

**CITY OF CALHOUN  
REGULAR CITY COUNCIL MEETING  
DEPOT COMMUNITY ROOM  
109 SOUTH KING STREET  
OCTOBER 25, 2004, 7:00 P.M.**

**MINUTES**

**PRESENT: James F. Palmer, Mayor  
Lorene Potts, Mayor Pro Tem  
George R. Crowley, Councilman**

**ABSENT: Ray M. Denmon, Councilman  
David Hammond, Councilman**

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

1. Mayor Palmer called the meeting to order and welcomed everyone in attendance.
  - a. Mayor Pro Tem Potts gave the invocation.
2. Mayor Palmer led the group in the Pledge of Allegiance to the United States Flag.
3. Following review, minutes of the October 11, 2004 regular City Council meeting were approved as written on a motion by Mayor Pro Tem Potts, second by Councilman Crowley, with Mayor Pro Tem Potts and Councilman Crowley voting affirmatively, motion carried.
4. Mayor's comments:
  - a. Mayor Palmer stated Councilman Denmon is absent today due to his service with the National Guard and Councilman Hammond's son, Hunter, has undergone critical surgery and at this point, is improving.
  - b. Mayor Palmer reminded the public that the city would recognize Halloween for children age 12 and under on the evening of Saturday, October 30, 2004 from 5:30 p.m. to 9:00 p.m. He asked that all motorists be extremely careful in residential neighborhoods, since there will be children on streets and sidewalks in large numbers.
  - c. Mayor Palmer reminded the Council and public of the annual Mayors' Motorcade to Northwest Regional Hospital. He stated this was an excellent opportunity for the public to donate Christmas gifts to patients in the hospital, most of whom will receive no other acknowledgement of Christmas. The Motorcade will be held December 9, 2004, leaving Calhoun at 9:15 a.m. Gifts may be left at City Hall any time between now and December 9.
  - d. Mayor Palmer reminded the Council of the Regional District GMA fall meeting on Tuesday, October 26, 2004 at 5:30 p.m. in Cartersville.

- e. Mayor Palmer congratulated the Gordon County Commissioners on a successful groundbreaking for the Sonoraville Recreation Complex that was held on October 22, 2004.
- f. Mayor Palmer reminded everyone of the election to be held on November 2, 2004. He also reminded everyone that the week of October 25 through October 29 is advance voting, being held at the Court House.
- g. Mayor Pro Tem Potts reminded the public of the zoning hearings scheduled for November 8, 2004:
  - 1) A request by Lois Hand for a 3-foot setback variance for a sign at 919 South Wall Street. The sign will replace a sign for Sassy Scissors which was destroyed in the storm in May 2002.
  - 2) A request by Flipper McDaniel for rezoning from R-2 to C-2 of property at 562 West Belmont Drive.
  - 3) A request by Flipper McDaniel as Agent for Sandra McFather for rezoning from R-2 to C-2 of property at 560 West Belmont Drive.

5. Public Hearings and Comments:

- a. Mayor Palmer stated at this time, public hearings on zoning matters would be held. The public would have the opportunity to make pro and con comments with a ten-minute maximum time limit for each side of the matter. Each person speaking would be required to have filed a Financial Disclosure Statement five days prior to the hearing, and each person would be required to give their name and address before speaking. An inquiry was made to determine if any of the elected officials had filed a disclosure statement regarding ownership or special interest in the agenda items. The response was negative. Mayor Palmer reviewed the Standards Governing the Exercise of Zoning Power, as follows:

**STANDARDS GOVERNING THE EXERCISE OF ZONING POWER**

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

**VARIANCE CONSIDERATIONS (ONE OR MORE)**

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

1 & 2) Mayor Palmer stated the first two items scheduled for hearings were the Brent Stepp Construction Company, Inc. request for zoning of PRD and annexation of approximately 40 acres off East Line Street, adjacent to property owned by Bill Pass; and a request by Brent Stepp Construction Company, Inc. for rezoning from R-2 to PRD of approximately 17 acres off Laurel Creek Road, for combining with the above-mentioned 40 acre tract. These two items will be held over until November 8, 2004, since the Regional Development Impact Review provided by the Coosa Valley RDC was not be completed within the time frame to allow the hearing to be complete on October 25.

3) Mayor Palmer gave a second reading of a request for zoning of C-2 and annexation by Buford Wilson for Lot 350 and 351, a part of the property at 920 North Wall Street containing the Dollar General Store.

- a) A public hearing was opened.
- b) Harrison reported that signs had been placed on the property, notices had been published in the local legal organ and evidence of notification to adjoining property owners had been received.
- c) Mayor Pro Tem Potts stated the Zoning Advisory Board had met on this matter on October 7, 2004 at 4:30 p.m. They determined that the applicant had found through a survey that a portion of his property containing the Dollar General Store was in the city and a portion was in the county. In order to have it all in one jurisdiction, he requested annexation of those two small lots to have the property entirely within the city limit area. She stated that the Zoning Advisory Board had recommended approval.
- d) Mayor Palmer asked if there were any comments by the applicant. There were none. He asked if there were any comments or questions by the public or the Council. There were none and the hearing was closed.
- e) The findings, based upon the zoning standards, were as follows:

**STANDARDS GOVERNING THE EXERCISE OF ZONING POWER**

- (1) The proposal would permit a use that is suitable in view of the use and development of adjacent and nearby property.

- (2) The proposal would not adversely affect the existing use or usability of adjacent or nearby property.
- (3) The property as currently zoned does have a reasonable economic use.
- (4) N/A
- (5) N/A
- (6) The proposal is in conformity with the policy and intent of the land use plan for commercial development.
- (7) There are existing conditions that affect the use and development of the property – The property is partially in the city and partially in the county and the proposal to annex the remaining portion would provide that the property is in one jurisdiction.
- (8) The proposal will balance the unrestricted use of the property with the interest of promoting public health, safety and general welfare.

f) Mayor Pro Tem Potts made a motion to waive the third and fourth reading and approve the request for zoning of C-2 and annexation of lots 350 and 351 at 920 North Wall Street, second by Councilman Crowley, with Mayor Pro Tem Potts and Councilman Crowley voting affirmatively, motion carried.

b. Other hearings and Comments:

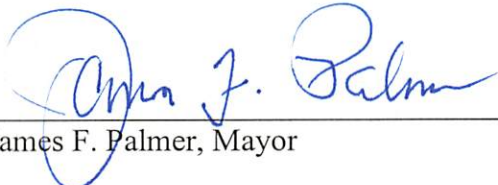
- 1) Mayor Palmer opened a public hearing on the 2005 beer and wine package license request of Yamnua Krupa, Inc. at 400 West Line Street, a currently licensed location, with Kishor Shah as manager.
  - a) Mayor Palmer stated this location is currently licensed to another applicant.
  - b) The police report is clear.
  - c) Mayor Palmer asked if there were any comments by the applicant. There were none.
  - d) Mayor Palmer asked if there were any comments by the public or the Council Members. There were none and the hearing was closed.
  - e) Councilman Crowley made a motion to approve the 2005 beer and wine package license request of Yamnua Krupa, Inc. at 400 West Line Street, with Kishor Shah as manager, second by Mayor Pro Tem Potts, with Councilman Crowley and Mayor Pro Tem Potts voting affirmatively, motion carried.
- 2) Mayor Palmer reopened the public hearing on the zoning ordinance amendments in several areas.
  - a) Attorney Bailey reviewed those areas of proposed changes, as follows:
    - (1) Amendment of the definitions of on-premise and off premise signs;
    - (2) Amendment of required number of parking spaces in commercial areas.
    - (3) Amendment of the PRD zoning classification by adding a minimum square footage of 10,000 square feet for lots for

single-family houses, and to add requirements for minimum square footage of living space in multi-family housing to correspond to those in the R-2 designation for one, two and three bedroom units.

- b) Mayor Palmer stated the hearing will be continued until November 8, 2004 at 7:00 p.m., at which time the Council may consider adoption following the final portion of the hearing.
6. Old business:
- a. Attorney Bailey stated that in reference to the water tampering that was discussed at the previous Council meeting, he had forwarded a proposed ordinance recommendation to the county attorney, who had expressed interest. She stated she would make a presentation to the County Commissioners at the second meeting in November regarding the matter
7. New business:
- a. Mayor Palmer gave a first reading of a rezoning request by Michael Meadows for approximately 30 acres of land in two tracts off I-75 at Red Bud Road and Columbus Circle. The request is to rezone from Industrial-G to C-2 for future commercial development. He stated the earliest date for a public hearing would be November 22, 2004 at 7:00 p.m. Mayor Pro Tem Potts made a motion to set the public hearing for that date and time, second by Councilman Crowley, with Mayor Pro Tem Potts and Councilman Crowley voting affirmatively, motion carried.
8. Other written items not on the agenda: **none.**
9. Work Reports:
- a. Kelly Cornwell, Director of Utilities, stated he had no report at this time.
  - b. Eddie Peterson, Director of Public Safety and Public Works, stated he had no report at this time. Mayor Palmer stated the Director of Public Safety and Public Works had submitted a work report at the work session and he asked that the report be made a part of the minutes as "EXHIBIT A."
10. Mayor Palmer inquired if there was any need to move to Executive Session. There was none.
11. Mayor Pro Tem Potts made a motion to adjourn, second by Councilman Crowley, with Mayor Pro Tem Potts and Councilman Crowley voting affirmatively, motion carried.

Approved:

Submitted:

  
James F. Palmer, Mayor

  
Cathy Harrison, City Administrator

## “EXHIBIT A”

Report by Eddie Peterson,  
Director of Public Safety and Public Works

1. **Third Quarter 2004 Methane Monitoring Harris Beamer Industrial Landfill:**  
Twenty locations were tested for methane gas levels and migration at the Harris Beamer Landfill on September 3, 2004 . All measurements were in compliance with the Calhoun Methane Monitoring Plan which was approved on March 9, 1999. While this is good news, it does not indicate or guarantee that the next monitoring event will produce the same results. Our goal is to have the Harris Beamer site removed from the Georgia Hazardous Site Index. A timetable review is listed below:
  - 1978 City and County purchased Harris Beamer 90 acre site
  - 1985 City begins operation of industrial landfill
  - 1989 Calhoun and Gordon County voters pass SPLOST for landfill
  - 1991 City ceased operation of industrial site
  - 1997 November Industrial site placed on Hazardous Site Index for water monitoring levels of benzene, methylene chloride, and vinyl chloride.
  
2. **GDOT Projects for Calhoun:**  
During a meeting in Cartersville on October 18, 2004 GDOT reviewed projects which will impact the City of Calhoun.
  - (A) STP-0000-00(308) State Route 156 @ College Street. This is a intersection improvements at College Street/Red Bud Road and Red Bud Road/SR3. Construction is proposed for 2006 based on \$360,000 estimate. The project will provide for turning lanes at the College Street and SR3 intersections.
  - (B) STP-0001-00(727) Upgrade traffic signals at various locations. The mast arm signals at Wall and Court Street are within this project. The downtown project was ready for letting but it was discovered by the Environmental Section that Calhoun is a historic district and the mast arms are being reviewed for impact.
  - (C) STP-0004-00(048) SR 53 @ McDaniel Station Road. This is the intersection we requested signals and turn lanes about 16 months ago. The Environmental approval is 100%. The Preliminary Plans are 16% complete. Right-of-Way cost is \$74,000 and construction is estimated at \$725,000.
  - (D) IM-75-3(189) I-75 bridge and widening of SR53 intersection. The final design is 75% complete. Environmental is 100% complete. Right-of-Way is scheduled for 2005 @ \$13,048,000. The construction is estimated at \$13,580,000.
  - (E) NH-STP-75-3(203) Union Grove Interchange. R/W is scheduled for 2006 at \$2,568,000 and construction is scheduled for 2010 at \$5,940,000. Environmental approval is 0% complete.
  - (F) STP-001-6(26) SR3 from Red Bud Road to C.L. Moss Parkway. This project was defined in December 1984. R/W is scheduled in 2007 @ \$5,513,000 and construction is scheduled in 2010 @ \$4,315,000.
  - (G) MLP-3(226) SR3 from Line Street to Red Bud Road. There are 88 parcels to be acquired for this project. R/W estimated at \$5,435,000 and construction @ \$3,400,000. Time lines have been removed from this project.

Define Project Concept	12/15/89
Concept Meeting	9/25/90
Management Concept Approval	10/4/94

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|--|------------------------|-----------|
|  | Environmental Approval | 6/14/2000 |
|  | Public Hearing         | 4/4/2000  |
- (H) STP-001-6(35) SR3 from Union Grove north to SR 53. This 2.84 mile four lane project was proposed 4/20/92. The R/W is scheduled for 2007 @ \$1,000,000 with construction @ \$7,500,000 in 2011.
- (I) STP-065-1(34) SR 53 from W.C. Bryant Parkway east to I-75. This 1.6 mile raised medium project will provide turn lanes and intersection improvements. R/W @ \$2,322,000 in 2008 and construction estimated @ \$3,364,000.
- (J) SR 156 @ Oothcalooga. New bridge and approaches. R/W @ \$10,000 with construction @ \$2,730,000 in 2008.
- (K) STP-00MS(7) South Calhoun ByPass from SR 53 east to SR 53 west. Engineering @ \$1,252,093.25. R/W @ \$2,391,000 in 2008 and construction @ \$20,768,000 in 2011.
3. **Downtown Street Scope.** We have submitted three deduct change orders. Installation of thermoplastic striping to replace stamped crosswalks (\$14,912.10). Drainage improvements performed by the City of Calhoun (\$11,291.28). Did not install two street lights (\$1,150). When this paper work makes its way through GDOT and Valley Crest we will be able to finalize payment number six and any retainage owed Valley Crest. Calhoun exceeded our 20% match and I'm working with GDOT to secure contract monies for which we may be owed. The original amount allocated for Calhoun by GDOT was \$460,000. The Valley Crest bid with change order was \$404,333. The final project cost will be around \$385,000. Calhoun met our 20% match according to the \$460,000 at \$92,000+. I feel that Calhoun is entitled to the difference between our 20% match calculated off \$460,000 and our actual 20% match as relates to \$385,000.
4. **Flood Plain Update:** EPD, FEMA, and engineering consultant PBS&J were at the Depot on Oct. 18, 2004 to discuss updating Calhoun's Flood Plain Mapping System. Our existing flood plain maps are 15 to 20 years old. Calhoun is the enforcing agency for flood plain regulations. This jurisdictional responsibility allows those who require flood plain insurance to be able to purchase their needed coverage. We have agreed to provide EPD with basic information on areas that may not be in the flood plain designations, but have a history of problems. We should explore providing color aerial photography of Calhoun with extensions out for future annexation. This aerial would have 2 foot contours which will make GIS more useful to our utility systems. The digital aerial is the foundation of all future GIS. We could request County SPLOST Transportation dollars to provide the aerial for our roads, right-of-ways, and drainage systems. The aerial flight is in the \$130,000 range. I can't think of a more valuable asset for the City's future in planning, problem solving, and infrastructure locations than this base system. This system could be used in all utilities, tax mapping, zoning, annexation, fire, police, streets, almost all departments. At the present time our City limits/Zoning map is provided by Coosa Valley RDC and is not geographically correct. It is based on hand drawn maps which are not referenced to State Plane Coordinantes. Also a new aerial would allow EPD to provide Calhoun a new flood plain mapping system in two years instead of four or five years. Aerial flights are best conducted in January through March.
5. **Mohawk Road Project:** There is a meeting scheduled for Oct. 29, 2004 at 3:00 P.M. at Commissioner Harold Linnenkohl's office in Atlanta to discuss the possibility of a City

Contract for grading, base, paving, drainage, and striping for 5,220 feet of three lane new construction from Union Grove Road to Old Dixie Highway. Those who have committed to attend are John Meadows, Preston Smith, and Tom Graves. Don Thomas was contacted two times and has not responded. Mike Evans will not be able to attend, but he is familiar with the project. Mr. Evans said he will visit Calhoun within the next two months. A preliminary estimate was prepared by Cartersville DOT and sent to Atlanta on October 12, 2004.

6. **Public Safety Training Drill:** On Oct. 28, 2004 there will be a multi-agency drill conducted on the campus of Georgia Cumberland Academy. Those involved in this drill; Calhoun Police Special Response Team (SRT), the Joint Calhoun/Floyd County Explosive Ordinance Disposal Team (EOD), Floyd County Sheriff, Rome Police, Northwest Georgia Special Response Team (Haz Mat), Calhoun Fire, Calhoun Police, Gordon County Fire, Dalton Fire, Whitfield Fire, Chatsworth Fire, Gordon County EMA, Gordon County EMS, The 4<sup>th</sup> Civil Support Team with Air Operations from Dobbins AFB, Gordon Hospital, Gordon County Sheriff. The drill we begin between 8 and 8:30 A.M.. There will be several scenarios within this drill to test various disciplines and joint operations. The drill will last four to five hours.
  
7. **Ongoing Permitted Construction:**
  - a. CVS Downtown: Foundation work. Pylons used due to poor soil conditions. Storm water system complete. April 2005 completion.
  - b. Ridley's Building across from City Hall: Pouring foundations. Will be used for office space with parking garage. Sprinkler system is being used. Summer 2005 completion.
  - c. Hospital: State Fire Marshall is good to go. Calhoun will issue C/O in two weeks if no problems.
  - d. Mohawk: Contractors calling about our building permit process. This \$30,000,000 job will generate \$60,000 in building permits.
  - e. Calhoun Church of Christ: Dews Pond at I-75 bridge. Issued erosion and sedimentation. Plans call for church, day care, school. 20 acre site. No definite timetable.
  - f. Food Lion: Purchased permits for Red Bud and Harmony Road. 70,000 cu. yards of material to move.
  - g. Goody's: Ready for C/O. Location at old Wal-Mart building on SR 53. \$900,000 project.
  - h. North Ga. Bank Branch: Possible opening Christmas 2004. 80% complete today.
  - i. Stanton: 70,000 sq. ft. addition to Wool Carpet manufacturer off Union Grove Road.
  - j. Nance: L.P. Owens building off Union Grove Road. 40,000 sq. ft. addition. Will manufacturer backing for landscaping fabric.
  - k. Russell Owen: Starting construction on condo's near Belwood School.
  - l. Dwight Wilson: Working on sewer for 60 additional units on top of hill off SR 53 and Spur 53.
  - m. Darin Harden: Phase I of Riverside 50% complete. Grading on Phase II. When finished 500+ units.
  - n. Darin Harden: Dews Pond/Lovers Lane Road: Building store/gas station.

- o. **Gold Kist:** Driving pilings, working on rail extension, six silo's 150' high each, \$2.5 million project. Probably 20% complete.
- 8. **Paving List:** We have completed Jolley Road, Tracy Street, Riverview Drive, Wexford and Stewart Drive. By the end of this week Old Dalton Road will be complete.
- 9. **Park Ave. Sidewalk:** We will begin demo on this project from Oothcalooga to the Police Station by Oct. 28, 2004. Will complete before Thanksgiving.