  
TO PROVIDE FOR MATTERS RELATIVE TO THE FOREGOING;  
TO FIX AN EFFECTIVE DATE AND FOR OTHER PURPOSES**

**THE MAYOR AND COUNCIL OF THE CITY OF CALHOUN, GEORGIA HEREBY  
ORDAINS** that Article 1 of the Alcoholic Beverage Ordinance (Ordinance No. 656) be amended  
as follows:

**SECTION ONE:** By adding to the definition of "License" in Sec. 6-1 an additional class of  
license the identity and requirements as follows:

"Class G-1, which shall permit the retail sale of alcoholic beverages for consumption  
only on the premises where sold and malt beverages by package, but not for  
consumption on the premises where sold, by any nonprofit veterans' association  
organized under the laws of the state or The United States of America and meets the  
requirements of a "Private club" as defined in this ordinance. All applications for a  
license under this section shall be accompanied with proof of the veterans'  
association is in good standing with its state or national governing body and proof of  
its non-profit status under the provisions of the Internal Revenue Code of the United  
States of America."

**SECTION TWO:** This Ordinance amendment shall be effective the date of passage and  
adoption hereinafter designated and shall apply to any such license issued for the calendar year  
2008 and thereafter.

**SECTION THREE:** All ordinances and parts of ordinances in conflict with this Ordinance  
are repealed.

**SECTION FOUR:** Should any section or provision of this Ordinance be declared by any  
court of competent jurisdiction to be unconstitutional or invalid, such declaration shall not affect the  
validity of the ordinance as a whole or any part thereof other than the part so declared to be  
unconstitutional or invalid.

The above and foregoing Ordinance amendment was duly passed and approved at the meeting of the Mayor and Council of the City of Calhoun held on the \_\_\_\_ day of \_\_\_\_\_, 2007.

FIRST READING: \_\_\_\_\_  
SECOND READING: \_\_\_\_\_  
THIRD READING: \_\_\_\_\_

\_\_\_\_\_  
JAMES F. PALMER, MAYOR  
CITY OF CALHOUN, GEORGIA

ATTEST: \_\_\_\_\_  
CATHY HARRISON, CLERK/ADMINISTRATOR  
CITY OF CALHOUN, GEORGIA

(Exhibit "A")



vision capital partners

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City of Calhoun City Council  
Calhoun, Georgia 30701

February 12, 2007

Dear Sir or Madam:

Thank you for taking time to consider our letter.

Our letter to you is based on a meeting with Mr. Kelly Cornwell regarding the 12.231 acres on Hwy. 51 in the City Limits of Calhoun, Georgia.

We have been asked to submit to you the potential number of water and sewer taps that will come from the site when developed. Our preliminary plans show anywhere between 103-135 units.

We respectfully request that the City Council authorize Kelly Cornwell to issue a letter to our company stating that the City of Calhoun will bring the sanitary sewer line to the property. In exchange, when developed, the Buying Entity of the 12.231 acres will pay a sum equal to the water and sewer fees of the number of units developed upfront towards the development of the sanitary sewer line. In other words, the dollar amount that the Buying entity will be required to pay the amount equal to the water and sanitary sewer tap fees.

If you should have any other questions, please feel free to contact Matt Riedemann at (678) 231-4579.

Thank you,

*Robert Heitner*

Robert Heitner

