

**CITY OF CALHOUN
REGULAR CITY COUNCIL MEETING
DEPOT COMMUNITY ROOM
109 SOUTH KING STREET
NOVEMBER 8, 2004, 7:00 P.M.**

MINUTES

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

ABSENT: Ray M. Denmon, Councilman

**ALSO: William P. Bailey, City Attorney
Kelly Cornwell, Director of Utilities
Cathy Harrison, City Administrator**

1. Mayor Palmer called the meeting to order and welcomed everyone in attendance.
 - a. Mayor Palmer gave the invocation.
2. Mayor Palmer led the group in the Pledge of Allegiance to the United States Flag.
3. Minutes of the October 25, 2004 regular City Council meeting were approved as written on a motion by Mayor Pro Tem Potts and a second by Councilman Hammond, with Mayor Pro Tem Potts, Councilman Hammond, and Councilman Crowley voting affirmatively, motion carried.
4. Mayor's comments:
 - a. Congratulated all the successful candidates on their campaign for election earlier in the month. Mayor Palmer stated the City of Calhoun had worked successfully with the members of the County Commission in the past and hopes to continue the successful relationship with the newly elected officials.
 - b. Mayor Palmer reminded the Council and public of the annual Mayors' Motorcade to Northwest Regional Hospital to take Christmas gifts to patients who have little or no contact with family members, including several patients from Gordon County. The Motorcade will be held December 9, 2004, leaving Calhoun at 9:15 a.m.
 - c. Mayor Palmer reminded the Council and public of the Mayor's Day in Atlanta in January 2005. He stated the administrator had provided detailed information and he urged the officials to notify Administrator Harrison if they were able to attend.
 - d. Mayor Palmer reminded the Council of a public hearing scheduled for November 22 at 7:00 p.m. regarding the rezoning request by Michael Meadows for approximately 30 acres of land in two tracts off I-75, Red Bud Road and Columbus Circle. The request is to rezone from Industrial-G and R-2 to C-2 for future commercial development.
5. Council Comments:

- a. Mayor Palmer stated that in the absence of Councilman Denmon, who is in service with the National Guard and unable to attend tonight's meeting, he would give the following reports:
- 1) During the month of October, the water treatment plant treated a daily average of 12.017 million gallons. He reported that 32.9% of the city's potable water for the month came from the Brittany Drive wells.
 - 2) The waste treatment plant treated a daily average of 6.69 million gallons during the month of October. The average BOD effluent was 9, the average suspended effluent was 13 and the average COD effluent was 74.
 - 3) The water construction department made 24 connections during the month and changed out 17 meters. They repaired 46 leaks and installed 3000 feet of 6-inch PVC line. They installed 3 new fire hydrants, responded to 184 calls and 406 requests for locations.
 - 4) The sewer construction department installed 23 sewer connections. They repaired 8 sewer services, 3 manholes, and 1 sewer main. They inspected 3 sewer mains and 5 sewer services. They located 243 lines and repaired 4 lift stations. The crew also picked up a sludge truck in Wisconsin and began operation on October 26.
 - 5) The building inspection department issued 10 new residential permits for estimated construction costs of \$1,280,000.00. Permits were issued for new commercial construction valued at \$2,477,000.00. There were a total of 44 permits of all types for total estimated construction of \$4,029,000.00.
- b. Mayor Pro Tem Potts stated:
- 1) During the month of October, the street department installed 28 new street signs and completed 38 shop work orders. They ran their storm water maintenance plan on October 12, and put in service a new signal at Curtis Parkway and Peters Street. They completed paving on Stewart Drive, Tracy Street, Stewart Street, Riverview Drive, and Wexford Drive. They replaced 365 feet of a failed section of Richardson Road, provided work on Jolley Road, and to the back entrance of the new school off Linda Lane. They completed the yearly brush grinding and rebuilt the access road and hauled in slate to fill the low spots at the brush stock pile yard.
 - 2) The sanitation department ran their routine commercial routes, serviced vehicles and gained one 8-yard and two 4-yard dumpster accounts.
 - 3) The parks department crews completed maintenance jobs at City Hall, the Library and the Depot. They put on a new roof and pressure washed and painted the front of the Line Street Annex building.
 - 4) The cemetery department supervised the opening and closing of 8 grave sites, sold 5 grave spaces and aided in the setting of 8 new monuments.
 - 5) Risk management reported three vehicle or equipment accidents and 2 workers' comp accidents for the month.
 - 6) The animal control department responded to 43 customer calls.
- c. Councilman Crowley stated:
- 1) During the month of October, the electric department completed reconduction of lines along College Street, Piedmont Street, Hicks Street, and Park Avenue to improve liability on these streets. The reconnection of services and old copper conductor removal will be complete in

November. The water plant pumping expansion electrical panel installation remains under construction. The first phase of the system protection and reliability project is continuing, with material acquisition and scheduling. Repairs and preparation for Christmas lighting are under way. Park Avenue Streetscape construction is in progress and the city departments are cooperating to schedule the first phase of lighting bases and conduit. The formal award for the soccer complex lighting is complete. Construction is scheduled to start in mid-December due to tournaments in November. The new Church of Christ complex on Dews Pond Road remains in engineering and design. The new CVS Pharmacy is engineered and is under construction. During the month, there were 30 street and security lighting work orders, 23 for new business and maintenance, and 8 for after hour callouts.

- 2) Telecommunications completed a T-1 connection for the North Georgia National Bank main office on Highway 53 and the new Red Bud Road branch. They completed fiber-optic installations for XL brands for internet service, signed new agreements for Dalton Utilities, and for a T-1 interconnection for Moorehouse, Gilbert, Carpenter and Watkins, CPAs. They signed internet agreements with Calhoun LP Gas, Calhoun Mill Works and the Gordon County Coroner's office. They also increased band width for the Northwest Georgia Medical Group. They added an internet 1.5 MEG T-1 from Georgia Public Web to support our continuing growth and they started rerouting of police department telephone service for Streetscape.
- 3) During the month of October, the electric department issued 31 permits, performed 54 inspections, set 4 meters and purchased over 34 million kWh of electricity.

d. Councilman Hammond stated:

- 1) In the month of October, the police department made 730 cases. They collected \$83,848.50 in fines on previous cases. They made 8 DUI cases, issued 378 warning tickets, worked 67 accidents and 32 private property accidents. They provided 83 escorts and drove 51,837 miles on patrol.
- 2) The fire department responded to 69 calls for service during the month of October. This included 4 fire incidents with estimated damages of \$102,000.00. They responded to 30 accidents with 16 injuries reported, and 1 fatality. There were 8 hazardous condition incidents, 7 service calls, 2 good intent calls, 13 false alarms, 2 special incident calls, 1 person in distress, and 2 vehicle fires. The fire inspector conducted 28 inspections during the month. The inspector also provided 5 days of fire prevention programs for 1835 students at the Calhoun Elementary and Primary School and conducted 2 burn site inspections at the Union Grove Road site.

6. 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) Mayor Palmer gave a second reading of 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.
 - 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 November 4, 2004 at 4:30 p.m. Based on comments by the Zoning Review Committee, it was the recommendation of the Zoning Advisory Board to approve the request, based on the following findings:

VARIANCE CONSIDERATIONS (ONE OR MORE)

- (a) There are no extraordinary or exceptional conditions pertaining to the particular piece of property in question.
- (b) The strict application of the zoning ordinance to this particular piece of property would create an unnecessary hardship.
- (c) There are no conditions peculiar to this particular piece of property, with the exception that the original sign was destroyed during a tornado in May 2002.
- (d) Relief, if granted, would not cause substantial detriment to the public good or impair the purpose or intent of this ordinance.

- d) Mayor Palmer inquired if there were any comments by the applicant. There were none.
- e) Mayor Palmer asked if there were any questions by the Council. There were none and the hearing was closed.
- f) Mayor Pro Tem Potts made a **motion to waive the third and fourth reading and approve the request for a 3-foot setback variance** based upon the findings of the Zoning Advisory Board. The motion was seconded by Councilman Crowley, with Mayor Pro Tem Potts, Councilman Crowley, and Councilman Hammond voting affirmatively, motion carried.

- 2) Mayor Palmer stated the next two items would be heard together. However, they would be voted on as separate, individual requests. The first was a second reading of the request by Flipper McDaniel for rezoning from R-2 to C-2 of property at 562 West Belmont Drive;

AND

- 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.

- 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 she had received evidence of notification to adjoining property owners.
- c) Mayor Pro Tem Potts stated the Zoning Advisory Board also reviewed this matter on November 4, 2004 at 4:30 p.m. Based upon the findings of the Zoning Review Committee, and other findings, the Zoning Advisory Board found that C-2 zoning would be more in keeping with the area than residential zoning and they recommended approval of the request based on the following findings:

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) The zoning proposal will not result in a use which will cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools.
- (5) Any capital costs associated with the project shall be borne by the developer.
- (6) The proposal is in conformity with the policy and intent of the land use plan.
- (7) There are no existing or changing conditions that affect the use and development of the property.
- (8) The heavy traffic in the area will accommodate a zoning of commercial more effectively than a residential zoning for the area.

- d) Mayor Palmer noted that Mr. McDaniel had a previous meeting at the Gordon County Planning Commission and was unable to attend.
 - e) Mayor Palmer asked if there were any comments by the public. There were none and he closed the hearings on each request.
 - f) Mayor Pro Tem Potts made a **motion to approve the request for rezoning from R-2 to C-2 on the first tract at 562 West Belmont Drive**, second by Councilman Hammond, with Mayor Pro Tem Potts, Councilman Hammond, and Councilman Crowley voting affirmatively, motion carried.
 - g) Mayor Pro Tem Potts made a **motion to approve the request by Flipper McDaniel as Agent for Sandra McFather for rezoning from R-2 to C-2 of property at 560 West Belmont Drive**, second by Councilman Crowley, with Mayor Pro Tem Potts, Councilman Crowley, and Councilman Hammond voting affirmatively, motion carried.
- 4) Mayor Palmer stated the next two items would be discussed together but he would accept individuals motions on the matters. He gave a second reading of a request by Joe Stepp, as agent for Cliff Martin, (currently sold to Brent Stepp Construction Company, Inc.) for zoning of PRD and annexation of approximately 40 acres off East Line Street, adjacent to property owned by Bill Pass.

AND

- 5) 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.
 - a) Public hearings were opened on each.
 - b) Harrison reported that signs had been placed on the property, notices had been published in the local legal organ and she had received evidence of notification to adjoining property owners.
 - c) Mayor Pro Tem Potts stated the Zoning Advisory Board also reviewed this matter on October 7, 2004 at 4:30 p.m. It was determined that there would be 99 single-family units and 160 multi-family units. The single family units would have 1700 to

2000 square feet of heated space. The condos would have between 1440 and 1800 square feet of heated space. The multi-family two and three bedroom units would have 1150 to 1400 square feet of heated space. The rezoning from R-2 to PRD would actually increase the average lot size to 10,164 square feet and would increase space between the backs of the houses from 40 feet to 90 feet. The size of the multi-family condos and apartments were found to be well within the guidelines of the ordinance as to lot size and square footage. She stated the Zoning Advisory Board had also found that the PRD request was being offered as the annexation of a community rather than a subdivision. Mayor Pro Tem Potts stated she would also like to attach the comments of the Brent Stepp Construction Company, Inc. to these minutes as “**Exhibit A.**” It was the recommendation of the Zoning Advisory Board to approve both requests, based on the following findings:

**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) The zoning proposal would be a factor in stressing existing streets and possibly schools.
- (5) The capital costs associated with the project would be borne by the developers.
- (6) The proposal is in conformity with the policy and intent of the land use plan for development.
- (7) There are existing conditions that support approval of the project and it will rezone a portion of the property from R-2 to PRD for a planned development of a community.
- (8) The factors relevant to promoting public health, safety and general welfare would be a well developed community that will add to the continued economic development of the existing and nearby property.

- d) Mayor Palmer asked if there were any comments by the applicant.
- e) Joe Stepp stated he had no additional comments but was available to respond to any questions.
- f) Mayor Palmer asked if there were any comments by the Council or public. There were none and the hearing was closed.
- g) Mayor Pro Tem Potts **made a motion waive the third and fourth reading and approve the request by Joe Stepp, as agent for Cliff Martin, (currently sold to Brent Stepp Construction Company, Inc.) for zoning of PRD and annexation of approximately 40 acres off East Line Street, second by Councilman Hammond, with Mayor Pro Tem Potts, Councilman Hammond, and Councilman Crowley voting affirmatively, motion carried.**

lower rate as the county rate for the 2-inch meter. He stated they would have a first reading on that later in the meeting.

- c) Theresa Cronan reviewed the city's policy on interconnections and back flow prevention. She stated as she understood the policy, residential classifications would not be required to have backflow prevention. Director of Utilities Kelly Cornwell stated that if she read a little further in the policy, it specifically identified that those residential customers that would not be required to have backflow prevention were those with $\frac{3}{4}$ and 1-inch meters; anything over 1-inch would be required to have backflow prevention, regardless of classification.
 - d) Ricky Cronan stated the city had offered to replace his 2-inch connection with a 1-inch. However, he stated he was concerned with that proposal, since it would mean that he would be giving up a sizable investment and he was concerned with the fact that he would be required to either pay the minimum cost of the 2-inch tap or her would be required to pay the cost for installing an additional 1-inch tap.
 - e) Mayor Palmer stated the Council would review and would work with each individual customer as they review the majority of the 2-inch connections throughout the system.
 - f) There was also a question posed regarding the type of backflow prevention required. Jerry Crawford, Director of Water and Sewer, stated a double-check backflow preventer was required by the state for 2-inch meters and that those meters would be required to be tested by an independent company at least once per year and those tests made available to the city water system. Mr. Crawford explained that the other meters also required backflow prevention and the city is in the process of changing out $\frac{3}{4}$ and 1 inch meters throughout the system as reported monthly.
 - g) Mayor Palmer stated it is the city's desire to continue to improve its water system and to make improvements along the way. He stated the city had previously adjusted the minimums based on demand of water for the 4, 6 and 8-inch meters and at this time, the city is reviewing and making adjustments for the 2-inch lines. This was in effect, an effort to improve the overall water system.
- 3) Mayor Palmer stated Mr. Roy Russom at 2527 McDaniel Station Road had requested time to address the Council.
- a) Mr. Russom reviewed his usage over the last several months, stating it was not consistent. He stated the city had rechecked the readings and determined the readings were correct and he had also checked and determined the readings were correct.
 - b) Mayor Palmer stated that if Mr. Russom had a request for additional checking of his meter, those requests should be made to the utility department.
 - c) Mr. Russom also stated he had questions regarding runoff on pipes he sees running on bridges and in other areas.
 - d) Director of Utilities Kelly Cornwell stated those runoffs are necessary in areas where there is low usage on the line. Those

runoffs change and increase the flow of the water for safety reasons.

- e) Mayor Palmer stated he had reviewed the entire water system and he could attest that those were for safety and done from an overall concern for the service of the system. While it might appear that there was frivolous usage of treated water, it was a question of providing safe drinking water for the customers.

7. Old business: **none.**

8. New business:

- a. Mayor Palmer gave a first reading of the alcohol license renewals for 2005 as follows:

ABC Liquor	W. Pass, Inc.	Warren Pass
Abujaber, Inc. d/b/a Lizzi's Deli & Grill	Abujaber, Inc.	Mary Alma Blasengame
American Legion Post 47	American Legion	C. L. Rutledge
Arch City Package	Patricia DeFoor	Patricia DeFoor
B&L Beverage	Tim Bockholt	Tim Bockholt
B&L Liquor, Inc	Lindsey Lewis	Lindsey Lewis
Back Gate	Hussein Asadi	Hussein Asadi
China Cook	Linn Buu Quan	Linh Buu Quan
Dixie Beverage Shop	Barbara Bishop	Barbara Bishop
El Pueblito Mexican Rest.	El Pueblito Mexican Rest.	Juana Naranjo
El Rayos	Gerardo Herrera	Gerardo Herrera
Fast Food & Fuel	Fast Petroleum, Inc.	Terry Wofford
GAK Package Store	Ghulam Akbar Khan	Ghulam Akbar Khan
Golden Gallon	The Pantry	Karen L. Aldridge
Gondolier's Pizza	Gondolier's Pizza	Alexis Prasinis
Great Wall Chinese Restaurant	Great Wall, Inc.	Kitty Leung
J & P	Patsy Colleps	Patsy Colleps
J J's Package Store	Raymond J. Brown	Raymond J. Brown
Jimmy's Package	Alton DeFoor	Alton DeFoor
Los Gallos De Mexico	Martin Carranza	Martin Carranza
Los Rene's Mexican Restaurant	Gerardo Herrera	Gerardo Herrera
Los Reyes Mexican Rest.	Los Reyes Mexican Rest.	William T. Howard
Mukhi, Inc. - Calhoun Liquor	Mukhi, Inc.	Mukesh S. Patel
Red Bud Liquor Store, Inc.	Red Bud Liquor Store, Inc.	Champ Kelly
Renis Barrett Memorial Home, Inc.	d/b/a VFW Post 5376	Caris L. Roland
South 41 Package	Roy Thomas Aaron	Roy Thomas Aaron
Thurston's, Inc.	Thurston's, Inc.	Tammy West

- b. Mayor Palmer gave a first reading of the pawn license renewals for 2005 as follows:

Bubba's Pawn Mart	Laurence Mauldin
Cash Express	Cal Rountree
D&S Pawn	Nancy P. Long
Park Avenue Pawn & Jewelry	Douglas Driscoll
Pete's Music City & Pawn	Clifford L. Cochran
The Cash Store	Kent Popham
This & That Pawn Shop	Clyde E. McEntyre
Title Exchange & Pawn	Hugh M. Austin

- c. Mayor Palmer gave a first reading of the taxi license renewals for 2005 as follows:

Los Buenos Amigos Taxi	Sonia Romero
Taxi Acapulco	Heliodoro Parra-Rodriguez
Taxi Express	Alba Parra
Taxi Latino	Ofilio Lara
Taxi Union	Isidro Bautista

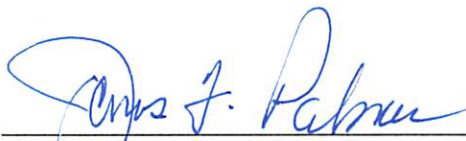
- d. Mayor Palmer reviewed the bids on a 5-year lease program for a 2005 Mack Truck and equipment to be used in converting the current contract with an outside source to an in-house sludge land application program. He stated the City Administrator had forwarded the bid request to the six local banks and four had responded. Of the four, the low bid was from BB&T, with a rate of 3.34% and no charge for documentation or other fees. Following review, Councilman Crowley stated he would abstain from voting on the matter. Councilman Hammond made a motion to approve the low bid from BB&T and to authorize the Mayor and City Administrator to sign all the necessary documents. The motion was seconded by Mayor Pro Tem Potts, with Councilman Hammond and Mayor Pro Tem Potts voting affirmatively, motion carried.
- e. Mayor Palmer gave a first reading of a request by ABC Highway 53 Package Store, LLC to change the name of the beer package license for 2005 to the corporate name rather than the individual name of Sidney Collins. The manager would be Marion Whitaker of 136 Rocky Hill Road, Calhoun, Georgia. He stated the earliest date for a hearing would be December 13, 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, Councilman Crowley, and Councilman Hammond voting affirmatively, motion carried.
- f. Mayor Palmer gave a first reading a request for two zoning variances by the Calhoun Board of Education for Berenstein Park on South River Street across from the middle school. The requests are for a 25-foot variance off the right-of-way of King Street for a chain link fence; and a 12-foot variance off the right-of-way of King Street for the visitor's dugout for the new girl's softball complex. He stated the earliest date for a hearing would be December 13, 2004 at 7:00 p.m. Councilman Hammond made a motion to set the public hearing for that date and time, second by Councilman Crowley, with Councilman Hammond, Councilman Crowley, and Mayor Pro Tem Potts voting affirmatively, motion carried.
- g. Mayor Palmer gave a first reading of a request for rezoning from R-2 to C-2 by Kenneth Jones for property at the corner of Yellow Jacket Drive and Pine Street. He stated the earliest date for a hearing would be December 13, 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, Councilman Crowley, and Councilman Hammond voting affirmatively, motion carried.
- h. Mayor Palmer gave a first reading of a request for rezoning from R-2 to C-2 by Robert McKinnon for parcels 6, 7, and 8 at 841, 847 and 853 North Wall Street, consisting of three Mill Village homes and lots across from the Lovinggood operation. The request also includes 15-foot setback variances for the sides and back of the lot. He stated the earliest date for a hearing would be December 13, 2004 at 7:00 p.m. Councilman Crowley made a motion to set the public hearing for that date and time, second by Councilman Hammond, with Councilman

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


9. Other written items not on the agenda: **none**.
10. Work Reports:
 - a. Kelly Cornwell, Director of Utilities stated there was a need to request a change order on the South Industrial Sewer Interceptor Project on the contract currently held with Butch Thompson Enterprise, Inc. He stated that due to rock, they were unable to do a bore and it would require tunneling. This process is much more expensive and will increase the project by \$135,200.00. He stated his request is to approve a change order for the contract. Following review, Councilman Crowley made a motion to approve the change order for \$135,200.00 to the Butch Thompson Enterprise, Inc. contract. The motion was seconded by Councilman Hammond, with Councilman Crowley, Councilman Hammond, and Mayor Pro Tem Potts voting affirmatively, motion carried.
 - b. Director Cornwell also stated that based on the determination by the Mayor and Council at the work session, he would recommend a first reading to amend the 2-inch minimums for the outside rates, lowering it from \$173.00 to \$132.50, which would be to lower at the second option for consideration of these minimums. Mayor Palmer stated this review would constitute a first reading and the matter would be available for final consideration on November 22, 2004.
11. Mayor Palmer stated there was no need to move to Executive Session.
12. Mayor Pro Tem Potts made a motion to adjourn, second by Councilman Hammond, with Mayor Pro Tem Potts, Councilman Hammond, and Councilman Crowley voting affirmatively, motion carried.

Approved:

Submitted:



James F. Palmer, Mayor



Cathy Harrison, City Administrator

“EXHIBIT A”

**Brent Stepp Construction Co. Inc.
P. O. Box 473
Calhoun, Georgia 30703-0473**

**Comments and Clarifications to the September 30, 2004
Zoning Review Committee Meeting**

Addressed by Item number:

Item E - Title has passed on the 40 acres and is now in the name of Brent Stepp Construction Co. Inc.

Item F and F1 - The request to rezone the 17 acres from R-2 to PRD would actually increase the average lot size to 10,164 sq. ft. and increase the space between the backs of houses from 40 feet to 90 feet. The 17 acres was originally subdivided in under the old R-2, which allowed 7,500 sq. ft. lots.

Item F2 - The side setbacks in the single- family housing that are being proposed are a 5 foot minimum setback from the side property line with a minimum of 15 feet between houses. This allows some flexibility on lots that are not a simple rectangle or square. The back or front corner of a particular house may be closer to the side line on one lot, but the distance between houses would be obtained by making up the difference on the adjacent lot. These are common side setbacks that are used in PRD's around the Atlanta area and they do conform to the International Building Code and the International Fire Code without the use of fire rated walls. These setback guidelines are a crucial part in being able to achieve a unique design and maintain as much green space as possible in a PRD.

Item F3 - There will be 3 entrances into the community instead of 2. The private streets would be in the townhome and apartment neighborhoods.

Item F9 - School Impact - The school impact will be much less than thought, due to the fact that this community will not generate large numbers of school age children. Out of the approximately 40 homes completed in Bristol, there are 6 school age children and 3 of these were already in the city system prior to relocation. Due to buyer make-up, we would not expect this ratio to change greatly in Bristol Phase II.

Historically, townhomes and upscale apartments do not generate large numbers of children as occupants, again due to the nature of the housing and the circumstances of the Buyer/Lessee.

Approximately 30% of our student body in the Calhoun School System today is actually from the County. This new community will not sink our school system. As a matter of fact, it will increase the digest by millions of dollars, which equates to spreading the school tax burden on a wider basis for every property taxpayer in Calhoun, thereby helping to maintain a low tax rate for all property owners.

Item F9 - The pond presently on the property is spring fed and will be an integral part of the landscape and amenity area. Storm water from the project will not affect the water quality. However, riparian situations above and out of the project area could impact the pond, which would be out of the control of the Developer. All storm water detention will be satisfied in the engineering of the project.

In regards to traffic and a traffic study:

I. I could have an engineering firm conduct a traffic impact study that will cost \$5,000 to \$8,000, but how will this study improve the peak hour traffic? We all know there is a problem that has been building for several years.

2. Traffic studies, impacts and plans have been done in the past.

The City of Calhoun-Gordon County Transportation Plan completed in March 2001 by JJ&G recommends widening of Dews Pond Road from Antioch Church Road to Wall Street in downtown. It also recommends intersection improvements at Harmony Church Road and Dews Pond Road. Also recommended is upgrading Lovers Lane from Hwy 53 to Red Bud Road.

The 1992 City of Calhoun Transportation Plan completed by Hayes, James and Rhodes recommended widening of Dews Pond Road and Line Street, a west Calhoun bypass, a Curtis Parkway extension south, and Barrett Road widening.

3. It seems obvious that Curtis Parkway will have to be widened to at least three lanes in the near future, Lovers Lane needs to be upgraded to take some of the Curtis Parkway volume. The Dews Pond Curtis Parkway intersection and signal are not sufficient today to handle peak hour traffic.

Maybe one of the largest traffic impacts that ever occurred in Calhoun, one that I am very familiar with, was on August 10, 2004 at Laurel Creek Drive. Traffic increased from 400 vehicles per day to over 2,000 vehicles per day. I don't think there was a traffic impact study done on how the new school would affect Curtis Parkway and Laurel Creek Drive.

The county, especially east of the Interstate, generates many times more traffic than our entire Development. Traffic has been seen backed up several times over 2 miles from Curtis Parkway at the Dews Pond intersection to Antioch Church. New developments do add to the traffic problem and I am willing to be part of the solution, but the answer is much bigger than the impact of this new community that we are proposing.

Our proposed development will allow kids to walk to school just as The Villages does. It will not cause wide spread sprawl because of its density. The townhouses and apartments will reduce the number of vehicles required per household.

The Developer is very aware that this Development will have an impact on the surrounding area. This is why it will be offered as a community of which the city can be proud and use to help generate interest in our area.

We feel we are filling some gaps in needed housing, some areas that have not been addressed. We are not trying or wanting to develop a subdivision; our interest is in building a community, a community that the city, the adjoining property owners and the Developer can be happy to be a part of.

The operational difficulties expressed by department heads of the city are real; however this community, when built out, will be a \$50,000,000 development and easily generate well over \$1,000,000 per year in taxes, electrical and water revenues, hopefully helping to ease some of these concerns.