

**CITY OF CALHOUN
REGULAR CITY COUNCIL MEETING
DEPOT COMMUNITY ROOM
109 SOUTH KING STREET
CALHOUN, GA
April 23, 2007 7:00 P.M.**

MINUTES

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

ABSENT: Lorene Potts, Mayor Pro Tem

**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. Councilman Crowley gave the invocation.
2. Mayor Palmer led the group in the Pledge of Allegiance to the United States Flag.
3. Following review of the minutes of the April 9th, 2007 regular city council meeting, Councilman Crowley made a motion to approve the minutes as written. Second by Councilman Hammond with Councilman Crowley, Councilman Hammond, and Councilman Denmon voting affirmatively, motion carried.
4. Mayors Comments:
 - a. Mayor Palmer reminded the council and the public of the "United Way Drug Free Community" Parade on Saturday April 28, 2007 at noon on a special parade route that will begin and end at the Yellow Jacket Stadium. He stated Senator Don Thomas would be the featured speaker and he invited everyone to attend.
 - b. Mayor Palmer reminded the council of the budget work session that would begin immediately following the city council meeting.
 - c. Mayor Palmer reminded the council and public of the alcohol license hearing scheduled for May 14, 2007 @ 7:00 P.M. for Rare Hospitality International, Inc doing business as Long Horn Steakhouse of Calhoun with Jeff Mathis as the authorized agent.
 - d. Mayor Palmer reminded the council and public of the city's first public hearing for the 2007-2008 budget scheduled for May 14, 2007 @ 7:00 P.M.
 - e. Mayor Palmer reminded the council of the GMA listening session in May for Ringgold and Rossville. He asked each member to review and notify the administrator of the date they would be able to attend.
 - f. Mayor Palmer reminded the council and public of the zoning hearings scheduled for Jun 11, 2007 at 7:00 P.M.
 1. Jack Holmes agent for Sean Samples for a zoning change request for 1 acre located at 375 Curtis Parkway, the request being to rezone from R-2 to C-2.

2. Deanna Muse for a zoning change request for approximately ¾ acres at 1060 Sugar Valley Road. The request being to rezone from C-N to R-1B.
3. Riverview Baptist Church for a variance to allow two mobile educational structures to be located at 153 Riverview Drive.

5. Zoning and other Public Hearings:

A. Mayor Palmer announced three special zoning request that had been filed for consideration. He stated comments may be made by the public provided required notification has been filed prior to the meeting and provided each speaker provides their name and address. Mayor Palmer stated there would be ten minutes allowed for each side of the issue.

- Mayor Palmer gave a second reading of a zoning change request filed by Jerry Braden as agent of Red Bud Village, LLC for approximately seven acres off Timms Road. The request being to rezone from P-RD to R-2 to allow construction on phase II of the senior village apartments.
- Mayor Palmer opened the public hearing, Harrison reported that notices to the adjoining property owners; signs on the property; and notices to the local legal organ had been completed.
- Attorney William Bailey reported the Zoning Advisory Board had heard this matter in a special meeting on April 19, 2007 and had determined that the proposed property would be an excellent location for the second addition of the senior apartments by Mr. Braden. The board had determined there would be an easement from Timms Road into the property that would be developed as a public road and the senior apartments would be to the west of the public road. Attorney Bailey stated it had been the recommendation of the Zoning Advisory Board to rezone the property from P-RD to R-2.
- Mayor Palmer asked if there were comments by the applicant. Jerry Braden stated that the phase I of the apartments had been build approximately five years ago, had been fully leased within fifteen days and they had had 99% occupancy since that time. He stated there is a need for additional units and that the Phase II will be a replica of the first with the exception of the two bedroom units will have two baths rather than one. He stated there would be a second club house and there would be a walking path that will connect the two complexes.
- The findings of the Zoning Advisory Board were as follows:

- (1) The zoning proposal will permit a use that is suitable to the use and development of adjacent and nearby properties
- (2) The zoning proposal will not adversely affect the existing use or usability of adjacent properties.
- (3) The property to be affected by the zoning proposal has a reasonable economic use as currently zoned.
- (4) The zoning proposal will result in additional use of the existing streets and utilities, but will not affect the school since the units will be senior housing.
- (5) The capital cost required to serve the area for utility infrastructure will be provided by the developer.
- (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 that gives supporting grounds for approval or disapproval of the request.

(8) There are no 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 the property.

- Mayor Palmer inquired if there were any additional comments by the public or the council, there were none and the public hearing was closed.
- Councilman Crowley made a motion to waive the third and fourth readings and to approve the request for rezoning from P-RD to R-2. The motion was second by Councilman Denmon with Councilman Crowley, Councilman Denmon, and Councilman Hammond voting affirmatively, motion carried.
- Mayor Palmer gave a second reading of a zoning change request filed by Red Bud Village, LLC for the remaining seven acres of the property off of Timms Road. The request being to rezone from P-RD to C-2 for future commercial development.
- Mayor Palmer opened the public hearing.
- Harrison reported that that notices to the adjoining property owners; signs on the property; and notices to the local legal organ had been completed.
- Attorney Bailey stated the Zoning Advisory Board also heard this matter on April 19th and they determined since the developers were unable to develop the property as originally intended and since Mr. Braden had requested permission to build phase II of his senior apartments on a portion of the property thereby voiding the P-RD zoning for the remaining part of the tract, they recommend that the property be rezoned from P-RD to C-2.
- Mayor Palmer inquired if there were any comments. There were none.
- The hearing was closed.
- The findings of the Zoning Advisory Board were as follows:
 - 1) The zoning proposal will permit a use that is suitable in view of the use and development of adjacent and near by properties
 - (2) The zoning proposal will not adversely affect the existing use or usability of adjacent or nearby properties.
 - (3) The property affected by the zoning proposal does not have a reasonable economic use as currently zoned since the PRD zoning was specific for the full fourteen acres.
 - (4) The zoning proposal will result in a use that will impact traffic and utilities but not schools.
 - (5) The capital cost to provide infrastructure for the future development will be provided by the developers.
 - (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 affecting the use and development of the property.
 - (8) There are no other relevant factors to balance the interest in promoting the public health, safety, morality or general welfare against the right to the unrestricted use of the property.
- Councilman Hammond waved the third and fourth readings and made a motion to approve the rezoning request of the remaining seven acres of the property off of Timms Road owned by Red Bud Village, LLC for rezoning from P-RD to C-2. The motion was second by Councilman Denmon with Councilman Hammond, Councilman Denmon, and Councilman Crowley voting affirmatively, motion carried.

- Mayor Palmer stated at this time he would reopen the April 9, 2007 public hearing on the annexation and zoning request of Russell Owen for approximately 19.7 acres off of Tate Bend Road.
- Mayor Palmer stated that Mr. Owen had called Administrator Harrison shortly before the meeting stating he was ill and would be unable to attend. He asked if the matter could be tabled until May 14, 2007.
- Councilman Hammond made a motion to table the public hearing on the annexation and zoning request of Russell Owen for approximately 19.7 acres off of Tate Bend Road until May 14, 2007 at 7:00 P.M. The motion was second by Councilman Denmon with Councilman Hammond, Councilman Denmon and Councilman Crowley voting affirmatively, motion carried.

B. Other Hearings:

1. Mayor Palmer opened the public hearing on the proposed amendment to the sign ordinance. Attorney Bailey review the amendments to the proposed sign ordinance; those included additions to definition; included signage that would be located on right-of-ways in various areas of the city; commercial signs that would be prohibited in the residential area; amendments to the definition of extended quadrants; and numbers and types of signs that would be allowed in the extended quadrants. Attorney Bailey stated that in order for the public to review the proposed sign ordinance and changes that he would recommend that the moratorium be extended until May 14, 2007. Following discussion, Mayor Palmer asked if there were any comments by the public, council or staff. There were no additional comments and the hearing was closed. Councilman Hammond made a motion to extend the moratorium and public hearing regarding the amendments to the sign ordinance until May 14, 2007 @ 7:00 P.M.. The motion was second by Councilman Denmon with Councilman Hammond, Councilman Denmon, and Councilman Crowley voting affirmatively, motion carried.

6. Old Business: None

7. New Business:

- a. Mayor Palmer reviewed the proposed resolution in support of the senior village housing project as proposed by Jerry Braden. Following review of the proposed resolution Councilman Denmon made a motion to adopt the resolution as proposed as "Exhibit A". The motion was second by Councilman Crowley with Councilman Denmon, Councilman Crowley, and Councilman Hammond voting affirmatively, motion carried.

8. Other Written Items not on the Agenda: None

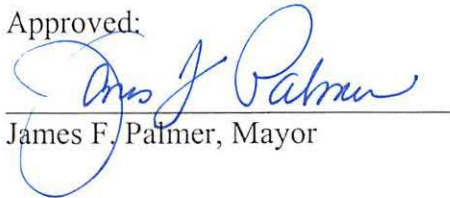
9. Work Reports:

- 1. Director Cornwell stated that the city received several bids on pumps for the Big Springs Project, they were as follows:
 - a. Kesco, Inc - \$51846.00
 - b. Groves Water Services Inc - \$65,747.00
 - c. Southeastern Engineered Equipment Sales Co. - \$74,669.97
 - d. GPM Environmental Inc. - \$78,796.00
 - e. Kazmier and Associates, Inc – Partial bid of \$8,481.00 for item BDirector Cornwell stated that based upon review of the companies and the bids they proposed, it was the recommendation by People's Engineer that the city

approve the low bid from Kesco, Inc of \$51,846.00. Following discussion Councilman Crowley made a motion to accept the low bid for the pumps for the Big Springs Project from Kesco, Inc in the amount of \$51,846.00. The motion was second by Councilman Denmon with Councilman Crowley, Councilman Denmon and Councilman Hammond voting affirmatively, motion carried.

2. Director Cornwell stated that within the last few days the Department of Natural Resources issued a level 2 drought mandate which required that watering could still be done for odd and even addresses as previously authorized under the level 2 mandate. However, there would only be watering allowed from midnight until 10 A.M. on those dates. He stated at this time there is approximately 8 ½ inch deficit in rainfall this year plus the shortfall at the end of last year.
 3. Director Peterson stated the city received notification from the Georgia Department of Transportation stating the city has been approved for 1.2 miles of LARP paving and in the month of July the city would also add several streets to the street improvements paving list for the fiscal year.
10. Mayor Palmer inquired if there was a need to move to Executive Session, there were none.
11. Councilman Crowley made a motion to adjourn. The motion was second by Councilman Hammond with Councilman Crowley, Councilman Hammond, and Councilman Denmon voting affirmatively, motion carried.

Approved:


James F. Palmer, Mayor

Submitted:


Cathy Harrison, City Administrator